



COLORADO

Oil & Gas Conservation Commission

Hearings and Applications Process Guidebook

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INTRODUCTION

The Colorado Oil and Gas Conservation Commission (“Commission” or “COGCC”) is an administrative agency responsible for implementing the Colorado Oil and Gas Conservation Act, § 34-60-101, C.R.S. *et seq.*, as amended (the “Act”). The mission of the COGCC is to regulate the development and production of the natural resources of oil and gas in the state of Colorado in a manner that protects public health, safety, welfare, the environment, and wildlife resources.

Adherence to our mission results in:

- The protection of public health, safety, welfare, environment, and wildlife.
- The efficient exploration and production of oil and gas resources.
- Addressing cumulative impacts from oil and gas development.
- Cooperative relationships between COGCC and local governments as well as state and federal agencies with oversight of oil and gas operations.

The COGCC seeks to serve, solicit participation from, and maintain working relationships with all those having an interest in Colorado's oil and gas natural resources.

The Commission implements its mission through its various work units, including the Hearings Unit. This Guidebook is intended as a resource for members of the regulated community and the general public who have business before the Hearings Unit.

If you wish to participate in an application pending before the Commission, you are responsible for reviewing the relevant statutes and rules that apply to the process to make sure you understand your rights and responsibilities. The legal requirements for this process may be found in the Commission’s Rules of Practice and Procedure, 2 CCR 404-1, the Act, § 34-60-101, C.R.S. *et seq.*, and the Colorado Administrative Procedure Act (“APA”), § 24-4-103, C.R.S. *et seq.* Additional information may also be found in the Statements of Basis and Purpose for the Commission’s Rules adopted in the 2019 500 Series Rulemaking and the 2020 Mission Change Rulemaking. The Statements of Basis and Purpose may be found on the Commission’s website: <https://cogcc.state.co.us/sb19181.html#/overview>.

The Commission hopes that this Guidebook will help facilitate public involvement and improve the understanding of the hearings process.

This Guidebook is only intended to provide general information regarding the Commission's hearings process. Many of the processes discussed below are conducted at the discretion of the Commission, and may be modified, as circumstances require. Further, this Guidebook is not intended to be, nor is it, legal advice.

For further information regarding any of the topics addressed in the Guidebook, please contact the Commission Office at:

Colorado Oil and Gas Conservation Commission
1120 Lincoln Street, STE 801
Denver, Colorado 80203

Email: cogcc.hearings_unit@state.co.us

Web: <https://cogcc.state.co.us>

Thank you.

PROCESS SUMMARY

As noted in the Introduction, the Commission is the administrative agency responsible for regulating the development of oil and gas natural resources in Colorado. The Commission is comprised of several work units, each of which is responsible for a facet of the Commission's oil and gas regulatory system. The Hearings Unit is charged with receiving and processing applications for activities related to the conduct of oil and gas operations in Colorado. These applications include: requests to approve oil and gas development (Oil and Gas Development Plans or Comprehensive Area Plans); requests to identify and group mineral acreage for oil and gas development (Drilling and Spacing Unit Applications); requests to facilitate or require payment to mineral owners for the development of their minerals (Pooling Applications); the prosecution by Commission staff of oil and gas operators when a Commission rule or the Act have been violated (Enforcement Applications); and all other applications allowed under the Commission's rules.

The Hearings Unit is comprised of Hearing Officers, Commission administrative staff, and the Commissioners themselves. When the Hearing Officers and the Commissioners review and recommend decisions on hearing applications, they are acting in a quasi-judicial capacity. This means that the Hearing Officers and Commissioners are conducting hearing processes similar to how a judge conducts a court proceeding, though with some specific and important differences applicable to administrative proceedings.

The rules that govern the hearings process are found in the Commission's [500 Series](#) Rules. The 500 Series Rules were updated as of January 15, 2021, by the Commission. This Guidebook addresses this January 15, 2021 version of the 500 Series Rules.

I. Types of Applications Filed with the Commission

Rule 503 identifies the types of applications that may be filed with the Commission. The most frequently filed applications are:

- A. Oil and Gas Development Plans
- B. Comprehensive Area Plans
- C. Pooling Applications
- D. Enforcement Applications
- E. Payment of Proceeds Applications
- F. Variances

A. Oil and Gas Development Plans.

Before an oil and gas operator can drill and produce minerals from a well, it is required to obtain a Commission-approved Oil and Gas Development Plan (“OGDP”). See Rule 303.a. An OGDP application consists of a hearings application, which may include a drilling and spacing unit (“DSU”) application, one or more Form 2As, and a Form 2B, and a Form 2C. See Rule 303.a.

