

ALABAMA STATE OIL AND GAS BOARD
GOVERNING PRACTICE AND PROCEDURE AND FORCED INTEGRATION OR FORCED
POOLING
ADMINISTRATIVE CODE

CHAPTER 400-7-1
RULES AND REGULATIONS GOVERNING PRACTICE AND PROCEDURE

TABLE OF CONTENTS

400-7-1-.01	Scope
400-7-1-.02	Necessity For Hearing
400-7-1-.03	Appointment Of A Hearing Officer
400-7-1-.04	Emergency Orders
400-7-1-.05	Commencement Of Proceedings
400-7-1-.06	Form And Content Of Pleading
400-7-1-.07	Execution
400-7-1-.08	Filing And Docketing
400-7-1-.09	Representation By Attorneys
400-7-1-.10	Parties
400-7-1-.11	Notice
400-7-1-.12	Prehearing Conference
400-7-1-.13	Continuances Of Hearing
400-7-1-.14	Conduct Of Hearing
400-7-1-.15	Power Of Board To Require Attendance Of Witness And Production Of Evidence
400-7-1-.16	Rules Of Evidence
400-7-1-.17	Affidavits
400-7-1-.18	Copies
400-7-1-.19	Order Of Docket Of Hearing
400-7-1-.20	Place Of Hearings
400-7-1-.21	Preparation Of Proposed Orders
400-7-1-.22	Determination Of Rulings Upon Evidence
400-7-1-.23	Entry Of Rules, Regulations, And Orders

400-7-1-.01 Scope.

Rules 400-7-1-.01, et seq. shall be known and designated as "Rules and Regulations Governing Practice and Procedure before the State Oil and Gas Board of Alabama," in all proceedings relating to the conservation of oil and gas in the State of Alabama and to the administration of the oil and gas rules, regulations, and statutes of this State. These rules shall be construed to secure the just, expedient, and least expensive determination of every proceeding before the Board.

Author: State Oil And Gas Board

Statutory Authority: Code of Ala. 1975, §§9-17-1 et seq.

History: New Rule: Filed April 11, 2000; effective May 16, 2000.

400-7-1-.02 Necessity For Hearing.

Except as provided in the rules and regulations of the Board, before any rule, regulation, or order, including revocation, change, renewal or extension thereof, shall be made by the Board, a public hearing before the Board shall be held at such time and place as may be prescribed by the Board.

Author: State Oil And Gas Board

Statutory Authority: Code of Ala. 1975, §§9-17-1 et seq.

History: New Rule: Filed April 11, 2000; effective May 16, 2000.

400-7-1-.03 Appointment Of A Hearing Officer.

The State Oil and Gas Board of Alabama may, in its discretion designate and appoint one of its members, the Oil and Gas Supervisor, or the General Counsel for the Board, as a Hearing Officer, to conduct public hearings on behalf of the Board.

(1) **Powers of the Hearing Officer.** The Hearing Officer shall have the power and authority to regulate all proceedings before him and to perform all acts and take all measures necessary and proper for the efficient and orderly conduct of the hearing. Without limiting the authority granted in the foregoing sentence, the Hearing Officer is hereby specifically given the authority to administer oaths; certify to official acts; take and cause to be taken depositions of witnesses; issue and serve subpoenas; compel attendance of witnesses and the production of papers, books, and other pertinent materials; provide for site inspections or other inspection of operations; issue appropriate orders relating to discovery; regulate the course of the hearing; examine witnesses, if necessary; rule on and receive relevant evidence; order and preside at prehearing conferences as appropriate; and recommend decisions to the State Oil and Gas Board.

