

Transcript

October 14, 2025

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CE Chakalian, Gregory, EMNRD 15:21

Good morning.

It is 9:00 AM on October 14th.

This is a special docket that was created to handle contested cases, but we are taking some overflow for some cases that need a little help.

We have an AI transcript that will be generated at the end of this and the YouTube video will be posted.

Which is the public record.

Let's get on with the cases.

Case one on my docket is 25515.

New Born Oil Company entries of appearance, please.

If anyone's speaking, I can't hear you.

ME McClure, Dean, EMNRD 16:16

It looks like Miss Vance might be talking, but.

He's muted if she is.

CE Chakalian, Gregory, EMNRD 16:21

I do see that.

Thank you, Mr. McClure.

PV Paula M. Vance 16:26

Can hear.

I don't know.

I can finally hear.

I'm not sure if you already called my cases, Mr. Shakalian, sorry.

CE Chakalian, Gregory, EMNRD 16:32

OK.

I'll start again.

This is case number one on our docket 25515.

PV **Paula M. Vance** 16:38

Good morning, Mr. hearing examiner Paula Vance with the Santa Fe Office of Holland and Hart, on behalf of the applicant, Mubarn Oil company.

CE **Chakalian, Gregory, EMNRD** 16:47

It also looks like these are joined to cases 1617 and 1/8.

PV **Paula M. Vance** 16:53

That's correct.

CE **Chakalian, Gregory, EMNRD** 16:58

Please are there any other parties entering on these cases?

PV **Paula M. Vance** 17:01

No.

CE **Chakalian, Gregory, EMNRD** 17:02

OK.

Please proceed.

PV **Paula M. Vance** 17:03

All right.

Thank you, Mr. hearing examiner and I will let you know that we filed revised hearing packets.

I got an e-mail from Mr. Fordyce. I believe it was on Friday last week, providing for the corrected pool name and pool code for these.

So I did file an amended pre hearing statement that.

Listed the correct pool name pool.

Code and then also I included on those revised hearing packets a cover page that lists the different.

FE **Fordyce, Andrew, EMNRD** 17:33

And.

PV **Paula M. Vance** 17:41

Documents and the hearing packets that were updated because of the.

Revised hearing pool name and pull code so should be the.

The compulsory pooling checklist, the Land man statement and the C1O twos.

Also, Mr. Fordyce did ask.

At the last hearing, because we presented case 25515 that the exhibit sub exhibit D2 be updated to show the specific spacing unit per that case.

And so we went ahead and did that for each of the sub exhibits, D2 for all of the cases.

Since we were doing revised hearing packets anyway so.

Again.

Then we filed those yesterday and I did send an e-mail to Mr. Fordyce, though it looks like Mr. McClure might be the technical examiner today.

So I just wanted to bring that up in case there's any questions on that.

So and I will one other item.

Our original land man.

He is not.

He was.

He's not available today, so we did substitute in Mr. Tyler Jolly.

He has previously testified before the division and his credentials have been accepted as a matter of record so.

In all four of these cases, it involves lands in Township, 24 S, range 28 E and that's in Eddy County, New Mexico.

All of them are bone spring formation, so specifically in case number 25515, mubarn is seeking to pull the uncommitted interests in A320 acre more or less horizontal well spacing.

Unit and that's underlying the West half of the east half of section 16 and 21 in the pool name is the Malaga Bone Spring in the pool code is 42780 and initially dedicate the spacing unit to the Creedence 2116 federal com.

556 H well and then in case number 25516.

Mubarn is seeking to pull the uncommitted interests in A320 acre, more or less well

spacing.

Unit horizontal well spacing unit.

Underlying the east half of the east half of sections 16 and 21, and again, it's that same Malaga Bone Spring pool in the pool code again is 42780 and initially dedicate the spacing unit to the Creedence 2116 federal com 550.

8H and then in case number 25517 New Bern is seeking approval of an overlapping horizontal well spacing unit.

You'll see in both this case and in case 25518. We've included a copy of the letter.

Notice that went out regarding the overlap in a diagram that illustrates the proposed spacing unit in relation to the existing spacing unit, and in both of those cases it's sub exhibit C1.

In case number 25517, MUBARAN is seeking to pool the uncommitted interests in the West half of the east half of Section 28 and 33.

And in this case, the pool name is Willow Lake Bone Spring and the pool code is 64450 and initially dedicate the spacing unit to the Kansas 2833 FEDCOM 556 H and then in case number 52551.

Eight again requesting that overlapping approval and Mubarak seeks to pull the uncommitted interests in a standard 320 acre more or less horizontal well spacing unit.

And that's in the east half E half.

Sections 20 and 33, and again, it's that same Willow Lake Bone Spring pool pool code 64450, and initially dedicate the spacing unit to the Kansas 2833 Federal Common, 558 H 12.

We have included a copy of the filed application and each of these in each of the hearing packets along with the compulsory pulling checklist.

Again, those have been updated accordingly.

And then we have the self affirm statement of Landman. Tyler Jolly again.

He has previously testified, along with all the required land man sub exhibits.

Following that is the geology our geologist Tyler Hill has previously testified and his credentials have been accepted as a matter of record.

And we've included all of the required sub exhibits.

And for geology and then following that is myself affirmed.

Statement of notice with a sample copy of the letter.

Notice there were a couple that went out, one on July 18th, 2025, and then a second letter that went out on September, September 10th, 2025.

And I believe it's in the Kansas cases. There's only one party that we're seeking a pool and that letter notice was delivered and it shows it in the mailing report. So I did not attach the notice of publication because we don't need to rely on it. Either.

Way in the first two credence cases we did include a copy of the notice of publication, and those were timely published on July 19th, 2025, and then also a secondary one that was published on September 20th, 2025. And unless there are any questions, I.

Would ask that the exhibits and sub exhibits be admitted into the record and that these cases be taken under advisement at this time.

CE Chakalian, Gregory, EMNRD 23:32

Without objection.

I think it's Mr. McClure. Mr. McClure, are you the hearing?
Are you the technical examiner for these cases?

ME McClure, Dean, EMNRD 23:40

Commissioner herring Zeman.

FE Fordyce, Andrew, EMNRD 23:41

Yeah, it's Mr.

ME McClure, Dean, EMNRD 23:41

I believe it's Mr. Fordyce.

CE Chakalian, Gregory, EMNRD 23:44

Thank you.

FE Fordyce, Andrew, EMNRD 23:46

Yeah, I'm here at Mr. hearing examiner.

CE Chakalian, Gregory, EMNRD 23:47

Mr. Mr.

Wonderful. Thank you, Mr. Fordyce.

Do you have any questions on these four cases?

FE **Fordyce, Andrew, EMNRD** 23:53

No, I reviewed the amended exhibits filed this morning with corrections to the pool codes and and they requested correction exhibit E2.

They all look good. I don't.

I don't have any further questions for these four cases.

CE **Chakalian, Gregory, EMNRD** 24:09

May they be taken under advisement.

PV **Paula M. Vance** 24:12

You're on mute.

FE **Fordyce, Andrew, EMNRD** 24:12

They can be taken under advisement.

CE **Chakalian, Gregory, EMNRD** 24:14

Excellent. Thank you, Miss Vance.

Let's move on to #5 on our docket.

PV **Paula M. Vance** 24:19

I still can't hear Mr. Shakalian.

CE **Chakalian, Gregory, EMNRD** 24:21

This.

OK.

We're off the record in the first four cases, so let's move on to case #5 on our docket 25519 Oxy USA.

ME **McClure, Dean, EMNRD** 24:39

Now this is one of Miss Manson's cases.

PV **Paula M. Vance** 24:39

I can't hear anything.

I'm not sure if that's a me.

I just heard, Mr. Fordyce, but I cannot hear Mr. Shakalian.

CE **Chakalian, Gregory, EMNRD** 24:51

Freya, are we having technical difficulties?

TE **Tschantz, Freya, EMNRD** 24:55

We aren't on our ends.

CE **Chakalian, Gregory, EMNRD** 24:59

OK.

TE **Tschantz, Freya, EMNRD** 24:59

But I can I can tell.

And we're not in the hearing room, so we don't have the issue of the room being muted.

PV **Paula M. Vance** 25:07

I can hear you, Brea, but I could not hear, Mr. Shekelian, when he was just talking.

CE **Chakalian, Gregory, EMNRD** 25:14

OK. Fred, would you tell M's Vance that I've called case #5 oxy USA?

PV **Paula M. Vance** 25:18

Can other people hear him?

TE **Tschantz, Freya, EMNRD** 25:20

We can all hear him.

He did call your case #5.

Do you want to log off and log back on?

PV **Paula M. Vance** 25:25

I don't.

Can anyone else hear Mr. Shakali in talking?

I cannot hear him talking.
I can hear Dean right now.

TE **Tschantz, Freya, EMNRD** 25:31
OK.

PV **Paula M. Vance** 25:34
I can hear Freya.
I can't hear Mr. Shakalian.

TE **Tschantz, Freya, EMNRD** 25:38
M's Vance, can you log off and then log back in?

CE **Chakalian, Gregory, EMNRD** 25:47
OK.
Let's let's go on.
We'll come back to #5 in a few minutes.
Let's move on to XTO energy.
This is case number 25577 inches of appearance please.

PV **Paula M. Vance** 26:03
Understand. Can people hear me?

TE **Tschantz, Freya, EMNRD** 26:03
We might want to call number 11.

PV **Paula M. Vance** 26:06
I I can't like I I don't know what's going on.
Can anyone hear me? Can somebody respond?

CS **Chad Smith** 26:10
Paula, we can hear you.
Yeah, Paul.

TE **Tschantz, Freya, EMNRD** 26:13
We can all hear you.

CS **Chad Smith** 26:14
Paul, we can hear you.

TE **Tschantz, Freya, EMNRD** 26:15
Can you log off and then log back on?

CE **Chakalian, Gregory, EMNRD** 26:40
Freya.

TE **Tschantz, Freya, EMNRD** 26:43
It looks like M's Vance is logging off and will try and log back in.
We can move to number 11.

CE **Chakalian, Gregory, EMNRD** 26:49
It's.
OK.
Let's move to number 11.
Excellent. OK.
I'm gonna call case number 25615.
This is Mubar oil company.

DH **Dana S. Hardy** 27:01
Good morning, Mr. Examiner.
Dana Hardy with Hardy McLean on behalf of Mubar Oil Company.

CE **Chakalian, Gregory, EMNRD** 27:06
Good morning.
Are there other parties that have appeared in this case, M's Hardy?

