

STATE OF NEW MEXICO
ENERGY, MINERALS, AND NATURAL RESOURCES Depth
OIL CONSERVATION DIVISION

IN THE MATTER OF THE HEARING CALLED
BY THE OIL CONSERVATION DIVISION FOR
THE PURPOSE OF CONSIDERING:

CASE NOS: 20896

APPLICATION OF NGL WATER SOLUTIONS
PERMIAN, LLC, FOR APPROVAL OF SALT WATER
DISPOSAL WELL IN LEA COUNTY, NEW MEXICO

REPORTER'S TRANSCRIPT OF PROCEEDINGS

EXAMINER HEARING

November 14, 2019

SANTA FE, NEW MEXICO

This matter came on for hearing before the New Mexico Oil Conservation Division, EXAMINERS LEONARD LOWE, PHILLIP GOETZE, DYLAN COSS and LEGAL EXAMINER ERIC AMES, on Thursday, November 14, 2019, at the New Mexico Energy, Minerals, and Natural Resources Depth, Wendell Chino Building, 1220 South St. Francis Drive, Porter Hall, Room 102, Santa Fe, New Mexico.

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A P P E A R A N C E S

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I N D E X

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1 HEARING EXAMINER LOWE: Okay. We will now call
2 Case Number 20896, NGL for a Salt Water Disposal Well.

3 Call for appearance.

4 MS. KATZ: Lara Katz on behalf of the applicant,
5 NGL Water Solutions Permian LLC.

6 HEARING EXAMINER LOWE: Any other appearances?

7 MS. ANTILLON: Andrea Antillon on behalf of the
8 State Land Office. I do not have any witnesses today. I
9 just prepared a statement.

10 MR. RANKIN: Mr. Examiner, Adam Rankin on behalf
11 of EOG Resources Incorporated. No witnesses today.

12 MR. BRUCE: Mr. Examiner, Jim Bruce of Santa Fe
13 representing Solaris Water Midstream LLC. I have no
14 witnesses.

15 MS. KATZ: I have one witness.

16 HEARING EXAMINER LOWE: May the witnesses please
17 stand and be sworn in.

18 (Oath administered.)

19 HEARING EXAMINER LOWE: You may proceed.

20 MS. KATZ: Thank you.

21 NEIL LAWRENCE DUNCAN

22 (Sworn, testified as follows:)

23 DIRECT EXAMINATION

24 BY MS. KATZ:

25 Q. Good morning, Mr. Duncan.

1 A. Good morning, Counsel.

2 Q. Can you please state your full name for the
3 record?

4 A. Neil Lawrence Duncan.

5 Q. For whom do you work?

6 A. I am managing director of Integrated Petroleum
7 Technologies.

8 Q. You have been retained as a consultant for NGL?

9 A. That's correct.

10 Q. What are your responsibilities for NGL?

11 A. Salt water development or salt water disposal
12 well development in southeast New Mexico.

13 Q. And your responsibilities include management and
14 oversight of drilling salt water disposal wells?

15 A. Yes.

16 Q. And you have previously testified before the
17 Division and the Commission?

18 A. Since 1991.

19 Q. And your credentials were accepted as a matter of
20 record?

21 A. Yes.

22 Q. Are you familiar with an application filed by NGL
23 in this matter?

24 A. I am.

25 Q. Are you familiar with the salt water disposal

1 well that is the subject of this application?

2 A. I am.

3 Q. Will you please turn to Tab 1 of the exhibit
4 packet that I have prepared. Behind Tab 1 is an application
5 for an injection well called Moab SWD Number 1, along with
6 the C-108 and back-up documentation; correct?

7 A. That's correct.

8 Q. And what is NGL seeking in this application
9 regarding the formation, choosing size and maximum injection
10 rate?

11 A. We are seeking an SWD into the Devonian, air
12 quotes, below the Woodford Shale. And we are seeking an
13 injection rate of 50,000 barrels a day a well with a design
14 of a tubing string of 7 inch by 5.5 with the casing that
15 allows for that, and to drill and operate this well.

16 Q. And NGL has previously requested the same tubing
17 size for other wells and the Division has approved that;
18 correct?

