

**MINUTES OF THE OPEN MEETING
NEW MEXICO PUBLIC REGULATION COMMISSION
July 10, 2019**

TIME: 9:30 a. m.

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

A quorum was present as follows:

Members Present:

Commissioner Theresa Becenti Aguilar, Chairperson
Commissioner Valerie Espinoza, Vice-Chairperson [telephonically]
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

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 Commissions 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 Fe, 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 Salute to the State Flag were recited.

2. INTRODUCTION OF SPECIAL GUESTS

§ Dan Najjar introducing Paul Ryan, the CEO of the Infrastructure Investment Fund (AIIF®) which has Proposed an Acquisition of El Paso Electric Company

Mr. Najjar introduced Paul Ryan and described who IIF is. He also introduced Interim Executive of EPE Mr. Rodriguez.

Mr. Ryan said he has been with the IIF for seven years, originally from Sydney Australia and lives in Manhattan. He characterized the IIF as a Permanent Fund - here for the long term, and supporting growth. The IIF provides electricity and natural gas service for 11 million customers worldwide. It has also invested \$40 billion in renewables, mostly wind and solar. IIF is actively involved in the communities of their activities. They generally take control positions of their investments. Value stability benefit of knowledge. Risk profiles done. Thanks for the opportunity to introduce myself and the IIF.

The Commissioners welcomed him to New Mexico and hoped the process of their investment works out well for the Company and to New Mexico.

3. CONSIDERATION AND APPROVAL OF AGENDA

Commissioner Espinoza moved, seconded by Commissioner Byrd to approve the agenda as published. The motion was approved on a unanimous 5-0 voice vote.

4. CONSIDERATION AND APPROVAL OF MINUTES

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

Commissioner Hall moved, seconded by Commissioner Fischmann to approve the minutes of June 6, 2019 as. The motion was approved on a unanimous 5-0 voice vote.

5. PRESENTATION

§ Presentation by the Regulatory Assistance Project regarding decoupling

Three people from the Regulatory Assistance Project provided a presentation on decoupling. They provided a handout on their work and described their services and how decoupling allows a utility to operate more efficiently. They portrayed how decoupling is used in many jurisdictions to deal with investment, recovery and goals for delivery of energy. They proposed that removal of the disincentives assure revenue recovery by managing costs efficiently. It is done by adjusting prices to assure the revenue they are allowed to collect is in place. The decoupling mechanism prevents over recovery.

Commissioners thanked the presenters for their presentation.

6. DIVISION DIRECTORS REPORT

§ Report from the Fire Marshal Code Compliance Bureau

Rey Flores, Deputy Fire Marshal, read his report to the Commission and the workload recently with fireworks regulation. The staff members are now fully certified for inspections in compliance with SB143.

He listed the larger venues where they conduct inspections and provided the 2019 statistics through the first six months. They are working with the State Dept. of Education and CID on school inspections. He concluded the report by identifying their future objectives.

7. PUBLIC COMMENT

Dr. Leslie LaKind, a retired Santa Fe dentist reported on a town hall he organized with participation by Mayor Webber and representatives Haaland and Luján. He read a petition being circulated that is urging no full recovery for PNM imprudence in using Palo Verde resources. He pointed out the long term nuclear waste hazard and read several comments from others on the issue.

Ms. Cynthia Wheeler, a Santa Fe PNM ratepayer, came forward to speak about the dangers in radioactive material as a waste product of nuclear energy production. Mr.

Smith objected that her comment may constitute ex parte communication.

Chair Becenti-Aguilar said her written comment would be filed.

8. CONSENT ACTION

A. Transportation Matters:

NONE

B. Utility Matters:

NONE

9. REGULAR ACTION AND DISCUSSION

A. Transportation Matters:

NONE

B. Utility Matters:

- 1) 19-00170-UT **IN THE MATTER OF SOUTHWESTERN PUBLIC SERVICE COMPANY'S APPLICATION FOR (1) REVISION OF ITS RETAIL RATES UNDER ADVICE NOTICE NO. 282; (2) AUTHORIZATION AND APPROVAL TO SHORTEN THE SERVICE LIFE OF AND ABANDON ITS TOLK GENERATING STATION UNITS; AND (3) OTHER RELATED RELIEF. SOUTHWESTERN PUBLIC SERVICE COMPANY, Applicant.**
(Judith Amer) POTENTIAL ORDER SUSPENDING RATES AND ASSIGNING HEARING EXAMINER

Ms. Amer presented information regarding this matter to the Commission which comes upon the filing of SPS on July 1, 2019 of their application for revised retail electric rates for New Mexico customers per Advice Notice 282.

