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STATE OF NEW MEXICO  
ENERGY, MINERALS, AND NATURAL RESOURCES DEPARTMENT  
OIL CONSERVATION DIVISION  
  
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IN THE MATTER OF THE HEARING  
CALLED BY THE OIL CONSERVATION  
DIVISION FOR THE PURPOSE OF  
CONSIDERING PROPOSED AMENDMENTS  
TO 19.15.2, 19.15.5, 19.15.8,  
19.15.9, AND 19.15.25 NMAC  
Case No. 24683

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HEARING  
DATE: Thursday, November 6, 2025  
TIME: 9:00 a.m.  
BEFORE: Hearing Examiner Felicia Orth  
LOCATION: Wendell Chino Building, Pecos Hall  
1220 Saint Francis Drive  
Santa Fe, NM 87505  
REPORTED BY: Gerald Aragon  
JOB NO.: 7626659

A P P E A R A N C E S

LIST OF ATTENDEES:

Rosa Romero, Bureau Chief, Environmental, Energy,  
Mineral, and Natural Resources Department

Gilbert Cordero, Staff Manager, South, Energy,  
Mineral, and Natural Resources Department

Sheila Apodaca, Commission Administrator, New  
Mexico Oil Conservation Commission

Amy Vermersch, Programmatic and System Support,  
Energy, Mineral, and Natural Resources Department

Jesse Tremaine, Legal Director, New Mexico Oil  
Conservation Division

Dan Arthur, Founder, President, Chief Engineer,  
ALL Consulting

Richard Moore, Associate Counsel, New Mexico  
State Land Office

Drew Cloutier, Counsel, Hinkle Shanor LLP, on  
behalf of Independent Petroleum Association of  
New Mexico

Miguel Suazo, Counsel, Beatty & Wozniak, P.C., on  
behalf of New Mexico Oil & Gas Association

William Ampomah, Commissioner, New Mexico Oil  
Conservation Commission

Greg Bloom, Commissioner, New Mexico Oil  
Conservation Commission

A P P E A R A N C E S (Cont'd)

Albert Chang, Chair, New Mexico Oil Conservation  
Commission

Douglas R. Emerick, Director of Operations,  
Insurance Expert Network; Financial Assurance  
expert, NMOGA

Morgan O'Grady, Staff Attorney, Western  
Environmental Law Center, on behalf of applicants

Michael Hall, Attorney, New Mexico Oil  
Conservation Division

Harold McGowen, Technical Plugging and  
Abandonment Expert, New Mexico Oil & Gas  
Association

Jacob Everhart, Counsel, Beatty & Wozniak, P.C.,  
on behalf of New Mexico Oil & Gas Association

Nicholas Maxwell, Independent Participant

Adam Rankin, Counsel, Holland & Hart on behalf of  
OXY USA Inc

Felicia Orth, Hearing Examiner, New Mexico Oil  
Conservation Commission

Clayton Sporich, Legal Expert, New Mexico Oil and  
Gas Association

Kyle Tisdell, Counsel, Western Environmental Law  
Center

Tim Davis, Staff Attorney, WildEarth Guardians

1                   A P P E A R A N C E S (Cont'd)

2           Tannis Fox, Counsel, Western Environmental Law  
3           Center

4           Lauren Pagel, Policy Director, Earthworks  
5           Christopher Graeser, Associate Counsel,  
6           Commissioner Stephanie Garcia Richard, New Mexico  
7           Land Office

8           Andrea Felix, VP of Regulatory Affairs, New  
9           Mexico Oil and Gas Association

10          Ari Biernoff, General Counsel, New Mexico State  
11          Land Office

12          David Mitchell, Owner, Manzano

13          Ann Cox Tripp, Counsel, Hinkle Shanor LLP on  
14          behalf of Independent Petroleum Association of  
15          New Mexico

16          Gregory Sharpe, Investment Manager, Merrion Oil 7  
17          Gas

18          Mike Hanagan, Owner, Manzano Energy Partners

19          George Sharpe, Investment Manager, Merrion Oil &  
20          Gas

21          Mike Eisenfeld, Public Commenter, San Juan  
22          Citizens Alliance

23          Sherman McCorkle, Public Commenter, Greater  
24          Albuquerque Chamber of Commerce

25          Rochelle Chavez, Public Commenter, Indigenous

1                   A P P E A R A N C E S (Cont'd)

2           Energy Organizer, Naeva

3           Andrew Bleichrodt, Public Commenter, Merrion Oil  
4           & Gas

5           Michelina Paulek, Public Commenter, Executive  
6           Director, Energy Council

7           Gene Harbaugh, Public Commenter

8           Stephen Robertson, Public Commenter, Permian  
9           Basin Petroleum Association

10          Lynnette Roller, Public Commenter

11          Ethan Buckner, Public Commenter, Energy Program  
12          Director, Earthworks

13          Gunhild Vetter, Public Commenter

14          Mary Ingham, Public Commenter

15          Mark Trimmer, Public Commenter

16          Tim Gibbs, Public Commenter, CEO, Four Corners  
17          Economic Development

18          Daniel Pritchard, Public Commenter, Board Member,  
19          Renewable Taos

20          Patricio Larragoite, Public Commenter, Sierra  
21          Club

22          Robert Fuselier, Public Commenter

23          Carol Sullivan, Public Commenter

24          Mr. and Mrs. Charles Wendler, Public Commenters

25          Esperanza Chairez, Public Commenter, Youth United

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A P P E A R A N C E S (Cont'd)

for Climate Crisis Action

Steve Jones, Public Commenter

Xavier Obando, Public Commenter

Jimmy Smith, Public Commenter

Todd Randall, Public Commenter, Assistant City  
Manager, Hobbs

Denise Willie, Public Commenter, Indigenous  
Energy Organizer, Naeva

Antoinette Reyes, Public Commenter

Lori Feibelman, Public Commenter

Gloria Lehmer, Public Commenter

Zachary Shandler, Counsel, New Mexico Oil  
Conservation Commission

John Nabors, Executive Vice President of  
Operations, Spur Energy Partners LLC

Jeff Harvard, CEO, Harvard Petroleum Company, LLC

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I N D E X

| WITNESS(ES):    | DX  | CX  | RDX | RCX |
|-----------------|-----|-----|-----|-----|
| JEFF HARVARD    |     |     |     |     |
| By Mr. Cloutier | 71  |     |     |     |
| By Mr. Tremaine |     | 80  |     |     |
| JOHN NABORS     |     |     |     |     |
| By Mr. Cloutier | 106 |     |     |     |
| By Ms. Fox      |     | 112 |     |     |
| By Mr. Tremaine |     | 114 |     |     |
| By Mr. Graeser  |     | 116 |     |     |

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E X H I B I T S

| NO.           | DESCRIPTION                | ID/EVD  |
|---------------|----------------------------|---------|
| Exhibit IPANM | Harvard's Direct Testimony |         |
| Harvard       |                            | 107/107 |
| Exhibit IPANM | Nabors' Rebuttal Testimony |         |
| Nabors        |                            | 107/107 |



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P R O C E E D I N G S

THE HEARING OFFICER: Good morning. My name is Felicia Orth, Hearing Officer appointed by the Oil Conservation Commission to conduct a hearing in OCC 24683 relating to well plugging and financial assurance.

We'll begin this morning with public comment. This is our final public comment session in this hearing. We believe we'll be wrapping up the hearing fully around the middle of the day today. So, I see several folks with their hands up on the platform.

Sheila, if you would please -- oh, and we have the Chair in the hearing room and two Commissioners on the platform as I am. Sheila is the Commission Administrator. Sheila, would you please just move through the folks on the platform with their hands up?

MS. APODACA: Yes, I will. And then we have two in-person commenters in the room.

THE HEARING OFFICER: Oh, great. Thank you so much. Who are we doing first?

MS. APODACA: Okay. First up we have Mike Eisenfeld.

MR. EISENFELD: Yes. Commissioners, my

1 name is Mike Eisenfeld. I am the Energy and Climate  
2 Program manager for San Juan Citizens Alliance. I  
3 live in Farmington.

4 THE HEARING OFFICER: Would you hold on  
5 one second? Would you please spell your first and  
6 last name for the transcript?

7 MR. EISENFELD: Absolutely. M-I-K-E,  
8 Mike Eisenfeld, E-I-S-E-N-F-E-L-D.

9 THE HEARING OFFICER: And do you swear  
10 or -- do you swear or affirm to tell the truth?

11 MR. EISENFELD: I do.

12 THE HEARING OFFICER: Thank you. I'll  
13 start your time.

14 MR. EISENFELD: Okay. Thank you. I'm  
15 the Energy and Climate Program manager for San Juan  
16 Citizens Alliance. I live in Farmington, and I've  
17 lived here for 30 years.

18 San Juan Citizens Alliance has about  
19 1,000 members in the Four Corners area. We're -- we  
20 are very familiar with the oil and gas patch and some  
21 of the responsibilities that the oil and gas companies  
22 have.

23 Working in the San Juan Basin suggests  
24 the magnitude of reclaiming oil and gas sites is in  
25 the hundreds of millions of dollars, if not billions

1 of dollars.

2 For example, several oil and gas wells  
3 in the Horseshoe Gallup Field near water flow would  
4 require several million dollars each for proper  
5 reclamation, including plugging facility,  
6 decommissioning and reclamation.

7 Responsible development of oil and gas  
8 requires increased bonding as part of the process.  
9 Taxpayers shouldn't be on the hook for cleanup of  
10 abandoned wells.

11 The concept that the Oil Conservation  
12 Division is sitting on \$60 million and that that will  
13 be sufficient to address a cleanup problem is  
14 unfounded. The state reclamation fund is severely  
15 underfunded. The claim from NMOGA that this isn't a  
16 money problem is irresponsible.

17 We have 40,000 wells in the San Juan  
18 Basin in varying degrees of productivity. This is a  
19 chronic issue. So, please update the oil and gas  
20 bonding -- the levels commensurate to the extent of  
21 the problem pervasive throughout New Mexico.

22 The San Juan Basin needs an infusion of  
23 responsible investment in reclamation of abandoned oil  
24 and gas facilities that decay in the landscape and in  
25 our communities. Thank you very much for the

1 opportunity to comment.

2 THE HEARING OFFICER: Thank you very  
3 much, Mr. Eisenfeld.

4 Who's next?

5 MS. APODACA: Next is Sherman McCorkle.

6 THE HEARING OFFICER: Ms. McCorkle, can  
7 you unmute yourself?

8 MR. MCCORKLE: There. Good morning.

9 THE HEARING OFFICER: Oh, good morning,  
10 sir. Would you spell your first and last name for the  
11 record, please?

12 MR. MCCORKLE: Sherman, S-H-E-R-M-A-N,  
13 McCorkle, M-C-C-O-R-K-L-E.

14 THE HEARING OFFICER: Do you swear or  
15 affirm to tell the truth?

16 MR. MCCORKLE: Yes, I do.

17 THE HEARING OFFICER: Thank you so  
18 much. Please, go ahead.

19 MR. MCCORKLE: Thank you. I'm a native  
20 New Mexican. Lived in New Mexico my entire life. I'm  
21 associated with the Greater Albuquerque Chamber of  
22 Commerce. I have spent my adult life working on job  
23 creation across New Mexico, bringing in quality jobs,  
24 long-term jobs, good paying jobs, jobs that support  
25 others in the towns and communities around New Mexico.

1 I also understand that this ruling  
2 would be disruptive to jobs. As we know, New Mexico  
3 depends greatly on the federal government for our  
4 medical insurance, and we need to find ways to keep  
5 quality jobs in New Mexico. We urge that you not  
6 continue with this rule. Thank you.

7 THE HEARING OFFICER: Thank you, Mr.  
8 McCorkle. Who's next, Sheila?

9 MS. APODACA: Next is Rochelle Chavez.

10 THE HEARING OFFICER: Rochelle Chavez.  
11 Can you unmute yourself, Ms. Chavez?

12 MS. CHAVEZ: Good morning.

13 THE HEARING OFFICER: Hello. Would you  
14 spell your first and last name for the transcript  
15 please?

16 MS. CHAVEZ: Rochelle, R-O-C-H-E-L-L-E.  
17 Chavez, C-H-A-V-E-Z.

18 THE HEARING OFFICER: Do you swear or  
19 affirm to tell the truth?

20 MS. CHAVEZ: Yes, I do.

21 THE HEARING OFFICER: Thank you. I'll  
22 start your time.

23 MS. CHAVEZ: Okay. Good morning,  
24 Commissioners. My name is Rochelle Chavez, and I am  
25 with Naeva as an Indigenous energy organizer. New

1 Mexicans should not be left holding the bag for oil  
2 and gas cleanup costs.

3 With over 1,000 band and wells and  
4 thousands more at risk, it is time to update our  
5 outdated bonding rules, and we need to make sure that  
6 our companies are -- the companies are paying to clean  
7 up their own messes.

8 Many of these wells sit near tribal  
9 lands where native communities are bearing the brunt  
10 of pollution health risks from the leaking methane and  
11 the contaminated water and the destruction left behind  
12 from extractive industry.

13 Our communities, the water and future  
14 generations deserve protection, not more pollution and  
15 public debt. If they drill it, they need to clean it.  
16 Thank you for allowing me to speak.

17 THE HEARING OFFICER: Thank you, Ms.  
18 Chavez.

19 MS. APODACA: Next is Lynette Roller.

20 THE HEARING OFFICER: Lynette Roller.  
21 Ms. Roller, can you unmute yourself? Ms. Roller? You  
22 might have to press control shift M.

23 MS. ROLLER: Hi. Sorry.

24 THE HEARING OFFICER: Oh, hello.

25 MS. ROLLER: My name is Lynette Roller.

1 THE HEARING OFFICER: Would you spell  
2 that please?

3 MS. ROLLER: L-Y-N-N-E-T-T-E. The last  
4 name is Roller, R-O-L-L-E-R.

5 THE HEARING OFFICER: Thank you. Do  
6 you swear or affirm to tell the truth?

7 MS. ROLLER: I do.

8 THE HEARING OFFICER: I'll start your  
9 time.

10 MS. ROLLER: Good morning,  
11 Commissioners. Thank you for giving me the  
12 opportunity to speak to you. My name is Lynette  
13 Roller, and I'm an instructor at a small regional  
14 university here in New Mexico. I was born in Roswell  
15 and spent my childhood in New Mexico and Europe as the  
16 daughter of an airman.

17 As an adult, I traveled even more  
18 extensively as the spouse of a soldier and New Mexico  
19 Military Institute graduate. In retirement, we return  
20 to the state we hold dear. I love the variety of  
21 wonderful places to enjoy in the vast outdoors of New  
22 Mexico.

23 While working in education, I am daily  
24 confronted with the state of our educational system.  
25 My students are under prepared, exhausted, and often

1 poorly nourished. They're good people being stretched  
2 to the limit with circumstances outside of their  
3 control.

4 Jobs, family and emergencies make  
5 getting an education more challenging than for them  
6 than many realize. Education gives my students hope  
7 for a rewarding future. Without the money from oil  
8 and gas, many of our students would not have the  
9 opportunity to pursue an education.

10 From the skills my students bring to  
11 the classroom, it's obvious they're not getting the  
12 support they need in K through 12 education. We need  
13 to properly fund K through 12 education so that our  
14 students can compete in a very technical environment.

15 As of 2024, our state ranks 50th among  
16 the states in education. If we include the District  
17 of Columbia, we rank 51st dead to last. Since most of  
18 the funding for K through 12 education comes from oil  
19 and gas businesses, this industry is critical for our  
20 children's future. A new development is a need for  
21 data centers.

22 There is a significant drive for center  
23 expansion in New Mexico driven by the AI boom and  
24 positive demographics. This will increase the demand  
25 for power in the state. The oil and gas industry



1 plays a vital role in our New Mexico economy. No  
2 other industry in New Mexico can bring the much needed  
3 funding for our state.

4 Please consider the irreplaceable role  
5 that oil and gas plays in our state when considering  
6 any new regulations such as financial assurance  
7 requirements. Thank you.

8 THE HEARING OFFICER: Thank you, Ms.  
9 Roller.

10 MS. APODACA: Next up is Andrew  
11 Bleichrodt.

12 THE HEARING OFFICER: All right. Mr.  
13 Bleichrodt, hello.

14 MR. BLEICHRODT: Good -- good morning  
15 Madam Chairman and Commissioners. It Andrew  
16 Bleichrodt, and that is spelled A-N-D-R-E-W  
17 B-L-E-I-C-H-R-O-D-T.

18 THE HEARING OFFICER: Thank you. Do  
19 you swear or affirm to tell the truth?

20 MR. BLEICHRODT: I do.

21 THE HEARING OFFICER: I'll start your  
22 time.

23 MR. BLEICHRODT: Thank you for the  
24 opportunity to provide public comment. My name is  
25 Andrew Bleichrodt, and I work for Merrion Oil and Gas

1 who is based in Farmington, New Mexico. Here's a  
2 synopsis of my issues with the proposed rule. This  
3 new rule is unnecessary.

4 The state already has rules and  
5 regulations in place that enforces the count of  
6 shutting wells an operator can carry and enforces the  
7 plugging of wells with strict penalties. Where  
8 regulations were not enforced or by some means, wells  
9 ended up the responsibility of the state.

10 The conservation tax paid by the  
11 industry which was passed to address orphan wells back  
12 in the 1950s is specifically intended for and states  
13 that funds are to be used for plugging abandoned wells  
14 and site remediation.

15 This tax alone brings in \$140 million a  
16 year for the plugging and remediation of orphan wells.  
17 So, to say that the state has allowed some 700 plus  
18 wells or \$1.5 billion of plugging liability to build  
19 up says that the state has misappropriated this tax  
20 money for decades.

21 This new bonding rule is a completely  
22 misguided punishment to the operators who have been  
23 paying a tax for abandoned wells and is clearly a  
24 double up on taxation that's already in place.

25 The state should use their current

1 rules to address problem operators with too many idle  
2 wells, and the OCC should push the legislator to use  
3 the conservation tax for its intended purpose.

4 Ironically, this new rule, if imposed will backfire.

5 The state testified that 19 percent of  
6 operators are bad actors and are at risk of dumping  
7 their wells on the state's orphaned well list. This  
8 rule will immediately put that into effect as those  
9 operators are not going to be willing to or able to  
10 come up with \$150,000 bond per well.

