



New Mexico Energy, Minerals and Natural Resources Department

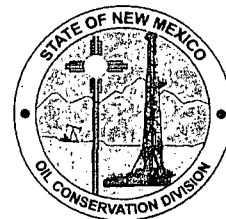
Bill Richardson
Governor

Joanna Prukop
Cabinet Secretary
James Noel
Deputy Cabinet Secretary

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2009 SEP 11 P 1:34

Mark Fesmire
Division Director
Oil Conservation Division



September 11, 2009

Richard Ezeanyim, Hearing Examiner
EMNRD-OCD
1220 S. St. Francis Drive,
Santa Fe, NM 87505

Hand-delivered

Re: Case 14321, Kevin O. Butler & Assoc., Inc. [OGRID 12627]. – Inactive Wells & Financial Assurance Noncompliance

Dear Mr. Ezeanyim:

The above-referenced matter is currently scheduled to be heard on September 17, 2009 at 8:15 a.m. The parties are currently engaged in discussions and are considering the possibility that a resolution can be reached without the need for a full hearing. The OCD therefore requests that the matter be continued to **November 12, 2009** to allow the parties additional time to address the issues raised by the Application and attempt to come to a resolution. Kevin O. Butler & Associates, Inc. joins in this request.

Sincerely,

Mikal Altomare
Assistant General Counsel

CC:

Via Email:

Kevin O. Butler
Kevin O. Butler & Assoc., Inc.
KEVNBUTLR@aol.com

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In-House EC:

Daniel Sanchez, Compliance and Enforcement Manager

Buddy Hill, Supervisor, Hobbs District Office

Gail MacQuesten, Assistant General Counsel