Ms. Amer explained that SPS plans to make considerable capital investments that include the Hale Wind Project that previously was approved by the PRC, and began operation in June 2019. It provides 478 MW of renewable energy and results in fuel savings for customers. She quoted the pertinent numbers in the application showing a significant increase in service. The application also asked permission to abandon

stations Tolk 1 and 2 from current retirement dates to abandon in 2032. They asked that the suspension of rates not exceed 9 months.

She said the proposed order does suspend 9 months from July 2019 and in addition, appoints Elizabeth Hurst as HE with a Public Hearing and to issue procedural orders setting forth the form of notice to customers and issuing the RD.

Commissioner Fischmann opined that 18% seems very big increase. One challenge is while rate base is higher, he assumed a reduction in fuel so the impact might not be 18% after all.

Commissioner Byrd moved, seconded by Commissioner Hall, to approve the proposed order as presented. The motion was approved on a unanimous 5-0 voice vote.

- 2) 15-00109-UT **IN THE MATTER OF EL PASO ELECTRIC COMPANY=S
APPLICATION FOR APPROVAL OF ABANDONMENT AND
SALE OF ITS SEVEN PERCENT FOUR CORNERS UNITS 4 AND
5 OWNERSHIP INTEREST**
- 19-00098-UT **IN THE MATTER OF EL PASO ELECTRIC COMPANY FOR
REVISION OF ITS RETAIL ELECTRIC RATES PURSUANT TO
ADVICE NOTICE 265
(Russell Fisk) POTENTIAL ORDER REGARDING JOINT
MOTION FOR AN EXPEDITED ORDER MODIFYING
FILING DATE**

Mr. Fisk presented these two cases together. He sent his proposed order on the day before and explained it was so late because of delayed responses from Las Cruces and Doña Ana County and a proposal from EPE yesterday allowing for a week. The proposed order has two alternatives - grounds to deny and grounds to approve.

The memo on Friday concerned the pending rate case docket. No application has been filed yet. It also concerns the Four Corners abandonment. Regarding Four Corners, there was a stip to allow abandonment and the AG, Staff and EPE signed off. EPE was to file a new rate case within six months because it was expected that removing Four Corners would lead to an overall decrease for customers. Ordinarily, a utility is not required to file a rate case on a specific date and in this one, it was established and then extended from 2017 to July 31, 2019.

Recently, EPE came with a request to use a historic test date of 2018 with July 31 2019 kept. The joint motion filed by Utility Staff, EPE and NMAG, asked that the Commission allow the July 31, 2019 to be removed and for the Commission to grant, in

closure of docket, filing in 2020 at the earliest. He briefly quoted from the order.

Mr. Paul Ryan was introduced today for approval of the merger to occur later.

Mr. Fisk was not sure about statutory regulation applying to this. A similar case on Emera acquisition of NMGC took about 5 months and they mentioned a 7 month and 12 month period - so it could be as late as 2021 that they come in for approval.

Commissioner Hall asked for the reason why they want 12 months after approval, to approve the acquisition instead of one month.

Mr. Fisk said they felt it would be in the public interest and he had a problem understanding why but it might be preparing the filing. Las Cruces and Doña Ana filed very detailed opposition to the motion. The full 13 days were allowed for opposition and Las Cruces filed an initial response and in joint replies, they asked for more detailed responses. Mr. Fisk shared some of the details from his memo. He indicated a large likelihood that it will result in higher rates. In Case15-00237-UT the probability for an overall decrease in rates was brought up.

An EPE argument was that retirement of Four Corners will reduce rate base. But Montana Units (3, 4) were added. Las Cruces provided lots of detail to show where possible decreases could happen.

Under the Commission's rules, they have a right to respond within 13 days and the response to that although an application to PRC for permission. The second joint reply was essentially the same response.

Mr. Fisk found the movants' arguments more compelling

Commissioner Fischmann asked if the acquisition might have an effect on rates.

Mr. Fisk had no idea and they should provide that. He did not know if they could include existing assets and essentially, nothing was provided. The delay was stipulated by EPE and Staff and it was opposed by other parties.

