

**MINUTES OF THE OPEN MEETING
NEW MEXICO PUBLIC REGULATION COMMISSION
Thursday, August 1, 2019**

TIME: 10:30 a. m.

**PLACE: Rio Rancho City Hall
Governing Body Chambers
3200 Civic Center Circle NE
Rio Rancho, NM 87144**

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 [arriving later]
Commissioner Cynthia B. Hall, District 1 [arriving later]

Members Absent:

None.

Staff Present:

Jason Montoya, Acting Chief of Staff
Russell Fisk, Acting General Counsel
Michael Ripperger, Telecommunications Bureau Chief
Milo Chavez, Utility Division

Others Present

Carl Boaz, Stenographer

CALL TO ORDER

The Open Meeting was scheduled at 10:30 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 10:30 a.m., in the location shown above.

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

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

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

I. PLEDGE OF ALLEGIANCE/STATE PLEDGE

II. INTRODUCTION OF SPECIAL GUESTS

Commissioner Byrd introduced Rio Rancho Mayor Greg Hall.

Mayor Hall welcomed the Commissioners to Rio Rancho and hoped the City could host more meetings in the future. He presented coins and pins to the Commissioners and asked them to let him know how the City could help them today.

III. CONSIDERATION AND APPROVAL OF THE AGENDA

Commissioner Espinoza noted that because events have transpired, Case 18-00233 TRM should be removed from the agenda.

Commissioner Espinoza moved, seconded by Commissioner Byrd, to approve the agenda as amended.

Chair Becenti-Aguilar wanted to recognize the Roswell fire fighter who died recently by including a moment of silence on this agenda. Commissioner Espinoza and Commissioner Byrd agreed with that change.

The motion was approved as amended with Case 18-00233-TR-M deleted and an added moment of silence for a fallen fire fighter in Roswell by a unanimous 3-0 voice vote. Commissioner Hall and Commissioner Fischmann were not present for the vote.

The Commission observed a moment of silence in memory of the fallen Roswell fire fighter.

IV. CONSIDERATION AND APPROVAL OF MEETING MINUTES

- **Minutes of the Regular Open Meeting for June 12, 2019**
- **Minutes of the Regular Open Meeting for June 19, 2019**

Commissioner Byrd moved, seconded by Commissioner Espinoza, to

approve the minutes of June 12, 2019 and June 19, 2019 as presented. The motion was approved on a unanimous 3-0 voice vote. Commissioner Hall and Commissioner Fischmann were not present for the vote.

V. PUBLIC COMMENT

There were no public comments.

VI. CONSENT ACTION

A. Transportation Matters:

- 1) The Case was deleted from the agenda.
- 2) **19-00193-TR-M IN THE MATTER OF THE APPLICATION OF FAITH MOVING LLC, D/B/A FAITH MOVING COMPANY FOR A CERTIFICATE TO PROVIDE HOUSEHOLD GOODS SERVICE.**
(Russell Fisk) POTENTIAL ORDER GRANTING
HOUSEHOLD GOODS CERTIFICATE

Commissioner Espinoza moved, seconded by Commissioner Byrd, to grant the order. The motion was approved on a unanimous 3-0 voice vote. Commissioner Hall and Commissioner Fischmann were not present for the vote.
SO ORDERED.

II. ACTION ITEMS

- 3) **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 ISSUING FINAL VERSION
OF REPORT TO LEGISLATURE
POTENTIAL ORDER TO CENTURYLINK QC TO
COLLECT AND MAINTAIN INFORMATION FOR
NEXT REPORT TO LEGISLATURE

Mr. Fisk presented information regarding this matter to the Commission. He noted that the first order was a single-signature order that was signed by Commissioner

Fischmann yesterday.

The second part had a couple of issues on data collection. CenturyLink provided a great deal of information. There were two issues in the report - regarding Quality of Service metrics - there were reports missing from 2016 and 2017. Those are reports that the Commission should get right away. It will not make a big difference regarding SB53 at the Science and Tech Committee.

Commissioner Hall arrived at 10:40 a.m.

