

**MINUTES OF THE
CASE MANAGEMENT OPEN MEETING
NEW MEXICO PUBLIC REGULATION COMMISSION
January 30, 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 [telephonically]
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
Michael Ripperger, Telecommunications Bureau Chief
Cydney Beadles, Legal Division Director

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 called the Case Management 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 introduced four members of the Legislature who were present, the Mayor of Farmington and several others who were present.

Ms. Beadles introduced newly hired lawyer Maitland Whitman in the Legal Division.

3. CONSIDERATION AND APPROVAL OF AGENDA

Commissioner Espinoza asked to move up item #3, (19-0018-UT) before the presentation.

Chair Becenti Aguilar asked if she wanted that in front of the presentation, noting that it is first regular action item.

The other Commissioners agreed to move it up.

Commissioner Espinoza moved to adopt the agenda as amended. Commissioner Hall seconded the motion and it passed by unanimous (5-0) voice vote.

Commissioner Byrd moved to appoint Jason Montoya as Acting Chief of Staff. Commissioner Fischmann seconded the motion and it passed by unanimous (5-0) voice vote.

4. PRESENTATION

- Representative Patricia Roybal Caballero - Presentation regarding House Bill

210 - Community Solar Act

Representative Patricia Roybal Caballero and Senator Liz Stefanics came forward.

Rep. Caballero said she was very excited to promote HB 210, the Community Solar Act, which she and Senator Stefanics are cosponsoring. She strongly believed HB 210 is what utilities have wanted for some time for a sustainable New Mexico. She identified several groups that have been working diligently to support this bill. She has worked on it for several years and is looking forward to passing it this session. It has been thoroughly vetted in past years and by registered voters. She and Senator Stefanics hoped the PRC will join them in support of it.

At the House Energy Committee, it became clear to her the opponents had gotten the ear of Staff.

Senator Stefanics said when she was a Santa Fe County Commissioner, we passed and believed we needed a bill at the State Legislature. We have worked on it with cities, counties and tribes who are supporting it. And it will benefit the four Corners as well.

The coordination would come in form of amendments you might recommend to us. We don't want to impose on your responsibilities and authority but if you have recommendations, we are open today.

Chair Becenti Aguilar thanked them for presenting.

Commissioner Hall asked to hear from Mr. Throne and thanked him for coming today for a more complete opportunity.

Rep. Caballero noted that traditionally, the PRC has had a review to balance what is most important for consumers and balancing interests. However, the elements in HB 210 absolutely open us up to the communities and constituencies that have not had an opportunity to access solar energy. This will open up and address those constituents to that opportunity.

Commissioner Fischmann said he read through the memo that he assumed Bruce Throne wrote and it was a more expansive document than he had anticipated. You did a very nice job. He assumed others read through it also. Since it is so extensive he asked if the Commission could get five-minutes on the key points to expedite things.

Chair Becenti Aguilar agreed.

Mr. Throne- unfortunately, we had no chance to meet with staff ahead of time. To go through it. Have not had a chance to meet. We worked on it many months ahead before meeting with sponsors.

It is understandable to have questions.

The one question that jumped out is whether it would allow utilities to fully recover their costs. And want to explain how that would work. That is an imp issue and I totally agree with that - subscribing customers should not mean subsidizing users.

It allows the market to prevail for the utilities. Over the last few years, there have been problems - even though a large demand for quite a while in EPE case.

Commissioner Hall was at the hearing on that and question about what would happen in Texas with EPe - They had a 3 MW facility and fully subscribed it in 3 months with over one thousand on the waiting list. So there is a lot of pent=up demand from those who cannot put solar on their property.

2 - requires the solar facilities be directly connected to the distributing system. So it is not DG.

It allows utility to recover full distribution system costs and were well defined under Rule 530. Including ROE and operating and administrative costs. That gives the Commission the right to know and utilities to know what those costs are. Each utility would be able to fully recover those costs.

The bill also allows interconnection cost recovery. The New Mexico interconnection manual applies. The developer would pay for those costs. And the project requires a minimum of 10 subscribers. It limits on how much you could build. 40 acres for a 10 MW solar project would be needed. What the utility recovers are system integration costs from the developer. Because of variability of the system and fluctuations - the utility can demonstrate those costs, and it is on the developer. It also allows co-location of storage of energy. Costs of storage have gone down. So they could co-locate energy storage to manage variability when the sun goes down and we will pay for it. They are at risk - the developers are at risk if they cannot justify cost recovery. Unsubscribed energy would be paid as avoided energy costs by the utility.

Another category of cost the bill allows is program administration costs - to change their billing system and that would be fully recovered.

Transmission system costs - there is a rate making principle recognized here that the customer should only pay for costs attributable to that customer.

Commissioner Hall wanted to hear more about the impact of storage. She assumed storage would be present so the excess generation from subscribers would be stored and introduced back to the utility at a certain point in time when it is more advantageous to the utility.

Mr. Throne explained that the storage is to deal with variable times of production and balance the energy in the system. The subscriber would be limited to the capacity in the system x amount of KW during the month. Limitation of 120% use of the customer is the same as if you put the facility on your own property. If it produces more energy than needed, it rolls over to the utility. So the utility would take all the power that comes in except for what is used and the excess is stored and the developer can address how to operate the storage facility.

The energy all goes to the utility and unsubscribed amounts are retained. They want to and need to level it out as part of the system. Most of our utilities don't have the storage but are rapidly developing it.

Commissioner Hall presumed the private developer assumes the risk for building generation that otherwise would be built by the utility.

Mr. Throne said that was correct.

Commissioner Hall asked if that was why they would be recovered as avoided costs.

Mr. Throne said any sound business person would make sure there is enough subscribing. The utilities go out and look for resources and in New Mexico, customers could go out and get it wherever. But as a planning process, they must take into account the total number of resources. No one knows how fast it would develop. It would include DG on customer premises too.

Commissioner Fischmann thanked him for his responses. He thought municipalities or local governments could also be a developer.

Mr. Throne agreed. He got involved with the New Mexico Coalition, which is a largely consumer driven effort he was asked to work on.

