

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

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

**THIRD PREHEARING ORDER**

Joshua Epel, as Prehearing Officer in this matter, after receiving comments from the full Commission, hereby proposes the following schedule for the conduct of the rulemaking hearing. This order supersedes the previous orders where the provisions are inconsistent.

**MOTIONS AND FILINGS**

This Third Prehearing Order clarifies that procedural motions must be filed by May 9, 2008 and responses to procedural motions must be filed by May 16, 2008, in the manner set out in the First Prehearing Order. Substantive argument and/or motions shall be filed by May 14, 2008, along with Final Prehearing Statements and Alternative Proposals in the manner set forth in the First Prehearing Order.

Documents must be **received** by the Commission and Parties on the due date but do not need to be hand-delivered as long as they are received by the deadline.

All documents that are not filed in binders because they are small submittals shall be 3-hole punched.

**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.

**POTENTIAL TIME ALLOCATIONS FOR HEARING & DRAFT LIST OF ISSUES**

**Rulemaking Hearing Schedule**

June 10, June 23-28, June 30, July 1, July 15-18. There will be 12 total days of hearing. Rules will be adopted by August 12.

1.5 days will be allocated to public comment.

10.5 days will be allocated to oral testimony, including public comment, direct testimony, cross-examination, and rebuttal from Staff and Parties supporting the Draft Rules, testimony from

Parties in opposition to and/or in support of their alternative proposals, and Commission initial deliberation on the issues.

Assuming a 9-hour day (8:00 a.m. – 7:00 p.m.), there will be 95 hours available for testimony and initial deliberations: 38 hours for testimony and 36 hours for Commission questions and Staff/Party responses to Commission questions.

1 day will be allocated at the end of the testimony phase for final Commission deliberations and direction to staff to finalize rules.

**Total Presentation Time Allotted by Group\***

Commission Staff	10 hours
Oil and Gas Industry	12 hours
Environmental, Health and Wildlife	8 hours
Government Organizations	5 hours
Property, Royalty and Agriculture	3 hours

**\*Groups can divide their time among the given issues set forth below in any manner they choose.**

**Issues                      Estimated Hours of Testimony\*\***

1. Mid-stream – 4.5 hours
  - Form 12 for gas facilities -- Rule 313A
2. Planning – 4.5 hours
  - CDPs -- Rule 216
  - GAPs -- Rule 513
  - MOAs -- Rule 521
3. Record keeping – 4.5 hours
  - Chemical inventory -- Rule 205
  - Waste manifests -- Rule 907
  - Compliance checklist -- Rule 206
  - Tank labeling -- Rule 210
4. Wildlife - 18 hours
  - 1200 Series
5. Reclamation, soils – 4.5 hours
  - Interim reclamation -- Rule 1003
  - Final reclamation -- Rule 1004

6. Water issues – 13.5 hours
  - Drinking Water Supplies -- 317B
  - Waste pits -- 900 Series
  - Spills and releases -- Rule 906
  - Stormwater -- Rule 1002.f
  - Bradenhead monitoring -- Rule 341
7. Odor, dust, aesthetics - 9 hours
  - Odors and dust -- Rule 805
  - Visuals -- Rule 804
8. Coalbed methane – 4.5 hours
  - Rule 608
9. Safety – 4.5 hours
  - Berms -- Rule 603, 604
  - Setbacks -- Rule 603, 604
  - Screening -- Rule 604
10. Permitting, notice, consultation - 13.5 hours
  - Permitting -- Rules 303
  - Notice -- Rule 305
  - Consultation -- Rule 306
11. Hearings and Process – 4.5 hours
  - Requests for hearing -- Rule 503
  - Penalties -- Rule 523
12. Bonding – 4.5 hours
  - 700 Series
13. Implementation – 4.5 hours
  - Effective date -- Rule 201A

**\*\*The hours allocated to specific issues above include testimony/rebuttal/cross-examination, questions and answers by the Commission and Parties, and initial deliberations. These hours are estimates and may be reallocated by the Commission and Parties.**

**Dated this 9<sup>th</sup> day of May, 2008**

**Joshua B. Epel, Prehearing Officer**