

STATE OF NEW MEXICO
BEFORE THE ENVIRONMENTAL IMPROVEMENT BOARD

COPY



IN THE MATTER OF PROPOSED REPEAL
OF REGULATION
20.2.100 – GREENHOUSE GAS REDUCTION PROGRAM

No. EIB 11-1008

**NEW ENERGY ECONOMY'S NOTICE OF
INTENT TO PRESENT TECHNICAL TESTIMONY**

New Energy Economy, Inc. (NEE) submits this filing pursuant to the New Mexico Air Quality Act, NMAC Part 20.1.1, and the Hearing Officer's Order Establishing Procedures.

1. **Identity of the person for whom the witnesses will testify.**

NEE

2. **Identity of each technical witness NEE intends to present and their qualifications, including a description of their educational and work background.**

A. Professor David S. Gutzler, PhD. Dr. Gutzler's qualifications are described in his attached testimony. [See Tab 1, attached Exhibits A-G, and Disk 1¹]

B. Ms. Mariel Nanasi. Ms. Nanasi's qualifications are described in her attached testimony. [See Tab 2, attached Exhibits H-O3, attached Exhibit R, and Disk 1²] Ms. Nanasi is sponsoring the entire record in EIB Case No. 08-019(R), which is reproduced on Disk 2. Copies of the testimony and exhibits admitted in support of Rule 100 in Case No. 08-019(R) are included along with this NOI, either in hard copy (attached hereto under Tab 2) or electronic copy (Disk 1), as indicated:

¹ Dr. Gutzler's pre-filed testimony and original exhibits in this case, along with the pre-filed testimony and oral testimony that he provided in EIB Case Nos. 08-019(R) and 10-04(R), are provided under Tab 1. Copies of the exhibits he introduced in EIB Case Nos. 08-019(R) and 10-04(R) are provided on Disk 1, identified by their original exhibit numbers in those proceedings.

² The exhibits referenced in the prior sworn testimony sponsored by Ms. Nanasi are provided on Disk 1, identified by their original exhibit numbers.

(1) Exhibits H – J6, attached, pre-filed and oral prior testimony of Steven S. Michel .

(2) Exhibit K, attached, pre-filed prior testimony (exhibits cited by Ms. Paranhos are included on Disk 1).

(3) Exhibit L, attached, pre-filed prior testimony of George Peridas (exhibits cited by Mr. Peridas are included on Disk 1).

(4) Exhibit M, attached, pre-filed prior testimony of Dan Randolph (exhibits cited by Mr. Randolph are included on Disk 1).

(5) Exhibit N, attached, pre-filed prior testimony of Ron Collings (exhibits cited by Mr. Collings are included on Disk 1).

(6) Exhibits O1 – O3, attached, pre-filed and oral prior testimony.

(7) Exhibit P, Disk 1, oral prior testimony of Paranhos, Peridas, Randolph, and Collings.

(8) Exhibit Q, Disk 1, publication of the Climate Leadership Initiative, February 17, 2009.

(9) Exhibit R, attached, July 16, 2010, letter from Jim Norton to EIB.

C. Dr. Robert A. Goldstein, MD. Dr. Goldstein's qualifications are described in his attached testimony. (See Tab 3, Exhibits RG-1 - RG-4 (on Disk 1)).

D. NEE also submits the prior sworn technical testimony of Dr. Jonathan Overpeck (Tab 4, attached exhibits S1 and S2, and Disk 1),³ who testified on behalf of NMED in support

³ Dr. Overpeck's pre-filed testimony and oral testimony are provided under Tab 5. The exhibits he cites in this testimony are included on Disk 1, identified by their original NMED exhibit numbers (NMED-Overpeck #).

of Rule 350 in EIB Case No. 10-04(R). See NEE's Motion to Admit Prior Sworn Testimony (Motion to Admit).

3. Description of direct testimony of each technical witness and anticipated duration of their testimony.

The testimony of the witnesses who will appear in person is attached hereto, and each such witness will present a short summary of the major points of their testimony at hearing pursuant to the Order Establishing Procedures. The prior testimony of witnesses who will not appear in person is included on Disk 2, on file at the Environmental Improvement Board under EIB Case No. 08-19(R), and available online at <ftp://ftp.nmenv.state.nm.us/www/EIB/08-19%20%282010%29/Record%2008-19/>. Admitting prior sworn testimony into the record of this proceeding will not take any additional hearing time. (However, upon request, NEE will arrange to have prior sworn testimony read into the record.) Ms. Nanasi is sponsoring the entire record of EIB 08-019(R), which is reproduced on Disk 2. See also Motion to Admit; Motion to Take Administrative Notice.

4. Text of recommended modifications to the proposed regulatory change.

NEE recommends that the New Mexico Environmental Improvement Board deny the petition in its entirety and allow the Court of Appeals to resolve the legal and evidentiary issues raised by petitioners in their pending appeals.

5. NEE's exhibits and proposed statement of reasons for denying the petition.

A. Exhibits are included herein, either in hard copy or on diskette. NEE also incorporates by reference the entire record of EIB Case No. 08-19(R) (Disk 2) and the Court files referred to in NEE's Motion to Take Administrative Notice. With the exception of Dr. Gutzler's testimony, and pursuant to the Hearing Officer's Order on Public Comment Given in Prior

Proceeding, the record from EIB Case No. 08-019(R) will be sponsored under oath by Ms. Nanasi. Dr. Gutzler will sponsor his prior testimony and exhibit in EIB Case Nos. 08-19(R) and 10-04(R).

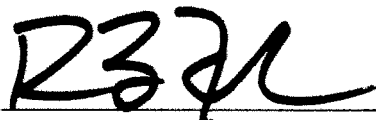
B. The exhibits offered by Dr. Gutzler in the prior proceedings (Disk 1) were admitted in both EIB Case No. 08-19(R) and EIB Case No. 10-04(R). The original exhibit numbers in those prior proceedings are correlated as follows:

<u>08-19(R)</u>	<u>10-04(R)</u>
P2	NMED Gutzler 1
P3	NMED Gutzler 2
P4	NMED Gutzler 3
P5	NMED Gutzler 4
R1	NMED Gutzler 5
R2	NMED Gutzler 5
R3	NMED Gutzler 5
R4	NMED Gutzler 5
R5	NMED Gutzler 5
R6	NMED Gutzler 5
R7	NMED Gutzler 5

B. NEE adopts as its statement of reasons for denying the petition the Order and Statement of Reasons of the EIB in Case Nos. 08-19(R) and 10-04(R), which are incorporated herein by reference.

Respectfully submitted:

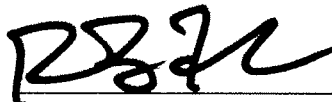
NEW MEXICO ENVIRONMENTAL LAW
CENTER

By: 

R. Bruce Frederick
Douglas Meiklejohn
Eric Jantz
Jonathan Block
1405 Luisa Street, Ste. 5
Santa Fe, NM 87505
(505) 989-9022
bfrederick@nmelc.org

Attorneys for New Energy Economy, Inc.

CERTIFICATE OF SERVICE: I certify that, on the same date of filing, I caused a copy of the foregoing paper to be emailed to all persons on the last amended service list.


R. Bruce Frederick