11 Any operator carrying debt, which are  
12 most, will find it difficult to secure these high  
13 dollar surety bonds, those bad actors -- bad actor  
14 operators are going to dump their wells on the state.

15 Further irony, the increased bonds that  
16 the good operators secure will not be available to  
17 help pay for the existing orphan wells or those that  
18 are about to be dumped on the state by those bad  
19 actors. These increased bonds do not add money to the  
20 state's orphan well plugging fund.

21 The \$1.5 billion liability problem does  
22 not magically get solved by this new rule. The state  
23 can only go after the surety bond of a specific  
24 operator's abandoned well and cannot use these  
25 increased bonds to plug wells already on the state's

1 orphan well list.

2           The petitioner in this case, Welk, says  
3 "The rule is needed to make sure the oil and gas  
4 industry pays for its impact and to ensure the state  
5 is not left holding the bag on orphan wells." Welk's  
6 interest is not so much to protect the state, but to  
7 do everything they can to put the oil and gas industry  
8 out of business.

9           Welk's own websites states that "fossil  
10 fuel development is incompatible with the action we  
11 need to confront climate change. We are working to  
12 end oil and gas leasing and drilling on our public  
13 lands."

14           And as I just explained, this proposed  
15 bonding rule does not in any way help the state with  
16 its current plugging liability and in fact will only  
17 increase it, but it does impose hardship on every  
18 operator, therefore fulfilling Welk's true intent.

19           In closing, I ask that you reject the  
20 rule or drastically amend its provisions so that it  
21 doesn't punish prudent operators and force smaller  
22 struggling operators immediately out of business.

23           Instead, the state should use their  
24 current rules to address problem operators with too  
25 many idle wells, and the OCC should push the

1 legislator to use the conservation tax for its  
2 intended purpose. Thank you for the opportunity.

3 THE HEARING OFFICER: Thank you, Mr.  
4 Bleichrodt.

5 MS. APODACA: Okay. Next is Michelina  
6 Paulek. All right.

7 MS. PAULEK: Good morning.

8 THE HEARING OFFICER: Hello. Would you  
9 spell your first and last name please?

10 MS. PAULEK: M-I-C-H-E-L-I-N-A  
11 P-A-U-L-E-K.

12 THE HEARING OFFICER: Do you swear or  
13 affirm to tell the truth?

14 MS. PAULEK: Yes, I do.

15 THE HEARING OFFICER: I'll start your  
16 time.

17 MS. PAULEK: Good morning Chair and  
18 Commissioners, and thank you for the opportunity to  
19 provide public comment. My name is Michelina Paulek.  
20 I'm the executive director of the Energy Council  
21 representing operators here in the San Juan Basin who  
22 live, work and raise their families here in New  
23 Mexico.

24 We take pride in being responsible  
25 stewards of both our energy resources and our

1 communities. Here's a simple truth. More than \$60  
2 million already sits in the oil and gas reclamation  
3 fund -- money that could be used today to plug wells.  
4 Industry has done its part we've paid in, complied and  
5 continue to invest in reclamation.

6 What's missing isn't more financial  
7 assurance. It's action. Holding responsible  
8 operators accountable for agency inaction is misplaced  
9 and counterproductive. Equally concerning are the  
10 elements of this rulemaking that exceeds the  
11 Commission statutory authority.

12 The legislature, not the Commission has  
13 the constitutional and jurisdictional power to adjust  
14 bonding and appropriate -- appropriate funds.  
15 Expanding those requirements to rulemaking risks  
16 overreach and undermines public confidence in the  
17 process.

18 The Commission's mission is clear to  
19 prevent waste and protect correlative rights. Yet  
20 this proposed does neither. It ties up capital that  
21 could otherwise fund production compliance and well  
22 plugging, penalizing operators who already meet and  
23 exceed environmental and reclamation standards.

24 Additionally, no data justifies these  
25 sweeping changes. The Legislative Finance Committee's

1 policy spotlight orphaned wells shows bonding  
2 shortfalls stem largely from legacy and non-compliant  
3 wells, not from responsible producers maintaining and  
4 reclaiming their sites. Raising financial assurance  
5 across the board does not solve that. It amplifies  
6 it.

7 Our industry isn't asking for less  
8 accountability. We're asking for effective  
9 accountability. Use the funds already collected.  
10 Focus enforcement where it's warranted and streamline  
11 the plug -- plugging process. Don't burden the very  
12 operators doing things right.

13 New Mexico's oil and gas sector is the  
14 economic backbone of this state. We are partners in  
15 progress, not adversaries. Overregulation doesn't  
16 protect our future. It jeopardizes it.

17 Today, I urge this Commission to take a  
18 balanced, lawful and data-driven approach. Use the  
19 resources already collected, strengthen enforcement  
20 where it's genuinely needed, and work with the  
21 operators who are already committed to doing the right  
22 thing, not against them. Thank you for your time and  
23 consideration.

24 THE HEARING OFFICER: Thank you, Ms.  
25 Paulek.

1 MS. APODACA: Okay. Next is Gene  
2 Harbaugh.

3 MR. HARBAUGH: Yes.

4 THE HEARING OFFICER: Hello. Would you  
5 please spell your first and last name for the record?

6 MR. HARBAUGH: My name is Gene  
7 Harbaugh, G-E-N-E H-A-R-B-A-U-G-H.

8 THE HEARING OFFICER: Thank you. Do  
9 you swear or affirm to tell the truth?

10 MR. HARBAUGH: Yes.

11 THE HEARING OFFICER: I'll start your  
12 time.

13 MR. HARBAUGH: I would like to speak in  
14 behalf of the new regulations that are being proposed.  
15 Certainly, current requirements are not realistic as  
16 they -- as we know here in Carlsbad what it costs to  
17 remediate an abandoned well.

18 In addition, we have friends who live  
19 on the Black River that had a spill related to the  
20 delivery of -- of polluted water and it cost \$100,000  
21 just to clean that up. So, the bonding requirements  
22 are obviously not realistic and setting a higher  
23 restriction should not be a problem for the big  
24 companies.

25 They claim they have plenty of



1 resources and can take care of remediation. As for  
2 the small companies, they should not be in business if  
3 they cannot afford bonding. A part of the extraction  
4 process is cleaning up the mess. Companies are not  
5 going to move to Texas. The oil is here in New  
6 Mexico.

7 In fact, if we remove the oil more  
8 slowly, it would be better for all of our communities.  
9 The public does not have the paid lobbyists and the  
10 professionals that the companies do, so we rely on our  
11 elected leaders to provide a safe environment.

12 A new proposed rule would certainly  
13 represent good policy for the long-term benefits of  
14 the State of New Mexico. Thank you for accepting my  
15 testimony.

16 THE HEARING OFFICER: Thank you, Mr.  
17 Harbaugh.

18 MS. APODACA: Next up we have Stephen  
19 Robertson.

20 THE HEARING OFFICER: Okay. Mr.  
21 Robertson, can you unmute yourself?

22 MR. ROBERTSON: Yes, ma'am. Can you  
23 hear me?

24 THE HEARING OFFICER: Oh, yes. Hello.  
25 Would you spell your first and last name please?

1 MR. ROBERTSON: Absolutely. Stephen,  
2 S-T-E-P-H-E-N Robertson, R-O-B-E-R-T-S-O-N.

3 THE HEARING OFFICER: Do you swear or  
4 affirm to tell the truth?

5 MR. ROBERTSON: I do.

6 THE HEARING OFFICER: Thank you. I'll  
7 start your time.

8 MR. ROBERTSON: Thank you. Good  
9 morning, Chair and Commissioners. My name is Stephen  
10 Robertson, and I'm with the Permian Basin Petroleum  
11 Association, which represents members of the oil and  
12 gas industry who operate in the Permian Basin of  
13 Southeast New Mexico. I believe that oil and gas  
14 development and environmental stewardship are not  
15 mutually exclusive.

16 In fact, they go hand in hand, and I  
17 appreciate the opportunity to comment on behalf of our  
18 members on this current proposed rulemaking. While we  
19 are always looking to improve operations and outcomes  
20 in our industry, which has a history of over 100 years  
21 of operations in New Mexico, to do so in this case, we  
22 need to be honest about the issue -- the rulemaking  
23 under consideration.

24 Without significant changes, we'll  
25 limit employment opportunities for New Mexicans

1 through job destruction in the oil and gas industry,  
2 harm the New Mexico economy by forcing small operators  
3 out of business and will increase the number of  
4 orphaned wells in the state instead of decrease them.

5 As these should each be considered a  
6 negative, it appears the only positive outcome of this  
7 proposal would be to raise more funds to plug orphan  
8 wells in the state.

9 But the state already is projected to  
10 have a \$485 million surplus by fiscal year 2027 and  
11 uses an inappropriately small amount of the  
12 conservation tax paid by members of the industry to  
13 actually plug orphaned wells.

14 Currently in New Mexico, oil and gas  
15 companies plug roughly 99 percent of oil and gas wells  
16 that have reached the end of their useful life without  
17 use of any taxpayer funds.

18 If a well isn't part of that 99  
19 percent, but instead is part of the 1 percent of wells  
20 that become orphaned, the state should step in using  
21 the reclamation fund, which is derived from a portion  
22 of the conservation tax to plug those orphan wells.

23 As of nearly a year ago, this fund  
24 stood with a balance of over \$66 million, meaning  
25 there is a tremendous capital reserve already

1 available to plug the roughly 1 percent of wells that  
2 become orphan, and as you know, this isn't a stagnant  
3 amount as additional revenue continues to flow from  
4 the conservation tax to the reclamation fund.

5 So, if 99 percent of all wells at the  
6 end of their useful life are plugged by the industry,  
7 and there is 66 million in growing held by the state  
8 to plug the additional 1 percent of wells, why are we  
9 looking at drastically changing a regulatory framework  
10 that will benefit at best a fraction of 1 percent of  
11 wells yet have tremendous negative consequences for  
12 workers, the economy of the state and locally owned  
13 small businesses?

14 Further, with the state projected to  
15 have that surplus by 20 -- in fiscal year 2027, why is  
16 there not more of a focus on OCD using more of the  
17 revenue generated by the conservation tax for plugging  
18 wells when that should have been the purpose of the  
19 industry paid tax in the first place?

20 PBPA members are always committed to  
21 striking a balance and we are willing to work in the  
22 weeds to address real public policy issues.

23 However, we wonder whether or not this  
24 actually begs the questions I've asked or is this  
25 proposal more of a solution seeking a problem than a

1 solution to a problem? Thank you again for the  
2 opportunity to comment.

3 THE HEARING OFFICER: Thank you, Mr.  
4 Robertson.

5 MS. APODACA: Next is Ethan Buckner.

6 THE HEARING OFFICER: All right. Mr.  
7 Buckner, would you please spell your first and last  
8 name?

9 MR. BUCKNER: E-T-H-A-N, Ethan.  
10 Buckner, B-U-C-K-N-E-R.

11 THE HEARING OFFICER: Do you swear or  
12 affirm to tell the truth?

13 MR. BUCKNER: Yes.

14 THE HEARING OFFICER: Thank you. I'll  
15 start your time.

16 MR. BUCKNER: Good morning,  
17 Commissioners. My name is Ethan Buckner, and I'm the  
18 energy program director at Earthworks where I oversee  
19 our field team working to reduce oil and gas pollution  
20 and accelerate a just transition away from fossil  
21 fuels.

22 Our field advocates are in the Permian  
23 Basin and in the San Juan Basin throughout the year  
24 using optical gas imaging cameras to make the  
25 invisible visible to show the methane and toxic

1 pollution leaking from oil and gas sites across New  
2 Mexico.

3 I help guide that work nationally  
4 connecting what's happening here to a much larger  
5 story about how this system operates. When you zoom  
6 out, you can see the pattern. We're drilling at  
7 record levels in New Mexico, yet more and more of that  
8 oil and gas is being exported overseas.

9 That doesn't make our domestic energy  
10 supply more stable and makes it more volatile and  
11 raises costs for consumers. It drives boom and bust  
12 cycles, undercuts our climate commitments and leaves  
13 communities here to deal with the health, air, and  
14 water impacts while companies profit from export  
15 abroad.

16 These profits rarely stay in New  
17 Mexico, but the pollution and cleanup costs do, and  
18 that's the imbalance these bonding rules can begin to  
19 correct. That's why this rulemaking matters. It's a  
20 chance to realign incentives so the true cost of  
21 extraction is paid by the extractors.

22 When companies don't post realistic  
23 bonds, it's effectively a subsidy for pollution.  
24 Strengthening bonding rules means internalizing those  
25 costs and creating more accountability up and down the

1 supply chain. I -- I spend much of my time building  
2 bridges between federal policy, grassroots advocacy  
3 and frontline communities.

4 And across that network, one thing is  
5 clear progress depends on states like New Mexico  
6 showing leadership where the federal government cannot  
7 or will not. These rule updates are about  
8 accountability, fairness, and protecting public  
9 health.

10 They're about ensuring that the fossil  
11 fuel industry cleans up after itself, not after the  
12 next boom and bust cycle leaves more communities  
13 behind. Thank you.

14 THE HEARING OFFICER: Thank you, Mr.  
15 Buckner.

16 MS. APODACA: Next up is Gunhild  
17 Vetter.

18 THE HEARING OFFICER: Hello? Can you  
19 unmute yourself?

20 MS. VETTER: I think I did. Can you  
21 hear me now?

22 THE HEARING OFFICER: Yes. Hello.  
23 Yes. Would you spell your first and last name please?

24 MS. VETTER: It's Gunhild Vetter,  
25 G-U-N-H-I-L-D, Vetter, V as in Victor, E-T-T-E-R.

1 THE HEARING OFFICER: Do you swear or  
2 affirm to tell the truth?

3 MS. VETTER: Yes.

4 THE HEARING OFFICER: Thank you. I'll  
5 start your time.

6 MS. VETTER: Thank you for your time.  
7 My name is Gunhild Vetter. I have been a resident of  
8 New Mexico since 1963 after moving here from North  
9 Dakota. I worked for the Albuquerque Police  
10 Department from 1963 until the retirement in 1986.  
11 Starting as a secretary in juvenile division, I  
12 started noticing the extreme need in the education  
13 system.

14 Excuse me. While talking to a young  
15 lady and custody, I asked what her plans were when she  
16 graduated. Her reply was to have babies and go on  
17 welfare like her mother and her grandmother. She had  
18 no role model, and the education system was not  
19 preparing her for a successful life.

20 After becoming an office working with  
21 adults, one situation I recall was a couple of young  
22 adult males who supposedly completed high school but  
23 could not read the advice of rights form.

24 Later in my career, I became a  
25 volunteer for the literacy program and was assigned



1 adults to work with. One was a deputy sheriff, and  
2 another was a plumber. Neither could read or write  
3 and had to depend on family members for everything.

4 The deputy had found a way to fake his  
5 way through the system by saying he forgot his glasses  
6 so he could not read. These are just a few examples  
7 of needs in our education system to prepare our youths  
8 for a successful life.

9 I understand the gas and oil taxes fund  
10 our education system and ask that you support  
11 provisions that will help fund our education system  
12 through oil and gas taxes and avoid provisions that  
13 will be detrimental. Thank you.

14 THE HEARING OFFICER: Thank you, Ms.  
15 Vetter.

16 MS. APODACA: Next we have Mary Ingham.

17 THE HEARING OFFICER: All right. Ms.  
18 Ingham, can you unmute yourself? Ms. Ingham? You  
19 might have to press control shift M. I think you have  
20 it.

21 MS. INGHAM: Did I get through? Okay.

22 THE HEARING OFFICER: There you are.  
23 Would you spell your first and last name please?

24 MS. INGHAM: Sure will. Mary, M-A-R-Y.  
25 Last name Ingham, I-N-G-H-A-M.

1 THE HEARING OFFICER: Do you swear or  
2 affirm to tell the truth?

3 MS. INGHAM: Yes, I do.

4 THE HEARING OFFICER: Thank you. I'll  
5 start your time.

6 MS. INGHAM: Thank you. Good morning,  
7 Chair and Commissioners. I appreciate the chance to  
8 share my thoughts with you on the upcoming proposed  
9 rule changes. I spent my early years in South Dakota  
10 on the Sioux Reservation and moved to Crownpoint, New  
11 Mexico on the Navajo reservation in 1968.

12 I attended high school there and later  
13 received my physical therapy degree at the University  
14 of New Mexico. I've spent most of my career working  
15 with children affected by injuries and disabilities  
16 and their families through the Indian Children's  
17 Program in Carrie Tingley Hospital.

18 I have a grandson whose mother is  
19 Navajo, and his grandfather and other family members  
20 were devastated by the closure of the coal fired  
21 electric San Juan Generating Station in 2022. This  
22 closure in the energy sector cost many good paying and  
23 stable jobs for Navajo people and many others in  
24 northwest New Mexico.

25 Many now depend on the oil and gas

1 industry in that area. Decreases in those jobs would  
2 cause another very negative social and economic impact  
3 on many of my Navajo classmates and family members in  
4 northwest New Mexico as well as other small and large  
5 family businesses in that area. Much of the funding  
6 for children's services and education comes from the  
7 oil and gas industry.

8 Children with disabilities and special  
9 needs require many of those resources and they're some  
10 of the most vulnerable citizens to these losses. The  
11 access -- the -- excuse me. The across the board  
12 losses would be felt in every sector of the  
13 communities that provide the oil and gas that fuels  
14 our economy and good quality of life In New Mexico.

15 Loss of any of the funding and  
16 community support provided by the oil and gas industry  
17 would be felt way downstream in the lives of the  
18 citizens in other geographic areas of the state and  
19 especially with special needs children and families  
20 that I love so much. I have five children and five  
21 and a half grandchildren who are dearly loved.

22 I want them to grow up and thrive in  
23 our beautiful state. Keeping our beautiful oil, gas,  
24 and energy industry providing well-paying jobs,  
25 supporting businesses and communities and funding many

1 of our essential community needs across all 33  
2 counties is essential.

3 In conclusion, I ask that you please do  
4 not support these rule changes for the sake of our  
5 children and families in New Mexico. Thank you, and  
6 God bless your work.

