

**MINUTES OF THE OPEN MEETING
NEW MEXICO PUBLIC REGULATION COMMISSION
June 26, 2019**

TIME: 9:30 a. m.

**PLACE: PERA Building
4th Floor Hearing Room
1120 Paseo de Peralta
Santa Fé, New Mexico 87501**

A quorum was present as follows:

Members Present:

Commissioner Theresa Becenti-Aguilar, Chairperson
Commissioner Valerie Espinoza, Vice-Chairperson
Commissioner Jefferson Byrd, District 2
Commissioner Stephen Fischmann, District 5
Commissioner Cynthia B. Hall, District 1

Members Absent:

None.

Staff Present:

Michael Smith, Acting General Counsel
Jason Montoya, Acting Chief of Staff
Judith Amer, Associate General Counsel
Russell Fisk, Associate General Counsel
David Black, Associate General Counsel
Avelino Gutierrez, Transportation Division Director

Others Present

Carl Boaz, Stenographer

CALL TO ORDER

The Open Meeting was scheduled at 9:30 a.m., pursuant to proper notice under NMSA 1978, 10-15-1(c), and the Commission's Open Meeting Policy. Commissioner Theresa Becenti-Aguilar, Chairperson, called the Open Meeting to order at 9:30 a.m., in the Fourth Floor Hearing Room, PERA Building, 1120 Paseo de Peralta, Santa Fé, New Mexico.

A copy of the sign-in sheet for the Case Management Open Meeting is incorporated herewith to these minutes as Exhibit 1.

A copy of the Agenda for the Case Management Open meeting is incorporated herewith to these minutes as Exhibit 2.

A copy of the Public Comment sign-in sheet for the Case Management Open Meeting is incorporated herewith to these minutes as Exhibit 3.

1. PLEDGE OF ALLEGIANCE/STATE PLEDGE

The Pledge of Allegiance and State Salute to the Flag were recited.

2. INTRODUCTION OF SPECIAL GUESTS

Commissioner Byrd introduced his County Commissioner, Mike Cherry.

Commissioner Espinoza welcomed John Standefer, Former State Fire Marshal and members of other fire departments who were present.

Mr. Montoya had a certificate to present to Mr. Avelino Gutierrez to recognize his service to the PRC. Mr. Gutierrez, Transportation Division Director, is retiring on June 30, 2019, and a new Transportation Division Director will be coming soon.

Chair Becenti-Aguilar read the certificate for Director Gutierrez, for 28 years of faithful service to the Public Regulation Commission.

Commissioner Espinoza wished him well and thanked him for always answering his phone when she called. He is a solid good attorney. It was a pleasure working with him.

Commissioner Hall appreciated his work from 2008, when she worked in General Counsel=s Office, for clarifying things for her. He was always prepared, knowledgeable and here on time. She would really miss him here. Thank you very much.

Commissioner Byrd thanked him for his service, his knowledge and his commitment.

Chair Becenti-Aguilar welcomed John Standefer, former State Fire Marshal, to the meeting and invited him to speak.

Mr. Sandefer said he started in 1989 and came here today, not realizing that this date was Avelino=s retirement date. He always appreciated Mr. Gutierrez=s work. If he didn't know the answer to a question, he would always find the answer.

Commissioner Fischmann said he has had six months with Avelino and his

professionalism and class and his offer to help with the transition says everything about who he is and his integrity.

Chair Becenti-Aguilar thanked him for his hard work. Your point of concern and expression to make things better has meant a lot.

Mr. Tim Lloyd of Tri-State was introduced.

Commissioner Espinoza congratulated Mr. Tirzio López for his recent appointment by the Governor to the Game and Fish Commission. Mr. López is an investigator with the PRC.

3. CONSIDERATION AND APPROVAL OF AGENDA

Mr. Smith requested that Case 19-00110 be heard as a regular action item instead of as a consent agenda case.

