

**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)	
AND GAS CONSERVATION COMMISSION)	DOCKET NO. 0803-RM-02
OF THE STATE OF COLORADO)	

COLORADO OIL & GAS ASSOCIATION

SUPPLEMENTAL PROPOSAL ON CONDUCT OF HEARING AND TIME ALLOCATION

At the prehearing conference conducted on May 15, 2008, Hearing Officer Epel asked COGA, on behalf of its member companies that are parties to the proceeding, to consider making a proposal in advance of the Commission’s May 22, 2008, hearing on procedural motions regarding the conduct of the hearing and the time allocation therefor.

COGA offers the following suggestion, which assumes that the Commission grants its pending motion to limit the scope of the rulemaking (to permitting, landscape level planning and wildlife rules) and to bifurcate the remainder of the proceeding. In making this suggestion, COGA and its member companies reserve all claims that the rulemaking proceeding violates due process requirements or is otherwise unlawful.

1. That the Commission ask all parties to “recalibrate” their time requests for direct and rebuttal witnesses, including time for attorney opening and closing arguments, rule-by-rule discussion, and cross examination, by May 30, 2008. Upon receipt of these recalibrated time requests, the Commission should publish a new hearing schedule and proposed time allocations by June 6, 2008, and allow the parties to comment thereon at its June 10, 2008, hearing.
2. That the bifurcated hearing schedule include, as may be necessary, June 23-28, June 30, July 1, and July 15-16, so that this portion of the rulemaking is completed as required by HB 08-1379.
3. That the hearing, upon conclusion of the public comments, proceed as follows:
 - A. Consideration of “cross-cutting” issues, including, but not limited to, the economic impacts of the Draft Rules (in their entirety); preemption (federal lands; tribal lands, FERC-certificated facilities); and, midstream and oilfield service issues as separate topics.
 - B. Consideration, on a rule-by-rule basis, of proposed rules: 303/305/306 – Permitting (including COGA’s alternative proposal); 213/513 – Landscape Level Planning; 1201-1209 – Wildlife Rules (including industry alternative proposals, and, time-permitting, of related reclamation rules).

C. Consideration of “basin-specific” proposals for modification of the proposed rules, such proposals to be submitted in writing on or before June 6, 2008. For the commission’s benefit, it was indicated at the prehearing conference that such proposals are likely to be forthcoming with respect to the Denver-Julesburg Basin (Greater Wattenberg Area, Northeast Colorado) and the Raton Basin.

4. That the Commission continue the rulemaking with respect to the remaining topics and set additional hearings, no more frequently than quarterly. This extended rulemaking proceeding should include the convening of stakeholder workgroups to explore whether consensus rulemaking language regarding the assigned topics for each hearing can be agreed upon.

In the event that the commission denies its motion, COGA is not able to provide a more definitive estimate of the time required by the association and its members than was provided at the prehearing conference. For the commission’s benefit, the industry parties indicated that they would need approximately 75 hours for presentation of their *direct* cases. This estimate will need to be substantially increased to accommodate rebuttal (due to the filing of prehearing statements the previous day, as well as email delivery problems, the parties did not have an opportunity to assess their need for rebuttal testimony at the prehearing conference), basin-specific proposals, and time for attorney opening and closing argument, rule-by rule discussion, and cross examination.

COGA recommends following the hearing structure outlined above in 3A—C regardless of the commission’s decision on its motion.

RESPECTFULLY SUBMITTED THIS 20TH DAY OF MAY, 2008:

/S/ KENNETH A. WONSTOLEN

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