

**MINUTES OF THE OPEN MEETING
NEW MEXICO PUBLIC REGULATION COMMISSION
January 23, 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:

Ernest D. Archuleta, Chief of Staff
Michael Smith, Acting General Counsel
Judith Amer, Associate General Counsel
Russell Fisk, Associate General Counsel
David Black, Associate General Counsel
Michael Ripperger, Telecommunications Bureau Chief
Carolyn Glick, Hearing Examiner

Others Present

Carl Boaz, Stenographer

CALL TO ORDER

The Case Management 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

Senator George Muñoz and Ms. Carla Sonntag were introduced and welcomed to the meeting.

3. CONSIDERATION AND APPROVAL OF THE AGENDA

Commissioner Espinoza requested removal of Case 19-00018-UT (abandonment of the San Juan Generating Station from service) from the agenda.

Mr. Smith explained that the Commission had it on an expedited hearing schedule. There are significant issues and several entities have filed motions in the case. The Commission needs to address issues there, so he had asked it to be moved to next week for consideration of those issues.

Chair Becenti Aguilar asked how many parties have filed.

Mr. Smith said six were filed yesterday.

Commissioner Fischmann recognized Commissioner Shannon Reynolds from the Doña Ana County Commission.

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

4. POLICY MATTER

•Revision of Annual Open Meeting Policy

Mr. Smith pointed out that the agenda today reflects the agenda changes that were approved (moving the public comment period earlier in the agenda).

Commissioner Fischmann said it might help us avoid issues to not accept comments about cases on the agenda. That could become problematic. So with comments up front we should advise them not to comment on agenda items.

Mr. Smith clarified that was part of the annual policy adoption. It is a problem if we restrict what the public is commenting on, but we do have a restriction for parties from making a comment on pending cases. The real issue is that the Commission must restrict what it hears from the public being considered as evidence. That is what the case before the Supreme Court is about. We cannot consider any of it as evidence.

Commissioner Fischmann asked how that affects public comment.

Mr. Smith said that having public comment at the end of the agenda restricts them when a decision has already been made by the Commission. Allowing public comment prior to a decision is consistent with that process. He explained it further.

Commissioner Espinoza wanted to welcome the representatives from CWLA who were present.

Commissioner Hall thought, to the extent we restrict comment by parties for items on the agenda, that should be stated at the beginning of public comment.

Mr. Smith agreed and that has been our policy when parties appear before the Commission, to reject their ability for public comment.

Commissioner Espinoza suggested the Commission could move Senator Muñoz to Public Comment.

5. CONSIDERATION AND APPROVAL OF MINUTES

- **Minutes of the Case Management Open Meeting for December 12, 2018**

Commissioner Espinoza moved, seconded by Commissioner Hall, to approve the minutes of December 12, 2018 as presented. The motion was approved on a unanimous (5-0) voice vote.

Senator George Muñoz brought the bill he is introducing. PRC has authority to disclose the information. We can't have transmission line cross the interstate. The only way is to approve easements. We have condemnation - this is the bill to change it. Senator Stefanics also has a bill on it.

Commissioner Espinoza - I handed a sheet of paper showing revenues generated.

Senator Muñoz - I carried it across the street.

I'll get that

My intent is not to get in front of some hearing >>>

Commissioner Espinoza - we respect you coming here. And PNM has heard it loud and clear.

Commissioner Fischmann - thanks for coming back and for the brief clarification. -

Senator Muñoz - we know there is trouble in condemnation proceedings but >>

Chair Becenti Aguilar thanked him for coming. You are always welcome.

He is staying for a while.

6. PRESENTATION

- **CenturyLink - Recent Outages; Requested by Commissioner Espinoza**

Johnny Montoya, Tim Goodwin, and Mark Hollimore made the presentation.

Commissioner Espinoza asked if they could inform the Commission in the future when outages happen.

Mr. Montoya said they hopefully could provide some background. They apologized for the outage and acknowledged it was CenturyLink's fault. They also apologized to customers and employees.

Commissioner Espinoza asked about any financial refunds.

Mr. Goodwin said they were providing credit for customers and will do right by our customers.

Mr. Montoya apologized and said it was not how they wanted to spend a Wednesday morning. It was not a joyous holiday for workers, and he welcomed CWLA presence at this meeting. He agreed that nothing hurts worse than dissatisfied customers.

CenturyLink found no evidence that the outage was caused by anything outside the network.

Chair Becenti Aguilar asked if during the outage right after Christmas, there were emergency calls with no response in your service territory.