DH **Dana S. Hardy** 27:11
Yes, I believe Miss Bennett represents Paloma.

D **DMB** 27:16
I think we've made that decision.

CE **Chakalian, Gregory, EMNRD** 27:21
Who's speaking?

D **DMB** 27:26
Good morning.
This is Deena Bennett.
Sorry, I'm having some technological issues as well this morning, but I'm here on behalf of Coloma Permian.

CE **Chakalian, Gregory, EMNRD** 27:36
Have you entered an appearance?

D **DMB** 27:38
Yes, I entered an appearance in these cases.

CE **Chakalian, Gregory, EMNRD** 27:41
What is your position in this case?

D **DMB** 27:43
We were only monitoring and preserving rights.

CE **Chakalian, Gregory, EMNRD** 27:46
Perfect. Thank you, miss Hardy. Go ahead.

DH **Dana S. Hardy** 27:50
Thank you. And Mr. Examiner, we did present this case last week, but Mr. Fordyce had requested an updated C1O2 that shows the first take point within the spacing unit, and then also on Friday we've received an e-mail requesting that the pool name and code be.
Changed. So we did submit our supplemental exhibits making those changes and I would request that they be admitted and that the case be taken under advisement.

CE Chakalian, Gregory, EMNRD 28:15

Thank you, miss Hardy.

Without objection, Mr. Fordyce.

FE Fordyce, Andrew, EMNRD 28:20

Yes, Mr. Examiner, I reviewed these amended exhibits this morning as well, with the corrections to the pool code and to, you know, exhibit A to the C1O2. Everything looked good.

No further questions. This case can be taken under advisement.

CE Chakalian, Gregory, EMNRD 28:38

Excellent. Thank you, miss Hardy.

We're off the record.

DH Dana S. Hardy 28:39

Thank you.

CE Chakalian, Gregory, EMNRD 28:41

Let's move on to case number 12.

This is Tascosa Energy Partners 25619.

Entries please.

DH Dana S. Hardy 28:48

Dana Hardy, on behalf of Tesco's Energy Partners.

And there are no other parties.

CE Chakalian, Gregory, EMNRD 28:52

Perfect. Thank you. Go ahead.

DH Dana S. Hardy 28:54

We presented this case last week as well, Mr. Examiner, and there was a request that we submit updated geology exhibits that showed the correct location of the spacing unit.

So we did that on Friday and I would ask that the exhibits be admitted and that the case be taken under advisement.

CE Chakalian, Gregory, EMNRD 29:12

Without objection, Mr. Fordyce.

FE Fordyce, Andrew, EMNRD 29:15

Yes, I reviewed these as well, Mr. hearing examiner.

The corrections are requested have been made.

I have no further questions.

The case can be taken under advisement.

CE Chakalian, Gregory, EMNRD 29:23

Thank you, miss Hardy.

We're off the record.

In this case, let's move on to. Well, I probably should ask Freya.

What's the next case that Miss Vance is not involved with?

TE Tschantz, Freya, EMNRD 29:38

Line 15 spur energy.

CE Chakalian, Gregory, EMNRD 29:40

Perfect. Perfect.

Thank you.

I'm calling case 25632 Spur Energy Partners.

YP Yarithza Peña 29:47

Good morning, Mr. hearing zeminar.

This is yadisa Pena with Hardy McLean on behalf of spur Energy Partners.

CE Chakalian, Gregory, EMNRD 29:54

Are there any other parties that you know of?

YP Yarithza Peña 29:57

Not that I'm aware of.

CE Chakalian, Gregory, EMNRD 29:58

Go right ahead.

YP Yarithza Peña 30:00

So we also previously presented this case on Thursday and we're coming back with an amended exhibit packet that we filed correcting the pool code and pool name that Mister Fordyce had given us on Friday and also an amended C1O2 with the kickoff point filled in.

And as he requested on Thursday at the hearing. So with that, I would ask that the case be taken under advisement with the amended exhibit packet.

CE Chakalian, Gregory, EMNRD 30:28

Without objection, Mr. Fordyce.

FE Fordyce, Andrew, EMNRD 30:31

Yes, Mr. AG, review this minute exhibit packet filed with corrections to the pool code in Exhibit A2 to C1 on twos.

I have no further questions.

This case could be taken under advisement.

CE Chakalian, Gregory, EMNRD 30:45

Fantastic. We're off the record in this case, Freya, the next case.

YP Yarithza Peña 30:47

Thank you.

TE Tschantz, Freya, EMNRD 30:51

Yes, lines 2021 WPX energy.

Cases 256112561.

CE Chakalian, Gregory, EMNRD 30:57

20, OK, OK. Thank you. Got it.

Perfect. Thank you.

I'm calling WPX energy.

Case number is 25611 and 25612 entries please.

DS **Darin Savage** 31:09

Hi, good morning, Mr. herring examiner.

Good morning, Mr. Technical examiner Darren Savage with Abbie and Shill appearing on behalf of WPX Energy Permian, LLC.

CE **Chakalian, Gregory, EMNRD** 31:17

Are there other parties, Mr. Savage?

DS **Darin Savage** 31:19

No, they're not.

CE **Chakalian, Gregory, EMNRD** 31:20

Go right ahead.

DS **Darin Savage** 31:22

So again, this case was heard on last Thursday, October 9th.

We moved it to today to address an amended hearing packets we filed amended hearing packets.

We gave a cover letter that describes what we changed and at this time I'd ask that the amend hearing packets be admitted into the record.

CE **Chakalian, Gregory, EMNRD** 31:44

Thank you. Without objection.

Who's the technical examiner for these two?

DS **Darin Savage** 31:50

Mr. forlas.

CE **Chakalian, Gregory, EMNRD** 31:53

Mr. Fordece, any questions?

FE **Fordyce, Andrew, EMNRD** 31:56

Mr. Herring examined the same with these. I reviewed the exhibit, amended exhibits filed this morning with corrections to the exhibit A1, the C1O twos, and exhibit B1. I have no further questions this these two cases can be taken under advisement.

CE Chakalian, Gregory, EMNRD 32:14

Perfect. Thank you.

We're off the record in these cases.

DS Darin Savage 32:16

Thank you.

CE Chakalian, Gregory, EMNRD 32:17

Freya the next the next cases.

TE Tschantz, Freya, EMNRD 32:21

We have the contested hearing cases next, so I think we need to go back to Miss Vance's cases.

CE Chakalian, Gregory, EMNRD 32:29

Around.

TE Tschantz, Freya, EMNRD 32:33

I'm sorry.

CE Chakalian, Gregory, EMNRD 32:34

Is she around?

TE Tschantz, Freya, EMNRD 32:36

Let me check.

PV Paula M. Vance 32:36

I'm here.

CE Chakalian, Gregory, EMNRD 32:38

Yeah, I can't tell your camera's off.

TE **Tschantz, Freya, EMNRD** 32:38
We can hear you.

PV **Paula M. Vance** 32:43
I'm it should be on.
I can see me.

CE **Chakalian, Gregory, EMNRD** 32:45
It is now it.
It is now M's Vance OK.
We've just so you can catch up here.
Cases one through four were taken under advisement.
We're going on to case #5. This is your Oxy, USA, case 25519.

PV **Paula M. Vance** 33:01
Good morning, Mr. hearing examiner Paul advance with the Santa Fe Office of
Holland and Hart on behalf of Oxy.
And we're here.
This is a continuation of this hearing so.
We filed some supplemental exhibits and I believe you're give me one second.
I had to restart my.

CE **Chakalian, Gregory, EMNRD** 33:22
Miss Vance, before you continue, are there any other parties in this case?

PV **Paula M. Vance** 33:26
Yes, EOG made an appearance.
But there are no objections.
I'm not sure if miss.

CE **Chakalian, Gregory, EMNRD** 33:30
OK.
That's OK.

Go ahead, Ms. Vance.

It's fine.

PV Paula M. Vance 33:35

OK.

So we did file and I think you may be aware because I did talk with Mr. McClure regarding this case.

So we filed our supplemental exhibits. However, one of the things that we did notice in the application is that we need to, we need to file an amended.

Application and then redo the notice to correct one of the to correct the legal land description.

It doesn't change any of the exhibits or the exhibit A that was included.

It's just a matter of correcting the legal description for the project area.

We have that amended application, we're going to file it today.

And again, I've already talked with Mr. McClure about the proposed path forward, and we would just ask that we're.

That oxy can file that amended application.

We'll complete the notice and we'd like to come back for the November 13th docket and perfect notice at that time.

CE Chakalian, Gregory, EMNRD 34:39

OK. Are you asking me to admit anything into evidence before I turn to Mr. McClure?

PV Paula M. Vance 34:44

Yes, please.

So we did file a supplemental exhibit last Thursday and so that basically goes through.

We've included a draft exhibit A&B gun barrel views, a type log for the requested for the picks.

Mr. McClure asked for, and then a two mile surface ownership map.

And so I would request that the those supplementals be accepted.

Into the record.

CE Chakalian, Gregory, EMNRD 35:11

Speak.

OK, without objection. Mr. McClure, do you have questions in this case?

ME McClure, Dean, EMNRD 35:19

Mr. Herring, examiner for M's Vance, though just talking about what she just referenced on the exhibit packets.

CE Chakalian, Gregory, EMNRD 35:24

Perfect, go right ahead.

ME McClure, Dean, EMNRD 35:25

Hi, thank you, Mr. Examiner.

PV Paula M. Vance 35:26

Yes.

ME McClure, Dean, EMNRD 35:28

M's Vance.

You referenced that there.

There's not going to be a change to exhibit packet. Did I hear you correctly there?

PV Paula M. Vance 35:34

There should not be, because everything I believe just it's just the project area that needs to be amended in the application itself, but I don't believe that that changes any of the exhibits unless you've got, if you unless you're seeing something different. But my understanding is that would not change the the exhibit A that we included with the original application.

ME McClure, Dean, EMNRD 36:01

OK, I didn't.

I just looked through the exhibit packet looking to see if the project area has ever referenced there.

Are you stating that the project area is not referenced or else it is the correct project area within the exhibit packet?

PV Paula M. Vance 36:13

It's it.

It's the correct project area in the exhibit A, but I'm happy to double check that before you know.

We file anything today, but it it shouldn't change anything because the C1O twos that are included with the exhibit A have show the full legal land.

Show the full.

Dedicated spacing.

That we need to just then update in the filed amended application.

