

**STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION**

**APPLICATION OF OIL CONSERVATION DIVISION
TO ADOPT 19.15.27 NMAC AND 19.15.28 NMAC,
AND TO AMEND 19.15.7 NMAC, 19.15.18 NMAC, AND
19.15.19 NMAC; STATEWIDE**

CASE NO. 21528

**CLIMATE ADVOCATES' MOTION FOR OPPORTUNITY TO PRESENT REBUTTAL
TESTIMONY AND TO FILE POST-HEARING STATEMENTS**

Tannis Fox and Erik Schlenker-Goodrich, attorneys with Western Environmental Law Center and on behalf of Conservation Voters New Mexico, Earthworks, and San Juan Citizens Alliance (“Climate Advocates”), hereby request the Oil Conservation Commission to provide all parties presenting technical testimony in this proceeding (“Parties”) with the opportunity to (1) present rebuttal testimony and (2) file post-hearing statements in support of their case. In support of this motion, Climate Advocates state:

1. This rulemaking proceeding will be highly complex. The Oil Conservation Division (“OCD”) proposes two new rules and proposes to amend three existing rules that are intended to reduce methane waste emissions from oil and gas facilities statewide.
2. The draft rules propose a multitude of technical, engineering, operational, and recording keeping changes to oil and gas operations, which require technical testimony and exhibits in support.
3. Climate Advocates anticipate that many Parties – from industry, the non-governmental organization community, and other agencies – will provide constructive changes to the proposed rules supported by technical testimony and exhibits in what is likely to be a lengthy proceeding.
4. Given the anticipated complexity of the Parties’ direct cases and the importance of this matter to the State of New Mexico and the public interest, it is only fair that the Parties be

given an opportunity to also present rebuttal testimony in support of their cases. Rebuttal testimony will ensure the Commission is provided with a clear-eyed understanding of the evidence and the parties' different perspectives to best ensure a reasoned and informed decision.

5. For identical reasons, Climate Advocates request that the Commission provide for post-hearing written briefing from the Parties on the substantial legal and technical issues anticipated to be raised in this proceeding, grounded in a careful review and by reference to the transcript of proceedings after the record is complete. Such post-hearing briefing will provide a careful, methodical basis for the Commission's deliberations, ensuring that all positions are heard and properly resolved.

6. To facilitate a constructive post-hearing written briefing, Climate Advocates request a schedule for submission of post-hearing statements that does not cause undue delay of the proceedings, and requires the Parties to submit their statements within 14 calendar days of the completion of the transcript of proceedings.

Based on the foregoing, Climate Advocates respectfully request the Commission to allow the Parties the opportunity to present rebuttal witnesses after the close of the Parties' direct cases, and to file post-hearing statements in support of their positions.

Respectfully submitted,

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