Mr. Montoya said he would get to the heart of it as he explained what took place. In the early hours of December 27, we first tried to figure out how large the outage was. We found it was the result of a faulty card in Denver. The card transmitted packets on a reserved line and traffic was impacted. In essence, a card began to propagate.

Commissioner Hall said it sounds like a virus. How can you determine it was just a malfunction of the card?

Mr. Montoya said the faulty card was manufactured by a company in California. The card was removed and taken to California to figure out what caused that to happen.

Commissioner Hall said it sounded like a terrorist attack.

Mr. Montoya said there was proof that it was not caused by a terror attack.

Mr. Goodwin said, "Our tech ability is limited here but the investigation is happening and the people who know how, successfully tracked it to this card and not from any external source. Now they are trying to force what happened to happen again, replicate the problem. They have not yet been able to do that."

Mr. Montoya said once the card was identified in Denver, we pulled it and began reinitiating the customer nodes.

Mr. Hollimore said they took the card to a lab. The problem was not a known issue until we identified it. There was no maintenance on the network at the time.

Mr. Goodwin added that it was not a problem we had known about before.

Mr. Montoya said- 102,000 customers in New Mexico were impacted. The customers who purchased VOIP may have been impacted also. The emergency calls were being completed during the incident. However, carriers relying on the network including 911 may have been impacted.

Mr. Goodwin explained that the switch aggregates all 911 calls from all sources called a selected router. There are 2 pairs in New Mexico. They route the 911 calls to PSAP and then they determine what the emergency is. When we provide 911 service and say the call was successfully completed, it is because of the intact component for emergency calls.

Outside the network, VOIP or other originating calls did breach our router, so we cannot say how many of those were completed. They could not make any calls. I could not call 800 numbers from Denver but could make other calls.

Commissioner Fischmann said he was just informed by Commissioner Reynolds that they did not have emergency service.

Commissioner Reynolds clarified that Doña Ana County has all of theirs run through VOIP, so Doña Ana County was impacted.

Mr. Goodwin said, "Depending on the PSAP internally, they might use a protocol service after we had them off. The call didn't have anywhere to go."

Commissioner Hall asked Commissioner Reynolds about not getting 911 calls through.

Commissioner Reynolds said all of our services rely on VOIP. So connection of calls coming into our office go to the NORPA dispatch authority and they did not receive 911 calls because we could not get the traffic routed properly. It didn't matter what they tried.

Commissioner Hall concluded that if the internet is down, then their service is down.

Commissioner Reynolds agreed. He said he spent 40 years in that industry.

Mr. Goodwin said CenturyLink was responsible for that problem in Doña Ana County because they rely on internet for PSAP. The calls were delivered on the traditional 911 network and then the VOIP service they purchase from us. The bottom line is that they arrived at the PSAP but the PSAP used another CenturyLink service handled by the Internet.

Mr. Montoya said what CenturyLink will do to prevent it from happening again is to find the root cause and when we find out, we will inform the PRC. The equipment vendor instituted a method of preventing it from happening again with filters installed. We are also cooperating fully with the FCC and have asked for an investigation into the event. We recognize the need for enhanced communication with PRC, federal delegation, and others. We learned from this. It had never happened before. So there will not be surprises ahead.

Commissioner Espinoza didn't realize CenturyLink reported it to Staff. The Staff didn't let her know, so she asked them to please reach out to the Commissioners also. When NMGS had rolling blackouts, that was reported to us individually. The Commission has not yet come up with a rulemaking for HB 53 and she wanted to get that done.

Mr. Hollimore said he has worked for the company since 1981. He started by selling these services and worked himself up from there. But he had never seen anything like this. An outage like we've never seen before and we want to make sure the underlying equipment works as it should. All carriers use this type of equipment. Hopefully, as we share the information, they will gain the insights we have. So the protocols have forced this to the forefront.

Mr. Goodwin said he appreciated what Commissioner Espinoza was saying about notification and rules and that kind of stuff. "Maybe this is not lawyerly of me. But the internet part is not something PRC regulates but it is important to New Mexico and to our customers and to the Commission. So how do we balance it so that you are not in the dark? How we do it? I think we can find a way to get to the right place.

Commissioner Espinoza agreed that the PRC has limited authority over it.

Mr. Goodwin said the Commission still regulates the local stuff. But the internet is different.

Commissioner Fischmann said the Commission doesn't regulate calls with these guys but there is a lot to learn about reliability. He asked if there is a cost to make the system more reliable. It would be nice to know.