The OGDP application should follow the format operators used under previous versions of COGCC Rules when filing a DSU application, pooling application, or other general hearings application.

An OGDP application may not require a DSU application if there is an existing Commission order establishing a DSU, a DSU application is pending before the Hearings Unit, or a DSU is not required to access the targeted minerals. If an operator is refiling a Form 2A for lands that are subject to an existing DSU order, the operator will explain that in its hearings application, and a new DSU application will not be required.

Information required in support of a Hearings OGDP application.

All OGDP applications must comply with Rule 505. If an OGDP application includes a new DSU application, the operator must comply with the information requirements set forth in Rules 305, 503.c, and 505. If the lands for which the oil and gas operations are proposed are already subject to a DSU order, or do not require a DSU order to access the targeted minerals, a new DSU application is not required.

If an OGDP application consists only of a Form 2A, a Form 2B and a Form 2C, the application must still comply with Rule 503.c and all of Rule 505, including Rule 505.a. Even if the OGDP application does not include a new DSU application, the operator must still submit testimony with its application that provides factual support for avoiding, minimizing, and mitigating public health, safety, welfare, environmental, and wildlife impacts, as well as other facts or testimony necessary to support the OGDP application.

If there is a pending DSU application associated with an OGDP application, the Hearing Officer will determine on a case-by-case basis whether additional information is necessary to support the DSU application.

The OGDP must also include the eForm document numbers for the

Forms 2A, 2B, and 2C.

What is a DSU?

Spacing of lands for oil and gas development is critical to preventing overdrilling and protecting mineral owner rights. Before the Commission was authorized to regulate oil and gas development through spacing, individual mineral owners were forced to drill wells to protect their right to produce. As a result, hundreds, if not thousands, of individual wells were drilled unnecessarily, and there was no thought put into how the wells should be spaced or how the land was to be protected.

Spacing prevents overdevelopment by identifying a designated area of land for future development of oil and gas resources, limiting the number of wells that may be drilled in the DSU, and limiting the number of surface locations from which the wells may be drilled.

As explained above, OGDPs may or may not include a DSU application. Moreover, there may be instances when an operator files a DSU application without an OGD. One reason an operator may file a DSU application without an OGD application is to amend an existing DSU order. However, if an operator files a DSU application and intends to conduct oil and gas operations within the proposed DSU lands that require a Form 2A (See Rule 304.a), it must file an OGD application. Failure to file an OGD application with a proposed DSU application may result in the rejection of the DSU application.

B. Comprehensive Area Plans.

Comprehensive Area Plans ("CAP(s)") are plans for oil and gas development on a much larger scale than OGDs. See Rule 314. Because CAPs are an important tool to address cumulative impacts at a landscape scale, the Commission encourages CAPs. Therefore, the Commission created incentives for operators to apply for CAPs, such as the exclusive right to develop oil and gas resources and the opportunity for a streamlined OGD review. While CAPs may include the Commission's preliminary approval of oil and gas locations, CAPs are not OGDs. See Rule 314.b. An applicant with an approved CAP must still obtain all otherwise necessary approvals from the Commission, including OGDs, DSUs, or Form 2s. Rule 314.b.(6). Approved CAPs expire 6 years after approval, unless the Commission approves a longer duration or grants an extension. Rule 314.c.

To submit a complete application for a CAP, applicants must submit all information pursuant to Rule 314.e. An applicant may coordinate with the Director before submitting an application to ensure that all information necessary for the Director to make a recommendation on a CAP is in the application. An applicant who intends to request preliminary siting approval must also submit information required by Rule 314.e.(11).

Applicants may also request that the Commission stay consideration of OGD applications for minerals in the proposed CAP while the Director and Commission consider the CAP application. Rule 314.d.(5). The Commission will review a request for a stay at hearing. Rule 314 intentionally does not provide for a time when a hearing on a requested stay will occur, though the Commission anticipates that a hearing will not occur until after the Director makes a completeness determination pursuant to Rule 314.d.(4).