Commissioner Fischmann asked if the PRC has an option to get more information about what might happen from the acquisition.

Mr. Fisk agreed. He reminded them there would be deadline on July 31.

Commissioner Hall understood the timeline was changed but the issue of resources is important. To try to conduct a rate case even concurrently would be a waste of resources. She did not appreciate the notion about an affidavit and might just be that we

have discretion. However, she did not like the delay when it is time sensitive. There are things to look at but why take 12 months? Grudgingly, she agreed the Commission could grant the request with an affidavit.

Commissioner Byrd pointed out that if we deny, they would have only 21 days to come up with the rate case. They are going to have two major cases before us and that would put a strain on their staff. But he agreed 12 months is too long. We do have other major rate cases and try to minimize the burden on our staff, too.

He agreed with Commissioner Hall on three months.

Mr. Fisk said it is conditioned upon the acquisition and there may be other conditions.

Commissioner Espinoza supported the delay.

Commissioner Fischmann moved, seconded by Commissioner Hall, to approve the order with an amendment for a 3-month delay after disposition by the Commission. The motion was approved on a unanimous 5-0 voice vote. So Ordered.

The Commission took a ten minute break from 11:10 to 11:20 a.m.

- 3) 19-00018-UT **IN THE MATTER OF PUBLIC SERVICE COMPANY OF NEW MEXICO'S ABANDONMENT OF SAN JUAN GENERATING STATION UNITS 1 AND 4**
- 19-00195-UT **IN THE MATTER OF PUBLIC SERVICE COMPANY OF NEW MEXICO'S CONSOLIDATED APPLICATION FOR APPROVALS FOR THE ABANDONMENT, FINANCING, AND RESOURCE REPLACEMENT FOR SAN JUAN GENERATING STATION PURSUANT TO THE ENERGY TRANSITION ACT**
(Michael Smith) PROPOSED ORDER IN RESPONSE TO PUBLIC SERVICE COMPANY OF NEW MEXICO'S APPLICATION

Mr. Smith presented information to the Commission regarding this matter. PNM filed an application on July 1, 2019 to consolidate the abandonment as of July 1, 2022. Mr. Smith read from his memo, the details of the application which involved the Arroyo Solar and Arroyo Storage Project in McKinley County with a 20-year agreement and the Jicarilla solar and storage project which was also a 20-year PPA. Sandia solar is owned by PNM. Piñon in San Juan is a natural gas project. With these components, PNM will meet the 40% portfolio standard for renewable generation.

A second scenario was replacement 100% by natural gas in San Juan County. The third and fourth alternatives involve renewable and storage throughout the state. PNM does not support that option. These options would have financing by bonds through their wholly owned subsidiary, including \$40 million for assets totaling \$203 million, training for coal workers, and reclamation costs of \$46 million.

The application asked that all three approvals be made for abandonment, financing and replacement as one application. But Mr. Smith proposed bifurcating in two orders to permit deferring the replacement in a separate application.

Under the ETA, there is a six-month deadline and it could be extended to 9 months. The Act allows deferring replacement to a separate proceeding with a normal time frame for issuing CCN with a 9-month and possible six month extension.

His order bifurcates, extends the time frame to max 9 month and six months for financing and replacement. They will be conducted in parallel and be in compliance with ETA. The order includes appointing both Ashley Schannauer and Anthony Medeiros to work jointly as Hearing Examiners. They would endeavor to meet PNM's deadline before the PPA's expire and they should have the full time period.

Commissioner Hall said she would move the order.

Mr. Smith said there are two proposed orders. The Commission initiated the case that would require PNM to file for abandonment and then have the stay lifted on June 28 and the application from PNM came on July 1. The other option is to close the 2018 case and have two parts of the 2019 case. The Commission has done that before with determinations made.

Commissioner Espinoza understood that 1918 was at the Supreme Court and was consider under the prior law, not the ETA. Now, we hear the issues are critical for replacement for the next 20-30 years. It needs to be a comprehensive understanding and allow the maximum time.

Commissioner Fischmann needed a little more clarity on what she was proposing.

Commissioner Espinoza said regarding the Supreme Court case that the Commission should proceed under the prior law and not the ETA.

