

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF OIL AND GAS MANAGEMENT**

22 2014

In Re: The Matter of the Application of)
Hilcorp Energy Company for)
Well Spacing Units) Docket No. 2013-01
)

STANDING PRACTICE ORDER

This order is intended to fully inform the parties to this action of their responsibilities regarding confidentiality, the filing of pleadings, requests for continuances, the filing of briefs and other administrative matters.

NOW IT IS HEREBY ORDERED THAT in all proceedings assigned to a hearing officer, the parties shall abide by this Standing Practice Order.

GENERAL RULES OF ADMINISTRATIVE PROCEDURE AND PRACTICE

The hearing will be held pursuant to 2 Pa. C.S.A. Section 504. The hearing in this matter shall be conducted in accordance with sections of Part II of Title I of the Pennsylvania Code dealing with evidentiary hearings (1 Pa Cod Section 31.1 *et seq.*) and in particular Section 35.111-35.251) and the Administrative Agency Law (2 Pa. C.S.A. Section 501 *et seq.*)

COMMUNICATIONS AND FILINGS

The *original* of all correspondence, pleadings, briefs, orders and other papers relating to the case shall be filed with Glenda K. Davidson, Department of Environmental Protection, Office of Chief Counsel, 400 Market Street, 16th Floor, Harrisburg, PA 17105. Ms. Davidson's contact information is: email: gldavidson@pa.gov; telephone (717) 787-4449; fax (717) 705-4980. A copy of any filing should be served on all parties of record and the hearing officer.

All pre-hearing motions or petitions, including requests for a continuance and requests for a subpoena, must be in writing and include a statement indicating whether the opposing party concurs with the motion. In cases where a party is appearing without counsel (*pro se*), statement need not be included in the motion to indicate whether the opposing party concurs with the motion.

PRE-HEARING CONFERENCES

The purpose of the pre-hearing conference is to facilitate effective disposition of the case. In preparation for the conference, the hearing officer will direct each party to file a pre-hearing statement containing *at a minimum* the following information:

- a. Identification of the issues of law and fact;
- b. A list of all exhibits proposed to be offered into evidence. **(The parties are expected to exchange copies of all exhibits that they propose to offer into evidence with each other and with the hearing officer prior to commencement of the conference call);**
- c. The willingness of either party to admit to or stipulate to facts not in dispute, or to the authenticity of documents;
- d. The identification of witnesses, the topic of their testimony;
- e. Estimated time needed by each party to present witnesses and evidence at the formal administrative hearing of this matter; and
- f. The identification of available hearing dates.

The pre-hearing conference will be conducted in accordance with 1 Pa. Code §35.112.

CONTINUANCES

All requests for continuances shall be in writing and filed as indicated above.

Continuances are at the discretion of the hearing officer and no requests for continuance will be granted unless substantial and compelling reasons are demonstrated.

The requesting party shall seek the agreement of the other parties to the proceeding prior to requesting the continuance. The position of the opposing parties shall specifically be noted in the continuance request. The hearing officer may refuse a request for continuance regardless of

the concurrence of all parties. A request for continuance should be made at least ten (10) calendar days prior to the hearing.

BRIEFS

At the conclusion of the hearing or as directed by the hearing officer, the parties will be afforded the opportunity to file legal briefs in support of their position. The hearing officer will set forth a briefing schedule and the order in which the briefs shall be filed. One (1) copy shall be filed with the hearing officer and one (1) copy with the Department of Environmental Protection, Office of Chief Counsel's docket clerk. Briefs shall contain the following:

- a. a concise statement of the case;
- b. an abstract of the evidence (Findings of Facts) relied upon by the participant filing with references to the pages of the record or exhibits where the evidence appears; and
- c. proposed conclusions of law and, if desired, a proposed form of order, together with the reasons and authorities therefor, separately stated.

ELECTRONIC FILINGS

The hearing officer may permit or require electronic filing of legal papers. Electronic filings, when permitted, shall be presented for filing in portable document format ("pdf") or any other electronic format designated by the hearing officer. Electronic filing does not include transmission of legal papers by facsimile. The electronic filing of a legal paper constitutes a certification by the filing party that a hard copy of the legal paper was properly signed and, where applicable, verified. The hearing officer will designate whether a hard copy file is not required by this rule.

CURRENT ADDRESS/TELEPHONE NUMBER

All parties have an affirmative obligation to keep the Department of Environmental Protection, Office of Chief Counsel informed of their address and telephone number. Should such address or telephone number change in the course of these administrative proceedings, the

party shall immediately inform the Department of Environmental Protection, Office of Chief Counsel, the hearing officer, and the opposing party.

SO ORDERED



MICHAEL L. BANGS
Hearing Officer