

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

IN THE MATTER OF CHANGES TO THE ) CAUSE NO. 1R  
RULES AND REGULATIONS OF THE OIL & )  
GAS CONSERVATION COMMISSION OF ) DOCKET NO. 210600097  
THE STATE OF COLORADO )  
) TYPE: RULEMAKING

**CASE MANAGEMENT ORDER**

Pursuant to Rule 529.a, the Oil and Gas Conservation Commission of the State of Colorado (“Commission”), on its own motion, will consider additions and amendments to Commission Rules of Practice and Procedure, 2 C.C.R. 404-1 (“Rules”), 100-Series, 200-Series, 300-Series, 400-Series, 500-Series, 700-Series, 800-Series, and 900-Series as part of its “Financial Assurance” rulemaking.

**Filing Requirements**

1. **Filing and Service.** In deadlines set below, the term “file” means that all pleadings, unless otherwise noted, have been filed in the COGCC eFiling system by 7 p.m. Mountain Time on the pertinent deadline.

2. To file with the COCC’s eFiling system, a party must register with the COGCC’s eFiling system online at <https://oitco.hylandcloud.com/DNRCOGExternalAccess/Account/Login.aspx>, and select “Request Access to Site.” Additional guidance regarding the registration and use of the eFiling system is available online in the Commission’s “eFiling Users Guidance Book” at [https://cogcc.state.co.us/documents/reg/Hearings/External\\_Efiling\\_System\\_Users\\_Guide\\_book\\_20201109.pdf](https://cogcc.state.co.us/documents/reg/Hearings/External_Efiling_System_Users_Guide_book_20201109.pdf). Please direct questions regarding registration and use of the eFiling system to Commission Legal Assistant Angelica Amaro at [angelica.amaro@state.co.us](mailto:angelica.amaro@state.co.us), and Hearings Assistant Margaret Humecki at [margaret.humecki@state.co.us](mailto:margaret.humecki@state.co.us).

**Prehearing Statements**

**Prehearing Statements Shall Contain the Following:**

1. A statement of the party’s positions;
2. Exhibit list and attached (electronic) exhibits, if applicable;
  - Parties may file a redline of the Rules as an exhibit, and when necessary and helpful, comment bubbles that explain the rationale for the proposed revision.
  - Exhibits will be labeled numerically with the relevant party’s name. The parties will endeavor to minimize the number of duplicative exhibits. Each exhibit will be labeled separately and filed electronically as a separate .pdf file.
3. A statement of the open legal issues; and
4. A statement of the relief requested.

Prehearing statements are limited to 14 double-spaced pages with 12-point font, excluding any attached exhibits. Organizations or party groups, to the extent they contain multiple individual organizations, companies, or parties, are limited to one prehearing statement per organization per Rule Series.

Finally, each party may list no more than two anticipated witnesses, to be finalized in the parties' Responses to Prehearing Statements. Any witness included in the party's witness list must prepare pre-filed written testimony.

The Hearing Officer will determine the final time allocations for each party to present its case after consideration of, among other things, the prehearing statements, the number of parties wishing to participate in the rulemaking, and the pre-filed written testimony.

### **Responses to Prehearing Statements**

Parties may file one Response to Prehearing Statements. Responses are limited to 8 double-spaced pages with 12-point font, excluding the certificate of service and any attached exhibits. Replies in support of a prehearing statement are not authorized. Parties that intend to submit pre-filed written testimony shall include with their response to prehearing statements a final witness list with a brief description of each witness' testimony and resumes of any expert witness.

### **Pre-filed Written Testimony**

In addition to filing a prehearing statement and a responsive prehearing statement, parties must file pre-filed written testimony for any witness listed in their response to prehearing statements. Any exhibit that a party's pre-filed written testimony references or relies upon must be filed in conjunction with the pre-filed written testimony. Any such exhibits must be labeled numerically with the relevant party's name. The parties will endeavor to minimize the number of duplicative exhibits. Each exhibit will be labeled separately and filed electronically as a separate .pdf file. Rebuttal pre-filed written testimony is not permitted. At the hearing, all witnesses who prepared pre-filed written testimony must be available to answer any questions the Commissioners might have about such pre-filed written testimony.

Pre-filed written testimony is important because it encourages parties to fully develop and disclose their cases prior to the hearing. In addition, it allows the Commissioners to better prepare for the hearing by reviewing the parties' positions and formulating questions in advance. For an example of pre-filed written testimony, please see the Commission's Rulemaking Process Guidebook at [https://cogcc.state.co.us/documents/reg/Hearings/Rulemaking\\_Process\\_Guidebook\\_20190923.pdf](https://cogcc.state.co.us/documents/reg/Hearings/Rulemaking_Process_Guidebook_20190923.pdf).

