

**MINUTES OF THE OPEN MEETING  
NEW MEXICO PUBLIC REGULATION COMMISSION  
June 6, 2019**

**TIME: 11:00 a. m.**

**PLACE: PERA Building  
4<sup>th</sup> 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 [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  
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 11:00 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 11:00 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**

Mr. Montoya introduced Danielle Jimenez, the new executive assistant to the Chief of Staff.

Mr. Borman, Acting Director of the Legal Division, introduced Melchior Saverese, a new member of the Legal Department.

## **3. CONSIDERATION AND APPROVAL OF AGENDA**

Commissioner Hall moved to approve the agenda as published, seconded by Commissioner Fischmann and the motion passed by unanimous (5-0) vote.

## **4. CONSIDERATION AND APPROVAL OF MINUTES**

- Minutes of the Regular Open Meeting for April 16, 2019
- Minutes of the Regular Open Meeting for April 24, 2019

Commissioner Hall, seconded by Commissioner Byrd, moved to approve the minutes for April 16, 2019 and April 24, 2019 as presented and the motion passed by unanimous (5-0) vote.

## **5. DIVISION DIRECTORS REPORT**

Mr. Montoya indicated he had a Pipeline Safety Bureau Chief report PowerPoint presentation which was provided to the Commissioners in addition to other reports.

Mr. Montoya indicated a member of the USDOT Pipeline and Hazardous Materials Safety Administration had been in the office this week. He was conducting the 2018 program evaluation that determines funding for the next calendar year.

The organizational chart of the Pipeline Safety Bureau (PSB) employees was reviewed, all of which report to Santa Fe. There are no vacancies, but there are two new employees and the legislature has approved two additional pipeline safety inspectors. They will be effective July 1, 2019.

An overview with the authority of the Commission for Pipeline Safety, the Damage Prevention Program and the role of the administrative assistant was shown. The following page showed the effectiveness of health the PSB is measured; the annual evaluation by the USDOT; financial audits are conducted every three years and the PRC conducts an annual audit as well. A representative verifies documentation and accurate reporting.

The PRC developed performance measures and they are on the web site that compares them with the rest of the nation, where improvements are needed. New Mexico is below the nation's threshold and focus is on reducing damage to critical infrastructure. Since January 2013 there have been aggressive enforcement guidelines.

In this calendar year there have been 1,137 excavation damages reported to the PSB with 100% of those reported investigated. Staff has participated in 41 public awareness outreach meetings with emergency responders and stakeholders where they received directives on how to prepare for emergencies. There were 10 mandatory excavation classes conducted, used as enforcement for violators of the New Mexico excavation law.

April was promoted as Safe Digging Month and a resolution requires continued education of stakeholders on the rules adopted in December 2018. There have been 64 pipeline safety inspections conducted and staff participated in 8 different training sessions and courses.

Mr. Montoya explained the program is aggressive and the person must pass a post test before proceeding to the next phase of the training program. The program is offered only to State and Federal pipeline safety employees. That often makes it difficult for the Commission to retain people because of the range of salary offered from the industry.

The FY20 pipeline safety fees approved are ongoing and the funds remain with PRC. The FY 20 annual license applications fees that assess operators are certified to operate in New Mexico is proceeding and funds go into the General Fund.

Commissioner Fischmann asked the range of excavation damages.

Mr. Montoya explained the definition of excavation is anything operated by a motor. Two issues seen often have been the failure to locate by utility companies and failure to maintain the 18-inch tolerant zone. That could be with any type of underground utility.

Commissioner Fischmann confirmed that investigation is typically a follow-up of the cause, but repairs are by the utility involved.

Mr. Montoya replied the investigation starts from with whether there was a locate request and authorization to excavate. They try to determine the root cause and probable violations and there could be multiple violations. With only three staff committed to investigations they have a 3 to 4-month backlog.

Commissioner Fischmann asked if there were records kept on trends and types of issues and if that leads to improvement programs.

Mr. Montoya replied he developed in 2013 excavation/enforcement guidelines to look at the trends for two years with each alleged violator. After a specific number of offenses, the company is asked to come in for a compliance discussion to plan how to improve.

