

**MINUTES OF THE OPEN MEETING
NEW MEXICO PUBLIC REGULATION COMMISSION
Wednesday, June 12, 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:

Staff Present:

Michael Smith, Acting General Counsel
Avelino Gutierrez for Jason Montoya, Chief of Staff
Danielle Jiminez, Assistant to the Chief of Staff
Judith Amer, Associate General Counsel
Russell Fisk, Associate General Counsel
David Black, 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 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

There were no introductions.

3. CONSIDERATION AND APPROVAL OF AGENDA

Commissioner Espinoza moved, seconded by Commissioner Hall, 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 May 1, 2019

Commissioner Hall moved, seconded by Commissioner Byrd, to approve the minutes of the May 1, 2019 open meeting as presented. The motion was approved on a unanimous (5-0) voice vote.

5. DIVISION DIRECTORS REPORT

6. PUBLIC COMMENT

There were no public comments.

7. CONSENT ACTION

A. Transportation Matters:

- 1) 19-00097-TR-M IN THE MATTER OF THE APPLICATION OF ALBUQUERQUE INTERNATIONAL BALLOON FIESTA, INC. FOR DECLARATION OF A TRANSPORTATION EMERGENCY PURSUANT TO THE EMERGENCY TRANSPORTATION ACT
(David Black) POTENTIAL FINAL ORDER APPROVING PERMIT APPLICATION UNDER THE EMERGENCY TRANSPORTATION ACT

B. Utility Matters:

- 2) 19-00157-UT IN THE MATTER OF SOUTHWESTERN PUBLIC SERVICE COMPANY'S APPLICATION REQUESTING: (1) ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING CONSTRUCTION AND OPERATION OF THE EDDY COUNTY TO KIOWA 345-KV TRANSMISSION LINE AND ASSOCIATED FACILITIES; (2) APPROVAL OF THE LOCATION OF THE 345-KV TRANSMISSION LINE AND ASSOCIATED FACILITIES; (3) DETERMINATION OF RIGHT-OF-WAY WIDTH FOR THE TRANSMISSION LINE; AND (4) AUTHORIZATION TO ACCRUE AN ALLOWANCE FOR FUNDS USED DURING CONSTRUCTION FOR THE TRANSMISSION LINE AND ASSOCIATED FACILITIES, SOUTHWESTERN PUBLIC SERVICE COMPANY, Applicant.
(Judith Amer) POTENTIAL INITIAL ORDER ASSIGNING HEARING EXAMINER
- 3) 19-00158-UT IN THE MATTER OF PUBLIC SERVICE COMPANY OF NEW MEXICO'S APPLICATION FOR APPROVAL OF PNM SOLAR DIRECT VOLUNTARY RENEWABLE ENERGY PROGRAM, POWER PURCHASE AGREEMENT, AND ADVICE NOTICE NOS. 560 AND 561
(Michael Smith) POTENTIAL ORDER SUSPENDING ADVICE NOTICES 560 AND 561

Commissioner Espinoza moved, seconded by Commission Fischmann, to approve the orders for all three consent cases. The motion passed by unanimous (5-0) voice vote. So Ordered.

8. REGULAR ACTION AND DISCUSSION

A. Transportation Matters:

None.

B. Utility Matters:

- 4) 18-00312-UT **IN THE MATTER OF THE APPLICATION OF RATON NATURAL GAS COMPANY FOR APPROVAL OF ITS 2018-2019 ENERGY EFFICIENCY PROGRAM PLAN AND FOR APPROVAL OF A PROGRAM COST RATE RIDER PURSUANT TO THE EFFICIENT USE OF ENERGY ACT AND 17.7.2 NMAC - RATON NATURAL GAS COMPANY, Applicant.**
(Frances Sundheim) **RECOMMENDED DECISION**
(David Black) **POTENTIAL FINAL ORDER**
 ADOPTING RECOMMENDED
 DECISION

Ms. Sundheim referred to page 24 of her RD (Recommended Decision) and reviewed the recommendation with the Commission.

Mr. Black said the proposed order would follow the RD approving the Raton Natural Gas Company Energy Efficiency Program Plan and the Program Cost Rate Rider as proposed.

