

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

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

CASE NO. 24683

**INDEPENDENT PETROLEUM ASSOCIATION OF NEW MEXICO
AND NEW MEXICO OIL AND GAS ASSOCIATION'S
JOINT NOTICE OF ERRATA IN PROPOSED
RULE AMENDMENT FOR PUBLICATION**

COME NOW Intervenors Independent Petroleum Association of New Mexico, by and through undersigned counsel Hinkle Shanor LLP (Andrew J. Cloutier and Ann Cox Tripp), hereafter "IPANM," and New Mexico Oil and Gas Association, by and through undersigned counsel Beatty & Wozniak, P.C. (Miguel A. Suazo and Valkyrie E. Buffa), hereafter "NMOGA," file this Joint Notice of Errata regarding the Commission's Amended Rule NMAC 19.15.8 filed with the State Records Center and Archives on September 11, 2026, all as reflected in the Certificate of Compliance filed in this matter on September 14, 2026. In support thereof, IPANM and NMOGA would show the Commission as follows:

1. The Commission issued its *Rule Making Order and Reasons for the Action Taken* in Case No. 24683, Order R-24486, on July 16, 2026.
2. Applicants filed a Motion for Rehearing on July 24, 2026, which the Commission took up at a hearing on August 6, 2026.
3. As discussed during the August 6, 2026 Hearing, Order R-24486 contained different language than that of the amendment to Rule 19.15.8.9(F) in the *Proposed Final Rule*

Amendments package, also filed July 16, 2206. *See generally* IPANM's Response to Applicant's Motion for Rehearing, filed August 5, 2026.

7/16/2026 Order R-24486:

~~approved and expired temporarily abandoned status.~~ An operator shall provide financial assurance for wells that are ~~inactive and wells in approved and expired temporarily abandoned status,~~ in approved temporarily abandoned status for more than two years, in inactive status, or in expired temporarily abandoned status or for which the operator is seeking approved temporary abandonment pursuant to 19.15.23.13 NMAC in one of the following categories:"

7/16/2026 Proposed Rule Amendments:

~~abandoned status for more than two years]~~ An operator shall provide financial assurance for wells that are in approved temporarily abandoned status for more than two years, in inactive status, or in expired temporarily abandoned status or for which the operator is seeking approved temporary abandonment pursuant to 19.15.25.13 NMAC in one of the following categories:

4. The Commission's decision during the hearing on August 6, 2026 was to correct the Proposed Final Rule Amendment of NMAC 19.5.8.9(F) to reflect the language adopted in Order R-24486 and in accordance with the June 11, 2026 decision of the Commission to strike the language in question. *See* August 6, 2026 Tr. 24:10-25:13, attached as **Exhibit A**.

5. The Commission announced its adoption of rule changes to 19.15.8 NMAC on September 11, 2026, and concomitantly filed amendments to Rule 19.15.8 with the State Records Center and Archive on September 11, 2026, for publication on September 22, 2026. *See* Notice of Rule Adoption dated September 11, 2026, and Certificate of Compliance dated September 14, 2026.

6. The NMAC 19.15.8 Amendment includes the July 16, 2026 Rule Making Order and Reasons for Action Taken, which reflect the strike-through of the last clause in NMAC 19.15.8.9(F). *See* 19.15.8. Amendment at page 7 (part B.4.(i) of Order R-24486).

7. However, the Proposed Rule retains the struck language at 19.15.8.9(F) and is scheduled for publication in the New Mexico Register tomorrow, on September 22, 2026. *See* 19.15.8 Amendment at 11.

~~abandoned status for more than two years]~~ An operator shall provide financial assurance for wells that are in approved temporarily abandoned status for more than two years, in inactive status, or in expired temporarily abandoned status or for which the operator is seeking approved temporary abandonment pursuant to 19.15.25.13 NMAC in one of the following categories:

8. Pursuant to the State Rules Act regulations, NMAC 1.24.25.15, unless another date is stated in the agency's concise explanatory statement, the effective date of the rule shall be the date of publication in the New Mexico Register. With respect to NMAC 19.15.8.9(F), said section is immediately applicable to wells for which the operator is seeking to place in approved temporary abandonment.

