

RECEIVED OCC

2012 JAN 17 A 8:03

2708 B Walnut St.
Los Alamos, NM 87544-2050
16 January 2012
(by fax)

Oil Conservation Commission
Energy, Minerals, and Natural Resources Department
1220 South St. Francis Drive
Santa Fe, NM 87505

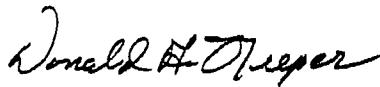
Subject: PROTEST OF CONTINUANCE OF HEARING ON CASE 14784

page 1 of 1-16-12 Recd
7-1-12
not of 6-1-12
One minute before the close of business on January 12, 2012, the Oil Conservation Commission transmitted an informal email to various persons, with the announcement that the hearing on Case 14784, scheduled to begin on January 23, would be postponed per agreement of the Commission, the applicants, and two other parties. The closing date for submission of pre-hearing statements was the close of business on 1/13/2012. Our organization filed its extensive pre-hearing statement on January 13, prior to 5:00 PM, as required by the hearing notice. *7.00*

As a party to the hearing, we object to the action of the Commission in postponing the hearing date at the pleasure of particular parties, when all parties were not, and could not be, included in the discussion. We recognize that hearings are sometimes necessarily continued. Such continuation is proper when, during a hearing, the schedule must be adjusted to accommodate the needs of particular parties. However, in this case, the continuance was granted at a time when delay by one day would have enabled the OCC to have a complete list of all parties, and to include all parties in the procedure. Alternatively, those seeking a continuance could have either delayed their application for rule change, or requested the continuance long before other parties had committed to the hearing date. The timing and the procedure by which this continuance was granted creates two classes of parties--those who participated

in the procedure and those who were disadvantaged by exclusion from participation.

When a hearing date is set, all parties must commit resources and witnesses to appear on the date(s) of the hearing. Our witnesses had committed to the dates announced for the hearing, and may not be able to commit to later dates. Thus, the action of the Commission in postponing the hearing at twenty-four hours and one minute before closing of pre-hearing statements may, in effect, exclude our witnesses from the hearing. We protest this action.

A handwritten signature in black ink, appearing to read "Donald A. Neeper". The signature is fluid and cursive, with a large initial 'D' and 'N'.

Donald A. Neeper
authorized representative

New Mexico Citizens
for Clean Air & Water