

**MINUTES OF THE
REGULAR OPEN MEETING
NEW MEXICO PUBLIC REGULATION COMMISSION
August 2, 2012**

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
Commissioner Vice Chair Theresa Becenti-Aguilar
Commissioner Ben L. Hall
Commissioner Jason A. Marks
Commissioner Douglas J. Howe

Members Absent:

Staff Present

Johnny Montoya, Chief of Staff
Robert Parker, Deputy Chief of Staff for Legal Affairs
Michael C. Smith, Associate General Counsel
Rick Blumenfeld, Associate General Counsel
Margaret Caffey-Moquin, Associate General Counsel
Bill Herrmann, Hearing Examiner
Elizabeth C. Hurst, Hearing Examiner
Jim Brack, Utility Division
Steve Schwebke, Utility Division
Patrick López, Legal Division Director
Larry Luján, Transportation Division Director
Arthur Bishop, 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

There were no miscellaneous announcements.

4. CONSIDERATION AND APPROVAL OF THE AGENDA

Chairman Lyons moved 7a - NMGC cases to be last under 7.

Commissioner Marks asked to discuss the first consent action item. Chairman Lyons agreed.

Commissioner Hall moved to approve the agenda as amended. Commissioner Howe seconded the motion and it passed by unanimous (5-0) voice vote.

5. CONSIDERATION AND APPROVAL OF MINUTES

- **Minutes of the Regular Open Meeting of July 17, 2012**

Commissioner Marks moved to approve the minutes of July 17, 2012 as presented. Commissioner Becenti-Aguilar seconded the motion and it passed by unanimous (5-0) voice vote.

6. CONSENT ACTION - (moved to Regular Action)

A. Transportation Division

12-00198-TR-M IN THE MATTER OF THE APPLICATION OF GIANT CAB, INC., D/B/A GIANT CAB COMPANY, FOR A CERTIFICATE AND TEMPORARY AUTHORITY TO

PROVIDE TAXICAB SERVICE.
(Bob Parker) Order

Mr. Parker presented information regarding this matter. There were based in Albuquerque. They applied for authority in Bernalillo, Sandoval, Torrance, Santa Fé and Valencia but didn't get affidavits of need from two of the counties and subsequently withdrew in those counties. This would grant temporary authority for those counties they had gotten affidavits. Bernalillo, Sandoval and Valencia

Commissioner Marks had a concern with the affidavits for Bernalillo County. He didn't think the current law was a good law - it was anti-competitive. Rocky Mountain EMS said a hospital wanted to move a patient and it took two days.

The affidavits say there should be more competition. But none that said the other cabs were late.

Mr. Parker said there were 13 affidavits submitted. Mr. Luján had some concerns but these were definitely as good as the affidavits that were submitted in other cases.

Commissioner Marks said giving an independent an opportunity to serve was not a statement of need. There were 3-4 carriers in Albuquerque these days. Mr. Parker agreed.

Commissioner Marks asked if the Commission had approved others with affidavits like these.

Chairman Lyons asked what Green Cab had in their application.

Mr. Parker said all affidavits say services were inadequate and that they needed more competition.

Commissioner Marks moved to table this case to Tuesday with some analysis of the standard for others [in affidavits]. Commissioner Howe seconded the motion and it passed by majority (3-2) voice vote with Commissioner Hall and Commissioner Lyons voting against.

7. REGULAR ACTION

A. Utility Division

12-0010-UT IN THE MATTER OF STAFF'S PETITION FOR ORDER TO SHOW CAUSE WHY HARTLEY SPRINGS RANCHOS SUBDIVISION WATER SERVICE, A/K/A HARTLEY SPRINGS WATER USERS ASSOCIATION IS NOT IN VIOLATION OF COMMISSION RULES AND APPLICABLE STATUTES AND FOR OTHER RELIEF INCLUDING PENALTIES.
(Michael C. Smith) Order

Mr. Smith presented information regarding this matter. He reminded the Commission of when this first came and that the owner had trucked in water. He passed away and his son took over the operation so the customers wouldn't be without water. The Commission issued a show cause to Mr. Mueller why it should

operate a utility without CCN. In the interim, staff and Mr. Mueller worked out a stipulation and the customers had already formed the East Culpepper Mutual Domestic Water Association to take over the operation pursuant to a purchase agreement.

