

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

IN THE MATTER OF THE HEARING CALLED  
BY THE OIL CONSERVATION DIVISION FOR  
THE PURPOSE OF CONSIDERING:

CASE NOS: 21536, 21537

APPLICATION OF B.C. OPERATING INC.,  
TO AMEND ORDER NO. R-21070,  
LEA COUNTY, NEW MEXICO.

REPORTER'S TRANSCRIPT OF VIRTUAL PROCEEDINGS

EXAMINER HEARING

DECEMBER 17, 2020

SANTA FE, NEW MEXICO

This matter came on for virtual hearing before the New Mexico Oil Conservation Division, HEARING OFFICER FELICIA ORTH and TECHNICAL EXAMINER JOHN GARCIA on December 17, 2020, through the Webex Platform.

Reported by: Irene Delgado, NMCCR 253  
PAUL BACA PROFESSIONAL COURT REPORTERS  
500 Fourth Street, NW, Suite 105  
Albuquerque, NM 87102  
505-843-9241

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A P P E A R A N C E S

For the Applicant:

SHARON SHAHEEN  
MONTGOMERY & ANDREWS  
325 Paseo de Peralta  
Santa Fe, NM 87501

For Franklin Mountain Energy:

DEANA BENNETT  
MODRALL SPERLING ROEHL HARRIS & SISK PA  
500 4th Street, NW, Suite 1000  
Albuquerque, NM 87102

I N D E X

CASE CALLED

SUMMARY OF CASE AND EXHIBITS

03

TAKEN UNDER ADVISEMENT

REPORTER CERTIFICATE

EXHIBITS

Admitted

Exhibits and All Attachments

1 HEARING EXAMINER ORTH: Let's move then to two  
2 additional affidavit cases, 21536 and 21537, B.C. Operating  
3 is the applicant, to reflect an amendment to an earlier  
4 order. The well name in each case is Broadside 13.

5 Ms. Shaheen, are you here from Montgomery and  
6 Andrews for the applicant?

7 MS. SHAHEEN: Good morning, Madam Examiner. I'm  
8 here on behalf of B.C. Operating this morning.

9 HEARING EXAMINER ORTH: Good morning.

10 And then we have an entry of appearance by  
11 Franklin Mountain Energy. Ms. Bennett, I believe that was  
12 you from Modrall Sperling.

13 MS. BENNETT: Good morning, Madam Examiner. This  
14 is Deana Bennett on behalf of Franklin Mountain Energy in  
15 these two cases. And Franklin Mountain Energy does not  
16 object to being -- well, any proceeding on these matters  
17 being presented by affidavit.

18 HEARING EXAMINER ORTH: All right. Thank you  
19 very much. Let me pause for a moment to see if there are  
20 any other entries of appearance.

21 (No audible response.)

22 HEARING EXAMINER ORTH: Hearing none, if you  
23 please go ahead, Ms. Shaheen.

24 MS. SHAHEEN: Thank you. These cases were heard  
25 on December 3 and were continued solely for notice purposes.

1 Since that time we have determined that everyone received  
2 notice except for one interest owner. That is Mark Lilly  
3 and his wife -- I forget her first name.

4 We, yesterday, filed a notice dismissing the  
5 Lilly's and we would like to proceed and ask that this case  
6 be taken under advisement with respect to all the other  
7 parties that we are seeking to force pool.

8 Yesterday, along with the notice, we filed an  
9 amended set of exhibits that includes an amended affidavit  
10 of notice that explains what we have determined about  
11 notice, and so we would ask that the Division take these  
12 cases under advisement and omit Mr. Lilly and his wife from  
13 the force pooling order.

14 HEARING EXAMINER ORTH: All right. Thank you,  
15 Ms. Shaheen. Ms. Bennett, do you have any questions?

16 MS. BENNETT: No questions.

17 HEARING EXAMINER ORTH: Thank you. Mr. Garcia,  
18 do you have any questions?

19 TECHNICAL EXAMINER GARCIA: I have no questions.

20 HEARING EXAMINER ORTH: All right. Thank you.  
21 In that case, Ms. Shaheen, the exhibits are admitted and  
22 these two matters will be taken under advisement.

23 MS. SHAHEEN: Thank you very much.

24 (Exhibits admitted.)

25 (Taken under advisement.)

1 STATE OF NEW MEXICO  
2 COUNTY OF BERNALILLO

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4 REPORTER'S CERTIFICATE

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6 I, IRENE DELGADO, New Mexico Certified Court  
7 Reporter, CCR 253, do hereby certify that I reported the  
8 foregoing virtual proceedings in stenographic shorthand and  
9 that the foregoing pages are a true and correct transcript  
10 of those proceedings to the best of my ability.

11 I FURTHER CERTIFY that I am neither employed by  
12 nor related to any of the parties or attorneys in this case  
13 and that I have no interest in the final disposition of this  
14 case.

15 I FURTHER CERTIFY that the Virtual Proceeding was  
16 of poor to good quality.

17 Dated this 17th day of December 2020.

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/s/ Irene Delgado

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Irene Delgado, NMCCR 253  
License Expires: 12-31-20

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