19 A. That's correct.

20 Q. And what is the benefit of the larger tubing
21 size?

22 A. Lower friction, so lower surface pressure, which
23 translates to lower horsepower, lower energy requirements to
24 put the water away, and also allows us to inject with fewer
25 wells the same line of water, so less disturbance.

1 Q. Exhibit 1 contains the application in C-108 form
2 that is required for the salt water disposal application?

3 A. Yes, that's correct.

4 Q. And the C-108 was prepared under your direction
5 by Chris Weyand who is a consultant for NGL?

6 A. Yes.

7 Q. The amended application and C-108 in these
8 materials in Pages 1 through 24, include the change in the
9 location from the original application; is that correct?

10 A. That's correct.

11 Q. And why was that change made?

12 A. Discussions with EOG, we needed to get out of
13 their horizontal fairway so that they can -- they can safely
14 drill without potential of intersection.

15 Q. Okay. And the amended application and C-108 also
16 include the change in the depth of the injection zone?

17 A. That's correct.

18 Q. So the original application that was filed in
19 Case Number 16507 which is included in this packet on Pages
20 25 to 24 stated the target injection interval as 16,400 feet
21 to 18,004, feet and the amended application and C-108
22 documents included here state the injection interval as
23 16,900 feet to 18,600 feet, so approximately 600 feet deeper
24 than the zone identified in the earlier application.

25 So can you explain the reason for that change?

1 A. Well, there is always more wells being drilled,
2 logs being uploaded to the, to the public database that the
3 OCD, and as information comes in, we adjust our geology.

4 **Q. So you wanted to provide that proposed updated --**

5 A. Yes.

6 **Q. -- information --**

7 A. Yes.

8 **Q. -- to the Division? And in the update -- so the**
9 **updated interval was based on additional data that NGL**
10 **didn't have previously when it submitted its earlier**
11 **application?**

12 A. That's correct. And the actual interval will be,
13 once we drill the well, we'll identify the formation tops
14 and formation bottom, and then I think all of these C-108s
15 will eventually get amended probably through an
16 administrative process to comport with the actual logs.

17 **Q. Does the change in injection interval change the**
18 **formation into which the injection would occur?**

19 A. No, it does not.

20 **Q. Still in the Devonian?**

21 A. Yes.

22 **Q. Does the change in injection interval require**
23 **notice to any additional parties?**

24 A. It does not.

25 **Q. Does the change alter any substantive elements of**

1 the proposed well or the application such that it would
2 require new notice to affected parties?

3 A. No.

4 Q. And does the C-108 that is included in the
5 materials look complete and accurate in your estimation and
6 according to what Mr. Weyand had previously submitted?

7 A. Yes.

8 Q. All right. Let's move to Tab 2.

9 Did NGL retain a reservoir engineer to conduct a
10 study of the injection well for the Moab?

11 A. Yes. Scott Wilson, the writer Scott who has
12 testified before this Division.

13 Q. And his qualifications were accepted?

14 A. Yes.

15 Q. And Mr. Wilson provided an affidavit that
16 discusses his study, and that's included in Exhibit 2 on
17 Pages 45 through 48?

18 A. Yes.

19 Q. And in his affidavit, does Mr. Wilson confirm
20 that increasing the tubing size for this well will reduce
21 friction in the wellbore?

22 A. Yes, he does.

23 Q. And does he state that increasing the tubing size
24 will not have a significant impact on flow pressures in the
25 formation?

1 A. Yes.

2 Q. Is it Mr. Wilson's opinion that the increased
3 tubing size will not cause fracture of formation?

4 A. Yes.

5 Q. Did Mr. Wilson also perform a study that models
6 the migration of fluids that are injected into the wells?

7 A. Yes, he did.

8 Q. And that study is on Pages 49 through 65?

9 A. Yes.

10 Q. Does Mr. Wilson's study model all the proposed
11 inactive wells in the area we are looking at for fluid
12 migration?

13 A. Yes. We have seen what happens to those who
14 don't.

15 Q. Does this study look broadly at the area, not
16 just this particular well?

17 A. Yes.

18 Q. Okay. All right. Moving to Tab 3, did NGL
19 retain a geologist to review the geology in the area where
20 the Moab well is proposed to be located?

