

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF THE ADOPTION OF AN )  
IMMEDIATE EMERGENCY RULE AMENDING RULES ) CASE NO. 20-00190-PRC  
OF PROCEDURE 1.2.2. NMAC TO PROVIDE FOR )  
ELECTRONIC FILING )**

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**ORDER FINDING NEED FOR THE ADOPTION AND ISSUANCE OF AN IMMEDIATE  
EMERGENCY RULE AMENDING NMPRC RULES OF PROCEDURE 1.2.2 NMAC TO  
PROVIDE FOR ELECTRONIC FILING AND ORDER GRANTING TEMPORARY  
VARIANCE TO NMPRC EMPLOYEES**

**THIS MATTER** comes before the New Mexico Public Regulation Commission (the "Commission") upon its own Motion to issue an Order finding the need for the adoption and issuance of an immediate temporary emergency rule to provide for electronic filing; whereupon, being duly informed,

**THE COMMISSION FINDS AND CONCLUDES:**

1. On March 11, 2020, and on March 15, 2020, Michelle Lujan Grisham, the Governor of the State of New Mexico, declared in Executive Orders 2020-004 and numerous subsequent related Executive Orders (hereinafter referred to collectively as the "Executive Orders") declaring a public health emergency and ordering: a) social distancing; b) the closing of government buildings; c) teleworking by state employees; and d) further instructions from the Department of Health due to COVID-19.

2. At the March 13, 2020 emergency open meeting, the Commission instituted an immediate emergency policy to permit electronic filing of documents, orders, briefs or applications that are required by law to be filed at the offices of the Commission's Records Bureau. The provision for electronic filing was intended to be temporary pending the lifting of the Executive Orders. However, the Executive Orders have remained in effect and the subsequent eviction of the Commission and its employees from its office space at the PERA building as of October 1, 2020,

and, in combination, have created an immediate need for the adoption and implementation by the Commission for the provision of electronic filing of documents, orders, briefs or applications.

3. The Commission finds a state of emergency exists that causes an "imminent peril to the public health, safety or welfare" that requires the adoption and issuance of an immediate temporary emergency rule to provide for electronic filing, due to the following: 1) a March 15, 2020 directive issued by Governor Michelle Lujan Grisham to all state agencies to accelerate remote-work initiatives in the wake of the COVID-19 public health emergency and to temporarily adjust, and in some cases suspend, certain functions at State of New Mexico public offices in order to minimize public health risks; and 2) the eviction, effective September 30, 2020, from the NMPRC state offices at the old PERA building by the General Services Department, Facilities Management Division, and the simultaneous lack of sufficient appropriation of funds by the New Mexico Legislature for a replacement private lease office space which have resulted in the majority of NMPRC employees without state office space to conduct the NMPRC's functions.

4. The Commission finds that, due to the above stated reasons, the "immediate adoption... of a rule is necessary for the preservation of the public peace, health, safety or general welfare..." Section 14-4-5.6 NMSA 1978, and that the emergency amendments to 1.2.2.7 and 1.2.2.8 NMAC to provide for electronic filing of documents should be immediately adopted to allow for the orderly and safe filing of documents during the time period the Emergency Orders are in effect combined with the lack of office space for the Commission and its employees effective October 1, 2020.

5. The Commission further finds, that from October 1, 2020 until Commission employees are re-located to new office space, which is anticipated to be approximately January 1, 2020, all Commissioners and all Commission employees are granted a variance pursuant to 1.2.2.40 NMAC from any provision of 1.2.2 NMAC that may require the filing and serving

any hard copies of any document electronically filed by any Commissioner or any Commission employee. This variance is granted solely to all Commissioners and all Commission employees. All other parties and persons are still subject to the emergency rule which states that the Commission and its hearing examiners, in their discretion, may require parties and persons who electronically file documents to follow up with delivery by postal service of five (5) copies. If not so ordered, parties and persons, under the emergency rule, are not automatically required deliver, by postal service, any hard copies after the electronic filing of document.

6. If any provision of current Rule 1.2.2. NMAC conflicts with the emergency rule hereby adopted, the emergency rule shall prevail.

