

**MINUTES OF THE OPEN MEETING
NEW MEXICO PUBLIC REGULATION COMMISSION
May 1, 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:

Jason Montoya, Acting Chief of Staff
Michael Smith, Acting General Counsel
Judith Amer, Associate General Counsel
Russell Fisk, Associate General Counsel
David Black, Associate General Counsel
Mark Cessarich, Telecommunications Bureau

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

Chair Becenti Aguilar and Commissioner Espinoza welcomed Joseph Maestas to the meeting.

3. CONSIDERATION AND APPROVAL OF AGENDA

Commissioner Espinoza moved the procurement matter off the agenda for two weeks. She asked to remove Case18-00030 because she just got this information. It is a very thorough process and she would like more input into it, if possible.

Commissioner Byrd was okay with that, given her concern, even though it puts Counsel in a little bind.

Commissioner Hall wanted to get it scheduled sooner than later because of the press of cases we will have later in the year. It is not complicated - a 3-page model without controversy. It is a rule-making and parties participate in the amendment. It is part of the Transition Act which was the purpose of putting it on today=s agenda.

Commissioner Espinoza pointed out that the Notice of Inquiry was opened in April 2018 by Commissioner Hall and is very controversial and a huge case. She thought two weeks was not going to hurt.

Chair Becenti Aguilar asked Ms. Amer to respond on whether it needs to be acted on today or can be postponed.

Ms. Amer said It is important to consider and two weeks is okay. That said, we are on appeal of a PNM renewable case. That was at the end of 2017 it got appealed and Commissioner Espinoza referred to one of the procurements in that case and we stated we would promulgate a rule

Ms. Amer is going before the Supreme Court on Monday and likely will be asked if we have a rule.

Commissioner Espinoza asked her if the case was opened a year ago.

Ms. Amer said it was at the beginning of 2018 and we had two workshops on this subject. At this point, it has taken this long and if she is asked by a Justice, she would say we are in process of working on the rule.

Commissioner Espinoza wanted to have input into it.

Ms. Amer understood and said that it is important for all Commissioners to read this rule. Having Commissioners= input for however long is important.

Commissioner Hall pointed out that this rulemaking has become an imperative and contemplates competitive procurement ongoing to get renewable energy. It is a matter of interest of staff and how they can cope with the many cases coming to the Commission through the year.

She appreciated the need for Commissioners to read all of it and that it takes time. There will be many proposed changes and vigorous discussion over the next three months.

Commissioner Fischmann noted it is an opportunity to make sure conflicts of interest don't interfere.

Mr. Smith suggested a special open meeting.

Chair Becenti Aguilar offered Tuesday at 1:00 p.m.

Mr. Montoya removed the Division Director=s Report from the agenda (item 5).

Commissioner Byrd moved, seconded by Commissioner Hall to approve the agenda as amended with Item #5 removed and tabling Case 18-00030-UT. The motion was approved on a majority (4-1) voice vote with Commissioner Espinoza voting against.

4. CONSIDERATION AND APPROVAL OF THE MEETING MINUTES

§ Minutes of the Regular Open Meeting for March 27, 2019

Commissioner Fischmann moved, seconded by Commissioner Espinoza, to approve the minutes of March 27, 2019 as presented. The motion was approved on a unanimous (5-0) voice vote.

5. DIVISION DIRECTOR=S REPORT

This report was removed from the agenda under Approval of the Agenda.

6. PUBLIC COMMENT

There were no public comments.

8. 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 NOTICE OF APPLICATION AND
PROCEDURAL ORDER

B. Utility Matters:

- 2) 19-00092-UT IN THE MATTER OF THE FILING OF THE 2019 ANNUAL REPORTS AND
RELATED FCC FILINGS BY ELIGIBLE TELECOMMUNICATIONS CARRIERS
(Russell Fisk) POTENTIAL ORDER REGARDING PETITION TO OPEN
PROCEEDING, GRANT BLANKET VARIANCE, AND ISSUE
PROTECTIVE ORDER

Commissioner Fischmann moved, seconded by Commissioner Espinoza, to approve the orders for both consent cases as presented.

