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 SANTA FE NM  
 87504

**BC&D Operating, Inc.**  
 c/o Scott Hall  
 Miller, Stravert & Torgeson  
 P. O. Box 1386  
 Santa Fe, NM 87504-1986

**PS Form 3811, August 2001**

7000 1670 0008 7524 7141

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1. Article Addressed to:  
 BC&D Operating, Inc.  
 c/o Scott Hall  
 Miller, Stravert & Torgeson  
 P. O. Box 1386  
 Santa Fe, NM 87504-1986

2. Article Number  
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 X *[Signature]*  
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**PS Form 3811, August 2001**

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Domestic Return Receipt

PS Form 3811, August 2001



# NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

GARY E. JOHNSON

Governor

Betty Rivera  
Cabinet Secretary

Lori Wrotenbery

Director

Oil Conservation Division

October 22, 2002

BC&D Operating, Inc.  
c/o Mr. J. Scott Hall, Attorney at Law  
Miller, Stratvert & Torgeson, P.A.  
P.O.Box 1986  
Santa Fe, NM 87504-1986

## **CERTIFIED MAIL**

Re: Case No. 12966

**Application of the New Mexico Oil Conservation Division, through the Supervisor of District III, for an Order Assessing Civil Penalties against BC&D Operating Incorporated for Failure to Give Timely Notice of a Release and Failure to Take Corrective Action as Required by OCD Rule 116, McKinley County, New Mexico.**

Dear Mr. Hall:

You and your client are hereby notified that the New Mexico Oil Conservation Division has filed the referenced Application, a copy of which is enclosed herewith, seeking an order assessing civil penalties against BC&D Operating, Inc. for failure to give timely notice of a release and failure to take corrective action as required by OCD Rule 116 in connection with a release of hydrocarbons at the Hospah Sand Unit in McKinley County, New Mexico that occurred on or about October 26, 2001.

A hearing on this Application will take place before a Division hearing officer on Thursday, November 14, 2002, at 8:15 a.m., in the Division Hearing Room, First Floor, 1220 South St. Francis Drive in Santa Fe, New Mexico. At that hearing you will have an opportunity to show cause, if any there be, why an order should not be entered as requested in the Application.

Should you have questions, you may contact the undersigned in the Santa Fe office of the Oil Conservation Division, at (505)-476-3450.

Very truly yours,

  
David K. Brooks  
Assistant General Counsel

ec: Mr. Frank Chavez