### **Consolidation**

Parties are highly encouraged to file combined prehearing statements and file pre-filed written testimony on behalf of multiple parties. The Commission recognizes that parties may share similar viewpoints and positions. Having several parties join together to deliver a combined, consistent position is impactful and aids the Commission throughout the hearing

process. Recognizing that there may be a large number of parties to this Docket, the Commission and the hearing process will be most effective if parties combine their arguments and positions.

### **Rule 512 Statements**

If you are not a formal party to this rulemaking, you will still be able to submit either a written statement or deliver an oral comment to the Commission regarding the proposed rules pursuant to Rule 512.

You may not submit a written statement and deliver an oral comment. If the Commission receives a written comment and a request to make an oral comment from the same person, the Commission will accept the written comment and not call on the person for oral comment.

Any Person wishing to submit a written comment for this matter must register with the COGCC's eFiling system online at <https://oitco.hylandcloud.com/DNRCOGExternalAccess/Account/Login.aspx>, and select "Request Access to Site." Additional guidance regarding the registration and use of the eFiling system is available online in the Commission's "eFiling Users Guidance Book" at [https://cogcc.state.co.us/documents/reg/Hearings/External\\_Efiling\\_System\\_Users\\_Guide\\_book\\_20201109.pdf](https://cogcc.state.co.us/documents/reg/Hearings/External_Efiling_System_Users_Guide_book_20201109.pdf). Please direct questions regarding registration and use of the eFiling system to Commission Legal Assistant Angelica Amaro at [angelica.amaro@state.co.us](mailto:angelica.amaro@state.co.us), and Hearings Assistant Margaret Humecki at [margaret.humecki@state.co.us](mailto:margaret.humecki@state.co.us).

After registering with the eFiling system, users will follow these steps to file a Public Comment.

1. Select Docket No. 210600097 in the eFiling System.
2. On the right hand side of the page, select "**File a Public Comment for This Application.**"
3. Under "**File Path**" select "**Choose File**" and upload your Public Comment.
4. Finally, to the bottom right select "**Import**" to upload your Public Comment.

Written comments are due by **Friday, September 10, 2021, at 7 p.m.**

The Commission will make available the opportunity for persons to sign up to make oral comments during the hearing. Instructions for oral public comments will be provided and announced on the COGCC website. Sign up for oral comments will be due by **Thursday, September 16, 2021, at 7 p.m.**

### **Motions Prohibited**

Any filings, motions, or requests not set forth in this CMO are prohibited unless the Hearing Officer grants leave for the party to submit the filing, motion, or request. Any filing, motion, or request not set forth in this Case Management Order that is filed will be included in the record. The Hearing Officer may elect to rule on the motion, or to defer to

the Commission, which may elect to address such filing, motion, or request at the hearing.

**Continuances**

If this matter is continued beyond its original hearing date, as specified by this Case Management Order, the dates and deadlines of this Case Management Order still control. The dates and deadlines set by this Case Management Order shall remain in full force and effect until the Commission disposes of this matter.

**Conclusion**

If you have any questions regarding the Commission’s rulemaking process, please review the Commission’s Rulemaking Process Guidebook at [https://cogcc.state.co.us/documents/reg/Hearings/Rulemaking\\_Process\\_Guidebook\\_20190923.pdf](https://cogcc.state.co.us/documents/reg/Hearings/Rulemaking_Process_Guidebook_20190923.pdf).

Any questions concerning this Case Management Order or any other aspect of this matter must be emailed to the Hearing Officer, Jeff Fugate, at [jeff.fugate@coag.gov](mailto:jeff.fugate@coag.gov) with a copy to the other parties. Any such email must include “**Financial Assurance Rulemaking**” in the subject line.

The Hearing Officer sets the following schedule:

<b>Task</b>	<b>Date</b>
<b>Deadline to file Request for Party Status</b>	<b>June 23, 2021, at 5:00 p.m.</b>
<b>Deadline to file Prehearing Statements</b>	<b>July 16, 2021, at 7:00 p.m.</b>
<b>Deadline to file Responses to Prehearing Statements</b>	<b>August 20, 2021, at 7:00 p.m.</b>
<b>Deadline to file Pre-filed Written Testimony and all Associated Exhibits</b>	<b>September 10, 2021, at 7:00 p.m.</b>
<b>Deadline to file Written Rule 512 Statements</b>	<b>September 10, 2021, at 7:00 p.m.</b>
<b>Deadline to sign-up to deliver oral comments at Hearing</b>	<b>September 16, 2021, at 7 p.m.</b>
<b>HEARING DATES</b>	<b>September 21-22, 2021</b> <b>September 29-30, 2021</b> <b>October 1, 2021</b> <b>October 5-8, 2021</b> <b>October 11-13, 2021</b> <b>October 21-22, 2021</b> <b>October 25-28, 2021</b>

*IT IS SO ORDERED*

Dated: June 16, 2021

OIL AND GAS CONSERVATION COMMISSION  
OF THE STATE OF COLORADO

/s/ Jeff Fugate  
Jeff Fugate, Hearing Officer