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

IN THE MATTER OF THE HEARING CALLED BY THE OIL CONSERVATION COMMISSION FOR THE PURPOSE OF CONSIDERING:

CASE NOS: 22225

IN THE MATTER OF THE PROPOSED AMENDMENTS TO THE COMMISSION'S RULE ON NATURAL GAS GATHERING SYSTEMS, 19.15.28 NMAC.

REPORTER'S TRANSCRIPT OF VIRTUAL PROCEEDINGS

COMMISSIONER HEARING

Agenda Item 6

December 17, 2021

Santa Fe, New Mexico

BEFORE: ADRIENNE SANDOVAL, CHAIRWOMAN

FELICIA ORTH, APPOINTED HEARING OFFICER

TERRY WARNELL, COMMISSIONER GREG BLOOM, COMMISSIONER CHRIS MOANDER, ESQ.

This matter came on for hearing before the New Mexico Oil Conservation Commission on Friday, December 17, 2021, via Webex Virtual Platform, hosted by New Mexico Energy, Minerals, and Natural Resources Department.

Reported by: PAUL BACA

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1 CHAIRWOMAN SANDOVAL: All right. Next item on

- 2 the agenda, Case Number 22225, Application of the Energy
- 3 Minerals and Natural Resources Department, Oil Conservation
- 4 Division for Proposed Amendments to the Commission's Rule on
- 5 Natural Gas Gathering Systems in Part 28 NMAC.
- 6 And with that, I will turn it over to our hearing
- 7 examiner, Felicia Orth.
- 8 HEARING EXAMINER ORTH: Thank you, Madam Chair.
- 9 Good morning, my name is Felicia Orth, appointed as hearing
- 10 officer for Case Number 22225 in the matter of the proposed
- 11 amendments to the commission's rule on natural gas gathering
- 12 systems in 19.15.28 of the New Mexico Administrative Code.
- The hearing this morning will be recorded and
- 14 transcribed by Paul Baca of Paul Baca Court Reporters. The
- 15 file includes the application for rulemaking, documents
- 16 related to notification to the small business regulatory
- 17 assistance program, notices of public hearing, the order
- 18 appointing hearing officer, a procedural order,
- 19 certification of compliance with notice requirements, and
- 20 two entries of appearance, the first from the Division, Mr.
- 21 Ames filed an entry of appearance, and Mr. Feldewert on
- 22 behalf of the New Mexico Oil and Gas Association.
- 23 All testimony will be taken under oath and is
- 24 subject to cross-examination. This is a fairly
- 25 straightforward rulemaking, and as I understand, the

- 1 Commission would like to deliberate today on that. Madam
- 2 Chair, we can have that discussion now or at the end of the
- 3 record, at your pleasure.
- 4 CHAIRWOMAN SANDOVAL: We can have it now.
- 5 HEARING EXAMINER ORTH: All right. The question
- 6 will be for Mr. Moander then. Mr. Moander, I want you to
- 7 assume that the testimony we will take on the petition will
- 8 not take very long and that, as of yesterday, in any event,
- 9 there was no public comment submitted.
- 10 But the notice of public hearing notes that
- 11 public comment will be taken until noon today. So my
- 12 question of you is whether it's possible at this point to
- 13 shorten that period to the adjournment of this hearing, or
- 14 whether the Commission is better advised to deliberate at
- 15 noon.
- 16 MR. MOANDER: Let me look at that real quick.
- 17 Which document -- apparently I did not see that. Which
- 18 document are you referencing, Madam Hearing Officer -- oh,
- 19 there it is, the written comments.
- 20 Yes, so I think I knew -- I was panicking for a
- 21 second, it was like, wait a minute, this isn't right. So
- 22 this is based on the Commission's own rules and what was
- 23 discussed pretty heavily at the last rulemaking (audio
- 24 disruption) deliberations which could not begin before
- 25 (audio disruption.) And that's something for, I think it's