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

- 5) 18-00329-UT **IN THE MATTER OF SOUTHWESTERN PUBLIC SERVICE COMPANY'S APPLICATION REQUESTING APPROVAL TO RETIRE AND ABANDON ITS PLANT X GENERATING STATION UNIT 1, PLANT X GENERATING STATION UNIT 2, AND CUNNINGHAM GENERATING STATION UNIT 1, AND DETERMINATION OF RELATED RATEMAKING PRINCIPLES AND TREATMENT - SOUTHWESTERN PUBLIC SERVICE COMPANY, Applicant.**
(Elizabeth Hurst) **RECOMMENDED DECISION**
(Judith Amer) **POTENTIAL FINAL ORDER ON**
 RECOMMENDED DECISION

Ms. Hurst provided the RD on this procedural case. Shortly before testimony was

due, SPS filed a motion to request an expedited order, suspending the regular procedure. That motion was granted. SPS indicated they were going to file additional information within a short period of time. But that did not happen soon enough for her, so she issued another order setting a pre-hearing conference. In response to that order, SPS filed to withdraw their application. They indicated in their motion that some of the contingencies regarded these three plants and stated the reasons they wanted to close them were no longer in play. SPS said the low gas price to operate these two steam-generating plants would allow them to continue using them longer than they had forecasted originally. Therefore, they asserted in their pleading that it was more beneficial to continue operating the plants than to continue with the application to close them.

Based upon the information provided by SPS, Ms. Hurst issued a bench request for more assertions from the company. In response, and based on that information, she found that their request to withdraw its application at this time complied with the rules and was reasonable.

So Ms. Hurst recommended the Commission allow SPS to withdraw its request to close those facilities at this time.

Ms. Amer stated that, subsequent to the RD, the NM Attorney General found exceptions to this recommendation. He asked that the PRC not allow the withdrawal of the application until further information was provided as to the status of the units and the anticipated costs to continue to operate the units. He also stated SPS should give an estimated date of when the units will be retired and abandoned. And, given the volatility of gas prices, SPS should present a new proposal.

On May 31, SPS filed a response, urging the Commission to reject the AG exceptions. They argued the Commission should not require SPS to identify new abandonment dates at this time because they cannot predict gas prices. There are public policies to allow SPS to take advantage of the lower gas price. And, for the operation of the units, SPS is not seeking recovery costs at this time. Those may be addressed in a future rate case.

Ms. Amer explained the point was that they responded to a bench request by the HE. It stated that if SPS determined they would have to make substantial additions to the units to continue operation, and if there are other changes, a new rate case would be filed.

General Counsel recommended that the Commission allow SPS to withdraw the case.

Commissioner Fischmann, regarding the AG questions, asked if the Commission says yes to this order, whether that meant abandonment would only be reconsidered at

the time SPS decides to bring it up again.

Ms. Amer agreed.

Ms. Hurst said she agreed, if the Commission approves the RD.

Commissioner Fischmann pointed out, regarding the present cost of natural gas, that what is creating the lower price is that they cannot export natural gas now, so there is a glut.

Ms. Hurst said that has not turned out to be true. There would be transmission and there is a glut of gas available now. The producers will do a cost benefit analysis if things change.

Commissioner Fischmann thanked SPS for looking out for customers. He asked if there is a way for the PRC to track the price of gas, in case no one files for an abandonment.

Ms. Hurst said the Commission has a staff member that could keep an eye on the prices. But she also pointed out that stacking of the resources may be difficult to ascertain because we would not know where the stacked resource is being utilized and in what amount. So, just tracking the gas prices may not give the Commission what it needs. There have been instances where SPS has been paid to burn gas.

Commissioner Fischmann thought what would happen is based on the economics of running the plant and would determine where the stack is. If abandonment is in the queue, based on gas prices, it might not be a bad idea to ask as part of the order that SPS let the Commission know the status of gas prices. Otherwise he was happy with what was before them in this matter.

Commissioner Byrd thought we will know. The gas companies coming in asking for rate reductions will be coming in to ask for rate increases. We will be dealing with that in many instances. He did not oppose the addition to the order.

Commissioner Hall supported the tracking idea as useful.

Commissioner Hall moved the order but later withdrew her motion.

Ms. Amer explained that if the Commission modified the order as suggested, that would that continue until SPS filed its next rate case.

Commissioner Fischmann suggested approving for two years and require a status report every 6 months for the next few years.

Commissioner Hall suggested "until price changes become economically significant

for closure of the plants.”

