

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

CASE NO. 12,757

(Closing of Session for Deliberation)

TRANSCRIPT OF PROCEEDINGS

BEFORE: LORI WROTENBERY, CHAIRMAN  
JAMI BAILEY, COMMISSIONER

ORIGINAL

02 OCT - 3 AM 9:10  
01 OCT 2002

September 27th, 2002

Santa Fe, New Mexico

This matter came on for hearing before the Oil Conservation Commission, LORI WROTENBERY, Chairman, on Friday, September 27th, 2002, 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

September 27th, 2002  
Commission Hearing  
CASE NO. 12,757 (Closing of Session for Deliberation)

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## A P P E A R A N C E S

FOR THE COMMISSION:

STEPHEN C. ROSS  
Assistant General Counsel  
Energy, Minerals and Natural Resources Department  
1220 South Saint Francis Drive  
Santa Fe, New Mexico 87505

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1           WHEREUPON, the following proceedings were had at  
2 9:10 a.m.:

3           CHAIRMAN WROTENBERY: And then we have one case  
4 in which we're prepared to take final action today, but we  
5 may need to go into executive session to discuss this case  
6 a little bit further, and so I'll entertain a motion that  
7 we move into executive session to deliberate in connection  
8 with any administrative adjudicatory proceeding pending  
9 before the Commission.

10           COMMISSIONER BAILEY: I so move.

11           CHAIRMAN WROTENBERY: I second it. All in favor  
12 say "Aye".

13           COMMISSIONER BAILEY: Aye.

14           CHAIRMAN WROTENBERY: Aye. I don't think we'll  
15 be very long.

16           (Off the record at 9:10 a.m.)

17           (The following proceedings were had at 9:26 a.m.)

18           CHAIRMAN WROTENBERY: Okay, I'll entertain a  
19 motion that we go back into open meeting.

20           COMMISSIONER BAILEY: I move we go back into  
21 meeting.

22           CHAIRMAN WROTENBERY: I'll second that motion,  
23 and we'll get started again.

24           I'll note for the record that the Commission  
25 discussed just one item while in executive session, and

1 that is Case 12,757, the Application of the New Mexico Oil  
2 Conservation Division for an order requiring Marks and  
3 Garner Production Ltd. Company to properly plug 17 wells,  
4 authorizing the Division to plug said wells in default of  
5 compliance by Marks and Garner Ltd. Company, ordering a  
6 forfeiture of applicable plugging bond and assessing civil  
7 penalties for false production reporting, all in Eddy  
8 County, New Mexico.

9 And Commissioner, we do have a draft order. Have  
10 you had a chance to review that order?

11 COMMISSIONER BAILEY: Yes.

12 CHAIRMAN WROTENBERY: And are you prepared to act  
13 on it?

14 COMMISSIONER BAILEY: I'm here to sign off on  
15 this order.

16 CHAIRMAN WROTENBERY: Okay. Then I'll entertain  
17 a motion that we adopt the Order in this case as drafted.

18 COMMISSIONER BAILEY: With minor corrections.

19 CHAIRMAN WROTENBERY: With -- yes, we had --  
20 actually, on the version that we are signing here, we've  
21 noted a couple of corrections that need to be made.

22 One is that we need to complete the API number on  
23 page 2 of the order for the Cave Pool Unit Number 19.  
24 There's a typo there and the last few digits are missing.

25 And on page 9 we have changed in finding

1 paragraph 46 -- on the second line the amount of the  
2 penalty had read in the amount of \$180, although the amount  
3 listed in parentheses listed after that was \$200. We're  
4 going to make those two parts of the phrase consistent, and  
5 so the line will read, "amount of \$200 for each false  
6 report submitted".

7 And then in the -- We just noted on page 10, in  
8 Ordering Paragraph Number 4, the second line, the date  
9 listed is March 31st, 2002. That should, of course, be  
10 March 31st, 2003.

11 MR. ROSS: You've got the -- it's not  
12 incorporated.

13 CHAIRMAN WROTENBERY: There it is.

14 MR. ROSS: 2002, right?

15 CHAIRMAN WROTENBERY: Right, 2003, another --  
16 just a typo.

17 Okay, and with those corrections, do I have a  
18 motion to approve the Order?

19 COMMISSIONER BAILEY: I move we approve the  
20 Order.

21 CHAIRMAN WROTENBERY: Okay, I'll second that  
22 motion. All in favor say "Aye".

23 COMMISSIONER BAILEY: Aye.

24 CHAIRMAN WROTENBERY: Aye.

25 Okay. Florene, is there any other business we

1 need to take care of today?

2 MS. DAVIDSON: No.

3 CHAIRMAN WROTENBERY: Then I think we'll consider  
4 this meeting adjourned. Thank you, everybody.

5 (Thereupon, these proceedings were concluded at  
6 9:30 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 September 27th, 2002.



STEVEN T. BRENNER  
 CCR No. 7

My commission expires: October 14, 2002