1 preferred (audio disruption) that rulemaking. Unfortunately

- 2 we will (audio disruption.)
- 3 HEARING EXAMINER ORTH: Is that, Mr. Moander
- 4 (audio disruption) would be 19.15. (audio disruption) and
- 5 the procedural order entered in this (audio disruption).
- 6 All right, if you would then, give a statement or
- 7 call your witness.
- 8 MR. AMES: Thank you, Ms. Orth. I will make a
- 9 brief opening statement and then we will call our witness.
- Good morning, Madam Chair and Commission, my name
- 11 is Eric Ames. I'm counsel for the Energy, Minerals and
- 12 Natural Resources Department. (Audio disruption) section to
- 13 correct the lost natural (audio disruption).
- 14 The Division appreciates NMOGA's cooperation in
- 15 this proceeding. It is our understanding that the New
- 16 Mexico Oil & Gas Association does not oppose OCD's proposal.
- 17 Today OCD has one witness, Mr. Jim Bolander. Mr.
- 18 Bolander is a registered professional engineer with years of
- 19 experience in the oil and gas industry, and he is quite
- 20 familiar with having appeared as the department's witness in
- 21 the preceding earlier this year to adopt Part 28.
- 22 The Division has two exhibits today. Both were
- 23 submitted with our prehearing statement. The first is
- 24 Mr. Bolander's CV, and the second is a PowerPoint
- 25 presentation which is essentially an outline of the

- 1 testimony Mr. Bolander will present today.
- 2 With that, I would like to call Mr. Bolander to
- 3 be sworn to present direct testimony. Thank you.
- 4 HEARING EXAMINER ORTH: Mr. Bolander, if you
- 5 would please spell your name.
- 6 MR. BOLANDER: Yes, Jim Bolander. J-i-m, last
- 7 name is B-o-l-a-n-d-e-r.
- 8 HEARING EXAMINER ORTH: Thank you. And raise
- 9 your right hand. Do you swear or affirm that the testimony
- 10 you are about to give will be the truth?
- 11 MR. BOLANDER: Yes.
- 12 HEARING EXAMINER ORTH: Thank you.
- 13 MR. AMES: Thank you, Ms. Orth. May I begin?
- 14 HEARING EXAMINER ORTH: (Nodding.)
- JIM BOLANDER
- 16 (Sworn, testified as follows:)
- 17 DIRECT EXAMINATION
- 18 BY MR. AMES:
- 19 Q. Jim, please state your name for the record.
- 20 A. Jim Bolander.
- 21 Q. And are you a registered professional engineer?
- 22 A. Yes, registered in the state of Texas.
- 23 Q. Are you also a petroleum engineer?
- 24 A. Yes, in 1984 petroleum engineering graduate from
- 25 Louisiana State University.

1 Q. Can you describe your training and experience in

- 2 the oil and gas industry?
- 3 A. Approximately 36 years in the industry, initially
- 4 with Mitchell Energy working as a drilling production
- 5 reservoir engineer for approximately 15 years, 15 plus years
- 6 with Southwestern Energy as the role of engineering,
- 7 engineering management, vice president of operations and
- 8 head of the company's health safety and environmental
- 9 health.
- 10 Retired in 2016, currently president of the JLB
- 11 Engineering, which is a consulting firm, consulting
- 12 contracts with Southwestern Energy, upon retirement,
- 13 Independent Energy Standards, Environmental Defense Fund, as
- 14 well as the project with the New Mexico Oil Conservation
- 15 Division which includes two parts. Part one was the
- 16 rulemaking of Part 27 and Part 28 and currently the
- implementation of both of those rules.
- 18 Q. Is your education, experience and training as a
- 19 petroleum engineer and as a person working in the oil and
- 20 gas industry correctly reflected and more fully described in
- 21 your CV which is Exhibit 1?
- 22 A. Yes, it is.
- Q. Are you familiar with Part 28?
- 24 A. Yes, I am. Very much so.
- Q. And explain why, please.

