

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

**IN THE MATTER OF PROPOSED
AMENDMENT TO THE COMMISSION'S
RULES TO ADDRESS CHEMICAL DISCLOSURE AND
THE USE OF PERFLUOROALKYL AND
POLYFLUOROALKYL SUBSTANCES AND
IN OIL AND GAS EXTRACTION,
19.15.2, 19.15.7, 19.15.14, 19.15.16, AND 19.15.25 NMAC**

Case No. 23580

WILDEARTH GUARDIANS,

PETITIONER.

**NEW MEXICO OIL & GAS ASSOCIATION'S MOTION TO STRIKE REBUTTAL
TESTIMONY AND EXHIBITS OF KRISTEN HANSEN**

The New Mexico Oil & Gas Association (“NMOGA”) hereby moves to strike New Energy Economy’s (“NEE”) Notice of Intent to Present Technical Testimony of Kristen Hansen (“Rebuttal Testimony”) filed today, November 4, 2024, because there is a pending motion to exclude the testimony of Kristen Hansen, which must be decided first, and because such filing violates the express language of the June 3, 2024, Amended Scheduling Order.

On October 28, 2024, NMOGA timely filed a Motion in Limine to Exclude the Technical Testimony and Exhibits of Kristen Hansen (“Motion in Limine”). *See* Motion in Limine, at pg. 1. This Motion in Limine remains pending and will likely be addressed at the November 6, 2024, hearing. *See* October 30, 2024, e-mail communication from Hearing Officer Orth to Parties (identifying that the “4 motions [in limine]” will be addressed on November 6). Consequently, NEE’s Rebuttal Testimony of Kristen Hansen is pre-mature, as the Hearing Officer has not yet ruled on whether Ms. Hansen’s direct testimony and exhibits will be admitted in the first instance.

Additionally, pursuant to the June 3, 2024, Amended Procedural Order (“Procedural Order”), “technical rebuttal testimony *may* be permitted *upon a finding* by the Commission that the proffered testimony is offered solely for the purposes of rebuttal.” *See* Procedural Order, at pg. 2, ¶ 3. The Commission has made no such finding in this matter. NEE filing its Rebuttal Testimony is, therefore, also procedurally improper and the testimony must be struck from the record. Only “upon a finding by the Commission,” may NEE file any Rebuttal Testimony.

WHEREFORE, NMOGA respectfully requests that NEE’s Rebuttal Testimony be struck from the record and for other relief as is deemed just and proper.

Respectfully submitted,

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**ATTORNEYS FOR THE NEW MEXICO OIL & GAS
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Motion to Strike Rebuttal Testimony and Exhibits of Kristen Hansen was e-mailed to the following on November 4, 2024:

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Individually