

State of New Mexico  
Energy, Minerals and Natural Resources Department

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Governor

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Deputy Secretary

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## NOTICE

### OIL CONSERVATION DIVISION'S INSTRUCTIONS FOR APRIL 30, 2020 HEARING DOCKET

**APRIL 22, 2020**

The following information applies to the April 30, 2020 docket.

OCD previously announced that it will conduct virtual hearings in accordance with the Attorney General's recommendations.

Cases by Affidavit. The Hearing Examiner will only hear cases that can be taken by affidavit. If a party does not consent to the case being taken by affidavit, the case will be considered to be a contested case. For the Hearing Examiner to hear a case by affidavit, the applicant must submit the exhibits, including the public notice affidavit and compulsory pooling checklist, if applicable, to the Hearings Bureau at [OCD.Hearings@state.nm.us](mailto:OCD.Hearings@state.nm.us). Do not submit hard copies by mail or to OCD offices.

Contested Cases. The Hearing Examiner will hold a status conference for all contested cases, which includes any case for which a party intends to call a witness. The Hearing Examiner may set a contested case for a virtual hearing on or after May 2020. The parties must be capable of presenting their witnesses in the audio and visual formats. The parties or their counsel shall prepare and submit a joint stipulation identifying the dates on which they will submit 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;

- f. a telephonic conference to hear motions and to address questions regarding the conduct of the hearing; and
- g. the hearing.

An applicant may decline the opportunity for a status conference by filing a motion for continuance via the fee portal.