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April 23, 2015

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RE: Your letter of April 7, 2015 regarding alleged Open Meetings Law Violations by the Nebraska Oil and Gas Conservation Commission (the "Commission").

Dear Mr. Winston and Ms. Kleebe:

I am writing in response to your letter of April 7, 2015 in which you allege a number of potential violations of the Open Meetings Act (Neb. Rev. Stat. § 84-1407, et seq. (Reissue 2014)) by the Nebraska Oil and Gas Conservation Commission (the "Commission"). The allegations relate to a meeting and hearing held on March 24, 2015 involving an application by Terex Energy Corp. ("Terex") to convert an existing well located in Sioux County, Nebraska, to a Class II-D disposal well. I am responding to your letter in the capacity of a Special Assistant Attorney General, appointed by the Attorney General to handle this matter because of a conflict arising from his office's representation of the Commission.

In order to properly analyze what, if any, violations of the Open Meetings Act might have occurred, it is necessary to first identify what portions of the Commission's proceedings on March 24, 2015 fell within the ambit of the Open Meetings Act and what portions fell without. There were two distinct proceedings taking place on March 24, 2015, as evidenced by the agenda of the Commission for that date, a copy of which is attached hereto.

A public comment session was conducted from 10:00 a.m. through 1:00 p.m. The Commission then recessed and reconvened somewhere between 2:00 and 2:30 p.m. It then took up Case No. UIC 14-14, being the Terex application. Because establishment of the nature of the afternoon proceedings is dispositive of many of the questions and concerns set forth in your letter, I address that first.

**THE HEARING ON CASE NO. UIC 1414 WAS A "CONTESTED CASE" FOR PURPOSES OF  
THE ADMINISTRATIVE PROCEDURE ACT.**

The genesis of this matter is the filing by Terex of a Salt Water Disposal Well Application (UIC 14-14) with the Commission on November 10, 2014. The Commission, established pursuant to Neb. Rev. Stat. § 57-901 et seq. (Reissue 2010) had jurisdiction of this application pursuant to Neb. Stat. § 57-905 and Title 267 N.A.C. Chapter 4. Because the Commission is authorized to promulgate rules and regulations pursuant to Neb. Rev. Stat. § 57-911(1), it constitutes an agency for purposes of the Administrative Procedure Act which defines "agency" as:

"...each board, commission, department, officer, division, or other administrative office or unit of the state government authorized by law to make rules and regulations...."

As an agency, it is subject to the Administrative Procedure Act ("the APA") when it hears a "contested case." The APA defines the term "contested case" as follows:

"...a proceeding before an agency in which the legal rights, duties, or privileges of specific parties are required by law or constitutional right to be determined after an agency hearing; . . ." (Neb. Rev. Stat. § 84-901(3))

The Nebraska Supreme Court has elaborated upon this definition. In Stoneman v United Nebraska Bank, 254 Neb. 477, 577 N.W.2d 271 (1998) the Court said that:

"...[A] proceeding becomes a contested case when a hearing is required." (Citations omitted.) This Court has also held that when an administrative body acts in a quasi-judicial manner, due process requires notice and an opportunity for a full and fair hearing at some stage of the agency proceedings. City of Lincoln v Twin Platte NRD, 250 Neb.452, 551 N.W.2d 6 (1996). Therefore, if the Department acted in a quasi-judicial manner, the instant case was "contested". See Slack Nsg. Home v Dept. of Soc. Servs., 247 Neb. 452, 528 N.W.2d 285 (1995).

Generally, "[t]he exercise of discretion to grant or deny a license, permit or other type of application is a quasi-judicial function."...In First Federal Savings & Loan Association v Dept. of Banking, 187 Neb. 562, 566, 192 N.W.2d 736, 739 (1971), we held that the Department must hold a hearing when determining whether to approve or deny an application to establish a savings and loan pursuant to Neb. Rev. Stat. § 8-331 R.R.S. 1943". This Court's holding was based upon its conclusion that the Department's determination was quasi-judicial...In the instant case, the Department's

approval of a banking application was once again required, and as such, its action was quasi-judicial." Id. at 484, 577 N.W.2d at 277.

The Nebraska Supreme Court reaffirmed this as recently as 2006 in the case of Kaplan v McClurg, 271 Neb. 101, 710 N.W.2d 96 (2006) where the court held:

"If an agency acts in a quasi-judicial manner, a case may be deemed contested...generally, the exercise of discretion to grant or deny a license, permit, or other type of application is a quasi-judicial function." Id. at 106, 710 N.W.2d at 100.

