RECEIVED Luis Lopez
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STATE OF NEW MEXICO
BEFORE THE ENVIRONEMNT DE PARTMENT AND
THE SECRETARY OF THE ENVIRONMENT DEPARTMENT

IN THE MATTER OF:
THE APPLICATION OF YUCCA GROWTH INFRASTRUCTURE, LLC FOR AN AIR QUALITY PERMIT NO. NSR 10883

No. AQB 26-57 (P)

WETHERBEE'S CONSOLIDATED NOTICE OF JOINDER IN NEW ENERGY ECONOMY'S MOTION TO ORDER DISCOVERY REQUIRED BY DUE PROCESS [Docket No. 106], THE CENTER FOR BIOLOGICAL DIVERSITY'S AND JOSE SALADAÑA JR., AND VIVIAN FULLER'S MOTION FOR HEARING OFFICER TO ORDER DISCOVERY [Docket no. 108], AND BY REFERENCE, WETHERBEE ALSO JOINS IN SUPPORT OF THE DISCOVERY REQUESTED BY NICHOLAS MAXWELL.

Bruce Wetherbee hereby respectfully provides notice of his Joinder in New Energy Economy's Motion to New Energy Economy's ("NEE") Motion to Order Discovery Required by Due Process (filed Oct. 13, 2026) [Dkt. No. 106] and Center for Biological Diversity ("CBD"), Jose Saldaña, Jr. and Viviana Fuller's Motion for Hearing Officer to Order Discovery (filed Oct. 14, 2026) [Dkt. No. 108].

In support of this joinder, Wetherbee adopts, incorporates by reference, and joins in the substantive reasons and legal grounds set forth in New Energy Economy's Motion to Order Discovery Required by Due Process (filed Oct. 13, 2026) [Dkt. No. 106].

Wetherbee further incorporates by reference, and joins in the substantive reasons and legal grounds set forth in the Center for Biological Diversity ("CBD"), Jose Saldaña, Jr. and Viviana Fuller's Motion for Hearing Officer to Order Discovery (filed Oct. 14, 2026) [Dkt. No. 108].

Wetherbee also supports granting the discovery sought by Nicholas Maxwell.

For the reasons detailed in the aforementioned Motions, identified as Docket No. 106, and Docket No. 108, and in consideration and in support of the objection made by Mr. Maxwell that his request for discovery was untimely (as he argued at the hearing on Monday, October 26, 2026), Wetherbee respectfully requests that the Hearing Officer enter an order that grants the discovery sought, and that the Hearing Officer continue with his receptive approach to appropriate and targeted discovery.

Respectfully Submitted,

By: */s/ Bruce Wetherbee*
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CERTIFICATE OF SERVICE

I certify that a true and correct copy of my Notice of Joinder in Objection to the Scheduling Conference was served by electronic email on Wednesday, October 28, 2026, to the persons listed below:

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