Commissioner Fischmann asked if there were current negotiations Mr. Montoya could discuss.

Mr. Montoya reported he negotiations with several utility companies to develop a program. They asked them to identify and develop professional relationships with the excavators. There appears to be a gap between utilities and excavators as well as third-party line locator issues, and most issues are communication.

They also have monthly conferences with the telecommunication companies to pinpoint problems. USC is hiring local management to have a presence and have increased salaries in order to compete.

Commissioner Hall noted the compliance inspections conducted and asked if those were after a complaint. She asked if there was staff to audit companies for which there had been no complaint.

Mr. Montoya explained a standard operating procedure requires the Bureau to identify the compliance inspection frequencies. They are proactive and scheduled inspections of pipeline systems and the most common are standard comprehensive audits. The audit looks at procedures to ensure compliance with federal regulations and records that verify the work was done. The records must be maintained through the life of the system.



Mr. Montoya added they conduct field audits to verify an operator is operator qualified. This year there are about 80 to 100 inspections because of the five-year audit frequency. In addition, they receive incidents and accidents reports and have an on-call system and must be notified within two hours. They then deploy to conduct an investigation and on those, they do look for root causes.

Commissioner Hall asked how many companies they do a compliance audit on each year and whether the audit helps them understand the industry risks.

Mr. Montoya responded they need the 2 additional inspectors because they should be conducting new construction inspections. They have not been doing that because of the lack of resources. They have a high-risk policy that requires inspecting every unit. He explained the Albuquerque metropolitan area is one unit. The federal regulations were adopted in 1970 and some of the pipeline installed then is better than what is put in today.

He explained there is risk and an integrity management program to identify risk to the pipeline and they then have to mitigate those. Third party damage is the number one risk to all pipelines.

Commissioner Hall asked if through his field work, he had a sense if the aging infrastructure in New Mexico presents a risk in the near future.

Mr. Montoya stated New Mexico has been fortunate, and their last major incident was when a pipeline exploded in Carlsbad. That has not happened in over 25 years, but the risks have been identified. If a risk is identified the inspection can be increased to every 2 to 3 years opposed to every 5 years.

Commissioner Byrd asked if there is a policy in place to recoup losses for training if someone left.

Mr. Montoya had been told there is not, and he has asked to implement a policy that an employee must stay or reimburse them. He thought that was not a possibility.

Commissioner Byrd pointed out police departments do that.

Mr. Montoya replied he was looking at that and would not give up.

Chair Becenti Aguilar thanked Mr. Montoya. The Commission looked forward to the next report.

Commissioner Fischmann agreed. He thanked Mr. Montoya for a terrific report and concise answers to their questions.

## **6. EMPLOYEE OF THE MONTH**

Mr. Montoya recognized Melanie Sandoval from the Records Bureau as the April 2019 employee of the month and Jimmy Vigil, the May Employee from the Fire Marshal's Office, who could not be present because he was out on an inspection.

Chair Becenti Aguilar thanked Ms. Sandoval for her great work.

Commissioner Hall thanked Ms. Sandoval and said she has shouldered a heavy burden in some of the matters. She acknowledged her appreciation for Ms. Sandoval's timeliness and positive attitude.

Commissioner Fischmann congratulated Ms. Sandoval.

## **7. PUBLIC COMMENT**

There was none.

## **8. CONSENT ACTION**

### **A. Transportation Matters:**

- 1) 19-00062-TR-M     **IN THE MATTER OF THE APPLICATION OF ROYAL PARTY TOURS LLC, FOR A CERTIFICATE TO PROVIDE LIMOUSINE SERVICE**  
(David Black)     **POTENTIAL ORDER GRANTING LIMOUSINE CERTIFICATE**
  
- 2) 19-00096-TR-M     **IN THE MATTER OF THE APPLICATION OF LOBOS MOVING LLC, FOR A CERTIFICATE TO PROVIDE HOUSEHOLD GOODS SERVICE**  
(David Black)     **POTENTIAL ORDER GRANTING HOUSEHOLD GOODS SERVICE CERTIFICATE**

