

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

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**APPLICATION OF MARBOB ENERGY CORPORATION FOR AN ORDER
AUTHORIZING A CENTRALIZED SURFACE WASTE MANAGEMENT
FACILITY, EDDY COUNTY, NEW MEXICO.**

CASE NO. 14102

RESPONDENT'S MOTION FOR CONTINUANCE

The Oil Conservation Division (OCD) respectfully requests that the hearing in this matter be continued until May 15, 2008. The following grounds support this motion:

1. The applicant in this case, Marbob Energy Corporation (Marbob), seeks approval of a permit for a centralized waste management facility under 19.15.9.711 NMAC. The action is essentially an appeal from the OCD Environmental Bureau's denial of the permit application on the ground that the application was incomplete.

2. Marbob did not serve the Environmental Bureau with its application or notice of the hearing set in this matter. The Environmental Bureau only recently became aware of the application.

3. Because the Environmental Bureau denied the application on the ground that it was incomplete, it did not perform a review of the merits of the application, and it needs additional time to do so.

4. The OCD intends to file a motion to dismiss the application, arguing first that the Environmental Bureau properly denied the application as incomplete, and second, that if the hearing examiner reaches the merits, the application must be denied as a matter of law. Given existing time commitments for both the OCD attorneys and the Environmental Bureau staff, the OCD will need additional time to prepare.

5. Continuing the hearing in this matter until May 15, 2008 should allow sufficient time for the Environmental Bureau to review the application on the merits, and for briefing by both parties on a motion to dismiss.

Respectfully submitted
this 13th day of March 2008 by


Gail MacQuesten

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing pleading was faxed to Mr. Carr and Ms. Munds-Dry at 505 983-6043 this 13th day of March 2008.



Gail MacQuesten