Commissioner Espinoza moved, seconded by Commissioner Byrd, to approve the agenda as amended with Case 19-00110-UT moved to the Regular Action agenda. The motion was approved by unanimous 5-0 voice vote.

4. CONSIDERATION AND APPROVAL OF THE MEETING MINUTES

§ Minutes of the Regular Open Meeting for May 16, 2019 June 6, 2019

Commissioner Espinoza moved, seconded by Chair Becenti-Aguilar, to approve the minutes for May 16, 2019 as presented. The motion was approved by unanimous 5-0 voice vote.

5. RESOLUTION

§ RESOLUTION REGARDING THE FIRE SERVICES ADVISORY COUNCIL COMMITTEE

Commissioner Byrd asked the members of the Committee who were present to stand. He thanked them for their service and read the resolution.

Commissioner Espinoza thanked everyone who worked on it and thanked Commissioner Byrd for putting it together. She was confident it will please the Association of Counties and the Municipal League.

Commissioner Fischmann also praised Commissioner Byrd for being the catalyst in this effort.

Commissioner Espinoza stated that with regard to the Fire Fund money that was previously moved to the General Fund would not happen again. A The transaction would not be forgotten and the funding will be monitored.

Commissioner Hall thanked Commissioner Byrd for his leadership in this collaboration. He saw the need for a vehicle for advising the State Fire Marshal and came up with a great plan.

Commissioner Byrd said, A I don't deserve any of those accolades. These gentlemen had concerns and I was willing to listen. They have been dealing with it and is their brainchild and I'm just trying to help out. @

Chair Becenti-Aguilar said she heard his concerns in January and Commissioner Byrd offered to look at all the complaints and work with all the fire fighters in New Mexico and he did that. That is what it takes for such a resolution and you were very patient. It took about five months to put it together, so she thanked him.

State Fire Marshal Shainin came forward and said he felt he had been left out of the process. He had an issue with lack of communication and asked for people to communicate so he knows what is going on.

County Commissioner Cherry said the representative of the Fire Chiefs Association and the Assn of Counties Board Chair could not be here either. He said, A We realize we have not contacted everyone but there have been communications. @

Mr. Standefer said he was here representing the State Fire Fighters Association. A The incoming President asked me to be their representative in this matter. The Association listened to the 9,000 fire fighters in the state and it is very encouraging. The vote was taken recently to support taking the Fire Marshal out from the PRC. We are very positive about this and feel it will open lines of communication. The Academy has been on the back burner and we need to manage these funds. We thank you for that support. @

Mr. Standefer indicated he was not personally in favor of that removal.

Commissioner Espinoza said the Commission wants to keep the Fire Fund going.

Commissioner Byrd said the Committee may decide to remove it from PRC but while they are here, we want to support them.

Michael Smith requested an amendment in the subsection about the Chief of Staff serving ex officio, to add Aor his designee@ to that section of the Resolution.

Commissioner Espinoza moved, seconded by Commissioner Hall, to approve the Resolution with Mr. Smith=s amendment. The motion was approved on a unanimous 5-0 voice vote.

6. DIVISION DIRECTOR=S REPORT

Mr. Montoya announced the Compliance Division was to present but could not be present today.

7. PUBLIC COMMENT

There were no public comments.

8. CONSENT ACTION

A. Transportation Matters: None

B. Utility Matters:

- 2) 19-00170-UT **IN THE MATTER OF SOUTHWESTERN PUBLIC SERVICE COMPANY=S APPLICATION FOR (1) REVISION OF ITS RETAIL ELECTRIC RATES UNDER ADVICE NOTICE NO. 252; (2) AUTHORIZATION AND APPROVAL TO SHORTEN THE SERVICE LIFE OF AND ABANDON ITS TOLK GENERATING STATION UNITS; AND (3) OTHER RELATED RELIEF (Judith Amer) POTENTIAL ORDER REGARDING MOTION FOR PROTECTIVE ORDER**

Commissioner Hall moved, seconded by Commissioner Byrd, to approve the order for Consent case 19-00170-UT regarding Southwestern Public Service Company. The motion was approved by unanimous 5-0 voice vote. So Ordered.

