

**MINUTES OF THE
REGULAR OPEN MEETING
NEW MEXICO PUBLIC REGULATION COMMISSION
January 27, 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 [arriving later]
Commissioner Jason A. Marks
Commissioner Theresa Becenti-Aguilar
Commissioner Ben L. Hall

Members Excused:

Staff Present

Michael Rivera, Chief of Staff
Robert Hirasuna, General Counsel
Bob Parker, Associate General Counsel
Rick Blumenfeld, Associate General Counsel
Margaret Caffey-Moquin, Associate General Counsel
Roy Stephenson, Utility Division Director
Larry Luján, Transportation Division Director
Carolyn Glick, Hearing Examiner
David Barton, Insurance Division
John Franchini, Superintendent of Insurance
Johnny Montoya, Insurance Division
Rocke Johnson, Executive Administrator for Chief of Staff
Mark Cessarich, Telecommunications Bureau
Carol Rising, Legal Division Director
Charmaine Jackson, Native American Liaison
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

There were no introductions

3. MISCELLANEOUS ANNOUNCEMENTS

Commissioner Becenti-Aguilar noted that the All Indian Pueblo Conference would start later today at the Santa Fé Indian School. She invited the Commissioners to the meeting tomorrow so she could introduce the Commissioners to the Indian leaders.

4. CONSIDERATION AND APPROVAL OF THE AGENDA

Commissioner Hall moved to approve the agenda as presented. Commissioner Marks seconded the motion and it passed by unanimous 4-0 voice vote. Commissioner Block was not present for the vote.

5. PUBLIC COMMENT

There were no comments from the public.

6. CONSENT ACTION ITEMS

A. Utility Division Cases

06-00316-UT IN THE MATTER OF THE COMPLAINT OF STONEGATE TURFGRASS RANCH

**AGAINST CENTRAL NEW MEXICO ELECTRIC COOPERATIVE.
(Rick Blumenfeld) Order**

B. Transportation Division Cases

**10-00261-TR-M IN THE MATTER OF THE APPLICATION OF TRANSPORTE SALCIDO FOR A
CERTIFICATE TO PROVIDE TERMINAL SHUTTLE SERVICE AND FOR
TEMPORARY AUTHORITY.
(Margaret Caffey-Moquin) Order**

**Commissioner Marks moved to approve the orders for both Consent Action Items.
Commissioner Becenti-Aguilar seconded the motion and it passed by unanimous 4-0 voice vote.
Commissioner Block was not present for the vote. So Ordered.**

7. REGULAR ACTION ITEMS

A. Transportation Division Cases

**10-00385-TR-R IN THE MATTER OF THE APPLICATION OF WEST MEDICAL TRANSPORT,
LLC FOR A PERMIT TO PROVIDE NON-EMERGENCY MEDICAL TRANSPORT
SERVICE AND TEMPORARY AUTHORITY.
(Rick Blumenfeld) Order**

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

Commissioner Marks saw by email that Mr. Neil Romero, applicant, wanted to be present by phone. His presence on the phone was noted.

Mr. Blumenfeld said the Commission granted temporary authority on Dec 30 and then he was informed by a document that the application fee of \$350 was returned for insufficient funds as well as the \$15 check and required by statute to revoke the temporary authority.

Mr. Romero explained that the new company wanted to contract with Vista Care for Medicare and medical transportation. Vista Care required that his company get temporary authority set up. He explained that they were just starting up. He had incurred lots of expense to comply with regulations and vehicle purchase but they had no revenue coming in and he and his son had to cover those expenses. They would get those fees paid and he expressed that to Mr. Luján. They had not been operating but at that point Medical Assistance came into the picture to grant permission to transport. They did get a notice and he explained to the attorney that they had received a letter of cancellation. They were now looking for comparable insurance.

He said he talked with Mr. Blumenfeld and said he would take care of the fee but had to get insurance too. It expired yesterday so they were getting new insurance to get up to date.

He asked the Commission to give him a little leeway on it. He understood that the Commission could table this matter to give him time to get those in place.

Commissioner Marks moved the order. He explained that the Commission had to take action but the Commission would not hold it against him. **Commissioner Hall seconded the motion.**

Mr. Romero understood and asked if they could continue with the case number when they got in compliance.

