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STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION
SANTA FE, NEW MEXICO

November 10, 2022

9:00 A.M.

RE: De Novo Case No. 21744
Case No. 22018
Case No. 22019

Reported by: Dana Fulton
JOB No.: 5547098

1 R E C O R D I N G

2 MS. SANDOVAL: All right. Good morning,
3 everybody. It is November 10, 2022 at 9:00 and this
4 is a regularly scheduled meeting Oil Conversation
5 Commission. I'm Adrienne Sandoval, Chair of the Oil
6 Conservation Commission and drafter of the Oil
7 Conservation Commission -- and Director of the Oil
8 Conservation Division.

9 Will the other two commissioners please
10 introduce yourselves for the record?

11 MR. BLOOM: Yes. Good morning, Madam Chair.
12 I'm Greg Bloom. I am the designee of the Commissioner
13 of Public Lands.

14 DR. AMPOMAH: Good morning, Madam Chair, I am
15 Dr. William Ampomah, Professor at New Mexico Tech and
16 also designee of the (inaudible). Thank you.

17 MS. SANDOVAL: Also with us is Florene
18 Davidson, Clerk to the Commission and Chris Moander,
19 Counsel of the Commission. All right. First item of
20 today is to approve the agenda. We'll note that there
21 have been some additional continuances.

22 So agenda item number five was continued and
23 I actually think that there is a small typo here. It
24 says February 12th, but item number five the De Novo
25 Case Number 21744 was actually continued to February

1 9, 2023. So I just want to note that update as well
2 as agenda items number six and seven, Case Number
3 22018 and 22019 were also continued until February 9,
4 2023 because they go kind of in tandem with case
5 number five on the docket.

6 Mr. Moander, is there anything additional on
7 here that changed that I missed?

8 MR. MOANDER: No, Madam Chair, that covers
9 everything. I did note, and I didn't catch this,
10 there's not a pending litigation section on here today
11 but I will just discuss that on other business because
12 there's no need for a vote or anything like that from
13 the commission.

14 MS. SANDOVAL: Okay. Perfect. All right.
15 Is there a motion to adopt the agenda as I discussed
16 with the updates?

17 MR. BLOOM: Madam Chair, I so move.

18 DR. AMPOMAH: Madam Chair, I second.

19 MS. SANDOVAL: Mr. Moander, would you do a
20 roll call, please?

21 MR. MOANDER: Happily, Madam Chair.
22 Commissioner Ampomah.

23 DR. AMPOMAH: Approved.

24 MR. MOANDER: Commissioner Bloom.

25 MR. BLOOM: Approved.

1 MR. MOANDER: Madam Chair.

2 MS. SANDOVAL: Approved.

3 MR. MOANDER: The motion carries.

4 MS. SANDOVAL: All right. Next is approval
5 of the October 13, 2022 meeting minutes. Is there a
6 motion to approve the minutes?

7 MR. BLOOM: Madam Chair, I move to approve
8 the minutes.

9 DR. AMPOMAH: Madam Chair, I do second.

10 MS. SANDOVAL: Would you do a roll call vote,
11 please, Mr. Moander?

12 MR. MOANDER: Happily, Madam Chair.
13 Commissioner Ampomah.

14 DR. AMPOMAH: Approved.

15 MR. MOANDER: Commissioner Bloom.

16 MR. BLOOM: Approved.

17 MR. MOANDER: Madam Chair.

18 MS. SANDOVAL: Approved.

19 MR. MOANDER: The motion carries.

20 MS. SANDOVAL: All right. Next item is
21 discussing a change of the December Commission hearing
22 date. Right now it is scheduled on December 8th and I
23 will be on vacation. So looking at making change to
24 that, Commissioners, I guess kind of what are some of
25 the options that would work for you guys? I could do

1 the first or the second of December or probably the,
2 like 15th or 16th -- 14th, 15th, 16th. Would any of
3 those times work for everybody else?

4 MR. BLOOM: Madam Chair, I can do December
5 1st and December 15th and not much else. I'm pretty,
6 because you know how it gets at the end of the year
7 with everybody trying to pile on one last meeting, so
8 --

9 MS. SANDOVAL: Yes. How about you, Dr.
10 Ampomah?

11 DR. AMPOMAH: Yeah, so I can do December
12 14th. There is a DOE long meeting on December 1st.

13 MS. SANDOVAL: I think, did you say the 14th
14 and, Commissioner Bloom, did you say the 15th?

15 MR. BLOOM: Yes, I can do the 15th but not
16 the 14th.

17 DR. AMPOMAH: Yeah, I presume probably it's
18 going to be a short meeting. If so, then let's do
19 December 1st.

20 MS. SANDOVAL: Ms. Davidson, do you know what
21 we have on the docket for the December meeting right
22 now? Ms. Davidson, I don't know if you're trying to
23 talk but on mute maybe? I just unmuted you --

24 MS. DAVIDSON: I'm sorry.

25 MS. SANDOVAL: -- if you're there.

1 MS. DAVIDSON: I'm sorry, I was trying to
2 find my list here for --

3 MS. SANDOVAL: Oh, no problem.

4 MS. DAVIDSON: Okay. December?

5 MS. SANDOVAL: Yep.

6 MS. DAVIDSON: We have a de novo application
7 for Devin Energy which covers for Examiner compulsory
8 pooling cases (ph) but that's the only case.

