

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

**TIME: 9:30 a. m.**

**PLACE: PERA Building  
4<sup>th</sup> Floor Hearing Room  
1120 Paseo de Peralta  
Santa Fé, New Mexico 87501**

A quorum was present as follows:

**Members Present:**

Commissioner Theresa Becenti Aguilar, Chairperson  
Commissioner Valerie Espinoza, Vice-Chairperson  
Commissioner Jefferson Byrd, District 2  
Commissioner Stephen Fischmann, District 5  
Commissioner Cynthia B. Hall, District 1 [telephonically]

**Members Absent:**

**Staff Present:**

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

**Others Present**

Carl Boaz, Stenographer

**CALL TO ORDER**

The Open Meeting was scheduled at 9:30 a.m., pursuant to proper notice under NMSA 1978, 10-15-1(c), and the Commission's Open Meeting Policy. Commissioner Theresa Becenti-Aguilar, Chairperson, called the Open Meeting to order at 9:30 a.m., in the Fourth Floor Hearing Room, PERA Building, 1120 Paseo de Peralta, Santa Fé, New Mexico.

A copy of the sign-in sheet for the Case Management Open Meeting is incorporated herewith to these minutes as Exhibit 1.

A copy of the Agenda for the Case Management Open meeting is incorporated herewith to these minutes as Exhibit 2.

A copy of the Public Comment sign-in sheet for the Case Management Open Meeting is incorporated herewith to these minutes as Exhibit 3.

## **1. PLEDGE OF ALLEGIANCE/STATE PLEDGE**

The Pledge of Allegiance and State Salute to the Flag were recited.

## **2. INTRODUCTION OF SPECIAL GUESTS**

There were no introductions.

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

Chair Becenti Aguilar requested an amendment to delete the presentation today.

Commissioner Espinoza had received concern from the media for a presentation next week from Water Bureau on what we have done with companies we regulate.

Chair Becenti Aguilar asked Mr. Montoya to follow up with Staff on that for next week.

Mr. Montoya agreed to follow up.

Commissioner Espinoza suggested the Commission not cover the long list of bills and cover just the ones we are interested in.

Commissioner Hall concurred regarding the legislation.

**Commissioner Espinoza moved, seconded by Commissioner Byrd, to approve the agenda as amended. The motion passed by unanimous (5-0) voice vote.**

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

- Minutes of the Case Management Open Meeting for February 13, 2019

Commissioner Espinoza asked for a small change in the minutes and explained that she left the meeting at 3:05 pm and yet shows her commenting later on page 51.

**Commissioner Espinoza moved, seconded by Commissioner Byrd, to approve the minutes of February 13, 2019 as amended. The motion was approved by unanimous (5-0) voice vote.**

## **5. PRESENTATION**

**Robert Castillo, from Continental Divide Electric Cooperative**

This item was removed from the agenda.

## 6. DIVISION DIRECTOR'S REPORT

Fire Marshal Don Shainin presented the report for his Division and provided a 2-page report on the agency and its accomplishments. They are following eight bills in the legislature that affect the Fire Marshal's and the international Fire Code change. There are six current vacancies. The Fire Support Chief was just filled. In the budget, a request for another Fire Investigator and justification has been submitted. He has filled 14 vacancies to date.

They have all data scanned now and recently became capable of uploading inspections with hand-held devices to the server. Inspections take from one day to two weeks. UNM is one of the biggest.

He said they are doing more inspections and have more training going on to enhance the staff skills.

Commissioner Espinoza asked what the Fire Marshal is doing to reduce the amount of time to report in arson cases. They need the reports to file insurance policy payments and some of them have taken as long as 12 months.

Marshal Shainin said 4-5 days is their practice now. 12 months is unacceptable. They had an open case that included a homicide that took more time, but the report is completed. He is looking at all open cases and closing them if no amendments are needed. They made major changes to fire inspections and have trained five individuals. He has received numerous letters of commendation for our quick work.

He described their certification and mentoring program which was implemented to team experienced with new investigators. They did 178 investigations last year.

Fire Service Support is responsible for fire fund distribution and ISO inspections and audits which help increase ISO ratings. They also work on distribution of grants.