Commissioner Byrd noted a correction needed to change 2018 to 2019 on the Balloon Fiesta matter. Commissioner Fischmann agreed.

The motion to approve as corrected passed by unanimous (5-0) voice vote.

8. REGULAR ACTION AND DISCUSSION

A. Transportation Matters:

3) **18-00216-TR-M** **IN THE MATTER OF THE APPLICATION OF BERNALILLO COUNTY HEALTH CARE CORPORATION DBA ALBUQUERQUE AMBULANCE SERVICE FOR AN AMENDMENT TO CERTIFICATE NO. 1168**
(Judith Amer) POTENTIAL ORDER ON MOTION FOR REHEARING

Ms. Amer presented information regarding this matter to the Commission. The matter comes before the Commission upon motion of application for rehearing by interveners, RMEMS also known as Running Bear. Mr. Schannauer presented the RD at the end of March and the Commission adopted his RD in toto.

Rocky Mountain EMS filed a motion for rehearing on two issues: They believed OGC stated to Commissioner Byrd that RMEMS had not filed exceptions, claimed that it misled the Commission to have approved the RD. Ms. Amer listened to the audio recording and heard what was stated was that they filed Findings of Fact that were very different and did not say they agreed with the findings. So at this point, she expressed to the Commission their position that the Findings were not adopted by the HE. Their position was re-expressed by the notion and they make the same points each time.

The first point is that RM believes Albuquerque Ambulance did not file a complete application because no affidavit concerning the effect of issuing the certificate would have upon RM. It believes it would harm them and the applicant never filed proof of no harm.

Secondly, Albuquerque Ambulance was driving an ambulance every day from Bernalillo to Santa Fe every day and back at night. RM believed that was posting and posting is a violation of the rules.

RM argued it is entitled to protection of its territory that the Commission would not grant a certificate for ambulance service if the holder of the existing certificate is willing and able to provide adequate continuous service for which Albuquerque Ambulance has been asking for authority. To that point, RM argues it is the only private ambulance provider for Santa Fe County by PRC certificate. They also argue that Staff did not participate in a neutral capacity and should not have been an adversary but advocated for Albuquerque Ambulance.

In response for a motion for rehearing, RM made those arguments and Albuquerque Ambulance states that the motion for rehearing was not timely filed because they must be filed within 10 days in case involving the Motor Carrier Act. Only in the Public Utility Act, are 30 days allowed.

This is not a public utility case so must be filed within 10 days. She agreed with Albuquerque Ambulance that motions are due within 10 days and the motion filed is untimely.

Albuquerque Ambulance also argued that RM relies on the Administrative Procedures Act which does not cover this service and Ms. Amer agreed with that point.

Albuquerque Ambulance argues there is nothing in the act or rules prohibiting posting an ambulance on a temporary basis which was what Albuquerque Ambulance was doing. They affirmatively stated that

RM provided no new evidence that they did not return to Bernalillo.

Albuquerque Ambulance finally argued there was no harm made by any assistance provided.

Ms. Amer recommended denial of the motion, based on the fact no new evidence was supported for their claim. She agreed with the Albuquerque Ambulance response to the motion and it would be a basis for denying the rehearing. She also believed it was untimely and such response must be filed within ten days.

Commissioner Espinoza moved, seconded by Commissioner Fischmann, to deny the request for rehearing. The motion was approved on a unanimous 5-0 voice vote. So Ordered.

B. Utility Matters:

- 4) Undocketed **EL PASO ELECTRIC COMPANY=S RULE 17.5.440 NMAC NOTICE OF FILING
NO. 70-CONSTRUCTION OF TALAVERA DISTRIBUTION SUBSTATION AND
RELATED FACILITIES
(Michael Smith)**

Mr. Smith said this matter is here at Commissioner Fischmann=s request and he might want to speak to it.

