



**NEW MEXICO PUBLIC REGULATION COMMISSION**

**NOTICE OF OPEN MEETING  
OPEN MEETING: REGULAR WEEKLY MEETING  
Wednesday, February 27, 2019  
9:30 a.m.  
PERA Building, 4<sup>th</sup> 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 Regular Open Meeting for February 6, 2019
- V. DIVISION DIRECTORS' REPORTS**
- VI. PRESENTATION**
  - Presentation by Cydney Beadles and Milo Chavez regarding quality of service and consumer protection draft rules for consideration by the Commission (Case No. 17-00186-UT - IN THE MATTER OF THE PETITION OF CENTURYLINK QC TO INITIATE A RULEMAKING TO IMPLEMENT SENATE BILL 53 TO ADOPT EMERGENCY RULES)
- VII. PUBLIC COMMENT**
- VIII. CONSENT ACTION**
  - A. Transportation Matters:**

**NONE**
  - B. Utility Matters:**

<b>1)</b>	<b>18-00280-UT David Black Carolyn Glick</b>	<b>IN THE MATTER OF THE APPLICATION BY ZIA NATURAL GAS COMPANY FOR APPROVAL OF ITS 2019-2021 ENERGY EFFICIENCY PROGRAM AND</b>
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		<p><b>SECOND REVISED RATE RIDER NO. 2 IN ADVICE NOTICE NO. 59 PURSUANT TO THE NEW MEXICO PUBLIC UTILITY ACT AND THE EFFICIENT USE OF ENERGY ACT</b></p> <p><b>ZIA NATURAL GAS COMPANY,</b></p> <p style="text-align: right;"><b>Applicant.</b></p> <p><b><u>POTENTIAL    FINAL    ORDER    ADOPTING</u></b> <b><u>RECOMMENDED DECISION</u></b></p>
2)	<p><b>18-00064-UT</b> <b>David Black</b> <b>Elizabeth Hurst</b></p>	<p><b>IN THE MATTER OF THE PETITION OF CENTRAL NEW MEXICO ELECTRIC COOPERATIVE, INC. FOR A VARIANCE FROM THE METHODOLOGY REQUIRED BY RULE 17.9.540.16 NMAC, DEBT COST ADJUSTMENT CLAUSE</b></p> <p><b>CENTRAL NEW MEXICO ELECTRIC COOPERATIVE, INC.,</b></p> <p style="text-align: right;"><b>Applicant.</b></p> <p><b><u>POTENTIAL    FINAL    ORDER    ADOPTING</u></b> <b><u>RECOMMENDED DECISION</u></b></p>
3)	<p><b>18-00353-UT</b> <b>Judith Amer</b></p>	<p><b>IN THE MATTER OF THE APPLICATION OF PACIFIC WIND DEVELOPMENT LLC FOR APPROVAL OF THE LOCATION OF THE LA JOYA WIND PROJECT AND 345 KV GEN-TIE LINE IN TORRANCE COUNTY, NEW MEXICO PURSUANT TO NMSA § 62-9-2; AND RIGHT OF WAY WIDTH DETERMINATION PURSUANT TO NMSA § 62-9-3.2</b></p> <p><b><u>POTENTIAL ORDER REGARDING SCOPE OF HEARING</u></b></p>

**IX.    PUBLIC HEARING**

**Case No. 19-00001-TR-EN**

Sarah Becker  
Kevan Bay-Borjorquez

**IN THE MATTER OF THE REVOCATION OF OPERATING AUTHORITIES FOR FAILURE TO  
COMPLY WITH FINANCIAL RESPONSIBILITY REQUIREMENTS**

