

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

**IN THE MATTER OF PROPOSED
AMENDMENTS TO 19.15.2, 19.15.5,
19.15.8, 19.15.9, AND 19.15.25 NMAC**

CASE NO. 24683

**APPLICANTS' NOTICE OF FILING PROPOSED PREHEARING PROCEDURAL
ORDER**

Applicants hereby file a Proposed Prehearing Procedural Order prior to the June 6, 2025 prehearing conference in this matter. The proposed order reflects the provisions in the Notice of Public Hearing for Proposed Rulemaking published for this rulemaking in the New Mexico Register on May 20, 2025.

Applicants have conferred with the other parties on the proposed order and have endeavored to address all concerns raised to reach agreement on the terms of the order.

Respectfully submitted,

/s/ Tannis Fox

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Certificate of Service

I certify that on June 4, 2025, I served the foregoing pleading to the following via email:

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/s/ Tannis Fox
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CASE NO. 24683

PROPOSED PREHEARING PROCEDURAL ORDER

This matter is scheduled for hearing before the Oil Conservation Commission (“Commission”) beginning October 20, 2025. Having reviewed the Notice of Public Hearing for Proposed Rulemaking published in the New Mexico Register on May 20, 2025 for this matter and convened the parties in a prehearing conference on June 6, 2025, 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, October 20, 2025 at 9:00 am and continuing as necessary through November 7, 2025.
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 5:00 pm on July 25, 2025.

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 5:00 pm on September 5, 2025. 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 September 15, 2025 at 5:00 pm. Responses shall be filed and served by September 30, 2025 at 5:00 pm. Replies shall be filed and served by October 10, 2025 at 5:00 pm.

7. Demonstrative exhibits, including PowerPoint presentations, shall be filed and served by October 15, 2025 at 5:00 pm. [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.

8. 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.

9. At the beginning of the proceeding, prior to taking testimony, any party may give a brief opening statement.

10. 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.

11. 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.

12. 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.

13. 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 October 20, 2025, and at 9:00 am and 4:00 pm on October 21, 2025 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.

14. 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