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

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IN THE MATTER OF THE HEARING  
CALLED BY THE OIL CONSERVATION  
COMMISSION FOR THE PURPOSE OF  
CONSIDERING:  
Case Nos. 25875, 24683, 26053.

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HEARING

DATE: Thursday, April 9, 2026  
TIME: 9:00 a.m.  
BEFORE: Chairman Albert C.S. Chang  
LOCATION: Wendell Chino Building, Pecos Hall  
1220 South Saint Francis Drive  
Santa Fe, NM 87505  
REPORTED BY: Gerald Aragon  
JOB NO.: 7991848

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A P P E A R A N C E S

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ALSO PRESENT:

William Ampomah, Commissioner, New Mexico Oil  
Conservation Commission  
Greg Bloom, Commissioner, New Mexico Oil  
Conservation Commission  
Sheila Apodaca, Law Clerk, New Mexico Oil  
Conservation Commission  
Jonathan Samaniego, Representative, American  
Energy Resources, LLC  
Chris Moander, Esquire, New Mexico Oil  
Conservation Division

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P R O C E E D I N G S

THE CHAIR: Well, good morning. This is Chair Chang. I apologize that I'm not able to be in Pecos Hall with everyone today, but I appreciate my fellow commissioners holding the fort down while I am remote.

Noting the time -- this is a meeting of the Oil Conservation Commission for April 9, 2026, and noting the time is now nine o'clock in the morning, I'll -- I will call the meeting to order.

Commission clerk, if you would be so kind, would you please call role?

THE CLERK: Yes.

Commissioner Ampomah?

COMMISSIONER AMPOMAH: Present.

THE CLERK: Commissioner Bloom?

COMMISSIONER BLOOM: Present.

THE CLERK: Commission Chair Chang?

THE CHAIR: Present. All right. Since we're all here and we have a quorum, I will now turn to the agenda. I know we published an agenda where there was a couple of items, but we weren't sure whether things would be ready to be discussed or not.

But I'd like to make a couple of recommendations to my fellow commissioners that we

1 perhaps discuss our availability for meetings in May  
2 and June prior to getting to some of the matters below  
3 where we'll have to figure out how we can maybe slot  
4 some hearings and/or deliberations and other matters  
5 in.

6 So I would recommend that we amend the  
7 agenda to include a discussion of commissioner  
8 availability for upcoming OCC meetings in between  
9 approval of the meeting minutes and pending cases.

10 I'd also like to suggest that we defer  
11 motions related to cases numbers 25694, 25695, 25696  
12 involving American Energy Resources as well as motions  
13 related to consolidated cases numbers 24123, 23614,  
14 23617, 23775, 24018, 24020, 24025, the consolidated  
15 cases regarding Goodnight Midstream and Empire New  
16 Mexico.

17 For all -- for both of those  
18 consolidated set of cases, I recommend that we also  
19 move to continue those until the next available OCC  
20 hearing since the commission has not had time to  
21 review the various responses that were filed, some  
22 just yesterday and some overnight. So that would be  
23 my recommendation to the commission.

24 Is there any further discussion on  
25 today's agenda?

1                   COMMISSIONER BLOOM: No further  
2 discussion, Mr. Chair. I would move as you suggested  
3 regarding Empire and Goodnight Midstream.

4                   COMMISSIONER AMPOMAH: And I second.  
5 Thank you.

6                   THE CHAIR: Empire, Goodnight  
7 Midstream, as well as the American Energy Resources  
8 cases?

9                   COMMISSIONER BLOOM: And including  
10 American Energy Resources as well, yes.

11                  THE CHAIR: Okay. Great. In that  
12 case, we have a motion as amended -- to adopt the  
13 agenda as amended -- I'm sorry. May I have a, I  
14 guess -- we have a motion and second. I'm sorry. I'm  
15 catching up here. Is there any objection? Hearing no  
16 objection, so adopted. Thank you very much.

17                  MR. SAMANIEGO: American objects. You  
18 didn't give me a chance. American objects.

19                  THE CHAIR: None of the commissioners  
20 objected, so I'm afraid we will hear your case at the  
21 next available meeting, sir, so thank --  
22 Mr. Samaniego. Thank you very much.

23                  MR. SAMANIEGO: Thank you.

24                  THE CHAIR: Approval of the meeting  
25 minutes -- so now I move onto a discussion of

1 commissioner availability for upcoming OCC meetings,  
2 please. Commissioners, would you like to weigh in as  
3 to your availability in May? Because I understand one  
4 of our meetings is not -- or there might be some  
5 conflicts.

6 COMMISSIONER BLOOM: I'm getting there  
7 now, Mr. Commissioner. I do not have a conflict on  
8 May 14th, which is the date I have on my schedule.

9 COMMISSIONER AMPOMAH: I do not have a  
10 conflict on May 14th.

11 COMMISSIONER BLOOM: I'm sorry, Doctor.  
12 I didn't hear you. You say you do have a conflict or  
13 do not?

14 COMMISSIONER AMPOMAH: I do not.

15 COMMISSIONER BLOOM: Okay.

16 COMMISSIONER AMPOMAH: It's a  
17 graduation week, so I have to be around.

18 THE CHAIR: I'm afraid I have a  
19 conflict. Is there any chance we could move that to  
20 the -- well, I guess I can keep it if necessary, but  
21 we may also need to schedule more time for potential  
22 deliberations on some rulemaking cases.

23 Is there a chance we could find  
24 a -- maybe in addition -- either instead of the 14th  
25 or in addition to the 14th, is there a chance we could

1 find a block of time where we could all meet for  
2 potential deliberations?

3 COMMISSIONER BLOOM: Absolutely.

4 COMMISSIONER AMPOMAH: Yeah, that works  
5 for me, too.

6 THE CHAIR: What works best? Which  
7 dates? I'm sorry.

8 COMMISSIONER AMPOMAH: So I'm flexible  
9 in May and I'm probably -- I'm flexible from the week  
10 of the 11th to the end of May. So ...

11 COMMISSIONER BLOOM: Yes, the week of  
12 the 18th is quite open for me. The 19th is good, the  
13 21st is good, 22nd is good.

14 THE CHAIR: Okay. What about the last  
15 week of May, the -- or the 25th?

16 COMMISSIONER BLOOM: Aside from that  
17 being the week of Memorial Day, which I know can be  
18 difficult for some people, that entire week looks good  
19 for me, 26th through the 29th as well.

20 THE CHAIR: Okay. I -- the 15th in  
21 particular is challenging for me and so -- and  
22 ideally, the 14th is -- 14th might be a little -- also  
23 a little challenging, but I know the 11th through the  
24 13th, I can make myself available.

25 So sounds like 11th through the 14th is

1 good availability of all of us and then maybe -- may I  
2 tentatively hold May 25th through the 28th as well?

