Caused No. RM 20200003

Proposed Rules

This response is submitted by Barnes Law, PLLC in response to the Judicial and Legislative Services Division's Proposed Rules Amending Chapter 5 (as of February 24, 2020) and Chapter 10.

165:5-1-9 Telephonic or videoconferencing testimony
(a) In an unprotested hearing, testimony may be offered by telephone or videoconferencing connection, unless the Commission or Administrative Law Judge determines that the presence of the witnesses in the courtroom is necessary for the effective and efficient presentation of evidence.
(b) In a protested hearing, testimony may be offered by telephone or videoconferencing connection with the consent of all parties of record and the Commission or Administrative Law Judge. It shall be the responsibility of the proponent of telephonic or videoconferencing testimony to obtain the required consent before the hearing. No continuance shall be granted for failure to obtain the required consent.
(c) The cost of telephonic or videoconferencing communication shall be paid by the party requesting its use. If testimony participation through a telephonic or videoconferencing connection in a proceeding is sought by consent, the proponent must indicate the capability to establish the videoconference using its own digital device or other means of access.
(d) Each witness testifying by telephone or videoconferencing connection shall be required to sign an affidavit verifying the witness' identity, unless the circumstances of the videoconferencing testimony enable the Commission or Administrative Law Judge to verify the identity of the witness. Said affidavit, if necessary, shall be filed in the cause prior to the issuance of an order. A copy of the filed affidavit shall be submitted to the Commission or Administrative Law Judge. Appendix "J" to this Chapter contains a sample affidavit.
(e) If an interested party intends to participate in the hearing by telephone or videoconferencing connection, said party shall so notify the Applicant, prior to the hearing date and obtain the consent of the Commission or Administrative Law Judge.
(f) Applicant or applicant's attorney shall be responsible for announcing at docket call those parties who plan to testify or otherwise participate by telephone or videoconferencing connection.

165:5-1-9.1 Telephonic or videoconferencing participation
(a) In an unprotested hearing, if an interested party intends to participate by telephone or videoconferencing connection, said party shall so notify the Applicant, prior to the hearing date.
(b) In a protested hearing, an interested party, legal counsel, Administrative Law Judge or witness may only participate via telephone or videoconferencing connection with the consent of all parties of record and the Commission, Administrative Law Judge or Appellate Referee. It shall be the responsibility of the proponent of telephonic or videoconferencing participation to obtain the required consent before the hearing. No continuance shall be granted for failure to obtain the required consent.
(c) The cost of telephonic or videoconferencing communication shall be paid by the party requesting its use. If participation through a telephonic or videoconferencing connection in a proceeding is sought by consent, the proponent must indicate the capability to establish the videoconference using its own digital device or other means of access.
(d) (NEW) In exceptions to the reports of the Administrative Law Judge or Appellate Referee where witnesses are not to be presented, counsel of record may appear and present argument telephonically or by videoconference with the consent of the Administrative Law Judge, Appellate Referee or Commission.
   d) Now (e)
   e) Now (f)
   f) Now (g)
   g) Now (h)
   h) Now (i)
   i) Now (j)
   j) Now (k)
   k) Now (l)
   l) Now (m)
   m) Now (n)

165:10-1-2 Definitions

"Producing Well" means a well that is not plugged and is open to a formation which does not have an order from the District Court determining the well is not capable of producing in paying quantities.

165:10-3-28 Horizontal drilling
(c) General Horizontal well requirements.
   (1) Within 60 days after completion of a horizontal well, the operator shall show that the location of the completion interval complies with the
applicable general rule, location exception order, or other order of the Commission by submitting the following to the Technical Services Department:

(A) A directional survey run in the horizontal well. The survey shall be submitted electronically using a program provided by the Commission.
(B) A plat constructed from the results of the directional survey showing the completion interval.

(2) The completion interval of an oil and or gas horizontal well shall be located not closer than the minimum distance as set out below from any other oil or gas well completed in the same common source of supply in the unit except as authorized by a special order of the Commission:

(A) Three hundred feet from any other oil or gas well completed in the same common source of supply in the unit, the top of which is less than 2,500 feet in true vertical depth.
(B) Six hundred feet from any other oil or gas well completed in the same common source of supply in the unit, the top of which is 2,500 feet or more in true vertical depth.
(C) This paragraph does not apply to horizontal wells drilled in a unit created for secondary or enhanced recovery operations pursuant to 52 O.S. § 287.1 et seq. or to horizontal wells drilled in a horizontal well unitization created pursuant to 52 O.S. § 87.6 et seq.

(3) The perforated interval of an oil or gas non-horizontal well shall be located not closer than the minimum distance as set out below from the completion interval of any oil or gas horizontal well completed in the same common source of supply in the unit, except as authorized by a special order of the Commission:

(A) Three hundred feet from any completion interval of any oil or gas horizontal well completed in the same common source of supply in the unit, the top of which is less than 2,500 feet in true vertical depth.
(B) Six hundred feet from any completion interval of any oil or gas horizontal well completed in the same common source of supply in the unit, the top of which is 2,500 feet or more in true vertical depth.
(C) This paragraph does not apply to non-horizontal wells drilled in a unit created for secondary or enhanced recovery operations pursuant to 52 O.S. § 287.1 et seq.
APPENDIX J. WITNESS IDENTIFICATION FORM (REVOKED)

APPENDIX K. WITNESS IDENTIFICATION FORM (NEW)

I, __________________________, did hereby testify under oath in Cause Number ______________,
(name)

before Administrative Law Judge ______________________ on ________________.
(date)

I was provided copies of all documents I presented or relied upon, and exhibits I offered or relied upon and/or admitted into evidence during the hearing. Further, the testimony I provided was unassisted and not prompted or directed by any person.

My unassisted testimony was presented by telephone or by videoconferencing connection from:

______________________________
(location)

________________________________________________________________________
(Witness Signature)

Subscribed and sworn to before me this ____ day of ______________________, 20____.

________________________________________________________________________
(Notary Public)

My Commission expires: