

**BEFORE THE OIL AND GAS CONSERVATION COMMISSION
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)	

SECOND PREHEARING ORDER

Joshua Epel, as Prehearing Officer in this matter, convened a status conference on May 1, 2008, at the request of several parties to facilitate their efforts to coordinate prehearing statements and testimony in order to promote efficiency at the rulemaking hearing. As a result of discussions with the parties participating at the status conference, several deadlines contained in the First Prehearing Order are hereby modified. This Second Prehearing Order supersedes the First Prehearing Order where the provisions are inconsistent.

The Commission encourages parties to consolidate their prehearing statements and testimony. Parties that consolidate can request to expand the 15-page limit for prehearing statements. Such requests should be included in parties' Preliminary Prehearing Statements. Where possible, written testimony should be organized according to the different series set out in the COGCC Draft Rules. All documents should be in 12 point font with one-inch margins. The Draft Rules, as well COGCC staff's prehearing statement and statement of basis and purpose, can be found on the Commission website at <http://cogcc.state.co.us/RuleMaking/2007RuleMaking.cfm>.

PREHEARING CONFERENCE: MAY 15, 2008

A prehearing conference will be held on May 15, 2008, from 8:00 a.m. – 12:30 p.m. The conference will take place at the Division of Wildlife, Hunter Education Building, 6060 Broadway, Denver, Colorado, 80216. Attendance at the prehearing conference is mandatory for all parties. Failure to participate in person will result in loss of party status, except for good cause as determined by the hearing officer.

REVISED FILING DEADLINES

Responses to Motion of Colorado Oil and Gas Association: Due May 9

Responses to COGA's Objection to First Prehearing Order and Motion to Limit Scope of the Rulemaking and Bifurcate the Proceeding are due on May 9, 2008. Responses are limited to four pages. Filing and service requirements are set forth in the First Prehearing Order.

All Motions: Due May 9

As stated in the April 1, 2008, First Prehearing Order and indicated by Commissioner Epel at the status conference on May 1, 2008, all motions by the parties to the COGCC are due on May 9, 2008. Under the First Prehearing Order, this "shall include motions regarding procedures, the scope and nature of the proceedings, or any other matter that requires a determination prior to final agency action based on the record, or any matter that may reasonably be disposed of prior to receiving testimony or other evidence." Examples of issues to be addressed by motion include without limitation any argument that a draft rule would be unlawful because it is ultra vires, is preempted, or would violate due process. The structure of the First Prehearing Order enables the

Commission to hear legal arguments on motions prior to taking public comment/testimony on June 10 and June 23-27. At the request of the parties, responses to motions are due by May 16. The COGCC will take up all motions on May 22 and make an initial determination on such motions. A final determination on such motions will be made during the deliberations and voting on the rules which will be finalized by July 16. The thirty day deadline for appeals will not begin to run until the COGCC takes final agency action on the rules.

Preliminary Prehearing Statements: Due May 9

In order to give the parties additional time to finalize their prehearing statements, Preliminary Prehearing Statements are due May 9, and Final Prehearing Statements are due May 14. At a minimum, Preliminary Prehearing Statements must identify all issues and list all witnesses and exhibits. Initial Alternate Proposals are also due May 9.

Preliminary Prehearing Statements and Initial Alternate Proposals must be emailed to the Commission (marc.fine@state.co.us), to the Department of Law (kelly.rees@state.co.us), and to all other parties (see party list at http://cogcc.state.co.us/RuleMaking/Party_List.pdf) by May 9, 2008, **and** one hard copy must be hand-delivered to each of the following: 1) Patricia Beaver, Hearing Manager, Docket No. 0803-RM-02, Oil and Gas Conservation Commission, 1120 Lincoln Street, Suite 801, Denver, Colorado, 80203; 2) Kelly Rees, Colorado Department of Law, 1525 Sherman Street, 5th Floor, Denver, Colorado, 80203; and, 3) Joshua Epel, Assistant General Counsel, DCP Midstream, 370 17th Street, Suite 2500, Denver, CO 80202.

Final Prehearing Statements and Final Alternate Proposals Due: May 14

Final Prehearing Statements must contain all the information and documentation set forth in the First Prehearing Order. Final Prehearing Statements and Alternate Proposals must be emailed to the Commission, to the Department of Law, and to all other parties by May 14, 2008, **and** one hard copy must be hand-delivered to the Commission, the Department of Law, and to Joshua Epel as set forth above. Copies to parties may be served by hard copy or electronic mail.

Hard Copies of Final Prehearing Statements and Alternate Proposals Due: May 15

By May 15, 2008, the original and 15 hard copies of the Final Prehearing Statements and Alternate Proposals must be delivered to Patricia Beaver, Hearing Manager, Docket No. 0803-RM-02, Oil and Gas Conservation Commission, 1120 Lincoln Street, Suite 801, Denver, Colorado, 80203. Two hard copies must be delivered to Kelly Rees, Colorado Department of Law, 1525 Sherman Street, 5th Floor, Denver, Colorado, 80203. Copies to parties may be served by hard copy or electronic mail.

Responses to Motions: Due May 16

See discussion in All Motions section above.

Rebuttal Statements: Due June 6

By June 6, 2008, the original and 15 hard copies of the Rebuttal Statements must be delivered to Patricia Beaver, Hearing Manager, Docket No. 0803-RM-02, Oil and Gas Conservation Commission, 1120 Lincoln Street, Suite 801, Denver, Colorado, 80203. Two hard copies must be delivered to Kelly Rees, Colorado Department of Law, 1525 Sherman Street, 5th Floor, Denver, Colorado, 80203. Copies to parties may be served by hard copy or electronic mail.

Alternate Consensus Proposals: Due June 6

Alternate Consensus Proposal may be filed by June 6, 2008, according to the requirements set forth in the First Prehearing Order.

Dated this 6th day of May, 2008

Joshua B. Epel, Prehearing Officer