

1 STATE OIL AND GAS BOARD OF ALABAMA

2 Tuscaloosa, Alabama

3

4 August 1, 2013

ORIGINAL

5

6 Testimony and proceedings before the Board in Regular

7 Session in the Board Room of the State Oil and Gas Board

8 Building, University of Alabama Campus, Tuscaloosa,

9 Alabama, pursuant to adjournment, on this 1st day of

10 August, 2013.

11

12 BEFORE

13

14 BOARD

15 James "Jim" Griggs.....Chairman

16 Mr. Barnett Lawley.....Member

17

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19 STAFF

20 Mr. Marvin Rogers.....Attorney

21 Dr. Berry H. (Nick) Tew, Jr.....Secretary and

22 Supervisor

23 Dr. David E. Bolin.....Deputy Director

24 Ms. April Merritt.....Hearing Administration

25

1 (The hearing was called to order at 10:10 a.m.)

2 CHAIRMAN GRIGGS: Let the record reflect the  
3 State Oil and Gas Board is now in session. Dr. Tew, have  
4 the items for the July 30th and August 1st, 2013 meetings  
5 been properly noticed?

6 DR. TEW: Chairman Griggs and Mr. Lawley, the  
7 items for the July 30th and the August 1st meetings have  
8 been properly noticed. The Staff has prepared an agenda for  
9 the Board's July 30th and August 1st meetings, and that  
10 agenda was admitted into the record at the Hearing Officer  
11 meeting on July 30th, 2013.

12 Mr. Marvin Rogers, acting as Hearing Officer,  
13 and the Staff heard various items at the Hearing Officer  
14 meeting on July 30th. And at this time, Mr. Rogers will  
15 make his report to the Board.

16 MR. ROGERS: Mr. Griggs and Mr. Lawley, I have a  
17 written report of the items heard by the Hearing Officer and  
18 the Staff on Tuesday, July 30th, 2013. Copies of the report  
19 are available for members of the public to review and study.  
20 I submit this Hearing Officer Report to the Board for  
21 approval.

22 CHAIRMAN GRIGGS: Is there a motion on the  
23 Hearing Officer's Report?

24 MR. LAWLEY: So moved.

25 CHAIRMAN GRIGGS: I've got a move to approve the

1 report. I second. All in favor say aye.

2 (Board votes to approve the Hearing Officer  
3 report.)

4 CHAIRMAN GRIGGS: Ayes have it. The Hearing  
5 Officer's Report is approved and admitted into the record.

6 (Board admits Hearing Officer Report into the  
7 record.)

8 DR. TEW: The Staff would recommend approval of  
9 the minutes of the following meetings: June the 18th, 2013,  
10 which was a Hearing Officer meeting and June the 20th, 2013,  
11 the Board meeting.

12 CHAIRMAN GRIGGS: Is there a motion?

13 MR. LAWLEY: I make a motion to approve the  
14 minutes.

15 CHAIRMAN GRIGGS: Motion which I second, all I  
16 favor say aye.

17 (Board votes to approve the minutes.)

18 CHAIRMAN GRIGGS: Ayes have it. The meeting  
19 minutes are approved.

20 DR. TEW: Members of the Board, the Staff has  
21 prepared an agenda of the items to be heard by the Board  
22 today. And, Mr. Rogers, will you please call the first  
23 item.

24 MR. ROGERS: Mr. Griggs and Mr. Lawley, the only  
25 item to be heard here today is Item 14, Docket No.

1           3-19-13-14. That is a motion by the State Oil and Gas Board  
2           to amend the State Oil and Gas Board of Alabama  
3           Administrative Code to adopt Rule 400-1-9-.04 relating to  
4           hydraulic fracturing and to amend Rule 400-3-8-.03 relating  
5           to hydraulic fracturing of coalbeds, and that is the motion  
6           for consideration.

7                         CHAIRMAN GRIGGS: Dr. Tew, can you tell us where  
8           we are with regard to this particular effort to amend these  
9           rules?

10                        DR. TEW: Mr. Chairman, this particular motion  
11           has been on the Board's docket since March of 2013, so we  
12           have had adequate time to receive comments here to the Board  
13           relative to these proposed rule changes, one being an  
14           amendment, the other being a new rule.

15                        We also have submitted this information to the  
16           administrative hearing process, the Administrative Rules  
17           Process in Montgomery. That has been -- it was advertised  
18           in May of 2013 and we have received word back from that  
19           process that we are now in the time period where the Board  
20           can adopt this rule.

