

**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 DIVISION
TO CONSIDER 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-F**

**ORDER ON POST-HEARING DEADLINES AND
NMOGA'S MOTION TO EXCLUDE EVIDENCE**

Post-Hearing Deadlines

The Oil Conservation Commission completed its evidentiary hearing in this matter on January 15, 2021. Following discussion and agreement with all counsel and the Commissioners, the post-hearing deadlines are these:

1. By 5 p.m. January 20, 2021, the Oil Conservation Division shall file and serve its final iteration of the proposed regulations.
2. By 5 p.m. February 5, all parties other than the Division shall file their own final iteration of the proposed regulations, using the Division's January 20 documents as the base, and reflecting their different proposals in legislative format, with underline and strikeout as needed. Below each section in which proposed changes to the Division's proposed rules appear, each party shall set out a description of the evidence supporting that proposal, including citations to relevant testimony and exhibits.

3. By 5 p.m. February 5, all parties may file written closing argument. The Commission requests that this document not exceed ten pages. This document may address legal arguments relevant to the proceeding, and/or provide legal context for the Commission to consider in its deliberations. Examples of legal argument or context include the two motions filed by NMOGA, or a discussion of legal authority helpful in navigating jurisdiction for oil and gas rules versus air quality rules. No verbal arguments will be accepted at the meeting in which the Commission will deliberate.
4. The Commission plans to deliberate during its meeting of February 11-12, 2021.

NMOGA's Motion to Exclude Evidence Proposed by EDF and Climate Advocates

New Mexico Oil and Gas Association (NMOGA) filed a motion to exclude evidence pertaining to Section 19.15.27.8.C(1) proposed by EDF and Climate Advocates. Written responses to the motion were timely filed by EDF and Climate Advocates. A verbal reply by Movant to the other parties' responses was heard on January 13, 2021.

NMOGA's motion to exclude is denied for the reasons set out in the responses to the motion. NMOGA may press its argument in its written closing argument. Regardless, Commission counsel will be advising the Commission on "logical outgrowth" and proper notice during its deliberations.

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OIL CONSERVATION COMMISSION**



**FELICIA L. ORTH
HEARING OFFICER**

Date: 1/20/21