Mr. Goodwin didn't see any massive cost. It is a single card and, in an office, where he works but said he didn't do it. It is minor configurations and not building huge additional facilities. It would not affect local telephone service. So there is no impact from our own costs.

Mr. Hollimore said in the analysis we have been undertaking, there are additional steps to take. In Doña Ana County, it should have kicked to a second PSAP site so we have reached out to government entities to see how that can be assured.

Commissioner Fischmann asked about impacts on the entities aligned to CenturyLink.

Mr. Hollimore said there is to those using VOIP to transmit those calls. We always talk to them about back up plans. It would be to have a fault tolerant backup system.

Commissioner Fischmann understood there are those steps that can be taken.

Mr. Hollimore agreed and gave example of schools - which would recognize the call as an emergency call.

Commissioner Fischmann asked Commissioner Reynolds to also let the Commission know.

Commissioner Reynolds agreed.

Commissioner Espinoza had read a letter to the editor that she shared with Mr. Goodwin.

Mr. Goodwin said he didn't want to get into all the statements but agreed it was a wakeup call to make sure all of our services are more resilient.

Chair Becenti Aguilar said CenturyLink took full responsibility for that outage which happened during a huge snowstorm in New Mexico. CenturyLink is one of biggest telephone companies in New Mexico and she appreciated that you service us well. At the same time, you should have as an example, how to push forward the problems and contact us during off hours. All commissioners have cell numbers for use at all times.

She recommended CenturyLink publish an apology in the Albuquerque Journal and to have an 800 number to call when they have been affected. We want to respond appropriately, and you are more than welcome to come back later.

Commissioner Byrd agreed. The apology should be to the customers, not commissioners.

Chair Becenti Aguilar agreed. We want to make sure they are working with every customer.

Mr. Montoya thanked the Commission for that.

7. PUBLIC COMMENT

Commissioner Shannon Reynolds, from Doña Ana County said the County had a "POTS" line. It is a phone line using analog.

Mr. Goodwin said POTS stands for "Plain Old Telephone Services."

Commissioner Reynolds said that was used to get into our 911 service. The problem with most companies who have a problem, don't know how to fix it and get afraid to state it.

He would like to see a press release go out to every place with a problem. It allows entities to take a different approach from 911 service.

We know now if our POTS line is not getting class, we need to publish another number to call.

There are other issues with the Internet - A bill in Utah is called "the last mile". We have people who cannot afford to have internet service, regardless of who provides it. So CenturyLink could put in a trunk line to a public facility so we could be a sub-utility company. I'd like for you guys to consider such a service for those who cannot afford \$50-200/month.

Commissioner Fischmann asked if Commissioner Reynolds had worked with any of our legislators.

Commissioner Reynolds said he has talked with their legislator.

Commissioner Fischmann thought that would help us figure out what we can do.

Commissioner Reynolds said in controlling the cost, we need to determine what the exact charges are. We did a study last year and found no regulation on the expenses for internet. He showed his handout and shared his own teaching experience after IBM. The EPE map showed their plans to 2048. He noted that approximately 50 percent of this does not exist today.

He explained that the County is not getting enough information from EPE to justify if there is a need for these things. The determination was based on PRC for how to implement power technology. We need to review their policies on how they determine the need.

He mentioned that there is one station to supposedly serve 8-10,000 people but the community will only have about 1,200 homes in that area. And we ask why the \$10 million is necessary for equipment there. I asked for details and have not got anything back.

Almost all of the colored lines are on BLM land on which the County has no impact. I'd appreciate it if you would help us know more about the need.

We request you be more involved, so we don't get stuck with something we don't need that increases the cost.

Commissioner Fischmann thought this is not on the website.

Commissioner Reynolds agreed.

Commissioner Fischmann thought if there is a docket on this, the County could be involved more.

Mr. Smith said there is a docket related to this situation. So he proposed to make a filing. There is not a docketed case. EPE is also not present today, but he agreed to advise them about what was presented today so they have a chance to respond.

Chair Becenti Aguilar suggested a tracking for it now even though not yet docketed. This is the only place the public can turn to. We are happy to see this documentation provided.

Commissioner Reynolds said they appreciate what the PRC does. You are the last stop in protecting citizens.

Commissioner Hall suggested, if the Commission chose to, we could open a docket for NOI to make it a matter of record.

Mr. Smith said they could have opened an investigation in EPE's subcontracts, but the County took no action on it.

Essentially, we have a petition from a government entity to open a case. So we have the same ex parte communications here without EPE present to respond. The cure for that is to disclose the communication to the absent party.

