

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

**APPLICATION OF LIGHTNING DOCK
GEOTHERMAL HI-01, LLC FOR APPROVAL
TO INJECT INTO A GEOTHERMAL AQUIFER
THROUGH THREE PROPOSED GEOTHERMAL
INJECTION WELLS AT THE SITE OF THE
PROPOSED LIGHTNING DOCK GEOTHERMAL
POWER PROJECT, HIDALGO COUNTY, NEW
MEXICO**

CASE NO. 15357

**APPLICATION OF LIGHTNING DOCK
GEOTHERMAL HI-01, LLC TO PLACE WELL
NO. 63A-7 ON INJECTION-GEOTHERMAL
RESOURCES AREA, HIDALGO COUNTY, NEW
MEXICO**

**CASE NO. 15365
Order No. R-14021-B**

PROCEDURAL ORDER

The Oil Conservation Commission ("Commission") issues the following order to govern the proceedings in consolidated Cases 15357 and 15365.

HEARING:

The hearing in this matter will be held September 10, 2015, at Porter Hall in the Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, NM 87505. The Commission will commence its regular public meeting at 9 am and the hearing will commence shortly thereafter.

RULES OF PROCEDURE

This proceeding is governed by the Geothermal Resources Conservation Act, NMSA 1978, Sections 71-5-1 et seq. ("Act"), and the rules promulgated under that Act, 19.14 NMAC ("Rules"). This Order is intended to supplement the Act and the Rules. The Commission may also rely on the rule for adjudicatory proceedings under the Oil and Gas Act, 19.15.4 NMAC, as guidance. The Rules of Civil Procedure do not apply to this proceeding.

FILING AND SERVICE OF DOCUMENTS

As provided in 19.14.117 NMAC, any pleading, motion or correspondence filed with the Commission must be served on ALL PARTIES. The filing of a document with the Commission shall be accomplished by delivering the document to the Commission Clerk, Florene Davidson, at 1220 South St. Francis Drive, Santa Fe NM 87505, Florene.davidson@state.nm.us. A copy of the document shall be sent to the Commission Attorney at bill.brancard@state.nm.us.

The initial parties to this proceeding are: (1) AmeriCulture, Inc., (2) Lightning Dock Geothermal HI-01, LLC and (3) Oil Conservation Division of the Energy, Minerals and Natural Resources Department. The Commission will maintain a Service List. Attached is the initial Service List, which is based on the application and entries of appearance. The parties shall file with the Commission Clerk and serve on the other parties any entries of appearance or other changes to the Service List.

Parties, other than individuals who may appear pro se, may only appear and participate in hearings through an attorney or through a duly authorized officer or member. A pre-hearing statement filed by an entity not represented by an attorney shall identify the person who will conduct the party's presentation at the hearing and include a sworn and notarized statement attesting that the entity's governing body or chief executive officer authorizes the person to represent the entity in the matter.

In addition to the options for service by hand delivery or mail in 19.14.117 NMAC, the parties may serve other parties by transmission by electronic mail or facsimile if the address for such transmission is provided in the Service List.

DEADLINES FOR CERTAIN SUBMITTALS:

1. Revised Application for Hearing.

Order R-14021 required the applicant for the hearing, AmeriCulture, Inc., to file a revised application for hearing that meets the requirements of 19.14.112.8(A) NMAC at least ten days prior to the date of the hearing. Since the hearing was continued in Order R-14021-A, AmeriCulture, Inc. must submit the revised application by August 27, 2015, or the case will be dismissed as provided in 19.14.112.8(C) NMAC.

2. Pre-hearing statements

A party who intends to present evidence at the hearing shall file with the Commission a pre-hearing statement, and serve copies on all other parties, by no later than September 3, 2015 at 4:00 p.m. mountain daylight time. The statement shall include:

- (a) the names of the party and the party's attorney;
- (b) a concise statement of the case;
- (c) the names of witnesses the party will call to testify at the hearing, and in the case of expert witnesses, their fields of expertise;
- (d) the approximate time the party will need to present its case;
- (e) copies of exhibits that the party proposes to offer in evidence at

the hearing and

(f) identification of any procedural matters that are to be resolved prior to the hearing.

The Commission may exclude witnesses the party did not identify in the pre-hearing statement, or exhibits the party did not file and serve with the pre-hearing statement, unless the party offers such evidence solely for rebuttal or makes a satisfactory showing of good cause for failure to disclose the witness or exhibit.

CONDUCT OF HEARING.

The Commission shall arrange for the hearing to be transcribed and for the transcript to be preserved.

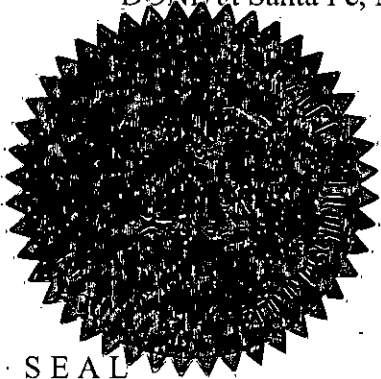
A person testifying shall do so under oath and shall be subject to cross-examination by other parties and by the Commissioners on the subject matter of their direct testimony. The Commission may limit cross-examination to avoid harassment, intimidation, needless expenditure of time or undue repetition.

Participation in the hearing shall be limited to parties, however, the Commission shall have the discretion to allow other persons present at the hearing to make a relevant statement, but not to present evidence or cross-examine witnesses.

DELIBERATION AND DECISION:

The Commission will be present for the hearing and may take action on the matter after the close of the hearing. The Commission may, pursuant to NMSA 1978, Section 10-15-1-H, close the meeting to deliberate on this adjudicatory matter. Any action will be taken in open session. The Commission's decision will be issued in a written Order. The Commission reserves the right to continue the hearing if necessary, or to request post-hearing written submittals from the parties.

DONE at Santa Fe, New Mexico on this 5th day of August, 2015.



STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

David R. Catanach

DAVID R. CATANACH, Chair

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SERVICE LIST

Charles N. Lakins, Esq.
P.O. Box 91357
Albuquerque, NM 87109
Fax: (877) 604-8340
Attorney for AmeriCulture, Inc.

David Janney
Geo-Science Solutions, LLC
PO Box 3100
Corrales, NM 87048
Email: dwjanney160@gmail.com
Agent for Lightning Dock Geothermal HI-01, LLC

Allison Marks, Esq.
1220 South St. Francis Drive
Santa Fe NM 87505
Email: AllisonR.marks@state.nm.us
Attorney for Oil Conservation Division