

State of New Mexico
Energy, Minerals and Natural Resources Department

Michelle Lujan Grisham
Governor

Sarah Cottrell Propst
Cabinet Secretary

Todd E. Leahy, JD, PhD
Deputy Cabinet Secretary

Adrienne Sandoval Director
Oil Conservation Division



NOTICE

Continuances of Cases Set for Hearing Before the OCD

This notice is to provide guidance for OCD staff on how Motions for Continuance are to be handled under NMSA 1978, Section 70-2-39 “OCD Fees Law” and OCD Rule 19.15.4.13(C) NMAC.

The [OCD Fees Law](#) requires that a Motion for Continuance be accompanied by a fee of \$150. The motion and the fee must be filed via the [OCD Fees portal](#) before the OCD can process the Motion for Continuance.

OCD Rule 19.15.4.13(C) requires that:

“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.”

Beginning July 26, 2019, any Motion for Continuance made (a) without payment of fees, (b) without the showing required by 19.15.4.13(C) for motions filed less than 48 hours prior to the hearing, or (c) filed after 4 p.m. the day before the hearing (including verbal motions made on the day of hearing) WILL BE DENIED and the case DISMISSED without prejudice. The case may then be re-filed as a new case with the associated fee.

If no Motion for Continuance has been granted and the applicant appears at the hearing and claims to be unprepared or unable to move forward with their case set for the docket, the case shall be DISMISSED without prejudice and may be re-filed as a new case with the associated fee.

If an opposed Motion for Continuance is timely filed and fees paid, a hearing on the motion will occur. If the Hearing Examiner denies the motion, the case will be heard regardless of whether the moving party is prepared or not.