

**STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION DIVISION**

**IN THE MATTER OF THE HEARING CALLED
BY THE OIL CONSERVATION DIVISION FOR
THE PURPOSE OF CONSIDERING:**

**AMENDED APPLICATION OF MEWBOURNE OIL COMPANY
FOR COMPULSORY POOLING AND APPROVAL OF AN
OVERLAPPING HORIZONTAL WELL SPACING UNIT,
EDDY COUNTY, NEW MEXICO**

Case No. 22093

**APPLICATION OF ASCENT ENERGY, LLC
FOR A HORIZONTAL SPACING UNIT AND
COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO**

Case No. 22112

**APPLICATION OF ALPHA ENERGY
PARTNERS, LLC FOR COMPULSORY
POOLING, EDDY COUNTY, NEW MEXICO**

Case No. 22171

**ALPHA ENERGY PARTNERS, LLC'S RESPONSE
TO ASCENT'S MOTION TO CONSOLIDATE
CASE NOS. 22093, 22112 AND 22171 FOR HEARING**

Alpha Energy Partners, LLC ("Alpha") states the following in response to Ascent Energy, LLC's ("Ascent") motion to consolidate the above-referenced cases for hearing ("Motion").

1. Ascent's motion seeks to consolidate Case Nos. 22093, 22112, and 22171 for hearing. The applications were filed on July 7, August 2, and August 31, 2021, respectively. It is Alpha's understanding that Ascent's and Mewbourne's applications are set for a status conference on October 21, 2021, and Alpha's application is set for hearing on November 4, 2021.

2. Alpha's application seeks to pool the N/2 of Sections 19 and 20, Ascent's application seeks to pool the N/2 of Sections 20 and 21, and Mewbourne's application seeks to pool the N/2 of Sections 21 and 22, all in Township 22 South, Range 27 East. Thus, Alpha's and

Mewbourne's proposals would fully develop the acreage at issue, while Ascent's proposal would strand acreage and preclude both Alpha's and Mewbourne's proposed development plans. In addition, Alpha has proposed Bone Spring wells in the subject acreage and intends to file compulsory pooling applications regarding those wells by December 7, 2021.

3. Alpha does not oppose Ascent's request to consolidate the cases for hearing and will request that Alpha's applications to pool the Bone Spring formation be included as well.

4. Alpha does, however, oppose the inaccurate, irrelevant, and prejudicial allegations included in Ascent's Motion.¹ Ascent's allegations regarding Alpha's operating experience are misleading and have no bearing whatsoever on Ascent's request to consolidate these matters for hearing. It appears that Ascent has exploited a procedural pleading to introduce irrelevant substantive and technical misrepresentations for the sole purpose of unduly prejudicing the Division against Alpha's applications prior to a hearing on the merits, which is inappropriate and impermissible.² Alpha will respond to Ascent's allegations in the appropriate forum – at the evidentiary hearing.

For the foregoing reasons, Alpha requests that the Division consolidate the above-referenced cases for hearing and set the matters for a status conference on November 4, 2021.

¹ See Motion at ¶¶ 12-19.

² See Rule 16-301 NMRA (2021) (“A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless there is a basis in law and fact for doing so that is not frivolous, which includes a good faith argument for an extension, modification or reversal of existing law”).

Respectfully submitted,

HINKLE SHANOR LLP

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CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2021, I caused a true and correct copy of the foregoing pleading to be electronically served on the following:

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