9. In accordance with the Commission's decision on August 6, 2026, the clause "or for which the operator is seeking approved temporary abandonment pursuant to 19.15.25.13 NMAC" must be struck from 19.15.8.9(F) NMAC in the Proposed Rule before publication in the New Mexico Federal Register and resulting of the effectiveness of that rule upon publication.

WHEREFORE, IPANM and NMOGA respectfully request the Commission amend and resubmit its adopted changes to NMAC 19.15.8 to correct the above clerical error previously identified during the deliberations and hearings in this matter to resolve the inconsistency, to include notice of the adopted, corrected rule pursuant to and conforming with Rules 19.15.3.15(A), (C) and 19.15.3.9(A)(1)-(6) NMAC.

Respectfully submitted,

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I hereby certify that a true and correct copy of the foregoing was served on counsel of record by electronic mail this 21st day of September 2026, as follows:

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1 STATE OF NEW MEXICO
2 ENERGY, MINERALS, AND NATURAL RESOURCES DEPARTMENT
3 OIL CONSERVATION DIVISION

4 _____
5 IN THE MATTER OF THE HEARING
6 CALLED BY THE OIL CONSERVATION
7 DIVISION FOR THE PURPOSE OF
8 CONSIDERING:
9 Case No. 24683

10 _____
11 HEARING

12 DATE: Thursday, August 6, 2026
13 TIME: 1:01 p.m.
14 BEFORE: Hearing Examiner Felicia Orth
15 LOCATION: Wendell Chino Building, Pecos Hall
16 1220 South Saint Francis Drive
17 Santa Fe, NM 87505
18 REPORTED BY: Gerald Aragon
19 JOB NO.: 8372857

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Page 4

A P P E A R A N C E S (Cont'd)

ALSO PRESENT:

Dr. William Ampomah, Commissioner, New Mexico Oil
Conservation Commission

Gregory Bloom, Commissioner, New Mexico Oil
Conservation Commission

Sheila Apodaca, Law Clerk, New Mexico Energy,
Mineral and Natural Resources Department

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E X H I B I T S

NO.

DESCRIPTION

ID/EVD

(None marked.)

Page 6

1 P R O C E E D I N G S

2 THE CHAIR: Good afternoon. It's just
3 after one o'clock on August 6 of 2026. This is Albert
4 Chang, Chair of the New Mexico Oil Conservation
5 Commission, calling a special meeting of the
6 commission to order. May I please have a roll call of
7 the commissioners, please?

8 MS. APODACA: Commissioner Ampomah?
9 Commissioner Bloom?

10 MR. BLOOM: Present.

11 MS. APODACA: Commissioner Shershink
12 [ph]?

13 THE CHAIR: Present. We didn't hear
14 Commissioner Ampomah. Could I confirm whether
15 Commissioner Ampomah is online?

16 MS. APODACA: I see him online. Let
17 me --

18 DR. AMPOMAH: Yes, I'm here.

19 THE CHAIR: There we go.

20 MS. APODACA: Commissioner, we have a
21 quorum.

22 THE CHAIR: Thank you very much. The
23 only agenda today is -- well, let me -- the only item
24 on the proposed agenda today is case number 24683.
25 And it's because we've got a timeline with which the

Page 7

1 commission has to decide whether to take up at least
2 one of the motions for rehearing.

3 Commissioners, if you've had a chance
4 to review the agenda, is there any further comment on
5 the agenda or would somebody like to move to adopt?

6 MR. BLOOM: Mr. Chair, I would move to
7 adopt the agenda.

8 DR. AMPOMAH: Mr. Chair, I second.

9 THE CHAIR: Moved and seconded. Is
10 there any objections from commissioners?

11 Hearing no objections, so adopted.
12 With that, I will turn to case number 24683. Let me
13 lay a little bit of background here by saying that we
14 have now received three motions for rehearing, or
15 three applications for rehearing. One of them,
16 though, is coming up against the ten-day clock. The
17 other two, we only just received very recently. On
18 the application from WELC, there has been both a
19 response and a reply. There has not been an
20 opportunity, I think, for any of the other parties to
21 respond to IPANM or NMOGA's applications for
22 rehearsings yet.

