

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

CASE NO. 13,187

AWAITING FINAL COMMISSION ACTION

NO EVIDENCE OR TESTIMONY TAKEN

RECEIVED

JAN 22 2004

Oil Conservation Division
1220 S. St. Francis Drive
Santa Fe, NM 87505

REPORTER'S TRANSCRIPT OF PROCEEDINGS

COMMISSION HEARING

BEFORE: LORI WROTENBERY, CHAIRMAN
JAMI BAILEY, COMMISSIONER
ROBERT LEE, COMMISSIONER

ORIGINAL

January 15th, 2004

Santa Fe, New Mexico

This matter came on for hearing before the Oil Conservation Commission, LORI WROTENBERY, Chairman, on Thursday, January 15th, 2004, at the New Mexico Energy, Minerals and Natural Resources Department, 1220 South Saint Francis Drive, Room 102, Santa Fe, New Mexico, Steven T. Brenner, Certified Court Reporter No. 7 for the State of New Mexico.

* * *

STEVEN T. BRENNER, CCR
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I N D E X

January 15th, 2004
 Commission Hearing
 CASE NO. 13,187
 (Awaiting final Commission Action -
 No evidence or testimony taken)

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A P P E A R A N C E S

FOR THE COMMISSION:

DAVID K. BROOKS, JR.
 Assistant General Counsel
 Energy, Minerals and Natural Resources Department
 1220 South St. Francis Drive
 Santa Fe, New Mexico 87505

* * *

1 WHEREUPON, the following proceedings were had at
2 9:10 a.m.:

3 CHAIRMAN WROTENBERY: Okay, I believe today we
4 have a fairly short agenda, so we can go ahead and get
5 started. This is January 15th, 2004, the first meeting of
6 the Oil Conservation Commission for this year. I note once
7 again we have snow on the day of the Commission meeting.
8 I'm thinking maybe we should schedule more frequent
9 meetings, with the drought, I don't know.

10 (Off the record)

11 CHAIRMAN WROTENBERY: I'll just note that all
12 three Commissioners are present this morning. We have, I
13 believe, three action items on the agenda and one we may
14 need to talk about the status of, I'm not sure.

15 MR. BROOKS: I don't know anything about that.

16 CHAIRMAN WROTENBERY: Okay. Well, the
17 conversation will be short.

18 The first item is the minutes of the hearing of
19 the Oil Conservation Commission held on December 11th,
20 2003. Commissioners, have you had a chance to review those
21 minutes?

22 COMMISSIONER BAILEY: Yes, I have, and I move
23 that we adopt them.

24 CHAIRMAN WROTENBERY: Do I hear a second?

25 COMMISSIONER LEE: Second.

1 CHAIRMAN WROTENBERY: All in favor say aye.

2 COMMISSIONER BAILEY: Aye.

3 COMMISSIONER LEE: Aye.

4 CHAIRMAN WROTENBERY: Aye. And I'll sign those
5 minutes on behalf of the Commission.

6 * * *

7
8 CHAIRMAN WROTENBERY: Okay, and the second item
9 is the annual resolution required by the Open Meetings Act.
10 And David, do you want to just introduce this item for us?

11 MR. BROOKS: Do you have the -- You have it
12 printed it out, okay.

13 CHAIRMAN WROTENBERY: Yes.

14 MR. BROOKS: Yes, the Open Meetings Act, New
15 Mexico Statutes Annotated Sections 10-15-1 and following,
16 provide that a public body shall not less than annually
17 adopt a resolution prescribing a means by which it will
18 comply with the provisions of that act with regard to the
19 conduct of its proceedings and manner of giving notice of
20 its proceedings.

21 The resolution that is proposed for this year is
22 very similar to the one that the Commission adopted in
23 2003, but it has a couple of changes to comply with our --
24 or to conform to the statutory enactment of the 2003
25 Legislature and also to changes in notice rules that are

1 proposed for adoption today.

2 And there is one other change that -- The
3 previous resolution stated that a member of the Commission
4 may participate in meetings by conference telephone or
5 similar equipment when it's difficult or impossible for the
6 member to be present, and we deleted the Commission and
7 simply said a member of the Commission may participate in
8 meetings by conference telephone or other similar
9 communication equipment.

10 CHAIRMAN WROTENBERY: Any questions,
11 Commissioners?

12 COMMISSIONER BAILEY: No.

13 CHAIRMAN WROTENBERY: Okay, I don't hear any
14 questions. Then I'll entertain a motion that we approve
15 the open meetings resolution for 2004.