See also McQuinn v Douglas Co. School District #66, 259 Neb. 720, 612 N.W.2d 198 (2000).

That a hearing was required upon the application in Case No. UIC 14-14 before the Commission is without doubt. Neb. Rev. Stat. § 57-911(6) provides, in part:

"The commission may act upon its own motion or upon the petition of any interested person. On the filing of a petition concerning any matter within the jurisdiction of the commission, the commission shall promptly fix a date for a hearing thereon, and shall cause notice of the hearing to be given. The hearing shall be held without undue delay after the filing of the petition..."

At the hearing before the Commission, oral and documentary evidence is to be submitted, cross-examination conducted, judicial notice taken, depositions utilized, etc., clearly contemplating that proceedings before the Commission on an application such as this are quasi-judicial. See 267 N.A.C. §6.007.04-08. Further, Neb. Rev. Stat. §57-913 provides that anyone having an interest in property affected by an order issued by the Commission may appeal in accordance with the Administrative Procedure Act.

This application, filed by a specific party (Terex) seeking certain specific legal privileges (the right to convert the well) for which a hearing was required constitutes a contested case for purposes of the APA.

The Nebraska Supreme Court has held that, where the APA applies, the public meetings laws are inapplicable. In McQuinn v Douglas Co. School District #66, 259 Neb. 720, 612 N.W.2d 198 (2000) a teacher brought an error proceeding challenging the school board's decision not to renew her contract. Among other things, the teacher contended that the school board had violated various provisions of the statutes relating to open public meetings. In dismissing this contention, the court stated:

"We therefore turn to McQuinn's contention that the school board's private deliberations on May 6, 1997, violated Nebraska's public meetings laws."

Neb. Rev. Stat. 79-554 (Reissue 1996) provides that, "[a]ll meetings of [a school board or board of education] shall be subject to Sections 84-1408 to 84-1414." Sections 84-1408 to 84-1414 composed Nebraska's public meetings laws . . .

However, the public meetings laws specifically provide that they shall not apply to "[judicial proceedings unless a court or other judicial body is exercising rule making authority, deliberating, or deciding upon the issuance of administrative orders]." . . . The issue we must address in determining the applicability of the public meetings laws to the board's proceedings on May 6, 1997, therefore, is whether the board exercised judicial functions when it conducted the hearing pursuant to Section 79-834 and deliberated immediately thereafter. . . board exercises a judicial function if it decides a dispute of adjudicative fact or if a statute requires it to act in a judicial manner . . . "Adjudicative facts" are those ascertained from proof adduced at an evidentiary hearing which relate to a specific party . . .

The hearing on May 6, 1997, and the deliberations which immediately followed pertained solely to disputed adjudicative facts bearing upon whether the school district had performed the procedural prerequisites and had a sufficient basis for its decision not to renew McQuinn's contract. The proceedings pertained only to McQuinn and did not involve the exercise of rule making authority or the deliberation or decision upon the issuance of administrative orders. . . Accordingly, we conclude that because the board's actions during the May 6, 1997 proceedings were limited to the exercise of a judicial function, the public meetings laws were inapplicable to such proceedings. Id. at 730 to 732, 612 N.W.2d at 206 to 207.

Likewise, since the hearing conducted by the Commission in the afternoon of May 24, 2015 was a contested case and quasi-judicial in nature, the Open Meetings Act did not apply to it. Two things flow from this conclusion. First, to the extent that alleged violations of the Open Meetings Act described in your letter relate to the afternoon hearing, they are disposed of by this conclusion. Second, to the extent that the complaint involves alleged improprieties, irregularities, or violations of Rules of Procedure adopted by the Commission, or any requirement of the APA, they will not be addressed in this letter because it is beyond the scope of my delegated authority, which is to inquire into violations of the Open Meetings Act. Any claims of error related to a contested case should be addressed through an appropriate appeal or other judicial proceeding.

**OPEN MEETINGS ACT ISSUES RELATING TO THE MORNING COMMENT PERIOD  
BEFORE THE COMMISSION.**

I will proceed to review your complaints as they relate to the morning session at which the Commission opened the floor to public comments. The complaints will be addressed in the order set forth in your letter of April 7<sup>th</sup>.