21                        We had some comments on the rule. We had some  
22           verbal comments from Mr. Dennis Lathem, who is here in the  
23           audience today, at the March regular meeting of the State  
24           Oil and Gas Board, and I would ask that those comments be  
25           incorporated into the hearing of this hearing today.

1                   CHAIRMAN GRIGGS: They are admitted into the  
2           record.

3                   (Board incorporates Mr. Lathem's comments into  
4           the record.)

5                   DR. TEW: We also received written comments from  
6           Mr. --

7                   MR. ROGERS: Tom Jackson.

8                   DR. TEW: Tom Jackson of Baker Botts, LLP. He's  
9           a attorney that represents Halliburton Energy Services,  
10          Incorporated and he had some comments relative to the rule  
11          changes and some suggested language changes for the rule.  
12          He pointed out some things that would make the Alabama rules  
13          more consistent with rules that have been adopted in other  
14          states.

15                   We did some research into that matter and found  
16          out that, in fact, some of the recommendations that were  
17          made there would make our rules more consistent with what is  
18          being done in other states in terms of disclosure, and so we  
19          made some minor changes to our original rule that was on the  
20          docket in March of 2013 to reflect those comments.

21                   And if I might, I'll go ahead and at this time  
22          discuss what those particular changes would be.

23                   CHAIRMAN GRIGGS: Proceed.

24                   DR. TEW: The rule for hydraulic fracturing of  
25          coal beds 400-3-8-.03, down in Section (a), little A, where

1           it starts with, "The operator shall provide to the Board,"  
2           we added some language referring to chemical abstract  
3           service registry numbers just to state that if that registry  
4           numbers exists. In some cases, there might be a chemical  
5           compound where that number doesn't exist, so this would  
6           allow for an exception if there is no registry number there.

7                     And we also added the words "for each  
8           constituent" the words added were "added to the fluid base"  
9           or "base fluid" excuse me.

10                    We also added language that "The operator is  
11           not required to disclose information that is deemed to be  
12           trade secret. However, information deemed to be trade  
13           secret shall be disclosed as necessary for proper medical  
14           diagnosis and treatment or for a spill response."

15                    So that was all added under (a) 400-3-8-.03 in  
16           parts ii and iii. So that would be the changes that we are  
17           recommending relative to the amendments to the rule for  
18           Hydraulic Fracturing of Coal Beds.

19                    CHAIRMAN GRIGGS: Thank you, sir.

20                    DR. TEW: As to the new rule, which would be  
21           hydraulic fracturing associated with all other operations in  
22           the state, basically we added those same elements of  
23           language that I just went over for the coal bed rule so that  
24           it's entirely consistent there. Again, this would be under  
25           Rule 400-1-9-.04 and Section 7 (a) in ii and iii.

1                   In ii, we added "if such registry number  
2                   exists," again referring to the chemical abstract service  
3                   number, registry number and "for each constituent added to  
4                   the base fluid."

5                   And, again, iii, "The operator is not required  
6                   to disclose information that is deemed to be a trade secret.  
7                   However, information deemed to be a trade secret shall be  
8                   disclosed as necessary for proper medical diagnosis and  
9                   treatment or for a spill response."

10                  So those changes made to the original proposed  
11                  changes that we had on the docket for March 2013. And,  
12                  Mr. Chairman, we would recommend adoption of these changes.

13                  CHAIRMAN GRIGGS: Okay. Before we act on those  
14                  changes, we will incorporate into the record the letter from  
15                  Halliburton from Baker Botts, and we will incorporate into  
16                  the record the underlined and strike-through version of both  
17                  the proposed regulations as Exhibits 1 and Exhibits 2. We  
18                  will admit into the record the stamped copy showing that  
19                  notice was received by the Legislative Record Service as  
20                  Exhibit 3 and Exhibit 4. We will admit into the record a  
21                  copy of the notice published in Alabama Administrative  
22                  Monthly in May of 2013 as Exhibit 5 and Exhibit 6. And  
23                  finally, the final regulations being adopted as Exhibit 7  
24                  and Exhibit 8.

25                  (Baker Botts letter and Exhibits 1-8 were

1 admitted into the record.)

