

# MILLER STRATVERT

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June 1, 2006

New Mexico Oil Conservation Division  
Attn: Clerk of Division  
1220 South St. Francis Drive  
Santa Fe, New Mexico 87505

RE: Case No. 13711: Motion for Continuance and Certificate of Service

Dear Mr. Jones:

Please find enclosed a Motion for Continuance and Certificate of Service, for endorsement of filing. These documents were submitted via facsimile for filing today. Enclosed is a self-addressed envelope for proper return.

Thank you for your assistance.

Sincerely,



Angelina M. Garcia  
Legal Assistant to Ann M. Conway

/ag  
Enclosures

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WIT JEM

Continued to 7/6/06

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

2006 JUN 2 AM 11 58

**APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION FOR AN ORDER REQUIRING TEMPO ENERGY, INC. TO PLUG ONE WELL AND ORDERING A FORFEITURE OF APPLICABLE FINANCIAL ASSURANCE IN EVENT OF OPERATOR'S NON-COMPLIANCE; LEA COUNTY, NEW MEXICO.**

**CASE NO.: 13711**

**MOTION FOR CONTINUANCE**

The Travelers Indemnity Company ("Travelers"), by and through its counsel of record Miller Stratvert P.A. (Ann M. Conway), pursuant to Division Rule 1211C, hereby moves the New Mexico Oil Conservation Division ("OCD") for a continuance of the hearing before a OCD hearing examiner on Thursday, June 8, 2006, at 8:15 a.m. As grounds for its motion Travelers states the following:

1. The Amended Application for Plugging and Forfeiture of Bond ("Amended Application") filed herein alleges that the Operator Tempo Energy, Inc. ("Tempo") posted financial assurance in the form of a \$50,000.00 blanket surety (plugging) bond number 980F9988 by the Travelers Indemnity Company. The Amended Application requests an order:
  - A. Determining that the subject well should be plugged and abandon in accordance with a Division-approved plugging program.
  - B. Directing the Operator to plug the subject well by a date certain, and thereafter to remediate the site in accordance with OCD Rules.
  - C. Ordering that if the Operator does not plug the subject well within the time provided, the Division be authorized: (i) to plug the subject well and remediate the site; (ii) to declare forfeit the above-described financial

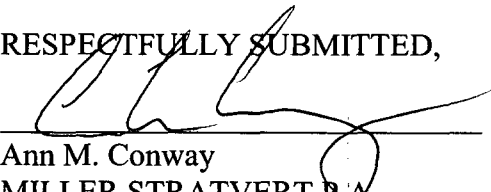
assurance; and (iii) to take necessary and appropriate measures to recover from the Operator any costs of plugging the subject well in excess of the amount of the applicable financial assurance.

2. Upon receipt of the Oil Conservation Division's Amended Application for Plugging and Forfeiture of Bond, Travelers began its investigation of the underlining facts in connection with the Amended Application. Operator Tempo has informed Travelers that it does not own, operate or have any interest in the well that is the subject of this matter. Operator Tempo informs Travelers that another Operator fraudulently used the Travelers bond to drill and operate the well. However, to date, Travelers has been unable to obtain all of the documentary and factual information it needs to prepare and file a Pre-Hearing Statement with Exhibits and to determine what witnesses, in any, should be called in connection with the adjudicatory proceeding. Therefore, Travelers cannot be prepared in time for the hearing currently scheduled on June 8, 2006.

3. Travelers has contacted Assistant General Counsel David K. Brooks, in connection with this motion for continuance and he does not oppose this motion.

WHEREFORE, Travelers respectfully requests for a thirty (30) Day continuance of the adjudicatory hearing in this matter.

RESPECTFULLY SUBMITTED,



Ann M. Conway  
MILLER STRATVERT P.A.  
P.O. Box 25687  
Albuquerque, NM 87125  
(505) 842-1950

Attorney for the Travelers Indemnity Co.

2006 JUN 2 08 11 39  
STATE OF NEW MEXICO  
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT  
OIL CONSERVATION DIVISION

**APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION FOR AN ORDER REQUIRING TEMPO ENERGY, INC. TO PLUG ONE WELL AND ORDERING A FORFEITURE OF APPLICABLE FINANCIAL ASSURANCE IN EVENT OF OPERATOR'S NON-COMPLIANCE; LEA COUNTY, NEW MEXICO.**

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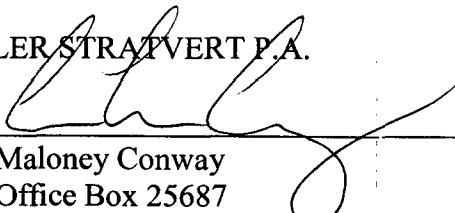
**CERTIFICATE OF SERVICE**

I CERTIFY SERVICE that on this 1<sup>st</sup> day of June 2006, a true and correct copy of Travelers Indemnity Company's Motion for Continuance was sent via facsimile and U.S. mail to the following counsel:

David K. Brooks  
Assistant General Counsel  
Energy, Minerals and Natural Resources  
Department of the State of New Mexico  
1220 S. St. Francis Drive  
Santa Fe, NM 87505  
(505) 476-3450

Respectfully submitted,

MILLER STRATVERT P.A.

  
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