

**MINUTES OF THE  
REGULAR OPEN MEETING  
NEW MEXICO PUBLIC REGULATION COMMISSION  
February 15, 2011**

**TIME:** 9:30 a. m.

**PLACE:** PERA Building  
4<sup>th</sup> Floor Hearing Room  
1120 Paseo de Peralta  
Santa Fé, New Mexico 87501

A quorum was present as follows:

**Members Present:**

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**

Johnny Montoya, Acting Chief of Staff  
Robert Hirasuna, General Counsel  
Mary Howells, Associate General Counsel  
Margaret Caffey-Moquin, Acting General Counsel  
Rick Blumenfeld, Associate General Counsel  
Larry Luján, Transportation Division Director  
Rocke Johnson, Executive Administrator for Chief of Staff  
Roy Stephenson, Utility Division Director  
Jason Montoya, Pipeline Safety Bureau Chief  
Avelino Gutierrez, Legal Division  
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**

Mr. Mike Hall and Ms. Kelly Kunstler from the District Attorney's Office were present.

Mr. Hall said when they left the meeting last Thursday the Commission looked at the draft that the PRC didn't have jurisdiction over this "section." "Section" takes the PRC out of this contract relationship for more than just this case. The District Attorneys were neutral on whether it should be "section" or "subsection."

Chairman Lyons said the bill hadn't been amended.

Mr. Hall agreed. They left the meeting with it saying "section" and there were two different meanings.

Mr. Ripperger said John Reynolds was tracking it more closely. He felt leaving it as section would leave the Commission out of regulation of contracts. "Sub section" would mean only for AODA and service providers involved with the fee. So it would limit the Commission's authority less. It was really getting into a bit of legalese. The bill drafter brought that up.

Mr. Pat Ortiz, representing Pierce Technologies, said it already stated that the PRC was limited. If you put in subsection here it could trigger a statutory issue. Only the new contracts were limited. The use of "section" was very important to keep the same meaning. It was presented to the Commission on Thursday as "Section."

Ms. Kunstler clarified that the bill drafter strongly suggested changing it to "sub section."

Mr. Ortiz thought that recommendation was based on a misunderstanding of what

the Commission had always ruled.

Ms. Kunstler said last December the Commission only voted on the idea and not on "subsection."

Commissioner Marks asked why they should not just strike that whole sentence.

Mr. Ortiz explained that it was there so that the compensation agreed to between the DA and telecom providers didn't involve the PRC in the jurisdiction. It needed to not undo the decision of the PRC last September.

Commissioner Marks disagreed. The only thing the bill said was that the charge could be 35 cents. That didn't add a new contract. The 35 cents was not under PRC jurisdiction because it was statutory. It was not necessary to change the PRC jurisdiction. This sentence was not needed and there were no new contracts.

Mr. Ortiz said there was a new contract between AODA and telecom providers for billing of that 35 cents. And the bill was not clear about the status of it.

Commissioner Marks said they were not talking about that contract.

Mr. Ortiz said they needed to deal with the new contract with AODA without interfering with the existing contracts under PRC.

Commissioner Marks asked if the provider was charging the AODA 35 cents and that would be collected from the inmates.

Mr. Ortiz said the AODA would disburse the funds.

Commissioner Marks understood and was still back to striking that sentence because there was no contract of providers with the institution.

Ms. Caffey-Moquin said the matter had been referred to the HE so there was no final ruling by the PRC.

Chairman Lyons thought it was a good bill.

Commissioner Hall favored leaving it alone. If there was a problem, it could come back.

Chairman Lyons agreed. They didn't need to vote again.

#### **4. CONSIDERATION AND APPROVAL OF THE AGENDA**

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

## **5. PUBLIC COMMENT**

There were no public comments.

