

### **Uncontested Hearing Applications**

An uncontested matter shall mean any hearing application that is not subject to a protest or an intervention objecting to the relief requested in the application and include matters in which all interested parties have consented in writing to the granting of an application without a hearing. Uncontested matters may be reviewed administratively by Hearing Officers and recommended for approval by vote of the Commission. The COGCC has identified the following categories of uncontested hearing applications:

- Applications where Rule 511.b. requirements (written sworn testimony plus exhibits) and review by a Hearing Officer are appropriate.
- Applications where an administrative hearing before one or more Hearing Officers are appropriate.
- Applications that are unusual and are docketed for the Commissioners to hear at a regularly scheduled COGCC hearing.

The Hearings Manager will confer with hearing applicants as to which option for administrative review is best-suited for each application. The Hearings Manager may schedule administrative hearings for any or all hearing applications so that a prehearing conference can be held in the event any protests/interventions are received, or so that an administrative hearing can be held in the event that the Hearings Manager believes that an uncontested application should not be approved by taking administrative notice or recommended under Rule 511.b. Applicants may be required to have witnesses available in person or by telephone at the time of Commission hearing to address Commissioners' questions prior to voting on the Consent Agenda. (Questions by Commissioners on a Consent Agenda item should be rare.)

### **Procedure for Requesting Approval of Uncontested Hearing Applications under Rule 511.b. and C.R.S. § 34-60-108(7)**

The following hard copy documents shall be submitted to the Hearings Manager but can be submitted with the application no later than close of business on the day following the protest/intervention day scheduled by the Commission:

- One (1) original written request for approval under Rule 511.b. briefly describing why the application may be a candidate for recommendation to the Commission under this option (rather than necessitating an administrative hearing before Hearing Officers).
- One (1) set of resumes/curricula vitae and sworn written testimony of witnesses verifying facts and accompanied by attachments or exhibits that adequately support the relief requested in the application for a COGCC order.
- A person having knowledge of the stated facts shall, under oath, sign a statement attesting to the facts stated in the written testimony and any attachments or exhibits. The sworn statement need not be notarized, but it

shall contain language indicating that the signatory is affirming the testimony and supporting documents are true and correct to the best of the signatory's knowledge and belief and, if applicable, that they were prepared by the signatory or under the signatory's supervision.

- A sworn statement that is a summary of the testimony to support the relief requested in the application, including a request to take administrative notice of repetitive general, technical or scientific evidence where appropriate.
- One (1) set of exhibits which shall contain relevant highlights in bullet-point format on each exhibit.
- A draft proposed order providing land, geology, engineering and other appropriate findings to support the relief requested in the application. Reference to previous testimony, exhibits and orders shall be included as findings in the draft proposed order (see Draft Proposed Order below).

In addition, submit one (1) email for each hearing matter containing Microsoft Word attachments for each of the following to: [margaret.humecki@state.co.us](mailto:margaret.humecki@state.co.us). No PDF documents will be accepted unless approved ahead of time.

- Written request for approval
- Written testimony
- Summary of testimony
- Draft proposed order

### **Procedure for Requesting Approval of Uncontested Hearing Applications Through An Administrative Hearing**

The following hard copy documents shall be submitted to the Hearing Officers no later than at the time the administrative hearing is held:

- Two (2) sets of resumes/curriculum vitae for the witnesses.
- A written summary of the testimony to support the relief requested in the application, including a request to take administrative notice of repetitive general, technical or scientific evidence where appropriate.
- Two (2) sets of exhibits which shall contain relevant highlights in bullet-point format on each exhibit.
- A draft proposed order providing land, geology, engineering and other appropriate findings to support the relief requested in the application. Reference to previous testimony, exhibits and orders shall be included as findings in the draft proposed order (see Draft Proposed Order below).

In addition, submit one (1) email with Microsoft Word attachments per requested hearing application/matter to: [margaret.humecki@state.co.us](mailto:margaret.humecki@state.co.us). containing each of the following items: No PDF documents will be accepted unless approved ahead of time.

- Written request for approval
- Written testimony
- Summary of testimony
- Draft proposed order

### **Draft Proposed Order**

Hearing applicants shall submit a draft proposed order to the COGCC no later than close of business on the day following the protest/intervention day scheduled by the Commission, or at the time the administrative hearing is held. The draft proposed order shall provide land, geology, engineering and other appropriate findings to support the relief requested in the application. References to testimony, exhibits and orders shall be included as findings in the draft proposed order, including requests to take administrative notice of repetitive general, technical or scientific evidence where appropriate. Previously entered Orders should be used as models for preparing draft proposed orders and can be accessed on the COGCC website by clicking on “Orders” and entering the Cause Number or Order Number. These Orders can be copied and pasted into a Microsoft Word document for editing. Because written hearing officer reports are no longer prepared for uncontested matters, draft orders should be more detailed than those generally found on the website.

When preparing draft proposed orders:

- Use the caption from the hearing notice issued by the COGCC
- Use the history paragraph(s) from the hearing notice issued by the COGCC that describe previous orders or applicable rules that govern the application lands, and the paragraph(s) that describe the requested action, all from the hearing notice issued by the COGCC
- Use symbols (i.e., S½ NW¼) in legal descriptions
- Do not use bold type, auto numbering or tables

Draft proposed orders shall be submitted using the following format:

- One (1) hard copy
- Legal size (8½” x14”)
- Arial 12 point font size

- Top margin 0.9"
- Bottom margin 0.5"
- Left/right margins 0.6"
- Left tab 1" for paragraphs
- Left tab 1½" for legal land descriptions
- No bold type
- No auto numbering
- No tables

In addition, submit one (1) email with Microsoft Word attachments per Draft Proposed Order to: [margaret.humecki@state.co.us](mailto:margaret.humecki@state.co.us). containing each of the following items: No PDF documents will be accepted unless approved ahead of time.

#### **Hearing-related Correspondence**

*Please reference the Docket Number, once assigned, on all future correspondence for each hearing matter.* Docket numbers are available as soon as possible after the hearing application deadline and can be found on the COGCC website by accessing the Hearing Schedule and the particular month's docket.