

**MINUTES OF THE OPEN MEETING
NEW MEXICO PUBLIC REGULATION COMMISSION
April 3, 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:

Avelino Gutierrez, Acting Chief of Staff
Michael Smith, Acting General Counsel
Judith Amer, Associate General Counsel
Russell Fisk, Associate General Counsel
David Black, Associate General Counsel
Dhiraj Solomon, Utility Division
Jack Sidler, Utility Division

Others Present

Carl Boaz, Stenographer

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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 AGENDA

Commissioner Byrd moved, seconded by Commissioner Espinoza, to amend the agenda by removing the closed session. The motion passed by unanimous (5-0) voice vote.

Commissioner Hall moved, seconded by Commissioner Byrd, to approve the April 3, 2019 agenda as amended. The motion passed by unanimous (5-0) voice vote.

4. CONSIDERATION AND APPROVAL OF THE MINUTES

- **Minutes of the Regular Open Meeting for February 27, 2019**

Commissioner Fischmann moved, seconded by Commissioner Espinoza, to approve the minutes of February 27, 2019 as presented. The motion passed by unanimous (5-0) voice vote.

5. DIVISION DIRECTOR'S REPORT

- **Staff Presentation regarding Talavera Sub Station Inquiry**

Mr. Solomon and Mr. Sidler presented.

Mr. Solomon said there was a demonstration of need, based on the loads on the lines and substations. A review of NEPA was done by EPE and alternatives were considered by EPE and under it, the analysis that was done. Staff reviewed the alternatives, including demand response, battery storage and Distributed Generation. The result was that the

proposed substation would be best. The review was thorough and complete and met all NEPA requirements and the location was found to be appropriate and favored the redundancy backup for service reliability. It is in the public interest and he recommended approval of the project, in case there are any outages in that area.

Mr. Sidler agreed. All information was provided in the application and the benefits far outweigh the costs of building the substation, so he recommended the substation be allowed to proceed.

Commissioner Fischmann said he had not seen any of that data. Consequently, it was hard to ask questions about it. He would like to see the data but did not know that the Commission could do all of that in the open meeting. He suggested that Commissioners could review it in the coming week.

Chair Becenti Aguilar said the Commission has the right to ask them to come back.

Commissioner Fischmann wanted to do that and he had no problem as long as Commissioners have looked at the evidence to make sure it is in our comfort level.

Commissioner Hall asked for that also. She wanted to look at the data and have some opportunity to review whatever reports there are or anything on-line.

Commissioner Byrd thought the initial request was to see the data. He asked to have it back on the agenda next week so Commissioners could review the information.

Mr. Solomon thought Mr. Smith had already forwarded a lot of the information.

Mr. Smith thought it was more appropriate to have the Staff report rather than all the communications that went back and forth.

Commissioner Fischmann asked for the communications to be summarized for the Commissioners before the meeting so we can review it first to vote next Wednesday. Show us what was covered so we can resolve it next time.

Commissioner Hall also wanted to see exhibits.

Commissioner Fischmann agreed.

Commissioner Byrd was okay with receiving it by email, but he wanted to see the options and how much that was estimated to cost and what that would cover, vs. a traditional substation.

Mr. Solomon asked the Commission to clarify if they wanted him to disclose everything from EPE or just a summary.

Commissioner Fischmann said a short report has advantages and disadvantages and reduces the cost instead of all the raw material. So we can evaluate what we've got.

Commissioner Hall asked him to forward any data from the company about cost and the kind of technology and limitations of that technology.

Mr. Solomon explained the three steps in the analysis. The first was NEPA on locations and the impact of each location choice, considering the load and disturbances. The second analysis was the need. The Las Cruces substations are at 91% load now, so the need is great. The third analysis was on the non-traditional options. So all three are included and they sent him all the documents and his analysis took place and he reached the conclusion, based on environmental impacts, that they eliminated a number of options and came to the choice of the substation for back up redundancy and the impact it would have on supply of electricity. It is in the public interest.

Commissioner Byrd asked how many emails there would be.

Mr. Sidler held up several pages worth.

Commissioner Byrd asked them to send it all.

- **Legal Division**

Mr. Bradford Borman, currently Acting Director of Legal Division, presented. He said in almost every case, the Legal Division is also involved alongside Utility Staff, participating especially in all IOU rate applications. He shared the schedule for the rate cases and added that New Mexico Gas can apply at the end of this year. Rate cases are intensive for staff and require a great deal of attention from our lawyers. The future of the San Juan Generating Station takes a lot of time.