2 CHAIRMAN GRIGGS: Having admitted those into  
3 the record and having heard the oil and gas supervisor's  
4 suggested minor modification of the original regulations, is  
5 there a motion? Before we do that, are there any comments  
6 from the audience? Any further comments by anyone?

7 (No comments.)

8 CHAIRMAN GRIGGS: Hearing none, we will  
9 entertain a motion.

10 MR. LAWLEY: Mr. Chairman, I would also like for  
11 Mr. Lathem's comments from the March minutes be included.

12 CHAIRMAN GRIGGS: They will be incorporated into  
13 the record.

14 MR. LAWLEY: And I propose that Rule 400-1-9-.04  
15 be adopted and the amendments of 400-3-8-.03 be amended as  
16 stated on this petition.

17 CHAIRMAN GRIGGS: I have a motion and a second.  
18 All in favor say aye.

19 (Board votes to adopt and amend rules.)

20 CHAIRMAN GRIGGS: Ayes have it. Is there any  
21 other business to come before the Board?

22 MR. ROGERS: No, sir.

23 CHAIRMAN GRIGGS: Is there a motion to adjourn?

24 MR. LAWLEY: In record time, yes, sir, I'll make  
25 that motion.



1                               CHAIRMAN GRIGGS:   The State Oil and Gas Board  
2               stands adjourned.

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4                       (The hearing was concluded at 10:20 a.m.)

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1 C E R T I F I C A T E

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3 STATE OF ALABAMA)

4 JEFFERSON COUNTY)

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6 I hereby certify that the above and foregoing  
7 proceedings were taken down by me in stenotype, and the  
8 questions and answers thereto were reduced to typewriting  
9 under my supervision, and that the foregoing represents a  
10 true and correct transcript of the proceedings given by  
11 said witness upon said hearing.

12 I further certify that I am neither of counsel  
13 nor of kin to the parties to the action, nor am I in  
14 anyway interested in the result of said cause.

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23 /s/ Teresa Turquitt Davis  
24 TERESA TURQUITT DAVIS, CCR, RPR  
25 CCR #162, Expires 09/30/13  
Commissioner for the  
State of Alabama at Large  
My Commission Expires: 12/03/16

