

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

REPORTER'S TRANSCRIPT OF PROCEEDINGS

COMMISSIONER HEARING

AGENDA ITEMS 1 - 8

July 18, 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, July 18, 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 (9:07 a.m.)
 2 CHAIRWOMAN SANDOVAL: Good morning. It is
 3 9:07 a.m., and is this the meeting of the New Mexico Oil
 4 Conservation Commission.
 5 I'm Adrienne Sandoval, Director of the Oil
 6 Conservation Division and the Chair of the Oil
 7 Conservation Commission.
 8 Will the Commissioners introduce themselves
 9 for the record, please?
 10 COMMISSIONER KESSLER: Jordan Kessler,
 11 Assistant Commissioner of Mineral Resources, for the
 12 State Land Office.
 13 COMMISSIONER ENGLER: Tom Engler,
 14 Commissioner Designate from the Secretary of Energy.
 15 CHAIRWOMAN SANDOVAL: Also with us is
 16 Florene Davidson, clerk for the Commission, and Miguel
 17 Lozano, counsel for the Commission.
 18 There is a list of items on the agenda for
 19 the docket for today's meeting. Do I hear a motion and
 20 a second to adopt the previous agenda -- or the agenda
 21 for today?
 22 COMMISSIONER KESSLER: So moved.
 23 COMMISSIONER ENGLER: Second.
 24 CHAIRWOMAN SANDOVAL: All those in favor
 25 signify by saying aye.

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1 COMMISSIONER KESSLER: Aye.
 2 COMMISSIONER ENGLER: Aye.
 3 (Ayes are unanimous.)
 4 CHAIRWOMAN SANDOVAL: Great.
 5 In your packet are the draft minutes from
 6 June 6th, 2019. If you have read the minutes, are there
 7 any corrections?
 8 COMMISSIONER KESSLER: I've reviewed the
 9 minutes and do not have any corrections.
 10 COMMISSIONER ENGLER: Same. I've reviewed
 11 them and have no corrections at this time.
 12 CHAIRWOMAN SANDOVAL: Is there a motion and
 13 a second to adopt the minutes?
 14 COMMISSIONER KESSLER: So moved.
 15 COMMISSIONER ENGLER: And second.
 16 CHAIRWOMAN SANDOVAL: All those in favor
 17 signify by saying aye.
 18 COMMISSIONER KESSLER: Aye.
 19 COMMISSIONER ENGLER: Aye.
 20 (Ayes are unanimous.)
 21 CHAIRWOMAN SANDOVAL: The Board will now
 22 move to item number four, possible approval of the
 23 proposed order in Case Number 20409 arising from the
 24 hearing held on June 6th, 2019.
 25 Have the Commissioners had an opportunity

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1 to review the proposed order from 3Bear Field Services,
 2 LLC as amended by Commission counsel, as well as the
 3 potential alternative to that proposed order with
 4 language provided by the attorney for 3Bear, which has
 5 different specific language regarding the 3Bear Libby
 6 Barry saltwater disposal well conditions?
 7 Have the Commissioners had an opportunity
 8 to review these proposed orders?
 9 COMMISSIONER KESSLER: I have. I also
 10 agree with the proposed orders.
 11 COMMISSIONER ENGLER: I have.
 12 CHAIRWOMAN SANDOVAL: Do the Commissioners
 13 have any questions for 3Bear regarding the proposed
 14 orders before we discuss the orders?
 15 COMMISSIONER ENGLER: No, I do not.
 16 COMMISSIONER KESSLER: No.
 17 CHAIRWOMAN SANDOVAL: Is there any
 18 discussion or suggested changes to either the proposed
 19 order or the alternative proposed order?
 20 COMMISSIONER ENGLER: No questions.
 21 COMMISSIONER KESSLER: No.
 22 CHAIRWOMAN SANDOVAL: If there is no
 23 discussion or amendments, I will entertain a motion to
 24 adopt either the proposed or the alternative order.
 25 MS. CALLAHAN: Madam Chair, if it please