(2) **Report of Hearing Officer.** At the conclusion of the hearing, the Hearing Officer shall issue a report to the State Oil and Gas Board, including therein recommendations of the Hearing Officer in connection therewith. After receipt of the report of the Hearing Officer, the State Oil and Gas Board shall issue an order on the matter within thirty (30) days. The Hearing Officer shall cause a complete record of the proceeding to be made and transcribed, and the record shall have the same force and effect as if made before the State Oil and Gas Board. The Oil and Gas Board reserves the authority and discretion to order that further testimony be taken in reference to any proceeding.

(3) **Communication with Hearing Officer.** A party, or his attorney shall not communicate with the Hearing Officer about a pending contested petition, except:

(a) In the course of official proceedings concerning the contested petition;

(b) If other parties are promptly served a copy of the writing; or

(c) Orally upon adequate notice to all parties or their attorneys.

(4) **Procedure before Hearing Officer.** The Hearing Officer shall conduct all proceedings in accordance with the rules and regulations of the Board and, when applicable, the Alabama Administrative Procedure Act, Section 41-22-1, et seq., of the Code of Ala. 1975.

Author: State Oil And Gas Board

Statutory Authority: Code of Ala. 1975, §§9-17-1 et seq.

History: New Rule: Filed April 11, 2000; effective May 16, 2000.

400-7-1-.04 **Emergency Orders.**

(1) Notwithstanding any other provision of these rules, in the event an emergency is found to exist by the Board which, in its judgment, requires the making of a rule, regulation or order without a hearing having first been had or concluded, such emergency rule, regulation, or order, when made by the Board shall have the same validity as if a hearing with respect to the same had been held before the Board, after due notice. Such emergency rule, regulation or order shall remain in force no longer than forty-five (45) days from its effective date, and in any event, it shall expire when the rule, regulation, or order made after due notice and hearing with respect to the subject matter of such emergency rule, regulation, or order becomes effective.

(2) Unless otherwise allowed by the Board, no emergency order shall be promulgated until a proper written petition has been filed with the Board in accordance with these rules along with supporting and appropriate affidavits, sworn to or affirmed before an appropriate notary public, and such other evidence as may be required by the Board or Supervisor.

Author: State Oil And Gas Board

Statutory Authority: Code of Ala. 1975, §§9-17-1 et seq.

History: New Rule: Filed April 11, 2000; effective May 16, 2000.

400-7-1-.05 Commencement Of Proceedings.

(1) The Board, upon its own motion, the Attorney General of the State of Alabama on behalf of the State, any operator or producer, or any other interested person may institute proceedings for a hearing. If such hearing is sought by the Board, it shall be on motion of the Board, and if by any other person, it shall be by written petition.

(2) A petitioner, other than the Board, shall comply with Rule 400-7-11 relating to Notice and must also file a written petition for a hearing, in neat and legible typewritten or printed form, together with four (4) copies thereof, with the Board at least twenty-five (25) days prior to the meeting at which such petition shall be heard, unless otherwise allowed by the Board; provided, however, a petition requesting an emergency order may be granted or denied by the Board in less than twenty-five (25) days from the filing of such petition requesting such action. If a petition, filed in accordance with the procedures outlined herein, has not been received by the Board at least twenty-five (25) days prior to the date of such hearing, such petition may be continued or dismissed.

(3) Five (5) copies of all exhibits to be presented by a petitioner as evidence at any hearing shall be submitted to the Board, at least twenty (20) days prior to such hearing. Five (5) copies of all exhibits to be presented by parties other than petitioner as evidence shall be submitted to the Board, at least two (2) working days prior to such hearing. The Board may, in its discretion waive the prefiling requirement. If a petition is continued, all parties shall submit five (5) copies of exhibits to be presented to the Board at least twenty (20) days prior to the hearing. Exhibits shall be dated as of the date of preparation and signed by the person who prepared the exhibits.

(4) If the form or content of a petition does not comply with these rules and regulations, the Board may decline or refuse to schedule a hearing regarding the petition.

Author: J. H. Masingill

Statutory Authority: Code of Ala. 1975, §§9-17-1 et seq.

