

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

APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION,
THROUGH THE ENFORCEMENT AND COMPLIANCE MANAGER, FOR A
HEARING ON THE REQUEST OF AMERICO ENERGY RESOURCES LLC
FOR A WAIVER OF PENALTIES DUE UNDER THE TERMS OF AGREED
COMPLIANCE ORDER 70-A.

CASE NO. 13819

AFFIDAVIT OF SERVICE

In accordance with Division Rule 1227.D [19.15.14.1227.D NMAC] and Rule 1210 (19.15.14.1210 NMAC) I hereby certify that notice of the November 30, 2006 hearing in the above-captioned case was mailed to the following by certified mail, return receipt requested, at least 20 days prior to the hearing date, with a copy of the application:

Americo Energy Resources LLC
P.O. Box 19163
Houston, TX 77224

Mr. Oscar Nosrati
Americo Energy Resources LLC
10940 Old Katy Rd., Suite 100
Houston, TX 77043

A copy of the notice is attached as Exhibit A to this affidavit. Copies of the return receipts, if available, are attached as Exhibit B to this affidavit.


Gail MacQuesten

SUBSCRIBED AND SWORN to before me this 29th day of November 2006.


Notary Public

My Commission Expires:

4/2/07

Case No. 13819
OCD Exhibit 7



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON
Governor
Joanna Prukop
Cabinet Secretary

Mark E. Fesmire, P.E.
Director
Oil Conservation Division

October 18, 2006

Americo Energy Resources LLC
P.O. Box 19163
Houston, TX 77224

Certified Mail No. 7002 3150 0004 4924 0618

Mr. Oscar Nosrati
Americo Energy Resources LLC
10940 Old Katy Rd., Suite 100
Houston, TX 77043

Certified Mail No. 7002 3150 0004 4924 0625

Case 13819: APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION, THROUGH THE ENFORCEMENT AND COMPLIANCE MANAGER, FOR A HEARING ON THE REQUEST OF AMERICO ENERGY RESOURCES LLC FOR A WAIVER OF PENALTIES DUE UNDER THE TERMS OF AGREED COMPLIANCE ORDER 70-A.

Gentlemen:

You are hereby notified that the New Mexico Oil Conservation Division has filed the above-captioned Application for a hearing on the request of Americo Energy Resources LLC (Americo) for a waiver of penalties due under the terms of agreed compliance order 70-A (ACOI 70-A). A copy of the application is enclosed.

A hearing on this application will take place before a Division hearing officer on **Thursday, November 30, 2006**, at 8:15 a.m., in Porter Hall, First Floor, 1220 South St. Francis Drive in Santa Fe, New Mexico. At that hearing Americo will have an opportunity to make its case for a waiver or reduction of penalties due under ACOI 70-A. **If you intend to present evidence at the hearing, you should file a pre-hearing statement at least four days in advance of the hearing, as required by 19.15.14.1211.B NMAC.** A copy of that rule is enclosed. I have also enclosed a copy of 19.15.14.1212, which addresses representation at administrative hearings before the Division.

Inquiries concerning this application may be directed to the undersigned in the Santa Fe office of the Division at (505) 476-3451.

Very truly yours,


Gail MacQuesten
Assistant General Counsel

Encl: Application in Case 13819
Rule 1211 [19.15.14.1211 NMAC]
Rule 1212 [19.15.14.1212 NMAC]

Oil Conservation Division * 1220 South St. Francis Drive * Santa Fe, NM
Phone: (505) 476-3440 * Fax (505) 476-3462 * <http://www.nm.gov>

Case No. 13819
OCD Exhibit 7-A

**19.15.14.1211 PLEADINGS, COPIES, PRE-HEARING STATEMENTS,
EXHIBITS AND MOTIONS FOR CONTINUANCE:**

A. Pleadings. Applicants shall file two sets of pleadings and correspondence in cases pending before a division examiner with the division clerk and six sets of pleadings and correspondence in cases pending before the commission with the commission clerk. For cases pending before the commission, the commission clerk shall disseminate copies of pleadings and correspondence to the commission members. The party filing the pleading or correspondence shall at the same time serve a copy of the pleading or correspondence upon each party who has entered an appearance in the case on or prior to the business day immediately preceding the date when the party files the pleading or correspondence with the division or the commission clerk, as applicable. Parties shall accomplish service by hand delivery or transmission by facsimile or electronic mail to any party who has entered an appearance or, if the party is represented, the party's attorney of record. Service upon a party who has not filed a pleading containing a facsimile number or e-mail address may be made by ordinary first class mail. Parties shall be deemed to have made an appearance when they have either sent a letter regarding the case to the division or commission clerk or made an in person appearance at any hearing before the commission or before a division examiner. A written appearance, however, shall not be complete until the appearing party has provided notice to other parties of record. Any initial pleading or written entry of appearance a party other than the applicant files shall include the party's address or the address of the party's attorney and an e-mail and facsimile number if available.