9. REGULAR ACTION AND DISCUSSION

- 1) 19-00110-UT **IN THE MATTER OF THE APPLICATION FOR AN UPDATED RELIABILITY DETERMINATION FOR THE WESTERN**

SPIRIT TRANSMISSION PROJECT
(Michael Smith) PROPOSED ORDER ON REQUEST FOR
UPDATED RELIABILITY DETERMINATION

Mr. Smith explained this matter had been updated. In the previous case, they were unable to determine the impact for RETA and, with FERC, undertook a study prepared in connection with Western Spirit and found it would not diminish transmission in New Mexico and that it was necessary for interconnection. After design changes and route changes, the project is now less than 180 miles and in deference to a farm, located it further north in Torrance County. None of the changes are material and do not require further study. Staff had to review all of it to determine if a hearing is needed.

Staff responded that they did not have the expertise to make the determination but asked that RETA provide those documents and affirm it would not materially diminish service or reliability. Also staff asked for an independent study that demonstrates that.

RETA complied in four separate findings with a third-party study and the last one by a professional engineer from an engineering company that submitted them under seal. And the conclusion of the study showed they are reliable, sound and in compliance with FERC and NERC. Based on that compliance with what Staff requested, Mr. Smith placed it on the agenda. But on June 24, the Utility Staff contacted the third party that showed their conclusion on impact studies and drawings regarding the RETA application for updated reliability certification and contacted Sandia Lab for verification and that result will be available upon completion.

Mr. Smith said that is the substance of their submission. It appears the applicant has complied with what Staff originally asked for in an analysis by a PE and concluded the study was conducted as requested.

He knew RETA is anxious to obtain the approval. He was not in position to tell the Commission that additional study is required. We have added material now - and their own representations on the report. So it is more than originally, when we approved RETA's application. Based on that, Mr. Smith could represent that we have no evidence to the contrary. If the Commission wants to approve it, it could be approved with the original material.

He was concerned that it does not say when the material would be available.

Commissioner Hall asked if there was any request by Staff to delay approval.

Mr. Smith said no.

Commissioner Espinoza pointed out that RETA is a very credible organization.

Commissioner Espinoza moved, seconded by Commissioner Hall, to approve the order.

Commissioner Fischmann said he did not want to delay things but suggested it might be appropriate to still go ahead with the study and make changes as needed.

Commissioner Espinoza accepted that amendment as friendly. She asked what concern Mr. Smith had.

Mr. Smith said he was concerned with the language Commissioner Fischmann=s amendment had.

Commissioner Fischmann understood and withdrew his amendment.

Commissioner Byrd observed that the PE said the study was sound.

The motion was approved by unanimous 5-0 voice vote. So Ordered.

A. Transportation Matters:

- 3) 18-00323-FM **IN THE MATTER OF AMENDING CERTAIN RULES PERTAINING TO THE STATE FIRE MARSHAL, INCLUDING REPEALING AND REPLACING THE 2003 INTERNATIONAL FIRE CODE WITH THE 2015 INTERNATIONAL FIRE CODE**
 (David Black) POTENTIAL EMERGENCY REPEAL OF VOID STATE FIRE MARSHAL RULES AND ORDER ADOPTING EMERGENCY RULES
 and
 POTENTIAL ORDER REOPENING RULEMAKING DOCKET AND ISSUING NOTICE OF PROPOSED RULEMAKING

Mr. Black informed the Commission that the original rulemaking failed for noncompliance with the PRC rulemaking statute that it be published in two newspapers of general circulation in New Mexico and that the notice of proposed rulemaking was only published in the New Mexico Register. Because it was not published, a case from the Supreme Court holds that the original rulemaking proceeding was void. But we have the ability to promulgate emergency rules to replace the voided rules and start a normal rulemaking process to make the temporary rules permanent. So there are two separate orders.