Staff filed a motion to support the association. The Commission order would hold a public hearing to approve the stipulation and approval of transfer of assets to the mutual domestic water association (which was not under PRC jurisdiction). The Commission would not reach the issue whether Hartley Springs should be a regulated utility. After review it was somewhat ambiguous what a court would do with it. This appeared to be a good stipulation and the procedural order prepared would allow the residents to testify in support or against. There was only one customer that he could not determine was in support.

Commissioner Marks thought the stipulation could be approved without a hearing.

Ms. Caffey-Moquin said the Commission could waive its own procedural rules and set aside the need for the hearing with good cause. But the Commission couldn't waive a statute.

Mr. Parker offered to bring it back.

Mr. Smith agreed the statute required a hearing but only if Hartley Springs was found to be a utility.

Commissioner Marks said if they were found to be a utility and wanted the asset sale it would only be on notice of hearing. Mr. Smith agreed.

Commissioner Marks concluded that they should have the hearing. If it was not a utility, it shouldn't be here so the Commission should either dismiss the case or have a hearing.

Commissioner Howe asked if staff had confirmed the 7 of 8 were in favor.

Mr. Smith said they all formed the association so he assumed that.

Commissioner Howe asked if the Commission could strike the hearing if only one party would oppose it.

Mr. Smith said they could set it for a hearing and once the eighth customer's support was determined, could vacate the hearing.

Commissioner Marks thought it was safer having the hearing here with a court reporter for two minutes and then close it.

Commissioner Howe asked where the customers were.

Commissioner Marks said they lived out of state.

Mr. Smith proposed having the hearing during the meeting.

Chairman Lyons pointed out that the hearing would require an attorney for them. He didn't see a need for a hearing at all but it was a statute.

Commissioner Howe asked what they were if not a public utility.

Mr. Smith said it could be various different entities and he hadn't analyzed what they were. The law was ambiguous whether they would be a utility or not.

Commissioner Marks said there were many lots out there so he could buy a lot and get served by the utility. It was Morningstar that was declared not a utility by the Supreme Court.

Mr. Smith said the court found one to be a utility and the other not a utility.

Commissioner Marks recalled the one with a subdivision was a utility. It would not be good for the Commission to make the decision they were not a utility. They could make an asset sale before the Commission made a decision.

Mr. Smith agreed but there was a show cause hanging over their heads.

Commissioner Marks thought the Commission could allow parties to appear telephonically or decide not to appear.

Chairman Lyons thought the PRC shouldn't even have jurisdiction over the small water companies. We should stay out of it and dismiss it and move on.

Commissioner Hall agreed, especially if they agreed to do business together.

Commissioner Howe thought the Commission did this by issuing the initial show cause.

Mr. Smith thought the Commission had the right to dismiss it.

Commissioner Howe agreed because, practically, who was going to litigate it.

Mr. Parker thought if the Commission dismissed it, the odds were virtually zero.

Mr. Schwebke said staff's opinion was that the hearing would legitimize the transaction and if something occurred in the future, to find it was a utility would help. He was not saying something would happen but with a dissatisfied customer, it could. So it would no longer be a public utility and should never come back in the future. It would make it final and complete. He appreciated the Commission issuing that show cause as it helped the process. As a result of the PRC involvement, the transaction was very favorable to the customers and would make it easier for them to do business.

Commissioner Marks thought Mr. Schwebke helped him. It was any future customer who buys a lot and challenges. The Commission could get the hearing done in ten minutes if there were no objections. The short cut could cause problems down the road. So we should have a hearing. He suggested August 22nd.

Mr. Smith said he left the dates open and allowed 10 days to mail out so August 30 or September 4 would work.

Commissioner Marks moved to approve the order with a hearing on September 4 in which the parties could participate by phone. Commissioner Becenti-Aguilar seconded the motion and it passed by unanimous (5-0) voice vote. So Ordered.

**12-000258-UT IN THE MATTER OF JEMEZ MOUNTAINS ELECTRIC COOPERATIVE'S
ADVICE NOTICE NO. 61.
(Margaret Caffey-Moquin) Order**

Ms. Caffey-Moquin presented information regarding this matter to the Commission. It was at the very initial stages. It was separate from the case on Advice Notice No. 59 which would be presented in the near future. A timely protest was filed by the City of Española on July 20 and on the same day, a multi-signature protest of 448 customers was filed. The last protest was from three customers on the 23rd which was the last day for protests. The order she drafted didn't address the validity of the protests and with a challenge could be litigated.

She recommended one change on page 3 in the order to delete paragraph 10 because it was redundant. This order would suspend Advice Notice 61 for no longer than nine months; open a proceeding and a hearing before a HE.