History: New Rule: Filed April 11, 2000; effective May 16, 2000. **Amended:** Filed July 31, 2001; effective September 4, 2001. **Amended:** Filed June 12, 2009; effective July 17, 2009.

400-7-1-.06 Form And Content Of Pleading.

(1) Petitions shall be captioned: "Before the State Oil and Gas Board of Alabama," shall bear a designated space for a docket

number, and shall contain a brief summary at or near the beginning in reference to the nature of the action sought. Each petition shall set forth the exact legal name of the petitioner filing the petition and the name and address of the agent or petitioner to whom the Board may send notices, orders, and papers relating to the hearing thereof. The petition shall be drawn so as to apprise the Board in clear and simple language of all the pertinent and lawfully required facts involved and shall state concisely and directly the matters to be considered, what relief or action is sought from the Board, and the legal interest of such party described in the property in the petition. The petition shall accurately describe by appropriate section, township, range, and county the lands for which relief or action is sought. The petition must state whether each petitioner is a corporation, partnership, individual, or other legal entity, properly identifying the same, and set forth the principal place of business. If the petitioner is a corporation, then such petition shall state where petitioner is incorporated and whether petitioner is authorized by law to do business in the State of Alabama. If the petitioner is a partnership, then the exact legal name of the partnership and each general partner therein must be named in the petition and the petition must set forth the principal place of business of such partnership. The petitioner shall file separate petitions for each request for relief.

(2) Identification of any well or wells named in the petition shall include the permit number assigned to each such well by the Board.

(3) An amendment to a petition shall contain the heading "Amendment to Petition" or similar heading on the face of the pleading and if the petition is amended one or more times the heading shall state First Amendment, Second Amendment, etc.

(4) In the event the petition includes a request for forced pooling pursuant to Section 9-17-13 of the Code of Ala, 1975, as amended, and Rule 400-7-2-.01, et seq. of the State Oil and Gas Board of Alabama Administrative Code, and the petitioner is requesting the forced pooling of interests of an unlocated or undiscovered nonconsenting owner, the petition shall state that the request includes a nonconsenting owner, who is unlocated or undiscovered.

Author: State Oil And Gas Board

Statutory Authority: Code of Ala. 1975, §§9-17-1 et seq.

History: New Rule: Filed April 11, 2000; effective May 16, 2000. **Amended:** Published November 30, 2020; effective January 14, 2021.

400-7-1-.07 Execution.

(1) Every petition of a person represented by an attorney shall be signed by at least one (1) attorney of record in his individual name and his address shall be stated thereon. A party who is not represented by an attorney shall sign his own petition and his address shall be stated thereon.

(2) The signature of an attorney or person shall constitute a certificate by him that he has read the petition and that to the best of his knowledge, information, and belief, there is good ground to support the petition.

Author: State Oil And Gas Board

Statutory Authority: Code of Ala. 1975, §§9-17-1 et seq.

History: New Rule: Filed April 11, 2000; effective May 16, 2000.

400-7-1-.08 Filing And Docketing.

When a proceeding is instituted by a petition, the Board shall assign to it a number and enter the petition with the date of its filing or, in the case of a proceeding initiated by the Board's own motion, the date of entry of such motion instituting such proceeding, on a docket provided for such purpose.

Author: State Oil And Gas Board

Statutory Authority: Code of Ala. 1975, §§9-17-1 et seq.

History: New Rule: Filed April 11, 2000; effective May 16, 2000.

400-7-1-.09 Representation By Attorneys.

A petitioner may appear upon his own behalf or by his duly authorized agent and represent himself at hearings before the Board and a petitioner may be represented before the Board by a duly licensed attorney. Any notice, pleading, or other paper may be served upon such attorney or agent with the same effect as if personally served upon the petitioner within the State of Alabama.

Author: State Oil And Gas Board

Statutory Authority: Code of Ala. 1975, §§9-17-1 et seq.