C. Pooling Applications.

Pooling is the necessary complement to the benefits of spacing. Pooling joins together mineral interests in a DSU in order to set the terms of payment for the minerals developed. Since a DSU may include hundreds of acres of mineral interests and many different mineral owners, pooling ensures that each mineral owner shares proportionately in the costs and proceeds from oil and gas development from a pooled unit, without requiring each mineral owner to drill his or her own well.

The pooling process can be done voluntarily through private contract, or it can be done through the Commission administrative hearing application process. The Commission's administrative process is only necessary where one or more unleased mineral owners in a DSU refuse to lease or otherwise consent to development. The administrative pooling process is frequently called "statutory pooling," "involuntary pooling," or "forced pooling." Rule 506 addresses pooling applications.

To file a pooling application, the applicant must either own, lease, or have the consent of owners of 45% or more of the minerals to be pooled. § 34-60-116(b)(l), C.R.S. and Rule 506.a.

D. Enforcement Applications.

Enforcement Officers are charged with prosecuting oil and gas operators who are alleged to have violated the Act, Commission Rules, Commission order, or a permit. The enforcement process

begins when the Enforcement Unit is notified by a member of the Commission Staff of an alleged violation. The Enforcement Unit may then issue a Notice of Alleged Violation (“NOAV”), which identifies the alleged violations. Once the NOAV is issued, the Enforcement Officer will serve the NOAV on the operator and file an enforcement application with the Commission. Only Enforcement Officers on behalf of the COGCC Director may file an enforcement application. Rule 523 addresses the enforcement process.

E. Payment of Proceeds Applications.

Mineral owners and operators may disagree whether the proper royalty amount on mineral production was paid. When such disputes arise, mineral owners have the option of filing an application for payment of proceeds with the Commission. See 503.g.(5). Rules 429.h and 430.f address payment of proceeds claims and the forms that must be filed to initiate a Commission review of the claim. Even if there is a dispute regarding the proper payment of royalties, the Commission does not have jurisdiction to resolve the dispute if the dispute arises out of a contract. § 34-60-118.5(5.5), C.R.S.

F. Variance Applications.

A variance to a Commission Rule or order may only be approved by the Commission. See Rule 502.a. A variance to a Commission Rule or order may be recommended for approval by the Director if the variance seeks relief from the ministerial application of the Rule or order. See Rule 502.b. Ministerial matters are generally procedural or paperwork requirements. Ministerial matters are not substantive matters that may have material impacts to public health, safety, welfare, the environment, and wildlife resources. If the variance request is recommended by the Director and not objected to by a petitioner, it may be considered an uncontested hearing application pursuant to Rule 508, and approved on the Commission’s Consent Agenda. See Rule 519.

If a variance application is for a non-ministerial matter or implicates public health, safety, welfare, the environment, or wildlife resources, the application will be heard by the Commission pursuant to Rule 510. Requests for a variance may be included within other applications, such as an OGD application.

II. How to File an Application with the Commission

A. Preparing and Submitting an Application.

A hearings application is a formal document that contains specific information necessary for hearings staff to evaluate the relief requested from the applicant. Rule 503.c explains what information must be included in applications. As explained in Rule 503.c, all applications must include at a minimum the following:

- The operator's name and identification number;
- cause number;
- the type of application being submitted (e.g. ODGP, CAP, Pooling etc.);
- all applicable geologic formations;
- the location of applicable lands (including county, field name, Township / Range / Section, and nearby public crossroads)¹ and map of the same;
- the name and contact information (including email address) for an operator representative designated to receive questions and petitions;
- a list of all interested parties (name and address) who will be served a copy of the application and notice of hearing;
- a detailed explanation of all Commission Rules and prior Commission Orders affecting the lands subject to the application;
- a detailed description of the relief requested and the legal and factual grounds for that relief;
- a separate "prayer for relief" setting out in separate paragraphs each item of relief requested; and
- the signature of the attorney(s) submitting the application, including the attorney's name, their firm name, mailing address, telephone number, and email.

The application should be:

- Typewritten;
- Letter size (8½" x 11") paper;
- No less than twelve (12) point font, including footnotes;
- One inch margins all around; and
- Single Spaced.

The Commission does not accept paper copies of filings. All applications and supporting documents must be filed using the

¹ The description of the lands should be set forth using symbols and upper/lower case font. For example, S½NW¼, Section 1, Township 6 South, Range 92 West, 6th P.M., is an acceptable legal description in an application. However, S/2NW/4 T6S, R92W is not an acceptable legal description.

