

**MINUTES OF THE OPEN MEETING  
NEW MEXICO PUBLIC REGULATION COMMISSION  
April 24, 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

**Members Absent:**

**Staff Present:**

Jason Montoya, Acting Chief of Staff  
Judith Amer, Acting General Counsel  
Russell Fisk, Associate General Counsel  
David Black, Associate General Counsel  
Jim Williamson, ASD Division Director  
Michael Ripperger, Telecommunications Bureau Chief  
Dhiraj Solomon, Utilities Division  
Miguel Luján, IT Bureau Chief  
Frances Sundheim, Hearing Examiner

**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**

Mr. Solomon introduced Richard McAllister, Holly Taylor and Maury Galbraith with Western Interstate Energy who would presenting later.

Mr. Miguel Luján introduced the new IT network employee Mr. Jim Bolton from Ojo Caliente.

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

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

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

**Minutes of the Regular Open Meeting for March 20, 2019**

Commissioner Espinoza moved, seconded by Commissioner Hall, to approve the minutes as presented and the motion passed by unanimous 5-0 vote.

## **5. PRESENTATION**

**Presentation by Maury Galbraith and Richard McAllister of Western Interstate Energy Board  
- A Key Results and Findings: Interconnection Practices and Emerging Issues Reports@**

Mr. Galbraith introduced himself as Executive Director at the Western Interstate Energy Board. He thanked the Board for the opportunity to talk about their recent research on interconnection and deployment of solar PV. The information, data, and work are partly funded through an award of a U.S. Department of

Energy grant. The project leverages research conducted by national labs and provides recommendations to state policy makers and regulators.

Mr. Galbraith introduced Mr. McAllister, manager of the project and Ms. Taylor, an attorney policy analyst responsible for outreach to western states and utility commissioners.

He explained they are visiting Western states and regulatory commissions to share the results of their research. They have made presentations in Colorado, Wyoming, California, Idaho, Utah, Oregon, and Washington and after New Mexico plan to go to Nevada and Montana.

One objective of the research is to tailor their presentations to the specific needs of the states they visit and return in the fall with additional phases of the project. Their success depends on feedback from regulators and technical staff and the Commissioners were encouraged to ask questions or make suggestions.

Mr. Galbraith stated he looked forward to continuing to see the Commissioners at the WERAB meetings in the spring and fall.

Mr. Galbraith outlined the presentation and turned the floor over to Ms. Taylor.

Ms. Taylor explained WIEB was created by the western governors by the Western Interstate Nuclear Compact enacted in 1970 when nuclear power was believed would be too cheap to meter. The purpose of the compact was to promote cooperation on matters in the West on energy matters broadly.

WIEB works on energy policy, electricity and non-electricity energy matters. In 1977 the membership was expanded from the 10 initial member states to include all 11 western states and 2 Canadian provinces. Each member has a representative appointed by the state's governor or the provincial premier.

Governor Lujan Grisham appointed Cabinet Secretary Sarah Cottrell Probst to represent New Mexico on the WIEB board and they are working on a federal appointment. WERAB is a close partner to WIEB, which was created by FERC in 2006 to advise FERC, NERC & WECC on matters of electric grid reliability, reliability standards, regional entity governance, and fees, etc.

All states in the Western interconnection contribute to WERAB funding and all have representation. Generally, the WIEB member is also the WERAB member and they often appoint a public utility Commissioner as their alternate on WERAB.

The Committee on Regional Electric Power Cooperation (CREPC) brings stakeholders together. CREPC was established in 1984 and is a joint committee of WEIB and the Western Conference of Public Service Commissioners. Their purpose is to improve the efficiency of the Western electric system. The meeting is open to everyone to attend.

CREPC holds two meetings in the spring and fall and met last week in Salt Lake City. The next

meeting will be in San Diego in the fall, followed by Albuquerque in the spring.

Mr. Galbraith explained the DOE grant was for 3 years in the amount of \$2.5m with a goal to mitigate or remove barriers to distributing solar production. They identified three categories of barriers to; 1) the solar interconnection process, 2) the reliability associated with distributed energy resources and 3) the concerns regarding utility rate design/equity.

The project timeline has two phases, in the first they have partnered with two U.S. DOE national laboratories (ENREL and LBNL), who are conducting research and doing the modeling. That research is complete, and two reports are available; one is a review of interconnection practices and the second addresses emerging issues.

Mr. Galbraith gave the floor to Mr. McAllister to address information in the second report.

Mr. McAllister pointed out the screens used to screen interconnection requests have to primary parties involved. He would mostly address residential to small commercial size, up to a few hundred kW capacity.

The first report largely was a survey of interconnection practices in the West. He would focus on the second report concerned with emerging issues. He noted in the first row of the table, a screen for 15% of annual peak load used in application requests. The screen is rapidly changing with the addition of solar PV and they may be moving to different screens.

Hosting capacity, the DER capacity that can be interconnected with a feeder or distribution system without significant upgrades, is not typically available. Movements have been made to make the information available to the public, specifically to developers. Developers could use the information to target specific neighborhoods in their marketing efforts.

Mr. McAllister stated there are a number of reasons the hosting capacity is usually not a single value. One is because the hosting capacity changes each time another roof top solar is interconnected with a feeder. Also, the hosting capacity is usually within a range and terminology varies between utilities.

He explained how the 15% used in applications for peak rate was derived and the 15% is a conservative estimate of half of the minimum load a feeder can accommodate in distributed solar PV. The current movement is to make the data for hosting capacity available publicly. More precise estimates for capacity and a range of capacity values would be more appropriate.

Commissioner Fischmann asked what operational constraints require a calculation of a hosting capacity.

Mr. McAllister replied there were many factors, but an example would be the conductor diameter. If the diameter comprising the feeder is larger, it would have a larger hosting value and vice versa.

Mr. Fischmann asked the consequences if there was too much capacity on a feeder.

Mr. McAllister explained the consequence would either be an upgrade or a change in the plan to locate in a more favorable part of the feeder.