## **6. CONSENT ACTION ITEMS**

### **A. Transportation Division Cases**

**10-00330-TR-M IN THE MATTER OF THE APPLICATION OF BLUE SKY TRANSPORT, LLC, D/B/A SUNSHINE CAB COMPANY, FOR A PERMIT TO PROVIDE NON-EMERGENCY MEDICAL TRANSPORT SERVICE AND TEMPORARY AUTHORITY.**  
(Rick Blumenfeld) Order

**10-00374-TR-M IN THE MATTER OF THE APPLICATION OF SANTA FÉ STORAGE, LLC, D/B/A SANTA FÉ STORAGE AND MOVING FOR A CERTIFICATE TO PROVIDE HOUSEHOLD GOODS CARRIER SERVICE AND FOR TEMPORARY AUTHORITY.**  
(Mary Howells) Order

**11-00033-TR-M IN THE MATTER OF THE APPLICATION OF CANYON ENCANTADO, LLC, FOR A CERTIFICATE TO PROVIDE TERMINAL SHUTTLE SERVICE AND FOR TEMPORARY AUTHORITY.**  
(Mary Howells) Order

Commissioner Becenti-Aguilar moved to approve the orders for all three consent cases as presented. Commissioner Hall seconded the motion and it passed by unanimous voice vote. Commissioner Block was not present for the vote. So ordered.

## **7. REGULAR ACTION ITEMS**

### **A. Utility Division Cases**

**11-00039-UT IN THE MATTER OF THE INVESTIGATION INTO NEW MEXICO**

**GAS COMPANY'S CURTAILMENTS OF GAS DELIVERIES TO  
NEW MEXICO CONSUMERS AND ELECTRIC UTILITIES.  
(Robert Hirasuna) Order**

Ms. Caffey-Moquin said Mr. Hirasuna would be here to present this case.

A representative from Zia Gas was on the bridge.

Mr. Hirasuna presented information regarding this matter to the Commission. He said the order would initiate the PRC investigation of gas curtailments in the cutoff to several thousand NM customers. It would set forth the scope of the investigation in paragraph 4. The order sought to determine the causes and to determine how they identified which customers were to be curtailed. The order would also determine steps to take in order to prevent such an occurrence in the future.

He modified it to delete any references to specific utilities. It didn't appear they curtailed gas service to communities but if they did, that needed to be a focus.

The investigation would be commenced with testimony addressing it within 15 days or so. From there, staff would do the investigation and file responsive testimony and determine exactly what happened and other relevant matters.

The order would invite interested persons to participate. That was not needed by law but the order would do it.

The Commission could decide today if they wished to have a pre-hearing conference to find out how long they thought the investigation would take.

Commissioner Hall indicated receiving a letter from Fred Hanson that because of health problems he could not participate. There was another gentleman who might undertake the task. He was in the gas business for over 40 years with Union Southern.

Commissioner Marks asked to add that to the scope and to address whether procedures for relighting were appropriate or could be improved for the future. Chairman Lyons agreed.

Commissioner Marks proposed appointing a HE for discovery issues as they arise so they didn't have to do a separate procedure order. Mr. Hirasuna agreed.

Commissioner Hall commented that this might drag things out for years and years.

Commissioner Marks was not proposing the HE write the evidentiary hearing and order but that the HE could handle procedural matters.

Regarding electric utilities, there was some information that it might have been

related to EPE outages. He heard that at one time and didn't know if the Commission should make them a party to the case but couldn't see that it would hurt, whether their outages brought gas shortages.

Commissioner Hall agreed. He didn't think the gas company was totally guilty here and they should find out what went wrong with electrical systems.

Commissioner Marks said in addition to NMGC. EPE was within the Commission's jurisdiction and they should order EPE to file some testimony. If all the Commission wanted was EPE's story of what happened, there were other ways to do it.

Commissioner Block arrived at this time.

Commissioner Marks thought taking testimony from others would give the public confidence that the Commission had looked at all sides. So they should ask EPE to provide testimony because the finger had been pointed to them.

Commissioner Hall didn't think they could come to a conclusion on how to prevent it unless they included EPE in the investigation. The first report he got on power loss was by EPE because the gas lines froze up. He asked that they include all of them that had affected plants in NM to find out why they went down.

Mr. Hirasuna suggested there were potentially two different issues. He asked if the Commission was also asking electric utilities if they curtailed service.

Commissioner Marks thought not. The Commission wanted to know if electric outages prevented gas from flowing through the pipelines.

Chairman Lyons agreed it had to be focused to natural gas.