Commissioner Hall agreed. So, we are waiting for a Staff response.

Mr. Smith agreed.

Commissioner Reynolds apologized if the Commission assumed this was about one station. The public opinion on how they proposed to establish need was in question. He apologize if he had misrepresented that.

Mr. Smith said that was not a problem.

Chair Becenti Aguilar thanked him for traveling to Santa Fe.

8. CONSENT ACTION

A. Transportation Matters:

- 1) **18-00382-TR-M IN THE MATTER OF THE APPLICATION OF BLUE SKY LOGISTICS, INC., D/B/A SUNSHINE CAB COMPANY, D/B/A MEDCONNECT, FOR A CERTIFICATE TO PROVIDE NON-EMERGENCY MEDICAL TRANSPORT SERVICE (David Black) POTENTIAL ORDER GRANTING NON-EMERGENCY MEDICAL TRANSPORT SERVICE CERTIFICATE**
- 2) **18-00359-TR-M IN THE MATTER OF THE APPLICATION OF WAYPOINT TRANSPORTATION AGENCY LLC, FOR A CERTIFICATE TO PROVIDE NON-EMERGENCY MEDICAL TRANSPORT SERVICE (Judith Amer) POTENTIAL ORDER GRANTING NON-EMERGENCY MEDICAL TRANSPORT SERVICE CERTIFICATE**

B. Utility Matters:

- 3) **18-00124-UT IN THE MATTER OF THE PETITION BY EPCOR WATER NEW MEXICO INC. FOR ADJUSTMENT OF WATER RATES FOR ITS CLOVIS DISTRICT (Judith Amer) POTENTIAL ORDER EXTENDING SUSPENSION PERIOD**
- 4) **18-00338-UT IN THE MATTER OF THE APPLICATION OF NEW MEXICO GAS COMPANY, INC. FOR A VARIANCE FROM 17.10.640 NMAC FOR ITS JANUARY 2019 GAS COST FACTOR STATEMENT. NEW MEXICO GAS COMPANY, INC. Applicant. (Judith Amer) POTENTIAL ORDER ON VARIANCE REQUEST**

Commissioner Hall moved, seconded by Commissioner Byrd to approve the orders for these four consent cases. The motion was approved on a 4-0 voice vote. Commissioner Espinoza was not present for the vote. So Ordered.

POLICY MATTERS Continued

Mr. Smith went back to the policy matter on Open Meetings and asked if the Commission wanted to defer action to another meeting or act on it now.

Chair Becenti Aguilar pointed out that the reason for public comment at the beginning was to allow people from out of town and hearing the effect on pending cases for GC to interject the prohibition of such comments.

Commissioner Espinoza returned to the meeting.

Commissioner Hall thought it was handled correctly.

Chair Becenti Aguilar thought that is the way the Commissioners want to handle it.

Commissioner Espinoza was not sure it would work but should try.

Commissioner Espinoza moved, seconded by Commissioner Hall, to revise the agenda order by moving Public Comments from the end of the agenda to near the beginning. The motion was approved on a unanimous (5-0) voice vote.

9. REGULAR ACTION AND DISCUSSION

A. Transportation Matters:

None.

B. Utility Matters:

- 5) 18-00251-UT **IN THE MATTER OF THE APPLICATION OF CENTRAL NEW MEXICO ELECTRIC COOPERATIVE, INC. (CNMEC) FOR APPROVAL OF THE TRANSFER AND SALE OF CERTAIN ASSETS TO TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. (TRI-STATE) AND FOR CNMEC'S ABANDONMENT OF SUCH ASSETS AND SERVICE IN FAVOR OF TRI-STATE'S CONTINUED WHOLESALE SERVICE TO**

**CNMEC FROM SUCH ASSETS. CENTRAL NEW MEXICO
ELECTRIC COOPERATIVE, INC., Applicant.**

**(Carolyn Glick) PRESENTATION OF RECOMMENDED
DECISION**

**(Michael Smith) POTENTIAL ORDER ON RECOMMENDED
DECISION**

Ms. Glick explained that CNMEC asked for approval to transfer equipment to Tri-State. She read from her Recommended Decision regarding the transfer. The equipment to be transferred is called high side equipment - coming in on 115KV and going out at 24.9 KV on the other side of the transformer. The reason they want to sell those assets to Tri-State is because it could cost them a lot for upkeep and maintenance and would be more than they could afford. These are the only assets the Coop owns. The Coop CEO said approval would not adversely affect the Coop's members because Tri-State would continue to maintain the facilities to serve the Coop's members.