Mr. Fisk said the report for 2016 and 2017 should be received within ten days. The New Mexico Telecommunications Act, as revised by SB 53, requires a report to the Legislature, describing urban-rural and other factors. Some of the required data would require CenturyLink to collect and maintain that information for the next three years at the level of specificity in his order. CenturyLink must make it available to Staff upon request of Staff during the next three years. There might be areas where the breakdown did not work but they will work with us.

Commissioner Fischmann arrived at 10:40 a.m.

Commissioner Byrd asked why an order is needed if CenturyLink is willing to provide it.

Mr. Fisk said he just went ahead and prepared the order.

Mr. Baca was present and said he would provide it.

Mr. Fisk was not opposed to revising the order.

Commissioner Byrd pointed out that CenturyLink and staff have worked together very well and would prefer to keep that congeniality. He asked Chair Becenti-Aguilar if we could have Mr. Baca speak.

Chair Becenti-Aguilar asked if there could be intervenors who would question this change. Would we get that down the road or not?

Mr. Fisk explained that what Commissioner Byrd is talking about are the 2016 and 2017 that we did not receive. It is really a minor issue and analysis needs to include them. For the next three years the order specifies the exact requirements for data, and it needs an order for that. CenturyLink believed it had submitted that report and Mr. Baca assures us they will make sure that is received. But for the next order, we do need an order to be clear on what is required.

Commissioner Fischmann asked if Mr. Ripperger could give us some insight on this.

Mr. Ripperger said that in the process of the case and as suggested by Staff and as we went along, CenturyLink truly thought those reports were filed with the Commission. They said it is in the record. He thought it was in the record but could not find it. He asked staff who thought they quit soon after passage of SB 53. It would be more complete if we could see the intervening period. On urban-rural, they said their system was not set up to make that distinction.

Mr. Fisk noted it is just 2016 and 2017 metrics report in the next ten days. The other and larger issue is going forward. Paragraph B is the larger issue going forward to the next report. And they will be working with Staff on that. We can just ask CenturyLink to submit that. And it could be removed from the order.

Commissioner Fischmann asked if it dealt with effective competition and at that level of detail.

Mr. Fisk said no. The legislation asked for residential vs. business and urban vs. rural. The order provides the level of detail needed.

Chair Becenti-Aguilar thanked Staff for bringing this before the Commission and to make sure it gets in line for the legislature.

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

**4) 19-00148-UT IN THE MATTER OF THE PETITION OF NEW MEXICO
EXCHANGE CARRIER ASSOCIATION TO AMEND THE NEW
MEXICO ORIGINATING RESPONSIBILITY PLAN
(Russell Fisk) POTENTIAL PROCEDURAL ORDER**

Mr. Fisk presented information regarding this case to the Commission. New Mexico Exchange Carriers Association was created to administer the IRP on all applicable calls in New Mexico. NMECA deals with the interstate calls specified in the statute. In it, there is a group C wherein there have been changes made over the years by the Commission. The new procedure for computation would be a more direct procedure and it is a fairly small group. The procedure recommended by the Association would be based on 2018 figures through 2024 and they would be maintained over that course of time. The Commission could decide whether to adopt that recommendation or not. A joint statement was issued on the procedure. In the joint statement, it would be issued October 1 regarding the future traffic.

The proposed order would set a deadline by directing a report for any telecom case. An initial petition on newspaper notice was part of it and he asked if we really needed this and filed it on the record. Staff and the Assn recommended a 30-day intervention period. He did not expect any intervention or hearing needed but should allow for it. He thought it could be less than 30 days for that intervention period and suggested reducing to a 15-day period.

Commissioner Espinoza moved, seconded by Commissioner Hall, to approve the order as amended to 15 days. The motion was approved on a unanimous, 5-0 voice vote. SO ORDERED.

**5) 19-00210-UT IN THE MATTER OF THE STATE RURAL UNIVERSAL FUND
2020 PER CONNECTION SURCHARGE AND FUND SIZE
(Russell Fisk) POTENTIAL ORDER DIRECTING STAFF TO
RESPOND TO PETITION**

Mr. Fisk pointed out that the order is correct with regard to the docket. It had the wrong docket name in his memo but was correct on the agenda.