1 A. I -- the year 2020, I worked with the Division

- 2 on writing the rules for Part 27 which is for (audio
- 3 disruption) operations, and Part 28 which is for the natural
- 4 gas gathering system operations, you know, worked with the
- 5 various stakeholders in, you know, finalizing both
- 6 regulations.
- 7 I testified at the hearings in January of 2021
- 8 for the hearings regarding both rules, and furthermore the
- 9 implementation of both of those rules which began, in
- 10 earnest, in March of 2021 and are currently ongoing.
- 11 Q. Great. Did you prepare testimony and a
- 12 PowerPoint presentation for today's hearing?
- 13 A. Yes, I did.
- 14 Q. Can you share that presentation with the
- 15 Commission, and then we'll start with your testimony?
- 16 A. Yes, I could. It appears I do not have share
- 17 ability.
- 18 CHAIRWOMAN SANDOVAL: I will give it to you.
- 19 THE WITNESS: Thank you.
- 20 CHAIRWOMAN SANDOVAL: You should be able to now.
- 21 A. All right. Thank you. All right. Can everyone
- 22 see OCD Exhibit Number 2?
- 23 CHAIRWOMAN SANDOVAL: No.
- Q. I do not see it, Jim.
- 25 A. Okay. Let's see what's going on. There

1 CHAIRWOMAN SANDOVAL: Yes, got it, thank you.

- 2 A. Sorry. Missed one button to push.
- 3 Q. Jim, let's start with the proposed change to
- 4 Section 8(F)(3). Can you describe this change and why OCD
- 5 believes it's necessary?
- 6 A. Yes. Section 8(F) is the reporting section for
- 7 the rule. And subparagraph or Paragraph 3 are the
- 8 calculations for (3)(a) which is the calculation of lost gas
- 9 and (3)(b) which is the calculation of gas capture
- 10 percentage.
- 11 As you can see in our discussion, the calculation
- 12 for the gas capture percentage is the gathered natural gas,
- 13 minus lost natural gas, divided by gathered natural gas.
- 14 The problem associated with this section is an
- 15 error in Paragraph 3 Subparagraph (a) in which we
- 16 incorrectly used the wrong data for lost natural gas. And
- 17 when this was discovered, it was during the preparation of
- 18 our quarterly recording template as well as the monthly
- 19 reporting template, the new C-115 B form which is being
- 20 developed by the industry or by the Division.
- 21 Next slide. When I concentrate primarily on this
- 22 section, the Subparagraph (a) and, you know, the problems
- 23 associated with this is that we should have calculated a
- volume of vented and flared gas that is counted towards the
- 25 operator's natural gas percentage.

1 Unfortunately, the way it is written, it counts,

- 2 that natural gas not counted against the operator's natural
- 3 gas capture percentage, such as beneficial use, emergency
- 4 and normal operation of pneumatics.
- 5 And what this does is it, in the calculation of
- 6 the natural or the gas capture percentage. It creates a, a
- 7 false percentage for operators, and thus prevents operators
- 8 from demonstrating compliance with the gas capture
- 9 requirements.
- 10 Moving to the next slide, what you see in the
- 11 revised version and the red-line version is to, one, correct
- 12 this, and also to simplify it, you know, for the
- 13 calculation.
- 14 And we were able to see this or visualize this
- 15 when we were actually putting together the quarterly report
- 16 forms and once you're, you know, in -- in, you know, in
- 17 Excel and other programs like that, it really simplifies
- 18 that.
- 19 So what we have done very simply is we summed the
- 20 volume of vented or flared natural gas that are counted
- 21 against the operator's natural gas capture percentage for
- 22 the purpose of Part 28, and that's simply all (3)(a) does.
- We have excluded and not included in that
- 24 calculation is the volume that is not counted against the
- 25 operator's natural gas percentage, therefore -- and I'm