Commissioner Fischmann suggested there might be just a temporary spike and might back come down. That should not drive the decision but would keep everyone aware. That should not be the sole decision driver.

Ms. Hurst suggested the motion say, “Until they file to abandon these three plants.”

Commissioner Fischmann agreed that would work for him. If the concern is they will not file for abandonment, maybe tie both things together.

Commissioner Hall recalled the Commission did not wait for PNM to request to abandon. The Commission has the authority to make that decision. She did not think it is necessary to put in that language.

6) 18-00030-UT **IN THE MATTER OF A COMMISSION INQUIRY INTO THE
PROCUREMENT PRACTICES OF INVESTOR OWNED
ELECTRIC UTILITIES
(Commissioner Fischmann)
(Judith Amer) POTENTIAL BENCH REQUEST
ORDER**

Ms. Amer said Commissioner Fischmann had asked her to prepare a bench request for this item.

Commissioner Fischmann gave the background and explained his reasons for asking for this bench request.

Ms. Amer read the questions which are to be answered by the Utilities before the close of business June 18th.

Commissioner Hall said the concept comes to mind in the questions that ask about ownership of the resource and transfer to the utility upon completion. She said it is interesting in knowing, if answers are yes to site ownership, would like to put a purpose and question if the utility would expect to have that owner’s facility placed in rate base.

Commissioner Fischmann was fine with that.

Commissioner Hall thought it would be an additional profit amount not calculated into the initial cost.

Commissioner Fischmann was open to that amendment.

Ms. Amer understood she was proposing to insert another question and if the

answer is yes to 4 or 6, it meant the utility intends to request to have the facility included in their rate base.

Commissioner Hall agreed. In the energy transmission act, it states that these replacement requirements must be competitively bid. We have that value embodied in the Integrated Resource Plan.

Ms. Amer said these questions would be posed and she would add Commissioner Hall's question.

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

**7) 18-00243-UT IN THE MATTER OF PUBLIC SERVICE COMPANY OF NEW MEXICO'S APPLICATION FOR APPROVAL OF A 345 KV TRANSMISSION LINE AND ASSOCIATED FACILITIES PURSUANT TO THE PUBLIC UTILITY ACT, PUBLIC SERVICE COMPANY OF NEW MEXICO, Applicant.
(Judith Amer) POTENTIAL ORDER ON MOTION TO REOPEN THE PROCEEDING**

Ms. Amer explained the filing in the packet. PNM's motion is to reopen the proceeding. Bill King Ranch withdrew their notice as party to the case.

Commissioner Espinoza asked if that is the only issue in the withdrawal.

Ms. Amer explained that they withdrew their opposition.

Commissioner Espinoza asked if a settlement was reached.

Ms. Amer said she did not have knowledge of any other activity.

Ms. Amer clarified that PNM requested the Commission to reopen the proceeding to allow new evidence into the record. She briefly reviewed the reasons for their request.

Chair Becenti-Aguilar noted that this was a Utility and pointed out that a specific transmission line is for a specific company – Facebook. That was stated in the hearings and we go through the process and then they changed their facts to say this will serve all customers with the upgrade. She asked Ms. Amer for comment about the law around that. When they change the facts recorded into the record, how do we judge that?

Ms. Amer said the Commission makes the decisions based on evidence in the record. That is in order to pass the Supreme Court tests of not being arbitrary or capricious in the record. The Commission may reopen the record to introduce new facts. If the record is not reopened, then the new evidence does not exist for the Commission to make a new decision.

Mr. Smith added that to the extent that testimony is already on the record is one thing and even if the new evidence is allowed and is contradictory to the original evidence, that would require a factual investigation of the evidence and which evidence the Commission should request and clarification of all the evidence and to answer whether the original evidence was not accurate or complete. It depends on the specific evidence.

Ms. Amer continued to review the reasons for PNM's request.

She said there was a response filed by CCAE to PNM's motion. They did agree the application for the Commission was to reopen the record and proposed an alternative of choose not to reopen the record and not adopt the rate making for the line until they put the line into rates and at that time, require PNM to justify and allocate the cost to all retail customers.

Ms. Amer identified four valid decisions the Commission could make at this time. It did not include a recommended decision.