Commission's eFiling System.² Information on using and accessing the eFiling System can be found on the [COGCC's Hearings Unit page](#).

B. What happens After an Application is Filed.

1. Review of the Application.

When you submit your application through the eFiling System, Hearings Staff will review the application to determine whether to assign the application a docket number. This review by Hearings Staff does not constitute a completeness review for OGDs and CAPs. Once that review is conducted, the applicant will receive an email either: 1) assigning a docket number to the application, or 2) informing the applicant that additional information is required before the application can be assigned a docket number.

Once the application has a docket number, it will be assigned either to a Hearing Officer or to the full Commission for adjudication. Rule 503.h provides that all applications are automatically assigned to a Hearing Officer unless:

- on its own motion the Commission elects to hear the application;
- the application is for a Comprehensive Area Plan;
- the application is filed pursuant to Rule 604.a.(3) or 604.b.(4);
- the application is for a Rule 502.b variance;
- the application requests that the Commission amend its rules or adopt a new rule; or
- the application seeks expedited review of an action ordered by the Director pursuant to Rules 209.b, 218.g, 423.e, 602.f, or 901.a.

In such matters that are assigned directly to the Commission for adjudication, a Hearing Officer may nevertheless preside over Prehearing Conferences and preliminary matters pursuant to Rule 509.c.

2. COGCC Technical Staff's Review of the Application.

As explained earlier, the COGCC includes several work units, each of which is responsible for a facet of the Commission's oil and gas

² If a user is unable to access the eFiling System or has other limitations that prevent them from accessing the eFiling System, please contact Margaret Humecki at margaret.humecki@state.co.us and Angelica Amaro at angelica.amaro@state.co.us.

regulatory system. Once an application has a docket number, but before it is noticed for hearing, COGCC Permitting, Engineering, and Oil and Gas Location Assessment (“OGLA”) Staff will review the application. Permitting and Engineering Staff’s review of an application submitted after September 30, 2019 will be in writing and available to the applicant and the Hearing Officer. OGLA Staff’s review of an OGD application submitted after January 15, 2021 will be in writing and available to the applicant and the Hearing Officer. Technical Staff may have material and non-material comments to an application. For example, a material comment to a DSU application may be that the lands proposed to be spaced are already subject to a DSU order that the applicant has not addressed in its application. A non-material comment can include noting typographical errors in an application.

In considering and addressing material comments from Technical Staff, the applicant should correspond directly with Staff. The Hearing Officer is a neutral decision maker. Questions, concerns, or objections to Staff’s material comments are not properly made to the Hearing Officer. Rather, the applicant should correspond and work directly with Staff to address Staff’s material comments.

For OGDs and CAPs, Hearings Staff will not set a Commission hearing date for an application before the Director makes a completeness determination. See Rules 303.b and 314.d.(4).

3. Setting the Hearing and Noticing the Application.

Once an application is assigned a docket number and Staff has completed its technical review, the application will be set for hearing and must be noticed in accordance with Commission Rules. No application will be heard by a Hearing Officer or the Commission unless notice of the hearing has been provided at least **60 days** prior to the noticed hearing date. When determining who must receive notice of an application, applicants must comply with Rules 303.e.(1), 314.f.(1).C, and 504, and § 34-60-108(4), C.R.S. The notice of hearing is prepared by Hearings Staff and provided to the applicant’s legal counsel for review and finalization. These notices prepared by Hearings Staff will include a date for the Commission hearing on the application. All persons should be aware that a hearing may be continued by a Hearing Officer, Administrative Law Judge, or the Commission. Parties may request a continuance through a motion to the Hearing Officer, Administrative Law Judge, or the Commission, whichever is appropriate.

Once the notice is finalized, it is the responsibility of the applicant

to mail and deliver the notice and the application to all persons required to receive the notice. No later than **30 days** before the noticed hearing date, the applicant must submit to the Secretary of the Commission through the COGCC's eFiling system a certificate of service that identifies and affirms that it served all interested parties a copy of the application and the notice of hearing. Rule 504.a.(2).A. No later than **30 days** before the noticed hearing date, the applicant must also submit to the Secretary of the Commission a notarized affidavit attesting that the applicant published a copy of the notice in relevant newspapers, and the date of publication for each newspaper used. Rule 504.a.(2).B.

