

STATE OF NEW MEXICO
ENERGY AND MINERALS DEPARTMENT
OIL CONSERVATION COMMISSION

IN THE MATTER OF THE HEARING
CALLED BY THE DIVISION ON ITS
OWN MOTION FOR THE PURPOSE OF
CONSIDERING:

CASE NO. 9039
Order No. R-8365

THE AMENDMENT OF RULE 1220 TO REFLECT
THAT ONLY PARTIES OF RECORD SHALL HAVE
THE RIGHT TO APPLY FOR A DE NOVO HEARING
OR REHEARING BEFORE THE OIL CONSERVATION
COMMISSION.

ORDER OF THE COMMISSION

BY THE COMMISSION:

This matter came up for hearing at 9 a.m. on November 21, 1986, at Santa Fe, New Mexico, before the Oil Conservation Commission of New Mexico, hereinafter referred to as the "Commission."

NOW, on this 18th day of December, 1986, the Commission, a quorum being present, 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) In 1981 the language of Section 70-2-25 (A) and (B) NMSA 1978 was amended by the Legislature to require that requests for rehearings of Commission decisions or for de novo appeals to the district court be filed by a party of record. Previously, any "...person affected thereby..." could request rehearing.

(3) Rule 1220 of the Division's Rules and Regulations, which governs rehearings and appeals, has not been amended to reflect the change made in the statute.

(4) Division Rule 1220 should be amended to show that only parties of record to proceedings may request rehearing or appeal a Commission decision in order that the rule will comply with statutory mandate.

IT IS THEREFORE ORDERED THAT:

(1) Division Rule 1220 is hereby amended to read as follows:

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Case No. 9039
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RULE 1220. DE NOVO HEARING BEFORE COMMISSION

"When any order has been entered by the Division pursuant to any hearing held by an Examiner, any party of record adversely affected by such order shall have the right to have such matter or proceeding heard de novo before the Commission, provided that within thirty (30) days from the date such order is rendered such party files with the Division a written application for such hearing before the Commission. If such application is filed, the matter or proceeding shall be set for hearing before the Commission at the first available hearing date following the expiration of fifteen days from the date such application is filed with the Division. Any party to the proceeding adversely affected by the order or decision rendered by the Commission after hearing before the Commission may apply for rehearing pursuant to and in accordance with the provisions of Rule 1222 and said Rule 1222 together with the law applicable to rehearings and appeals in matters and proceedings before the Commission shall thereafter apply."

(2) Amended Rule 1220 shall be effective January 1, 1987.

(3) The language of other applicable Division rules and forms shall be changed to reflect the purpose of Rule 1220.

(4) Jurisdiction of this cause is retained for the entry of such further orders as the Commission may deem necessary.

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

STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

Jim Baca, Member



Ed Kelly, Member



R. L. Stamets, Chairman and
Secretary

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