

**STATE OF NEW MEXICO
NEW MEXICO OIL CONSERVATION COMMISSION**

**IN THE MATTER OF APPLICATION OF
OIL CONSERVATION DIVISION TO
ADOPT 19.15.41 NMAC, 19.15.42 NMAC,
AND 19.15.43 NMAC; STATEWIDE**

CASE NO. 25875

**APPLICANT’S RESPONSE TO THE WESTERN ENVIRONMENTAL
LAW CENTER, ET AL, MOTION TO POSTPONE**

The Energy, Minerals, and Natural Resources Department, Oil Conservation Division (“OCD” or “Division”) hereby submits this Response to the Motion to Postpone filed by the Center for Biological Diversity, Diné C.A.R.E., Earthworks, San Juan Citizens Alliance, Sierra Club Rio Grande Chapter, Tó Nizhóní Ání, Western Environmental Law Center, and WildEarth Guardians (collectively, “Movants”).

1. The Division does not dispute the procedural history described in Movants’ paragraphs 1 – 3.
2. The Division filed an Amended Petition on May 17, 2026, which addresses “minor” changes to the draft rules as circulated for public comment on August 22, 2025 and filed as part of the original Petition. OCD does not propose to add or amend any substantive sections in this proposed rulemaking, in particular, the “New Mexico specific provisions” relating to unitization of pore space will not be considered as part of the rulemaking and should not constitute a cause to postpone any aspect of the rulemaking proceeding.
3. The Oil Conservation Commission (“OCC”) appointed a Hearing Officer on May 13, 2026.
4. A final public notice of the proposed rules, prospective hearing date, and procedure is expected to be published in the New Mexico Register on June 9, 2026.

5. Due to the publication date in the New Mexico Register, OCD agrees that it is appropriate to amend the pre-hearing deadlines so that any interested party may file Pre-Hearing Statements and prepare technical testimony.
6. However, postponement of the contemplated hearing dates is likely to cause substantial, unnecessary delay due to regularly observed and natural conflicts between the schedules of the appointed Hearing Officer, Commissioners, and parties.
7. The OCC Rulemaking Rules are recorded at 19.15.3.1 – 15 NMAC. The OCD has complied with the requirements for an Application for Rulemaking, 19.15.3.8 NMAC, in its original Application and its Amended Application.
8. At this time, there is no reason to claim that the forthcoming publication of Notice of Rulemaking in the New Mexico Register on June 9, 2026, is or will be deficient.
9. Parties intending to present technical testimony must submit pre-hearing statements at least 10 days prior to the hearing (currently proposed to begin on July 27, 2026). 19.15.3.11.B.1. NMAC.
10. The Division proposes the following pre-hearing deadlines¹:
 - a. Pre-hearing Statement with full direct testimony and exhibits shall be filed and served no later than end of calendar day on June 29, 2026.
 - b. Written rebuttal testimony shall be filed and served no later than end of calendar day on July 20, 2026.
11. Alternatively, the Division proposes that Pre-hearing statements with full direct testimony and exhibits be filed and served no later than end of calendar day on July 13, 2026.

¹ The OCD's revised proposed Pre-Hearing Procedural Order reflecting these dates is attached.

Rebuttal testimony need not be pre-filed and may be presented at hearing after the summation of Direct testimony.

12. The Pre-Hearing Procedural Order and deadlines proposed by OCD meet all requirements of 19.15.3 NMAC, assign pre-hearing deadlines at reasonable times after publication of the proposed rule in the New Mexico Register, and in combination of actions already taken by the OCD and OCC, address all five considerations raised in Movants' motion, paragraph 12.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I certify that on May 18, 2026, I served this pleading by electronic mail only on:

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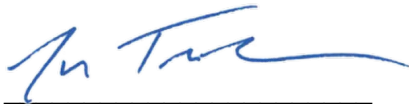
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A handwritten signature in blue ink, appearing to read "Jesse K. Tremaine". The signature is fluid and cursive, with a long horizontal stroke at the end.

Jesse K. Tremaine

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