ME McClure, Dean, EMNRD 36:49

Now, in providing us with the new notice information for the amended application is your. Is it your intent to include that as supplemental rather than adding that to your exhibit packet, I guess.

PV Paula M. Vance 37:05

I'm not sure that I follow what you're asking.

Can you maybe re ask that?

ME McClure, Dean, EMNRD 37:11

Yeah, it's your intent.

Provide new notice of an amended application. Is that correct?

PV Paula M. Vance 37:18

Correct.

ME McClure, Dean, EMNRD 37:20

And how?

What is your?

What is your intent for providing the notice information to the division for that new notice?

PV Paula M. Vance 37:30

So one of the things that I did is in the in the letter notice I clearly made a a note

calling out the. The reason for the amended application and.

Also, drawing attention to the correction in the legal land description for the project area in in the letter notice and then where it's also indicated in the amended application and so I would just propose filing.

A copy of the notice to show a copy of the notice for the November 13th docket to show that we provided that a copy of the amended application.

And provided notice to affected parties on the correction that was made to the project area.

Correcting that legal land description.

ME McClure, Dean, EMNRD 38:27

OK. I guess just so I understand what we currently have on record.

Would it be accurate to say that we currently have an application? Then we have an exhibit packet that builds off that application and now we also have a supplemental exhibit packet.

Is that correct?

PV Paula M. Vance 38:43

Correct.

ME McClure, Dean, EMNRD 38:46

So it's your intent to include the notice information.

With the amended application packet.

Is that then correct?

PV Paula M. Vance 38:57

Can you ask that one more time? You mean just the?

ME McClure, Dean, EMNRD 39:04

OK.

Yeah, you're going to give us a new notice spreadsheet and then a new.

Notice of publication, presumably.

How are you providing that to us?

PV Paula M. Vance 39:17

Filing.

And I can do it as a supplemental.

ME McClure, Dean, EMNRD 39:23

In a.

In a new supplemental exhibit, packet is what you're proposing.

PV Paula M. Vance 39:28

Yes, I'm not sure why it's funny, but yes.

ME McClure, Dean, EMNRD 39:33

Well, I just. I was.

I wasn't sure what your response was initially.

I wasn't understanding you, but now I'm understanding you. I guess, Mr. Herring.

Examiner, is it your thought that we should try to combine some of these packets or what are your thoughts there?

CE Chakalian, Gregory, EMNRD 39:47

Yes. I mean, whatever. Whatever would reduce the the confusion caused by so many different filings would be helpful, yes.

ME McClure, Dean, EMNRD 39:56

And as I say, I believe the reason that they have their application separated from their exhibit packet is due to page count I believe was their reasoning initially.

PV Paula M. Vance 40:08

That that's correct.

So it's just because it's such a large exhibit a we have to send it piece meal on to Freya to upload because we can't do it by filing it through the E permitting webpage.

ME McClure, Dean, EMNRD 40:24

Is that due to file size limits?

PV Paula M. Vance 40:27

That that's correct.

It's too large of a file.

I am happy to combine everything but then just break it down and send it to Freya to do a either an amended or supplemental. I can add everything that we have filed at this point in terms of the you know that we have previously done as a hearing.

Packet and just combine it together with this supplemental.

Amended application and then notice.

If that would be better.

And then again, I'm happy to follow up with the technical examiner to send you a copy.

I can do that through a share link. That way you know it's been filed.

ME McClure, Dean, EMNRD 41:13

I know that's providing US exhibit packets via an e-mail is definitely not the ideal solution I guess.

And having us manually upload all these file sizes larger than 100 megabytes, is that what the issue is?

PV Paula M. Vance 41:28

That's my understanding.

I don't do the filing.

I have a legal assistant who does that and she coordinates with Freya when the file sizes are too big and we can't do it through the E permitting portal system for the imaging system. So yeah.

ME McClure, Dean, EMNRD 41:46

Mr.

Hearing examiner, I almost wonder if maybe it's a concept that we should have, like a part one of two and a part two of two and have them submit it through the portal separately that route as to whether we submitted as an application and then the exhibits or.

Whatever we want to do there, though, I don't know what your thoughts are.

CE Chakalian, Gregory, EMNRD 42:03

Mm-hmm.

Whatever. Whatever is whatever works for Miss Vance and you. I'm. I'm here to

facilitate it through the hearing Bureau.

So I also wonder about the the size of this exhibit.

I I wonder, Miss Vance, if if, if you might explore or your assistant might explore converting it to a different to a different file type, because many times what's very large in one.

File type like a JPG or a TIF.

File is much smaller as APDF and I think I would encourage you to have someone explore.

That so anyway. That being said, Mr. Mr. McClure, where do you want to go from here?

ME **McClure, Dean, EMNRD** 42:54

Allow them to conduct new notice.

Continue it till notice can be cured.

And get us, I mean, at this point, it might be easier just to submit a whole new bundle of amended exhibits and however we deviate that out to meet the 100 megabyte size limitation.

I know what we currently have there doesn't look like it's.

Like it's even coming close though.

PV **Paula M. Vance** 43:27

Well, what?

ME **McClure, Dean, EMNRD** 43:27

Like it's 28 megabytes and that's the biggest of everything.

Currently in the case pile.

PV **Paula M. Vance** 43:33

One of the things I did do with filing the hearing packet was rather than filing the full application that included.

The exhibit AI have a covered page that refers to see the application for the exhibit A. Because it is so large and we had to break it up.

So I mean finally the hearing packet is shouldn't be, you know, such a big deal, but it's just a matter of.

How you would like?

How you'd like that filed, I'm happy to. Again, just prepare an amended hearing packet that includes all of the new notice and a copy of the revised or the amended application. And then and then just let Freon know so she can swap it out. With what was previously filed, so there's no confusion or however you would like to do it.

ME McClure, Dean, EMNRD 44:31

I don't say in regardless to what we do in the case file, I think we need to submit a new.

PV Paula M. Vance 44:31

Isn't.

ME McClure, Dean, EMNRD 44:37

Submission, rather than trying to swap out for the prior submission, if that makes sense.

PV Paula M. Vance 44:43

Yes.

ME McClure, Dean, EMNRD 44:45

OK. And my thought process is this attempt to put it in a single submission and then if you run into file size limits, then we can go down the route of breaking it up.

PV Paula M. Vance 44:56

That works for me.

ME McClure, Dean, EMNRD 44:56

And OK.

CE Chakalian, Gregory, EMNRD 45:00

Is there anything further, Mr. McClure?

ME McClure, Dean, EMNRD 45:02

Mr. Aaron Zamanar, I have nothing further for this case.

CE Chakalian, Gregory, EMNRD 45:05

All right, so, M's Vance, let me, let me see if I understand the discussion went on between you and Mr. McClure.

You have to.

You have to conduct new notice for the acreage that was not included in the original application. Is that correct?

PV Paula M. Vance 45:20

That's correct.

CE Chakalian, Gregory, EMNRD 45:21

All right.

And this is this is something that the division has.

Has given you the option to do instead of dismissing this case and having you refile a new case.

PV Paula M. Vance 45:34

That's correct.

CE Chakalian, Gregory, EMNRD 45:36

All right.

And I just wanted you to know that that we went down this route as a as a courtesy to you and your client.

PV Paula M. Vance 45:46

Thank you.

CE Chakalian, Gregory, EMNRD 45:47

OK.

So will you be ready for November 13th?

PV Paula M. Vance 45:51

We will.

CE Chakalian, Gregory, EMNRD 45:52

OK.

Very good. So then.

You will.

You will continue this matter to November 13th.

You will file a a new amended hearing packet with a cover letter.

Freya will remove any old documents that need to be removed and will move forward on this case November 13th.

PV Paula M. Vance 46:14

Thank you.

CE Chakalian, Gregory, EMNRD 46:15

All right, we're off the record in this case.

All right, I knew.

We I know we skipped some other cases, Freya.

So I'm going to go to number six XTO energy.

This is 2557.

7.

PV Paula M. Vance 46:28

Good morning, Mr. hearing examiner Paula Vance with the Santa Fe Office of Holland and Heart. On behalf of the applicant, XTO Energy Inc.

CE Chakalian, Gregory, EMNRD 46:36

Thanks and M's Vince, go ahead.

PV Paula M. Vance 46:37

And I do not.

I don't believe there are any other people in this case.

CE Chakalian, Gregory, EMNRD 46:41

Perfect.

That's the information I need.

Go right ahead.

PV Paula M. Vance 46:46

OK, so in case 25577 X two is actually only seeking to pull the record title owner for purposes of getting approval on the state communitisation agreement.

So in this case QO is seeking to pool that record title owner in a 400 and 447.9 acre more or less horizontal well spacing unit, which is comprised of the West half of section 25.

In the north half of the northwest quarter in lots one and two and that's the Northwest quarter equivalent of irregular section 36, Township 26 S, range 29 E and that's in Eddy County, New Mexico.

There are a number of wells that currently are drilled and completed there.

Which are initially for the spacing unit is initially dedicated to those wells which include the Rostra federal *** 25 TAC 36131, H 161.

102103 H which does have an approved NSL.

Is 8092 and then the 123H1O1H and 122H.

Our we have included a statement from our land man who is Chad Smith.

He has not previously testified before the division, and so we did include his resume.

I will also note our geologist, Mr. Matthew Kearney.

Has not. He previously submitted his resume and I talked with you about this, Mr.

Shakalian. And you said to just make a note on the record. When I presented this

case, we previously submitted his resume, but he was not his. It was not. His resume was not review.

So, you know, has he been tendered?

Not completely so, but he he should be available for questions with Mr. Smith's statement.

CE Chakalian, Gregory, EMNRD 48:42

OK.

PV Paula M. Vance 48:45

He did include the required sub exhibits for purposes of pooling record title and then for G for our geologist.

We did include all the standard sub exhibits for geology along with that. And lastly,

as myself affirmed statement of notice with a sample copy of the letter that was timely mailed on August 22nd, 2025 and then an affidavit of notice of publication that was time.

Published in August 26, 2025.

And unless there are any questions, I would ask that the case be that the exhibits and sub exhibits be admitted.

Into the record and that the case be taken under advisement at this time.

CE Chakalian, Gregory, EMNRD 49:22

Without objection, Mr. Fordyce questions.

You're muted, Sir.

FE Fordyce, Andrew, EMNRD 49:34

I didn't have any questions for this case, Mr. Herring examiner.

Give me take it under advisement.

CE Chakalian, Gregory, EMNRD 49:38

Excellent. OK.