History: New Rule: Filed April 11, 2000; effective May 16, 2000.

400-7-1-.10 Parties.

The person filing the petition, or the Board on its own motion, shall be known as the "Petitioner."

(1) Any person who opposes a petition shall be known as an "Opponent."

(2) Any person who supports a petition shall be known as a "Proponent."

Author: State Oil And Gas Board

Statutory Authority: Code of Ala. 1975, §§9-17-1 et seq.

History: New Rule: Filed April 11, 2000; effective May 16, 2000.

400-7-1-.11 Notice.

Notice of public hearings held by the Board shall be given in the following manner.

(1) **Preparation of Notice.** Prior to requesting approval to publish a proposed notice, a petitioner may obtain a schedule of hearing dates from the Board. The petitioner shall file a proposed notice for publication with the Board accompanied by a written request for approval to publish the notice for hearing on a specific scheduled hearing date of the Board not less than twenty-five (25) days prior to the meeting at which the petition shall be heard. The Supervisor may approve the proposed notice as submitted or approve the notice with modifications. The Supervisor will provide petitioner an approved notice for publication accompanied by a written statement that the petition is approved for hearing on a specific scheduled hearing date. A statement from the Supervisor approving a notice for publication shall include a listing of the newspaper for publication in accordance with this rule. Upon receipt of an approved notice from the Supervisor, the petitioner may proceed with publication of a notice in accordance with this rule and at petitioner's expense. Proof of notice by publication shall be by affidavit of the publisher of the newspaper in which notice is published, and the original newspaper publication and affidavit of the publisher shall be filed with the Board at least three (3) days prior to the hearing. The Board may, however, in its discretion, waive the three (3) day filing requirement.

(2) **Filing Fees.** Any petitioner, other than the Board, shall submit with the proposed notice, a filing fee of One Hundred Fifty Dollars (\$150.00), by certified check or bank draft payable to the State Treasurer, State of Alabama. One filing fee may be submitted for all notices filed by the same petitioner that relate to the same subject matter.

(3) **Publication of Notice.** Notice of each public hearing before the Board of a petition, motion, or other matter of statewide application shall be published once at least ten (10) days prior to such hearing, in the daily newspaper in

Jefferson and Mobile, Counties, having the largest circulation in the county, as indicated by the most recent annual figures compiled by the Alabama Press Association. Further, when such petition, motion, or other matter shall pertain to specific land and have less than statewide application, notice of such matters shall be published at least ten (10) days prior to such hearing, in the county or counties where the affected land lies.

(a) Notices shall be published in newspapers having the largest circulation in the county, as indicated by the most recent annual figures compiled by the Alabama Press Association.

(b) Publication fees and expenses incurred by the Board in publishing notices of motions by the Board relating to an operator or other party shall be charged to such operator or other party and promptly paid.

(4) **First Class Mail.** In the instances noted below, the petitioner shall give the additional notice specified.

(a) **Petitions for Exceptional Locations.** Notice of hearing a petition for an order authorizing a well to be drilled for oil or gas at a location other than that authorized by rule or order of the Board (an exceptional location) shall be served by the petitioner by ordinary first class mail upon the operator (as reflected by the Board's records) of each adjoining or cornering unit currently producing from the same pool, toward which the well location is proposed to be moved.

(b) **Petitions to Establish Spacing Units.** Notice of hearing a petition for an order establishing (by adoption of special field rules or otherwise) a spacing unit or units for a pool shall be served by the petitioner by ordinary first-class mail:

1. upon the operator (as reflected by the Board's records) of each well that is capable of producing from the pool, and
2. upon each owner in the proposed unit or units whose name is known to the petitioner.

(c) **Petitions to Amend or Reform Established Spacing Units.** Notice of hearing a petition for an order amending or reforming an established drilling or production unit or units shall be served by the petitioner by ordinary first-class mail upon:

1. each working interest owner and royalty interest owner in the established unit,

2. each working interest owner and royalty interest owner in the proposed amended or reformed unit, and

3. the operator (as reflected by the Board's records) of each developed spacing unit that has been established by the Board for the pool in question.

