



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

GARY E. JOHNSON
Governor
Jennifer A. Salisbury
Cabinet Secretary

Lori Wrotenbery
Director
Oil Conservation Division

March 20, 2001

Via Facsimile and First Class Mail

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Re: Case No. 12568
Application of Pogo Producing Company for Compulsory Pooling, Lea County,
New Mexico

Gentlemen,

The Oil Conservation Commission has docketed Case No. 12568, *de novo* on application of Pogo Producing Company.

A motion to dismiss the application has been filed by EOG Resources, Inc. Part I of the motion seeks dismissal of the *de novo* filing on the grounds that no order of dismissal had yet been issued in the Division case. I note that since the motion was filed, an Order of the Division has been issued. *See* Order No. R-11541. I therefore suggest that Part I of the motion to dismiss may be moot.

Part II of the motion, however, relates to the merits of the filing.

The Commission will hear argument on the motion during its meeting of March 30, 2001. Until the motion is heard and decided, it would be premature to schedule an evidentiary

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presentation and risk inconveniencing witnesses. Therefore, please be prepared only to address the motion to dismiss during the March 30 meeting. If the motion to dismiss is denied, an evidentiary hearing will be scheduled for a future Commission meeting.

Please feel free to give me a call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'S. Ross', written over the word 'Sincerely,'.

Stephen C. Ross
Assistant General Counsel

Cc: Commission Secretary