

**STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION**

**IN THE MATTER OF PROPOSED
AMENDMENTS TO 19.15.2, 19.15.5,
19.15.8, 19.15.9, AND 19.15.25 NMAC**

CASE NO. 24683

**APPLICANTS' NOTICE OF FILING PROPOSED SCHEDULING ORDER AND
REQUEST FOR SCHEDULING CONFERENCE**

The Amended Prehearing Procedural Order, ¶ 11, in this matter requires that a full Schedule of Testimony be issued in this matter. In accordance with the order, Applicants submit a proposed Hearing Scheduling Order and request the Hearing Officer to set a scheduling conference with the parties to discuss the terms of a Hearing Scheduling Order. Applicants attempted to reach concurrence with all parties on the terms of the order but were not able to reach full agreement.

Respectfully submitted,

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Certificate of Service

I certify that on October 6, 2025, I served by a copy of this pleading to the following via email:

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[PROPOSED] HEARING SCHEDULING ORDER

This matter is scheduled for hearing before the Oil Conservation Commission (“Commission”) beginning October 20, 2025. The Commission has reserved three weeks for the hearing. The Amended Prehearing Procedural Order, ¶ 11, provided that a full schedule of testimony will be issued in this matter.

1. Demonstrative Exhibits. In accordance with the Amended Prehearing Procedural Order, ¶ 8, all demonstrative exhibits, including PowerPoint presentations, shall be filed and served by October 15, 2025 at 5:00 pm. All parties shall file any such exhibits in their shared folder in the EMNRD CentreStack platform and shall give notice to the other parties of such filing. Demonstrative exhibits shall reflect the direct or rebuttal evidence filed by the parties and shall not include technical evidence not otherwise introduced in the filed testimony.

2. Dispositive Motion. Prior to taking evidence in the hearing, the Commission shall entertain the motion to dismiss filed by the New Mexico Oil and Gas Association (“NMOGA”) and Independent Producers Association of New Mexico (“IPANM”). NMOGA/IPANM shall have up to 10 minutes to argue the motion. Any party who filed a response in opposition to the motion may have up to 10 minutes to respond. NMOGA/IPANM shall have up to five minutes to rebut.

3. Opening Statements. Parties that have filed direct testimony and exhibits may give an opening statement setting forth the evidence they intend to present at hearing. Opening statements shall be limited to 10 minutes per party and shall be given prior to opening the

hearing for evidence.

4. Order of Testimony, Cross-Examination, and Surrebuttal. Recognizing that there are almost three dozen witnesses to be presented in this complex proceeding and acknowledging that the Commission and all parties desire not to exceed the three weeks allotted for this hearing, the following hearing procedures are adopted:

A. Consistent with the Amended Prehearing Procedural Order, ¶ 12, all witnesses who filed direct testimony may provide a summary of that testimony at hearing not to exceed 60 minutes, and any witness who filed rebuttal testimony may provide a summary of that testimony not to exceed 30 minutes. Witnesses are not required to present a summary of testimony, but may submit and adopt their testimony under oath and stand for cross-examination from the parties and questions from the Commission. Summaries of direct and rebuttal testimony shall be given by each witness consecutively, beginning with the summary of direct testimony and followed by the summary of rebuttal testimony. Cross-examination and questions from the Commission shall follow the witness's summary of direct and rebuttal testimony or, if a summary is not offered, after a witness's testimony is adopted and submitted. Witnesses may appear in person or virtually.

B. The order to present summaries of direct and rebuttal testimony is as follows:

1. Applicants
2. The Oil Conservation Division ("OCD")
3. State Land Office
4. OXY USA, Inc.
5. NMOGA

6. IPANM

C. Attached to this Hearing Scheduling Order is Appendix A, which is a list of all direct and rebuttal witnesses to be called, their anticipated order of presentation, whether they are technical or fact witnesses, and the anticipated length of summaries of their direct and rebuttal testimony (exclusive of cross-examination and questions from the Commission). The order of presentation may be adjusted by the Hearing Officer to accommodate witness schedules and other appropriate considerations.

D. Cross examination of “friendly” witnesses, that is witnesses aligned with a party’s position, shall not be permitted. Cross-examination of technical witnesses shall be limited to 60 minutes per party, and cross-examination of fact witnesses shall be limited to 30 minutes per party.

E. Cross-examination shall be in reverse order of the degree of alignment with a party. For example, cross-examination of Applicants’ witnesses shall be in the following order:

1. IPANM
2. NMOGA
3. EOG Resources, Inc.
4. OXY USA, Inc.
5. Nick Maxwell
6. New Energy Economy
7. The State Land Office
8. OCD

F. Appropriate redirect examination may be allowed by the Hearing Officer.

G. In accordance with the Amended Prehearing Procedural Order, ¶ 5, a party that filed direct testimony and exhibits may request to introduce surrebuttal testimony and exhibits at hearing, which may be allowed at the discretion of the Hearing Officer. Surrebuttal evidence responds to rebuttal evidence and is limited to directly addressing points raised in the rebuttal. Surrebuttal testimony shall identify the rebuttal testimony to which it intends to respond. Surrebuttal testimony, if presented, shall be presented directly after each witness gives his or her summary of direct and/or rebuttal testimony.

5. Hearing Officer Discretion to Adjust. The Hearing Officer has discretion to adjust the hearing schedule to accommodate schedules of witnesses and other appropriate considerations.

6. Public Comment. Consistent with the Amended Prehearing Procedural Order, ¶ 14, the Hearing Officer shall provide an opportunity for nontechnical public comment each day of the hearing in a manner that accommodates the public. This may require interrupting the technical testimony from time to time. Public comment sessions will be reserved at 4:00 pm on October 20, 2025, and at 9:00 am and 4:00 pm on October 21, 2025, and each day thereafter that the hearing continues, each session not to exceed an hour. Members of the public wishing to offer nontechnical public comment may do so once either in person or on the virtual platform with access provided and managed by OCD. Those wishing to comment may be invited but will not be required to sign up for a time slot in which they wish to speak. Oral public comment is limited to three minutes.

7. Post-hearing Submittals. At the close of hearing, there will not be oral closing argument. Parties may submit post-hearing submittals following the receipt of the transcripts in this matter. The post-hearing submittals may include, at the discretion of each party,

closing argument addressing the law and evidence, proposed findings and conclusions for the Commission's consideration, and a final proposed draft of the rules recommended for adoption by the Commission. The Commission may ask the Hearing Officer to prepare a report; the report shall not include recommendations from the Hearing Officer. Discussion of deadlines for post-hearing briefs shall not be held prior to close of the hearing.

Felicia Orth
Hearing Officer

Date

Anticipated Order of Witnesses, Identification as Technical or Fact Witnesses, Estimated Time to Present Direct and Rebuttal Summaries

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