### **B. Utility Matters:**

- 3) 19-00109-UT     **IN THE MATTER OF THE APPLICATION OF NEW MEXICO GAS COMPANY, INC. FOR A VARIANCE FROM 17.10.640 NMAC FOR ITS MAY 2019 GAS COST FACTOR STATEMENT**  
(Judith Amer)     **POTENTIAL ORDER REGARDING VARIANCE REQUEST**

- 4) 19-00140-UT IN THE MATTER OF SOUTHWESTERN PUBLIC SERVICE COMPANY'S TRIENNIAL ENERGY EFFICIENCY PLAN APPLICATION REQUESTING APPROVAL OF: (1) SPS'S 2020-2022 ENERGY EFFICIENCY PLAN AND ASSOCIATED PROGRAMS; (2) A FINANCIAL INCENTIVE FOR PLAN YEAR 2020; (3) RECOVERY OF THE COSTS ASSOCIATED WITH A POTENTIAL ENERGY EFFICIENCY STUDY OVER A TWO-YEAR TIME PERIOD; AND (4) CONTINUATION OF SPS'S ENERGY EFFICIENCY TARIFF RIDER TO RECOVER ITS ANNUAL PROGRAM COSTS AND INCENTIVES, SOUTHWESTERN PUBLIC SERVICE COMPANY, Applicant  
(Judith Amer) POTENTIAL INITIAL ORDER ASSIGNING HEARING EXAMINER
- 5) 19-00139-UT IN THE MATTER OF THE APPLICATION FOR THE LOCATION OF THE CLINES CORNERS WIND FARM AND GEN-TIE SYSTEM IN TORRANCE AND GUADALUPE COUNTIES PURSUANT TO THE PUBLIC UTILITY ACT, NMSA 1978, §§62-9-3 AND 62-9-3.2. CLINES CORNERS WIND FARM, LLC, Applicant.  
(Michael Smith) PROPOSED INITIAL ORDER ASSIGNING HEARING EXAMINER

Commissioner Hall moved, seconded by Commissioner Fischmann, to adopt the orders for all five Consent Action items. The motion was approved on a unanimous (5-0) voice vote. So Ordered.

## 9. REGULAR ACTION AND DISCUSSION

### A. Transportation Matters:

- 6) 19-00084-TR-M IN THE MATTER OF THE CITY OF SANTA ROSA'S REQUEST FOR A VARIANCE FROM NMPRC TRANSPORTATION RULE 18.3.14.11(A)(1) NMAC  
(Judith Amer) POTENTIAL ORDER REGARDING VARIANCE REQUEST

Ms. Amer reviewed her information regarding the request from Santa Rosa. She read the rule which states: "*A minimum of two licensed EMTs from the ambulance service shall be present at the scene of the emergency*" with two exceptions: stable patients or unusual situations of disaster.

Santa Rosa requested a variance from that section based on the grounds that the paid, or volunteer service is, "*constantly struggling to get our monthly run schedule filled with two EMTs per shift*".

Ms. Amer noted that Santa Rosa had attempted to comply and set up an EMT class in June with the hope to negate the need for the variance after graduation.

On April 30 Staff filed a recommendation that the Commission grant the variance subject to the condition that the waiver be effective for a maximum of one year. If Santa Rosa was unable to comply in that time, they would notify the Commission as to why.

Staff discussed the request with Kyle Thornton, Bureau Chief of Department of Health, EMS Bureau and the PRC technical advisor on ambulance standards. Mr. Thornton supports Santa Rosa's request. He spoke with Santa Rosa's EMS Director to confirm that the variance would only be on an as needed basis.

Staff supports the request because it allows Santa Rosa to continue to provide ambulance service; they have taken steps to remedy the situation; and the Commission has granted the same variance, most recently to Mountainair.

Commissioner Byrd said the requirement is burdensome for rural areas with only one EMT and often hours from the incident. He understood the requirement in bigger cities, but he wanted to see changes.

Ms. Amer said they could discuss making a rule change.

Commissioner Hall recalled Mora County had a similar case.

Ms. Amer explained the case was still an open docket but was not sure they had filed a variance. She offered to have staff update the Commission.

Commissioner Hall also recalled there had been deaths as a result of slow response she thought, because they lacked personnel. Part of their compliance was training, which is being monitored by the Commission.