Commissioner Fischmann introduced the matter in which a substation at Talavera is proposed. There have been lots of issues whether it should go in and a whole group of issues around it. He was concerned about the cost of the project, whether we are pursuing the most cost-effective way. He had reports from FERC. In 2008, EPE had \$64 worth of assets per KW and in 2018, that went to \$81 and then to \$108.

There are lots of reasons why it would go up, but the increase is very dramatic. Given the objections, we needed to look further, and he wanted to avoid a docket item if possible. Information was sent by EPE and that left a lot of unanswered questions. He wrote out his concerns a couple of weeks ago and people from EPE are here today to answer those. He shared the list of his concerns with the other Commissioners.

Mr. Jim Schichtl came forward with three others from EPE. He explained that the temporary substation was put in during 2013 because of concerns with excessive load. Talavera is within a mile of that site. He noted extensive public participation. BLM considered the impact on surrounding areas and gave EPE notice in January to proceed. We have the right-of-way and filed their 440 for the permit in December 2018. At January 10, 2019, EPE agreed to a delay and to address the questions raised in a community association petition.

AWe are now 110 days past that point and our staff worked to respond to all the questions. Staff

reported at an April 3 meeting and I don=t believe their recommendation has changed at this time.@

He pointed out that the Commission, in the open meeting two weeks ago that was removed from the agenda and moved to today. He said there is more than 50 years of experience represented here, with direct knowledge of the Talavera Station. The concerns of Commissioner Fischmann came out and was provided to you by staff and they have a presentation that addresses those concerns.

ΔWe have met all requirements for Talavera, and it is a very needed infrastructure in that area, and it is the least cost of all alternatives. This is needed for our customers in New Mexico and why we asked for a date certain today. The presentation addresses the issues related to Talavera. He introduced the two others with him, and they provided a paper copy of the presentation.

Mr. Doyle went through the handout and made comments about it. The handout portrayed the EE distribution system with terminal capacity on all equipment which is monitored by EPE. Their concern is with reliability. He explained they should be able to suffer loss of one piece of equipment and goes for substation equipment and feeder equipment. They don=t want excessive line losses and do what they can in all cases and have to plan for future capacity needs. He briefly explained some of the needs anticipated in that area including schools and hospital growth. He also explained the BLM has not approved their temporary site on a permanent basis and also the residents have opposed it. Their use of that site expires December 2021.

Commissioner Fischmann had a concern that this is a traditional distribution model - From others in the industry, this idea of investing for up to 50 years out is not the way progressive utilities are going, since often projections turn out to be wrong and having that sitting there for that length of time, customers pay for more than they need. One way is installing batteries just for the peak load. That might be 100-200 hours per year. So he questioned pursuing that strategy when we could use another approach like batteries.

Mr. Doyle countered that if, in the future, EPE decided they don=t need that much there, they could move the transformers elsewhere. He noted they have batteries for 1,000 homes and listed their battery projects and their costs.

Commissioner Fischmann said that did not feel like a solution. EPE could take these measures that spread it around all the different substations and target them for peak. That would not need nearly the battery capacity he stated.

Mr. Nevarez said, ΔWith all due respect, we are talking about utility engineers interacting with utility engineers all over the country. Their experience, as I understand, is exactly the opposite of what you mention. Addressing load is a normal daily activity. Some of you were at the battery demonstration here in Santa Fe not too long ago. I was here also and there is all this interest in these things, but none is a standard process or even close to it. The people working on it have decades of experience. Something needs to be done now to anticipate replacing the temporary substation.@

Chair Becenti Aguilar understood EPE wants to move forward on a permanent substation. She asked what the goal is for our discussion today.

Commissioner Fischmann asked if there are alternatives worth looking at today. If the projected load out in 2028 cannot be satisfied, the Commission needs to open a docket. There is a lot to clarify and nothing in what is presented shows nearly that need. He understood the projection is traditional and standard practice but looking elsewhere around the country, utilities are looking at other ways to do it.