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1 the Chair, 3Bear would like to discuss further a couple
 2 of the provisions in the proposed orders, and we've
 3 brought our expert, Mr. Alberto Gutierrez, to assist in
 4 communicating our concerns.
 5 So if it's all right, I'd like to enter my
 6 appearance. Candace Callahan, with Beatty & Wozniak,
 7 representing the Applicant, 3Bear Field Services, LLC.
 8 And I have an opening statement, if that is acceptable.
 9 MR. LOZANO: Madam Chair, it's up to you.
 10 The record is technically closed for hearing purposes.
 11 If counsel would like to address concerns with the
 12 order, it's -- it's at your discretion.
 13 CHAIRWOMAN SANDOVAL: Counsel may address
 14 the concerns with the order.
 15 MS. CALLAHAN: Thank you, Madam Chair.
 16 Mr. Lozano kindly provided us with a copy
 17 of both of the orders that he submitted to the
 18 Commission for consideration, and one of the two
 19 contains language offered by 3Bear to address the
 20 concerns regarding possible negative interference
 21 between the proposed AGI wells and the Libby Barry SWD
 22 No. 1 well that is existing. We understand the other
 23 contains language that the Commission's counsel provided
 24 by a reading of the transcript to address this very same
 25 concern. And we've asked our expert witness to appear

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1 today to address two of the reasons that we
 2 have.
 3 We're requesting that you adopt our
 4 proposed language rather than the initial language
 5 proposed by a reading of the transcript. Mr. Gutierrez
 6 would testify to support 3Bear's proposed language
 7 addressing the concerns regarding the possible negative
 8 influence of the two proposed AGI wells and SWD well and
 9 also to address 3Bear's concerns regarding ordering
 10 paragraph number 15 found in both orders relating to the
 11 proposed redundant AGI well
 12 For the purposes of the record, I would
 13 refer to the proposed order based on the Commission
 14 counsel's reading of the transcript as Order Number 1 or
 15 as Exhibit 1 and the copy of the proposed order provided
 16 to you by Mr. Lozano containing language offered by
 17 3Bear, I'll offer and refer to as Order Number 2 or
 18 Exhibit 2.
 19 The credentials of Mr. Gutierrez as an
 20 expert in petroleum geology, hydrology, acid gas
 21 injection and groundwater contamination were previously
 22 accepted by the Commission at the prior hearing. If
 23 acceptable to the Commission, I'd like to again tender
 24 Mr. Gutierrez as an expert in those fields and ask that
 25 he be sworn.

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1 (Consultation off the record.)
 2 CHAIRWOMAN SANDOVAL: Yes. Since the
 3 record is closed, we don't want to open it back up
 4 without the Division counsel here. If you want to
 5 address some of the changes and why you've written it
 6 the way you have, then we're open to hearing that, but
 7 we don't want to go back into --
 8 MS. CALLAHAN: I'm sorry. Maybe I wasn't
 9 clear. The only reason that we want to allow
 10 Mr. Gutierrez to testify is to address the provisions in
 11 the proposed orders, not to expand on the testimony that
 12 he provided at the hearing. Just to give clarification
 13 to the reasons behind our proposed language.
 14 CHAIRWOMAN SANDOVAL: Can you just provide
 15 an explanation?
 16 MS. CALLAHAN: Sure. I guess if you'd like
 17 to look at the provisions that we're concerned with,
 18 you'll see on page 6 of both orders there is a paragraph
 19 O, and if you refer to page 6 on both orders, you'll see
 20 that they differ. And since they're provided to you as
 21 exhibits, which I would like to include in the record --
 22 MR. LOZANO: The Board has both -- both
 23 orders.
 24 MS. CALLAHAN: Okay. So the language that
 25 we're proposing is in my Exhibit 2, and I don't know if

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1 you want me to read it out. I can give you an
 2 opportunity to read through it again before I speak to
 3 it.
 4 CHAIRWOMAN SANDOVAL: I think we've all
 5 confirmed we'd read through them and reviewed them.
 6 MS. CALLAHAN: Okay. So in our opinion,
 7 this language is basically the same provision. It
 8 requires that -- you know, an analysis to demonstrate
 9 there is no negative influence be done in conjunction
 10 with the five-year review. So we just believe that it
 11 would be premature to require a reduction or a
 12 limitation on the existing saltwater disposal well
 13 before you've had the opportunity to review the data at
 14 the five-year review to determine whether or not there
 15 is a problem, particularly in light of the fact that
 16 there is such a need for both types of wells, the AGI
 17 wells and the saltwater disposal wells. We think it's
 18 premature, and it may not be necessary. The amount
 19 of -- the amount of AGI or TAG going into the AGI wells
 20 is basically only 3,500 barrels of -- barrels per day,
 21 so it's, we believe, unrealistic to expect that the
 22 plume from the AGI wells is going to impact in any way
 23 the saltwater disposal well. It's such a small amount.
 24 COMMISSIONER KESSLER: Madam Chair, may I
 25 ask a couple of questions?