7 THE HEARING OFFICER: Thank you, Ms.  
8 Ingham.

9 MS. INGHAM: You're welcome. Thank  
10 you.

11 MS. APODACA: Next is Mark Trimmer.

12 MR. TRIMMER: Hello.

13 THE HEARING OFFICER: Mr. Trimmer.  
14 Hello. Would you spell your first and last name  
15 please?

16 MR. TRIMMER: Sure. M-A-R-K  
17 T-R-I-M-M-E-R.

18 THE HEARING OFFICER: Do you swear or  
19 affirm to tell the truth?

20 MR. TRIMMER: I do.

21 THE HEARING OFFICER: Thank you. I'll  
22 start your time.

23 MR. TRIMMER: Good morning, Chair and  
24 Commissioners. Thank you for this opportunity to  
25 speak in front of you. My name is Mark Trimmer. I'm

1 a 63-year-old business owner in Albuquerque, New  
2 Mexico. I was born and raised in New Mexico.

3 I grew up in Santa Fe and received my  
4 BBA in International Business from New Mexico State in  
5 '85, moved back to Santa Fe in eight -- in '87 to work  
6 for Thornburg Management and then returned to Las  
7 Cruces for my MBA in 1990. When I completed my MBA,  
8 I'd drive to Wagon Mound every week -- weekend to work  
9 on a cattle ranch until I actually made money in my  
10 business.

11 I currently own a Raymond James  
12 Financial Service office and have been an investment  
13 manager for over 38 years. As a native New Mexican  
14 business owner, I've taken personal interest in  
15 advancing economic development and sustainable growth  
16 in New Mexico.

17 I've always been involved in economic  
18 development groups as well as testifying specifically  
19 on New Mexico business needs relative to PNM and the  
20 grid and reliable power.

21 My father came from Omak in Tacoma,  
22 Washington. In the fifties, he was Governor  
23 Campbell's press secretary and later became a lobbyist  
24 for Mexico Oil and Gas Association. As a result,  
25 growing up in that, I've always taken an interest in

1 the topic, and I grew up around the oil and gas policy  
2 and independent producers.

3 I -- over -- as an adult, I watched New  
4 Mexico become low hanging fruit to the whims of  
5 special interest groups rather than creating overall  
6 healthy, actionable economic development plans.

7 The current proposed rules and policies  
8 affecting the oil and gas industry will do nothing to  
9 help New Mexico move to the next level to care for its  
10 -- to care for its citizens and -- and quite the  
11 opposite. I'm interested intimately familiar with the  
12 oil and gas industry and the benefits we've reaped as  
13 a population.

14 I have seen many actions taken that  
15 harm our state's economic development future and at 63  
16 I still want to take -- take part in helping the state  
17 create this fundamental platform for economic  
18 development.

19 I would appreciate it when you make  
20 your decisions if you take into consideration the  
21 relevance of my testimony based on my lifetime  
22 experiences and my commitment to improving the quality  
23 of life for New Mexicans. I appreciate what you're  
24 doing to assess the state's needs and pulse of the  
25 people, and thank you for this opportunity.

1 THE HEARING OFFICER: Thank you, Mr.  
2 Trimmer.

3 MS. APODACA: Next is Jimmy Smith.

4 THE HEARING OFFICER: Mr. Smith, can  
5 you unmute yourself? Might have to press control  
6 shift M. Mr. Smith?

7 He may have stepped away, Sheila.  
8 Let's come back to him.

9 MS. APODACA: Okay. We'll go to Tim  
10 Gibbs.

11 MR. GIBBS: Good morning.

12 THE HEARING OFFICER: Hello. Would you  
13 spell your first and last name please?

14 MR. GIBBS: Yes. T-I-M G-I-B-B-S.

15 THE HEARING OFFICER: Do you swear or  
16 affirm to tell the truth?

17 MR. GIBBS: I do.

18 THE HEARING OFFICER: Thank you. I'll  
19 start your time.

20 MR. GIBBS: Madam Chair and Members of  
21 the Commission, thank you for the opportunity to speak  
22 today. My name is Tim Gibbs. I serve as the CEO of  
23 Four Corners Economic Development representing San  
24 Juan County and communities across northwest New  
25 Mexico that depend on a balance and sustainable energy

1 economy.

2 The oil and gas sector remains one of  
3 the fundamental economic pillars of this region. It  
4 supports small business, local governments, schools,  
5 and thousands of families.

6 And while we all share the goals of  
7 responsible production and environmental stewardship,  
8 the proposed rule change from the Western  
9 Environmental Law Center would have severe unintended  
10 consequences for the communities like ours. Requiring  
11 the \$150,000 per, well, even for temporary shut or  
12 marginal producers would not strengthen  
13 accountability.

14 It would shut out the small and  
15 independent producers that are in this region who  
16 already operated on -- on narrow margins. It would  
17 mean loss of jobs, reduced revenues for counties and  
18 schools and an increase, not a decrease of the orphan  
19 wells of smaller communities that are forced out of  
20 business.

21 Likewise, limiting well transfers and  
22 granting unchecked authority to block acquisitions,  
23 this would discourage reinvestment and make it harder  
24 to extend the productive life for the existing assets.

25 At a time when we need reasonable



1 transition and investment in both energy and  
2 diversification, these policies would drive capital  
3 and opportunity out of the State of New Mexico.

4 Four Corners Economic Development urges  
5 the Commission to pursue solutions that maintain  
6 accountability while recognizing the real world impact  
7 of the working communities that that it represents.  
8 Our future depends on balanced PO policy that keeps  
9 production safe, jobs local and opportunities growing,  
10 not policy that cuts off our own economic lifelines.

11 I want to thank you for your time and  
12 for your continued focus on the people in the  
13 communities behind the Mexican -- New Mexico energy  
14 economy. Thank you.

15 THE HEARING OFFICER: Thank you. Mr.  
16 Gibbs.

17 MS. APODACA: Next is Daniel Pritchard.

18 THE HEARING OFFICER: Okay. Mr.  
19 Pritchard, can you unmute yourself?

20 MR. PRITCHARD: Yes. Good morning  
21 Commissioners. Can you hear me fine?

22 THE HEARING OFFICER: Hello. Yes.  
23 Would you spell your first and last name please?

24 MR. PRITCHARD: D-A-N-I-E-L  
25 P-R-I-T-C-H-A-R-D.

1 THE HEARING OFFICER: Do you swear or  
2 affirm to tell the truth?

3 MR. PRITCHARD: Yes, I do.

4 THE HEARING OFFICER: I'll start your  
5 time.

6 MR. PRITCHARD: Good morning,  
7 Commissioners. My name is Daniel Pritchard, and I  
8 live in Taos. I'm a retired engineer, and I'm on the  
9 executive board of Renewable Taos, a local all-  
10 volunteer organization that promotes renewable energy,  
11 economic development, and environmental protection.

12 I'm on the call today representing our  
13 organization because we're concerned about the oil and  
14 gas industry's one percent of wells they say are not  
15 cleaned up. They seem to be able to run roughshod  
16 over the environment in our state and immune to  
17 cleaning up after themselves in the proper manner.

18 Renewable Taos strongly supports a  
19 significant increase in the bonding requirements for  
20 the oil and gas industry to ensure they leave their  
21 operational areas in a clean, healthy state. A few  
22 years ago, I was researching the potential for a large  
23 solar array to be cited on land leased from the State  
24 Land Office.

25 Construction of the solar array would

1 have some impact on the sage brush covered section of  
2 land in the form of posts for the panels and roads  
3 through the sage brush for maintenance. Within the  
4 lease agreement from the State Land Office was a  
5 clause to ensure the land would be restored to as near  
6 original state as possible at the end of the lifetime  
7 of the solar array.

8 In other words, if you build on it, you  
9 also restore it even for a relatively benign solar  
10 array. The same principle must apply to all the wells  
11 drilled by the oil and gas industry. If they drill  
12 it, they clean it. No exceptions. Thank you for your  
13 attention.

14 THE HEARING OFFICER: Thank you, Mr.  
15 Pritchard.

16 Sheila, I'm wondering if we should go  
17 to the two folks in the room if they've been there.

18 MS. APODACA: Okay.

19 MR. LARRAGOITE: Is this mic on? Yes,  
20 it is.

21 THE HEARING OFFICER: Hello? Yes, it  
22 is.

23 MR. LARRAGOITE: Hello.

24 THE HEARING OFFICER: Would you state  
25 and spell your first and last name, please?

1 MR. LARRAGOITE: My name is Patricio  
2 Larragoite. First name is spelled P-A-T-R-I-C-I-O.  
3 Last name is Larragoite, L-A-R-R-A-G-O-I-T-E.

4 THE HEARING OFFICER: Do you swear or  
5 affirm to tell the truth?

6 MR. LARRAGOITE: I do.

7 THE HEARING OFFICER: Thank you. I'll  
8 start your time.

9 MR. LARRAGOITE: Thank you. I'm a  
10 native New Mexican, and my family's been in Santa Fe  
11 for five generations now. I have a son and grandson,  
12 which represent sixth and seventh generation to be  
13 here. I'm concerned with the increase of taxes if we  
14 have to cover the unmet needs of abandoned wells  
15 through taxpayer dollars.

16 I think the burden should be, you know,  
17 was mentioned earlier, if -- if you drill it, clean  
18 it. And I believe that the industry needs to take  
19 responsibility for that, and this bonding change  
20 represents that the funding will be there in years to  
21 come.

22 I just lost my train of thought. Let  
23 me look at my notes real quick. Anyway, it -- it --  
24 we need to -- we're not -- I'm not here to punish the  
25 extraction industries. I'm here to make it safe for

1 all New Mexicans and the responsibility should be 100  
2 percent to clean up these abandoned wells, not -- not  
3 the -- passed on to taxpayers.

4 And that's why I'm here as a -- as a  
5 taxpayer. I've -- I've also -- I'm not a member of  
6 Sierra Club, but they're the ones that encouraged me  
7 after several meetings on other issues that they --  
8 they knew that I was passionate about this issue and  
9 they asked me to come.

10 I was going to come anyway, but they  
11 asked me to come and speak for Sierra Club also, so I  
12 do represent them. I do encourage the Commission to  
13 vote yes on increasing the bonding and thank you for  
14 allowing my testimony.

15 THE HEARING OFFICER: Thank you, Mr.  
16 Larragoite.

17 MR. FUSELIER: Good morning. My name  
18 is Robert Fuselier.

19 THE HEARING OFFICER: Yes. Hello.  
20 Would you spell your first and last name please?

21 MR. FUSELIER: Yes, it's R-O-B-E-R-T.  
22 Last name Fuselier, F-U-S-E-L-I-E-R.

23 THE HEARING OFFICER: Do you swear or  
24 affirm to tell the truth?

25 MR. FUSELIER: I do.

1 THE HEARING OFFICER: Thank you. Go  
2 ahead.

3 MR. FUSELIER: I'm a retired  
4 veterinarian and currently a chaplain. The two  
5 traditions of science and faith come together in me to  
6 form the foundations of my understanding of the world  
7 in which I live.

8 This foundational understanding along  
9 with the concern I have for our future generations,  
10 which include my two surviving children and eight  
11 grandchildren, is what brings me before you today. My  
12 science background tells me that the contamination  
13 from uncapped gas and oil wells has detrimental  
14 effects on the lives of those living now and those to  
15 come.

16 My faith background simply tells me  
17 this is wrong -- that it's unacceptable here in this  
18 state. If I wish to drive a car, I must obtain a  
19 license and prove that I can pay for any harm. I  
20 might cause to the lives of others or their property  
21 due to an accident in which I am at fault. I am not  
22 allowed to force others to pay for my actions.

23 I must buy sufficient insurance. I  
24 understand that New Mexicans currently face hundreds  
25 of millions of dollars in cleanup costs from the wells

1 that currently remain unsealed.

2 If every person in New Mexico who  
3 wishes to drive must ensure that they can compensate  
4 those they harm, it's only logical and fair that those  
5 who wish to drive -- to drill in our state must prove  
6 that they will be able to pay for capping their wells  
7 and for any detrimental consequences for of their  
8 drilling that negatively impacts the lives of New  
9 Mexico, of -- of New Mexicans, and the environment in  
10 which we live.

11 I humbly urge you to update our laws  
12 and regulations to ensure this happens. Thank you.

13 THE HEARING OFFICER: Thank you. Mr.  
14 Fuselier. Is there anyone else in the room, Sheila?

15 MS. APODACA: No. There aren't.

16 THE HEARING OFFICER: All right. Let's  
17 go back to the platform.

18 MS. APODACA: Okay. Next on the  
19 platform we have Carol Sullivan.

20 THE HEARING OFFICER: All right. Ms.  
21 Sullivan, can you unmute yourself?

22 MS. SULLIVAN: Yes, I have.

23 THE HEARING OFFICER: Hello.

24 MS. SULLIVAN: Good morning.

25 THE HEARING OFFICER: Would you spell

1 your first and last name please?

2 MS. SULLIVAN: My name Carol,  
3 C-A-R-O-L. Sullivan, S-U-L-L-I-V as in Victor, A-N.

4 THE HEARING OFFICER: Do you swear or  
5 affirm to tell the truth?

6 MS. SULLIVAN: I certainly do.

7 THE HEARING OFFICER: I -- I'll start  
8 your time.

9 MS. SULLIVAN: Thank you. I am an 81-  
10 year-old retired nurse executive and educator, and my  
11 husband James is 86 years old, retired as a commercial  
12 builder and a United States Army veteran. We have  
13 been married 60 years, 50 of which of those years  
14 we've worked and raised our family right here in  
15 beautiful Land of Enchantment of New Mexico.

16 It was here we added three Mescalero  
17 Apache daughters to our family. Today, we thank you  
18 Commissioners for this opportunity to represent the  
19 concerns of our now huge Hispanic, Irish, Norwegian,  
20 Native American family. Our businesses as well have  
21 taught us that we need to be concerned about the  
22 people.

23 We're concerned that the proposed  
24 regulations could be disastrous to other family  
25 businesses. We believe like our family, the families



1 that are considered small oil and gas producers in New  
2 Mexico are hardworking and striving to provide for  
3 their families -- have that of such a family, and so  
4 we're concerned for these families.

5 We believe the proposed bonding fees  
6 included in these regulations will be an unnecessary  
7 burden for these families, and in turn, it could be  
8 for the whole state because we know oil and gas money  
9 supports 90 percent of New Mexico's public education  
10 and those things we're interested in -- healthcare,  
11 food security for the needy families and so many other  
12 things.

13 We believe that the Commission can  
14 improvise a solution to achieve the goal for which  
15 these fees were intended. We have had to improvise in  
16 our businesses to find ways to meet needs, but we  
17 never jeopardize the needs of our family.

18 So, we're asking you to consider our  
19 small gas and oil entrepreneurial families who produce  
20 oil for this state and our nation. Consider them as a  
21 most valuable resource, perhaps as valuable even as  
22 the Permian Basin itself. They carry with them a  
23 legacy of hardworking Americans working to better  
24 their family's experience.

25 It's all about success for our people.

1 The people make the difference. Please do not  
2 implement these bonding fees in the form they're in  
3 that impact -- that will impact these families so much  
4 and perhaps all of New Mexico. We need to encourage  
5 hardworking families.

6 And so, thank you for this time. I  
7 pray that you will recognize this important issue.  
8 And we just pray blessing over you as you make these  
9 hard decisions. Thank you.

10 THE HEARING OFFICER: Thank you, Ms.  
11 Sullivan.

12 MS. APODACA: Okay. Next is Charles  
13 Wendler.

14 THE HEARING OFFICER: All right. Mr.  
15 Wendler, can you unmute yourself there? Oh, there you  
16 are. Would you spell your first and last name please?

17 MR. WENDLER: First name C-H-A-R-L-E-S.  
18 Last name Wendler, W-E-N-D-L-E-R.

19 THE HEARING OFFICER: Do you swear or  
20 affirm to tell the truth?

21 MR. WENDLER: Absolutely.

22 THE HEARING OFFICER: I'll start your  
23 time.

24 MR. WENDLER: I have macular  
25 degeneration and had to give them my driver's license

1 last year, which really wasn't a very pleasant thing,  
2 so I'm asking -- I've written up something here, and  
3 I'm asking for my wife to read it. Okay?

4 And thank you very much Chair and  
5 Commissioners for listening to my testimony, and I  
6 pray that you'll receive it in the likes it's been  
7 given to you. God bless. Okay. Sayla [ph].

8 THE HEARING OFFICER: Thank you.

9 MS. WENDLER: My name is Charles.  
10 Okay. My name is Charles Wendler. I received my BA  
11 in Education and Master's Degrees in School  
12 Administration from Western New Mexico University in  
13 Silver City. I taught upper level science and math,  
14 and I have witnessed firsthand how technology was  
15 evolved -- has evolved over the years.

16 I am married to a Hispanic woman, a  
17 naturalized US citizen, who also worked in education  
18 as a public school teacher and counselor. We have  
19 three children and six grandchildren. Our oldest son  
20 is a lieutenant colonel and a graduate of the U.S.  
21 Air Force Academy. Our daughter is a Doctor of  
22 Optometry, and our younger son is a chemical engineer.

23 I first came to New Mexico in 1963. We  
24 are very blessed to have abundant gas and oil  
25 resources in our state, which provides significant

1 financial revenue and many high paying jobs.

2 These industries have also contributed  
3 to a large permanent fund through the severance tax,  
4 which has supported various public initiatives  
5 including early childhood education.

6 I consider myself a practical common  
7 sense type person that has lived long enough to  
8 realize the value of the natural resources of our  
9 state, such as copper, gold, silver, uranium, coal,  
10 and timber to name a few.

11 In today's economy, oil and gas remain  
12 vital to maintaining our energy independence and  
13 promoting economic growth. Without a strong energy  
14 sector, neither we nor our children can truly prosper.

15 Failing to fully support this industry  
16 would be like killing the goose that lay the golden  
17 egg. I urge you to consider my perspective when  
18 voting on this regulations. Thank you very much for  
19 allowing me to share my testimony today.

20 THE HEARING OFFICER: Thank you, Mr.  
21 and Mrs. Wendler.

22 MS. APODACA: Okay. Next is Denise  
23 Willie.

24 THE HEARING OFFICER: Ms. Willie, can  
25 you unmute yourself? Ms. Willie? It might help to

1 press control shift M. No? All right. Let's come  
2 back to Ms. Willie.