The Energy Efficiency bill passed as well as SB 489 on a new renewable portfolio. In telecommunications, case 17-00186-UT came out of SB 53. And there were several other major telecom cases that arose out of legislation. The Legal Division made a report to the Legislature on the impact of SB 53.

The Legal Division also represents Transportation in legal matters, reports for the State Fire Marshal and is the primary support for the Records Bureau for IPRA requests.

Recently, the Legal Division lost two staff and are down to five attorneys now. They are hoping to fill an Attorney II position soon. Although the areas of law are narrow, it is likely new attorneys will require much training. We will try to team up experienced with inexperienced to reduce risk and provide learning opportunities for younger attorneys. The plan is to have two of them on rate cases and on the SJGS abandonment case.

Commissioner Byrd asked when interviews would likely happen.

Mr. Borman said he just got list yesterday for the Attorney 3 position so interviews would probably be next week. Attorney 9 closes on April 11 so probably mid-April.

Commissioner Byrd endorsed quality candidates. Despite the heavier load on you, you usually have a smile on your face.

Commissioner Fischmann asked if General Counsel is the Legal Division head.

Mr. Borman said no. He is a General Counsel I and thought there is a General Counsel II position and then the Division Director.

Commissioner Byrd understood General Counsel loaned out an attorney to them.

Mr. Smith explained that Mr. John Bogatko was loaned but is no longer temporary in the Legal Division. We have not posted to fill that vacancy. A lot depends on what Mr. Bogatko wants to do. Legal has more vacancies than the General Counsel's Office.

Mr. Borman said John Bogatko has been with Legal for two years and he might apply to fill one of our vacancies and that would free up the vacancy in General Counsel's office. He added that both Legal and General Counsel work with the Chief of Staff to fill vacancies. There are also vacancies in Utilities.

6. PUBLIC COMMENT

Ms. Beth Siler said she went to CRD with a complaint and CRD asked her to present it here.

Mr. Smith explained to her the process of making a formal complaint which is a written form. He further explained that the Commission has restrictions against ex parte communications, so we are supposed to go through a process of filing the complaint in a formal manner.

Ms. Siler said she had communicated several times on the phone and the advocacy person kept saying to come here.

Mr. Brian Jimenez (CRD) offered to have her go with him to assist her with her complaint.

7. CONSENT ACTION

A. Transportation Matters:

There were no transportation matters.

B. Utility Matters:

- 1) 18-00243-UT **IN THE MATTER OF PUBLIC SERVICE COMPANY OF NEW MEXICO'S APPLICATION FOR APPROVAL OF A 345 KV TRANSMISSION LINE AND ASSOCIATED FACILITIES PURSUANT TO THE PUBLIC UTILITY ACT**
(Judith Amer) **POTENTIAL ORDER ON MOTION TO REOPEN PROCEEDINGS**
- 2) 18-00252-UT **IN THE MATTER OF THE STATE RURAL UNIVERSAL SERVICE FUND 2019 PER-CONNECTION CHARGE CALCULATION AND FUND SIZE**
(Russell Fisk) **POTENTIAL ORDER APPROVING AMENDED FORMS AND INSTRUCTIONS**

Commissioner Hall moved, seconded by Commissioner Espinoza, to approve the orders for both Consent Action cases. The motion passed by unanimous (5-0) voice vote. So Ordered.

8. REGULAR ACTION AND DISCUSSION

A. Transportation Matters:

- 3) 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 REGARDING FINAL AMENDED RULES**

Mr. Black presented information to the Commission regarding this matter, which was to consider final rules and amendments in this case. He described it as having a long and treacherous background. He gave assurance that the public hearing on the rules as required for rulemaking were all in place and March 22 was the hearing. No participants appeared for oral comment and no written comments were filed in the docket. So the amended rules as were attached to the NOPR and properly published were done and intact.

The most significant change in rules was throwing out the old 2003 standards and replace with 2015 Intl Code Standards. The other changes were to correct old language and bring them up to date.

Commissioner Fischmann moved, seconded by Commissioner Hall to approve the order in Case 18-00323-FM as presented. The motion passed by unanimous (5-0) voice vote. So Ordered.

