

**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. 23841-23852

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

Case Nos. 23980-23983

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

Cases Nos. 23987-23988, 24032-24035

**JOINT MOTION TO VACATE PRE-HEARING ORDER AND SET A STATUS
CONFERENCE**

Franklin Mountain Energy 3, LLC (“Franklin Mountain”), COG Operating LLC (“COG”), and MRC Permian Company (“MRC”), move the vacate the Pre-Hearing Order setting these matters for a contested hearing on April 9, 2024, and to set the remaining contested cases for a status conference on April 18, 2024. In support of this motion, movants state:

1. MRC has recently filed pooling applications under Cases 24314-24319 (Jack Hammack wells) and Cases 24327-24334 (Mark McKinley wells) that compete with the pooling applications filed by Franklin Mountain.
2. With the filing of the MRC competing pooling cases, COG has now dismissed Cases 23980-23981 (Crow State wells), Cases 23982-23983 (Moaning Pheasant wells), Cases 23987-23988 (Vulture wells) and Cases 24032-24035 (Nightjar wells).
3. Franklin Mountain recently filed amended pooling applications for its Gold State wells under Cases 24356, 24358-24360, which replace Franklin Mountain’s previously filed Gold State cases, Cases 23841-23844.

4. Franklin Mountain recently filed amended pooling applications for its Parallel State wells under Cases 24348, 24350-24355, and 24362, which replace Franklin Mountain's previously filed Parallel State cases, Cases 23845-23852.

5. At the February 1st status conference in the above referenced matters, counsel was instructed to amend the prehearing orders once the competing MRC cases were filed with the Division. Tr. 47-50.

6. The remaining applicants, MRC and Franklin Mountain, are engaged in extensive and productive settlement discussions that may resolve the remaining competing pooling cases without a hearing.

7. Vacating the existing prehearing order and setting the remaining cases for a status conference on April 18th, will allow the parties to continue discussions on a resolution and potentially avoid an unnecessary hearing.


8. Counsel for the other parties appearing in these matters has been contacted and do not oppose this motion.

9. A proposed order granting this joint motion will be forwarded to the Division via email as a word document.

WHEREFORE movants request that (a) the prehearing order setting these matters for a contested hearing on April 9th be vacated, and (b) that the Division set a status conference on April 18, 2024, to address the following remaining competing cases: Franklin Mountain Cases 24356, 24358-24360 23841-44 (Gold State wells), Franklin Mountain Cases 24348, 24350-24355, and 24362 23845-23852 (Parallel State wells), MRC Cases 24314-24319 (Jack Hammack wells) and MRC Cases 24327-24334 (Mark McKinley wells).

Respectfully submitted,

HOLLAND & HART LLP

By: 

Michael H. Feldewert
Adam G. Rankin
Paul M. Vance
Post Office Box 2208
Santa Fe, New Mexico 87504-2208
(505) 988-4421
(505) 983-6043 Facsimile
mfeldewert@hollandhart.com
agrarkin@hollandhart.com
pmvance@hollandhart.com

**ATTORNEYS FOR COG OPERATING LLC AND
MRC PERMIAN COMPANY**

By: */s/ Deana Bennett*

Earl E. DeBrine, Jr.
Deana Bennett
Yarithza Peña
Modrall, Sperling, Roehl, Harris & Sisk,
P.A.
Post Office Box 2168
Albuquerque, New Mexico 87103-2168
(505) 848-1800
earl.debrine@modrall.com
deana.bennett@modrall.com
yarithza.pena@modrall.com

**ATTORNEYS FOR FRANKLIN MOUNTAIN ENERGY
3, LLC**

CERTIFICATE OF SERVICE

I hereby certify that on March 15, 2024, I served a copy of the foregoing document to the following counsel of record via Electronic Mail to:

Dana S. Hardy
Jaclyn M. McLean
HINKLE SHANOR LLP
P.O. Box 2068
Santa Fe, NM 87504-2068
(505) 982-4554
(505) 982-8623 FAX
dhardy@hinklelawfirm.com
jmclean@hinklelawfirm.com

Attorneys for Slash Exploration LP & Armstrong Energy Corporation

Jordan L. Kessler
EOG RESOURCES, INC.
125 Lincoln Avenue, Suite 213
Santa Fe, New Mexico 87501
(432) 488-6108
Jordan_kessler@eogresources.com

Attorney for EOG Resources, Inc.



Michael H. Feldewert