3 MS. APODACA: Then we have Esperanza --  
4 I don't know the spelling -- either the pronunciation  
5 Chairez.

6 THE HEARING OFFICER: Okay. Ms.  
7 Chairez, can you unmute yourself?

8 MS. CHAIREZ: Yes, good morning.

9 THE HEARING OFFICER: Good morning.  
10 Would you spell your first and last name please?

11 MS. CHAIREZ: My first name is  
12 E-S-P-E-R-A-N-Z-A. My last name is C-H-A-I-R-E-Z.

13 THE HEARING OFFICER: Do you swear or  
14 affirm to tell the truth?

15 MS. CHAIREZ: Yes.

16 THE HEARING OFFICER: I'll start your  
17 time.

18 MS. CHAIREZ: Good morning, Chair Chang  
19 and Members of the Commission. My name is Esperanza,  
20 and I'm here as part of Youth United for Climate  
21 Crisis Action. We stand in solidarity with Dine  
22 and --

23 THE HEARING OFFICER: Oh, there it is  
24 finally.

25 MS. CHAIREZ: -- members that have

1 proposed amendments to hold oil and gas operators  
2 accountable for their abandoned wells. Our generation  
3 will have to pay the cost if this issue is not  
4 addressed.

5 This rulemaking presents an opportunity  
6 towards a just transition, which could involve  
7 training a workforce to clean up and remediate  
8 abandoned well sites towards the greater goal of  
9 eventually transitioning to renewable energy sources.

10 The Commission must address the fact  
11 that more than 60,000 oil wells -- oil and gas wells  
12 will eventually need to be plugged. This is a  
13 colossal threat to our public health and to the  
14 environment.

15 Many of these abandoned wells have been  
16 shown to be leaking toxic water that exceeds federal  
17 and tribal health standards for benzene, arsenic, and  
18 other pollutants.

19 Frontline and Indigenous communities  
20 bear the brunt of the oil and gas industry's  
21 extractive and negligent practices. While ExxonMobil  
22 recorded 33.7 billion in profits this past year, New  
23 Mexico continues to pay the cost with our health.

24 YUCCA urges the Commission to adopt the  
25 proposed amendments in order to curb greenhouse gas

1 emissions, starting with the emissions from abandoned  
2 wells. The enormity of methane emissions from orphan  
3 wells has been well documented in numerous studies,  
4 and we know that methane has a greenhouse gas warming  
5 potential 25 times higher than carbon dioxide over 100  
6 year period.

7 Climate change is already impacting  
8 communities in New Mexico. The largest recorded  
9 wildfire happened only three years ago, and the  
10 majority of counties in the state are currently facing  
11 a drought. We cannot afford to keep ignoring this  
12 issue and kicking the can to younger generations.  
13 This problem is also an opportunity.

14 This is an opportunity to collaborate  
15 with and properly consult the Indigenous and frontline  
16 community members about how to best implement  
17 regulation and begin remediating these sites. We urge  
18 the Commission to adopt these proposed amendments and  
19 continue working towards a just transition. Thank  
20 you.

21 THE HEARING OFFICER: Thank you.

22 MS. APODACA: Okay. Next I have Steve  
23 Jones.

24 THE HEARING OFFICER: All right. Mr.  
25 Jones?

1                   MR. JONES: Yes. Steve Jones, and I  
2 will spell my name. Steve, S-T-E-V-E J-O-N-E-S. Good  
3 morning, Commissioner.

4                   THE HEARING OFFICER: Good morning. Do  
5 you swear or affirm to tell the truth?

6                   MR. JONES: So, help me God.

7                   THE HEARING OFFICER: I will start your  
8 time.

9                   MR. JONES: Members of the Commission,  
10 thank you for entertaining my comments relative to  
11 your consideration of proposed regulations for the New  
12 Mexico oil and gas industry. I come to you as one who  
13 spent his entire career in the energy industry.

14                   I've traveled to many third world  
15 countries that are underdeveloped due to energy  
16 constraints. My greatest satisfaction was when as  
17 president of Fortesa International, I was able to  
18 develop stranded natural gas reserves in the West  
19 African country of Senegal.

20                   Their three electric generation  
21 facilities were located in the three major population  
22 centers and had previously belched yellow smoke since  
23 they were forced to use Nigerian Bunker Fuel. The  
24 cost of the Bunker Fuel was so great that Senegal had  
25 no energy dependent industry, and it was therefore an



1 agrarian society.

2 Now, you and I are concerned with the  
3 direction of the New Mexico energy industry. We're  
4 worried about the influence of oil and gas industry on  
5 public education. We're worried about the possibility  
6 of increased costs of energy to New Mexican  
7 households.

8 We're worried about keeping and  
9 attracting businesses in New Mexico. You have a  
10 difficult decision to make as you evaluate the  
11 environmental impacts. I love of both the Land of  
12 Enchantment and the energy industry -- brings me to  
13 the point of my testimony.

14 Futurous predictions are that demand  
15 for energy will double in the very near future. Now,  
16 we're in a competition. The greatest growth in  
17 productivity and therefore prosperity will go to the  
18 states that have cheap and readily available energy.  
19 Please reconcile the environmental and our wonderful  
20 states people. Thank you.

21 THE HEARING OFFICER: Thank you, Mr.  
22 Jones.

23 MS. APODACA: Okay. Next we have  
24 Xavier Obando. Mr. Obando?

25 MR. OBANDO: Thank you. My name is

1 Xavier Obando.

2 THE HEARING OFFICER: Hello. Would you  
3 spell your first and last name? Yes.

4 MR. OBANDO: Yes. My name is Xavier  
5 Obando. It spells X-A-V-I-E-R O-B-A-N-D-O.

6 THE HEARING OFFICER: Thank you. Do  
7 you swear or affirm to tell the truth?

8 MR. OBANDO: I do.

9 THE HEARING OFFICER: I'll start your  
10 time.

11 MR. OBANDO: Thank you. I'm Xavier  
12 Obando. I'm a father of two school kids. I'm  
13 surprised to hear so many imply that normal obvious  
14 bonding to clean up orphaned wells will cost the state  
15 and impact education.

16 We have already 700 abandoned wells, 44  
17 more at the -- 4,400 more at risk, and taxpayers have  
18 covered over 100 million in cleanup in the past five  
19 years. Eighty-nine percent of New Mexicans agree  
20 companies should pay to restore what they profit from.

21 This role of -- this role is about --  
22 this rule is about saving the state money and  
23 requiring industry to pay to clean up their own mess.  
24 The -- the request is easy. If you drilled it, you  
25 clean it. Please approve these rules.

1 THE HEARING OFFICER: Thank you, Mr.  
2 Obando.

3 MS. APODACA: Okay. Next Is Jimmy  
4 Smith.

5 THE HEARING OFFICER: All right. Mr.  
6 Smith, can you unmute yourself? Hello.

7 MR. SMITH: Good morning. Can you hear  
8 me good?

9 THE HEARING OFFICER: Yes. Thank you.  
10 Would you spell your first and last name please?

11 MR. SMITH: Jimmy, J-I-M-M-Y. Smith,  
12 S-M-I-T-H.

13 THE HEARING OFFICER: Do you swear or  
14 affirm to tell the truth?

15 MR. SMITH: I do.

16 THE HEARING OFFICER: I'll start your  
17 time.

18 MR. SMITH: Okay. Hello, my name is  
19 Jimmy Smith. I came from a family of carpenters, but  
20 went to the oil field 42 years on the production side.  
21 I'm still here. I love what I do. I grew up in  
22 Artesia. I enjoyed helping the high school football  
23 team. I have been a pumper, a superintendent, and we  
24 drilled a lot of new wells.

25 Now, I work for a small independent.

1 I've doubled their production in a year and a half. I  
2 take care of wells, pulling units, the production. My  
3 boss is making money now. I went to echometer school,  
4 and they rewrote their curriculum to what I suggested  
5 to the instructor. He had asked me a question, and I  
6 would correct them.

7 I have put many hours into being the  
8 best at what I do. I have doubled my boss's  
9 production in the last year and a half. I quit an oil  
10 company and started my own business. I was making  
11 85,000 a year, and a year later I was making 220. I  
12 can now restart my business, troubleshooting wells for  
13 other companies.

14 The regulations affect me by the  
15 restrictions and the regulations that we shouldn't  
16 have to worry about. Over regulations, drives out  
17 jobs. I am asking you to support the oil and gas  
18 industry and its workers and consider the risk and how  
19 it affects the industry. Thank you for your time,  
20 Jimmy Smith.

21 THE HEARING OFFICER: Thank you very  
22 much. Mr. Smith?

23 MR. SMITH: Yes, ma'am. Thank you.

24 THE HEARING OFFICER: Next is Todd  
25 Randall.

1 MS. APODACA: Todd Randall.

2 THE HEARING OFFICER: Alrighty. Thank  
3 you.

4 MR. RANDALL: Hello. Yes, my name's  
5 Todd Randall.

6 THE HEARING OFFICER: Hello. Would you  
7 spell your first and last name please?

8 MR. RANDALL: T-O-D-D R-A-N-D-A-L-L.

9 THE HEARING OFFICER: Thank you. Do  
10 you swear or affirm to tell the truth?

11 MR. RANDALL: I do.

12 THE HEARING OFFICER: Thank you. I'll  
13 start your time.

14 MR. RANDALL: Thank you, Commissioner.  
15 I'm a professional engineer and a New Mexico State  
16 graduate from 1995 and currently serve as the  
17 assistant city manager for the City of Hobbs. Mayor  
18 Sam Cobb couldn't be here today and requested the  
19 following statements.

20 The City of Hobbs proposes a proposed  
21 oil and gas financial insurance rule. While we  
22 support reasonable well management, this rule would d  
23 duplicate existing requirements and impose unnecessary  
24 financial burdens on small and mid-sized producers who  
25 already pay a state conservation tax that funds

1 plugging and regulatory oversight.

2 The increase in bonding and requiring  
3 up to \$150,000 per well in upfront insurance could  
4 force smaller operators out of business, reduce local  
5 jobs and tax revenue and increase the risk of  
6 abandonment of wells.

7 The opposite of what the rules intent.  
8 We urge the state, the state to seek balanced  
9 solutions that protect the environment without  
10 undermining New Mexico's energy economy or the  
11 communities that depend on that. Thank you for your  
12 time.

13 THE HEARING OFFICER: Thank you, Mr.  
14 Randall.

15 MS. APODACA: Okay. The last hand up  
16 is Denise Willie.

17 THE HEARING OFFICER: Ms. Willie, can  
18 you unmute yourself?

19 MS. WILLIE: Yes, I'm here.

20 THE HEARING OFFICER: Hello. Would you  
21 spell your first and last name please?

22 MS. WILLIE: Yes. My name is Denise,  
23 D-E-N-I-S-E. Willie, W-I-L-L-I-E.

24 THE HEARING OFFICER: Do you swear or  
25 affirm to tell the truth?

1 MS. WILLIE: Yes.

2 THE HEARING OFFICER: Thank you. I'll  
3 start your time.

4 MS. WILLIE: Good morning. My name is  
5 Denise Willie, and I am an Indigenous energy organizer  
6 for Naeva. My comment on modernizing oil and gas  
7 bonding and cleanup rules in New Mexico: Oil and gas  
8 corporations must be held responsible for cleaning up  
9 the messes they profit from.

10 The current rules allow corporations to  
11 drill without putting up enough money to cover  
12 plugging wells, leaving public funds to cover cleanup  
13 costs when wells are abandoned. The New Mexican  
14 public should not be the financial backstop for oil  
15 and gas corporations that abandon their wells.

16 Abandoned wells leak methane toxins and  
17 oil contaminating water, harming New Mexicans, health  
18 and wildlife, and risking fires or explosions. Some  
19 of the highest risk wells are near tribal and rural  
20 communities. Our people's suffer. Our family's  
21 health matters.

22 There are nearly 700 known wells and  
23 4,400 more at risk of being abandoned without adequate  
24 bonding. Eighty-nine percent of New Mexicans support  
25 requiring companies to pay for cleanup and restoration

1 after drilling. We all play by the rules.

2 Corporations should too. If you drill it, you clean  
3 it. Thank you.

4 THE HEARING OFFICER: Thank you, Ms.  
5 Willie. Sheila, I see another hand.

6 MS. APODACA: We did get one more hand.  
7 It's Antoinette Reyes.

8 THE HEARING OFFICER: Ms. Reyes, can  
9 you unmute yourself?

10 MS. REYES: Hello.

11 THE HEARING OFFICER: Hello. Would you  
12 spell your first and last name please?

13 MS. REYES: Antoinette,  
14 A-N-T-O-I-N-E-T-T-E. My last name Reyes, R-E-Y-E-S.

15 THE HEARING OFFICER: Do you swear or  
16 affirm to tell the truth?

17 MS. REYES: Yes.

18 THE HEARING OFFICER: I'll start your  
19 time.

20 MS. REYES: Hi, my name is Antoinette  
21 Reyes, and I live in Southern New Mexico. Across our  
22 state, aging and deteriorating oil and gas wells dot  
23 the landscape -- many of them unplugged and leaking.

24 These wells release methane and cancer  
25 causing chemicals like benzene into the air our



1 children breathe, and -- and they threaten the  
2 aquifers that sustain our farms, wildlife, and  
3 communities. When contamination seeps into  
4 groundwater, it doesn't stop at county lines.

5 The harm continues long after companies  
6 walk away. Increasing bonding requirements is a  
7 matter of accountability. The companies that profit  
8 from extraction should be responsible for cleaning up  
9 their own pollution, not New Mexico families.

10 As a parent, I would like to see our  
11 taxpayer dollars invested in our kids' schools and  
12 healthcare, not spent on cleaning up abandoned wells  
13 left behind by corporations. Stronger bonding  
14 protects our air, water, and future and ensures  
15 polluters, not the public, pay the cost. Thank you.

16 THE HEARING OFFICER: Thank you, Ms.  
17 Reyes.

18 I see another hand, Sheila. Lori  
19 Feibelman.

20 MS. APODACA: Yes. Sorry about that.  
21 It's Lori Feibelman, and she has permissions to unmute  
22 herself.

23 THE HEARING OFFICER: All right. Ms.  
24 Feibelman, can you unmute yourself? You might have to  
25 press control shift M. Ms. Feibelman, can you unmute

1 yourself? You have permission to unmute yourself.  
2 Control shift M might be the trick. Control shift M  
3 might be the trick. I -- I think, sorry. I think I  
4 hear you. Hello?

5 MS. FEIBELMAN: Okay. Good.

6 THE HEARING OFFICER: Would you spell  
7 your first and last name please?

8 MS. FEIBELMAN: Would you like my legal  
9 first name or is Lori okay?

10 THE HEARING OFFICER: Lori's fine.

11 MS. FEIBELMAN: Okay. L-O-R-I --  
12 Feibelman, F as in Frank, E-I, B as in boy, E-L-M-A-N.

13 THE HEARING OFFICER: Thank you. Do  
14 you swear or affirm to tell the truth?

15 MS. FEIBELMAN: Yes.

16 THE HEARING OFFICER: I'll start your  
17 time.

18 MS. FEIBELMAN: My name is Lori  
19 Feibelman. I'm a grandmother and a parent who raised  
20 my kids in New Mexico. I always taught them you can't  
21 continue to the next activity if you don't clean up  
22 first.

23 Bonding rules teach the same lesson.  
24 Industry, no matter the size, should clean up their  
25 mess to not do so cost New Mexico taxpayers like

1 myself and leaves our schools and communities without  
2 resources that we could use for other important  
3 things.

4 THE HEARING OFFICER: Have you  
5 completed your statement, Ms. Feibelman?

6 MS. FEIBELMAN: Yes.

7 THE HEARING OFFICER: Thank you very  
8 much. Thank you.

9 MS. FEIBELMAN: You're --

10 THE HEARING OFFICER: Is there anyone  
11 else at all who would like to offer public comment in  
12 this our final public comment session? I see another  
13 hand. Gloria Lehmer?

14 MS. APODACA: Yes. And she has  
15 permissions to unmute now.

16 MS. LEHMER: Yes. Can you hear me?

17 THE HEARING OFFICER: Yes, I can.  
18 Would you spell your first and last name please?

19 MS. LEHMER: Gloria, G-L-O-R-I-A.  
20 Lehmer, L-E-H-M-E-R.

21 THE HEARING OFFICER: Thank you. Do  
22 you swear or affirm to tell the truth?

23 MS. LEHMER: Excuse me?

24 THE HEARING OFFICER: Do you swear or  
25 affirm to tell the truth?

1 MS. LEHMER: Yes.

2 THE HEARING OFFICER: I'll start your  
3 time. Thank you.

4 MS. LEHMER: Thank you for the  
5 opportunity to speak. My name is Gloria Lehmer and  
6 I'm here with my husband Robert Lehmer. We are  
7 surface rights landowners of eight acres of land in  
8 the -- in the city limits of Farmington. There is one  
9 abandoned well site on our property and another barely  
10 active well sits there as well behind a very large  
11 fence.

12 Much development is occurring around  
13 this site, but we are hindered by the lack of will of  
14 the current mineral operations company to plug and  
15 abandon this well and complete restoration of the land  
16 toward its natural state.

17 I strongly believe as do nearly nine in  
18 ten New Mexicans that oil and gas companies not the  
19 public should pay for cleanup when a well becomes  
20 abandoned. State data shows New Mexico currently  
21 faces between 700 million and 1.6 billion in projected  
22 oil and gas well cleanup liabilities.

23 Yet under existing rules, corporations  
24 can post bonds for a fraction of the real cleanup  
25 cost, which averages 160 -- 163,000 per well for the

1 state to plug. As taxpayers, we are already paying  
2 for legal fees to try to get this situation rectified  
3 over many years since the purchase in 1998.

4 Case number 24683, the proposed rule  
5 with changes designed to prevent oil and gas wells  
6 from becoming abandoned without cleanup would ensure  
7 that oil and gas operations -- corporations post  
8 adequate financial assurance that is bonds to cover  
9 the cost of cleanup before -- excuse me, before  
10 they're allowed to drill.