There are a number of factors in the calculation by the administrator. One factor is a number provided by FCC. Both the federal and state funds have limitations on what rural ILECs provide for high cost i.e., building and retaining networks in rural areas. However, both federal and state funds have mechanism to avoid subsidizing a company to the extent they would charge less than a low cost urban area. They don't want that company charging rates much lower than urban rates.

He noted that in Commissioner Hall's panel yesterday, there was rebate included. This is just trying to level them out, so the PRC would not subsidize that part. If Commissioners wanted more detail on the federal level, he would provide it. This petition sets out the continuing use of \$18 for the calculation for next year and it is a simple order. It gives Staff time to respond and they are already aware and responding.

Commissioner Hall moved, seconded by Commissioner Fischmann, to approve the order as proposed. The motion was approved by unanimous, 5-0 voice vote. SO ORDERED.

**6) 13-00103-UT IN THE MATTER OF APPLICATIONS FOR 2019 BROADBAND
PROGRAM SUPPORT FROM THE STATE RURAL UNIVERSAL
SERVICE FUND, AS PER 17.11.10.31 NMAC.
(Russell Fisk) POTENTIAL ORDER REGARDING SMITH**

BAGLEY MIDPOINT DISBURSEMENT

Mr. Fisk explained that this docket concerns not the Broadband for this year, but for last year. The rule provides for initial payment, mid-term payment and final payment. As you probably recall in April 2019 - Smith Bagley and ENMR came and requested initial payments and those were made. Then Smith Bagley came to request funds for the McKinley Cibola project. They got \$347,000 last year and now want \$115,779 for the second payment. On July 10, we explored the issues. It was already ordered. So we have a rule and trying to help them understand. He and Mr. Ripperger met with Smith-Bagley on what needs to be shown at midpoint.

We discussed how it might be done. And asked them to prove the expense. They did submit reports but discussed what verification might be done. Our rule does not address verification. In many cases, we take it on the sworn statements for all kinds of things. But Staff suggested a site visit for verification. There were discussions about possibly putting in place auditing procedures for the fund in general.

So we could do a rulemaking. Broadband is a little different and certain reports we might consider verification for.

However, there were 20 privates last year and 25 this year. If we did site visits for all, it might be too much. We are understaffed.

So the order directs staff to undertake a reasonable verification process. Right now would be good time to discuss some sort of procedure for all of them going forward. either annually, or which ones to verify or no verification at all.

Commissioner Espinoza said Commissioner Fischmann has been working on this and Mr. Fisk had suggested not doing all of them.

Mr. Fisk explained that this is the first midpoint and we have a lot of information. If we don't do it for all, we need to consider how to do that.

Commissioner Espinoza agreed. and we need to treat all of them the same. We should either do all or none.

Mr. Fisk suggested maybe it requires more discussion. It is a big issue.

Commissioner Hall concurred in that view. She would be comfortable with primary verification and a sworn affidavit. as a practice. Some verification should be done. She suggested maybe a video to verify what they have done.

Mr. Fisk said if the Commission wanted an inquiry or rulemaking, then they could be part of that process too.

Commissioner Fischmann said they have to think about resources and perhaps staff could put together some ideas on how to do it reasonably without more resources. Regarding audits, the nature of audits is that you don't look at everything. Site visits might be done for portions each year so there are options that could work for staff. And the Commission would be open to that reality.

Commissioner Espinoza asked if we should act on this now or table it for later.

Mr. Ripperger said he needed to research if there was a tribal consultation in the rule. With last year's Commission, there was some consideration for review. Three projects were eliminated but that was part of the review last year.

Mr. Fisk said Smith Bagley has some of those projects. One project was Smith Bagley and it looked like they were still on tribal land. Based on that site, with the other three they would have gone through all of that but needed to do so when they would come back another year.

Chair Becenti-Aguilar was not concerned about Smith Bagley but was with the others and thinking 5- 6 years ahead and requiring from all carriers. She asked him to think about it and decide how to do the tribal consultation. It is in the record how Smith Bagley did consult with tribal entities. We need to hold them accountable for an outline to deal with those areas - how the Commission would regulate and oversee that for the telecommunication industry.