7. For these reasons, pursuant to and in compliance with all procedures for the adoption and issuance of emergency rules set forth in Section 8-8-15 C. NMSA 1978 of the New Mexico Public Regulation Act and Section 14-4-5.6 NMSA 1978 (2017) of the State Rules Act, the Commission should adopt and issue the temporary emergency amendments to the Commission Rules of Procedure 1.2.2.7 and 1.2.2.8 NMAC as described in the Notice of Intent to Issue Emergency Rules which is attached as Exhibit A hereto. These amendments shall be temporary in nature and the amended rules will revert to their previous versions by effect of law 180 days after the emergency rule amendments are filed.

**IT IS THEREFORE ORDERED:**

A. The Notice of Intent to Issue Emergency Rules attached as Exhibit A hereto and immediate temporary emergency rule amendments to NMPRC rule 1.2.2.7 and 1.2.2.8 NMAC to provide for electronic filing attached as Exhibit B hereto is hereby adopted and issued in compliance with all procedures for the adoption and issuance of emergency rules set forth in

Section 8-8-15 C. NMSA 1978 and 14-4-5.6 NMSA 1978 (2017).

B. All Commissioners and all Commission employees are hereby granted a variance pursuant to 1.2.2.40 NMAC from any provision of 1.2.2 NMAC that may require the filing and serving any hard copies of any document electronically filed by any Commissioner or any Commission employee. This variance is granted solely to all Commissioners and all Commission employees.

C. If any provision of current Rule 1.2.2. NMAC conflicts with the emergency rule hereby adopted, the emergency rule shall prevail.

D. This Order is effective immediately.

E. A copy of this Order shall be served upon all persons listed on the attached Certificate of Service by e-mail, if e-mail addresses are known, or by regular mail otherwise.

ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this 7<sup>th</sup> day of  
October, 2020.

NEW MEXICO PUBLIC REGULATION COMMISSION

/s/ Cynthia B. Hall, electronically signed

CYNTHIA B. HALL, COMMISSIONER DISTRICT 1

/s/ Jefferson Byrd, electronically signed

JEFFERSON L. BYRD, COMMISSIONER DISTRICT 2

/s/ Valerie Espinoza, electronically signed

VALERIE ESPINOZA, COMMISSIONER DISTRICT 3

/s/ Theresa Becenti-Aguilar, electronically signed

THERESA BECENTI-AGUILAR, COMMISSIONER DISTRICT 4

/s/ Stephen Fischmann, electronically signed

STEPHEN FISCHMANN, COMMISSIONER DISTRICT 5



## EXHIBIT A

### NOTICE OF INTENT TO ISSUE EMERGENCY RULES

The NMPRC has an immediate temporary need to establish procedures for electronic filing due to the closure of its offices at the PERA building due to the Governor's Executive Orders and due to the eviction from its office space by the General Services Department, Facilities Management Division, effective October 1, 2020.

### SPECIFIC AUTHORITY

Pursuant to Section 8-8-15 (C) NMSA 1978, Section 14-4-5.6 NMSA 1978 and Section 62-6-4 NMSA. These amendments shall be temporary in nature and the amended rules will revert to their previous versions by effect of law 180 days after the emergency rule amendments are filed.

### CONCISE EXPLANATORY STATEMENT

The emergency rule amends Sections 1.2.2.7.J., K., and L. NMAC to:

1) amend the definition of the term **file, filed, or filing** to mean filing by electronic mail, by regular postal service mail of hard copies, or by in-person delivery of hard copies to the chief clerk or the chief clerk's designee and acceptance by the chief clerk or the chief clerk's designee of any completed order, notice, pleading, or document that is either required to be kept on file or to be filed in the commission's e-docket in their official capacity. The emailed .pdf documents shall be electronically signed, shall be combined into one complete document (allowing the approx. 20MB size limit), and shall include accompanying consecutively numbered attachments, if any, and shall include a certificate of service evidencing service upon which individuals or entities and by what manner of service. Any complete, correctly filed document, order, notice or pleading will be accepted by the chief clerk or designee and will be uploaded in the .pdf format submitted in the appropriate identified case numbers locations in e-docket on a regular basis for the purpose of inspection of records (<https://edocket.nmprc.state.nm.us/login.aspx>). The commission or hearing examiners may require, in addition, that five (5) paper copies of any document electronically filed also be mailed, by regular postal service mail to the commission at p.o. box 1269, santa fe, new mexico, 87504-1269, to the chief clerk or designee, who shall maintain the one original plus the electronically filed document which shall be made available, upon reasonable demand, for inspection by the public, other parties or the commission. There are size limit restrictions to the .pdf attachments which may change as the commission's servers change. If a person receives an "undeliverable" email, please reduce the size limit of the .pdf attachments and email the .pdf document in smaller sized batches with identifying numbers of how the document should be combined (i.e. batch 1 of 3, Application-1, batch 2 of 3 Schedules\_2, etcetera.) so that the records chief clerk or designee may properly assemble for filing in e-docket;