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1 CHAIRWOMAN SANDOVAL: Yeah.
 2 COMMISSIONER KESSLER: Counsel, if I
 3 understand correctly of what you're requesting here is
 4 to eliminate the last several sentences of paragraph O;
 5 is that correct?
 6 MS. CALLAHAN: Yes. And also the -- there
 7 is a separate paragraph. I believe it's 19 in the
 8 ordering paragraph.
 9 MR. LOZANO: So to be clear, Commissioners,
 10 she is requesting the addition of the sentences in
 11 paragraph O and the elimination of 19.
 12 MS. CALLAHAN: Yeah. There are two
 13 paragraphs in Order Number 1 that relate to this issue,
 14 and there is just one that relates to this issue in
 15 Order Number 2, and both of them are paragraph O on page
 16 6.
 17 CHAIRWOMAN SANDOVAL: Isn't there also, in
 18 Exhibit Number 1, an extra --
 19 MR. LOZANO: Correct. That would be W.
 20 CHAIRWOMAN SANDOVAL: There is also W
 21 that's an addition to Exhibit 1.
 22 MS. CALLAHAN: Yes. Yes. Yes. Yes. That
 23 relates to its counterpart to 19. Yeah.
 24 The other provision that we have concerns
 25 about is found in ordering paragraph number 15. It

1 wasn't 3Bear's intent that there be a requirement to
2 drill both AGI wells. It's possible that the economics
3 and the need may change at the point in time, six years
4 hence, perhaps, so that there may not be a need or the
5 economics may not prove sufficient to support a second
6 AGI well.

7 3Bear is well aware of the possibility that
8 they may have to shut down the well and the plant if the
9 AGI -- one AGI well requires maintenance, but they're
10 willing to accept that possibility so that they can have
11 an option rather than a requirement to drill two wells.
12 It may be -- you know, if the need is there and the
13 economics are there, then they plan to proceed with both
14 wells. It's just that it's hard to tell six years from
15 now whether or not there is going to be a need for two
16 wells.

17 COMMISSIONER ENGLER: Madam Chair, can I
18 ask questions?

19 CHAIRWOMAN SANDOVAL: Yeah.

20 COMMISSIONER ENGLER: Okay. So on this
21 question of a redundant well, it was, I thought, fairly
22 well defined in the previous hearing that you were going
23 to drill two wells with the idea that the amount of
24 injection would be either in one or both and that it
25 was -- is a big concern in terms of health and safety,

1 not just shutting down, you know, the entire plant but
2 that you really would have a way of being able to handle
3 that. That was, I thought, fairly clear. And now
4 you're saying that due to economic reasons, you may or
5 may not -- depending on the circumstances, not want to
6 drill the second well, which I do understand will be --
7 that a very good well is a cost factor. But that was
8 not really what I took away from the last hearing. I
9 thought it was a very good plan to have that redundant
10 well. So I guess I would like to hear a better, I
11 guess, explanation as to why I should delay or not even
12 have it.

13 MS. CALLAHAN: Well, our expert can address
14 that issue, but I understand that there are no
15 additional safety concerns because there would be no
16 flaring. It would just be a shut-in well, and the plant
17 might have to shut down as well. So it's more in terms
18 of, you know, the producer may or may not be willing to
19 accept the risk of having the plant and the well shut
20 down while things are -- are -- you know, maintenance is
21 done or, you know, there's repair to the well.

22 COMMISSIONER ENGLER: You're going to face
23 that issue of shutting down your plant if this
24 particular well -- if you have only one well and then,
25 for whatever reason, whether it or something else goes

1 down.

2 MS. CALLAHAN: They recognize that. And
3 there are, you know, other AGI wells that are drilled as
4 sole wells --

5 COMMISSIONER ENGLER: Sole wells.

6 MS. CALLAHAN: -- in New Mexico, so this is
7 not an unusual situation.

8 CHAIRWOMAN SANDOVAL: Yeah. But I think
9 there are unintended consequences associated with that,
10 and 3Bear is not going to have to take on the liability
11 of that. But if you shut down that gathering system
12 because you shut down the plant, at some place in that
13 system, it has to be flared. It will have to be flared
14 on the production side likely, but it's got to go
15 somewhere. So essentially you're going to place that
16 liability -- you'll take it off of yourself, but you'll
17 put it on the production company? Is that what I'm
18 understanding?

