

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

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

PRE-HEARING TRANSCRIPT

July 11, 2019

Santa Fe, New Mexico

BEFORE: WILLIAM V. JONES, CHIEF EXAMINER
DAVID K. BROOKS, LEGAL EXAMINER

This matter came on for hearing before the New Mexico Oil Conservation Division, William V. Jones, Chief Examiner, and David K. Brooks, Legal Examiner, on Thursday, July 11, 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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New Mexico CCR #20
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1 (8:18 a.m.)

2 EXAMINER JONES: Okay. Let's get started
3 this morning. This is Thursday, July 11th, 2019. This
4 is the examiner hearing, Docket Number 23-19. I'm
5 William V. Jones. This is David Brooks, and Kathleen
6 Murphy is also here early this morning.

7 I hope you-all got a copy of the docket.
8 The official docket is on the website. If you -- get
9 you a copy of the spreadsheet of the docket, which
10 should be back in the back. We made it extra small
11 print so it's actually hard to read. But the original
12 docket is on the website, and you probably have a
13 computer with you so you can pull it up as we go, and it
14 has the official -- official abstracts for every case.

15 We're going to have a special hearing
16 tomorrow. It's different than this hearing. It's not
17 included on this list of cases, and it's published on
18 the website also. So we'll start that tomorrow at 9:00.

19 Is that right, Marlene?

20 MS. SALVIDREZ: Yes.

21 EXAMINER JONES: And that's listed on here
22 at 9:00 a.m. for tomorrow morning.

23 EXAMINER BROOKS: I thought you said 8:30
24 tomorrow morning.

25 EXAMINER JONES: Well, I did, but Marlene

1 had already put it on the docket as 9:00.

2 And Kathleen wanted to say a couple of
3 words about exhibits.

4 MS. MURPHY: As you know, you submit the
5 exhibits, and usually I email you as a follow-up and
6 have you submit the exhibit in a PDF. And some of you
7 are new, and I do apologize that you haven't been
8 brought into the fold, but we've had some difficulties
9 lately getting exhibits in on time. And actually
10 yesterday I finished entering in exhibits that were
11 probably from two hearings ago. And so I need for you
12 lawyers to have your legal assistants email them
13 directly. You can give them a list and have them email
14 them to me. And I just am -- I don't have the time
15 anymore to chase people down with emails and hope that
16 the exhibits come to me and then get entered in our
17 public website. And if they're not entered in a timely
18 manner, when the examiner goes to write the order and
19 they're not there, then some things stall out.

20 And so I do know that sometimes -- well,
21 people will send me exhibits, and they'll send seven or
22 eight, Exhibits 1 through 4, 5 through 7, and there will
23 be many copies. Please just send me one PDF. And how
24 you make that PDF is line them up sequentially. Use
25 your case file number, part one, part two. I mean, I

1 know you have certain things you need to say for
2 yourself, but at the end of -- when they're lined up in
3 windows, combine them all, highlight them all, right
4 click, combine all the copies into one and email one
5 copy, because it's more difficult to enter ten copies of
6 individual exhibits versus the entire document.

7 And I know some of you are worried about
8 the size of the document coming through our firewall,
9 and that's really not been a problem. I was receiving
10 28-meg documents yesterday. And if you feel you need to
11 split it into two, that's fine also, but just -- we need
12 you to send them to me.

13 And another thing is when you send them,
14 put the case file number in the title. I don't know all
15 the Dos Equis wells and what cases they go to, and
16 yesterday they were listed by -- by the well name, and
17 it was very confusing. So at least put your case file
18 number in the title of the PDF that I'll download. And
19 I do open them up, so if there are several cases that
20 they need to go in, I'll find that out, and I'll enter
21 them. You should check and see probably at least by a
22 week later and see that the documents are in your case
23 file, and if not, you can email me. I download them to
24 my desktop and enter them a few at a time.

25 So I admit I am not without guilt here and

1 that sometimes my email box blows up and sometimes I've
2 asked people to send things twice, but we need to get
3 this straightened around so things go better.

4 EXAMINER JONES: Marlene, do you have any
5 thoughts or comments on your process or --

6 Marlene is in charge of, basically, our
7 docket. So anytime you want to set up a special docket,
8 get with Marlene on that.

9 (Cell phone ringing.)