2) amend the definition of **date and time of filing** to mean, when filing by regular postal service mail, the date of post mark; when filing by in-person delivery of hard copies to the records bureau office, the time and date a complete, correctly filed document is hand-delivered and received within regular business hours, 8:00 a.m. to 5:00 p.m. mountain standard time; and when filing by electronic mail to the records bureau's email address, as set out on the commission's webpage, at: [prc.records@state.nm.us](mailto:prc.records@state.nm.us) within regular business hours, 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m. mountain standard time, as of the time and date of the electronic mail. Filings by electronic mail that are sent after regular business hours, will be considered as being filed the next business day. If documents are submitted close to or at 5:00 p.m., they may not be posted until the following business day, but they will reflect the correct date of filing; and

3) **electronic signature** to mean a full, printed name of the person responsible for the electronic version of the document by scanning or other electronic reproduction of the signature or by typing in the signature line the notation "/s/" followed by the name of the person signing the original document and including the email address of the person signing. Electronically filed documents that require sworn verification by notarization under commission rules may be supported by unsworn affirmation in compliance with rule of civil procedure 1-011(B) NMRA.

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The emergency rule amends Section 1.2.2.8.C NMAC, revised **Filing Fees** as follows:

(1) Electronically filed documents that are required by law to be submitted with a filing fee, shall be emailed with an attached scan (.pdf) or photograph (jpeg) of the filing fee (check or money order) which shall be made payable to commission to show proof of payment at time of filing. After receipt of the electronically filed document and the attached scan or photograph of the filing fee, the records chief clerk or designee will issue a case no. (if applicable) and will post the document into e-docket. The filing fee must then be promptly physically mailed to attn: nmprc, records bureau, p.o. box 1269, Santa Fe, NM 87504-1269 for receipt and deposit. Providing a copy of the document cover page along with the filing fee, will assist the chief clerk or designee with the adequate information to know exactly which document the filing fee belongs to. All application fees or other charges required by law to be submitted with the filing of a document shall be paid to the commission by check or cash with the commission at the time of filing a hard copy by regular mail or in-person at the commission offices or , if electronically filed, payment shall be accomplished by the submittal of a photograph (jpeg) or scan (.pdf ) of the check, with confidential information blocked or redacted, and shall be electronically mailed with the electronically filed document.

## EXHIBIT B

**1.2.2.7 DEFINITIONS:** In addition to the definitions contained in Sections 3-29-2, 8-8-2, 53-4-1, 53-6-3, 53-8-2, 53-11-2, 53-19-2, 53-20-2, 60-2C-2, 62-3-3, 62-14-2, 63-9-2, 63-9A-3, 63-9H-3, 65-2A-3, 65-6-2, and 70-3-12 NMSA 1978, as used in this rule:

**A. advisory staff** means persons hired by the commission pursuant to Section 8-8-13 NMSA 1978, but who do not represent staff in proceedings before the commission;

**B. applicant** means any party on whose behalf an application is made for approval or authorization of the commission;

**C. chief clerk** means the person appointed by the chief of staff pursuant to Section 8-8-5 NMSA 1978 to serve as director of the administrative services division pursuant to Section 8-8-7 NMSA 1978;

**D. chief of staff** means the person appointed by the commission pursuant to Section 8-8-5 NMSA 1978;

**E. commenter** means a person who enters into the record of a proceeding before the commission or presiding officer a comment on the grounds of public or private interest, but who is not a party to the proceeding;

**F. complainant** means a person who complains of anything done or omitted to be done in violation of any law, rule, or order administered or promulgated by the commission;

**G. corporations** means domestic and foreign corporations, limited liability companies, cooperative associations, sanitary projects act associations, water users associations, waterworks corporations, and foreign business trusts as those terms are defined in Section 3-29-2 and Chapter 53, NMSA 1978, unless exempted by law from commission regulation;

**H. document** means, except as otherwise used in the provisions of this rule governing discovery, any submission in a formal proceeding which is not a pleading or which is required to be filed by commission rule or order outside a formal proceeding;

