

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

REPORTER'S PREHEARING TRANSCRIPT OF PROCEEDINGS  
OIL CONSERVATION COMMISSION HEARING  
WEDNESDAY, DECEMBER 9, 2020

This matter came on for hearing before the New Mexico Oil Conservation Commission, on Wednesday, December 9, 2020 via Webex VIRTUAL Meeting Platform.

MEMBERS PRESENT:

ADRIENNE SANDOVAL:	COMMISSION CHAIR
THOMAS ENGLER:	ENMRD DESIGNEE
JORDAN KESSLER:	NEW MEXICO STATE LAND COMMISSION DESIGNEE

Reported by: Mary Therese Macfarlane  
New Mexico CCR NO. 122  
PAUL BACA PROFESSIONAL COURT REPORTERS  
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Albuquerque, New Mexico 87102  
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1 IN ATTENDANCE: SALLY MALAVE, ESQ.  
CHRISTOPHER MOANDER, ESQ.  
2 Legal Counsel to the Commission  
FLORENE DAVIDSON  
3 Commission Clerk

4 C O N T E N T S

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1 (Time noted 9:04 a.m.)

2 COMMISSION CHAIR SANDOVAL: All right. Well, it  
3 is 9:04 on December 9, 2020, and this is a meeting of the  
4 Oil Conservation Commission

5 My name is Adrienne Sandoval. I am Chair  
6 of the Oil Conservation Commission and director of the Oil  
7 Conservation Division.

8 Will the other commissioners please  
9 introduce themselves for the record.

10 COMMISSIONER KESSLER: Good morning, this is  
11 Jordan Kessler, (inaudible) and for State Land  
12 Commissioner Stephanie Garcia Richards.

13 COMMISSIONER ENGLER: Good morning. This is Tom  
14 Engler. I am designee from the Energy, Minerals and  
15 Natural Resources Department.

16 COMMISSION CHAIR SANDOVAL: Also with us today  
17 we have counselors Chris Moander and Sally Malave, as well  
18 as Florene Davidson who is commission clerk.

19 On to the agenda. We have first, Item  
20 No. 2 Approval of the Agenda. Before we do that I want to  
21 note that Agenda Item No. 5, Case No. 15855, the status  
22 conference between Delaware Energy and Alpha was continued  
23 to a later date and will not be heard today.

24 Items Nos. 6, 7 and 8, Case No. 21473, Case  
25 No. 21474 and Case No. 21475 were also continued to a

1 later date and will not be heard today. We will, however,  
2 be hearing Agenda Item No. 9, which is Case No. 21476.

3 So with those modifications, is there a  
4 motion to approve the agenda, the modified agenda?

5 COMMISSIONER KESSLER: (Inaudible.)

6 (Note: Discussion with reporter.)

7 All right. You want to -- let's try again.  
8 Is there a motion to approve the modified agenda?

9 COMMISSIONER ENGLER: Let me do it. This is Tom  
10 Engler. Motion to approve the modified agenda.

11 COMMISSION CHAIR SANDOVAL: Is there a second?

12 (Note: Pause.) It is hard to hear. It kind of  
13 was very echoed and back and forth.

14 (Note: Discussion off the record.)

15 COMMISSION CHAIR SANDOVAL: Jordan, are you on  
16 yet? I muted the call-in users. Not yet.

17 COMMISSIONER KESSLER: No, not yet.

18 (Note: Pause.)

19 COMMISSION CHAIR SANDOVAL: I just unmuted  
20 another call-in user. Is that you, Jordan?

21 COMMISSIONER KESSLER: Yes, that's me.

22 COMMISSION CHAIR SANDOVAL: That sounds a lot  
23 better. I'm going to keep you unmuted because I can't  
24 make a call-in user a panelist, so I'll just keep you  
25 unmuted. So if you just want to mute and unmute your

1 phone.

2 COMMISSIONER KESSLER: Okay. Thanks.

3 Okay. Is there a motion to adopt the  
4 modified agenda?

5 COMMISSIONER ENGLER: I move to adopt the  
6 modified agenda.

7 COMMISSION CHAIR SANDOVAL: Is there a second?

8 COMMISSIONER KESSLER: Second, yes.

9 COMMISSION CHAIR SANDOVAL: Mr. Moander, would  
10 you do a roll call, please.

11 MR. MOANDER: Yes.

12 Chair Sandoval.

13 COMMISSION CHAIR SANDOVAL: I approve.

14 MR. MOANDER: Member Engler.

15 COMMISSIONER ENGLER: Approved.

16 MR. MOANDER: Member Kessler.

17 COMMISSIONER KESSLER: Approved.

18 MR. MOANDER: The vote is unanimous and the  
19 motion is passed.

20 COMMISSION CHAIR SANDOVAL: Thank you. All  
21 right. The next on the agenda is approval of the November  
22 4th minutes.

