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PUBLIC HEARING
STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

Pecos Hall, 1st Floor, Wendell Chino Building
1220 S. Saint Francis Drive
Santa Fe, New Mexico

TRANSCRIPT OF PROCEEDINGS
February 12, 2026

COMMISSION MEMBERS:

MR. ALBERT C.S. CHANG, Chair
DR. WILLIAM AMPOMAH, Member
MR. GREG BLOOM, Member

COUNSEL TO THE COMMISSION:

MR. ZACHARY SHANDLER, ESQ.

1 (On the record at 9:00 a.m.)

2 TRANSCRIPT OF PROCEEDINGS

3 CHAIR CHANG: Good morning. Noting the
4 time, it's now 9 o'clock on February 12th, 2026. If
5 I could call the meeting to order.

6 Commission Clerk, could you please call
7 the role.

8 MS. APODACA: Commissioner Chang.

9 CHAIR CHANG: Present.

10 MS. APODACA: Commissioner Ampomah.

11 COMMISSIONER AMPOMAH: Present.

12 MS. APODACA: Commissioner Bloom.

13 COMMISSIONER BLOOM: Present.

14 CHAIR CHANG: Thank you very much.

15 Commission is all present. We have a
16 quorum. In that case, I will proceed with the
17 preliminary agenda, which is -- if I could ask for a
18 debate on the agenda or if no debate, then if I could
19 have a motion to approve.

20 COMMISSIONER BLOOM: I have nothing to
21 debate, so I would move to approve the agenda.

22 COMMISSIONER AMPOMAH: I second.

23 CHAIR CHANG: There's a motion and a second
24 to approve the agenda. Is there any objections?

25 Without objection, the agenda is

1 approved.

2 (3-0 vote. Motion approved.)

3 CHAIR CHANG: Moving on to the next item on
4 the agenda, which would be the approval of the
5 meeting minutes from the January 15th, 2026, meeting.
6 Is there any debate or amendments that we need?

7 COMMISSIONER BLOOM: Mr. Chair, I let the
8 clerk know that there's a typo on part 25, period.
9 It should have been on part 25, comma. I made her
10 aware of that and I believe she'll make that change.
11 Other than that, it looked good to me.

12 CHAIR CHANG: Okay. Any additional edits?

13 COMMISSIONER AMPOMAH: No.

14 CHAIR CHANG: If I could get a motion with
15 that edit included.

16 COMMISSIONER BLOOM: Yes. I would move to
17 approve the minutes as edited.

18 COMMISSIONER AMPOMAH: I second.

19 CHAIR CHANG: Any objections? Without
20 objections, so approved. Thank you all very much.

21 (3-0 vote. Motion approved.)

22 CHAIR CHANG: I'll proceed to the pending
23 cases. And I'll start with the rulemaking case, Case
24 Number 25875.

25 We've got a status conference to

1 schedule a hearing on this matter. I'll turn to
2 counsel for appearances and we'll proceed from there.

3 Petitioners.

4 MR. TREMAINE: Good morning, Mr. Chair.
5 This is Jesse Tremaine. I am appearing remotely from
6 a conference for the Oil Conservation Division.

7 CHAIR CHANG: Parties.

8 MS. O'GRADY: Good morning. This is Morgan
9 O'Grady for the Western Environmental Law Center.

10 CHAIR CHANG: Thank you.

11 MR. RANKIN: Good morning. Adam Rankin,
12 with the Santa Fe office of Holland & Hart, appearing
13 of behalf of Oxy USA, Incorporated.

14 CHAIR CHANG: Thank you.

15 MR. PAVLIK: Good morning. This is Zach
16 Pavlik, I'm appearing remotely on behalf of the
17 Center for Biological Diversity.

18 CHAIR CHANG: Thank you very much.

19 Any additional parties for the
20 rulemaking?

21 Hearing none, I believe the matter in
22 front of us at the moment is to try to schedule a
23 hearing date. I'll turn to the applicants first, and
24 then I'll open up the floor.

25 MR. TREMAINE: Thank you, Mr. Chair,

1 Commissioners.

2 The parties met about a week ago, and we
3 have hammered out an agreement in principle. I
4 believe we have full agreement on recommended format,
5 structure and, currently, the likely duration of the
6 hearing. Obviously, we're still working on some --
7 we'll still be working on those details as parties
8 and as approved.

9 But we had also reached an agreement on
10 when to schedule the hearing. I spoke with both
11 parties and the OCC clerk about that. Our proposal
12 was we start on June 8th and have rebuttal testimony
13 due four weeks before that, and direct testimony four
14 weeks before that.

15 But my understanding is we may have
16 scheduling or availability issues for hearing
17 officers during that week. And so the parties were
18 looking into availability for later in the month of
19 June.

