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**Via Hand Delivered and Facsimile**

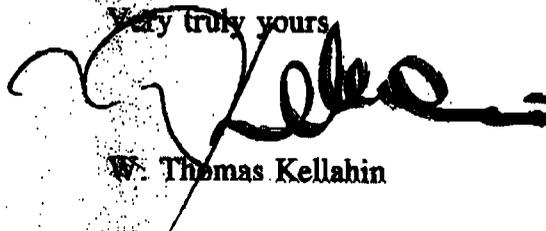
**Ms. Lori Wrotenbery, Chairman**  
**Oil Conservation Commission**  
**1220 South Saint Francis Drive**  
**Santa Fe, New Mexico 87505**

**Re: Richardson's objection to San Juan Coal Company**  
**post hearing request to supplement the record**  
**NMOCDC Case: 12734 (De Novo)**  
**Application of Richardson Operating Company**  
**to establish a Special "Infill Well" Area within**  
**the Basin-Fruitland Coal Gas Pool as provided in**  
**Rule of the special rule for this pool,**  
**San Juan County, New Mexico**

**Dear Ms. Wrotenbery:**

**On behalf of Richardson Operating Company please find enclosed our objection**  
**to San Juan Coal Company's motion to supplement the record which was filed yesterday.**

Very truly yours



**W. Thomas Kellahin**

**cc: Steve Ross**  
**Attorney for the Commission**  
**David Brooks, Esq.**  
**Attorneys for the Division**  
**James Bruce, Esq.,**  
**Attorney for San Juan Coal Company**  
**Richardson Operating Company**  
**Attn: David Richardson**

*Application of Richardson Operating  
Co.  
Record on Appeal, 1997.*

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

**IN THE MATTER OF THE APPLICATION OF  
RICHARDSON OPERATING COMPANY TO  
ESTABLISH A SPECIAL INFILL WELL"  
AREA WITHIN THE BASIN-FRUITLAND  
COAL GAS POOL AS PROVIDED BY RULE 4  
OF THE SPECIAL POOL RULES,  
SAN JUAN COUNTY, NEW MEXICO**

**CASE NO. 12734 (De Novo)**

**RICHARDSON OPERATING COMPANY'S  
OBJECTION TO  
SAN JUAN COAL COMPANY'S  
MOTION TO SUPPLEMENT THE RECORD**

Richardson Operating Company ("Richardson"), by its attorneys, Kellahin and Kellahin, hereby requests that the New Mexico Oil Conservation Commission ("Commission") DENY San Juan Coal Company's ("SJCC") motion to supplement the record and states:

- (1) At the hearing before the Commission, SJCC chose not to introduce its desorption data in support Mr. Dan Paul Smith's expert testimony.
- (2) SJCC was provided ample time prior to the hearing to prepare its case and voluntarily chose not to present its desorption data.
- (3) SJCC was represented by three (3) attorneys at the hearing and none of them sought to preserve the opportunity to file the desorption data after the hearing.

**NMOCD Case 12734 (DeNovo)****Richardson's Response to SJCC's motion to supplement the record****-Page 3-**

(4) Now, SJCC wants to amend the testimony of Mr. Dan Paul Smith with a post-hearing affidavit and thereby alter his testimony and deny Richardson its right to cross-examine Mr. Smith about his new opinions and conclusions.

(5) SJCC argues that it only wants to do what Richardson was allowed to do.

(6) At the Hearing, Richardson requested and obtained, without any objection from SJCC, the Commission's approval to provide a written response to Dr. Lee's questions.

(7) Unlike Richardson, SJCC failed to obtain at the time of the hearing Commission approval for a post hearing filing to supplement to record.

(8) Unlike, Richardson, SJCC failed to obtain the concurrence of opposing counsel and the time of the hearing.

(9) SJCC has waived its opportunity to submit the desorption data to the Commission.

(10) SJCC's motion denies Richardson its right to cross-examine Mr. Smith about this desorption data and its reliability.

NMOCD Case 12734 (DeNovo)

Richardson's Response the SJCC's motion to supplement the record

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(11) It is not the responsibility of the Commission to cure the defects in SJCC case or to allow a party the opportunity after the hearing to correct its intentional mistakes, or to attempt to rehabilitate its witness.

(12) Pursuant to Section 70-2-13 NMSA (1972), the Commission is required to conduct a De Novo hearing--this is not to be a hearing by affidavit.

WHEREFORE, Richardson's requests that the Commission deny SJCC's motion

Respectfully submitted,



W. Thomas Kellahin  
P. O. Box 2265  
Santa Fe, New Mexico 87504

#### CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading was transmitted by facsimile this 13th day of November, 2002 to James Bruce, attorney for San Juan Coal Company.



W. Thomas Kellahin

*Application of Richardson Operating  
Co.  
Record on Appeal, 2000.*