

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

IN THE MATTER OF THE HEARING CALLED BY)
THE OIL CONSERVATION COMMISSION FOR THE)
PURPOSE OF CONSIDERING:)

APPLICATION OF THE NEW MEXICO OIL)
CONSERVATION DIVISION FOR REPEAL OF)
EXISTING RULE 50 CONCERNING PITS AND)
BELOW GRADE TANKS AND ADOPTION OF A)
NEW RULE GOVERNING PITS, BELOW GRADE)
TANKS, CLOSED LOOP SYSTEMS AND OTHER)
ALTERNATIVE METHODS TO THE FOREGOING,)
AND AMENDING OTHER RULES TO MAKE)
CONFORMING CHANGES)

CASE NO. 14,015

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

FINAL ACTION BY THE COMMISSION

BEFORE: MARK E. FESMIRE, CHAIRMAN
JAMI BAILEY, COMMISSIONER
WILLIAM OLSON, COMMISSIONER

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Volume XXIV - May 9th, 2008

Santa Fe, New Mexico

This matter came on for final action by the Oil Conservation Commission, MARK E. FESMIRE, Chairman, on Friday, May 9th, 2008, at the New Mexico Energy, Minerals and Natural Resources Department, 1220 South Saint Francis Drive, Room 102, Santa Fe, New Mexico, Steven T. Brenner, Certified Court Reporter No. 7 for the State of New Mexico.

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I N D E X

Friday, May 9th, 2008 (Volume XXIV)
Final Action by the Commission
CASE NO. 14,015

	PAGE
FINAL ACTION BY THE OIL CONSERVATION COMMISSION	5517
REPORTER'S CERTIFICATE	5520

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A P P E A R A N C E S

FOR THE COMMISSION:

CHERYL BADA
Assistant General Counsel
Energy, Minerals and Natural Resources Department
1220 South St. Francis Drive
Santa Fe, New Mexico 87505

* * *

1 WHEREUPON, the following proceedings were had at
2 9:01 a.m.:

3 CHAIRMAN FESMIRE: The next case before the
4 Commission is Case Number 14,015, the Application of the
5 New Mexico Oil Conservation Division for repeal of existing
6 Rule 50 concerning pits and below-grade tanks and adoption
7 of a new rule governing pits, below-grade tanks, closed-
8 loop systems and other alternative methods to the foregoing
9 and amending other rules to make conforming changes.

10 Counsel has drafted an Order and finalized the
11 Rule.

12 Have the Commissioners had the opportunity to
13 review the presented Order and Rule as presented by
14 counsel?

15 COMMISSIONER BAILEY: Yes, I have. After many
16 iterations, I do believe it is an order to be signed now.

17 CHAIRMAN FESMIRE: Commissioner Olson?

18 COMMISSIONER OLSON: Yes, I likewise have
19 reviewed it many times, and I believe in the -- the changes
20 I had -- edits I put in recently were accepted by counsel,
21 so that's, I think -- I believe it accurately reflects our
22 deliberations and the reasons for our actions.

23 CHAIRMAN FESMIRE: Counsel, is there anything you
24 need to say before we proceed?

25 MS. BADA: No, I'd just like to say that it will

1 either be -- most likely will not be published until June
2 16th, unless things move really quickly, then there's a
3 possibility it could be published in the *Register* for May
4 30th.

5 CHAIRMAN FESMIRE: I too have reviewed the order
6 and the rule as presented by counsel. I think it fairly
7 and accurately represents the decisions of the Commissions
8 -- the decision of the Commission.

9 At this time the Chair would accept a motion to
10 adopt the order as presented by counsel.

11 COMMISSIONER BAILEY: I so move.

12 CHAIRMAN FESMIRE: Is there a second?

13 COMMISSIONER OLSON: Second.

14 CHAIRMAN FESMIRE: All those in favor, signify by
15 saying aye.

16 COMMISSIONER BAILEY: Aye.

17 COMMISSIONER OLSON: Aye.

18 CHAIRMAN FESMIRE: Aye.

19 Let the record reflect that the order in this
20 case was adopted unanimously by the Commissioners. It will
21 be signed and presented to the secretary for recording.

22 While Commissioner Olson signs it, I want to go
23 on record as thanking counsel Bada for her heroic efforts
24 in this case. I think that's a very, very good job of a
25 heck of a lot of work, and I want to thank her on the

1 record.

2 COMMISSIONER BAILEY: I'll second that.

3 (Thereupon, these proceedings were concluded at
4 9:03 a.m.)

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CERTIFICATE OF REPORTER

STATE OF NEW MEXICO)
) ss.
 COUNTY OF SANTA FE)

I, Steven T. Brenner, Certified Court Reporter and Notary Public, HEREBY CERTIFY that the foregoing transcript of proceedings before the Oil Conservation Commission was reported by me; that I transcribed my notes; and that the foregoing is a true and accurate record of the proceedings.

I FURTHER CERTIFY that I am not a relative or employee of any of the parties or attorneys involved in this matter and that I have no personal interest in the final disposition of this matter.

WITNESS MY HAND AND SEAL May 11th, 2008.



STEVEN T. BRENNER
 CCR No. 7

My commission expires: October 16th, 2010