3 COMMISSIONER BLOOM: Mr. Chair, I can't  
4 do Monday the 11th, but Tuesday the 12th, Wednesday  
5 the 13th --

6 THE CHAIR: Okay. Twelfth, thirteenth,  
7 fourteenth, and then May -- what about the week of the  
8 25th, 25th through 28th? Are those dates okay for  
9 people?

10 COMMISSIONER BLOOM: Twenty-fifth is  
11 Memorial Day, so we'd be closed, but the 26th through  
12 the 29th would be fine.

13 THE CHAIR: Awesome. Okay. I'm just  
14 going to make a quick note. I'm going to -- so  
15 perfect. I'll hold that set of dates, at least  
16 tentatively until we get to the end of today's  
17 meeting, so that we can hopefully figure out our  
18 schedules for hearing some of the upcoming matters.

19 Okay. In that case, I will move on to  
20 the pending cases. May I please have the -- our first  
21 case on the docket is the Class VI Injection Well,  
22 Case No. 25875, application of the Oil Conservation  
23 Division to adopt certain rule changes to the New  
24 Mexico Administrative Code.

25 It only noticed for a status

1 conference, but I will turn to the petitioners and  
2 other respondents or other parties and see what issues  
3 there -- we might need to tackle today.

4 Mr. Tremaine, if you're speaking, you  
5 are muted.

6 MR. TREMAINE: My apologies. I am  
7 calling in this morning. I've been quite under the  
8 weather, so my apologies to the commission. Justin  
9 Tremaine for the Oil Conservation Division. We have a  
10 number of items to move forward over the next weeks,  
11 including setting a pre-hearing scheduling order,  
12 which I will be circulating to the parties.

13 We have another stakeholder discussion.  
14 We had one scheduled this week, which I needed to  
15 reschedule, so that will be coming up here shortly.  
16 But moving forward, and not expecting, from the  
17 division side, major changes to the content -- the  
18 technical content here.

19 So I'm expecting to hopefully file any  
20 potential updates to the proposed rule language here  
21 in the coming weeks and just continue discussions with  
22 the parties and move forward to hearing, as was  
23 discussed at the last meeting, beginning on July 27th.

24 THE CHAIR: Okay. Thank you. Any  
25 other party want to weigh in at this point, or is

1 there any need for any further discussion on this  
2 particular matter at this point? Going once, going  
3 twice. All right. Hearing no objection, we will  
4 follow up with you again at the next commission  
5 meeting as for status conference.

6 Moving on to Case No. 24683, the WELC  
7 Application for Rulemaking to amend various provisions  
8 of the New Mexico Administrative Code. Is the hearing  
9 officer for this case online with us?

10 MS. ORTH: Yes, sir.

11 THE CHAIR: Or in the room. Perfect.  
12 I will turn the -- turn it over to the hearing officer  
13 then.

14 MS. ORTH: Oh, thank you, Mr. Chair.  
15 Yes. We had two post-hearing motions, if you will, or  
16 attempts.

17 One was an attempted entry of  
18 appearance filing for Mr. Samaniego. Ms. Apodaca had  
19 some -- an email exchange with him and I did, this  
20 morning, enter an order explaining exactly why that  
21 attempt was denied. The rulemaking procedures don't  
22 allow for post-hearing entries of appearance. He was  
23 thinking, I think, about the adjudicatory rules.

24 The other post-hearing motion was a  
25 motion to reopen the record to accept evidence

1 relating to HB 80, which is that Reclamation Fund  
2 Enhancement Act, and also to accept evidence regarding  
3 a complaint filed by several NPOs, including San Juan  
4 Citizen Alliance, which had been a co-petitioner in  
5 24683.

6 I had denied that as well,  
7 unfortunately, from the road via email and this  
8 morning sent Sheila a more formal order on that,  
9 having noted already for counsel and parties that the  
10 motion -- aside from taking administrative notice of  
11 the HB 80 and related legislative materials, that the  
12 motion was otherwise denied for the reasons set out in  
13 the responses.

14 If the commission has any questions  
15 about either Mr. Samaniego's attempt or the motion to  
16 reopen the record, yeah, I'm happy to answer them.  
17 Otherwise, I believe really the commission just needs  
18 to review the post-hearing submittals that rolled in  
19 last Friday and to schedule deliberations.

20 I'm certainly happy, as I said -- I  
21 think you asked me for a hearing officer report. I  
22 can get that done by the end of this month. And it  
23 won't include any recommendations. It really will  
24 just sort of distill the issues that you need to  
25 deliberate about.

1 THE CHAIR: Do commissioners have any  
2 questions or comments at this point?

3 COMMISSIONER BLOOM: No, Mr. Chair.

4 COMMISSIONER AMPOMAH: No, Mr. Chair.

5 THE CHAIR: Thank you so much. We can  
6 certainly proceed straight to just scheduling  
7 deliberations. Of course, there's been a lot of  
8 post-hearing submissions from the various parties that  
9 runs -- I don't even want to guess how many pages.

10 But is there interest in the various  
11 parties to make an -- a brief oral sort of summation  
12 of their closing -- their written submissions? And if  
13 so, is there interest in the commission in hearing  
14 from them verbally or would we -- does the  
15 commissioners wish to proceed straight to just  
16 scheduling a -- deliberations on this?

17 COMMISSIONER BLOOM: Mr. Chair, were  
18 you suggesting offering the parties that time today?

19 THE CHAIR: I don't even know if  
20 they're ready today, but --

21 COMMISSIONER BLOOM: I didn't think  
22 so --

23 THE CHAIR: If they were interested,  
24 then, like, I'm happy to schedule that for a time when  
25 the parties are ready, but I wasn't sure whether the

1 commissioners had interest. And if there's no  
2 interest, then I'm happy to move on to -- directly  
3 into deliberations off the written submissions as  
4 well.

5 COMMISSIONER BLOOM: Yeah. Mr. Chair,  
6 in my case, typically, I would be fine looking at  
7 closings, but I know there have been some substantial  
8 negotiations that we've heard mentioned in our  
9 hearings. Given that, I think hearing from the  
10 parties would be helpful. Yeah.

11 THE CHAIR: Okay. Perhaps maybe we can  
12 schedule a little bit of time for everybody to give  
13 very brief summations right before we head into  
14 deliberations then. Is that -- does that sound  
15 reasonable?

16 COMMISSIONER BLOOM: Mr. Chair, yes.  
17 And, you know, perhaps even at the regularly scheduled  
18 June or July hearing, you know, could have an hour for  
19 those or something along those lines. So ...

20 THE CHAIR: Okay. How quickly -- well,  
21 so then let me turn to the commission about scheduling  
22 deliberations. Are we thinking about deliberating --  
23 I think I just heard "July," but were we thinking  
24 about doing it in May or June or are we punting it all  
25 the way to July? I wasn't sure how quickly we wanted

1 to get to deliberations.

2 COMMISSIONER BLOOM: And, Mr. Chair, I  
3 thought we had set dates to deliberate 24683 in the  
4 beginning of late July, early August, if I recall, but  
5 that's the -- or was that Class VI -- then no,  
6 let's -- then we can look at other days for this case.