Mr. Fischmann confirmed the issue was too much solar on a feeder provided more power than the line was engineered. He asked if a substation could adjust the amount of power.

Mr. McAllister replied that the more significant problem was to put more juice on the feeder. That causes potential for back feed to the substation, i.e., the higher voltage would go from the substation back to the transmission system. That would be problematic.

He explained that a PV system could be paired with storage and could reduce how much power was exported to the grid and the battery would store the power and be used to reduce peak load later.

Commissioner Hall asked if the battery would fall under the definition of distributed energy resources, which Mr. McAllister had stated was synonymous with PV solar. She thought many people would not agree.

Mr. McAllister replied a battery does fall into distributed energy resources and can be either load, if charging from the grid, or a generator. As a generator they would be exporting power to the grid.

He noted the list of states currently doing hosting capacity analysis made publicly available. He added that the data is actually information utilities have. California has required feeder to feeder data since 2015 and the analyses to be updated monthly. Hawaii requires, because of their usage, data be updated every weekday, and New York updates data annually. Updates are variable across the country.

Mr. McAllister pointed out that in New Mexico the standard specifically addresses the interconnection of standalone storage, one of the few western states to have done so. However, the solar plus storage and interconnection has not been addressed. Only 3 states have addressed that.

He explained that solar plus storage can be complex because storage could be both a load and a generator. Also, energy metering and compensation for power exported to the grid becomes complex when a battery is coupled to the solar PV system. The utility would not want to compensate the homeowner for power discharged by the battery that had been charged by the grid.

Mr. McAllister said one approach is to double meter for solar PV production and a battery but would involve additional expense. California estimates the amount of power that 10 kW or less could conceivably export to the grid, although does not account for changes in weather, etc.

Commissioner Fischmann indicated California has time of use rates that will become effective. He asked if California had a mechanism in their formula for charging the battery when the power is less expensive.

Mr. McAllister replied they need to take it from two perspectives; first the homeowner. A smart homeowner with a plus solar system would charge their battery with the power the solar PV system generates during the day and reduce their peak by discharging the battery in the evening. He thought that was being done now.

Another example in California only, is that aggregators can bid the market and aggregate 1000 residential solar PV systems. They could store the power generated and bid in at an optimal time. He was not sure the number of aggregators but thought that was possible. He has heard that there were still no aggregators.

Commissioner Fischmann confirmed that consumers could respond to the value at specific times but when the time of use is not in effect it would be more difficult.

Mr. McAllister showed a slide comparing the current standard that has a fault induced delayed voltage recovery curve, with the new 2018 standard, specifically category three. The current standard shows the voltage is depressed in excess of 20 seconds, which is problematic. The same 20 seconds with the new standard would prevent a fault induced delayed voltage recovery and is good for system reliability.

He advised them to revise the statewide interconnections standard and adopt the new 2018 version that has a tremendous advantage.

Mr. McAllister concluded his presentation.

Mr. Galbraith thanked the Commission and asked for their feedback and suggestions.

Commissioner Espinoza asked about the material that was covered in the Utah presentation.

Mr. McAllister explained they presented on utility scale solar operations providing reliable services to the grid. This presentation was slightly different, but they did touch on the issues in the past and will continue to do that.

## **6. DIVISION DIRECTORS' REPORTS**

- **Jason Montoya, Chief of Staff**

Mr. Montoya explained he and Mr. Williamson would do a combined presentation based on a Commissioner's feedback and he had also invited Staff to comment. The presentation was sent electronically to the Commissioners.

Chair Becenti Aguilar thanked Mr. Montoya for assembling the presentation. She understood that duties assigned from the Administrative Services Division to some employees were not clear. She wanted a flow chart. Also, she found it troubling that some duties and assignments were diverted to other divisions

for assistance. She said the Commission wanted a solid foundation in place.

Mr. Montoya replied that he and Mr. Williamson discussed that ASD serves internal and external clients and the other divisions are essentially a client.

- **Jim Williamson, ASD Director**

Mr. Williamson began the presentation and indicated the organizational chart. He acknowledged his appreciation for his Staff and their knowledge and recognized them as great assets to the agency as well as to the State.

He noted the chart showed ASD key points of contact. Cross training is in the works and a team member has been assigned to each duty with a backup. The ASD initiatives were detailed, such as focus on a 24-hour response to requests. Also proposed is that Commissioners be involved in the budget process and Commissioners, bureau chiefs, directors have a copy of the amount they expend and their available fund balance by category, monthly.

Mr. Williamson offered to meet with any Commissioner to review initiatives and audits.

Mr. Montoya clarified that Mr. Williamson referred to Staff tasked with the budget status report for each district monthly.

Commissioner Espinoza thanked them for taking the initiative and implementing the process after May request because Commissioners did not know their balance at the end of the month.

Mr. Montoya added they also plan to issue something similar to each division director. Historically the directors are not aware of their budget availability/projections and makes it difficult to manage.

Chair Becenti Aguilar explained to the public that the Commission was moving toward transparency and open discussion in their direction and wanted a clear and current budget process.

Mr. Williamson noted the ASD deadlines, [slide #5] the budget process and [# 6] the goal on the 1-800 number. Calls during normal business hours will be answered by a person rather than a recording and there will always be a backup person. The program rings three times at a desk and then rolls to the next if not answered. They have developed a share calendar to ensure they are managing out of office time. They are also working with ITN, the telephone provider, to minimize the number of rings by automatically bypassing a person on leave and transfer the call to the backup.

Slide #8 was the procurement routing process and utilization of the statewide purchasing agreements and routing of the P-Card.

Slide #9 covers the IPRA process, pursuant to the statute.

Slide #10 covers HR issues and clarifies the chain of command.

Mr. Williamson noted his contact information on the final slide. He invited Commissioners to contact him with any requests.

Commissioner Hall said the presentation was excellent and refreshing that all of the systems were addressed and organized. She was proud of the agency and thought the system would help everyone perform better.