Commissioner Fischmann noted the PRC doesn't regulate municipal utilities, and those solar projects are not regulated under the PUA. He wondered if there are any other conflicts that might put us in a position of regulating a municipal utility.

Mr. Throne said no - only IOUs and it is optional for the coops - but no regulation of municipal utilities.

Commissioner Fischmann wondered if other states have community solar acts.

Mr. Throne said 19 states do have some form and he began by first looking at those to see what has worked and what hasn't.

Commissioner Fischmann said a potential concern would be that there is enough

going on that a developer might market it in a confusing way and it would end up costing more than advertised. It appears in the bill that the PRC would have authority to set up marketing parameters and asked if that is correct.

Mr. Throne agreed. In Section 9 it mandates the rulemaking process for specific things to insure no unfair practice with consumers and protections for the consumers and the sponsors would hope the AG would be involved for adequate protections for customers and no improper things happening.

Commissioner Fischmann asked about any problems encountered in the 19 other states which they had to work through.

Mr. Throne was not familiar with all their problems but he consulted with Volt Solar on it to ask for copies of the statutes and regulations in other states and input on what has worked and what didn't work. I worked with other groups to fine tune it to develop a model best for broadest and quickest access and to make sure the PRC could protect customers with the key issues which are identified in the rulemaking section.

Commissioner Fischmann felt it is a thorough job here and does not penalize any existing customer who does not want to participate. Thank you for covering all the bases.

Chair Becenti Aguilar asked which communities have come forward in crafting the bill.

Mr. Throne said he was approached by Beth Beloff who explained that Santa Fe, Albuquerque and Las Cruces all had concerns for renewable energy and were frustrated by proposals that did not work for them. So she brought him in to deal with those groups. Santa Fe County is also interested and we believe others are interested. The other group is the coops with different concerns because of their size. They were comfortable with the provisions. The All Indian Pueblos Council also reviewed it. He also talked with some developers to get their input on things that might be problems for them, and got input from groups representing low-income customers so we included them and affordable housing groups who have limited access to solar.

Rep. Caballero said it is a broad base of advocates and inter-faith groups who assist low-income communities; so it is broad-based coalition. The greatest interest she had in it over the years has been those customers that don't want to rely on subsidies to access solar but to rely on their own ability. That is one reason we worked on empowering low and moderate income folks and with renters.

Chair Becenti Aguilar added that there are projects already off and running. One is the Kit Carson Coop, Cochiti Pueblo, and Navajo Nation with a solar project in Arizona. So it is a big step forward and all were community-based.

Commissioner Fischmann noted that proper siting of the facilities could have a large impact on distribution planning. It would be beneficial for utilities to work with them on siting and we might consider rules that reward utilities for good siting. Could that be done?

Mr. Throne said it could. It allows the Commission to consider other ways to improve the act. It mentions providing guidance to the Commission in things that have already arisen to make it more efficient.

Commissioner Espinoza wondered about the FIR and asked about Staff's concerns.

John Reynolds said he worked on the FIR a week ago Friday on a much shorter community solar bill. This one is double the bill from two years ago and there are a number of issues.

Mr. Throne said the goal was to make sure subscribers were not subsidized by nonsubscribers. That will take much work and there is conjecture. The formula is not hardwired into the bill. It adds to benefits not quantified but would be later. That goes into the PRC's purview. This bill tells you that it would make sure subscribers are not subsidized and the PRC is limited in making that determination. There are a few other concerns - some inconsistencies in definitions - re distribution grid and different facilities that are also connected through the distribution grid - either through the meter or before the meter.

Mr. Reynolds said Staff expressed some concern on the size of the facility and that they should not be contiguous which really does limit developers' ability to over develop. The other point is that we tried to make our recommendations as helpful as possible. There is a lot of work for us in doing these FIRs and Staff did not have access to everything needed. We did the best we could to bring some issues to the fore. I would appreciate being able to understand the bill better.

Commissioner Espinoza appreciate those comments. She agreed there needs to be more clarity for protections in the bill. There is an option down the way.

Mr. Reynolds wished there was more opportunity to process.

Rep. Caballero said the key points from the FIR were responded to substantially. It is their hope to work together and as succinctly as possible in order to move this bill forward. There are key points we were able to put in the bill as amendments. However, it is a larger concern that was raised and that you stated you were comfortable with. I am hesitant in delaying the process. So if we could receive the absolute issue that obstruct or could potentially create larger issues be reduced to those so we don't delay the process. She loved the discussion today and was glad to have it. We did vet it

thoroughly and changed the bill from previous years. It is more community-driven and were able to construct a bill for what you addressed today. Most of the relationships the PRC has with us, is afforded when touched upon for those issues to be incorporated into the bill.

Commissioner Hall thought Staff did a diligent job and that the subsidization concern has been addressed. She was totally satisfied with that. Other issues may arise in the FIR that impacts from a policy standpoint. Having a community solar bill and certainly one as well put together as this one benefits the public.

Commissioner Fischmann said he would check back with Mr. Reynolds about circumscribing the authority too much.

Chair Becenti Aguilar thought the Commission will probably have a recommendation.

5. PUBLIC COMMENT

Chair Becenti Aguilar cautioned those commenting that it could not be regarding a case on the agenda. The names on the sign in sheet were either not present or chose not to speak.

6. CONSENT ACTION

A. Transportation Matters:

None.

B. Utility Matters:

None.

7. REGULAR ACTION AND DISCUSSION

A. Transportation Matters:

None.

B. Utility Matters:

3) **19-00018-UT IN THE MATTER OF PUBLIC SERVICE COMPANY OF NEW MEXICO'S ABANDONMENT OF SAN JUAN GENERATING STATION UNITS 1 AND 4**
(Michael Smith) POTENTIAL PROCEDURAL ORDER

Mr. Smith presented information regarding this matter to the Commission and read his proposed order. At the January 20, 2019 Commission meeting, the notice of abandonment had been made and the Commission ordered that responsive pleadings should be filed on whether PNM should have its filing received as modified as a compliance filing for abandonment or whether the Commission should set a procedural schedule in the new docket, initiating an abandonment proceeding. Paragraph 19 required PNM to file between July 1 2018 and December 31 2018 on the expiration of coal agreement with Westmoreland Coal Company.