11 Tighten well transfer rules -- transfer  
12 rules to protect against risk, and strengthen rules to  
13 require timely cleanup instead of allowing wells to  
14 linger indefinitely in inactive status. I support  
15 this rule in order to protect our land, air, and water  
16 from the toxic pollutants of abandoned wells. Thank  
17 you very much.

18 THE HEARING OFFICER: Thank you, Ms.  
19 Lehmer.

20 MS. LEHMER: You're welcome.

21 THE HEARING OFFICER: Are there any  
22 other hand, Sheila? No. In that case --

23 MS. APODACA: I don't see anymore.

24 THE HEARING OFFICER: All right. Thank  
25 you. In that case, we'll return to the technical

1 case, but we do need a break. Before we do that,  
2 let's return at 10:30 to resume the technical case.  
3 Thank you.

4 (Off the record.)

5 THE HEARING OFFICER: Thank you for  
6 joining us on camera, Mr. Cloutier.

7 MR. CLOUTIER: You're welcome, Madam  
8 Hearing Officer.

9 THE HEARING OFFICER: Would you call  
10 your next witness?

11 MR. CLOUTIER: Yes, Madam Hearing  
12 Officer. And good morning, Members of the Commission.  
13 IPANM calls Jeff Harvard.

14 Good morning, Mr. Harvard. Can you  
15 introduce yourself to Members of the Commission  
16 please?

17 THE HEARING OFFICER: I don't hear  
18 anything.

19 MR. CLOUTIER: You're muted, Jeff.

20 MR. HARVARD: Forgive me. Thank you  
21 for that reminder. Yes. My name is Jeff Harvard. It  
22 is spelled J-E-F-F H-A-R-V-A-R-D.

23 THE HEARING OFFICER: Thank you. Do  
24 you swear or affirm to tell the truth?

25 MR. HARVARD: Yes, ma'am.

1 THE HEARING OFFICER: Thank you. Go  
2 ahead, Mr. Cloutier.

3 DIRECT EXAMINATION

4 MR. CLOUTIER: Could you give the  
5 Commissioner a little bit of biographical information  
6 about yourself, Mr. Harvard?

7 MR. HARVARD: Yes. I am a lifelong  
8 resident of Roswell, New Mexico. My -- my mom and dad  
9 came here in 1956 with Sinclair, and my dad worked  
10 with them for many years until the majors pulled out  
11 of Roswell. He then worked for -- worked for a couple  
12 of independents and started his own company in 1970.

13 Harvard -- the first company was  
14 Harvard Exploration Company and has have continued to  
15 evolve that into Harvard Petroleum Company, LLC, of  
16 which I'm the president and -- and managing member. I  
17 am also joined by my -- have my son who recently  
18 joined the firm as well. So, we're getting into the  
19 third generation of operations in New Mexico as well  
20 as Texas and Oklahoma.

21 MR. CLOUTIER: And tell us about, just  
22 in a few sentences, sort of Harvard Petroleum's  
23 history of Harvard Exploration through Harvard  
24 Petroleum.

25 MR. HARVARD: Yes. We -- my dad

1 started the company out as put -- putting together  
2 buying a non-operated interest in -- in prospects in  
3 New Mexico and -- and then into West Texas from 1970  
4 through 1986. In 1980, we started -- started  
5 operating wells in New Mexico and in West Texas. And  
6 have been an operator ever since.

7 We -- I would say, well recently back  
8 in -- in '21, we were fortunate to have an opportunity  
9 to bid on a package of wells that were operated by  
10 a -- a major producer in -- in New Mexico and pursued  
11 that -- pursued that opportunity and were successful  
12 in being the high bidder for the -- for the  
13 properties. And that's mainly what my testimony will  
14 be about today.

15 MR. CLOUTIER: Good. You submitted  
16 written direct testimony; correct, Mr. Harvard?

17 MR. HARVARD: Yes, sir.

18 MR. CLOUTIER: Is it true and accurate,  
19 or do you have any clarifications?

20 MR. HARVARD: It is true and accurate.

21 MR. CLOUTIER: Thank you. So, what's  
22 the purpose of you testifying to the Commission today?

23 MR. HARVARD: My purpose of testifying  
24 is to I guess highlight the -- the opportunity and  
25 value and benefit to the State of New Mexico in



1 maintaining and -- and the -- the longstanding history  
2 of I guess the development and exploitation of -- of  
3 full, you know, full exploitation of recovery of  
4 hydrocarbons from, you know, from -- from New Mexico.

5 We -- the -- the opportunity as I -- as  
6 I briefly represented was, you know, was brought to us  
7 by a major company that was just not -- these -- was  
8 not producing these wells and was not really spending  
9 that much -- that much time or effort in them and  
10 wanted to go ahead and sell -- and to sell those wells  
11 to somebody that -- that would take, you know, would  
12 take advantage of the opportunities that were there.

13 It was -- and that has been going on  
14 from really from probably the start of -- of activity  
15 into New Mexico. Majors come in and -- and identify  
16 prospects and -- and fields and opportunities.

17 They -- they develop and take advantage  
18 of them, but at a point in time it -- it becomes --  
19 it's -- it's not in their -- their fiscal best  
20 interest to -- to continue to operate those wells when  
21 they have moved on to other larger opportunities.

22 And they sell their -- they sell  
23 those -- those wells to other independent operators  
24 that take them over and make the most out of them.  
25 And that's what -- that's what we have done over the

1 years.

2 MR. CLOUTIER: Could you give the  
3 Commission a little bit better idea of the package?  
4 Obviously, we're not going to go well by well, but  
5 sort of what an -- on an overall basis this package  
6 consisted of?

7 MR. HARVARD: Well, it was -- it  
8 consisted of approximately 220 wells. There was -- I  
9 think it ended up the final -- the final trade on it  
10 was 209 wells that -- that we acquired. We were -- we  
11 were the -- the high bidder for the, you know, for  
12 those wells.

13 And once, you know, when we -- when we  
14 got, when we -- when we received the wells and got  
15 control of them, we -- well, I -- I'll be honest,  
16 some -- some of the first -- the first activity that  
17 we took on -- on those -- on those properties was to  
18 plug several wells that needed to be plugged and  
19 had -- were on the list for that previous operator.

20 We -- and -- and further went beyond --  
21 beyond that to return wells to production. We do  
22 workovers, recompletions and have -- and have  
23 significantly increased the production out of those --  
24 out of those properties and continue to, you know,  
25 to -- to produce and optimize those wells.

1                   We are also in an ongoing plugging  
2   program of the wells that are no longer economic to  
3   produce. And therefore, as -- as we have -- as we  
4   always do, we, you know, take it -- we take the  
5   responsibility of plugging those wells, reclaiming the  
6   locations and -- and do those in -- in conjunction  
7   with, you know, with -- with the state and federal  
8   agencies.

9                   MR. CLOUTIER: Let's just talk about --  
10   obviously, mentioned that there were some well  
11   packages -- wells that you bought in the package that  
12   needed plugging.

13                   But I would assume you wouldn't have  
14   spent money on 209 wells that needed plugging. Give  
15   the Commission a sort of overall basis of the other  
16   wells that you didn't plug right away. Were they  
17   producing and if so, at what levels?

18                   MR. HARVARD: There -- yes. They were  
19   producing. Some very, very minimally, and -- and  
20   there were some wells that, or I would say most were  
21   in the -- in -- in the marginal or -- or close to  
22   marginal level. But there were -- there were multiple  
23   wells that -- that were producing at -- at a -- at a  
24   higher rate.

25                   We -- we went -- we took -- we

1 basically went in and evaluated all the wells and  
2 evaluated what had been done. And a lot of it -- it  
3 was just with paying attention to the wells, keeping  
4 them producing and -- and in ensuring that -- that  
5 we're getting the most out of them.

6 Many of the wells we went in and we  
7 reworked, cleaned out, did -- did recompletions on  
8 certain -- on certain wells and increased production  
9 significantly. We -- and we continue to do that to --  
10 to this day.

11 MR. CLOUTIER: Okay. How much did you  
12 spend in those repairs or reworkings in rough terms,  
13 Mr. Harvard?

14 MR. HARVARD: Well, approximately 15  
15 million was -- was reinvested into -- into our  
16 workover efforts over a, you know, over a several year  
17 period and -- and we were very successful in -- in  
18 the, you know, in increasing our production and -- and  
19 in turn, you know, increasing the revenue that was  
20 generated for us as well as for the state through --  
21 through royalties and taxes.

22 MR. CLOUTIER: Good. Are you familiar  
23 with the marginal well definition proposed in this  
24 rulemaking and the bonding requirements proposed on  
25 marginal wells?

1 MR. HARVARD: Yes, sir.

2 MR. CLOUTIER: Okay. And is it  
3 consistent with your understanding that it's less than  
4 1,000 BOE in a 12-month period, less than 180 days  
5 production with an and there and then a dollar amount  
6 for bonding?

7 MR. HARVARD: Yes, sir.

8 MR. CLOUTIER: Do you understand what  
9 the dollar amount per single well bond would be under  
10 this rulemaking?

11 MR. HARVARD: I -- I do understand it.  
12 I -- I don't agree with it.

13 MR. CLOUTIER: Yeah. I -- I was asking  
14 you to, if you could tell the Commission that you  
15 understand the amount and tell them what the amount  
16 you understand.

17 MR. HARVARD: Yes. The \$150,000 per  
18 well.

19 MR. CLOUTIER: How would that sort of  
20 requirement affected the deal that you made for the  
21 209 wells if it had been in place back in 2021 when  
22 you did this?

23 MR. HARVARD: We would've not even  
24 if -- if that was the -- if -- if that was the bonding  
25 requirement at that time we would not have even been

1 interested in looking at, you know, or -- or in -- in  
2 pursuing those -- the acquisition of those wells.

3 We -- it just -- it would not have --  
4 it would not have anywhere -- it would've  
5 significantly increased the amount that -- that we --  
6 we would've had to pay and would not have been  
7 economically beneficial for us to pursue it.

8 MR. CLOUTIER: Would it -- do you have  
9 an understanding that at a certain level under this  
10 rulemaking, an operator might have to post wells on --  
11 bonds on all of its wells if its portfolio contains a  
12 certain percentage of marginal wells?

13 MR. HARVARD: Yes, sir.

14 MR. CLOUTIER: And would that have had  
15 an effect on this deal?

16 MR. HARVARD: Yes, sir.

17 MR. CLOUTIER: Would it have put --  
18 would this deal have put you over the threshold?

19 MR. HARVARD: Yes, sir.

20 MR. CLOUTIER: Okay. And can you give  
21 the Commission on an overview basis sort of where  
22 these wells started with production when you got them  
23 and where they are today?

24 MR. HARVARD: Well, you know, we -- as  
25 I indicated, we have majority of the wells were in

1 the, you know, lower producing, you know, right at or  
2 some -- some under the -- the marginal well  
3 requirements and -- and some at and -- and or slightly  
4 above.

5 We had and -- and we did have multiple  
6 wells that -- that did produce larger volumes of -- of  
7 oil and gas. And -- and we can, you know, so -- so it  
8 was a -- it was a spread. I don't have the specific  
9 breakdown of every, you know, of all -- all 200 plus  
10 wells.

11 But it was a -- it was a spread with --  
12 with the majority of it being a -- in the -- in the  
13 close to marginal -- above -- slightly above, close to  
14 and some below the marginal rate with I would say  
15 maybe ten, you know, ten percent of the -- of the  
16 production being, you know, better by, you know,  
17 better by two to three times.

18 MR. CLOUTIER: Okay. And Mr. Harvard,  
19 I want to thank you for your direct testimony. The  
20 other lawyers have the opportunity to cross-examine  
21 you, and the Commission can ask you questions. So, if  
22 you just hang on for them too, please.

23 MR. HARVARD: Yes, sir.

24 THE HEARING OFFICER: Thank you, Mr.  
25 Cloutier. Ms. Fox, do you have questions of Mr.

1 Harvard? You're still muted? Control shift M maybe.

2 MS. FOX: Got it. Got it. Got it.

3 THE HEARING OFFICER: All right.

4 MS. FOX: Hello, Mr. Harvard. Thank  
5 you for your testimony. I'm Tannis Fox with --  
6 representing applicants. We have no questions.

7 MR. HARVARD: Thank you, ma'am.

8 THE HEARING OFFICER: All right. Thank  
9 you. Mr. Tremaine, do you have questions of Mr.  
10 Harvard?

11 MR. TREMAINE: Forty-five more seconds.

12 CROSS-EXAMINATION

13 MR. TREMAINE: Thank you. All right.  
14 Good morning, Mr. Harvard. This is Jesse Tremaine. I  
15 am the legal director for the Oil Conservation  
16 Division. Thank you for joining us, and I hope you're  
17 well this morning.

18 MR. HARVARD: Thank you, sir.

19 MR. TREMAINE: I have a couple  
20 questions I want to speak just at a very high level  
21 about your portfolio that you talked about and the  
22 transaction and redevelopment of those wells. So, I  
23 want to lay a couple foundational questions. And I'm  
24 not trying to quiz you on exact numbers I just kind of  
25 get a ballpark here, if that's all right. So --



1 MR. HARVARD: Yes sir.

2 MR. TREMAINE: -- when I look at OCD  
3 Replacement Exhibit 16, which is in the record as the  
4 production data reported by all operators from fiscal  
5 year 2024, and I filter it, I end up with -- as of  
6 that fiscal year, Harvard would have about 40 oil and  
7 gas production wells that produced less than 1000 BOE  
8 in less than 180 days. Does that sound about right to  
9 you?

10 MR. HARVARD: Yes, sir. That does.

11 MR. TREMAINE: Okay. And it looks like  
12 in -- for a fiscal year 2024, there were 3 -- about 3  
13 wells that didn't produce anything -- oil and gas  
14 wells that didn't produce anything and didn't produce  
15 for any days in that year. Does that also sound about  
16 right?

17 MR. HARVARD: I -- I -- yes sir. It  
18 does. I don't have the information in front of me,  
19 but it sounds -- I -- I don't -- will not dispute  
20 that.

21 MR. TREMAINE: I just -- yeah. Just  
22 trying to clear up that there's -- you have a number  
23 of wells from that period that would fit the marginal  
24 well status, and you have a number that didn't produce  
25 at all for whatever reason.

1                   The -- you talked into your testimony  
2 about the 220 wells that you transacted. Were those  
3 the wells that you -- that Harvard transferred in from  
4 Devon?

5                   MR. HARVARD: Yes, sir. That is.

6                   MR. TREMAINE: Okay. Thank you. And  
7 it looks like a little less than half of those --  
8 about 100 of them were shut in at the -- at the time.

9                   MR. HARVARD: Yes, sir. A lot of those  
10 were -- I know -- I don't -- a lot of those wells were  
11 shut in or very marginal producers.

12                  MR. TREMAINE: Do you know why Devon  
13 had shut them in?

14                  MR. HARVARD: No, sir. I do not.  
15 Well, no, sir. I -- I would not speculate as to why,  
16 and I -- I do not know. No, sir.

17                  MR. TREMAINE: Sure. And absolutely  
18 fair if you don't know, just you don't know. Do  
19 you -- similarly, do you know why Devon decided to  
20 sell them?

21                  MR. HARVARD: They were focused on  
22 their current ongoing drilling -- drilling activity  
23 and the -- those -- the wells that were put in the  
24 package to sell were just a more of a burden rather  
25 than a benefit to them, is my assumption. Again, I

1 would not speculate as to their specific reason, but  
2 that is my assumption.

3 MR. TREMAINE: Okay. That package -- I  
4 mean there's a distinction between wells that are shut  
5 in versus wells that are going to plug. So, is  
6 there -- when you bought those wells from Devon, did  
7 that package of wells come with, you know, quote  
8 unquote ready to plug wells or wells that you expected  
9 to plug right away?

10 MR. HARVARD: As I -- as I testified  
11 just earlier, yes. There were several wells that  
12 needed to be plugged right away.

13 MR. TREMAINE: Okay. About -- and I'm  
14 sorry if I missed that. About how many -- well, when  
15 you took on that package, about how many wells did you  
16 expect to have to plug right away rather than return  
17 to production?

18 MR. HARVARD: There were two wells that  
19 were plugged immediately and a third that followed  
20 shortly thereafter.

21 MR. TREMAINE: Okay. So, thank you for  
22 that. I believe you said that and I just missed it,  
23 so apologies.

24 MR. HARVARD: No, sir. No problem.

25 MR. TREMAINE: So, I want to get back

1 to these 40 wells from FY '20 that are in this  
2 marginal well status. When I look at those wells, I  
3 see a lot of different production volume, a range of  
4 production volumes and a range of days. Does Harvard  
5 have any workover, or recompletion plans for those  
6 wells or any subset of them?

7 MR. HARVARD: Would you be a little bit  
8 more specific? You're -- you're talking about the 40  
9 wells, which can you give -- yeah. What -- where --  
10 what are you referencing there, sir?

11 MR. TREMAINE: Yeah. I mean maybe  
12 specifying the number of well -- because we're talking  
13 about different time periods. So again, I'm really  
14 not trying to quiz you on any particular wells.

15 But of the wells that would fit  
16 current -- of the wells that Harvard operates that  
17 would fall into the marginal well criteria as defined  
18 in the proposed rule. Of those wells, do you have any  
19 plans to workover, recomplete any of those wells in  
20 the near or distant future?

21 MR. HARVARD: Yes. Yes sir. We do.  
22 We -- we are always evaluating our -- our production  
23 and -- and the optimization thereof. A lot of it,  
24 we -- it -- it comes down to economic evaluations of  
25 the opportunities, the cost of reworks and such like

1     that.

2                     And -- and honestly, we -- we keep one  
3     to two -- we keep one to two rigs running pretty much  
4     the whole time out in that, you know, in that area. I  
5     would say one and occasionally bringing in two. I'll  
6     put it that way.

7                     MR. TREMAINE:   So, one or two rigs?  
8     You're doing some sort of workover or recomplete,  
9     like, all year -- is kind of persistently working?

10                    MR. HARVARD:   Pretty much so. Yes,  
11     sir. It -- it -- you have -- as you're probably aware  
12     that -- that, you know, you have pumps that go out,  
13     rod parts, additional other issues that -- that may  
14     come up that -- that require remedial work to  
15     return -- to return those wells to production.