The State Fire Academy accomplished training The BIA trains there. The Fire Marshal Office has an expo on 9/11 each year. Vendors are there in the week-long event.

He reported they are breaking ground for the new burn building at the academy.

Commissioner Espinoza asked to be invited to the ceremony for the new burn building. She asked about the status of SB 143.

Marshal Shainin said it could impact their jobs. An ANSI certification should open the damper inspections. They were against that bill.

Commissioner Espinoza >>

Don - we did at beginning.

Marshal Shainin said they need to build up administrative staff. They have just one person who does all the allocation work for the Fire Fund. We do distributions four times each year. She is now working on 2020 requests and then do the May payouts. We need two more people in that area to know those numbers, etc. They also need more inspectors to cover the whole state. They have not gotten to all of them and a call from Carlsbad means dispatching an inspector from Santa Fe.

Commissioner Byrd observed that one deputy did 160 inspections in one month and another did 145. That supports the Fire Marshal's argument for more staff. That is almost five per day.

Marshal Shainin said more than a thousand inspections have to be done plus fireworks, all booths at State Fair and inspect all concerts. He explained they have agreements with all fire departments across the state and when they cannot do the inspections and investigations, we must do them. We are responsible. They also ask for help to enforce the local codes where locals don't want to enforce it.

Commissioner Fischmann asked what impact on the work load.

Marshal Shainin said it would not be much. We will have to have training on the changes, and we have already talked about it.

Chair Becenti Aguilar thanked them for the report.

## **7. PUBLIC COMMENT**

Steve Metz, CEO of Valley Telephone Cooperative in the Southwest corner of New Mexico and southeast corner of Arizona, and current President of the NMIEC and on the USF Advisory Board. Talked about the USF. We have had several rulemakings, a supreme court case, legislation and in 2017 we finally got together with PRC to go to the legislature to solidify the funding and create a component for broadband service. We had hoped that would be the end of it but now is being screwed up again. We just got our first report that shows the fund is earning what it should and will have \$30 million instead of percentage of revenue. The current statute required PRC review of the fund and believe you have opened a docket to do that. He was hearing some Sacred Winds Bill concerns that the Commission has on accountability of the Fund. We have tried to address accountability in the rule making.

He provided a handout for the Commissioners and described its contents. It is a report filed by his company and there is one from every company and filed under seal. All the required information is in it and it is given to the Commission every year. This is the form that was worked out with staff, so it is available to all of you and filed in the docket.

Commissioner Espinoza appreciated the sharing of how they spend the funds. She asked if that was also in the SWC bill as a requirement.

Mr. Metz believed SWC has their own format.

Mr. Fisk said they have reporting based on their projects.

Mr. Fisk explained that was what Staff requested. If the bill is passed, they would get automatic payment of a certain amount comparable to other rural ILECs including Valley.

Mr. Metz reviewed what was in the report. And a full list of the projects to show where their capital expenditures went. The Income Statement covers NM and AZ and provides the basis for the allocation. He explained that salaries are not part of the report. The report is filed in May.

Commissioner Fischmann said it is competitive information and asked if that meant they would have competitors serving that area.

Mr. Metz agreed. All companies have competitors in certain areas, and all have wireless providers as competitors throughout the state.

Commissioner Hall - to follow up on Commissioner Fischmann's question, did not think there is competition among land line carriers.

Mr. Metz agreed there were not many. Windstream has some in Hobbs and Carlsbad. But most of them serve communities without other CLECs.

Commissioner Fischmann asked if there are more than one ILEC in the same area receiving from USF.

Mr. Metz said there is only one ILEC per area.

Commissioner Byrd said there is a business model that people want to see how it works and grows. People want to hide their business model also.

Chair Becenti Aguilar welcomed a presentation to the Commission rather than a short public comment and asked if he would contact General Counsel for that. She mentioned a meeting at the Farmington Civic Center on July 20-31 for all carriers. She would head that initiative with Commissioner Fischmann to meet the goal of our mission on advancement of broadband and other technologies.