7 THE CHAIR: Okay. I think that's --  
8 oh, that's -- yes, you're right about -- yeah, that  
9 was the Class VI rulemaking hearings. I think that's  
10 why I was asking about maybe the days after Memorial  
11 Day. I wasn't sure if that would be convenient for  
12 people.

13 Would that be far enough out with  
14 the -- I'm guessing the -- maybe the 12th -- we could  
15 do other cases perhaps on the scheduled -- the 14th  
16 meeting, but maybe that won't be enough time for  
17 everybody to have digested the written materials.

18 I should also turn to our hearing  
19 officer and see if -- how quickly she might be able to  
20 get her report done so that we give her enough time.

21 MS. ORTH: Yeah. Thank you, Mr. Chair.  
22 I can get you the report by the end of April. It  
23 looks like May 1st is a Friday, so let me say by May  
24 1st. And I would not be available the week of May  
25 11th. I would be available all of the week of May

1 25th.

2 THE CHAIR: Okay. In that case, would  
3 the commissioner be -- would the commission be open to  
4 scheduling four days? Does that seem like enough time  
5 if we scheduled four days, the 26th through the 29th,  
6 for deliberations?

7 COMMISSIONER BLOOM: That would work  
8 for me, Mr. Chair.

9 THE CHAIR: Commissioner Ampomah?

10 COMMISSIONER AMPOMAH: Yeah, that's  
11 good for me, too.

12 THE CHAIR: Great. Is there -- should  
13 we schedule -- even if we asked everybody to keep it  
14 brief, given the number of parties, it might take a  
15 good half a day, if not more, for summations.

16 Is there interest in trying to schedule  
17 that on perhaps the 13th or the 14th of May so that we  
18 also then -- and then keep all four days at the end of  
19 the month for deliberations?

20 MR. SHANDLER: This is Zach Shandler.  
21 I'm not sure it's going to take four days. I think  
22 the way it's been pitched is there's a -- an  
23 agreement. If one word moves off, a big part of the  
24 agreement falls off. So I don't think there's going  
25 to be -- the parties are allowing much room for

1 wordsmithing.

2 THE CHAIR: Okay.

3 MS. ORTH: I -- Mr. Chair, if I might,  
4 I agree with Mr. Shandler and I think, frankly, if you  
5 give each party even, say, 20 minutes, it shouldn't  
6 take a half a day for closing arguments.

7 THE CHAIR: Okay.

8 COMMISSIONER BLOOM: Mr. Chair --

9 THE CHAIR: So we'll -- go ahead,  
10 please.

11 COMMISSIONER BLOOM: Yeah. I think  
12 from at least my perspective, or maybe from a  
13 commissioner's perspective, it would be helpful to  
14 have closing statements -- oral statements a little  
15 bit earlier than that week so that we could be  
16 situated as we're preparing.

17 So if we could make time available on  
18 the -- whatever days we decide for the regular May  
19 meeting on the 13th or 14th or something like that,  
20 that could be helpful.

21 THE CHAIR: Okay. That's what I'm  
22 thinking as well. Even if we don't need all four days  
23 at the end, I think I just need -- for me, at least  
24 personally, it would be helpful to have a little bit  
25 of time to digest the summations from the parties.

1 Commissioner Ampomah, do you have any  
2 thoughts on this?

3 COMMISSIONER AMPOMAH: So I do agree  
4 that probably during our main meeting, we can have the  
5 closings and then we can have the other weeks to  
6 really go into deliberation. Thank you.

7 THE CHAIR: Okay. All right. In that  
8 case, it sounds like we have a rough plan, and I will  
9 ask commission clerks to -- well, I guess let me turn  
10 into the parties and see if that schedule -- if  
11 anybody has hair-on-fire concerns about that  
12 deliberation into our argumentation schedule.

13 MS. FOX: Commissioners, Chair, should  
14 I go?

15 THE CHAIR: Sure.

16 MS. FOX: As applicants. Good morning,  
17 commissioners. Good morning, Chair. My name is  
18 Tannis Fox and I represent applicants in this matter.  
19 And giving a closing argument or summation during the  
20 week of -- during May 13th, 14th is fine with us. And  
21 deliberation set for -- to begin May 26th is fine with  
22 us as well. Thank you.

23 THE CHAIR: Thank you very much.

24 MR. SUAZO: Good morning, Mr. Chair,  
25 commissioners, and Madam Hearing Officer. Miguel

1 Suazo with Beatty & Wozniak, appearing today on behalf  
2 of the New Mexico Oil & Gas Association.

3 The May 13th, 14th dates for summations  
4 or closings does work well. If there's any, I guess,  
5 appearances needed by the parties the last week of  
6 May, I would just note that we do have scheduled a  
7 contested hearing that Thursday, the last week of May.  
8 So I think getting it done sooner rather than later is  
9 probably better from NMOGA's standpoint.

10 That way, you all have the four days,  
11 if you need them, for the deliberations.

12 I would just note that I'm not sure  
13 that I would characterize the joint stipulation as  
14 Mr. Shandler has. You know, we have reserved all  
15 legal arguments in opposition to these rules other  
16 than substantial evidence.

17 I do agree that, you know, changing  
18 even a word of that joint stipulation could be  
19 problematic, but I would like just to raise for the  
20 commission that, you know, the real crux of the  
21 disagreement comes down to legal issues and I think  
22 those are really where the commission would need to  
23 place its focus through its deliberation.

24 So that's just a little bit of context  
25 around that joint stipulation.

1 THE CHAIR: Thank you.

2 Anybody else have concerns at least on  
3 the schedules?

4 MR. RANKIN: Mr. Chair --

5 MS. TRIPP: Mr. Chair, this is --

6 MR. RANKIN: Go ahead.

7 MS. TRIPP: Oh, go ahead, Adam. Sorry.

8 MR. RANKIN: Mr. Chair, Adam Rankin  
9 with the Santa Fe office of Holland & Hart,  
10 representing Oxy USA, Incorporated in this case.  
11 Appreciate the opportunity to provide summations. I  
12 can -- I am available for the 13th. However, I'm  
13 supposed to be presenting at a conference on the 14th  
14 here in town.

15 So if it's possible to make it work on  
16 the 13th, that would accommodate my schedule, unless  
17 it's early in the morning on the 14th. Looks like I'm  
18 supposed to talk at eleven or something like that. So  
19 earlier in the morning could possibly work for me on  
20 the 14th. Other than that consideration, I appreciate  
21 the opportunity to provide a summation.

22 THE CHAIR: Okay. Thank you. I'll --  
23 I've made a note of that.

24 Ms. Tripp?

25 MS. TRIPP: Thank you, commissioners.

1 Yes, we can, I believe -- this is Ann Tripp on behalf  
2 of Independent Petroleum Association of New Mexico.

3 Mr. Cloutier and I could -- can make  
4 13th or 14th work. That same conference is an oil and  
5 gas-related conference and Mr. Tremaine and  
6 Commissioner Bloom may also be scheduled to speak as  
7 well, I think. So the 13th would be our preference.

