

BEFORE THE OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF CHANGES TO THE RULES) CAUSE NO. 1R
OF PRACTICE AND PROCEDURE OF THE OIL)
& GAS CONSERVATION COMMISSION OF THE) DOCKET NO. 1211-RM-03
STATE OF COLORADO)

SECOND PREHEARING ORDER

On November 6, 2012, Hearing Officer Casey Shpall convened a second prehearing conference in this matter to outline procedures governing the hearing and identify issues for the hearing scheduled to commence on November 14, 2012, at 9:00 a.m. at The Denver Athletic Club, 1325 Glenarm Place, Denver, CO 80204.

ORDER

Pursuant to C.R.S. §§ 34-60-105 and 106, and Commission Rule 529, Ms. Shpall proposes the following prehearing procedures and schedule which supersede the Notice of Rulemaking Hearing, the First Prehearing Order, and Rule 529 to the extent of any inconsistent provisions.

I. STATEWIDE GROUNDWATER BASELINE SAMPLING & MONITORING

At this time, the Commission intends to commence the rulemaking hearing on November 14, with the statewide water sampling and monitoring rule proposals.

A. **Order of Presentation.** Subject to the terms of a subsequent prehearing order, the rulemaking hearing will proceed as follows:

1. Opening the hearing and disposing of any procedural issues not resolved by the hearing officer, e.g., prehearing motions, remaining party status issues, late filings. The Commission at this time should entertain whether any apparent, potential, or actual conflicts of interest exist.
2. Presentation by the Commission Staff describing the background, basis and substance of the proposed rules.
3. Entertain public comment on the proposed rules subject to time limits to be set based upon the number of public commenters.
4. Presentations by the Parties of their preliminary prehearing statements and any alternate rule proposals.
5. Rebuttal or closing statements as may be provided for in the discretion of the Commission.

B. Role of the Commission Staff. The Commission Staff will act as staff to the Commission in this rulemaking hearing, and is not a formal party. In fulfilling its role as staff, the Commission Staff may, among other things, present evidence and testimony, provide background, summarize evidence and any matters settled before the hearing, and make recommendations to the Commission.

C. Presentations by Commenters and Parties. The Commission encourages the general public and party representatives to make plain, brief and simple statements of their positions.

D. Allotment of Time for Presentations. Public Commenters and the Parties are encouraged to group themselves according to common interests and concerns and identify a representative to present the group's position within their time limitations.

The time for the rulemaking hearing will be allocated as follows:

1. Commission Staff – 45 minutes
2. Public Comment – 1 hour 15 minutes
3. Elected Officials – 15 minutes
4. Local Government and Council – 1 hour and 15 minutes
5. Regulated Community and their Associations – 1 hour 15 minutes
6. Community and Environmental Organizations – 1 hour 15 minutes

E. Commission Deliberations

II. SETBACKS

If there is time remaining, the Commission Staff will describe the background, basis, and substance of the proposed rules. Presentation by Parties will commence on December 10, 2012.

OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

By 
Casey Shpall, Hearing Officer

Dated: November 9, 2012