

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

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

**CASE NOS. 22447 & 22448**

**AMENDED CONSOLIDATED PRE-HEARING STATEMENT**

Franklin Mountain Energy, LLC (“Franklin”) submits this *Amended* Pre-Hearing Statement for the above-referenced cases pursuant to the rules of the Oil Conservation Division. Franklin submits this Amended Pre-Hearing Statement because Franklin and Tap Rock, LLC (“Tap Rock”) have been in discussions since the last Pre-Hearing Statement was filed. It is Franklin’s understanding that Franklin and Tap Rock have reached an agreement and that, as a result, Tap Rock no longer objects to Franklin proceeding with these cases by affidavit. Thus, a contested hearing on March 3, 2022 is no longer necessary. As a result, Franklin intends to present these cases by affidavit at the March 3, 2022 hearing and Franklin intends to follow the process for presenting cases by affidavit, rather than the process outlined in the Division’s pre-hearing order in these cases. In other words, rather than submitting testimony and exhibits today, Franklin will submit the required materials for affidavit cases on Tuesday, March 2, 2022.

**APPEARANCES**

**APPLICANT**

**FRANKLIN MOUNTAIN ENERGY, LLC**

**ATTORNEY**

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Earl E. DeBrine  
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**OTHER PARTIES**

Tap Rock, LLC

**ATTORNEY**

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**STATEMENT OF CASES**

**APPLICANT:**

In Case No. 22447, Franklin seeks an order from the Division pooling all uncommitted interests within a Bone Spring horizontal spacing unit underlying the W/2W/2 of Sections 14 and 23, Township 24 South, Range 35 East, NMPM, Lea County, New Mexico. This spacing unit will be dedicated to the Elevate Fed Com 601H well to be horizontally drilled. The producing area for the Elevate Fed Com 601H well will be orthodox. Also to be considered will be the cost of drilling, completing, and equipping said well, the allocation of these costs as well as the actual operating costs and charges for supervision while drilling and after completion, designation of Franklin Mountain Energy, LLC as operator of the well, and a 200% charge for risk involved in drilling said well. Said area is located approximately 16 miles Northwest of Jal, New Mexico.

In Case No. 22448, Franklin seeks an order from the Division pooling all uncommitted interests within a Wolfcamp horizontal spacing unit underlying the W/2 of Sections 14 and 23, Township 24 South, Range 35 East, NMPM, Lea County, New Mexico. This spacing unit will be dedicated to the Elevate Fed Com 701H, Elevate Fed Com 702H, and Prevail Fed Com 703H wells to be horizontally drilled. The completed interval for the Elevate Fed Com 702H well will be within 330' from the adjoining tracts to allow inclusion of proximity tracts within the proposed standard horizontal spacing unit. The producing area for the wells will be orthodox. Also to be considered will be the cost of drilling, completing, and equipping said wells, the allocation of these costs as well as the actual operating costs and charges for supervision while drilling and after completion, designation of Franklin Mountain Energy, LLC as operator of the wells, and a 200% charge for risk involved in drilling said wells. Said area is located approximately 16 miles Northwest of Jal, New Mexico.

**PROPOSED EVIDENCE**

**APPLICANT:**

<b>WITNESS</b>	<b>ESTIMATED TIME</b>	<b>EXHIBITS</b>
Landman: Lee Zink	Approx. 30 minutes	Approx. 8
Geologist: Ben Kessel	Approx. 30 minutes	Approx. 6

**PROCEDURAL ISSUES**

Franklin intends to present these cases by affidavit.

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 the following counsel by electronic mail on February 24, 2022:

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**State of New Mexico**  
**Energy, Minerals and Natural Resources**  
**Oil Conservation Division**  
**1220 S. St Francis Dr.**  
**Santa Fe, NM 87505**

QUESTIONS

Action 84137

**QUESTIONS**

Operator: Franklin Mountain Energy LLC 44 Cook Street Denver, CO 80206	OGRID: 373910
	Action Number: 84137
	Action Type: [HEAR] Prehearing Statement (PREHEARING)

**QUESTIONS**

<b>Testimony</b>	
<i>Please assist us by provide the following information about your testimony.</i>	
Number of witnesses	Not answered.
Testimony time (in minutes)	5