Mr. Smith clarified that when PNM responded in January, it was by seeking a writ of mandamus against the PRC at the Supreme Court. The Supreme Court granted a stay and the order was then vacated and they dismissed PNM's request for writ of mandamus on June 28 and therefore, reinstated the PRC order from January. The

Commission's reason for reinstating 1918 required a filing before December 31, 2018 on what they proposed to do with the rest of the resources.

In the course of the dispute, the Commission responded by initiating a case to determine if San Juan Station would continue providing electricity.

Commissioner Espinoza pointed out that is all in the memo.

Mr. Smith said the point is that the Commission's initial order in 2018 remains a valid order and was reinstated before PNM's application was submitted. It could all be moved into the 1918 and 195 dismissed but he just split it because, in the 1918 case, we contemplated already bifurcating the proceedings. That was one of PNM's objections because they were not ready to apply for replacement resources.

So we asked all parties to address that in their responses - whether we should start the case then or bifurcate. So there are three choices - including closing 1918.

Commissioner Hall asked Commissioner Espinoza why she wanted to put it all in 1918.

Commissioner Espinoza said it was because the Commission should pursue it under the old law and not the ETA.

Commissioner Byrd moved, seconded by Commissioner Espinoza, to do it through the 195 case.

Commissioner Fischmann assumed we are bifurcating then.

Mr. Smith explained that, in January, no ETA existed and we went with normal abandonment proceedings and considered bifurcating replacement in separate cases because PNM was not ready for identifying replacement sources.

Commissioner Fischmann asked how the old law would apply differently than the new law.

Mr. Smith said there was an impetus behind the Commission's action so that abandonment would start first and would apply to any subsequent legislative action would not apply since the case was already started. He clarified that he was not rendering an opinion but if put in 1918, it would be an issue. The application is premised on the ETA.

Commissioner Fischmann noted that under the old law we would have a whole bunch of arguments from lawyers on all sides about which law applies and we would

end up to do what the legislature asked us to do and will end up wasting a lot of resources with arcane arguments so we need to bifurcate and do it in 195 to keep it straight. So he could avoid listening to a really complicated explanation if we keep the old case open. So he preferred to bifurcate using 195 instead of considering the application under 1918

Chair Becenti-Aguilar had recommended asking PNM to do an educational session in Four Corners and had not heard a word since. They took it lightly. PNM needs to understand they employed more than 350 Navajos at San Juan and now would like to ask if PNM has filed any public document that they have scheduled any meetings for educating employees.

Mr. Smith said he had yet addressed that.

Chair Becenti-Aguilar said she normally gets a courtesy copy of dockets filed so, to her knowledge, PNM has not done that. Their CEO met twice with the Navajo President and was not her instruction which was to meet face-to-face with coal miners with what PNM wants to accomplish. She wanted on the public record those educational public meetings to document with PRC. She would not attend. She specified where they should have the public meetings at each of the four chapters near there.

They also must establish a dialog with the Navajo Nation that they will abandon the facility so Navajo Nation knows what they intend to do. As of today, there is no analysis and no directions. She asked PNM to build that to be diplomatic for all governments involved in closing of San Juan station. So whether to go with 1918 - Commissioner Hall moved to consolidate in 195 and Commissioner Fischmann seconded.

Commissioner Hall explained that her motion was to bifurcate as Mr. Smith stated. She asked if it would show the same docket with part 1 and part 2.

The motion failed on a 2-3 vote with Commissioners Byrd, Becenti-Aguilar and Espinoza voting against.

Commissioner Byrd moved, seconded by Commissioner Espinoza, to consider abandonment under 1918 and replacement under 195. The motion passed by 4-1 majority voice vote with Commissioner Fischmann voting against. So Ordered.

4) 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 ADVICE NOTICE NO. 513. PUBLIC SERVICE COMPANY OF NEW MEXICO, Applicant.

(Michael Smith) POSSIBLE ORDER ON ORAL ARGUMENT

Mr. Smith presented information regarding this matter to the Commission. He noted that week before last, they granted a motion by NEE on how the Commission should address the remand. July 17 is the oral argument and NEE is to specify what they are seeking in the oral argument to make a filing no later than noon of July 9th (yesterday) and indicate whether they intended to participate and were in favor.

The relief it seeks is to require PNM to prove that the leases with Palo Verde are the most cost effective. NEE argues that PNM should rebate any amounts over most cost effective. And if PNM fails to demonstrate it is the cost effective resource, to require Palo Verde to be decertified and alternate resources found. He listed those who intend to participate in oral argument.

