

**MINUTES OF THE
REGULAR OPEN MEETING
NEW MEXICO PUBLIC REGULATION COMMISSION
January 18, 2011**

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:

Commission Chairman Patrick H. Lyons
Commission Vice-Chairman Jerome D. Block
Commissioner Jason A. Marks
Commissioner Theresa Becenti-Aguilar
Commissioner Ben L. Hall

Members Excused:

Staff Present

Michael Rivera, Chief of Staff
Rick Blumenfeld, Acting General Counsel
Robert Parker, Associate General Counsel
Carolyn Glick, Hearing Examiner
William Herrmann, Hearing Examiner
Roy Stephenson, Utility Division Director
Jim Williamson, Acting CRD Director
Larry Luján, Transportation Division Director
Rocke Johnson, Executive Administrator for Chief of Staff
Gerald Garner, PIO

Others Present

Carl Boaz, Stenographer

CALL TO ORDER

The Regular 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. Commission Chairman Patrick Lyons called the Regular 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 Regular Open Meeting is incorporated herewith to these minutes as Exhibit 1.

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

1. PLEDGE OF ALLEGIANCE

2. INTRODUCTIONS

Commissioner Block recognized Jim Williamson on his 36th birthday.

3. MISCELLANEOUS ANNOUNCEMENTS

Commissioner Marks noted the legislative session would begin at noon.

4. CONSIDERATION AND APPROVAL OF THE AGENDA

Commissioner Block moved to approve the agenda as presented. Commissioner Marks seconded the motion and it passed by unanimous voice vote.

5. PUBLIC COMMENT

There were no comments from the public.

6. CONSENT ACTION ITEMS

A. Transportation Division Cases

**10-00343-TR-M IN THE MATTER OF THE APPLICATION OF CYNTHIA C. PEACOCK, D/B/A GALAXY TRANSPORTATION FOR A PERMIT TO PROVIDE NON-EMERGENCY MEDICAL TRANSPORTATION SERVICE AND FOR TEMPORARY AUTHORITY.
(Rick Blumenfeld) Order**

10-00214-TR-M IN THE MATTER OF THE APPLCIATION OF SANTA FÉ JAPAN CONNECTION, INC., FOR A CERTIFICATE TO PROVIDE TOUR AND SIGHTSEEING SERVICES AND FOR TEMPORARY AUTHORITY.

(Rick Blumenfeld) Order

Commissioner Block moved to approve the consent orders as presented. Commissioner Hall seconded the motion and it passed by unanimous voice vote. So Ordered.

7. REGULAR ACTION ITEMS

A. Utility Division Cases

10-00286-UT IN THE MATTER OF THE APPLICAITN OF PUBLIC SERVICE COMPANY OF NEW MEXICO FOR APPROVAL OF THE SANTA FÉ COUNTY UNDERGROUND PROJECT RIDER PURSUANT TO ADVICE NOTICE NO. 401. PUBLIC SERVICE COMPANY OF NEW MEXICO, APPLICANT.
(Robert Parker) Order

Mr. Parker presented information regarding this matter to the Commission. He recalled that Ms. Glick presented this case on January 5th and shared a Recommended Decision (RD). There was a cost overrun of more than 20% so they had to come to the Commission for approval.

Commissioner Block moved to approve the order. Commissioner Marks seconded the motion and it passed by unanimous voice vote. So Ordered.

8. DISCUSSION ITEMS

A. Utility Division Cases

10-00086-UT IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF NEW MEXICO FOR REVISION OF ITS RETAIL ELECTRIC RATES PURSUANT TO ADVICE NOTICE NOS. 397 AND 32 (FORMER TNMP SERVICES).
(Robert Hirasuna) Update

Mr. Blumenfeld presented information concerning this matter to the Commission.

Commissioner Marks noted that Commissioner Block had signed an extension order on Thursday. He asked if PNM, the AG and other parties wanted another week.

Mr. Ben Phillips (PNM) said they wanted two weeks.

Commissioner Marks understood they would get the motions tomorrow so on Thursday they could rule on the motion.

Ms. Glick commented that on Friday, the Albuquerque/Bernalillo County Water Authority filed a motion seeking four weeks before any stipulation would be filed. They alleged the stipulation had not evolved in the

settlement and they would need four weeks once it was filed. She had set today as a deadline for responses.

Commissioner Marks asked if they wanted four weeks from when they got the stipulation or from when it was filed here.

Ms. Glick clarified it would be four weeks from when they received it.

Commissioner Marks didn't know the stipulation substance but sensed that in December there were term sheets circulating. He asked if the Water Authority was alleging they had no knowledge of the stipulation contents.

Ms. Glick said PNM filed a response this morning that there was contradictory information.

Commissioner Marks asked if the Water Authority motion was within the HE's jurisdiction.

Ms. Glick believed PNM's motion was probably more directed to the Commission. It indicated that if a motion was granted, they wouldn't oppose.

Commissioner Marks said she would get to make the decision. He thought they would be better off filing the stipulation and giving people time to respond or give testimony. He saw no reason to circulate the stipulation without it being filed as it would not benefit the people. It would give a better idea of what the litigation would look like.

Mr. Blumenfeld said the document was on the desk this morning. The AG said it was more appropriate to circulate rather than grant the stipulation.

