



NEW MEXICO ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT

BILL RICHARDSON

Governor

Joanna Prukop

Cabinet Secretary

Mark E. Fesmire, P.E.

Director

Oil Conservation Division

December 6, 2007

Pronghorn Management Corp.
P.O. Box 1772
Hobbs, NM 88241

Certified Mail No. 77005 3110 0002 2085 2459

Mr. Earnest A. Padilla
Padilla Law Firm, P.A.
P.O. Box 2523
Santa Fe, NM 87504-2523
(Attorney for Pronghorn Management Corp.)

Certified Mail No. 7005 3110 0002 2085 2473

CASE 14052: APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION, THROUGH THE ENFORCEMENT AND COMPLIANCE MANAGER, FOR A COMPLIANCE ORDER AGAINST PRONGHORN MANAGEMENT CORP. PURSUANT TO NMSA 1978, SECTION 70-2-14(B) ORDERING PRONGHORN MANAGEMENT CORP. TO PLUG AND ABANDON ALL WELLS IT OPERATES IN NEW MEXICO BY A DATE CERTAIN AND AUTHORIZING THE DIVISION TO PLUG SAID WELLS AND FORFEIT THE APPLICABLE FINANCIAL ASSURANCE IN THE EVENT OF NON-COMPLIANCE; LEA AND EDDY COUNTIES, NEW MEXICO.

Dear Operator:

You are hereby notified that the New Mexico Oil Conservation Division (OCD) has filed the above-captioned application for a compliance order against Pronghorn Management Corp. A copy of the application is enclosed.

A hearing on this application will take place before a Division hearing officer on **Thursday, January 10, 2008**, at 8:15 a.m., in Porter Hall, First Floor, 1220 South St. Francis Drive in Santa Fe, New Mexico. At that hearing Pronghorn Management Corp. will have an opportunity to oppose the entry of the order. **If you intend to present evidence at the hearing, you should file a pre-hearing statement at least four business days in advance of the hearing, as required by 19.15.14.1211.B NMAC.** A copy of that rule is enclosed. I have also enclosed a copy of 19.15.14.1212 NMAC, which addresses representation at administrative hearings before the Division.

If you have questions about the application you may call me at (505) 476-3451.

Very truly yours,

Gail MacQuesten
Assistant General Counsel

Encl: Application in Case 14052
Rule 1211 [19.15.14.1211 NMAC]
Rule 1212 [19.15.14.1212 NMAC]

Pronghorn Management Corp.
Case 13859
Case 14052
OCD Exhibit No. 3-A

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

RECEIVED
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APPLICATION OF THE NEW MEXICO OIL CONSERVATION DIVISION, THROUGH THE ENFORCEMENT AND COMPLIANCE MANAGER, FOR A COMPLIANCE ORDER AGAINST PRONGHORN MANAGEMENT CORP. PURSUANT TO NMSA 1978, SECTION 70-2-14(B) ORDERING PRONGHORN MANAGEMENT CORP. TO PLUG AND ABANDON ALL WELLS IT OPERATES IN NEW MEXICO BY A DATE CERTAIN AND AUTHORIZING THE DIVISION TO PLUG SAID WELLS AND FORFEIT THE APPLICABLE FINANCIAL ASSURANCE IN THE EVENT OF NON-COMPLIANCE; LEA AND EDDY COUNTIES, NEW MEXICO.

CASE NO. 14052

APPLICATION FOR COMPLIANCE ORDER
AGAINST PRONGHORN MANAGEMENT CORP.

1. Pronghorn Management Corp. ("Pronghorn") is a corporation operating wells in New Mexico under OGRID 122811.
2. Pronghorn posted a \$50,000 cash bond and assignment of cash collateral pursuant to NMSA 1978, Section 70-2-14 to secure its obligation to plug and abandon wells on privately owned or state-owned lands in New Mexico in compliance with the rules of the Oil Conservation Division ("OCD"). Lea County State Bank in Hobbs, New Mexico holds the certificate of deposit: CD # 10071567.
3. NMSA 1978, Section 70-2-14(B) provides:

If any of the requirements of the Oil and Gas Act [700-2-1 NMSA 1978] or the rules promulgated pursuant to that act have not been complied with, the oil conservation division, after notice and hearing, may order any well plugged and abandoned by the operator or surety or both in accordance with division rules. If the order is not complied with in the time period set out in the order, the financial assurance shall be forfeited.