**NEW MEXICO PUBLIC REGULATION COMMISSION, TRANSPORTATION DIVISION,  
  
PETITIONER**

**v.**

**ABARIM HOME HEALTH CARE, INC., #56360; ACE TOWING & RECOVERY LLC, #55261;  
ADVANTAGE ENTERPRISES LLC, #57139; ANTHONY R. ULIBARRI D/B/A ALBUQUERQUE  
BUS TOURS, #57290; AM TRANSPORT LLC, #57032; BRANDON FAJARDO D/B/A  
BFAJARDO ENT, #55826; ROBERT C. BANOS D/B/A BIGHORN SPORTS & RENTALS,  
#1648; CAREGIVERS TRANSPORTATION INC., #56853; ACCA ENTERPRISES LLC D/B/A  
CLS TRANSPORTATION, #56956; DIGNITY AND PRICE CHARTER AND LIMO LLC, #56638;  
DURING THE NIGHT TRANSPORT LLC, #56312; EMCO OIL FIELD SERVICES LLC, #57295;  
JUSTO MORENO D/B/A FAST & SAFE TOWING, #56394; JAIME GOMEZ D/B/A GOMEZ  
TRANSPORTATION, #53081; HERNANDEZ E TRUCKING, #57097; HECTOR M.  
VILLARREAL D/B/A HV TRUCKING, #56098; JESUS GARCIA D/B/A J & A TRUCKING,  
#53148; JASED LTD LIABILITY CO, #56707; JESUS VALDEZ D/B/A JV TRUCKING, #55887;  
LEFLEUR TRANSPORTATION OF TEXAS INC., #56388; MIRIAM N. GASTELUM D/B/A  
LUMINARY TRUCKING OILFIELD SERVICES, #57267; MAIN EVENT TRANSPORTATION  
LLC, #25926; MARTINEZ & SON TRUCKING LLC, #57296; MCL SERVICES LLC, #56707;  
NARROW ROAD TRANSPORTATION LLC, #56654; NUNEZ TRANSPORT LLC, #57286;  
DAMACIO & EILEEN ORTIZ D/B/A ORTIZ TRUCKING, #54651; OUTLAWS OILFIELD  
SERVICE LLC, #56169; PAYLESS ROLLOFF LLC, #57249; RITEWAY TRANS LLC, #56619;  
SHOWBEAR TRANSPORT SERVICES LLC, #57184; SOONER TRUCKING LLC, #56022;  
TITAN RECOVERY LLC, #54651; TWO AMIGOS SERVICES LLC, #57275; BRADY NESS  
D/B/A UNIQUE TOWING; #56765; ROBERTO VELASQUEZ D/B/A VELASQUEZ  
TRUCKING, #55639; WILCA OILFIELD TRANSPORTATION LLC, #57272; YES WE CAN  
HAUL & MORE LLC, #57017; ZERO TN LLC D/B/A BOLT, #56944,**

**RESPONDENTS.**

**X. REGULAR ACTION AND DISCUSSION**

**A. Transportation Matters:**

<b>4)</b>	<b>19-00001-TR-EN Judith Amer</b>	<b>IN THE MATTER OF THE REVOCATION OF OPERATING AUTHORITIES FOR FAILURE TO COMPLY WITH FINANCIAL RESPONSIBILITY</b>
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	<p><b>REQUIREMENTS</b></p> <p><b>NEW MEXICO PUBLIC REGULATION COMMISSION, TRANSPORTATION DIVISION,</b></p> <p><b>PETITIONER,</b></p> <p><b>v.</b></p> <p><b>ABARIM HOME HEALTH CARE, INC., #56360; ACE TOWING &amp; RECOVERY LLC, #55261; ADVANTAGE ENTERPRISES LLC, #57139; ANTHONY R. ULIBARRI D/B/A ALBUQUERQUE BUS TOURS, #57290; AM TRANSPORT LLC, #57032; BRANDON FAJARDO D/B/A BFAJARDO ENT, #55826; ROBERT C. BANOS D/B/A BIGHORN SPORTS &amp; RENTALS, #1648; CAREGIVERS TRANSPORTATION INC., #56853; ACCA ENTERPRISES LLC D/B/A CLS TRANSPORTATION, #56956; DIGNITY AND PRICE CHARTER AND LIMO LLC, #56638; DURING THE NIGHT TRANSPORT LLC, #56312; EMCO OIL FIELD SERVICES LLC, #57295; JUSTO MORENO D/B/A FAST &amp; SAFE TOWING, #56394; JAIME GOMEZ D/B/A GOMEZ TRANSPORTATION, #53081; HERNANDEZ E TRUCKING, #57097; HECTOR M. VILLARREAL D/B/A HV TRUCKING, #56098; JESUS GARCIA D/B/A J &amp; A TRUCKING, #53148; JASED LTD LIABILITY CO, #56707; JESUS VALDEZ D/B/A JV TRUCKING, #55887; LEFLEUR TRANSPORTATION OF TEXAS INC., #56388; MIRIAM N. GASTELUM D/B/A LUMINARY TRUCKING OILFIELD SERVICES, #57267; MAIN EVENT TRANSPORTATION LLC, #25926; MARTINEZ &amp; SON TRUCKING LLC, #57296; MCL SERVICES LLC, #56707; NARROW ROAD TRANSPORTATION LLC, #56654; NUNEZ TRANSPORT LLC, #57286; DAMACIO &amp; EILEEN ORTIZ D/B/A ORTIZ TRUCKING, #54651; OUTLAWS OILFIELD SERVICE LLC, #56169; PAYLESS ROLLOFF LLC, #57249; RITEWAY TRANS LLC, #56619; SHOWBEAR TRANSPORT SERVICES LLC, #57184; SOONER TRUCKING LLC, #56022; TITAN RECOVERY LLC, #54651; TWO AMIGOS</b></p>
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		<p>SERVICES LLC, #57275; BRADY NESS D/B/A UNIQUE TOWING; #56765; ROBERTO VELASQUEZ D/B/A VELASQUEZ TRUCKING, #55639; WILCA OILFIELD TRANSPORTATION LLC, #57272; YES WE CAN HAUL &amp; MORE LLC, #57017; ZERO TN LLC D/B/A BOLT, #56944,</p> <p>RESPONDENTS.</p> <p><u>POTENTIAL ORDER--</u></p>
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**B. Utility Matters:**