1. Failure to post a sufficiently descriptive agenda.

The applicable provisions of the Open Meetings Act are set forth in Neb. Rev. Stat. § 84-1411(1) which provides:

"Each public body shall give a reasonable advance publicized notice of the time and place of each meeting by a method designated by each public body and recorded in its minutes. Such notice shall be transmitted to all members of the public body and to the public. Such notice shall contain an agenda of subjects known at the time of the publicized notice or a statement that the agenda, which shall be kept continually current, shall be readily available for public inspection at the principal office of the public body during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. Except for items of an emergency nature, the agenda shall not be altered later than (a) 24 hours before the scheduled commencement of the meeting...."

The Nebraska Supreme Court in Pokorny v City of Schuyler, 202 Neb. 334, 275 N.W.2d 281 (1979) has construed this particular provision and stated:

"The purpose of the agenda requirement is to give some notice of the matters to be considered at the meeting so that persons who are interested will know which matters will be for consideration at the meeting. Id. at 340 to 341, 275 N.W.2d at 285."

As noted above, there was an agenda, designated as such, that had been prepared by the Commission, but this agenda was apparently neither posted on the website nor published in the paper. However, the fundamental question is whether or not "reasonable advance publicized notice of the time and place" of the meeting was provided. It is hard to argue that there was not, in fact, reasonable advance publicized notice when scores of people showed up to comment, including a senator from Lancaster County. In that regard, I do not believe that the Commission can be faulted.

As regards an agenda, the Commission issued a press release on March 19, 2015, apparently in response to public interest in Case No. UIC 14-14. This press release was posted on the Commission's website and was transmitted to the media. In that press release it says at the top "Regarding the

Tuesday, March 24, 2015 Hearing Before the Nebraska Oil & Gas Conservation Commission." Following that, it notes that a time for public comment will be afforded prior to the public hearing on Case No. UIC 14-14. It gives the address of the Commission office that serves as a hearing venue and then goes on to say that "we offer the following meeting structure:

- The time period for the public input process will be from 10:00 am until 1:00 pm.

After the public input process through the Open Meetings Act is complete, the Commission will recess the hearing.

After recess, the Commission will reconvene and hear Case No. UIC 14-14...

Thus, this press release contained the name of the Commission, the time, date and location of the meeting, and the two functional portions of the meeting, i.e. the comment period and the hearing on the case. Nothing in the statutes indicates that an agenda, to be an agenda, must be designated as such to constitute one. Clearly this press release gave "reasonable notice of matters to be considered at a meeting" as required by Pokorny. This press release was transmitted to the media and was in fact published verbatim by the Scottsbluff Star Herald in a story carried on Friday, March 20, 2015. Thereafter, nothing occurred on the 24<sup>th</sup> other than the matters identified in the press release, that is, public comments were accepted in the morning and a hearing was conducted on Case No. UIC 14-14 in the afternoon.

As the Iowa Supreme Court noted in KCOB/KLVN, Inc. v Jasper County Board of Supervisors, 473 N.W.2d 171 (1991):

"Thus, the issue to be resolved is not whether the notice given by the governmental body could have been improved, but whether the notice sufficiently apprised the public and gave full opportunity for public knowledge and participation. In determining whether the public was sufficiently apprised, we may consider the history and background of that issue . . . We agree with the trial court's conclusion that the sufficiency of the detail on the tentative agenda must be viewed in the context of surrounding events." Id. at 173.

It would exalt form over substance to suggest that there was not reasonable advance publicized notice of this meeting and the subjects of the meeting or that the press release did not serve as a sufficient agenda regarding the subjects to be considered at the March 24<sup>th</sup> meeting.

2. Detering members of the public from speaking at the public hearing.

It is true as noted in your letter that the Commission early on notified the public that residents living more than a half mile from the proposed disposal site would not be allowed to testify at the hearing. Actually, the position of the Commission never changed in that regard. The key here is that the Commission was making reference to testimony that would be received at the hearing on the application. As you know, at the afternoon hearing on Case No. UIC 14-14, participation was in fact limited to the applicant and those within the one-half mile radius as previously stated. The Commission based this upon its hearing rules relating to the required notice to be given by the applicant. See Title 267 N.A.C. 005.02. Any questions regarding limitations placed upon participation in the contested case fall outside the purview of the Open Meetings Act and this response.

