

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

**IN THE MATTER OF THE APPLICATION
OF THE NEW MEXICO OIL CONSERVATION
DIVISION TO CONSIDER THE PROPOSED
RULES TO REGULATE THE VENTING AND
FLARING OF NATURAL GAS FROM OIL AND
NATURAL GAS PRODUCTION AND
GATHERING FACILITIES**

**CASE NO. 21528
ORDER NO.
R-21540-A**

AMENDED PROCEDURAL ORDER

The public rule hearing in the above-captioned proceeding shall be held on January 4, 2021 and, if necessary, continued through January 15, 2021, beginning on 9:00 AM each day. The hearing will be held via telephonic/virtual means and may be conducted by a quorum of the Oil Conservation Commission or by a hearing officer appointed by the Commission. Members of the public, participants, and parties to the hearing may attend the meeting through the Webex Meeting platform using the link and/or meeting information to be provided by the Hearing Clerk on or before November 24, 2020.

Pursuant to 19.15.3.8(C), in addition to the procedures found in Rule 19.15.3 NMAC, the following special rules shall apply to this rules hearing:

Webex Meeting Information

January 4-15, 2021

OCC - (Days 1 through 10) Venting/Flaring Rulemaking Hearing

WebEx Information at <http://www.emnrd.state.nm.us/OCD/outreach.html>

See also Exhibit A attached hereto.

1. Motion Hearing prior to Rulemaking Hearing

- a) All Motions, dispositive or otherwise, shall be submitted for consideration by the Commission on or before 5:00 PM December 17, 2020.
- b) Responses shall be submitted on or before 5:00 PM December 28, 2020.
- c) No Replies are permitted.

- d) Timely-filed Motions shall be heard by the Commission or a hearing officer appointed by the Commission on December 30, 2020 from 8:00 AM until 12:00 PM.
- e) The Commission reserves the right to decide non-dispositive Motions without a hearing.

2. **Technical Testimony**

- a) All persons or parties that wish to present technical testimony shall provide to the Commission or Hearing Officer, in writing, a concise statement (i.e., in summary or outline form) of each technical witness's anticipated testimony, and the witness's qualifications, including a description of the witness's education and experience.
- b) Such writing as required by Section 2(a) of this Order shall be filed with the Commission or Hearing Officer no later than 5:00 PM on December 17, 2020.
- c) Filing may be accomplished by first class mail to the Commission Clerk, Florene Davidson, 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, or electronic mail to OCC.Hearings@state.nm.us.
- d) Any person who presents technical testimony in writing shall attend the hearing online or via telephone and be subject to cross-examination by the members of the Commission, the Commission's counsel, or another person who has filed a Pre Hearing Statement on the subject matter of the person's direct testimony.
- e) Pursuant to Rule 19.15.3.11(B)(3), technical rebuttal testimony may be permitted upon a finding by the Commission that the proffered testimony is offered solely for purposes of rebuttal.
- f) Cross-examination of witnesses shall be conducted immediately following their direct examination.

3. **Oral Non-Technical Testimony/Oral Public Comment**

- a) Any person who has not submitted a Pre-Hearing Statement may present non-technical testimony or make an unsworn statement at the hearing, and may offer exhibits at the hearing, so long as the exhibits are relevant to the proposed rule and do not unduly repeat the testimony.
- b) Any person that wishes to present oral non-technical testimony to the Commission shall notify the Commission by signing up to do so on the date(s) on which the person wishes to be heard.

- c) Any person who presents non-technical testimony will be subject to cross examination by the Commission, the Commission's counsel, or another person who has filed a Pre-Hearing Statement on the subject matter of the person's direct testimony. p

4. **Written Comment Period**

- a) The formal written comment period will be between November 24, 2020 and January 8, 2021 by 5:00 PM, but the Commission will accept any written public comment submitted between November 4 and November 24, 2020.
- b) Any person may submit written or electronic comments on the proposed rule no later than 5:00 PM. on January 8, 2021, unless extended by the Commission or the Chair of the Commission, by first class or electronic mail to the Commission Clerk, Florene Davidson, 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, or florene.davidson@state.nm.us or OCC.Hearings@state.nm.us.