23 So my recommendation to the
24 commissioners, if they're amenable, is to wait until
25 our next commission meeting to take up consideration

Page 8

1 of whether or not to take up the applications for
2 IPANM and NMOGA so that parties have a -- if other
3 parties are interested in briefing and/or responding
4 to those applications, the NMOGA and IPANM
5 applications, that they get a chance to do so. If
6 it's -- and I'll pause for a moment to see if there
7 are any objections. But in order for us to fit this
8 onto the commission's docket, we have a meeting coming
9 up on, well, one week from now on the -- excuse me
10 while I pull up my calendar here. But on the 13th,
11 I'm afraid even though that's not quite the full ten-
12 day calendar, that is probably the only practical time
13 for the commission to take that up before the ten-day
14 clock expires in order to give the commission at least
15 one day to review this.

16 If we could have whatever responses
17 and/or replies to the IPANM and NMOGA applications for
18 rehearing by close of business on the 11th, that would
19 be very much appreciated by the commission since the
20 commission also does need time to review and make sure
21 that we're giving all these applications full
22 consideration and a proper consideration. Does
23 that -- I'll open up the floor to the parties. And is
24 there any concerns regarding that timeline or that
25 plan of action with regard to IPANM and NMOGA's

1 applications?

2 MS. FOX: Mr. Chair, members of the
3 commission, my name is Tannis Fox and I represent
4 Applicants in this proceeding. And that timeline
5 makes sense to us. Thank you.

6 MR. TREMAINE: This is Jesse Tremaine
7 for the Oil Conservation Division. We concur.

8 MR. SUAZO: Mr. Chair, members of the
9 commission, Miguel Suazo with Beatty & Wozniak on
10 behalf of the New Mexico Oil and Gas Association.
11 That timeline is acceptable to NMOGA.

12 MS. TRIPP: Mr. Chair, this is Ann
13 Tripp with Hinkle Shanor on behalf of Independent
14 Petroleum Association of New Mexico. I would ask for
15 one clarification. I heard that responses and replies
16 would be due on August 11th. If applicants or any
17 other parties anticipate filing a response, I would
18 think -- I don't want to speak for NMOGA, but IPANM
19 would appreciate at least a 24-hour ability to reply
20 to the response, which I realize was very tight with
21 this hearing as well.

22 THE CHAIR: Yes. And I think that's
23 why I wanted to open up the floor to see how the
24 respective parties wanted to handle this, because I
25 know this is a very tight timeline for everybody. If

Page 10

1 that is amenable, that responses are -- let's see. If
2 the responses to NMOGA and IPANM's motion can be
3 received by close of business Monday, that would give
4 IPANM and/or NMOGA opportunities to reply by the end
5 of the day on Tuesday. I hate to do that to anybody
6 though, because that means we've got people working
7 weekends. So that's why I wanted to open up this
8 floor to try to be as respectful to respective counsel
9 as possible.

10 MR. BLOOM: Mr. Chair, is the September
11 meeting an option or does that push us outside ten
12 days?

13 THE CHAIR: Oh, the September meeting
14 is what I think -- is -- yeah, it would be outside
15 the, as far as I understand, would be outside of the
16 time frame under which we'd have to act.

17 MR. BLOOM: I wasn't sure if -- if our
18 time to act included this being already action now.

19 THE CHAIR: No, it's ten business days
20 from the day the applications were filed.

21 MR. BLOOM: That we have to make a
22 decision. Got it.

23 THE CHAIR: That we have to -- yeah.
24 And if we don't, the rules do contemplate that if the
25 commission simply does not get around to acting, that

1 it would mean that the applications are automatically
2 denied. So that's why I wanted to make sure that we
3 at least give the commission an opportunity if the
4 commission should choose, you know, to act one way or
5 the other.

6 MR. TREMAINE: Commission,
7 I -- commissioners, Justin Tremaine. I am questioning
8 whether a reply is necessary or appropriate in the
9 context of an application and response. This is not a
10 briefing schedule. It's an application to rehear. I
11 think if each party presents their view of the
12 application, the commission will have all the
13 necessary information before it to make its decision.
14 I defer to the commission. If you want to hear
15 responses and replies, we will comply with the
16 timeline you provide.

17 THE CHAIR: Well, you know, I think,
18 from my own perspective at least, I welcome giving all
19 the parties as much opportunities to make a record as
20 they feel they need to. I don't want to speak for
21 NMOGA and IPANM, so I'll let them weigh in as to
22 whether they feel a reply might be necessary or
23 advisable.