Staff approved the request and they were the only party to this case. Staff stated that no current customers would lose service, if the transfer was approved

Ms. Glick recommended approval of the sale. The sale is consistent with other rural cooperatives working with Tri-State.

The Commissioners had no questions.

Mr. Smith said his proposed order would adopt the RD.

Commissioner Hall moved, seconded by Commissioner Byrd, to approve the order as recommended. The motion passed by unanimous 5-0 voice vote.

So Ordered.

- 6) 19-00018-UT IN THE MATTER OF PUBLIC SERVICE COMPANY OF NEW MEXICO'S
ABANDONMENT OF SAN JUAN GENERATING STATION UNITS 1 AND
(Judith Amer) POTENTIAL PROCEDURAL ORDER**

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

- 7) 18-00383-UT IN THE MATTER OF THE FILING OF ADVICE NOTICE NO. 69 BY SOCORRO
ELECTRIC COOPERATIVE, INC. SOCORRO ELECTRIC COOPERATIVE, INC.,
Applicant.**

**(Judith Amer) POTENTIAL INITIAL ORDER AND ORDER APPOINTING
HEARING EXAMINER**

Ms. Amer presented information regarding this matter with the Commission and informed the Commission that this case comes upon protests filed by members of the Coop against the proposed rate in Advice Notice 69.

Ms. Amer reviewed the background as described in her memo. Advice Notice 70 proposed an optional renewable resource strategy and Advice Notice 71 proposed a revision to Rule #5 regarding numerous fees. On December 19, 2018, the Commission issued an order to stay the increase and sought to resolve a conflict on how many protesters there were. She read the rule on protests which provided a maximum 20-day period to determine whether there were 25 or 1% of membership and if there are more, to refer it to the Hearing Examiner.

On January 2, 2019,

She read the rule on protests - no more than 20 days >>>> protests less than 25 or 1% - the Commission would research just cause. And if so, refers it to HE.

On January 2, 2019, pursuant to that order, Socorro Electric Cooperative filed a motion to dismiss the order to stay rates, stating that the Coop lacks adequate resources and cannot borrow money. The increases are not great and are reasonable and would not have a negative effect and is fair to all customer classes.

On January 9, 2019, Staff filed a determination in which they said they identified 50 protests within the 20-day deadline. She listed the source of some protests that were filed. According to the Staff determination, all protests that were filed complied with the rules.

The proposed order finds the filing is compliant; that the amount of protests is greater than 1% of the coop members in the area. The proposed order, upon review of the protests, would set a hearing and appoint Ms. Glick as the HE. Ms. Glick would be authorized to meet with the parties and establish a schedule for the hearing and authorize Ms. Glick to file a Recommended Decision with the Commission. It also would continue the suspension of rate 59 during the protest period.

In response to Commissioner Espinoza, Ms. Amer clarified that the protests were on printed sheets but individually signed. They are filed in the e docket. Ms. Glick will meet with the parties and set a date for the hearing.

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

10. EXECUTIVE CLOSED SESSION

- **PURSUANT TO NMSA 1978, SECTION 10-15-1(H)(2) - LIMITED PERSONNEL MATTERS - CHIEF OF STAFF**
- **PURSUANT TO NMSA 1978, SECTION 10-15-1 (H) (7) - PENDING LITIGATION MATTERS**
 - ***SPS v. NMPRC*; Supreme Court No. S-1-SC-36466**
 - ***NMIEC v. NMPRC, et al.*; Supreme Court No. S-1-SC-36772**
 - ***SPS v. NMPRC*; Supreme Court No. S-1-SC-37248**
 - ***Resolute Wind 1, LLC v. NMPRC*; Supreme Court No. S-1-SC-37320**
 - ***PNM v. NMPRC, et al.*; Supreme Court No. S-1-SC-36115**
 - ***SPS v. NMPRC*; Supreme Court No. S-1-SC-37308**
 - ***City of Las Cruces v. NMPRC*; Supreme Court No. S-1-SC-37458**
 - ***Board of County Commissioners for the County of San Juan, et al. v. NMPRC and PNM*; Supreme Court No. S-1-SC-37482**

Commissioner Espinoza moved, seconded by Commissioner Hall to go into closed executive session pursuant to NMSA 1978 Section 10-15-1(H)(2) to discuss limited personnel matters and pursuant to NMSA 1978, Section 10-15-1(H)(7) to discuss pending or threatened litigation.

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

The Commission went into executive session at 11:14 a.m. and returned at 1:30 p.m.