19 MS. CALLAHAN: No. I don't believe that is
20 the case.

21 CHAIRWOMAN SANDOVAL: Where would it go,
22 though? Unless you shut the well --

23 MS. CALLAHAN: Everything would have to be
24 shut in.

25 MR. GUTIERREZ: It would be shut in.

1 MS. CALLAHAN: It would just be a shut-in
2 situation. It wouldn't be flared. They fully
3 understand that there would be no opportunity to flare.

4 CHAIRWOMAN SANDOVAL: Okay.

5 MS. CALLAHAN: They accept that risk. But,
6 I mean, it may well be that they drill both wells. They
7 just don't want to have the requirement. They drill the
8 one, and, you know, we're in a very changing world, and
9 three years after they drill the first one, things --
10 you know, we don't really know. We can't foresee what
11 the circumstances, economic or, you know, whether or not
12 there is still a need for the production. So it's --
13 you know, they just are asking for the option. I mean,
14 you know, certainly if there is an economic need, you
15 know, the circumstances -- the production warrants the
16 second well, they'll go ahead. It's just that it may or
17 may not come to pass because things are changing so
18 rapidly right now.

19 CHAIRWOMAN SANDOVAL: Do any of the
20 Commissioners have any more questions regarding the
21 proposed orders?

22 COMMISSIONER ENGLER: Yeah, if I may.

23 On the first point, I'd still like to
24 clarify. Okay. I've got two different exhibits here,
25 and you're talking about Section O.

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1 MS. CALLAHAN: Yes.

2 COMMISSIONER ENGLER: Can you clarify for

3 me again? What exactly are you asking? I guess it

4 wasn't clear to me what you're stating.

5 MS. CALLAHAN: Well, we're asking you to

6 adopt Order Number 2.

7 COMMISSIONER ENGLER: Exhibit 2?

8 MS. CALLAHAN: Exhibit 2, yes.

9 COMMISSIONER ENGLER: Okay. This one

10 (indicating).

11 MS. CALLAHAN: And eliminate two

12 paragraphs, a finding paragraph and an ordering

13 paragraph, in Order Number 1 that relates to putting a

14 limit or a cap on the existing saltwater disposal well.

15 I mean, it's possible that after the five-year analysis

16 is done, that there may be a need to set a limit, but it

17 may be something different than 20,000 barrels. It may

18 be, you know, 22. It may be -- you know, it's an

19 unknown. But the five-year analysis is actually shorter

20 than ordinarily done. I mean, it used to be ten years.

21 So I think certainly the five-year analysis should be

22 well ahead of any need for concern. And the State has a

23 protection that there is an MAOP on both wells, all

24 wells.

25 COMMISSIONER ENGLER: Right. Yeah. I

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1 appreciate the five years, willingness to do that. I

2 think that's a benefit.

3 It seems to me the 20,000 -- that seems

4 like -- isn't that a standard rough number that you were

5 using for disposal wells? I vaguely recall that number.

6 CHAIRWOMAN SANDOVAL: They don't typically

7 do it based on like --

8 COMMISSIONER ENGLER: Volume and pressure?

9 Just pressure, right?

10 CHAIRWOMAN SANDOVAL: Yeah.

11 COMMISSIONER ENGLER: Thank you.

12 MR. LOZANO: Madam Chair, if I might.

13 Counselor, the proposed paragraph 15 is new

14 to me, so I haven't had a really good chance to review

15 that. But it seems to me that if you look at Section 21

16 of the order -- the actual ordered language --

17 MS. CALLAHAN: Which order? I'm sorry.

18 MR. LOZANO: In Section 21. In either

19 order, it's the same.

20 MS. CALLAHAN: Okay.

21 MR. LOZANO: It -- it said that after three

22 years, the authority to drill -- to drill would be lost

23 by 3Bear. So if there is no drilling that occurs for

24 the second AGI well, you'd also have to get the

25 Division's permission to drill at a later time. And

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1 that seems to fly in the face of what the application

2 was for, which was simply two wells together for the

3 purpose of redundancy.

4 MS. CALLAHAN: Well, Order Number 1

5 actually allows the second well to be drilled three

6 years after first injection of the first well. So that

7 gives an opportunity to evaluate circumstances and

8 see -- you know, evaluate the efficiency of the well and

9 evaluate the needs in the producing area for this. I

10 mean, it's possible -- I think a lot of it is

11 perspective in terms of the oil and gas producers

12 looking to the Avalon, which, you know, is -- has a lot

13 of sour gas. So if it turns out that, you know, nobody

14 actually pursues that Avalon production for one reason

15 or another, the need for a second well may not come to

16 pass.