Responses were received and replies were made on January 22. It should be received as a compliance filing, including filings by PNM, WRA, CCAE, and Interwest. The proceeding includes the NMAG, ABCWUA, NMIEC, NEE, and Southwest Generating. Also, the Sierra Club statement was received with no position taken. San Juan County opposed PNM's position and asserted PNM violated the requirement for coal pricing and a binding commitment to abandon before a hearing was held. Some parties who were against PNM's application were incorporated and he explained he was not restating every argument.

Mr. Smith said Mr. Ashley Schannauer was to be appointed as Hearing Examiner.

Commissioner Hall said it is very well thought out

Commissioner Hall moved, seconded by Commissioner Espinoza to approve the order.

Commissioner Fischmann saw this as a big deal because as much as 40% of PNM energy comes out of San Juan Generating Station (SJGS) and replacement of those resources will take a lot and he could not imagine one is shut off and the other begins. It will likely be phasing. It is a big deal for customers. As he looked at the filings, the people wanting to open an abandonment proceeding are those who pay the bills. The Commission needs to be open to the public and incorporate them into the process as much as possible. He also was inclined to open the abandonment proceeding for the public to participate. Apart from all the legal underpinnig for this agency, that is an incredibly important act.

Chair Becenti Aguilar asked Mr. Smith to explain what verified compliance filing means and then what the application for abandonment means.

Mr. Smith said under paragraph 19 and the modified stipulation, it contemplated a

review hearing so it is not just a statement on whether they intend to continue using SJGS. They did so with testimony and exhibits. It doesn't contemplate a hearing but just to let them proceed with closure without PRC involvement. The broader statement would be what else PNM is doing. PNM says a hearing is only needed if we will continue using SJGS and it would continue to operate. But we cannot make a determination to keep using it. We are saying they cannot continue using it and must abandon it. This hearing addresses both sides of the issue and affords those who oppose closing the facility the opportunity to participate in that process.

This paragraph 19 clearly contemplated a filing earliest in July 2018 and no later than December 31 2018. They said they were working on an expedited hearing and the HE did not allow that.

Mr. Durmeyer said it needed to be done no later than mid 2018 and PNM didn't want to start even then. PNM was involved and it took a couple of years last time. And that would take us close to when the plant will close, if it closes. The City of Farmington might find additional investors and operate it economically. He was not saying the Commission should take that into consideration. PNM did not suggest it would continue operating SJGS at all, so they must abandon it.

Chair Becenti Aguilar understood he indicated the verified compliance filing was done.

Mr. Smith clarified that PNM said they fulfilled Paragraph 19 in giving notice and nothing more. But we have to have a hearing.

Chair Becenti Aguilar asked what PRC authority is when it comes to the utility company filing an application with the PRC for abandonment.

Mr. Smith said the statute states our authority and obligation to provide notice to the public; to allow interested parties to intervene or participate and on terms the Commission might impose in granting or denying the application. It would have a public hearing and make a determination, based on the evidence.

Chair Becenti Aguilar asked then if the Commission is opening the docket without an application.

Mr. Smith said the statute requires it within 30 days. It will be a long-term project but the parties expressed their willingness to do that and the modified stip would have a hearing at an early stage with opportunity for parties to scrutinize what PNM is doing. PNM indicated they are close to making that decision and one more reason why the parties should participate now.

Chair Becenti Aguilar agreed it is an extraordinary project and probably measured in

phases. We may be overstepping our authority to give it to Mr. Schannauer.

Mr. Smith said that is the authority of the Commission.

Chair Becenti Aguilar pointed out that, as of today, we don't have the abandonment application. She felt the Commission needs to look at it again and work with PNM on it. She also noted that we have leaders from Farmington where the coal plant is located and send them a message that the way the rules are set up here, they cannot consult with her on the case. So we must refrain from the materials in front of us and the legal pleadings in front of us. She stated again that we are overstepping our boundaries here that we shall review the application once it is filed with the Commission. She asked the Commissioners to think about it before voting.

Commissioner Hall respectfully disagreed. She believed the Commission, under these circumstances, has the right to order the utility to make an application. The company indicated they are taking steps to abandon the plant. So under the circumstances, we have strong evidence, as Mr. Smith made in the remarks, that irrevocable steps were being taken six months ago to abandon and simply did not tell the Commission. And it really affects those who would like a voice in keeping the plant open. So while PNM took the steps they took to close the plant, the Commission has a duty to proceed under the abandonment statute, to carry out the process for an abandonment hearing by the clear statements in the stipulation. Even though we don't have an application before us, it doesn't reduce our authority or obligation. We must act, notwithstanding that no formal application is before us. There was a filing that was totally insufficient under terms of the stipulation and took action as long as six months ago that triggers this action. She did not feel the Commission is constrained by the absence of the application.

Chair Becenti Aguilar noted the City of Farmington did not agree to that stipulation. So the modified stip has one party not signing it.

Commissioner Hall thought it would be in Farmington's best interest for this to go forward. The process would permit the Commission to hear all voices. We have a duty to decide whether or not the plant closes which we could decide in an abandonment case. We have an obligation to look at both sides of the issue as a forum in which to look at those arguments and that could be in the interest of Farmington.

Chair Becenti Aguilar said there are numerous collaborations lacking before the abandonment application is filed. A majority of employees there are part of Navajo Nation and there is no agreement - no formal document in this record that the plant is planning to close.. That is lacking. The collaboration has not yet occurred. And why should PRC Commissioners move forward with procedural orders when that collaboration has not taken place. That is the difference why the Commission is made up of five commissioners and many people will be impacted.

Commissioner Espinoza thought the Commission needs to move forward with this. It is within our authority and our responsibility and is the most important decision we could make in the past six years. The General Counsel has revealed much important information. We owe it to the rate payers and the public and she was ready to vote.

Commissioner Byrd agreed and pointed to Chapter 22 of Mr. Smith's testimony where it says Farmington is in favor of this. As was pointed out, Navajo Nation was not invited to the table and this would invite them to the table.

The motion passed on a unanimous (5-0) voice vote. So Ordered.