4. Attached as Exhibit A to this application is a list of the 39 wells for which Pronghorn is operator of record in New Mexico.

5. In Case No. 13858, Order No. R-12767, the Division Director found that Pronghorn was in violation of 19.15.4.201 NMAC as to the following 16 wells:

- Fowler B #001 30-025-28197
- JF Black #003 30-025-11182
- JF Black #004 30-025-11183
- JF Black #005 30-025-21401
- JF Black #006 30-025-21478
- JF Black #007 30-025-21479
- Marshall #001 30-025-08358
- Marshall #005 30-025-25000
- Marshall #008 30-025-25642
- New Mexico BZ State NCT 5 #004 30-025-03524
- New Mexico DL State #003 30-025-28608
- New Mexico DL State #004 30-025-28609
- New Mexico DL State #005 30-025-28610
- New Mexico DL State #006 30-025-28659
- New Mexico DL State #007 30-025-28681
- New Mexico EF State #003 30-025-28697

These wells are highlighted in green on Exhibit A. Order No. R-12767 required Pronghorn to plug and abandon the wells, secure approved temporary abandonment status for the wells, or return them to OCD-approved beneficial use by October 2, 2007. As of today's date, Pronghorn has reported production on one of the 16 wells: the New Mexico DL State #007, 30-025-28681. The other 15 wells remain out of compliance.

6. In Case No. 13859, Order No. R-12768, the Division Director found that Pronghorn knowingly and willfully violated NMSA 1978, Section 70-2-31(B)(2), 19.15.13.1115.A NMAC and 19.15.4.201 NMAC as to the following 11 wells by filing false reports of production on the wells although the wells were inactive:

- Fields #004 30-025-25348

- JF Black #001 30-025-11178
- Marshall #007 30-025-25201
- New Mexico BZ State NCT 5 #001 30-025-03521
- New Mexico BZ State NCT 5 #002 30-025-03522
- New Mexico BZ State NCT 5 #003 30-025-03523
- New Mexico DL State #001 30-025-28223
- New Mexico DL State #002 30-025-28607
- New Mexico EF State #001 30-025-28680
- State C #001 30-025-03485
- State HL #001 30-025-26492

Those wells are highlighted in blue on Exhibit A. Order No. R-12768 required Pronghorn to plug and abandon the wells, secure approved temporary abandonment status for the wells, or return them to OCD-approved beneficial use by December 30, 2007. In addition, Order No. R-12768 required Pronghorn to do the following by July 30, 2007: pay a penalty of \$72,000, file corrected production reports, and provide contact information for private lessors affected by the false production reports. Pronghorn has not paid the penalty, filed corrected production reports, or provided contact information for private lessors affected by the false production reports.

7. Seven additional wells not covered by Case 13858 or Case 13859 are out of compliance with 19.15.4.201 NMAC because they have been inactive for a continuous period in excess of one year plus 90 days and they are neither plugged and abandoned nor on approved temporary abandonment status:

- Atlantic State #001 30-015-10266
- Eddy State #001 30-015-23248
- Hannafin State #001 30-015-26727
- Long Box Com #001 30-015-22624
- Marshall #006 30-025-25151
- Sivley State #001 30-015-26837
- State M #001 30-015-24612

Those seven wells are highlighted in yellow on Exhibit A. One of the wells highlighted in yellow, the State M # 001, 30-015-24612, also has an un-permitted, unlined pit on location, in violation of 19.15.2.50 NMAC, which requires pits to be permitted, properly lined, and closed within six months of cessation of use.