Commissioner Espinoza thanked Mr. Montoya and Mr. Williamson for their work and creating a better environment for employees. She was impressed with the org chart and the web site and their creative enhancements and she thought cross training and the 24-hour feedback important. She thought they were a perfect team and had a great staff and asked them to keep up the great work.

Commissioner Fischmann thanked Commissioner Espinoza and Chair Becenti Aguilar for pushing the issues of internal responsiveness and effectiveness. It is a great asset to the Commission.

Chair Becenti Aguilar noted that 60 days ago lacking proper leadership in ASD, the employees were scrambling to respond to Commission request and get answers for the Commissioners. She thanked each employee from the ASD for helping the Commission get to where they are today.

## **7. PUBLIC COMMENT**

There were no public comments.

## **8. CONSENT ACTION**

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

- 1) **19-00069-TR-M**      **IN THE MATTER OF THE APPLICATION OF CAPACITY BUILDERS, INC.,  
D/B/A LOU GO=S FOR AN AMENDMENT TO ITS CERTIFICATE TO PROVIDE  
GENERAL SHUTTLE SERVICE  
(David Black) POTENTIAL ORDER GRANTING AMENDED GENERAL  
SHUTTLE SERVICE CERTIFICATE**
  
- 2) **19-00056-TR-M**      **IN THE MATTER OF THE APPLICATION OF CITY OF ALBUQUERQUE,  
ALBUQUERQUE FIRE RESCUE FOR AN AMENDMENT TO CERTIFICATE NO.  
56834  
(David Black) POTENTIAL ORDER DESIGNATING HEARING EXAMINER**



- 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; CITY TOWING, LLC; A BUDGET RECOVERY; AND AZTEC TOWING, INC.  
(Judith Amer) POTENTIAL ORDER ASSIGNING HEARING EXAMINER

**B. Utility Matters:**

- 4) 18-00239-UT IN THE MATTER OF THE FORMAL COMPLAINT OF DANIELLE DOMENIC AGAINST KIT CARSON ELECTRIC COOPERATIVE, INC.  
(Judith Amer) POTENTIAL ORDER REQUIRING STAFF RESPONSE

Commissioner Espinoza moved, seconded by Commissioner Fischmann to approve the Consent Agenda as presented and the motion passed by unanimous 5-0 vote. So Ordered.

**9. REGULAR ACTION AND DISCUSSION**

**A. Transportation Matters:**

None

**B. Utility Matters:**

- 5) 17-00081-UT IN THE MATTER OF AN ORDER TO SHOW CAUSE WHY WINDSTREAM COMMUNICATIONS SHOULD NOT BE FOUND IN VIOLATION OF THE NEW MEXICO TELECOMMUNICATIONS ACT AND COMMISSION RULES WITH RESPECT TO ITS TELECOMMUNICATIONS SERVICES TO CUSTOMERS IN VARIOUS TOWNS, CITIES AND COUNTIES IN NEW MEXICO AND ITS BILLING OF FRANCHISE FEES, AND WHY THE COMMISSION SHOULD NOT IMPOSE SANCTIONS AND FINES, AND OTHER APPROPRIATE RELIEF INCLUDING THE REFUND OF AMOUNTS RECEIVED FROM THE UNIVERSAL SERVICE FUND  
(Frances Sundheim) RECOMMENDED DECISION  
(Russell Fisk) POTENTIAL ORDER REGARDING  
RECOMMENDED DECISION

Mr. Fisk asked Ms. Sundheim to discuss her RD and provide detail of her recommendation for an order of dismissal.

Ms. Sundheim explained this was not a complaint, but an order to show cause brought by the Commission. The order was issued July 26, 2017 based on informal complaints received by one of the Commissioners, alleging poor or inadequate service by Windstream in particular cities and towns. However, that was now expanded to read to show cause for various cities, towns and counties in New Mexico.

No complaints were filed during the investigation and Staff primarily received informal complaints. In many instances, there was inadequate information on the individual complaining to follow up. The company had remediated most of the complaints during the investigation. In one instance a cell tower had gone down and there were service issues because the tower was in a difficult place to service. The complaints were resolved by the erection of the new tower and service was restored.

Part of the order required Windstream to file a compliance report detailing metrics for customer service etc. and resolution of issues. Windstream complied. There were no formal complaints filed nor any additional informal complaints.

Staff had been unable to gather enough material to constitute a case and filed an expansion of the investigation on July 16, 2018. They later determined there was no additional complaints to follow up and filed the order to dismiss July 20, 2018.

Ms. Sundheim stated on August 29, 2018; she filed the recommendation for dismissal without prejudice.

Commissioner Fischmann asked what other issues happened in addition to the Windstream cell tower going down.

Ms. Sundheim explained some issues that were part of the informal complaints, were found by Staff to actually pertain to broadband service, which is regulated under FERC. Therefore, a section of issues of formal complaints did not come before the Commission.

Mr. Fisk clarified that Ms. Sundheim meant to say regulation was under the FCC, not FERC.

Ms. Sundheim agreed. She continued that the actual issues appeared to be less, and Windstream had seemed to address most of those in response to the Commission's order to comply.

Commissioner Fischmann stated that the PRC manages the USF and funds the broadband projects. He asked if the Commission could disperse and track the funds that possibly address Windstream's broadband issues.

Mr. Fisk agreed that Windstream receives access reduction support payments as an ILEC and is required to report on the use of those funds. The period to show cause may have been with those funds and reports would have been filed but some of the infrastructure may have supported both broadband and voice service.

The 2017 Telecom Act required 60% of the money paid to rural ILECs serve broadband. They could look at projects and the quality of those that were funded by USF money. Otherwise, as Ms. Sundheim noted, the PRC does not regulate Internet (broadband) service.

Mr. Fisk noted that Windstream was awarded USF money for broadband but has not received any funds yet and none of that funding would be in regard to the past issues.