- 1) 18-00201-UT **IN THE MATTER OF SOUTHWESTERN PUBLIC SERVICE COMPANY'S APPLICATION REQUESTING: (1) ACKNOWLEDGEMENT OF ITS FILING OF THE 2017 ANNUAL RENEWABLE ENERGY PORTFOLIO REPORT; (2) APPROVAL OF ITS ANNUAL RENEWABLE ENERGY PORTFOLIO PROCUREMENT PLAN FOR PLAN YEAR 2019; (3) APPROVAL OF THE PROPOSED RATE FOR ITS 2019 RENEWABLE PORTFOLIO STANDARD RIDER; (4) APPROVAL OF ITS PROPOSED TREATMENT OF RENEWABLE ENERGY CERTIFICATES ASSOCIATED WITH THE SAGAMORE AND HALE WIND FACILITIES; AND (5) OTHER ASSOCIATED RELIEF. SOUTHWESTERN PUBLIC SERVICE COMPANY, Applicant.**
(Judith Amer) **POTENTIAL ORDER ON APPLICATION FOR REHEARING**

Ms. Amer presented information regarding this matter to the Commission. This is an application submitted by CCAE to rehear the final order the Commission issued on December 12, 2018. It is a significant application. A motion for rehearing pursuant to the statute is one the Commission needs to make a decision on within 20 days and the twenty days are almost up. The Commission can grant the rehearing, deny the rehearing, or not act which would be deemed a denial. She briefly highlights the arguments to understand the original order and noted that SPS requested a final order.

In the application, SPS requested the Commission allow SPS to retire RECs associated with Sagamore Wind as necessary for RPS compliance and SPS also asked for authorization to sell excess RECs and credit the income to ratepayers. In the hearing on November 19, the RD recommended the Commission approve their Renewable plan, advice notice of RPS rate rider, and also recommended SPS be authorized to retire RECs not used for RPS compliance and credit the fuel costs to New Mexico ratepayers. WRA and CCAE filed exceptions and CCAE filed for a rehearing. The

CCAIE arguments were whether SPS should be allowed to sell RECS and credit New Mexico customers. They argued that SPS, thru Xcel Company - declared the environmental benefits from wind facilities and already claimed the environmental benefit so there is nothing left to sell. It would be double counting and deceptive. To sell Hale and Sagamore RECs, they claimed is violating the Federal Trade Commission rules. If the Commission allows them to sell those RECs to another energy company, it would result in less renewable energy overall. The purchaser would not need to add renewable energy to meet their RPS requirement. They argued the sale of excess RECs is not the purpose of EUEA but bad public policy because testimony shows costs in excess of the sale realized.

The final order concurred with the RD and found that the REA directly authorizes trading or selling of RECs. The final order found in agreement with RD that excess RECs had not been already used by the utility and that CCAIE had not demonstrated that SPS would be double counting.

So, the final order adopted the RD that SPS should be authorized to use Hale and Sagamore RECs and the RECs not used for RPS could be sold and credited to New Mexico customers.

On January 11, 2019, CCAIE filed for rehearing and made the same arguments gain.

On January 22, SPS filed its response to that application and said the application for rehearing is contrary to the provisions of the REA. SPS claimed what they are proposing does not violate REA. The sale will benefit SPS customers with the credit. SPS said the guideline is made in different situations than here - guidance about when a person sells RECs and then claims they still own them. The sale of the RECs will not affect renewable generation. Finally, SPS continued to assert that if and when it is required to sell RECs for RPS requirements, it will comply with all the prohibitions of REA in place already regarding such sale to avoid any doublecounting.

The NMAG also filed a brief in opposition to CCAIE's application. They agreed with the RD and final order for the same reason CCAIE failed to persuade the Commission originally. And the second contention was incorrect because the REA expressly grants the sale of RECs.

Regarding the comparison of this case to EPE case 109, the AG states they are readily distinguishable because that case concerned a sale of RECs that was required for RPS compliance. And these are excess RECs.

Regarding the fourth argument on societal costs, the AG emphasizes CCAIE ignored the fact that the actual statute allows utilities to sell RECs.

Staff filed a brief in opposition to CCAIE and also asked the application be denied.

Staff also pointed out the REA states sale of RECs is allowed and not double counting. Staff also distinguished this case as RECs not needed for RPS compliance and cited Section 63-16-5.

Commissioner Hall moved, seconded by Commissioner Espinoza to approve the order to deny CCAE's application for rehearing. The motion was approved on a unanimous (5-0) voice vote. So Ordered.

NOTE: The Commission went back to Case 19-0018-UT to clarify that Commissioner Byrd's statement was not made clear by Mr. Smith. He clarified that the City of Farmington was not among parties that were in favor of the abandonment. They actually, while they were against accepting the filing of the compliance filing, in satisfaction of Paragraph 19, they did not want to move forward to an abandonment proceeding; but wanted the PRC to order PNM to take no steps toward abandonment and to address what they think was violated under Paragraph 19.

Mr. Smith said if that was unclear, the Commission could vote again.

Commissioner Byrd said he saw people nodding when he made the statement. "I think they understood it would give them the opportunity to speak up which they were previously denied."

Mr. Smith said he just thought it wise to clarify that.

Commissioner Fischmann said it didn't change his mind either.

Commissioner Espinoza did not think they need to revote.

**2) 18-00323-FM IN THE MATTER OF AMENDING CERTAIN RULES PERTAINING
TO THE STATE FIRE MARSHAL INCLUDING REPEALING AND
REPLACING THE 2003 INTERNATIONAL FIRE CODE WITH THE
2015 INTERNATIONAL FIRE CODE
(David Black) POTENTIAL ORDER ESTABLISHING
RULEMAKING DOCKET AND ISSUING
NOTICE OF PROPOSED RULEMAKING**

Mr. Black presented information regarding this matter to the Commission.

Commissioner Espinoza said she might get called soon but wanted to hear this case also.

Mr. Black said the proposed order will open an official rulemaking and publish official

notice of the rulemaking. This is an important activity the Commission undertakes and the ability to do so was granted by legislation. The PRC has a specific method for rulemaking with certain procedures to promulgate a rule, and the various industries have specific requirements for things like public notice.