8. Four other wells not covered by Case 13858 or Case 13859 are out of compliance with other OCD rules, and are highlighted in purple on Exhibit A:

- Gila 4 Deep #001 30-025-30872
- Howse C #001 30-025-22165
- Marshall #002 30-025-08359
- New Mexico BZ State NCT 5 #005 30-025-32362

All four wells reported production or injection between February 15, 2007 and August 24, 2007. The OCD had cancelled Pronghorn's authority to transport or inject during that period pursuant to 19.15.13.1115.C NMAC because of Pronghorn's failure to file production reports. Transportation of oil or gas during that period would be a violation of 19.15.13.1105 NMAC. Injection during that period would be a violation of 19.15.9.701 NMAC. Three of the four wells highlighted in purple have additional compliance issues:

a. Howse C #001, 30-025-22165. The well has the wrong ULSTR listed on its well sign, which is a violation of 19.15.3.103.F NMAC.

b. Marshall #002, 30-025-08359. Although the well is reporting injection, inspection reports indicate the well is shut in. If Pronghorn is reporting injection on an inactive well, Pronghorn is filing false reports in violation of 19.15.13.1115 NMAC and NMSA 1978, Section 70-2-31.B(2).

c. New Mexico BZ State NCT #005, 30-025-32362. Again, although the well is reporting production, inspection reports indicate the well is shut in. If Pronghorn is reporting production on an inactive well, Pronghorn is filing false reports in violation of 19.15.13.1115 NMAC and NMSA 1978, Section 70-2-31.B(2).

9. The Hastie #005, 30-015-01417, is highlighted in pink on Exhibit A. Pronghorn filed a notice of intent to plug and abandon the well in 1995, and no production has been reported since 1995. The well file contains no additional filings from Pronghorn on this well. In 2001 the OCD issued a Letter of Violation to Pronghorn regarding the well after an inspection found the location not clean after an apparent plugging. To date, Pronghorn has not filed a Form C-103 to report completion of restoration work. Rule 19.15.4.201 NMAC requires a well to be plugged and abandoned or placed on approved temporary abandonment status after one year plus ninety days of continuous inactivity. Rule 19.15.4.202 NMAC requires the operator to clean the well site "as soon as practical but no later than one year after the completion of plugging operations," and file a record of the work done within thirty days after completing all required restoration work.

10. NMSA 1978, Section 70-2-3(A) defines "person" in relevant part to include corporations.

WHEREFORE, the Enforcement and Compliance Manager of the Division hereby applies to the Director to enter an order:

A. Determining that 38 of the 39 wells operated by Pronghorn in New Mexico (all wells except the New Mexico DL State #007, 30-025-28681) are in violation of one or more of the following: NMSA 1978, Section 70-2-31(B)(2); 19.15.4.201 NMAC; 19.15.4.202 NMAC; 19.15.13.1115 NMAC; 19.15.13.1105 NMAC; 19.15.9.701 NMAC; 19.15.3.103.F NMAC; and 19.15.2.50 NMAC;

B. Requiring Pronghorn to plug and abandon all its wells by a date certain; and if the subject wells are not plugged and abandoned by the date set in the order:

(1) Authorizing the OCD to plug the wells in accordance with a Division-approved plugging program; and

(2) If any of the non-compliant subject wells is located on privately owned or state owned lands, authorizing the OCD to declare forfeit the security furnished by the Operator; and

C. For such other and further relief as the Director deems just and proper under the circumstances.

RESPECTFULLY SUBMITTED,
this 15th day of November 2007 by



Gail MacQuesten
Assistant General Counsel
Energy, Minerals and Natural
Resources Department of the State of
New Mexico
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Santa Fe, NM 87505
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Attorney for the New Mexico Oil
Conservation Division

Case No. _____. Application of the New Mexico Oil Conservation Division for a Compliance Order against Pronghorn Management Corp. The Applicant seeks an order pursuant to NMSA 1978, Section 70-2-14(B) requiring operator to plug and abandon all its wells in New Mexico by a date certain and authorizing the Division to plug said wells and forfeit the applicable financial assurance in the event of non-compliance. The wells at issue are:

ATLANTIC STATE #001, N-4 -17S-28E, 30-015-10266; EDDY STATE #001, G-6 -19S-25E, 30-015-23248; FIELDS #004, A-25-23S-32E, 30-025-25348; FOWLER B #001, K-6 -19S-38E, 30-025-28197; GILA 4 DEEP #001, G-4 -25S-33E, 30-025-30872; HANNAFIN STATE #001, L-17-19S-29E, 30-015-26727; HASTIE #005, F-18-17S-28E, 30-015-01417; HOWSE C #001, H-11-20S-38E, 30-025-22165; J F BLACK #001, G-21-24S-37E, 30-025-11178; J F BLACK #003, B-21-24S-37E, 30-025-11182; J F BLACK #004, F-21-24S-37E, 30-025-11183; J F BLACK #005, K-21-24S-37E, 30-025-21401; J F BLACK #006, F-21-24S-37E, 30-025-21478; J F BLACK #007, C-21-24S-37E, 30-025-21479; LONG BOX COM #001, H-30-20S-24E, 30-015-22624; MARSHALL #001, 4-19-23S-33E, 30-025-08358; MARSHALL #002, K-19-23S-33E, 30-025-08359; MARSHALL #005, F-19-23S-33E, 30-025-25000; MARSHALL #006, B-19-23S-33E, 30-025-25151; MARSHALL #007, C-19-23S-33E, 30-025-25201; MARSHALL #008, 3-19-23S-33E, 30-025-25642; NEW MEXICO BZ STATE NCT 5 #001, D-29-21S-35E, 30-025-03521; NEW MEXICO BZ STATE NCT 5 #002, C-29-21S-35E, 30-025-03522; NEW MEXICO BZ STATE NCT 5 #003, E-29-21S-35E, 30-025-03523; NEW MEXICO BZ STATE NCT 5 #004, F-29-21S-35E, 30-025-03524; NEW MEXICO BZ STATE NCT 5 #005, D-29-21S-35E, 30-025-32362; NEW MEXICO DL STATE #001, I-18-23S-33E, 30-025-28223; NEW MEXICO DL STATE #002, O-18-23S-33E, 30-025-28607; NEW MEXICO DL STATE #003, H-18-23S-33E, 30-025-28608; NEW MEXICO DL STATE #004, N-18-23S-33E, 30-025-28609; NEW MEXICO DL STATE #005, J-18-23S-33E, 30-025-28610; NEW MEXICO DL STATE #006, P-18-23S-33E, 30-025-28659; NEW MEXICO DL STATE #007, A-18-23S-33E, 30-025-28681; NEW MEXICO EF STATE #001, L-17-23S-33E, 30-025-28680; NEW MEXICO EF STATE #003, M-17-23S-33E, 30-025-28697; SIVLEY STATE #001, M-17-19S-29E, 30-015-26837; STATE C #001, M-20-21S-35E, 30-025-03485; STATE HL #001, L-2 -23S-33E, 30-025-26492; STATE M #001, M-36-17S-27E, 30-015-24612.

The wells are located in the southwest corner of New Mexico, south of Lovington and east of Carlsbad in Lea and Eddy Counties.