Commissioner Espinoza thanked Mr. Gutierrez and Fire Marshal Shainin and all who participated in this update.

B. Utility Matters:

- 4) 18-00006-UT **IN THE MATTER OF THE APPLICATION OF EL PASO ELECTRIC COMPANY FOR CONTINUED USE OF ITS FUEL AND PURCHASED POWER COST ADJUSTMENT CLAUSE. EL PASO ELECTRIC COMPANY, Applicant.
(David Black) POTENTIAL OFFER ON JOINT MOTION FOR REHEARING**

Mr. Black presented information regarding this matter to the Commission which comes on a joint motion by the City of Las Cruces, Doña Ana County, Mary Lee Soules and Alan Downs that the action on February 19 be vacated, and that a new order be issued for rehearing that identified general findings and types of evidence that would not be adopted by the Commission and was part of the adjudication of the case. Under our rules of procedure, as of tomorrow, if the Commission did not act today, the joint motion would be deemed invalid by operation of law. And the case as ordered in February 19 would stand.

Commissioner Fischmann noted that they spent a lot of time yesterday discussing options. One thing that stood out was if there were unreasonable charges in the past, customers should be compensated. We did not come up with really good options for doing that and it was disappointing. He didn't know if there were things to recover or not. Most of those were not considered in the FPPCAC docket.

They did try to look at the options and could not seem to come up with anything the PRC could utilize. He was open to the suggestion to do a prudence review and look carefully at the issues in this case, especially Palo Verde and the 90/10 issue. That is approximately a third of the customer's bill. And worth looking into.

Commissioner Hall thought it was a good idea. It seems like a good practice to do in this kind of circumstance.

Commissioner Fischmann moved, seconded by Commissioner Hall, to take no action on Case 18-0006-UT. The motion passed on a unanimous (5-0) voice vote. So Ordered.

**5) 16-00138-UT IN THE MATTER OF AN ORDER TO SHOW CAUSE TO EL PASO
ELECTRIC COMPANY REGARDING ITS UNFUNDED LIABILITY
FOR "OTHER POST-EMPLOYMENT BENEFITS"
(Russell Fisk) POTENTIAL FINAL DISPOSITIVE ORDER**

Mr. Fisk presented information regarding this matter to the Commission. He recalled the Commission did some of this last week and he would cut to the chase. This is a complex accounting issue from the rate case in 2015 and EPE will file a new rate case. This deals with OPEBs which is a retiree benefit. An Order to Show Cause was issued because there were a number of questions that arose on how EPE set up the account, how they handled it, and whether there was a trust established. There was a response to the show cause and a detailed staff analysis with recommendations which was done by Charles Gunther who is now retired. Recently, EPE filed a request for relief and filed a report on their trust. In essence, they were trying to comply with Staff requests.

Mr. Fisk explained that in 1992, a PRC Policy Statement came out on it and EPE had already done that in 1996 when they came out of bankruptcy. So they have it in place. He offered to go to the questions and answers but might not need to.

Chair Becenti Aguilar understood that EPE failed to comply with the requirements.

Mr. Fisk said from the case in 1996 through 2015, there were five rate cases and in four of them EPE had a "black box" settlement in each, so the final total did not indicate what the line item amounts were. They were unknown what the annual amount for OPEB would be. In 2015 it was \$730,000 approximately per year listed as an expense. That was resolved for purposes of the rate case.

The Order to Show Cause was on questions about how they handled all of that during the "black box" settlement years and whether there were outstanding liabilities that should be brought down.

He said there were two other issues (obligations) that EPE said it was not trying to recover or amortize. All the questions have been resolved to Staff's satisfaction. EPE is willing to cooperate, going forward, and the new case will likely set a standard for OPEB.

Mr. Fisk said his proposed order would find that EPE be allowed to go forward with this and would have a waiver since they have been in compliance. The Trust should be approved. So he requested the motion grant relief, find that the Order to Show Cause was satisfied, that the order be shared with the parties, and that the docket be closed.

Commissioner Byrd asked if the caretaker of the Trust was an outside company.

Mr. Fisk agreed.

Commissioner Espinoza moved, seconded by Commissioner Fischmann to adopt the order as proposed. The motion passed by unanimous 5-0 voice vote. So Ordered.

Commissioner Fischmann thanked Mr. Fisk for getting him the additional information.

