

Brooks, David K., EMNRD

From: Thomas Kellahin [kellahin@earthlink.net]
Sent: Tuesday, July 05, 2005 8:03 AM
To: Brooks, David K., EMNRD
Cc: Anne Jones; Tommy Robbins
Subject: OCD Case 13437 (de Novo)
Attachments: Lance-notice.jpg

Re: Case 13437
Order R-12339

Mr. Brooks:

I represent Lance in the referenced case. Mr. Robbins, a mineral owner representing himself, filed for a de Novo hearing of this order that is currently set for hearing on Thursday, July 7, 2005.

Because, Mr. Robbins apparently does not have a fax machine and because time is of the essence, I am using e-mail.

On June 29, I filed a motion to dismiss Lance's case and in doing so cause Order R-12339 to be voided.

This morning, I received from Lance, a copy of Mr. Robbins, undated letter, objecting to my dismissal and raising a question about lack of notice to him in a different pooling case (13438-Order R-12330). For the record, Mr. Robbins signed and received notice of Case 13438 and failed to appear. See attached copy of page 3 Exhibit 3-H in Case 13438.

Lance, as the applicant, has the right to dismiss Case 13437 and desires to do so without the expense of an unnecessary de novo hearing.

Neither Robbins or Lance has filed the required prehearing statements. I request that you review this matter and advise if you will require a presentation to the Commission on Thursday.

Respectfully,

Tom Kellahin

7/5/2005