(d) **Petitions to Establish or Amend Allowables.** Notice of hearing a petition for an order establishing (by adoption of special field rules or otherwise) or changing the permanent allowable for any unit or units shall be served by the petitioner by ordinary first class mail upon the operator (as reflected by the Board's records) of each well capable of producing from the same pool.

(e) **Petitions for Forced Pooling.** Notice of hearing a petition for an order requiring the owners of any mineral or other related interest in an established or proposed spacing unit to integrate or pool their interests and to develop their interests and associated lands as a spacing unit (forced pooling) without a risk compensation fee shall be served by the petitioner by ordinary first class mail upon each nonconsenting owner. Notice of hearing a petition for forced pooling with a risk compensation fee shall be served by petitioner in accordance with Section 9-17-13(c) of the Code of Ala. 1975.

(f) **Petitions for Compulsory Unitization.** Notice of hearing a petition for an order requiring the operation as a unit of an entire field or of any pool or pools or of any portion or portions or combinations thereof within a field (compulsory unitization) shall be served by the petitioner by ordinary first-class mail:

1. upon the operator (as reflected by the Board's records) of each well capable of producing from the pool or pools in question,

2. upon each person owning an unleased mineral interest, a working interest, an overriding royalty interest, or a royalty interest within the proposed unit area who has not in writing ratified or approved the plan of unit operation being proposed by the petitioner, and

3. if the proposed unit area includes less than all of the land included within any field established by the Board for the pool or pools in question, upon each owner in the portion of the field not included within the proposed unit area whose name is known to the petitioner.

(g) **Petitions to Establish or Amend Special Field Rules.**

Notice of hearing a petition for an order establishing or amending special field rules shall be served by the petitioner by ordinary first-class mail upon the operator (as reflected by the Board's records) of each well within the proposed or established field.

(h) **Notice Required by Supervisor.** Whenever the Supervisor shall determine that notice of hearing a petition should be served upon a person or class of persons because the granting or denying of the relief requested in the petition would materially affect such person's or persons' rights or property, the Supervisor shall notify the petitioner in writing of his determination, and the petitioner shall serve notice of hearing the petition upon such person or persons by first class mail.

(i) **Time and Manner of Notice.**

1. When, pursuant to the provisions set forth above, the petitioner is required to serve notice upon any person by ordinary first class mail, the notice shall be mailed at least fifteen (15) days prior to the date of the hearing; and service shall be deemed complete on the fifth (5th) day after the date on which notice is mailed unless the Board shall find, based upon evidence presented at the hearing, that the notice was received by any person upon whom it was served on some date different from that specified, in which case service shall be deemed complete as to such person on the date notice is shown to have been received by such person.

2. In those cases where notice is to be served by the petitioner upon persons who are known to the petitioner, the petitioner shall make a reasonably diligent effort to determine the mailing address of each such person; and in those cases where notice is to be served by the petitioner upon persons other than persons who are known to the petitioner, the petitioner shall make a reasonably diligent effort to determine the name and mailing address of each such person. If, after the exercise of reasonable diligence, the petitioner is unable to determine either the name or the correct mailing address of any person upon whom notice is to be served by the petitioner, the publication provided for in Rule 400-7-1-11(1) shall be effective as service upon such person.

3. If the petitioner shall fail to serve notice in conformity with the provisions set forth above upon

any person whom the petitioner is required to serve notice, the Board, may, nevertheless, proceed to hear the petition if it is shown to the satisfaction of the Board that the person in question had actual notice of the hearing of the petition at least ten (10) days prior to the date of the hearing.