Mr. Ripperger agreed to do that, and Mr. Evans is already working on it.

Mr. Fisk clarified that is for the awards to be made this year. Under our rule, staff will present it for the applicants this year.

Chair Becenti-Aguilar liked Commissioner Fischmann's leadership to not impose so much on our staff but they could do one project for all year and that would be workable and could let them know ahead of time that Utility Staff would be working with them and possibly audit the project, so everybody is on board and understands that sometime along the line, the PRC would be auditing certain projects.

Commissioner Byrd thought there should be verification based on over a certain value amount and informing the companies know that someone from the PRC may show up for an audit.

Commissioner Espinoza said on inclusion of staff time and staff travel she understood they are not included in any law but hoped the Commission could

incorporate the tribes somehow in that effort.

She knew there has never been any proof they used USF funds for that specific project. It goes back to equality and including tribes and pueblos.

Chair Becenti-Aguilar said the Commission would look forward to further report from Staff and bring it back for action later.

III. ADVICE NOTICES

- **New Mexico Gas Company, Advice Notice No. 76**

Mr. Fisk said the Advice notice was from Alicia Lucero (Utility Division). This advice notice is to reduce the rate in the energy efficiency rate rider. There were \$690,000 of over-collections and there is a reconciliation process and projection involved. This is done with all utilities to reconcile. So the recommendation is to allow it.

- **EPCOR Water New Mexico, Inc. Advice Notice No. 41**

Mr. Chávez said Advice Notice 41 was filed by Epcor on August 31, 2018. On September 26, 2018, the Commission determined that the proposed rates in the application should be suspended or disapproved. The Commission went through it in the 2018 Case and Epcor filed Advice Notice 41 as a result. Staff recommended approval.

The Commission allowed it to go into effect by operation of law.

- **New Mexico Gas Company, Advice Notices 70 and 71**

- **New Mexico Gas Company, Advice Notice 77**

Mr. Chávez said that rate was from sometime in February. It was suspended and Staff stipulated to Advice Notice 77 replacing Advice Notices 70 and 71.

Mr. Fisk asked if the Commission must approve the withdrawal.

Mr. Chávez said no. It was stipulated to replace them with Advice Notice 77.

Commissioner Espinoza agreed. The Commission just needs to be informed on those with no protests.

IX. EXECUTIVE CLOSED SESSION

Mr. Fisk informed the Commission that they did not need to have the executive closed session. He will bring it before the Commission in a future meeting. He explained that it is a case regarding EPE and land fill and the City of Las Cruces appeal in December 2018 regarding the Camino Real renewable facility. They filed a motion for partial stay and the court went ahead and issued an order, but it was only one-page and they will file another order and they have to wait until we have it. It could be a very major decision because of the court. It could be a reversal of that. At some time they did issue a stay which is pretty universal. He did not have any other information about it.

The Commission chose not to go into executive closed session at this time.

X. COMMUNICATIONS WITH CHIEF OF STAFF

Mr. Montoya welcomed PRC Commissioners and staff to Rio Rancho. He also recognized all the good work yesterday by the Commission. We got lots of good feedback on the Farmington Conference.

He noted that the SM 114 Task Force is a study on the Fire Marshal placement in State Government. The Task Force met several times and it is a toss-up on moving it away from PRC to another agency or as a standalone agency. It will be discussed more. A report is due today from the Association of Counties and the Municipal League. He will distribute copies to each Commissioners.

Commissioner Espinoza thanked him. She understood the Association of Counties was because of the funding they lost that was given to the General Fund. They need that funding for equipment and trucks. That is why they were upset. It was out of our hands.

Mr. Montoya said Commissioner Byrd has been working with him on it. Regardless of where it is, the focus needs to be on issues we can address. We are developing rules and by-laws.

Commissioner Espinoza wondered how they could achieve funding without having to ask the Legislature for the fund. In terms of hiring people, it would be best to have our own budget.