Commissioner Fischmann asked Mr. Ripperger regarding resolution of the complaints, to comment on the conversations with Windstream and whether they resolved the issues.

Mr. Ripperger responded regarding specific complaints, in the Commission's investigation there were informal discussions between Staff and Windstream. Windstream's updates were provided in the record and Staff has verified the specific complaints have been resolved. The broader discussions with Windstream where Staff disagreed, are also in the record.

Mr. Fisk indicated that Windstream's counsel was present and possibly would want to respond to Mr. Ripperger's comments.

Commissioner Fischmann asked Mr. Ripperger if he thought there were any specific customer service issues and items the Commission or consumers should be concerned with.

Mr. Ripperger requested the Commissioner try not to stray into an advocacy role because Staff's position is on the record. Staff asked to rescope the proceeding and the case was not within the scope and they requested dismissal of the case. He did not want to comment further and deferred to the record.

Commissioner Fischmann asked the status of the issue of whether or not there was improper charges for franchise fees in billings.

Ms. Sundheim responded. Windstream had pointed out the consumer protection rules state franchise fees assessed by a city and collected from residents and remitted to the city are only for the use of city roads, streets and alleys. They are not assessed in exchange for intrastate telecommunications services. The jurisdiction of franchise fees is primarily between the town that assesses the fee and its residents.

Windstream accepted the determination by the city / municipality. They do not make that determination. The questions between the complainants and the town were referred back to the municipality area.

Commissioner Fischmann confirmed that none of the jurisdictions had complained they had not received the franchise fees.

Ms. Sundheim replied there were several complaints from individuals who felt they should not have been charged a franchise fee and they were referred to the town / county.

Commissioner Fischmann confirmed that of those complaints, none had continued to complain.

Ms. Sundheim agreed. All the questions were answered during the timeframe of the investigation, but the Commission could order a follow-up. She felt the issues had been concluded and the docket should be closed.

Commissioner Fischmann mentioned Mr. Fisk's comment that some investments may serve both voice and broadband.

Mr. Fisk explained he assumed that, but some of the older infrastructure may serve only voice.

Commissioner Fischmann confirmed the Commission does have jurisdiction regarding voice. He thought they may have more jurisdiction than thought, particularly in low-income parts of the state. The northwest and reservations have issues that he wanted to be sure were well served. He preferred a broader interpretation and wanted to have that discussion in the future.

Ms. Sundheim indicated in this instance the informal complaints were, *"My broadband is very slow"; "I keep getting the swirling ball"; "I got the swirling ball all day and I don't understand why some days I get a swirling ball and some days I do not"*. Those were broadband complaints.

Commissioner Fischmann agreed. He explained he was trying to set a framework going forward and was not asking to revisit the decision.

Ms. Sundheim responded by asking Mr. Ripperger, if possible, to determine which infrastructure serves both broadband and voice, and how to determine if complaints were different because of the infrastructure.

Mr. Ripperger said in general, when they receive broadband complaints, they defer them to the FCC. The FCC has stated this is intrastate and the Commission's general policy is to treat it that way. When it is a bundle with voice and other items, the Commission tries to handle that in consumer relations. Also is the issue of regular voice over the public telephone network, as well as VOIP [Voice Over Internet Protocol] which might have a different regulatory classification or flavor.

He stressed that the issue was very complex and has been bantered about through FCC order and in court orders, but the Commission did have the right to investigate. He thought the Commission may need to investigate their position on those issues and how much authority they have and over which networks and services.

Commissioner Espinoza asked Mr. Ripperger to refresh the Commission's memory of how this originated. She thought Windstream had worked hard to fix the problems. She stated that, given SB 53, the Commission really has limited jurisdiction and their only hook remaining is quality of service.

Mr. Ripperger replied with regard to the Commission's regulation over the carriers having more than 50,000 access lines, their traditional form of regulation has been cut a fair degree.

Another legal issue where the Commission would argue they have either less or more regulation is quality of service and consumer protection. Those matters are currently or will be fleshed out.

Mr. Fisk explained there was a time when Windstream fell within the midsize carrier range with CenturyLink, but SB 53 removed that classification. That is what the Commission is going through in rulemaking that applies to CenturyLink.

He added that Windstream would not have been a midsize carrier even if SB 53 had not passed because their access lines fell below 50k in September 2016. During much of that period Windstream would have been within the rural ILEC category and under a lower level of regulation.

Commissioner Espinoza recalled that problems had started last year, and she felt bad for Windstream. They have had enough troubles and have fixed the problem.

**Commissioner Espinoza moved to approve the order of dismissal as presented, seconded by Commissioner Byrd and the motion passed by unanimous 5-0 vote. So Ordered.**

Mr. Bill Templemann asked to comment on the inquiry by the Commissioner on the discussion with Staff.

Ms. Amer declined indicating it is a litigated matter and not publicly noted as a public hearing.

Chair Becenti Aguilar explained Mr. Templemann's request and that the OGC indicated that is not permitted. She advised them to contact the General Counsel's Office to get on the agenda a short presentation on issues that are broad in general.

6) **18-00261-UT**      **IN THE MATTER OF PUBLIC SERVICE COMPANY OF NEW MEXICO=S  
REQUEST FOR A COMMISSION ORDER GOVERNING THE ACCOUNTING  
TREATMENT OF COSTS RELATED TO JOINING THE WESTERN EIM  
(David Black)      POTENTIAL ORDER CLARIFYING FINAL ORDER**

Mr. Black presented information on the final order issued in March. In April a joint motion was filed by the Public Service Company of New Mexico, Coalition for Clean Affordable Energy, Western Resource Advocates and Interwest Energy Alliance requesting clarification of the final order with regard to the compliance filing requirements of the CAISO (California Independent System Operator) quarterly reports.

CAISO operates the Western Energy Imbalance Market.

The final order required PNM to file the CAISO quarterly reports and the question was when that filing requirement should happen. The proposed order clarifies that on the day that PNM begins to trade on the Western Energy Imbalance Market, they will be required to file the next available CAISO quarterly report. They must continue to file the reports thereafter until told by the Commission not to file. Each filing must be within 10 business days of the date CAISO issues their quarterly report.

