

13-1450 & 14-1313

TAX TYPE: CENTRALLY ASSESSED PROPERTY

TAX YEAR: 2013 & 2014

DATE SIGNED: 8-20-2015

COMMISSIONERS: J. VALENTINE, M. CRAGUN, R. PERO, R. ROCKWELL

BEFORE THE UTAH STATE TAX COMMISSION

<p>TAXPAYER, Petitioner, vs. PROPERTY TAX DIVISION OF THE UTAH STATE TAX COMMISSION, Respondent.</p>	<p>FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL DECISION</p> <p>Appeal No. 13-1450</p> <p>Account No. ##### Tax Type: Centrally Assessed Property Tax Tax Year: 2013</p> <p>Judge: Marshall</p>
<p>TAXPAYER, Petitioner, vs. PROPERTY TAX DIVISION OF THE UTAH STATE TAX COMMISSION, Respondent.</p>	<p>FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL DECISION</p> <p>Appeal No. 14-1313</p> <p>Account No. ##### Tax Type: Centrally Assessed Property Tax Tax Year: 2014</p> <p>Judge: Marshall</p>

This Order may contain confidential "commercial information" within the meaning of Utah Code Sec. 59-1-404, and is subject to disclosure restrictions as set out in that section and regulation pursuant to Utah Admin. Rule R861-1A-37. Subsection 6 of that rule, pursuant to Sec. 59-1-404(4)(b)(iii)(B), prohibits the parties from disclosing commercial information obtained from the opposing party to nonparties, outside of the hearing process. Pursuant to Utah Admin. Rule R861-1A-37(7), the Tax Commission may publish this decision, in its entirety, unless the property taxpayer responds in writing to the Commission, within 30 days of this notice, specifying the commercial information that the taxpayer wants protected. The taxpayer must send the response via email to taxredact@utah.gov, or via mail to the address listed near the end of this decision.

Presiding:

Michael Cragun, Commissioner
Jan Marshall, Administrative Judge

Appearances:

For Petitioner: REPRESENTATIVE-1 FOR TAXPAYER, REPRESENTATIVE-2 FOR
TAXPAYER & REPRESENTATIVE-3 FOR TAXPAYER,
Owner and CEO
REPRESENTATIVE-4 FOR TAXPAYER
For Respondent: REPRESENTATIVE-1 FOR RESPONDENT, Assistant Attorney General

REPRESENTATIVE-2 FOR RESPONDENT, Assistant Attorney General
RESPONDENT-1, Property Tax Division
RESPONDENT-2, Property Tax Division
RESPONDENT-3, Property Tax Division

STATEMENT OF THE CASE

This matter came before the Utah State Tax Commission for a Formal Hearing on December 4, 2014, in accordance with Utah Code Ann. §59-2-1007 and §63G-4-201 et seq. Based upon the evidence and testimony presented at the hearing, the Tax Commission hereby makes its:

FINDINGS OF FACT

1. The Respondent (“Division”) issued a preliminary assessment of property tax based on a taxable value of Petitioner’s (“Taxpayer”) operating property of \$\$\$\$\$. (Exhibit R-2).
2. On May 21, 2013, the Taxpayer timely filed a valuation appeal, challenging the Division’s assessment. The Taxpayer’s appeal was assigned Appeal No. 13-1450. (Valuation Appeal Form).
3. The Division issued a preliminary assessment of property tax based on a taxable value of Taxpayer’s operating property of \$\$\$\$\$. (Exhibit R-5).
4. On June 12, 2014, the Commission received a valuation appeal, which was dated May 29, 2014, challenging the Division’s assessment. The Taxpayer’s appeal was assigned Appeal No. 14-1313. (Valuation Appeal Form).
5. The tax at issue is the Utah ad valorem property tax of Taxpayer’s centrally assessed properties for the lien dates of January 1, 2013 and January 1, 2014.
6. Taxpayer operates a facility that processes water used in crude oil production, and separates the crude oil from the water with the use of a centrifuge and separation tanks. The Taxpayer charges third party companies to process the contaminated water from the third party operations. The Taxpayer then injects the cleaned water into a well, and markets the oil it recovers through the process. (Petitioner’s Formal Hearing Brief, p. 1 and Exhibit R-10).
7. The Taxpayer’s facility is located on #####-acres, which were locally assessed for the lien dates at issue. Additionally, there are improvements on the property including various metal and modular buildings, chain link fence, evaporation ponds, concrete pads, tanks, oil processing equipment, separator, and well head. (Exhibits P-1, R-2, and R-5).
8. The Division of Oil, Gas & Mining (“DOG M”) regulates injection wells, like that used by the Taxpayer.
9. For the 2013 tax year, the Taxpayer had one well that was operational, ##### (“Injection Well”).
10. DOGM approved the Injection Well on October 26, 2011. (Exhibit R-12).
11. The maximum cumulative injection volume of the Injection Well is #####-barrels. (Exhibit P-4).
12. Taxpayer purchased a second well, SECOND WELL, in August 2013.