## **8. CONSENT ACTION**

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

- 1) 19-00028-TR-M IN THE MATTER OF THE APPLICATION OF ATSA  
TRANSPORTATION LLC, FOR A CERTIFICATE TO PROVIDE  
NON-EMERGENCY MEDICAL TRANSPORT SERVICE  
(David Black) POTENTIAL ORDER GRANTING  
NON-EMERGENCY MEDICAL TRANSPORT  
SERVICE CERTIFICATE

**B. Utility Matters:**

- 2) 19-00038-UT IN THE MATTER OF SOUTHWESTERN PUBLIC SERVICE  
COMPANY'S APPLICATION FOR AUTHORITY TO: (1) ISSUE UP  
TO \$400 MILLION OF FIRST MORTGAGE BONDS DURING 2019;  
(2) RECOVER CERTAIN REFUNDING COSTS; AND (3) ENTER  
INTO AGREEMENTS IN SUPPORT OF INTEREST RATE  
HEDGING INCLUDING INTEREST RATE LOCKS AND SWAPS  
(Elizabeth Hurst) RECOMMENDED DECISION  
(David Black) POTENTIAL FINAL ORDER  
ADOPTING RECOMMENDED DECISION

Commissioner Espinoza moved, seconded by Commissioner Byrd to approve the orders for both consent cases. The motion passed by unanimous (5-0) voice vote.

**9. REGULAR ACTION AND DISCUSSION**

**A. Transportation Matters:**

- 3) 19-00051-TR-EN IN THE MATTER OF THE PETITION OF THE  
TRANSPORTATION DIVISION OF THE NEW MEXICO PUBLIC  
REGULATION COMMISSION FOR ISSUANCE OF AN ORDER TO  
SHOW CAUSE AGAINST INTERSTATE RECOVERY AND  
TOWING LLC  
(Judith Amer) POTENTIAL ORDER REGARDING  
ORDER TO SHOW CAUSE

Ms. Amer said in the affidavit that this owner is the owner of three other tow companies, and they all participate in the lot sharing. So last night, she amended the order to show cause against all four of those companies and listed them.

Commissioner Byrd moved, seconded by Commissioner Espinoza, to approve the order of show cause for all four tow companies. The motion passed by unanimous 5-0 voice vote. So Ordered.

**B. Utility Matters:**

- 4) 18-00116-UT     **IN THE MATTER OF EL PASO ELECTRIC COMPANY'S  
APPLICATION FOR APPROVAL OF ITS 2019-2021 ENERGY  
EFFICIENCY AND LOAD MANAGEMENT PLAN, UTILITY  
INCENTIVE AND REVISED RATE NO. 17 - EFFICIENT USE OF  
ENERGY RECOVERY FACTOR**  
(Elizabeth Hurst)     **RECOMMENDED DECISION**  
(Russell Fisk)     **POTENTIAL ORDER CONCERNING**  
**RECOMMENDED DECISION**

Mr. Fisk noted that Ms. Hurst presented most of the RD last week and he did not have the order ready. She was present to answer any questions that might come up.

Commissioner Byrd said Commissioners read the material and asked what changed from last week.

Mr. Fisk said his Friday memo and proposed order would adopt the entire RD. But there were many exceptions filed. Commissioner Fischmann submitted one and he and Ms. Hurst met with him and proposed an alternative order, with changes from Friday.

Mr. Fisk reviewed the red line changes. He went over the red lines and explained that this order would put more money into that program because of high use. Their program would encourage LED as the most effective technology instead of CFL and halogen light bulbs. So it would order some reviews to see if that could be done.

Commissioner Fischmann thought that would happen a year down the road and the course be corrected, if needed.

Mr. Fisk agreed. The Energy Saver program is the one program dedicated to low-income customers. It would require the City and the M&V evaluator to meet by July 1 to determine the effectiveness.