The solution here may turn out to be absolutely correct. We need to be pushing everyone for the future in the most cost-effective approach. He was trying to push forward and not just fall back on traditional practice. And it is part of the utility compact. He wanted a culture where we study those alternatives and document that study. What has been missing from EPE is that study is not documented.

Commissioner Hall had some concerns about this appearing to be a proceeding without any docketed case. She was not trying to take away from the substance. But maybe we are not getting the broad picture with this one facility. She thought it would be better to do this in context of a proposed order for investigation so it can proceed properly and would like to hear the rest of their presentation now.

Commissioner Espinoza believed the presenters do have a depth of experience and the presentation is helpful and Commissioner Fischmann wanted to hear it. She did not believe opening an investigation is what is needed because they have addressed most of his questions.

Commissioner Fischmann acknowledged the Commission could look at it as a particular case but certainly, it raises the question if we should have a broader rulemaking on procurement. These expenses go largely unexamined by the Commission and yet are a huge cost to the customer. If we do the investigation here, the learnings might help us down the road on rulemaking to get a grip on reality and oversight that is not burdensome. It would not be a case only on a substation but looking at a whole group of projects. As EPE pointed out, they are looking at the impact of several substations to make sure the right alternatives are being considered.

Commissioner Espinoza wondered how much such an investigation would cost the customers.

Commissioner Fischmann did not think it would be a huge cost to do that. He said he was totally open - if this is the right solution that EPE has requested, that=s is great. But this huge cost for a substation is going largely unexamined. He had a passion for the consumers to keep the costs down.

Commissioner Hall felt it was an interesting process for distribution. It is changing the design of the whole system. The cost issue we are looking at will be a matter of going into the future because of integration of renewable energy and changes in technology that permit more efficient designs in system. If we could just have it as an investigation now, it would help us better state questions in the systems planning issue. We might address in a later docket, but it is not well defined enough now. But an

investigation would be a good beginning. And possible future system designs.

Commissioner Fischmann said Commissioner Hall hit it on the head. If we decide to go that direction, that is what he would hope to gain.

Commissioner Byrd asked what the factor of safety was in this and where the peak performance is on that facility. It won't be 100%. On this issue, they had a build-out date to get it built and their temporary certificate will expire, and they are working on a way to deal with it. He did not think now is the time to open a new docket.

Chair Becenti Aguilar said the Commission needs more information and thinking about other answers - We should be taking the issue.

Mr. Smith said that utilities in general, some issues raised in this case, the consideration of alternatives in facilities and only a 440 filing, an investigation in generally focused on some issue identified typically by staff and brought to the Commission, and notices filed for an investigation. Because this is a 440 filing, the Commission was hearing some of this to decide if there are enough issues in meeting the estimated cost, data upon which engineering is feasible, etc. There were concerns about compliance in the 440 filing with sufficient data. Now, the issue is whether the Commission, after hearing from EPE, feels there are still unresolved issues for scope and costs or whether EPE can consider alternatives. Because it is exchanging technical data, it is not testimony for or against. He asked if the Commission feels there is a need for investigation when going through this.

Commissioner Espinoza asked if Staff is bringing this or Commissioner Fischmann.

Mr. Smith said no petition for investigation has been filed.

Commissioner Fischmann said he would like to dig deeper and it still needs investigation.

Commissioner Espinoza asked EPE to explain the BLM hurdle.

Mr. Nevarez said the temporary station site is under our transmission line to provide more for Memorial Medical Center. If something happens when we fill the substation, we take that line and break into two lines and serve the substation. If something happens on the line, the other line is used. We provide redundant sources for reliability.

Commissioner Espinoza questioned whether a full investigation was really needed.

Commissioner Fischmann said it was important because this expense is a gateway to a bigger problem.

Mr. Doyle said with the technology, the load is distributed throughout and on a permanent level will

change dramatically. This presentation intends to say we have looked at alternatives.

