



May 22, 2019 Operator Group Meeting

By [Joby Rittenhouse](#)

On May 22, 2019, the Commission held an [Industry Operating Group Meeting](#), during which COGCC Director Robbins and staff provided additional guidance as follows:

Commission Hearings to occur monthly for the remainder of 2019 (on the final Wednesday and Thursday of each month)

Revised Drilling and Spacing Unit / Pooling Guidance to be released May 29, 2019.

Changes to Form 2 Process (including pending Form 2s):

- [Form 2 Checklist](#) – Form 2s have been updated with “data fields” to account for information necessary to demonstrate compliance with S.B. 181 ([Form 2As](#) have been similarly updated).
- Form 2s that have not yet passed “completeness” evaluation will be returned to “draft” status (in order for operator to complete new data fields) for re-submission.
- Form 2s that have passed “completeness” will require supplemental information demonstrating compliance with S.B. 181.

Local Government “Disposition”

- COGCC interpretation permits a local government to delay exercise of its siting authority until such time that the operator has gone through the DSU/Form 2 approval process at the state level.
- If the local government with siting authority delays exercise of its siting authority, COGCC can move forward with processing the APD/application to establish a drilling and spacing unit. If the relevant government does not delay exercise of its siting authority, COGCC cannot process the APD/application to establish a drilling and spacing unit until the local government makes a final determination.

- **Weld County** has indicated to Director Robbins that it intends to waive this preliminary authority to exercise siting authority until after COGCC approval.
- The Bureau of Land Management is not considered a local government.
- An operator is not required to address whether it has filed a permit with the local government with siting authority in its Form 2A.

Competing Form 2/2As – No More “First-in-Time”

- Competing Form 2/2As will be evaluated on case-by-case basis dependent on proposed development plan; “First-in-Time” is no longer a valid consideration by COGCC for APD/application to establish a drilling and spacing unit.
- COGCC will consider surface location and impacts in analysis of drilling and spacing unit applications.
- COGCC “encourages” operators to provide evidence of compliance with new requirements of C.R.S. § 34-60-116 pertaining to pooling (regarding the 45% consent threshold and “good faith” compliance) with the application to establish a drilling and spacing unit.

For more information, please contact a member of our [Commission and Regulatory Group](#).