

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

**APPLICATION OF XTO DELAWARE  
BASIN, LLC TO AMEND ORDER NO. R-20568  
BY EXCLUDING FEDERAL UNIT ACREAGE  
FROM HORIZONTAL SPACING UNIT  
EDDY COUNTY, NEW MEXICO**

**Case No. 20918**

**APPLICATION OF XTO DELAWARE  
BASIN, LLC TO AMEND ORDER NO. R-20249  
BY EXCLUDING FEDERAL UNIT ACREAGE  
FROM HORIZONTAL SPACING UNIT,  
EDDY COUNTY, NEW MEXICO**

**Case No. 20919**

**XTO DELAWARE BASIN, LLC'S  
MOTION FOR CONTINUANCE OF JANUARY 9, 2020 HEARING**

Applicant XTO Delaware Basin, LLC ("XTO") requests a continuance of the January 9, 2020 hearing on Novo's Motion to Dismiss and XTO's Motion for Continuance. In support of its motion, XTO states the following.

1. These matters were initially scheduled to be heard on December 12, 2019. XTO filed motions for continuance on December 6, 2019, requesting that the matters be rescheduled for the Division's February 20, 2020 hearing docket.
2. On December 6, 2019, Novo Oil & Gas Northern Delaware, LLC ("Novo") filed a motion seeking dismissal of XTO's applications.
3. The Division issued an order on December 9, 2019, vacating the December 12, 2019 hearing and setting the pending motions for oral argument on January 9, 2020.
4. Counsel for XTO are not available for the January 9<sup>th</sup> hearing. Mr. Larson is retiring effective December 31, 2019, and Ms. Hardy is scheduled to appear in a utility rate case hearing

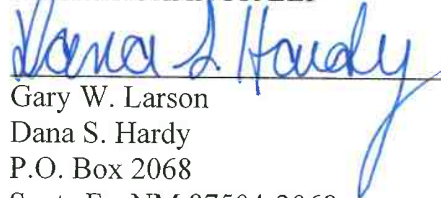
before the New Mexico Public Regulation Commission from January 6 through 17, 2020.<sup>1</sup> The rate case hearing was set in July 2019, and the case involves numerous parties and a statutory decision deadline. As a result, neither Mr. Larson nor Ms. Hardy can attend the January 9, 2020 hearing, and XTO respectfully requests that the hearing be continued to a date after January 17, 2020.

5. XTO has contacted counsel for Novo regarding this motion, and Novo opposes the requested continuance.

WHEREFORE, XTO requests that the Division grant its motion and continue the January 9, 2020 hearing for a date after January 17, 2020.

Respectfully submitted,

HINKLE SHANOR LLP



Gary W. Larson

Dana S. Hardy

P.O. Box 2068

Santa Fe, NM 87504-2068

Phone: (505) 982-4554

Facsimile: (505) 982-8623

[glarson@hinklelawfirm.com](mailto:glarson@hinklelawfirm.com)

[dhardy@hinklelawfirm.com](mailto:dhardy@hinklelawfirm.com)

*Counsel for XTO Delaware Basin, LLC*

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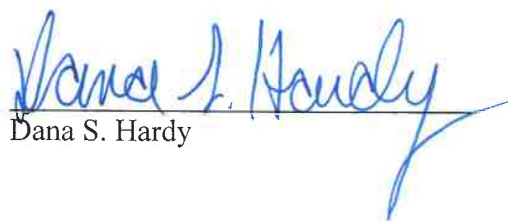
<sup>1</sup> The rate case caption is: *In the Matter of Southwestern Public Service Company's Application for: (1) Revision of its Retail Electric Rates Under Advice Notice No. 202; (2) Authorization and Approval to Shorten the Service Life and Abandon its Tolk Generating Station Units; and (3) Other Related Relief, Case No. 19-00170-UT.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 13<sup>th</sup> day of December, 2019, I sent a true and correct copy of the foregoing ***XTO Delaware Basin, LLC's Motion for Continuance*** via email to:

James Bruce  
P.O. Box 1056  
Santa Fe, NM 87504  
Phone: (505) 982-2043  
Facsimile: (505) 982-2151  
[jamesbruc@aol.com](mailto:jamesbruc@aol.com)

*Counsel for Novo Oil & Gas  
Northern Delaware, LLC*

  
Dana S. Hardy