(5) **Contents of Notice of Petition.** The notice of the petition shall include:

- (a) The name of the petitioner;
- (b) A statement of the time, place, and nature of the hearing;
- (c) A statement of the legal authority and jurisdiction under which the hearing is to be held;
- (d) A reference to the particular sections of the statutes and rules involved; and
- (e) A short and plain statement of the matters asserted. If the Board or the petitioner is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.
- (f) An accurate description of the lands affected by the petition.

(6) **Proof of Notice by First Class Mail.** Proof of notice by ordinary first-class mail shall be either by testimony or by affidavit of the petitioner or his attorney stating:

- (a) the name and address of each person upon whom notice was served, and
- (b) that notice was mailed to each such person on or before the fifteenth (15th) day prior to the hearing or, if notice was not mailed to any such person on or before the fifteenth (15th) day prior to the hearing, the date on which notice was mailed to such person and, if known to the petitioner, the date on which notice was received by such person. If, after the exercise of reasonable diligence regarding first class mail as provided for in Rule 400-7-1-.11(4), the petitioner is unable to obtain the name or the mailing address of any person or persons upon whom notice is to be served by the petitioner, the testimony presented or the affidavit filed by the petitioner shall so state and shall also state what efforts were made by the petitioner to obtain the name or mailing address of such person or persons.

Author: Marvin Rogers

Statutory Authority: Code of Ala. 1975, §§9-17-1 et seq.

History: New Rule: Filed April 11, 2000; effective May 16, 2000. **Amended:** Filed July 31, 2001; effective September 4, 2001. **Amended:** Filed February 6, 2006; effective March 13, 2006. **Amended:** Filed June 12, 2009; effective July 17, 2009.

Amended: Filed July 6, 2010; effective August 10, 2010. **Amended:** Published November 30, 2020; effective January 14, 2021.

400-7-1-.12 Prehearing Conference.

The Supervisor shall have the right to call a prehearing conference at any time prior to the regular Board hearing, if in his opinion, such a conference would resolve or narrow the issues in controversy or assist in the conduct of the hearing.

Author: J. H. Masingill

Statutory Authority: Code of Ala. 1975, §§9-17-1 et seq.

History: New Rule: Filed April 11, 2000; effective May 16, 2000. **Amended:** Filed July 31, 2001; effective September 4, 2001.

Ed. Note: Previous Rule 400-1-7-.12, Preparation of Notice, was repealed and Rule 400-1-7-.13, was renumber to 400-1-7-.12. No text was changed.

400-7-1-.13 Continuances Of Hearing.

(1) Any interested party may request a continuance of a hearing; however, in order to avoid inconvenience or unnecessary expense, a request for a continuance shall be submitted in writing to the Board at least two (2) days prior to such hearing. The Board may in its discretion waive this requirement under extraordinary circumstances.

(2) Any hearing before the Board held after due notice may be continued by the Board at such hearing, to a specified time and place without the necessity of notice of the same being again made. In the event of any continuance, a statement thereof shall be made in the record of the hearing at which such continuance is made.

Author: J. H. Masingill

Statutory Authority: Code of Ala. 1975, §§9-17-1 et seq.

History: New Rule: Filed April 11, 2000; effective May 16, 2000. **Amended:** Filed July 31, 2001; effective September 4, 2001.

Ed. Note: Previous Rule 400-1-7-.14, was renumber to 400-1-7-.13. No text was changed.

400-7-1-.14 Conduct Of Hearing.

(1) Hearings before the Board shall be conducted without rigid formality. A transcript of the hearings shall be taken and preserved as a part of the permanent record of the Board. The transcript of the hearings shall be made available to the public upon the approval of the transcript by vote of the Board. Any person testifying shall be required to do so under oath, stating his full name and his residence or occupational address or both. However, relevant unsworn statements, comments, and observations by any interested person may be heard and considered by the Board as such and included in the record.