We're off the record in in this case.

Thank you, Ms. Vance.

Let's move on to #7 Matador production company.

It looks like there's two cases, 25581 and eight, two entries.

PV Paula M. Vance 49:52

Good morning, Mr. hearing examiner Paula Vance with the Santa Fe Office of Holland and Hart, on behalf of the applicant, MRC Toro LLC. Again.

It's matador production company.

DH Dana S. Hardy 50:03

Mr. Examiner.

Dana Hardy with Hardy McLean on behalf of PBX and we have no objections that are just monitoring.

CE Chakalian, Gregory, EMNRD 50:10

Perfect. Thank you.

PV

Paula M. Vance 50:13

So in these two cases it involves lands all in Township 26 S, range 36 E and that's in Lee County, New Mexico. Both of these involve the Wolfcamp.

It's a long Wildcat wolf camp pool name, but the pool code is 98234.

In case number 25581, Matador MRC is seeking to pool the uncommitted interests in a 553.55.

Acre more or less horizontal well spacing unit and that is underlying the east half the West half of sections 1423 and 26 and then NE quarter of the Northwest Quarter in LOT 3 which is the east half of the northwest corner equivalent of IR.

Section 35 and initially dedicate that spacing unit to the Kyle Pipkin state, comma 2M2H and then in case number 25582.

MRC seeks to pull the uncommitted interests in a 553.55 acre.

More or less horizontal well spacing unit underline the West half of the east half of section is 1423 and 26 and initially.

And the NW quarter of the NE Quarter and Lot 2, which is the West half of the NE quarter equivalent of irregular section 35 and initially dedicate that spacing unit to the coyote, Pipkin state Comm 2O3H in each of the hearing.

Packets.

We've included a copy of the application, the completed compulsory pulling checklist along with the statements of Landman, Addison Costly and Blake Herber is our geologist, both of whom have previously testified, and their credentials have been accepted as a matter of record.

In for both land and geology, we've included the standard sub exhibits and then following that is myself affirmed statement of notice with a sample copy of the notice.

That was timely mailed out on September 19th, 2025.

And then an affidavit of notice of publication that was timely published on September 23rd, 2025. And unless there are any questions, I would ask that the exhibits and sub exhibits be admitted into the record and that these cases be taken under advisement at this time.

CE

Chakalian, Gregory, EMNRD 52:32

Without objection, Mr. McClure.

ME McClure, Dean, EMNRD 52:35

Hi, Mr.

I examine.

I have a quick question for the land man in these cases.

CE Chakalian, Gregory, EMNRD 52:39

Is that Mister costly?

PV Paula M. Vance 52:41

Correct.

CE Chakalian, Gregory, EMNRD 52:42

Let's get them on the screen.

AC Addison Costley 52:43

Yes.

Yes, I'm here.

CE Chakalian, Gregory, EMNRD 52:46

Well, I can't you yet.

AC Addison Costley 52:49

OK.

CE Chakalian, Gregory, EMNRD 52:49

There you go.

I see you now Mr. Costly.

Please raise your right hand.

You swear affirm under penalty of perjury, the testimony you're about to give is the truth, the whole truth, nothing but the truth.

AC Addison Costley 53:00

I do.

CE Chakalian, Gregory, EMNRD 53:01

Great. You can lower your hand.
Please spell your name.

AC Addison Costley 53:04

Addison costly a DD ISO in costly COSTLEY.

CE Chakalian, Gregory, EMNRD 53:10

OK. And you are an expert before this division in what field?

AC Addison Costley 53:15

Petroleum Land Management.

CE Chakalian, Gregory, EMNRD 53:16

Perfect, Mr. McClure.

ME McClure, Dean, EMNRD 53:19

Thank you, Mr. Examiner.

Mr. Costley, please remind me what the status is of Matador or of matador's interest in these cases.

AC Addison Costley 53:30

Yes. So we previously heard both of these cases.

The request was the legal description had ascribed to error previously.

ME McClure, Dean, EMNRD 53:34

Mm-hmm.

AC Addison Costley 53:40

That has since been corrected and notice has been.

Resent the status of matador's interest is similar to a previous case.

We heard it's currently held in Meridav, New Mexico.

LLC, which MRC Toro is a surviving entity of that acquisition, and so that that that assignment is pending.

The state Land Office right now.
Robin Merritt of New Mexico to MRC Toro.

ME McClure, Dean, EMNRD 54:08

OK so.

OK.

So then currently it's still that same status as it was a month ago then is that correct?

AC Addison Costley 54:15

Correct. Yes, Sir.

ME McClure, Dean, EMNRD 54:18

Now, if I recall, did you have something in writing from the state Land Office in regards to this or not?

AC Addison Costley 54:28

Not that I have in the packets.

We did submit the the assignment of entity which we can provide.

If if, if you requested so.

It's it's basically a.

ME McClure, Dean, EMNRD 54:48

Time in.

AC Addison Costley 54:50

It's basically a name change the the entity is survived by MRC Toro, the entity Meridaf, New Mexico.

No longer exists.

It kind of just got absorbed into this new entity so.

ME McClure, Dean, EMNRD 55:05

OK.

So then this is similar to like.

Successing operator change type situation.

Is that accurate to say?

AC Addison Costley 55:15

Yes, Sir.

ME McClure, Dean, EMNRD 55:17

OK. And then that paperwork is just currently before the state Land Office awaiting their approval, is that correct?

AC Addison Costley 55:24

Correct. Yes, Sir.

ME McClure, Dean, EMNRD 55:28

OK. Thank thank you. Mr. Costley, I have.
I have no further questions, Mr. Harring Examiner.

CE Chakalian, Gregory, EMNRD 55:32

Thank you.
Can the case be taken under advisement?

ME McClure, Dean, EMNRD 55:35

Yes it can.

CE Chakalian, Gregory, EMNRD 55:37

All right.
Thank you.
We're off the record in these cases.
Let's move on to the next case on our docket.
That would be #9. It looks like it's also an Oxy USA case 25597 and 98.

PV Paula M. Vance 55:55

Good morning, Mr. hearing examiner Paula Vance with the Santa Fe Office of Holland and Hart, on behalf of the applicant, Oxy USA Inc.
And this should be combined with number 10 on the docket.
There you just called 9, but these are consolidated cases.

CE Chakalian, Gregory, EMNRD 56:13

M's Vance I called 2 cases.

I called 25597 and 98.

Thank you very much.

Do we have another entry?

PV Paula M. Vance 56:20

You're welcome.

RB Ryan, Beth (LDZX) 56:20

Yes, Beth Ryan on behalf of Conoco Phillips.

And we're just entering appearance.

We don't any objection.

CE Chakalian, Gregory, EMNRD 56:28

Perfect. Thank you, miss Ryan.

Go right ahead, Miss Vance.

PV Paula M. Vance 56:31

Thank you.

So this is another one where the applicant is bio is just pulling record title and this involves the acreage all in Township 21 S range 32 E and that's in Lee County, New Mexico.

And the the this is the Bone Spring in the pool is the Bilbury Basin and the pool code is 5695 S in case number 25597.

Oxy is pulling this record title owner in a 1002.32 acre, more or less horizontal well spacing unit comprised of lots one through 4 and the east half the West half, which would be the West half equivalent of a regular sections 1930.

And 31 an initially dedicating this spacing unit to the Regal Laggard 3119 federal com 1821H2H.

And 22H.

And I believe the one H is the proximity. Well, that allows for the enlarged spacing unit in in that case. And then case number 25598.

Is seeking to pool the record title owner in a 960 acre more or less horizontal well

spacing unit comprised of the east half of a regular sections 1930 and 31 and initially dedicate that spacing unit to the Regal.

Laggard 3119 federalcom 3H23H4H and 24H and I believe it's the three H is the proximity well allowing for the enlarged spacing unit in that case.

We have included in each of the hearing packets a copy of the application, the compulsory pulley checklists, along with the statement of Layman, Courtney Carr and our geologist Jared Rowntree, both of whom have previously testified before the division, and their credentials have been accepted as a matter of.

Record.

For Miss Carr, we've included the appropriate sub exhibits for land for pooling, a record title and then for geology. We included all of the required geology exhibits. And then lastly, is myself affirmed statement of notice with a sample letter that was timely mailed on August 22nd, 2025 and an affidavit of notice of publication that was timely published on August 26, 2025.

And unless there are any questions, I would ask that the except the exhibits.

Some exhibits be admitted into the record and that these two cases be taken under advisement at this time.

CE Chakalian, Gregory, EMNRD 59:09

Thank you M's Vance. Without objection, is it, Mr. Fordyce?

FE Fordyce, Andrew, EMNRD 59:14

Yes, Mr. hearing examiner. It's Mr. Fordyce. And I didn't have any questions for these two cases.

They could be taken under advisement.

CE Chakalian, Gregory, EMNRD 59:23

We're off the record in these two cases.

Let's move on to case number.

Well, let's see now.

We did 11 and 12 before while we were waiting for Miss Vance to get back.

So let's go to number 13.

This is mubaran oil, 25630 N 25631.

PV Paula M. Vance 59:42

Good morning, Mr. hearing examiner Paul advance with the Santa Fe Office of Holland and Hart on behalf of the applicant, New Bern Oil Company.

CE Chakalian, Gregory, EMNRD 59:43

Mm-hmm.

Excellent.

D DMB 59:51

And good morning, Mr. Examiner.

Deanna Bennett with module scrolling on behalf of Paloma, Permian and Paloma Resources, and at this time, we're monitoring only to preserve our rights.

CE Chakalian, Gregory, EMNRD 1:00:02

That's perfect.

Thank you.

Are there any other parties, Miss Vance, that you know of?

Go right ahead.

PV Paula M. Vance 1:00:09

So in both of these cases, it involves the lands all in Township 21 S range 25 E.

And also.

21 S range 26 E and that's all.

CE Chakalian, Gregory, EMNRD 1:00:22

Miss Vance, can you hold on, Miss Vance? I'm sorry. Can you hold on?

PV Paula M. Vance 1:00:25

In.

CE Chakalian, Gregory, EMNRD 1:00:25

I'm just reading the notes in from the technical examiner after he reviewed these cases.

So before you go through presenting the cases, I'd like to call Mr. Fordyce.

Mr. Fordyce, can you tell me about the review in these cases and how you think this should proceed?

FE Fordyce, Andrew, EMNRD 1:00:44

Yes, Mr. hearing examiner, so.

