

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

**IN THE MATTER OF THE HEARING
CALLED BY THE OIL CONSERVATION
COMMISSION FOR THE PURPOSE OF
CONSIDERING:**

**CASE NO. 11596
Order No. R-10698**

**IN THE MATTER OF A HEARING CALLED
BY THE OIL CONSERVATION COMMISSION
TO ADOPT A RULE TO ALLOW COMMISSION
MEMBERS TO PARTICIPATE IN MEETINGS
AND HEARINGS BY CONFERENCE TELEPHONE.**

ORDER OF THE COMMISSION

BY THE COMMISSION:

This cause came on for hearing at 9:00 a.m. on August 15, 1996, at Santa Fe, New Mexico, before the Oil Conservation Commission of New Mexico, hereinafter referred to as the "Commission"

NOW, on this 12th day of December, 1996, the Commission, a quorum being present and having considered the testimony presented and the exhibits received at said hearing and being fully advised in the premises.

FINDS THAT:

(1) Due public notice having been given as required by law, the Commission has jurisdiction of this cause and the subject matter thereof.

(2) Section 10-15-1 NMSA 1978 allows for a member of a public body to participate in a meeting of the public body by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for a member to attend the meeting in person so long as such attendance is allowed by rule of the public body

(3) The Commission and the public will benefit by allowing conference telephone attendance by a Commissioner for certain situations by adoption of a rule which comports with the statutory requirements.

(4) The Commission has received and considered the following suggestions from industry in regard to the proposed rule that allows for conference telephone attendance by a Commissioner.

- (A) The New Mexico Oil and Gas Association (NMOGA) and Texaco Exploration and Production Inc. recommended that such attendance be by video conference rather than telephone. The Commission finds that such requirement would entail additional expense and is not required by Section 10-15-1 NMSA 1978.
- (B) NMOGA and Texaco Exploration and Production, Inc. also recommended that witnesses at Commission hearings be allowed to testify by video conferencing. The Commission finds that this recommendation is not germane to a rule that addresses Commissioners only.
- (C) ARCO Permian suggested that the rule require the docket to inform the public whether a Commissioner would be attending a meeting by conference telephone; in such event, parties to any case at such a meeting could object and have the meeting continued. The Commission finds that such additional requirements would greatly diminish the advantages of the proposed rule in that weather or illness that could prevent travel by a Commissioner to a meeting will not necessarily be known a week or so in advance in time to be included on the docket.

IT IS THEREFORE ORDERED THAT:

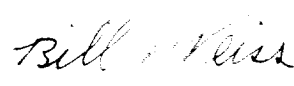
- (1) Rule 20 (19 NMAC 15 A. 20) is hereby adopted as shown on Exhibit A, attached hereto and made part of this order.
- (2) Rule 20 (19 NMAC 15 A.20) shall be effective as of the date of its publication in the New Mexico Register.
- (3) Jurisdiction of this cause is hereby retained for the entry of such further orders as the Commission may deem necessary.

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DONE at Santa Fe, New Mexico, on the day and year hereinabove designated.

STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION


JAMI BAILEY, Member


WILLIAM W. WEISS, Member


WILLIAM J. LEMAY, Chairman

S E A L

EXHIBIT A
CASE No. 11596
Order No. R-10698

Oil Conservation Division - Rule 20

19 NMAC 15 A.20

Pursuant to Section 10-15-1 NMSA 1978, Commission members may participate in Commission meetings and hearings by means of a conference telephone or other similar communications equipment when it is otherwise difficult or impossible for members to attend the meeting or hearing in person. Each member participating by conference telephone or other similar communications equipment must be identified when speaking. All participants must be able to hear each other at the same time. Members of the public hearing attending the meetings or hearing must be able to hear Commission members who speak during the meeting or hearing.