Chair Becenti-Aguilar asked if this is what the rate payers see - that a utility comes in and changes their evidence. She asked if that is fair or prudent to rate payers. Secondly, additional filings occur before the Commission before a final decision process. Is that fair, reasonable and prudent to rate payers? Is this how a utility would like to reflect their records in front of the rate payers. In the beginning, PNM did not have a solid application. She felt the rate payers are left behind in this process. Please outline the options we have.

Ms. Amer said the Commission could deny the motion to reopen the proceeding based on the Commission Rule which states it is upon the Commission's own motion to decide whether to reopen a proceeding and would do so only if the facts have "so changed." A reason for denial would be the facts have not changed. They stated that 49% of the cost would be allocated to Facebook. They could begin to build the line. They could appeal this decision to the Supreme Court.

Option 2 and 3 are similar. The Commission could reopen the proceeding completely with option 2, to allow in all new testimony that PNM seeks to introduce and the result of making that decision is that it would go back to the hearing examiner for another public hearing. Testimony would be introduced by PNM and other parties.

After public hearing, the second recommended decision would be issued by the Hearing Examiner and a second final order by the Commission. The third option would be the same as second except the testimony to be introduced at the hearing would be limited to just Mr. Feulgen's affidavit.

Commissioner Espinoza said, "Which the expert witness claims he made an initial mistake all along."

Ms. Amer said it was Mr. Mechenbier, when he testified, and was not mentioned to be part of the evidence. They do point out in one of their affidavits that Mr. Mechenbier testified one day at an earlier hearing and another way at a subsequent hearing.

Ms. Amer said the difference with option 3 is that Mr. Friendly testified regarding an issue that was fairly well litigated initially - if for one customer or network upgrade. PNM also requests after the hearing, that they wanted to introduce the PPA from a previous case and the Commission said no. Now, they want to also introduce that piece of evidence and have Mr. Friendly's evidence. If the Commission chooses option 2 or 3 and reopens the case, the basis of the decision is to ensure that the right decision is made, and you hear all the evidence. Then she would recommend the second option.

Commissioner Espinoza observed that Ms. Amer mentioned the cost being paid up front.

Ms. Amer clarified that was in the original Facebook case and was part of the agreement in the special services contract.

Commissioner Espinoza asked if she agreed PNM pays their experts very well.

Ms. Amer said experts in general do get paid very well.

Chair Becenti-Aguilar said right before one day before we make a decision and one party withdraws from the case, is there anything you can add regarding that party?

Ms. Amer said she has no future knowledge other than the limited pleading filed yesterday. But there could be a fourth option

Commissioner Espinoza questions why there are so many new options. We made a decision already.

Ms. Amer said her interest was to make sure the Commission understood they have a variety of directions to go on this issue. The fourth option is to deny the motion and do what CCAE proposed. Reaffirm the final order and not adopt the RD on the rate making; postpone that and make that decision in a future rate case when the line is already put into its rates. The result of the final order stands except it would take out the

rate making decision and postpone it to a future rate case. It could be appealed by PNM to the Supreme Court 30 days from today.

Commissioner Hall did not see anything on a PNM intention to use that provision in their contract with Facebook to charge them transmission rates through their transmission charge. She asked if that was something that would have bearing on our decision. They came back with new facts. We did say in our final decision if new facts came forward we could consider reopening the case. That is not trivial assertion.

Ms. Amer noted that was something they argued in the original hearing. That the special services contract provided for the transmission line to be covered by a certain rate. The HE went through that in great detail and disagreed it would be covered by that.

Commissioner Hall along the lines of the issues raised by CCAE and other circumstances, it looks like it is not an equivalence between Facebook. It seems to go into a wealth of areas that go beyond what should be handled in the scope of this case. It makes more sense to put it in a rate making case if we do it at all.

Ms. Amer agreed. That is why option 4 makes the most sense. They do have to provide a lot of information for their whole system in order to prove their case that this is for all customers.

Commissioner Hall saw with the option to deny, it could not go forward.

Ms. Amer said it depends on how you interpret the paragraph in the contract that talks about granting of the CCN.

Commissioner Hall concluded that unless we grant the CNN, it will not go forward.

Ms. Amer said the Commission has already granted the CCN. We have approved the location and the right of way. The only thing we did not approve was the rate making treatment.

Chair Becenti-Aguilar, at 11:14, announced a brief recess with Commissioner Byrd to speak next, and then Commissioner Fischmann.