We are dealing with the State Fire Marshal, an official division of PRC and in the statutory scheme, particular areas to get amended in the rules implicate the parental responsibility act, the fireworks act for handling, and another act. This proceeding follows one that failed about two years ago when it was originally opened. No final rule was ever adopted and after 18 months, by operation of law, was the rulemaking was terminated. Under the newly amended act, it is two years.

So under both of them, the old rulemaking is closed. Just to make it absolutely clear, a provision in the proposed order closes it officially. He spoke to the new rule proposed. It repeals the 2003 International Fire Standards to be replaced with the 2015 Fire Code standards and amends part 1 to update language to show the New Mexico State Fire Marshal as being the current name of the Division.

Also the revisions are being made to parts 3 and 6 but the focus now is only on part 5. The State Fire Marshal's intent is to comply with the mandate that the PRC amend the rules to meet current building standards. He indicated the State Fire Marshal is present and three others of the Fire Marshal's staff.

Mr. Gutierrez has worked closely with them on the language. He will be the person to conduct the public rulemaking hearing on these amendments. The procedure followed here is done by notice of proposed rulemaking and we call it a NOPR. The NOPR is Attachment B with dates. It will be published in the New Mexico Register and two newspapers with written comment to be submitted by March 14 and responses by March 21. The Hearing would be on March 22 and the record will close on March 25. If we hold to the schedule, the final rules will be submitted to NMAC Dept on March 28 for publishing with effective date of publishing on April 9 and if not- April 23.

This NOPR can be submitted tomorrow for a February 12 publishing to keep this schedule. Our statute requires 30 days before public hearing.

Chair Becenti Aguilar asked if the Fire Marshal wanted to make any statement.

Fire Marshal Shainin said this is a major improvement for interaction with CID to allow us to be on the same page with them, enforcing rules that other agencies already have in place for the 2015 code. We would certainly like it so our staff can do their job.

Commissioner Hall didn't realize there was a 2018 code out there.

Fire Marshal Shainin said just getting to 2015 has been a major hurdle. We don't

want to shock the state. He would love to get to 2018 next. He said they have worked out the problems there and adjusted the documents to reflect that.

Commissioner Espinoza needed to leave but was grateful for this NOPR. She agreed we should be in 2018 rather than 2015 but if these are the necessary steps, then that is fine.

Commissioner Hall moved, seconded by Commissioner Fischmann and the motion was approved on a unanimous 5-0 voice vote. So Ordered.

Mr. Black stated for the record that he had handed out copies of the small amendment where the NOPR left out on statutory section and would be part of the order.

8. DISCUSSION

- 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) UPDATE FROM STAFF AND EPE
REGARDING TALAVERA SUBSTATION
DATA INCLUDING TRANSFORMER AND
METER COST, PROJECTED DEMAND
JUSTIFICATION AND ENGINEERING DATA**

Mr. Smith deferred to Commissioner Fischmann.

Commissioner Fischmann said he was looking for an update on the details from the Talavera Substation. He was interested in hearing from Mr. Solomon.

Mr. Solomon and Mr. Jack Sidler came forward with Ms Carol Clifford, representing EPE.

Mr. Solomon said they have had two meetings - one from Doña Ana County and a two-hour conference call with EPE on the Talvera Substation and received data from Mr. Shuster on a forecast and other data. We had asked several questions on costs.

They also got NEPA documents from BLM with all alternatives and the impact visually which you were concerned about. We are reviewing that and will be back with a response on both issues soon.

Commissioner Fischmann asked about the time frame.

Mr. Solomon said the Talvera view shed analysis has many pages.

Commissioner Fischmann said he didn't need to spend a lot of time on view shed

analysis but look at verified need and the cost of the project. Focus on the numbers instead of NEPA and view shed. He didn't think anyone disputes that.

Mr. Solomon asked if he still wanted him to analyze battery storage.

Commissioner Fischmann asked for just a high level look about the potential practicality of those options.

Mr. Solomon thought that would be more appropriate for EPE to provide something to review on storage of energy.

EPE agreed they would provide Staff with an overview of what they are providing.

Commissioner Fischmann said he would need to recuse from Talavera but hoping that it comes to a docketed review. He was not sure there is anything to recuse from now. He glanced through the package and wanted more. He is talking with General Counsel and noting our concerns on it.

Commissioner Espinoza excused herself from the meeting at 12:30 p.m.

Commissioner Byrd asked if there is an incremental approach they could take that would reduce costs and still have a secure and reliable system. Is there a cheaper way to get it done? If the battery is the solution, great. But if not, more edification on our part is needed. What is the best way to get there?

An unidentified man from EPE said yes. "The filing of the 440 report is our evaluation of the least cost way to achieve it in that area. There is a temporary substation helping to serve and was built in 2014 so the incremental approach started with that. In talking about alternatives, we can work that into the discussion.

Commissioner Fischmann said regarding the two adjacent substations mentioned, questions were asked of him from the County Commission were whether EPE could upgrade those two instead. In the bigger picture, we have all these 440 reports coming in. We didn't realize the expenses were all coming through 440 reports. There is enough there that we need to look at a potential rulemaking for that and perhaps EPE could provide some ideas. Better tracking is needed and maybe have some Staff tracking 440's for a regular update to the Commission about them coming in.

We could start doing that on a monthly basis to inform us on what is coming through. A rulemaking would not need to be extensive but something more than we have now.

Chair Becenti Aguilar agreed. We should have that 440 filing within our Utility Division. She asked why the Commission should assign it to an executive assistant.

Commissioner Fischmann said he was just sensitive to staff work loads.

Mr. Solomon said he and Milo Chávez have talked about it. We could prepare a spreadsheet on them for the Commission and update it as needed. We could even post it on the web site.

Chair Becenti Aguilar said every Commissioner should have access to that information so we could talk with Staff if we have questions.

Commissioner Hall agreed. She just didn't realize the process now for 440's. We have to have that information.

Mr. Solomon said they could do the same as they do with advice notices, either monthly or quarterly.

Commissioner Fischmann thought it depends on when the action happens - for frequency. Quarterly might be too long.

Mr. Solomon said Staff can start working on it and see what frequency would work for it on how frequently to update it.

Commissioner Hall pointed out that 440's are filed whenever the need arises.