9. EXECUTIVE CLOSED SESSION

- **PURSUANT TO NMSA 1978, SECTION 10-15-1 (H)(7) - PENDING LITIGATION MATTERS**
 - ***City of Las Cruces v. NMPRC and EPE, et al*; Supreme Court Case No. S-1-SC-37458**

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

10. CONSIDERATION AND POSSIBLE ACTION REGARDING ADVICE NOTICES

- **Continental Divide Electric Cooperative - Advice Notice No. 66**

Ms. Georgette Ramey said this Advice Notice is a rate adjustment which she described as the first change since the coop was formed. This will provide the Coop with the ability to provide better services. The new rates will assist in operations and maintenance expenses. They are replacing technologies being used and replacing sodium vapor and mercury vapor light with LED lighting. Sodium vapor and mercury vapor are no longer available due to the Night Sky Ordinance. She reviewed the number of customers by classification and reported that no protests were filed. The Advice Notice was properly published, and it goes into effect today.

After a brief discussion with a Coop representative who was present, the Commission took no action on this matter.

- **Central New Mexico Electric Cooperative - Advice Notice No. 66**

Mr. John Reynolds described the Advice Notice which provided a mechanism for dealing with distribution to rural irrigator customers at a lower cost. The methodology was reviewed with a hearing and coop members were engaged. They went to quarterly basis on the adjustment. Under the circumstances, Mr. Reynolds recommended the advice notice be allowed to go into effect by operation of law.

There were no questions from the Commission.

11. COMMUNICATIONS WITH CHIEF OF STAFF

Mr. Gutierrez said, at the request of Acting Chief of Staff Montoya, he sent a meeting notice for the 811 meeting in Albuquerque on April 12 from 9 to noon.

12. COMMUNICATIONS WITH GENERAL COUNSEL

Mr. Smith said because of the conference next week, he will publish a possible quorum for April 11 - Thursday and also on the following week to schedule open meeting on Tuesday April 16. So the open meetings will be held on Thursday, April 11 and Tuesday April 16.

Chair Becenti Aguilar announced that Commissioner Hall and one other Commissioner are attending a conference in Salt Lake City.

Mr. Smith said with no quorum, no further notice would be needed.

13. COMMUNICATIONS WITH COMMISSIONERS

Commissioner Hall apologized that she might have created some confusion in the Talavera case. She wanted to get an email not of the full data but a summary report, if possible.

Chair Becenti Aguilar said okay.

Commissioner Fischmann said the legislation on energy efficiency requires the Commission to eliminate some inefficiencies and the utilities have filed to make that happen. It sounds a lot like decoupling and in the past, the PRC has not been friendly to decoupling. But now the legislature mandates it. It takes various forms and two utilities have indicated interest in it.

Ryan Jerman (PNM) said it is something they are considering and there is now an open docket on it.

Commissioner Fischmann suggested, since decoupling can take so many directions, that the Commission should have a discussion on how they can be structured, and it might be good to have a workshop for various stakeholders to come and share how it can be done. He thought that would help more than just seeing one way to do it. And it would help to do it before the filing. It is not that we have a choice but to understand what it would

look like.

He asked if he should follow up on that.

Commissioner Hall thought that was a good idea. She agreed there are many forms for decoupling. And to hear the concept ahead of the rate case is important since sometimes those cases are adversarial.

Mr. Smith said his concern was the open docket with PNM on how it pertains to them specifically.

Mr. Jerman said PNM held it in abeyance, pending the conclusion of the legislative session.

Commissioner Fischmann asked if that would impact PNM's participation in a workshop.

Mr. Smith said it limits the usefulness of the workshop.

Mr. Jerman agreed it would raise ex parte concerns, but he would try to see if they could find a way to deal with that.

Commissioner Fischmann said he has seen places where decoupling has provided good success but getting some clarity up front would help us better understand the presentation in the rate case and hopefully work better for everything.

Chair Becenti Aguilar asked if Mr. Jerman could report back in a couple of weeks on their response.

Mr. Jerman said yes.

Chair Becenti Aguilar would like to hold a workshop on USF Rules and how we can update the current structure to make it better and competitive for all telecom carriers. The Commission should revisit the rules.

Mr. Fisk said we have opened a docket for inquiry for the required report to the Legislature. It covers the whole Telecom Act. We could use that information for the report or could open a separate docket for the rules.