21 A. Yes.

22 Q. And who is that geologist?

23 A. That's Dr. Kate Zeigler.

24 Q. And she has previously testified before the
25 Division, hasn't she?

1 A. Yes, she has.

2 Q. And her affidavit is behind Tab 3 on Pages 66 to
3 70?

4 A. Yes.

5 Q. Did she also include a study with her affidavit?

6 A. Yes, she did.

7 Q. And that's included behind Tab 3 at Pages 71
8 through 77?

9 A. Yes, that's correct.

10 Q. Does the study include a broad head chart on Page
11 71?

12 A. Yes.

13 Q. And isopachs on Page 72 through 76?

14 A. Yes.

15 Q. And then a cross section on Page 77?

16 A. Yes.

17 Q. And these isopachs and cross sections show the
18 revised top of the formation including the injection zone?

19 A. Yes, they do.

20 Q. Does her study conclude that the injection zone
21 where the well is proposed to be located is suitable for
22 injection at increased rate due to its favorable
23 permeability and porosity?

24 A. Yes.

25 Q. And she discusses permeability barriers located

1 both above and below the injection area?

2 A. That's correct.

3 Q. And she states her opinion that the permeability
4 barriers will prevent migration of fluids from the
5 reservoir?

6 A. Yes, that's correct.

7 Q. Does she conclude that there would be no adverse
8 impact on fresh water resources?

9 A. Yes.

10 Q. Does she reach the same conclusion with regard to
11 correlative rights because of the lack of hydrocarbons in
12 injection zone, as well as the permeability barriers?

13 A. Yes, the confinement of the injection fluids to
14 the injection zone.

15 Q. All right. Moving to Tab 4. This tab contains
16 the affidavit of Dr. Steven Taylor at Pages 78 -- Page 78 to
17 81.

18 A. Yes.

19 Q. And Dr. Taylor is a seismologist retained by NGL?

20 A. Yes.

21 Q. And has he previously testified before the
22 Division?

23 A. Yes, he has.

24 Q. And his qualifications were accepted?

25 A. Yes, they were.

1 Q. Dr. Taylor operates a series of stations in and
2 around some of NGL's existing wells; is that correct?

3 A. Yes.

4 Q. And he has also looked at prior seismic activity
5 in the area using desktop review and other materials?

6 A. Yes. I feel like you are leading the witness.

7 Q. I'm trying to get through it. Sorry, I am not
8 giving you enough, enough action here?

9 And his affidavit is included behind Tab 4 on
10 Pages 78 to 81.

11 A. Yes.

12 Q. And his study -- his study is included on Pages
13 80 to 86.

14 A. Yes, that's correct.

15 Q. And does his study conclude that there is very
16 little seismic activity in that area?

17 A. Yes, very little.

18 Q. And that's based on his own observations and his
19 seismic monitoring; right?

20 A. Yes. And we -- we -- we've see more than what
21 has been seen in the past as well as far as sensitivity.

22 Q. And he includes recent monitoring results in his
23 study for this well.

24 A. Yes.

25 Q. Through September?

1 A. Yes.

2 Q. And then also included with Dr. Taylor's
3 affidavit is the study prepared by Todd Reynolds of FTI
4 Platt Sparks?

5 A. Yes.

6 Q. And Dr. Taylor collaborated with Mr. Reynolds to
7 run a fault slip probability analysis and evaluate the
8 potential for seismicity from fluid injection?

9 A. Yes, they did.

10 Q. And Mr. Reynolds has previously testified before
11 the Division?

12 A. He has, and his qualifications have been
13 accepted.

14 Q. Mr. Reynolds' study is included behind Tab 4 on
15 Pages 87 to --

16 A. Yes.

17 Q. Can you describe that study?

18 A. The study looks at fault slip potential based
19 upon the pressure changes that are caused by injection, and
20 to the orientation of faults, there is a very, very low
21 probability of slipping those faults. And it takes a very,
22 very long time to build the core pressure, and even at the
23 end of 20 years, there's -- there's no impact on -- there is
24 no significant risk of fault slippage.

25 Q. So just walking through his report, and this uses

1 the standard fault slip probability analysis?

