

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

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

**CASE NOS. 23843-23844**

**UNOPPOSED MOTION TO VACATE PRE-HEARING ORDERS AND SET CASES  
FOR A STATUS CONFERENCE ON FEBRUARY 1, 2023**

Franklin Mountain Energy 3, LLC (“Franklin”) moves to vacate the Pre-Hearing Order in the above captioned cases. In support of this motion, Franklin states:

1. The above captioned cases were set for either a status conference or to be heard by affidavit, if COG Operating LLC’s objections were resolved, on December 7, 223 by a Pre-Hearing Order dated October 24, 2023. .

2. COG Operating LLC objected to the cases going to hearing by affidavit. As a result, a status conference was held on December 7, 2023. At the status conference held on December 7, 2023, the Hearing Examiner directed that the above captioned cases be set for a final status conference on February 1, 2024, along with certain other Franklin cases and competing cases filed by COG Operating LLC.

3. Pursuant to the Hearing Examiner’s direction, Franklin hereby moves to vacate the Pre-Hearing Order in the above captioned cases and Franklin will file continuances of the above captioned cases to the February 1, 2024 docket.

4. Franklin will be filing or has filed similar motions to vacate the prehearing orders in case numbers 23841 to 23842, and in case numbers 23845 to 23852.

5. Counsel for COG Operating LLC, Slash Exploration LP, and Armstrong Energy Corporation have been contacted and do not oppose the relief sought in this motion.

WHEREFORE, Franklin requests that the Division vacate the Pre-Hearing Order in Case Numbers 23843 to 23844. A proposed order vacating the Pre-Hearing Order is attached as Exhibit A.

Respectfully submitted.

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

By: Deana M. Bennett

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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served on counsel of record by electronic mail on December 21, 2023.

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Case Nos. 23843-23844

**[PROPOSED] ORDER GRANTING MOTION TO VACATE PRE-HEARING ORDER**

This Order follows an unopposed Motion to Vacate Pre-Hearing Order filed by Franklin Mountain Energy 3, LLC on December 21, 2023.

1. The Pre-Hearing Order dated October 24, 2023 is vacated.
2. The cases will be continued to February 1, 2024 and a status conference will be held

on that date for the following cases:

Applicant	Case Numbers
Franklin Mountain	23841-23842
Franklin Mountain	23843-23844
Franklin Mountain	23845-23852
COG Operating LLC	24032-24035
COG Operating LLC	23987-23988
COG Operating LLC	23980-23981
COG Operating LLC	23982-23983

3. Any requests for continuances or status conferences shall be filed in writing through the Division fee portal.

**IT IS SO ORDERED.**

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**GREGORY CHAKALIAN  
HEARING EXAMINER**

Exhibit A