

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

**APPLICATION OF PUBLIC SERVICE
COMPANY OF NEW MEXICO FOR REVIEW
OF OIL CONSERVATION DIVISION
DIRECTIVE DATED MARCH 1, 1998
DIRECTING APPLICANT TO PERFORM
ADDITIONAL REMEDIATION FOR
HYDROCARBON CONTAMINATION,
SAN JUAN COUNTY, NEW MEXICO.**

CASE NO. 12033

98 NOV 17 PM 3:54

OIL CONSERVATION DIV.

SUBPOENA DUCES TECUM

**TO: Craig A. Bock
c/o William F. Carr, Esq.
Campbell, Carr, Berge & Sheridan, P.A.
Jefferson Place
Suite 1-110 North Guadalupe
P.O. Box 2208
Santa Fe, New Mexico 87504-2208**

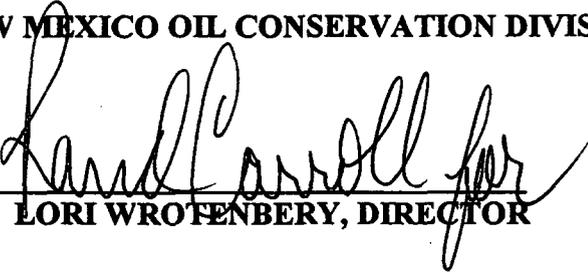
Pursuant to NMSA (1978), Section 70-2-8, and Rule 1211 of the New Mexico Oil Conservation Division's Rules of Procedure, you are hereby ORDERED to appear at 1:00 p.m., November 19, 1998 at the offices of the Oil Conservation Division, 2040 Pacheco, Santa Fe, New Mexico 87505 to testify at the hearing of the above-referenced case and to bring with you all documents related to the investigation and/or remediation of contaminated soil and/or groundwater at the Hampton 4M Well Site in New Mexico.

This subpoena is issued on application of Public Service Company of New Mexico, through their attorneys, Keleher & McLeod, P.O. Drawer AA, Albuquerque, NM 87103.

Dated this 04 day of November, 1998.

NEW MEXICO OIL CONSERVATION DIVISION

BY:

Handwritten signature of Lori Wrofenbery in cursive script, written over a horizontal line.

LORI WROFENBERY, DIRECTOR

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

IN THE MATTER OF THE APPLICATION OF
PUBLIC SERVICE COMPANY
OF NEW MEXICO FOR REVIEW OF
OIL CONSERVATION DIVISION DIRECTIVE
DATED MARCH 1, 1998 DIRECTING
APPLICANT TO PERFORM ADDITIONAL
REMEDIAION FOR HYDROCARBON
CONTAMINATION,
SAN JUAN COUNTY, NEW MEXICO

CASE NO. 12033

98 NOV 18 PM 4:27
OIL CONSERVATION DIV.

**BURLINGTON RESOURCES OIL & GAS COMPANY'S
MOTION TO QUASH SUBPOENA DUCES TECUM**

Burlington Resources Oil & Gas Company ("Burlington"), moves the New Mexico Oil Conservation Division to quash the subpoena duces tecum issued on behalf of Public Service Company of New Mexico ("PNM") on November 17, 1998. The Division does not have the power to compel the attendance of Craig A. Bock, the witness subpoenaed, because he is an out-of-state witness. In support of this Motion, Burlington states:

1. On November 17, 1998, PNM secured from the New Mexico Oil Conservation Division a subpoena duces tecum by which PNM seeks to compel the attendance of Mr. Craig A. Bock at the hearing scheduled in this case for November 19, 1998.

2. The subpoena was directed to "Craig A. Bock c/o William F. Carr, Esq." Mr. Carr is the attorney for Burlington in this case.

3. In a November 17, 1998 telephone conversation between counsel for Burlington and counsel for PNM, counsel for PNM stated that he understood that Mr. Bock resided in Houston, Texas.

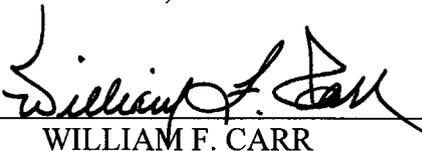
4. In fact, Mr. Bock does reside in Houston, Texas, and is not present in the State of New Mexico. See affidavit of L. Edward Hasely, November 18, 1998 (attached hereto as Exhibit "A").

5. "New Mexico has no legal authority to compel a person living in Texas to appear in its courts by issuance of a New Mexico subpoena. See Rules of Crim. Proc. 48(a) and Rule Civ. Proc. 45(e)." *State v. Waits*, 92 N.M. 275, 277, 587 P.2d 53, 55 (Ct. App. 1978).

Therefore, because this Division has no power to compel the attendance of Mr. Bock, a resident of Texas, Burlington respectfully requests that the Division quash the subpoena duces tecum which was issued on November 17, 1998.

Respectfully submitted,

CAMPBELL, CARR, BERGE
& SHERIDAN, P.A.

By: 
WILLIAM F. CARR

PAUL R. OWEN
Post Office Box 2208
Santa Fe, New Mexico 87504-2208

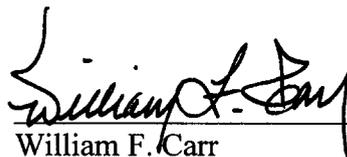
ATTORNEYS FOR BURLINGTON
RESOURCES OIL & GAS COMPANY

CERTIFICATE OF SERVICE

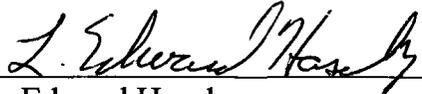
I hereby certify that a copy of the foregoing Motion was served, via facsimile and first class U.S. Mail, on this 18th day of November, 1998 to the following counsel of record:

Rand Carroll, Esq.
Oil Conservation Division
2040 South Pacheco
Post Office Box 6429
Santa Fe, New Mexico 87505
facsimile (505) 827-8177

Richard L. Alvidrez, Esq.
Keleher & McLeod P.A.
P.O. Drawer AA
Albuquerque, New Mexico 87103
facsimile (505) 346-1370

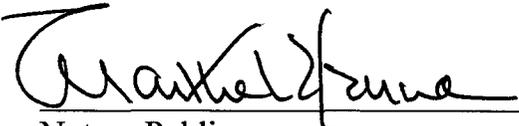

William F. Carr

3. Craig A. Bock resides in Houston, Texas and is not present in the State of New Mexico.



L. Edward Hasely

SUBSCRIBED AND SWORN to before me this 18th day of November, 1998 by L. Edward Hasely.



Notary Public

My Commission Expires:


August 19, 1999