I was looking at these cases Friday morning and researching all the pool codes. These two stage fright wells actually have APDS assigned to them, which I reviewed.

And the pool code is actually.

Avalon Wolfcamp gas 71120.

With 640 acres assigned to to the wells.

So instead of being an application for A320 acre oil pool.

What we have is.

What should be?

A spacing unit comprised of 160 acre tracks and not A320 acre spacing but a 640 acre spacing.

So at the end of the day, pretty much all of the land exhibits and so on and so forth are are incorrect.

PV Paula M. Vance 1:01:57

Mr.

Hearing examiner, we do have our land man available.

She was just messaging me and it sounds like there's going to be some sundries submitted for those APDS. And maybe if we can have our land man.

Speak to some of the feedback Mr. Fordyce provided to possibly provide some clarification.

So we could move forward if if that's appropriate.

CE Chakalian, Gregory, EMNRD 1:02:20

OK.

Yeah, let's do that.

So let's get the landmass sworn in and then we'll have Mr. Fordyce ask the questions, because as it's going now, the case, I think, should be dismissed.

However, if the land man provides the proper information, maybe it can proceed.

I don't know, OK.

Who's your land man?

PV Paula M. Vance 1:02:39

There she is.

CE Chakalian, Gregory, EMNRD 1:02:40

Ah, I see.

PV Paula M. Vance 1:02:40

Her name is Ariana Rodriguez, and she has previously testified before the division.

CE Chakalian, Gregory, EMNRD 1:02:46

Thank you.

Would you raise your right hand please?

You swear or affirm under do you swear, affirm under penalty of perjury, that the testimony you're about to give is the truth, the whole truth, and nothing but the truth?

AR Ariana Rodrigues 1:02:59

Yes.

CE Chakalian, Gregory, EMNRD 1:03:00

Alright great. You can put your hand down.

Please spell your name.

AR Ariana Rodrigues 1:03:04

It's Ariana Rodriguez.

It's Ari.

Ana Rodriguez Rodrigues.

CE Chakalian, Gregory, EMNRD 1:03:12

Perfect. And you've been qualified by this division as an expert previously?

AR Ariana Rodrigues 1:03:18

Yes.

CE Chakalian, Gregory, EMNRD 1:03:19
In Westfield.

AR Ariana Rodrigues 1:03:20
Petroleum Land Management.

CE Chakalian, Gregory, EMNRD 1:03:22
OK, Mr. Fordez, please go ahead.

FE Fordyce, Andrew, EMNRD 1:03:27
Yes, Miss Rodriguez.

Apparently you've heard my comments about these wells have APDS assigned to them with a pool code 9 or 71120. That's Avalon Wolfcamp gas.

And so it is my understanding that that gas pool needs to be the spacing unit needs to be comprised of 160 acre tracks.

And so instead of having A320 acre spacing unit that would result in a 640 acre spacing unit.

Which in the C1O twos on the APDS have 640 acres dedicated to them, so there's quite a few discrepancies between.

What's filed in the exhibits?

For this case and what what I'm seeing on the approved APD.

AR Ariana Rodrigues 1:04:18

Yes. So we I think our the guys that submitted the C1O twos originally, they had them matching the South half wells that we had an NSP on and we are not doing an NSP on the north half and so we are looking to submit a SU.

To leave them as 320 spacing units for both N half N half and South half N half.

FE Fordyce, Andrew, EMNRD 1:04:45

Could you repeat that again, that you're gonna submit a sundry for that's gonna do what exactly?

AR Ariana Rodrigues 1:04:51

So both of them are now listed as an NSP, covering the entirety of the north half.

And we're going to submit a sundry that splits them a N half N half spacing unit for the 711-H well, and then a S half N half spacing unit for the 713-H well.

FE Fordyce, Andrew, EMNRD 1:05:16
OK.

AR Ariana Rodrigues 1:05:18
And and they won't be.
I think we have these as oil wells as well.
So we're changing the the pool on them as well.

FE Fordyce, Andrew, EMNRD 1:05:36
So you're requesting an NSP and a change to the pool code and name.

AR Ariana Rodrigues 1:05:43
That yes, we will submit a sundry for that.

FE Fordyce, Andrew, EMNRD 1:05:57
OK.
I'm looking at the C1O2 on page 13 of 31.
And it does not appear that.
That has been completed.
With kickoff points and 1st and last take off points and so on and so forth.

AR Ariana Rodrigues 1:06:24
Yes, that's something that I can.
I can have our guys change.

FE Fordyce, Andrew, EMNRD 1:06:30
OK, I would request that.
We.
Get a minute exhibits for for correcting that and then I will.
I will need to have some time to review that and and.
The rest of the information in here.
And and then.

Come back and revisit this case, I believe.
Are these two cases?

CE Chakalian, Gregory, EMNRD 1:06:56

Mr. Fordyce.
Mr. Fordetz, can you hear me?

FE Fordyce, Andrew, EMNRD 1:07:01

Yes, Mr. Higgins, yes.

CE Chakalian, Gregory, EMNRD 1:07:04

OK, great. Mr. Fordez, what I'm gonna do is I'm going.
To I'm gonna recess this case. Actually, these two cases. I'm gonna recess them. I believe we can discuss this offline and then we can bring these cases back so.
Miss Rodriguez, would you stay available?
We may have some more questions for you in a little bit, but we need to talk about this a little bit before we decide how we want to proceed today. OK.

AR Ariana Rodrigues 1:07:41

Yes, Sir.

CE Chakalian, Gregory, EMNRD 1:07:42

All right.
Thank you. All right.
So, Miss Vance, we're gonna go into recess on these two cases and move on the docket. Continue down the docket. So let's see.
We did 15 before.
Let's see. 16 through. Yes, OK.
I'm outcalling cases.
256434546 and four seven matador production company.

PV Paula M. Vance 1:08:09

Good morning, Mr. hearing examiner Paula Vance with the Santa Fe Office of Holland and Heart. On behalf of the applicant Matador production company.
And these are sorry I don't.

CE Chakalian, Gregory, EMNRD 1:08:16

Thank you.

No, go ahead. You and these are.

PV Paula M. Vance 1:08:22

I don't believe that there's any other parties in these cases and these are just requests for extension.

CE Chakalian, Gregory, EMNRD 1:08:28

OK.

Very good. Thank you.

PV Paula M. Vance 1:08:32

So in each of these cases, we've included a copy of the application, the original order, and a statement from the Landman, Isaac Evans, who has previously testified before the division in each of his statements in each of the hearing packets.

Sorry, I'm sure if you can hear my phone going off.

But in each of the statements we've provided a paragraph of good 'cause and nothing has changed it.

Nothing has changed.

Regarding the pooled parties in these cases, we provided timely notice.

There's a sample copy of the notice that went out, which was dated September 19th, 2025, and then a copy of the affidavit of notice of publication that went out on September 26.

That was timely, published on September 26, 2025, and unless there are any questions, I would ask that the exhibits be admitted into the record.

And that these cases be taken under advisement at this time.

CE Chakalian, Gregory, EMNRD 1:09:34

All right.

Thank you.

Ms. Vance without objection. I believe these are Mr. McClure's Mr. McClure.

ME McClure, Dean, EMNRD 1:09:40

Mr. an examiner, I have no questions for any of these four cases.

CE Chakalian, Gregory, EMNRD 1:09:44

Fantastic. We're off the record in these cases.

They're taken under advisement.

So then we we went to 20 and 21 before.

So now we're gonna do.

Tumblr.

These are cases in which we're having a motion hearing.

This is to 546-264-6365.

6/6.

And I believe these are joined with marathon cases 25541 and four, two inches of appearance, please.

SS Shaheen, Sharon 1:10:26

Sharon Shaheen, on behalf of Tumblr operating partners.

CE Chakalian, Gregory, EMNRD 1:10:29

Thank you.

DH Dana S. Hardy 1:10:30

Dana Hardy, on behalf of Marathon Oil Permian.

CE Chakalian, Gregory, EMNRD 1:10:33

Very good.

Thank you.

So are are there any other entries before we get started?

DH Dana S. Hardy 1:10:41

EOG had entered an appearance in this case.

Miss Bradford, Mr. and Mr. Sayer, I believe.

CE Chakalian, Gregory, EMNRD 1:10:45

All right.

Well, I don't hear them speaking up. Do we have?

Those parties here or maybe they?

Would like us to proceed without them.

All right, so I called this for a for a status conference motion hearing. However, you want to look at it.

SS **Shaheen, Sharon** 1:11:03
OK.

CE **Chakalian, Gregory, EMNRD** 1:11:11

From my understanding, this is the party's position at this time.

And then I'm gonna ask the parties to clarify or correct me as I'm as I stated, Miss Shaheena, we had A and Miss Hardy, we had a deadline of amended exhibits and that the parties review each other, amended exhibits.

Before they submitted them by the deadline, we received a A a late request to extend that deadline by, I don't know, four or five days. We granted that request.

There were no objections to that as far as I knew.

Am I doing?

Am I correct so far?

OK.

DH **Dana S. Hardy** 1:11:50
Yes.

CE **Chakalian, Gregory, EMNRD** 1:11:50

All right, all right.

So I believe we got Miss Hardy's exhibits by the extended deadline.

Miss Shaheen, I believe you wanted an A second extension.

To, in other words, clean up your exhibits before you file them. Is that correct?

SS **Shaheen, Sharon** 1:12:08

Only one exhibit, the supplemental, exhibit that had all the emails.

I don't know if you've endeavored to take a look at it, but it's 532 pages and that's that's because our our production team didn't quite understand the task and they

included every single e-mail and every single chain related to each e-mail since then, we.

Cleaned that up and what I believe is only 100 pages.

Has the complete.

Thread of each e-mail chain so that that was what we were hoping to provide for you.

We've shared it with M's Hardy and I think she'll agree that it's much easier to review that and if you'd like it, we're happy to file it. If not, I'm I'm planning in my closing statement to.

To direct you to the emails that are pertinent.

So either way it's fine.

CE Chakalian, Gregory, EMNRD 1:13:00

OK.

So basically from my understanding there was Miss Hardy. You had objected to.

This a second filing.

Have you changed your mind at this point?

DH Dana S. Hardy 1:13:11

I had not objected to the cleaned up e-mail exhibit.

CE Chakalian, Gregory, EMNRD 1:13:12

Oh, OK.

OK. What? What, what? What was your the last e-mail or something I saw from you?

There was something that I needed to address. What was it?

