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July 28, 2017

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Mark Watson
State Oil and Gas Supervisor
P.O. Box 2640
Casper, Wyoming 82602-2640
WOGCC_rules@wyo.gov

Dear Mark:

Thank you for the opportunity to comment on the proposed amendments to the Rules and Regulations of the Wyoming Oil and Gas Conservation Commission (“Commission”). I am submitting this letter on behalf myself and the following, longstanding Commission practitioners: Craig Newman, Tom Reese, Tom Throne, P. Jaye Rippley, Walter Eggers, Jake Haseman, Jim Mowry, Will Reese, and Alexis Klatt. We are submitting these comments as individual practitioners, not on behalf of any of our individual or collective clients. Please consider our following comments regarding the proposed changes in two specific sections of Chapter 5.

Chapter 5 § 2(b) Commencement of Proceedings and Continuances

Concern:

The existing language in the proposed rule creates ambiguity whether the Supervisor has an administrative duty or discretion with respect to continuing an application two times after the initial filing. The below proposed language clarifies that, consistent with present practice and to maintain docket efficiency given operational variables and the advanced lead time necessary to meet application deadlines, the Supervisor has an administrative duty to continue an application two times after the initial filing.

Proposed revised language:

(b) Continuances may be requested by notifying the Commission and affected parties of the continuance at least three (3) working days prior to the hearings. In the event the three-day notice is not given, the Commission may dismiss the application without prejudice. Upon receipt of a timely request, An application may be continued by the Supervisor shall continue an application two (2) times

after the initial filing. Thereafter, a continuance requires Commission approval. If an application is continued at the request of any party, the requesting party shall be assessed one hundred twenty-five dollars (\$125.00) for each continuance.

Chapter 5 § 27 Referral for Contested Case Hearing

Concern:

The existing language in the proposed rule opens the possibility that OAH formal hearings could become the rule, rather than the exception, depending on the makeup and viewpoint of any given commission. This change in procedure would decidedly disrupt the nature of practice before and decision-making by the Commission, creating uncertainty and undermining the procedural efficiencies the oil and gas industry values and appreciates. The OAH formal hearing process likely would prevent the parties from obtaining a decision immediately following the close of evidence. Additionally, the formal OAH hearing process would create a disconnect between an assigned OAH hearing officer, who would be unlikely to have oil and gas expertise, and the active engagement of the oil and gas commissioners, who have relevant expertise and can efficiently and effectively address the key issues in a contested matter. In other words, the benefit of the Commission's expertise will be diluted in any matters referred to an OAH hearing officer. The below proposed language is intended to clarify that only unusually complex contested cases will be conducted by a Commissioner-hearing officer under an OAH formal hearing process.

Proposed revised language:

After notice to the parties and opportunity to be heard regarding the nature and complexity of the case, tThe Commission may, at its discretion, or if so requested by all parties to the proceeding-at the request of the parties, refer, assign, or designate a one Commissioner as a hearing officer to preside over any unusually complex cases, unless otherwise provided by law. Only unusually complex cContested cases referred under this section shall be conducted pursuant to the Office of Administrative Hearings Uniform Rules for Contested Case Practice and Procedure, Chapter 2.

We would be glad to discuss our concerns further with you and look forward to the Commission's consideration of the proposed rules changes on August 8th.

Sincerely,

[signature pages follow]

cc: Governor Mead
Office of State Lands Director Hill

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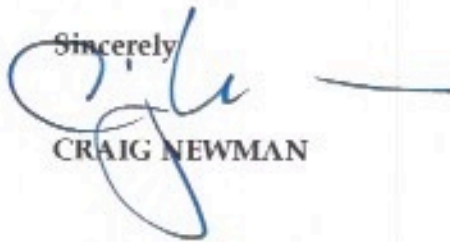




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Sincerely

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FROM THE DESK OF:
THOMAS F. REESE
E-mail: treese@wpdn.net

WILL REESE
E-mail: wreese@wpdn.net

July 28, 2017

A handwritten signature in blue ink that reads 'Tom Reese'.

Thomas F. Reese
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A handwritten signature in blue ink that reads 'Will Reese'.

Will Reese
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July 28, 2017



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Sincerely,

A handwritten signature in blue ink, appearing to read "Walter F. Eggers, III".

Walter F. Eggers, III
of Holland & Hart LLP