Well List

122811 PRONGHORN MANAGEMENT CORP

TOTAL WELL COUNT:39

PRINTED ON:WEDNESDAY, NOVEMBER 14, 2007

Property	Well Name	Lease Type	ULSTR	OCD UL	API	Well Type	Pool	Last Prod/Inj	Oil POD	Gas POD	In Add. Bond
16106	ATLANTIC STATE #001	S	N-4 -17S-28E	N	30-015-10266	G	86960 VANDAGRIFF KEYES;QUEEN (GAS)	9/2000		944830	10/1/2002
15356	EDDY STATE #001	S	G-6 -19S-25E	G	30-015-23248	O	50270 PENASCO DRAW;SA-YESO (ASSOC)	7/2006	502110	502130	8/1/2008
15001	FIELDS #004	F	A-25-23S-32E	A	30-025-25348	O	14910 CRUZ;DELAWARE	3/2006	498810	498830	
14992	FOWLER B #001	P	K-6 -19S-38E	K	30-025-28197	O	31920 HOBBS;GRAYBURG-SAN ANDRES	9/1985	499110	499130	10/1/1987
14986	GILA 4 DEEP #001	F	G-4 -25S-33E	G	30-025-30872	G	79335 JOHNSON RANCH;WOLFCAMP (GAS)	8/2007	2804889	501730	
16105	HANNAFIN STATE #001	S	L-17-19S-29E	L	30-015-26727	O	46555 MILLMAN;YATES-SR-QN-GB-SA, EAST	7/2006	944610	944630	8/1/2008
15324	HASTIE #005	F	F-18-17S-28E	F	30-015-01417	O		12/1995			
14995	HOWSE C #001	P	H-11-20S-38E	H	30-025-22165	O	33210 HOUSE;ABO	8/2007	501610	501630	9/1/2009
14988	J F BLACK #001	P	G-21-24S-37E	G	30-025-11178	O	37240 LANGLIE MATTIX;7 RVRS-Q-GRAYBURG	3/2006	500910	500930	4/1/2008
	J F BLACK #003	P	B-21-24S-37E	B	30-025-11182	O	37240 LANGLIE MATTIX;7 RVRS-Q-GRAYBURG	12/1993	500910	500930	1/1/1996
	J F BLACK #004	P	F-21-24S-37E	F	30-025-11183	O	33820 JALMAT;TAN-YATES-7 RVRS (OIL)	10/1987	499810	499830	11/1/1989
	J F BLACK #005	P	K-21-24S-37E	K	30-025-21401	O	37240 LANGLIE MATTIX;7 RVRS-Q-GRAYBURG	1/1984	500910	500930	2/1/1986
	J F BLACK #006	P	F-21-24S-37E	F	30-025-21478	I	37240 LANGLIE MATTIX;7 RVRS-Q-GRAYBURG	7/1991			8/1/1993
	J F BLACK #007	P	C-21-24S-37E	C	30-025-21479	I	37240 LANGLIE MATTIX;7 RVRS-Q-GRAYBURG	5/1985			6/1/1987
15327	LONG BOX COM #001	F	H-30-20S-24E	H	30-015-22624	G	86423 TRES HOMBRES;ATOKA (GAS)	10/2005	499310	499330	
14997	MARSHALL #001	F	4-19-23S-33E	M	30-025-08358	O	14910 CRUZ;DELAWARE	2/1990	498810	498830	
	MARSHALL #002	F	K-19-23S-33E	K	30-025-08359	S	96100 SWD;DELAWARE	8/2007			
	MARSHALL #005	F	F-19-23S-33E	F	30-025-25000	O	14910 CRUZ;DELAWARE	4/1998	498810	498830	
	MARSHALL #006	F	B-19-23S-33E	B	30-025-25151	O	14910 CRUZ;DELAWARE	2/1996	498810	498830	
	MARSHALL #007	F	C-19-23S-33E	C	30-025-25201	O	14910 CRUZ;DELAWARE	8/2005	498810	498830	
	MARSHALL #008	F	3-19-23S-33E	L	30-025-25642	O	14910 CRUZ;DELAWARE	2/1996	498810	498830	
14987	NEW MEXICO BZ STATE NCT 5 #001	S	D-29-21S-35E	D	30-025-03521	O	53790 SAN SIMON;YATES, NORTH (ASSOC)	3/2006	501310	501330	4/1/2008
	NEW MEXICO BZ STATE NCT 5 #002	S	C-29-21S-35E	C	30-025-03522	O	53790 SAN SIMON;YATES, NORTH (ASSOC)	3/2006	501310	501330	4/1/2008
	NEW MEXICO BZ STATE NCT 5 #003	S	E-29-21S-35E	E	30-025-03523	O	53790 SAN SIMON;YATES, NORTH (ASSOC)	2/2006	501310	501330	3/1/2008
	NEW	S	F-29-21S-35E	F	30-025-03524	O	53790 SAN SIMON;YATES,	6/1986	501310	501330	7/1/1988