20 CHAIR CHANG: Okay. Our commission clerk
21 can probably comment and give us some advice on
22 hearing officer availability in a minute.

23 But before I invite that, I'll turn to
24 the other parties and see if there's any other
25 further comments on scheduling, thoughts on timing of

1 the hearing's needs and so on and so forth.

2 MR. RANKIN: I'll just weigh in. Mr. Chair
3 and Commissioners, Adam Rankin. Thank you for the
4 opportunity.

5 I'll just confirm everything that Jesse
6 said. We were looking at dates based on Oxy's
7 availability and ability to prepare for this hearing.
8 We were requesting dates no earlier than June. And
9 just based on the number of parties who have
10 appeared, and so forth, I think we're thinking two
11 weeks makes sense at this point.

12 CHAIR CHANG: Two weeks?

13 MR. RANKIN: Two weeks we thought, at a
14 minimum, would be required. And I'm sorry if Jesse
15 hadn't mentioned that, but I think that's what we
16 were talking about. But just currently, based on
17 where we stand right now, and so, yeah, no earlier
18 than June. And I guess we'll wait and see, based on
19 the hearing officer's availability. Thank you.

20 MS. O'GRADY: Good morning, Commissioners.
21 I concur with what Mr. Tremaine and Mr. Rankin said.
22 Thank you.

23 CHAIR CHANG: Okay.

24 MR. PAVLIK: Good morning. Nothing to add.

25 CHAIR CHANG: Thank you.

1 In that case, I will turn to our
2 commission clerk.

3 Madam Clerk, would you like to advise on
4 hearing officer availability? If I recall, maybe the
5 end of June might be the earliest that we're able to
6 obtain a hearing officer; is that correct?

7 MS. APODACA: Yes, that's right. The first
8 date that the hearing officer is available is June
9 22nd, and she's available for those last two weeks in
10 June. And she's pretty open in July and August, but
11 she'd like to hear the dates before she can commit to
12 them. But she said she's pretty open.

13 CHAIR CHANG: Understood.

14 So now let me turn to commissioners for
15 commissioner availability, time challenges.

16 COMMISSIONER BLOOM: Mr. Chair, I'm out the
17 last two weeks of June, but good availability in all
18 of July and August.

19 COMMISSIONER AMPOMAH: So I'm also out on
20 the first week of July, but I'm available any other
21 time.

22 CHAIR CHANG: Okay. Give me one second. I
23 may also be out the first week of July unfortunately,
24 or have other commitments not in Santa Fe.

25 I know that at least most of our --

1 well, I believe some attorneys may also want to
2 attend the FNREL, Natural Resources and Energy Law
3 Institute, here, so some counsel may not even be
4 available the second half of some dates.

5 Let me see. The week of the 13th of
6 July looks open. Parties are not thinking we can do
7 this in under a week, right?

8 MR. RANKIN: (Nods head.)

9 CHAIR CHANG: No? Okay. A split hearing on
10 the week of 13th, not the week of the 20th, but the
11 week of the 27th, would that -- or should we start on
12 the 27th and go into August -- the 27th and the week
13 of August 3rd?

14 Would those two weeks work for
15 Commissioners?

16 COMMISSIONER BLOOM: They would work for me.
17 And I'm sure the parties want to confer, as well.
18 But those all work. Thank you.

19 COMMISSIONER AMPOMAH: It works for me, as
20 well.

21 CHAIR CHANG: Okay. In that case, perhaps,
22 Commission Clerk, would you like -- if I could have
23 the commission clerk reach out to the hearing officer
24 and see if those two weeks, so the week of July 27th
25 and the week of July 3rd -- I'm sorry, August 3rd,

1 and proceed from there.

2 And if parties have any objections to
3 those two weeks, if you would let the commission
4 clerk know, and we'll do our best to massage our
5 calendars and work around any challenges.

6 Any howls of protests from any parties?
7 No? If not, I think we have a tentative plan.

8 Thank you all very much. Is there any
9 other issues that we can address on this particular
10 case at this status conference?

11 Hearing none, thank you all very much.
12 I'll proceed on to the next case.

13 I will call Case Number 25876. Let me
14 start with appearances of the two parties.

15 MR. MOANDER: Chris Moander on behalf of
16 OCD.

17 MR. SAVAGE: Good morning, Mr. Chair,
18 Commissioners, Commission Counsel, Division Counsel.
19 Darin Savage, with Abadie & Schill, appearing on
20 behalf of Devon Energy Production Company.