DH Dana S. Hardy 1:13:29

I'm not aware of anything on on my side.

I had agreed to the cleaned up exhibit.

I know Michaelhne did file an objection to our supplemental exhibits that we submitted.

CE Chakalian, Gregory, EMNRD 1:13:39

That's what it was.

That's what it was. Thank you.

Ms. Hardy, I for I.

That's what I was getting at.

OK.

So very good.

So there's no objection to Miss Shaheen's cleaned up amended exhibit packet.

Would that be your second amended exhibit packet machine?

SS

Shaheen, Sharon 1:13:55

This would be the First Amendment to the supplemental exhibit we filed.

Separately, we filed our amended exhibit package and then we filed an amended rebuttal exhibit package and then we filed the supplemental exhibit separately.

So this would be the First Amendment to the supplemental exhibit.

CE

Chakalian, Gregory, EMNRD 1:14:11

I see.

OK, I understand perfectly. Before we go to any objections on your part machine, Miss Hardy, have you had a chance to review everything that Miss Shaheen just said?

DH

Dana S. Hardy 1:14:25

Yes.

CE

Chakalian, Gregory, EMNRD 1:14:26

OK. And is there any objection to anything that she just that she has filed or wants to file?

DH

Dana S. Hardy 1:14:33

No.

CE

Chakalian, Gregory, EMNRD 1:14:34

Very good.

So, Freya.

Would you remove the supplemental exhibit from Miss Shaheen's cases?

And accept the amended supplemental exhibit.

TE Tschantz, Freya, EMNRD 1:14:51

I will do so when viled, yes.

CE Chakalian, Gregory, EMNRD 1:14:52

OK.

All right. Wonderful.

And Miss Shaheen, please attach a cover letter to that amended supplemental exhibit.

Mr. McClure, do you have any questions about what we've discussed so far?

ME McClure, Dean, EMNRD 1:15:06

The only question I have would be for Miss Shaheen. Just for quick clarification.

CE Chakalian, Gregory, EMNRD 1:15:12

Joe.

ME McClure, Dean, EMNRD 1:15:13

Thank you, Mr. Examiner.

Miss Shaheen, just to confirm.

The cleaned up e-mail supplement, you just have it broke out in each separate e-mail chain now, but it still includes each of the individual emails within those chains.

Is that correct?

It.

SS Shaheen, Sharon 1:15:33

That's my understanding.

ME McClure, Dean, EMNRD 1:15:35

OK.

Thank you, miss Shaheen.

Thank you, miss Aaron Zaman. I have no further questions.

CE Chakalian, Gregory, EMNRD 1:15:39

OK, I'm not.

I'm not sure.

I don't understand that answer machine. When you say it's your understanding, it's your exhibit, isn't it?

SS Shaheen, Sharon 1:15:47

Yes it is.

But I can't say that I have.

Compared both exhibits with respect to each page in the 532 pages.

What I can say is that I've reviewed all of the communications between marathon and or actually I reviewed all the communications between marathon and.

And Tumblr, and between Conoco and Tumblr.

CE Chakalian, Gregory, EMNRD 1:16:14

Tumblr.

SS Shaheen, Sharon 1:16:17

And I believe they're all in the same exhibit package.

But what I will do is I will go back and confirm that before we file.

CE Chakalian, Gregory, EMNRD 1:16:25

Great. And please attach a cover letter to to explain why you are amending your supplemental exhibit and that Miss Hardy does not have an objection to it.

SS Shaheen, Sharon 1:16:36

Will do.

CE Chakalian, Gregory, EMNRD 1:16:36

OK.

Very good.

So we we've dealt with that issue. Now let's deal with your objections to what are your objections?

SS Shaheen, Sharon 1:16:45

Well, I've prepared an argument if you'd like to hear it.

Or I can briefly tell you what those objections are.

CE Chakalian, Gregory, EMNRD 1:16:52

Well, why don't you start out with sort of an overview of your objection. Then we can get into the argument.

SS Shaheen, Sharon 1:16:58

OK, so Marathon included two new exhibits and its amended exhibit package that is exhibit A13 that's filed in both cases 25541 and 25542 at PDF page 134 and PDF pages one 37138 respectively they.

Also filed a new exhibit B5 in case number 25542.

And that is at PDF pages 155.

To 158, we object to both of those exhibits and ask that they be struck from the record.

CE Chakalian, Gregory, EMNRD 1:17:35

All right, let and and let's go to M's Hardy 1st to see if she agrees that they're new or not.

And then we'll hear the argument on it.

Maybe we don't have to hear an argument if she agrees with you, M's Hardy.

DH Dana S. Hardy 1:17:47

So, Mr. Examiner, these are the exhibits that were requested by Mr. McClure at the conclusion of the hearing.

He asked that we provide.

Our corrected AFES if there were corrections or a statement explaining why there were no corrections.

So exhibit A13 in both cases is an affidavit from Mr. Miller attaching the supplemental AFES.

They provide a breakdown of the of the.

Cost, including the original IFES, they don't change the amounts, so they are amended to some degree, but they are not corrected I guess is what I'm kind of how I'll describe it in his supplemental statement just explains that and then our exhibit B5 in case 2/5.

542.

Is the geology information that Mister Mercler had requested.

He had asked our witness, Mr. Patrick, to provide the parameters and the AP is that he?

Used in determining the high risk intervals in the Bone Spring and so our exhibit B5 is that information that he compiled that he had used.

CE Chakalian, Gregory, EMNRD 1:18:57

All right, let's stop there for a moment, Mr. McCord.

You've heard.

Is that accurate characterization of your requests?

ME McClure, Dean, EMNRD 1:19:06

I'll say I don't remember if it was my request or yours.

Mr. Henry Examiner, if I remember correctly, this is the one where they have like their costs, not broke out right.

Or there was something about it was missing something on the completion cost, if I remember. I don't remember what it was, but there was some discussion about that.

I don't recall if I asked for it, but.

You may have also asked for Mr. Exam and I don't.

I don't recall what was asked for, I guess now.

CE Chakalian, Gregory, EMNRD 1:19:34

What about the geology exhibit?

I.

I don't remember asking for that.

ME McClure, Dean, EMNRD 1:19:36

Oh, oh, no.

Yes, I I apologize.

Yeah, the geology exhibit, I believe.

I asked them to provide me with the API numbers to be included there off top my head.

CE Chakalian, Gregory, EMNRD 1:19:47

OK.

Let's start with. Let's start with exhibit B5. Miss. Miss Shaheen, while we're trying to

figure out who asked for the AF ES.

What is your objection to Mr. McClure's? Ask and from from Miss Hardy's providing the geology exhibit?

SS

Shaheen, Sharon 1:20:08

With respect to exhibit B5, Mr. McClure asked specifically as he stated for API numbers and the parameters, that the geologist used to make a quote high risk determination regarding development of the Avalon. The third Bone spring sand at the Third Bone Spring carb.

Mr. Mr. McClure specifically?

Asked.

Asked for quote the parameters and the API numbers used by Marathon's geologists to make a high risk determination of those three different target horizons.

But however, what Marathon has done is they've submitted 4 slides, purportedly reflecting geological analysis of certain formations by marathons geologists.

However, instead of providing a list of parameters and API numbers Marathon filed.

An entirely new cross section and three additional slides, each containing a well log, numerous extraneous details about the wells which were not requested by the division.

Two maps and summary conclusions regarding production that are both outside the expertise of the witness and outside the scope of his testimony and in tendering that exhibit Marathon went far beyond the Mr. McClure's request.

And in that effort, frankly to introduce engineering evidence.

Without an engineering expert, marathon chose not to offer an expert witness in engineering.

It should not be allowed to surreptitiously offer engineering evidence under the guise of its geologists. It's clearly improper.

It's contrary to division rules in particular.

15.

19 dot I'm having to back up in my argument here 19.15 dot 4.14 B.

Which expressly states, quote, the witness shall be present at the hearing and shall adopt Underoath the prepared written testimony, subject to cross examination and motions to strike, unless the witnesses presence at hearing is waived upon notice to other parties and without objection.

It's also contrary to 19.15 dot 4.17 a which states the Commission or division

examiner shall afford full opportunity to the parties at an adjudicatory hearing.
Before the Commission or division examiner to present evidence into cross examine witnesses.

So Tumblr is prejudiced by this additional information that goes outside of the scope of a geologist expertise, and I'm sure Mr. the hearing examiners are well aware of cases that hold that a party is unduly prejudice as a matter of law if they don't have an opportunity to.

Cross examine a witness.

CE Chakalian, Gregory, EMNRD 1:23:04

All right.

Thank you, machine.

M's Hardy before I come to you, Mr. McClure.

Are you able to look at exhibit B5?

ME McClure, Dean, EMNRD 1:23:12

Yeah, I'm trying to bring it up now, actually.

CE Chakalian, Gregory, EMNRD 1:23:14

It's M's, Hardy said.

It was.

Or M's Sheheen said.

It was Paige's PDF, 1:55 to 1:58.

DH Dana S. Hardy 1:23:23

I can share it if that would be helpful.

I have it pulled out.

CE Chakalian, Gregory, EMNRD 1:23:25

Would it be helpful, Mr. McClure?

ME McClure, Dean, EMNRD 1:23:28

Yes, it would be.

CE Chakalian, Gregory, EMNRD 1:23:29

Please, Ms. Hardy.

DH Dana S. Hardy 1:23:43

So this is the first page.

And this second page, there are three zones that we're addressing. So that's why there are three slides, one for each of the zones and you can see.

The well log. These are the wells with API numbers. This is the map, and while the wells are located on each slide.

CE Chakalian, Gregory, EMNRD 1:24:13

So Mr. Mr. McClure, what I would like to know from you is, number one, does this satisfy what you asked #1? Does it go beyond what you asked, #2? And if it does go beyond what you asked for?

Do you find it useful?

Useful enough that we would have to come back to hearing to allow cross examination on it.

ME McClure, Dean, EMNRD 1:24:45

Doesn't say after Miss Shaheen reminded me of what we were talking about here. I do recall that.

There was discussion about the target zones that Marathon had deemed as.

Not productive.

So I'm sure that's what these are addressing. Or I'm assuming that's what they submitted.

I'm assuming that they submitted it as based upon discussion today, but I'm not sure.

Sure. As I'm prepared to.

Tell you positively if this addresses everything that I had originally asked for.

CE Chakalian, Gregory, EMNRD 1:25:25

I, Mr. McClure, I see a transcript here.

ME McClure, Dean, EMNRD 1:25:26
Go ahead.