**I. electronic** means relating to technology having electrical, digital, magnetic, wireless, telephonic, optical, electromagnetic or similar capabilities;

**J. file, filed, or filing** means filing by electronic mail, by regular postal service mail of hard copies, or by in-person delivery of hard copies [or transmittal] to the chief clerk or the chief clerk's designee and acceptance by the chief clerk or the chief clerk's designee of any completed order, notice, pleading, or document that is either required to be kept on file or to be filed in the commission's e-docket in their official capacity. The emailed .pdf documents shall be electronically signed, shall be combined into one complete document (allowing the approx. 20MB size limit), and shall include accompanying consecutively numbered attachments, if any, and shall include a certificate of service evidencing service upon which individuals or entities and by what manner of service. Any complete, correctly filed document, order, notice or pleading will be accepted by the chief clerk or designee and will be uploaded in the .pdf format submitted in the appropriate identified case numbers locations in e-docket on a regular basis for the purpose of inspection of records (<https://edocket.nmprc.state.nm.us>). The commission or hearing examiners may require, in addition, that five (5) paper copies of any document electronically filed shall also be mailed, by regular postal service mail to the commission at P.O. box 1269, Santa Fe, New Mexico, 87504-1269, to the chief clerk or designee, who shall be maintain the one original plus the electronically filed document which shall be made available, upon reasonable demand, for inspection by the public, other parties or the commission. There are size limit restrictions to the .pdf attachments which may change as the commission's servers change. If a person receives an "undeliverable" email, please reduce the size limit of the .pdf attachments and email the .pdf document in smaller sized batches with identifying numbers of how the document should be combined (i.e. batch 1 of 3, Application-1, batch 2 of 3 Schedules 2, etcetera.) so that the records chief clerk or designee may properly assemble for filing in e-docket;

**K. date and time of filing** means, when filing by regular postal service mail, the date of receipt by the records bureau; when filing by in-person delivery of hard copies to the records bureau office, the time and date a complete, correctly filed document is hand-delivered and received within regular business hours, 8:00 a.m. to 12:00 p.m and 1:00 p.m. to 5:00 p.m. mountain standard time; and when filing by electronic mail to the records bureau's email address, as set out on the commission's webpage, at: [prc.records@state.nm.us](mailto:prc.records@state.nm.us) within regular business hours, 8:00 a.m. to 5:00 p.m. mountain standard time, as of the time and date of the electronic mail. Filings by electronic mail that are sent after regular business hours, will be considered as being filed the next business day. If documents are submitted close to or at 5:00 p.m., they may not be posted until the following business day, but they will reflect the correct date of filing;

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**L.** **electronic signatures** means a full, printed name of the person responsible for the electronic version of the document by scanning or other electronic reproduction of the signature or by typing in the signature line the notation “/s/” followed by the name of the person signing the original document and including the email address of the person signing. Electronically filed documents that require sworn verification by notarization under commission rules may be supported by unsworn affirmation in compliance with rule of civil procedure 1-011(B) NMRA;

**[K]M.** **fire marshal-regulated entities** means persons whose activities are regulated by the provisions of Sections 59A-52-1 through 59A-52-25 NMSA 1978, or the Fireworks Licensing and Safety Act, Sections 60-2C-1 through 60-2C-11 NMSA 1978;

**[L]N.** **formal proceedings** means all matters other than rulemakings to which case numbers are assigned and which are entered on the commission’s docket for decision by the commission;

**[M]O.** **hearing examiner** means a person employed by the commission as a hearing examiner, or a commissioner or advisory staff member designated by the commission as the hearing examiner to conduct any hearing or investigation which the commission is authorized to conduct;

**[N]P.** **informal proceedings** means any matters handled outside a formal proceeding by the commission or its staff, including informal complaints;

**[O]Q.** **intervenor** means a person permitted by the commission or presiding officer to participate as a party in a proceeding pursuant to 1.2.2.23 NMAC;

**[P]R.** **mediator** means a person assigned by the commission to facilitate resolution of disputes pending informally or formally before the commission by assisting parties in their communications and meetings, identification and exploration of issues, and development of bases for agreements;

**[Q]S.** **party** means a person who initiates a commission proceeding by filing an application, petition or complaint, or whom the commission or presiding officer names as a respondent, or whom the commission or presiding officer grants leave to intervene; unless the context indicates otherwise, the term “party” may also refer to counsel of record for a party; staff shall have the status of a party, without being required to file a motion to intervene, but shall not have a right to appeal;