10 EXAMINER JONES: She is very much helping
11 Florene, and they work together as a team.

12 Okay. I'm going to over all these
13 continuances and dismissals.

14 MR. PADILLA: Mr. Examiner, I have a
15 question for Ms. Murphy.

16 MS. MURPHY: Yes.

17 MR. PADILLA: You're obviously talking
18 about exhibits that have been admitted here.

19 MS. MURPHY: Yes.

20 MR. PADILLA: After the hearing is when we
21 need to send the package?

22 MS. MURPHY: Right. You have to have your
23 legal assistant send the PDF electronically. I mean, we
24 have the hard copy, so it's the PDF.

25 MR. PADILLA: Okay. I got it.

1 MS. MURPHY: It's actually easy.

2 MR. PADILLA: You don't want them ahead of
3 the hearing?

4 MS. MURPHY: No, because I wouldn't get
5 them.

6 EXAMINER BROOKS: When you talk about
7 exhibits being admitted, I think I need to say something
8 from a lawyer's perspective, because we all know when
9 you go through a trial, you-all know what exhibits have
10 been admitted and what have not. If you're not clear on
11 the protocol, the court reporter will clear it up for
12 you, and if the court reporter is wrong, you have to
13 take it up with the judge. Well, we don't have that
14 procedure here. So my thinking is that if there is an
15 exhibit that has been for any reason refused, in the
16 unlikely event that might occur, include it with the
17 exhibits just as though it had been admitted because the
18 examiner can refer back to the record to see whether it
19 was admitted or not, if that matters, which it really
20 doesn't because it can still come into the case before
21 the Commission.

22 EXAMINER JONES: Yeah. And we do have --
23 we recognize there are two sets, basically, of exhibits,
24 the Affidavit of Notice that the attorneys prepare and
25 then the exhibits that the technical examiners prepare.

1 But it is easier to look at them in our files if they
2 are in all one thumbnail, and that's the way Kathleen is
3 asking for them. So if it requires the attorneys to
4 receive the exhibits from your technical examiners and
5 then merge it with your affidavit exhibit PDFs, well,
6 you can do that with Adobe Acrobat.

7 MS. MURPHY: Right. Highlight them all,
8 right click, combine all files.

9 EXAMINER JONES: I don't think they have to
10 be in any order specifically.

11 MS. MURPHY: If anyone has questions, they
12 can email me.

13 EXAMINER JONES: This list that is in the
14 back of the room and I emailed out last night -- I'm
15 going to read all these, but before I do, if you have --
16 obviously, know of some changes to what's listed here,
17 would you please tell me right now so we can at least
18 have two steps.

19 (Ms. Murphy leaves the room.)

20 MR. HOUGH: For Case Number 20591, item
21 number 10, just request that be continued. We had
22 modifications to that, and I can -- the continuance when
23 I get back to the office. I'm not sure --

24 (The court reporter requested Mr. Hough
25 speak louder.)

1 EXAMINER JONES: What I heard was Case
2 20591 is continued; is that correct?

3 MR. HOUGH: Yes.

4 EXAMINER JONES: Any other changes?

5 MR. DOMENICI: Mr. Examiner, case number
6 six, 20588, there is a motion to dismiss on that, which
7 we would like to hear, but the actual substance of that,
8 we're going to request be continued.

9 Pete Domenici on behalf of Solaris.

10 EXAMINER JONES: Thanks, Pete. We'll call
11 that case and talk about the motion.

12 MR. DOMENICI: Thank you.

13 EXAMINER JONES: Okay. Any other changes?

14 On page 1, Case 20583 is continued. 20584
15 is dismissed. 20586 is continued. 16265 is continued.
16 20591 and 20592 are continued. 20595 is dismissed.
17 20596 and 20597 are continued, and 2060 [sic] through
18 20- -- 20619 are continued. That goes through number 38
19 on the docket. Number 40 on the docket is -- 20621 and
20 20622 are both continued. 20627 and 20628, 20629 are
21 dismissed. We got those requests three or four weeks
22 ago. So those are still a go for dismissal. And 20630
23 through 20633 are continued.

24 Any other changes to the docket?

25 Any other administrative matters?

1 I'm just going to go down the list. We're
2 instructed to hear the SWD cases first, so if anybody
3 else wants a change, let me know. If not, let's call
4 the first case of the day.

5 (The prehearing proceedings conclude, 8:30
6 a.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 26th day of July 2019.

21

22

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

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