CE Chakalian, Gregory, EMNRD 1:25:28
I don't know, Miss Hardy.
Did you bring this up? OK.

DH Dana S. Hardy 1:25:30
Yes, I did.
This is where Mr. McClure asked for the information.

CE Chakalian, Gregory, EMNRD 1:25:33
I thought so. OK, Mr. McClure.
Do you want to review this?
You know what?
We could do is this.
Why don't we take a break here?
Let's take a few minutes.
Let's take 5 minute break.
Let Mr. McClure read through the transcript.
Look at the exhibit B5 and answer those three questions that I have.
Because then we have to go to exhibit A13 and basically do the same thing.
Mr. McClure, does that work for you?

ME McClure, Dean, EMNRD 1:26:02
Yes, it does, Mr. Herring examiner.

CE Chakalian, Gregory, EMNRD 1:26:04
Does 5 minutes work for you or do you want more time?

ME McClure, Dean, EMNRD 1:26:09
5 minutes should hopefully be well.

CE Chakalian, Gregory, EMNRD 1:26:12

OK.

Why don't we say 10?

ME McClure, Dean, EMNRD 1:26:13

5 minutes to look at it and maybe 5 minutes to touch base with yourself might be the best way to look go about it.

CE Chakalian, Gregory, EMNRD 1:26:18

OK, OK.

All right, let's take a 10 minute recess here.

And we're off the record. So freak, can you stop recording? Is that possible?

TE Tschantz, Freya, EMNRD 1:26:30

I can't without ending the meeting.

CE Chakalian, Gregory, EMNRD 1:26:32

Then all right. OK.

Then I'm gonna mute myself.

All right. We are back from our 10 minute plus break.

Before, before we go back to the Tumblr.

Cases and tested cases I want to address is Miss Vance still with us.

I think I see her there, Miss Vance there.

Can you come on?

There we go, Miss Vance. I wanted to circle back on the cases that we said we were going to take a break.

And that we needed to discuss.

Mr. Fordyce, what are those case numbers? So I can call them again.

FE Fordyce, Andrew, EMNRD 1:41:03

25630 and 25631.

CE Chakalian, Gregory, EMNRD 1:41:08

Great. And what line numbers are they on our docket?

FE **Fordyce, Andrew, EMNRD** 1:41:13

Those are.

CE **Chakalian, Gregory, EMNRD** 1:41:13

13 and 14.

I think 1314 does that sound right?

FE **Fordyce, Andrew, EMNRD** 1:41:17

Yeah, 13 and 14.

PV **Paula M. Vance** 1:41:18

It's correct.

CE **Chakalian, Gregory, EMNRD** 1:41:19

All right, very good.

M's Vance. We've discussed these cases.

And without giving you legal advice.

The discussion has sort of.

The discussion has ended.

With the following.

Possibilities for these two cases.

And I'd rather Mr. Fordyce not be involved in this part of the discussion.

My take on this is that at this point these applications are asking for something that cannot be granted at this point.

The idea of a sundry hold on a second let me finish the whole thought.

Because some of these terms and and concepts are new to me, so if I get them wrong I I might get them wrong.

The idea of asking for something and then asking for the sundry to sort of help these get through is not the way to do this. The way to do this is either dismiss these two cases, reapply for using the proper nomenclature that.

That's there now so that the order can be approved.

Or apply for a nomenclature change.

Have that hearing or I don't know. If that's requires a hearing or not, but have that approved and then have these go through. That's what I understand is the way to do

this.

What were you gonna say?

PV **Paula M. Vance** 1:42:56

So I did talk with our land man.

And you know, we just want to make sure that we're on the same page of the division with the division.

So really what we want is to just understand what pull and pull code are these dedicated to because initially mubar was told one pool and one pool code and I think there was some confusion about the the accuracy or the correctness of that.

CE **Chakalian, Gregory, EMNRD** 1:43:15

What?

OK.

OK.

PV **Paula M. Vance** 1:43:23

And we understand that if this is in fact in a gas pool.

CE **Chakalian, Gregory, EMNRD** 1:43:25

OK.

PV **Paula M. Vance** 1:43:27

In Pool code that we're going to have to dismiss and refile.

CE **Chakalian, Gregory, EMNRD** 1:43:30

Mr. OK, hold on a second. M's Vance. Mr. Fordyce, can you give her some help here?

PV **Paula M. Vance** 1:43:30

So we're completely understand, sure.

You're on mute, Mr. Fordyce.

FE **Fordyce, Andrew, EMNRD** 1:43:44

Yes, let me click some more buttons here.

PV Paula M. Vance 1:43:54
OK.

FE Fordyce, Andrew, EMNRD 1:43:54
7-11 H.

I looked in imaging for that under that API numbers 3001557262.

So it has an approved API APD under that API number and.

If you you can pull that APD up in imaging if you wish to, but the pool name.

Has been redlined Avalon, Wolfcamp.

The pool code is 71120.

It has been assigned a property number and the dedicated acreage was was unchanged at 640 acres.

PV Paula M. Vance 1:44:42

OK. And you know I just want to confirm I'm not, you know, trying to ask questions, but I do want to confirm that that is in fact the correct pool and pool code for this, these wells for both the 711 and 713, is that right it?

FE Fordyce, Andrew, EMNRD 1:45:01
That's correct.

PV Paula M. Vance 1:45:01

This gas pool.

The only other thing that I wanted to confirm is it sounded like there was a condition of approval that also included the requirement to get an SP.

But looking at this, if the building blocks are 320 and the spacing is 640, I don't believe in NSP would be required.

So I just want clarification on that, that this would just be standard 640 acres facing a spacing unit.

Comprised of the north half of sections, I think it's 11:00 and 7:00.

Because it would be.

FE Fordyce, Andrew, EMNRD 1:45:42

When I recall.

What I recall Miss Vance when I reviewed this was the.

PV **Paula M. Vance** 1:45:46

Or the 12? I'm sorry.

FE **Fordyce, Andrew, EMNRD** 1:45:48

What I recall when I reviewed this was that the setbacks were already in line for our gas pool, one of them being 660 from the North and the other one, you know, being in line as well.

So I think that you could create a 640 acre spacing unit for both of these wells in an NSP wouldn't be required at that point.

PV **Paula M. Vance** 1:46:13

That's that's my understanding too, and I just wanted to make sure that we were on the same page.

So I think that, you know we will based on the feedback, it sounds like we need to dismiss and then we will refile these.

I will just go ahead and say this on the record.

We're going to revisit all that application today and again, this was confusion that we got regarding these pool names and pool codes.

These are time sensitive.

And if I can work with Miss Chance to.

Maybe even if I to try and figure out getting this one on the November 13th docket, it would be greatly appreciated.

CE **Chakalian, Gregory, EMNRD** 1:46:51

OK.

All right. So we'll expect a motion to dismiss these two cases in the in the in the near future.

And we will dismiss them and Miss Chance will work with you to get them on the November 13th docket.

PV **Paula M. Vance** 1:47:07

Thank you very much.

CE Chakalian, Gregory, EMNRD 1:47:09

All right, now we're off the record in those two cases.

Now we're back on the record to deal with the Tumblr matador cases.

So now michiheen are you? Are you going to turn your camera on?

Perfect. There you go. OK.

So Miss Shaheen, Mr. McClure reviewed the.

Exhibits carefully. He also reviewed part of the transcript.

But not the whole transcript.

It's his feeling that these exhibits in B5 Now we're not talking about A13B5.

Do satisfy his request.

For Miss Hardy, however.

We also I agree with you that you that number one, these exhibits have to be admitted by an expert within their scope of expertise, #1 and #2 that you have to be given a chance to cross examine this witness who is admitting this evidence. So miss. Hardy your take on what I just said.

DH Dana S. Hardy 1:48:26

I I think that's fine and I think our witness would be happy to testify about the exhibits and that they are within his expertise.

CE Chakalian, Gregory, EMNRD 1:48:35

When you say which expert are you talking about now?

DH Dana S. Hardy 1:48:38

Our our geologist, Tyler Patrick.

CE Chakalian, Gregory, EMNRD 1:48:39

OK. OK, fine. So we don't need a new. You're saying we don't need a reservoir engineer or or or OK?

All right, very good.

DH Dana S. Hardy 1:48:48

Right.

CE Chakalian, Gregory, EMNRD 1:48:49

OK.

So let's talk for a moment.

So Miss Jean, does that answer your objection?

SS Shaheen, Sharon 1:48:55

Well, I mean, we object to reopening the hearing at this state of the proceeding. If the directive from Mr. McClure was limited, marathon supplemental info should likely be limited.

This plays into the reason why we're here, and that is because Marathon has delayed drilling these wells for years. It received pooling orders.

Over two years ago, those expired in May after they got an extension.

And yet they still don't want to drill it.

For another 18 months and to allow the record to just continue to be open is procedurally unfair to Tumblr.

The reason Tumblr is here is because we think these wells should be drilled immediately in the immediate future and not a year and a half down the road.

So it just in, in my opinion, it's allowing the record to continue to be open, is is unreasonable and prejudicial to Tumblr.

CE Chakalian, Gregory, EMNRD 1:49:49

I understand now, Miss Shaheen, if Mr. McClure had not reviewed the exhibits and come to a determination that this is what he asked for, I would not let them in. I would.

I would tell Miss Hardy to to reduce the scope of the exhibits. However, these do answer Mr. McClure's asks.

And they don't go beyond his ask. And so with that in mind, I do want to be procedurally fair to you.

And allow you to cross examine.

And your witness maybe to have a you might even have a rebuttal to that. I don't.

SS Shaheen, Sharon 1:50:23

Absolutely.

CE Chakalian, Gregory, EMNRD 1:50:24

I don't know, but I'm trying.

You know the administrative, the administrative hearing process is an inclusive process.

It's not an exclusive process the way a criminal or a civil trial is.

So with that in mind, and I'm trying to give both sides a fair and full opportunity to present their cases.

I'm not talking about kicking this down the road a month or two.

I'm talking about very short.

Very, very short.

So Miss Hardy, when would you be able to have your witness available?

DH Dana S. Hardy 1:50:56

Well, he is available now on this hearing.

CE Chakalian, Gregory, EMNRD 1:50:59

OK.

I'm not gonna ask.

DH Dana S. Hardy 1:51:00

But I understand.

CE Chakalian, Gregory, EMNRD 1:51:01

I'm not gonna ask machine to cross examine him today.

DH Dana S. Hardy 1:51:03

Yeah.