All applications that were noticed and pending prior to the effective date of the revised 500 Series Rules, January 15, 2021, will continue to be processed and heard as soon as practicable, taking into consideration the Hearing Officers' and Commissioners' work load. However, it is within the discretion of the Commission and the Hearing Officers to determine on a case-by-case basis whether additional information is necessary to support an application filed prior to January 15, 2021. Applications submitted and noticed prior to September 30, 2019, do not need to be re-noticed.

4. What Happens if I Need to Amend my Application?

The Commission recognizes that an applicant may need to amend an application after it has been noticed. If a minor, non-material amendment to an application is needed prior to notice being sent, the Commission or Hearing Officer will generally accept the amendment. Rule 503.j. However, as detailed in Rule 503.j, the Commission or Hearing Officer might not accept material amendments to an application. If a material amendment to an application is made, the Hearing Officer or Commission may reject the application and require a new application to be filed.

III. How Do I Petition the Commission to Protest an Application?

A. Who can File a Petition Protesting an Application?

If you receive notice of a hearings application and you believe that you will be adversely affected or aggrieved if the application were to be granted, you can file a petition with the Hearings Unit that "protests" the application. Rule 507.a.(1) and (2) identify certain categories of persons who are automatically deemed an "Affected Person." Affected Persons are:

1. Federal and state agencies, tribal governments, Relevant

- Local Governments and special districts that have legal authority over the hearing application, or
2. A Surface Owner or resident of a Building Unit within 2,000 feet of a proposed Working Pad Surface for purposes of an OGDG application.

Any individual or entity who is not identified in Rule 507.a.(1) and (2) must submit a petition that:

1. Identifies their interest in the hearing application and how that interest is adversely affected by the activity proposed in the application;
2. Explains that the person's interest could be an injury-in-fact if the application is approved by the Commission; and
3. Demonstrates that the injury alleged is not one that is common to members of the general public.

If a petition is accepted, the petitioner becomes a party and participates in the prehearing processes, though the Hearing Officer and the Commission retain the discretion to determine exactly how a petitioner may participate. If an application is petitioned, the application must go to a hearing before either the Hearing Officer or the Commission.

B. When does a Petition have to be Filed and what does it have to Include?

A petition must be filed with the Commission and served on the applicant's lawyer at least **30 days** before the noticed hearing date. Rule 507.d. The petitioner is responsible for serving the applicant with a copy of the petition. Service must be made through the eFiling System. The deadline to file a petition will not automatically be extended if a hearing is continued. See Rule 507.e.

In accordance with Rule 507.f, the petition must include:

- The application docket number;
- A general statement of the factual or legal basis for the petition, including an explanation of what the petitioner believes their injury would be if the application is approved;
- A statement and support for why the person meets the definition of an Affected Person;
- A statement of the relief requested, which must be within the Commission's jurisdiction to grant;
- A description of the petitioner's intended presentation to the Hearing Officer or Commission, including a list of proposed

- witnesses;
- A time estimate to hear the petition; and
- A certificate of service attesting that the petition was served on the applicant and any other party in the proceeding.

The petition should be:

- Typewritten;
- Letter size (8½" x 11") paper;
- No less than twelve (12) point font, including footnotes;
- One inch margins all around; and
- Single Spaced

IV. Does an Applicant Have to Provide Evidence in Support of its Application?

At the time of submitting a hearing application pursuant to Rule 503.g.(1)-(7), the applicant will file sworn Rule 505 testimony. For example, sworn public health, safety, welfare, environment, and wildlife, geologic, engineering, regulatory, and land testimony is necessary to support an OGD application. The Hearing Officer will review the Rule 505 testimony and determine whether additional testimony is needed. If additional testimony is needed and cannot be provided in time prior to the hearing date, the hearing for that particular matter will be continued.

V. Taking an Application to Hearing

Once the application has been noticed, the petition deadline has passed, and the necessary Rule 505 testimony has been received, the application will be placed on either a contested or uncontested hearing track.

A. Contested Applications.

A contested hearing application means that a petition has been accepted and that the application must go before the Hearing Officer or Commissioners for hearing pursuant to Rule 509.