24 MS. TRIPP: So, Mr. Chair, this is Ann
25 Tripp for IPANM. To the extent the commission is

1 agreeable to disregarding or not considering
2 Applicant's reply in support of their motion for
3 rehearing, then I believe IPANM would be willing to
4 waive that opportunity. However, I think, just in
5 terms of fairness, that every party gets the same
6 opportunity to focus or narrow those issues on
7 response and reply. I am not sure. I haven't heard
8 yet if an August 10th response and an August 11th
9 reply is acceptable for applicants or any other
10 parties.

11 THE CHAIR: Yeah. I'll let other
12 parties weigh in.

13 MS. FOX: Mr. Chair, members of the
14 commission, I'd note our reply is one page
15 substantively. So if IPANM and NMOGA want to limit
16 their replies to one page, that'd be great. In which
17 case, they could do it within 24 hours. But more
18 seriously, August 10th, I think, would be tight for
19 us. I am gone as of five o'clock today. And I'm
20 checking with my people right now to see what their
21 availability is to draft a response, so.

22 THE CHAIR: If I may turn back to
23 Ms. Cox for a moment. But what I'm hearing is that
24 IPANM would like to preserve or is interested in
25 potentially at least having the opportunity to reply;

1 is that fair?

2 MS. TRIPP: Yes, Mr. Chair. That's
3 correct.

4 THE CHAIR: Okay.

5 MS. TRIPP: And to the extent we can
6 file something on the 12th in advance of the 13th
7 hearing and keep it short and to the point, we're
8 certainly willing to do that.

9 THE CHAIR: Ms. Fox?

10 MS. FOX: Mr. Chair, so maybe could
11 responses be due August 11th at 5 p.m., and then
12 replies August 12th at 5 p.m.? And you meet the 13th.
13 Have I got those dates right?

14 THE CHAIR: If Commissioners
15 feel -- and so then I'll turn to Commissioners because
16 that means we'll have a very tight timeline to review
17 it on the evening of the 12th. I would think I'd be
18 fine doing that the evening of the 12th. Is that
19 amenable for Commissioners if we allowed responses on
20 the 11th and then replies on the 12th at 5 p.m.?

21 MR. BLOOM: Dr. Ampomah, does that work
22 for you?

23 DR. AMPOMAH: I will try my best.
24 Yeah. Yeah, I will try. Thank you.

25 MR. BLOOM: I can move some things

1 around and make it work. So yeah, glad to.

2 THE CHAIR: Okay. I'm going to ask for
3 4 p.m. then, respectively, so that our commission
4 clerks at least have time to receive those filings and
5 distribute them before the end of their workdays to
6 the commissioners, because I don't want to ask our
7 clerks to work past five, even if commission members
8 are amenable to that. Does that work for all parties?
9 Is there any objection to that plan? Mr. Rankin?

10 MR. RANKIN: No objection. Just wanted
11 to weigh in that -- no objection to the proposed
12 timing and defer to the commission's request on
13 replies and responses.

14 MR. SUAZO: Chairman Chang, NMOGA
15 doesn't have any opposition to that time frame.

16 THE CHAIR: Great.

17 MS. TRIPP: No objection.

18 THE CHAIR: Thank you. In that case, I
19 think we'll do -- let's see. Let me just make sure I
20 get this right here. It's the 11th at 4 p.m. for any
21 responses and 12th at 4 p.m. for any replies. Okay.
22 If I need to memorialize that for anybody, let me
23 know. But otherwise, hopefully everybody got that on
24 the platform here, so. Okay.

25 Now I think we can turn back to WELC's

1 motion, which we do have to make a decision on today
2 if the commission's pleasure is to accept it. So I'll
3 turn to my commissioners. Well, actually, do we
4 need --

5 Ms. Fox, are you interested in making a
6 statement or are you fine with...

7 MS. FOX: Mr. Chair, I'm fine with
8 resting on the pleadings.

9 THE CHAIR: Great. Thank you. In that
10 case, let me turn to the commissioners. Any opening
11 thoughts, or would you like to hear from Counsel? I
12 can supply some thoughts if necessary.

