



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

GARY E. JOHNSON
Governor
Betty Rivera
Cabinet Secretary

Lori Wrotenbery
Director
Oil Conservation Division

September 12, 2002

Via facsimile and first class mail

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Re: Case No. 12622, Application of Nearburg Exploration Company L.L.C. for two non-standard gas spacing units, Lea County, New Mexico, *de novo*

Dear Counsel,

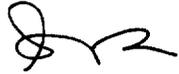
I have heard from each of you concerning the proposed hearing dates of October 21 and 22. Scott Hall (Raptor) has no problem with the dates. Bill Carr (Nearburg) has no problem with the dates, and has written me specifically requesting that the case be set on those dates and reminding me of the two previous continuances and of the shut-in well. Mr. Kellahin (Redrock) objects to the dates. He plans to attend a reunion of JAG attorneys who served in the Philippines between 1968 and 1970. The reunion has been scheduled for three years. He cannot therefore participate if the hearing is held on that date.

I have spoken to the Commission Chair concerning this issue. We are inclined to proceed to hearing on October 21 and 22 and at this point we plan to docket the case for those dates. A conflict exists with a previously-scheduled Division hearing, but that hearing will be vacated to accommodate the Commission hearing. The Chair is highly sympathetic to the scheduling difficulties of counsel, but the next available hearing date is not until mid-December and this matter has already been continued twice. There is some urgency to hear this matter as Nearburg's well remains shut-in by order of the Division, and the needs of the parties must necessarily outweigh the personal difficulties of counsel.

Counsel of Record, Case Nos. 12622 and 12908-A
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Please do not hesitate to give me a call if you have any questions or wish to discuss this further.

Sincerely,



Stephen C. Ross
Assistant General Counsel

✓ Cc: Florene Davidson, Commission Secretary