Mr. Luján told Mr. Romero that they would keep the docket open for 30 days but added that they needed 20 days for interveners to file.

Mr. Romero didn't have a problem with it. He thought 30 days was more than fair and thought they could get it done in that time period.

Commissioner Marks explained that would keep the slate clean until it was accomplished.

Commissioner Block arrived at this time.

The motion passed by unanimous 5-0 voice vote. So Ordered.

B. Utility Division Cases

Undocketed **IN THE MATTER OF THE APPLICATION OF SOUTHWEST CYBERPORT, INC.
FOR A CERTIFICATE OF REGISTRATION TO PROVIDE COMPETITIVE
LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES WITH THE STATE
OF NEW MEXICO.
(Margaret Caffey-Moquin, Mark A. Cessarich) Order**

Ms. Caffey-Moquin said she and Mr. Cessarich were here to seek approval of this application.

Mr. Cessarich handed out the affidavit for it and presented information for the application of Southwest Cyberport Inc. This company focused primarily on internet access and did T-3 lines through a wholesale contract with Qwest. They also had a relationship with TW Telecom and offered services only on a resale basis. They had provided services for many years through Qwest. They would provide internet through DSL.

In 2008 Qwest introduced non-tariffed DSL connections. It required that providers had CLEC status. They would market to both business and residential customers. They had a call center in Albuquerque. Qwest was ending its hosting program so Southwest Cyberport had to establish a new agreement with Qwest.

Commissioner Marks moved to approve the order. Commissioner Becenti-Aguilar seconded the

motion and it passed by unanimous 4-0 voice vote. Commissioner Block was not present for the vote. So Ordered.

10-00395-UT **IN THE MATTER OF SOUTHWESTERN PUBLIC SERVICE COMPANY'S
APPLICATION FOR REVISION OF ITS RETAIL RATES UNDER ADVICE
NOTICE NO. 235.
SOUTHWESTERN PUBLIC SERVICE COMPANY, APPLICANT.
(Robert Hirasuna) Order**

Mr. Hirasuna presented information regarding this matter to the Commission. It came upon a motion for protective order by SPS on Sept 10, 2010. It involved some intricacies in the case and he gave the background. Motions for variances were in anticipation of the general rate increase request.

The main reason for the variance was to reflect statutory changes made by the legislature in 2009.

Utility rates historically were regulated as cost-based rates by the Commission to recover reasonable costs and taxes. It was based on a snapshot approach. The Commission's Rule 530 required 150 days before filing. So it would be 150 days from September 1, 2010.

Under the rule, two methods were allowed for a test period and he asked for those to be used here. The first was the historic test period. That was generally used by utilities up to this time. The focus was on adjustments made during that period of time. The rule also allowed for a future test period. So if they used a test year period ending September 1, the future test period could start on Sept 2, 2010 and be based on adjustments or estimates.

The statute said the Commission set rates based on the test year and future test year if used so that it best reflected those conditions. So if they filed on February 1, it would be for 13 months after the statutory period. Then the test period could start about March 1, 2012. And if markedly different that the future test period, SPS would need to file the reasons.

The first request was for waiver of definition of future test year. The Commission already addressed that in a prior PNM case so he opposed that request.

The second request was had to do with the rule requirement for a minimum five years of data. Their only data would be last year's until end of future test period for 4 years.

Staff filed motions that did not object to the investment but requested permission to review SPS positions about liability. The order before the Commission would grant the variance until they actually filed.

The test period used would be the calendar year 2011 plus adjustments in 2012.

The next issue raised went to the crux of the statute. Whenever a utility filed, they would estimate a base period and a test period. Using that methodology here it was not budgets. They said they had independently established base period so that there was no difference between base period and test

period. Since the Commission was not doing adjustments, that rule should be waived.

The AG and staff basically opposed such a waiver. Staff was concerned that they could review the SPS test year and how developed it would be before coming to a decision.

The order before you would have a wait and see attitude to determine if rates were just and reasonable. PNM said SPS had a prima facie case that the test period was reasonable. The bottom line was that the order before the Commission granted the waiver until rate application.