**[R]T.** **petitioner** means any party on whose behalf a petition is made for approval, determination, consent, certification, or authorization of the commission;

**[S]U.** **pleading** means an application, petition, complaint, answer, motion, response to motion, exception, or other formal written statement filed in any formal proceeding;

**[T]V.** **presiding officer** means a commissioner taking such actions as are permitted under 1.2.2.29 and 1.2.2.30 NMAC or the hearing examiner designated to preside over a proceeding;

**[U]W.** **proceeding** means a formal proceeding;

**[V]X.** **public hearing** means a portion of a proceeding, open to the public and conducted by the commission or presiding officer, that affords an opportunity to present such evidence, argument, or other appropriate matters as the commission or presiding officer deems relevant or material to the issues;

**[W]Y.** **regulated entity** means a utility, telecommunications provider, motor carrier, fire marshal-regulated entity, railroad, or owner or operator of gas and hazardous liquid pipelines and underground facilities or one-call notification system subject to the jurisdiction of the commission;

**[X]Z.** **respondent** means any party against whom any complaint is filed or any party subject to the jurisdiction of the commission to whom the commission issues notice instituting a proceeding, investigation, or inquiry of the commission;

**[Y]AA.** **staff** means all persons, other than hearing examiners and advisory staff, employed by the commission; and

**[Z]BB.** **telecommunications provider** shall have the meaning given in Paragraph (2) of Subsection A of 63-7-23 NMSA 1978.

#### 1.2.2.8 GENERAL PROVISIONS:

**A. Public records:** The commission’s policy is to allow full and complete access to public records in accordance with the Inspection of Public Records Act, Section 14-2-1 NMSA 1978 *et seq.* Except when the commission or presiding officer directs otherwise, all pleadings, orders, communications, exhibits, or other documents shall become matters of public record as of the day and time of their filing. The commission shall permit any person to examine any such public record, unless subject to a protective order, or otherwise protectable under the Inspection of Public Records Act. Under no circumstances will any person be allowed to take original commission

records from commission premises. Arrangements to examine records or to obtain copies of records must be made through the chief clerk or the chief clerk's designee.

**B. Protective orders:**

(1) Any person moving for an order to protect pleadings, documents or classes of documents from disclosure bears the burden of establishing their right, if any, to such protection. A motion for an order to protect documents or information from disclosure shall be supported by an affidavit. The affidavit shall:

(a) satisfy the claimant's burden of making a *prima facie* showing that protection is appropriate, and, if protection is sought for pleadings or documents that are to be filed, that protection is consistent with the Inspection of Public Records Act, including protectable trade secrets;

(b) be executed by the claimant or a person employed by the claimant who is sufficiently knowledgeable about the grounds on which protection is sought that they can defend such claim if it is challenged; and

(c) explain with particularity the injury which would result from disclosure of the information for which protection is sought.

(2) If the commission or presiding officer deems it necessary, or if any party files a motion to compel, the commission or presiding officer may require the party seeking the protective order to file the documents or information which are the subject of the motion in a properly identified sealed container. The container may be opened by the commission or presiding officer prior to ruling on the motion for a protective order only for purposes of making an *in camera* inspection.

(3) The commission or presiding officer may, in ruling on the motion, provide that the documents or information not be disclosed or that they be disclosed only in a designated manner or to designated persons. Any order granting a motion for a protective order in whole or in part shall include clear and specific instructions to the chief clerk or chief clerk's designee regarding the limitations placed on disclosure of the documents or information subject to the order and a reminder that sanctions may be imposed under applicable laws for its violation. The protective order shall set forth the conditions for protection and disclosure of information subject to protection under the Inspection of Public Records Act to parties to the proceeding. The order shall be included in the appropriate publicly available file in lieu of the documents or information which are the subject of the protective order.

(4) The period of time during which disclosure is limited shall be two years from the date of the final order in the case, provided that the movant may request that the protective order specify a different period of protection. The movant may, prior to expiration of the protective order, move for an order extending the period of protection of the documents or information.

(5) Nothing in this rule shall be construed as waiving or altering any requirement placed upon the commission for timely disclosure and copying of public records under the Inspection of Public Records Act.

