

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

REPORTER'S TRANSCRIPT OF PROCEEDINGS

COMMISSIONER HEARING

Agenda Items 1 through 5 and 7 through 10

June 6, 2019

Santa Fe, New Mexico

BEFORE: ADRIENNE SANDOVAL, CHAIRWOMAN
JORDAN KESSLER, COMMISSIONER
DR. THOMAS ENGLER, COMMISSIONER
MIGUEL LOZANO, ESQ.

This matter came on for hearing before the New Mexico Oil Conservation Commission on Thursday, June 6, 2019, at the New Mexico Energy, Minerals and Natural Resources Department, Wendell Chino Building, 1220 South St. Francis Drive, Porter Hall, Room 102, Santa Fe, New Mexico.

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1 (9:00 a.m.)

2 CHAIRWOMAN SANDOVAL: Good morning. I will
3 call this meeting to order. It's 9:00 a.m. on June 6th,
4 2019, and this is a meeting of the New Mexico Oil
5 Conservation Commission. I'm Adrienne Sandoval,
6 Director of the Oil Conservation Division and Chair of
7 the Oil Conservation Commission.

8 Will the Commissioners introduce themselves
9 for the record?

10 COMMISSIONER ENGLER: My name is Thomas
11 Engler, Commissioner.

12 COMMISSIONER KESSLER: My name is Jordan
13 Kessler, Assistant Commissioner of Mineral, Resources
14 with the State Land Office.

15 CHAIRWOMAN SANDOVAL: Also with us is
16 Florene Davidson, clerk to the Commission, and Miguel
17 Lozano, counsel for the Commission.

18 There is a list of items on today's agenda
19 on the docket. Is there a motion and a second to adopt
20 the agenda?

21 COMMISSIONER KESSLER: So moved.

22 COMMISSIONER ENGLER: Second.

23 CHAIRWOMAN SANDOVAL: All those in favor
24 signify by saying aye.

25 COMMISSIONER KESSLER: Aye.

1 COMMISSIONER ENGLER: Aye.

2 CHAIRWOMAN SANDOVAL: Aye.

3 (Ayes are unanimous.)

4 CHAIRWOMAN SANDOVAL: The motion carries.

5 In your packet are the draft minutes from
6 the May 17th, 2019 meeting. If you have read the
7 minutes, are there any corrections?

8 COMMISSIONER KESSLER: I have read the
9 minutes, and I do not have any corrections.

10 COMMISSIONER ENGLER: I have reviewed the
11 minutes and have zero corrections.

12 CHAIRWOMAN SANDOVAL: Is there a motion and
13 a second to adopt the minutes?

14 COMMISSIONER KESSLER: So moved.

15 COMMISSIONER ENGLER: Second.

16 CHAIRWOMAN SANDOVAL: All those in favor
17 say aye.

18 COMMISSIONER KESSLER: Aye.

19 COMMISSIONER ENGLER: Aye.

20 CHAIRWOMAN SANDOVAL: Aye.

21 (Ayes are unanimous.)

22 CHAIRWOMAN SANDOVAL: The motion carries.

23 The Commission received an open meeting
24 complaint identifying a deficiency in the adopted
25 minutes from the February 10th, 2017 meeting. The

1 complainant indicated that the time of the meeting --
2 that the time the meeting was called to order was not
3 noted in the minutes and in accordance with NMSA
4 10-15-1.G. The current Commission has been given the
5 opportunity to review the transcripts from the meeting
6 in order to remedy this deficiency.

7 Is there a motion and a second to adopt the
8 amended minutes from the February 10th, 2017 meeting?

9 COMMISSIONER KESSLER: Despite not being
10 there, I have reviewed the transcript of the hearing and
11 reviewed the minutes, and I would move that these
12 amended minutes be entered into the record.

13 COMMISSIONER ENGLER: I would also second
14 that. I read the minutes of the meeting, and despite
15 not being there, I've noted that the time has been
16 corrected.

17 CHAIRWOMAN SANDOVAL: Okay. Is there a
18 motion to adopt the minutes?

19 COMMISSIONER KESSLER: So moved.

20 COMMISSIONER ENGLER: Second.

21 CHAIRWOMAN SANDOVAL: All those in favor
22 say aye.

23 COMMISSIONER KESSLER: Aye.

24 COMMISSIONER ENGLER: Aye.

25 CHAIRWOMAN SANDOVAL: Aye.

1 (Ayes are unanimous.)

2 CHAIRWOMAN SANDOVAL: All right. The
3 motion carries.

4 Item 5 on the agenda, Case Number 15844,
5 has been dismissed.

6 Case Number -- or Item 6 on the agenda,
7 Case Number 20409, will now be heard.

8 (The proceedings for Agenda Items 1 - 5
9 conclude, 9:02 a.m.)

10 (1:04 p.m.)

11 CHAIRWOMAN SANDOVAL: With that, we will
12 move on to item number seven of the agenda and
13 discussion of pending litigation.

14 Mr. Lozano, is there anything to report on
15 pending litigation?

16 MR. LOZANO: Commissioners, there wasn't
17 much change. The only thing that's come up in the
18 Delaware matter, which is the most recent case brought
19 before the Court of Appeals, we filed a response to
20 the -- to Delaware's motion to continue to stay given by
21 the Commission of its order. We didn't -- based on my
22 conversation with prior counsel for the Commission, we
23 determined that it wasn't necessary to oppose that stay.
24 Alpha SWD is an intervening party. They will likely
25 issue an opposition to that stay in the next few days.

1 I think it's due June 10th. Other than that, there were
2 no changes to the other litigation that I advised you
3 of.

4 CHAIRWOMAN SANDOVAL: Thank you.

5 Agenda item number eight, is there any
6 other business or announcements?

7 Okay. The next meeting is scheduled for
8 July 18th, 2019.

9 And if there is no other business before
10 the Commission, is there a motion to adjourn?

11 COMMISSIONER KESSLER: I move to adjourn.

12 COMMISSIONER ENGLER: Second.

13 Hit the gavel.

14 CHAIRWOMAN SANDOVAL: The meeting is
15 adjourned.

16 (The proceedings for Agenda Items 7 - 10
17 conclude, 1:05 p.m.)

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1 STATE OF NEW MEXICO
2 COUNTY OF BERNALILLO

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4 CERTIFICATE OF COURT REPORTER

5 I, MARY C. HANKINS, Certified Court
6 Reporter, New Mexico Certified Court Reporter No. 20,
7 and Registered Professional Reporter, do hereby certify
8 that I reported the foregoing proceedings in
9 stenographic shorthand and that the foregoing pages are
10 a true and correct transcript of those proceedings that
11 were reduced to printed form by me to the best of my
12 ability.

13 I FURTHER CERTIFY that the Reporter's
14 Record of the proceedings truly and accurately reflects
15 the exhibits, if any, offered by the respective parties.

16 I FURTHER CERTIFY that I am neither
17 employed by nor related to any of the parties or
18 attorneys in this case and that I have no interest in
19 the final disposition of this case.

20 DATED THIS 18th day of June 2019.

21

22 MARY C. HANKINS, CCR, RPR
23 Certified Court Reporter
24 New Mexico CCR No. 20
25 Date of CCR Expiration: 12/31/2019
Paul Baca Professional Court Reporters

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