2 A. Yes, the one developed by Mark Zoback.

3 Q. And he previously testified before the Division
4 regarding that, that model?

5 A. Steve Taylor has. I don't think Mark Zoback has
6 been here.

7 Q. Sorry, Todd Reynolds. Mr. Reynolds has?

8 A. Todd has.

9 Q. Okay. Okay. So the first few pages of his
10 report outlined the input he uses?

11 A. Yes, that's correct

12 Q. And then beginning on Page 94 are the models that
13 show the fault slip probabilities. And does his analysis
14 include nearby faults in the area?

15 A. Yes.

16 Q. And does he also include the effects of other
17 wells in the area, like Dr. Taylor's?

18 A. Yes.

19 Q. And as you mentioned, Dr. Taylor and Mr. Reynolds
20 conclude there is very little risk of seismic activity as a
21 result of injection?

22 A. Yes, that's correct.

23 Q. And the, the conclusion regarding that risk over
24 time is shown on Page 109 where it shows fault slip
25 potential at year 2045?

1 A. Yes.

2 Q. And that column on the left side of the page
3 shows the potential for all the faults evaluated as at zero,
4 or .01?

5 A. Yeah, it's all in the green.

6 Q. So even out that far, the model shows very low
7 probability of a fault slip?

8 A. That's correct.

9 Q. Turning to Tab 5, on Page 110 is an affidavit
10 prepared by me discussing the notice of this hearing.

11 A. That's correct.

12 Q. And on Page 112 is a transaction report showing
13 the names and interests of entities and individuals within a
14 mile of the proposed well location to which notice was
15 provided.

16 A. Yes, that's correct.

17 Q. And then did NGL publish notice of this
18 application for the Moab well?

19 A. Yes, it did, in the Hobbs paper.

20 Q. And that's shown in the affidavit on Page 113?

21 A. Yes.

22 Q. Were Exhibits 1 through 5 created by you or
23 prepared under your supervision or direction or compiled
24 from company business records?

25 A. Yes, they were.

1 MR. RANKIN: No further questions.

2 MS. ANTILLON: No questions.

3 HEARING EXAMINER LOWE: Mr. Bruce?

4 MR. BRUCE: No questions.

5 HEARING EXAMINER LOWE: Dylan, any questions?

6 EXAMINER COSS: So thanks for including the
7 additional seismic analysis that recently recorded seismic
8 activity in the area. And I noticed that you said that that
9 core pressure increase associated with this well is not
10 likely to affect the fault in question to fault slip, but
11 that was only monitoring of one well?

12 THE WITNESS: We used all the wells.

13 EXAMINER COSS: All the wells.

14 THE WITNESS: And the proposed wells.

15 EXAMINER COSS: Well, that clears that up. And I
16 noticed also in here it says that there was a cluster of
17 small magnitude earthquakes from year 2018. It says they
18 are associated with fracking operations, not necessarily
19 injection operations.

20 Can you elaborate on that for me, and could you
21 discuss if you see any -- also like injection in the area
22 that would exacerbate.

23 THE WITNESS: Yeah, I don't see potential from
24 the injection. And, you know, our seismic monitors are
25 very, very sensitive. And we actually use, in another area

1 of my business where we, where we do frac supervision, we
2 sometimes partner up with micro seis and use seismic
3 monitors to identify fractured drill and make sure the
4 fracturing is within our modeling parameters and to see how
5 far fracs are propagating from a horizontal wellbore.

6 So, and those are always very, very small
7 magnitude fracs or magnitude events. They are not
8 earthquakes, really, they are just small magnitude events
9 that are associated with breaking rock.

10 We can see a truck go by on these monitors.

11 EXAMINER COSS: Sure. And so on the picture on
12 Page 94, the red lines with the black dot, is that the
13 seismic monitoring?

14 THE WITNESS: We had a map of those. I'm not
15 sure what page that is. No, those are the events. The
16 monitors are in Steve Taylor's exhibit on Page 84.

17 So with those monitors, green circles represent
18 where we can see a magnitude one event. The red indicates
19 the distance to where we can see a magnitude 1.5 event.

20 EXAMINER COSS: Page 4-84?

21 THE WITNESS: 84, behind Tab 4.

22 EXAMINER COSS: Okay. So you are saying on Page
23 94, though, that the red lines with -- the red line with the
24 black dashes is the event that you monitored?

