

STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION

DOCKET 34-20

ASCENT ENERGY, LLC'S MOTION TO REHEAR ORDER NO. R-21454 CASE NOS. 21279, 21280

REPORTER'S TRANSCRIPT OF VIRTUAL PROCEEDINGS
REGULAR MEETING OF OIL CONSERVATION COMMISSION
THURSDAY, SEPTEMBER 17, 2020
(AGENDA ITEM NO. 6)

This matter came on for virtual hearing before the New Mexico Oil Conservation Commission on Thursday, September 17, 2020, through the New Mexico Energy, Minerals and Natural Resources Department Webex Platform

BEFORE: ADRIENNE SANDOVAL, COMMISSIONER CHAIR
 THOMAS ENGLER, PhD, COMMISSIONER.
 NIRANJAN KHALSA, COMMISSIONER
 SALLY MALAVE, ESQ., COMMISSION COUNSEL

Reported by: Mary T. Macfarlane, CCR 122
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	C O N T E N T S	
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2	CASE NOS: 21279, 21280	PAGE
3	CASE CALLED:	3
4	MOTION TO MOVE TO EXECUTIVE SESSION:	4
5	OPEN MEETING DISCUSSION ON RULING:	5
6	VOTE TO DENY ASCENT'S MOTION:	6
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1 (Time noted 9:28 a.m.)

2 COMMISSION CHAIR SANDOVAL: Agenda Item No. 6,
3 Case No. 21279 and 21280 for Ascent Energy, LLC's Motion
4 to Rehear Order R-21544.

5 COMMISSIONER ENGLER: I move we move that over
6 to executive session so that we could discuss Cases 21279
7 and 21280.

8 COMMISSION CHAIR SANDOVAL: Is there a second to
9 that motion?

10 COMMISSIONER KHALSA: I second the motion.

11 COMMISSION CHAIR SANDOVAL: All those in favor?
12 Or -- sorry.

13 MS. MALAVE: (Inaudible).

14 (Note: Reporter interruption re audio.)

15 COMMISSION CHAIR SANDOVAL: That's okay. We'll
16 repeat it.

17 (Note: Pause.)

18 COMMISSION CHAIR SANDOVAL: Is there a motion to
19 deliberate on Case Nos. 21279 and 21280 on the Motion to
20 Rehear Order No. R-21454 and go into executive session in
21 accordance with Open Meetings Act Section 10-15-1 H(3) to
22 deliberate on those cases?

23 COMMISSIONER ENGLER: Madam Chair, I so move
24 that we go into closed session as defined under Section
25 10-15-1 H(3) for the limited purpose of deciding Ascent

1 Energy's Motion to Rehear Order R-21454 as well as their
2 pleadings.

3 COMMISSION CHAIR SANDOVAL: Is there a second?

4 COMMISSIONER KHALSA: I second the motion.

5 COMMISSION CHAIR SANDOVAL: May I have a roll
6 call vote.

7 MS. MALAVE: Commissioner Khalsa.

8 COMMISSIONER KHALSA: I approve.

9 MS. MALAVE: Commissioner Engler.

10 COMMISSIONER ENGLER: I approve.

11 MS. MALAVE: Commissioner Sandoval.

12 COMMISSION CHAIR SANDOVAL: I approve.

13 The motion passes unanimously. We will go
14 into executive session. We will keep this meeting running
15 so you don't have to go off it, but will mute it and stop
16 the video feed.

17 So at 9:30 a.m. we will go into executive
18 session.

19 (Note: In recess from 9:30 a.m. to 10:40 a.m.)

20 COMMISSION CHAIR SANDOVAL: Welcome back
21 everybody. The Commission meeting on the record is now
22 open. It is 10:40 a.m. The discussion during the closed
23 session was limited to the deliberations in Case No. 21279
24 and 21280 regarding Order 21454.

25 Is there a motion by the Commission in this

1 matter?

2 COMMISSIONER ENGLER: Yes, Madam Chair. I'd
3 like to move -- after consideration of Ascent Energy's
4 Motion to Rehear Order 21454, Apache Corporation and
5 Mewbourne Oil Company's response, and Ascent's Reply, I
6 move that the Commission deny Ascent Energy's Motion to
7 Rehear Order No. R-21454.

8 Ascent Energy mischaracterizes Order 21454.
9 The Order does not order the Oil Conservation Division to
10 rehear Ascent Energy's pooling applications under Cases
11 16841 and 16842, rather Order No. 21454 stayed the
12 hearings in the matters in Cases 21277, 21278, 21279 and
13 21280 until all competing applications are heard by the
14 Division or they are otherwise resolved.

15 COMMISSION CHAIR SANDOVAL: Is there any
16 discussion on this matter?

17 Oh, is there a second?

18 COMMISSIONER KHALSA: I second the motion.

19 COMMISSION CHAIR SANDOVAL: Ms. Malave, would
20 you do a roll call vote please.

21 MS. MALAVE: (Inaudible)

22 COMMISSION CHAIR SANDOVAL: Now it's for
23 discussion.

24 COMMISSIONER ENGLER: Madam Chair, a couple of
25 points that I'd like to make.

1 In reviewing all the material we still find
2 that the original Order is best to prevent waste and to
3 protect correlative rights; was in the best interests of
4 the public and the parties all involved that we have all
5 applications at one time.

6 A second point we would like to make is we
7 would like to strongly encourage anybody with applications
8 to be filed or pending to have them on file to the
9 Division by October 30th of this year, at which time we
10 can then have those brought up to the Commission and then
11 we can schedule.

12 That's my discussion points.

13 COMMISSION CHAIR SANDOVAL: Thank you,
14 Dr. Engler. I would agree with that. I think the
15 Commission will be better able to hear these cases if they
16 are managed together, and I would agree that all of the
17 filings need to be in by October 30th so that we can move
18 forward. Any of the filings can then be pulled up to the
19 Commission and heard there, in lieu of going to the
20 Division.

21 COMMISSIONER KHALSA: I agree with Commissioner
22 Engler and Commissioner Sandoval's discussion.

23 COMMISSION CHAIR SANDOVAL: Now we will vote.

24 Will you do a roll call vote, please.

25 MS. MALEVE: Commissioner Khalsa.

1 COMMISSIONER KHALSA: I approve the motion.

2 MS. MALEVE: Commissioner Engler.

3 COMMISSIONER ENGLER: I approve.

4 MS. MALEVE: Commissioner Sandoval.

5 COMMISSION CHAIR SANDOVAL: I approve. The
6 motions passes unanimously.

7 (Time noted 10:41 a.m.)

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1 STATE OF NEW MEXICO)
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3 COUNTY OF TAOS)
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5 REPORTER'S CERTIFICATE

6 I, MARY THERESE MACFARLANE, New Mexico Reporter
7 CCR No. 122, DO HEREBY CERTIFY that on Thursday,
8 September 17, 2020, the proceedings in the above-captioned
9 matter were taken before me; that I did report in
10 stenographic shorthand the proceedings set forth herein,
11 and the foregoing pages are a true and correct
12 transcription to the best of my ability and control.

13 I FURTHER CERTIFY that I am neither employed by
14 nor related to nor contracted with (unless excepted by the
15 rules) any of the parties or attorneys in this case, and
16 that I have no interest whatsoever in the final
17 disposition of this case in any court.

18 /s/ Mary Macfarlane
19 _____

20 MARY THERESE MACFARLANE, CCR
21 NM Certified Court Reporter No. 122
License Expires: 12/31/2020
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