5. **Public Comment at Hearing**

- a) The public comment period at the Rulemaking Hearing is established as follows:
 - i. January 4, 2021 is reserved in full for public comment and such period shall continue until 12:00 PM on January 5, 2021.
 - ii. On each subsequent day of the hearing through the last day of the hearing, starting January 6, 2021, the public may comment between 8:30 AM until 9:00 AM and between 4:30 PM and 5 PM.
 - 1. In addition, any person may submit written or electronic comments on the proposed rule no later than 5:00 PM on January 8, 2021, unless extended by the Commission or the Chair of the Commission, by first class or electronic mail to the Commission Clerk, Florene Davidson, 3rd Floor, Wendell Chino Building, 1220 South St. Francis Drive, Santa Fe, New Mexico, 87505, or florene.davidson@state.nm.us or OCC.Hearings@state.nm.us.

6. **Additional Matters**

- a) The Commission may consider allowing post-hearing briefing by interested parties at or near the completion of the hearing if the Commission believes it would be helpful in making a decision. If the Commission elects to permit post-hearing briefing by interested parties, the Commission will direct the interested parties as to issues and topics to be briefed and set forth briefing deadlines.

IT IS SO ORDERED.

DONE at Santa Fe, New Mexico, on this 19 day of November 2020.

**STATE OF NEW MEXICO
OIL CONSERVATION COMMISSION**

A handwritten signature in black ink, appearing to read 'AS', is centered below the commission's name.

ADRIENNE SANDOVAL, M.E., CHAIR

SEAL

EXHIBIT A

STATE OF NEW MEXICO OIL CONSERVATION COMMISSION

APPLICATION OF NEW MEXICO OIL CONSERVATION
DIVISION TO ADOPT 19.15.27 NMAC AND 19.15.28 NMAC,
AND TO AMEND 19.15.7 NMAC, 19.15.18 NMAC, AND
19.15.19 NMAC; STATEWIDE

CASE No. 21528

ACCESS CODES FOR PUBLIC HEARING

Event: January 4, 2021 - Day 1

Event address for attendees: <https://nmemnrd.webex.com/nmemnrd/onstage/g.php?MTID=e18c06e8ea9487e290c0753d302966c3b>

Date and time: Monday, January 4, 2021 8:30 am
Mountain Standard Time (Denver, GMT-07:00)

Duration: 9 hours

Event number: 146 102 8397

Event password: Cpt2MNXgp54

Video Address: 1461028397@nmemnrd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.

Audio conference: To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code.
United States Toll
+1-408-418-9388
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Access code: 146 102 8397

Event: January 5, 2021 - Day 2

Event address for attendees: <https://nmemnrd.webex.com/nmemnrd/onstage/g.php?MTID=eab1cbe5009efb2915da5f389b4f2c9c0>

Date and time: Tuesday, January 5, 2021 8:30 am
Mountain Standard Time (Denver, GMT-07:00)

Duration: 9 hours

Event number: 146 698 5354

Event password: rbXY2w8MRb4

Video Address: [1466985354@nmemnrd.webex.com](https://nmemnrd.webex.com/join/1466985354)
You can also dial 173.243.2.68 and enter your meeting number.

Audio conference: To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code.
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Access code: 146 698 5354

Event: **January 6, 2021 - Day 3**

Event address for attendees: <https://nmemnrd.webex.com/nmemnrd/onstage/g.php?MTID=e2b1d146c3769a63166d6940e26cfd98e>

Date and time: Wednesday, January 6, 2021 8:30 am
Mountain Standard Time (Denver, GMT-07:00)

Duration: 9 hours

Event number: 146 798 3677

Event password: XfTxPiw3G33

Video Address: [1467983677@nmemnrd.webex.com](https://nmemnrd.webex.com/join/1467983677)
You can also dial 173.243.2.68 and enter your meeting number.