8 And then I'll just -- I -- obviously, I  
9 don't see that our appearances are required, but I'm  
10 not sure about other parties or commissioners. The  
11 State Land Office rulemaking is scheduled for that  
12 last week of May as well on the 27th, 28th. So as  
13 long as there's no overlap, we absolutely can make  
14 those dates work.

15 MR. TREMAINE: Mr. Chair, this is Jesse  
16 Tremaine for the Oil Conservation Division.

17 I would agree. I think that the 13th  
18 or the 14th should work for summations. I just  
19 do -- we've had a lot of motions and I want -- I just  
20 want to make sure that these are styled as summations  
21 of what we've already filed. This is not a briefing  
22 schedule or anything like that. That would be my only  
23 concern.

24 But with that caveat or recommendation,  
25 I would say I think the 13th or 14th could work. I

1 believe -- I'll let Commissioner Bloom speak for  
2 himself, but I'm seeing us on the schedule for the  
3 morning of the 15th. So I think the 13th to 14th  
4 could work. And the schedule for deliberations, no  
5 objection or concerns from the division.

6 THE CHAIR: Okay. Anybody else?

7 MS. FOX: Mr. Chair, just one thing.  
8 It sounds like the commission would like to set a time  
9 limit for each party for closing and so what would  
10 that -- what would the commission like in that regard?

11 COMMISSIONER BLOOM: Ms. Fox, maybe we  
12 could turn that question -- sorry, Mr. Chair. But we  
13 could turn that question around and ask parties how  
14 long they would like. I think you might get it all,  
15 but ...

16 MR. SUAZO: I guess one question on  
17 that. Are we just closing arguments or are we  
18 actually arguing the motion to reopen at -- on the  
19 13th as well and you guys are going to decide upon it  
20 then? Because I think that changes how much time we  
21 need.

22 MR. SHANDLER: So the motion has been  
23 denied. So no, this is a summation.

24 MR. SUAZO: Well, it's been denied by  
25 the hearing officer, but I think the commission still

1 has jurisdiction to make their own ruling.

2 MR. SHANDLER: I didn't hear the  
3 commissioners want to weigh in on that, so it stands.

4 MR. SUAZO: So then if we're just  
5 submitting closing summations, I think 20 minutes is  
6 probably sufficient.

7 MS. FOX: Mr. Chair, commissioners,  
8 yeah, I agree, 15 to 20 minutes.

9 MR. RANKIN: Agree --

10 MR. TREMAINE: OCD. I concur.

11 THE CHAIR: Hearing no howls of  
12 protest, hopefully not because anybody is muted while  
13 howling the protest, I will -- I think 20 minutes is  
14 fine by me if that's fine by the rest of the  
15 commissioners.

16 COMMISSIONER BLOOM: Twenty minutes  
17 would work for me, Mr. Chair.

18 THE CHAIR: Okay.

19 COMMISSIONER AMPOMAH: Good for me,  
20 too.

21 THE CHAIR: Okay.

22 COMMISSIONER BLOOM: Sorry, Mr. Chair.  
23 Did we finalize a date or are we still leaving this  
24 open?

25 THE CHAIR: You know, I'm looking at

1 the -- so I think that everybody's got that same  
2 conference on the 14th -- or most -- many, many of us  
3 have that same conference on the 14th and the 15th.

4 Certainly for those of us who have paid  
5 for the whole conference as a -- for continuing legal  
6 education credit, would be nice to be able to attend  
7 on the 14th so that we can get the full benefit of  
8 that continuing legal education credit for that event.

9 If my fellow commissioners do not have  
10 an objection to moving our regularly scheduled  
11 commission meeting on the 14th until the 13th, I think  
12 that would be probably helpful for many of the  
13 counsels and also to the -- to myself.

14 COMMISSIONER BLOOM: I have no issue  
15 with that, Mr. Chair, to go ahead and meet on the  
16 13th.

17 COMMISSIONER AMPOMAH: I do not have  
18 any issues with that. Thank you.

19 THE CHAIR: Okay. In that case, let's  
20 meet on May 13th for summations and -- or other  
21 business that may come up at the -- on the agenda for  
22 the regular May meeting, and then we will reserve May  
23 26th through the 29th for deliberations with the  
24 understanding that we hopefully may not meet all of  
25 those dates.

1 Does that resolve all the matters that  
2 we need to resolve, commissioners, or is there  
3 anything else on Case No. 24683 at this time?

4 COMMISSIONER BLOOM: Nothing else on my  
5 end, Mr. Chair.

6 THE CHAIR: Commissioner Ampomah, any  
7 concerns?

8 COMMISSIONER AMPOMAH: No, sir. Thank  
9 you.

10 THE CHAIR: Great. Well, thank you all  
11 very much. I appreciate all of your time on this. I  
12 appreciate everybody's time on this, and I will see  
13 you all next month.

14 In that case, I will turn to the next  
15 case on the docket, Case No. 26053, Desert Ram South  
16 Ranch Application for Hearing De Novo. There's been  
17 motions from the two -- both with an application and a  
18 motion to dismiss. May I have the entry of  
19 appearances or -- from counsel, please?

20 MR. SAYER: Mr. Chairman, Matthias  
21 Sayer on behalf of Desert Ram.

22 MS. HARDY: Good morning. Good  
23 morning, Mr. Chair, commissioners. Dana Hardy with  
24 Hardy McLean on behalf of Select.

25 MR. SUAZO: Good morning, Mr. Chair and

1 commissioners. Miguel Suazo with Beatty & Wozniak  
2 appearing on behalf of Pilot Water Solutions, SWD.

3 MR. MOANDER: And, Mr. Chair and  
4 commissioners, Chris Moander on behalf of OCD.

5 THE CHAIR: Okay.

6 MR. SANDERS: -- my name's D.L.  
7 Sanders. I represent City of Jal and so we  
8 are -- proceeding and I know at another proceeding,  
9 the 25900, it was directed by you to have Jal noticed  
10 on that application. We're -- we don't know if there  
11 is a page missing, but we're very concerned about this  
12 series of applications.

13 And so we haven't gotten any notice  
14 yet. I received this last night from my partner, Pete  
15 Domenici, who normally does -- for OCC and OCD. I am,  
16 like, a one trick pony on the water law. So I'm here  
17 today on behalf of Jal just to figure out if we get  
18 interviewed or not at this point.

19 THE CHAIR: Okay. Thank you. I  
20 appreciate that. So I guess I'm a little confused as  
21 to whether we're or not we're ready to proceed then on  
22 this particular motion because we've got -- I've  
23 got -- so at least from what I've seen -- and maybe  
24 it's my mistake here, but I've got Select's -- I'm  
25 sorry.

1 I've got Desert Ram's application for  
2 the hearing de novo and associated motions, and then  
3 I've got Select's sort of motion to dismiss as a  
4 response. I don't have written submissions from  
5 anybody else as far as I know.

