

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

APPLICATION OF THE NEW MEXICO OIL AND GAS
ASSOCIATION FOR AMENDMENT OF CERTAIN PROVISIONS
OF TITLE 19, CHAPTER 15 OF THE NEW MEXICO
ADMINISTRATIVE CODE CONCERNING PITS, CLOSED-LOOP
SYSTEMS, BELOW GRADE TANKS AND SUMPS, AND OTHER
ALTERNATIVE METHODS RELATED TO THE FOREGOING
MATTERS, STATEWIDE.

CASE NO. 14784

and

APPLICATION OF THE INDEPENDENT PETROLEUM
ASSOCIATION OF NEW MEXICO FOR THE AMENDMENT
OF CERTAIN PROVISIONS OF TITLE 19, CHAPTER 15
OF THE NEW MEXICO ADMINISTRATIVE CODE
CONCERNING PITS, CLOSED-LOOP SYSTEMS, BELOW
GRADE TANKS AND SUMPS, AND AMENDING OTHER
SPECIAL RULES RELATED TO THE FOREGOING MATTERS,
STATEWIDE.

CASE NO. 14785
Order No. R-13506-A

ORDER OF THE COMMISSION

This scheduling matter comes before the Oil Conservation Commission (“Commission”) *sua sponte*.

FINDINGS

1. On January 19, 2012, the Commission entered Order No. R-13506 which, among other things, set April 16-20, 2012, as the dates for hearing the above referenced Applications.
2. On February 14, 2012, the First Judicial District Court of the State of New Mexico, in Case No. D-101-CV-2012-00106, entered a Writ of Prohibition in which the Court, among other things, ordered the Commission to “[i]mmediately cease all proceedings related to amendment of the New Mexico Administrative Code Title 19, Chapter 15, Part 17 until all appeals of said Title, Chapter and Part of the New Mexico Administrative Code have been resolved.”
3. Pursuant to the Writ of Prohibition, the Commission did not give public notice of the April 16-20, 2012 hearing.

4. On March 30, 2012, after a hearing on the matter, the Court entered an Order Quashing Writ of Prohibition and Dismissing Case, in which the Court, among other things, quashed the Writ of Prohibition, finding that "a court may not intervene in administrative rule-making proceedings before the adoption of a final rule or regulation" and that "the original writ issued in this matter was improvidently granted."

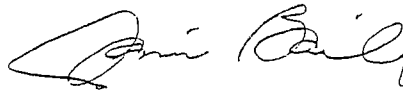
NOW THEREFORE it is ORDERED that

A. The hearing on the Applications currently set for April 16-20, 2012, is continued until **May 14-18, 2012**. Notice of these dates, as well as the time and place, will be appropriately published.

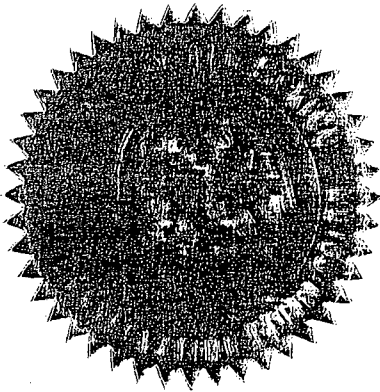
B. The portions of Order No. R-13506 regarding the severance, scheduling, notice and hearing of the Rule 39 amendments proposed by the Independent Petroleum Association of New Mexico remain unchanged and are not affected by this Order.

DONE in Santa Fe, New Mexico, this 16th day of April, 2012.

STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION



JAMI BAILEY, Chair



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