B. Pre-hearing statements.

(1) Any party to an adjudicatory proceeding who intends to present evidence at the hearing shall file a pre-hearing statement, and serve copies on other parties or, for parties that are represented, their attorneys in the manner Subsection A of 19.15.14.1211 NMAC provides, at least four business days in advance of a scheduled hearing before the division or the commission, but in no event later than 5:00 pm mountain time, on the Thursday preceding the scheduled hearing date. The statement shall include:

- (a) the names of the party and the party's attorney;
- (b) a concise statement of the case;
- (c) the names of witnesses the party will call to testify at the hearing, and in the case of expert witnesses, their fields of expertise;
- (d) the approximate time the party will need to present its case; and
- (e) identification of any procedural matters that are to be resolved prior to the hearing.

(2) Any party other than the applicant shall include in its pre-hearing statement a statement of the extent to which the party supports or opposes the issuance of the order the applicant seeks and the reasons for such support or opposition. In cases to be heard by the commission, each party shall include copies of all exhibits that it proposes to offer in evidence at the hearing with the pre-hearing statement. The commission may exclude witnesses the party did not identify in the pre-hearing statement, or exhibits the party did not file and serve with the pre-hearing statement, unless the party offers such evidence solely for rebuttal or makes a satisfactory showing of good cause for failure to disclose the witness or exhibit.

(3) A pre-hearing statement filed by a corporation or other entity not represented by an attorney shall identify the person who will conduct the party's presentation at the hearing and include a sworn and notarized statement attesting that the corporation's or entity's governing body or chief executive officer authorizes the person to present the corporation or entity in the matter.

(4) For cases pending before the commission, the commission clerk shall disseminate copies of pre-hearing statements and exhibits to the commission members.

C. Motions for continuance. Parties shall file and serve motions for continuance no later than 48 hours prior to time the hearing is set to begin, unless the reasons for requesting a continuance arise after the deadline, in which case the party shall file the motion as expeditiously as possible after becoming aware of the need for a continuance.

[19.15.14.1211 NMAC - Rp, 19.15.14.1208 NMAC, 09/30/05]

19.15.14.1212 CONDUCT OF ADJUDICATORY HEARINGS:

A. Testimony. Hearings before the commission or a division examiner shall be conducted without rigid formality. The division or commission shall take or have someone take a transcript of testimony and preserve the transcript as a part of the division's permanent records. Any person testifying shall do so under oath. The division examiner or commission shall designate whether or not an interested party's un-sworn comments and observations are relevant and, if relevant, include the comments and observations in the record.

B. Pre-filed testimony. The division director may order the parties to file prepared written testimony in advance of the hearing for cases pending before the commission. The witness shall be present at the hearing and shall adopt, under oath, the prepared written testimony, subject to cross-examination and motions to strike unless the witness' presence at hearing is waived upon notice to other parties and without their objection. The parties shall number pages of the prepared written testimony, which shall contain line numbers on the left-hand side.

C. Appearances pro se or through an attorney. Parties may appear and participate in hearings either pro se (on their own behalf) or through an attorney. Corporations, partnerships, governmental entities, political subdivisions, unincorporated associations and other collective entities may appear only through an attorney or through a duly authorized officer or member. Participation in adjudicatory hearings shall be limited to parties, as defined in 19.15.14.1208 NMAC, except that a representative of a federal, state or tribal governmental agency or political subdivision may make a statement on the agency's or political subdivision's behalf. The commission or division examiner shall have the discretion to allow any other person present at the hearing to make a relevant statement, but not to present evidence or cross-examine witnesses. Any person making a statement at an adjudicatory hearing shall be subject to cross-examination by the parties or their attorneys.

[19.15.14.1212 NMAC - Rp, 19.15.14.1210 NMAC, 09/30/05]

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 Americo Energy Resources, LLC
 Street, Apt. No.,
 or PO Box No. P.O. Box 19163
 City, State, ZIP+4
 Houston, TX 77224

PS Form 3800, June 2002 See Reverse for Instructions

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Sent To
 Mr. Oscar Nosrati, Americo Energy
 Street, Apt. No.,
 or PO Box No. 10940 Old Katy Rd., Suite 100
 City, State, ZIP+4
 Houston, TX 77043

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Mr. Oscar Nosrati
 Americo Energy Resources, LLC
 10940 Old Katy Rd., Suite 100
 Houston, TX 77043

10/18/06 Ltr

2. Article Number
 (Transfer from service label) 7002 3150 0004 4924 0625

PS Form 3811, February 2004

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 Addressee
S. Lister

B. Received by (Printed Name)
S. LISTER

C. Date of Delivery
10/30/06

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 If YES, enter delivery address below: No

3. Service Type
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102595-02-M-1540

Case No. 13819
 OCD Exhibit 7-B