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**STATE OF NEW MEXICO
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
OIL CONSERVATION COMMISSION**

**IN THE MATTER OF THE HEARING CALLED
BY THE OIL CONSERVATION COMMISSION FOR
THE PURPOSE OF CONSIDERING:**

**NOMENCLATURE
CASE NO. 12888**

**APPLICATION OF THE FRUITLAND COALBED METHANE STUDY
COMMITTEE TO AMEND RULES 4 AND 7 OF THE SPECIAL RULES AND
REGULATIONS FOR THE BASIN-FRUITLAND COAL (GAS) POOL AND FOR
THE TERMINATION OF THE CEDAR HILL-FRUITLAND BASAL COAL
POOL AND THE CONCOMITANT EXPANSION OF THE BASIN-FRUITLAND
COAL (GAS) POOL, RIO ARRIBA, SAN JUAN, MCKINLEY, AND SANDOVAL
COUNTIES, NEW MEXICO.**

ORDER NO. R-8768-D

PRE-HEARING ORDER

BY THE CHAIR OF THE OIL CONSERVATION COMMISSION:

THIS MATTER, having come before the Chair of the New Mexico Oil Conservation Commission (hereinafter referred to as "the Commission") in connection with the management of the hearing of this matter, it having become apparent that a Pre-hearing Order is necessary in this matter to ensure that the limited hearing time is used effectively and efficiently by the parties hereto, and the Chair, being fully advised in the premises, now on this 9th day of May, 2003,

FINDS that the Commission has jurisdiction of the parties and the subject matter herein and that entry of a Pre-hearing Order in this matter is in the best interests of administrative economy and will assist in rendering a complete, coherent and fair hearing of this matter.

IT IS THEREFORE ORDERED, AS FOLLOWS:

1. **Parties.** Parties to this matter include the three applicants for hearing *de novo*, BP America Production Company, Burlington Resources Oil & Gas Company and San Juan Coal Company, and several interested parties including Devon Energy Corporation, L.P., Williams Production Company, Koch Exploration Company, LLC, Chevron U.S.A. Inc., ConocoPhillips Company, Dugan Production Corporation, and the United States Bureau of Land Management.

2. Counsel of Record.

a. W. Thomas Kellahin and William F. Carr represent BP America Production Company, Burlington Resources Oil & Gas Company, Devon Energy Corporation, L.P., Williams Production Company, Koch Exploration Company, LLC and Chevron U.S.A. Inc.

b. Edmund H. Kendrick represents Dugan Production Corporation.

c. James Bruce, Larry P. Ausherman and Charles E. Roybal represent San Juan Coal Company.

d. J. Scott Hall represents ConocoPhillips.

3. Dates of Hearing. The hearing will commence at 1 p.m. on Tuesday, June 3, 2003 and continue through Friday, June 6. The hearing may continue into the evenings of June 3, 4, 5 and 6 if necessary.

4. Place of Hearing. Porter Hearing Room, 1220 S. St. Francis Drive, Santa Fe, New Mexico.

5. Final Witness Lists. A final witness list must be submitted no later than May 20, 2003. The witness list must be accompanied by a summary of each witnesses' expected testimony. Any motions related to the witness lists submitted by the parties must be filed no later than May 27, 2003.

6. Evidentiary Issues. No evidentiary issues have been identified by the parties to date, and no motions in limine have been received.

7. Deadline for Filing Other Motions. Any motion (except for motions directed at parties' witnesses) shall be filed no later than May 20, 2003.

8. Exhibits. Each party shall submit five copies of exhibits it proposes be admitted during the hearing of this matter to the Commission Secretary no later than May 28, 2003. One copy of each exhibit admitted during the hearing of this matter shall be provided to the Court Reporter during the hearing. If you wish, the set used by witnesses at the witness table may become the Court Reporter's set.

9. Pre-hearing Stipulations. Pre-hearing stipulations of the parties, if any, shall be filed no later than May 28, 2003.

10. Final Pre-hearing Conference. If necessary, an informal final pre-hearing conference may be conducted on May 28, 2003 at 1:30 p.m. by Commission Counsel to resolve any last minute issues. Parties may participate in the final pre-hearing conference (if conducted) telephonically.

11. Order of Presentations and Evidence.

a. Tuesday, June 3. The hearing will open with brief (no more than fifteen minutes) opening statements and any preliminary matters. The hearing will move to the taking of evidence from persons supporting the application and will continue into the evening if necessary.

b. Wednesday, June 4. The taking of evidence from persons supporting the application will continue, with the possibility that the hearing will continue into the evening.

c. Thursday, June 5. The hearing will continue with the taking of evidence of persons opposing the application with the possibility that the hearing will continue into the evening.

d. Friday, June 6. The hearing will continue with the taking of evidence of persons opposing the application until noon. The hearing will continue in the afternoon with the presentation of any required rebuttal evidence. After the taking of rebuttal evidence, a public comment period will commence. The hearing will conclude on Friday, June 6, after 5 p.m. if necessary.

12. Closing Statements, Proposed Findings of Fact and Conclusions of Law. Closing statements and proposed findings of fact and conclusions of law may be submitted by the parties in writing no later than ten (10) days following the conclusion of the hearing.

13. Pending Motion for Stay of San Juan Coal Company. The Motion for Stay filed by San Juan Coal Company is denied.

DONE at Santa Fe, New Mexico, on the day and year hereinabove designated.

SEAL



STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

Lori Wrotenbery
LORI WROTENBERY, CHAIR

