

**STATE OF NEW MEXICO
NEW MEXICO OIL CONSERVATION COMMISSION**

**AMENDED APPLICATION OF OIL CONSERVATION
DIVISION TO ADOPT 19.15.41, 19.15.42, and
19.15.43 NMAC; STATEWIDE**

CASE NO. 25875

PREHEARING PROCEDURAL ORDER

This matter is scheduled for hearing before the Oil Conservation Commission (“Commission”) beginning July 27, 2026. Having been apprised of the content of the Notice of Public Hearing for Proposed Rulemaking to be published in the New Mexico Register on June 9, 2026 for this matter and convened the parties in a prehearing conference on May 13, 2026, the Hearing Officer orders as follows:

1. The public hearing in this matter will be conducted in person, with a virtual participation option, beginning Monday, July 27, 2026 at 9:00 am and continuing as necessary through August 7, 2026. The Motion to postpone the hearing was rendered moot when the Commissioners’ schedules were reviewed; the Motion is denied.

2. Any person intending to propose a modification to the proposed amendments, to present technical testimony at the hearing, or to cross-examine witnesses shall file a Prehearing Statement consistent with the requirements of 19.15.3.11.B NMAC, except that instead of filing a concise statement of each witness’s testimony as required by 19.15.3.11.B(2) NMAC, the person shall file each witness’s full direct testimony. The Prehearing Statement shall include:

- a) The person’s name and its attorney’s name,
- b) The names of all witnesses the person will call to testify at the hearing,
- c) All witnesses’ full direct testimony, their qualifications including a description of their education and experience, and the approximate time to present a

summary of the witness's direct testimony,

d) Any proposed modifications to the proposed rule change with reasons for adopting the modifications, and

e) All exhibits the person plans to offer as direct exhibits at the hearing.

3. The Prehearing Statement with full direct testimony and exhibits shall be filed and served no later than end of calendar day on June 29, 2026.

4. In the event a party wishes to present rebuttal testimony, the full written rebuttal testimony and exhibits shall be filed and served no later than end of calendar day on July 13, 2026. The written rebuttal testimony shall include all required elements of the direct testimony set forth above in paragraph 2. Rebuttal evidence counters, contradicts, or disproves another party's evidence and is limited to directly addressing points raised in the direct testimony. Rebuttal testimony shall identify the direct testimony it intends to rebut.

5. A party may request to introduce surrebuttal testimony and exhibits at hearing, which may be allowed at the discretion of the Hearing Officer. Surrebuttal evidence responds to rebuttal evidence and is limited to directly addressing points raised in the rebuttal. Surrebuttal testimony shall identify the rebuttal testimony to which it intends to respond.

6. Dispositive motions and motions to exclude evidence shall be filed and served by end of calendar day July 2, 2026. Responses shall be filed and served by end of calendar day July 17, 2026. Replies shall be filed and served by end of calendar day July 24, 2026.

7. Responses to motions shall be filed within 15 days of the filing of a motion. Replies shall be filed within 10 days of the filing of a response.

8. Demonstrative exhibits, including PowerPoint presentations, shall be filed and served by end of calendar day July 22, 2026. [A Dropbox link or other information may be sent to the parties prior to that date to facilitate sharing large files.] Demonstrative exhibits shall reflect the direct or rebuttal evidence filed by the parties and shall not include technical evidence not otherwise introduced in the filed testimony.

9. Prehearing Statements and other documents submitted to the Commission Clerk shall be filed electronically and served electronically on all parties who have entered an appearance. The requirements in 19.15.3 NMAC to file paper copies of documents are waived.

10. At the beginning of the proceeding, prior to taking testimony, any party may give a brief opening statement, not to exceed 15 minutes.

11. Applicants shall present their direct and rebuttal testimony first. A full Schedule of Testimony will be issued following the parties' filing of written testimony. The Schedule of Testimony is a guide, and the Hearing Officer retains discretion to deviate from the schedule, taking witnesses or issues out of order as necessary based on circumstances that arise during the hearing. Cross-examination by the parties shall be in reverse order of their direct testimony.

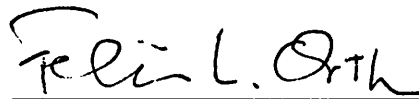
12. Technical witnesses for each party shall not read their filed testimony but may offer a summary of their direct testimony not to exceed 60 minutes and a summary of any rebuttal testimony not to exceed 30 minutes, unless otherwise authorized by the Hearing Officer. The summaries of testimony shall reflect the direct and rebuttal evidence filed by the parties and shall not include technical evidence not otherwise introduced in the filed testimony. Cross-examination of technical witnesses will proceed generally in reverse order of presentation, and shall not exceed 30 minutes per witness per party or aligned set of

parties represented by counsel.

13. A person may submit nontechnical written or electronic comments on a proposed rule change, and those comments shall be made part of the hearing record. A person may provide nontechnical written comments on a proposed rule change to the Commission Clerk until the hearing adjourns.

14. The Hearing Officer shall provide an opportunity for nontechnical public comment each day of the hearing in a manner that accommodates the public. This may require interrupting the technical testimony from time to time. Public comment sessions will be reserved at 4:00 pm on July 27, 2026, and at 9:00 a.m. on July 28, 2026 and each day thereafter that the hearing continues, each session not to exceed an hour. Members of the public wishing to offer nontechnical public comment may do so once either in person or on the virtual platform with access provided and managed by the Oil Conservation Division. Those wishing to comment may be invited but will not be required to sign up for a time slot in which they wish to speak. Oral public comment is limited to three minutes.

15. To the extent not in conflict with the above, the rulemaking procedures in 19.15.3 NMAC apply.



Felicia Orth
Oil Conservation Commission Hearing Officer