13. In order to get permitting to dispose of more than the #####-barrels, the Taxpayer will have to do additional work, which includes the plug and abandonment of SECOND WELL. (Exhibit R-12).
14. Taxpayer has a cost estimate of \$\$\$\$\$ to plug and abandon SECOND WELL. (Exhibit P-8).
15. Taxpayer has estimated future costs for infrastructure at the facility of \$\$\$\$\$. (Exhibit P-5).
16. REPRESENTATIVE-3 FOR TAXPAYER, a geologist, has done consulting work for the Taxpayer on several occasions, and designed the plugging operation for SECOND WELL. REPRESENTATIVE-3 FOR TAXPAYER testified that SECOND WELL was previously an oil and/or gas well, and is not completely cemented. He stated that there is a risk in cementing SECOND WELL because the cement will follow the path of least resistance, and it could result in cave-ins. He stated that it could take four or five attempts to properly cement SECOND WELL.
17. The SECOND WELL well was approved to plug and abandon in October 2014.
18. For the 2013 tax year, the Taxpayer is requesting a value of \$\$\$\$\$ for the subject property, based on an appraisal prepared by NAME-1. (Exhibit P-1).
19. NAME-1 is a certified general appraiser, licensed by the State of Utah. (Exhibits P-1 and P-2).
20. NAME-1 determined a land value of \$\$\$\$\$, rounded to \$\$\$\$\$, for the 2013 tax year based on the following sales (Exhibit P-1, p. 32-38):

	Subject	Sale #1	Sale #2	Sale #3
Address		CITY-1	CITY-2	CITY-2
Size	#####	#####	#####	#####
Zoning	ZONE	ZONE	ZONE	ZONE
Sales Date		DATE	DATE	DATE
Sales Price		\$\$\$\$\$	\$\$\$\$\$	\$\$\$\$\$
Price/Acre		\$\$\$\$\$	\$\$\$\$\$	\$\$\$\$\$
Adjusted Price/Acre		\$\$\$\$\$	\$\$\$\$\$	\$\$\$\$\$

21. NAME-1 prepared a discounted cash flow analysis which indicated a value of \$\$\$\$\$, rounded to \$\$\$\$\$ for the 2013 tax year. (Exhibit P-1).
22. NAME-1 discounted cash flow analysis looked at the actual and potential income and expenses of the Taxpayer's operation, determined an average annual appreciation of 1%, allowed for a 15% profit incentive, used a 15% discount rate, and determined a remaining economic life of six years. (Exhibit P-1, pp. 39-43).
23. NAME-1 appears to have placed all weight on the discounted cash flow analysis in his final reconciliation of value. (Exhibit P-1, p. 43).
24. NAME-1 determined a land value of \$\$\$\$\$, rounded to \$\$\$\$\$, for the 2014 tax year based on the following land sales (Exhibit P-2, pp. 34-40):

	Subject	Sale #1	Sale #2	Sale #3

Address		CITY-3	CITY-3	CITY-3
Size	#####	#####	#####	#####
Zoning	ZONE	ZONE	ZONE	ZONE
Sales Date		DATE	DATE	DATE
Sales Price		\$\$\$\$\$	\$\$\$\$\$	\$\$\$\$\$
Price/Acre		\$\$\$\$\$	\$\$\$\$\$	\$\$\$\$\$
Adjusted Price/Acre		\$\$\$\$\$	\$\$\$\$\$	\$\$\$\$\$