However, the Commission did attempt to accommodate the concerns raised about disposal wells and the particular application by establishing a particular comment period as evidenced by the press release. The press release specifically noted that this was "a time for public comment" and that after the public comment period, that the Commission would reconvene and "hear Case No. UIC 14-14 . . ." The Commission did not deter members of the public from speaking and then change its position. Rather, the position never changed as to who could testify at the hearing, but the Commission did open a forum for comment in the morning that was in addition to and outside of the case itself. I see no violation of the Open Meetings Act in this regard.

3. See the response to 2 above.

4. Holding the meeting in a place too small to accommodate the anticipated audience.

In your letter you suggest that the Commission violated Neb. Rev. Stat. § 84-1412(4), which says:

"No public body shall, for the purpose of circumventing the Open Meetings Act, hold the meeting in a place known by the body to be too small to accommodate the anticipated audience."

The Commission office is located at 922 Illinois Street in Sidney, Nebraska. This has been its office for many years and the hearing room located therein has been its traditional meeting place. The hearing room utilized on March 24 2015 is approximately 50' by 100' or 5,000 square feet. This is not an exceedingly small room for most purposes, and it was set up that day to provide for 25 public commenters, in addition to the Commission, staff, press, and the applicants, interested parties (as recognized by the Commission), and their attorneys and witnesses. The simple answer to your concern is found in the provision in the statute following the portion quoted above. Neb. Rev. Stat. § 84-1412(5), says:

"No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state."

That is what occurred here, and use of the traditional meeting place by the Commission did not violate the Open Meetings Act.

5. Requiring attendees to leave the room after testifying.

In your letter you contend that attendees were required to leave the hearing room after testifying. This prevented them from hearing other people's comments and witnessing the Commission's proceedings. You were concerned that this constitutes a violation of Neb. Rev. Stat. § 84-1412 (1) which states that:

"Subject to the Open Meetings Act, the public has the right to attend and the right to speak at meetings of public bodies,..."

Obviously, it raises concerns when a public body, such as the Commission, requires people to depart after commenting. However, as the press release noted, and as the hearing officer for the morning session, Commissioner Robert Goodwin, pointed out at the beginning of the meeting, the hearing room could accommodate only a limited number of people. The Commission had checked with the Nebraska State Fire Marshal's office. The Fire Marshal had advised the Commission that, based upon its occupancy classification, the hearing room could only accommodate only one person for every 100 sq. ft. or basically around 50 people. As mentioned above, the Commission was attempting to accommodate up to 25 public commenters and it was necessary, because of the number of people who chose to make comments, that a choice be made between allowing everyone in or complying with fire code requirements. The Commission properly chose the latter. It is my understanding that the seating was at capacity at the beginning and during the first part of the meeting, but as the meeting wore on, it became less of a concern since more seats remained open after the bulk of the people who wished to speak had been accommodated. While it would have been ideal to have met in a larger space that would have accommodated all of the public that wished to attend, I don't believe that the Commission can be faulted for insuring the safety of participants by regulating the occupancy of the room. Nor does it seem unreasonable to have made accommodations for press, the applicant, and the interested parties to avoid the appearance that the Commission was taking ex parte comments on a pending application.

6. Filling out a form.

Your letter questions whether there was a violation of Neb. Rev. Stat. § 84-1412(3) which provides:



"No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body may require any member of the public desiring to address the body to identify himself or herself."

Commissioner Goodwin stated, at the beginning of the meeting, that those wishing to speak should fill out the form and then hand it to another Commission staff member, Sandy Lujiss, who was serving as the reporter. There was a table inside the door at which a Commission staff member was posted to have people pick up a registration form. The form that was to be filled out was left in the hands of the person who wished to speak, who was to hand it to the reporter. As quoted above, a public body may request a speaker to identify himself before the Commission. In speaking with one individual who attended the meeting, he advised me that he filled out the form but did not turn it in, and no one questioned his presence at the meeting. Likewise, I am advised by Commission staff that they are aware of no one who was turned away simply because they refused to fill out or turn in the form.

