

**MILLER STRATVERT**  
LAW OFFICES

Ranne B. Miller  
Alice T. Lorenz  
Stephen M. Williams  
Stephan M. Vidmar  
Seth V. Bingham  
Timothy R. Briggs  
Rudolph Lucero  
Deborah A. Solove  
Gary L. Gordon  
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Joseph L. Romero  
Kelly A. Stone  
Deron B. Knoner  
Patricia A. Bradley  
T. Aaron Garrett  
Amy P. Hauser  
Rebecca M. Alves

Counsel

James B. Collins  
Terri S. Beach  
Robert D. Taichert  
Douglas A. Echols

Of Counsel

William K. Stratvert  
Sharon P. Gross

Reply to Santa Fe

150 Washington Ave., Suite 300  
Santa Fe, NM 87501

Mailing Address:

P.O. Box 1986  
Santa Fe, NM 87504-1986

Telephone: (505) 989-9614

Facsimile: (505) 989-9857

**FACSIMILE TRANSMISSION COVER SHEET**

DATE: July 27, 2006

TO: Mr. Will Jones (505) 476-3462

FROM: J. Scott Hall OPERATOR: glb

MESSAGE: Please see attached.

NUMBER OF PAGES INCLUDING COVER SHEET: 3

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Alisa R. Wigley-DeLara

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P.O. Box 1986  
Santa Fe, NM 87504-1986

Telephone: (505) 989-9614  
Facsimile: (505) 989-9857

Writer's Direct E-Mail:  
shall@mstlaw.com

\* Board Certified Specialist: Natural Resources - Oil & Gas Law  
\*\* Board Certified Specialist: Real Estate Law

July 28, 2006

**VIA FACSIMILE**

Mr. Will Jones New Mexico Oil Conservation Division  
1220 South St. Francis Drive  
Santa Fe, New Mexico

Re: NMOCD Case No. 13740: IN THE MATTER OF THE APPLICATION OF  
BEPCO, L.P. FOR COMPULSORY POOLING, EDDY COUNTY, NEW MEXICO

And

NMOCD Case No. 13756: IN THE MATTER OF THE APPLICATION OF XTO  
ENERGY, INC. FOR COMPULSORY POOLING, EDDY COUNTY, NEW  
MEXICO

Dear Mr. Jones:

I represent XTO ENERGY INC., the Applicant in Case No. 13756. Bill Carr and/or Ocean Munds-Dry represent BEPCO, L.P., the Applicant in Case No. 13740. XTO and BEPCO, L.P. both own working interests in the E/2 of Section 25, T-23-S, R-29-E, NMPM in Eddy County, New Mexico and have competing applications for compulsory pooling affecting the same lands. A hearing on BEPCO's Application is scheduled for next Thursday, while the hearing on XTO's Application is scheduled for August 17, 2006.

On June 27, 2006, I filed a Motion for Continuance asking that the hearing on BEPCO's Application be continued to the August 17, 2006 examiner hearing docket. On June 29, 2006, I filed a Motion to Consolidate requesting that both applications be heard simultaneously, also on August 17<sup>th</sup>. Among other reasons, a continuance was requested because my landman witness had a pre-existing scheduling conflict that prevents him from attending on August 3<sup>rd</sup>. In addition, I had scheduled my own vacation for that same week.

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Mr. Will Jones  
July 28, 2006  
Page 2

To date, BEPCO has not responded to the two motions. I have asked Mr. Carr to obtain the concurrence of BEPCO to the request for continuance, but their position is unknown at this time. However, I would like to have the request for continuance resolved today, if possible. If the continuance is not granted, then it will be necessary for me to find replacement counsel to represent XTO at the hearing on BEPCO's Application on August 3<sup>rd</sup> on short notice.

Thank you for your attention to this matter.

Very truly yours,

MILLER STRATVERT P.A.



J. Scott Hall

JSH/glb

cc: Mark Dale, XTO Energy  
Wm. F. Carr, Esq. Attorney for BEPCO, L. P.  
Cheryl O'Connor, Esq. NMOCD