Audio conference: To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code.
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Access code: 146 798 3677

Event: **January 7, 2021 - Day 4**

Event address for attendees: <https://nmemnrd.webex.com/nmemnrd/onstage/g.php?MTID=e947b133a2c989a32b5b5d746402aee64>

Date and time: Thursday, January 7, 2021 8:30 am
Mountain Standard Time (Denver, GMT-07:00)

Duration: 9 hours

Event number: 146 288 8396

Event password: yyE6iJNuf33

Video Address: [1462888396@nmemnrd.webex.com](https://nmemnrd.webex.com/join/1462888396)
You can also dial 173.243.2.68 and enter your meeting number.

Audio conference: To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code.
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Access code: 146 288 8396

Event: **January 8, 2021 - Day 5**
Event address for attendees: <https://nmemnrd.webex.com/nmemnrd/onstage/g.php?MTID=e6b69b811ba734d3742a14108fd83160c>
Date and time: Friday, January 8, 2021 8:30 am
Mountain Standard Time (Denver, GMT-07:00)
Duration: 9 hours
Event number: 146 379 9850
Event password: 659Kn6SR8Hi
Video Address: 1463799850@nmemnrd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Audio conference: To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code.
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Access code: 146 379 9850

Event: **January 11, 2021 - Day 6**
Event address for attendees: <https://nmemnrd.webex.com/nmemnrd/onstage/g.php?MTID=e48d7e7ab9476824aa7196e3e3046299e>
Date and time: Monday, January 11, 2021 8:30 am
Mountain Standard Time (Denver, GMT-07:00)
Duration: 9 hours
Event number: 146 905 9728
Event password: Ac79n4qJTf9
Video Address: 1469059728@nmemnrd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Audio conference: To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code.
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Access code: 146 905 9728

Event: January 12, 2021 - Day 7
Event address for attendees: <https://nmemnrd.webex.com/nmemnrd/onstage/g.php?MTID=e3cf449989bf78ccecfa3c400318380ad>
Date and time: Tuesday, January 12, 2021 8:30 am
Mountain Standard Time (Denver, GMT-07:00)
Duration: 9 hours
Event number: 146 428 0798
Event password: rQiM3PEQd73
Video Address: 1464280798@nmemnrd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Audio conference: To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code.
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Access code: 146 428 0798

Event: January 13, 2021 - Day 8
Event address for attendees: <https://nmemnrd.webex.com/nmemnrd/onstage/g.php?MTID=e56b018ccc7cf887da2bff0968cadf82a>
Date and time: Wednesday, January 13, 2021 8:30 am
Mountain Standard Time (Denver, GMT-07:00)
Duration: 9 hours
Event number: 146 196 2391
Event password: mtXhZfyA834
Video Address: 1461962391@nmemnrd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.
Audio conference: To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code.
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Access code: 146 196 2391

Event: January 14, 2021 - Day 9

Event address for attendees: <https://nmemnrd.webex.com/nmemnrd/onstage/g.php?MTID=ea16ba80d5c1aee4a41ffee3e1794a1c0>

Date and time: Thursday, January 14, 2021 8:30 am
Mountain Standard Time (Denver, GMT-07:00)

Duration: 9 hours

Event number: 146 082 1810

Event password: V6RwMpYcv33

Video Address: 1460821810@nmemnrd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.

Audio conference: To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code.
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Access code: 146 082 1810

Event: January 15, 2021 - Day 10

Event address for attendees: <https://nmemnrd.webex.com/nmemnrd/onstage/g.php?MTID=e9de9831893a9f0760ada688b80ba9bc5>

Date and time: Friday, January 15, 2021 8:30 am
Mountain Standard Time (Denver, GMT-07:00)

Duration: 9 hours

Event number: 146 513 9757

Event password: 7HiNupvVG77

Video Address: 1465139757@nmemnrd.webex.com
You can also dial 173.243.2.68 and enter your meeting number.

Audio conference: To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code.
United States Toll
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Access code: 146 513 9757