Chairman Lyons asked if the Commission wished to put it on for Thursday.

Commissioner Marks thought they should consider the two week extension on Thursday.

9. COMMUNICATIONS WITH ACTING GENERAL COUNSEL, RICK BLUMENFELD

Mr. Blumenfeld said Mr. Hirasuna had bronchitis.

10. COMMUNICATIONS WITH CHIEF OF STAFF, MICHAEL RIVERA

• Legislative Matters

Mr. Rivera said they would have a legislative team meeting every morning at 8:00 and designate which staff were authorized to go across the street as they moved forward.

Commissioner Marks asked if Ms. Johnson would circulate the spreadsheet on bills being tracked. Mr.

Rivera agreed.

Commissioner Becenti-Aguilar asked if he had a list of staff members.

Mr. Rivera emailed it this morning.

Chairman Lyons felt staff were doing a good job on FIRs. He invited other commissioners to suggest other staff names.

11. COMMUNICATIONS WITH COMMISSIONERS

- **Discussion by Commissioner Patrick Lyons on the possible revision to the Renewable Energy Portfolio Standard.**

Chairman Lyons remarked that the paper said that Commissioner Marks said the change in portfolio standards for renewables needed to be looked at.

Commissioner Marks clarified that he had said he thought the Commission should look at PNM's case and their testimony and interveners' testimony. It was filed in December and given to the HE.

Chairman Lyons asked if geo-thermal could be switched to wind if needed.

Commissioner Marks said PNM was the one having trouble with it. They could ask staff to look at it.

Chairman Lyons thought the Commission should allow changes in the portfolio allocations.

Commissioner Marks thought the Commission needed to look at it first.

Commissioner Hall said it was Anthony Medeiros' case. He thought it was in March for hearing but was not sure.


Commissioner Marks commented that normally they were scheduled on a July filing and the case would run into December. PNM got out of sync last year when they filed their plan and pulled it back. Then they filed the solar plan last spring. They filed something in July but the decision late January superseded what they filed in July so they were out of sync on it.

12. ADJOURNMENT

Commissioner Block moved to adjourn the meeting. Commissioner Hall seconded the motion and it passed by unanimous voice vote.

The meeting adjourned at approximately 10:00 a.m.

ATTEST:


Carl Boaz, Stenographer

APPROVED: 02/08/2011


PATRICK H. LYONS, CHAIRMAN


JEROME D. BLOCK, VICE CHAIRMAN


THERESA BECENTI-AGUILAR, COMMISSIONER


JASON MARKS, COMMISSIONER


BEN L. HALL, COMMISSIONER



BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**REGULAR OPEN MEETING
Tuesday, January 18, 2011
9:30 A.M.**

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

AGENDA

- 1. PLEDGE OF ALLEGIANCE**
- 2. INTRODUCTIONS**
- 3. MISCELLANEOUS ANNOUNCEMENTS**
- 4. CONSIDERATION AND APPROVAL OF THE AGENDA**
- 5. PUBLIC COMMENT**
- 6. CONSENT ACTION ITEMS**

B. Transportation Division Cases

10-00343-TR-M Rick Blumenfeld	IN THE MATTER OF THE APPLICATION OF CYNTHIA C. PEACOCK, D/B/A GALAXY TRANSPORTATION, FOR A PERMIT TO PROVIDE NON-EMERGENCY MEDICAL TRANSPORTATION SERVICE AND FOR TEMPORARY AUTHORITY. <u>Order</u>
10-00214-TR-M Rick Blumenfeld	IN THE MATTER OF THE APPLICATION OF SANTA FE JAPAN CONNECTION, INC., FOR A CERTIFICATE TO PROVIDE TOUR AND SIGHTSEEING SERVICES AND FOR TEMPORARY AUTHORITY. <u>Order</u>

7. REGULAR ACTION ITEMS

A. Utility Division Cases

10-00286-UT Robert Parker	IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF NEW MEXICO FOR APPROVAL OF THE SANTA FE COUNTY UNDERGROUND PROJECT RIDER PURSUANT TO ADVICE NOTICE NO. 401. PUBLIC SERVICE COMPANY OF NEW MEXICO, APPLICANT. <u>Order</u>
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8. DISCUSSION ITEMS

A. Utility Division Cases

10-00086-UT Robert Hirasuna	IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF NEW MEXICO FOR REVISION OF ITS RETAIL ELECTRIC RATES PURSUANT TO ADVICE NOTICE NOS. 397 AND 32 (FORMER TNMP SERVICES). <u>Update</u>
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9. COMMUNICATIONS WITH GENERAL COUNSEL, ROBERT HIRASUNA

10. COMMUNICATIONS WITH CHIEF OF STAFF, MICHAEL RIVERA

- **Legislative matters**

11. COMMUNICATIONS WITH COMMISSIONERS

- **Discussion by Commissioner Patrick Lyons on the possible revision to the Renewable Energy Portfolio Standard.**

12. ADJOURNMENT

The Commission will make reasonable efforts to post the agenda on the Commission's website 24 hours before the open meeting but the inability to do so within the 24 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.

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 (827-4084) AS SOON AS POSSIBLE PRIOR TO THE COMMENCEMENT OF THE OPEN MEETING.