(2) Exhibits to be presented at a hearing by a petitioner or by an opponent shall be identified by exhibit number and by docket number and shall all be introduced in a set and marked for identification at the commencement of such petitioner's or opponent's presentation. Ten (10) sets of each exhibit shall be presented to the Board and every petitioner and every opponent offering exhibits into evidence shall have available a reasonably sufficient number of exhibits for other interested persons in attendance at the hearing.

Author: J. H. Masingill

Statutory Authority: Code of Ala. 1975, §§9-17-1 et seq.

History: New Rule: Filed April 11, 2000; effective May 16, 2000. **Amended:** Filed July 31, 2001; effective September 4, 2001.

Ed. Note: Previous Rule 400-1-7-.15, was renumber to 400-1-7-.14. No text was changed.

400-7-1-.15 Power Of Board To Require Attendance Of Witness And Production Of Evidence.

The Board or any member thereof has statutory power to subpoena witnesses and to require the production of books, papers, and records in any proceeding before the Board. A subpoena may be issued by the Board for a hearing upon the written request of any person interested in the subject matter of the hearing.

Author: J. H. Masingill

Statutory Authority: Code of Ala. 1975, §§9-17-1 et seq.

History: New Rule: Filed April 11, 2000; effective May 16, 2000. **Amended:** Filed July 31, 2001; effective September 4, 2001.

Ed. Note: Previous Rule 400-1-7-.16, was renumber to 400-1-7-.15. No text was changed.

400-7-1-.16 Rules Of Evidence.

Full opportunity shall be afforded all interested parties at a hearing to present evidence and to cross-examine witnesses. In general, the rules of evidence appertaining in a trial before a court without a jury shall be applicable, provided that such rules may be relaxed, where, by so doing, the ends of justice shall be better served, as determined in the reasonable discretion of the Board.

Author: J. H. Masingill

Statutory Authority: Code of Ala. 1975, §§9-17-1 et seq.

History: New Rule: Filed April 11, 2000; effective May 16, 2000. **Amended:** Filed July 31, 2001; effective September 4, 2001.

Ed. Note: Previous Rule 400-1-7-.17, was renumber to 400-1-7-.16. No text was changed.

400-7-1-.17 Affidavits.

When a petition has been filed with the Board and the petition is not contested, then the Board may issue an order relating to the petition based solely upon sworn affidavits received into evidence at the hearing. The Board in its discretion may reject such affidavits and require the affiant or affiants to appear in person and testify at the hearing and present evidence in support of the petition. Unless otherwise allowed by the Board, an original together with four (4) copies of such affidavits shall be submitted to the Board at least twenty (20) days prior to such hearing.

Author: J. H. Masingill

Statutory Authority: Code of Ala. 1975, §§9-17-1 et seq.

History: New Rule: Filed April 11, 2000; effective May 16, 2000. **Amended:** Filed July 31, 2001; effective September 4, 2001. **Amended:** Filed June 12, 2009; effective July 17, 2009.

Ed. Note: Previous Rule 400-1-7-.18, was renumber to 400-1-7-.17. No text was changed.

400-7-1-.18 Copies.

The Board shall furnish copies of any pleadings, exhibits, orders, or other relevant materials to any person requesting the same upon payment of reasonable reproduction costs.

Author: J. H. Masingill

Statutory Authority: Code of Ala. 1975, §§9-17-1 et seq.

History: New Rule: Filed April 11, 2000; effective May 16, 2000.

400-7-1-.19 Order Of Docket Of Hearing.

The Board reserves the right to determine the order in which proceedings may be called and the docket of proceedings regarding any hearing before the Board. Where circumstances permit, the Board, after sounding the docket, may first consider and dispose of all noncontested matters.

Author: J. H. Masingill

Statutory Authority: Code of Ala. 1975, §§9-17-1 et seq.

History: New Rule: Filed April 11, 2000; effective May 16, 2000. **Amended:** Filed July 31, 2001; effective September 4, 2001.

