

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

**APPLICATION OF NEW MEXICO
OIL CONSERVATION DIVISION TO
AMEND 19.15.5 NMAC, STATEWIDE**

**CASE NO. 20895
ORDER NO. R-20985**

ORDER OF THE COMMISSION

THIS MATTER came before the New Mexico Oil Conservation Commission (“Commission”) on the Request for Continuance of the January 2, 2020 rules hearing filed on December 16, 2019 by Larry Marker, a noticed party. The request references a pending lawsuit in the Fifth Judicial District Court which challenges the legislation authorizing the rules under review at the January 2 hearing. The request also alleges that the Oil Conservation Commission provided an insufficient period for potential parties to file prehearing statements pursuant to NMAC 19.15.3.11. Mr. Marker requests that the Commission postpone the rulemaking until such time as the Court provides a judgment in the pending matter, or, in the alternative, postpone the January 2 hearing in order to provide notice and a sufficient period for potential parties to file prehearing statements.

After review the Commission finds that the legislation under review by the District Court will go into effect on January 1, 2020 and that the Court has not issued a stay of any kind which would delay that effective date. Therefore, pursuant to this legislation, the Commission is fully authorized to promulgate and enforce related rules after the January 2 rules hearing is conducted. Additionally, the Commission has reviewed the notice documents provided for the upcoming hearing and find that sufficient notice and filing periods were provided to potential parties.

For the foregoing reasons, the Commission finds that the Request for Hearing is not well taken and is hereby DENIED.

IT IS SO ORDERED.

DONE at Santa Fe, New Mexico, on this 23rd day of December 2019.



SEAL

**STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION**

A handwritten signature in blue ink, appearing to read "AS", written over the printed name.

ADRIENNE SANDOVAL, M.E., CHAIR