

APPEAL OF ORDER ASSESSING A CIVIL PENALTY

Comes now the Respondant, Tiffany Gas Company by and through its attorney, Joel B. Burr, Jr., and appeals the order of the Division assessing a civil penalty against Respondant, and in support of said Appeal states:

Findings of Division

- (1) Respondant admits Division's findings Nos. One (1), Two (2), three (3), four (4), five (5), eight (8), nine (9), and ten (10).
- (2) Respondant denies the Division's Finding No. 6 and No. 7.

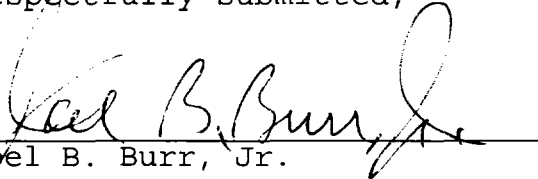
Conclusions

- (1) Respondant admits the Division's Conclusion No. 1 and No. 2, but denies Conclusion No. 3.

Wherefore, Respondant prays that the Division reconsider its Order in this Matter, giving due consideration and weight to the sworn Affidavit of Jim Hicks attached hereto and made a part hereof for all purposes, and that after due consideration of said evidence that said Order be withdrawn.

In the alternative, Respondant requests that this Matter be set for hearing pursuant to OCD Rule 1203(19 NMAC 15.N.1203).

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Joel B. Burr, Jr.", is written over a horizontal line.

Joel B. Burr, Jr.
P.O. Box 50
Farmington, New Mexico 87499

Attorney for Tiffany Gas Company, L.L.C.