Under the emergency rulemaking part of the State Rules Act, in 14-4-5.6 (C), rulemakings must follow the provisions of that section in addition to our rulemaking statute on emergency rules. The Commission's rulemaking statute says that the Commission's reasons for the emergency shall be stated in the text of the emergency rule. He would insert the right language in there to be in compliance with the PRC emergency rulemaking statute. The rest is okay.

He clarified, if the order is passed today with revised provisions, which are identical to the ones we tried to promulgate earlier, the next step would be to get it published in the New Mexico Register. He would make sure it is in the proper legislative format and have the proper purchase orders put in place. It would then become effective when they are stamped as received at the NM State Records Center and Archives. He referred to the emergency rules as Exhibit 1 to the emergency rulemaking order and the permanent language rules as Exhibit A to the regular rulemaking order.

Commissioner Espinoza hoped no one would change anything. She worried that people will try further to change it more and then the Commission would have to start all over again. She said she was not pointing fingers about who was at fault. But it is fine with the way it has been submitted. And we already approved it. And it also costs money to new and small businesses and we do not want any requirements that would require them to pay more.

Mr. Black said he would take responsibility for not having discovered the procedural defect in the original rulemaking proceeding. To remedy it internally, General Counsel now requires a rulemaking check list to obviate and prevent that from happening again.

Now, with new legislation on dampers, that is not part of this rulemaking. That will take place later. This is re-adopting the identical language from the procedurally defective original rulemaking proceeding.

Commissioner Espinoza commented that it is just an opportunity for someone to try to put in something else.

Mr. Black promised to keep the Commissioners well advised.

Commissioner Hall moved, seconded by Commissioner Espinoza, to adopt both orders. The motion was approved by unanimous 5-0 voice vote. So Ordered.

Commissioner Espinoza asked when he expected the permanent rules to be published.

Mr. Black said it would be in the September 10, 2019 edition of the New Mexico Register.

B. Utility Matters:

- 4) 19-00168-UT **IN THE MATTER OF THE PETITION TO AMEND THE ENERGY EFFICIENCY RULE 17.7.2 NMAC**
(David Black) **POTENTIAL ORDER OPENING DOCKET, PROVIDING NOTICE, AND REQUESTING WRITTEN COMMENTS**

Mr. Black said CCAE filed a petition on this. In the last legislative session, changes were made to amend the Energy Efficiency Act. CCAE is taking a proactive step to get the rulemaking revision work underway. This is not to issue any NOPR but to get written comments so we can formulate possible rule changes, and the Commission will have a basis to understand and get stakeholder ideas included.

Commissioner Espinoza moved, seconded by Commissioner Fischmann, to approve the proposed order. The motion was approved by unanimous 5-0 voice vote. So Ordered.

10. DISCUSSION AND POSSIBLE ACTION

- 5) 15-00261-UT **IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF NEW MEXICO FOR REVISION OF ITS RETAIL ELECTRIC RATES PURSUANT TO ADVISE NOTICE NO. 513 PUBLIC SERVICE COMPANY OF NEW MEXICO, Applicant.**
(Michael Smith) **POSSIBLE ACTION ON MOTION FOR ORAL ARGUMENT ON MANDATE**
POSSIBLE ACTION ON REMAND

Mr. Smith reported on this matter concerning revision of PNM rates. He pointed out that this case has a fair amount of materials. It is a long, complicated rate case and therefore, he would not go through all the background. A number of appeals were filed with the Supreme Court and all of those were ruled in favor of the PRC except one part. That was on rates on repurchase of Palo Verde energy - 364 KW to adjust. The appellants represented it as the fair market value per terms of the lease. PNM had the option to acquire at fair market value or to renew the lease at one half of the previous rates. Or PNM could walk away from it. The amount was 114MW for 8 years and they also sought continued payments on previous capital improvements - about 610/KW.