16                    MR. TREMAINE:   Sure. Do you have any  
17     plans to put any of those roughly 40 wells into  
18     approved temporary abandonment status or the need to  
19     put any of those wells into approved temporary  
20     abandonment status?

21                    MR. HARVARD:   It -- that is not our  
22     intent at this point. And -- and we are more so  
23     pursuing a plugging program to, you know, if -- if a  
24     well is -- if we really feel like we've done  
25     everything we could to get what we can out of that

1 well, and it's really not going to make it, it goes  
2 onto our plugging list.

3 And we -- we are -- we've got -- I  
4 think I've got six -- six C-103, you know, plug and  
5 abandoned permit or not permit submittals of forms of  
6 notice that -- that the wells have been plugged and we  
7 are, you know, we continue maintaining a fairly  
8 aggressive -- I would -- I wouldn't say aggressive.

9 We -- we continue to plug wells all --  
10 as -- as needed and -- and as -- as financially  
11 prudent and -- I guess prudent.

12 MR. TREMAINE: Thank you, Mr. Harvard.  
13 So, what -- and apologies again if you've already  
14 stated this. About how many wells does Harvard  
15 currently believe it's going to plug in the near  
16 future -- let's say in the next year?

17 MR. HARVARD: I would say in the next  
18 year we have probably six to ten wells that -- that  
19 would -- would -- will probably be plugged within the  
20 next -- within the next year.

21 MR. TREMAINE: Okay. When you acquired  
22 the about 220 wells from -- from Devon, I mean you --  
23 you stated earlier in your testimony that they --  
24 those were lower producing wells. I want to ask about  
25 your asset retirement plans.

1 I'm -- as a premise of my question, I  
2 mean including the assumption that if you're buying  
3 220 wells, you know that you have to retire those  
4 wells at some point, at least if you don't divest of  
5 them. So, what -- when you acquired those wells, what  
6 plans did you have in place to retire those assets?

7 Really what I'm getting at here is did  
8 you have money, you know, capital reserve for the  
9 necessary plugging, or are you relying on revenue from  
10 other production in order to prepare for the eventual  
11 plugging of those wells?

12 MR. HARVARD: We -- we had other  
13 revenue available to go ahead and to -- to start  
14 plugging. And as I -- as I previously testified, that  
15 was one of the first things that we did. The -- some  
16 of the first activities that we had was plugging  
17 and -- and cleaning up those two wells.

18 So, we -- and we -- we knew and we  
19 had -- we had modeled out what our anticipated  
20 plugging obligations would be and to ensure that we  
21 had the capital and cashflow capabilities to perform  
22 those, you know, perform the plugging you end of the  
23 P and A's as -- as needed and as prudent.

24 MR. TREMAINE: Thank you. And I didn't  
25 mean to belabor the point, Mr. Harvard, about the

1 plugging of the wells. You knew you were going to  
2 have to plug immediately. I'm trying to get at  
3 understanding how you're planning to plug 220 wells.

4 So, what plan in place do you have for  
5 the asset retirement for the wells that are currently  
6 in production but are producing low volumes?

7 MR. HARVARD: The lower volume wells,  
8 and -- and that's as -- as I've -- as I've indicated,  
9 we, you know, we continue to monitor our production.

10 We continue to optimize as much as  
11 possible and as those wells do fall below that  
12 threshold, then they -- then they are, you know, put  
13 onto our plugging list and -- and we pursue those, you  
14 know, pursue those plugging opportunities or  
15 obligations from our side.

16 MR. TREMAINE: So -- sorry Mr. --

17 THE HEARING OFFICER: Mr. Tremaine, you  
18 have about five minutes.

19 MR. TREMAINE: I'll wrap up real quick  
20 here. So -- sorry. So, Mr. Harvard, I -- using OCD's  
21 proposed average plugging cost of \$150,000 for  
22 wellbores and looking at 220 wells that roughly max --  
23 maths out to \$33 million. So, I'm trying to -- I'm  
24 not asking whether you're planning to plug them. I'm  
25 asking you to explain how you're going to pay for



1 plugging them?

2 MR. HARVARD: I have more than 220  
3 wells -- those 220 wells and -- and we have -- we --  
4 we have the -- we have the capable -- the -- the  
5 capital capabilities to pursue that. We're -- we will  
6 do that over a period of time. We do, you know,  
7 when -- when wells, you know, when it's necessary to  
8 plug wells. And so it's over a period of time.

9 We -- we are in a reasonable, you know,  
10 reasonable price environment that -- that we continue  
11 to monitor and -- and review as far as -- as far as  
12 the economics and take advantage of those, you know,  
13 take advantage of -- of the opportunities that we do  
14 have.

15 But yes. If you're asking me are we --  
16 are we prepared to eventually plug those 220 wells,  
17 probably so. I think that they're, you know, over the  
18 next, you know, is that going to be over the next  
19 year? No. There's majority of that -- majority of  
20 those wells we will -- we still model and show that  
21 they are capable of producing in paying quantities.

22 MR. TREMAINE: Absolutely, sir. And  
23 I'm not suggesting that it would be in the next year  
24 or even in the next five years. I'm just trying to  
25 figure out -- we've had a lot of testimony in this

1 hearing. I'm just trying to figure out if you're  
2 relying on current production revenue to pay for that  
3 or if you have a savings account planning for that.

4 But I think you've testified that you  
5 believe you have the capability to plug those wells.  
6 That's of course great to hear. I do have to ask you  
7 one more question, Mr. Harvard. So, we've talked kind  
8 of about this planning. Have you looked at Harvard's  
9 compliance status for inactive wells recently?

10 MR. HARVARD: Yes, sir. I have.

11 MR. TREMAINE: Okay. Are you aware  
12 that you have 16 wells that are overdue for being  
13 plugged under the current rule?

14 MR. HARVARD: Yes, sir. Six of those  
15 wells that are on that list have been the -- as I  
16 indicated earlier, the C-103s have been submitted to  
17 the OCD.

18 And -- and we are waiting on their --  
19 we're -- we're in the process of doing the reclamation  
20 and at such time -- such time as the reclamation is --  
21 is finished on those -- on -- on those sites, we'll be  
22 notifying the C1 or notifying the OCD for final review  
23 and approval.

24 We're still waiting for those -- the  
25 C-103s to be approved -- a note that -- with that the

1 plugging operation has been completed.

2 MR. TREMAINE: Okay. Thank you for  
3 that.

4 MR. HARVARD: So, and -- and I realize  
5 that even with those, that still does put me over  
6 the -- the limit and that is -- that's where we're  
7 looking at potentially additional plugging proceeding  
8 on some of those as well as return to production.

9 MR. TREMAINE: Okay. Thank you. So,  
10 we had talked about FY '24 and there were -- it looked  
11 like there were three wells in FY '24 that didn't  
12 produce anything, and then we skipped forward to  
13 today. So, in that year you had 13 -- about 13  
14 additional wells that went -- it went inactive.

15 Is there anything -- any information  
16 you can provide as to kind of what happens where you  
17 went from, you know, three wells with no production up  
18 to 16 during that year that are now out of compliance  
19 with 5.9 and 25.8? Like, what was going on with those  
20 wells?

21 MR. HARVARD: Well, yeah. And -- and  
22 again as I've pointed out, it's, you know, we did  
23 have, you know, six of those wells. You'll take those  
24 off. That puts me down to seven, you know, seven  
25 wells. One of the wells on there is a Duncan State.

1                   And we are -- we have, you know,  
2     we're -- we're trying to work with the State Land  
3     Office on downhole commingling and have -- have had --  
4     have had some difficulties in -- in getting to the  
5     right person to communicate with on that. So, we have  
6     that.

7                   There's -- we're waiting on one of the  
8     wells for federal approval for plugging, so we can go  
9     ahead and proceed with that. There's -- we -- we  
10    have -- we -- we are aware of -- of our -- of that --  
11    of that overage of being over the -- our -- our five  
12    wells allowed and are -- are aggressively working to  
13    improve to -- to get that down into compliance.

14                  THE HEARING OFFICER: Mr. Tremaine,  
15    please wrap up.

16                  MR. TREMAINE: Thank you, sir. Yeah.  
17    I would just -- Mr. Harvard, if you've got any  
18    questions about any commingling or other approval  
19    concerns, please reach out to Mr. Wrinkle. His  
20    contact information's available on the website. I  
21    have no further questions for Mr. Harvard. Thank you  
22    for all of your time and attention here today.

23                  THE HEARING OFFICER: Thank you, Mr.  
24    Tremaine.

25                  MR. HARVARD: You're welcome.

1 THE HEARING OFFICER: Mr. Graeser, do  
2 you have questions of Mr. Harvard?

3 MR. GRAESER: I think Mr. Tremaine  
4 covered most of what I had, Madam Hearing Officer.  
5 Mr. Harvard, you can certainly reach out to Baylen  
6 Lamkin in the State Land Office if you have  
7 commingling questions. I don't think I have anything  
8 more. Thank you.

9 THE HEARING OFFICER: All right. Thank  
10 you Mr. Graeser.

11 MR. HARVARD: Mr. Graeser, may I ask if  
12 you would ask Mr. Lamkin if he would get back with us?

13 MR. GRAESER: I will.

14 MR. HARVARD: Thank you, sir.

15 MR. GRAESER: He's a busy man.

16 MR. HARVARD: I understand. No. I  
17 will understand that. And -- and yeah, because that's  
18 our -- it is our desire -- I -- I'll be honest. I'm  
19 sitting with 1,000 barrels of oil in tanks that I  
20 can't sell, and I think you'd like to see it, and we'd  
21 like to see it.

22 THE HEARING OFFICER: All right.

23 MR. GRAESER: Thank you.

24 THE HEARING OFFICER: I don't think we  
25 have Ms. Nanasi with us.

1                   Mr. Maxwell, do you have questions of  
2   Mr. Harvard?

3                   MR. MAXWELL: I have no questions.  
4   Thank you.

5                   THE HEARING OFFICER: Thank you.

6                   Mr. Rankin, do you have questions?

7                   MR. RANKIN: No questions for Mr.  
8   Harvard. Thank you, Madam Hearing Officer.

9                   THE HEARING OFFICER: All right. I  
10   think EOG is monitoring.

11                   Mr. Suazo, do you have questions of Mr.  
12   Harvard?

13                   MR. SUAZO: No questions from NMOGA for  
14   Mr. Harvard. Thank you, Madam Hearing Officer.

15                   THE HEARING OFFICER: All right. Mr.  
16   Cloutier, do you have redirect?

17                   MR. CLOUTIER: I do not, Madam Hearing  
18   Officer. Thank you.

19                   THE HEARING OFFICER: All right. We'll  
20   turn then to the Commissioners.

21                   Commissioner Ampomah, do you have  
22   questions?

23                   MR. AMPOMAH: Yes. I do have few  
24   questions for Mr. Harvard. So, Mr. Harvard, this is  
25   William Ampomah, professor at New Mexico Tech. Nice

1 meeting you today, and thank you for testimony.

2 MR. HARVARD: Yes, sir. It's good to  
3 meet you.

4 MR. AMPOMAH: Thank you. So, if we can  
5 bring up your direct testimony -- not the slides, but  
6 the actual direct testimony. I do have some few  
7 questions on that.

8 MR. HARVARD: Yes, sir.

9 MS. TRIPP: Should see it now on your  
10 screens.

11 MR. AMPOMAH: Yes, I do. Can we start  
12 from page 5?

13 Yeah. So, on page 5 I'm reading  
14 from -- so the question that was asked was from 7 --  
15 on line 7, how would you -- how would your deal to  
16 purchase these 220 worlds have deferred if each  
17 marginal world was required to have one 50,000 bond?

18 So, in your answer I highlighted from  
19 11, you're saying the seller may have plugged and  
20 abandoned some of these wells rather than paying the  
21 bonding cost.

22 So, my question to you is that don't  
23 you believe that with this set of rules that is  
24 available -- that is in front of the Commission for  
25 our consideration, that would more or less motivate

1 larger companies to change their business models by  
2 selling their stripper wells or low producing assets  
3 earlier to small operators once they meet their  
4 economic limit other than allowing it to spend at this  
5 status for quite a long time?

6 MR. HARVARD: I would -- I would agree  
7 with that -- with that statement, Mr. Commissioner.

8 MR. AMPOMAH: Now, let's go to page  
9 number 7. So, in page 7, I'm reading from question  
10 number 12 -- line number 12. So, even if these wells  
11 no longer have to be bonded given the production  
12 right.

13 So, your answer I highlighted from  
14 13 -- line 13, you're saying "I do not see any  
15 provision under the applicant's rule proposals that an  
16 operator coming in and restoring production above --  
17 replace that with marginal well levels would even get  
18 the bond back." So, this has been a lot -- there has  
19 been a lot of discussion on this. Do you still  
20 believe this assessment is still true?

21 MR. HARVARD: I -- I have not seen  
22 anything, any revisions to the -- I guess the proposed  
23 rule that would indicate that if a well is -- is  
24 brought out of a stripper well status that the bond  
25 would be returned.



1 MR. AMPOMAH: Yeah. Let me clarify  
2 that. It is a marginal well that the applicant and  
3 OCD trying to bond, you know, at the high level, not  
4 necessarily stripper wells. Now, my question to you  
5 is that, you know, so based on all the discussion, my  
6 understanding is OCD saying that's not really true.

7 You know, you have to update the list,  
8 you know, periodically. Now, so based on your  
9 response, will IPANM and NMOGA work with OCD to  
10 provide a language that clarify this in the proposed  
11 rule to make sure that everybody is all cleared about  
12 the fact that you can release a bond, you know, once  
13 your well more or less comes above the marginal  
14 status?

15 MR. HARVARD: I -- I believe and -- and  
16 as a member of IPANM, I -- I do believe in support  
17 communication and -- and discussion with, you know,  
18 with the OCD about how to improve not just this  
19 particular portion of the -- of the rule, but -- but  
20 address some of the other concerns that -- that we and  
21 others have brought up with the -- with the rule.

22 MR. AMPOMAH: Yeah. And I've been a  
23 champion on that. You know, the Commissioners -- we  
24 are all in favor of dialogue between all parties to  
25 make sure that our lives become much a little bit

1 easier. Let me move on to line 20. So, line 20 in  
2 the -- the question was on line 19, what are your  
3 views on the rule proposal?

4 So, I don't know how much information  
5 or more or less how much you've listened in to the  
6 hearing. There has been a lot of discussions about  
7 some deceptions for marginal wells, even deceptions  
8 for beneficial use, some TA titles -- expired TA  
9 status.

10 So, I just want to ask you, based on  
11 all the testimony that we've received here, has your  
12 views changed a little bit or you still stand by the  
13 harsh impact to have on small operators?

14 MR. HARVARD: I -- I still do stand by  
15 my -- by my comments and -- and I also support the  
16 other comments that have been made that there is a  
17 significant concern from my side as a -- as a lifeline  
18 New Mexican about this -- the potential -- the -- the  
19 great potential for significant waste that would --  
20 would cause in my mind premature abandonment of wells  
21 that have significant hydrocarbon production.

22 As, you know, as questioned earlier,  
23 you know, these -- there was a lot of wells that  
24 would've been, you know, had -- had, you know, had  
25 even something much, much less in -- in a -- in a

1 bonding requirement on the acquisition that we made  
2 that would've -- would've probably precluded us from  
3 pursuing that acquisition.

4 And -- and therefore probably precluded  
5 the significant amount of additional royalty and tax  
6 revenues for the state by us that -- that we -- that  
7 we were able to -- to provide with -- in -- in take --  
8 in -- in taking these wells over, giving them some TLC  
9 and attention and -- and significantly increasing the  
10 production.

11 MR. AMPOMAH: Yeah, Mr. Harvard. So,  
12 as I said, there has been a lot of discussion and  
13 hopefully IPANM council and also NMOGA council will  
14 really explain what happened here, what transpired  
15 here to their members and get some consensus that will  
16 more or less help them to renegotiate or more or less  
17 discuss with the applicant and OCD to see if there  
18 could be some consensus.

19 MR. HARVARD: I agree, sir.

20 MR. AMPOMAH: Thank you. Let's go to  
21 last page -- that would be number 9. So, you were  
22 asked, you know, right at the end of page 8, "Based on  
23 your experience you've adapted, what do you think the  
24 large effects of this rulemaking will be?"

25 Now, your answer is that "It will put

1 small -- some smaller operators out of business  
2 probably right away." That is a key word. Now, my  
3 question to you is that, you know, based on your  
4 discussions with Mr. Tremaine -- so, I'll use your  
5 company as an example, assuming you do have about 40  
6 wells that falls within the marginal category.

7 Now, based on the proposed rule, the  
8 applicant NM OCD is providing up until May 2028  
9 timeline for companies to more or less bring their  
10 wells up above the marginal status or more or less,  
11 plug the well or at least find a way -- other  
12 alternative for that well.

13 Do you believe that the May '28  
14 timeline is enough, at least for you and for some  
15 companies like -- some companies in your situation to  
16 be able to more or less bring your wells out of the  
17 marginal status or at least have a strong plan as to  
18 how you're going to deal with them?

19 MR. HARVARD: Yes, Mr. Commissioner. I  
20 can speak for myself that -- that -- and as I -- as I  
21 articulated to Mr. Tremaine as well, that -- that we  
22 are in a position to be able to -- to meet our  
23 obligations.

24 We would continue to meet those  
25 obligations by pursuing the -- the actions required,

1 you know, in giving us in that -- in that period of  
2 time so that it did not become a -- a significant  
3 impediment to our, you know, our -- our cash flow and  
4 our and -- and our -- I guess our business.

5 But I -- I am well aware of many  
6 smaller operators that I do not -- they -- they --  
7 I -- I feel like that they -- the -- the -- they --  
8 they -- I guess everybody has an opportunity to --  
9 and -- and I do appreciate within the rule that --  
10 that period of time.

11 But there's -- I -- I can tell you,  
12 I -- I've been getting calls from operators saying,  
13 "What are we going to do? How are we going to do  
14 this?" And so it -- it's -- there is a -- there is  
15 a -- a significant concern amongst I would say  
16 reliable operators that -- that are saying, "I'm --  
17 I'm just -- I'm -- I'm out. I'm getting out."

