

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 )

**FIFTH PREHEARING ORDER  
ON GROUNDWATER SAMPLING**

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

**1. Hearing Proceedings**

The hearing on groundwater sampling is limited to questions by the Commission on rebuttal statements. Because there will be no oral rebuttal testimony and some parties have submitted revised proposed rules, each party group will have the opportunity to deliver an oral closing statement prior to Commission questions and deliberations. Each group will be limited to a statement not to exceed 10 minutes to summarize the group's position.

**2. Order of Presentation**

A. Presentation by Commission Staff

B. Closing Statements of Party Groups

- a. Community and Environmental Organizations – 10 minutes
- b. Boulder County – 5 minutes (see 3. below)
- c. Local Government and Councils of Government – 10 minutes
- d. Regulated Community and their Associations – 10 minutes

C. Commission Questions on Rebuttal Testimony

D. Commission Deliberations

**3. Ruling on Motion by the GWA Coalition**

On January 3, 2013, Anadarko Petroleum Corporation, Noble Energy, Inc. and PDC Energy, Inc. (collectively the "GWA Coalition") filed a motion to submit a supplemental proposed alternative rule 318A.e.(4). On January 4, 2013, Boulder County filed a motion to strike the GWA Coalition's supplemental

proposed alternative rule because it was not made available five days prior to the hearing date under C.R.S. section 24-4-103(4)(a). That section of the Administrative Procedures Act applies only to rules proposed by the agency, not other Parties to the rulemaking. Regardless, it does not appear that any prejudice will result from the granting of the GWA Coalition's motion because Boulder County can voice its concerns about the supplemental proposed alternate rule during closing statements. In order to provide Boulder County time to address this issue, it is granted its own 5 minutes during closing statements. The GWA Coalition's motion is hereby granted.

Dated: January 4, 2013

OIL AND GAS CONSERVATION COMMISSION  
OF THE STATE OF COLORADO

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