The Commission agreed with the provision and lease of Palo Verde. The decision would have kept the power serving ratepayers with no recovery by PNM but would

include a showing of prudence that would not have related back to the original agreement date - that at that time, it was a prudent decision by PNM in its portfolio and would result in an evaluation for that portion of capacity - if Commission found that prudent.

Before, PNM would not be covered for any of that. The PRC chose not to adopt the Recommended Decision but to evaluate the Palo Verde resource. So they modified the recommendation with another hearing. They accepted the testimony at \$6/KW and denied the double recovery of capital improvements, resulting in an effective value of \$695/KW. Also, a decommissioning order was validated. Decommissioning had no effect on the rates.

The Supreme Court upheld everything the Commission did with the exception of the exclusions. The Supreme Court order mandate was issued that the PRC is required to take action in compliance with Supreme Court action.

Written responses were received from PNM, WRA, CCAE and NMIEC. The responses were uniform on the remand from the Supreme Court. There were no responses by Staff or the NMAG.

NEE sought a stay of the Commission's order, feeling the ratepayers would be overcharged. The Supreme Court denied that stay saying the intent was if customers paid too much, the court would order they be repaid.

Regarding PNM's recovery for continued use of Palo Verde, the Court accepted the Commission's remedy for balancing rate payers. The issue of whether the Commission could order a refund is not yet decided. The Supreme Court doesn't have authority to modify our orders but could vacate an order.

Rates collected in September 2016 and following were collected pursuant to a Commission order. So now, try to turn the clock back to 2016 and say PRC should get nothing, is a caustic example. The Commission wants to get oral argument from the parties on what NEE raised.

The Court upheld the Commission's action on rate payers. There have been no changes on the factual order but have been on the transition order. It appears that PNM would have a better argument and better chance to get approval in the portfolio standard. If that were the case, while they might lose ability to recover money, the Commission would not be allowed and would have to rely on the original evaluation and PNM would have to make a showing on the current situation. There is a very large question on what PNM would do. So the Commission would trade a known factor for one not known.

PNM filed a motion to adopt a final order and it came in yesterday. It would be a re-adoption of the original order and a disallowance to be set aside for a future rate case.

Mr. Smith said that was what he would have recommended to the Commission.

Commissioner Hall asked what that was based on. She would not like this Commission to take the risk and exposure to possible rate increases and the ratepayers would be subject to not simply address the Palo Verde matter and would be vulnerable to higher costs and that could generate a lot of litigation resulting in circumstances she would not like to see. She observed that the Commission does not have an order today.

Mr. Smith said the Commission could find that the Supreme Court rejected all of the appeals submitted and readopt the previous order.

Commissioner Hall moved, seconded by Commissioner Byrd to adopt the order to deny the motion for oral argument and re-adopt the Commission's order on September 18, 2018 with the exception of the denial for PNM to make future recovery of Palo Verde decommissioning costs and defer that to a PNM future rate case.

Commissioner Espinoza asked to talk about the set aside the for next rate case. She asked how much should be set aside and without experiencing rate shock. She asked why the Commission should not allow oral arguments. They do have a good argument for it.

Mr. Smith said they are mixed issues. Oral argument would not be so much. It does not have to be done in a rate case. It does not actually affect PNM's revenue requirement which is why we can adopt it and review the rates. PNM asked for a continued contribution for Palo Verde. PNM could come back with a showing that it was not performing as well as expected. The remedy for being underfunded may not have been clear in the final order. This is only trying to prevent further decommissioning liability and a greater liability that ratepayers should have to pay. PNM should have acted differently - to something already associated with decommissioning and ratepayers should not have to bear that. But obviously they have already.

The factual issues would be flushed out in the continuing proceeding.

Commissioner Espinoza pointed out that the Commission has several options.

Mr. Smith agreed. Obviously, to the extent the Commission wants to entertain oral argument. He suggested scheduling that for the meeting after next.

Commissioner Fischmann asked Mr. Smith to restate the proposed order.

