

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)	

NOTICE OF RULE-MAKING HEARING

TO ALL INTERESTED PARTIES AND TO WHOM IT MAY CONCERN:

On December 11, 2008, the Commission adopted amendments to its Rules of Practice and Procedure ("Rules"). On February 25, 2009, the Office of Legislative Legal Services raised concerns with the Committee on Legal Services concerning Rules 306.c.(1).A, 604.a.(1), and 604.a.(10). This rulemaking hearing will consider non-substantive corrections to these rules that respond to concerns expressed by the Office of Legislative Legal Services.

The Commission will consider amending Rule 306.c.(1).A to conform to Rule 1202.b concerning consultation with the Colorado Division of Wildlife. As pointed out by the Office of Legislative Legal Services, Rule 1202.b properly puts the obligation to consult on the Colorado Division of Wildlife by stating that the "Division of Wildlife shall consult with the operator, the surface owner, and the Director." In contrast, Rule 306.c.(1).A states that the "operator shall consult with the Commission, the surface owners, and the Colorado Division of Wildlife." The proposed amendment of Rule 306.c.(1).A will clarify that the obligation to consult rests with the Colorado Division of Wildlife as set forth in Rule 1202.b and thereby correct the deficiency identified by the Office of Legislative Legal Services.

The Commission will also consider amending Rules 604.a.(1) and 604.a.(10) to conform to the Administrative Procedure Act requirements as to the incorporation of material by reference. See C.R.S. § 24-04-103(12.5)(d). These provisions were not substantively changed in the rule amendments adopted by the Commission in December 2008. In fact, these rule sections have been part of the Commission's rules for at least twenty-two years. Nonetheless, the Commission will consider proposed amendments to conform these sections to the incorporation by reference requirement of the Administrative Procedure Act and thereby correct the deficiency identified by the Office of Legislative Legal Services.

The proposed amendments can be found at <http://cogcc.state.co.us>.

The authority for the proposed amendments are House Bills 07-1298 and 07-1341, codified at sections 34-60-106 and 34-60-128, C.R.S., of the Oil and Gas Conservation Act ("Act"). Additional authority for the promulgation of these amendments is provided by sections 34-60-102, 34-60-103, 34-60-104, 34-60-105, and 34-60-108, C.R.S., of the Act.

Pursuant to Section 24-4-103(12.5), C.R.S., the Commission intends to incorporate by reference the following material:

- 1) Underwriters Laboratories, Inc., No. UL-142, 9th Edition (December 28, 2006);
- 2) American Petroleum Institute Standard No. 650, 11th Edition (June 2007);
- 3) American Petroleum Institute Standard No. 12B, 15th Edition (October 2008, effective March 31, 2009);
- 4) American Petroleum Institute Standard No. 12D, 11th Edition (October 2008, effective March 31, 2009);
- 5) American Petroleum Institute Standard No. 12F, 12th Edition (October 2008, effective March 31, 2009); and
- 6) American Petroleum Institute RP 12R-1, 5th Edition (August 1997, reaffirmed April 2, 2008).

NOTICE IS HEREBY GIVEN, that the Oil and Gas Conservation Commission of the State of Colorado, pursuant to the above, has scheduled the above-entitled matter for hearing on:

Date: Monday, March 30, 2009

Time: 9:00 a.m.

Place: Suite 801, The Chancery Building
1120 Lincoln Street
Denver, Colorado 80203
or as otherwise noticed by the Commission on its website.

The Commission encourages the public to participate in the rulemaking hearing by commenting on the proposed amendments to Rules 306.c.(1).A, 604.a.(1), and 604.a.(10).

Copies of the current Rules and Regulations are available at the office of the Oil and Gas Conservation Commission, 1120 Lincoln Street, Suite 801, Denver, Colorado 80203, for \$10.00 or by mail upon the receipt of a check or money order for \$15.00, at the same address. The Rules and Regulations are also available on the Commission Internet homepage at <http://cogcc.state.co.us/RuleMaking/FinalRules/FinalRulesTBL.html>.

Pursuant to said hearing, in the above-entitled matter at the time and place aforesaid, or at any adjourned meeting, the Commission will enter its order adopting such rules as in its judgment the facts may justify.

IN THE NAME OF THE STATE OF COLORADO

OIL AND GAS CONSERVATION COMMISSION
OF THE STATE OF COLORADO

By _____
Robert A. Willis, Acting Secretary

Dated at Suite 801
1120 Lincoln Street
Denver, Colorado, 80203
February 27, 2009