

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 Secretary

Adrienne Sandoval, Division Director
Oil Conservation Division



NOTICE

July 22, 2020

OCD Hearings Scheduled for August 6, 2020 and After

On March 11, 2020, Governor Michelle Lujan Grisham issued Executive Order 2020-004 declaring a Public Health Emergency to prevent the spread of the novel coronavirus. The Executive Order closed government buildings to the public.

Additionally, Secretary Cottrell Propst directed the Oil Conservation Division (OCD) to take prudent precautionary steps to encourage the public and OCD staff to maintain social distance by cancelling, postponing, or taking other actions to limit public interaction.

To comply with these directives, OCD has been conducting electronic hearings in accordance with the New Mexico Attorney General's Open Government Division Advisory During COVID-19 State of Public Emergency.

HEARINGS ON AUGUST 6, 2020 AND AFTER

This notice governs OCD hearings on August 6, 2020 and after, and supersedes the earlier notices entitled "OCD Hearings Scheduled for April 16, 2020 and After" and "Oil Conservation Division's Instructions for April 30, 2020 Hearing Docket."

The Hearing Examiner will call each case and inquire whether the parties agree that the case can be taken by affidavit. If the parties concur, the Hearing Examiner will hear the case by affidavit, provided that the applicant submitted the exhibits, including the public notice affidavit and the compulsory pooling checklist, if applicable, to the Hearings Bureau at ocd.hearings@state.nm.us no later than 5:00 p.m. on the Tuesday preceding the hearing date. The Hearing Examiner will inquire whether any party requests a special provision or stipulation, and the OCD's technical reviewer may ask questions of the applicant and parties, if any.

If the parties do not concur that the case may be taken by affidavit, and do not agree to continue the case, the Hearing Examiner will conduct a status conference, set

the case for an electronic hearing, and direct the parties to submit a pre-hearing order setting forth the dates on which they will submit to OCD and exchange between the parties the following information:

- a. a list of material facts not in dispute;
- b. a list of disputed facts and issues;
- c. identification of witnesses and their qualifications;
- d. a full narrative of the direct testimony and exhibits for witnesses;
- e. the filing of prehearing motions, including evidentiary objections, and a briefing schedule; and
- f. the date and time for a telephonic conference to hear prehearing motions and address questions regarding the conduct of the hearing.

Any party may request a status conference to resolve disputes regarding the preparation of the pre-hearing order.

The Hearing Examiner in her sole discretion will call cases on the docket in any order.

The hearings will be transcribed by a court reporter. Participants are reminded to identify themselves when they speak and to speak clearly so that the audio is understandable.

The Hearing Examiner in her sole discretion may continue any application to a future date for any reason.

Applicants for a hearing are advised to provide the following statement in their public notice:

During the COVID-19 Public Health Emergency, state buildings are closed to the public and hearings will be conducted remotely. The hearing will be conducted on [date] beginning at 8:15 a.m. To participate in the electronic hearing, see the instructions posted on the docket for the hearing date: <http://www.emnrd.state.nm.us/OCD/hearings.html>.