Chair Becenti Aguilar thanked them for their presentation.

Commissioner Fischmann moved, seconded by Commissioner Hall, to open an investigation in the motion as written by General Counsel.

Commissioner Hall commented, with respect to presenters and with respect to their need to be in a position to serve at least cost and with technologies for traditional building, this is a good context to being and clarifying, especially when a Commissioner has a concern in their district. She supported it for that reason.

Commissioner Espinoza also thanked EPE for providing an explanation that is very clear to her. She believed all of that could be discussed in a rate case which is where it usually happens.

Mr. Smith said he would assign it to an HE in the ordering paragraph.

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

Commissioner Byrd said he was in support of the broad spectrum analysis.

5) **19-00098-UT** **IN THE MATTER OF THE APPLICAITON OF EL PASO ELECTRIC COMPANY
FOR REVISION OF ITS RETAIL ELECTRIC RATES PURSUANT TO ADVICE
NOTICE NO. 265, EL PASO ELECTRIC COMPANY, Applicant
(Russell Fisk) POTENTIAL ORDER REGARDING EPE=S VERIFIED MOTION
FOR EXPEDITED VARIANCE**

Mr. Fisk presented this matter, a motion for expedited variance. Last week, they asked for a filing date for their renewable portfolio. Due to the Energy Transition Act, as Commissioner Espinoza mentioned. At same time, EPE moved for a variance. As in the Four Corners case, EPE is required to file before July 31, 2019.

Staff has asked them not to file before July 21, but they want to use 2018 as the base year and Staff agrees. And there should be no more than 5 months in between, which would make March 31 as the filing date. It was opposed by the City of Las Cruces and one argument was if an extension were granted, there would be filings and hearings at the same time. Mr. Fisk did not have a deep concern and would recommend EPE be granted this variance. His proposed order would do that. He did not think any of the arguments are that strong.

Commissioner Fischmann moved, seconded by Commissioner Hall to approve the order. The

motion was approved on a unanimous (5-0) voice vote.

So Ordered.

- 6) 18-00030-UT **IN THE MATTER OF A COMMISSION INQUIRY INTO THE PROCUREMENT PRACTICES OF INVESTOR OWNED ELECTRIC UTILITIES**
(Judith Amer) **POTENTIAL NOTICE OF PROPOSED RULEMAKING AND ORDER**

This matter was tabled under Approval of the Agenda.

- 7) 19-00106-UT **IN THE MATTER OF APPLICATIONS FOR 2020 BROADBAND PROGRAM SUPPORT FROM THE STATE RURAL UNIVERSAL SERVICE FUND, AS PER 17.11.0.31 NMAC**
(Russell Fisk) **POTENTIAL ORDER OPENING PROCEEDING**

Mr. Fisk presented information regarding this matter to the Commission. He explained it is just an order to open the docket for the State Rural Universal Service Fund. So the order would open it right now and it should receive applications in the next 30 days for the broadband program. The Commission has a new \$5 million and look at the total in those applications. It would be \$30 million next year. The applicants need an advisory for help in their applications which are due by September.

The order also encourages the applicants to use the staff-developed form. It goes through each section of the rule. And the rule is very detailed. It would not be mandatory but encouraged.

Commissioner Fischmann was fine with that and pointed out that if the Commission ever wants to expand that broadband piece, it would need legislation and would stop the access line subsidy.

Mr. Fisk agreed.

Commissioner Fischmann said he had a conversation with Senator Padilla who said it would allow the PRC to do what they wished but that is not true. It is scary for those carriers who rely on that now. It was a misunderstanding. He just wanted to put it out to the Commission whether they want to side with Senator Padilla on any recommendations going forward to expand that part of the RUSF.

Mr. Fisk clarified that applicants must file a form that Staff created that makes it easy to review. Other things could be added. The rule is very detailed with lots of information required. If the Commission wanted to ask further questions of the applicant, they could amend the form. It is not a mandatory form. The order would open the 30-day window today but changes in the form would necessitate an extension of the 30-day application window.