Mr. Montoya said he was working on that and will make a recommendation about it. He said the Fire Service Council requires approval by the Commission. He was waiting for the document. The composition includes the presidents of the seven associations

plus John Standefer. He agreed to bring the actual names next week or the Commission could approve it today.

Mr. Montoya at request of Commissioner Espinoza, looked into the cost of installing locator systems in our vehicles. He was not ready for action on it.

Commissioner Espinoza thought a statute requires us to have it in there.

Mr. Montoya said ASFCME requires the fire marshal's vehicles to have it.

Commissioner Espinoza proposed looking at the agreement to be in compliance with the contract.

Commissioner Byrd asked if it is for all PRC cars or just the Fire Marshal Department vehicles.

Mr. Montoya said it is for all 80 vehicles. The initial cost is \$120 per vehicle and then an annual charge service charge.

Chair Becenti-Aguilar thought it does not apply to the Commissioners. It is not right for the Commissioner to serve a majority of the time and then walk away saying we need changes. It would be part of their first official business. She did not like commissioners imposing changes for the future after they leave. When we run for public office, we will have the authority to run the Commission and we make the commitment to the voters and the state. It is possible to make a stricter rule and then make changes at the end of their term, but she disagreed with that practice. She will fight to keep the Fire Marshal Department with PRC because we can see how to develop improvements to that office. The Governor has oversight over 33 agencies.

Commissioner Espinoza spoke to the issue of safety. She thought the memo should be shared with staff. She pointed out that her term ends in December 2020 and her efforts are for safety and compliance because it does affect the Fire Marshal's Office.

Chair Becenti-Aguilar understood her discussion but another angle is that other Commissioners could think about it so it should be coordinated under DPS policy.

Mr. Montoya said the only black and white rules are in the AFSCME contract and that references the Fire Marshal's office.

Chair Becenti-Aguilar asked for a copy of that.

Mr. Montoya announced working with Miguel Luján on the sound system and they ordered new microphones for the table like the ones the Commissioners have. It is next

step to take with audio-visual improvements.

Commissioner Byrd liked the microphones in the Rio Rancho City Hall with longer stands.

Mr. Montoya gave an update on his physical status. He will likely be immobile for a few weeks after surgery and be available by phone.

Mr. Montoya raised the issue of sharing email and the problem of creating rolling quorums with emails.

Commissioner Fischmann apologized for accidentally sending a response to all.

Commissioner Espinoza asked for that to be stopped. She asked the other Commissioners to please not copy her on those responses.

Mr. Fisk agreed. With rulemaking, subject to OMA regulation, Commissioners should not communicate with each other on those subjects because it could easily cause a rolling quorum. When Mr. Smith sends out an email to all, just keep that in mind. So do not do automatically reply to all Commissioners.

XI. COMMUNICATIONS WITH GENERAL COUNSEL

There were no communications with General Counsel.

XII. COMMUNICATIONS WITH COMMISSIONERS

Commissioner Byrd said at the conference we talked about Pipeline Safety. They would like for us to assist. The issue is before them right now. We talked with Representative Luján yesterday about the letter from the National Association. He will be working on either a resolution or a letter and just wanted the Commission to know it is on his radar.

Mr. Montoya added that he has been working with Senator Udall for an addendum to the Pipeline Safety Act. We are making progress with it and are working with FEMA on it.

Chair Becenti-Aguilar said she spoke yesterday with Rep Luján about FCC recognition of New Mexico as a rural area and Santa Fe as a rural area. But Santa Fe, Albuquerque and Las Cruces are cities in New Mexico. We have very rural areas and the FCC does not understand the definition of rural areas. Representative Luján asked

her to put that issue in writing and what it means for telecommunications and electric services. He wants to change the definition at the congressional level. Either the Utility Division or General Counsel may be asked to assist.

Commissioner Espinoza expressed her gratitude to the City of Rio Rancho in her district for allowing the Commission to meet in their City Chambers.

She was very impressed with leadership and outcome at the Farmington conference. We had tribes, FCC, Rep. Luján and interested telecommunications industry representatives there. She hoped we can continue that dialogue for the upcoming session. Congratulations to Chair Becenti-Aguilar for organizing and leading it.