**Commissioner Byrd moved, seconded by Commissioner Fischmann, to adopt the order as amended. The motion passed by unanimous (5-0) voice vote. So Ordered.**

- 5) 17-00255-UT     **IN THE MATTER OF SOUTHWESTERN PUBLIC SERVICE  
COMPANY'S APPLICATION FOR REVISION OF ITS RETAIL  
ELECTRIC RATES PURSUANT TO ADVICE NOTICE NO. 272.  
SOUTHWESTERN PUBLIC SERVICE COMPANY, Applicant**  
(Judith Amer)     **POTENTIAL ORDER IN**  
**ACCORDANCE WITH PARTIAL MANDATE**

Ms. Amer presented information regarding this matter to the Commission.

Commissioner Byrd pointed out this is an issue we've discussed a lot and thought no further discussion was needed.

Ms. Amer - said the proposed final order is in alignment with Supreme Court mandate on the stipulated dismissal and has dismissed the appeal, based on the agreement for dismissal. So this would effectuate the agreement made. They were to eliminate the part that ordered retroactive consideration. based on the Jobs Act. All of them are contingent upon SPS accomplishing the dismissal of their appeal of PRC order, filing a motion to dismiss in 16-00269 and adopt new rates. They would get a higher return on equity.

Commissioner Byrd moved, seconded by Commissioner Espinoza, to approve the application for revision of rates. The motion passed by unanimous (5-0) voice vote.

So Ordered.

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

- **Advice Notice No. 51 - FARMERS' ELECTRIC COOPERATIVE**

Jack Sidler reported on the advice notice. They combined a number of rules into one rule and he described the minor changes that were made to their rules, all of which were acceptable to the Staff. He briefly reviewed the changes to forms, all of which were also acceptable to Staff. He recommended the advice notice be allowed to go into effect by action of law.

The Commission agreed and took no action.

- **Advice Notice No. 556 - PUBLIC SERVICE COMPANY OF NEW MEXICO**

#### **11. LEGISLATIVE ISSUES POSSIBLE DISCUSSION AND POSSIBLE ACTION**

- **PRC Proposed Senate Memorial Regarding State Rural Universal Service Fund**

Mr. Fisk reported that Mr. Montoya talked with a potential sponsor and used the language from last Friday.

Mr. Montoya said he identified a sponsor and the bill is being drafted now with LCS and hoped to review it later today. It would be assigned to one or two committees and treated like any other bill in the process. George Muñoz is the sponsor.

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



- **HB 28 - Resource Sustainability and Security Act**
- **HB 631 - Use of Flashing Lights by Recovery Vehicles**
- **HB 15 - Rural Electric Coop Renewable Standards**
- **HB 426 - Renewable Energy Transmission Authority Study**
- **HB 432 - Affordable Solar Energy Act**
- **HB 491 - Immobilizing or Towing of Certain Vehicles**
- **SB 416 - Redistricting Act**
- **SB 456 - Electric Utility Resource Procurement**
- **SB 468 - Clean Energy for New Generation Facilities**
- **SB 232 - Public Record Requests Costs and Procedures**
- **SB 285 - IPRA Failure to Permit Inspections**
- **SB 489 - Energy Transition Act**
- **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**
- **HB 116 - Wastewater System Financing**
- **HB 124 - Fire Protection Fund Changes**
- **HB 176 - Broadband Telecomm Facility Gross Receipts**
- **SB 99 - Appointment of PRC Members**
- **SB 143 - PRC Fire Safety Standards**
- **SB 161 - Renewable Energy Transmission Authority Funds**
- **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**
- **HB 269 - Separation of Fire Marshal from PRC**
- **HB 385 - Access to Telecomm Rural Service Fund**
- **HB 406 - PRC Transmission Line Jurisdiction**
- **SB 208 - Broadband Facility Component Gross Receipts**
- **SB 357 - Generation & Transmission Rate Protests**
- **SB 374 - Local Choice Energy Act**
- **SB 376 - Utility Eminent Domain Rights of Way**
- **HB 512 - Firefighter Retirement Service Credit**
- **HB 521 - PRC Application for Vehicle Electricity**
- **HB 541 - Telecommunication Cramming & Slamming**
- **HB 604 - Utility Securitization Bond Act**
- **HB 637 - Presumed Life of Electric Generating Plants**
- **SB 492 - Utility Securitization Financing**
- **SB 528 - Passenger Rail Maintenance & Service**

- **SB 537 - PRC Commissioner Continuing Education**
- **SB 565 - Remove Fire Marshal from PRC**
- **SB 597 - Rural Electric Coop Rate Change Protests**
- **SJR 4 - Transfer PRC from Elected to Appointed**
- **SJR 1 - PRC Election and Appointment**

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

There were no communications with Chief of Staff

## **13. COMMUNICATIONS WITH GENERAL COUNSEL**

There were no communications with General Counsel.

