

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

**APPLICATION OF FRANKLIN MOUNTAIN
ENERGY 3, LLC FOR COMPULSORY POOLING
AND NOTICE OF OVERLAPPING SPACING UNIT,
LEA COUNTY, NEW MEXICO.**

CASE NOS. 23843-23844

**APPLICATIONS OF FRANKLIN MOUNTAIN
ENERGY 3, LLC FOR COMPULSORY POOLING,
LEA COUNTY, NEW MEXICO**

CASE NOS. 23619-23620

**APPLICATIONS OF COG OPERATING LLC
FOR COMPULSORY POOLING,
LEA COUNTY, NEW MEXICO**

CASE NOS. 23869-23870

UNOPPOSED MOTION TO VACATE PREHEARING ORDER

Franklin Mountain Energy 3, LLC (“Franklin”) moves to vacate the Pre-Hearing Order in these matters and requests that Case Nos. 23619-23620, which are no longer contested, be set for hearing by affidavit on November 2, 2023. As grounds for this Motion, Franklin states:

- 1) Franklin filed Case Nos. 23619-23620 on June 6, 2023. In these cases, Franklin seeks orders from the Division pooling all uncommitted mineral interests in a Bone Spring and a Wolfcamp spacing unit underlying the W2 SW/4 of Section 23, W/2W/2 of Section 26, and the NW/NW of Section 35, Township 18 South, Range 34 East, N.M.P.M., Lea County, New Mexico.
- 2) COG Operating LLC (“COG”) objected to the cases proceeding by affidavit on July 18, 2023.
- 3) Franklin filed Case Nos. 23843-23844 on September 5, 2023. In these cases, Franklin seeks orders from the Division pooling all uncommitted mineral interests in a Bone Spring and a Wolfcamp spacing unit underlying the E/2/SW of Section 23, the E/2W/2 of Section

26, and the NE/NW of Section 35, Township 18 South, Range 34 East, N.M.P.M., Lea County, New Mexico.

- 4) COG filed competing cases, Case Nos. 23869 and 23870 on September 21, 2023.
- 5) The Parties have been in discussions and as a result of those discussions the Parties have agreed that (1) Case Nos. 23619-23620 may be presented by affidavit on November 2, 2023; (2) COG will dismiss its competing applications, which it did on October 20, 2023 and which the Division granted on October 20, 2023; and (3) Franklin will continue Case Nos. 23843-23844 to the December 7 docket.
- 6) COG concurs in the relief sought in this Motion.

Wherefore, Franklin requests that the Pre-Hearing Order be vacated and that Case Nos. 23619 and 23620 be set for uncontested hearings by affidavit on November 2, 2023.

Respectfully submitted,

MODRALL, SPERLING, ROEHL, HARRIS
& SISK, P.A.

By: /s/ Deana M. Bennett

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CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2023, I served a copy of the foregoing document to the following counsel of record via Electronic Mail to:

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