<b><u>WORD INDEX</u></b>			
<b>&lt; 0 &gt;</b>	<b>7</b> 6:25 7:23	<b>answers</b> 10:8	<b>25</b>
<b>03</b> 10:25	<b>&lt; 8 &gt;</b>	<b>any</b> 8:20	<b>Building</b> 1:8
<b>09</b> 10:23	<b>8.</b> 7:24	<b>anywise</b> 10:14	<b>business</b> 8:21
<b>&lt; 1 &gt;</b>	<b>&lt; A &gt;</b>	<b>approval</b> 3:8	<b>by</b> 10:10
<b>1</b> 1:4 7:17	<b>a</b> 2:16 7:20 10:9	<b>approval.</b> 2:21	<b>&lt; C &gt;</b>
<b>10:10</b> 2:1	<b>a.m.</b> 2:1 9:4	<b>approve</b> 2:25	<b>call</b> 3:22
<b>10:20</b> 9:4	<b>abstract</b> 6:2 7:2	3:2, 13, 17	<b>called</b> 2:1
<b>12</b> 10:25	<b>act</b> 7:13	<b>approved</b> 3:5	<b>Campus</b> 1:8
<b>13</b> 10:23	<b>acting</b> 2:12	<b>approved.</b> 3:19	<b>cases</b> 6:4
<b>14</b> 3:25	<b>action</b> 10:13	<b>April</b> 1:24	<b>cause.</b> 10:14
<b>16</b> 10:25	<b>added</b> 6:2, 7, 8, 8,	<b>are</b> 6:16	<b>CCR</b> 10:23, 23
<b>162</b> 10:23	10, 15, 22 7:1, 3	<b>as</b> 7:19 8:15	<b>certify</b> 10:6, 12
<b>1-8</b> 7:25	<b>adequate</b> 4:12	<b>associated</b> 6:21	<b>CHAIRMAN</b> 2:2,
<b>18th</b> 3:9	<b>adjourn</b> 8:23	<b>attorney</b> 5:9	6, 22, 25 3:4, 12,
<b>1st</b> 1:9 2:4, 7, 9	<b>adjourned.</b> 9:2	<b>audience</b> 4:23	15, 18 4:7, 10
<b>&lt; 2 &gt;</b>	<b>adjournment</b> 1:9	8:6	5:1, 23 6:19
<b>2</b> 7:17	<b>Administration</b>	<b>August</b> 1:4, 10	7:12, 13 8:2, 8,
<b>2013</b> 1:4 2:4, 18	1:24	2:4, 7, 9	10, 12, 17, 20, 23
4:11, 18 5:20	<b>Administrative</b>	<b>available</b> 2:19	9:1
7:11, 22	4:3, 16, 16 7:21	<b>aye.</b> 3:1, 16 8:18	<b>changes</b> 4:13
<b>2013,</b> 3:9, 10	<b>admit</b> 7:18, 20	<b>Ayes</b> 3:4, 18	5:11, 11, 19, 22
<b>2013.</b> 1:10 2:11	<b>admits</b> 3:6	8:20	6:16 7:10, 11, 14
<b>20th</b> 3:10	<b>admitted</b> 2:10	<b>&lt; B &gt;</b>	<b>changes.</b> 7:12
<b>&lt; 3 &gt;</b>	3:5 5:1 8:1, 2	<b>back</b> 4:18	<b>chemical</b> 6:2, 4
<b>3</b> 7:20	<b>adopt</b> 4:3, 20	<b>Baker</b> 5:8 7:15,	7:2
<b>30</b> 10:23	8:19	25	<b>coal</b> 5:25 6:18,
<b>30th</b> 2:4, 7, 9, 11,	<b>adopted</b> 5:13	<b>Barnett</b> 1:16	23
14, 18	7:23 8:15	<b>base</b> 6:8, 9 7:4	<b>coalbeds</b> 4:5
<b>3-19-13-14</b> 4:1	<b>adoption</b> 7:12	<b>basically</b> 6:22	<b>Code</b> 4:3
<b>&lt; 4 &gt;</b>	<b>advertised</b> 4:17	<b>be</b> 4:24 6:11, 20	<b>come</b> 8:21
<b>4</b> 7:20	<b>agenda</b> 2:8, 10	7:7	<b>comments</b> 4:12,
<b>400-1-9-.04</b> 4:3	3:21	<b>be.</b> 5:22	21, 22, 24 5:3, 5,
6:25 8:14	<b>ahead</b> 5:21	<b>bed</b> 6:23	10 8:5, 6, 11
<b>400-3-8-.03</b> 4:4	<b>ALABAMA</b> 1:1, 2,	<b>beds</b> 5:25	<b>comments.</b> 5:20
5:25 6:15 8:15	8, 9 4:2 5:12	<b>Beds.</b> 6:18	8:7
<b>&lt; 5 &gt;</b>	7:21 10:3, 24	<b>BEFORE</b> 1:12	<b>Commission</b>
<b>5</b> 7:22	<b>allow</b> 6:6	<b>Berry</b> 1:21	10:25
<b>&lt; 6 &gt;</b>	<b>amend</b> 4:2, 4, 8	<b>BOARD</b> 1:1, 6, 7,	<b>Commissioner</b>
<b>6</b> 7:22	8:19	7, 14 2:3, 20 3:2,	10:24
<b>&lt; 7 &gt;</b>	<b>amended</b> 8:15	6, 11, 17, 20, 21	<b>compound</b> 6:5
	<b>amendment</b> 4:14	4:1, 2, 12, 19, 24	<b>concluded</b> 9:4
	<b>amendments</b>	5:3 8:19, 21 9:1	<b>consideration.</b>
	6:17 8:15	<b>Board,</b> 6:1	4:6
	<b>an</b> 4:13	<b>Board.</b> 2:15	<b>consistent</b> 5:13,
	<b>and</b> 1:21 2:17	<b>Board's</b> 2:9 4:11	17 6:24
	7:8, 22	<b>Bolin.Deputy</b> 1:23	<b>constituent</b> 6:8
	<b>And,</b> 7:11	<b>both</b> 7:16	7:3
		<b>Botts</b> 5:8 7:15,	<b>Copies</b> 2:18