Commissioner Marks thought it would not be appropriate for the Commission to employ its own expert but could have staff employ the expert. They needed an independent expert potentially working for staff vs the Commission. This was an unusual, atypical event so they needed to bring in someone with enough experience in the gas industry to understand the crisis. If staff employed the person it would mean they would not need to deal with everything in an open meeting. That could become unwieldy. Give staff a budget to do it or consider doing that at a later time.

Chairman Lyons agreed that was a good idea. And since Commissioner Hall had been in touch with this expert in Jal, he would like for him to follow up on it.

Commissioner Marks thought they could say "encourage staff to employ an independent qualified expert."

Chairman Lyons agreed and as cheaply as possible.

Commissioner Becenti-Aguilar reported that at the senate hearing last Friday, two Commissioners and two staff were there. Commissioner Block expressed the direction the PRC would like to take. They heard 12 people testify on the hardship they experienced; from the mayors of Red River, Questa, Taos and Española and also from state senators. She was impressed. It was a strong message to the PRC to investigate and bring back a report. The SM 30 was shown on the screen all day on Friday (Cisneros). She definitely agreed with Commissioner Marks that should continue to work on it.

Commissioner Block pointed out that the Governor from Santa Clara spoke as well and asked the Commission to remember it represented the pueblos and tribes. He thought they were continuing to do a good job on that.

Chairman Lyons referred to item 6 on page 3 and asked if they had to advertise in the Albuquerque Journal. Everyone knew about it. He asked if they could save advertising money.

Mr. Hirasuna said they could but it was useful to have it out there when and where the hearing would be held.

Chairman Lyons suggested using the PRC web site.

Mr. Hirasuna agreed that nobody read the legal notices in the paper but it did provide the legal notice. People could object that it was not adequate notice if they didn't do that much.

Commissioner Marks suggested they could save by having an abbreviated version and refer people to the web site for more information. Mr. Hirasuna agreed.

Commissioner Marks noted there were lots of blanks for dates. He thought asking the NMGS to respond in 15 days was not a good idea. They asked for a little bit of breathing room and with only 15 days the Commission wouldn't get good data.

Commissioner Becenti-Aguilar agreed. It should be changed to 30 days.

Chairman Lyons agreed.

Commissioner Marks referred to item 5 on page 3 and said staff should have another 30 days after that.

Mr. Ripperger was covering for Mr. Stephenson and felt 30 days was fine.

Commissioner Marks suggested the first week of May for the hearing.

Chairman Lyons proposed immediately after the meeting on May 3<sup>rd</sup>.

Commissioner Marks moved to approve the order as amended. 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.

## **8. COMMUNICATIONS WITH GENERAL COUNSEL, ROBERT HIRASUNA**

There were no communications with General Counsel.

## **9. COMMUNICATIONS WITH ACTING CHIEF OF STAFF, JOHNNY MONTOYA**

- **Legislative Matters**

### **Eichenberg Amendment to SB 4 - Commissioner Jason A. Marks**

Commissioner Marks explained the amendment he worked out with Senator Eichenberg and he attempted to work it out last Thursday in committee. It was still in Judiciary. The Commission discussed it a few days ago. It would deregulate Qwest. The statute was dated and archaic. The sections B and C would change the criteria the Commission would use to determine effective competition and Qwest could be deregulated in those areas.

The amendment Senator Eichenberg added didn't change B or C and didn't change the feature that the company, if they were able to demonstrate competition of 50%, would be deregulated for the whole state. The amendment would limit the deregulation to price except for basic local exchange. It didn't impose additional regulations on price except the Commission would retain regulation over basic local exchange - the price used by customers at lowest economic status. This would take that question off the table.

The amendment also allowed the Commission to keep Quality of Service (QOS) in non-competitive areas of the state. The Commission would not regulate QOS in competitive areas. But in areas where there was not enough competition, those customers would still be protected by PRC's regulation of QOS. He provided some bullet points for the Commission as well as the language on the overlay of the bill where those would occur.

It allowed 120 days to determine competition but it wasn't possible for the Commission to do that in 120 days so they changed it to six months and changed 60 days to 90 days.

Senator Cisneros thought the amendment was to gut the bill. It wasn't but was intended to make good policy. It didn't make sense to continue to regulate where there was competition but would continue to protect rural customers.



Commissioner Marks asked the Commission to support it with the amendment and provide better telecom policy.