In addition, the joint motion and proposed order addresses the question of how the CAISO reports will be used.

Mr. Black offered to answer any questions.

**Commissioner Fischmann moved to approve the order as presented, seconded by Commissioner Espinoza and the motion passed by unanimous 5-0 vote. So Ordered.**

**7) Undocketed      IN THE MATTER OF THE APPLICATION FOR APPROVAL OF EL PASO  
ELECTRIC COMPANY'S 2019 RENEWABLE ENERGY PLAN  
(Russell Fisk) POTENTIAL ORDER REGARDING EL PASO ELECTRIC  
COMPANY'S REQUEST FOR VARIANCE REGARDING FILING  
DATE**

Mr. Fisk explained to the Commission this matter had been undocketed, but urgent and needed to be placed on this agenda. The matter is now docketed as Case #19-0099-UT.

In addition to the EPE case filed under the Renewable Energy Act, there was Case #19-0098-UT for a new rate case and motions for variances on the filing dates. The rate case will come before the Commission next week. This week the Commission will review the Renewable Portfolio Standard Act as amended by SB 489, known as the Energy Transition Act.

The Commissioners were sent his proposed order that states that a single signature order went out at EPE's request last week that has a shortened time period for responses to EPE's motion. EPE laid out their position on the expected parties and that opposition was anticipated from the City of Las Cruces and Mary Lee Soules. They have filed a joint response.

His proposed order deals with the Renewable Energy Act as it exists; the REA as amended, effective June 14, and his proposed order.

Mr. Fisk read from his order: EPE filed its motion April 19, requesting a variance from Commission Rule 572 that requires them to file its 2019 plan on the first. Reporting for the 3 biggest electric IOUs is staggered from May 1, June 1 and July 1, 2019. The REA current requirement is for renewable energy plans to be filed by July 1 of each year.

EPE states in their motion they are preparing the 2019 RPS plan (for 2020 and 2021), pursuant to that rule and the REA rule. EPE argued that the amendments to the REA by SB 489 (reading), *"Significantly change what is required of EPE in the plan"* and among other things EPE argues, *"The amended ACT does away with the large customer adjustment; changes the definition and means of calculating a reasonable cost threshold, and may eliminate the resource diversity requirements"*. EPE states without a variance Rule 572 would require them to file their 2019 proposed plan on May 1, under rules in effect at the time of the filing.

EPE requested to file no later than October 1, 2019 and their request is supported by Staff in the Utility Division. EPE has notified the counsels for parties and pro se parties to its most recent rate case.

Mr. Fisk indicated that Staff supports the request; the New Mexico Attorney General took no position; the City of Las Cruces proposes and has filed in opposition; the City of Anthony took no position; New Mexico State University had no objection; no position was reported by the US Department of Defense or other federal executive agencies and no position was reported by One Hour Heating and Air Conditioning. Mary Lee Soules opposed the motion and joined opposition filed by the City and no position was reported by WRA nor the Alliance for Solar Choice).

On April 22 the Coalition for Clean Affordable Energy (CCAEE) filed a statement in support of the motion. Doña Ana County stated they took no position on the motion but expressed frustration at a pattern for expedited consideration of variance requests by EPE in recent cases.

Mr. Fisk expressed he was also frustrated that the motion that was received last week on Thursday required this come before the Commission in an expedited fashion due to the filing date. This is an important, complex issue on statutory interpretation. He could not see why EPE waited so long to file the motion, which was a problem because it did not provide detail of their statutory interpretation.

The Commission issued a single signature order April 19, to shorten the time for the motion. On April 23, Mary Lee Soules and the City of Las Cruces filed a joint response. Their response argued that the Commission may grant variances from compliance with its rules and the motion must be denied and that the Commission lacked the authority to alter the Renewable Portfolio Standard annual plan filing deadlines.

The respondents stated the current REA requires each elected utility to file a report on its procurement and generation of renewable energy during the prior calendar year. And to file a procurement plan for the next calendar year by July 1 of each year until 2022. They cited the current REA version at 62-16.4RD.

Respondents further stated that the amended statute requires utilities to make identical annual reports until June 30, 2019 (cited in section 29 F of SB 489). The respondents argued that the amended RPA establishes significantly different filing requirements for procurement plans to be filed by July 1st, 2020 and each July 1st thereafter.

The new requirements for the 2020 reports include that the proposed procurements were a result of

competitive bidding; reasonable in costs; and in the public interest.

The respondent stated the Commission could only grant EPE's requested variance to the extent allowed by law. The amended REA states a variance until June 30, 2019 would be permissible and EPE's request for variance until October 1, is really a request for variance of the REA itself. The Commission cannot grant variances from statutes.

Mr. Fisk said he agreed but the question is the interpretation of the newly amended REA.

Commissioner Espinoza asked Mr. Fisk if he had stated the variance could be extended until June 30<sup>th</sup>, 2019.

Mr. Fisk explained he was merely stating the respondent's position that a variance to June 2019 would be permissible, and he agrees. He noted the statutory language is not clear.

Commissioner Espinoza questioned how Mr. Fisk arrived at the June 14 date; possibly because the session ended that day.

Ms. Amer responded that laws become effective 90 days from the end of session under the Constitution unless there is an emergency clause, which was not in SB 489. It is always 90 days without a date specified.

Commissioner Espinoza thought that could be a problem for all utilities, not just EPE. She asked if instead of granting the variance through October 1 they could grant through July 1 until the law takes effect.

Mr. Fisk explained it wouldn't matter and he frequently gets complaints from the City and Ms. Soules that the Commission is not hearing all of their arguments. He indicated he has pages of their arguments in response saying the Commission could not only go beyond June 30, but they have many policy arguments as to why they prefer the Commission not extend to June 30.

