

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 )

**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 relating to statewide setbacks and identify issues for the hearing scheduled to commence on December 10 and 11, 2012.

At this time, the Commission intends to continue from November 14, 2012, the rulemaking hearing under Docket No. 1211-RM-03 on statewide groundwater sampling and monitoring at 9:00 a.m. on December 10, 2012. A prehearing order setting forth the schedule for that docket will be issued shortly. Upon completion of the presentations and any Commission discussion of the statewide groundwater sampling and monitoring proposals, the rulemaking hearing on statewide setbacks will commence. It is estimated that the Commission Staff will present its proposal on statewide setbacks.

**ORDER ON STATEWIDE SETBACKS**

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.

**1. Deadlines for Written Submissions.**

Preliminary Prehearing Statements - The filing deadline for Preliminary Prehearing Statements for the statewide setback rulemaking hearing is extended until Wednesday, December 5, 2012. Preliminary prehearing statements should include a Party's basic position and its primary concerns with the Commission Staff's current rule proposal and any alternate rule proposals. Please limit these statements to no more than 10 pages, excluding alternate rules.

Final Prehearing Statements - The filing deadline for Final Prehearing Statements, including witness lists and direct written witness testimony, is extended to Friday, December 14, 2012. Parties are encouraged to coordinate with other parties who have similar interests and concerns with a view toward consolidating their testimony and presentations at the hearing.

Rebuttal Testimony - The deadline for filing Rebuttal testimony is Friday, December 21, 2012.

**2. Location of Rulemaking Hearing.**

The hearing on December 10-11, 2012 will convene at 9:00 a.m. each morning at:

**The Sheraton Denver Downtown Hotel  
1550 Court Place  
Denver, CO 80202  
(303)893-3333.**

**3. Order of Presentation.**

Subject to the terms of a subsequent prehearing order, the rulemaking hearing will proceed as follows:

A. Opening the setback rulemaking 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.

B. Presentation by the Commission Staff describing the background, basis and substance of the proposed rules. 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, provide background, summarize any matters settled before the hearing, and make recommendations to the Commission.

C. Entertain public comment on the proposed rules subject to time limits to be set based upon the number of public commenters, but not to exceed three minutes. Members of the public are encouraged to make plain, brief and simple statements of their positions.

D. Presentations by the Parties of an overview of their preliminary prehearing statements and any alternate rule proposals. A Party may briefly summarize its position subject to questions by the Commission, Commission Staff and counsel. There will be no witness testimony or cross examination by Parties at the December 11, 2012 hearing.

E. Rebuttal or closing statements as may be provided for in the discretion of the Commission.

**4. Allotment of Time for Presentations.**

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:

- A. Commission Staff – 2 hours
- B. Public Comment (continued) – 30 minutes
- C. Elected Officials – 15 minutes
- D. Community and Environmental Organizations – 2 hours
- E. Local Government and Councils of Government – 1 hour
- F. Colorado Cattleman's Association, Colorado Farm Bureau, and Colorado Association of Home Builders – 1 hour
- H. Regulated Community and their Associations – 2 hours

5. **Commission Deliberations.**

The Commission may engage in discussions of the proposals.

Dated: December 4, 2012

OIL AND GAS CONSERVATION COMMISSION  
OF THE STATE OF COLORADO

By  for  
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Casey Shpall, Hearing Officer