6 Did the other parties provide -- or are  
7 the other parties simply observing at this point and  
8 not -- or would the other parties like us to continue  
9 until you've all had a chance to weigh in --

10 MR. SUAZO: I can ask some  
11 clarification on behalf of Pilot, Mr. Chair. Desert  
12 Ram and Pilot, I think, are similarly situated, but  
13 not identically situated. We've essentially been  
14 denied the opportunity to participate in the  
15 proceedings regarding Select's applications to date by  
16 the division.

17 And in -- well, Pilot's filed its own  
18 request for hearing de novo, which I believe is set  
19 for May 14th at this time. You know, we were not  
20 planning on filing any sort of motions in this  
21 particular proceeding, but because we're similarly  
22 situated, we're more just monitoring at this time.

23 But depending on, you know, the outcome  
24 of today, we may also object to the applications in  
25 this proceeding as well. But at this time, we're only

1 monitoring.

2 MR. SAYER: And Mr. Chair?

3 THE CHAIR: Okay. Yes?

4 MR. SAYER: Matthias Sayer just briefly  
5 on behalf of Desert Ram. I think your  
6 characterization was close to spot on. We filed an  
7 application for a de novo hearing, along with a motion  
8 to say. Subsequently, Select filed -- I mean, it  
9 wasn't a responsive motion. It was a new motion to  
10 dismiss, and that was filed on the 31st.

11 And we do intend to respond to that,  
12 but, you know, the window within which we have, you  
13 know, the opportunity to respond is still open.

14 So my recommendation and our, I guess,  
15 ask of the commission would be that pursuant to the  
16 application Desert Ram filed, that the commission  
17 schedule a de novo hearing on that application and  
18 either, you know, sometime between now and then, once  
19 we've had an opportunity to respond to the motion,  
20 perhaps schedule a limited hearing on that motion to  
21 dismiss or wrap, you know -- take up that motion to  
22 dismiss and responses at the same date that the  
23 application is scheduled for hearing.

24 MS. HARDY: Mr. Chair, may I respond?

25 THE CHAIR: Please.

1 MS. HARDY: Thank you. So with respect  
2 to Pilot first, Pilot has entered an appearance in  
3 this case rather than filing a motion to intervene,  
4 which should have been done in accordance with the  
5 commission's adjudication rule, specifically  
6 19.15.4.10a, because Pilot is not an affected party  
7 and has no right to enter an appearance in this case.

8 And as Mr. Suazo noted, Pilot has filed  
9 its own separate application for a de novo hearing.  
10 So Pilot's entry of appearance in this case, I think,  
11 is improper and I'll file a motion to strike that if  
12 necessary.

13 With respect to the application for a  
14 de novo hearing filed by Desert Ram, our motion to  
15 dismiss clearly sets out the fact that this is an  
16 unprecedented request.

17 Desert Ram's asking the commission to  
18 grant a de novo hearing on a non-final interlocutory  
19 order issued by the division and that process is not  
20 allowed by any rule of the commission or division or  
21 by the Oil and Gas Act. So parties can seek de novo  
22 hearings on final division orders, but that's not what  
23 we have here.

24 They're asking for an interlocutory  
25 appeal that is improper and doesn't exist under New

1 Mexico law. So I think the basis for dismissal is  
2 very clear.

3 If the commission wants to set argument  
4 on our motion, that's certainly fine with Select, but  
5 at this point, there's no need or no basis to set a de  
6 novo hearing on what is an improper application that  
7 involves an interlocutory order.

8 MR. SAYER: Mr. Chair, apologize. I  
9 appreciate Ms. Hardy's, you know, preview of her  
10 motion to dismiss, but as articulated, we would  
11 appreciate the opportunity to respond to that in a  
12 substantive fashion and not kind of ad hoc today.

13 THE CHAIR: Okay. Yeah, that's sort of  
14 where I'm at, Ms. Hardy, is there is a dispute between  
15 the parties as to whether or not there is what you  
16 characterize as an interlocutory appeal or whether the  
17 order needs to be final and what constitutes a final  
18 order and who has -- so -- and all of those issues are  
19 at least disputed by the parties; right? Disputed by  
20 at least one party here.

21 So I'd like to -- so it doesn't sound,  
22 though, like we're ready to proceed even on that  
23 question today because today, I was only going to  
24 proceed on whether or not there -- whether, you  
25 know -- let me hear from the other interveners or the

1 other people who have shown up.

2 I don't even know if -- Mr. Sanders,  
3 have you entered an appearance in these particular  
4 cases or --

5 MR. SANDERS: We have not. We just  
6 received information about this proceeding yesterday  
7 evening. And so, like I said, I went through the  
8 stuff, and my main goal today is to make  
9 sure -- virtual connectivity interruption -- like  
10 filing a motion to intervene. We just aren't ready to  
11 do that today.

12 THE CHAIR: Okay. And OCD, where  
13 is -- I apologize. Please finish your thought.

14 MR. SANDERS: Yeah. I thought I was  
15 finished. I apologize. I -- so I -- we -- I was not  
16 familiar with the rules when I got this. I -- my  
17 understanding how they operate. So that's really the  
18 technical thing. We want to make sure we understand.

19 Why -- my belief was so why perhaps --  
20 I think there's some kind of geographic limitation for  
21 people of interest, but we probably feel like it won't  
22 apply to us. So we have to look about -- we just have  
23 to look and see what the standards are and whether we  
24 can make that motion fairly. And I am dealing with my  
25 thoughts here. Thank you.

1 THE CHAIR: Okay. Fair enough. Thank  
2 you.

3 OCD, can you help me here?

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

5 OCD, at this point, is taking a limited position in  
6 this hearing. I'm here to monitor the pleadings. So  
7 I'm interested in -- or OCD's interested in seeing  
8 what else gets filed in the case.

9 It may or may not take further action  
10 or involvement, but at this point in time, it's  
11 limited to monitoring the case to see where things  
12 head. And obviously if there's scheduling orders,  
13 requirements, et cetera imposed by the OCC, we will  
14 respond and participate accordingly.

15 MR. SHANDLER: This is Zach Shandler.  
16 I have questions for the parties.

17 THE CHAIR: Please.

18 MR. SHANDLER: I guess I want to hear  
19 from everyone. Is Desert Ram considered a party of  
20 record right now?

21 MR. SAYER: Mr. Chair, Mr. Shandler, in  
22 the matter in front of the OCC or in the matter as it  
23 was in front of the OCD?

24 MR. SHANDLER: A party of record with  
25 an opportunity to file a de novo hearing at the

1 conclusion of the division's proceeding.

2 MR. SAYER: Yes, it's Desert Ram's  
3 position is it was a party of record that was entitled  
4 to a de novo hearing under the statute --

5 MS. HARDY: May I respond? Well,  
6 Desert Ram's entry of appearance into the division  
7 proceeding was stricken as a result of its lack of  
8 standing. So it's not a party to the division's  
9 proceedings.