She thought the Commission has a responsibility in rural areas because of the risk of someone dying. Mora was trying to hire permanent employees and short term, she thought they had received help from another company.

Ms. Amer replied it was short term help and Mora, she was told, now has sufficient personnel. Staff could provide an update.

Mr. Smith noted that Mora was more complicated, but she was correct that the Commission had granted variances when there was a lack of volunteers or trained EMTs. He thought it appropriate to put it on next week and have transportation address, since it was not on the docket.

Commissioner Hall replied there was no need for the update on Mora. She thought the variance for a year would be fine but would be concerned if a permanent variance because it would require oversight.

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

Commissioner Fischmann thought both Commissioner Byrd and Commissioner Hall made good points. Rural areas have problems with the resources and the Commission could recommend that legislation supply funding. He acknowledged his appreciation for Commissioner Byrd's exquisite understanding of the issues and for bringing it up.

**B. Utility Matters:**

- 7) **19-00134-UT** IN THE MATTER OF SOUTHWESTERN PUBLIC SERVICE COMPANY'S APPLICATION REQUESTING: (1) ACKNOWLEDGEMENT OF ITS FILING OF THE 2018 ANNUAL RENEWABLE ENERGY PORTFOLIO REPORT; (2) APPROVAL OF ITS ANNUAL RENEWABLE ENERGY PORTFOLIO PROCUREMENT PLAN FOR PLAN YEAR 2020; (3) APPROVAL OF THE PROPOSED RATE FOR ITS 2020 RENEWABLE PORTFOLIO STANDARD RIDER; AND (4) OTHER ASSOCIATED RELIEF, SOUTHWESTERN PUBLIC SERVICE COMPANY, Applicant.  
(Judith Amer) POTENTIAL ORDER ON VARIANCE REQUEST

Ms. Amer presented the request before the Commission noting the motion is to vacate the July 1, 2019 filing date and request a variance from Rule 572 requiring SPS to file the 2020 Renewable Act plan on July 1, 2019.

The request would allow SPS to file their 2020 plan by November 1, 2019 because the Renewable Energy Act was amended by SB 489 and additional time is needed to come into compliance. Specifically, the amendment changed how RECs are retired and used to meet the standard. SPS stated currently they retire all RECs from the following New Mexico facilities: Caprock Wind Ranch, San Juan Wind Project, Mesa Lands Community College, Sun Edison Solar, Custom Sited Solar and SPS's solar arrays from their Hobbs Service Center, Eastern New Mexico at Roswell, Clovis High School, and PR Leyba Middle School in Carlsbad.

Energy produced from the facilities is allocated among all SPS jurisdictions. For that reason, they must evaluate their methodology to allocate RECs from New Mexico and Texas facilities to determine if they meet the amended requirements.

SPS stated the REC process must consider their requirements in other jurisdictions, which would take more time. They must develop a new methodology if the current does not meet the law and the variance would supply sufficient time to comply.

There was no opposition from NMAG, Holly Frontier, Navajo Refining, COG Operating, NMGC, Central Valley and Lea County Cooperatives, CCAE and Louisiana Energy. No response was received from the City of Albuquerque, Walmart, federal executive agencies, Occidental. Volt Solar took no position.

The proposed order would grant the variance and order SPS to file its 2020 plan no later than November 1, 2019. A similar request was granted to EPE that allowed them to file October 1, 2019.

**Commissioner Hall moved to approve the order as presented.**

Commissioner Byrd asked why the order would assign a Hearing Examiner.

Ms. Amer explained that was the other case, #19-140 on consent for SPS energy efficiency.

**Commissioner Byrd seconded the motion and the motion passed by unanimous (5-0) vote. So Ordered.**

**8) 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 REQUESTING INFORMATION AND  
RECOMMENDATIONS**

Mr. Fisk explained this started by a petition to the Commission but there has been progress and this docket investigates issues the PRC is required to investigate by SB 53, CenturyLink deregulation.

The Commission is required every 3 years to conduct an impact review of the legislation in five areas and they have started that process. PRC has issued an order to CenturyLink as the one company that will be regulated under the statute. The information is the 5 areas of rates, service quality, ILEC employment, investment and telecommunications infrastructure and high-speed services. Most of which has been supplied by ILEC. CenturyLink will provide more in a protective order in the docket.

