

MONTANA BOARD OF OIL AND GAS CONSERVATION

2nd REVISED POLICY: Default Docket & Contingent Continuation of a Default Docket

October 2008

Default Docket

The Montana Board of Oil and Gas Conservation uses a "Default Docket" as an efficiency measure to assist the Board in processing certain types of non-protested hearing requests. The Default Docket process was not implemented as a convenience to applicants, although some measure of convenience may result from having an application on the Default Docket instead of scheduled for regular hearing.

Items eligible for Default Docket approval include temporary spacing, underground injection permits, decline rate certifications for enhanced recovery and horizontal tax incentives, exception locations for wells under statewide temporary spacing, increased well density requests within existing spacing units, and forced pooling of interests within previously approved spacing units. Other applications may also be considered upon request.

The Board will approve matters on the Default Docket without hearing if, by the earlier of the close of the hearing or 10:00 a.m. on the day of the hearing, a protest has not been received and the Board's staff recommends approval.

Applicants for public hearing before the Board must indicate in their application whether they request placement of their application on the Default Docket. Applicants requesting Default Docket placement will be identified in the "Notice of Public Hearing", and the final Default Docket may contain fewer applications than originally published in the Notice of Public Hearing if protests or requests for hearing are received prior to the hearing date.

Written testimony, affidavits and exhibits that would otherwise be presented to the Board must be submitted to the Billings Office at least ten (10) days before the scheduled hearing date. The Board's staff will review these applications and may request that specific applications be excluded from the Default Docket.

If an application is placed on the Default Docket, company representatives must be present on the hearing date in case any protests to the application are received.

Contingent Continuation of a Default Docket Application

A Default Docket that is protested or otherwise requested to be heard may be automatically continued to the next hearing provided that the docket application: 1) requests placement on the Default Docket; and 2) requests automatic continuance upon any protest or request to hear the docket.

Requests to hear the docket may be made at the earlier of the close of the hearing or 10:00 a.m. on the day of the hearing. The Notice of Public Hearing will specify which applications have requested automatic continuance of the Default Docket item upon any protest or request to hear the application. Applications continued under the contingent continuation policy will be automatically included in the public notice for the next hearing.