1 going to jump back up to the operation of a -- let's back up

- 2 to the first slide -- so now what that does with that first
- 3 bullet point it correctly calculates the natural gas
- 4 capture.
- 5 It takes the gathered natural gas, subtracts the
- 6 lost natural gas based on the new formula and then divides
- 7 that by the gathered natural gas to give an accurate
- 8 description of a natural gas capture percentage which is
- 9 used in the operator's requirements in Section 10 on the
- 10 natural gas requirements.
- 11 The second change, then I'm going to jump down a
- 12 few slides, is found in Part 28, Section 10, Subsection (b),
- 13 which is the accounting method for vented and flared natural
- 14 gas.
- There are two problems, and both are carry-overs
- 16 from Part 27, incorrectly added into Part 28 regulation.
- 17 The first one is an incorrect citation as 19.15.27.8, which
- 18 applies to upstream operators. And the second error is
- 19 referencing natural gas produced, which is the volume
- 20 produced in Part 27 which applies to the upstream operators.
- 21 The final slide is to correct these two errors.
- 22 The first one is a change of citations to correctly cite
- 23 Part 28, and second is to change natural gas produced to
- 24 natural gas gathered.
- 25 That concludes the slides and my explanation of

- 1 the changes.
- Q. Thank you, Jim. In your opinion, are the
- 3 proposed changes described today necessary and appropriate
- 4 to ensure that Part 28 works as intended by this Commission
- 5 when it originally adopted Part 28 earlier this year?
- 6 A. Yes, it -- you know, most definitely on this one
- 7 right here, on this particular slide, the correction is
- 8 simply to the change the citation and to reflect the volume
- 9 that natural gas gatherers are dealing with.
- 10 And then on the first change, it's to correct the
- 11 calculation for lost natural gas. So very simply, both
- 12 changes are needed for the implementation of this regulation
- 13 for compliance.
- 14 Q. Thank you.
- 15 MR. AMES: That concludes the Division's direct
- 16 testimony.
- 17 HEARING EXAMINER ORTH: Thank you very much, Mr.
- 18 Ames and Mr. Bolander. Mr. Feldewert, do you have any
- 19 questions of Mr. Bolander?
- 20 MR. FELDEWERT: Good morning, Ms. Orth. I do
- 21 not.
- 22 HEARING EXAMINER ORTH: All right. Commissioner
- 23 Warnell, do you have questions of Mr. Bolander?
- 24 COMMISSIONER WARNELL: (No audible response.)
- 25 HEARING EXAMINER ORTH: You are muted, sir.

1 COMMISSIONER WARNELL: I have no questions at

- 2 this time. Thank you.
- 3 HEARING EXAMINER ORTH: Thank you. Commissioner
- 4 Bloom?
- 5 COMMISSIONER BLOOM: No questions at this time,
- 6 thank you.
- 7 HEARING EXAMINER ORTH: Thank you. And Madam
- 8 Chair?
- 9 CHAIRWOMAN SANDOVAL: My only question is just to
- 10 confirm that this is merely a small, technical change to
- 11 correct the formula so that it functions properly; correct?
- 12 THE WITNESS: That is correct.
- 13 CHAIRWOMAN SANDOVAL: And this change meets the
- 14 original intent of the rule?
- THE WITNESS: Yes, it does.
- 16 CHAIRWOMAN SANDOVAL: Thank you, Mr. Bolander.
- 17 HEARING EXAMINER ORTH: Thank you very much, Mr.
- 18 Bolander, for your testimony. Mr. Ames, is that the end of
- 19 the Division's presentation?
- 20 MR. AMES: Yes, it is. The Division rests.
- 21 HEARING EXAMINER ORTH: All right, thank you.
- 22 Mr. Feldewert, do you have anything to offer on behalf of
- 23 NMOGA?
- MR. FELDEWERT: Ms. Orth, Madam Chair, Members of
- 25 the Commission, NMOGA does not oppose these amendments.

