

Davidson, Florene, EMNRD

From: Gary Larson <glarson@hinklelawfirm.com>
Sent: Monday, September 24, 2018 11:06 AM
To: Riley, Heather, EMNRD; Brancard, Bill, EMNRD
Cc: Davidson, Florene, EMNRD; Michael Feldewert; Adam Rankin
Subject: RE: Case 15855 (Alpha SWD de novo appeal of Order R-14484-A): Request for Continuance

Director Riley and Mr. Brancard,

I'm agreeable to a continuance of the *de novo* hearing in Case No. 15855 to the Commission's November 16 docket.

I also agree with Mr. Feldewert that a prehearing conference would be appropriate.

Gary

From: Michael Feldewert <MFeldewert@hollandhart.com>
Sent: Tuesday, September 18, 2018 10:41 AM
To: Riley, Heather, EMNRD <Heather.Riley@state.nm.us>; 'Brancard, Bill, EMNRD' <bill.brancard@state.nm.us>; Gary Larson <glarson@hinklelawfirm.com>
Cc: florene.davidson@state.nm.us; Adam Rankin <AGRankin@hollandhart.com>
Subject: Case 15855 (Alpha SWD de novo appeal of Order R-14484-A): Request for Continuance

At the September 13th hearing following closed door deliberations, the Commission granted Delaware's Application for Rehearing, indicated the Commission Chair would issue an order rescinding Commission Order R-14484-B, and set Alpha's de novo appeal of Division Order R-14484-A for hearing on October 11th to address the "issues" and the "appropriate relief" (my notes are rather cryptic). I have an unavoidable conflict on the afternoon of October 13th and further note that the Commission's October docket is extremely crowded with rulemaking and other merit cases.

I have visited with Mr. Larson about a continuance to either the November 16th or the December 13th Commission docket. We believe that a prehearing conference to discuss the issues and evidence the Commission would like to see presented would be helpful given the state of the record and to avoid taking up any more hearing time than is necessary for this matter.

I therefore request that this matter be continued to the Commission's November 16th or the December 13th Commission docket and that the Commission Chair set a prehearing conference to address the matters the Commission would like to see addressed at the hearing.

Thank you for your attention to this matter.

Michael H. Feldewert
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