Chair Becenti Aguilar would like for it to serve Indian country where they don't have street numbers.

Also, the form need priority lists for broadband in New Mexico.

Mr. Fisk said that prioritization is something the Commission would do separately, if there are multiple applications for the same area. H suggested taking the form out of the order and have that done with a single-signature order.

Chair Becenti Aguilar offered to bring a revised form.

Commissioner Espinoza suggested Mr. Fisk incorporate what Chair Becenti Aguilar just stated into the form.

Mr. Fisk said he could do that.

Chair Becenti Aguilar asked if the Commission would have the chance to review the applications.

Mr. Fisk agreed. Staff would provide summaries to the Commission.

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

DISCUSSION ONLY

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
Possible violation of the New Mexico Public Regulation Commission Act,
Section 8, particularly 8-8-17**

**Possible violation of the New Mexico Administrative Code, particularly Title
1, the General Government Administration and Chapter 2 of the
Administrative Procedures**

- 1. 1.2.2 The Public Regulation Commission Rules of Procedure, and**
- 2. 1.2.3 The Public Regulation Commission Ex Parte Communications,
1.2.3.8**

- a. Communication Initiated by a Party to a Commissioner and
Communication Permitted by a Commissioner**
- b. Communication Initiated by a Commissioner to a Party to Obtain Information
From The Party**

Possible Violation of the Commission=s Code of Conduct, Policy No. 10

Possible Recusal

Possible Disqualification

Chair Becenti Aguilar wanted to know why this is on the agenda.

Commissioner Espinoza said it was based on the filings. We do need tighter rules to ensure the possibility that such occurrences are curtailed.

Commissioner Fischmann added an issue of ex parte and sometimes it happens by accident but potentially compromises the Commission=s authority. Most of the staff I deal with are very aware and quick to remind me of what would be ex parte. We just need to make sure that is true for all staff.

Chair Becenti Aguilar asked Mr. Montoya to convey that message to all staff when there is potential of ex parte. We are closely monitoring that and maybe training is one way to address it. To make sure they read and understand the ex parte rule.

Mr. Montoya agreed.

Mr. Smith said Staff have identified the need for that and look at revising the rule with additional clarifications. We just need to be very careful. General Counsel=s Office is the safest place we can get help with it.

10. CLOSED EXECUTIVE SESSION

§ PURSUANT TO NMSA 1978, SECTION 10-15-1 (H)(2) - PERSONNEL MATTERS

Commissioner Espinoza moved, seconded by Commissioner Fischmann to go into closed executive session for the purpose listed on the agenda. The motion was approved on a roll call vote with Commissioner Espinoza, Commissioner Fischmann, Commissioner Byrd, Commissioner Hall and Commissioner Becenti Aguilar voting in favor and none voting against.

The Commission went into closed session at 11:36 a.m. until 12:37 p.m.

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

Chair Becenti Aguilar stated for the record that only personnel matters were discussed.

11. CONSIDERATION AND POSSIBLE ACTION REGARDING ADVICE NOTICES

- \$ Jemez Mountain Electric - Advice Notice No. 97**
- \$ Jemez Mountain Electric - Advice Notice No. 98**
- \$ Jemez Mountain Electric - Advice Notice No. 99**
- \$ Jemez Mountain Electric - Advice Notice No. 100**
- \$ Jemez Mountain Electric - Advice Notice No. 101**
- \$ Jemez Mountain Electric - Advice Notice No. 102**

David Halton reviewed the advice notices for the Commission by Jemez Mountain Electric Coop. They are all annual filings that adjust the rates and any imbalances from the previous year. They followed the proper guidelines.

Commissioner Espinoza asked if rate changes were involved.

Mr. Halton said he would answer questions regarding the process. The filings were all routine and it was to adjust the rates. The mechanism has been in place since 2014.

Mr. Smith added that there were not sufficient protests filed for them.

Mr. Halton clarified that only one protest was received.