Commissioner Byrd moved, seconded by Commissioner Fischmann to return to open session. The motion was approved on a 3-0 vote with Commissioner Fischmann, Commissioner Byrd and Commissioner Becenti Aguilar voting in the affirmative and none voting against. Commissioner Hall and Commissioner Espinoza were not present for the vote.

Chair Becenti Aguilar announced to the public that during the executive session, no actions were taken, and the only matters discussed were those listed on the agenda.

Commissioner Byrd moved, seconded by Chair Becenti Aguilar to not take action on items 11 and 12. The motion was approved on a 3-0 voice vote with Commissioners Byrd, Fischman and Becenti-Aguilar voting in the affirmative and none voting against. Commissioners Hall and Espinoza were not present for the vote.

11.POSSIBLE ACTION ON PERSONNEL MATTER - CHIEF OF STAFF

This item was not considered.

12.LEGISLATIVE ISSUES DISCUSSION AND POSSIBLE ACTION

A. NEW BILLS

- **HB 38 - ALBUQUERQUE-Bernalillo Water Authority Water Rights**
- **HB 210 - Community Solar Act**
- **SB 136 - Efficient Use of Energy Act Amendments**
- **SB 165 - Municipal Revenue For Bond Repayment**
- **SB 195 - Electric Vehicle Power as Public Utility**
- **HB 269 - Separation of Fire Marshal from PRC**
- **SJR 1 - PRC Election and Appointment**

B. BILLS PREVIOUSLY DISCUSSED AND CURRENTLY BEING TRACKED - MAY BE SUBJECT TO FURTHER DISCUSSION AND ACTION

- **HB 116 - Wastewater System Financing**
- **HB 124 - Fire Protection Fund Changes**
- **HB 176 - Broadband Telecomm Facility Gross Receipts**
- **HB 177 - Fire & Smoke Damper Inspection Rules**
- **SB 67 - Engineering Internship Program**
- **SB 99 - Appointment of PRC Members**
- **SB 143 - PRC Fire Safety Standards**
- **SB 161 - Renewable Energy Transmission Authority Funds**
- **SB 208 - Broadband Facility Component Gross Receipts**
- **SJR 4 - Transfer PRC from Elected to Appointed**

This item was not considered.

13.CONSIDERATION AND POSSIBLE ACTION REGARDING ADVICE NOTICES

- **Northern Rio Arriba Electric Cooperative, Inc. - Advice Notice No. 55**

Mr. Smith described the advice notice. It was filed on December 5, 2018 for an 8.53% increase in rates to be effective in January. He understood the increase would affect 2,188 consumers and since no protests were filed, the PRC has no jurisdiction to take any action.

14. COMMUNICATIONS WITH GENERAL COUNSEL

There were no communications with General Counsel.

15. COMMUNICATIONS AND POSSIBLE ACTION WITH CHIEF OF STAFF, ERNEST D. ARCHULETA, P.E.

There were no communications with Chief of Staff.

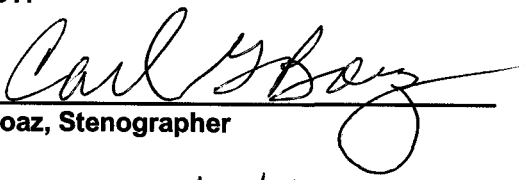
16. COMMUNICATIONS WITH COMMISSIONERS

There were no communications with Commissioners.

ADJOURNMENT

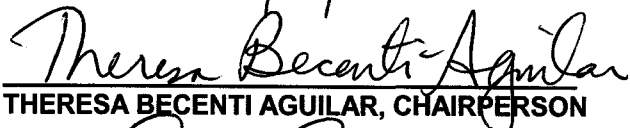
The Open Meeting was adjourned at 1:37 p.m.

ATTEST:



Carl Boaz, Stenographer

APPROVED: 2/13/19



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: January 23, 2019



| NAME | COMPANY NAME (if any) | PHONE NUMBER |
|-----------------|--------------------------|--------------|
| Mark Fentler | PNM | 505 241 2498 |
| Steven Cordova | NMGC | 505-697-3559 |
| Jonathan Garcia | RRED | 505-238-2092 |
| Carla Sonntag | NMUSA | 836-4823 |
| Jeff Wachter | M&A (for EPCOR) | 505-986-2637 |
| TIM GOODWIN | CENTURYLINK | 303-992-2505 |
| Johnny Montoya | CenturyLink | 767-8510 |
| MARK HALLAMORE | CenturyLink | 767-9248 |
| Ryan Jena | PNM | 201-4864 |
| Kathryn Luck | M&A | 980-2530 |
| DAN CAHILL | CCGS | 703 584 8670 |
| Tim Shaffery | SBT | |
| J. H. Albright | Lewis Roca Roth | 505-764-5430 |
| Bill Kullb | | 505 220-9989 |
| Michael Salazar | CWA | 505-983-1740 |
| Angi German | CWA | 303-910-3960 |
| Luke Medina | CWA | 505-819-1135 |
| Sunny Nixon | Redy | |
| Ruth Sullivan | SDS | 806.477.4512 |

Thank you for attending this meeting.

