

Wyoming Oil and Gas Conservation Commission Hearing Wrap-up Report January 2019



The Wyoming Oil and Gas Conservation Commission held its monthly hearings January 8, 2019 at 9 a.m. Commissioners present were Mark Doelger, Erin Campbell, and Ken Hendricks. Also representing the WOGCC were Supervisor Mark Watson, and Attorneys Eric Easton and Micah Christensen.

The January 2019 Hearing docket showed:

- 849 total applications
- 99 applications to be heard by the Commission (5 were continued during preliminaries)
- 265 examiner hearings
- 1 aquifer/unit hearings
- 0 pit treatment hearings
- 104 returned for admin processing
- 341 applications continued
- 29 applications withdrawn
- 8 preliminary matters
- 2 sent to the inactive B docket

In accordance with Chapter 5 Section 1, the WOGCC staff is not accepting written motions to dismiss or for summary judgment in contested cases. Counsel representing the Wyoming Oil and Gas Conservation Commission outlined three reasons why motions were not being accepted:

1. There is no right granted to parties in the Commission rules to file these motions and there is no authority given to the Commission staff to accept them.
2. Because the Commission is subject to the Wyoming Open Meetings Act I cannot rule on motions prior to hearing. The Commission is bound to make its decisions in a noticed and open forum.
3. Accepting written motions adds unnecessary administrative burden to the staff

Before the Commission:

*Docket Matter 301-2019 Southland Royalty Company was fined \$5,000 on for failure to notify Commission prior to spud in violation of Chapter 3 Section 22(c) in Carbon County, Wyoming.

Docket Matters 3897 2018 and 3898-2018 Commission approved Titan's request to flare two wells up to 2,000 mcf each per day for up to 90 days. Titan will keep Commission informed of any deviation from Titan's estimated average production per day.

Commissioner Doelger noted that .0004 percent of gas is flared compared to total production in the state of Wyoming.

Docket Matters 3855-2018 through 3884-2018, 1-2019 through 42-2019 and 44-2019 through 216-2019

The Commission voted to require Rebellion Energy to supplement their protests with more specific grounds. The docketed matters will be heard collectively at the February 2019 Hearing.

Chapter 5 Section 11(b) requires that "The written protest must state the grounds of the protest and include information and evidence that demonstrate that (i) the protestant is a party entitled to notice; (ii) the protestant seeks a remedy that is within the jurisdiction and authority of the Commission." A generic statement that an application will create waste or violates correlative rights is not sufficient. Blacks Law Dictionary defines "grounds" as: the reason or point that something (as legal claim or argument) relies on for validity. Therefore, every protest must provide the reasoning or points to support the argument. Protests should provide the Commission, as well as the opposing side, a clear reason why a matter is being protested (i.e., how waste will occur, or how correlative rights are being violated). Protests that do not include adequate grounds will be asked to provide a more definite statement.

Docket Matters 3394-2018 through 3441-2018 After hearing testimony from Commission Staff regarding their technical review, Samson Energy withdrew 8 of their APDs. The Commission then heard argument from the parties on the remaining applications to deny Samson's APDs. After argument, Samson withdrew an additional 6 of their APDs. The Commission then voted to deny Rebellion's protests on Samson's remaining 34 APDs.

Docket Matters 304-2019, 305-2019, 347-2019 These show cause items were continued to February 2019 hearings.

**Fines collected by the WOGCC are given to the school district where the violation occurred.*