<p>copy 7:18, 21 correct 10:10 counsel 10:12 COUNTY 10:4</p> <p>&lt; D &gt; David 1:23 Davis 10:14, 23 day 1:9 deemed 6:11, 12 7:6, 7 Dennis 4:22 diagnosis 6:14 7:8 Director 1:23 disclose 6:11 7:6 disclosed 6:13 7:8 disclosure 5:18 discuss 5:22 Docket 3:25 4:11 5:20 7:11 Dr 1:21, 23 2:3, 6 3:8, 20 4:7, 10 5:5, 8, 24 6:20</p> <p>&lt; E &gt; E 10:1 each 6:7 effort 4:8 elements 6:22 Energy 5:9 entertain 8:9 entirely 6:24 exception 6:6 excuse 6:9 Exhibit 7:20, 20, 22, 22, 23, 24 Exhibits 7:17, 17, 25 exist 6:5 exists 6:4 exists, 7:2 Expires 10:23, 25</p> <p>&lt; F &gt; fact 5:16 favor 3:1, 16</p>	<p>8:18 final 7:23 finally 7:23 first 3:22 fluid 6:8, 9 7:4 following 3:9 for 2:8, 20 6:17 8:10 foregoing 10:6, 9 found 5:15 fracturing 4:4, 5 5:24 6:18, 21 from 5:5 7:14 further 8:6 10:12</p> <p>&lt; G &gt; GAS 1:1, 7 2:3 4:1, 2, 24 8:3 9:1 given 10:10 go 5:21 GRIGGS 2:2, 6, 16, 22, 25 3:4, 12, 15, 18, 24 4:7 5:1, 23 6:19 7:13 8:2, 8, 12, 17, 20, 23 9:1 Griggs.Chairman 1:15</p> <p>&lt; H &gt; Halliburton 5:9 7:15 has 3:20 have 2:3, 7 heard 2:13, 17 3:21, 25 8:3 hearing 2:1, 10, 12, 13, 17, 20, 23 3:2, 4, 6, 10 4:16, 25, 25 8:8 9:4 hearing. 10:11 He's 5:8 hydraulic 4:4, 5 5:24 6:18, 21</p> <p>&lt; I &gt; I 3:15 ii 6:16, 25 7:1 iii 6:16 7:5</p>	<p>iii. 6:25 in 6:15, 21 10:13 included. 8:11 incorporate 7:14, 15 incorporated 4:25 5:10 8:12 incorporates 5:3 information 4:15 6:11, 12 7:6, 7 interested 10:14 into 5:3 7:15 8:2, 12 is 5:17 6:10 8:4 item 3:25, 25 item. 3:23 items 2:4, 7, 13, 17 3:21</p> <p>&lt; J &gt; Jackson 5:8 Jackson. 5:7 James 1:15 JEFFERSON 10:4 Jim 1:15 JrSecretary 1:21 July 2:4, 7, 9, 11, 14, 18 June 3:9, 10</p> <p>&lt; K &gt; kin 10:13</p> <p>&lt; L &gt; language 5:11 6:2, 10, 23 Large 10:24 Lathem 4:22 Lathem's 5:3 8:11 Lawley 2:6, 16, 24 3:13, 24 8:10, 14, 24 LawleyMember 1:16 Legislative 7:19 letter 7:14, 25 little 5:25 LLP 5:8</p>	<p>&lt; M &gt; make 8:24 March 4:11, 23 5:20 7:11 8:11 Marvin 1:20 2:12 matter 5:15 me. 6:9 medical 6:13 7:8 meeting 2:11, 14 3:10, 18 4:23 meeting. 3:11 meetings 2:4, 7, 9 3:9 members 2:19 3:20 Merritt.Hearing 1:24 minor 5:19 8:4 minutes 3:9, 19 8:11 minutes. 3:14, 17 modification 8:4 Montgomery 4:17 Monthly 7:22 motion 2:22 3:12, 13, 15 4:1, 5, 10 8:5, 17, 23 motion. 8:9, 25 move 2:25 moved. 2:24 Mr 1:16, 20 Ms 1:24</p> <p>&lt; N &gt; necessary 6:13 7:8 neither 10:12 new 4:14 6:20 Nick 1:21 No. 3:25 nor 10:13 notice 7:19, 21 noticed 2:5, 8 number 6:5, 6 7:1, 3, 3 numbers 6:3, 4</p> <p>&lt; O &gt;</p>
---	---	---	---

of 1:9 3:8 5:24  
6:22  
Officer 2:10, 13,  
17, 20 3:2, 6, 10  
Officer, 2:12  
Officer's 2:23  
3:5  
OIL 1:1, 7 2:3  
4:1, 2, 24 8:3 9:1  
Okay 7:13  
only 3:24  
operations 6:21  
operator 6:1, 10  
7:5  
order 2:1  
original 5:19  
7:10 8:4  
other 5:13