NEW MEXICO PUBLIC REGULATION COMMISSION

OPEN MEETING: CASE MANAGEMENT MEETING

Date: 1/23/2019



| NAME | COMPANY NAME (if any) | PHONE NUMBER |
|------------------|--------------------------|--------------|
| Brian Harris | NM PRC | 505-827-8020 |
| Justin Hinton | Southwest Power Pool | 501-482-2468 |
| Sam Londenslager | Southwest Power Pool | 501-614-3275 |
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Thank you for attending this meeting.



NEW MEXICO PUBLIC REGULATION COMMISSION

**NOTICE OF OPEN MEETING
OPEN MEETING: CASE MANAGEMENT MEETING**

Wednesday, January 23, 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. POLICY MATTER**
 - **Revision of Annual Open Meeting Policy**
- V. CONSIDERATION AND APPROVAL OF MINUTES**
 - **Minutes of the Case Management Open Meeting for December 12, 2018**
- VI. PRESENTATION**
 - **CenturyLink - Recent Outages; Requested by Commissioner Espinoza**
- VII. PUBLIC COMMENT**
- VIII. CONSENT ACTION**
 - A. Transportation Matters:**

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| 1) | 18-00382-TR-M David Black | IN THE MATTER OF THE APPLICATION OF BLUE SKY LOGISTICS, INC., D/B/A SUNSHINE CAB COMPANY, D/B/A MEDCONNECT, FOR A CERTIFICATE TO PROVIDE NON-EMERGENCY MEDICAL TRANSPORT SERVICE <u>POTENTIAL ORDER GRANTING NON- EMERGENCY MEDICAL TRANSPORT SERVICE CERTIFICATE</u> |
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| 2) | 18-00359-TR-M Judith Amer | IN THE MATTER OF THE APPLICATION OF WAYPOINT TRANSPORTATION AGENCY LLC, FOR A CERTIFICATE TO PROVIDE NON-EMERGENCY MEDICAL TRANSPORT SERVICE <u>POTENTIAL ORDER GRANTING NON- EMERGENCY MEDICAL TRANSPORT SERVICE CERTIFICATE</u> |
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B. Utility Matters:

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| 3) | 18-00124-UT Judith Amer | IN THE MATTER OF THE PETITION BY EPCOR WATER NEW MEXICO INC. FOR ADJUSTMENT OF WATER RATES FOR ITS CLOVIS DISTRICT <u>POTENTIAL ORDER EXTENDING SUSPENSION PERIOD</u> |
| 4) | 18-00388-UT Judith Amer | IN THE MATTER OF THE APPLICATION OF NEW MEXICO GAS COMPANY, INC. FOR A VARIANCE FROM 17.10.640 NMAC FOR ITS JANUARY 2019 GAS COST FACTOR STATEMENT NEW MEXICO GAS COMPANY, INC. Applicant. <u>POTENTIAL ORDER ON VARIANCE REQUEST</u> |