Regarding the protective order, SPS would submit information that was generally confidential. Staff and AG objected to the application being protected under non-confidential information. This was addressed in the PNM case and the bottom line was a provision that said the Commission could establish that proprietary information should not be produced in public session.

He also noted that there were attempts to resolve the issue under Public Hearing Act - re complaints against utilities.

So the order would also grant the protective order. And they could file under seal.

Commissioner Block moved to approve both of the orders. Commissioner Marks seconded the motion.

Commissioner Marks said on the protective order that it sounded like the main reason was due to their SEC obligations. Mr. Hirasuna agreed.

Commissioner Marks asked if SPS would agree to limit protection to those parts. SPS was not a competitive company for which they should keep that confidential. He favored only protecting that which was obligated by the SEC.

Mr. Steve Bogle, with SPS, said the main reason they asked for it was so they could provide the information to the other parties on the first day of the case. The protective order went beyond the SEC although that was most of it. There might be other information such as fuel contract terms. He agreed they were not like a CLEC but disclosure would hurt SPS and the customers - for instance if suppliers knew when grants were going to be expiring - putting SPS at a disadvantage.

Commissioner Marks thought the AG would agree with that.

Commissioner Marks concluded they would issue a generic protective order and SPS would have to justify what they put under protective order.

Mr. Bogle said that was okay.

Commissioner Marks amended the protective order that it was a generic protective order and SPS would have to justify what was under the protective order. Commissioner Block said it was a friendly amendment and the amended motion passed by unanimous 5-0 voice vote. So Ordered.

C. Open Meeting Policy

**Undocketed 2011 ANNUAL OPEN MEETING POLICY AND NOTICE.
(Robert Hirasuna) Open Meeting Policy and Notice.**

Mr. Hirasuna referred the Commission to his memo and the red line version of the policy.

Commissioner Block moved to approve the order. Commissioner Hall seconded the motion.

Commissioner Marks moved to amend the order to specify that the Commission schedule a monthly business meeting for administrative matters only. Commissioner Block seconded the motion and it passed by unanimous 5-0 voice vote.

Commissioner Marks said he had been approached in the past several times by a person who practiced here to post a draft agenda as it was developed. Now it was just posted one day before and that put many things on a tight time line. Putting it on line as developing would assist parties who tracked the Commission's cases so they would have an idea ahead of time.

Commissioner Marks moved to amend the order to provide a draft agenda on line as it was developed with the caveat that technical difficulties would not prevent it from being proper notice. Commissioner Block seconded the motion.

Chairman Lyons added that draft meant non-binding. He liked it.

The amendment passed by unanimous 5-0 voice vote.

Commissioner Marks said he was reminded by Mr. Romero today and maybe you see the part on telephonic participation. Rather than having to require permission from General Counsel each time to allow a party or party representative to participate telephonically, that the default should allow that. It was difficult to have to ask General Counsel for that each time.

Mr. Hirasuna indicated that he already had already covered that.

The motion to approve the policy as amended twice passed by unanimous 5-0 voice vote. So Ordered.

8. DISCUSSION ITEMS

A. Utility Division Cases

**10-00295-UT IN THE MATTER OF THE APPLICATION OF NEW MEXICO GAS COMPANY
FOR APPROVAL OF 2011 ENERGY EFFICIENCY PROGRAMS AND**

**PROGRAM COST TARIFF RIDER PURSUANT TO THE NEW MEXICO UTILITY
AND EFFICIENT USE OF ENERGY ACTS.
NEW MEXICO GAS COMPANY, APPLICANT.
(Carolyn R. Glick) Recommended Decision**

Ms. Glick present information regarding this case in which New Mexico Gas Company (NMGC) sought approve of its 2011 energy efficiency utilization plan. Their plan proposed six residential and four commercial energy saving programs. Two of the commercial programs were existing and already approved. The budget for them was almost \$3.2 million.

NMGC wanted to recover costs by assessing \$0.38 per therm on customers. She shared a table showing average user customers.

She said Prosperity Works didn't oppose the assessment but recommended increasing the budget to \$635,700. Staff and NMGC opposed that recommendation. NMGC said they didn't spend as much as other companies.

