

May 23, 2008

**VIA ELECTRONIC MAIL**

David Neslin,  
Acting Director  
Colorado Oil and Gas Conservation Commission  
1120 Lincoln Street, Suite 801  
Denver, CO 80203

**Re:** Docket No. 0803-RM-02  
Matter of Changes to the Rules and Regulations of the  
Oil and Gas Conservation Commission of Colorado

Dear Acting Director Neslin:

During the rulemaking hearing held on May 22, 2008, at your suggestion, the Commission agreed to allow parties to provide alternate proposals for allocation of time during the rulemaking proceeding. Consistent with the Commission's action, Colorado Interstate Gas Company ("CIG") submits herein its alternative proposal for time allocation in connection with the above-captioned proceeding.

In the Third Prehearing Order, the Hearing Officer proposed a schedule for the rulemaking hearing, including time allocations by group and estimated hours of testimony by issue. The oil and gas industry has been allocated twelve hours to present testimony despite having collectively estimated and requested a vastly greater number of hours to present its testimony. While it has been suggested that the parties from the oil and gas industry could consolidate duplicative testimony, CIG submits that because it has raised an issue unique among the parties, it is not in a position to consolidate its testimony with any other party. CIG further notes that the Third Prehearing Order does not include federal preemption among the list of issues for which time is allocated for testimony.


As you informed the Commission during the May 22 rulemaking hearing, discussions are currently ongoing between CIG and Commission staff to work out a resolution to the federal preemption issue. Consequently, consistent with staff's recommendation, the Commission deferred action on CIG's *Motion For Determination Regarding Authority Of COGCC To Regulate Projects Subject To FERC And U.S. DOT Jurisdiction And Motion To Limit Scope Of The Rulemaking*. CIG is hopeful that the federal preemption issue will be resolved before the commencement of the rulemaking hearing on June 22. However, in the event that this does not occur, CIG proposes the following alternative proposals for allocation of time:

- CIG requests that federal preemption be added to the issues to be addressed at the rulemaking hearing and that this issue be allocated thirty (30) minutes for CIG's direct testimony.
- CIG further requests a minimum of five (5) minutes to present its concerns regarding federal preemption for each of the following Issues. CIG will utilize this time to demonstrate how the issues addressed by the Proposed Rules are already addressed by federal law through regulation by FERC or the U.S. DOT. Issues: 2, 3, 4, 5, 6, 7, 9, 10, 11, and 12.
- CIG also requests the opportunity to provide opening and closing statements regarding federal preemption at the appropriate times in the rulemaking hearing and that a minimum of five (5) minutes be allocated for each statement.

In all, CIG requests a total of ninety (90) minutes to present its case, which is consistent with its request in its Final Prehearing Statement. I appreciate your thoughtful consideration of CIG's proposals for allocation of time. If you would like to discuss this or any related matter, please contact me at 719-520-4337.

Very truly yours,

COLORADO INTERSTATE GAS COMPANY



Daniel J. Sehnee  
Senior Counsel

cc: Joshua Epel  
James B. Martin  
Parties of Record