13 MR. BLOOM: Please go ahead, Mr. Chair.

14 THE CHAIR: Okay. The application for
15 rehearing from WELC points out a few typographical
16 errors, or what I would classify as scrivener's
17 errors. And then there's one addition. So I think I
18 would classify them into two separate buckets.

19 There's one addition intended for 19.15.8.9 NMAC in
20 red, highlighted in yellow. And then there are other
21 issues where it's like a missing zero, some
22 punctuation issues, and a very minor grammatical
23 issues.

24 I will let Commission Counsel weigh in
25 here, but I believe, with respect to the grammatical

1 issues or typographical issues or scrivener's issues,
2 those we can fix without opening for a full rehearing,
3 because we do have a record of deliberations to
4 support what the decisions were and what they were
5 not. So I think that's probably fine. With respect
6 to the additions, I'm not sure that we need a full
7 rehearing for the addition. It seems to me that the
8 existing language is sufficiently clear, but let me
9 take those issues one at a time.

10 So if I could have Commission Counsel
11 weigh in on the record as to whether or not a
12 rehearing is necessary for the clerk to correct the
13 clerical errors that are pointed out in the
14 application?

15 MR. SHANDLER: Mr. Chair, a rehearing
16 is not required as you described.

17 THE CHAIR: Okay. And just for the
18 record, the issues that were pointed out includes, for
19 example, 150,000 is -- there's a zero missing. The
20 comma is in the right place to denote that the
21 commission intended 150,000. I don't believe 15,000
22 was ever discussed in the transcript. So I think
23 there's full and ample record to support that that was
24 a clerical error. There's "an adjudicated order"
25 versus simply "adjudicated order," that's merely

1 grammatical. "Administrative review to the division."
2 That's clearly just a grammatical scrivener's error.

3 We went through the transcript and we
4 reviewed -- our commission clerk advises and
5 Commission Counsel advises that the language
6 highlighted in blue were discussed, and there was
7 ample record to articulate what the commission did or
8 didn't do there. And to the extent that there might
9 be a mistaken underlining; the mistaken underlying
10 lining, I think, can be fixed without a full rehearing
11 on the advice of Counsel. And then, so, if there's no
12 objections to that from Commissioners, then the only
13 question I think the -- I would turn to the
14 commissioners is whether or not a rehearing is
15 warranted for the recommended additions in red and
16 yellow highlighting as proposed by WELC in Subsection
17 F of 19.15.8.9.

18 MR. BLOOM: So, Mr. Chair, perhaps
19 taking these things one at a time, as you suggested.
20 The clerical errors that the applicants pointed out, I
21 believe we would want to instruct that those changes
22 be made. I -- I believe we could do so by just
23 reference to this document. I don't know if we need
24 to cite the -- these sections or not, but we were
25 talking about, in the applicant's motion to rehear, as

1 you mentioned, changing 15,000 to 150,000. And -- and
2 then in green, we had another couple changes. The
3 addition of the word "an," A-N, and the addition of
4 the word "to," T-O. I would certainly want to see
5 those changes. Then there were a couple more just
6 light suggestions about adding the words subsection
7 and -- and changing a -- a colon for a semicolon. And
8 I would support those if those also meet the
9 definition of clerical error.

10 THE CHAIR: Yeah. I think so. The
11 stuff that you're talking about, I think, are fairly
12 obvious clerical errors. For example, I don't think
13 150,000 -- excuse me, 15,000 was ever discussed or
14 intended. And in fact, if you look at the way it's
15 written, the comma after 150 there, I think, indicates
16 clearly that it was always intended to be 150,000.
17 There was merely a typographical error on the zero.
18 So I'm not even sure that I would characterize some of
19 these as as changes so much as merely just correcting
20 scrivener or clerical errors.

21 MR. BLOOM: Sure. I'd agree with that,
22 that these are not changes, just corrections. Yes.

23 THE CHAIR: Professor
24 Ampomah -- Commissioner Ampomah, any thoughts on that?

25 DR. AMPOMAH: No, I do agree with the

1 submission from my two commissioners. So I do also
2 agree that these are typos and the records more or
3 less supports intentions. And I do not believe that
4 we need to have a rehearing on this. Thank you.

5 THE CHAIR: Okay. So then there is one
6 recommendation that's clearly not merely addressing
7 typographical or clerical errors, which is the one
8 sentence for Subsection F of 19.15.8.9 that is in the
9 application in red with yellow highlighting. Are the
10 commissioners interested in holding a hearing on this
11 recommended additional language or are commissioners
12 comfortable with the language as adopted?