He noted the problem would not be resolved regarding the statutory interpretation question on June 14 when the law goes into effect. Either way, all IOUs have to file by July 1 each year in the current REA and the amended REA appears to require June 30<sup>th</sup>.

He read from the statute he believed lacked clarity regarding the transition year, which he felt was incredibly important. EPE had correctly pointed out they would have to make radical changes in new RFPs and conform to a new portfolio standard. They were limited because they were over their renewable cost threshold. They are not as limited now and there are many more complicated types now and EPE said the changes would have to be made to meet the October 1, deadline.

The City stated the opposite; that it was clear there is a June 30 filing deadline under the amended REA. Reasonable interpretation under the amended Act was that EPE would not have to make all the changes.



Mr. Fisk said he believes not only does EPE have to make all the changes, they only have until June 30, 2019. Under statute it appears EPE would have to make the changes and comply by June 30 in section 29F of SB 489. He read, "*By September 1, 2007 and until June 30, 2019, a public utility shall file a report to the Commission on its procurement on generation of renewable energy during the prior calendar year and their procurement includes ---*". He thought that was not clear but appeared that EPE would have to incorporate the standard.

Mr. Fisk summarized that the City of Las Cruces thought with a June 30 deadline, that EPE must not have to make all the changes in the transition year. EPE was saying they do have to make the changes in the transition year, but there was no deadline.

Commissioner Espinoza asked why EPE failed to explain in their motion.

Mr. Fisk replied he would have pointed that out as something EPE should have done and that this should not have to be decided on an expedited basis. He noted the City walked the Commission through their interpretation of the statute. EPE simply said they have to do these things and asked for more time. They may have interpreted what he just read as not being the deadline.

He thought the amended REA was clearer that July 1 is the deadline than June 30<sup>th</sup> was as the deadline under the current REA.

Commissioner Espinoza stated she thought EPE probably does need more time.

Mr. Fisk indicated he had not made yet, all the arguments made by Ms. Soules and the City of Las Cruces.

Commissioner Espinoza asked what Mr. Fisk recommended.

Mr. Fisk explained his order gives until June 30, which he believes is what the statute requires. It does not say that EPE could come in for another motion, although they could. EPE could come back and explain what they think the legislature meant, and why they think his interpretation is incorrect. They have two months to rebut the position by the City of Las Cruces, and their belief that the legislature could not possibly intend the changes to go into effect this year.

Ms. Amer added other IOUs are also facing this and PNM is scheduled to file by June 1 and SPS is scheduled to file July 1, under the current rule. This decision would affect all of the IOUs in New Mexico.

Mr. Fisk read from the proposed order, "*The Commission finds that the motion has merit insofar as the amended REA requires very significant changes impacting EPE's 2019 plan filing*".

He thought an extension was warranted by the fact that such radical changes are required. He

continued reading: *"However the Commission agrees with the respondents, that the languages of SB 489 require the next plan filing to be no later than June 30, 2019. Given the very significant changes that EPE must make in order to comply with the amended REA, the Commission finds that EPE should be granted the maximum extension allowed under the law, but that extension can go no farther than June 30, 2019. The type of deadlines of the amended REA do not provide sufficient time for the Commission to complete a rule making applicable to this year's plan filings, and thus the Commission must proceed under the terms of the amended REA itself".*

Mr. Fisk explained that the motion would be partially granted and extend EPE until June 30, 2019. They could add that EPE and other IOUs could file in the record if a longer extension is required, or to respond to the idea raised by the City, etc. on their interpretation of statute.

Commissioner Fischmann pointed out from a pragmatic standpoint and having served in the legislature, EPE is doing the Commission a service in proposing this. otherwise the Commission would have to wait to hear their plans until next July. This would give everyone a chance to make better decisions and puts the plans out sooner, which is a service to the public.

Secondly, he thought there were not many legislators wanting to put a lot of work into a filing that becomes obsolete almost immediately. He added everyone knows operationally, in terms of utilities, the lead times. He thanked El Paso Electric for a good idea that serves all parties.

Commissioner Fischmann said he understood the legal arguments made by the City but if someone contested his question would be "what is the harm to the public interest in EL Paso's proposal". He had a hard time seeing any and could see only benefits. He asked if they might be getting in the way of making progress.

Mr. Fisk responded that he had no problem rewriting the order to say June 30, 2019 is not a clear deadline and appeared the legislature did not set a deadline this year. He thought this is probably not what the legislature intended and not clearly written. The Commission could say June 30, 2019 was not intended as a deadline and would therefore grant the variance until October 1, 2019. He wanted the Commission to be aware of the lack of clarity.

Commissioner Fischmann noted that none of the normal intervenors were on board and he found it hard to see adverse comments in saying yes to the extension. In general, the proposal made sense.

Commissioner Hall agreed with the approach and supported the suggestion by Commissioner Fischmann. She thought it a problem with the wording of the statute and it was inadvertent and other utilities might want to make the same request and reasonable to grant that.

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

Commissioner Byrd pointed out the original order had been amended to October 1, 2019.

Commissioner Espinoza revised her motion to approve the order for the EPE 2019 Renewable Energy Plan as amended to October 1, 2019. Commissioner Byrd seconded the motion and the motion passed by unanimous 5-0 vote. So Ordered.

## 10. CONSIDERATION AND POSSIBLE ACTION REGARDING ADVICE NOTICES

- **Southwestern Public Service Company - Advice Notice No. 279**

Ms. Elisha Leyba-Tercero, Economist in the Utility Division, presented Advice Notice # 279 that was filed on April 1, 2019. The notice revised SPS's energy efficiency rider rate from 3.5% to 3.267% of customer bills. The existing rider rate was approved by the Commission in Case #17-00159-UT and includes a component to collect under-recoveries from 2013 and 2014 energy efficiency related costs. That rider became effective January 1, 2018 and the cost amount was \$742k (.236% of the total authorized collection amount).

