



NEW MEXICO PUBLIC REGULATION COMMISSION

**NOTICE OF OPEN MEETING
OPEN MEETING: REGULAR WEEKLY MEETING
Wednesday, May 1, 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 MEETING MINUTES**
 - Minutes of the Regular Open Meeting for March 27, 2019
- V. DIVISION DIRECTORS' REPORTS**
- VI. PUBLIC COMMENT**
- VII. CONSENT ACTION**

A. Transportation Matters:

1)	19-00097-TR-M David Black	IN THE MATTER OF THE APPLICATION OF ALBUQUERQUE INTERNATIONAL BALLOON FIESTA, INC. FOR DECLARATION OF A TRANSPORTATION EMERGENCY PURSUANT TO THE EMERGENCY TRANSPORTATION ACT <u>POTENTIAL NOTICE OF APPLICATION AND PROCEDURAL ORDER</u>
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B. Utility Matters:

2)	19-00092-UT Russell Fisk	IN THE MATTER OF THE FILING OF THE 2019 ANNUAL REPORTS AND RELATED FCC FILINGS
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		<p>BY ELIGIBLE TELECOMMUNICATIONS CARRIERS</p> <p><u>POTENTIAL ORDER REGARDING PETITION TO OPEN PROCEEDING, GRANT BLANKET VARIANCE, AND ISSUE PROTECTIVE ORDER</u></p>
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VIII. REGULAR ACTION AND DISCUSSION

A. Transportation Matters:

3)	<p>18-00216-TR-M Judith Amer</p>	<p>IN THE MATTER OF THE APPLICATION OF BERNALILLO COUNTY HEALTH CARE CORPORATION DBA ALBUQUERQUE AMBULANCE SERVICE FOR AN AMENDMENT TO CERTIFICATE NO. 1168</p> <p><u>POTENTIAL ORDER ON MOTION FOR REHEARING</u></p>
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B. Utility Matters:

4)	<p>Undocketed Michael Smith</p>	<p>EL PASO ELECTRIC COMPANY'S RULE 17.5.440 NMAC NOTICE OF FILING NO. 70- CONSTRUCTION OF TALAVERA DISTRIBUTION SUBSTATION AND RELATED FACILITIES</p> <p><u>CONSIDERATION AND POSSIBLE ACTION ON REQUESTS FOR INVESTIGATION BY DONA ANA COUNTY COMMISSION AND CITIZEN PETITION TO NMPRC</u></p>
5)	<p>19-00098-UT Russell Fisk</p>	<p>IN THE MATTER OF THE APPLICATION OF EL PASO ELECTRIC COMPANY FOR REVISION OF ITS RETAIL ELECTRIC RATES PURSUANT TO ADVICE NOTICE NO. 265</p> <p>EL PASO ELECTRIC COMPANY,</p> <p>Applicant</p>

		<u>POTENTIAL ORDER REGARDING EPE'S VERIFIED MOTION FOR EXPEDITED VARIANCE</u>
6)	18-00030-UT Judith Amer	IN THE MATTER OF A COMMISSION INQUIRY INTO THE PROCUREMENT PRACTICES OF INVESTOR OWNED ELECTRIC UTILITIES <u>POTENTIAL NOTICE OF PROPOSED RULEMAKING AND ORDER</u>
7)	19-00106-UT Russell Fisk	IN THE MATTER OF APPLICATIONS FOR 2020 BROADBAND PROGRAM SUPPORT FROM THE STATE RURAL UNIVERSAL SERVICE FUND, AS PER 17.11.0.31 NMAC <u>POTENTIAL ORDER OPENING PROCEEDING</u>

IX. DISCUSSION ONLY

8)	18-00243-UT	IN THE MATTER OF PUBLIC SERVICE COMPANY OF NEW MEXICO'S APPLICATION FOR APPROVAL OF A 345 KV TRANSMISSION LINE AND ASSOCIATED FACILITIES PURSUANT TO THE PUBLIC UTILITY ACT Possible violation of the New Mexico Public Regulation Commission Act, Section 8, particularly 8-8-17 Possible violation of the New Mexico Administrative Code, particularly Title 1, the General Government Administration and Chapter 2 of the Administrative Procedures 1. 1.2.2 The Public Regulation Commission Rules of Procedure, and 2. 1.2.3 The Public Regulation Commission Ex Parte Communications, 1.2.3.8 <ol style="list-style-type: none"> a. Communication Initiated by a Party to a Commissioner and Communication Permitted by a Commissioner b. Communication Initiated by a Commissioner to a Party to Obtain
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		<p align="center">Information From The Party</p> <p>Possible Violation of the Commission's Code of Conduct, Policy No. 10</p> <p>Possible Recusal</p> <p>Possible Disqualification</p>
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X. EXECUTIVE CLOSED SESSION

- **PURSUANT TO NMSA 1978, SECTION 10-15-1(H)(2) - PERSONNEL MATTERS**

XI. CONSIDERATION AND POSSIBLE ACTION REGARDING ADVICE NOTICES

- **Jemez Mountain Electric - Advice Notice No. 97**
- **Jemez Mountain Electric - Advice Notice No. 98**
- **Jemez Mountain Electric - Advice Notice No. 99**
- **Jemez Mountain Electric - Advice Notice No. 100**
- **Jemez Mountain Electric - Advice Notice No. 101**
- **Jemez Mountain Electric - Advice Notice No. 102**

XII. COMMUNICATIONS WITH CHIEF OF STAFF

XIII. COMMUNICATIONS WITH GENERAL COUNSEL

XIV. COMMUNICATIONS WITH COMMISSIONERS

XV. 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.