

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 NO. 12,966
	)	
APPLICATION OF THE NEW MEXICO OIL	)	
CONSERVATION DIVISION, THROUGH THE	)	
SUPERVISOR OF DISTRICT III, FOR AN ORDER	)	
ASSESSING CIVIL PENALTIES AGAINST BC&D	)	
OPERATING, INCORPORATED, FOR FAILURE TO	)	
GIVE TIMELY NOTICE OF A RELEASE AND	)	
FAILURE TO TAKE CORRECTIVE ACTION AS	)	
REQUIRED BY OCD RULE 116, MCKINLEY	)	
COUNTY, NEW MEXICO	)	

ORIGINAL

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

BEFORE: DAVID R. CATANACH, Hearing Examiner

November 14th, 2002

Santa Fe, New Mexico

This matter came on for hearing before the New Mexico Oil Conservation Division, DAVID R. CATANACH, Hearing Examiner, on Thursday, November 14th, 2002, 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.

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## I N D E X

November 14th, 2002  
Examiner Hearing  
CASE NO. 12,966

PAGE

REPORTER'S CERTIFICATE

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## A P P E A R A N C E S

## FOR THE DIVISION:

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

\* \* \*

## ALSO PRESENT:

WILLIAM V. JONES, JR.  
Petroleum Engineer  
New Mexico Oil Conservation Division  
1220 South Saint Francis Drive  
Santa Fe, NM 87505

\* \* \*

1           WHEREUPON, the following proceedings were had at  
2   2:44 p.m.:

3           EXAMINER CATANACH: Okay, at this time let me  
4   call Case 12,966, the Application of the New Mexico Oil  
5   Conservation Division, through the Supervisor of District  
6   III, for an order assessing civil penalties against BC&D  
7   Operating, Incorporated, for failure to give timely notice  
8   of a release and failure to take corrective action as  
9   required by OCD Rule 116, McKinley County, New Mexico.

10          Call for appearances.

11          MR. BROOKS: Mr. Examiner, I'm David Brooks,  
12   Energy, Minerals and Natural Resources Department of the  
13   State of New Mexico, appearing for the New Mexico Oil  
14   Conservation Division.

15          EXAMINER CATANACH: Any other appearances?

16          Okay, Mr. Brooks?

17          MR. BROOKS: I note for the record that Mr. Scott  
18   Hall of Santa Fe, New Mexico, represents BC&D. He is not  
19   present.

20          EXAMINER CATANACH: The record shall so reflect,  
21   Mr. Brooks.

22          MR. BROOKS: Okay. Mr. Hall and I have agreed to  
23   a settlement of this case, and at this time I'm requesting  
24   that the case be continued to the December 5th docket to  
25   enable us to finalize the settlement. At that time I hope

1 to be in a position to request dismissal.

2 EXAMINER CATANACH: Okay. At the Division's  
3 request, Case Number 12,966 will be continued to the  
4 December 5th hearing.

5 MR. BROOKS: Thank you.

6 EXAMINER CATANACH: Thank you, Mr. Brooks.

7 And this hearing is adjourned.

8 (Thereupon, these proceedings were concluded at  
9 2:45 p.m.)

10 \* \* \*

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18 I do hereby certify that the foregoing  
19 is a complete record of the proceedings  
the Examiner hearing of Case No. 12966  
heard by me on November 14 + 2012  
20 Daniel R. Catnach  
21 Oil Conservation Division  
22  
23  
24  
25

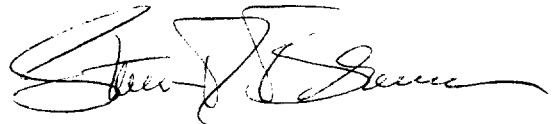
## CERTIFICATE OF REPORTER

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 Division 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 November 24th, 2002.



STEVEN T. BRENNER  
CCR No. 7

My commission expires: October 16th, 2006