The Commission was in recess from 11:14 a.m. until 11:25 a.m.

Commissioner Byrd moved, seconded by Commissioner Espinoza, to approve the application with option number 4, and defer the ratemaking to a future case.

Ms. Amer said that would require the Commission to pass a new final order, not approving the rate case.

Commissioner Fischmann pointed out that even if the Commission had another hearing and came up with something we have not, during rate case, it would be brought up again anyway. He thought going with option 4 is a more streamlined way of going about things. He thought it was a great way to go. It is more streamlined for everyone and would get more information out there.

Commissioner Espinoza noted that the Hearing Examiners' decisions have always been flawless, and she still thought she did an exceptional job but supporting option 4 is to wait until it gets into rates. By then, new information will unfold. By then will have more answers as well. And it is not going against any HE decision. Her decisions have been flawless. The withdrawal of opposition helped factor into her decision.

Commissioner Byrd thought Ms. Glick was exactly right, based on the information given. This will give us time to straighten out that information.

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

**8) 18-00043-UT IN THE MATTER OF THE PETITION OF PUBLIC SERVICE
COMPANY OF NEW MEXICO FOR ENERGY EFFICIENCY
DISINCENTIVE IDENTIFICATION AND REMOVAL MECHANISM
APPROVALS, PUBLIC SERVICE COMPANY OF NEW MEXICO,
Applicant.
(Michael Smith) POTENTIAL ORDER DISMISSING
PROCEEDING**

Mr. Smith said this should have been on consent. He gave a brief overview and summarized that it concurs with the Hearing Examiner's recommendation to allow this request.

Commissioner Fischmann moved, seconded by Commission Espinoza, to adopt the order. The motion was approved on a unanimous 5-0 voice vote. So Ordered.

9. EXECUTIVE CLOSED SESSION

- Pursuant to NMSA 1978, Section 10-15-1(H)(2) to Discuss Limited Personnel Matters**

Chair Becenti-Aguilar moved, seconded by Commissioner Byrd, to go into executive closed session for the purpose of limited personnel discussion. The

motion was approved on a unanimous 5-0 roll call vote with Commissioner Byrd, Commissioner Hall, Commissioner Becenti-Aguilar, Commissioner Espinoza and Commissioner Fischmann voting in the affirmative and none voting against.

The Commission went into executive closed session at 11:22 a.m.

The Commission ended the executive closed session at 11:45 a.m.

Chair Becenti-Aguilar announced to the public that during the closed session, no actions were taken, and the only matters discussed were limited personnel matters.

Commissioner Espinoza moved, seconded by Commissioner Byrd, to return to open session. The motion was approved on a unanimous 5-0 voice vote.

10. CONSIDERATION AND POSSIBLE ACTION REGARDING ADVICE NOTICES

- **Southwestern Public Service Company - Advice Notice No. 281**
- **Public Service Company of New Mexico - Advice Notice No. 559**

Both advice notices were summarized by Staff and recommended the Commission allow them to go into effect by operation of law.

11. COMMUNICATIONS WITH CHIEF OF STAFF

Chair Becenti-Aguilar noted that Deputy State Fire Marshal John Kondratich was going to present earlier in the agenda and not present then. She asked if he could make his presentation now. The Commission agreed.

Mr. Kondratich distributed a printed presentation to the Commissioners. He shared his background of 15 years' experience as a fire investigator in Texas and on the staff here for 14 months now. He described how the Staff conducts investigations of alleged arson. There are about 200 each year to investigate. They have developed a curriculum for training investigators how to do the best job. Typically, the training takes about 18 months. They cover a wide variety of causes for fires and the training usually leads to a certification by International Congress. The advanced certification takes about five years to achieve. Some arson has financial fraud involved and the training also covers that type.

Working with IT Division, they have developed a new way of tracking and maintaining a database.

Commissioner Espinoza asked about costs involved.

Marshal Kondratick said he did not have the numbers with him but could provide them later.

Chair Becenti-Aguilar thanked him for his presentation.

Commissioner Byrd asked if there are three investigators on staff now.

Marshal Kondratick said they are in the process of filling one position now.

Commissioner Fischmann asked if some are already trained when hired.

Marshal Kondratick said typically, they are not certified when they come to work at the PRC. Some recent hires have had good skills in their past experience.

Mr. Gutierrez, sitting in for Jason Montoya, who had no other communications.