25. NAME-1 prepared a discounted cash flow analysis which indicated a value of \$\$\$\$\$, rounded to \$\$\$\$\$ for the 2014 tax year. (Exhibit P-1).
26. NAME-1 discounted cash flow analysis looked at the actual and potential income and expenses of the Taxpayer's operation, determined an average annual appreciation of 1%, allowed for a 15% profit incentive, used a 15% discount rate, and determined a remaining economic life of five years. (Exhibit P-1, pp. 41-45).
27. For the 2013 tax year, the Division is requesting a value of \$\$\$\$\$, based on an appraisal prepared by RESPONDENT-2, with certain revisions based on information obtained after the appraisal was completed. (Exhibits R-15, R-17, and R-18).
28. RESPONDENT-2 is the Natural Resources Tax Appraisal Manager for the Division. He is a certified general appraiser, with an SRA designation from the Appraisal Institute, who has experience in valuing centrally assessed mining properties, including oil and gas. (Exhibit R-15).
29. For the 2013 tax year, RESPONDENT-2 prepared an appraisal report that determined a value of \$\$\$\$\$ for the subject property. RESPONDENT-2 used both a cost approach and an income approach, weighing them to determine that value. (Exhibit R-3).
30. For the cost approach, RESPONDENT-2 relied upon Marshall & Swift to value the improvements for the subject property, and valued personal property based on the valuation schedules/equipment classes in Administrative Rule R884-24P-33. He calculated a value of \$\$\$\$\$ using the cost approach. This value excludes the land, which was locally assessed for the 2013 tax year, as well as the processed oil and gas hydrocarbons extracted from the water. (Exhibit R-3, pp.8-9).
31. RESPONDENT-2 used a discounted cash flow analysis for the income approach, and originally determined a value of \$\$\$\$\$. (Exhibit R-3, p.14).
32. RESPONDENT-2 original discounted cash flow analysis looked at the actual income and expenses of the Taxpayer's operation to estimate future cash flows, an inflation rate of 2.25%, a discount rate of 10.54%, and determined a remaining economic life of ten years. (Exhibit P-3, pp. 9-14 and Exhibit 16, p.32).

33. At the hearing, RESPONDENT-2 provided a revised income approach for the 2013 tax year, with adjustments based on information provided by the Taxpayer after the appraisal had been completed. The revised calculation was also based on actual income and expenses, and used an inflation rate of 10.54%. However, the revised discounted cash flow analysis used a remaining economic life of twelve years, discount rate of 10.31%, a capitalization rate of 11.58%, and allowed a deduction for projected capital expenditures. (Exhibit R-18).
34. In arriving at its final value of \$\$\$\$ for the 2013 tax year, RESPONDENT-2 placed 30% of the weight on the cost approach and 70% of the weight on the income approach. (Exhibits R-17 and R-18).
35. For the 2014 tax year, the Division is requesting a value of \$\$\$\$ based on an appraisal prepared by RESPONDENT-2, with certain revisions based on information obtained after the appraisal was completed.
36. For the 2014 tax year, the Division prepared an appraisal report that determined a value of \$\$\$\$ for the subject property. The Division used both a cost approach and an income approach, but placed all weight on the income approach. (Exhibit R-6).
37. For the cost approach, RESPONDENT-2 relied upon Marshall & Swift to value the improvements for the subject property, and valued personal property based on the valuation schedules/equipment classes in Administrative Rule R884-24P-33. He calculated a value of \$\$\$\$ using the cost approach. This value excludes the land, as it was locally assessed for the 2014 tax year, as well as the processed oil and gas hydrocarbons extracted from the water. (Exhibit R-6, pp. 10-11).
38. The Division used a discounted cash flow for its income approach, and originally determined a value of \$\$. (Exhibit R-6, pp.12-17).
39. RESPONDENT-2 original discounted cash flow analysis looked at the actual income and expenses of the Taxpayer's operation to estimate future cash flows, an inflation rate of 2.06%, a discount rate of 8.73%, and determined a remaining economic life of ten years. (Exhibit P-6, pp. 12-17 and Exhibit 16, p.34).
40. At the hearing, RESPONDENT-2 provided a revised income approach for the 2014 tax year, with adjustments based on information provided by the Taxpayer after the appraisal had been completed. The revised calculation was also based on actual income and expenses, and used an inflation rate of 2.06%. However, the revised discounted cash flow analysis used a remaining economic life of twelve years, discount rate of 10.60%, a capitalization rate of 11.64%, and allowed a deduction for projected capital expenditures. (Exhibit R-19).