The purpose of this procedure was to que up the speakers so that they would be given their turn to speak and proceed to the tables that had been set aside for those providing comments to the Commission. One can certainly see where this procedure, coupled with the need to restrict the occupancy, could give the appearance that people were being required to register as a condition of admission to the meeting. However, viewed in its entirety, this appears to be more a method of maintaining an orderly flow of speakers before the Commission. In my opinion this does not rise to the level of a violation of the Open Meetings Act, particularly in light of the fact that apparently no one was denied access to the meeting. Further, so far as your concern relates to limiting the ability to film and record the proceedings, the Commission set aside an area for the press. Even individuals who apparently had no real press credentials were allowed to remain in that section for the purpose of filming. Finally, your complaint makes mention of reasonable efforts to accommodate the public's rights to hear the discussion as required by Neb. Rev. Stat. § 84-1412(7). However, that statute says, in full, that:

"The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting."

Your letter makes no mention of anyone who made a request to the Commission in that regard.

7. Comments not included in the record.

This concern is predicated upon a statement by the Commission that the public comments from the morning session would not be included in the record of the hearing on Case No. UIC 14-14. Because the afternoon hearing on Case No. UIC 14-14 was a contested case, it would have been

improper to include the public comments as part of the record in the official proceeding on the case itself. This again turns upon the fact that the afternoon hearing was a "contested case" under the APA. The Commission divided the proceedings into one in which comments would be received, and the other in which the hearing would be conducted. Neb. Rev. Stat. § 84-914(3) provides:

"All evidence including records and documents in the possession of the agency of which it desires to avail itself shall be offered and made a part of the record in the case. No factual information or evidence other than the record shall be considered in the determination of the case..."

Given the fact that comments were received from the public generally, unsworn, and without any rights of cross-examination, the morning comments cannot reasonably be considered part of the formal record in Case No. UIC 14-14. See Neb. Op. Atty Gen No 02016 (Power Review Board cannot accept comments after conducting evidentiary hearing.) Whether there is some theory upon which these comments can or should be included, or whether there is inconsistency between the Commission Rules of Practice and Procedure (Title 267 N.A.C., Chapter 6) and the APA in this regard is beyond the scope of my inquiry.

8. Voting without reconvening.

Your letter indicates that the Commission intended to enter an order on Case No. UIC 14-14 without reconvening and voting on the matter in a public session, and you were concerned that this would violate Neb. Rev. Stat. §14-13 (2). Regardless of whether or not the Commission is obligated to do so, the Commission met in open session on March 22<sup>nd</sup> and entered an order based on a vote taken in public. That would seem to obviate the concern raised in paragraph 8 of your letter.

9. No audio recording.

Your complaint indicates that the Commission supposedly maintained an audio recording of the proceedings on March 22<sup>nd</sup> but that it is inaudible and that no transcript exists in violation of Neb. Rev. Stat. § 84-1413(4). Neb. Rev. Stat. § 84-1413(4) states:

"The minutes of all meetings and evidence and documentation received or disclosed in open session shall be public records and open to public inspection during normal business hours."

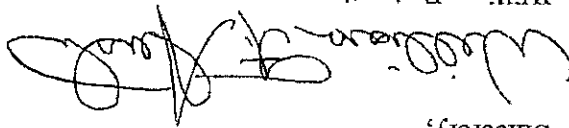
Minutes of the meeting were prepared and, albeit sketchy, appear to include the information required by Neb. Rev. Stat. § 84-1413(1). A copy is attached. Further, there are audio transcriptions available of both the public comment session and the afternoon hearing on Case No. UIC 14-14. This writer has listened to both of them and the public comment session is quite clear; there is some static in

the audio of the afternoon hearing, but it was intelligible to me (I do not purport to have listened to the whole afternoon session, but those portions that I listened to were audible.) There would appear to be no violation of the Open Meetings Act as regards minutes or availability of recordings of the meetings. You indicate that no transcript exists, but I am aware of no requirement that a transcript be prepared of a public meeting, and insofar as a contested case is concerned, transcripts are prepared, by statute, upon request of a party filing a petition for a review under the APA (see Neb. Rev. Stat. § 84-917(4).)

10. The final paragraph of your letter contests the designation of the hearing as a quasi-judicial proceeding. This has already been addressed in the first part of this letter and there is no need to repeat what I stated above. While this portion of your complaint includes many concerns about public comments having been made, whether there is appropriate record, comments by staff, etc., these again have no relevance to determining whether or not there has been a violation of the Open Meetings Act; they are issues that would have to be decided within the context of the contested case.