- 1 They are fairly straightforward, and you have correctly
- 2 characterized them as a technical change. I don't know of
- 3 issues of concern (audio disruption).
- 4 HEARING EXAMINER ORTH: Thank you very much.
- 5 Madam Chair, I know that when you checked yesterday, we we
- 6 had no evidence of public comment or anyone wishing to offer
- 7 public comment. If that hasn't changed, I will ask once
- 8 while we are in the platform if there is anyone who wishes
- 9 to offer public comment on this proposed amendment to Part
- 10 28 at this time.
- 11 CHAIRWOMAN SANDOVAL: I checked with Ms. Davidson
- 12 this morning and -- let me check. I will find it. Also at
- 13 this time there are no additional people on the platform
- 14 that would appear as attendees.
- 15 HEARING EXAMINER ORTH: Thank you very much for
- 16 checking that. Let's see. Oh, I wanted to just put on the
- 17 record that unless there are objections, Exhibits -- the
- 18 Division's Exhibits 1 and 2, namely Mr. Bolander's resume
- 19 and his PowerPoint presentation, will be admitted. Okay,
- 20 Exhibits 1 and 2 are admitted.
- 21 (Exhibits 1 and 2 admitted.)
- 22 HEARING EXAMINER ORTH: Is there anything else we
- 23 need to do while we are together, Mr. Ames? As I know you
- 24 heard, it seems the Commission can't really begin its
- 25 deliberations until noon today.

1 MR. AMES: Ms. Orth, I don't have anything. Can

- 2 you explain the process, though, for reconvening?
- 3 HEARING EXAMINER ORTH: Well, so I will just
- 4 speak the words now that this part of the hearing record has
- 5 come to an end. The only other thing that might be made
- 6 part of the record would be public comment submitted between
- 7 now and noon. And so it would be up to Madam Chair and the
- 8 other Commissioners to make a decision to reconvene at noon.
- 9 So, Madam Chair, I will mute myself and let you
- 10 take it from here.
- 11 CHAIRWOMAN SANDOVAL: Thank you, Ms. Orth.
- 12 (Audio disruption) as of 8:43 this morning, there were no
- 13 public comments that had been received. So I would propose
- 14 that we reconvene at noon to deliberate regarding the rule.
- 15 I will make sure that we have (audio disruption) we will
- 16 have been able to take into consideration any comments that
- 17 have been received and then we can move forward. Mr.
- 18 Moander?
- 19 MR. MOANDER: Madam Chair, this is Chris Moander.
- 20 So I think what we want to do in an abundance of caution --
- 21 and I recognize there is level of tedium built into this
- 22 that touches rulemaking -- that we keep this platform open
- 23 until noon so that way if someone comes in, you know, I will
- 24 monitor and I assume the hearing officer will probably be
- 25 present as well. So if someone does come in and wants to

1 make a comment up to noon, then we can notify and have

- 2 everyone return to receive that comment on the record.
- 3 That's my suggestion.
- 4 CHAIRWOMAN SANDOVAL: That's fine, I can leave
- 5 the platform open so that anyone is able to join at any
- 6 time.
- 7 HEARING EXAMINER ORTH: And I will monitor it as
- 8 well. I will turn off my video, but I will monitor it.
- 9 Thank you.
- 10 CHAIRWOMAN SANDOVAL: Do we need to make a motion
- 11 to reconvene?
- MR. MOANDER: Well, in a sense we are sort of not
- 13 going into recess, really, at this point because the panel
- 14 will be available, the Commission is available, so I don't
- 15 think you need to do that.
- 16 On the other hand, since we have the time now,
- 17 the, the Commission could move to sort of -- well, I don't
- 18 want to say table -- and I guess it would be -- we could
- 19 sort of adjourn the rulemaking hearing for the moment and
- 20 continue the rest of the meeting and flesh out the other
- 21 three items in the interim as well. So that's an option,
- 22 too.
- 23 CHAIRWOMAN SANDOVAL: Okay. I'm fine with moving
- 24 into agenda items and then coming back because that to the
- 25 other hearing.

