

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

IN THE MATTER OF THE  
OIL CONSERVATION DIVISION  
PRE-HEARING DOCKET 45-19

REPORTER'S TRANSCRIPT OF PROCEEDINGS

PRE-HEARING TRANSCRIPT

JANUARY 23, 2020

SANTA FE, NEW MEXICO

BEFORE: FELICIA ORTH, CHIEF EXAMINER  
LEONARD LOWE, TECHNICAL EXAMINER  
ERIC AMES, LEGAL EXAMINER

This matter came on for hearing before the New Mexico Oil Conservation Division, EXAMINERS FELICIA ORTH, LEONARD LOWE, and LEGAL EXAMINER ERIC AMES, on Thursday, January 23, 2020, at the New Mexico Energy, Minerals, and Natural Resources Department, Wendell Chino Building, 1220 South St. Francis Drive, Porter Hall, Room 102, Santa Fe, New Mexico.

Reported by: Irene Delgado, NMCCR 253  
PAUL BACA PROFESSIONAL COURT REPORTERS  
500 Fourth Street, NW, Suite 105  
Albuquerque, NM 87102  
505-843-9241

1 HEARING EXAMINER ORTH: Good morning. My name is  
2 Felicia Orth. I'm the hearing officer appointed by the  
3 director of the Oil Conservation Division to conduct this  
4 hearing today, Thursday, January 23, 2020. We have a  
5 certified court reporter, Irene Delgado, making the  
6 transcript.

7 I'm here at the desk with Eric Ames and Leonard  
8 Lowe. On the back table you will find a couple of  
9 documents, one is the docket with 13 matters, affidavit  
10 matters, or matters we believe that will be presented by  
11 affidavit come first. Matters that may or may not be  
12 presented by affidavit or may go to hearing are after that.  
13 We will try to get through, again, the ones that are  
14 presented by affidavit before deciding the order in which we  
15 will take at the hearing today.

16 The other thing you will find is the docket in  
17 full. This is everything that might have been heard today.  
18 You will notice in the second column that some of the  
19 matters have been continued to February and March, and some  
20 have been dismissed. So if you don't see your matter on  
21 this docket, please look to see the status in this docket.

22 Before we get to calling for appearances for each  
23 of the items on this docket, I believe Mr. Ames has some  
24 announcements.

25 MR. AMES: Good morning. First, at the last

1 hearing -- well, at the last hearing counsel came and asked  
2 three questions, and we have answers for those questions  
3 now.

4           First, the first question concerned the  
5 requirement in the OCD hearing guidelines in the compulsory  
6 pooling checklist notice that says the applicant must submit  
7 the application at the hearing. The question was raised  
8 whether this was necessary because the application was  
9 already in the record. OCD does request the applicant to  
10 include the applications with their submittals at the  
11 hearing so the bureau staff can have all the relevant  
12 documents in one package. If in this hearing you haven't  
13 done that, that's not a problem, but going forward let's try  
14 and do that, please.

15           The second question concerned copies of exhibits  
16 being presented at these hearings. Typically in cases  
17 presented by affidavit. The guidelines call for the  
18 applicant to provide an original copy to the hearing -- or  
19 an original to the Hearing Examiner and a copy to the court  
20 reporter.

21           It was asked whether the applicants should  
22 provide additional copies for engineering bureau staff who  
23 attend as technical examiners. OCD requests that applicants  
24 provide the original and two copies to the Hearing Examiner  
25 and engineering bureau staff, so a total of three copies to

1 the table, and one copy to the court reporter.

2 The third issue concerns notice. The question  
3 was raised how the Division will handle cases for which the  
4 applicant failed to publish hearing notice when required or  
5 failed to publish timely or does not have the affidavit of  
6 publication at the hearing.

7 The Hearing Examiner will offer the applicant --  
8 the response response is, from the Division, the Hearing  
9 Examiner will offer the applicant a choice of dismissing the  
10 case or continuing the case. If the applicant wishes to  
11 continue the case, it must file the appropriate motion via  
12 the fee portal within five days of the hearing or the  
13 application will be dismissed.

14 That's all. Thank you. And if you have any  
15 other questions, come talk to me at a break and we'll figure  
16 out how to figure it out.

17 HEARING EXAMINER ORTH: Thank you, Mr. Ames.  
18 Anything, Mr. Lowe?

19 EXAMINER LOWE: No.

20 (Cases called and/or heard.)

21 HEARING EXAMINER ORTH: I believe that brings us  
22 to the end of the docket for today. Does anyone disagree  
23 with that?

24 MS. BENNETT: Is Mr. Bruce going to come back?

25 EXAMINER GOETZE: Is Mr. Bruce going to reappear?

1                   HEARING EXAMINER ORTH: No. Mr. Bruce  
2 understands that the five matters in which he wasn't  
3 completely ready are being continued to February 6, and that  
4 included on this docket Matters 1, 2 and 3, and Matters 9  
5 and 10.

6                   MR. FELDEWERT: Continued to February 6?

7                   MR. AMES: Point of clarification. Per our  
8 announcement, Mr. Bruce needs to file a motion to continue  
9 those cases to February 6, and I will reach out to him and  
10 remind him of that.

11                   HEARING EXAMINER ORTH: All right. Thank you.  
12 Thank you all.

13                   (Docket concluded.)

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1 STATE OF NEW MEXICO  
2 COUNTY OF BERNALILLO

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4 REPORTER'S CERTIFICATE

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6 I, IRENE DELGADO, New Mexico Certified Court  
7 Reporter, CCR 253, do hereby certify that I reported the  
8 foregoing proceedings in stenographic shorthand and that the  
9 foregoing pages are a true and correct transcript of those  
10 proceedings that were reduced to printed form by me to the  
11 best of my ability.

12 I FURTHER CERTIFY that the Reporter's Record of  
13 the proceedings truly and accurately reflects the exhibits,  
14 if any, offered by the respective parties.

15 I FURTHER CERTIFY that I am neither employed by  
16 nor related to any of the parties of attorneys in this case  
17 and that I have no interest in the final disposition of this  
18 case.

19 Dated this 23rd day of January 2020.

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Irene Delgado, NMCCR 253  
License Expires: 12-31-20

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