

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

**APPLICATION OF B.C. OPERATING, INC.
FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO**

CASE NO. 21378

**APPLICATION OF COLGATE OPERATING, LLC
FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO**

CASE NO. 21467

**APPLICATION OF COLGATE OPERATING, LLC
FOR COMPULSORY POOLING,
EDDY COUNTY, NEW MEXICO**

CASE NO. 21468

PRE-HEARING ORDER

This Pre-Hearing Order follows a status conference in Case No. 21378 held on September 24, 2020, and the submission of a proposed stipulated pre-hearing order via email to the Examiner by the parties.

Cases No. 21467-21468 are included in this order for convenience, notwithstanding their first appearance on the upcoming October 8 docket. Colgate may either seek a continuance for those two cases to January 21, 2021 through the fee portal or alternatively, request a status conference for October 8, in which case the entry of this order will simply be affirmed.

APPEARANCES

B.C. Operating, Inc. ("BCO")

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Colgate Operating, LLC (“Colgate”)

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PROCEDURES

1. The hearing in these compulsory pooling cases will commence on January 21, 2021, following the regular docket set on that date, and continue as necessary through completion.

3. The hearing will be recorded and transcribed by a court reporter.

4. The hearing will be conducted using the Webex meeting platform; sign-in information will be sent to the parties closer to the date of hearing.

5. The parties shall file with the pre-hearing statement required by 19.15.4.13(B) NMAC the following additional information, all of which is due by 5:00 p.m. on January 14, 2021:

- a. list of material undisputed and disputed facts;
- b. identification of the witnesses and their qualifications; and
- c. a full narrative of the direct testimony and exhibits for each witness.

6. Any evidentiary objections to the filed direct testimony or any exhibit shall be filed by 5:00 p.m. on January 18, 2021. Responses to objections shall be filed by 5:00 p.m. on January 19, 2021. Any evidentiary objections will be addressed at the commencement of the hearing.

7. All witnesses filing direct testimony shall attend the hearing and will be subject to cross-examination by counsel for the parties and the Division Examiners.

8. A courtesy copy of all documents filed with the Division Hearings staff shall also be sent to the Hearing Officer via email.

9. Notwithstanding anything herein to the contrary, each party retains its respective right following entry of an order of the Division in these matters to a de novo hearing before the Oil Conservation Commission pursuant to 19.15.4.23 NMAC.

10. Notwithstanding the deadline to file evidentiary motions regarding exhibits and witnesses, no party is prohibited from objecting at hearing to discrete aspects of a witness's written or oral testimony,

11. The Division's Guidelines for Presentation of Cases by Witnesses, paragraphs 1 through 6, are applicable.

12. Presentation at hearing will proceed pursuant to 19.15.4 NMAC, except as modified below. Notwithstanding the presentation outlined below, each party will have an opportunity to cross-examine an individual witness directly following oral testimony of that witness, with re-direct to follow cross-examination, before a party moves to the direct testimony of a new witness.

- a. Opening statements by all parties;
- b. Case-In-Chief by BCO (including possible additional oral testimony of BCO's witnesses);
- c. Cross-examination by Colgate;
- d. Re-direct by BCO;
- e. Case-In-Chief by Colgate (including possible additional oral testimony of Colgate's witnesses);
- f. Cross-examination by BCO;
- g. Re-direct by Colgate;
- h.. Rebuttal by BCO and Colgate;
- i. Closing Statement of BCO; and
- j. Closing Statement of Colgate

**STATE OF NEW MEXICO
OIL CONSERVATION DIVISION**

Felicia L. Orth

**FELICIA L. ORTH
HEARING EXAMINER**

Date: 9/25/20