25 MS. KATZ: I believe that's the fault.

1 EXAMINER COSS: Red line with black dots.

2 THE WITNESS: Those are the known faults.

3 EXAMINER COSS: Okay.

4 HEARING EXAMINER LOWE: In the area.

5 EXAMINER COSS: And the little pink bullseye?

6 THE WITNESS: The little pink bullseye's are
7 where the little clusters are, and you see the magnitude
8 there associated with them, 1.3, 1.5, those or very --

9 EXAMINER COSS: Small?

10 THE WITNESS: You can't feel them.

11 EXAMINER COSS: And there's no concerns yet, you
12 haven't teased out or found any correlation between those
13 events and the proximity to the faults or kind of smaller
14 faults near larger ones?

15 THE WITNESS: Well, there is no -- so far there's
16 no injection. These are permits on this side of the fault.
17 There's really no injection, so --

18 MS. KATZ: I would also say that we don't have
19 our actual expert witnesses here on those points, so I just
20 want to be careful about --

21 THE WITNESS: Hearsay.

22 MS. KATZ: Not that he doesn't have quite a bit
23 of knowledge.

24 EXAMINER GOETZE: You don't want to see Neil go
25 down?

1 EXAMINER COSS: Those are just my questions,
2 flipping through that for the first time, and I'm plum out
3 of it, so I will pass it.

4 THE WITNESS: Okay. great. Just like Phil said
5 to me one time, you are on a pedestal until you are off.

6 EXAMINER GOETZE: Just a few points. Let's see,
7 roughly how far did we move it from the original surface
8 location to the one in this permit?

9 THE WITNESS: I don't know. I know I did some
10 distance calculations to Solaris Aspen last night.

11 EXAMINER GOETZE: You did it for Solaris?

12 THE WITNESS: Not for you, sorry. So it moved it
13 into the next section.

14 EXAMINER GOETZE: So we are not looking at a
15 mile.

16 THE WITNESS: No, no.

17 EXAMINER GOETZE: So some small distance.

18 THE WITNESS: Right.

19 EXAMINER GOETZE: So NGL stated they would like
20 to have their orders with a 50,000 barrel limit on it. Are
21 you still interested in that, or have times changed?

22 THE WITNESS: We'll take more.

23 EXAMINER GOETZE: Just trying to figure it out.

24 THE WITNESS: Oh, okay. Yeah, but we always work
25 with the Division on, on rates and concerns.

1 EXAMINER GOETZE: And last but not least, how
2 does this reflect the other NGL wells in the area? Are they
3 starting to increase overlap? Is that something to be
4 concerned about?

5 THE WITNESS: Increase overlap?

6 EXAMINER GOETZE: Getting closer to your other
7 NGL wells.

8 THE WITNESS: Not really. We are pretty much
9 spaced out.

10 EXAMINER GOETZE: Okay. Okay. No further
11 questions. Thank you.

12 THE WITNESS: Okay.

13 MR. AMES: I do have a question. Ms. Katz, I
14 have a question about Tab 5, Exhibit 5. Tab 5 is your
15 affidavit stating that the application was provided under a
16 notice letter and proof of receipt attached. I don't see
17 the notice letter.

18 MS. KATZ: Oh, I apologize, I don't actually have
19 the notice on here. I can provide a copy of that. All I
20 have IS the proof of receipt of notice.

21 MR. AMES: With regard to first to Page 113, that
22 legal notice is the legal notice for the filing of the
23 application itself. Correct?

24 MS. KATZ: That is the legal notice for the well
25 relocation, and that was filed, and then the -- that notice

1 was published. And then the Division informed us that we
2 could not file the relocation application as amended under
3 that case number. And so we -- and I attempted to get
4 clarification on that, and I was not able to obtain that.

5 I spoke to Mr. Wade and Mr. Brainard, and I
6 informed them that I was going to file the application, an
7 amended application under the new number with the old number
8 indicated, and I was going to have it be consolidated and
9 relate back to that application.