41. In arriving at its final value of \$\$\$\$ for the 2014 tax year, RESPONDENT-2 placed 100% of the weight on the income approach. (Exhibits R-17 and R-19).
42. The Division determined the remaining economic life of the property based on a study done each year analyzing the amount of production in each county. The study looks at a four to five year average of production.
43. For the 2013 year, the Division's study did not show a decline in RURAL COUNTY for revenue or expenses. (Exhibit R-7).
44. For the 2014 year, the Division's study separated out oil production from natural gas production. It did not show a decline in RURAL COUNTY for revenue or expenses for oil production. (Exhibit R-8).
45. RESPONDENT-2 also relied upon information on similar properties in determining the economic life of the subject. RESPONDENT-2 noted that using a longer life than projected by the Taxpayer's appraiser is reasonable given the data on the other wells. (Exhibit R-13).
46. The Division's discounted cash flow method assumes a decline in disposal and revenue each year, that the Taxpayer will be able to obtain additional permits, and that the issues with the SECOND WELL be resolved. (Exhibits R-3, p.18 and R-6, p.21).

APPLICABLE LAW

The valuation of mining property is governed by Utah Code Ann. §59-2-201, as set forth below:

- (1) (a) By May 1 of each year the following property, unless otherwise exempt under the Utah Constitution or under Part 11, Exemptions, Deferrals, and Abatements, shall be assessed by the Commission at 100% of fair market value, as valued on January 1, in accordance with this chapter:
 - (v) all mines and mining claims except in cases, as determined by the commission, where the mining claims are used for other than mining purposes, in which case the value of mining claims used for other than mining purposes shall be assessed by the assessor of the county in which the mining claims are located; and
 - (vi) all machinery used in mining, all property or surface improvements upon or appurtenant to mines or mining claims. For the purposes of assessment and taxation, all processing plants, mills, reduction works, and smelters which are primarily used by the owner of a mine or mining claim for processing, reducing, or smelting minerals taken from a mine or mining claim shall be considered appurtenant to that mine or mining claim, regardless of actual location.
- (2)
- (3) The method for determining the fair market value of productive mining property is the capitalized net revenue method or any other valuation method the commission believes, or the taxpayer demonstrates to the commission's satisfaction, to be reasonably determinative of the fair market value of the mining property. The rate of capitalization applicable to mines shall be determined by the commission, consistent with a fair rate of return expected by an investor in light of that industry's current market, financial, and economic conditions. In no

event may the fair market value of the mining property be less than the fair market value of the land, improvements, and tangible personal property upon or appurtenant to the mining property.

Administrative Rule R884-24P-7 provides additional guidance on the assessment of mining properties, as follows in pertinent part:

A. Definitions

15. "Productive mining property" means the property of a mine that is either actively producing or currently capable of having economic production. Productive mining property includes all taxable interests in real property, improvements and tangible personal property upon or appurtenant to a mine that are used for that mine in exploration, development, engineering, mining, crushing or concentrating, processing, smelting, refining, reducing, leaching, roasting, or other processes used in the separation or extraction of the product from the ore or minerals and the processing thereof, loading for shipment, marketing and sales, environmental clean-up, reclamation and remediation, general and administrative operations, or transporting the finished product or minerals to the customary point of sale or to the implied point of sale in the case of self-consumed minerals.

B. Valuation

1. The discounted cash flow method is the preferred method of valuing productive mining properties. Under this method the taxable value of the mine shall be determined by:
 - a) discounting the future net cash flows for the remaining life of the mine to their present value as of the lien date; and
 - b) subtracting from that present value the fair market value, as of the lien date, of licensed vehicles and nontaxable items.
2. The mining company shall provide to the Property Tax Division an estimate of future cash flows for the remaining life of the mine. These future cash flows shall be prepared on a constant or real dollar basis and shall be based on factors including the life-of-mine mining plan for proven and probable reserves, existing plant in place, capital projects underway, capital projects approved by the mining company board of directors, and capital necessary for sustaining operations. All factors included in the future cash flows, or which should be included in the future cash flows, shall be subject to verification and review for reasonableness by the Property Tax Division...
6. A non-operating mine will be valued at fair market value consistent with other taxable property...
7. If, in the opinion of the Property Tax Division, these methods are not reasonable to determine the fair market value, the Property Tax Division may use other valuation methods to estimate the fair market value of a mining property...