Commissioner Espinoza referenced the insert in PNM bills about percentage of renewable energy provided. She asked for PNM to provide a report at a future meeting.

Mr. Fisk said he would put it on the next agenda.

Commissioner Fischmann said he walked away from the conference with a lot of new ideas and maybe less expensive ones. He learned a lot at the conference.

Chair Becenti-Aguilar commented briefly about Ashley Mike, who was murdered 20 miles from Farmington. It was a normal routine for Ashley to get off the bus at 3:15 and little did she know a person checked that every day when she gets off the bus and walks home. She was lured into a vehicle by a young man who sexually assaulted and murdered her. So that is why she wanted the conference. She was concerned about how funds are distributed. So President Nez stayed for the whole evening and the whole day for the conference. She asked him afterward what he would take away. He was in tears and said he wanted the tribal leaders to listen to him.

Commissioner Fischmann said a lot of good can come out of that. He saw some real potential for progress in the future.

He also thanked Commissioner Hall for the funds available from DOE by offering us workshops on energy. Sandia is the primary researcher for renewable energy and storage, and they offered to do a series of workshops and we could tell them what we want to hear about that. So he asked Staff to please send us their ideas to include.

Thirdly, he alerted the Commission that this morning, he signed an order asking to expedite the HE work on what statutes apply to PNM abandonment. That is scheduled for October. We have a motion from WRA pointing out they would face a whole other set of issues under one statute. This is very likely to go to the Supreme court to determine which statutes apply to this case. This would make it more efficient for us.

Chair Becenti-Aguilar noted that in ETA, it is clearly part of our jurisdiction and in the public eye how we interpret the act. She asked for Commissioner Fischmann=s thoughts on the process.

Commissioner Fischmann agreed with Chair Becenti-Aguilar that the Commissioners should be able to have the process in front of us and have a timeline and review the guidelines, once approved to set before the public, and put together the schedule for specifics such as which statute applies. And we should allow the HE Schannauer to undertake that process. That was in the order he signed.

The Commission continued discussing it until Commissioner Espinoza asked if we should be discussing this here.

Mr. Fisk affirmed it is not a violation. Commissioner Fischmann is simply reporting to you on an order that has already been issued. But the Commission should not discuss it any further because it is not on the agenda.

Chair Becenti-Aguilar asked who is in charge of OGC while Mr. Smith is on vacation.

Mr. Fisk said they have not decided that, but Commissioners may speak with the Counsel who is involved with the case.

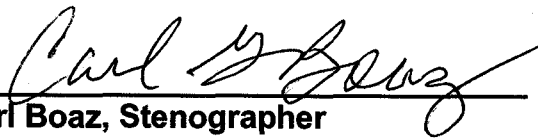
Commissioner Espinoza excused herself from the meeting.

Chair Becenti-Aguilar asked Mr. Montoya to find out who is the Acting General Counsel while Michael Smith is on vacation and clarify in writing how they contacted the Commission on this matter.

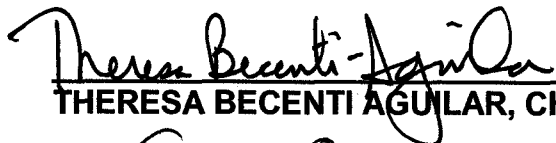
IV. ADJOURNMENT

The Open Meeting was adjourned at 12:23 p.m.

ATTEST:


Carl Boaz, Stenographer

APPROVED: August 28, 2019


THERESA BECENTI AGULAR, CHAIRPERSON


VALERIE ESPINOZA, VICE CHAIRPERSON


CYNTHIA B. HALL, COMMISSIONER


JEFFERSON BYRD, COMMISSIONER


STEPHEN FISCHMANN, COMMISSIONER

NEW MEXIC PUBLIC REGULATION COMMISSION

OPEN MEETING: REGULAR OPEN MEETING

Date: 8/1/19

CONFIDENTIAL

NAME	COMPANY NAME (if any)	PHONE NUMBER
Kevin Sanders	CWA	505-403-5347
Steven Cordova	NMGC	505-697-3559
Mike D'Antonio	Xcel Energy	505-681-0946
Leo Baca	CenturyLink	505-250-4393
Donian Lara		(505) 514-1612

Thank you for attending this meeting.