5)	18-00116-UT Russell Fisk Elizabeth Hurst	<p>IN THE MATTER OF EL PASO ELECTRIC COMPANY'S APPLICATION FOR APPROVAL OF ITS 2019-2021 ENERGY EFFICIENCY AND LOAD MANAGEMENT PLAN, UTILITY INCENTIVE AND REVISED RATE NO. 17 - EFFICIENT USE OF ENERGY RECOVERY FACTOR</p> <p><u>POTENTIAL ORDER CONCERNING RECOMMENDED DECISION</u></p>
6)	19-00046-UT Russell Fisk	<p>IN THE MATTER OF THE COMMISSION'S REPORT AND RECOMMENDATIONS TO THE LEGISLATURE REGARDING THE STATE RURAL UNIVERSAL SERVICE FUND PURSUANT TO THE 2017 AMENDMENTS TO THE RURAL TELECOMMUNICATIONS ACT OF NEW MEXICO</p> <p><u>POTENTIAL PROCEDURAL ORDER AND ORDER OPENING DOCKET</u></p>
7)	18-00261-UT David Black	<p>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</p> <p><u>POTENTIAL ORDER ON REHEARING</u></p>

**XI. EXECUTIVE CLOSED SESSION**

- **PURSUANT TO NMSA 1978, SECTION 10-15-1(H)(2) - Discussion of Limited Personnel Matter**
- **PURSUANT TO NMSA 1978, SECTION 10-15-1(H)(7) - THREATENED AND PENDING LITIGATION MATTERS**
  - *Great Divide Wind Farm 2 LLC v. Theresa Becenti Aguilar, Cynthia Hall, Jefferson Byrd, Valerie Espinoza and Stephen Fischmann, in their official capacities as the Commissioners of the New Mexico Public Regulation Commission; Federal District Court No. 1:19-cv-99-LF-CG*
  - *City of Las Cruces v. NMPRC; Supreme Court No. S-1-SC-37458*

## **XII. CONSIDERATION AND POSSIBLE ACTION REGARDING ADVICE NOTICES**

- **Advice Notice No. 236 - EL PASO ELECTRIC COMPANY**
- **Advice Notice No. 555 - PUBLIC SERVICE COMPANY OF NEW MEXICO**
- **Advice Notice No. 11 - WESTERN FARMERS ELECTRIC COOPERATIVE**
- **Advice Notice No. 64 - MORA-SAN MIGUEL ELECTRIC COOPERATIVE**
- **Advice Notice No. 65 - MORA-SAN MIGUEL ELECTRIC COOPERATIVE**

## **XIII. LEGISLATIVE ISSUES POSSIBLE DISCUSSION AND POSSIBLE ACTION**

- **NEW BILLS**
  - **HB 28 - Resource Sustainability and Security Act**
  - **HB 631 - Use of Flashing Lights by Recovery Vehicles**
- **BILLS PREVIOUSLY DISCUSSED AND CURRENTLY BEING TRACKED - MAY BE SUBJECT TO FURTHER DISCUSSION AND ACTION**
  - **HB 15 - Rural Electric Coop Renewable Standards**
  - **HB 426 - Renewable Energy Transmission Authority Study**
  - **HB 432 - Affordable Solar Energy Act**
  - **HB 491 - Immobilizing or Towing of Certain Vehicles**
  - **SB 416 - Redistricting Act**
  - **SB 456 - Electric Utility Resource Procurement**
  - **SB 468 - Clean Energy for New Generation Facilities**
  - **SB 232 - Public Record Requests Costs and Procedures**
  - **SB 285 - IPRA Failure to Permit Inspections**
  - **SB 489 - Energy Transition Act**
  - **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
- 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
- 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
- HB 512 - Firefighter Retirement Service Credit
- HB 521 - PRC Application for Vehicle Electricity
- HB 541 - Telecommunication Cramming & Slamming
- HB 604 - Utility Securitization Bond Act
- HB 637 - Presumed Life of Electric Generating Plants
- SB 492 - Utility Securitization Financing
- SB 528 - Passenger Rail Maintenance & Service
- SB 537 - PRC Commissioner Continuing Education
- SB 565 - Remove Fire Marshal from PRC
- SB 597 - Rural Electric Coop Rate Change Protests
- SJR 4 - Transfer PRC from Elected to Appointed
- SJR 1 - PRC Election and Appointment

**XIV. COMMUNICATIONS WITH CHIEF OF STAFF**

**XV. COMMUNICATIONS WITH GENERAL COUNSEL**

**XVI. COMMUNICATIONS WITH COMMISSIONERS**

**XVII. ADJOURNMENT**

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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.