

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

IN THE MATTER OF CHANGES TO THE)	CAUSE NO. 1R
RULES OF THE OIL & GAS)	
CONSERVATION COMMISSION OF THE)	DOCKET NO. 1112-RM-04
STATE OF COLORADO TO CONSIDER)	
HYRDAULIC FRACTURING DISCLOSURE)	
RULES		

SECOND PREHEARING ORDER

Hearing Officer W. Perry Pearce convened a prehearing conference in this matter on November 29, 2011 to allocate hearing time, and to identify contested matters and issues to be raised at the rulemaking hearing. Hearing Officer Pearce proposes the following schedule for the conduct of the rulemaking hearing. This order supersedes the previous orders to the extent any provisions are inconsistent.

ORDER

Pursuant to the COGCC's First Amended Prehearing Order dated November 4, 2011, C.R.S. § 34-60-105 and COGCC Rule 529, the COGCC adopts the following procedures for the conduct of its December 5, 2011 rulemaking hearing concerning the disclosure of chemicals used in hydraulic fracturing operations. This Second Prehearing Order supersedes Rule 529 where the provisions of the Rule are inconsistent with this order.

Order of Presentation

The rulemaking hearing generally will involve:

- a. 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.
- b. Entertain public comment on the proposed regulations.
- c. Presentation by the staff describing the background and basis for the proposed regulations or other matters specified in the prehearing order, or presentation of comments that are offered as staff for the benefit of the Commission, in the discretion of the Commission.
- d. Presentations by parties as specified below.
- e. Rebuttal or closing statements as may be provided for in the discretion of the Commission.

Public Comments on the Proposed Regulations

The COGCC will receive public comments on the proposed hydraulic fracturing disclosure rules ("Proposed Rules") commencing at approximately 9:00 a.m. and concluding at approximately 11:00 a.m. Persons interested in speaking at the rulemaking hearing shall sign the registration sheet located in the hearing room: *State Land Board Conference Room, 1127 Sherman Street, Suite 300, Denver, CO, 80203.*

Public comments shall be limited to three (3) minutes. Provided, however, the COGCC may further limit the duration of each public comment depending upon the number of

persons who wish to speak at the hearing. No person may register to speak, then yield their time to another speaker or otherwise aggregate speaking time. Organized groups of individuals are urged to identify one spokesperson. Speakers are asked to be as concise as possible, and to avoid repeating comments made by others.

Total Presentation Time Allotted by Group

The following groups have the following time to present evidence, testimony and argument concerning the Proposed Rules:

Commission Staff – 30-45 minutes

Oil and Gas Industry – 1.5 hours

Environmental and Conservation – 1.5 hours

Government Organizations, Utilities, and Water Districts – 1.5 hours

The hours allocated to specific groups above include testimony, rebuttal, and cross-examination, but do not include Commissioner questions and party answers. It is incumbent upon the groups identified above to allocate time between and among their constituents. In the event a consensus cannot be reached by the groups themselves, the Commission will pro-rate time among each party in each group as follows:

<u>Oil and Gas Industry</u>	<u>Environmental and Conservation</u>	<u>Government Organizations, Utilities, and Water Districts</u>
Anadarko Petroleum Corporation	Western Colorado Congress	NWCCOG & NWCCOGQQ
Nobel Energy, Inc.	High Country Citizens Alliance	USPWCD & CCWD & HASP
Bill Barrett Corp.	Earthworks Oil and Gas Accountability Project	Colorado Water Utility Council
Petroleum Development Corp.	Colorado Environmental Coalition	Gunnison County
Exxon Mobil XTO Energy	National Wildlife Federation	Board of County Commissioners Of Weld County
Black Hills Exploration	San Juan Citizens Alliance	
Williams Prod RMT & Williams Prod Company LLC	Citizens For A Healthy Community	
Colorado Oil & Gas Association	NFRIA-WSERC Conservation Center	
Pioneer Natural Resources		
Colorado Petroleum Association		
Halliburton Energy Services		

Cross examination should be utilized in a limited manner as it is not an effective mechanism for presenting information to the Commission. The presiding Commissioner may also limit cross examination to promote an efficient and focused hearing.

Rebuttal Statements

The parties shall file rebuttal statements to another party's prehearing statement by no later than December 1, 2011 by 12:00 p.m.

IN THE NAME OF THE STATE OF
COLORADO OIL AND GAS CONSERVATION
COMMISSION OF THE STATE OF
COLORADO

By 
Peter J. Gowen, Acting Secretary

Dated at Suite 801
1120 Lincoln Street
Denver, Colorado 80203
November 29, 2011
303-894-2100