Mr. Sidler agreed. He didn't recall if it has to be a month or two months ahead of time.

Mr. Solomon asked if the Commission wants gas 440's also.

Commissioner Hall suggested electric first and expand to gas later.

The man from EPE was concerned about extra time for this process. 440s and facilities identified are obviously while costs are identified. And acceptance of 440 by reasonable costs has no prior approval of them required. And those costs are only recovered in rates after a rate case. For utilities to deal with capital investment costs is part of normal cost of business and very important that the use of 440 serves as public level disclosure. Considerations for rulemaking takes more time. The process is changing and utilities can adjust to that in advance. We already agreed to a delay on this one. But all is anticipated in the 440. Just be careful in stretching out the time which can cause difficulties for the utility.

Commissioner Hall said she was aware of the function, but just having notice to staff that this is coming would be helpful. With Talavera it looked like a very large expenditure without Commission scrutiny.

Commissioner Fischmann agreed. Over time, it can be a substantial amount of

money. And, with investment already made that is bad policy, the only question is who gets punished - investors or ratepayers. Our job is to protect both investors and rate payers. We don't have to make a rule that looks at every 440 filing. We could ask utilities to give a forecast on future projects and streamline it for no extra work and it would be done. That's where he thought this could go.

Commissioner Byrd added that the Commission is not trying to run the utility's business . The Boards and CEO's do that. It is a risk they might not get reimbursed on and then they don't get to decide anymore and must go somewhere else to work. They are the experts in the field and we are here to see and help projects get done and not get too involved in their ongoing operation.

Commissioner Fischmann agreed with that but there are other forces at play that create adverse results. Our job is to keep an eye on it that we help them stay efficient. We should not get into every detail of their business and that was not his intent.

9. EXECUTIVE CLOSED SESSION

a. PURSUANT TO NMSA 1978, SECTION 10-15-1(H)(2)

- **Consideration of Appointment of Interim Head Hearing Examiner**
- **Consideration of Appointment of Interim Chief of Staff**

b. 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**
- ***Beagles v. NMPRC*; District Court No. D-101-CV-2014-00609**

Commissioner Fischmann said the Commission has been derelict in not saying thanks to the outgoing Chief of Staff who had to sort out a mess. It is important to thank him for that effort. He appreciate it and grateful for how he was helpful to him personally. He wanted to say that on the record.

Commissioner Hall concurred. She thought he did a very good job.

Commissioner Hall moved to go into closed executive session. Commissioner Byrd seconded the motion and the motion was approved 4-0 by roll call, with

Commissioner Byrd, Commissioner Hall, Commissioner Fischmann and Chair Becenti Aguilar voting in favor and none voting against. Commissioner Expinoza was not present for the vote.

The Commission went into Closed Executive Session at approximately 1:00 p.m. The closed session ended at 2:10 p.m.

Present at reconvening were Chair Becenti Aguilar and Commissioner Byrd - waiting for one more to have a quorum.

Commissioner Hall and Commissioner Fischmann arrived quickly.

Commissioner Byrd moved to return to open session. Commissioner Hall seconded the motion and the motion passed by unanimous 4-0 vote. Commissioner Espinoza was not present for the vote.

10. POSSIBLE ACTION ON PERSONNEL MATTERS - INTERIM CHIEF OF STAFF AND INTERIM HEAD HEARING EXAMINER

The action on Interim Chief of Staff took place earlier in the meeting.

No action was taken regarding the Interim Head Hearing Examiner.

11. LEGISLATIVE ISSUES DISCUSSION AND POSSIBLE ACTION

Commissioner Fischmann was lost about where we are.

Commissioner Byrd recalled the Commission talked about not taking action as a group but that we can speak on our own individual position.

Commissioner Hall didn't know if it even needed to be on the agenda.

Mr. Montoya noted that in the past, the Commission has taken action on those bills that do affect the PRC. Sometimes Staff has been called upon to be at a hearing. He added that if he doesn't have direction, he might not be able to respond to requests from legislators. We have assigned staff analysts that monitor the hearings. There was one this morning on appointing PRC Commissioners. So if we are in the audience, we get asked where PRC stands on it.

Commissioner Hall said that is on bills that relate directly to our operations.

Commissioner Fischmann thought if the Commission is unanimous it its position, it

would be okay but if not, we take no position.

Mr. Smith added that typically on those bills affecting the PRC, Staff write an FIR and can speak to that.

Mr. Montoya understood Commissioners want to see the FIR first but we are required to submit them within 24 hours to LFC. We can ask for an extension on things you feel we should hold off. He would focus on the first section of the spreadsheet that Jennifer Baca publishes. The second page are those upcoming.

Commissioner Hall said we need to stay alert to her spread sheet and if we see something that needs discussion to ask for it to be on the agenda.

Mr. Smith said part of the reason he puts them all on the agenda, is that we have to give notice under OMA. So he separated old from new. Something could come up and have a very important effect on the Commission. If it is not on the agenda we can get caught violating OMA. This is not as up to date as the bill finder for today.

Commissioner Fischmann talked with the bill sponsors on appointment of Commissioners. They are open to creating a committee to identify qualified people. No one seems dug in on how to approach it. They are open for comments.

Mr. Montoya said they also discussed increasing pay for Commissioners this morning. There are six bills to be heard tomorrow and he will be present at those hearings but if there is no action here, he would say the PRC is neutral. He mentioned the bills included.

Commissioner Hall said OSI has a different approach with a daily meeting with the Superintendent. They are more engaged than we are but it was simpler with one Superintendent instead of five Commissioners. She was concerned with staff being over there without any direction. She didn't know the solution. If we see something that is a really big deal we can ask it be on the next agenda.

Mr. Smith cautioned not to communicate by emails.