Mr. Smith proposed allowing 10 minutes maximum each for every party. That would be about 90 minutes with Commissioner questions. He suggested setting 1:00 pm on July 17 for the oral arguments.

Commissioner Espinoza agreed on 1:00 p.m.

Mr. Smith said Bernalillo County had asked to participate.

Commissioner Byrd said they opposed NEE.

Commissioner Hall agreed with 1:00.

Chair Becenti-Aguilar agreed to break for lunch and come back at 1:00 for oral argument on July 17.

Commissioner Fischmann moved, seconded by Commissioner Byrd, to approve the order with 1:00 set for oral argument. The motion was approved on a unanimous 5-0 voice vote. So Ordered.

- 5) 17-00311-UT 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
(Telecommunications
Bureau Staff) PRESENTATION OF STAFF'S INITIAL
DRAFT REPORT TO THE LEGISLATURE**

Mr. Ripperger presented this matter to the Commission. He pointed out that the PRC was directed ten days ago to prepare a draft report due on July 31 to the Legislature

regarding SB 53. Staff went through a process for getting recommendations for data that might be submitted, including by CenturyLink, that might be used to show the effects of SB 53. To make it clear, it is not a staff report; it is a Commission Report to provide to the Legislature.

Mr. Montoya handed out copies of the draft report.

Mr. Ripperger noted that CenturyLink provided some information and they asked for a protective order over the information submitted. In creating the report, he formatted it as a report including on page 3 a segue to the reporting requirements for rate, service quality, employment, etc. It was to be broken out by residential/business and urban/rural. CenturyLink was co-operative in providing a fair amount of information to digest.

Commissioner Fischmann thought it sounded like OGC would draft the final report based on that.

Mr. Fisk clarified this will be a Commission Report to the Legislature in those five areas that Mr. Ripperger just listed. We also requested information from three interveners to identify trends. We needed staff to give us the first go around. And then identify the trends and then the Commission will do the final version. So it will be on the agenda next week as well and we want comments from Commissioners. Every three years this report is due to the Legislature.

Mr. Ripperger said he would go over the reporting language in SB 53 to identify what we are required to do and then explore the process and then the content in the five areas. He added a sixth area for other data that could be used for anything else that would help. CenturyLink did provide some in a protective order which we will need to figure out how to present.

Mr. Ripperger briefly made comments on the process. In the changes of rates for interstate service, we detailed what the changes were and in the exhibits - the cause of the rate changes from SB 53. There are no rate caps any longer. Previously, Windstream and CenturyLink did rate increases under the cap.

When this gets vetted by General Counsel, it might get changed. This is the best draft for now. It includes when advertisements have been done. CenturyLink has been in broadband for quite a while and responded to the competition in the market at that time. Context is needed in interpreting the data.

CenturyLink on the service quality issue, provided the metrics for mid-size carrier, even after no longer required to follow those rules. Where the quality criteria came from evolved over time. That was reported on page 15 and their own internal broadband metrics are confidential. That must be worked out in OGC.

Commissioner Fischmann understood it is confidential and asked if it is because CenturyLink says it is confidential or do we agree it is confidential.

Mr. Fisk explained that it is entered as protected per CenturyLink request. That is not otherwise available to the public.

Commissioner Fischmann asked if there will be an opportunity to make that determination before the report.

Mr. Fisk agreed. There is a lot to be dealt with very quickly. We need to issue the report next week to the Commission.

Commissioner Fischmann had a concern that if we call Quality of Service data confidential, that is the heart of the report. There needs to be a strong basis for confidentiality.

Mr. Fisk said the request is on the effect of SB 53 - so can we identify a trend in results since 2017. There is only so much we can glean from the information we received.

Commissioner Fischmann thought one or more representatives may want to dig deeper into the data.

Commissioner Hall asked if it goes back to 2015.

Mr. Ripperger agreed. Most is 2015 - 2018.

Mr. Fisk said SB 53 was done in 2017, so we wanted to show trend before 2017 and after 2017.

Commissioner Hall thought only two years is not enough to establish a trend.

Mr. Fisk said it is a new process and we will can learn as we go for the next 3-year report. There is a learning process here.

