

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

**IN THE MATTER OF THE APPLICATION OF
RICHARDSON OPERATING COMPANY TO
ESTABLISH A SPECIAL 'INFILL WELL' AREA
WITHIN THE BASIN-FRUITLAND COAL GAS
POOL AS PROVIDED BY RULE 4 OF
THE SPECIAL RULES FOR THIS POOL,
SAN JUAN COUNTY, NEW MEXICO.**

**Requested De Novo
Review by the Secretary of
OCC Case No. 12734 (De Novo)**

PRE-HEARING ORDER

Pursuant To NMSA 1978 Section 70-2-26, the Secretary of the Energy, Minerals and Natural Resources Department, acting through her appointed hearing officer, Deputy Secretary Tom Mills, will hear the application of San Juan Coal Company for review of Order No. R-11775-B, the decision of the Oil Conservation Commission (Commission) in this matter, to determine if the decision of the Commission contravenes the public interest.

To provide for an orderly process given the short time frame allowed in the statute for the hearing a pre-hearing order that sets forth the date and time for the hearing, dates for submission and other procedural matters, is necessary.

THEREFORE, IT IS ORDERED THAT:

- i. A hearing pursuant to NMSA 1978, Section 70-2-26 will be held beginning at 9 a.m. on February 10, 2003, in Porter Hall in the

offices of the Energy, Minerals, and Natural Resources Department at 1220 S. St. Francis Drive, Santa Fe, New Mexico. The hearing shall continue from day to day until complete;

- ii. The record before the Commission will be considered a part of the record for this hearing;
- iii. The Clerk for the Oil Conservation Commission shall be the clerk for this hearing and all pleadings or other documents shall be filed with her;
- iv. All filings shall be provided by the person or entity filing same to the other parties on the day filed;
- v. Witness lists are due February 3, 2003, and shall contain the name of the witness, information about the witness, qualifications of the witness if expert status will be sought, and a summary of the testimony to be presented;
- vi. Applications for party status for any person or entity not participating in the Commission hearing are due on February 5, 2003. The applications shall also include a witness list. Applicants shall then meet the remaining deadlines in this pre-hearing order;
- vii. Exhibit lists are due on February 6, 2003, and legible copies of exhibits not in the record must be provided at that time;
- viii. Pre-hearing statements are due February 6, 2003. The statements must set forth the party's position in the matter and preview the

evidence to be presented, including an identification of portions of the Commission record relevant to the issues before the Secretary;

- ix. Objections to witnesses and exhibits, objections to party status, other motions, and similar matters shall be filed before the hearing and shall be considered at the start of the hearing;
- x. Witnesses will be sworn and subject to cross-examination;
- xi. The hearing will be recorded by stenographic means;
- xii. Public comment will be taken each day the hearing continues; and
- xiii. Post-hearing submittals may be required.

Order of the Hearing Officer
Energy, Minerals and Natural
Resources Department
State of New Mexico

Tom Mills
Tom Mills, Deputy Secretary
Date January 30, 2003