The following definitions set forth in Utah Code Ann. §59-2-102, applicable in the Property Tax Act, are relevant:

- (23) "Mine" means a natural deposit of either metalliferous or nonmetalliferous valuable mineral.
- (24) "Mining" means the process of producing, extracting, leaching, evaporating, or otherwise removing a mineral from a mine.

- (26) “Nonmetalliferous minerals” includes, but is not limited to, oil, gas, coal, salts, sand, rock, gravel, and all carboniferous materials.

DISCUSSION

It is the Taxpayer’s position that its operation is not “mining property” and should not be assessed by the Division, but rather by CITY-3 County. In its Formal Hearing Brief, the Taxpayer argued that “mining” is the process of removing a mineral from a “mine”, which is further defined as a natural deposit of a mineral. Because the Taxpayer does not own any natural deposits of oil, and does not remove anything from any “natural” state, it is their position that they do not do “mining” and do not own a “mine”.

The Taxpayer argued that the Division erred in its determination of value for the Taxpayer’s operation. The Taxpayer argued that the Division is assessing property that the Taxpayer does not own. In its Formal Hearing Brief, the Taxpayer argued that RESPONDENT-2 erred in making an “extraordinary assumption” that the Taxpayer will at some point obtain rights to dispose of more water than is currently allowed under its permit.

Finally, the Taxpayer argues that the revenue from the sale of the oil should be excluded from the Division’s discounted cash flow calculation because it is exempt as inventory under Utah Code Ann. §59-2-1114. The Taxpayer noted that “severed minerals” are specifically defined as inventory under Utah Code Ann. §59-2-1114(3)(b). The Taxpayer indicated that oil revenues account for approximately 60% of the revenues, and removing those revenues would result in a value of \$0 or less than \$0 using the discounted cash flow method.

It is the Division’s position that if DOGM regulates the injection wells, the wells are part of the mining process, and should be assessed by the Division. The Division has traditionally assessed facilities that process water from petroleum production, and noted that many of these are owned by the same company that produces the oil. It is the Division’s position that it is inequitable for counties to assess some of the wells, and for the Division to assess others. The Division does recognize an exception for water processing facilities that do not have injection wells regulated by DOGM. It considers those facilities to be akin to refineries, which are locally assessed under *Chevron U.S.A., Inc. v. Utah State Tax Commission*, 847 P.2d 418 (Utah App. 1993).

The Division argued that petroleum production is assessable as mining property, citing to the definitions of “mine” and “mining” in Utah Code Ann. §59-2-102. The Division also cited to Utah Code Ann. §59-2-201(1)(a)(v) and (vi) describing “all mines” and “all machinery used in mining, all property or surface improvements upon or appurtenant to mines or mining claims” as classes of property that “shall be assessed by the commission.” The Division separates petroleum producers that have “mines” from producers who do not have “mines,” based on whether DOGM regulates the well.

The Division argued that the exemption for inventory does not apply to “mines.”

Finally, the Division argued that their assumption that the Taxpayer will be able to increase the amount of water it can inject in the future is reasonable. Based on conversations with individuals at DOGM, the Division believes that the Taxpayer would be able to obtain a permit allowing for the injection of a greater amount of water if they acquired the conflicting shut-in well (SECOND WELL), or by piping the water further away. Prior to the 2014 tax year, the Taxpayer did acquire SECOND WELL, and has plans to plug and abandon the well, which would increase the potential of DOGM approving additional barrels for disposal by the Taxpayer.