Commissioner Fischmann added that a bill is not a static thing - where the bill is today can be different tomorrow. More important than whether we are for or against the bill, is how well it fits with our policy. We can be in favor of this policy without saying we are in favor of a bill that could change a lot when it gets to the next committee.

a. NEW BILLS

- **HB 162 - Insurance Premium Tax Provisions**
- **HB 175 - Regional Water Utility Authority Act**

- **HB 244 - Minimum Train Operating Crews**
- **HB 300 - Rural Electric Co-Op Proxy Voting & Quorums**
- **SB 336 - Electricity Distribution for Certain Vehicles**
- **SB 281 - Community Solar Act**
- **HB 283 - Increase Renewable Portfolio Standards**
- **SB 275 - Increase Renewable Portfolio Standards**
- **HB 291 - Renewable Use of Energy Act Changes**
- **SB 233 - Broadband Access Unfair Trade Practices**
- **SJR 10 - Public Regulation Commission Membership, CA**

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 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**
- **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**

13. CONSIDERATION AND POSSIBLE ACTION REGARDING ADVICE NOTICES

• **Monterey Water Company Inc. - Advice Notice No. 7**

Tim Martínez drafted the memo to do not suspend rates on December 31 when they filed the advice notice requesting increase of water rates. The increase went from \$3.60 to \$3.68 for 1000 gallons. Secondly, the service connection and reconnection charge went from \$490 to \$500 dollars, and reconnection from \$30 to \$35.

No protests were filed and staff recommended it be allowed to take effect by operation of law.

14. COMMUNICATIONS WITH GENERAL COUNSEL

There were no communications with General Counsel.

15. COMMUNICATIONS AND POSSIBLE ACTION WITH CHIEF OF STAFF

Mr. Montoya announced that on February 7, 2019 at 10 am Facebook will have its grand opening. PRC was heavily involved with recruiting for that location.

He and Brad Matthews are putting final touches for the February 5 LFC hearing. He will share it with Commissioners. It will say where we were in FY 18, where we are in FY 19 and where we hope to be in FY 20. The increase is about 14%.

He will ask all staff who are assigned as analysts and our budget analyst to be there. We could get into that at the hearing.

Commissioner Fischmann noted that in the presentation to the Budget Committee, one thing missing in the past was the impact on the public. That is important to include. That is what the legislature needs to hear.

16. COMMUNICATIONS WITH COMMISSIONERS

Commissioner Espinoza rejoined the meeting at 2:37 pm.

Commissioner Hall spoke about a power point she saw in New Orleans at the SPP Meeting. She said it was a very intense and worthwhile meeting and suggested that other Commissioners should plan to go to an SPP meeting at some point. She added that Commissioner Byrd is representing us very well

Commissioner Fischmann commented on his proposal to have Division heads present quarterly about what is going on in their departments and how it impacts our constituents. It is a great way to keep us all up to speed and expose the heads with us. In many ways it will help cement our cohesiveness and working together. He hoped the Commission would yes and ask Mr. Montoya to put together a schedule for it. It can be brief but a chance to tell us what they are doing and accomplishing.

Chair Becenti Aguilar suggested to hear possibly one division every week and then provide a schedule. Limit it to two people maximum and about a 5 minute presentation.

Commissioner Hall understood the reasons for doing it but thought it should be up to the Chief of Staff to manage staff and not to do micromanaging in place of the Chief of Staff.

Commissioner Fischmann agreed. It should be information to us and not directing

the headsto do things.

Mr. Montoya said the Commission used to have a monthly report from each division so there was a template floating around. It was a PPT to summarize accomplishments, lessons learned, and issues and concerns that might need input or not. We only put Legal into one report and there are three others - so five divisions total. Weekly is much more than a quarterly report. I was thinking of staggering with two in February , two in March and one in April and then staggering them.

Mr. Smith thought it would be better to have OGC and the HE Dept together and separate from Legal.

Commissioner Espinoza also wanted to avoid micromanaging. She was willing to support Commissioner Fischmann and see if it fits in. It couldn't hurt to do it once a month rather than quarterly.

Commissioner Hall liked once a month also.

Ms. Beadles said that occasionally, the Legal Divison has an opportunity to attend out of state conferences on energy markets and the industry and would like the attendees to share with Commissioners what other states are struggling with. The monthly format would help with that.

Mr. Montoya said it sounds like monthly frequency would be okay. We have no idea how lengthy those reports would be.

Commissioner Byrd asked if we could do it up front so the Staff could get back to work. They don't need to sit through the whole meeting.

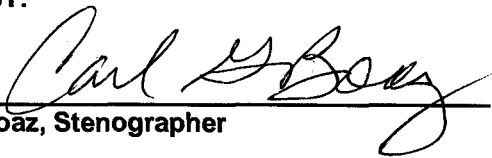
Chair Becenti Aguilar suggested right after public comment.

Mr. Montoya suggested February 13 for the first round.

17.ADJOURNMENT

The meeting was adjourned at 2:50 p.m.

ATTEST:


Carl Boaz, Stenographer

APPROVED:

2/20/2019


THERESA BECENTI AGUILAR, CHAIRPERSON


VALERIE ESPINOZA, VICE CHAIRPERSON


CYNTHIA B. HALL, COMMISSIONER


JEFFERSON BYRD, COMMISSIONER


STEPHEN FISCHMANN, COMMISSIONER

NEW MEXICO PUBLIC REGULATION COMMISSION

OPEN MEETING: CASE MANAGEMENT MEETING

Date: January 30, 2019



| NAME | COMPANY NAME (if any) | PHONE NUMBER |
|----------------------|---|-----------------|
| Mark Fenzler | PNM | 505 241-2498 |
| Robert Mayes | City of Farmington | 599-1100 |
| Nate Duckett | City of Farmington | 599-1100 |
| Will DuBois | SJS | 512-236-6923 |
| Carla Sonntag | NMUSA | 505-836-4223 |
| Bob Bresnahan | KCEC | 575-741-0542 |
| Carey Salaz | PNM | 241-4733 |
| Doyle E. Hodge | SAN JUAN County | 505-327-3899 |
| Steven Corona | NMGE | 505-697-3559 |
| Bruce J. Janssen | KCEC | 575-595-1943 |
| Mario Contreras | SJS / Xcel Energy | 816-378-2115 |
| Janice Birkhelly | City of Farmington | 505-599-1100 |
| Gloria B. Tolacheene | San Juan County | 505-258-1896 |
| Bill SHARPE | San Juan County Senator | 505-486-5272 |
| Rod Montoya | San Juan County Representative | (505) 360-1510 |
| M. P. SCHILDMAYER | DEMOCRATIC PARTY OF SAN JUAN COUNTY | 505-419-1268 |
| Gloria Lehmer | SJ County Resident | 505 330 4656 |
| Randy Kartell | Montgomery & Andrews | 505 986 2509 |
| GREG ALLEN | SAN JUAN SAFE COMMUNITIES INITIATIVE | 505-419-0939 |

Thank you for attending this meeting.

