



NEW MEXICO PUBLIC REGULATION COMMISSION

**NOTICE OF OPEN MEETING
OPEN MEETING: CASE MANAGEMENT MEETING**

Wednesday, February 6, 2019

9:30 a.m.

**PERA Building, 4th Floor Hearing Room
1120 Paseo de Peralta, Santa Fe, NM 87501**

AGENDA

- I. PLEDGE OF ALLEGIANCE/STATE PLEDGE**
- II. INTRODUCTION OF SPECIAL GUESTS**
- III. CONSIDERATION AND APPROVAL OF THE AGENDA**
- IV. CONSIDERATION AND APPROVAL OF THE MINUTES**
 - Minutes of the Case Management Open Meeting for December 27, 2018
 - Minutes of the Case Management Open Meeting for January 10, 2019
 - Minutes of the Case Management Open Meeting for January 16, 2019
- V. POLICY MATTERS**
 - Revised Delegation of Authority for State Records Filings
 - Proposed Name change for Notice of Open Meeting and Agenda from Case Management Meeting to Open Meeting
- VI. PRESENTATIONS**
 - Ken Costello - Legislative matters related to the NMPRC
 - Cydney Beadles and Milo Chavez - Proposed telecommunication consumer protection and quality of service rules
- VII. PUBLIC COMMENT**
- VIII. CONSENT ACTION**
 - A. Transportation Matters:**

NONE
 - B. Utility Matters:**

NONE

IX. REGULAR ACTION AND DISCUSSION

A. Transportation Matters:

NONE

B. Utility Matters:

1)	18-00006-UT David Black Frances Sundheim	IN THE MATTER OF THE APPLICATION OF EL PASO ELECTRIC COMPANY FOR CONTINUED USE OF ITS FUEL AND PURCHASED POWER ADJUSTMENT CLAUSE <u>POTENTIAL FINAL ORDER ON RECOMMENDED DECISION</u>
2)	18-00261-UT David Black	IN THE MATTER OF PUBLIC SERVICE COMPANY OF NEW MEXICO'S REQUEST FOR A COMMISSION ORDER GOVERNING THE ACCOUNTING TREATMENT OF COSTS RELATED TO JOINING THE WESTERN EIM <u>POTENTIAL ORDER ON MOTION FOR REHEARING</u>
3)	17-00174-UT Michael Smith	IN THE MATTER OF PUBLIC SERVICE COMPANY OF NEW MEXICO'S 2017 INTEGRATED RESOURCE PLAN <u>POTENTIAL ORDER ON MOTION FOR REHEARING</u>
4)	17-00311-UT Russell Fisk	IN THE MATTER OF A PETITION TO OPEN UP A DOCKET FOR THE FILING OF DATA BY LARGE ILECS TO ALLOW COMMISSION REVIEW IN COMPLIANCE WITH PROVISIONS OF SENATE BILL 53 <u>POTENTIAL ORDER REGARDING INFORMATION FOR COMMISSION REVIEW AND REPORT TO LEGISLATURE; POTENTIAL PROCEDURAL ORDER</u>

X. DISCUSSION AND POSSIBLE ACTION

5)	17-00186-UT Cydney Beadles Milo Chavez	IN THE MATTER OF THE PETITION OF CENTURYLINK QC TO INITIATE A RULEMAKING TO IMPLEMENT SENATE BILL 53 AND TO ADOPT EMERGENCY RULES
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XI. EXECUTIVE CLOSED SESSION

- **PURSUANT TO NMSA 1978, SECTION 10-15-1(H)(2)**
 - **Personnel Matters - Interim Utility Division Director**
- **PURSUANT TO NMSA 1978, SECTION 10-15-1 (H) (7) - PENDING LITIGATION MATTERS**
 - *City of Las Cruces v. NMPRC*; Supreme Court No. S-1-SC-37458
 - *SPS v. NMPRC*, Supreme Court No. S-1-SC-37248

XII. LEGISLATIVE ISSUES POSSIBLE DISCUSSION AND POSSIBLE ACTION

- **NEW BILLS**
 - **HB 385 - Access to Telecomm Rural Service Fund**
 - **HB 406 - PRC Transmission Line Jurisdiction**
 - **SB 208 - Broadband Facility Component Gross Receipts**
 - **SB 357 - Generation & Transmission Rate Protests**
 - **SB 374 - Local Choice Energy Act**
 - **SB 376 - Utility Eminent Domain Rights of Way**
 - **SJR 4 - Transfer PRC from Elected to Appointed**
- **BILLS PREVIOUSLY DISCUSSED AND CURRENTLY BEING TRACKED - MAY BE SUBJECT TO FURTHER DISCUSSION AND ACTION**
 - **HB 162 - Insurance Premium Tax Provisions**
 - **HB 175 - Regional Water Utility Authority Act**
 - **HB 244 - Minimum Train Operating Crews**
 - **HB 300 - Rural Electric Co-Op Proxy Voting & Quorums**
 - **SB 336 - Electricity Distribution for Certain Vehicles**
 - **SB 281 - Community Solar Act**
 - **HB 283 - Increase Renewable Portfolio Standards**
 - **SB 275 - Increase Renewable Portfolio Standards**
 - **HB 291 - Renewable Use of Energy Act Changes**
 - **SB 233 - Broadband Access Unfair Trade Practices**
 - **HB 116 - Wastewater System Financing**
 - **HB 124 - Fire Protection Fund Changes**
 - **HB 176 - Broadband Telecomm Facility Gross Receipts**

