

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

**IN THE MATTER OF CHANGES TO THE)
RULES AND REGULATIONS OF THE OIL)
AND GAS CONSERVATION COMMISSION)
OF THE STATE OF COLORADO)**

**CAUSE NO. 1R
DOCKET NO. 0803-RM-02**

**THE COLORADO PETROLEUM ASSOCIATION'S
MOTION TO POSTPONE
HEARING DATES SCHEDULED FOR
DELIBERATIONS ON SEPTEMBER 9, 10, AND 11, 2008**

The Colorado Petroleum Association (“CPA”), by and through its undersigned counsel, hereby respectfully submits for the Commission’s consideration this Motion to Postpone Hearing Dates Scheduled for Deliberations on September 9, 10, and 11, 2008.

As grounds for this motion, the CPA states:

1. The CPA is a Party to these proceedings and has members in the oil and gas industry whose interests will be substantially and materially affected by these rulemaking proceedings.

2. On September 3, 2008, the Commission served the parties with an Order Amending Deadline For Staff Response to Parties’ Alternate Language Proposals (the “Order”) setting forth a staggered schedule for Staff’s response to the alternate language proposals submitted by various parties on July 30, 2008. The Order indicated that Staff’s response to the 200, 600, 700 and 1000 Series should be served on September 3, 2008, the response to the 300 and 900 Series should be served on September 4, 2008, and the 500 and 1200 Series should be served on September 5, 2008 (today). In an electronic notice to all Parties sent this morning by Staff, there is an indication that Staff’s filings regarding the 500 and 1200 Series may not be posted until tomorrow (Saturday). The e-mail states: “By late today or tomorrow, the 500 and 1200 series will be posted”

3. Staff has posted, on September 3rd and on September 4th (yesterday), a total of **321 pages** with respect to just the 200, 600, 700, 1000, 300 and 900 Series. There are contained in these filings concepts that have never been revealed before in prior iterations of the Draft Rules.

4. The Parties to this rulemaking have not yet received the Staff’s filings/proposals with respect to two of the more difficult rule series, those being the 500 Series and the 1200 Series. Assuming that the Staff materials for the 500 Series and the 1200 Series are filed by the

end of the day or tomorrow, there would only be one business day (Monday) before the commencement of the scheduled deliberations. This schedule does not permit the Parties to adequately and fairly digest and respond to Staff's materials and recommendations regarding these crucial rule series. This is especially true for concepts that have been revealed for the first time. Indeed, for those travelling to Denver on Monday, there would be no normal work days available in which to read and analyze the filings.

5. This compressed schedule prejudices the CPA and its members. The CPA's representatives will have inadequate time within which to prepare and, as a result, will not be able to efficiently and adequately inform the Commission of their concerns and observations. Moreover, it is unfair to the Commissioners to expect them to adequately digest and evaluate the volume of recently filed, and to be filed, materials.

6. This schedule will not permit the consideration and analysis that the law requires. The administrative rulemaking process in Colorado must provide a fair procedure for all interested parties. C.R.S. § 24-4-101 *et seq.*, (2008). The schedule and limitations imposed impermissibly infringe on the Parties' right to Constitutional due process and fundamental procedural fairness. The Draft Rules, if adopted, would fundamentally and substantially affect the property rights of the regulated community, including the CPA and its members. They, as well as all of the Parties, have a right to fundamental fairness and due process in this matter, which includes a meaningful opportunity to respond to the Draft Rules, particularly Staff's recently filed, and yet to be filed, analyses, recommendations and proposals.

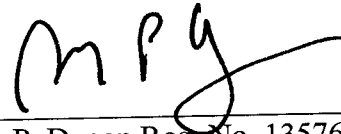
WHEREFORE, the CPA hereby respectfully requests that the Commission enter an order to continue the deliberation hearings scheduled to begin Tuesday, September 9, 2008, until a later and convenient date in order to allow all parties and the Commissioners time to properly analyze and determine the impacts of the Staff responses, recommendations and analyses.

Respectfully Submitted this 5th day of September, 2008:

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- and -

By: _____



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**Attorneys for Colorado Petroleum
Association**

CERTIFICATE OF SERVICE

I, hereby certify that on this 5th day of September, 2008, I served an electronic version of the foregoing THE COLORADO PETROLEUM ASSOCIATION'S MOTION TO POSTPONE HEARING DATES SCHEDULED FOR DELIBERATIONS ON SEPTEMBER 9, 10, AND 11, 2008, and have arranged to have an original and 14 copies hand delivered, addressed to the following:

Patricia Beaver, Hearing Manager
Docket No. 0803-RM-02
Oil and Gas Conservation Commission
1120 Lincoln Street, Suite 801
Denver, CO 80203

tricia.beaver@state.co.us

- and-

I hereby certify that I caused two (2) copies of the above-referenced Motion to be hand-delivered, addressed to the following:

Kelly Rees
Colorado Department of Law
1525 Sherman Street, 5th Floor
Denver, CO 80203

kelly.rees@state.co.us

- and-

I hereby certify that I caused one (1) copy of the above-reference Motion to be hand-delivered, addressed to the following:

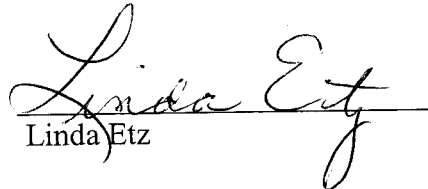
Joshua B. Epel
Hearing Officer
c/o DCP Midstream
370 Seventeenth Street, Suite 2500
Denver, CO 80202

- and -

I electronically served the above-referenced motion on the following:

Marc.fine@state.co.us

and all of the Parties listed on the Party List found at the OGCC website.


Linda Etz