13 DR. AMPOMAH: So, Mr. Chair, you are
14 referring to the not -- when -- where it starts with
15 the "notwithstanding the foregoing"?

16 THE CHAIR: That's correct, sir.

17 DR. AMPOMAH: I did not hear. Did you
18 respond to me?

19 THE CHAIR: I did. I said, "That's
20 correct, sir."

21 DR. AMPOMAH: Oh, okay. I didn't know.
22 Okay.

23 So you know, the intention -- and when
24 you read through the -- when you read through the
25 application, the applicant more or less agreed with

Page 20

1 the intentions of what the commission -- what we
2 wanted to do. Now, I thought that we spent a lot of
3 time here. I remember, like, almost, like, a half day
4 on this particular subject. You know, we went -- we
5 started in a day. We -- we break. We -- and -- then
6 we went -- we came back. So I thought that we did a
7 thorough job on this one.

8 So I -- I've gone back. I've read
9 through the rule. And I -- I'm still on the fence
10 here, you know, I'm not sure. Because our -- our
11 intention was quite clear with regards to what we
12 really want to do. So I'm not sure if a rehearing
13 would be warranted for this suggested language.

14 Actually, the language that is here is
15 still more or less amplifying our original intent. So
16 it's not different from what we -- what we actually
17 planned. But the question is, did our language more
18 or less clear -- was it clear enough or not? But I'm
19 still on the fence on this one. Thank you.

20 THE CHAIR: Commissioner Bloom, any
21 thoughts?

22 MR. BLOOM: Yes, Mr. Chair. I think
23 Dr. Ampomah summed up my views as well there.

24 THE CHAIR: Well, we can't all three of
25 us be on the fence. At least, we can't stay on the

1 fence for too long, so --

2 DR. AMPOMAH: Mr. Chair. So -- so from
3 my point of view, I believe that our intentions were
4 clear. And in the approved rule, I believe that we
5 clarified our intentions there. So when I say I'm on
6 the fence, this one is just adding more clarity to
7 what we did. So I'm not sure if, let's say, I still
8 believe what we did was enough. So let me -- let me
9 be clear on that.

10 THE CHAIR: Okay.

11 DR. AMPOMAH: That what we did was
12 enough and not necessarily warranting, let's say, more
13 like a follow-up -- follow-up statements to clarify
14 what we wanted to do, so.

15 THE CHAIR: I think, for my part, I
16 agree with Dr. Ampomah's latest statement, which, as
17 much as I understand the parties' desire to double
18 underline and underscore what the commission did here,
19 I'm not sure that we need to have a full rehearing or
20 additional language here. So I think I'm leaning
21 towards not taking up the application, but I'll let
22 you weigh in, Commissioner Bloom.

23 MR. BLOOM: Mr. Chair, I agree with
24 that. I -- I believe we communicated what we wanted
25 here. This might be an enhancement with the new

Page 22

1 suggested language, which would further underscore our
2 intent, but we got it right, and I do not believe we
3 should move towards a rehearing.

4 THE CHAIR: Okay. With that, I
5 think -- my understanding of the rules, and Commission
6 Counsel can correct me if I'm incorrect, but if we
7 simply take no action, then there's no rehearing on
8 this particular application at least. And, however, I
9 think I will make a record that the commission is
10 instructing the commission clerk to ensure that any
11 clerical errors and scrivener's errors are corrected.

12 I think that might be it for today. Is
13 there anything further from anybody?

14 MS. TRIPP: Chair, may I ask a question
15 for clarification?

16 THE CHAIR: Please.

17 MS. TRIPP: Yes, sir. So as it stands,
18 will there be an amended rulemaking order and
19 statement of reasons for actions taken to correct so
20 that the rulemaking order and the proposed final rule
21 match? That the one point I'm not sure I followed.

22 THE CHAIR: Oh, yeah. That's a good
23 question. And I just want to make -- I might turn to
24 Commission Counsel here for advice on where we're at
25 procedurally on what the mechanisms might look like in

1 terms of any clerical corrections.