Ms. Glick rejected that because their budget shouldn't be based on what other companies budgeted. She rejected Prosperity Works' recommendation because staff rebutted it effectively.

With reluctance she allowed the energy star and the water heater programs to be included. ADM Associates showed those were not effective in achieving savings during that year. Application of TRC test must result in 1 or greater. Their programs yielded 0.4 and 0.6 respectively. It was caused by low participation in the programs. Low participation had continued between April and September 2010.

Both programs should be given more time to succeed and she agreed with NMGC and Staff and suggested they be required to submit results within one year so effectiveness could be reviewed.

Commissioner Marks recalled there was a NMGC quarterly report showing participation through the 4th quarter in which the program on furnaces was good the rest were much below projections. Zero in one of the commercial and 3 in another. The water heater programs and wraps didn't have the numbers projected. He wanted to know what they were. If participation continued the same as the last 9 months he questioned that they would meet the test for efficiency for this package.

Ms. Glick said NMGC provided tables of minimum participation. For shower heads it was 1501; for water heaters it was 545; for furnace it was 96. She gave the minimum numbers for residential also.

Commissioner Marks noted in the history of this program which predated their leaving PNM, they had never gotten the participation numbers they projected so every year the Commission approved a plan and it never was cost effective.

He believed the NMGC was operating in good faith and really wanted it to work. But he asked if the Commission had to keep approving things that were not working.

Ms. Glick said no. It was with reluctance she recommended continuing with the 2 commercial

programs. She listed those that were introduced and offered starting April 2010.

Commissioner Marks said the problem was that there was a lot of overhead. It would cost NMGC \$750,000 whether a single rebate was used or not. The successful programs were not those that went directly to consumers. The furnace went like gang busters. Those programs that were through a contractor worked well. Maybe the Commission should collapse it to include only things that worked.

Ms. Glick didn't disagree. But she thought those just recently instituted should continue. It wasn't unreasonable to say they had been given enough time.

Commissioner Hall agreed that some needed to be eliminated. He had no problem with those that were working.

Commissioner Marks said he would ask that it be remanded to NMGC to redo the plan accordingly.

Commissioner Hall commented that all companies were programmed to make a profit. And wouldn't program for things that would cost them a lot of money. Shareholders wanted to make a profit. The customers had to repay this so the company was not losing.

Ms. Anastasia Stevens, on behalf of NMGC, asked the Commission to give them an opportunity to prepare the numbers based on the year end data and maybe clarify where they stood right now to make it clear that what the Commission perceived as lack of success was not as bad as perceived.

Commissioner Marks suggested they would need not only better numbers but a better proposal.

Chairman Lyons said the Commission wanted energy efficient programs and wanted them to work. Wraps were a good thing but not if people didn't do them.

Ms. Stevens asked if they were to come back with numbers on existing programs and then adjust later.

Commissioner Marks said NMGC didn't have near the numbers they said were needed to make them fly.

Ms. Stevens explained that the new programs had start up lag.

Commissioner Marks didn't want to kill anything that was cost effective. But if consumers felt their money was being wasted and NMGC couldn't show them as cost effective then the Commission shouldn't approve them.

Ms. Stevens said Ms. Glick recommended that NMGC come in annually to justify that and that was okay.

Commissioner Marks asked if they needed a bench request.

Mr. Hirasuna thought they could just do it on their own.

10-00100-UT

**IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF
NEW MEXICO FOR APPROVAL OF THE CITY OF ALBUQUERQUE
UNDERGROUND PROJECTS RIDER PURSUANT TO ADVICE NOTICE NO.
391.**

PUBLIC SERVICE COMPANY OF NEW MEXICO, APPLICANT.

(Lee W. Huffman)

Recommended Decision

Mr. Huffman provided information regarding this matter to the Commission and was for PNM to provide underground service in Albuquerque. When it was initially filed, PNM also asked for a variance and it was granted two weeks later and allowed PNM to begin construction right away. It was similar to ten other similar ordinances. From the Supreme Court another rider was added to deal with circumstances under which a municipality could require underground.

If the Commission determined that health and safety would require underground, then when it was a safety consideration, it was fair to have all of PNM customers share in the cost. But if it was for aesthetic reasons, then only local customers would pay rather than statewide.