In summary, I do not find that, taken as a whole, the actions and proceedings of the Commission as they relate to the morning comment period show a violation of the Open Meetings Act. Assuming, arguendo, that any of your concerns did rise to the level of an Open Meetings violation, there was no action taken by the Commission at that meeting that could be declared void. The comment period, in my opinion, was clearly distinct from the public hearing on the contested case. Whatever occurred in the morning would have no bearing, from an Open Meetings Act standpoint, on Case No. UIC 14-14.

Sincerely,



William F. Austin  
Special Assistant Attorney General  
waustin@bayloreven.com

c: Douglas J. Peterson, Attorney General  
L. Jay Bartel, Assistant Attorney General

WFA/ljd

AGENDA

NEBRASKA OIL and GAS CONSERVATION COMMISSION

March 24, 2015

1. Call to Order
2. Roll Call
3. Announcement, Public Meeting Act, RSN 84-1407 through 1414
4. Comment received from the Public
5. Recess at 1:00 p.m., MDT
6. Reconvene at 2:30 p.m., MDT

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7. Roll Call
8. Announcement, Public Meeting Act, RSN 84-1407 through 1414
9. Public Hearing, Case No. UIC 14-14, Application for Commercial Salt Water Disposal Well, Section 13-T25N-R56W, Sioux County, Terex Energy Corporation.
10. Adjournment

## Press Release

Regarding the Tuesday March 24, 2015 hearing before the Nebraska Oil and Gas Conservation Commission:

Due to the interest of the public, a time for public comment will be afforded to individuals and group representatives prior to the public hearing of Case No. UIC 14-14.

The Commission office located at 922 Illinois St. has a small physical space that serves as its hearing area. Because of this limited space, we will only be able to accommodate a limited number of participants.

In order to gather input from the greatest number of public commenters we offer the following meeting structure:

- The time period for the public input process will be from 10:00 am until 1:00 p.m.
- Comments will be limited to three minutes per person.
- We will have seating available for a maximum of twenty five (25), members of the public in the hearing area.
- If the number of occupants is over twenty five (25), then after a commenter has spoken they will be required to leave the commission office so that a new member of the general public can be seated.

An additional seating area is available for members of the press, applicant, applicant's attorneys, "interested parties" as defined by statute, their attorneys and expert witnesses.

After the public input process through the Open Meetings Act is complete, the Commission will recess the hearing.

After recess, the Commission will reconvene and hear Case No. UIC 14-14 as required by state statutes and the rules of procedure of the Oil and Gas Conservation Commission.

MINUTES  
NEBRASKA OIL AND GAS CONSERVATION COMMISSION  
March 24, 2015

The Nebraska Oil and Gas Conservation Commission met in regular session commencing at 10:00 a.m., MDT, March 24, 2015, in the offices of the Commission in Sidney, Nebraska. Commissioners Goodwin, Oliver, and Rundel were present. The purpose of the meeting was to conduct the business as shown on the agenda which is attached to these minutes.

Mr. Goodwin announced that the meeting was open to the public and subject to the Open Meetings Act, Revised Statutes Nebraska 84-1407 through 84-1414, which are posted on the room divider on the west side of the office. Mr. Goodwin instructed those in attendance that the Commission would proceed to hear comments from the public. Comments from the public were heard by the Commission until 12:20 p.m. Approximately 55 people were afforded the opportunity to speak on issues of their choice, including the Honorable Ken Haar, senator from Malcolm, Nebraska.

After affording every individual the opportunity to be heard, Mr. Goodwin announced that Mr. Oliver would conduct the public hearing for Case No. UIC 14-14 beginning at 2:00 p.m. The meeting was recessed at 12:30 p.m., MDT.

Mr. Oliver reconvened the meeting at 2:00 p.m., MDT. The roll call was taken with Mr. Oliver and Mr. Rundel in attendance. Mr. Goodwin having recused himself due to a conflict of interest. Mr. Oliver announced that the public hearing for Case No. UIC 14-14 would be heard and that the hearing was open to the public.

Mr. Oliver opened Case No. UIC 14-14, the application of Terex Energy Corporation for approval of a commercial salt water disposal well in S12-T25N-R56W, Stoupe County, Nebraska. After hearing the testimony of the interested parties and receiving the exhibits of the applicant, the Commission took the matter under advisement and will enter its order within 30 days.

There was no further business to be conducted and the meeting was adjourned at 5:39 p.m., MDT.

Respectfully submitted,

*William H. Sydor*  
William H. Sydor  
Director