1 MR. MOANDER: Technically, yeah, we can proceed

- 2 on with the understanding that we are taking things out of
- 3 order. There is nothing being added, so I don't think there
- 4 is a need for a motion to modify the agenda necessarily, we
- 5 will just return to rulemaking at noon.
- 6 CHAIRWOMAN SANDOVAL: Okay.
- 7 (Case 22225 paused, Agenda Items 7 through 9
- 8 heard.)
- 9 COMMISSIONER BLOOM: Should I keep my phone on in
- 10 case we need to reconvene to hear any public comment?
- 11 MR. MOANDER: Please do that in case there is a
- 12 scramble here. I don't anticipate there is going to be one,
- 13 but my job is to assume the worst so keep those
- 14 communication vectors open, please.
- 15 CHAIRWOMAN SANDOVAL: I will leave the platform
- 16 open. Thank you, everybody.
- 17 (Open platform pause.)
- 18 HEARING EXAMINER ORTH: We've had a recess in the
- 19 hearing in Case Number 22225 to check to see if anyone has
- 20 joined us in order to offer public comment on the proposed
- 21 amendment to Part 28.
- I don't see anyone who wasn't with us before
- 23 except Ms. Davidson. Ms. Davidson, have you received any
- 24 public comment or requests to offer public comment orally?
- Ms. Davidson, if you are speaking, I can't hear

- 1 you.
- 2 MS. DAVIDSON: I was muted. No comment of any
- 3 kind at all.
- 4 HEARING EXAMINER ORTH: Thank you very much. In
- 5 that case, we will close the record in this matter, and
- 6 Madam Chair, I believe that it is ripe for the Commission's
- 7 deliberations.
- 8 CHAIRWOMAN SANDOVAL: Thank you, Ms. Orth. Mr.
- 9 Moander, do we need to do anything formal before going into
- 10 deliberation?
- MR. MOANDER: No. With the record closed, that,
- 12 that signals that the time is ripe for deliberation, so this
- is one where the Commission has a certain degree of liberty
- in how it wants to deal with deliberations.
- In this instance, because there is only one rule
- 16 that is under consideration, and the changes are fairly
- 17 minor, I'm not going to strongly encourage the Commission to
- 18 go line by line through these changes, but I do recommend
- 19 that the Commission discuss them and set forth some bases
- 20 for adoption.
- 21 CHAIRWOMAN SANDOVAL: Okay, thank you. So it
- 22 looks like there are two main changes, proposed changes to
- 23 Part 28 which. We can start with the first one,
- 24 19.15.28.F(3)(a). This is the formula to calculate the gas
- 25 capture from midstream operations.

1 The Division is proposing this change because the

- 2 previous calculation had some technical errors to it and in
- 3 order for it to work appropriately they had proposed
- 4 changes.
- 5 With the changes they cleaned up the formula,
- 6 they made it clear, and they captured the intent of the
- 7 original rule which was to calculate the operator's gas
- 8 capture percentage in order to show compliance with the
- 9 rule.
- 10 Commissioners do you have any comments on the
- 11 19.15.28F(3)(a)?
- 12 COMMISSIONER BLOOM: Madam Chair, clearly from
- 13 what we heard today, we had an error in the recently created
- 14 rule here, and we now have a proposed fix that we heard
- 15 testimony on from our expert witness by Mr. Ames of OCD. I
- 16 have reason no believe that this (audio disruption) should
- 17 take care of the matter related to 19.15.28.8(F)(3) dot (a).
- 18 So I'm in support of all of these changes.
- 19 COMMISSIONER WARNELL: Madam Chair, I also
- 20 support the gas capture formula changes.
- 21 CHAIRWOMAN SANDOVAL: Commissioner Warner,
- 22 Commissioner Bloom, we also had a second change in
- 23 19.15.28.10.B. Here there were just some minor clean-up
- 24 pieces. There was a citation change from -- referring to
- 25 Subsection F of Part 27. It should be Subsection F of Part