In this case, Albuquerque ordinance didn't require every distribution line and this one fit in the category. Albuquerque city intervened. This installation would cost \$477,000 and staff said if that estimate was off by more than 20%, it would come back to the Commission. There were reconciliation periods for them. Staff testified in favor and the RD recommended a 12-month recovery period. They needed approval to start construction based on the need to provide reliable service.

Mr. Huffman clarified one aspect of the case because it involved the City of Albuquerque. A stipulation was entered into in 2008 whereby the City agreed to a specific process for making the requests. Under the stipulation, PNM was required to appeal it to the City review board and on to Council.

After doing that once, both City and PNM wanted to revise the agreement. The process created inordinate delays so PNM asked for a modification and his RD supported their request.

This order would allow recovery of \$477,000, in extra expenses in underground installation.

Chairman Lyons noted that no one protested it and the City wanted to go along.

9. PRESENTATION

- **Status of Insurance Division compliance with NAIC requests.**

Mr. Montoya said the Division of Insurance was now in compliance with the letter of correction and meeting the deadlines in the plan. There was a communication issue in which the Insurance Division needed to support complaint information electronically by quarter. The PRC did not have the technology capability to do it electronically so it was submitted in writing annually. They told us today that had nothing to do with their accreditation. The Division had updated so they could report quarterly and were targeting

the second quarter of 2011 to do it that way.

Commissioner Hall said it came to his attention and he wanted to make sure it was being addressing. If the Division got it in writing, that suited him and asked them to keep the Commission apprised of the progress.

Mr. Montoya agreed and added that he appreciated the monthly business meetings.

Superintendent Franchini said he began working on it and found that they were not keeping up with it. Nobody knew the reports had not been submitted since 2006. He would make sure all of those cases were filed correctly and now they would be a better agency because of it.

Chairman Lyons asked him when he thought they would be off probation.

Superintendent Franchini thought it would probably be this summer and that was his goal.

Mr. Montoya said the NAIC auditors would be here in April.

10. COMMUNICATIONS WITH GENERAL COUNSEL, ROBERT HIRASUNA

There were no communications with General Counsel.

11. COMMUNICATIONS WITH CHIEF OF STAFF, MICHAEL RIVERA

Mr. Luján gave a presentation on Pipeline Safety and a bill they planned to have introduced.

Jason Montoya handed it out to the Commissioners.

Chairman Lyons said he had been working with staff on this and thought it would not be a controversial bill. He thanked staff for letting the Commission know about it.

- **Legislative Matters**

Chairman Lyons said SJR 6 by Sen. Lovejoy was just two-page bill and they would keep an eye on it.

Commissioner Becenti-Aguilar commented that she went to a meeting yesterday between Navajo and Capital Outlay on projects from the previous year. Lovejoy, Pinto, Begaye and Munoz were there. She went specifically to let them know she was a commissioner and there were no further communications. She believed this was a bill that came up last summer with interim committees and at that time a majority of them opposed abolishing the Commission. She thought the Commission should vote to oppose it on Tuesday. Chairman Lyons agreed.

12. COMMUNICATIONS WITH COMMISSIONERS

Commissioner Becenti-Aguilar announced her attendance at the PNM hearing yesterday along with Commissioner Marks. They had a good turnout and heard from all sides and consumers from across the state. People came from all over. It was a good meeting.

Mr. Rivera had a couple of contracts from Insurance Division to present.

The RFA for an application didn't require as many steps to contract out. The announcement published was under \$50,000. He asked for the Commission's approval to publish the two. One was for a consultant for an assessment and the second would be for review and development with research for the transparency piece and tools for public input to the Division.

He asked for the Commission's blessing to publish on Monday and to have a period for review of the submissions.

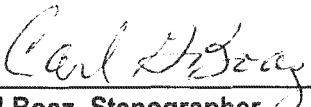
The Commission was okay with the request.

13. ADJOURNMENT

Commissioner Hall moved to adjourn the meeting. Commissioner Becenti-Aguilar seconded the motion and it passed by unanimous 3-0 voice vote. Commissioner Marks and Commissioner Block were not present for the vote.