9 MS. SANDOVAL: Okay.

10 MS. DAVIDSON: That will be a long one.

11 MS. SANDOVAL: So, Dr. Ampomah, that could --
12 if that goes, that would not be short.

13 DR. AMPOMAH: Yeah, I am going to be in
14 Chicago for conference from the 12th to 16th, but I do
15 have a presentation on the 12th and then also on the
16 15th.

17 MR. MOANDER: So, Madam Chair, it's sounding
18 like you're probably going to be, regardless of what
19 date gets selected, we're going to be one commissioner
20 short.

21 MS. SANDOVAL: One question. Oh, sorry. Go
22 ahead.

23 MR. MOANDER: Oh, no, that's if -- and the
24 only thing I always have to caution is when you don't
25 have an odd number of commissioners, this doesn't tend

1 to be an issue with this group, but that would mean,
2 as a reminder, if a vote is tied then the motion fails
3 if we're just down to two commissioners. So but I
4 don't think that's -- given the history or my history
5 with this body, I don't suspect that will be a
6 problem.

7 MS. SANDOVAL: Okay.

8 DR. AMPOMAH: You know, why not we table it
9 for December 1st? I can have someone attend the DOE
10 meeting so I don't need to -- if it favors the
11 commission.

12 MS. SANDOVAL: Okay. We could do December
13 1st and then if the -- I mean, there's always a chance
14 that the case is continued. That is not uncommon, as
15 we learned.

16 MR. MOANDER: Madam Chair, what I could also
17 do to help out is I'll confer with Ms. Davidson and I
18 can start working on determining the status of the
19 case by like next week and I'll be able to at least
20 apprise the commission. So if it was set on the 1st
21 and the case will not need a full hearing on the 1st,
22 then I think that would increase the likelihood Dr.
23 Ampomah could pop in and that would give you a full
24 body.

25 MS. SANDOVAL: Okay. All right. Then let's

1 go ahead and schedule it on the 1st. Do we need to do
2 a motion for that?

3 MR. MOANDER: No, I mean, this is basic
4 scheduling. I think we're okay on this. Now, the
5 only -- actually, you know what? Because the
6 Commission does post its regularly scheduled meetings
7 for the entire year at the beginning of the year, I'm
8 going to recommend that we do a vote on this and then,
9 Ms. Davidson, you and I should probably update that
10 document that's on the OCC website.

11 MS. SANDOVAL: Okay.

12 MS. DAVIDSON: Okay.

13 MS. SANDOVAL: Well then I guess is there a
14 motion to move the regularly scheduled OCC meeting
15 that was originally on December 8th to December 1st at
16 9:00 a.m.?

17 MR. BLOOM: Madam Chair, I so move.

18 DR. AMPOMAH: Madam Chair, I second.

19 MS. SANDOVAL: Mr. Moander, would you please
20 do a roll call vote?

21 MR. MOANDER: Happily, Madam Chair.
22 Commissioner Ampomah.

23 DR. AMPOMAH: Approved.

24 MR. MOANDER: Commissioner Bloom.

25 MR. BLOOM: Approved.

1 MR. MOANDER: Madam Chair.

2 MS. SANDOVAL: Approved.

3 MR. MOANDER: The motion carries.

4 MS. SANDOVAL: All right. As I mentioned
5 earlier, agenda items number five, six, and seven were
6 continued to February 9th. In the other business
7 section, Mr. Moander, would you like to give a pending
8 litigation update?

9 MR. MOANDER: I would, Madam Chair. There's
10 nothing new to report. We're still awaiting something
11 from the three judge panel to which the case was
12 referred. By my recollection, we're now in month 13
13 of this because I believe the appeal at the Court of
14 Appeals level landed in late October of '21. So I'm
15 really hoping they'll churn out something on this by
16 the end of the year.

17 And then the Court has yet to schedule
18 anything in the Ragsdale (ph) matter. I will probably
19 send out a request for hearing here shortly to see if
20 we can get that moving in the right direction, but
21 other than that, Madam Chair, I don't have anything
22 else to report.

23 MS. SANDOVAL: Okay. Is there any other
24 business before the Commission today? All right.
25 Then our next meeting, as we just discussed, is going

1 to be in three weeks on December 1st. And with that,
2 I hope everybody has a great Thanksgiving and we will
3 meet after. Thanks, everyone.

4 MR. BLOOM: You, too, Madam Chair. Thank
5 you.

6 MS. SANDOVAL: Bye.

7 MR. MOANDER: Have a good one, everybody.
8 Bye.

9 (Recording ends.)

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CERTIFICATE OF NOTARY PUBLIC

I, Dana Fulton, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



Dana Fulton
Notary Public in and for the
State of New Mexico

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I, REBECCA MURRAY, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

<%18266,Signature%>

REBECCA MURRAY

[10 - dana]

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[date - moander]

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[moander - status]

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[suspect - yep]

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