## **14. COMMUNICATIONS WITH COMMISSIONERS**

Commissioner Espinoza said we had issues with ADA accessibility, and we were going to send staff for training. She asked if that was done.

Mr. Montoya said Mr. Borman would find out.

Commissioner Espinoza asked Utilities to notify us when there is an outage. She gave her cell phone number. She asked if the policy is still in place to notify Chief of Staff by email.

Her last request was to have someone present on Water issues.

Mr. Montoya agreed.

Commissioner Byrd asked for status of policy regarding the union.

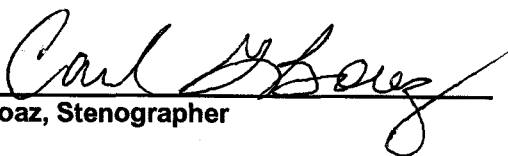
Mr. Montoya said the proposal was drafted and presented to the union and he had no response yet.

Chair Becenti Aguilar had directed CenturyLink to send out letters from the December 28 outage and wanted to find out if they followed that request. Thank you.

## **15. ADJOURNMENT**

The meeting was adjourned at 10:55 a.m.

**ATTEST:**

  
Carl Boaz, Stenographer

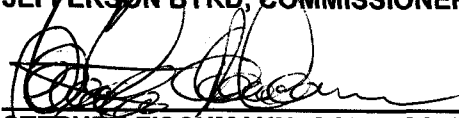
APPROVED: 4-11-19  
VOTED YES

THERESA BECENTI AGUILAR, CHAIRPERSON  
VOTED YES

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: March 6, 2019

**SIGN-IN SHEET**

NAME	COMPANY NAME (if any)	PHONE NUMBER
David Hudson	Xcel Energy - SPS	806 378 2824
Bill Grant	XCEL / SPS	806-378-2928
Carey Salaz	PNM	(95) 241-4733
Dana Hardy	Hinkle Shanon	505-982-4554
Mateo Santillana	NMECC	505-270-0602
Jay Santillana	NMECC	505-440-6119
Katelyn Hank	GR/OPR	575-642-3875
Evan D. Evans	Xcel Energy / SPS	806-378-2930
STACEY GOODWIN	PNM	505 241-4927
MARIO CONTRERAS	Xcel Energy / SPS	806-378-2115
Dan Shainin	NMFM	505-476-9610
Rebecca Carter	NMGC	697-3832

Thank you for attending this meeting.



**NEW MEXICO PUBLIC REGULATION COMMISSION**

**NOTICE OF OPEN MEETING  
OPEN MEETING: REGULAR WEEKLY MEETING  
Wednesday, March 6, 2019  
9:30 a.m.  
PERA Building, 4<sup>th</sup> Floor Hearing Room  
1120 Paseo de Peralta, Santa Fe, NM 87501**

**AGENDA**

- I. PLEDGE OF ALLEGIANCE/STATE PLEDGE**
- II. INTRODUCTION OF SPECIAL GUESTS**
- III. CONSIDERATION AND APPROVAL OF THE AGENDA**
- IV. CONSIDERATION AND APPROVAL OF THE MINUTES**
  - Minutes of the Regular Open Meeting for February 13, 2019
- V. PRESENTATION**

Robert Castillo from Continental Divide Electric Cooperative
- VI. DIVISION DIRECTORS' REPORTS**
- VII. PUBLIC COMMENT**
- VIII. CONSENT ACTION**
  - A. Transportation Matters:**