14. ADJOURNMENT

The Open Meeting was adjourned at 10:48 a.m.

ATTEST:

Carl Boaz
Carl Boaz, Stenographer

APPROVED: 5/15/19

Theresa Becenti-Aguilar
THERESA BECENTI AGUILAR, CHAIRPERSON

Valerie Espinoza
VALERIE ESPINOZA, VICE CHAIRPERSON

Cynthia B. Hall
CYNTHIA B. HALL, COMMISSIONER

Jefferson Byrd
JEFFERSON BYRD, COMMISSIONER

TELEPHONICALLY APPROVED

Stephen Fischmann
STEPHEN FISCHMANN, COMMISSIONER

NEW MEXICO PUBLIC REGULATION COMMISSION

OPEN MEETING: CASE MANAGEMENT MEETING

Date: April 3, 2019

SIGN-IN SHEET

NAME	COMPANY NAME (if any)	PHONE NUMBER
Carla Sonntag	NMUSA	505-836-4223
Don Shainin	NM S Fmo	505 476 0160
Mark Zouko	PNM	505 241 2498
Donna Venable	CDEC	502 290 4647
Nancy Bullis	EPF	470 9342
Ryan Turner	PNM	241-4864
Anastasia Stevens	Stevens LLC for Child Welfare Cases	505-795-3505
Alisa Lauer	BKR/ Spencer Law Firm	505-873 6363
Don Jones	NMGL	505-798-3376
MARTIN O. DELAGARZA	SELF	(505) 980-6144

Thank you for attending this meeting.



NEW MEXICO PUBLIC REGULATION COMMISSION

**NOTICE OF OPEN MEETING
OPEN MEETING: REGULAR WEEKLY MEETING**

Wednesday, April 3, 2019

9:30 a.m.

**PERA Building, 4th Floor Hearing Room
1120 Paseo de Peralta, Santa Fe, NM 87501**

AGENDA

- I. PLEDGE OF ALLEGIANCE/STATE PLEDGE**
- II. INTRODUCTION OF SPECIAL GUESTS**
- III. CONSIDERATION AND APPROVAL OF THE AGENDA**
- IV. CONSIDERATION AND APPROVAL OF THE MINUTES**
 - Minutes of the Regular Open Meeting for February 27, 2019
- V. DIVISION DIRECTORS' REPORTS**
 - Staff Presentation regarding Talavera Sub Station inquiry
 - Legal Division
- VI. PUBLIC COMMENT**
- VII. CONSENT ACTION**
 - A. Transportation Matters:**

NONE
 - B. Utility Matters:**

1)	18-00243-UT Judith Amer	IN THE MATTER OF PUBLIC SERVICE COMPANY OF NEW MEXICO'S APPLICATION FOR APPROVAL OF A 345 KV TRANSMISSION LINE AND ASSOCIATED FACILITIES PURSUANT TO THE PUBLIC UTILITY ACT <u>POTENTIAL ORDER ON MOTIONS TO REOPEN PROCEEDINGS</u>
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2)	18-00252-UT Russell Fisk	IN THE MATTER OF THE STATE RURAL UNIVERSAL SERVICE FUND 2019 PER- CONNECTION CHARGE CALCULATION AND FUND SIZE <u>POTENTIAL ORDER APPROVING AMENDED FORMS AND INSTRUCTIONS</u>
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VIII. REGULAR ACTION AND DISCUSSION

A. Transportation Matters:

3)	18-00323-FM David Black	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 <u>POTENTIAL ORDER REGARDING FINAL AMENDED RULES</u>
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B. Utility Matters:

4)	18-00006-UT David Black	IN THE MATTER OF THE APPLICATION OF EL PASO ELECTRIC COMPANY FOR CONTINUED USE OF ITS FUEL AND PURCHASED POWER COST ADJUSTMENT CLAUSE EL PASO ELECTRIC COMPANY, Applicant. <u>POTENTIAL ORDER ON JOINT MOTION FOR REHEARING</u>
5)	16-00138-UT Russell Fisk	IN THE MATTER OF AN ORDER TO SHOW CAUSE TO EL PASO ELECTRIC COMPANY REGARDING ITS UNFUNDED LIABILITY FOR "OTHER POST- EMPLOYMENT BENEFITS"

		<u>POTENTIAL FINAL DISPOSITIVE ORDER</u>
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IX. EXECUTIVE CLOSED SESSION

- **PURSUANT TO NMSA 1978, SECTION 10-15-1 (H) (7) - PENDING LITIGATION MATTERS**
 - *City of Las Cruces v. NMPRC and EPE, et al.*; Supreme Court Case No. S-1-SC-37458

X. CONSIDERATION AND POSSIBLE ACTION REGARDING ADVICE NOTICES

- **Continental Divide Electric Cooperative - Advice Notice No. 66**
- **Central New Mexico Electric Cooperative - Advice Notice No. 66**

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.nmenergy.com.