Ed. Note: Previous Rule 400-1-7-.20, was renumber to 400-1-7-.19. No text was changed.

400-7-1-.20 Place Of Hearings.

Public hearings shall be held in the Board Room of the State Oil and Gas Board Building located 420 Hackberry Lane on the campus of the University of Alabama in Tuscaloosa, Alabama, unless otherwise specified in the Board's notice of meetings.

Author: J. H. Masingill

Statutory Authority: Code of Ala. 1975, §§9-17-1 et seq.

History: New Rule: Filed April 11, 2000; effective May 16, 2000. **Amended:** Filed July 31, 2001; effective September 4, 2001.

Ed. Note: Previous Rule 400-1-7-.21, was renumber to 400-1-7-.20. No text was changed.

400-7-1-.21 Preparation Of Proposed Orders.

Petitioners shall submit to the Board proposed orders for the Board regarding petitions. The Board, may, in its discretion, consider and accept or reject such proposed orders. In addition, any opponent to such petition may submit a proposed order, which the Board may consider and accept or reject in its discretion. All parties submitting proposed orders shall submit an original together with four (4) copies thereof unless otherwise allowed by the Board.

Author: J. H. Masingill

Statutory Authority: Code of Ala. 1975, §§9-17-1 et seq.

History: New Rule: Filed April 11, 2000; effective May 16, 2000. **Amended:** Filed July 31, 2001; effective September 4, 2001.

Ed. Note: Previous Rule 400-1-7-.22, was renumber to 400-1-7-.21. No text was changed.

400-7-1-.22 Determination Of Rulings Upon Evidence.

The materiality, relevancy, and competency of any testimony or other evidence shall be subject to challenge by any party to the hearing or by any member of the Board. When so interposed, such objections shall be acted upon by the Chairman or by the Acting Chairman, his ruling thereon being subject to change, upon request for a vote by any member of the Board, by a majority vote of the Board members then sitting; provided, however, if there is no majority, the ruling by the Chairman or Acting Chairman shall not be overturned.

Author: J. H. Masingill

Statutory Authority: Code of Ala. 1975, §§9-17-1 et seq.

History: New Rule: Filed April 11, 2000; effective May 16, 2000. **Amended:** Filed July 31, 2001; effective September 4, 2001.

Ed. Note: Previous Rule 400-1-7-.23, was renumber to 400-1-7-.22. No text was changed.

400-7-1-.23 Entry Of Rules, Regulations, And Orders.

During or after conclusion of any hearing, including continued sessions thereof, the Board shall promptly take such action as it may deem appropriate concerning the subject matter being considered by the Board, such action to be evidenced by oral order read or stated into the record granting, denying, continuing, amending, or other appropriate action regarding the petition or motion before the Board that shall then be effective as of that date unless ordered otherwise. Within a reasonable time thereafter, the Board shall enter a formal written order, executed by the appropriate members and attested by the Secretary of the Board, setting forth in extenso the action taken at such hearing upon each such petition or motion. A party may apply for rehearing before the Board under the procedures for rehearing established by the Alabama Administrative Procedure Act, Section 41-22-17, of the Code of Ala. 1975.

Author: J. H. Masingill

Statutory Authority: Code of Ala. 1975, §§9-17-1 et seq.

History: New Rule: Filed April 11, 2000; effective May 16, 2000.

Amended: Filed July 31, 2001; effective September 4, 2001.

Ed. Note: Previous Rule 400-1-7-.24, was renumber to 400-1-7-.23. No text was changed.

Ed. Note: Original Rule 400-7-1-.12, Preparation of Notice, was repealed and removed from the chapter and the following rules were renumbered accordingly.

400-7-1-.12 Preparation Of Notice. (Repealed)

Author: J. H. Masingill

Statutory Authority: Code of Ala. 1975, §§9-17-1 et seq.

History: New Rule: Filed April 11, 2000; effective May 16, 2000.

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