1)	19-00028-TR-M David Black	IN THE MATTER OF THE APPLICATION OF ATSA TRANSPORTATION LLC, FOR A CERTIFICATE TO PROVIDE NON-EMERGENCY MEDICAL TRANSPORT SERVICE  <u>POTENTIAL ORDER GRANTING NON-</u> <u>EMERGENCY MEDICAL TRANSPORT SERVICE</u> <u>CERTIFICATE</u>
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- B. Utility Matters:**

2)	19-00038-UT David Black Elizabeth Hurst	IN THE MATTER OF SOUTHWESTERN PUBLIC SERVICE COMPANY'S APPLICATION FOR AUTHORITY TO: (1) ISSUE UP TO \$400 MILLION OF FIRST MORTGAGE BONDS DURING 2019; (2) RECOVER CERTAIN REFUNDING COSTS; AND (3) ENTER INTO AGREEMENTS IN SUPPORT OF INTERSET RATE HEDGING INCLUDING INTEREST RATE LOCKS AND SWAPS  <u>POTENTIAL      FINAL      ORDER      ADOPTING</u> <u>RECOMMENDED DECISION</u>
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**IX. REGULAR ACTION AND DISCUSSION**

**A.      Transportation Matters:**

3)	19-00051-TR-EN Judith Amer	IN THE MATTER OF THE PETITION OF THE TRANSPORTATION DIVISION OF THE NEW MEXICO PUBLIC REGULATION COMMISSION FOR ISSUANCE OF AN ORDER TO SHOW CAUSE AGAINST INTERSTATE RECOVERY AND TOWING LLC  <u>POTENTIAL ORDER REGARDING ORDER TO</u> <u>SHOW CAUSE</u>
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**B.      Utility Matters:**

4)	18-00116-UT Russell Fisk Elizabeth Hurst	IN THE MATTER OF EL PASO ELECTRIC COMPANY'S APPLICATION FOR APPROVAL OF ITS 2019-2021 ENERGY EFFICIENCY AND LOAD MANAGEMENT PLAN, UTILITY INCENTIVE AND REVISED RATE NO. 17 - EFFICIENT USE OF ENERGY RECOVERY FACTOR  <u>POTENTIAL              ORDER              CONCERNING</u> <u>RECOMMENDED DECISION</u>
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5)	17-00255-UT Judith Amer	<p>IN THE MATTER OF SOUTHWESTERN PUBLIC SERVICE COMPANY'S APPLICATION FOR REVISION OF ITS RETAIL ELECTRIC RATES PURSUANT TO ADVICE NOTICE NO. 272</p> <p>SOUTHWESTERN PUBLIC SERVICE COMPANY,</p> <p>Applicant.</p> <p><u>POTENTIAL ORDER IN ACCORDANCE WITH PARTIAL MANDATE</u></p>
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**X. CONSIDERATION AND POSSIBLE ACTION REGARDING ADVICE NOTICES**

- Advice Notice No.51 - FARMERS' ELECTRIC COOPERATIVE
- Advice Notice No. 556 - PUBLIC SERVICE COMPANY OF NEW MEXICO

**XI. LEGISLATIVE ISSUES POSSIBLE DISCUSSION AND POSSIBLE ACTION**

- PRC Proposed Senate Memorial Regarding State Rural Universal Service Fund
- **BILLS PREVIOUSLY DISCUSSED AND CURRENTLY BEING TRACKED - MAY BE SUBJECT TO FURTHER DISCUSSION AND ACTION**
  - HB 28 - Resource Sustainability and Security Act
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- SB 597 - Rural Electric Coop Rate Change Protests
- SJR 4 - Transfer PRC from Elected to Appointed
- SJR 1 - PRC Election and Appointment

**XII. COMMUNICATIONS WITH CHIEF OF STAFF**

**XIII. COMMUNICATIONS WITH GENERAL COUNSEL**

**XIV. COMMUNICATIONS WITH COMMISSIONERS**

**XV. ADJOURNMENT**



To obtain a copy of this agenda please log in the Commission's website at [www.nmopenmeetings.org](http://www.nmopenmeetings.org).

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: March 6, 2019

### PUBLIC COMMENT SIGN-IN SHEET

NAME	PHONE NUMBER	TOPIC
STEVE METTS	(520) 507-0900	Telcom - VSA

Thank you for attending this meeting.