NORTH (ASSOC)

MEXICO
BZ STATE
NCT 5
#004

NEW S D-29-21S-35E D 30-025-32362 O 53790 SAN SIMON;YATES,
MEXICO NORTH (ASSOC)
BZ STATE
NCT 5
#005

14998 NEW S I-18-23S-33E I 30-025-28223 O 14910 CRUZ;DELAWARE 3/2006 499010 499030 4/1/2008

MEXICO
DL STATE
#001

NEW S O-18-23S-33E O 30-025-28607 O 14910 CRUZ;DELAWARE 3/2006 499010 499030 4/1/2008

MEXICO
DL STATE
#002

NEW S H-18-23S-33E H 30-025-28608 O 14910 CRUZ;DELAWARE 4/2001 499010 499030 5/1/2003

MEXICO
DL STATE
#003

NEW S N-18-23S-33E N 30-025-28609 O 14910 CRUZ;DELAWARE 7/2002 499010 499030 8/1/2004

MEXICO
DL STATE
#004

NEW S J-18-23S-33E J 30-025-28610 O 14910 CRUZ;DELAWARE 4/2001 499010 499030 5/1/2003

MEXICO
DL STATE
#005

NEW S P-18-23S-33E P 30-025-28659 O 14910 CRUZ;DELAWARE 10/1989 499010 499030 11/1/1991

MEXICO
DL STATE
#006

NEW S A-18-23S-33E A 30-025-28681 O 14910 CRUZ;DELAWARE 8/2007 499010 499030 9/1/2009

MEXICO
DL STATE
#007

14985 NEW S L-17-23S-33E L 30-025-28680 O 14910 CRUZ;DELAWARE 3/2006 499010 499030 4/1/2008

MEXICO
EF STATE
#001

NEW S M-17-23S-33E M 30-025-28697 I 14910 CRUZ;DELAWARE 4/2001 5/1/2003

MEXICO
EF STATE
#003

16104 SIVLEY S M-17-19S-29E M 30-015-26837 O 46555 MILLMAN;YATES-SR- 3/2006 944510 944530 4/1/2008

STATE
#001

QN-GB-SA, EAST

14984 STATE C S M-20-21S-35E M 30-025-03485 O 53790 SAN SIMON;YATES, 3/2006 501410 501430 4/1/2008

#001

NORTH (ASSOC)

15000 STATE HL S L-2 -23S-33E L 30-025-26492 O 7320 BRINNINSTOOL;BONE 3/2006 499510 499530 4/1/2008

#001

SPRING

15358 STATE M S M-36-17S-27E M 30-015-24612 O 51300 RED LAKE;QUEEN- 11/1995 1206610 1206630 12/1/1997

#001

GRAYBURG-SA

19.15.14.1211 PLEADINGS, COPIES, PRE-HEARING STATEMENTS, EXHIBITS AND MOTIONS FOR CONTINUANCE:

A. Pleadings. Applicants shall file two sets of pleadings and correspondence in cases pending before a division examiner with the division clerk and six sets of pleadings and correspondence in cases pending before the commission with the commission clerk. For cases pending before the commission, the commission clerk shall disseminate copies of pleadings and correspondence to the commission members. The party filing the pleading or correspondence shall at the same time serve a copy of the pleading or correspondence upon each party who has entered an appearance in the case on or prior to the business day immediately preceding the date when the party files the pleading or correspondence with the division or the commission clerk, as applicable. Parties shall accomplish service by hand delivery or transmission by facsimile or electronic mail to any party who has entered an appearance or, if the party is represented, the party's attorney of record. Service upon a party who has not filed a pleading containing a facsimile number or e-mail address may be made by ordinary first class mail. Parties shall be deemed to have made an appearance when they have either sent a letter regarding the case to the division or commission clerk or made an in person appearance at any hearing before the commission or before a division examiner. A written appearance, however, shall not be complete until the appearing party has provided notice to other parties of record. Any initial pleading or written entry of appearance a party other than the applicant files shall include the party's address or the address of the party's attorney and an e-mail and facsimile number if available.

