

STATE OF NEW MEXICO
BEFORE THE WATER QUALITY CONTROL COMMISSION



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In the Matter of:)

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)
PROPOSED AMENDMENT)
TO 20.6.2 NMAC)
_____)

WQCC No. 09-13(R)

**ORDER ON DIGCE'S REQUEST FOR RECONSIDERATION OF THE
HEARING OFFICER'S RULING ON ALVA CARTER'S TESTIMONY**

THIS MATTER comes before the Hearing Officer upon DIGCE's oral request that the Hearing Officer reconsider his prior ruling to strike portions of Alva Carter's pre-filed rebuttal testimony (DIGCE Exhibit 74). *See* Tr. 1867:7 - 25. The Hearing Officer hereby finds that:

1. His initial ruling to strike paragraphs 3 and 4 of Mr. Carter's pre-filed rebuttal testimony was in error. These two paragraphs refer to events prior to the beginning of stakeholder negotiations and general information about when the rule was proposed.
2. Therefore, Paragraphs 3 and 4 of Mr. Carter's pre-filed rebuttal testimony are re-instated.
3. Paragraph 5 of DIGCE Exhibit 74 remains stricken from the record, because it addresses "offers, proposals or statements made during the stakeholder negotiations". *See* DIGCE's Motion to Strike (April 6, 2010), Exhibit 1.

IT IS SO ORDERED

DATED this 20th day of July, 2010.

J. Stegl

J. Steven Glass, Hearing Officer
C/O Water Quality Control Commission
Harold Runnels Bldg., Rm. N-2153
1190 St. Francis Drive
Santa Fe, New Mexico 87505
(505) 827-2425
(505) 827-2836 FAX