16 COMMISSIONER BAILEY: I move that we approve the
17 resolution.

18 COMMISSIONER LEE: Second.

19 CHAIRMAN WROTENBERY: All in favor say aye.

20 COMMISSIONER BAILEY: Aye.

21 COMMISSIONER LEE: Aye.

22 CHAIRMAN WROTENBERY: And this one we all three
23 sign.

24 Okay, thank you, David.

25 * * *

1 CHAIRMAN WROTENBERY: And we still have Case
2 13,100 on the docket. We're carrying it from month to
3 month. This is the Application of the Fruitland Coalbed
4 Methane Study Committee to amend Rules 4 and 7 of Special
5 Rules and Regulations for the Basin-Fruitland Coal Gas
6 Pool, and this was the part of the case that was bifurcated
7 from Case 12,888.

8 MR. BROOKS: Correct.

9 CHAIRMAN WROTENBERY: Have we heard anything from
10 the parties in this matter?

11 MR. BROOKS: Not since the last Commission
12 meeting. I conferred with counsel before the last
13 Commission meeting and was informed that they wanted it to
14 be carried because they were still attempting to finalize a
15 settlement.

16 Like I say, I haven't heard from them since that
17 meeting.

18 Since there's no one here requesting that it be
19 heard, I would guess my recommendation would be that we
20 carry it another month, and I will endeavor to find out the
21 status of negotiations prior to the February 12th
22 Commission Hearing.

23 CHAIRMAN WROTENBERY: That will be helpful.
24 Thank you.

25 * * *

1 CHAIRMAN WROTENBERY: And then that takes us to
2 Case 13,187, the Application of the New Mexico Oil
3 Conservation Division to amend various procedural rules.

4 We heard testimony on this case at the last
5 Commission meeting, and David has prepared for us a draft
6 order with an attached Rule.

7 He also did a little investigation on the
8 question that Mr. Bemis raised --

9 MR. BROOKS: Correct.

10 CHAIRMAN WROTENBERY: -- at the hearing in --

11 MR. BROOKS: Yes, Florene Davidson contacted the
12 *Albuquerque Journal*. Mr. Bemis had raised the question
13 whether there was such a thing as a newspaper of general
14 circulation in the State, and we had suggested that we
15 believe the *Albuquerque Journal* to be that.

16 Ms. Davidson has contacted the *Journal*, and they
17 have told us that they believe themselves to be such and
18 that they routinely make affidavits to that effect in
19 connection with applications.

20 CHAIRMAN WROTENBERY: Thank you. So if
21 Commissioner Bailey will --

22 COMMISSIONER BAILEY: I'll --

23 CHAIRMAN WROTENBERY: -- relay that
24 information --

25 COMMISSIONER BAILEY: Thank you.

1 CHAIRMAN WROTENBERY: -- to Mr. Bemis, we'd
2 appreciate it.

3 And Mr. Brooks has prepared a draft order for our
4 consideration.

5 Commissioners, have you had a chance to review
6 the order?

7 COMMISSIONER BAILEY: Yes, I have, and I move we
8 adopt it.

9 COMMISSIONER LEE: Second.

10 CHAIRMAN WROTENBERY: All in favor say aye.

11 COMMISSIONER BAILEY: Aye.

12 COMMISSIONER LEE: Aye.

13 CHAIRMAN WROTENBERY: Aye. Trying to find the
14 signature page. There we go.

15 * * *

16
17 CHAIRMAN WROTENBERY: Okay, I think we've covered
18 the Commission's agenda in very short order here. Is there
19 anything else we need to address today, Mr. Brooks?

20 MR. BROOKS: Not that I'm aware of.

21 CHAIRMAN WROTENBERY: Ms. Davidson?

22 MS. DAVIDSON: No.

23 CHAIRMAN WROTENBERY: Commissioners?

24 COMMISSIONER BAILEY: I don't think so.

25 COMMISSIONER LEE: (Shakes head)

1 CHAIRMAN WROTENBERY: In that case, I'll
2 entertain a motion to adjourn.

3 COMMISSIONER BAILEY: I move we adjourn.

4 COMMISSIONER LEE: Second.

5 CHAIRMAN WROTENBERY: It's a done deal. Thank
6 you very much, everybody.

7 (Thereupon, these proceedings were concluded at
8 9:21 a.m.)

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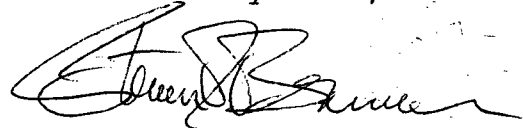
CERTIFICATE OF REPORTER

STATE OF NEW MEXICO)
) ss.
COUNTY OF SANTA FE)

I, Steven T. Brenner, Certified Court Reporter and Notary Public, HEREBY CERTIFY that the foregoing transcript of proceedings before the Oil Conservation Commission was reported by me; that I transcribed my notes; and that the foregoing is a true and accurate record of the proceedings.

I FURTHER CERTIFY that I am not a relative or employee of any of the parties or attorneys involved in this matter and that I have no personal interest in the final disposition of this matter.

WITNESS MY HAND AND SEAL January 15th, 2004.



STEVEN T. BRENNER
CCR No. 7

My commission expires: October 16th, 2006