Mr. Leo Baca (Qwest) said they had been working on this legislation for several years and been opposed by Commissioner Marks all of those years. The legislators told him that the PRC should do the deregulation. SB 4 said, "Let the PRC do its job." This amendment said the legislature would make that decision.

Chairman Lyons asked if this was the same amendment they saw in committee.

Mr. Baca agreed and added that it was defeated 5-4.

Commissioner Marks said it was not the same amendment. He quoted from the amendment on QOS where no effective competition existed.

Mr. Baca felt that was unnecessary language that tried to home in on a specific outcome and SB 4 did not specify an outcome. They wanted to see the requirements eliminated because none of Qwest's competitors had those requirements.

Commissioner Marks asked if this addressed the new technology.

Chairman Lyons said the exact same amendment could not be reintroduced because it was already defeated.

Commissioner Marks believed if the Commission wanted to support the concept, it could happen. He agreed with Mr. Baca that he had fought deregulation bills in the past.

He agreed with Qwest on changing the language in B and C. All of that language should be changed with VOIP and Wireless service now being offered. But the regulation would go away in areas where Qwest had the monopoly.

He clarified that he was not an opponent of updating and making progress. The AG had not made a public position but he did feel it went too far. Commissioner Marks thought it went to the right place by not putting consumers at unreasonable risk. This didn't tie their hands on anything except basic residential service. Good policy didn't depend on popularity.

Commissioner Hall noted that at the committee Senator Wirth was one of the strongest opponents.

Mr. Baca said the bill insured that the pricing was the same in rural areas as well as urban. Those prices were set in the urban area so Qwest could not charge more in the rural areas. It was the same with QOS.

Commissioner Hall thought the amendment died so it was dead. Commissioner Marks could come up with a new amendment. The senators voted their conscience. To him, in order for Qwest to continue with the bill, they needed to deal with the senators.

Mr. Baca agreed - it was his job to do that and had had been visiting with the senators. He spent a lot of time with Senator Wirth and sometimes they just didn't agree. And senators could vote against for other reasons as well.

Commissioner Hall agreed.

Commissioner Marks thanked the Commission for listening.

Chairman Lyons addressed Commissioner Marks.

He said the PRC was in survival mode. He said he had never been chewed out so badly as yesterday from what Commissioner Marks put on his blog on a bill that he agreed with 90%. He told Commissioner Marks, "You can't just start going out doing this stuff. You questioned the senators vote and were talking down to them. We are going to lose the PRC. You put this out saying the senator puts personal interest ahead of public interest. We had Richard Martínez on our side and now we don't. You cannot attack senators like this."

Commissioner Marks replied that he was elected to represent his constituents and this was bad policy and bad legislation. "I think senators Martínez and López think their way."

Chairman Lyons added, "You said they put corporate interests ahead of public interests."

Commissioner Marks said he might not ever get elected to anything again but he spoke his mind. He didn't think the effort to kill the PRC was a real threat but if so, He would help the Commissioners on it.

Chairman Lyons cautioned that they were "going to report you to the bar association. This was a little deregulation bill."

Commissioner Marks said it was deregulation of the largest phone company in New Mexico. It had significant opposition. He was sincerely trying to work with Qwest. He supported what they said they wanted but not the stuff they glossed over. He didn't have a problem with Albuquerque prices to apply to rural areas but didn't trust them to keep up the QOS in rural areas.

Chairman Lyons said, "I live 44 miles from town and we're fine without your help. We

didn't really need your help. We were in good shape. You represent downtown Albuquerque. You might self-destruct."

Commissioner Hall didn't have a problem with Commissioner Marks opposing any bill but did with his directing such comments against a senator because of their vote. That was not appropriate. With the mode they were in now of killing the PRC it didn't show a good image for this Commission when one Commissioner was going one way and the rest the other way. That was the problem in the past. "None of us needs to be bad mouthing a senator or representative because of the way they vote."

Commissioner Becenti-Aguilar asked General Counsel to retrieve the Code of Ethics from 2007 so the Commission could review it and change it if needed. She wanted the Commissioners to work together and talk about differences before dealing with them in public.

Chairman Lyons thought that was a great idea.

There was no motion made on the amendment.