IX. REGULAR ACTION AND DISCUSSION

A. Transportation Matters:

NONE

B. Utility Matters:

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| 5) | 18-00251-UT Michael Smith Carolyn Glick | IN THE MATTER OF THE APPLICATION OF CENTRAL NEW MEXICO ELECTRIC COOPERATIVE, INC. (CNMEC) FOR APPROVAL OF THE TRANSFER |
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| | | <p>AND SALE OF CERTAIN ASSETS TO TRI-STATE GENERATION AND TRANSMISSION ASSOCIATION, INC. (TRI-STATE) AND FOR CNMEC'S ABANDONMENT OF SUCH ASSETS AND SERVICE IN FAVOR OF TRI-STATE'S CONTINUED WHOLESALE SERVICE TO CNMEC FROM SUCH ASSETS</p> <p>CENTRAL NEW MEXICO ELECTRIC COOPERATIVE, INC.,</p> <p>Applicant.</p> <p><u>PRESENTATION OF RECOMMENDED DECISION BY HEARING EXAMINER</u></p> <p><u>POTENTIAL ORDER ON RECOMMENDED DECISION</u></p> |
| 6) | 19-00018-UT Michael Smith | <p>IN THE MATTER OF PUBLIC SERVICE COMPANY OF NEW MEXICO'S ABANDONMENT OF SAN JUAN GENERATING STATION UNITS 1 AND 4</p> <p><u>POTENTIAL PROCEDURAL ORDER</u></p> |
| 7) | 18-00383-UT Judith Amer | <p>IN THE MATTER OF THE FILING OF ADVICE NOTICE NO. 69 BY SOCORRO ELECTRIC COOPERATIVE, INC.</p> <p>SOCORRO ELECTRIC COOPERATIVE, INC.,</p> <p>Applicant.</p> <p><u>POTENTIAL INITIAL ORDER AND ORDER APPOINTING HEARING EXAMINER</u></p> |

X. EXECUTIVE CLOSED SESSION

- PURSUANT TO NMSA 1978, SECTION 10-15-1(H)(2) - LIMITED PERSONNEL MATTERS - CHIEF OF STAFF
- PURSUANT TO NMSA 1978, SECTION 10-15-1 (H) (7) - PENDING LITIGATION MATTERS

- ***SPS v. NMPRC*; Supreme Court No. S-1-SC-36466**
- ***NMIEC v. NMPRC, et al.*; Supreme Court No. S-1-SC-36772**
- ***SPS v. NMPRC*; Supreme Court No. S-1-SC-37248**
- ***Resolute Wind 1, LLC v. NMPRC*; Supreme Court No. S-1-SC-37320**
- ***PNM v. NMPRC, et al.*; Supreme Court No. S-1-SC-36115**
- ***SPS v. NMPRC*; Supreme Court No. S-1-SC-37308**
- ***City of Las Cruces v. NMPRC*; Supreme Court No. S-1-SC-37458**
- ***Board of County Commissioners for the County of San Juan, et al. v. NMPRC and PNM*; Supreme Court No. S-1-SC-37482**

XI. POSSIBLE ACTION ON PERSONNEL MATTER - CHIEF OF STAFF

XII. LEGISLATIVE ISSUES DISCUSSION AND POSSIBLE ACTION

- **NEW BILLS**
 - **HB 38 - ABQ-Bernalillo Water Authority Water Rights**
 - **HB 210 - Community Solar Act**
 - **SB 136 - Efficient Use of Energy Act Amendments**
 - **SB 165 - Municipal Revenue For Bond Repayment**
 - **SB 195 - Electric Vehicle Power as Public Utility**
 - **HB 269 - Separation of Fire Marshal from PRC**
 - **SJR 1 - PRC Election and Appointment**
- **BILLS PREVIOUSLY DISCUSSED AND CURRENTLY BEING TRACKED - MAY BE SUBJECT TO FURTHER DISCUSSION AND ACTION**
 - **HB 116 - Wastewater System Financing**
 - **HB 124 - Fire Protection Fund Changes**
 - **HB 176 - Broadband Telecomm Facility Gross Receipts**
 - **HB 177 - Fire & Smoke Damper Inspection Rules**
 - **SB 67 - Engineering Internship Program**
 - **SB 99 - Appointment of PRC Members**
 - **SB 143 - PRC Fire Safety Standards**
 - **SB 161 - Renewable Energy Transmission Authority Funds**
 - **SB 208 - Broadband Facility Component Gross Receipts**
 - **SJR 4 - Transfer PRC from Elected to Appointed**

XIII. CONSIDERATION AND POSSIBLE ACTION REGARDING ADVICE NOTICES

- **Northern Rio Arriba Electric Cooperative, Inc. - Advice Notice No. 55**

XIV. COMMUNICATIONS WITH GENERAL COUNSEL

XVI. COMMUNICATIONS AND POSSIBLE ACTION WITH CHIEF OF STAFF, ERNEST D. ARCHULETA, P.E.

XVII. COMMUNICATIONS WITH COMMISSIONERS

XVIII. ADJOURNMENT

To obtain a copy of this agenda please log in the Commission's website at www.nmsc.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: January 23, 2019

PUBLIC COMMENT SIGN-IN SHEET

| NAME | PHONE NUMBER | TOPIC |
|------------------|--------------|---------------------|
| Senator Minor | 505 721-0019 | legislation |
| John LA | | |
| Shannon Reynolds | 575-339-5819 | Century Link EPE |
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Thank you for attending this meeting.