

TITLE 267 – NEBRASKA OIL AND GAS CONSERVATION COMMISSION

CHAPTER 6 – RULES OF PRACTICE AND PROCEDURE BEFORE THE OIL AND GAS
CONSERVATION COMMISSION OF THE STATE OF NEBRASKA

007 HEARINGS

007.01 Examiners

The Commission may appoint one or more examiners who may conduct any of its hearings in accordance with Section 57-905(12). All hearings may be set for hearing before an Examiner except:

007.01A Matters which the Commission or the Director believes should be heard before the Commission.

007.01B Matters in which the application or a motion pursuant to which the hearing is held specifically requests that the hearing be heard before the Commission; provided that such motion is filed at least five (5) days prior to the hearing.

007.01C Matters involving the adoption or change of any rule or regulation.

007.01D Matters initiated on the motion of the Commission for the enforcement of any rule, regulation, order or statutory provision.

007.02 Continuances

Any party who desires a continuance shall, immediately upon receipt of notice of the hearing or as soon thereafter as facts requiring such continuance come to his knowledge, notify the Commission in writing of said desire, stating in detail the reasons why such continuance is necessary. Any such party may be required to submit affidavits in support of such request. The Commission or its examiners, in passing upon a request for continuance, shall consider whether such request was promptly made. For good cause shown, a continuance not to exceed thirty (30) days may be granted without the necessity of notice in addition to the original notice of hearing. The Commission or its examiners may at any time order a continuance on its own motion. Only under exceptional circumstances will requests for continuance of a hearing be considered unless submitted at least seven (7) days prior to the hearing date. The Secretary shall notify all interested parties immediately of the granting of a continuance.

007.03 Conduct of Hearings; Transcript

TITLE 267 – NEBRASKA OIL AND GAS CONSERVATION COMMISSION

CHAPTER 6 – RULES OF PRACTICE AND PROCEDURE BEFORE THE OIL AND GAS
CONSERVATION COMMISSION OF THE STATE OF NEBRASKA

A transcript of the testimony shall be made and upon request and payment therefore a copy thereof will be furnished any person requesting the same. Any person testifying in response to a subpoena issued by the Commission or its examiners and any person testifying in support of any application or a petition or a complaint or a motion, or in opposition thereto, shall be required to do so under oath or affirmation which may be administered by any member of the Commission or its examiners.

007.04 Quorum

Two (2) members of the Commission constitute a quorum for the transaction of business.

007.05 Presentation and Consideration of Evidence

Full opportunity shall be afforded all persons registering their appearances to present evidence in support of their case or defense by oral or documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of facts. Any evidence which is not irrelevant, immaterial, incompetent or unduly repetitious may be received and made a part of the record in the case, including records and documents in the possession of the Commission of which it desires to avail itself. No other factual information or evidence will be considered in the determination of a case.

Documentary evidence may be received in the form of copies or excerpts or by incorporation by reference.

007.06 Judicial Notice

The Commission or its examiners may take notice of judicially cognizable fact and in addition may take notice of general, technical or scientific facts within their specialized knowledge. Parties shall be notified either before or during the hearing or by reference in preliminary reports, or otherwise, of the material so noticed. They shall be afforded an opportunity to contest such facts and material so noticed. The Commission or its examiners may utilize their experience, technical competence and specialized knowledge in evaluating the evidence and may give probative effect to evidence which possesses probative value commonly accepted by reasonably prudent men in the conduct of their affairs.

007.07 Subpoenas and Production of Records

TITLE 267 – NEBRASKA OIL AND GAS CONSERVATION COMMISSION

CHAPTER 6 – RULES OF PRACTICE AND PROCEDURE BEFORE THE OIL AND GAS
CONSERVATION COMMISSION OF THE STATE OF NEBRASKA

The Commission or its examiners may upon its own motion or upon application of any interested party issue subpoenas requiring attendance of witnesses and the production of books, papers and other instruments to the same extent and in the same manner and in accordance with the procedure provided in the Nebraska Rules of Civil Procedure which authorizes issuance of subpoenas by Clerks of the District Courts.

007.08 Depositions

Depositions may be taken by the Commission or its examiners or by parties to a proceeding and used before the Commission in the same manner and under the same conditions prescribed in the Nebraska Rules of Civil Procedure relating to the taking and using of depositions in the Courts of this State.

007.09 Disposition by the Commission or its examiners may be made of any contested case by stipulation, agreed settlement, consent order or default.

007.10 Registration of Appearances of Hearings

All persons who wish to speak for the record at any public hearing before the Commission or its examiners shall register their appearance at the door on a form to be provided by the Commission. Other persons present may register their appearance. The registration form when completed shall be handed to the reporter whose duty it shall be to see that each person desiring to speak has completed and deposited with him such form. The registration form shall contain spaces for the following information: (1) name, (2) address, (3) person the registrant is representing, (4) capacity in which the registrant appears and (5) the interest of the registrant in the proceeding. Such registration form must be signed. Below the signature there shall be a space for registrant to indicate that he wishes to order a copy of the transcript and will pay the cost of making such copy. The request for a copy of the transcript may be completed at the conclusion of the hearing or such later time as may be agreeable. At the conclusion of the hearing all registration cards shall be kept as a part of the record.

TITLE 267 – NEBRASKA OIL AND GAS CONSERVATION COMMISSION