**C. Filing Fees:**

(1) Electronically filed documents that are required by law to be submitted with a filing fee, shall be emailed with an attached scan (.pdf) or photograph (jpeg) of the filing fee (check or money order) with confidential information blocked or redacted which shall be made payable to the commission to show proof of payment at time of filing. After receipt of the electronically filed document and the attached scan or photograph of the filing fee, the records chief clerk or designee will issue a case no. (if applicable) and will post the document into e-docket. The filing fee must then be promptly physically mailed to NMPRC, attn: records bureau, P.O. Box 1269, Santa Fe, NM 87504-1269 for receipt and deposit. Providing a copy of the document cover page along with the filing fee, will assist the chief clerk or designee with the adequate information to know exactly which document the filing fee belongs to. All application fees or other charges required by law to be submitted with the filing of a document shall be paid to the commission by check or money order at the time of filing a hard copy by regular mail or in-person at the commission offices. [or at the time the charge is incurred.]

(2) No pleading or document will be accepted without payment of required fees and submission of the required number of copies by the filing party, unless the commission or presiding officer directs otherwise.

(3) Except as otherwise provided by Sections 53-2-1, 53-8-87 and 65-2A-36 NMSA 1978, and 12.3.1 NMAC, the fee for paper copies of papers, testimony, or records, shall be the charge set by the commission's inspection of public records policy posted on the commission's website. [~~state records center for similar types of copies.~~]

(4) The fee for copies of papers, testimony, or records on electronic storage media shall be [~~the same charge set by the state records center for paper copies of the same.~~] the charge set by the commission's inspection of public records policy posted on the commission's website.

(5) The fee for cassette or CD-ROM copies of audio recordings of informal and formal proceedings, if available, shall be the charge set by the commission's inspection of public records policy posted on the commission's website. [~~is \$10 per cassette or CD-ROM.~~]

(6) For paper copies of pleadings or documents that are not retrievable on electronic storage media maintained by the commission, the chief clerk or chief clerk's designee may charge in accordance with the commission's inspection of public records policy posted on the commission's website. [~~a document search and preparation fee based on the hourly rate charged by the state records center for document preparation in 1.13.2 NMAC.~~]

**D. Waiver of rules:** Upon the commission's or presiding officer's own motion or by motion of the staff or any party showing good cause and such notice as the commission or presiding officer may deem proper, the commission or presiding officer may waive the application of any procedural provision of this rule, except when precluded by law.

**E. Construction and amendment:** These rules, and any rules incorporated by reference, shall be so construed as to secure just and speedy determination of the issues.

**F. Docket:** The commission shall maintain a docket of all proceedings, and each new proceeding shall be assigned an appropriate docket number. The docket is open to public inspection.

**G. Calendar of public hearings:** The commission shall maintain a public hearing calendar. The public hearing calendar is open to public inspection.

~~**H. Address of the commission:** Persons shall submit filings in proceedings related to utilities and telecommunications providers to the records office located at the utility division's address. Persons shall submit filings in proceedings related to motor carriers, railroads, fire marshal regulated entities, corporations, and owners and operators of gas and hazardous liquid pipelines and underground facilities, excavators, and one-call notification systems to the records office located at the transportation division's address.~~

~~(1) Utility division:~~

~~(a) Street address:~~ Marian Hall, 224 E. Palace Avenue, Santa Fe, New Mexico 87501-2013.

~~(b) Mailing address:~~ Public Regulation Commission, Utilities Division, P.O. Box 1269, Santa Fe, New Mexico 87504-1269.

~~(2) Transportation division:~~

~~(a) Street address:~~ P.E.R.A. Building, 1120 Paseo de Peralta, Santa Fe, New Mexico, 87504.

~~(b) Mailing address:~~ Public Regulation Commission, (indicate appropriate division or bureau), P.O. Box 1269, Santa Fe, NM 87504-1269.]

**H[I]. Office days and hours:** The offices of the commission are open from 8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m., Monday through Friday, legal holidays excepted.

**I[J]. Identification of communications:** Communications shall contain the name, address, e-mail address, if available, and telephone number of the communicator and an appropriate reference to any commission cases pertaining to the subject of the communication.

**J[K]. Current information required:** In all cases, persons shall keep the information required by Subsection J of this section current, and when updating the information, shall indicate the case numbers of all docketed cases in which the person is a party or otherwise included on the certificate of service.