Mr. Smith said the proposal is to adopt the order to deny oral argument and readopt the September 18, 2018 final order except the provision that denied PNM future contributions for Palo Verde recovery and defer that to PNM's next rate case.

Commissioner Fischmann said it takes a lot to go back and reconsider stuff the Supreme Court already ruled was acceptable - a lot of potential consequences. On the other hand, he was sympathetic to the points Commissioner Espinoza was raising. We would get into stuff the Supreme Court has already acted on. But he thought the Commissioners are responsible enough that we won't go off on an unrelated tangent. He would be sympathetic to a motion that would allow the Commission to hear oral argument and separate the matters into two cases. You have oral argument and then you have the rest.

Mr. Smith said that would just be deferring action. And if that is the motion, the rest are not new issues and not based on changes in fact or legal matters; nor making a decision based on the EPA.

Commissioner Fischmann said he guessed he was just not familiar with those issues. He was open to what Commissioner Espinoza proposed.

Commissioner Hall asked Mr. Smith to clarify - if we conducted oral argument, it would move us into areas the Supreme Court has already approved. Or would it be in a separate docket? What is the scope of it? The Commission already won on those issues at the Supreme Court.

Mr. Smith said it was only on the decommissioning issue. The Supreme Court can properly prohibit PNM from recovering those costs from rate payers. Otherwise, it exposes ratepayers to additional liability.

Commissioner Hall concluded that the Court agreed to allow them to continue to use that nonpolluting resource.

Mr. Smith said the PRC was affirmed. The Commission found that ratepayers had already become liable for those cost, but the Court said ratepayers are not paying more because of what those costs are.

Commissioner Hall said the ratepayers are then protected. Our decision was affirmed by the Supreme Court. So if we want to revisit it in oral argument, that would be the issue addressed - the cost.

Mr. Smith did not know what the cost would be

Commissioner Hall said the rate would be higher than what the Commission decided

now. So she asked if oral argument would open up that risk, even if they valued at a higher price with new hypothetical. She couldn't decide if we are creating a risk with that.

Chair Becenti-Aguilar did not think Mr. Smith had an answer. She declared a seven minute break at 11:13. The Commission reconvened at 11:24 with all Commissioners present. She asked Mr. Smith to clarify where the issue stands now.

Mr. Smith said it is whether or not the Commission wants oral argument and he was asked if there is a possible different outcome from what was decided in September that was then affirmed by the Supreme Court. And he pointed out there is a risk, if you grant NEE what they are asking and it could result in a different financial outcome for ratepayers, more or less.

Commissioner Fischmann said the argument we would hear is whether to vacate the Supreme Court decision and reopen the case before we face more risk.

Mr. Smith clarified the request for oral argument is a request for the Commission to revisit its final order previously made.

Commissioner Espinoza asked about the motion on the floor.

Mr. Smith said the Commission could either vote on it or withdraw it.

Chair Becenti-Aguilar asked if there is a deadline on this decision.

Mr. Smith said there is not, because rates are not being changed by the mandate, but it would be good to have certainty on it.

Commissioner Hall said she is standing on her motion to deny NEE=s motion for oral argument.

Chair Becenti-Aguilar pointed out that the second was made before the modification was made.

Commissioner Byrd said he would second the motion with modification.

Commissioner Fischmann asked to describe the motion made.

Commissioner Hall said her motion was to deny oral argument and to revisit the one issue that was reaffirmed by the Supreme Court.

Chair Becenti-Aguilar asked how many interveners are in this case.

Mr. Smith thought there were 19, and we had at least one supplemental or maybe two.

Chair Becenti-Aguilar asked how many days of public hearing were held.

Mr. Smith did not remember.

Chair Becenti-Aguilar pointed out that three Commissioners were not involved in that hearing. The motion is to not have oral argument and to open a separate docket for the rate case.

The motion failed by a 2-3 voice vote with Commissioner Hall and Commissioner Byrd voting in favor and Commissioner Fischmann, Commissioner Espinoza and Commissioner Becenti-Aguilar voting against.