12. COMMUNICATIONS WITH GENERAL COUNSEL

Mr. Smith said regarding Commissioner Fischmann's bench request, that some of the Commission's powers to require an abandonment, that in the PNM case in 2018, the requirement was for PNM to make a decision. He said PNM did provide irrevocable notice to the Commission of their intent to abandon. The Government Conduct Act was relevant in the action of the Commission.

In response to Commissioner Hall, Mr. Smith said there was a question whether the Commission had that authority under determination of the CCN.

13. COMMUNICATIONS WITH COMMISSIONERS

Commissioner Espinoza congratulated Donald Martinez on his retirement. She thanked him for his help over the last several years. She also thanked Marc Martinez who is no longer with the PRC.

Commissioner Fischmann said thanks to anyone else who has not informed us that they are leaving. We will miss them too.

He also said there have been discussions about the decoupling issue. "Right now, it looks pretty firm for a meeting on July 5th. On July 9th they will have a couple of hours to go through it in detail with Staff. He anticipated a nice conclusion.

Secondly, he mentioned a recent decision of the Supreme Court where they

vacated the PNM rate case appeal. He congratulated General Counsel for his success at the Supreme Court. Clearly, Mr. Smith put together a compelling case and he considered it a terrific win for the public. They are being protected.

Mr. Smith thanked the Hearing Examiner for the work.

14. ADJOURNMENT

The meeting was adjourned at 12:07 pm.

ATTEST:

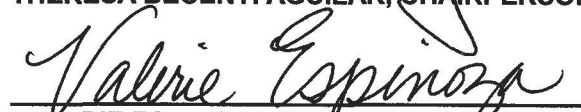
TELEPHONICALLY APPROVED

Carl Boaz, Stenographer

APPROVED: August 1st, 2019



THERESA BECENTI AGUILAR, CHAIRPERSON



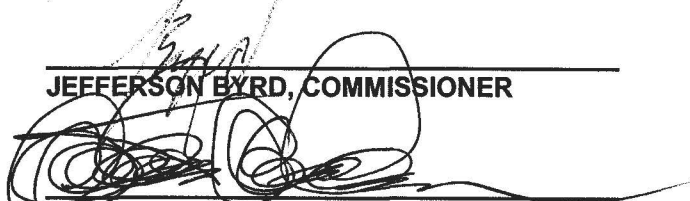
VALERIE ESPINOZA, VICE CHAIRPERSON



CYNTHIA B. HALL, COMMISSIONER



JEFFERSON BYRD, COMMISSIONER



STEPHEN FISCHMANN, COMMISSIONER

NEW MEXICO PUBLIC REGULATION COMMISSION

OPEN MEETING: CASE MANAGEMENT MEETING

Date: June 12, 2019

SIGN-IN SHEET

NAME	COMPANY NAME (if any)	PHONE NUMBER
MAUDE ELIZABETH-RICHARDS	TSGT	505-221-1745
Mark Fewkes	Pwrn	505 241 2498
Zoe Lee	xcel	505-948-8660
Dana Hardy	Hinkle Shanon	982-4554
Peter Gould	NMIEC	505-690-2966
MIKE D'ANTONIO	xcel energy	505-081-0946
Stacy Gordon	PNM	241-4927
Steven GORDON	NMIEC	505-697.3559

Thank you for attending this meeting.



NEW MEXICO PUBLIC REGULATION COMMISSION

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

Wednesday, June 12, 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 1, 2019**
- V. DIVISION DIRECTORS REPORT**
- VI. PUBLIC COMMENT**
- VII. CONSENT ACTION**

