

**MONTGOMERY  
& ANDREWS**

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June 23, 2009

Mark E. Fesmire, Director  
NM Oil Conservation Division  
1220 S. St. Francis Drive  
Santa Fe, NM 87505

*Via Facsimile*

Re: **NMOCD Case No. 14323; Application of Chesapeake Energy Corporation for  
Cancellation of a Permit To Drill ("APD's") issued to COG Operating LLC,  
Eddy County, New Mexico**

Dear Mr. Fesmire:

I acknowledge Mr. Kellahin's letter today requesting a continuance of this case. We do not object. However, I am unavailable on July 9, 2009. A further continuance will be appropriate in any event as the advertisement in the Docket Notice continues to reflect conflicting descriptions.

Previously, the Division advised this matter would be set for special examiner hearing on a date to be determined. We had also requested a pre-hearing conference (copy enclosed). A pre-hearing conference is warranted in this matter and we respectfully reiterate our request. The acceptability, or not, of Mr. Kellahin's proposed stipulation will have no bearing on our need to have the witnesses to whom he refers available for examination at a hearing. I ask that the hearing on Chesapeake's Application be further continued until a pre-hearing conference is convened, the special hearing date is established, and the examiner is able to consider other pre-hearing matters.

Very truly yours,

J. Scott Hall

JSH:kw

cc: W. Thomas Kellahin, Esq. via fax  
Ms. Jan Spradlin

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Aug 20<sup>th</sup>