17 MR. LOZANO: But my point is -- my problem

18 with that is that your explanation initially for this

19 new Section 15 is that potentially you might need it six

20 years from now or eight years from now, but at that

21 point, you may not have the authority, which means

22 you'll have to come back here and get permission to

23 drill another AGI well.

24 MS. CALLAHAN: I think they'd be totally

25 willing to do that. You know, it's going to be best

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1 practices, and if -- if need dictates, then they will

2 drill the well. It's just that, you know, at this

3 point, six years away, you know, there may not be a

4 need. So to require both wells -- to drill one well

5 that they have determined probably is necessary now I

6 think really sends a negative message in terms of, you

7 know, a company's willingness to make these really large

8 investments. I mean, the plant itself is a huge

9 expense, and then the AGI wells are being drilled, you

10 know, to 14- to 16,000 feet. So they're also extremely

11 expensive. And, you know, the -- the way they are

12 drilled and the casing that's required in these wells is

13 extremely expensive, so a requirement for two of these

14 wells is -- is, I think, not necessary.

15 CHAIRWOMAN SANDOVAL: Okay. So do any of

16 the Commissioners have any more questions for 3Bear?

17 COMMISSIONER KESSLER: I move that we move

18 into executive session.

19 COMMISSIONER ENGLER: Second.

20 CHAIRWOMAN SANDOVAL: All in favor?

21 COMMISSIONER KESSLER: Aye.

22 COMMISSIONER ENGLER: Aye.

23 (Ayes are unanimous.)

24 MR. LOZANO: State the reason, Madam Chair,

25 for deliberation.

1 CHAIRWOMAN SANDOVAL: We will go into a
 2 closed session to discuss the differences between the
 3 two proposed exhibits and decide on which we should move
 4 forward with.
 5 MR. LOZANO: You also need a roll call as
 6 well, so just ask Florene to call the roll.
 7 CHAIRWOMAN SANDOVAL: Florene, would you
 8 take a roll call, please?
 9 MS. DAVIDSON: To go into closed session,
 10 Chair Sandoval?
 11 CHAIRWOMAN SANDOVAL: Yes.
 12 MS. DAVIDSON: Commissioner Kessler?
 13 COMMISSIONER KESSLER: Yes.
 14 MS. DAVIDSON: Commissioner Engler?
 15 COMMISSIONER ENGLER: Yes.
 16 CHAIRWOMAN SANDOVAL: We will go into
 17 closed session to deliberate on the two exhibits.
 18 Thank you.
 19 (Recess; executive session, 9:30 a.m. to
 20 10:00 a.m.)
 21 CHAIRWOMAN SANDOVAL: All right. So we'll
 22 go back into open session.
 23 During closed session, we only discussed
 24 items that were on the agenda today.
 25 So in taking into account some of your

1 requests for proposals, in regard to the saltwater
 2 disposal well, SWD 1728, we will be adding some language
 3 to that, which will state "so at least 90 days prior to
 4 commencing injection or before Division approval in any
 5 transfer of ownership, 3Bear will submit a request with
 6 OCD to amend Administrative Order SWD 1728A to include a
 7 condition that the amount of salt water injected per day
 8 into the Libby Barry Fee Saltwater Disposal Well No. 1
 9 is not to exceed 20,000 barrels. Concurrent with the
 10 five-year report to be provided to the Division above,
 11 the operator may seek approval of the Division to
 12 increase the SWD injection limits by sufficiently
 13 demonstrating that the AGI wells are not negatively
 14 influencing adjacent saltwater disposal wells."
 15 So we are still requiring that you, within
 16 90 days, request a limit on the Libby Barry Fee
 17 Saltwater Disposal Well No. 1 for 20,000 barrels, but in
 18 that five-year report, you can request that that be
 19 increased by providing necessary information that they
 20 are not impacting each other.
 21 Regarding the request to only drill one
 22 salt water -- or I'm sorry -- injection well, we are
 23 keeping the language that was currently in the order
 24 that requires you to drill two wells. There was -- in
 25 the application for these injection wells, there was