21 CHAIR CHANG: No other parties at this time,
22 correct? Thank you.

23 MR. MOANDER: That's correct, Mr. Chair.

24 CHAIR CHANG: Thank you very much,
25 Mr. Savage, for early filing your prehearing

1 statement. I understand you've got three proposed
2 witnesses; is that still accurate?

3 MR. SAVAGE: That's correct. And they're
4 available today, but I understand that this is a
5 status conference, so they --

6 CHAIR CHANG: Let me check in with everybody
7 on where they are, and we'll see if OCD happens to be
8 ready to proceed. But I'm not sure that that's the
9 case. So let me start with some status issues and
10 we'll see where we're at.

11 You've got three witnesses. You've
12 got -- I know on your original prehearing statement,
13 you were thinking you should be able to run through
14 each of them in approximately 10 minutes; is that
15 correct?

16 MR. SAVAGE: Yeah. That should be -- I
17 mean, there's no -- it's uncontested.

18 CHAIR CHANG: Should be fairly --

19 MR. SAVAGE: Yeah, and no objections, as far
20 as I understand.

21 CHAIR CHANG: Got it. Okay. Unless you
22 have anything further that we need to know right now
23 in terms of case management, I'll turn to OCD.

24 MR. SAVAGE: Well, if you don't mind, I
25 would like to talk about some options on case

1 management. We've been giving this a lot of thought.

2 CHAIR CHANG: Sure.

3 MR. SAVAGE: So when we received the order
4 from the division, Devon was faced with limited
5 options, which included, one, submitting two new
6 applications pursuant to the order; both applications
7 requesting the pooling of the same formation and same
8 acreage. Under this option, the division and Devon
9 would have to repeat the adjudication of the same
10 development plan, already heard once.

11 The second option was investing time and
12 resources and drafting a reconsideration of the order
13 and submitting it to the division, which, based on
14 communications at that time, Devon assumed that it
15 would likely be denied.

16 So the third option was here today
17 exercising the right to a de novo hearing.

18 So, we talked about this in our
19 prehearing statement and the motion that's now before
20 the OCC. And the OCC looks like it has two options
21 under their jurisdiction and authority. One option
22 would be to review the revised hearing package that
23 accounts for the pooling code.

24 But the other option, there's another
25 option that might fast-track this proceeding. And,

1 for example, should the commission find it more
2 appropriate in which to have the division technical
3 examiner finalize review of the revised exhibits and
4 hearing packet, that would be an option that Devon
5 would be open to.

6 But we would foresee that as
7 returning the revised hearing packet and exhibits
8 back to the division technical examiner and place it
9 back under advisement. So then it would just be with
10 potentially certain instructions about how to
11 proceed. And then the technical examiner can proceed
12 with the new pooling information that has been
13 accounted for in the revised pooling.

14 I think that would be a very good way.
15 I mean, we'd be interested in that, providing that
16 the commission would decide that the new application,
17 that would not require a burden of new hearing and
18 notice. Because we believe that the original
19 application satisfied all the criteria, because it
20 described the formation and it described the acreage,
21 and that satisfied notice. So everything seems to be
22 in place.

23 The only missing link, part, is the
24 accounting for this new pool that was discovered
25 post-hearing.

1 CHAIR CHANG: Okay. Let me turn to OCD and
2 get OCD's thoughts on where they're at.

3 MR. MOANDER: Thank you, Mr. Chair.

4 OCD entered this case just a couple
5 weeks ago. There's an outstanding motion that OCD
6 should have a response filed Monday by close of
7 business, so we can get that tidied up.

8 At this point OCD's position is there
9 will need to be a hearing. However, it sounds like
10 there may be some options that Mr. Savage brought to
11 me this morning that need to be evaluated by OCD
12 management to see if we can find an alternative to a
13 hearing on this.

14 But OCD does not think it -- it
15 understands why Devon is pushing this as aggressively
16 as they are. OCD still needs to get a handle on
17 what's going on, because OCD, at this point, the
18 position would be to defend the order below before
19 the commission to have it upheld.

20 In that vein, OCD's thought on procedure
21 is as follows. This would probably be good or an
22 April setting, if there's availability, to give OCD a
23 little bit of time to catch up on all the technical
24 stuff, have some negotiations with Devon about
25 possible alternative resolutions. If that falls

1 through, then we can still have time to prepare to
2 proceed to a hearing.

3 That's the only reason OCD would want to
4 kick this out further than March, would be for that
5 purpose. My understanding is Devon's counsel
6 wouldn't object to that setting based on those
7 intentions. So that's what OCD's pitch is at this
8 point.

9 CHAIR CHANG: Okay. If you were to -- just
10 for the -- obviously, this commission always prefers
11 the parties to come to a settlement and agreement.
12 But if you were to need a hearing, OCD would be
13 proposing how many witnesses, do you think?

