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TO: Mr. Michael Stogner, Hearing Examiner

FIRM/COMPANY: Energy, Minerals, and Natural Resources Dept.
Oil Conservation Division

FROM: Tracie E. Kenan **CLIMAT NO:** 4802/50

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Accepted

late due to

communication

electronic difficulties.

Talked w/
Tracie Kenan

about this
issue.

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October 28, 2003

via Facsimile (505) 476-3462

Mr. Michael Stogner
Hearing Examiner
Energy, Minerals, and Natural Resources Department
Oil Conservation Division
1220 South St. Francis Street
Santa Fe, New Mexico 87505

Re: Case 13142; Application of the New Mexico Oil Conservation Division, Through the Environmental Bureau Chief, for an Order Requiring Maralo, LLC to Remediate Hydrocarbon Contamination at an Abandoned Well and Battery Site; (Jay Anthony Complaint); Lea County, New Mexico

Dear Mr. Stogner:

We implore you to still consider the attached Maralo, LLC's Reply to the New Mexico Oil Conservation Division's and Anthony's Response in Opposition to Maralo LLC's Motion to Dismiss due to the following situation. We are sorry for the inconvenience this may cause and for the problems that occurred in sending the Reply Brief to your office so that we missed the filing deadline. We hope that you understand and will consider this reply and enter it into the record.

On Monday, October 27, 2003, this office, Cotton, Bledsoe, Tighe & Dawson, P.C., attempted to fax the Reply Brief to your office. Due to an oversight by our office we thought the fax had been transmitted. An original copy of the filing was sent through overnight delivery by Federal Express and should have been received by your office this morning, Tuesday, October 28, 2003. All other parties received the attached Reply by fax or by Certified Mail yesterday afternoon when we attempted to fax your office, as is evidenced by the attached fax transmittal sheets and copies of the overnight and Certified Mail slips. Please note when reading the transmission sheet that our machine is one hour ahead due to the daylight savings time change this past weekend. Unfortunately, not all of our office machines had been changed.

October 28, 2003

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Please consider our Reply. We apologize for any trouble that it may cause in the matter, or in your office. We hope that the reply will be accepted and placed in the record in this matter. Thank you for your time and consideration and please call if you have any questions, concerns, or wish to address the matter directly.

Very truly yours,

COTTON, BLEDSOE, TIGHE & DAWSON, P.C.

By: 
Tracie E. Kenan

TEK/II
Enclosure

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October 27, 2003

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and Federal Express

Mr. Michael Stogner

Hearing Examiner

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RECEIVED

OCT 23 2003

Oil Conservation Division

Re: Case 13142; Application of the New Mexico Oil Conservation Division, Through the Environmental Bureau Chief, for an Order Requiring Maralo, LLC to Remediate Hydrocarbon Contamination at an Abandoned Well and Battery Site; (Jay Anthony Complaint); Lea County, New Mexico

Dear Mr. Stogner:

Please find enclosed Maralo, LLC's Reply to the New Mexico Oil Conservation Division's and Anthony's Response in Opposition to Maralo LLC's Motion to Dismiss which I submit for your review and request to have placed in the record. The original of the Reply is being forwarded via overnight delivery to the OCD on this date.

Very truly yours,

COTTON, BLED SOE, TIGHE & DAWSON, P.C.

By:


Rick G. Strange

RGS/ll
Enclosure

October 27, 2003

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cc w/encl.:

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