

STATE OF NEW MEXICO

ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT

OIL CONSERVATION DIVISION



BRUCE KING  
GOVERNOR

May 23, 1991

POST OFFICE BOX 2088  
STATE LAND OFFICE BUILDING  
SANTA FE, NEW MEXICO 87504  
(505) 827-5800

John A. Dean, Jr.  
P. O. Box 1259  
Farmington, New Mexico 87499

and

Gary L. Horner  
P. O. Box 2497  
Farmington, New Mexico 87499

Re: Sunco Trucking and Disposal Company  
Surface Disposal Application  
Case 9955 De Novo

Gentlemen:

Upon application of Harold Horner filed in response to the Division Order issuing the surface disposal permit to Sunco Trucking, the De Novo hearing in the above case has been docketed for Commission Hearing on June 12, 1991. As I am sure you will remember, the examiner hearing took over three days to present the evidence. The Commission will not permit the case to go on in the same manner. The Commission will use the framework of the Division order for the basis in evaluating the testimony and record in the case and that should be the basis for your presentation.

In order to exercise some control over the process, I am requesting that counsel for each party submit to the Division not later than May 31, 1991, a pre-hearing statement setting forth the nature of evidence the party intends to present, and identification of the witnesses the party intends to call and a list of the exhibits which the party proposes to submit in support of its position. The Commission does approve of incorporating all or portions of the record from examiner hearings into its record in order to take advantage of that of which has already been done and build upon it.

After reviewing the pre-hearing statements, I may determine that it is necessary and appropriate to hold a pre-hearing conference prior to the actual Commission hearing. You should plan on being available for such a conference sometime between the 5th and 7th of June. With your pre-hearing statement you may advise me which day is preferred, and if you can agree upon a date and time please let me know and I will make that time available. The afternoon

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April 2, 1991

Mr. John Dean  
Attorney at Law  
P. O. Drawer 1259  
Farmington, Texas 87499

RE: CASE NO. 9955  
ORDER NO. R-9485

Dear Sir:

Enclosed herewith are two copies of the above-referenced Division order recently entered in the subject case.

Sincerely,

*Florene Davidson*

Florene Davidson  
OC Staff Specialist

FD/sl

cc: BLM Farmington Office  
Gary Horner