### **Senate Memorial 30 -**

Mr. Jason Montoya briefed the Commission on the memorial. It was passed out of the Senate 30-0 yesterday. A companion house bill was sponsored by Representative Varela and Representative Bobby Gonzales out of Taos.

He said the memorial basically required the PRC to create a task force to do an investigation and the Commission already approved an investigation.

Mr. Johnny Montoya asked if the deadline was August 1.

Mr. Jason Montoya agreed. For clarification he believed there were 4 memorials and one house bill related to the gas outage. One of them listed a number of agencies to compose the Task Force.

Chairman Lyons suggested they see what ended up out of the session and they would be ready for it.

Commissioner Hall agreed.

### **House Bill 500**

Mr. Johnny Montoya said HB 500 was intended to be a clean up bill for pipeline

safety rules.

Commissioner Marks said he had already suggested those to the Commission and nothing had changed from that.

Chairman Lyons said they would look it over.

- **Professional Service Agreement with Fred Hanson for the Investigation of New Mexico Gas Company's gas curtailments.**

Chairman Lyons said Commissioner Marks said it well. Let's let staff work on it.

Commissioner Hall added that Mr. Hanson said he would help anybody free of charge.

## **10. COMMUNICATIONS WITH COMMISSIONERS**

Commissioner Becenti-Aguilar had a chance to speak with Governor Martínez on McKinley County day and she had indicated she was making her way to the Commission and with Lt. Gov. Sanchez would visit the Commission. Lt. Gov. Sanchez would work with Commissioner Hall to set up the time.

Chairman Lyons asked to have that noticed as a possible quorum meeting.

- **Presentation on Potential WECC Energy Imbalance Market - Commissioner Jason A. Marks.**

Commissioner Marks showed a power point presentation created by WECC on Energy Imbalance Market. He explained that this was a discussion going on amongst electric utilities and regulators and headed to a potential decision by WECC. There were 3 interconnections: East, Texas and WECC. New Mexico was on the border between east and west. WECC was the coordinating council with a board elected by utilities, transmission operators and states.

Integration of wind and solar was an important issue because wind comes and goes. There was a potential savings for consumers there. It didn't involve handing transmission over to an independent operator. This would balance those sources on a regional level rather than local level.

There were about 35 balancing authorities in the west. PNM was one. They were responsible to make sure that load and generation were balanced not only in their area but also in cooperative areas. Each of them was responsible on a minute-by-minute basis to balance the load with varied use and varied production. By using a bigger

area, the local variations would tend to balance each other. Using a larger area would also make it cheaper.

It was a voluntary system. Right now they were moving things around to meet the need. It looped them together electronically and would use centralized dispatch for balancing. It was not a local capacity market. Each participant would be asked to commit excess energy to make the balance (a certain percentage). They would use a separate monitor to prevent abuses in the system.

WECC was doing a cost/benefit study using two different contractors. Draft reports would be due early in June and provide lots of opportunities for public input along the way. Those who put the presentation together have participated on a technical basis but most people were pretty happy with the studies. WECC would make a decision some time in the summer. That would open the door for New Mexico to participate.

There was a big crossroads meeting in March in Portland to talk about results of the cost/benefit studies. He would be reporting back periodically to the Commission. He hoped Mr. Carrera could participate in the conference and represent the PRC. Other Commissioners could probably have travel costs reimbursed for attending the meeting in Portland. He agreed to send the agenda to the other commissioners.

- **Comments on FERC Integration Variable Generation NOPR - Commissioner Jason A. Marks.**

Commissioner Marks reported on this NOPR. The summary of the NOPR was in the commissioners' packets. Comments were due by end of the month.

FERC was interested in solving the problems with variable generation. Generators could be controlled but wind and solar were variable generation. Wind was the biggest variable.

FERC wanted to issue some rules to make things better. Today the wind generators predicted what they would produce for an hour ahead but using 15 minute chunks would work better. Some operators were not equipped to do hourly predictions.

FERC also wanted to use their own forecasting and were asking for balancing authority using forecasted information.

Some states were interested in doing joint comments. Also in the packet were some draft comments by the Oregon PUC who supported requiring sub-hourly scheduling of 15 minutes or less; requiring forecasting; allowing providers to recover costs; and opening an inquiry into fact that 35t balancing authorities in the west was inefficient and states had no control over them.