10 MR. SAYER: Mr. Chair, Mr. Shandler,  
11 Desert Ram entered an appearance, filed an  
12 intervention, and then there was a motion to dismiss  
13 filed and that that was -- the order was on that  
14 motion to dismiss granting the order to dismiss.

15 So we're a party of record that was  
16 subsequently dismissed and that order to dismiss was  
17 the final order as it pertains to Desert Ram's  
18 participation in the matter.

19 MR. SHANDLER: Anyone else --

20 MR. SUAZO: Yes, Mr. Shandler. I would  
21 just say that Pilot is similarly situated to Desert  
22 Ram in this proceeding. We obviously have different  
23 reasons for why we should be admitted as a party. We  
24 did file an entry of appearance. We objected. We  
25 also filed a motion to intervene. Those were denied.

1                   We feel like we've not had the  
2 opportunity to, you know, establish for the record our  
3 concerns about Select's applications and that's the  
4 reason for the request for de novo review in front of  
5 the commission.

6                   The hearing officer did indicate that,  
7 you know, once that order is final and we interpret  
8 his order of denying our admission into the case as  
9 final, which is why we would like the commission to  
10 consider us, as does Desert Ram, for the opportunity  
11 to participate in these proceedings.

12                   But I guess the direct answer to your  
13 question is based upon the division, Pilot is not a  
14 party in the proceeding. We attempted to be a party  
15 and that was denied, which is why we're asking for the  
16 commission's reconsideration of the hearing officer's  
17 order.

18                   MR. SAYER: And one just last thought,  
19 Mr. Chair, Mr. Shandler. You know, I see where you're  
20 kind of puzzling, and I think Mr. Suazo's statement is  
21 a meaningful one as it pertains to the hearing  
22 examiner.

23                   When the hearing examiner made his  
24 rulings, he did, you know, proactively state, you  
25 know, "And these will be," you know, "decisions you

1 can appeal de novo to the commission."

2 So I don't want to put words in the  
3 examiner's mouth, but it certainly seemed like it was  
4 his understanding that, you know, we were parties of  
5 record entitled to a de novo hearing.

6 THE CHAIR: So we seem to be --

7 MS. HARDY: And Mr. Shandler -- oh,  
8 sorry.

9 THE CHAIR: I'll give you a chance to  
10 respond, but I do --

11 MS. HARDY: Thank you.

12 THE CHAIR: But the issue for me is now  
13 we're starting to get into the crux of the matter;  
14 right? The merits of these motions in front of us.

15 And so I don't -- I mean, I feel like  
16 I'm still at the gateway threshold issue of are we  
17 actually ready to argue the substantive issues at hand  
18 of who has the right to appeal and when, or who has  
19 the right to a de novo hearing and/or when.

20 But I'm still -- I think I'm still  
21 stuck at the gateway issue of are you guys ready to  
22 proceed to that oral argument or not?

23 MS. HARDY: I am on behalf of Select.

24 MR. SAYER: Desert Ram is not prepared  
25 to argue the merits of the motion to dismiss,

1 Mr. Chair, and for purposes of, you know, efficiency,  
2 it would certainly make sense to us that those  
3 arguments and -- occur simultaneously and not spread  
4 out over multiple meetings.

5 So our recommendation and request would  
6 be that a hearing de novo is scheduled and that at the  
7 outset of that hearing, the motion to dismiss be  
8 considered simultaneously.

9 THE CHAIR: Yeah, well -- go ahead.

10 MR. MOANDER: Well, Mr. Chair, just in  
11 response to Mr. Shandler's question earlier, OCD  
12 doesn't have a position at this point on who is or is  
13 not a party of record. As for motion practice, OCD  
14 does not appear to need to respond at this point to  
15 any of these motions and so doesn't have a particular  
16 position to provide.

17 MR. SHANDLER: I have a follow-up  
18 question, Mr. Moander. Who do you represent? Do you  
19 represent the technical people? Do you represent the  
20 hearing officer? There's no wrong answer, but I just  
21 want to know --

22 MR. MOANDER: So that's an interesting  
23 question, Mr. Shandler. At this point, I represent  
24 the agency writ large. The nuances of that have yet  
25 to be determined as to any particulars,

1 whether -- what stance OCD will take. I just entered  
2 the case. I think it was all of a week ago. There's  
3 been some limited filings.

4 OCD has not caught up fully on the  
5 factual predicates yet. So that's why we wanted to  
6 make sure we were involved, but as -- it's as yet to  
7 be determined what exactly we will be doing, if  
8 anything. It may well be that OCD doesn't have a role  
9 in that.

10 THE CHAIR: Okay. Well, I think what  
11 I'm hearing is that the party -- not all parties are  
12 ready to proceed and there is a -- and even on the  
13 gateway issue of whether or not there can even be a de  
14 novo hearing or who has -- not to repeat the word too  
15 much, but who has standing to challenge standing;  
16 right?

17 So I -- commissioners, would you like  
18 to punt this to the next meeting then in that case to  
19 give additional parties the opportunity to brief us in  
20 writing?

21 COMMISSIONER BLOOM: Mr. Chair, yes, I  
22 think that would make sense given that we haven't  
23 heard yet again from Desert Ram and it sounds like the  
24 City of Jal is just getting its arms around this as  
25 well, as is OCD to a degree also. So I say we punt.

1 THE CHAIR: Okay.

2 Commissioner Ampomah, any concerns?

3 COMMISSIONER AMPOMAH: No, I support  
4 Commissioner Bloom's assessment. Thank you.

5 THE CHAIR: Okay. Well, in that case,  
6 we will continue the matter until the next time the  
7 commission can find time on its docket, and we will  
8 let the parties know when we are able to reschedule it  
9 for discussion.

10 MS. HARDY: And, Mr. Chair, may I ask a  
11 question?

12 THE CHAIR: Please.

13 MS. HARDY: So I just want to make sure  
14 we understand. I would hope that a request that the  
15 hearing be on the motion to dismiss or any other  
16 pending motions and that -- were prior to the setting  
17 of a de novo hearing on the order.

18 THE CHAIR: Yes.

19 MS. HARDY: Okay. Thank you.

20 THE CHAIR: It is -- well, it's going  
21 to be a gateway issue of whether or not there is an  
22 entitlement to a de novo hearing; right?

23 MS. HARDY: Yes.

24 THE CHAIR: So we've got to resolve  
25 that first. So one is who has the entitlement to

1 request a de novo hearing? You know, this distinction  
2 between who is a party versus a party of record, the  
3 reviewability of standing issues; right?

4 So -- and just to preview some of my  
5 questions for you, Ms. Hardy, I read the provisions  
6 that you cited multiple times, and I don't see the  
7 word "final" in either the statute or -- at least not  
8 "final" and "order" together in either the NMAC or the  
9 statute.

10 And also, how do we resolve the tension  
11 between party as being -- because you're -- how do we  
12 resolve the tension between what is a party versus  
13 party of record, neither of which is very well defined  
14 in the NMAC? But also, if we read that too strictly  
15 the way you do, don't we end up with functionally  
16 unreviewable standing decisions; right?