< P >  
particular 4:8, 10  
5:22  
parties 10:13  
parts 6:16  
period 4:19  
petition. 8:16  
please 3:22  
pointed 5:12  
prepared 2:8  
3:21  
Proceed. 5:23  
proceedings 1:6  
10:7, 10  
process 4:16, 17,  
19  
proper 6:13 7:8  
properly 2:5, 8  
propose 8:14  
proposed 4:13  
7:10, 17  
provide 6:1  
public 2:19  
published 7:21  
pursuant 1:9

< Q >  
questions 10:8

< R >  
receive 4:12

received 4:18  
5:5 7:19  
recommend 3:8  
7:12  
recommendations  
5:16  
recommending  
6:17  
record 2:2, 10  
7:14, 16, 18, 19,  
20 8:3, 24  
record. 3:5, 7  
5:2, 4 8:1, 13  
reduced 10:8  
referring 6:2 7:2  
reflect 2:2 5:20  
regard 4:8  
registry 6:3, 3, 6  
7:1, 3  
Regular 1:6 4:23  
regulations 7:17,  
23 8:4  
relating 4:3, 4  
relative 4:13  
5:10 6:17  
report 2:15, 17,  
18, 20, 23 3:1, 5, 6  
report. 3:3  
represents 5:9  
10:9  
required 6:11  
7:5  
research 5:15  
response 6:14  
7:9  
result 10:14  
review 2:19  
Rogers 2:12, 14,  
16 3:22, 24 5:7  
8:22  
Rogers.Attorney  
1:20  
Room 1:7  
RPR 10:23  
Rule 4:3, 4, 13,  
21 5:10, 19, 24  
6:17, 20, 23, 25  
8:14  
rule. 4:14, 20  
5:11

rules 4:9, 16  
5:12, 13, 17  
rules. 8:19  
  
< S >  
said 10:11  
second 3:1, 15  
second. 8:17  
secret 6:12, 13  
7:7  
secret. 7:6  
Section 5:25  
6:25  
service 6:3 7:2,  
19  
Services, 5:9  
Session 1:7 2:3  
showing 7:18  
sir 8:24  
sir. 6:19 8:22  
some 4:21  
spill 6:14 7:9  
STAFF 1:19 2:8,  
13, 18 3:8, 20  
stamped 7:18  
stands 9:2  
starts 6:1  
STATE 1:1, 7  
2:3 4:1, 2, 23  
6:3, 22 9:1 10:3,  
24  
stated 8:16  
states 5:18  
states. 5:14  
stenotype 10:7  
strike-through  
7:16  
study. 2:19  
submit 2:20  
submitted 4:15  
suggested 5:11  
8:4  
supervision 10:9  
Supervisor 1:22  
supervisor's 8:3

< T >  
taken 10:7  
tell 4:7

Teresa 10:14, 23  
terms 5:18  
Testimony 1:6  
Tew 1:21 2:3, 6  
3:8, 20 4:7, 10  
5:5, 8, 24 6:20  
Thank 6:19  
that 2:9 4:18  
6:23 7:18  
the 2:2, 6, 22, 25  
3:6, 13 4:15, 22  
5:1, 19 10:7, 24  
there. 6:6  
thereto 10:8  
these 4:8  
things 5:12  
those 7:13  
time 2:14 4:12,  
19 5:21 8:24  
to 4:3 7:3  
today 3:22, 25  
4:23  
today. 4:25  
Tom 5:7, 8  
trade 6:12, 12  
7:6, 7  
transcript 10:10  
treatment 6:14  
7:9  
true 10:10  
Tuesday 2:18  
Turquitt 10:14, 23  
Tuscaloosa 1:2  
Tuscaloosa, 1:8  
typewriting 10:8

< U >  
under 6:24 10:9  
underlined 7:16  
University 1:8

< V >  
various 2:13  
verbal 4:22  
version 7:16  
votes 3:2, 17  
8:19

< W >

<p><b>we</b> 4:11 5:18 7:17 <b>went</b> 6:23 <b>were</b> 5:16 7:25 <b>where</b> 4:7 5:25 <b>will</b> 2:14 8:8 <b>witness</b> 10:11 <b>word</b> 4:18 <b>words</b> 6:7, 8 <b>would</b> 6:5 <b>written</b> 2:17 5:5</p>			
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