A. Transportation Matters:

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

2)	19-00157-UT Judith Amer	<p>IN THE MATTER OF SOUTHWESTERN PUBLIC SERVICE COMPANY'S APPLICATION REQUESTING: (1) ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING CONSTRUCTION AND OPERATION OF THE EDDY COUNTY TO KIOWA 345-KV TRANSMISSION LINE AND ASSOCIATED FACILITIES; (2) APPROVAL OF THE LOCATION OF THE 345-KV TRANSMISSION LINE AND ASSOCIATED FACILITIES; (3) DETERMINATION OF RIGHT-OF-WAY WIDTH FOR THE TRANSMISSION LINE; AND (4) AUTHORIZATION TO ACCRUE AN ALLOWANCE FOR FUNDS USED DURING CONSTRUCTION FOR THE TRANSMISSION LINE AND ASSOCIATED FACILITIES,</p> <p>SOUTHWESTERN PUBLIC SERVICE COMPANY,</p> <p>Applicant.</p> <p><u>POTENTIAL INITIAL ORDER ASSIGNING HEARING EXAMINER</u></p>
3)	19-00158-UT Michael Smith	<p>IN THE MATTER OF PUBLIC SERVICE COMPANY OF NEW MEXICO'S APPLICATION FOR APPROVAL OF PNM SOLAR DIRECT VOLUNTARY RENEWABLE ENERGY PROGRAM, POWER PURCHASE AGREEMENT, AND ADVICE NOTICE NOS. 560 AND 561</p> <p><u>POTENTIAL ORDER SUSPENDING ADVICE NOTICES 560 AND 561</u></p>

VIII. REGULAR ACTION AND DISCUSSION

A. Transportation Matters:

NONE

B. Utility Matters:

4)	18-00312-UT David Black Frances I. Sundheim	<p>IN THE MATTER OF THE APPLICATION OF RATON NATURAL GAS COMPANY FOR APPROVAL OF ITS 2018-2019 ENERGY EFFICIENCY PROGRAM PLAN AND FOR APPROVAL OF A PROGRAM COST RATE RIDER PURSUANT TO THE EFFICIENT USE OF ENERGY ACT AND 17.7.2 NMAC</p> <p>RATON NATURAL GAS COMPANY,</p> <p>Applicant.</p> <p><u>POTENTIAL FINAL ORDER ADOPTING RECOMMENDED DECISION</u></p>
5)	18-00329-UT Judith Amer Elizabeth Hurst	<p>IN THE MATTER OF SOUTHWESTERN PUBLIC SERVICE COMPANY'S APPLICATION REQUESTING APPROVAL TO RETIRE AND ABANDON ITS PLANT X GENERATING STATION UNIT 1, PLANT X GENERATING STATION UNIT 2, AND CUNNINGHAM GENERATING STATION UNIT 1, AND DETERMINATION OF RELATED RATEMAKING PRINCIPLES AND TREATMENT</p> <p>SOUTHWESTERN PUBLIC SERVICE COMPANY,</p> <p>Applicant.</p> <p><u>POTENTIAL FINAL ORDER ON RECOMMENDED DECISION</u></p>
6)	18-00030-UT Commissioner Stephen Fischmann Judith Amer	<p>IN THE MATTER OF A COMMISSION INQUIRY INTO THE PROCUREMENT PRACTICES OF INVESTOR OWNED ELECTRIC UTILITIES</p> <p><u>POTENTIAL BENCH REQUEST ORDER</u></p>
7)	18-00243-UT Judith Amer	<p>IN THE MATTER OF PUBLIC SERVICE COMPANY OF NEW MEXICO'S APPLICATION FOR APPROVAL OF A 345 KV TRANSMISSION LINE AND ASSOCIATED FACILITIES PURSUANT TO THE PUBLIC UTILITY ACT,</p>

		PUBLIC SERVICE COMPANY OF NEW MEXICO, Applicant. <u>POTENTIAL ORDER ON MOTION TO REOPEN THE PROCEEDING</u>
8)	18-00043-UT Michael Smith	IN THE MATTER OF THE PETITION OF PUBLIC SERVICE COMPANY OF NEW MEXICO FOR ENERGY EFFICIENCY DISINCENTIVE IDENTIFICATION AND REMOVAL MECHANISM APPROVALS PUBLIC SERVICE COMPANY OF NEW MEXICO, Applicant. <u>POTENTIAL ORDER DISMISSING PROCEEDING</u>

IX. EXECUTIVE CLOSED SESSION

- Pursuant to NMSA 1978, Section 10-15-1(H)(2) to Discuss Limited Personnel Matters

X. CONSIDERATION AND POSSIBLE ACTION REGARDING ADVICE NOTICES

- Southwestern Public Service Company - Advice Notice No. 281
- Public Service Company of New Mexico - Advice Notice No. 559

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.nmpdc.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.

OPEN MEETING: CASE MANAGEMENT MEETING

PUBLIC COMMENT SIGN-IN SHEET

[illegible]

EXHIBIT 3
PRC - June 12, 2019