

HOLLAND & HART LLP



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William F. Carr
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October 10, 2007

HAND-DELIVERED

Mark E. Fesmire, P.E.
Director
Oil Conservation Division
New Mexico Energy, Minerals and
Natural Resources Department
1220 South Saint Francis Drive
Santa Fe, New Mexico 87505

Re: Case No. 14015: Application of the New Mexico Oil Conservation Division for Repeal of Existing Rule 50 Concerning Pits and Below Grade Tanks and Adoption of a New Rule Governing Pits, Below Grade Tanks, Closed Loop Systems and Other Alternative Methods to the Foregoing, and Amending Other Rules to Make Conforming Changes; Statewide.

Dear Mr. Fesmire:

On behalf of Benson-Montin-Greer Drilling Corporation, BP America Production Company, Inc., Burlington Resources Oil & Gas Company, Chesapeake Operating, Inc., ChevronTexaco, ConocoPhillips, Devon Energy Corporation, Dugan Production Corporation, Energen Resources Corporation, Marathon Oil Company, Marbob Energy Corporation, Merrion Oil and Gas Corporation, OXY USA, Inc. (including Occidental Permian, LTD and OXY USA WTP Limited Partnership), D. J. Simmons, Inc., Williams Production Company, XTO Energy, Inc., and Yates Petroleum Corporation ("The Industry Committee"), we respectfully request that the New Mexico Oil Conservation provide certain information it intends to use in its presentation(s) during the hearing before the New Mexico Oil Conservation Commission currently scheduled for October 22, 2007 and continuing on November 5, 2007.

Specifically, we request that you identify all wells and associated pits, including the classification of such pits, that the OCD intends to use to demonstrate that closure practices under the current rules do not protect the public nor the environment - whether the Division intends to submit this information as evidence or as a demonstrative exhibit or example(s). The Industry Committee would like the opportunity to review this information in advance of the hearing in order to more fully prepare its own presentations and responses. Having this information ahead of time will also contribute to a more efficient hearing process, allow for a more informed exchange and decrease the chance of any delay.

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The Industry Committee would appreciate being provided this information as soon as possible. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "William F. Carr", written over a horizontal line.

William F. Carr
Attorney for the Industry Committee

cc: Eric Hiser