

Bob Thibault in Oil & Gas 360 on Colorado Energy Permitting Dispute

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Oil & Gas 360 quoted Haynes Boone Counsel Bob Thibault on a dispute that has reached the Colorado Supreme Court over whether the Colorado Oil and Gas Conservation Commission properly interpreted its mandate under state law.

The issue is whether in permitting and regulating oil and gas in Colorado the agency should balance the fostering of responsible oil and gas development with safeguarding the public health, safety and welfare — or whether permitting decisions *must* protect public health, safety and welfare.

Seeking a rule that would allow permits only for oil and gas activity having zero environmental or climate impact, a group of petitioners sued the COGCC. The petitioners initially lost but later got a favorable appellate ruling that the state then appealed.

The *Oil & Gas 360* [report](#) summarizes briefs filed by each side with the Colorado Supreme Court in *Martinez v. COGCC*. Here's an excerpt of Thibault's comments:

Oil & Gas 360 spoke briefly via email with Haynes Boone attorney Robert Thibault about the opening briefs in the *Martinez* case. Thibault is counsel in the Energy Practice Group in the Denver office of Haynes Boone.

“The briefs uniformly focus — as they should before the Supreme Court — on the strength of the position that the Court of Appeals misapplied the ordinary and controlling doctrines and rules for interpreting statutes to the underlying Act,” Thibault said.

“Interestingly — and somewhat ironically in light of the scrutiny the Chevron doctrine is receiving in the national political whirlwind — virtually all of the opening briefs also relied upon the Chevron doctrine, to varying degrees, whereby the COGCC as administrative agency had and properly exercised wide latitude to interpret the Act on its own.” ...

Excerpted from *Oil & Gas 360*. To read the full article, click [here](#). (Subscription required)