10 And so my -- our position is that no new notice
11 is actually required, and so, although we did send out
12 notice to the individual parties as a courtesy of the new
13 application, but all of the continuances of 16507 have been
14 on the record, and at the last hearing I was on the record,
15 my colleague Mr. Savage explained that that case was
16 consolidated with this case and was being -- going to be
17 heard today.

18 MR. AMES: My question, I -- I know that there's
19 been two different applications, and I wasn't intending to
20 focus on the distinction between the two applications, but
21 is there an actual legal notice for this hearing itself,
22 notice for this hearing itself?

23 MS. KATZ: We would maintain that that notice was
24 -- this notice would be that notice because it noticed the
25 hearing that, that it was connected with the previous -- or

1 that application, and then all those parties would be
2 notified through the continuances in that process.

3 MR. AMES: So is your affidavit for the notice
4 of -- for the notice of the hearing in the previous file?

5 MS. KATZ: Yes, uh-huh.

6 MR. AMES: That's my question. Thank you.

7 MS. KATZ: Thank you.

8 HEARING EXAMINER LOWE: I want to clarify,
9 what -- I heard that the amendment on the case 16507 to the
10 current one we are in now was due to the surface location
11 and the depth; is that correct?

12 MS. KATZ: Just the surface location. The depth
13 ended up being something that we just -- that new
14 information just came in very recently.

15 HEARING EXAMINER LOWE: So surface location was
16 reason why it was --

17 MS. KATZ: Yes, and the depth. Sorry, I
18 apologize. It is also for the depth. The surface location
19 was noticed earlier, and then the depth, those changes were
20 made in this most recent one that we are submitting today.

21 HEARING EXAMINER LOWE: Okay.

22 THE WITNESS: But the depth is not the reason we
23 are here.

24 MS. KATZ: Correct.

25 HEARING EXAMINER LOWE: Okay. And anything that

1 you need to submit to us, make sure you submit it to the
2 other.

3 MS. KATZ: I certainly will.

4 HEARING EXAMINER LOWE: That's all the questions
5 I have right now.

6 MS. KATZ: Okay. If there is no other questions,
7 I would ask that the case be taken under advisement.

8 MR. BRUCE: I have a quick statement, Mr.
9 Examiner. As such, Solaris is opposed to NGL's application
10 just that this well is about a little less than 1.4 miles
11 from Solaris' well. I'm just pointing that out in case that
12 has -- we don't -- it was a case that was heard last
13 spring in a Solaris matter, and we just want to put that on
14 the record, that our case wouldn't be adversely affected
15 because of Division policy.

16 MS. ANTILLON: The State Land Office also has a
17 statement to make. We want to say we're approving this
18 application and have concerns with the salt water disposal
19 well spacing due to proximity to State Trust Land the state
20 owned -- E/2 of Section 25 which is approximately 2490 feet
21 from the proposed well location.

22 HEARING EXAMINER LOWE: So duly noted.

23 EXAMINER COSS: I guess I would be curious, if
24 you can elaborate a little on what concerns, what proximity
25 concerns you have. Is it surface contamination or what?

1 MS. ANTILLON: We are still in the process of
2 reviewing the application, so if we do have more, our
3 concerns will be more elaborated if, if and when we decide
4 to file an appeal.

5 EXAMINER COSS: Thank you.

6 HEARING EXAMINER LOWE: Okay.

7 MS. KATZ: I would ask that this case be taken
8 under advisement.

9 HEARING EXAMINER LOWE: Okay. Case Number 20896
10 will be taken under advisement.

11 MS. KATZ: Thank you.

12 HEARING EXAMINER LOWE: We are going to cut for
13 lunch now and reconvene about 1 o'clock.

14 (Case 20896 taken under advisement.)

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1 STATE OF NEW MEXICO)
)SS
2 COUNTY OF SANTA FE)

3 I, IRENE DELGADO, certify that I reported the
4 proceedings in the above-transcribed pages, that pages
5 numbered 1 through 26 are a true and correct transcript of
6 my stenographic notes and were reduced to typewritten
7 transcript through Computer-Aided Transcription, and that on
8 the date I reported these proceedings I was a New Mexico
9 Certified Court Reporter.

10 Dated at Santa Fe, New Mexico, this 14th day of
11 November 2019.

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Irene Delgado, NMCCR 253
Expires: 12-31-19