There are three interveners in the case and this case does not decide the rights of any parties. It is just to receive information. The OGC can work directly with Staff because there are no ex parte issues.

The petition focus is on getting information, including recommendations from interveners; the Attorney General's office, Federal Agencies/DOD, and the City of Albuquerque. CWA did not intervene in this case (Union), but he requested the same information from them. CWA's comments filed in the rulemaking include a lot of information on CenturyLink's quality of service.

Mr. Fisk reviewed the ordering paragraphs: Paragraph 9, defining the scope of information/recommendations from interveners and Paragraph 10, ordering Staff to review Commission records regarding informal complaints and tariffs back to 2014.

The deadline is June 14 and July 31, 2019 the PRC deadline.

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

## **10. CONSIDERATION AND POSSIBLE ACTION ON ADVICE NOTICES**

- Southwestern Public Service Company - Advice Notice No. 280

John Reynolds, Economic Bureau Chief presented both Notices.

Mr. Reynolds explained SPS Notice No. 280 is belated housekeeping in their last rate case #17-00255-UT from September 2018. The notice orders SPS to cancel three uninterruptible rates. No customers were or are being served.

Mr. Reynolds stated the advice notice follows through with the final order and is consistent and compliant. He recommended the advice order be allowed to take effect.

- Western Farmers Electric Cooperative - Advice Notice No. 12

Mr. Reynolds explained this is the wholesale energy provider for four co-ops, one of which is a transition member with a different rate from the other three in New Mexico and the full members in Oklahoma.

The rate updates the common cost allocation, which is based on the prior, 3-year calendar years among the 21 members. In this case, Central Valley Electric Co-Op pays a slightly different share of cost, relatively minor, \$3k a month increase. The percentage was recomputed using 2018 data. No protests were filed.

Mr. Reynolds recommended the advice notice be allowed to go into effect.



## **11. COMMUNICATIONS WITH CHIEF OF STAFF**

Mr. Montoya indicated he wanted to discuss a personnel issue in closed session.

**Commissioner Hall moved, seconded by Commissioner Fischmann, to go into closed session to discuss limited personnel issues pursuant to NMSA 1978 Section 10-15-1(H)(2). The motion was approved by unanimous (5-0) roll call vote with Commissioner Byrd, Commissioner Hall, Commissioner Becenti-Aguilar, Commissioner Espinoza and Commissioner Fischmann voting in favor and none voting against.**

The Commission went into closed session at 12:07 PM.

The closed executive session ended at 12:37 p.m.

**Commissioner Byrd moved, seconded by Commissioner Fischmann, to return to open session. The motion was approved by unanimous (4-0) voice vote. Commissioner Espinoza was not present for the vote.**

Mr. Montoya continued his communications. He stated the conversations around building security have gone back to the General Services Division. They are implementing a statewide building security assessment of all state offices. He will provide the results once received.

Also, the FY 2019 Audit will be around September and is the last of the three-year contract with the current auditor. The FY 2020 audit will be the new audit contract.

Commissioner Espinoza rejoined the bridge at 12:39 p.m.

Mr. Montoya repeated the information for Commissioner Espinoza before she rejoined the bridge.

## **13. COMMUNICATIONS WITH COMMISSIONERS**

Commissioner Hall told about attending the Western Conference and being asked to moderate a panel on carbon sequestration. She had an opportunity to talk with three other commissioners about their competitive procurement procedures. She will share that information. She thought the conference was very successful and hopes they attend again next year.

Chair Becenti Aguilar went back to Communications with General Counsel.

## **12. COMMUNICATIONS WITH GENERAL COUNSEL (Revised Agenda Order)**

Mr. Smith informed the Commission that an offer was extended to a paralegal and they are waiting for response. Mr. Smith has also received permission to hire another attorney and would initiate that soon. He turned the floor over to Mr. Black.

Mr. Black commented on the Fire Marshal Rulemaking #18-00323-FM. The Commission issued an order on April 3 to adopt the final amended rules. The rules in part changed the 2003 Fire Code to the 2015 International Fire Code and the rules were published in the New Mexico Register. The amended rules became final on April 23, 2019.