SPS has not revised their energy efficient rider rate since and was not required to file an energy efficiency filing in 2018. The Commission's amended efficiency rule would now require tri-annual filings with the first due May 15, 2019. Because the rate has not been revised it continues to include the 2013 and 2014 collection component. This advice notice would remove that amount and reduce the rate as proposed.

Ms. Leyba-Tercero added that the bill impact under the existing rate for the average residential customer is about \$2.80. Under the revised rate, the collection component contributes about 19 cents and reduces the bill impact from \$2.80 to about \$2.60.

Staff recommended the rate become effective by operation of law on May 1, 2019. SPS will file a compliance filing in 2020 that will include a reconciliation for 2019.

## 11. COMMUNICATIONS WITH CHIEF OF STAFF

Mr. Montoya indicated he met with Division Directors. He asked the Commission's support to establish an Employee Performance Recognition Program that includes Employee of the Month and the award to the employee of 8 hours of administrative leave. The public barbeque would continue to be held in July (the 10<sup>th</sup> is targeted) and more information will be provided. There have also been requests to consider a holiday party between Thanksgiving and the Christmas holidays.

He asked to move forward and recognize an April Employee of the Month in the first open meeting in May.

Chair Becenti Aguilar thought the consensus of the Commission was to support the initiative.

## **12. COMMUNICATIONS WITH GENERAL COUNSEL**

Ms. Amer reported Mr. Michael Smith was on vacation and would return Wednesday. She provided her contact number should a Commissioner need to contact her regarding putting an item on the agenda next week.

She indicated that Mr. Black wanted to speak to the Commission regarding the Fire Marshal rule.

Mr. Black reminded the Commission of their approval of the final amendments for the Fire Marshal rule, and importantly to update the rule to recognize the International Fire Code 2015 edition. Today, the final piece would provide the State Records and Archive Center a copy of the 2015 International Fire Code. The code adopted since then references the changes and revisions to the rule. The 2017 State Records and Archives rulemaking requires any code incorporated by reference to be placed as part of the official rule and held with the State Records.

He added there would also be a few minor, non-substantive grammatical changes, i.e. removing semi-colons and extraneous words and brackets not needed. The changes will be submitted and published in the next New Mexico Register.

Commissioner Espinoza thanked Mr. Black for his work on the fire code and for working with her on the code.

Mr. Black acknowledged that much of the thanks should go to State Fire Marshal and his staff and the staff in Legal.

## **13. COMMUNICATIONS WITH COMMISSIONERS**

Commissioner Byrd noted his email to the Commissioners regarding Sam Loudenslager who planned to attend May 8 and had asked for 30 minutes to go into detail on how SPP works. He hoped that the Commission would grant him the time and asked if there were concerns.

Chair Becenti Aguilar agreed.

Commissioner Fischmann commented regarding the energy efficiency legislation and the implementation of de-coupling or incentives when raised in a rate case; the Regulatory Assistance Project wants to do a half -hour presentation the week of June 5. They want to provide an overview of what is happening in other jurisdictions and how those ideas could be implemented.

He is also working to arrange with them a more detailed presentation at EMERD so people could ask questions and get more information. He offered to also work on Staff having a separate time to spend on that if they would like. He added he understood that RAP's advocacy of de-coupling is contrary to the

Commission's past actions and may also be Staff's belief. He thought it would be good for them to get as much education as possible.

Mr. Solomon stated after the presentation they would like to have some time for Staff to go over the concerns they have had in the past with decoupling.

Mr. Montoya indicated a lot of presentations are scheduled through Chair Becenti Aguilar's office. He asked that her office have them contact him to ensure he could embed their PowerPoint presentations for projection at the open meeting. Commissioner Espinoza suggested Mr. Smith be copied on the request.

Commissioner Byrd asked about dates for the Farmington meetings.

Chair Becenti Aguilar replied the telecommunications conference would be on July 30 and 31, 2019 and they would start at 6 p.m. July 30 with a reception to meet and greet tribal leaders. On July 31 they would start around 8:30 a.m. and estimate they would finish about 5:15 p.m.

She said they would allow travel time for Staff to return from Farmington to Bernalillo where Commissioner Espinoza is working with the local governments in Sandoval County on an open meeting August 1, 2019. The information, once finalized, would be dispersed to the public.

Commissioner Byrd said he wanted to be sure the Wednesday meeting would be moved to Thursday, as he understood it.

Chair Becenti Aguilar indicated that Mr. Smith felt that was appropriate. She asked Mr. Montoya to provide the information on the meeting August 1 in Bernalillo and include that on the agenda so the public was aware.

Commissioner Espinoza asked to comment regarding the speculation she was running for Congress. She wanted everyone to know that New Mexico is her forever home and she chooses to stay in New Mexico. She stated she plans to use her God-given energy to continue to focus on the needs of residents and in serving the public, not campaigning. Her plan is to stick around.

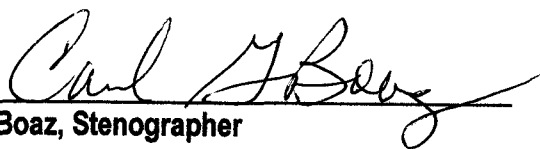
Chair Becenti Aguilar asked if there were questions or comments regarding the reorganization of division directors and assembling leaders in the positions.

Commissioner Espinoza replied she thought the Chief of Staff had everything under control.

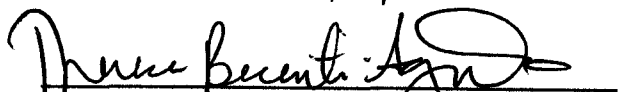
#### **14. ADJOURNMENT**

The meeting was adjourned at 11:55 a.m.