Kathryn Hunt Oxy/GK
Stacey Goodwin PNM

575-642-3875
505-241-4927
EXHIBIT 1
PRC - January 30, 2019

NEW MEXICO PUBLIC REGULATION COMMISSION

OPEN MEETING: CASE MANAGEMENT MEETING

Date: January 30, 2019

SIGN-IN SHEET

| NAME | COMPANY NAME (if any) | PHONE NUMBER |
|--------------|--------------------------|--------------|
| Dominic Silu | San Juan County | |
| Brian Harris | PRC | |
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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 30, 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. PRESENTATION**
 - **Representative Patricia Roybal Caballero - Presentation regarding House Bill 210 - Community Solar Act**
- V. PUBLIC COMMENT**
- VI. CONSENT ACTION**
 - A. Transportation Matters:**
NONE
 - B. Utility Matters:**
NONE
- VII. REGULAR ACTION AND DISCUSSION**
 - A. Transportation Matters:**
NONE
 - B. Utility Matters:**

| | | |
|-----------|------------------------------------|---|
| 1) | 18-00201-UT Judith Amer | IN THE MATTER OF SOUTHWESTERN PUBLIC SERVICE COMPANY'S APPLICATION |
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| | | <p>REQUESTING: (1) ACKNOWLEDGEMENT OF ITS FILING OF THE 2017 ANNUAL RENEWABLE ENERGY PORTFOLIO REPORT; (2) APPROVAL OF ITS ANNUAL RENEWABLE ENERGY PORTFOLIO PROCUREMENT PLAN FOR PLAN YEAR 2019; (3) APPROVAL OF THE PROPOSED RATE FOR ITS 2019 RENEWABLE PORTFOLIO STANDARD RIDER; (4) APPROVAL OF ITS PROPOSED TREATMENT OF RENEWABLE ENERGY CERTIFICATES ASSOCIATED WITH THE SAGAMORE AND HALE WIND FACILITIES; AND (5) OTHER ASSOCIATED RELIEF</p> <p>SOUTHWESTERN PUBLIC SERVICE COMPANY,</p> <p>Applicant.</p> <p><u>POTENTIAL ORDER ON APPLICATION FOR REHEARING</u></p> |
| 2) | 18-00323-FM David Black | <p>IN THE MATTER OF AMENDING CERTAIN RULES PERTAINING TO THE STATE FIRE MARSHAL INCLUDING REPEALING AND REPLACING THE 2003 INTERNATIONAL FIRE CODE WITH THE 2015 INTERNATIONAL FIRE CODE</p> <p><u>POTENTIAL ORDER ESTABLISHING RULEMAKING DOCKET AND ISSUING NOTICE OF PROPOSED RULEMAKING</u></p> |
| 3) | 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> |

VIII. DISCUSSION

| | | |
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| 4) | Undocketed Michael Smith | EL PASO ELECTRIC COMPANY'S RULE 17.5.440 NMAC NOTICE OF FILING NO. 70- CONSTRUCTION OF TALAVERA DISTRIBUTION SUBSTATION AND RELATED FACILITIES |
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| | | UPDATE FROM STAFF AND EPE REGARDING TALAVERA SUBSTATION DATA INCLUDING TRANSFORMER AND METER COST, PROJECTED DEMAND JUSTIFICATION AND ENGINEERING DATA |
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IX. EXECUTIVE CLOSED SESSION

- **PURSUANT TO NMSA 1978, SECTION 10-15-1(H)(2)**
 - Consideration of Appointment of Interim Head Hearing Examiner
 - Consideration of Appointment of Interim 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
 - *Beagles v. NMPRC*; District Court No. D-101-CV-2014-00609
 -

X. POSSIBLE ACTION ON PERSONNEL MATTERS - INTERIM CHIEF OF STAFF AND INTERIM HEARING EXAMINER

XI. LEGISLATIVE ISSUES DISCUSSION AND POSSIBLE ACTION

- **NEW BILLS**
 - HB 162 - Insurance Premium Tax Provisions
 - HB 175 - Regional Water Utility Authority Act
 - HB 244 - Minimum Train Operating Crews
 - HB 300 - Rural Electric Co-Op Proxy Voting & Quorums
 - SB 336 - Electricity Distribution for Certain Vehicles
 - SB 281 - Community Solar Act
 - HB 283 - Increase Renewable Portfolio Standards
 - SB 275 - Increase Renewable Portfolio Standards
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 - SB 233 - Broadband Access Unfair Trade Practices
 - SJR 10 - Public Regulation Commission Membership, CA
- **BILLS PREVIOUSLY DISCUSSED AND CURRENTLY BEING TRACKED - MAY BE SUBJECT TO FURTHER DISCUSSION AND ACTION**

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- 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

XII. CONSIDERATION AND POSSIBLE ACTION REGARDING ADVICE NOTICES

- Monterey Water Company Inc. - Advice Notice No. 7

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.prc.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 30, 2019

SIGN IN

PUBLIC COMMENT SIGN-IN SHEET

| NAME | PHONE NUMBER | TOPIC |
|----------------------------|-------------------------|---------------------|
| King Stefanos | 505-699-4808 | Comm Solar |
| Beth Beloff | 505 467 8530 | Comm Solar |
| Rare Themed | 505-989-4345 | Comm. Solar Bld |
| Cristobal Dues | 575-770-7817 | KIT CARSON ELEC |
| MICHAEL ROMERO | 702-513-9253 | KIT CARSON ELEC |
| Coral Clifford | 505-982-0611 | |
| Dan SHAWIN | 416-9605 | 2015 IFC |
| WILLIAM SANCHEZ | | |
| Ann HARTILL | 362-5075 | |
| Jonah Goe | 728-3097 | 2015 IFC |
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Thank you for attending this meeting.