Commissioner Espinoza moved, seconded by Commissioner Fischmann to approve the order for oral argument. The motion was approved on a majority, 4-1 voice vote with Commissioner Hall voting against. So Ordered.

Mr. Smith asked for a hearing date.

Commissioner Espinoza suggested July 17.

Mr. Smith noted regarding the amount of time afforded the parties, that so far, four parties responded to NEE=s request and he will issue a single-signature order asking for parties to respond whether they wish to participate, and then, based on the response, to determine a reasonable time.

The four parties who filed pleadings in response were PNM, WRA, CCAE, and NMIEC. In the recitation - ABQWUA supported their requests but filed no pleading in support.

Chair Becenti-Aguilar recalled the Commission canceled the July 3 meeting and the July 24 and the Commissioners would be in Farmington on July 31. With responses due by July 17, they could have the hearing in Rio Rancho on August 1.

Mr. Smith said he would be out August 1 through 12. He favored having oral arguments on July 17.

Chair Becenti-Aguilar agreed to have oral arguments on July 17.

11. COMMUNICATIONS WITH CHIEF OF STAFF

Mr. Montoya announced there would be no open meeting next week and also none on the week of July 22 for the NARUC annual meeting. Preparations for the Commission=s picnic on July 10 are progressing and we now have a permit to a barbecue. He has talked with the executive assistants on the funding to support the event.

Chair Becenti-Aguilar asked Mr. Montoya to have a small committee to deal with plans for the picnic.

Mr. Montoya said he has already done that.

Commissioner Espinoza provided a check for her support because she could not be at the picnic.

Mr. Montoya said James Varela and his family have contributed greatly to the work of the Commission, including his father, Lucky Varela. Mr. Varela is retiring next week.

Chair Becenti-Aguilar read the certificate of recognition for James Varela.

Commissioner Espinoza praised him for his contributions that were very helpful to her. Mr. Varela always minded his business - getting the job done and tomorrow is his last day. She thanked him for his service to the Public Regulation Commission.

12.COMMUNICATIONS WITH GENERAL COUNSEL

Mr. Smith had no communications.

13.COMMUNICATIONS WITH COMMISSIONERS

Commissioner Fischmann noted the Commission sent out a bench request on procurement and there were a number of new questions regarding procurement proceedings. He is now sending out under his own signature a new bench request providing some answers and asking for more details. Any comments are welcome.

He pointed out that the Commissioners were just talking about all the issues with the rate case by PNM and many of those were procurement related issues. A lot of this could have avoided a lot of confusion on them with clarity on procurement. Taking care of the issue up front will save customers and shareholders alike.

14.ADJOURNMENT

The meeting was adjourned at 11:45 a.m.


ATTEST:


Carl Boaz, Stenographer

APPROVED: August 7, 2019

APPROVED

THERESA BECENTI AGUILAR, CHAIRPERSON


VALERIE ESPINOZA, VICE CHAIRPERSON


CYNTHIA B. HALL, COMMISSIONER


JEFFERSON BYRD, COMMISSIONER
APPROVED

STEPHEN FISCHMANN, COMMISSIONER

NEW MEXICO PUBLIC REGULATION COMMISSION

OPEN MEETING: CASE MANAGEMENT MEETING

Date: June 26, 2019

SIGN-IN SHEET

NAME	COMPANY NAME (if any)	PHONE NUMBER
Nick Cardenas	Colfax County Fire	575-447-1639
MIKE CHERRY	Quincy County	575-403-7331
JOHN STANDEFER	NM FIRE FIGHTERS ASSOC	575-401-5135
Mark Fendley	PNM	505-241-2498
Daryl Hovins	ABC WUA	505-438-3883
STEVEN CARDONA	NMCL	505-697-3559
Zoe Lees	XCEL	505-948-8660
Dana Hardy	Hurdle Firm	982-4554
MIKE D'ANTONIO	XCEL	505-681-0946
Ryan Soren	PNM	505-241-4864
F. Busch	BETA	505-982-4435
L. Mosteller	BETA	(505) 883-3315
Don Shainin	NM SFMO	505-476-0165

Thank you for attending this meeting.