B. Pre-hearing statements.

(1) Any party to an adjudicatory proceeding who intends to present evidence at the hearing shall file a pre-hearing statement, and serve copies on other parties or, for parties that are represented, their attorneys in the manner Subsection A of 19.15.14.1211 NMAC provides, at least four business days in advance of a scheduled hearing before the division or the commission, but in no event later than 5:00 pm mountain time, on the Thursday preceding the scheduled hearing date. The statement shall include:

- (a)** the names of the party and the party's attorney;
- (b)** a concise statement of the case;
- (c)** the names of witnesses the party will call to testify at the hearing, and in the case of expert witnesses, their fields of expertise;
- (d)** the approximate time the party will need to present its case; and
- (e)** identification of any procedural matters that are to be resolved prior to the hearing.

(2) Any party other than the applicant shall include in its pre-hearing statement a statement of the extent to which the party supports or opposes the issuance of the order the applicant seeks and the reasons for such support or opposition. In cases to be heard by the commission, each party shall include copies of all exhibits that it proposes to offer in evidence at the hearing with the pre-hearing statement. The commission may exclude witnesses the party did not identify in the pre-hearing statement, or exhibits the party did not file and serve with the pre-hearing statement, unless the party offers such evidence solely for rebuttal or makes a satisfactory showing of good cause for failure to disclose the witness or exhibit.

(3) A pre-hearing statement filed by a corporation or other entity not represented by an attorney shall identify the person who will conduct the party's presentation at the hearing and include a sworn and notarized statement attesting that the corporation's or entity's governing body or chief executive officer authorizes the person to present the corporation or entity in the matter.

(4) For cases pending before the commission, the commission clerk shall disseminate copies of pre-hearing statements and exhibits to the commission members.

C. Motions for continuance. Parties shall file and serve motions for continuance no later than 48 hours prior to time the hearing is set to begin, unless the reasons for requesting a continuance arise after the deadline, in which case the party shall file the motion as expeditiously as possible after becoming aware of the need for a continuance.

[19.15.14.1211 NMAC - Rp, 19.15.14.1208 NMAC, 09/30/05]

19.15.14.1212 CONDUCT OF ADJUDICATORY HEARINGS:

A. Testimony. Hearings before the commission or a division examiner shall be conducted without rigid formality. The division or commission shall take or have someone take a transcript of testimony and preserve the transcript as a part of the division's permanent records. Any person testifying shall do so under oath. The division examiner or commission shall designate whether or not an interested party's un-sworn comments and observations are relevant and, if relevant, include the comments and observations in the record.

B. Pre-filed testimony. The division director may order the parties to file prepared written testimony in advance of the hearing for cases pending before the commission. The witness shall be present at the hearing and shall adopt, under oath, the prepared written testimony, subject to cross-examination and motions to strike unless the witness' presence at hearing is waived upon notice to other parties and without their objection. The parties shall number pages of the prepared written testimony, which shall contain line numbers on the left-hand side.

C. Appearances pro se or through an attorney. Parties may appear and participate in hearings either pro se (on their own behalf) or through an attorney. Corporations, partnerships, governmental entities, political subdivisions, unincorporated associations and other collective entities may appear only through an attorney or through a duly authorized officer or member. Participation in adjudicatory hearings shall be limited to parties, as defined in 19.15.14.1208 NMAC, except that a representative of a federal, state or tribal governmental agency or political subdivision may make a statement on the agency's or political subdivision's behalf. The commission or division examiner shall have the discretion to allow any other person present at the hearing to make a relevant statement, but not to present evidence or cross-examine witnesses. Any person making a statement at an adjudicatory hearing shall be subject to cross-examination by the parties or their attorneys.

[19.15.14.1212 NMAC - Rp, 19.15.14.1210 NMAC, 09/30/05]