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FACSIMILE TRANSMISSION COVER SHEET

DATE: July 27, 2006

TO: Mr. Will Jones

(505) 476-3462

FROM: J. Scott Hall

OPERATOR: glb

MESSAGE: Please see attached.

NUMBER OF PAGES INCLUDING COVER SHEET: 3

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* Board Certified Specialist: Natural Resources - Oil & Gas Law
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July 28, 2006

VIA FACSIMILE

Mr. Will Jones New Mexico Oil Conservation Division
1220 South St. Francis Drive
Santa Fe, New Mexico

Re: NMOCD Case No. 13740: IN THE MATTER OF THE APPLICATION OF
BEPCO, L.P. FOR COMPULSORY POOLING, EDDY COUNTY, NEW MEXICO

And

NMOCD Case No. 13756: IN THE MATTER OF THE APPLICATION OF XTO
ENERGY, INC. FOR COMPULSORY POOLING, EDDY COUNTY, NEW
MEXICO

Dear Mr. Jones:

I represent XTO ENERGY INC., the Applicant in Case No. 13756. Bill Carr and/or Ocean Munds-Dry represent BEPCO, L.P., the Applicant in Case No. 13740. XTO and BEPCO, L.P. both own working interests in the E/2 of Section 25, T-23-S, R-29-E, NMPM in Eddy County, New Mexico and have competing applications for compulsory pooling affecting the same lands. A hearing on BEPCO's Application is scheduled for next Thursday, while the hearing on XTO's Application is scheduled for August 17, 2006.

On June 27, 2006, I filed a Motion for Continuance asking that the hearing on BEPCO's Application be continued to the August 17, 2006 examiner hearing docket. On June 29, 2006, I filed a Motion to Consolidate requesting that both applications be heard simultaneously, also on August 17th. Among other reasons, a continuance was requested because my landman witness had a pre-existing scheduling conflict that prevents him from attending on August 3rd. In addition, I had scheduled my own vacation for that same week.

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Mr. Will Jones
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To date, BEPCO has not responded to the two motions. I have asked Mr. Carr to obtain the concurrence of BEPCO to the request for continuance, but their position is unknown at this time. However, I would like to have the request for continuance resolved today, if possible. If the continuance is not granted, then it will be necessary for me to find replacement counsel to represent XTO at the hearing on BEPCO's Application on August 3rd on short notice.

Thank you for your attention to this matter.

Very truly yours,

MILLER STRATVERT P.A.



J. Scott Hall

JSH/glb

cc: Mark Dale, XTO Energy
Wm. F. Carr, Esq. Attorney for BEPCO, L. P.
Cheryl O'Connor, Esq. NMOCD