He wanted to ask the Commission to think about it and next Tuesday or Thursday to consider adopting these comments. Ms. Caffey-Moquin was going to participate in FERC but didn't have time to do that.

Chairman Lyons asked if on the cost recovery, it would be worked into a base rate.

Commissioner Marks said it would not be seen in a rate case here. But the rate payers would have to pay one way or another.

Commissioner Hall pointed out that in unregulated areas like Texas the costs skyrocketed.

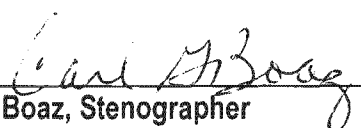
Chairman Lyons said that wasn't going to work in New Mexico.

## **11.ADJOURNMENT**

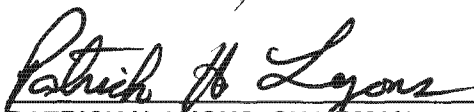
Commissioner Marks moved to adjourn the meeting. Commissioner Hall seconded the motion and it passed by unanimous voice vote.

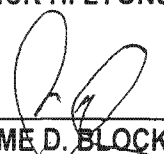
The meeting was adjourned at 11:30 a.m.


ATTEST:

  
Carl Boaz, Stenographer

APPROVED: 03/22/2011

  
PATRICK H. LYONS, CHAIRMAN

  
JEROME D. BLOCK, VICE CHAIRMAN

  
THERESA BECENTI-AGUILAR, COMMISSIONER

  
JASON A. MARKS, COMMISSIONER

  
BEN L. HALL, COMMISSIONER

DATE: 02/15/2011





**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**REGULAR OPEN MEETING  
Tuesday, February 15, 2011  
9:30 A.M.**

**PERA Building, 4<sup>th</sup> 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. Transportation Division Cases**

<b>10-00330-TR-M Rick Blumenfeld</b>	<b>IN THE MATTER OF THE APPLICATION OF BLUE SKY TRANSPORT, LLC, D/B/A SUNSHINE CAB COMPANY, FOR A PERMIT TO PROVIDE NON- EMERGENCY MEDICAL TRANSPORT SERVICE AND TEMPORARY AUTHORITY.</b>  <b><u>Order</u></b>
<b>10-00374-TR-M Mary Howells</b>	<b>IN THE MATTER OF THE APPLICATION OF SANTA FE STORAGE, LLC, D/B/A SANTA FE STORAGE AND MOVING FOR A CERTIFICATE TO PROVIDE HOUSEHOLD GOODS CARRIER SERVICE AND FOR TEMPORARY AUTHORITY.</b>  <b><u>Order</u></b>

11-00033-TR-M Mary Howells	IN THE MATTER OF THE APPLICATION OF CANYON ENCANTADO, LLC, FOR A CERTIFICATE TO PROVIDE TERMINAL SHUTTLE SERVICE AND FOR TEMPORARY AUTHORITY.  <u>Order</u>
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**7. REGULAR ACTION ITEMS**

**A. Utility Division Cases**

11-00039-UT Margaret Caffey-Moquin  Robert Hirasuna	IN THE MATTER OF THE INVESTIGATION INTO NEW MEXICO GAS COMPANY'S CURTAILMENTS OF GAS DELIVERIES TO NEW MEXICO CONSUMERS AND ELECTRIC UTILITIES.  <u>Order</u>
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**8. COMMUNICATIONS WITH GENERAL COUNSEL, ROBERT HIRASUNA**

**9. COMMUNICATIONS WITH ACTING CHIEF OF STAFF, JOHNNY MONTOYA**

- **Legislative matters**  
Eichenberg Amendment to SB 4. - Commissioner Jason A. Marks.
- **Professional Services Agreement with Fred Hanson for the investigation of New Mexico Gas Company's gas curtailments.**

**10. COMMUNICATIONS WITH COMMISSIONERS**

- **Presentation on Potential WECC Energy Imbalance Market - Commissioner Jason A. Marks.**
- **Comments on FERC Integration Variable Generation NOPR - Commissioner Jason A. Marks.**

**11. ADJOURNMENT**

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**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.