

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

**IN THE MATTER OF THE APPLICATION
OF THE NEW MEXICO OIL CONSERVATION
TO CONSIDER THE PROPOSED RULES TO
REGULATE THE VENTING AND FLARING OF
NATURAL GAS FROM OIL AND NATURAL GAS
PRODUCTION AND GATHERING FACILITIES**

**CASE NO. 21528
ORDER NO. R-21540**

PROCEDURAL ORDER

The public rule hearing in the above-captioned proceeding shall be held on January 4, 2021 and, if necessary, continued through January 15, 2021, beginning on 9:00 AM each day. The hearing will be held via telephonic/virtual means and may be conducted by a quorum of the Oil Conservation Commission or by a hearing officer appointed by the Commission. Members of the public, participants, and parties to the hearing may attend the meeting through the Webex Meeting platform using the link and/or meeting information to be provided by the Hearing Clerk on or before December 7, 2021.

Pursuant to 19.15.3.8(C), in addition to the procedures found in Rule 19.15.3 NMAC, the following special rules shall apply to this rules hearing:

Webex Meeting Information

January 4-15, 2021

OCC - (Day 1) Venting/Flaring Rulemaking Hearing

Meeting number:

Password:

Join by phone

United States Toll Access code:

1. Motion Hearing prior to Rulemaking Hearing

- a) All Motions, dispositive or otherwise, shall be submitted for consideration by the Commission on or before 5:00 PM December 17, 2020.
- b) Responses shall be submitted on or before 5:00 PM December 28, 2020.
- c) No Replies are permitted.

- d) Timely-filed Motions shall be heard by the Commission or a hearing officer appointed by the Commission on December 30, 2020 from 8:00 AM until 12:00 PM.
- e) The Commission reserves the right to decide non-dispositive Motions without a hearing.

2. Technical Testimony

- a) All technical testimony shall be presented to the Commission or Hearing Officer in writing and shall be filed with the Commission no later than 5:00 PM on December 17, 2020.
- b) Filing may be accomplished by first class mail to the Commission Clerk, Florene Davidson, 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, or electronic mail to OCC.Hearings@state.nm.us.
- c) Any person who presents technical testimony in writing shall attend the hearing online or via telephone and be subject to cross-examination by the members of the Commission, the Commission's counsel, or another person who has filed a Pre Hearing Statement on the subject matter of the person's direct testimony.
- d) Pursuant to Rule 19.15.3.11(B)(3), technical rebuttal testimony may be permitted upon a finding by the Commission that the proffered testimony is offered solely for purposes of rebuttal.
- e) Cross-examination of witnesses shall be conducted immediately following their direct examination.

3. Oral Non-Technical Testimony/Oral Public Comment

- a) Any person who has not submitted a Pre-Hearing Statement may present non-technical testimony or make an unsworn statement at the hearing, and may offer exhibits at the hearing, so long as the exhibits are relevant to the proposed rule and do not unduly repeat the testimony.
- b) Any person that wishes to present oral non-technical testimony to the Commission shall notify the Commission Clerk, Florene Davidson by first class or electronic mail at 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, or florene.davidson@state.nm.us no later than 5:00 PM on December 17, 2020.
- c) In order to ensure that all participants are able to participate in the hearing, notifications to the Commission Clerk shall include at least a name and telephone number of the person intending to present non-technical testimony.

- d) Any exhibits that will be offered in conjunction with non-technical testimony must be sent via electronic mail to the Commission Clerk, Florene Davidson at the above email address no later than 5:00 p.m. on December 17, 2020.
- e) Any person who presents non-technical testimony will be subject to cross examination by the Commission, the Commission's counsel, or another person who has filed a Pre-Hearing Statement on the subject matter of the person's direct testimony.

4. **Written Comment Period**

- a) The formal written comment period will be between November 24, 2020 and January 8, 2021 by 5pm, but the Commission will accept any written public comment submitted between November 4 and November 24, 2020.
- b) Any person may submit written or electronic comments on the proposed rule no later than 9:00 a.m. on March 30, 2021, unless extended by the Commission or the Chair of the Commission, by first class or electronic mail to the Commission Clerk, Florene Davidson, 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, or florene.davidson@state.nm.us or OCC.Hearings@state.nm.us.

5. **Public Comment at Hearing**

- a) The public comment period at the Rulemaking Hearing is established as follows:
 - i. January 4, 2021 is reserved in full for public comment and such period shall continue until 12:00 PM on January 5, 2021.
 - ii. On each subsequent day of the hearing through the last day of the hearing, starting January 6, 2021, the public may comment between 8:30 AM until 9:00 AM and between 4:30 PM and 5 PM.
 - 1. In addition, any person may submit written or electronic comments on the proposed rule no later than 5:00 PM on January 8, 2021, unless extended by the Commission or the Chair of the Commission, by first class or electronic mail to the Commission Clerk, Florene Davidson, 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, or florene.davidson@state.nm.us or OCC.Hearings@state.nm.us.

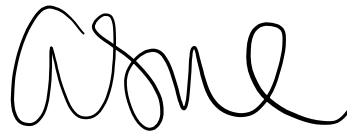
6. **Additional Matters**

- a) The Commission may consider allowing post-hearing briefing by interested parties at or near the completion of the hearing if the Commission believes it would be helpful in making a decision. If the Commission elects to permit post-hearing briefing by interested parties, the Commission will direct the interested parties as to issues and topics to be briefed and set forth briefing deadlines.

IT IS SO ORDERED.

DONE at Santa Fe, New Mexico, on this 10th day of November 2020.

**STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION**

A handwritten signature in black ink, appearing to read 'Adrienne' or 'A. Sandoval', written in a cursive style.

ADRIENNE SANDOVAL, M.E., CHAIR