Mr. Smith said no action is required for the Commission..

12. COMMUNICATIONS WITH CHIEF OF STAFF

Mr. Montoya said the July NARUC meeting interferes with July 24 meeting and he reminded certain weeks to accommodate staff travel plans. He didn't know how to proceed with meeting notices on those weeks.

Mr. Smith said he could revise the annual meeting policy or just track it.

Commissioner Hall said they also have a teleconference.

Chair Becenti Aguilar said that is the July 31 teleconference in Farmington and meeting on August 1. So the July 24 open meeting is canceled.

Mr. Montoya said the August 1 meeting will be held in Rio Rancho.

13. COMMUNICATIONS WITH GENERAL COUNSEL

There were no communications with General Counsel.

14. COMMUNICATIONS WITH COMMISSIONERS

Commissioner Espinoza sent a contact for the August 1 meeting at the Santa Ana Conference Center. She announced that Ms. Segura will be starting today as her executive assistant.

Commissioner Fischmann wanted to know about General Counsel's annual leave.

Commissioner Hall said the conference is on June 3, 4, and 5.

Chair Becenti Aguilar said she would attend, and Commissioner Byrd was looking at it.

Commissioner Fischmann did not know. It is June 1 through 5 in Cheyenne, Wyoming.

15. ADJOURNMENT

The meeting was adjourned at 12:48 pm.

ATTEST:

Carl Boaz
Carl Boaz, Stenographer

APPROVED: 6/12/19

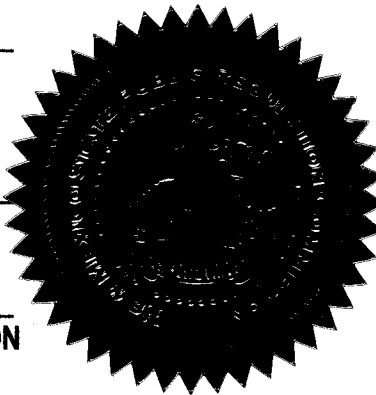
Theresa Becenti-Aguilar
THERESA BECENTI AGUILAR, CHAIRPERSON

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: May 1, 2019

CONFIDENTIAL

NAME	COMPANY NAME (if any)	PHONE NUMBER
Mark Zomb	PWM	505 241 2498
Paul Ault	Utilities	827-6974
Carol Clifford	Jones Firm/EPE	982-0011
Carla Sonntag	NMUGA	836-4223
Leo Baca	CenturyLink	250-4393
Alisa Lauer	The Spencer Law Firm/ BKR	832-6363
Rebecca Carter	NMGL	697-3832
Ryan Jensen	PWM	241-4814
CLAY DOYLE	EL PASO ELECTRIC	(575) 202-0485
Jose Nevarez	EL Paso Electric Co	915 543-5719
William Pollard	El Paso Electric Co	(575) 644-8349
Nancy Burns	EOE	470-9342

Thank you for attending this meeting.



NEW MEXICO PUBLIC REGULATION COMMISSION

**NOTICE OF OPEN MEETING
OPEN MEETING: REGULAR WEEKLY MEETING
Wednesday, May 1, 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 March 27, 2019**
- V. DIVISION DIRECTORS' REPORTS**
- 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 NOTICE OF APPLICATION AND PROCEDURAL ORDER</u>
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B. Utility Matters:

2)	19-00092-UT Russell Fisk	IN THE MATTER OF THE FILING OF THE 2019 ANNUAL REPORTS AND RELATED FCC FILINGS
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		<p>BY ELIGIBLE TELECOMMUNICATIONS CARRIERS</p> <p><u>POTENTIAL ORDER REGARDING PETITION TO OPEN PROCEEDING, GRANT BLANKET VARIANCE, AND ISSUE PROTECTIVE ORDER</u></p>
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VIII. REGULAR ACTION AND DISCUSSION