Mr. Black indicated on May 29, he received a letter from the New Mexico Regulation and Licensing Department, Construction Industries Division (CID). CID complained they were not notified about the rulemaking.

The Office of General Counsel investigated and determined that the notice was properly provided, and it was published in the New Mexico Register, but not in the Las Cruces Sun News and the Albuquerque Journal.

Mr. Black explained a response letter is being prepared and he wanted the Commission to be aware of the letter of complaint.

## **14. ADJOURNMENT**

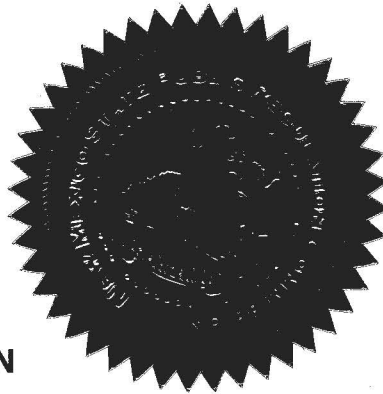
The meeting was adjourned at 12:44 pm.

ATTEST:

Carl Boaz  
Carl Boaz, Stenographer

APPROVED: 7/10/19

Theresa Becenti Aguilar  
THERESA BECENTI AGUILAR, CHAIRPERSON  
TELEPHONICALLY APPROVED



Valerie Espinoza  
VALERIE ESPINOZA, VICE CHAIRPERSON

Cynthia B. Hall  
CYNTHIA B. HALL, COMMISSIONER

Jefferson Byrd  
JEFFERSON BYRD, COMMISSIONER

Stephen Fischmann  
STEPHEN FISCHMANN, COMMISSIONER

# NEW MEXICO PUBLIC REGULATION COMMISSION

## OPEN MEETING: CASE MANAGEMENT MEETING

Date: June 6, 2019

SIGN-IN SHEET

NAME	COMPANY NAME (if any)	PHONE NUMBER
<del>Antonio Davis</del>	<del>B Ver Sen</del>	<del>415-238-057</del>
Ruth Sakya	SPS	806 677 4512
Bill GRAM	SPS   Xcel	806-358-2928
David Hudson	Xcel Energy/SPS	806 378 2824
Will DuBois	"	410-322-6069
Mark Zentel	PNM	505 241 2498
Steven Cordova	NMGC	505 697-3559

Thank you for attending this meeting.



**NEW MEXICO PUBLIC REGULATION COMMISSION**

**NOTICE OF OPEN MEETING  
OPEN MEETING: REGULAR WEEKLY MEETING  
Thursday, June 6, 2019  
11:00 a.m.  
PERA Building, 4<sup>th</sup> 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 April 16, 2019
  - Minutes of the Regular Open Meeting for April 24, 2019
- V. DIVISION DIRECTORS REPORT**
- VI. EMPLOYEE OF THE MONTH**
- VII. PUBLIC COMMENT**
- VIII. CONSENT ACTION**

**A. Transportation Matters:**

<b>1)</b>	<b>19-00062-TR-M David Black</b>	<b>IN THE MATTER OF THE APPLICATION OF ROYAL PARTY TOURS LLC, FOR A CERTIFICATE TO PROVIDE LIMOUSINE SERVICE</b>  <b><u>POTENTIAL ORDER GRANTING LIMOUSINE CERTIFICATE</u></b>
<b>2)</b>	<b>19-00096-TR-M David Black</b>	<b>IN THE MATTER OF THE APPLICATION OF LOBOS MOVING LLC, FOR A CERTIFICATE TO PROVIDE HOUSEHOLD GOODS SERVICE</b>  <b><u>POTENTIAL ORDER GRANTING HOUSEHOLD</u></b>

		<b><u>GOODS SERVICE CERTIFICATE</u></b>
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**B. Utility Matters:**