18 And -- and I -- I do want to I guess  
19 voice that, you know, I -- I am -- I'm actually  
20 joining in. I -- I have a -- a well. In the past,  
21 I -- I had to join with another operator in -- in  
22 having to plug wells, you know, that -- that we were  
23 not the operator of.

24 But -- but I was an owner in the lease  
25 and so I -- we had to plug, you know, we had to pay to

1 plug those four wells. I've got -- I've got another  
2 couple of wells that -- that were in that -- in that  
3 same situation with -- with another operator that --  
4 that failed on his -- his duties and his  
5 responsibilities.

6 And -- and I do fully acknowledge that  
7 there are a very, very small -- I would say on one  
8 hand number of operators that -- that I would consider  
9 bad operators.

10 But the vast, vast majority of  
11 operators within -- within the state, I believe are  
12 good operators that are doing their best to -- to make  
13 the most out of -- of what they have to follow the  
14 rules and to abide by their obligations. I do not  
15 believe that -- that our industry is a -- is an  
16 industry of bad actors.

17 MR. AMPOMAH: So, Mr. Harvard, the last  
18 question will be based on your response. Let me ask  
19 if you would advocate, you know, at least for your  
20 members to at least look at that provision -- that May  
21 2028 -- to see especially prudent operators if they do  
22 have any concerns about the time more or less being  
23 too short for them.

24 And if they could more or less provide  
25 any suggestions, you know, that can ease the pain that

1 this might probably cause to prudent operators?

2 MR. HARVARD: I -- I certainly will and  
3 I certainly have been and will continue to advocate  
4 for communication and to -- and to address I as -- as  
5 you've heard and we've heard.

6 There -- there are -- there are have  
7 been multiple ideas or not ideas or thoughts I guess  
8 presented previously related to how we can -- we can  
9 work with the -- with the Commission to ensure that  
10 there is a remediation fund, and that fund is  
11 available to the Commission to use and is not -- is  
12 not borrowed from or taken from.

13 And we would, you know, I -- I think  
14 that communication is -- is important to, you know,  
15 to -- to see if we can't work out -- address their --  
16 the specific concerns in a way that is -- is  
17 understood and agreed upon by both parties.

18 MR. AMPOMAH: Thank you, Mr. Harvard,  
19 for your time. Do appreciate that. No further  
20 questions.

21 MR. HARVARD: Thank you, sir.

22 THE HEARING OFFICER: Thank you.

23 Commissioner Bloom, do you have  
24 questions of Mr. Harvard?

25 MR. BLOOM: Yes. Thank you, Madam

1 Hearing Officer. Good morning, Mr. Harvard.

2 MR. HARVARD: Good morning, sir.

3 MR. BLOOM: Mr. Tremaine asked you what  
4 your plans are to plug P and A, your wells and I think  
5 specifically the 220 that you purchased from Devon.  
6 I'm not sure I heard a strong answer. Would you like  
7 to take another crack at that?

8 MR. HARVARD: Could you be a little bit  
9 more specific, sir?

10 MR. BLOOM: Yeah. I mean we're here  
11 with the applicants having asked the OCC to take  
12 action to ensure that wells are plugged in the future,  
13 and Mr. Tremaine asked you about your plans to plug  
14 and take care of your responsibilities for the wells  
15 that you own. I think particularly the 220.

16 And I'm not sure that I heard a strong  
17 plan from you and just wanted to give you an --  
18 another opportunity to address that if you wished.

19 MR. HARVARD: Well Mr. Tremaine asked  
20 if I had the capabilities to plug the 220 wells, and I  
21 indicated yes.

22 MR. BLOOM: Okay. No further  
23 questions. Thank you.

24 THE HEARING OFFICER: Thank you.

25 Chair Chang, do you have questions of



1 Mr. Harvard?

2 MR. CHANG: Not at this time. Thank  
3 you very much. I think it's all been explored.  
4 Appreciate it. Thank you for your testimony. And  
5 thank you for your time.

6 THE HEARING OFFICER: Any reason not to  
7 excuse Mr. Harvard?

8 MR. CLOUTIER: None, Madam Hearing  
9 Officer.

10 THE HEARING OFFICER: Thank you very  
11 much.

12 Thank you very much, Mr. Harvard.

13 MR. HARVARD: Thank you very much.

14 Thank you, Commissioners.

15 THE HEARING OFFICER: Would you like to  
16 call your next witness, Mr. Cloutier?

17 MR. CLOUTIER: Yes. Our last witness  
18 is John Nabors, Madam Hearing Officer.

19 THE HEARING OFFICER: I believe he's --

20 MR. CLOUTIER: Raising his hand.

21 THE HEARING OFFICER: I believe he's  
22 raising his hand. Mr. Nabors, can you unmute  
23 yourself?

24 MR. NABORS: Yes. Can you hear me?

25 THE HEARING OFFICER: Yes. Thank you.

1 Would you spell your first and last name please?

2 MR. NABORS: John J-O-H-N. Nabors,  
3 N-A-B-O-R-S.

4 THE HEARING OFFICER: Do you swear or  
5 affirm to tell the truth?

6 MR. NABORS: I do.

7 THE HEARING OFFICER: Thank you very  
8 much. Go ahead, Mr. Cloutier.

9 DIRECT EXAMINATION

10 MR. CLOUTIER: Could you introduce  
11 yourself to the Commission and tell them a little bit  
12 about who you are, Mr. Nabors?

13 MR. NABORS: I'm John Nabors. I'm the  
14 executive vice president here of operations at Spur.  
15 And just education background, I'm a petroleum  
16 engineer from University of Texas and have almost 20  
17 years of experience with a multitude of operators.

18 MR. CLOUTIER: Thank you. And could  
19 you give the Commission a brief introduction to Spur  
20 Energy -- when you started, what your presence in New  
21 Mexico is?

22 MR. NABORS: Yes. So, Spur started  
23 back in 2019. We had two large acquisitions that we  
24 did with Percussion Petroleum and Concho. We  
25 currently operate around 2,700 wells.

1                   We run a continuous drilling rig and  
2                   complete around 43 wells a year -- drill and complete  
3                   43 well a year. Additionally, we have about 100  
4                   employees in Eddy and Lea County, and we recently  
5                   drilled our 200th Spur well.

6                   MR. CLOUTIER: Thank you. Did you  
7                   offer written testimony in rebuttal Mr. Nabors?

8                   MR. NABORS: That is correct.

9                   MR. CLOUTIER: And do you have any  
10                  changes or clarifications?

11                  MR. NABORS: I do not.

12                  MR. CLOUTIER: Madam Hearing Officer,  
13                  actually I forgot to offer Mr. Harvard's direct  
14                  testimony, but at this point I offer both Mr.  
15                  Harvard's direct testimony into the record and Mr.  
16                  Nabors's rebuttal testimony.

17                  THE HEARING OFFICER: All right. I'll  
18                  pause for a moment in the event there are objections.  
19                  They're both admitted. Thank you.

20                  (Exhibit IPANM Harvard was marked for  
21                  identification and received into  
22                  evidence.)

23                  (Exhibit IPANM Nabors was marked for  
24                  identification and received into  
25                  evidence.)

1 MR. CLOUTIER: Thank you.

2 Mr. Nabors part of your rebuttal  
3 testimony I'm just going to identify quickly because I  
4 think it's no longer an issue.

5 We -- you spoke about the Electra 22  
6 well which Mr. John Garcia had identified as marginal  
7 under the rules, and you offered some testimony that  
8 had produced for more than 180 days during all those  
9 periods. I think we've got that all clarified here in  
10 the Commission, so I don't want to do that.

11 But I would like you to describe to the  
12 Commission why a company like Spur would leave the  
13 well like the Electra 22 producing at a low level for  
14 an extended period of time.

15 MR. NABORS: So, the area of the field  
16 that the Electra sits is on a gathering compression  
17 system that is challenged. So, the high line pressure  
18 of this hasn't let our older producers actually push  
19 in and make production.

20 We identified the Electra 22 as having  
21 a hole in tubing, but due to this compression problem  
22 we're not -- it wasn't going to be economic for us to  
23 fix the well at that time.

24 We now have line of sight that our gas  
25 gatherer is installing new compression throughout the

1 field and with this lower line pressure, I think it's  
2 going to be beneficial to us, the well and the state  
3 from a perspective of revenue to get these wells back  
4 online that are deemed marginal.

5 But it was basically due to midstream  
6 constraints we were not able to fix the well and have  
7 an economic project.

8 MR. CLOUTIER: Thank you. And you are  
9 familiar with the definition of marginal well  
10 obviously because you testified to it. Can you give  
11 the Commission an idea of how Spur's business strategy  
12 employs marginal wells and how they're useful to Spur?

13 MR. NABORS: So, the wells that would  
14 be deemed marginal, we have a field team that goes  
15 by -- will perform fluid levels in order to indicate  
16 if the well is able to produce. We then after seeing  
17 a fluid level that looks acceptable to us and our  
18 engineering team, we'll deploy a workover and of  
19 course justify that workover as being economic.

20 Unfortunately there will be some wells  
21 that don't meet this economic threshold. So, our plan  
22 is to then slide that over for tighter review for  
23 remaining reserves in place and potential uphold  
24 potential and either recomplete it or plug it.

25 MR. CLOUTIER: All right. And what

1 sort of wells are you -- the -- so sorry. First of  
2 all, these marginal or near marginal wells that you  
3 have, those are vertical wells?

4 MR. NABORS: Yes.

5 MR. CLOUTIER: And you're drilling  
6 horizontal acreage, horizontal wells across the same  
7 acreage as many of these marginal vertical wells. Is  
8 that correct?

9 MR. NABORS: That that is correct. Our  
10 horizontal wells target the same intervals that the  
11 vertical wells are penetrated in.

12 MR. CLOUTIER: Thank you. And you had  
13 some comments about Mr. Purvis's testimony and his  
14 views of marginal wells. Anything else you need to  
15 tell the Commission regarding that?

16 MR. NABORS: Just that his path is kind  
17 of a one size fits all -- deeming marginal wells and  
18 the material risk of them being orphaned. Spur  
19 operates these 2,700 wells. We've plugged 62 wells as  
20 of this year.

21 We've actually plugged three wells that  
22 we had nothing to do with. Never saw any revenue  
23 source due to our discussions with agencies. So, I  
24 think we've had multiple occasions that we've proved  
25 that we are a prudent operator and that holding these

1 marginal wells is not a risk to us or the state.

2 MR. CLOUTIER: Okay. And how would it  
3 affect your business strategy if the bonding  
4 requirements were imposed under this rulemaking on all  
5 marginal wells?

6 MR. NABORS: That's just something  
7 that's part of the economic equation. We'd have to go  
8 ahead and see what the increased cost would be for  
9 these bonds and decide how we're going to allocate  
10 capital.

11 So, of course if this is a rule that  
12 comes into play, we will abide by it like we have all  
13 the other rules from the state -- the BLM. But yes.  
14 It would be added into the economic equation and could  
15 limit some development -- could limit some workovers  
16 and restoring production and could limit some P and X.

17 MR. CLOUTIER: Thank you, Mr. Nabors.  
18 I don't have any further questions for you. And pass  
19 the witness so that the other attorneys in the  
20 Commission can provide it -- or give you any cross-  
21 examination -- direct any cross-examination to you Mr.  
22 Nabors.

23 MR. NABORS: Sounds wonderful.

24 THE HEARING OFFICER: Thank you, Mr.  
25 Cloutier.

1                   Ms. Fox, do you have questions of Mr.  
2 Nabors?

3                   MS. FOX: Thank you, Madam Hearing  
4 Officer. I have one question for you Mr. Nabors.

5                   CROSS-EXAMINATION

6                   MS. FOX: My name is Tannis Fox, and  
7 I'm a lawyer with Western Environmental Law Center and  
8 I represent the applicants in this proceeding. And  
9 thank you very much for your testimony today.

10                  When you were talking about -- I think  
11 it was the Electra well being down for some time  
12 because of the gathering system, do you recall that  
13 testimony?

14                  MR. NABORS: Yes.

15                  MS. FOX: And I believe you said that  
16 at the time when the system was down it was not  
17 economic to fix. Is that correct?

18                  MR. NABORS: Yeah. Yes. But let me  
19 clarify. So, the wall has a hole in tubing. It is  
20 still --

21                  MS. FOX: I'm sorry. Has a what? Has  
22 a what tubing?

23                  MR. NABORS: Hole in tubing. So, it's  
24 mechanically down downhole. And due to the gas  
25 gatherer being limited, we couldn't really add any



1 additional gas to that system. Or if we did we would  
2 be taking gas off that system. So, it's basically a  
3 one MCM -- MCF in, one MCF out.

4 So, it's a -- you're basically sitting  
5 back at the exact same place you are. So, that's why  
6 it didn't make it economic at that time. And since  
7 our gatherer is now adding compression, it's going to  
8 increase that production and allow us to fix that hole  
9 in tubing.

10 MS. FOX: So, I'm not following exactly  
11 because I'm not a petroleum engineer. But I guess my  
12 question is this.

13 When you testified, you said that it  
14 was uneconomic to fix, and what my question really is,  
15 is: Is that why you didn't fix it at the time because  
16 it was uneconomic or was it not technologically  
17 possible to fix? Was it out of your control? Was it  
18 force majeure?

19 MR. NABORS: It was not a complete  
20 force majeure, but it's pretty close. But -- but it  
21 was because it wasn't economic at that time. And of  
22 course like every industry, things change and a well  
23 that's uneconomic can then become very economic to do  
24 a capital project on it.

25 MS. FOX: Thank you very much. And

1     thank you again for your testimony.

2                     MR. NABORS:   Thank you, Ms. Fox.

3                     THE HEARING OFFICER:   Ms. -- Mr.  
4     Tremaine, do you have questions?

5                     MR. TREMAINE:   I do.   I'll be  
6     exceptionally brief.   I'm really trying to find a  
7     witness to pass, but I have to ask one quick line of  
8     questions.

9                     CROSS-EXAMINATION

10                    MR. TREMAINE:   Good morning,  
11     Mr. Nabors.   My name is Jesse Tremaine.   I'm the legal  
12     director for the Oil Conservation Division.   I hope  
13     you're well.   Thank you.

14                    So, Mr. Nabors, in your direct  
15     testimony you had talked a little bit about, or sorry,  
16     in your rebuttal testimony, you had talked a little  
17     bit about the Electra well and takeaway problems.   And  
18     I think it's fair to say that you're pointing out  
19     potential takeaway problems as an issue that might  
20     cause decreased production.

21                    Is that -- I mean, is that generally a  
22     fair statement?   Like, it is a concern for  
23     operators -- takeaway problems?

24                    MR. NABORS:   Yeah.   Yes, the takeaway  
25     problems, compression problems and processing problems

1 are definitely real. Our gas gatherer adding -- I  
2 think I said they've added compression in one area  
3 that was suffering from high line pressure.

4 And we are already seeing a significant  
5 increase to our PDP base production with only 15  
6 pounds removed. So, I know it sounds crazy that 15  
7 pounds can make that much of a difference, but that  
8 definitely does make a difference for us and the  
9 people that receive revenue and taxes.

10 MR. TREMAINE: So, yeah. Mr. Nabors,  
11 this is a -- takeaway capacity and pressure is a  
12 concept or issue that OCD has become quite familiar  
13 with. So, I want to talk -- just get to a -- ask you  
14 a question that gets to kind of the implementation and  
15 implications of the rule.

16 So, I just want to verify with you that  
17 Spur did in fact have substantial takeaway issues in  
18 the past, but the division accommodated those issues  
19 in the form of an agreed compliance order allowing  
20 Spur to continue operating while remaining in  
21 compliance with OCD rules?

22 MR. NABORS: That's correct.

23 MR. TREMAINE: Okay. Thank you. No  
24 further questions.

25 THE HEARING OFFICER: Thank you,

1 Mr. Tremaine.

2 Mr. Graeser, do you have questions of  
3 Mr. Nabors?

4 MR. GRAESER: I do briefly.

5 CROSS-EXAMINATION

6 MR. GRAESER: Hi Mr. Nabors, I'm Chris  
7 Graeser with the New Mexico State Land Office.

8 MR. NABORS: Hello.

9 MR. GRAESER: Can you please, can you  
10 please let us know what you do with lower producing  
11 wells -- be that plug them, fix them, divest them?

12 MR. NABORS: We are more in the fixing  
13 of the wells, kind of what I've talked about before.  
14 We have an artificial lift team out in the field that  
15 goes and shoots the flow levels and will identify  
16 these wells that might be marginal, might be down, so  
17 that we can spend capital appropriately and smartly in  
18 order to generate a return.

19 But like I said previously, some of  
20 these wells end up not meeting those hurdles and then  
21 they get added onto our plugging list.

22 MR. GRAESER: Okay. So, that -- that  
23 covered fixing and plugging. Do you not divest lower  
24 producing wells at all?

25 MR. NABORS: We -- we have not. We

1 have only divested a few wells that were looking --  
2 the operator that received them was looking at uphold  
3 potential.

4 MR. GRAESER: Okay. And do you have  
5 any plans to divest more that you rather than plug or  
6 fix and return to production?

7 MR. NABORS: As I sit here today, not  
8 that I know of.

9 MR. GRAESER: Okay. Thank you, Mr.  
10 Nabors. I appreciate your time.

11 Thank you, Madam Hearing Officer.

12 THE HEARING OFFICER: Thank you, Mr.  
13 Graeser. I don't believe we have Ms. Nanasi.

14 Mr. Maxwell, do you have questions of  
15 Mr. Nabors?

16 MR. MAXWELL: No questions. Thank you.

17 THE HEARING OFFICER: Thank you.

18 Mr. Rankin?

19 MR. RANKIN: No questions for  
20 Mr. Nabors today. Thank you very much.

21 THE HEARING OFFICER: Thank you. EOG  
22 is monitoring. Mr. Suazo, do you have questions?

23 MR. SUAZO: No questions, Madam Hearing  
24 Officer.

25 THE HEARING OFFICER: Thank you.

1 Mr. Cloutier, do you have redirect?

2 MR. CLOUTIER: I do not, Madam Hearing  
3 Officer. Thank you.

4 THE HEARING OFFICER: All right. We'll  
5 turn to the Commissioners.

6 Commissioner Ampomah?

7 MR. AMPOMAH: Yes. I do have two  
8 questions. So, I'll ask you the same question that I  
9 asked Mr. Harvard. Now, in the rule there is a May  
10 2028 dead -- timeline for operators to more or less  
11 work on their wells to bring them up from marginal  
12 status to avoid the 150,000 individual bonding.