A. Transportation Matters:

3)	<p>18-00216-TR-M Judith Amer</p>	<p>IN THE MATTER OF THE APPLICATION OF BERNALILLO COUNTY HEALTH CARE CORPORATION DBA ALBUQUERQUE AMBULANCE SERVICE FOR AN AMENDMENT TO CERTIFICATE NO. 1168</p> <p><u>POTENTIAL ORDER ON MOTION FOR REHEARING</u></p>
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B. Utility Matters:

4)	<p>Undocketed Michael Smith</p>	<p>EL PASO ELECTRIC COMPANY'S RULE 17.5.440 NMAC NOTICE OF FILING NO. 70- CONSTRUCTION OF TALAVERA DISTRIBUTION SUBSTATION AND RELATED FACILITIES</p> <p><u>CONSIDERATION AND POSSIBLE ACTION ON REQUESTS FOR INVESTIGATION BY DONA ANA COUNTY COMMISSION AND CITIZEN PETITION TO NMPRC</u></p>
5)	<p>19-00098-UT Russell Fisk</p>	<p>IN THE MATTER OF THE APPLICATION OF EL PASO ELECTRIC COMPANY FOR REVISION OF ITS RETAIL ELECTRIC RATES PURSUANT TO ADVICE NOTICE NO. 265</p> <p>EL PASO ELECTRIC COMPANY,</p> <p>Applicant</p>

		<u>POTENTIAL ORDER REGARDING EPE'S VERIFIED MOTION FOR EXPEDITED VARIANCE</u>
6)	18-00030-UT Judith Amer	IN THE MATTER OF A COMMISSION INQUIRY INTO THE PROCUREMENT PRACTICES OF INVESTOR OWNED ELECTRIC UTILITIES <u>POTENTIAL NOTICE OF PROPOSED RULEMAKING AND ORDER</u>
7)	19-00106-UT Russell Fisk	IN THE MATTER OF APPLICATIONS FOR 2020 BROADBAND PROGRAM SUPPORT FROM THE STATE RURAL UNIVERSAL SERVICE FUND, AS PER 17.11.0.31 NMAC <u>POTENTIAL ORDER OPENING PROCEEDING</u>

IX. DISCUSSION ONLY

8)	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 Possible violation of the New Mexico Public Regulation Commission Act, Section 8, particularly 8-8-17 Possible violation of the New Mexico Administrative Code, particularly Title 1, the General Government Administration and Chapter 2 of the Administrative Procedures 1. 1.2.2 The Public Regulation Commission Rules of Procedure, and 2. 1.2.3 The Public Regulation Commission Ex Parte Communications, 1.2.3.8 <ol style="list-style-type: none"> a. Communication Initiated by a Party to a Commissioner and Communication Permitted by a Commissioner b. Communication Initiated by a Commissioner to a Party to Obtain
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		<p align="center">Information From The Party</p> <p>Possible Violation of the Commission's Code of Conduct, Policy No. 10</p> <p>Possible Recusal</p> <p>Possible Disqualification</p>
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X. EXECUTIVE CLOSED SESSION

- **PURSUANT TO NMSA 1978, SECTION 10-15-1(H)(2) - PERSONNEL MATTERS**

XI. CONSIDERATION AND POSSIBLE ACTION REGARDING ADVICE NOTICES

- **Jemez Mountain Electric - Advice Notice No. 97**
- **Jemez Mountain Electric - Advice Notice No. 98**
- **Jemez Mountain Electric - Advice Notice No. 99**
- **Jemez Mountain Electric - Advice Notice No. 100**
- **Jemez Mountain Electric - Advice Notice No. 101**
- **Jemez Mountain Electric - Advice Notice No. 102**

XII. COMMUNICATIONS WITH CHIEF OF STAFF

XIII. COMMUNICATIONS WITH GENERAL COUNSEL

XIV. COMMUNICATIONS WITH COMMISSIONERS

XV. ADJOURNMENT

To obtain a copy of this agenda please log in the Commission's website at www.nm.gov/energy/energy.htm.

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

Thank you for attending this meeting.