**K[L]. Computation of time:** The time within which an act is to be done as provided in any rule or order promulgated by the commission or order issued by the presiding officer, when expressed in days, shall be computed by excluding the day of the act or event from which the time begins to run and including the last, except that if the last day be Saturday, Sunday, or a legal holiday, the act may be done in the next succeeding business day.

**L[M]. Extensions of time:** Except as otherwise provided by law, the time by which any person is required or allowed to act under any statute, rule, or order may be extended by the commission or presiding officer for good cause, upon a motion made before the expiration of the period prescribed or previously extended. The filing of the motion does not toll the running of the time period prescribed.

**M[N]. Classification of parties:** Parties to proceedings before the commission shall be classified as applicants, petitioners, complainants, respondents, or intervenors.

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing **Order Finding Need for the Adoption and Issuance of an Immediate Emergency Rule Amending NMPRC Rules of Procedure 1.2.2 NMAC to Provide for Electronic Filing and Order Granting Temporary Variance to NMPRC Employees** issued by the New Mexico Public Regulation Commission on October 7<sup>th</sup>, 2020 was sent via email to the parties indicated below:

Jason Montoya	<a href="mailto:JasonN.Montoya@state.nm.us">JasonN.Montoya@state.nm.us;</a>
Danielle Jimenez	<a href="mailto:Danielle.Jimenez@state.nm.us">Danielle.Jimenez@state.nm.us;</a>
Russell Fisk	<a href="mailto:Russell.Fisk@state.nm.us">Russell.Fisk@state.nm.us;</a>
Carl Muller	<a href="mailto:Hans.Muller@state.nm.us">Hans.Muller@state.nm.us;</a>
Michael Smith	<a href="mailto:MichaelC.Smith@state.nm.us">MichaelC.Smith@state.nm.us;</a>
Isaac Sullivan-Leshin	<a href="mailto:Issac.Sullivan-Leshin@state.nm.us">Issac.Sullivan-Leshin@state.nm.us;</a>
Judith Amer	<a href="mailto:Judith.Amer@state.nm.us">Judith.Amer@state.nm.us;</a>
Carolyn Glick	<a href="mailto:Carolyn.Glick@state.nm.us">Carolyn.Glick@state.nm.us;</a>
Ana Kippenbrock	<a href="mailto:Ana.Kippenbrock@state.nm.us">Ana.Kippenbrock@state.nm.us;</a>
Elizabeth Catherine Hurst	<a href="mailto:Elizabeth.Hurst@state.nm.us">Elizabeth.Hurst@state.nm.us;</a>
Robert Lennon	<a href="mailto:Robert.Lennon@state.nm.us">Robert.Lennon@state.nm.us;</a>
Ashley Schannauer	<a href="mailto:Ashley.Schannauer@state.nm.us">Ashley.Schannauer@state.nm.us;</a>
Christopher Ryan	<a href="mailto:Christopher.Ryan@state.nm.us">Christopher.Ryan@state.nm.us;</a>
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Logan Ambulance Service  
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**DATED** this 7<sup>th</sup> day of October, 2020.

**NEW MEXICO PUBLIC REGULATION COMMISSION**

**/s/ Isaac Sullivan-Leshin, electronically signed**  
**Isaac Sullivan-Leshin, Paralegal**



**Sullivan-Leshin, Isaac, PRC**

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**From:** Sullivan-Leshin, Isaac, PRC  
**Sent:** Wednesday, October 7, 2020 4:53 PM  
**To:** Records, PRC, PRC  
**Subject:** 20-00190-PRC; Filing Submission  
**Attachments:** 20-00190-PRC, Order Finding Need for the Adoption and Issuance of an Immediate Emergency Rule Amending NMPRC Rules of Procedure 1.2.2 NMAC to Provide for Electronic Filing.pdf

**IN THE MATTER OF THE ADOPTION OF AN IMMEDIATE )**  
**EMERGENCY RULE AMENDING RULES OF PROCEDURE 1.2.2. ) CASE NO. 20-00190-PRC**  
**NMAC TO PROVIDE FOR ELECTRONIC FILING )**  
**)**

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Please file the attached ORDER FINDING NEED FOR THE ADOPTION AND ISSUANCE OF AN IMMEDIATE EMERGENCY RULE AMENDING NMPRC RULES OF PROCEDURE 1.2.2 NMAC TO PROVIDE FOR ELECTRONIC FILING AND ORDER GRANTING TEMPORARY VARIANCE TO NMPRC EMPLOYEES into the above captioned case.

Thank you.