I need to check with him about his availability.

CE Chakalian, Gregory, EMNRD 1:51:08

OK.

Hold on, let's get him on the screen.

Can we?

What is?

Can you call his name?

DH **Dana S. Hardy** 1:51:14

Sure it is, Tyler, Patrick.

CE **Chakalian, Gregory, EMNRD** 1:51:18

Very good, Mr. Patrick.

PT **Patrick, Tyler** 1:51:21

Yes, Sir.

CE **Chakalian, Gregory, EMNRD** 1:51:22

Excellent, Mr. Patrick.

Would you and Miss Shaheen have a discussion right now about when she would be available to cross examine you and that you would be available for that on the record?

PT **Patrick, Tyler** 1:51:34

Yes, Sir.

CE **Chakalian, Gregory, EMNRD** 1:51:36

Miss Shaheen.

SS **Shaheen, Sharon** 1:51:38

Thank you, Mr. Examiner and I, you know, I will also need to check with my client as to when they'll be available and and. OK, so my my schedule is that I am out from the 23rd through the 30th of October.

CE **Chakalian, Gregory, EMNRD** 1:51:43

Of course, of course I hear you.

SS **Shaheen, Sharon** 1:51:57

Then back in the office on, I believe the 31st.
And then.

CE Chakalian, Gregory, EMNRD 1:52:06

Miss Hen, are you suggesting I was thinking.

I was thinking.

So you're suggesting you don't have time to cross examine him before the 23rd?

SS Shaheen, Sharon 1:52:16

Before the 23rd.

Well, that would mean later this week or first part of next week.

Is that what you're suggesting?

CE Chakalian, Gregory, EMNRD 1:52:23

Right I am, yes.

SS Shaheen, Sharon 1:52:26

OK.

I could.

I could do it within the next week, I believe.

CE Chakalian, Gregory, EMNRD 1:52:57

OK.

SS Shaheen, Sharon 1:52:57

Miss Hardy might be unavailable at during some of that period of time, but again, I would need to confirm with my client and prepare.

CE Chakalian, Gregory, EMNRD 1:53:04

OK.

Perfect. Why don't we do this?

I have an idea.

Why don't you communicate with your witness with your client, their witness, and

Miss Hardy. And please come up with. We're not talking about a whole day here.

We're talking about potentially this witness and maybe a rebuttal witness from Miss Shaheen.

I don't know.

So we're talking about a few hours here, so please discuss it amongst yourself.
I'll make myself available.
I can't speak for Mr. McClure.
But I'll make myself available to make it happen by the 21st. I don't want to keep.
I agree with you machine.
I don't want to keep kicking this down the road.
We need a decision from the division, but I want to give you your due process.

SS **Shaheen, Sharon** 1:53:51
Understood.

CE **Chakalian, Gregory, EMNRD** 1:53:53
OK. All right now.
So we've dealt with B5. So at this point I'm allowing B5 in the way it is provided and giving you the opportunity to cross examine and potentially bring a rebuttal witness or or or or submit a rebuttal case based on B5 and any surprise that.
Might give you.

SS **Shaheen, Sharon** 1:54:18
Thank you.

CE **Chakalian, Gregory, EMNRD** 1:54:19
Let's talk now about a 13.
So I heard your argument before.
And Miss Hardy, I did not give you an opportunity to respond to the argument about 813.
Can you tell us why you submitted what you did?

DH **Dana S. Hardy** 1:54:36
Sure, because the questions asked of Mr. Miller at the at the hearing focused on whether information was omitted or needed to be changed from the AFP's, and specifically, I think there were suggestions by Tumblr that costs were excluded.
So the AF ES that we submitted show that costs were not excluded.
The cost on the AF ES we had provided were rolled up.
Into broader categories.

So what we have filed?

And I can.

Share them.

Are the AFS that include the same cost amounts but breakdown the categories?

So this seems to me that it should be pretty uncontroversial.

Mr. Miller's statement explains what he provided.

We just thought that'd be helpful for the division and maybe gotten paragraph 5 here.

He's just explaining that the cost from the prior AF ES rule were rolled up, so that's about it.

It doesn't seem to me that it should be objectionable.

CE Chakalian, Gregory, EMNRD 1:55:37

OK.

All right, Mr. McClure, have you had enough?

Mr. McClure, have you had an opportunity to look at this?

ME McClure, Dean, EMNRD 1:55:44

Not in a lot of detail, Mr. Herring examiner.

CE Chakalian, Gregory, EMNRD 1:55:47

Of course not. But but I guess my question is it in the same in the same?

In the same fashion we discussed, B5 is a 13.

Does it respond to your asks or does it go further than what you wanted?

SS Shaheen, Sharon 1:56:06

And I would just note for the record that we're not looking at a 13 right now.

We're looking at.

We didn't object to the corrected AFS.

DH Dana S. Hardy 1:56:15

OK.

SS Shaheen, Sharon 1:56:16

We only objected to the the supplemental Self Affirm statement.

CE Chakalian, Gregory, EMNRD 1:56:24

Thank you for the clarification.

I didn't understand that machine.

And and can you be specific machine?

What about the supplemental self affirm statement? Are you objecting to?

SS Shaheen, Sharon 1:56:35

Well, Mr. McClure didn't ask for any explanation.

He just asked for corrected a Fe, which is what they've submitted, and we don't oppose. We're not seeking to exclude those, but there are.

CE Chakalian, Gregory, EMNRD 1:56:46

Today.

SS Shaheen, Sharon 1:56:49

I think it's paragraphs 4-5 and six with these kind of gratuitous statements that we don't believe are proper for the record.

And again, if they're going to be admitted, I think we need to be able to.

To cross examine Mr. Miller.

I believe it is on his supplemental self affirm statement and offer rebuttal evidence if it's called for.

CE Chakalian, Gregory, EMNRD 1:57:08

OK, perfect.

OK.

Thank you machine M's Hardy.

How do you feel about that part of the argument now that we know that it's really 4-5 and six, that that are objected to?

DH Dana S. Hardy 1:57:24

I think that.

It's really up to the division in terms of whether this is helpful to Mr. McLaren, what he had wanted because he did say that he wanted.

Corrected AFS or a statement explaining why they didn't need to be corrected.

So it's a little bit of both.

So that's why we provided the statement.

CE Chakalian, Gregory, EMNRD 1:57:51

All right. So, Mr. McClure, will you take a look at?

It's on the screen in front of you, page 138.

And would you read through it and Miss Shaheen? It's paragraphs 4-5 and six that offend you.

SS Shaheen, Sharon 1:58:05

Yes, you could put it that way.

CE Chakalian, Gregory, EMNRD 1:58:08

So I'm putting it Mr. McClure, would you take a look at paragraphs 4-5 and six and and tell me, do you feel those are necessary or do you feel those go beyond what you asked for and and could be stricken?

ME McClure, Dean, EMNRD 1:58:23

Yes, I will, Mr. her examiner.

Mr. herring examiner.

I wouldn't think we would need 4-5 and six and I think we could strike them.

CE Chakalian, Gregory, EMNRD 1:58:56

Miss Hardy, do you have a problem with submitting with removing those 3 paragraphs?

DH Dana S. Hardy 1:59:03

No, I don't. I can do that.

CE Chakalian, Gregory, EMNRD 1:59:06

OK.

Perfect. OK.

So then, Miss Shaheen, that is the substance of your objection to a 13, is it not?

SS Shaheen, Sharon 1:59:14

Yes, that Mister McClure.

CE Chakalian, Gregory, EMNRD 1:59:15

And it's in both and micheene. It's in both cases, right?

SS Shaheen, Sharon 1:59:18

I'm sorry, that is correct.

CE Chakalian, Gregory, EMNRD 1:59:21

All right, so, Miss Hardy, that is an easy one.

Please remove those 3 paragraphs and resubmit.

Why don't you wait before you resubmit anything?

I'm not sure what's gonna happen when we come back.

Back to hearing in the next week or so, there may be other corrections to be.

Let's just hold off on that correction for now.

That's the ruling that I'm issuing based on the objection from Miss Shaheen and from Mr. McClure's input.

And let's do this, miss, Miss Shaheen.

How long?

And Miss Hardy, how long do you need to negotiate a? A reopening of this hearing?

SS Shaheen, Sharon 2:00:08

A couple days maybe. Depends on.

CE Chakalian, Gregory, EMNRD 2:00:10

OK.

How about close of business?

DH Dana S. Hardy 2:00:10

That's fine.

CE Chakalian, Gregory, EMNRD 2:00:12

How about close of business tomorrow on the 15th?

DH **Dana S. Hardy** 2:00:15

That's fine with me.

CE **Chakalian, Gregory, EMNRD** 2:00:16

All right, perfect.

So then by close of business tomorrow, you will e-mail the division with a date and time that your witnesses. I'm gonna say witnesses because I don't know what Michael's gonna bring will be available.

I'll double check with Mr. McClure.

I'll make myself available anytime you need.

As long as I'm working that day and Mondays are not a day, I'm in the office.

So please don't pick Monday.

Don't pick Monday.

And.

And that's.

Or we'll leave it.

So is there anything further from you, miss, Miss Hardy?

DH **Dana S. Hardy** 2:00:52

No, thank you.

CE **Chakalian, Gregory, EMNRD** 2:00:53

Very good, miss Shaheen.

SS **Shaheen, Sharon** 2:00:56

No, thank you.

CE **Chakalian, Gregory, EMNRD** 2:00:57

Very good. When you when you send the e-mail to Freya, would you also copy me and Dean at the same time?

SS **Shaheen, Sharon** 2:01:06

Yes there is.

CE Chakalian, Gregory, EMNRD 2:01:07

Good. What?

SS Shaheen, Sharon 2:01:08

There is 111 issue we should discuss and that is the closing statements.

Those are currently due on Friday, so that probably should be pushed out.

CE Chakalian, Gregory, EMNRD 2:01:13

Right.

Very good.

That's fine with me.

Why don't you discuss that when you're discussing your witnesses availability and put that in your e-mail to all of us so we know what works for you.

I'm not trying to rush anyone into something that they're not ready for.

SS Shaheen, Sharon 2:01:33

Will do.

CE Chakalian, Gregory, EMNRD 2:01:35

OK.

I think we are off the record.

I think that concludes today's special docket.

So thank you for everyone's participation.

Bye bye.

DH Dana S. Hardy 2:01:43

Thank you.

□ **Tschantz, Freya, EMNRD** stopped transcription