ATTEST:

  
Carl Boaz, Stenographer

APPROVED: 6/6/19

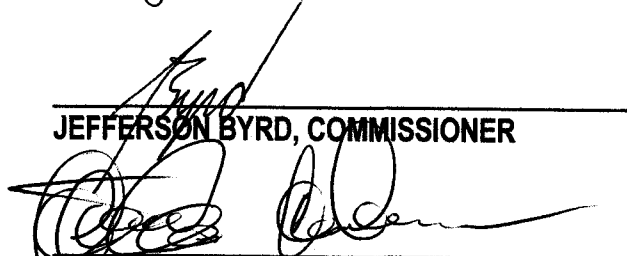
  
THERESA BECENTI AGUILAR, CHAIRPERSON

TELEPHONICALLY APPROVED

  
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: April 24, 2019

**CONFIDENTIAL**

NAME	COMPANY NAME (if any)	PHONE NUMBER
Mark Fenber	PWNY	505 - 241 2498
Yolande Sandul	mta	505 - 982 - 3873
Ryan Jensen	RNFI	241 - 4864
Rebecca Carter	nmql	505 - 697 - 3832
Brian Johnson	Renew Engineering	505 490-7033

Thank you for attending this meeting.



**NEW MEXICO PUBLIC REGULATION COMMISSION**

**NOTICE OF OPEN MEETING  
OPEN MEETING: REGULAR WEEKLY MEETING  
Wednesday, April 24, 2019  
9:30 a.m.  
PERA Building, 4<sup>th</sup> Floor Hearing Room  
1120 Paseo de Peralta, Santa Fe, NM 87501**

**AMENDED AGENDA**

- I. PLEDGE OF ALLEGIANCE/STATE PLEDGE**
- II. INTRODUCTION OF SPECIAL GUESTS**
- III. CONSIDERATION AND APPROVAL OF THE AGENDA**
- IV. CONSIDERATION AND APPROVAL OF THE MEETING MINUTES**
  - Minutes of the Regular Open Meeting for March 20, 2019
- V. PRESENTATION**
  - Presentation by Maury Galbraith and Richard McAllister of Western Interstate Energy Board - "Key Results and Findings: Interconnection Practices and Emerging Issues Reports"
- VI. DIVISION DIRECTORS' REPORTS**
  - Jason Montoya, Chief of Staff
  - Jim Williamson, ASD Director
- VII. PUBLIC COMMENT**
- VIII. CONSENT ACTION**
  - A. Transportation Matters:**

1)	19-00069-TR-M David Black	IN THE MATTER OF THE APPLICATION OF CAPACITY BUILDERS INC., D/B/A LOU GO'S FOR AN AMENDMENT TO ITS CERTIFICATE TO PROVIDE GENERAL SHUTTLE SERVICE  <u>POTENTIAL ORDER GRANTING AMENDED GENERAL SHUTTLE SERVICE CERTIFICATE</u>
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2)	19-00056-TRM David Black	IN THE MATTER OF THE APPLICATION OF CITY OF ALBUQUERQUE, ALBUQUERQUE FIRE RESCUE FOR AN AMENDMENT TO CERTIFICATE NO. 56834  <u>POTENTIAL ORDER DESIGNATING HEARING EXAMINER</u>
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; CITY TOWING; LLC; A BUDGET RECOVERY; AND AZTEC TOWING, INC. <u>POTENTIAL ORDER ASSIGNING HEARING EXAMINER</u>

**B. Utility Matters:**

4)	18-00239-UT Judith Amer	IN THE MATTER OF THE FORMAL COMPLAINT OF DANIELLE DOMENIC AGAINST KIT CARSON ELECTRIC COOPERATIVE, INC.  <u>POTENTIAL ORDER REQUIRING STAFF RESPONSE</u>
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**IX. REGULAR ACTION AND DISCUSSION**

**A. Transportation Matters:**

**NONE**

**B. Utility Matters:**

5)	17-00081-UT Russell Fisk Frances Sundheim	IN THE MATTER OF AN ORDER TO SHOW CAUSE WHY WINDSTREAM COMMUNICATIONS SHOULD NOT BE FOUND IN VIOLATION OF THE
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		<p><b>NEW MEXICO TELECOMMUNICATIONS ACT AND COMMISSION RULES WITH RESPECT TO ITS TELECOMMUNICATIONS SERVICES TO CUSTOMERS IN VARIOUS TOWNS, CITIES AND COUNTIES IN NEW MEXICO AND ITS BILLING OF FRANCHISE FEES, AND WHY THE COMMISSION SHOULD NOT IMPOSE SANCTIONS AND FINES, AND OTHER APPROPRIATE RELIEF INCLUDING THE REFUND OF AMOUNTS RECEIVED FROM THE UNIVERSAL SERVICE FUND</b></p> <p><b><u>POTENTIAL ORDER REGARDING RECOMMENDED DECISION</u></b></p>
6)	18-00261-UT David Black	<p><b>IN THE MATTER OF PUBLIC SERVICE COMPANY OF NEW MEXICO'S REQUEST FOR A COMMISSION ORDER GOVERNING THE ACCOUNTING TREATMENT OF COSTS RELATED TO JOINING THE WESTERN EIM</b></p> <p><b><u>POTENTIAL ORDER CLARIFYING FINAL ORDER</u></b></p>
7)	Not Yet Docketed Russell Fisk	<p><b>IN THE MATTER OF THE APPLICATION FOR APPROVAL OF EL PASO ELECTRIC COMPANY'S 2019 RENEWABLE ENERGY PLAN</b></p> <p><b><u>POTENTIAL ORDER REGARDING EL PASO ELECTRIC COMPANY'S REQUEST FOR VARIANCE REGARDING FILING DATE</u></b></p>

- X. CONSIDERATION AND POSSIBLE ACTION REGARDING ADVICE NOTICES**
  - **Southwestern Public Service Company - Advice Notice No. 279**
- XI. COMMUNICATIONS WITH CHIEF OF STAFF**
- XII. COMMUNICATIONS WITH GENERAL COUNSEL**
- XIII. COMMUNICATIONS WITH COMMISSIONERS**
- XIV. ADJOURNMENT**

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

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:** April 24, 2019

**PUBLIC COMMENT SIGN-IN SHEET**

NAME	PHONE NUMBER	TOPIC

Thank you for attending this meeting.