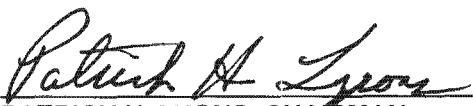
The meeting was adjourned at 11:10 a.m.

ATTEST:



Carl Boaz, Stenographer

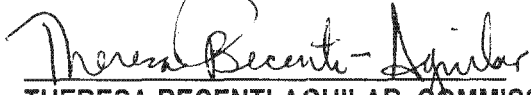
APPROVED: 02/24/2011



PATRICK H. LYONS, CHAIRMAN



JEROME D. BLOCK, VICE CHAIRMAN



THERESA BECENTI-AGUILAR, COMMISSIONER

JASON A. MARKS, COMMISSIONER



BEN L. HALL, COMMISSIONER

Exhibit 1
1/27/11



BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**REGULAR OPEN MEETING
Thursday, January 27, 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**

A. Utility Division Cases

06-00316-UT Rick Blumenfeld	IN THE MATTER OF THE COMPLAINT OF STONEGATE TURFGRASS RANCH AGAINST CENTRAL NEW MEXICO ELECTRIC COOPERATIVE. <u>Order</u>
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B. Transportation Division Cases

10-00261-TR-M Margaret Caffey- Moquin	IN THE MATTER OF THE APPLICATION OF TRANSPORTE SALCIDO FOR A CERTIFICATE TO PROVIDE TERMINAL SHUTTLE SERVICE AND FOR TEMPORARY AUTHORITY. <u>Order</u>
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7. REGULAR ACTION ITEMS

A. Transportation Division Cases

10-00385-TR-R Rick Blumenfeld	IN THE MATTER OF THE APPLICATION OF WEST MEDICAL TRANSPORT, LLC FOR A PERMIT TO PROVIDE NON-EMERGENCY MEDICAL TRANSPORT SERVICE AND TMEPORARY AUTHORITY. <u>Order</u>
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B. Utility Division Cases

UNDOCKETED Margaret Caffey-Moquin Mark A. Cessarich	IN THE MATTER OF THE APPLICATION OF SOUTHWEST CYBERPORT, INC. FOR A CERTIFICATE OF REGISTRATION TO PROVIDE COMPETITIVE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICES WITHIN THE STATE OF NEW MEXICO. <u>Order</u>
10-00395-UT Robert Hirasuna	IN THE MATTER OF SOUTHWESTERN PUBLIC SERVICE COMPANY'S APPLICATION FOR REVISION OF ITS RETAIL RATES UNDER ADVICE NOTICE NO. 235. SOUTHWESTERN PUBLIC SERVICE COMPANY, APPLICANT. <u>Order</u>

C. Open Meeting Policy

UNDOCKETED Robert Hirasuna	2011 ANNUAL OPEN MEETING POLICY AND NOTICE. <u>Open Meeting Policy and Notice</u>
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8. DISCUSSION ITEMS

A. Utility Division Cases

10-00295-UT Carolyn R. Glick	IN THE MATTER OF THE APPLICATION OF NEW MEXICO GAS COMPANY FOR APPROVAL OF 2011 ENERGY EFFICIENCY PROGRAMS AND PROGRAM COST TARIFF RIDER PURSUANT TO THE NEW MEXICO UTILITY AND EFFICIENT USE OF ENERGY ACTS. NEW MEXICO GAS COMPANY, APPLICANT. <u>Recommended Decision</u>
10-00100-UT Lee W. Huffman	IN THE MATTER OF THE APPLICATION OF PUBLIC SERVICE COMPANY OF NEW MEXICO FOR APPROVAL OF THE CITY OF ALBUQUERQUE UNDERGROUND PROJECTS RIDER PURSUANT TO ADVICE NOTICE NO. 391. PUBLIC SERVICE COMPANY OF NEW MEXICO, APPLICANT. <u>Recommended Decision</u>

9. PRESENTATION

- Status of Insurance Division compliance with NAIC requests.

10. COMMUNICATIONS WITH GENERAL COUNSEL, ROBERT HIRASUNA

11. COMMUNICATIONS WITH CHIEF OF STAFF, MICHAEL RIVERA

- Legislative matters

12. COMMUNICATIONS WITH COMMISSIONERS

13. 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.