2 MR. SHANDLER: Mr. Chair, it's my
3 understanding that the statement of reasons has the
4 correct language and that what will be corrected will
5 be the rule submitted to the state rules.

6 THE CHAIR: So this is the issue that I
7 think Ms. Cox pointed out in her response where
8 there's --

9 MS. FOX: Tripp.

10 THE CHAIR: Tripp. I apologize. Ms.
11 Tripp pointed out that, in the order, there's a
12 striketrough. So I'll give Commissioners a chance to
13 turn to IPANM's response here. There's a
14 striketrough at the end of the quotes in the boxes
15 there from -- from IPANM, but it's lacking a
16 striketrough in the proposed final rule amendments.
17 I believe, and I'll let Commission Counsel weigh in on
18 the record to make a record here, but I believe
19 Commission Counsel went through and reviewed our
20 transcript. And at 2:18 p.m. on the June 11th
21 meeting, I believe we did in fact delete the language
22 there that's inconsistent.

23 So to the extent that the proposed
24 final rules are missing a strikeout of the words, or
25 for which the operator is seeking approved temporary

Page 24

1 abandonment pursuant to 19.15.23, 13 NMAC, that
2 language did get struck at 2:18 p.m on June 11th.

3 MR. BLOOM: So, Mr. Chair, just to
4 clarify, this would be another clerical correction we
5 would make?

6 THE CHAIR: I believe so, because
7 it -- and I'll let Commission Counsel weigh in here,
8 but I believe Commission Counsel and Commission Clerk
9 both went back and looked at the transcripts and
10 verified that the correct version is the one with the
11 strikeout.

12 MR. SHANDLER: Mr. Chair, I can only
13 speak for myself. I did verify as you've said.

14 THE OFFICER: Mr. Chair, just a -- a
15 question, perhaps, for Commission Counsel. The
16 commission's decision this afternoon addresses the
17 applicant's motion. Would it be possible to delay the
18 filing of anything new until after the commission has
19 heard the other two motions? Just a timing thing.

20 MR. SHANDLER: Mr. Chair, when the
21 hearing officer says "filing," are you talking about
22 filing the rule with the state rules?

23 THE OFFICER: Right. Filing anything
24 corrected by way of a corrected rule or an adjusted
25 statement of reasons. That's all.

1 MR. SHANDLER: Mr. Chair, it's my
2 understanding nothing's going to be filed until
3 everything's resolved here.

4 THE CHAIR: Okay. I'll open it up for
5 any last --

6 Ms. Tripp, does that clarify and does
7 that resolve the issue that you raised?

8 MS. TRIPP: Yes. Thank you, Chair.

9 THE CHAIR: Okay. Any other
10 last-minute concerns for this particular hearing from
11 anybody else? Or for Ms. Tripp? No, none at this
12 time? Okay.

13 Hearing no further concerns, I believe
14 that's it for our agenda for today. And our next
15 meeting will be on the 13th of this month. If there's
16 no other business or no other concerns, I'll entertain
17 a motion to adjourn.

18 MR. BLOOM: Mr. Chair, I so move.

19 DR. AMPOMAH: Mr. Chair, I second.

20 THE CHAIR: Any objections?

21 Without objection, we're adjourned.

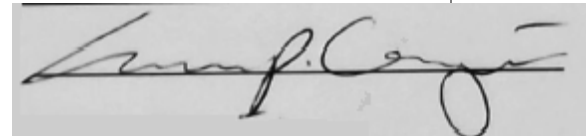
22 Thank you all very much, and we'll see you in a week.

23 DR. AMPOMAH: Thank you.

24 (Whereupon, at 1:31 p.m., the
25 proceeding was concluded.)

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
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12 otherwise interested in the outcome of this action.

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15 MIKHAIL NIKITIN
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New Mexico Rules of Civil Procedure for the
District Courts

Article 5, Rule 1-030

(e) Review by Witness; Changes; Signing.

If requested by the deponent or a party before completion of the deposition, the deponent shall have thirty (30) days after being notified by the officer that the transcript or recording is available in which to review the transcript or recording and, if there are changes in form or substance, to sign a statement reciting such changes and the reasons given by the deponent for making them. The officer shall indicate in the certificate prescribed by Subparagraph (1) of Paragraph F of this rule whether any review was requested and, if so, shall append any changes made by the deponent during the period allowed.

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