

STATE OF NEW MEXICO
BEFORE THE WATER QUALITY CONTROL COMMISSION



In the Matter of:)
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PROPOSED AMENDMENT)
TO 20.6.2 NMAC (Copper Rule))

No. WQCC 12-01(R)

**MOTION FOR LEAVE TO WITHDRAW TESTIMONY AND TO
RE-FILE SUBSTITUTE, CONDENSED TESTIMONY**

This Motion is filed by the undersigned counsel of record in this proceeding on behalf of, and at the direction of, John D. Brack, President of Freeport-McMoRan Chino Mines Company, Freeport-McMoRan Cobre Mining Company and Vice President of Freeport-McMoRan Tyrone Inc. (Mr. Brack and the three companies are hereafter collectively “Freeport-McMoRan”). This Motion is filed in connection with the Written Testimony of John D. Brack filed in this proceeding on February 22, 2013 (“February Testimony”).

Freeport-McMoRan requests leave to withdraw the February Testimony and replace it with condensed substitute testimony because various matters addressed therein were not sufficiently vetted or referenced and because the testimony is inconsistent with the professional standards of the company and its witness, Mr. Brack. Freeport-McMoRan will not submit any new information in condensed substitute testimony. Freeport-McMoRan will provide all counsel of record condensed, substitute testimony not later than Friday, March 22, 2013, and at that time seek the consent of all parties to this Motion.

WHEREFORE Freeport-McMoRan requests leave from the Water Quality Control Commission to file condensed, substitute testimony and withdraw the February Testimony for the reasons set forth above.

Respectfully Submitted,

GALLAGHER & KENNEDY, P.A.



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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing pleading was e-mailed or hand-delivered to the following parties on March 15, 2013:

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