

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-04**
STATE OF COLORADO)

**FOURTH PREHEARING ORDER
ON STATEWIDE SETBACKS**

On December 11, 2012, the Parties presented to the Commission an overview of their positions on the proposed rules for statewide setbacks and alternate rule proposals as contained in their preliminary prehearing statements. Upon conclusion of the hearing proceedings under Docket No. 1211-RM-03 (groundwater sampling and monitoring), and abbreviated general Commission business (consent agenda only), the Parties will present their witness testimony on statewide setbacks as set forth below. Setback testimony is expected to commence on the afternoon of January 7 so Parties should monitor the progress of the hearing and have their witnesses ready to testify upon conclusion of the groundwater sampling and monitoring hearing and general Commission business.

Pursuant to C.R.S. §§ 34-60-105 and 106, and Commission Rule 529, the Hearing Officer proposes the following procedures and schedule for the January setbacks hearing which supersede the Notice of Rulemaking Hearing, any prior prehearing orders, and Rule 529 to the extent of any inconsistent provisions.

1. Ruling on CHC Motion for Telephonic Testimony.

On December 17, 2012, Citizens for a Healthy Community filed a motion with the Commission to allow Dr. Theo Colborn to testify by telephone. The Commission received no objections to the motion. The Hearing Officer hereby grants the motion to receive Dr. Colborn's testimony by telephonic or video appearance so long as she is available for cross examination by the Parties and questioning by the Commission at that time.

2. Deadline for Rebuttal Statements.

The filing deadline for Rebuttal Statements, including written testimony of rebuttal witnesses, is due to the Commission on Monday, December 31, 2012.

3. Location of January 2013 Rulemaking Hearing.

The hearing on January 7, 2013 will convene following the conclusion of proceedings under Docket No. 1211-RM-03 and abbreviated general Commission business (consent agenda only), in the Governor's Square 15 meeting room on the lower level of the Sheraton Denver Downtown Hotel.

**The Sheraton Denver Downtown Hotel
1550 Court Place – Lower Level
Governor’s Square 15 Meeting Room
Denver, CO 80202
(303) 893-3333**

4. Testimony and Cross Examination.

Witnesses identified in the Parties’ Final Prehearing Statements should give a brief overview of their testimony and be prepared to answer Commission questions regarding their testimony. It is not necessary to recite the credentials of expert witnesses as that information should be included in the submitted materials.

If a Party chooses to cross examine a witness, the time spent cross examining the witness will be deducted from the cross examiner’s allotted time.

5. Order of Presentations and Allotment of Time for Witness Testimony.

The Parties are encouraged to group themselves according to common interests and concerns and allocate their time among witnesses according to the following limits:

- A. Commission Staff – 45 minutes
- B. Public Comment (continued) – 30 minutes (2 minutes per speaker)
- C. Elected Officials – 15 minutes
- D. Preliminary motions – 30 minutes
- E. Regulated Community and their Associations – 3.5 hours
- F. Colorado Cattleman’s Association, Colorado Farm Bureau, and Colorado Association of Home Builders – 2.0 hours
- G. Local Government and Councils of Government – 2.0 hours
- H. Community and Environmental Organizations – 3.5 hours

The time limitations set forth above include each group’s direct testimony, as well as cross examination conducted by any member of a group. Parties are advised that rebuttal testimony may be limited to written submissions. Any party wishing to preserve time for rebuttal testimony should do so expressly prior to commencing its direct testimony.

Dated: December 28, 2012

OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

By: /s/ Casey Shpall
Casey Shpall, Hearing Officer