14 MR. MOANDER: We would only have one. It
15 would be Deputy Director Powell.

16 CHAIR CHANG: Okay.

17 MR. MOANDER: I don't foresee OCD's case
18 being terribly long here. OCD's real objective is to
19 explain the basis for the order and why OCD took that
20 position and why it would want to see that position
21 upheld. It would probably be less technical than the
22 usual, and a bit more of a procedural historical
23 testimony.

24 CHAIR CHANG: Okay. Fair enough. If there
25 are no objections, we do have a commission meeting on

1 March 4th as well as April 9th.

2 MR. SAVAGE: Mr. Chair, if I just may add,
3 please.

4 So, you know, as described in our
5 pleadings, we waited over seven months for this, so I
6 would hope that the March 4th hearing date would be
7 better than the April, if the OCD would be open to
8 that, especially given that the issues are all before
9 the -- already before the commission.

10 CHAIR CHANG: Okay.

11 MR. MOANDER: May I address that, Mr. Chair?

12 If March 4th is selected, OCD is not
13 going to have the time and the resources to bother
14 with any sort of resolution negotiation. So that
15 date would be a certain hearing at that point. There
16 would no settlement talks.

17 CHAIR CHANG: I hear the frustration with
18 timing and I hear the desire to have -- so I hear
19 both sides. So here's what I'm going to do. I'm
20 going to at least set -- I'm going to set this for
21 March 4th for both a status hearing and a possible
22 hearing. So that way, depending on -- hopefully you
23 guys can figure it out quickly. And if that's the
24 case, we can have -- if both parties are ready to
25 proceed or have it settled, great.

1 If not, then OCD can, on March 4th, ask
2 for a continuance at that point. And we'll go from
3 there.

4 MR. SAVAGE: Thank you, Mr. Chair, for
5 sawing this baby. Thank you.

6 CHAIR CHANG: There might be -- I understand
7 the process to get here was frustrating for at least
8 one party, if not both parties. But I think if the
9 parties can focus on what's the best way to resolve
10 the problem going forward and maybe leave the
11 wrangling of what happened, I don't know that --
12 there's probably limited value to spending too much
13 time on the postmortem as opposed to figuring out
14 what's the best path forward for everybody at this
15 point. So I encourage that perspective on both
16 parties.

17 Okay. In that case, I will leave it on
18 calendar for, at the minimum, a status conference on
19 March 4th, with a possible -- I'll notice it as a
20 possible hearing, in case the parties are ready to
21 proceed. But counsel can advise, obviously, the
22 Thursday before that, as normal, if -- where we're
23 all at.

24 MR. SAVAGE: Thank you.

25 CHAIR CHANG: Anything else on this case?

1 MR. MOANDER: Nothing further from OCD,
2 Mr. Chair.

3 CHAIR CHANG: Okay. Well, thank you very
4 much.

5 MR. SAVAGE: Thank you.

6 CHAIR CHANG: I will move on to the -- just
7 for the record, it's already publicly noticed, but
8 the other case that had been noticed for this hearing
9 was Case Number 25603, application by Matador
10 Production Company for a de novo hearing. That
11 matter had settled prior to this -- to hearing and
12 was, therefore, voluntarily dismissed by the
13 applicant, for which we appreciate the parties'
14 willingness to come to an agreement without OCC
15 intervention.

16 Moving on to the next agenda item,
17 Commission Counsel, was there any pending OCC
18 litigation updates?

19 MR. SHANDLER: No updates.

20 CHAIR CHANG: Thank you.

21 Moving on to the next item, any other
22 business to address from commissioners?

23 COMMISSIONER BLOOM: No, Mr. Chair.

24 CHAIR CHANG: Hearing none, the next meeting
25 will be on March 4, 2026. And I will take a motion

1 to adjourn.

2 COMMISSIONER BLOOM: I move to adjourn.

3 COMMISSIONER AMPOMAH: Second.

4 CHAIR CHANG: Any objections? Without
5 objection, so ordered. Thank you very much.

6 (Proceedings adjourned at 9:22 a.m.)

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AFFIRMATION OF COMPLETION OF TRANSCRIPT

I, Kelli Gallegos, DO HEREBY AFFIRM that on February 12, 2026, a hearing of the New Mexico Oil Conservation Commission was taken before me.

I FURTHER AFFIRM that I did report in stenographic shorthand the proceedings as set forth herein, and the foregoing is a true and correct transcript of the proceedings to the best of my ability.

I FURTHER AFFIRM that I am neither employed by nor related to any of the parties in this matter and that I have no interest in the final disposition of this matter.



Kelli Gallegos
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Albuquerque, New Mexico 87102

[& - aware]

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[half - move]

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