

11838

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\*NEW MEXICO BOARD OF LEGAL SPECIALIZATION  
RECOGNIZED SPECIALIST IN THE AREA OF  
NATURAL RESOURCES-OIL AND GAS LAW

JASON KELLAHIN (RETIRED 1991)

February 24, 1998

**HAND DELIVERED**

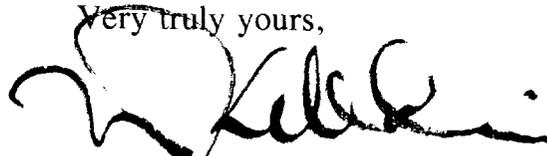
Ms. Lori Wrotenbery, Chairman  
Oil Conservation Commission  
2040 South Pacheco  
Santa Fe, New Mexico 87505

**Re: REQUEST FOR CONTINUANCE**  
**NMOCD CASE 11838**  
**Order No. R-10906**

Dear Ms. Wrotenbery:

On behalf of Premier Oil & Gas Inc., please find enclosed our  
referenced motion for a continuance.

Very truly yours,



W. Thomas Kellahin

cc: Lyn Hebert, Esq.  
James Bruce, Esq,  
William F. Carr, Esq.  
Ken Jones

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

**IN THE MATTER OF THE HEARING  
CALLED BY THE OIL CONSERVATION  
DIVISION FOR THE PURPOSE OF  
CONSIDERING:**

**CASE NO. 11838**

**APPLICATION OF PREMIER OIL & GAS INC.  
TO HAVE THE DIVISION ORDER EXXON COMPANY USA  
TO APPEAR AND SHOW CAUSE  
EDDY COUNTY, NEW MEXICO**

**PREMIER OIL & GAS INC'S  
MOTION FOR A CONTINUANCE**

PREMIER OIL & GAS INC. ("Premier") by its attorneys, Kellahin & Kellahin, requests that this matter be continued from the Commission docket now scheduled for February 26, 1998, to the Commission hearing scheduled for April 9, 1998 and as grounds therefore states:

**BACKGROUND**

- (1) On July 29, 1997, Premier filed its application in this matter which was scheduled for hearing on August 21, 1998.
- (2) On August 15, 1997, Exxon Company U.S.A. ("Exxon") filed a Motion to Dismiss.
- (3) On August 18, 1997, Yates Petroleum Corporation ("Yates") filed its Motion to Dismiss which included its supporting arguments and citation of authorities.

(4) On August 20, 1997, without notice to Premier and without providing Premier with an opportunity to file a response to the Exxon and Yates' motions to dismiss, Examiner Stogner unilaterally issued a letter dismissing Premier's application.

(5) At the hearing on August 21, 1997, Premier obtained the consent of Examiner Stogner to file its Response to the Motions to Dismiss.

(6) On August 25, 1997, Premier filed its Response to the Motions to Dismiss which included its arguments and citation of authorities.

(7) In addition, on August 25, 1997, Premier filed its First Amended Application.

(8) On September 12, 1997, Exxon filed its Reply to the Premier Response. Yates filed nothing.

(9) On October 31, 1997, the Division issued Order R-10906 granting the Exxon and Yates' motions to dismiss.

(10) On November 7, 1997, Premier filed its application for a DeNovo hearing before the Commission which is current set for hearing on February 26, 1998.

(11) On February 23, 1998, just two days before the Commission hearing, Exxon and Yates have filed another Motion to Dismiss including a Brief in support of their motion.

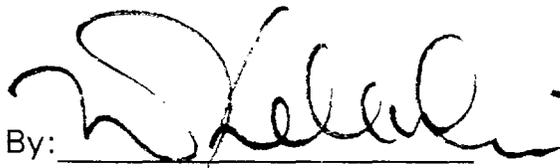
### **REQUEST**

There is insufficient time prior to the currently scheduled Commission hearing for Premier to prepare a response to this latest motion by Exxon and Yates.

Counsel for Premier has sought and obtained the concurrence of counsel for Exxon for this motion. Premier has attempted to contact counsel for Yates to obtain his concurrence but he has not been available.

Accordingly, Premier request that this case be continued in order to provide Premier with an adequate opportunity to prepare and file its response to this latest motion to dismiss filed by Exxon and Yates.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'W. Thomas Kellahin', written over a horizontal line.

By: W. Thomas Kellahin  
W. Thomas Kellahin  
KELLAHIN & KELLAHIN  
P.O. Box 2265  
Santa Fe, New Mexico 87504  
(505) 982-4285

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing motion was hand delivered to counsel of record this 24th day of February 1998 as follows:

Lyn Hebert, Esq.  
Oil Conservation Commission  
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Counsel for Yates



W. Thomas Kellahin