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STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
2007 OCT 11 11:50
CONSERVATION COMMISSION

**IN THE MATTER OF THE 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 CONFORMING CHANGES
STATEWIDE.**

CASE NO. 14015

**RESPONSE OF NEW MEXICO CITIZENS
FOR CLEAN AIR AND WATER TO INDUSTRY COMMITTEE'S
MOTION FOR CONTINUANCE**

In response to the Motion for Continuance filed by the Industry Committee, New Mexico Citizens for Clean Air and Water, Inc. (NMCCAW) states as follows:

1. The Industry Committee requests that the hearing in this docket, currently scheduled to begin on October 22, 2007, be continued "to a special hearing date in December 2007" because the Committee needs more time for its experts to prepare proposed modifications to the proposed rules.
2. NMCCAW, a non-profit volunteer organization, has been working diligently to prepare its technical testimony on the rules in a timely fashion. NMCCAW's technical witness, Dr. Donald Neeper, has been working on this matter, including conducting field work to support his technical testimony, since the early part of 2007. Dr. Neeper and NMCCAW's counsel have carefully arranged their schedules in order to be able to present testimony and conduct cross-examination at the hearing scheduled to begin on October 22nd. In fact, Dr. Neeper scheduled a two-week out of state family commitment for the period November 13-27 specifically in order to avoid any conflicts with the hearing scheduled in this matter.
3. NMCCAW requests that if the Commission grants a continuance, that the new hearing date not occur between November 13th – 27th so as not to conflict with Dr. Neeper's family commitment which was timed in order to allow him to fully participate in this hearing. Rescheduling the hearing during that time period would improperly prejudice NMCCAW and penalize Dr. Neeper for arranging his schedule in a manner to accommodate the hearing set in this case.
4. NMCCAW further requests that, if the continuance is granted, the hearing be scheduled at the earliest possible time other than November 13th -27th, and that it be completed prior to the end of December 2007. In the past, rulemaking hearings have been repeatedly continued with little notice, and have run discontinuously over a long

period of time, both of which practices have prejudiced and harmed NMCCAW by causing it to have to spend substantially more time and resources in preparing for and participating in the hearing. NMCCAW believes that granting late (and sometimes repeated) requests for continuance and breaking up hearings over a period of time harm the ability of members of the public to fully prepare for and participate in these matters of great public significance.

Dated: October 3, 2007

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of October 2007, I have caused a copy of NMCCAW's Response to the Industry Committee's Motion for Continuance in the above-captioned case to be delivered electronically and via U.S. mail to the following:

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