NEW MEXICO PUBLIC REGULATION COMMISSION

**NOTICE OF OPEN MEETING
OPEN MEETING: REGULAR WEEKLY MEETING**

Wednesday, June 26, 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 May 16, 2019**
- V. RESOLUTION**
 - **RESOLUTION REGARDING THE FIRE SERVICES ADVISORY COUNCIL COMMITTEE**
- VI. DIVISION DIRECTORS REPORT**
- VII. PUBLIC COMMENT**
- VIII. CONSENT ACTION**
 - A. Transportation Matters:**

NONE
 - B. Utility Matters:**

1)	19-00110-UT Michael Smith	IN THE MATTER OF THE APPLICATION FOR AN UPDATED RELIABILITY DETERMINATION FOR THE WESTERN SPIRIT TRANSMISSION PROJECT <u>PROPOSED ORDER ON REQUEST FOR UPDATED RELIABILITY DETERMINATION</u>
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2)	19-00170-UT Judith Amer	IN THE MATTER OF SOUTHWESTERN PUBLIC SERVICE COMPANY'S APPLICATION FOR (1) REVISION OF ITS RETAIL ELECTRIC RATES UNDER ADVICE NOTICE NO. 252; (2) AUTHORIZATION AND APPROVAL TO SHORTEN THE SERVICE LIFE OF AND ABANDON ITS TOLK GENERATING STATION UNITS; AND (3) OTHER RELATED RELIEF, <u>POTENTIAL ORDER REGARDING MOTION FOR PROTECTIVE ORDER</u>
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IX. REGULAR ACTION AND DISCUSSION

A. Transportation Matters:

3)	18-00323-FM David Black	IN THE MATTER OF AMENDING CERTAIN RULES PERTAINING TO THE STATE FIRE MARSHAL INCLUDING REPEALING AND REPLACING THE 2003 INTERNATIONAL FIRE CODE WITH THE 2015 INTERNATIONAL FIRE CODE <u>POTENTIAL EMERGENCY REPEAL OF VOID STATE FIRE MARSHAL RULES AND ORDER ADOPTING EMERGENCY RULES</u> and <u>POTENTIAL ORDER REOPENING RULEMAKING DOCKET AND ISSUING NOTICE OF PROPOSED RULEMAKING</u>
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B. Utility Matters:

4)	19-00168-UT David Black	IN THE MATTER OF THE PETITION TO AMEND THE ENERGY EFFICIENCY RULE 17.7.2 NMAC <u>POTENTIAL ORDER OPENING DOCKET, PROVIDING NOTICE, AND REQUESTING WRITTEN COMMENTS</u>
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X. DISCUSSION AND POSSIBLE ACTION

5)	15-00261-UT Michael Smith	IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF NEW MEXICO FOR REVISION OF ITS RETAIL ELECTRIC RATES PURSUANT TO ADVICE NOTICE NO. 513 PUBLIC SERVICE COMPANY OF NEW MEXICO, Applicant. <u>POSSIBLE ACTION ON MOTION FOR ORAL ARGUMENT ON MANDATE</u> <u>POSSIBLE ACTION ON REMAND</u>
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XI. COMMUNICATIONS WITH CHIEF OF STAFF

XII. COMMUNICATIONS WITH GENERAL COUNSEL

XIII. COMMUNICATIONS WITH COMMISSIONERS

XIV. ADJOURNMENT

To obtain a copy of this agenda please log in the Commission's website at www.prc.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.

NEW MEXICO PUBLIC REGULATION COMMISSION

OPEN MEETING: CASE MANAGEMENT MEETING

Date: June 26, 2019

PUBLIC CREDIT REPORT INFORMATION

[illegible]

Thank you for attending this meeting.

EXHIBIT 3
PRC - June 26, 2019