To prepare the application for hearing, the parties to the matter must participate in prehearing conferences. The purposes of a prehearing conference are to establish communication between the parties in contested matters, discuss the potential for settling disputed matters, narrow the issues disputed between the parties, and set time frames for the conduct of the hearing. The Hearing Officer may require the parties to provide prehearing statements,

address substantive issues and various procedural matters for the hearing, specify how many witnesses each party may call at hearing, and address other matters raised by the parties, Commission, or Hearing Officer. The Hearing Officer will prepare a Case Management Order that addresses motions for discovery, the deadlines for discovery, deadlines for other various prehearing filings, and set a deadline for the parties to furnish a proposed order for consideration.

The parties to a contested application will have the opportunity to make presentations at the hearing, call witnesses in support of their position, and cross-examine witnesses called by the opposing party. The Hearing Officer, Administrative Law Judge, or Commission may admit parties for limited purposes or consolidate parties for presentation at hearing in the interests of maintaining an efficient and effective process. Rule 507.a. The Hearing Officer will provide in a Final Prehearing Order the framework for how the hearing will be conducted, including how much time each party will have to present its case to the Hearing Officer.

At the conclusion of the hearing, no more evidence or argument will be heard and the matter will be ready for a decision. If the matter is heard by a Hearing Officer, the Hearing Officer will make a written recommended order based upon evidence in the record, consistent with the Act and Commission rules, permit, or other orders. The Commission is provided each Hearing Officer's recommended order.

If the Commission disagrees with a recommended order, it may stay the recommended order. A stay of an order means that the Hearing Officer's recommended order will not take effect until the Commission can review the recommended order and decide whether it should become a final order of the Commission. If the Commission does not stay the recommended order, and no party files an exception (that is an appeal) of the recommended order to the Commission, it becomes a final agency action **20 days** after service upon the parties. Rule 520.b.

B. Uncontested Applications.

If a hearing application is uncontested, meaning that no petition was accepted or that every accepted petition was withdrawn, the Hearing Officer will proceed to evaluate the application pursuant to Rule 508. The Hearing Officer will consider the sworn written testimony, and prepare a written draft order if the application is found to comply with Commission rules, the Act, and existing Commission orders. The Hearing Officer will prepare the written

draft order on or prior to the noticed hearing date. The Commission reviews each Hearing Officer's written draft order. Written draft orders in uncontested hearing matters will be placed on the Commission's consent agenda for approval pursuant to Rule 519.

VI. What if I Disagree with the Hearing Officer's Recommended Decision?

A party to a contested matter may file an exception to the written recommended order.³ An exception is similar to an appeal of a civil court proceeding to an appellate court. A party who disagrees with a Hearing Officer's written recommended order has **20 days** to file an exception with the Commission, telling the Commission that the party disagrees with the written recommended order and wants the Commission to review the order. § 34-60-108(9), C.R.S. When an exception is filed, the written recommended order will be stayed pending the Commission's review of the matter. Once an exception is filed, the other party(s) to the matter can file a response to the exception within **14 days** after they are served with the exception. Rule 520.c.

A hearing before the Commission on the exception will be scheduled. The Commission will review the same record that the Hearing Officer had before them when they made the written recommended order. This is important, because it means that the Commission will not hear new evidence from the parties. The Commission will consider the same evidence that the Hearing Officer considered. However, the Commission will review whether the Hearing Officer properly interpreted and applied the law to the facts. The Commission may allow the parties to the exception to make oral argument to the Commission. No witness testimony will be made to the Commission, only oral argument.

VII. What if I Disagree With the Commission's Final Order?

All final orders of the Commission can be appealed to district court. § 34-60-111, C.R.S.; see *also* Rules 307.c; 503.i; 520.b. Appeals of Commission orders are governed by the State Administrative Procedure Act. § 24-4-106, C.R.S. A party who wishes to appeal a Commission order should, at a minimum, refer to the Administrative Procedure Act.

³ At times, the Hearing Officer may issue non-dispositive orders that are not "recommended orders." These interim decisions are not subject to exceptions. Rule 520.a.

VIII. What if I Do Not Have a Lawyer Representing Me?

If you are a natural person appearing on your own behalf, you do not need a lawyer to represent you before the Commission in adjudicatory proceedings, rulemakings, or local public hearings. Rule 515.a. A natural person is an individual person and not a private or public organization, such as a business or not-for-profit organization. Additionally, persons who are authorized on behalf of an organization or entity to make oral or written comments may do so in the course of public comment at a Commission hearing.