- SB 99 - Appointment of PRC Members
- SB 143 - PRC Fire Safety Standards
- SB 161 - Renewable Energy Transmission Authority Funds
- SB 208 - Broadband Facility Component Gross Receipts
- SJR 4 - Transfer PRC from Elected to Appointed
- HB 38 - ABQ-Bernalillo Water Authority Water Rights
- HB 210 - Community Solar Act
- SB 136 - Efficient Use of Energy Act Amendments
- SB 165 - Municipal Revenue For Bond Repayment
- HB 269 - Separation of Fire Marshal from PRC
- SJR 1 - PRC Election and Appointment

XIII. COMMUNICATIONS WITH CHIEF OF STAFF

XIV. COMMUNICATIONS WITH GENERAL COUNSEL

XV. COMMUNICATIONS WITH COMMISSIONERS

XVI. ADJOURNMENT

To obtain a copy of this agenda please log in the Commission's website at www.nmprc.state.nm.us.

The Commission will make reasonable efforts to post the agenda on the Commission's website at least 72 hours before the open meeting, but the inability to do so within the 72 hours prior, will not require the Commission to delay the meeting or to refrain from taking action on any agenda item on which it otherwise could act.

At any time during the Open Meeting the Commission may close the meeting to the public to discuss matters not subject to the New Mexico Open Meetings Act. The Commission may revise the order of the agenda items considered at this open meeting.

Notice is hereby given that the Commission may request that any party answer clarifying questions or provide oral argument with respect to any matter on the agenda. If the Commission makes such a request, any party present at the meeting, either in person or by telephone, shall have an equal opportunity to respond to such questions or argument. In the event a party whose case is on the agenda chooses not to appear, the absence of that party shall not cause such discussion or argument to become ex-parte communications.

PERSONS WITH DISABILITIES

ANY PERSON WITH A DISABILITY REQUIRING SPECIAL ASSISTANCE IN ORDER TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE OFFICE OF DIRECTOR OF ADMINISTRATIVE SERVICES OF THE COMMISSION AT (505) 827-4042 AS SOON AS POSSIBLE PRIOR TO THE COMMENCEMENT OF THE OPEN MEETING.

PUBLIC COMMENT

All members of the public wishing to provide public comment must sign a sign-up sheet prior to the start of the meeting and identify their name and the name of the organization they represent (if any), and the topic or issue on which they desire to comment. The portion of the agenda allocated for public comment at any one open meeting shall be limited to a maximum of 30 minutes for all persons wishing to provide comment. The order of speakers will be based on the order in which speakers sign up, but public officials may be taken out of order. If a speaker is not present at the time he or she is called to provide comment, that speaker shall forfeit their opportunity to speak. **Public comment by an individual or entity shall be limited to no more than three (3) minutes** unless the Commission acts to extend the period. If the number of individuals on the sign-up sheet desiring to provide comment would exceed the allotted 30-minute period, the Chairman may limit individual remarks to a shorter time period. Individuals represented by or representing a common organization or association may be asked to select one individual to act as spokesperson to speak for the group. Individuals who sign up to comment, but either fail to do so or choose to speak for less than their allotted time, may not cede or yield their time to another speaker. Written comments of individuals who cannot be physically present may not be read aloud at the meeting but may be submitted to the Commission.

The subject matter of public comments shall be relevant to matters within the Commission's jurisdiction. Public comment will not be permitted on matters that should be addressed appropriately as the subject of an informal or formal complaint before the Commission or on pending rulemaking proceedings before the Commission once the opportunity for public comment in those proceedings has closed. Public comment by parties to a proceeding or adjudication pending before the Commission will not be permitted where the comment concerns matters at issue in such proceeding. The Chairman shall retain the right to stop any speaker who raises an issue that is not under the Commission's jurisdiction or is subject to the restrictions above. Public comment will be received without Commission comment or response. However, individual Commissioners may at their option seek clarification or additional information from speakers through the Chairman. No speakers will be accommodated after the public comment portion of the agenda has closed. The Chairman retains the right to exercise discretion in the implementation of this policy and may override the above rules in case of emergency or other unforeseen circumstances.

Speakers providing comment shall at all times conduct themselves in accordance with proper decorum. Profane or vulgar language or gestures will not be tolerated. Audience members shall not disrupt an open meeting by speaking without being recognized by the Commission and shall not incite others to do so. The Commission retains the right to remove

disruptive attendees and individuals who fail to conduct themselves in accordance with these provisions from the Commission meeting.