17 So -- and that, of course, creates all  
18 sorts of due process problems as well. So -- but on  
19 the other hand, we've got -- I think you also raised  
20 very good points. So I think there's some interesting  
21 civ pro. You guys are giving me a Civ Pro 101  
22 challenge here.

23 And so I think it would be helpful,  
24 first of all, to figure all of those procedural issues  
25 out as a gateway issue. Then the second question is,

1 well, even if people are -- even if there is an  
2 opportunity, or at least -- let's -- if the commission  
3 is within its discretion and latitude to grant de novo  
4 hearing, I think there's a second question of when.

5 I think both of you cite to  
6 administrative efficiency, so in -- but you have  
7 different readings of what that means practically and  
8 functionally. So I think the commission may also want  
9 to think about does it make sense for us to proceed as  
10 quickly -- or in what order; right?

11 The order of operations should -- do we  
12 need to proceed in terms of timing? And only then, I  
13 think, do we get to the question of, all right, then  
14 let's set an actual de novo hearing; right? So I'd  
15 like to take those, I think, in sort of -- in that  
16 order.

17 MS. HARDY: Thank you.

18 MR. SANDERS: Can I --

19 THE CHAIR: Please.

20 MR. SANDERS: Also, I'm thinking that  
21 we will -- the location of this is just -- well, our  
22 well's located about a mile from this. So we will  
23 probably file -- I'm guessing -- and unfortunately, I  
24 fear it'll probably be likely that we will file  
25 a -- file for an intervention.

1           So it might be helpful to be able to  
2 have that handled before -- on this trial before we go  
3 forward with de novo.

4           So in the event that we were dismissed  
5 the same grounds as -- I want to say it would  
6 be -- Desert Ram, I believe, is who was dismissed as a  
7 party or denied intervention, then you might want to  
8 handle them together is my thinking. Just -- I mean,  
9 you mentioned efficiency, and that was what I -- that  
10 was my thought.

11           THE CHAIR: Yeah. Well, there was a  
12 question as to whether or not this should be treated  
13 as an interlock or whether -- I would -- some people  
14 may -- or should we sort of hold -- well, there's  
15 two -- I think the parties haven't fully briefed this,  
16 and I don't want to get too far ahead of the parties  
17 here; right?

18           But even if there was a right to a de  
19 novo hearing, which of course has not been established  
20 necessarily, the parties are still disagreeing  
21 on -- but let's just say for the argument that there  
22 was to be a opportunity for de novo hearing.

23           That doesn't necessarily mean that it's  
24 meant be held as an interlocutory appeal, staying the  
25 underlying proceedings, as originally requested by

1 Desert Ram. It may very well -- I think there's a  
2 question as to whether it could be held in abeyance  
3 until the end so that all de novo challenges could be  
4 heard all at once; right?

5 So you -- like I said, this really --  
6 you guys have thrown -- I think you guys have given me  
7 a very interesting civil procedures knot to untie here  
8 and I -- but I think I'll reserve any additional  
9 comments until I have full briefing from the various  
10 parties who wish to brief.

11 MR. SAYER: Thank you, Mr. Chairman.

12 MS. HARDY: Thank you. And do we have  
13 established deadlines for Desert Ram to respond to the  
14 motion and for Select to reply? I don't believe we do  
15 under the rules, so I would like to get those set so  
16 we're all on the same page.

17 THE CHAIR: I think that's a fair  
18 request.

19 Commissioners, would you like to do  
20 that now or would you like Sheila and I to just figure  
21 out if we can get a schedule that works in advance of  
22 having this matter come back to us on May 13th?

23 COMMISSIONER BLOOM: Mr. Chair,  
24 whatever's easiest for you. Glad to do it now or glad  
25 to have you and Sheila look at those dates.

1 MR. SAYER: And, Mr. Chair, if it  
2 assists the situation, you know, a 15-day response  
3 window to motions is fairly standard across other  
4 administrative bodies, so that was -- we were  
5 operating under a 15-day response window with an  
6 intent to file that response by the 15th.

7 THE CHAIR: Fifteenth of April?

8 MR. SAYER: Correct.

9 MR. SUAZO: And just to add a little  
10 more color to that, since we filed our own separate de  
11 novo request, I'm expecting that Ms. Hardy will file,  
12 at some point, a similar motion to dismiss to our  
13 request as she has to Desert Ram.

14 And to, I guess, focus more  
15 specifically on Mr. Sanders's point representing the  
16 City of Jal, I don't know if it makes more sense to  
17 try and cure all of these together given that context.

18 THE CHAIR: Okay. And this is  
19 all -- okay. I've got to do a little bit of  
20 housekeeping here. So this is Case No. 26053; right?  
21 Because in the application for de novo, I'm -- in  
22 your -- in Desert Ram's filing, I'm seeing Case Nos.  
23 25547, 25548, 25899, 25900. Are those typos?

24 MS. HARDY: I believe those are the  
25 division case numbers, Mr. Chair.

1 THE CHAIR: Okay. Got it. Division  
2 case numbers consolidated here as 26053. So I should  
3 be able to find Mr. Suazo's filings under 26053 if I  
4 go to OCD Imaging; is that accurate?

5 MR. SUAZO: I believe that's correct.  
6 Need to confirm that on the website, but yes.

7 MS. HARDY: I actually -- well,  
8 Mr. Suazo filed a separate application for de novo  
9 hearing. So I would believe that would have a  
10 separate case number, and I don't have that number.

11 MR. SAYER: Yeah. Mr. Chair,  
12 the -- Pilot's entry of appearance is under 26053, but  
13 there is a separate matter for Pilot's application --

14 MR. SUAZO: Yeah. Pilot's is 26082.

15 THE CHAIR: Okay. That's why I have  
16 not -- that's why I was not aware of that. It's under  
17 a different case number, which we may consolidate or  
18 may not; right? Or is what I'm hearing is that the  
19 parties are interested in consolidating 26082 with  
20 26053?

21 MS. HARDY: I think that would make  
22 sense, and I do intend to file a similar motion to  
23 dismiss Pilot's de novo application.

24 MR. SAYER: Mr. Chair, I --

25 THE CHAIR: Okay.

1 MR. SAYER: Yeah, I don't, sitting here  
2 now, have a reason to object to that. That seems to  
3 make sense.

4 MR. SUAZO: Pilot concurs, Mr. Chair.

5 THE CHAIR: Okay. Okay. Given that  
6 there's -- go ahead --

7 MR. MOANDER: Mr. Chair, I apologize.  
8 We -- there was a whole bunch of rattling off of other  
9 case numbers. Could I get that second case number,  
10 please?