Mr. Ripperger said outage reporting was also included and described. NORS was also included Network Outage Reporting System. Pages 20-21 has consumer complaints. CRS went through them and broke it out by type on page 21. He thanked Mr. Ryan for manually entering all complaints and analyzing them. There is also a discrepancy on access lines between CenturyLink and TRD. The effect on ILEC employment is provided in a lot of detail and is all confidential. Investment information is on page 25.

Sources outside CenturyLink might be provided.

Mr. Ripperger added that there will be a conclusions section added to the report, based on what the Commission wants there. This is a preliminary draft and subject to Commission revisions.

Mr. Fisk said there are no ex parte issues. This is the first legislative report. It will be issued by the Commission at next week meeting.

11. DISCUSSION AND POSSIBLE ACTION

- 6) 17-00311-UT **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
(Russell Fisk) POTENTIAL ORDER REGARDING REPORT
TO LEGISLATURE**

Mr. Fisk suggested it would be helpful to have more time and use a single-signature order.

Commissioner Fischmann said he would read through it ASAP. If we do single signature order, it gets a little confusing.

Commissioner Byrd understood that would allow us to go to the 30th.

Commissioner Fischmann asked to be copied in email.

Ms. Joan Ellis mentioned another alternative - to ask the legislature for an extension of that deadline. Her hesitation on a single-signature order was that if there is difference of opinion on any little thing, it could be a problem. She explained that it would not negatively affect the legislature if the action was delayed beyond the deadline.

Mr. Smith suggested another option would be for a special purpose meeting on July 30th or on the 31st and walk it over. July 31st could be a meeting in Farmington.

Mr. Montoya said they could file the report on whatever is available by next week and state more information would be forthcoming. It was a topic of discussion in the interim committee and been accused of being out of compliance already.

Commissioner Fischmann would not want to read a preliminary report. He suggested we file one report with as much time as possible.

Chair Becenti-Aguilar suggested meeting on Monday July 29th at 9:00.

Commissioner Byrd and Commissioner Hall will be in Des Moines Iowa on July 29th.

Chair Becenti-Aguilar suggested meeting on July 26, 2019 at 9 a.m. on SB 53.

The Commission agreed to meet on Friday, July 26.

12. COMMUNICATIONS WITH CHIEF OF STAFF

Mr. Montoya said WECC is seeking additional members. Our next meeting is August 1 in Rio Rancho. He asked what time we should start.

Chair Becenti-Aguilar asked for 10:00.

13. COMMUNICATIONS WITH GENERAL COUNSEL

Mr. Smith said the reason he spoke about ex-parte was that we have had it in the past on environmental interest groups who ask their members to bombard you with communications when their organization is not a participant in the case. In this case, the actual wording of the Commission was actually drafted by NEE. But I intend to bring it to you in a more formal way. We have taken other parties to task for those communications. Ex-parte can also be indirect communication. The public does have a right to support a position.

Commissioner Hall agreed with that.

Mr. Smith said such bombardment could shut down the email system for a couple of days.

14. COMMUNICATIONS WITH COMMISSIONERS

There were none.

15. ADJOURNMENT

The meeting was adjourned at 1:00 p.m.

ATTEST:


Carl Boaz, Stenographer

APPROVED: August 14, 2019

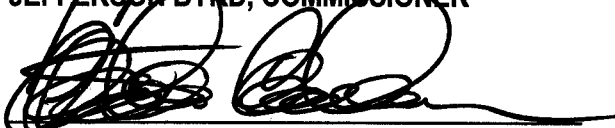

THERESA BECENTI AGUILAR, CHAIRPERSON

TELEPHONICALLY APPROVED

VALERIE ESPINOZA, VICE CHAIRPERSON


CYNTHIA B. HALL, COMMISSIONER


JEFFERSON BYRD, COMMISSIONER


STEPHEN FISCHMANN, COMMISSIONER

NEW MEXICO PUBLIC REGULATION COMMISSION

OPEN MEETING: CASE MANAGEMENT MEETING

Date: July 10, 2019

SIGN-IN SHEET

NAME	COMPANY NAME (if any)	PHONE NUMBER
Rick Alvarez	Miller	842-1552
Sam Kelly	Miller	" "
Meghan Kelly	RAP	575 779 7836
Rick Weston	RAP	" "
Janine Myles Osander	RAP	" "
Beth Sakya	SPS	506 677 4512
Dana Hardy	Hinkle Shauer	505-982-4554
Jim Schicht	EPE	915-543-4697
Carla Sanatog	NMUSA	505-836-4223
Dru Jones	NMGC	505-798-3376
Mario Contreras	Xcel Energy/SPS	806-378-2115
Angelica Stevens	Stevens Law LLC	505-793-3505
Corey Sabaz	PNA	241-4733
Jeff Albright	Albright Law	565-926-4105
Robb Thompson	Private	
Patricia Cardona	Sierra Club	
Bob Bresnahan	KCEC	575 741 0542
Erin Sanborn	KCEC	
Leo Baca	CenturyLink	505-250-4393

Thank you for attending this meeting.