13 Do you believe this timeline is good  
14 enough, at least for your company and then also for  
15 your IPANM members that you've talked to?

16 MR. NABORS: You said implementation in  
17 2028?

18 MR. AMPOMAH: Yes.

19 MR. NABORS: I think a operator -- a  
20 prudent operator would work through wells as long as  
21 they do them economic.

22 MR. AMPOMAH: So, based on your  
23 discussions with Mr. Tremaine, you talked about the  
24 issue that your well faced. That is why it got to the  
25 marginal status. So, you know, one of our

1 Commissioners, you know, really trying to help us get  
2 some exceptions for marginal wells, you know, that  
3 falls into the full 150,000 bonding.

4 And one of the exceptions that has been  
5 discussed is the potential takeaway problems. Do you  
6 believe that when we have such exceptions to the  
7 marginal well category, would that alleviate some of  
8 the concerns that the industry have now?

9 MR. NABORS: Could you repeat that last  
10 part? I -- I didn't quite get that.

11 MR. AMPOMAH: Okay. So, my question  
12 is, if we add these exceptions, and one of them is  
13 what I just described in addition to others -- so if  
14 we are to implement those exceptions to the rule, do  
15 you believe that that will alleviate some of the  
16 concerns that operators have on these proposed rules?

17 MR. NABORS: There -- there's potential  
18 for that. Yes.

19 MR. AMPOMAH: Thank you, sir. I do not  
20 have any further questions for you. Thank you.

21 MR. NABORS: Thank you.

22 THE HEARING OFFICER: And thank you.  
23 Commissioner Bloom.

24 MR. BLOOM: Mr. Nabors, thanks for your  
25 time today. I do not have any questions, however.

1 Thank you.

2 MR. NABORS: Thank you.

3 THE HEARING OFFICER: Chair Chang.

4 MR. CHANG: No questions from me  
5 either. Thank you for your time.

6 THE HEARING OFFICER: All right. Thank  
7 you. Any reason not to excuse Mr. Nabors?

8 MR. CHANG: None.

9 THE HEARING OFFICER: Thank you,  
10 Mr. Nabors, for your testimony.

11 MR. NABORS: Thank you very much.

12 THE HEARING OFFICER: Is there anything  
13 else at all to be added to the evidentiary record at  
14 this point? This is a question to all parties.  
15 Otherwise, as I understand it, we have come to the  
16 point where we will close the evidentiary record, and  
17 I'll turn the floor back to the Chair.

18 MR. CLOUTIER: Madam Hearing Officer, I  
19 think the only thing still pending is the motion to  
20 dismiss, and I'm not sure what the Commission wants to  
21 do with that, but I thought I'd raise it before we  
22 conclude.

23 THE HEARING OFFICER: Yes. I believe  
24 the Chair will be addressing that with counsel. Ms.  
25 Fox?



1 MS. FOX: Thank you, Madam Hearing  
2 Officer. I just wanted to assure you and the  
3 Commission that all the parties are working together  
4 to identify a date that we can all meet and also  
5 identify a briefing schedule that comports with some  
6 of the requests from the Commission yesterday. I just  
7 wanted to give you all that assurance.

8 THE HEARING OFFICER: Thank you very  
9 much for that Ms. Fox. All right. We'll close the  
10 evidentiary record at this point then.

11 And Mr. Chair, I will hand you the  
12 virtual gavel here.

13 MR. CHANG: Thank you. I appreciate  
14 it. Thank you so much for the time and effort in  
15 conducting this hearing and helping us run this very  
16 important and complicated and substantive and  
17 important rulemaking hearing. So, appreciate our  
18 Hearing Officer. At this point, I do want to turn --  
19 is Mr. Shandler, Commission Counsel, on the platform  
20 with us?

21 MR. BLOOM: I do see him on there.  
22 Perhaps he needs to be unmuted.

23 MR. CHANG: Great.

24 UNIDENTIFIED SPEAKER: He's missing.

25 MR. CHANG: Yes. Yep. Yes. We --

1     yeah. Have you been able to unmute yourself,  
2     Commission Counsel?

3                     MR. SHANDLER: Hello?

4                     MR. CHANG: Oh. We can hear you now.  
5     Thank you. So, to the point that was just raised  
6     about the motion to dismiss that we had held in under  
7     advisement at the beginning of the hearing, we  
8     still -- so my understanding is all of the  
9     Commissioners have now -- have reviewed, of course,  
10    all of the filings related to that motion to dismiss.

11                    The Commission has also received a  
12    written recommendation from Hearing Officer Orth.  
13    Mr. Shandler, given that I had asked the Commission.

14                    And the Commission had agreed to hold  
15    the decision on the motion to dismiss under advisement  
16    until the end of the Commission of -- I'm sorry --  
17    until the conclusion of the evidentiary record in this  
18    hearing in case that there are discussions that may  
19    further inform that of how we should dispose of or how  
20    we should decide in that particular motion.

21                    I recall that I had some exchanges with  
22    witnesses around the boundaries of our statutory  
23    authority here and just how exactly the breadth of  
24    that -- of the statute and where it allows and where  
25    it doesn't allow us to go.

1                   We've also heard from multiple parties  
2     trying to clarify the scope of both the statute and  
3     the application in front of us. So, I wanted to turn  
4     the floor over to you Commission Counsel to -- and I  
5     guess I will also open this dialogue up to our Hearing  
6     Officer here.

7                   Has either of you heard any testimony  
8     in throughout this -- the last three weeks -- I guess  
9     let me start with our Hearing Officer.

10                  Ms. Hearing Officer, have you heard  
11     anything throughout this proceeding that would change  
12     your written recommendation to the Commission  
13     regarding your recommended path for disposing of the  
14     motion to dismiss?

15                  THE HEARING OFFICER: No, Mr. Chair.

16                  MR. CHANG: Then I'll turn to  
17     Commission Counsel.

18                  Mr. Shandler, have you heard anything  
19     throughout the last three weeks that would change  
20     your -- or cause you to want to add to the advice that  
21     we have received from Commission Counsel on this  
22     matter?

23                  MR. SHANDLER: I concur with the  
24     Hearing Officer's recommendation.

25                  MR. CHANG: Yeah. Commission --

1 Commissioners, I understand there was an -- a proffer  
2 of oral arguments on this point. I -- it seems like  
3 the issue has been thoroughly explored to me, but I  
4 wanted to ask the two Commissioners to weigh in.

5 Are you -- does the Commission feel  
6 like additional oral arguments on the particular point  
7 of the motion to dismiss would be helpful to the  
8 Commission or are the Commissioners ready to vote on  
9 the motion to dismiss?

10 MR. BLOOM: Mr. Chair, I would be ready  
11 to vote on the motion to dismiss. I think we've heard  
12 testimony on many of the areas covered by the motion  
13 to dismiss. I don't feel that we need to spend more  
14 time on oral arguments or further discussion.

15 MR. AMPOMAH: Yeah. Mr. Chair, so this  
16 one is more of a legal argument. So, I will probably  
17 want to hear from Commission Counsel -- what his  
18 thoughts are on this. And you are a lawyer too, so I  
19 want to hear more from the lawyers because it's a  
20 legal thing and not engineering thing. So, I'm really  
21 struggling with regards to how I'm going to vote on  
22 this.

23 MR. CHANG: That's fair. What -- would  
24 you only -- would you like to hear from just the -- so  
25 we did get a written recommendation from our Hearing

1 Officer -- from Felicia Orth? And then we also  
2 just -- would you like to hear more from Felicia Orth  
3 and Commission Counsel Shandler, or would you like to  
4 open it up to all the attorneys -- to all the parties?

5 MR. AMPOMAH: No, not to all the  
6 attorneys. To Commission Counsel.

7 MR. CHANG: Just to Commission Counsel.  
8 Okay. In that case, well Commission Counsel, if you  
9 wouldn't mind perhaps summarizing and refreshing some  
10 of our recollections around the Hearing Officer's  
11 recommendations. And if you would like to add your  
12 own gloss or your own analysis to that, I turn the  
13 floor to you.

14 MR. SHANDLER: Sure. So, Mr. Chair, a  
15 motion to dismiss just taken from Mr. -- court  
16 proceedings, you need to think about it as a series of  
17 hurdles.

18 And just because someone gets over a  
19 hurdle on the first part, doesn't necessarily mean  
20 they're going to win the case when it goes to the  
21 judge or the jury. So, a motion to dismiss like this  
22 one that's been offered in initial stages is seen as a  
23 hurdle.

24 And so if the Commission denies the  
25 motion to dismiss, it just means the case proceeds

1 over that hurdle and the parties will still have a  
2 chance to make a legal argument as part of their  
3 closing brief regarding the, oh, there's still this  
4 legal issue because it may turn out to be dispositive.

5 Generally motions to dismiss early on  
6 in the case. The presumptions are in favor of the  
7 applicant. So, assuming the facts all in favor of the  
8 applicant, is there still enough that you'd want to  
9 dismiss major portions of the application at this  
10 time?

11 So, it's my advice based on that, or  
12 kind of snapshot of the hurdle, that the applicants  
13 survive this hurdle and the case continues on. Again,  
14 you still have the right during your deliberations to  
15 side one way or the other and factor in legal  
16 arguments.

17 It's just at this snapshot of time, my  
18 advice to you is that you should deny the motion to  
19 dismiss based on what's been provided and in the  
20 record so far.

21 MR. CHANG: Fair enough. Ms. Orth, I  
22 know you -- I'm sorry. I know you provided us a  
23 written recommendation. If you'd like to briefly  
24 summarize your -- the rationale. I understand your  
25 finding or your written recommendation was that the

1     notion to dismiss was without merit.

2                     If you would like to briefly summarize  
3     and just refresh all the Commissioner's recollection  
4     as to how you arrived at that conclusion. I will give  
5     you a few minutes if you would like.

6                     THE HEARING OFFICER: Well, I agree  
7     completely with Mr. Shandler's threshold discussion  
8     there. It's a threshold question. It does not go to  
9     the decision that you will make ultimately on the  
10    proposed rule.

11                    As a threshold question though -- as a  
12    first barrier if you will, the question posed by the  
13    motion to dismiss is effectively, is there really any  
14    set of facts or legal arguments that would not, if you  
15    will, provide support for the rule?

16                    In the movant's mind, the language of  
17    the statute and facts do not even get you to the point  
18    where you could provide a basis for adoption of the  
19    rule in any form. And I didn't agree that things were  
20    that clear, that the statute was so clearly written  
21    that you could not adopt a rule along the lines of  
22    what was proposed to you.

23                    So again, I don't think the motion to  
24    dismiss had merit, but as again, Mr. Shandler said, it  
25    doesn't preclude you from making any decision you'd

1     like to make when you've completed your deliberations.

2                   MR. CHANG:   So, if I could ask a  
3     question then that might -- may help the entire  
4     Commission to both the hearing officer and to  
5     Commission Counsel.

6                   If I understand what I'm -- what you're  
7     telling us in order for the Commission to find in --  
8     to vote in favor of the motion to dismiss, the  
9     Commissioners would have to agree or would have to  
10    find that the statute is so prescriptive that there is  
11    no possible rule or part of the application or any  
12    amendment to the application that could possibly be  
13    legal within the statute; right?

14                   Is that -- in order for the motion to  
15    dismiss to succeed this early in the process, we would  
16    have to decide that there is simply no room for any --  
17    of any part of the proposed application with it under  
18    the scope of the statute in front of us.  Is that  
19    correct, or am I overstating it here?

20                   MR. SHANDLER:  That that's generally  
21    true, Mr. Chair.  I would say that you'd have to find  
22    that the LSC's recommendations were they did call for  
23    you to take administrative action were invalid.  I  
24    think you'd have to find that the so-called Rainbow  
25    Exhibit was so persuasive in one way.  And I'd also



1 add that Mr. Sporich's theory is based on a comma.

2 And I believe around 20 years ago, I  
3 went to the Court of Appeals on the exact same  
4 argument. The parties can look it up. It's New  
5 Mexico Chiropractic Board vs. the New Mexico Pharmacy  
6 Board. And I lost on that comma issue. So, I -- I  
7 don't think it's as clear as Mr. Sporich says, and at  
8 this point you have to get over I think the threshold  
9 for the case to continue.

10 MR. CHANG: Okay. So, if this helps  
11 Commission at all, if we believe that there is any  
12 room for there to be any form of any part of the  
13 application to potentially succeed at or to -- well,  
14 whether or not it even succeeds in the matter of  
15 policy.

16 If any part of the application could be  
17 possible under the enabling statute that's provided to  
18 us, then it seems -- then my understanding of our  
19 legal advice is that we would need to vote to deny the  
20 motion to dismiss in front of us.

21 Is there any further questions or  
22 discussion from the Commissioners? If not, I will  
23 invite a motion one way or the other however the  
24 Commission feels. But I'll invite a motion.

25 MR. BLOOM: Mr. Chair. I would so

1 move, but I would just want to see that Dr. Ampomah's  
2 questions were answered and then --

3 MR. AMPOMAH: Yeah. My questions were  
4 answered, and I think I'm ready to vote. So, I will  
5 second the motion.

6 MR. CHANG: And just to clarify though,  
7 for the record. Commissioner Bloom, are you moving to  
8 approve or to deny the motion to dismiss?

9 MR. BLOOM: Well, that is important to  
10 clarify. I would move to deny the motion to dismiss,  
11 Mr. Chair.

12 MR. AMPOMAH: And I second.

13 MR. CHANG: Thank you.

14 Sheila, would you like to call the role  
15 just since we're on digital platform just for the  
16 clarity of the record?

17 MS. APODACA: Yes. So, this is a vote  
18 on the motion to deny the motion to dismiss.

19 Commissioner Bloom?

20 MR. BLOOM: Approve.

21 MS. APODACA: Commissioner Ampomah?

22 MR. AMPOMAH: Approved.

23 MS. APODACA: Commission Chair.

24 MR. CHANG: I vote in favor of the --  
25 to deny the motion to dismiss. Thank you.

1           The motion carries. We've put that one  
2   issue to bed. I believe the -- I believe that  
3   concludes our proceedings for today. And my  
4   understanding is that the parties will work with the  
5   Hearing Officer to propose hopefully a mutually  
6   agreeable calendar going forward on the remaining  
7   post-hearing proceedings.

8           Is there -- at this point, is there any  
9   other protests or any other issues that needs to be  
10  entertained before we can gavel this meeting closed?  
11  Or is there any -- actually, is there any other  
12  business on any other cases or any other business in  
13  front of the Commission?

14           MR. SUAZO: Mr. Chair?

15           MR. CHANG: Mr. Suazo.

16           MR. SUAZO: Yes. Just for purposes of  
17  the record, I understand the denial, and on behalf of  
18  NMOGA, I'd just like to object to the denial of the  
19  motion to dismiss simply to preserve NMOGA's position  
20  that the Commission lacks statutory authority under  
21  the act -- the Oil and Gas Act to adopt the proposed  
22  rules.

23           And NMOGA just -- would just like to  
24  state that they maintain that the Commission does not  
25  have the power to create new categories of wells or

1 operators for purposes of financial assurance to  
2 increase individual well bonding requirements beyond  
3 the \$250,000 cap or otherwise enlarge the scope of  
4 regulatory obligations beyond those authorized under  
5 the act under section 70-2-12 and 70-2-14.

6 And yeah, I just wanted to get that on  
7 the record before we adjourn for the day. So, thank  
8 you.

9 MR. CLOUTIER: IPANM now joins. Oh,  
10 excuse Madam -- Sir.

11 MR. CHANG: Go ahead. Go -- well, let  
12 me first say that the objection is noted and all the  
13 filings on that point, I think, remain in the record.  
14 So, IPANM, you're welcome to weigh in, but --

15 MR. CLOUTIER: I don't know how  
16 necessary this is Mr. Chair, but IPANM joins is all I  
17 wish to say.

18 MR. CHANG: We understand. The -- all  
19 the filings on this point remain in the record. And  
20 it's -- and does -- and Mr. Suazo has now also put it  
21 into the transcript -- into the oral record. So, we  
22 understand that you're preserving the rights or your  
23 rights on that issue -- or preserving your objections  
24 on that issue. Fair enough.

25 Is there any other organizational

1 matters that we should take up? Does the -- does this  
2 Commission need to take on any other business in the  
3 agenda before we adjourn this meeting? If not -- if  
4 we're all comfortable, then I will entertain a motion  
5 to adjourn.

6 MR. BLOOM: I would move to adjourn,  
7 Mr. Chair.

8 MR. AMPOMAH: Second.

9 MR. CHANG: Without objection, so  
10 approved. See you all in a week.

11 MR. BLOOM: Thank you. Thanks,  
12 everyone.

13 (Whereupon, at 11:55 a.m., the  
14 proceeding was concluded.)

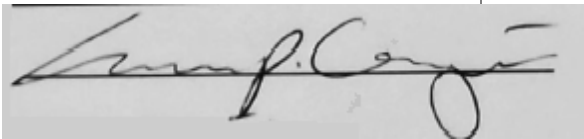
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CERTIFICATE

I, GERALD ARAGON, the officer before whom  
the foregoing proceedings were taken, do hereby  
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proceedings, prior to testifying, were duly sworn;  
that the proceedings were recorded by me and  
thereafter reduced to typewriting by a qualified  
transcriptionist; that said digital audio recording of  
said proceedings are a true and accurate record to the  
best of my knowledge, skills, and ability; that I am  
neither counsel for, related to, nor employed by any  
of the parties to the action in which this was taken;  
and, further, that I am not a relative or employee of  
any counsel or attorney employed by the parties  
hereto, nor financially or otherwise interested in the  
outcome of this action.

November 20, 2025



GERALD ARAGON

Notary Public in and for the  
State of New Mexico

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I, VENUS COLE, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.

November 20, 2025



VENUS COLE

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[7 - address]

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**[cost - decisions]**

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[decommissioning - disruptive]

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**[hearing - imbalance]**

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[reserves - royalty]

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[surety - testified]

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