

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

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

**CASE NO. 24195 & 24197**

**APPLICATION OF FRANKLIN MOUNTAIN ENERGY 3, LLC  
FOR COMPULSORY POOLING, AND, TO THE EXTENT  
NECESSARY, APPROVAL OF AN OVERLAPPING SPACING UNIT,  
LEA COUNTY, NEW MEXICO.**

**CASE NO. 24196 & 24207**

**PRE-HEARING ORDER**

This Pre-Hearing Order follows a status conference held on June 13, 2024, all Parties in attendance. Based on the Parties' representations that negotiations are at an impasse and a contested hearing is necessary to resolve the issues:

**THE HEARING EXAMINER FINDS AND ORDERS:**

1. Case Nos. 24195-24197 and 24207 are hereby consolidated for the purposes of a contested hearing which will commence on **August 27, 2024**, at **8:30 a.m.** and may continue on August 28, 2024.
2. If objections to a hearing by affidavit are subsequently withdrawn, the cases will proceed on August 27, 2024.
3. The hearing will be recorded and transcribed verbatim by a court reporter.
4. The hearing shall be conducted in hybrid fashion, in-person at Pecos Hall, 1220 South St. Francis Drive, 1st Floor, Santa Fe, NM and via MS Teams virtual meeting platform (sign in information will be sent to the parties closer to the date of the hearing). It is strongly preferred that Counsel appear in-person while witnesses may be offered in-person or virtually. The

Hearing Examiner may modify the format of the hearing consistent with the available resources at the time of the hearing.

5. Pre-hearing statements shall be filed no later than 4 business days prior to the hearing and in addition to 19.15.4.13.B(1) NMAC include the following:
  - a) All evidentiary exhibits, documents, affidavits, and the full-written testimony of any witness a party offers at the hearing.

Exhibits must be sequentially marked on every page. Failure to timely file a complete pre-hearing statement may cause the Hearing Examiner to continue the hearing and/or impose sanctions up to and including the exclusion of late-filed evidence.

6. Evidentiary objections must be filed no later than 48 hours before the hearing. Rulings on the objections will be addressed as a preliminary matter when the case is called.
7. All witnesses filing direct testimony shall attend the hearing and may be subject to cross examination by Counsel and the Division's Examiners.
8. Requests for a continuance shall be filed in writing through the OCD fee portal at least 1 week prior to the contested hearing for approval by the Hearing Examiner.

**IT IS SO ORDERED** this 14<sup>th</sup> day of June, 2024.

*Gregory Chakalian*  
**GREGORY CHAKALIAN**  
**HEARING EXAMINER**