

CASE 13187

APPLICATION FOR RULE
AMENDMENTS

1201: Rulemaking Proceedings

- B(1) Newspaper publication – Publication in a newspaper of general circulation in this state for rules of state-wide application
- B(2) Publication in appropriate docket; service of docket by e-mail
- B(3) Publication in NM Register (10 days)
- B(4) Posting to division website (20 days)
- C Rules of statewide application will normally be heard by OCC
- D Section not applicable to special pool rules

1202: Emergency Orders and Rules

In the event of an emergency, a hearing may be conducted...

- Less than 23 days after the application is filed, and
- With less than 20 days notice.

Source: 70-2-23

1204: Publication of Notice of Hearing

All hearings require:

- Notice posted on website
- Notice by mail or e-mail to those who request notice

OCC hearings also require:

- Newspaper publication

n.b. Division will not publish OCD adjudicatory hearings in the newspaper.

1205: Contents of Notice of Hearing

- Special pool rules, non-standard units, unorthodox location, allowables: Specify each pool or common source of supply.
- Compulsory pooling or unitization: Legal description of spacing unit or geographical area.
- Other: Reasonably identify subject matter.

1207: Notice Requirements

A(1) Compulsory Pooling and Statutory Unitization:

- (a) Notice to any owner of an interest in the mineral estate of any portion of the lands proposed to be pooled or unitized
- (b) Alternate procedure available if application is unopposed: no longer requires geological maps, geological & engineering assessments of risk, or proposed risk penalty.

1207: Notice Requirements

A(8)Surface commingling:

- Notice as prescribed in 19.15.5.303
NMAC

1207: Notice Requirements

B Applicant may provide notice by publication if unable to locate all interest owners after exercise of reasonable diligence:

- Requires copy of legal advertisement
- Newspaper of general circulation in county or counties
- Newspaper of general circulation in this state if application has statewide impact

1208: Pleadings: Copies and Pre-Hearing Statements

Pre-hearing statements:

- Required from parties to adjudicatory proceeding who intend to present evidence
- Must be served on opposing counsel
- Must be filed and served at least 4 days before hearing (i.e. Friday)



1209: Continuance of Hearing Without New Service

Eliminates language suggesting that a transcript is required of the announcement of the continuance

1221: Copies of Commission and Division Orders

Copies of orders are sent to:

- Applicant
- Each person who enters appearance in person or by attorney
 - by filing a pleading or notice of appearance
 - by entering appearance at hearing