- 1 28.
- 2 And then the other small changes here were also
- 3 representing that this is the -- changing the word produced
- 4 to gathered, and it (audio disruption) changes as proposed
- 5 by the Division.
- 6 COMMISSIONER BLOOM: Madam Chair, I also agree
- 7 that makes sense to fix the citation here and also to refer
- 8 to natural gas being gathered versus produced in this
- 9 section and I also concur that it a gets out the original
- 10 intent of the rulemaking earlier this year and last year.
- 11 Thank you.
- 12 COMMISSIONER WARNELL: Madam Chair, I also
- 13 support the changes for clean-up.
- 14 CHAIRWOMAN SANDOVAL: Thank you. Mr. Moander,
- 15 can we do a motion for both of them at once to adopt the
- 16 changes, or do we need to do them individually?
- 17 MR. MOANDER: Madam Chair, given the reduced size
- 18 of these changes compared to the more conventional
- 19 rulemaking, one motion could deal with both of these.
- 20 CHAIRWOMAN SANDOVAL: Thank you. Is there a
- 21 motion from the commissioners to adopt the changes to
- 22 19.15.28.8.F(3)(a) and 19.15.28.10.B as is proposed by the
- 23 Division in their filings?
- 24 COMMISSIONER BLOOM: Madam Chair, I so move.
- 25 COMMISSIONER WARNELL: Madam Chair, I second the

- 1 motion.
- 2 CHAIRWOMAN SANDOVAL: Would you please do a roll
- 3 call vote.
- 4 MR. MOANDER: Yes, Madam Chair. Commissioner
- 5 Bloom?
- 6 COMMISSIONER BLOOM: Approved.
- 7 MR. MOANDER: Commissioner Warnell?
- 8 COMMISSIONER WARNELL: Approved.
- 9 MR. MOANDER: Madam Chair?
- 10 CHAIRWOMAN SANDOVAL: Approved.
- 11 MR. MOANDER: The motion carries and the
- 12 Commission has adopted OCD's proposed changes to Section 28
- 13 and Subsections 8 and 10.
- 14 CHAIRWOMAN SANDOVAL: Thank you. And I would
- 15 propose that we -- do we adopt a final order at the January
- 16 hearing?
- 17 MR. MOANDER: Yes, Madam Chair. So there is a
- 18 20-day window for any objections, request for rehearing, et
- 19 cetera on the Commission's rules. So I haven't done the
- 20 math, but I think we should be okay in January, at least by
- 21 that time we should be okay.
- 22 I will prepare all the documents for this and
- 23 work with the staff and Marlene and have them properly
- 24 submitted to the appropriate authorities, and then in
- 25 January you will receive a draft copy of the short, concise

Page 22 adoption statement for consideration in the January meeting. 1 CHAIRWOMAN SANDOVAL: Thank You. All right. 2 Well, with that, we did go through the remainder of the 3 agenda items before we went on break, and so I think with 5 that we are done for the day. 6 MR. MOANDER: Thank you, Madam Chair. Happy 7 holidays, everybody. I don't think we will see each other 8 until after the first of the year. 9 COMMISSIONER WARNELL: We are done for the day? 10 (Inaudible.) 11 CHAIRWOMAN SANDOVAL: They were excellent today. 12 Good job, guys. Thank you, everybody. Have a good holiday. 13 (Concluded.) 14 15 16 17 18 19 20 21 22 23 24 25

Page 23 STATE OF NEW MEXICO 2. COUNTY OF BERNALILLO 3 REPORTER'S CERTIFICATE 5 I, PAUL BACA, New Mexico Certified Court 6 7 Reporter, do hereby certify that I reported the foregoing 8 virtual proceedings in stenographic shorthand and that the 9 foregoing pages are a true and correct transcript of those 10 proceedings to the best of my ability. I FURTHER CERTIFY that I am neither employed by 11 12 nor related to any of the parties or attorneys in this case 13 and that I have no interest in the final disposition of this 14 case. 15 I FURTHER CERTIFY that the Virtual Proceeding was of extremely poor to good quality. 16 Dated this 17th day of December 2021. 17 18 /s/ Paul Baca 19 PAUL BACA 20 License Expires: 12-31-22 2.1 22 23 2.4

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