However, the Commission does strongly encourage every person appearing before it in an adjudicatory proceeding to consult legal counsel to determine whether they may benefit from legal representation.

IX. Communications with the Commission, Hearings Staff, and Technical Staff

A. The Commission and Hearings Staff.

When an application is filed with the Hearings Unit, it becomes an adjudicatory proceeding, meaning that the Hearing Officer, Administrative Law Judge, and the Commission are the impartial, neutral entities that will decide whether to grant or deny the application. Under Rule 530, each party to an adjudicatory proceeding must copy all other parties (if applicable) on every communication with a Hearing Officer, Administrative Law Judge, or with the Commission.

Parties to a filed application should not attempt to communicate directly with the Commission, even if all other parties are copied, outside of a public hearing. The proceedings prior to a Commission hearing on a filed application will allow for submission of written position statements, and the parties will be able to submit their positions to the Commission directly at hearing, which is a sufficient opportunity to communicate with the Commission.

If a party fails to comply with Rule 530, their attempted communication will be made public and the Hearing Officer, Administrative Law Judge, or the Commission may require that party to explain why their application or petition should not be dismissed or denied.

In contested hearing applications, if a party requests that a hearing officer take a certain action on an application, then that request

should be made formally in a motion to the Hearing Officer, filed via the eFiling system. Informal email requests for status updates, decisions on pending motions, etc., should not be communicated via email to the Hearing Officer in a contested hearing application. If a party has a question regarding the status of a case, please contact the Hearings Assistant Margaret Humecki at 303-894-2100, ext. 5139 or by email at margaret.humecki@state.co.us

People who are not parties to a proceeding on a filed application may communicate with the Commission regarding that matter through oral public comment at a public hearing or through written comments submitted pursuant to Rule 512. For an OGD or CAP, people who are not parties may also communicate with the Commission at a local public forum held pursuant to Rule 511, should the Commission choose to hold a local public forum.

B. Technical Staff.

If COGCC Technical Staff offer a technical review of a hearing application, communication of that review will be made in writing and made available to the applicant, the Hearing Officer, and any petitioners via the eFiling system. Generally, COGCC Technical Staff are not parties to hearing applications. Accordingly, it is not necessary to serve Technical Staff with filings made in a docket, even if it is a contested application. Additionally, should an applicant have questions regarding Technical Staff's material comments, they should contact Technical Staff directly and not include the Hearing Officer on those communications.

X. Standard of Conduct before the Commission

While the rules and process for appearing before an administrative agency like the Commission may be more relaxed than appearing before a civil or criminal court, every person appearing before the Commission must comply with standards of civil discourse. The same decorum used in a court should be used when appearing before the Commission. Parties are asked to be patient, dignified, and courteous to other parties, attorneys, and staff.

XI. Motions Practice

In contested hearing applications, parties frequently file motions in the course of the prehearing process. The following guidelines apply to all motions.

A. Page Limitations.

Motions and responses will not exceed 15 pages double-spaced. Replies will not exceed 10 pages double-spaced. These page limitations do not include the caption, signature block, certificate of service, or attachments. The body of the text and all footnotes will be no smaller than 12-point type. Motions to exceed the page limitations will be granted only upon a showing of good cause. Such motion will indicate the number of pages of the proposed document and the reason why the additional pages are necessary.

B. Motions.

The Colorado Rules of Civil Procedure apply to Commission proceedings unless they are inconsistent with Commission Rules or the Colorado Oil and Gas Conservation Act, or as the Hearing Officer may otherwise direct on the record during prehearing proceedings. The Commission does not adhere strictly to the Colorado Rules of Evidence and may accept evidence or information that would be excluded by the Colorado Rules of Evidence.

Before filing a motion, the party filing a motion must confer with all other parties to determine what their position is on the motion. The motion should state the position of all other parties. The movant should allow sufficient time for conferral, and make all such reasonable efforts to contact parties. Motions, responses, and replies must be served on all parties to the docket. Failure to confer or properly serve a motion may result in the motion being denied without prejudice or stricken *sua sponte*.

XII. Whom Can I Contact for More Information?

Please contact Hearings Assistant, Margaret Humecki, at 303-894-2100, ext. 5139, or by email at margaret.humecki@state.co.us.