<b>3)</b>	<b>19-00109-UT Judith Amer</b>	<p><b>IN THE MATTER OF THE APPLICATION OF NEW MEXICO GAS COMPANY, INC. FOR A VARIANCE FROM 17.10.640 NMAC FOR ITS MAY 2019 GAS COST FACTOR STATEMENT</b></p> <p><b><u>POTENTIAL ORDER REGARDING VARIANCE REQUEST</u></b></p>
<b>4)</b>	<b>19-00140-UT Judith Amer</b>	<p><b>IN THE MATTER OF SOUTHWESTERN PUBLIC SERVICE COMPANY'S TRIENNIAL ENERGY EFFICIENCY PLAN APPLICATION REQUESTING APPROVAL OF: (1) SPS'S 2020-2022 ENERGY EFFICIENCY PLAN AND ASSOCIATED PROGRAMS; (2) A FINANCIAL INCENTIVE FOR PLAN YEAR 2020; (3) RECOVERY OF THE COSTS ASSOCIATED WITH A POTENTIAL ENERGY EFFICIENCY STUDY OVER A TWO-YEAR TIME PERIOD; AND (4) CONTINUATION OF SPS'S ENERGY EFFICIENCY TARIFF RIDER TO RECOVER ITS ANNUAL PROGRAM COSTS AND INCENTIVES,</b></p> <p><b>SOUTHWESTERN PUBLIC SERVICE COMPANY,</b></p> <p><b>Applicant.</b></p> <p><b><u>POTENTIAL INITIAL ORDER ASSIGNING HEARING EXAMINER</u></b></p>
<b>5)</b>	<b>19-00139-UT Michael Smith</b>	<p><b>IN THE MATTER OF THE APPLICATION FOR THE LOCATION OF THE CLINES CORNERS WIND FARM AND GEN-TIE SYSTEM IN TORRANCE AND GUADALUPE COUNTIES PURSUANT TO THE PUBLIC UTILITY ACT, NMSA 1978, §§62-9-3 AND 62-9-3.2</b></p> <p><b>CLINES CORNERS WIND FARM, LLC,</b></p>

		<p align="center"><b>Applicant.</b></p> <p><b><u>PROPOSED INITIAL ORDER ASSIGNING HEARING EXAMINER</u></b></p>
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**IX. REGULAR ACTION AND DISCUSSION**

**A. Transportation Matters:**

<b>6)</b>	<b>19-00084-TR-M</b> <b>Judith Amer</b>	<p><b>IN THE MATTER OF THE CITY OF SANTA ROSA'S REQUEST FOR A VARIANCE FROM NMPRC TRANSPORTATION RULE 18.3.14.11(A)(1) NMAC</b></p> <p><b><u>POTENTIAL ORDER REGARDING VARIANCE REQUEST</u></b></p>
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**B. Utility Matters:**

<b>7)</b>	<b>19-00134-UT</b> <b>Judith Amer</b>	<p><b>IN THE MATTER OF SOUTHWESTERN PUBLIC SERVICE COMPANY'S APPLICATION REQUESTING: (1) ACKNOWLEDGEMENT OF ITS FILING OF THE 2018 ANNUAL RENEWABLE ENERGY PORTFOLIO REPORT; (2) APPROVAL OF ITS ANNUAL RENEWABLE ENERGY PORTFOLIO PROCUREMENT PLAN FOR PLAN YEAR 2020; (3) APPROVAL OF THE PROPOSED RATE FOR ITS 2020 RENEWABLE PORTFOLIO STANDARD RIDER; AND (4) OTHER ASSOCIATED RELIEF,</b></p> <p><b>SOUTHWESTERN PUBLIC SERVICE COMPANY,</b></p> <p align="center"><b>Applicant.</b></p> <p><b><u>POTENTIAL ORDER ON VARIANCE REQUEST</u></b></p>
<b>8)</b>	<b>17-00311-UT</b> <b>Russell Fisk</b>	<p><b>IN THE MATTER OF A PETITION TO OPEN UP A DOCKET FOR THE FILING OF DATA BY LARGE</b></p>



		<p><b>ILECS TO ALLOW COMMISSION REVIEW IN COMPLIANCE WITH PROVISIONS OF SENATE BILL 53</b></p> <p><b><u>POTENTIAL ORDER REQUESTING INFORMATION AND RECOMMENDATIONS</u></b></p>
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- X. CONSIDERATION AND POSSIBLE ACTION REGARDING ADVICE NOTICES**
  - Southwestern Public Service Company - Advice Notice No. 280
  - Western Farmers Electric Cooperative - Advice Notice No. 12
- 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.nmregc.state.nm.us](http://www.nmregc.state.nm.us).

