

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

IN THE MATTER OF CHANGES TO THE	)	CAUSE NO. 1R
DRAFT RULES AND REGULATIONS OF THE	)	
OIL AND GAS CONSERVATION	)	DOCKET NO. 0803-RM-02
COMMISSION OF THE STATE OF COLORADO	)	

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**NOTICE OF OBJECTION TO THE “CORRECTED” JULY 9<sup>TH</sup> TIME ALLOCATION  
FOR RULEMAKING HEARING**

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Pioneer Natural Resources USA, Inc. (“Pioneer”), the Las Animas County Farm Bureau (“Farm Bureau”), the Las Animas County Landowner’s Group (“Landowner’s Group”) and the Trinidad & Las Animas County Chamber of Commerce (“Chamber of Commerce”) ( along with Pioneer for purposes of the discussion herein collectively known as the “Objecting Parties”), by and through their undersigned counsel, respectfully submit the following Notice of Objection to the July 9<sup>th</sup> “corrected” schedule and time allocation for remaining presentations by various parties in this proceeding (hereafter “Notice of Objection”). As grounds therefore, the Objecting Parties state as follows:

1. The Colorado Oil and Gas Conservation Commission (“COGCC” or the “Commission”) issued a much anticipated schedule and time allocation for the remaining days of hearing in this matter by posting a schedule on its website during the afternoon of Wednesday, July 9th. That schedule is attached as Exhibit A to this Notice of Objection (hereafter “First Published Schedule”).

2. Not long after the First Published Schedule was posted, that schedule was removed and a “corrected” schedule was posted. The subsequent “corrected” schedule (hereafter “Corrected Schedule”) is attached to this Notice of Objection as Exhibit B.

3. The First Published Schedule allocated 20 minutes each to proponents of two basin-specific alternate proposals supported by multiple parties from diverse stakeholder groups, including industry, ranch and farm interests, landowners and local government.

4. The Corrected Schedule provides Weld County 20 minutes of time to address the D-J Basin alternate proposal, but deletes the allocation of 20 minutes to Las Animas County parties, including Pioneer, for addressing the features of an alternate proposal specific to CBM production and unique geographic features of the Raton Basin and Las Animas County.

5. Supporters of each alternate proposal, one for the D-J Basin and one for the Raton Basin (Las Animas County), had each previously requested that additional time be allocated to them from Commission deliberation time (54 of the 95 hours originally scheduled for these hearings are reserved for Commission questioning of witnesses and deliberation) for the purpose of presenting limited testimony to the Commission on the desirable features of these two basin-specific approaches to regulatory revision pursuant to HB 1298 and HB 1341. This request was made verbally at the status conference of the parties on May 15, 2008, and subsequently was

made in writing to the Commission in various documents noted below. Neither the Commission nor the Acting Director has responded to these requests other than via issuance of the First Published Schedule and the Corrected Schedule. *See* Response of Anadarko, Black Hills and Pioneer in Support of COGA's Second Supplemental Proposal on Conduct of Hearing and Time Allocations at para. 1, *and* Request of the Weld County Coalition for Separate Time to Address Consensus Alternate Proposals at paras. 1-4 (copy attached as Exhibit C); *see also* Notice of Time Allocation, Witnesses and Exhibits for Rulemaking submitted by various Las Animas County parties at p.1 (objecting to their 31 minute time allocation out of a total of three hours afforded the entire Property, Royalty and Agriculture group), *and* Consensus Alternate Proposal for the Raton Basin at pp. 1-2 (copy attached as Exhibit D).

6. The Commission's failure to allocate even a small amount of time to supporters of the Consensus Alternate Proposal for the Raton Basin works a particular hardship on those parties, who have endeavored in good faith to develop alternative regulatory language that satisfies the requirements of HB 1341 and HB 1298 more efficiently than does the Commission staff's original proposed regulations of March 31, 2008 or its more recent clarifications and amendments to those proposed revisions, and in compliance with Colorado Administrative Procedures Act requirements.

7. The effect of the Corrected Schedule on Pioneer is particularly objectionable, in that it has, consistent with the Commission's urging, actually consolidated its filings with other non-industry parties from Las Animas County.

8. The Objecting Parties sincerely regret that the Commission and/or the Acting Director apparently do not see the wisdom of allowing parties that have worked hard to develop thoughtful, tailored alternatives to the Draft Rules some small additional segment of time to explain the merits of their approach to the Commission before it takes action to adopt sweeping rule revisions, especially when the request for such time has been pending for weeks and expectations concerning use of very limited remaining reserved time are firmly held by many other industry parties to this proceeding.

6. In light of the Commission's decision to defer hearing on midstream issues until October, the Objecting Parties' request for time to hear limited testimony on alternative proposals that could form the basis for compromise and consensus among all parties and staff on the most contentious provisions of the Draft Rules would not unduly delay or complicate the Commission's schedule for this proceeding.

The Objecting Parties are authorized to state that Anadarko Petroleum Corporation and Black Hills Exploration and Production join in the filing of this Notice of Objection on grounds of procedural fairness and reasonable accommodation of good faith efforts to identify compromise alternatives of potential interest to the Commission's members prior to their final deliberations and action in this proceeding.

Dated this 14<sup>th</sup> day of July, 2008.

Respectfully submitted,

s/ John R. Jacus

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LAS ANIMAS COUNTY LANDOWNER GROUP

/s Glenn Moltrer

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President  
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TRINIDAD & LAS ANIMAS COUNTY  
CHAMBER OF COMMERCE

## CERTIFICATE OF SERVICE

I hereby certify that one (1) original and fifteen (15) true and correct copies of the attached **NOTICE OF OBJECTION TO THE “CORRECTED” JULY 9<sup>TH</sup> TIME ALLOCATION FOR RULEMAKING HEARING** were served by hand-delivery on the 14th day of July, 2008, upon the Colorado Oil and Gas Conservation Commission (“COGCC”), as follows:

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

and further certify that two (2) true and correct copies of said notice were served by hand-delivery on the 14th day of July, 2008, upon the Department of Law, as follows:

Kelly Rees, Esq.  
Colorado Department of Law  
1525 Sherman Street, 7<sup>th</sup> Floor  
Denver, Colorado 80203

and also further certify that one (1) true and correct copy of said petition was served by hand-delivery on the 14th day of July, 2008, upon the COGCC, as follows:

Joshua Epel, Esq., Assistant General Counsel  
DCP Midstream  
370 Seventeenth Street, Suite 2500  
Denver, Colorado 80202

and lastly certify that true and correct electronic or paper copies of said petition were e-mailed or mailed First-Class on the 14th day of July, 2008, to:

Patricia Beaver at [tricia.beaver@state.co.us](mailto:tricia.beaver@state.co.us)  
Marc Fine at [marc.fine@state.co.us](mailto:marc.fine@state.co.us)  
Kelly Rees at [kelly.rees@state.co.us](mailto:kelly.rees@state.co.us)  
All Parties on the COGCC Service List for  
Docket No. 0803-RM-02.

/s Christine Thompson  
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