

NEW MEXICO  
ENVIRONMENTAL LAW CENTER

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October 5, 2007

**VIA HAND DELIVERY**

Mr. Mark Fesmire  
Chairman  
Oil Conservation Commission  
New Mexico Department of Energy, Minerals  
and Natural Resources  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

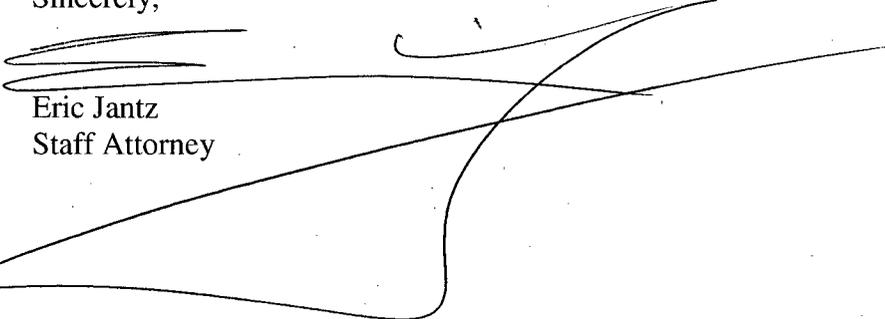
RE: Case No. 14015

Dear Mr. Chairman:

Please find enclosed the Entry of Appearance of the New Mexico Environmental Law Center on behalf of the Oil and Gas Accountability Project and the Oil and Gas Accountability Project's Response to the Industry Committee's Motion for Continuance in the above matter.

If you have any questions, please feel free to contact me.

Sincerely,

  
Eric Jantz  
Staff Attorney

1405 Luisa Street, Suite 5, Santa Fe, New Mexico 87505  
Phone (505) 989-9022 Fax (505) 989-3769 nmelc@nmelc.org

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

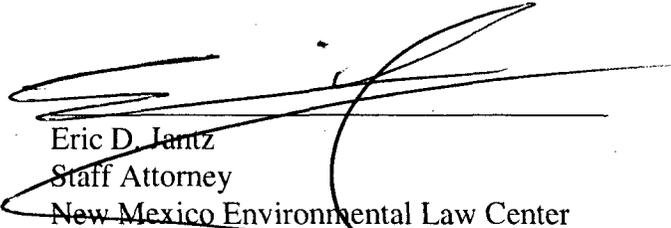
IN THE MATTER OF THE APPLICATION OF THE NEW MEXICO OIL  
CONSERVATION DIVISION FOR REPEAL OF EXISTING RULE 50  
CONCERNING PITS AND BELOW GRADE TANKS AND ADOPTION OF A  
NEW RULE GOVENING PITS AND BELOW GRADE TANKS, CLOSED LOOP  
SYSTEMS AND OTHER ALTERNATIVE METHODS TO THE FOREGOING,  
AND AMENDING OTHER RULES TO CONFORMING CHANGES  
STATEWIDE.

CASE NO. 14015

ENTRY OF APPEARANCE

COMES NOW, the New Mexico Environmental Law Center, by Eric Jantz and  
hereby enters its appearance in the above-captioned proceeding on behalf of the Oil and  
Gas Accountability Project.

Respectfully submitted,



Eric D. Jantz  
Staff Attorney  
New Mexico Environmental Law Center  
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Attorneys for the Oil & Gas Accountability Project

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 5<sup>th</sup> day of October, 2007, I have placed a copy of the foregoing Entry of Appearance in the above-captioned case in the U.S. mail to the following:

David K. Brooks  
Energy, Minerals and Natural Resources Department  
1220 St. Francis Drive  
Santa Fe, New Mexico 87505

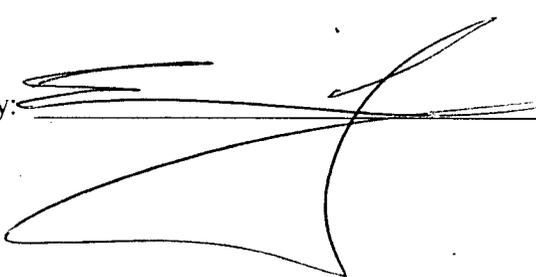
William H. Carr  
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Gregory D. Huffaker, Jr.  
Huffaker & Moffett, LLC  
PO Box 1868  
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By: 

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

**IN THE MATTER OF THE APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION FOR REPEAL OF EXISTING RULE 50 CONCERNING PITS AND BELOW GRADE TANKS AND ADOPTION OF A NEW RULE GOVENING PITS AND BELOW GRADE TANKS, CLOSED LOOP SYSTEMS AND OTHER ALTERNATIVE METHODS TO THE FOREGOING, AND AMENDING OTHER RULES TO CONFORMING CHANGES STATEWIDE.**

**CASE NO. 14015**

**RESPONSE TO INDUSTRY COMMITTEE'S MOTION FOR CONTINUACE**

Pursuant to 19 NMAC § 19.15.14.1211 the Oil & Gas Accountability Project ("OGAP") hereby submits its response to the Industry Committee's October 1, 2007 Motion for Continuance in the above-captioned matter. In support of its response, OGAP states the following:

1. OGAP objects to the Industry Committee's motion for continuance.
2. Members of the Industry Committee were involved in the Task Force convened by the Oil Conservation Division ("Division") to make recommendations on the proposed pit regulations. Thus, while some of the provisions of the draft pit regulation may not be identical to the recommendations of the Task Force, the bulk of the regulations should come as no surprise to the Industry Committee.
3. Indeed, a representative of OGAP was a Task Force member and has duly secured expert testimony in preparation for a hearing before the Oil Conservation Commission on October 22, 2007.
4. If the Commission decides to reschedule the October 22, 2007 hearing in the above-captioned proceeding, OGAP respectfully requests that the hearing not be

rescheduled for the week of November 5-9, because OGAP's counsel will be out of state from November 6-9 and unavailable. The New Mexico Environmental Law Center's remaining staff attorney has obligations to other clients and will be unavailable for representation. OGAP will consequently be left without legal counsel.

WHEREFORE, the Oil & Gas Accountability Project moves the Oil Conservation Commission to DENY the Industry Committee's Motion for Continuance or in the alternative reschedule a hearing for a date other than the week of November 5-9.

Respectfully submitted this 5<sup>th</sup> day of October,



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Attorneys for the Oil & Gas Accountability Project

**CERTIFICATE OF SERVICE**

I hereby certify that on this 5<sup>th</sup> day of October, 2007, I have delivered a copy of the foregoing Response to Motion for Continuance in the above-captioned case via email, facsimile, or U.S. mail to the following:

David K. Brooks  
Energy, Minerals and Natural Resources Department  
1220 St. Francis Drive  
Santa Fe, New Mexico 87505

William H. Carr  
Holland and Hart, LLP  
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By 