The Commission will make reasonable efforts to post the agenda on the Commission's website at least 72 hours before the open meeting, but the inability to do so within the 72 hours prior, will not require the Commission to delay the meeting or to refrain from taking action on any agenda item on which it otherwise could act.

At any time during the Open Meeting the Commission may close the meeting to the public to discuss matters not subject to the New Mexico Open Meetings Act. The Commission may revise the order of the agenda items considered at this open meeting.

Notice is hereby given that the Commission may request that any party answer clarifying questions or provide oral argument with respect to any matter on the agenda. If the Commission makes such a request, any party present at the meeting, either in person or by telephone, shall have an equal opportunity to respond to such questions or argument. In the event a party whose case is on the agenda chooses not to appear, the absence of that party shall not cause such discussion or argument to become ex-parte communications.

#### **PERSONS WITH DISABILITIES**

**ANY PERSON WITH A DISABILITY REQUIRING SPECIAL ASSISTANCE IN ORDER TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE OFFICE OF DIRECTOR OF ADMINISTRATIVE SERVICES OF THE COMMISSION AT (505) 827-4042 AS SOON AS POSSIBLE PRIOR TO THE COMMENCEMENT OF THE OPEN MEETING.**

**PUBLIC COMMENT**

All members of the public wishing to provide public comment must sign a sign-up sheet prior to the start of the meeting and identify their name and the name of the organization they represent (if any), and the topic or issue on which they desire to comment. The portion of the agenda allocated for public comment at any one open meeting shall be limited to a maximum of 30 minutes for all persons wishing to provide comment. The order of speakers will be based on the order in which speakers sign up, but public officials may be taken out of order. If a speaker is not present at the time he or she is called to provide comment, that speaker shall forfeit their opportunity to speak. Public comment by an individual or entity shall be limited to no more than three (3) minutes unless the Commission acts to extend the period. If the number of individuals on the sign-up sheet desiring to provide comment would exceed the allotted 30-minute period, the Chairman may limit individual remarks to a shorter time period. Individuals represented by or representing a common organization or association may be asked to select one individual to act as spokesperson to speak for the group. Individuals who sign up to comment, but either fail to do so or choose to speak for less than their allotted time, may not cede or yield their time to another speaker. Written comments of individuals who cannot be physically present may not be read aloud at the meeting but may be submitted to the Commission.

The subject matter of public comments shall be relevant to matters within the Commission's jurisdiction. Public comment will not be permitted on matters that should be addressed appropriately as the subject of an informal or formal complaint before the Commission or on pending rulemaking proceedings before the Commission once the opportunity for public comment in those proceedings has closed. Public comment by parties to a proceeding or adjudication pending before the Commission will not be permitted where the comment concerns matters at issue in such proceeding. The Chairman shall retain the right to stop any speaker who raises an issue that is not under the Commission's jurisdiction or is subject to the restrictions above. Public comment will be received without Commission comment or response. However, individual Commissioners may at their option seek clarification or additional information from speakers through the Chairman. No speakers will be accommodated after the public comment portion of the agenda has closed. The Chairman retains the right to exercise discretion in the implementation of this policy and may override the above rules in case of emergency or other unforeseen circumstances.

Speakers providing comment shall at all times conduct themselves in accordance with proper decorum. Profane or vulgar language or gestures will not be tolerated. Audience members shall not disrupt an open meeting by speaking without being recognized by the Commission and shall not incite others to do so. The Commission retains the right to remove disruptive attendees and individuals who fail to conduct themselves in accordance with these

provisions from the Commission meeting.

## NEW MEXICO PUBLIC REGULATION COMMISSION

**OPEN MEETING: CASE MANAGEMENT MEETING**

**Date:** June 6, 2019

## PUBLIC COMMENT SIGN-IN SHEET

[illegible]

**Thank you for attending this meeting.**