

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

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS
LITIGATION UPDATE FOR THE COMMISSION

May 19, 2016

Santa Fe, New Mexico

BEFORE: DAVID R. CATANACH, CHAIRPERSON
PATRICK PADILLA, COMMISSIONER
DR. ROBERT S. BALCH, COMMISSONER
BILL BRANCARD, ESQ.

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This matter came on for hearing before the
New Mexico Oil Conservation Division on Thursday, May
19, 2016, at the New Mexico Energy, Minerals and Natural
Resources Department, Wendell Chino Building, 1220 South
St. Francis Drive, Porter Hall, Room 102, Santa Fe,
New Mexico.

REPORTED BY: Mary C. Hankins, CCR, RPR
New Mexico CCR #20
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1 (12:59 p.m.)

2 MR. BRANCARD: I can just update the
3 Commission a little bit about litigation. And as you're
4 aware, the Pit Rule case is now over and done with. The
5 Court of Appeals issued an opinion in our -- supporting
6 your decision, and then the Supreme Court refused to
7 hear the case in very quick order.

8 CHAIRPERSON CATANACH: So that's done.

9 MR. BRANCARD: It's done.

10 We're still waiting to hear from the Court
11 of Appeals about the other two appeals of the 2008 and
12 2009 rule, which they had indicated to the parties that
13 they had an order to show cause why they shouldn't just
14 throw them out, but they haven't acted on it yet.

15 COMMISSIONER BALCH: So in all likelihood,
16 those are going to be dismissed?

17 MR. BRANCARD: Yeah.

18 And then we have the appeal on the
19 Commission's order on the geothermal case. We filed a
20 motion to dismiss that case, and that's been fully
21 briefed. And the Court put us on the rocket docket. We
22 have a hearing in October on the motion to dismiss.

23 CHAIRPERSON CATANACH: Oh, for the motion
24 to dismiss.

25 MR. BRANCARD: Yeah. So nothing on that

1 for a while.

2 COMMISSIONER BALCH: That's the fast one?

3 MR. BRANCARD: That's the fast one.

4 CHAIRPERSON CATANACH: Okay.

5 MR. HALL: Is that the lightning docket?

6 MR. BRANCARD: Yes.

7 CHAIRPERSON CATANACH: Lightning fast.

8 Okay. Any other business?

9 With that, we will adjourn this meeting.

10 MR. HALL: Thanks.

11 (The proceedings conclude, 1:00 p.m.)

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1 STATE OF NEW MEXICO
2 COUNTY OF BERNALILLO

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4 CERTIFICATE OF COURT REPORTER

5 I, MARY C. HANKINS, Certified Court
6 Reporter, New Mexico Certified Court Reporter No. 20,
7 and Registered Professional Reporter, do hereby certify
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9 stenographic shorthand and that the foregoing pages are
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11 were reduced to printed form by me to the best of my
12 ability.

13 I FURTHER CERTIFY that the Reporter's
14 Record of the proceedings truly and accurately reflects
15 the exhibits, if any, offered by the respective parties.

16 I FURTHER CERTIFY that I am neither
17 employed by nor related to any of the parties or
18 attorneys in this case and that I have no interest in
19 the final disposition of this case.

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MARY C. HANKINS, CCR, RPR
Certified Court Reporter
New Mexico CCR No. 20

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