Nancy Burns

EPE

470 934

EXHIBIT 1

PRC - July 10, 2019



NEW MEXICO PUBLIC REGULATION COMMISSION

NOTICE OF OPEN MEETING
OPEN MEETING: REGULAR WEEKLY MEETING
Wednesday, July 10th, 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**
 - Dan Najjar will introduce Paul Ryan, the CEO of the Infrastructure Investment Fund ("IIF") which has Proposed an Acquisition of El Paso Electric Company
- III. CONSIDERATION AND APPROVAL OF THE AGENDA**
- IV. CONSIDERATION AND APPROVAL OF THE MEETING MINUTES**
 - Minutes of the Regular Open Meeting for June 6, 2019
- V. PRESENTATION**
 - Presentation by the Regulatory Assistance Project regarding decoupling
- VI. DIVISION DIRECTORS REPORT**
 - Report from the Fire Marshal Code Compliance Bureau
- 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)	19-00170-UT Judith Amer	<p>IN THE MATTER OF SOUTHWESTERN PUBLIC SERVICE COMPANY'S APPLICATION FOR (1) REVISION OF ITS RETAIL RATES UNDER ADVICE NOTICE NO. 282; (2) AUTHORIZATION AND APPROVAL TO SHORTEN THE SERVICE LIFE OF AND ABANDON ITS TOLK GENERATING STATION UNITS; AND (3) OTHER RELATED RELIEF</p> <p>SOUTHWESTERN PUBLIC SERVICE COMPANY, Applicant.</p> <p><u>POTENTIAL ORDER SUSPENDING RATES AND ASSIGNING HEARING EXAMINER</u></p>
2)	15-00109-UT 19-00098-UT Russell Fisk	<p>IN THE MATTER OF EL PASO ELECTRIC COMPANY'S APPLICATION FOR APPROVAL OF ABANDONMENT AND SALE OF ITS SEVEN PERCENT FOUR CORNERS UNITS 4 AND 5 OWNERSHIP INTEREST</p> <p>IN THE MATTER OF EL PASO ELECTRIC COMPANY FOR REVISION OF ITS RETAIL ELECTRIC RATES PURSUANT TO ADVICE NOTICE 265</p> <p><u>POTENTIAL ORDER REGARDING JOINT MOTION FOR AN EXPEDITED ORDER MODIFYING FILING DATE</u></p>
3)	19-00018-UT 19-00195-UT Michael Smith	<p>IN THE MATTER OF PUBLIC SERVICE COMPANY OF NEW MEXICO'S ABANDONMENT OF SAN JUAN GENERATING STATION UNITS 1 AND 4</p> <p>IN THE MATTER OF PUBLIC SERVICE COMPANY OF NEW MEXICO'S CONSOLIDATED APPLICATION FOR APPROVALS FOR THE ABANDONMENT, FINANCING, AND RESOURCE REPLACEMENT FOR SAN JUAN GENERATING STATION PURSUANT TO THE ENERGY TRANSITION ACT</p>

		<u>PROPOSED ORDER IN RESPONSE TO PUBLIC SERVICE COMPANY OF NEW MEXICO'S APPLICATION</u>
4)	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 ORDER ON ORAL ARGUMENT</u>

X. PRESENTATION

5)	17-00311-UT Telecommunications Bureau Staff	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>PRESENTATION OF STAFF'S INITIAL DRAFT REPORT TO THE LEGISLATURE</u>
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XI. DISCUSSION AND POSSIBLE ACTION

6)	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 REPORT TO LEGISLATURE</u>
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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.nmofrc.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: July 10, 2019

PUBLIC COMMENT SIGN-IN SHEET

NAME	PHONE NUMBER	TOPIC
→ Cindy Weehler	512-838-3351	PNM energy
Leslie Lakin	(505) 982-2269	PNM energy

Thank you for attending this meeting.