

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

CONTINUED AND DISMISSED CASES

REPORTER'S TRANSCRIPT OF PROCEEDINGS

BEFORE: RICHARD EZEANYIM, Hearing Examiner

March 2nd, 2006

Santa Fe, New Mexico

2006 MAR 16 AM 11 28

These matters were dismissed or continued to future hearing dates by RICHARD EZEANYIM, Hearing Examiner, New Mexico Oil Conservation Division, on Thursday, March 2nd, 2006, at the New Mexico Energy, Minerals and Natural Resources Department, 1220 South Saint Francis Drive, Room 102, Santa Fe, New Mexico, Steven T. Brenner, Certified Court Reporter No. 7 for the State of New Mexico.

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I N D E X

March 2nd, 2006  
Continued and Dismissed Cases

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\* \* \*

1           WHEREUPON, the following proceedings were had at  
2   8:15 a.m.:

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4  
5           EXAMINER EZEANYIM: All right, this hearing will  
6 come to order.

7           My name is Richard Ezeanyim. And sitting by my  
8 left is Cheryl O'Connor, who is the Assistant General  
9 Counsel for OCD. As you all know, I'm very happy she's  
10 sitting by me, because I'm not a lawyer, so I don't  
11 understand your legal terms.

12           First of all today, I have some announcements I  
13 want to make, and I want these announcements to be in the  
14 record.

15           I've noticed over some of the times we've been  
16 here, what we have on these dockets, I've noticed that most  
17 applicants don't provide their prehearing statements. Even  
18 today, no prehearing statements. I have some cases like  
19 that. And I don't think it's good, you know.

20           So this is what we're going to do. I don't want  
21 to be harsh on everybody, but I think it's going to work  
22 for all of us.

23           All prehearing statements, according to Rule  
24 1211, should be filed by 5:00 p.m. on Thursday before the  
25 next scheduled hearing. 5:00 p.m. If you come by at 5:01,

1 it's late. And what do we do with late prehearing  
2 statements? Here, as you see on your docket, it says  
3 either to be continued or dismissed. Well, I'm now going  
4 to be drastic. This is what we're going to do.

5 If your prehearing statement is late, that case  
6 will be continued automatically. I mean, from today on, it  
7 will be continued.

8 If you don't file prehearing statements at all,  
9 the case will be dismissed without prejudice, which means  
10 you can go ahead and start all over.

11 So this is just to help us, you know, get a  
12 handle on this. I think it will help everyone in this  
13 case.

14 Now you might ask, if a case is contested or  
15 somebody's contesting that case -- also file a prehearing  
16 statement on that deadline. If the person fails to file a  
17 prehearing statement, well, the case may be continued or  
18 heard on the discretion of the Applicant. If the Applicant  
19 wants the case to go forward, if he has met all the  
20 requirements of this caption on our docket, filed his  
21 prehearing statement and is ready to go and says, Well --  
22 the Examiner, We're not going to continue this case, we're  
23 going to hear the case, yes, we are going to hear the case,  
24 even though the opposing party didn't submit any prehearing  
25 statement.

1           However, the opposing party may not -- may be  
2 barred from calling witnesses, unless the applicant has no  
3 opposition to that. If the applicant says, Oh, I don't  
4 care, he can call his witness, well, we allow that. But if  
5 he says, I don't know about this witness and therefore I'm  
6 not going to call that, then we -- it will be barred.

7           So for both the applicant and somebody who is  
8 also opposing the application have to file their prehearing  
9 statements on that deadline.

10           Let's try and meet -- This is a simple  
11 requirement. I think there is a reason why this rule is  
12 written here. If you submit your prehearing statement by  
13 5:01 on a Thursday -- I don't know what -- your case. Or  
14 if you don't submit it, what are you thinking? If you  
15 don't submit a prehearing statement and you tell -- you fly  
16 over from New York to come and hear a case that you're not  
17 interested in, I don't care whether the rig is moving out,  
18 we -- that case will be dismissed without prejudice, which  
19 means you go and start all over, do, you know, notice  
20 requirements and go through all the formalities again.

21           I think that's fair.

22           So if you have a docket and you think you are  
23 going to hear the case, give us a prehearing statement.

24           However, I have a lot of cases here that says --  
25 they gave me the prehearing statement on time, and later

1 they reach an agreement, and then they said, Okay, dismiss  
2 case. One of them came in, the prehearing statement was  
3 ready to go, and now you say, Okay, I want the case  
4 continued or dismissed. You can do whatever you want,  
5 provided you have met the requirement of filing by 5:00  
6 p.m. on that Thursday. Then you can come in on Friday and  
7 say, Well, this case should be dismissed because we reached  
8 an agreement, or this case will be continued. Even today,  
9 you can say this case should be continued or dismissed,  
10 whatever you want.

11 But if you don't meet all the requirements that  
12 are stated in this caption here, whether you want the case  
13 to be heard, it will be continued or dismissed under those  
14 criteria.

15 Does anybody have any comments on this?

16 Because from today I'm going to hear any case  
17 that doesn't have any prehearing statement, which I have a  
18 couple of them here. I'm going to hear them, I don't care.  
19 I will do it today, but that is the end of it now. I've  
20 been saying this all over.

21 So for next time, don't think we will give you  
22 that privilege again. If you want to hear the case, it's a  
23 simple thing: Give us a prehearing statement on the  
24 deadline, and we know you are ready to come and then we get  
25 ready for you.

1 But if you decide that you want to continue or  
2 dismiss, that's fine, dismissed and continued, and that  
3 will be okay. But if you don't, it will be continued or  
4 dismissed according to what I just said.

5 Does anybody have any comments or questions or  
6 something we should take into consideration at this time?

7 (No response)

8 EXAMINER EZEANYIM: So everybody understood what  
9 I just said, and we're going to at least try to comply with  
10 that Rule.

11 Okay, if there's nothing further, then we'll  
12 continue with our processes.

13 This is Docket Number 08-06. Formally, we first  
14 of all, we read out all the continuances and dismissals.

15 On page 1, Case Number 13,633 is continued to  
16 March 16th.

17 On page 2, Case Number 13,650 is continued to  
18 March 30th.

19 On page 3, Case Number 13,651 is dismissed, Case  
20 Number 13,652 is dismissed, Case Number 13,653 is continued  
21 to March 16th.

22 Page 4, Case Number 13,354 [sic] is continued to  
23 March 30th, Case Number 13,655 is dismissed, Case Number  
24 13,656 is dismissed.

25 Page 6, Case Number 13,598 is continued to March

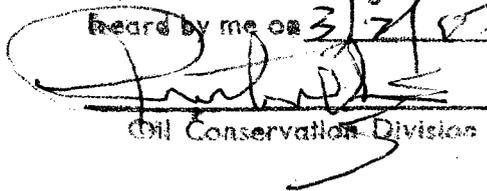
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16th.

At this point are there any continuances or  
dismissals that we should note, take note of?

(Thereupon, these proceedings were concluded at  
8:20 a.m.)

\* \* \*

I do hereby certify that the foregoing is  
a complete record of the proceedings in  
the Examiner hearing of Case No. \_\_\_\_\_,  
heard by me on 3/7/85 \_\_\_\_\_,  
 Examiner  
Oil Conservation Division