1 discussed -- I mean, the application only discussed
 2 doing two wells -- two injection wells concurrently,
 3 essentially, and it was never discussed in testimony why
 4 there would be only a need for one instead of two. All
 5 of the testimony previously provided was discussing that
 6 there would be two drilled.
 7 In addition, I mean, this has been a
 8 long-standing practice of the Commission in the orders
 9 that have been granted from it, to do two injection
 10 wells. In case there is a maintenance issue with one,
 11 there is a redundant one to, you know, kind of provide
 12 protections for health and environment and any other
 13 issues that may come up from one well not functioning.
 14 So that will be -- that language will be maintained in
 15 the order and will not be changed.
 16 MS. CALLAHAN: Understood.
 17 CHAIRWOMAN SANDOVAL: So can we adopt it
 18 here?
 19 MR. LOZANO: Sure.
 20 CHAIRWOMAN SANDOVAL: Okay. If there is no
 21 further discussion about the amendments, I will
 22 entertain a motion to adopt this proposed order that we
 23 just discussed.
 24 COMMISSIONER KESSLER: I move to adopt the
 25 proposed order as modified.

1 COMMISSIONER ENGLER: I'll second.
 2 CHAIRWOMAN SANDOVAL: All in favor?
 3 COMMISSIONER KESSLER: Aye.
 4 COMMISSIONER ENGLER: Aye.
 5 (Ayes are unanimous.)
 6 CHAIRWOMAN SANDOVAL: All right. So
 7 adopted.
 8 Discussion of pending litigation.
 9 Mr. Lozano, is there anything to report on
 10 the Commission's pending litigation?
 11 MR. LOZANO: Yes, Madam Chair. Thank you.
 12 There's been some recent activity in the
 13 Larry Marker cases. Those are mostly in regards to some
 14 recent statutory language regarding financial
 15 assurances. The RMD, the Risk Management Division, is
 16 handling one of the cases. They had an emergency motion
 17 to stay the Division order because of the lack of
 18 financial assurances that Mr. Marker provided. They
 19 will go to hearing on July 31st on that order -- or on
 20 that motion.
 21 The second case, which is being handled by
 22 our litigation division at the Attorney General's
 23 Office, they recently had a hearing out of Roswell where
 24 they dismissed the AG's motion to dismiss for failure to
 25 properly serve the Attorney General's Office, and they

1 denied Mr. Marker's motion for default judgment for lack
2 of response to his initial complaint. So that case is
3 moving forward. He will be -- or the AG's Office will
4 be providing a statement in response to his complaint in
5 August.

6 And then the last one, AmeriCulture, which
7 has been hanging around for almost four years, the judge
8 recently denied the Commission's motion to dismiss. It
9 triggered a deadline for AmeriCulture to issue their
10 statement of the appellant issues, and they didn't --
11 they untimely filed that. So the Commission will file a
12 motion to dismiss on that basis. And in that case,
13 AmeriCulture is seeking to change some language of an
14 order previously, not necessarily to reverse the
15 decision. So the Commission's attorneys in that case
16 will be filing that statement in the near future.

17 And then finally, Delaware Energy, which is
18 the most recent case. Delaware Energy and Alpha SWD was
19 intervened, are in the middle of settlement
20 negotiations. They've extended their timelines for a
21 statement of appellant issues by August 9th. I'm told
22 that they are close to settlement, which is why we
23 agreed to the extension, and they will be, hopefully,
24 filing a motion to -- stipulate a motion to dismiss
25 within 30 days.

1 That's all I have today.

2 COMMISSIONER KESSLER: Mr. Lozano, in the
3 second Larry Marker case, was there a written order from
4 the judge's denial of the motion to dismiss?

5 MR. LOZANO: If there was, it was not
6 posted yet. I looked just yesterday. I talked to the
7 attorney in our office, and he did not indicate that
8 there was.

9 COMMISSIONER KESSLER: Okay. If there is
10 one posted, would you mind circulating it?

11 MR. LOZANO: Absolutely.

12 COMMISSIONER KESSLER: Thank you.

13 CHAIRWOMAN SANDOVAL: Is there any other
14 business or announcements?

15 COMMISSIONER KESSLER: No.

16 CHAIRWOMAN SANDOVAL: The next meeting is
17 scheduled for August 15th, 2019.

18 If there is no other business of the
19 Commission, this meeting is adjourned.

20 (The proceedings conclude, 10:06.)
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25

1 STATE OF NEW MEXICO
2 COUNTY OF BERNALILLO
3

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 29th day of July 2019.
21
22

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