

**STATE OF NEW MEXICO
ENVIRONMENTAL IMPROVEMENT BOARD**

PROPOSED NEW REGULATION**EIB 21-27 (R)***20.2.50 Oil and Gas Sector – Ozone Precursor Pollutants*

**RESPONSE TO NMED MOTION TO STRIKE SOLAR TURBINES' TECHNICAL
TESTIMONY SUBMISSION**

This is Solar Turbines (Solar's) response to the New Mexico Environment Department ("NMED") Motion to Strike Solar Turbines' Technical Testimony Submissions (the "Motion"). Solar opposes the Motion because no party was harmed by any errors in Solar's technical submissions, and Solar's testimony at the hearing will help the Board.

The Motion points out that Solar did not serve a copy of its technical testimony submissions on NMED and did not include a certificate of service with the submissions, did not identify each technical witness or include a copy of each witnesses' technical testimony; and did not list and attach all exhibits to be presented.

The EIB's "Notice of Rulemaking Hearing" states to send the testimony submission to Pamela Jones, Board Administrator. I submitted to Ms. Jones on July 28, 2021. I received a delivery delay notice and sent again on Thursday, July 29, 2021. It was not clear from the EIB notice that I needed to also submit to NMED, or include a certificate of service, and Ms. Jones then posted the filing to the EIB docket. I do not think NMED or other parties were harmed by my misunderstanding of the process.

In the body of my cover email, I identified myself, Leslie Witherspoon, as witness, and I included my qualifications for presenting testimony. I stated that direct testimony was attached, which was entitled "Solar Turbines Testimony" and included a technical

discussion regarding turbines that Solar manufactures. I also included proposed rule revisions as a part of my submission.

I do not have attachments to include as a part of my submission.

Solar offered technical comments on NMED's proposed rule and no party to this proceeding was harmed by any mistakes in Solar's technical submissions. In fact, multiple parties, including NMED, have mentioned our submissions in later filings. I was trying to comply with the rules in good faith, without legal counsel. I hope the Board will make its rulemaking process accessible for all interested parties addressing technical matters. Solar's testimony is technical in nature. This is why we submitted our comments on the proposed rule as technical testimony.

I ask that the Board deny NMED's motion to strike. As the manufacturer of a significant portion of the turbines in operation in New Mexico, we offer a perspective on the proposed requirements applicable to those turbines. Based on my understanding of the rules, requiring Solar to provide public comment instead of presenting a summary of its technical testimony with other parties is not the same because public comment does not allow the Board and parties to ask questions and discuss.

Respectfully submitted this 14th day of September, 2021

/s/ Leslie Witherspoon
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CERTIFICATE OF SERVICE

I hereby certify that on September 14, 2021, a true and correct copy of the foregoing **RESPONSE TO MOTION TO STRIKE SOLAR TURBINES' TECHNICAL TESTIMONY SUBMISSIONS** was served via electronic mail on the following:

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