23 Have the commissioners reviewed the minutes  
24 and are there any corrections?

25 COMMISSIONER ENGLER: This is Tom Engler. I

1 have no corrections.

2 COMMISSIONER. KESSLER: I have reviewed the  
3 minutes and I have no corrections either.

4 COMMISSION CHAIR SANDOVAL: Thank you. Is there  
5 a motion to approve the November 4, 2020 minutes?

6 COMMISSIONER ENGLER: This is Tom Engler and I  
7 so move.

8 COMMISSIONER KESSLER: Second.

9 COMMISSION CHAIR SANDOVAL: Mr. Moander, would  
10 you please do a roll call vote.

11 MR. MOANDER: Yes. Chair Sandoval.

12 COMMISSION CHAIR SANDOVAL: Approve.

13 MR. MOANDER: Member Engler.

14 COMMISSIONER ENGLER: Approved.

15 MR. MOANDER: Member Kessler.

16 COMMISSIONER KESSLER: I approve.

17 MR. MOANDER: The motion is approved and passed  
18 unanimously.

19 COMMISSION CHAIR SANDOVAL: Thank you.

20 (Note: Agenda Item 4 transcribed under Case  
21 No. 21528)

22 (Note: Agenda Item 9 transcribed under  
23 Case No. 21476.)

24 COMMISSION CHAIR SANDOVAL: All right. We can  
25 move on to the next item on the docket, which is Agenda

1 Item 10, Pending Litigation.

2 Mr. Moander, do you have any updates?

3 MR. MOANDER: Just very briefly. There's the  
4 Novo Oil de novo appeal in District Court. The record  
5 proper will be submitted by OCD by the middle of next  
6 week, which will begin proceedings.

7 And then we have the Marker appeal. The  
8 appellate brief was filed on December 12th. Our Response  
9 is due on January 18th of '21, and we anticipate getting  
10 all that done on time.

11 Other than that, I have nothing additional  
12 to report.

13 COMMISSIONER ENGLER: Madam Chair, can I  
14 interrupt a minute?

15 The first one was which one? The de novo?  
16 Which one was that?

17 MR. MOANDER: It's a -- Novo Oil has a District  
18 Court Rule 74 appeal.

19 COMMISSIONER ENGLER: For?

20 COMMISSION CHAIR SANDOVAL: Novo appealed the  
21 case that we heard a couple of months ago.

22 COMMISSIONER ENGLER: That's what I was  
23 wondering, if that's the case that we heard. Okay. Thank  
24 you.

25 COMMISSION CHAIR SANDOVAL: They appealed our

1 decision.

2 COMMISSIONER ENGLER: To district court.

3 MS. MALAVE: And just for purposes of  
4 correction -- this is Sally Malave.

5 I would say Mr. Moander said the Marker  
6 appeal was filed on December 12th. In fact it was  
7 December 2nd.

8 MR. MOANDER: Sorry. I misread my own notes.  
9 It is December 2nd.

10 COMMISSION CHAIR SANDOVAL: Thank you.

11 I guess the 20th (sic) hasn't happened yet.

12 MR. MOANDER: I'm very good at -- well...

13 COMMISSION CHAIR SANDOVAL: Is there any other  
14 business in front of the Commission today?

15 (Note: No response.)

16 COMMISSION CHAIR SANDOVAL: All right. Our next  
17 meeting is a Special Meeting on December 30th. Just a  
18 reminder that that meeting is at 8:00 a.m. not our usually  
19 scheduled 9:00 a.m., and that will be from 8:00 a.m. until  
20 noon.

21 And with that, it is 10:41 and we will  
22 adjourn this meeting.

23 Thank you everybody.

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

25

1 STATE OF NEW MEXICO )

2 : SS

3 COUNTY OF TAOS )

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REPORTER'S CERTIFICATE

6

I, MARY THERESE MACFARLANE, New Mexico Reporter

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CCR No. 122, DO HEREBY CERTIFY that on Wednesday,

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December 9, 2020 the proceedings in the above-captioned

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matter were taken before me; that I did report in

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stenographic shorthand the proceedings set forth herein,

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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

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MARY THERESE MACFARLANE, CCR

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NM Certified Court Reporter No. 122

License Expires: 12/31/2020

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