CONCLUSIONS OF LAW

- A. The Taxpayer’s operation should not be centrally assessed under Utah Code Ann. §59-2-201(1)(a)(v) as a “mine”. The statute provides that the Commission shall assess “all mines and mining claims...”. The Taxpayer is not a “mine” as defined in Utah Code Ann. §59-2-102. A “mine” is defined as a “natural deposit of either metalliferous or nonmetalliferous valuable mineral.” Oil is specifically defined as a “nonmetalliferous mineral” in Utah Code Ann. §59-2-102. However, the Taxpayer’s operation does not involve a “natural deposit” of oil. Rather, the Taxpayer recovers oil from waste water used by third parties in their mining process. Likewise, the Taxpayer is not “mining” as defined in Utah Code Ann. §59-2-102. “Mining” is defined as “the process of producing, extracting, leaching, evaporating, or otherwise removing a mineral from a mine.” The Taxpayer’s process does extract oil; however, it does not extract that oil from a “mine” as defined in Utah Code Ann. §59-2-102. Because it does not meet the definition of a mine or mining claim, the Commission concludes the subject property is not being used for “mining purposes.” Under Utah Code Ann. §59-2-201(1)(a)(v), the value of mining claims used for other than mining purposes are to be assessed by the county assessor.
- B. The Taxpayer’s operation should not be centrally assessed under Utah Code Ann. §59-2-201(1)(a)(v) as being “appurtenant to” a mine or mining claim. The statute provides that the Commission shall assess “all machinery used in mining, all property or surface improvements upon or appurtenant to mines or mining claims.” The Courts have addressed this issue in both *Amax Magnesium Corp. v. Utah State Tax Comm’n*, 796 P.2d 1256 (Utah 1990) and *Chevron U.S.A. v. Utah State Tax Comm’n*, 847 P.2d 418, (Utah App. 1993).

In *Amax*, the Taxpayer obtained a concentrated brine solution from a series of evaporation ponds owned by the State of Utah and federal government that are located along the shore of the Great Salt Lake. The Taxpayer also owned a plant to aid in the extraction of magnesium from the brine.

The Court held that the processing plant was “appurtenant to a mine or mining claim”, and was properly assessed by the Commission, as follows:

The integration of the plant and the evaporation ponds (mine) in the magnesium extracting process and the practical and literal wording of the statute make it clear that the Amax plant falls under the category of “all property or surface improvements upon or appurtenant to mines or mining claims.” Because the Amax plant is property or a surface improvement upon or appurtenant to the mine or mining operation, Amax is properly assessed by the Tax Commission pursuant to Utah Constitution article XIII, §4 and Utah Code Ann. §59-5-3.

See 796 P.2d 1256 at 1258-1259.

In *Chevron*, the Court reversed a Commission decision that found that oil refineries were “appurtenant to mines.” The oil refineries in question refined crude oil from numerous proprietary wells. The Court held, as a matter of law, that the refineries were not appurtenant to a mine, as follows:

As is evident from the plain language of the statute, in order for a processing plant to be centrally assessed, it must be primarily used by the owner of a given mine to process the minerals taken from that mine.

See 847 P.2d 418 at 422.

The Court went on to note,

The initial reference to “mines or mining claims” in the plural is nothing more than a recognition that there are a plurality of mines in the state and that property appurtenant to any one of those individual mines is to be centrally assessed. This general reference to mines in the plural does not alter the legislature’s specific definition which unequivocally requires that a processing plant be linked primarily to a single mine in order to be deemed appurtenant.

Id. at 423.

In the instant case, the Taxpayer’s operation is more similar to the refineries in *Chevron* than the magnesium extraction in *Amax*. It has already been determined that the Taxpayer is not a “mine” and is not “mining”. As held by the Court in *Chevron*, in order for a processing facility, like the Taxpayer’s operation, to be considered appurtenant, it must be linked primarily to a single mine. That is not the Taxpayer’s situation. The Taxpayer recovers oil from waste water used by third parties in their mining process. Thus, the Taxpayer’s operation is not appurtenant to a mine or mining claim.

- C. Because the Commission has determined the Taxpayer’s operation should not be centrally assessed, it will not make a determination of value. RURAL COUNTY will receive notice of this decision in order for it to determine whether it needs to take action.

Jan Marshall
Administrative Law Judge

DECISION AND ORDER

Based on the foregoing, the Commission finds the Division was not the proper assessing authority for the 2013 and 2014 tax years. It is so ordered.

DATED this _____ day of _____, 2015.

John L. Valentine
Commission Chair

Michael J. Cragun
Commissioner

Robert P. Pero
Commissioner

Rebecca L. Rockwell
Commissioner

Notice of Appeal Rights: You have twenty (20) days after the date of this order to file a Request for Reconsideration with the Tax Commission Appeals Unit pursuant to Utah Code Ann. §63G-4-302. A Request for Reconsideration must allege newly discovered evidence or a mistake of law or fact. If you do not file a Request for Reconsideration with the Commission, this order constitutes final agency action. You have thirty (30) days after the date of this order to pursue judicial review of this order in accordance with Utah Code Ann. §59-1-601 et seq. and §63G-4-401 et seq.