11 THE CHAIR: I'm told that the Pilot  
12 case here in front of the OCC is 26082.

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

14 THE CHAIR: Mr. Suazo can correct me if  
15 I've misstated that.

16 MR. SUAZO: That is accurate,  
17 Mr. Chair.

18 THE CHAIR: Thank you very much.

19 Commissioners, given that there's a  
20 couple of different cases here and I've got to go  
21 through and look at the whole record and figure out,  
22 you know, 15 days from which day which things  
23 was -- were filed, if the commissioners do not mind, I  
24 would appreciate some latitude and be able to sit down  
25 within a day or two and be able to sort through all of

1 these different timelines and issue a schedule related  
2 order for the parties with their briefing schedules  
3 with the plan -- or with the idea that this will be  
4 ready for the commissioners to entertain on -- at  
5 least substantive arguments when we reconvene on May  
6 13th.

7 COMMISSIONER BLOOM: That sounds great,  
8 Mr. Chair. Thank you.

9 COMMISSIONER AMPOMAH: That sounds  
10 good. Thank you.

11 MS. HARDY: Mr. Chair --

12 THE CHAIR: Thank you. I appreciate  
13 that --

14 MS. HARDY: Apologies.

15 THE CHAIR: Go ahead.

16 MS. HARDY: Regarding May 13th, we  
17 actually have a contested OCD hearing docket that day.

18 THE CHAIR: Okay.

19 MS. HARDY: And I have cases on that  
20 docket. And so if we could set the argument in this  
21 case for that last week of May, I think that would be  
22 preferable from our perspective.

23 THE CHAIR: Okay.

24 MR. MOANDER: And, Mr. Chair, I am  
25 long-term scheduled to be out of the office on the

1 26th. So I would not be available that day, which is  
2 not -- you know, I don't want to cause any more  
3 scheduling conflicts, and I pretty rarely have this  
4 type of conflict.

5 So if we're going to schedule that and  
6 there's going to be already deliberations, from my  
7 understanding of the docket, perhaps we can schedule  
8 that for the second day because it sounded like it  
9 might go into the 27th.

10 MR. SUAZO: So May 27th -- I have a  
11 contested hearing in front of the division the 27th  
12 and the 28th.

13 THE CHAIR: Okay. Well, instead of  
14 holding up the entire commission, I think I'll just  
15 leave it at that we're going to try to at least  
16 resolve the who can file de novo question in May. And  
17 I will -- I think Sheila and I will work with the  
18 parties and the commissioners.

19 I think we'll have our commission clerk  
20 work on going through dates and trying to find a date  
21 that works for all parties.

22 But for now, I think the plan is to  
23 move things along so that we are ready at some point  
24 in May to at least have brief arguments so that we can  
25 resolve some of the threshold civil procedures issues

1 on whether or not there's even going to be a de novo  
2 hearing, and if so, at what point.

3 MS. HARDY: Thank you.

4 THE CHAIR: And we'll have the  
5 commissioner clerk reach out to all parties and see  
6 how best we can schedule that and make it all happen.

7 MR. MOANDER: Thank you, Mr. Chair --

8 MS. HARDY: Yes, thank you very much  
9 for your time.

10 MR. SUAZO: Thank you.

11 UNIDENTIFIED SPEAKER: Thank you.

12 MR. SANDERS: And, Mr. Chair, before  
13 you go, could we -- can Jal be provided notice as well  
14 or communications from the clerk so that we're aware  
15 and get our -- we'll -- we will get our notice of  
16 intent of -- and motion to intervene, whatever's  
17 required. We'll try to get that in the next week.

18 THE CHAIR: Sure. We just need to make  
19 sure we have your contact information. So if you  
20 wouldn't mind, do you have the commission  
21 clerk's -- the commission's contact information and  
22 email? Are you able to send us an email just to make  
23 sure we have your contact?

24 MR. SANDERS: If you want to give me  
25 the email, I'd be happy to do that. Isn't that the

1 website?

2 THE CHAIR: It should be.

3 Sheila, do you mind advising  
4 Mr. Sanders on the best way to reach you to make sure  
5 that he's -- that you've got his contact information?

6 THE CLERK: Sure. You can email me  
7 directly at sheila, S-H-E-I-L-A, .apodaca, A-P-O-D-A-  
8 C-A, at, E-M-N-R-D, dot, N-M, dot, gov.

9 MR. SANDERS: You're talking about the  
10 state? We're no longer .nm.us. I guess not even part  
11 of the United States -- that's an old timer entity.  
12 Appreciate that. Thank you. I will get that out to  
13 you.

14 THE CHAIR: Okay. In that case, I  
15 think we will move on from Case No. 26053 and I  
16 will -- we will -- the commission clerk and I will  
17 work offline with parties to figure out a schedule  
18 moving forward. Thank you all very much.

19 MR. SAYER: Thank you, sir.

20 MS. HARDY: Thank you.

21 THE CHAIR: Mr. Shandler, is there any  
22 updates regarding OCC litigation that you would like  
23 to provide at this point?

24 MR. SHANDLER: I already provided it by  
25 email. Thank you.

1 THE CHAIR: Okay. Is there any other  
2 business from other commissioners?

3 COMMISSIONER BLOOM: No, Mr. Chair.

4 COMMISSIONER AMPOMAH: No, Mr. Chair.

5 THE CHAIR: Thank you very much. I  
6 think we've just decided that our next meeting is  
7 going to be May 13th.

8 COMMISSIONER BLOOM: Yes.

9 THE CHAIR: And then in that case, I  
10 think we've come to the end of the agenda for today.  
11 I will entertain a motion to adjourn.

12 COMMISSIONER BLOOM: Mr. Chair, so  
13 move.

14 COMMISSIONER AMPOMAH: Mr. Chair,  
15 second.

16 THE CHAIR: Hearing no objections -- or  
17 any objection? Hearing no objections, we are  
18 adjourned. Thank you all very much.

19 (Whereupon, at 10:02 a.m., the  
20 proceeding was concluded.)

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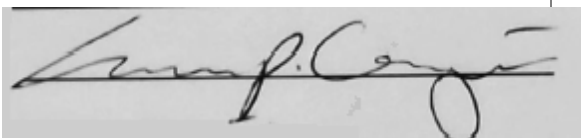
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CERTIFICATE

I, GERALD ARAGON, the officer before whom the foregoing proceedings were taken, do hereby certify that any witness(es) in the foregoing proceedings, prior to testifying, were duly sworn; that the proceedings were recorded by me and thereafter reduced to typewriting by a qualified transcriptionist; that said digital audio recording of said proceedings are a true and accurate record to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



GERALD ARAGON  
Notary Public in and for the  
State of New Mexico

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CERTIFICATE OF TRANSCRIBER

I, KEARA CONTARTESI, do hereby certify that this transcript was prepared from the digital audio recording of the foregoing proceeding, that said transcript is a true and accurate record of the proceedings to the best of my knowledge, skills, and ability; that I am neither counsel for, related to, nor employed by any of the parties to the action in which this was taken; and, further, that I am not a relative or employee of any counsel or attorney employed by the parties hereto, nor financially or otherwise interested in the outcome of this action.



KEARA CONTARTESI

[& - abeyance]

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[suazo - today]

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