NEW MEXICO PUBLIC REGULATION COMMISSION

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

**Thursday August 1st, 2019
10:30 a.m.**

**Rio Rancho City Hall
Governing Body Chambers
3200 Civic Center Circle NE
Rio Rancho, NM 87144**

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 June 12, 2019
 - Minutes of the Regular Open Meeting for June 19, 2019
- V. PUBLIC COMMENT**
- VI. CONSENT ACTION**

A. Transportation Matters:

1)	18-00233-TR-M Judith Amer	IN THE MATTER OF THE APPLICATION OF THE CITY OF GALLUP D/B/A GALLUP FIRE DEPARTMENT FOR A CERTIFICATE TO PROVIDE AMBULANCE SERVICE <u>POTENTIAL ORDER CLOSING DOCKET</u>
2)	19-00193-TR-M David Black	IN THE MATTER OF THE APPLICATION OF FAITH MOVING LLC D/B/A FAITH MOVING COMPANY FOR A CERTIFICATE TO PROVIDE HOUSEHOLD GOODS SERVICE <u>POTENTIAL ORDER GRANTING HOUSEHOLD GOODS SERVICE CERTIFICATE</u>

B. Utility Matters:

NONE

VII. REGULAR ACTION AND DISCUSSION

A. Transportation Matters:

NONE

B. Utility Matters:

3)	17-00311-UT Russell Fisk (with Telecommunications Bureau staff available)	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 CONCERNING REPORT TO LEGISLATURE</u> <u>POTENTIAL ORDER TO CENTURYLINK QC TO COLLECT AND MAINTAIN INFORMATION FOR NEXT REPORT TO LEGISLATURE</u>
4)	19-00148-UT Russell Fisk	IN THE MATTER OF THE PETITION OF THE NEW MEXICO EXCHANGE CARRIER ASSOCIATION TO AMEND THE NEW MEXICO ORIGINATING RESPONSIBILITY PLAN <u>POTENTIAL PROCEDURAL ORDER</u>
5)	19-00210-UT Russell Fisk	IN THE MATTER OF THE STATE RURAL UNIVERSAL SERVICE FUND 2020 PER CONNECTION SURCHARGE AND FUND SIZE <u>POTENTIAL ORDER DIRECTING STAFF TO RESPOND TO PETITION</u>
6)	18-00103-UT Russell Fisk	IN THE MATTER OF APPLICATIONS FOR 2019 BROADBAND PROGRAM SUPPORT FROM THE STATE RURAL UNIVERSAL SERVICE FUND, AS PER 17.11.10.31 NMAC <u>POTENTIAL ORDER REGARDING SMITH BAGLEY MIDPOINT DISBURSEMENT</u>

VIII. ADVICE NOTICES

- New Mexico Gas Company, Advice Notice No. 76
- EPCOR Water New Mexico, Inc., Advice Notice No. 41
- New Mexico Gas Company Advice Notice 70 and 71
- New Mexico Gas Company Advice Notice 77

IX. EXECUTIVE CLOSED SESSION

- PURSUANT TO NMSA 1978, SECTION 10-15-1(H)(7) - PENDING LITIGATION MATTERS
 - *City of Las Cruces v. New Mexico Public Regulation Commission*; New Mexico Supreme Court Case No. S-1-SC-37458

X. COMMUNICATIONS WITH CHIEF OF STAFF

XI. COMMUNICATIONS WITH GENERAL COUNSEL

XII. COMMUNICATIONS WITH COMMISSIONERS

XIII. ADJOURNMENT

To obtain a copy of this agenda please log in the Commission's website at www.nmreg.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 MEXIC PUBLIC REGULATION COMMISSION

OPEN MEETING: REGULAR OPEN MEETING

Date: 8/1/19

PUBLIC COMMENT SIGN-IN SHEET

NAME	PHONE NUMBER	TOPIC

Thank you for attending this meeting.