The Commission will make reasonable efforts to post the agenda on the Commission's website at least 72 hours before the open meeting, but the inability to do so within the 72 hours prior, will not require the Commission to delay the meeting or to refrain from taking action on any agenda item on which it otherwise could act.

At any time during the Open Meeting the Commission may close the meeting to the public to discuss matters not subject to the New Mexico Open Meetings Act. The Commission may revise the order of the agenda items considered at this open meeting.

Notice is hereby given that the Commission may request that any party answer clarifying questions or provide oral argument with respect to any matter on the agenda. If the Commission makes such a request, any party present at the meeting, either in person or by telephone, shall have an equal opportunity to respond to such questions or argument. In the event a party whose case is on the agenda chooses not to appear, the absence of that party shall not cause such discussion or argument to become ex-parte communications.

PERSONS WITH DISABILITIES

ANY PERSON WITH A DISABILITY REQUIRING SPECIAL ASSISTANCE IN ORDER TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE OFFICE OF DIRECTOR OF ADMINISTRATIVE SERVICES OF THE COMMISSION AT (505) 827-4042 AS SOON AS POSSIBLE PRIOR TO THE COMMENCEMENT OF THE OPEN MEETING.

PUBLIC COMMENT

All members of the public wishing to provide public comment must sign a sign-up sheet prior to the start of the meeting and identify their name and the name of the organization they represent (if any), and the topic or issue on which they desire to comment. The portion of the agenda allocated for public comment at any one open meeting shall be limited to a maximum of 30 minutes for all persons wishing to provide comment. The order of speakers will be based on the order in which speakers sign up, but public officials may be taken out of order. If a speaker is not present at the time he or she is called to provide comment, that speaker shall forfeit their opportunity to speak. **Public comment by an individual or entity shall be limited to no more than three (3) minutes** unless the Commission acts to extend the period. If the number of individuals on the sign-up sheet desiring to provide comment would exceed the allotted 30-minute period, the Chairman may limit individual remarks to a shorter time period. Individuals represented by or representing a common organization or association may be asked to select one individual to act as spokesperson to speak for the group. Individuals who sign up to comment, but either fail to do so or choose to speak for less than their allotted time, may not cede or yield their time to another speaker. Written comments of individuals who cannot be physically present may not be read aloud at the meeting but may be submitted to the Commission.

The subject matter of public comments shall be relevant to matters within the Commission's jurisdiction. Public comment will not be permitted on matters that should be addressed appropriately as the subject of an informal or formal complaint before the Commission or on pending rulemaking proceedings before the Commission once the opportunity for public comment in those proceedings has closed. Public comment by parties to a proceeding or adjudication pending before the Commission will not be permitted where the comment concerns matters at issue in such proceeding. The Chairman shall retain the right to stop any speaker who raises an issue that is not under the Commission's jurisdiction or is subject to the restrictions above. Public comment will be received without Commission comment or response. However, individual Commissioners may at their option seek clarification or additional information from speakers through the Chairman. No speakers will be accommodated after the public comment portion of the agenda has closed. The Chairman retains the right to exercise discretion in the implementation of this policy and may override the above rules in case of emergency or other unforeseen circumstances.

Speakers providing comment shall at all times conduct themselves in accordance with proper decorum. Profane or vulgar language or gestures will not be tolerated. Audience members shall not disrupt an open meeting by speaking without being recognized by the

Commission and shall not incite others to do so. The Commission retains the right to remove disruptive attendees and individuals who fail to conduct themselves in accordance with these provisions from the Commission meeting.

OPEN MEETING: CASE MANAGEMENT MEETING

PUBLIC COMMENT SIGN-IN SHEET

[illegible]

EXHIBIT 3
PRC - April 3, 2019