

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

IN THE MATTER OF THE
OIL CONSERVATION DIVISION
PRE-HEARING DOCKET 04-22

REPORTER'S TRANSCRIPT OF VIRTUAL PROCEEDINGS
PRE-HEARING TRANSCRIPT
FEBRUARY 3, 2022
SANTA FE, NEW MEXICO

BEFORE: WILLIAM BRANCARD, HEARING EXAMINER
DYLAN ROSE-COSS, TECHNICAL EXAMINER

This matter came on for hearing before the New Mexico Oil Conservation Division, HEARING EXAMINER WILLIAM BRANCARD and TECHNICAL EXAMINER DYLAN ROSE-COSS, on Thursday, February 3, 2022, via Webex Virtual Platform.

Reported by: Irene Delgado, NMCCR 253
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1 HEARING EXAMINER BRANCARD: Good morning,
2 everyone. It is a fine morning, February 3, 2022. It is
3 not a snow day for the OCD Hearings Bureau. We are here in
4 the Oil Conservation Division hearings. With us is Ms.
5 Delgado who will serve as court reporter, so, as always,
6 speak clearly and slowly. And I believe we have a technical
7 examiner, and he is on, Mr. Rose-Coss.

8 TECHNICAL EXAMINER ROSE-COSS: Morning, everyone.

9 HEARING EXAMINER BRANCARD: Excellent. Tie and
10 everything, look at that, I'm impressed. So with that, we
11 have an agenda of 50 items today, some of which may go
12 quickly, some of which may not. Do we have any
13 announcements today, Mr. Rose-Coss?

14 TECHNICAL EXAMINER ROSE-COSS: None from me.

15 HEARING EXAMINER BRANCARD: Okay. With that, we
16 will get going. The hearing will start, as always, at least
17 under my watch, with status conferences. I assume everybody
18 is here, I haven't heard any screams from anybody that some
19 party is missing because of a little bit of snow. Isn't
20 that why we get these SUVs, is so that one day it will snow?

21 (Docket hearings held. Further prehearing
22 discussion held as follows:)

23 MR. BRUCE: Before you sign off, Mr. Brancard, I
24 mean this case can be taken under advisement. I have a
25 general question on Division procedure, and I wish more the

1 attorneys were here, but I have already spoken with one
2 attorney, and Adam, are you still on the line?

3 MR. RANKIN: I am.

4 MR. BRUCE: This goes to the procedures --
5 believe me, I know how busy the Division is because I know
6 how damn busy, I am, but sometimes you know when the dockets
7 get kind of full, this happened to me in December when the
8 Division said they are not taking any more continuances to
9 the January 16 docket because it was full. And I had some
10 cases that I really really needed to get on there, but they
11 were put off until the February 17 docket.

12 Well, then you get to February 16 or the 20, I
13 mean, and I think the whole hearing took an hour and a
14 quarter, and, you know, of course scheduling is difficult
15 but especially if the matters aren't contested, you know,
16 and of course on this docket there was a bunch of
17 continuances, kind of, and if you had closed off everything
18 off automatically, some things that need to get heard,
19 especially that are uncontested, I don't see a problem in
20 putting them on a certain docket.

21 And the Division, I believe, always retains the
22 authority to e-mail me and say, sorry, Mr. Bruce there is
23 all of these cases that are still on the docket and go ahead
24 and you need to continue your cases for a month or two
25 months or whatever. But if you preliminarily say a docket

1 is full and a hearing lasts only a little more than an hour,
2 it's kind of frustrating for some of the attorneys out
3 there.

4 I'm not trying to be critical of the Division,
5 it's just -- and you know, Mr. Examiner, I live for
6 continuances, but it's just kind of frustrating sometimes.

7 HEARING EXAMINER BRANCARD: Well, I appreciate
8 Mr. Bruce, your comments. You know, we are trying to juggle
9 several things at the same time --

10 MR. BRUCE: I know.

11 HEARING EXAMINER BRANCARD: -- moving cases
12 forward, and, at the same time not, overwhelming us and then
13 of course there are actual deadlines we have or Marlene has
14 to get the docket out.

15 MR. BRUCE: Right.

16 HEARING EXAMINER BRANCARD: Once she hits a
17 deadline, which is one reason why, for instance, you know,
18 today, I'm just making it a practice when we continue a case
19 for the next hearing that you don't have to file a
20 continuance, and I don't know that argument --

21 MR. BRUCE: And I really appreciate that effort
22 on behalf of the Division.

23 HEARING EXAMINER BRANCARD: That's in large part
24 due to the fact that Marlene has to getting the docket out
25 for the next cases by the end of the day, so she can't be

1 waiting for anybody to file something. It's a whole \$150
2 bucks and, you know, we just move forward.

3 MR. BRUCE: Knowing that Marlene can get by on
4 four hours of sleep a night, too, so --

5 HEARING EXAMINER BRANCARD: So I think I try to
6 keep that in mind when you have uncontested matters that are
7 easier to add them to a docket than a contested one.

8 MR. BRUCE: Yeah, I agree with that.

9 HEARING EXAMINER BRANCARD: Something that we
10 have to keep in mind, you know, and a status conference is
11 easy to add to a docket. And we simply had a rash for
12 months now of contested cases --

13 MR. BRUCE: Right.

14 HEARING EXAMINER BRANCARD: -- put off again and
15 again and again.

16 MR. BRUCE: I'm not -- the contested cases I
17 fully understand that, but if they are uncontested, even
18 though there might be four or six cases in a group, you
19 know, they only take minutes to present it, that's all.

20 Especially everybody knows that there is always
21 going to be a certain number of continuances whether opposed
22 or unopposed, that doesn't matter.

23 HEARING EXAMINER BRANCARD: We had well over a
24 hundred cases scheduled for the last hearing, and we had
25 (inaudible) go forward. Astounding.

1 MR. BRUCE: I know, I know. And believe me, I
2 wasn't upset at being done at a quarter to 9, so --

3 HEARING EXAMINER BRANCARD: That was a record.
4 Thank you, Mr. Bruce, I appreciate your comments.

5 MR. BRUCE: Okay.

6 HEARING EXAMINER BRANCARD: But we are not done
7 today, right, Mr. Rankin.

8 MR. RANKIN: We are not done.

9 MR. BRUCE: Adam, I will let you have at it.

10 (Prehearing discussions 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 virtual proceedings in stenographic shorthand and
9 that the foregoing pages are a true and correct transcript
10 of those proceedings to the best of my ability.

11 I FURTHER CERTIFY that I am neither employed by
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
16 of poor to good quality.

17 Dated this 3rd day of February 2022.

18

/s/ Irene Delgado

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Irene Delgado, NMCCR 253
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