

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

ORIGINAL

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

APPLICATION OF THE NEW MEXICO OIL CASE NO. 14312
CONSERVATION DIVISION FOR A
COMPLIANCE ORDER AGAINST ORBIT
PETROLEUM, INC.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

BEFORE: TERRY G. WARNELL, Presiding Examiner
RICHARD EZEANYIM, Technical Examiner
DAVID K. BROOKS, Legal Examiner

June 25, 2009

Santa Fe, New Mexico

This matter came on for hearing before the New
Mexico Oil Conservation Division, TERRY G. WARNELL,
Presiding Examiner, DAVID K. BROOKS, Legal Examiner, and
RICHARD EZEANYIM, Technical Examiner, on Thursday, June
25, 2009, at the New Mexico Energy, Minerals and Natural
Resources Department, 1220 South Saint Francis Drive,
Room 102, Santa Fe, New Mexico.

REPORTED BY: Jacqueline R. Lujan, CCR #91
Paul Baca Professional Court Reporters
500 Fourth Street, N.W., Suite 105
Albuquerque, NM 87103 505-843-9241

2009 JUL 8
A 8:05
RECEIVED OGD

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

A P P E A R A N C E S

FOR THE OIL CONSERVATION DIVISION:

Gail MacQuesten
Assitant General Counsel
P.O. Box 1056
Santa Fe, New Mexico 87504

INDEX PAGE

| | |
|---|---|
| EXHIBITS 15 AND 16 ADMITTED INTO EVIDENCE | 4 |
| REPORTER'S CERTIFICATE | 5 |

1 MR. WARNELL: Case 14312, application of
2 the New Mexico Oil Conservation Division for a compliance
3 order against Orbit Petroleum, Inc. Call for
4 appearances.

5 MS. MACQUESTEN: Gail MacQuesten appearing
6 for the Oil Conservation Division.

7 MR. WARNELL: Any other appearances? Ms.
8 MacQuesten, you may continue.

9 MS. MACQUESTEN: Mr. Examiner, this is a
10 plugging case. It was heard on May 14th. At that time
11 we thought we had actual notice to the operator by
12 service to the registered agent listed on the PRC
13 Website. After the hearing, the letters that were sent
14 to that agent were returned to the OCD marked "Address
15 unknown." I tried to contact the registered agent and
16 couldn't find them.

17 Because we were concerned that we had not
18 given appropriate notice to the operator, we had this
19 case put back on the calendar and advertised in the
20 newspaper. I'm here today to present you with affidavits
21 of publication from the two relevant newspapers, and I'd
22 ask you to adopt the record that was made on May 14th and
23 take the case under advisement.

24 MR. WARNELL: Let the record show that we
25 are accepting Exhibits 15 and 16 into the record. And if

1 there are no questions --

2 (Exhibits 15 and 16 were admitted.)

3 MR. BROOKS: What is the status of Orbit's
4 bankruptcy? Does anyone know?

5 MS. MACQUESTEN: I do not know.

6 MR. BROOKS: I haven't heard anything in a
7 while. What needs to be done on Orbit is to move for
8 relief from the automatic stay but it hasn't been done.
9 Okay. Thanks.

10 MR. WARNELL: Okay. If there's no other
11 questions, then Case Number 14312 will be taken under
12 advisement.

13 * * *

14

15

16

17

18

19

20

I do hereby certify that the foregoing is
a complete record of the proceedings in
the Examiner hearing of Case No. _____,
heard by me on _____.

21

_____, Examiner
Oil Conservation Division

22

23

24

25

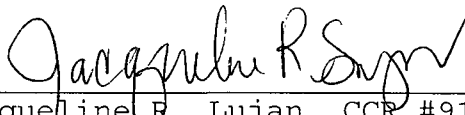
REPORTER'S CERTIFICATE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, JACQUELINE R. LUJAN, New Mexico CCR #91, DO
HEREBY CERTIFY that on June 25, 2009, proceedings in the
above captioned case were taken before me and that I did
report in stenographic shorthand the proceedings set
forth herein, and the foregoing pages are a true and
correct transcription to the best of my ability.

I FURTHER CERTIFY that I am neither employed by
nor related to nor contracted with any of the parties or
attorneys in this case and that I have no interest
whatsoever in the final disposition of this case in any
court.

WITNESS MY HAND this 8th day of July, 2009.


Jacqueline R. Lujan, CCR #91
Expires: 12/31/2009