Commissioner Marks moved to adopt the order as presented. Commissioner Becenti-Aguilar seconded the motion and it passed by unanimous (5-0) voice vote. So Ordered.

Commissioner Howe said the Commission didn't know that Advice Notice 61 had actually been filed and it had caused confusion on the deadlines for protest. He asked that Records make sure the docket was established as soon as possible with an advice notice and make sure the Commissioners were made aware of them

Ms. Caffey-Moquin said staff would try to come up with better ways to make the Commission aware.

Mr. Jim Brack said they just needed to establish a case number and if no protests came in the docket was not really open until a protest was received to have the case number.

Mr. Parker asked if the Utility Division caught the number of protests coming in.

Mr. Brack said they contacted records to verify the protests and then prepared a memo on it.

**11-00435-UT IN THE MATTER OF AN INVESTIGATION INTO PUBLIC SERVICE COMPANY
OF NEW MEXICO'S CLOSURE OF REMAINING PAYMENT CENTERS
THROUGHOUT THE STATE OF NEW MEXICO.**

(Rick Blumenfeld) Order

Mr. Blumenfeld provided information to the Commission regarding this matter. On July 16 the AG applied for a rehearing in this case to keep the payment centers open five days/week. The AG gave five reasons, some of which the Commission had heard before. PNM and staff filed opposition last Monday.

1 - The first reason was that customers would be confused and Mr. Blumenfeld didn't agree. They would have a sign showing the hours and days of operation and the alternatives.

2 - PNM was trying to improve customer satisfaction. Mr. Blumenfeld didn't have a problem with that. The AG seems to think they were closing down entirely but they were not.

3 - The AG objected to placing utility centers with non-utility centers but again, the payment centers were staying open 2 days /week.

5 - The AG believed this violated a stipulation was signed onto. But it was a two-year agreement that had expired long ago. The ones not part of TNMP had to have closure approved by the PRC.

Mr. Blumenfeld recommended denial of the rehearing.

Commissioner Hall said it was not what the Commission voted although he agreed with much of what the AG said. The payment centers used to be service centers. PNM didn't have the service center anymore. Most of those girls wanted to get it either on or off. PNM would have a hard time finding someone to work 2 days a week. They should either keep them open 5 days or close them until the rate case was heard.

Commissioner Marks moved to adopt the order. Commissioner Howe seconded the motion.

Commissioner Hall noted the AG wasn't here when the Commission approved it and should have been.

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

Commissioner Becenti-Aguilar agreed with Commissioner Hall that the AG should have been present. The state agency right across the street had notice of the agenda and it only took five minutes to walk to this meeting. They had their chance.

**12-00136-UT IN THE MATTER OF THE PETITION OF THE NEW MEXICO ATTORNEY
GENERAL AND FOR AN ORDER TO CEASE AND DESIST AND TO INITIATE
AN ABANDONMENT PROCEEDING.**

**12-00264-UT IN THE MATTER OF THE PUBLIC REGULATION COMMISSION'S
INVESTIGATION REGARDING GAS SERVICE TO CERTAIN CUSTOMERS IN
NORTHWEST NEW MEXICO.
(Mr. Bob Parker) Order**

Mr. Parker presented information regarding this matter to the Commission. The proposed order would open an investigation into Williams' proposed cut off to customers in northwest New Mexico. The NMGC informed the PRC that 384 customers served by Williams would no longer be served by natural gas and NMGC could no longer serve them.

After discussions, NMGC, staff and the AG agreed to a stipulation to continue to provide service directly at a cost of \$6.6 million. Under the stipulation, NMGC would begin to cover all of the costs and would be borne by all customers. It soon became apparent that a lot more information was needed before such a recommendation could be adopted, e.g., we didn't know the contractual relationship with the parties. The convenience of having a tap with William prompted customers to give up ROWs. They extended lines but a lot of information was needed in this case rather than just to approve something.

The order closes the original case and opens an investigation and brings Williams and Enterprise into the equation. It asks NMGC to provide certain documents and responses coming would give OGC a better way to make a recommendation.

Commissioner Marks asked if this order would put the proceedings on ice until the Commission gets these answers. Mr. Parker agreed and added they were not throwing the stipulation out.

Commissioner Marks asked if the Commission was saying Enterprise was a utility.

Mr. Parker said it would require them to prove they were not utilities.

Commissioner Marks thought possibly they could take that to district court instead of here. Mr. Parker agreed it was possible.

Commissioner Marks said they were delivering gas to retail customers and asked if the order said that.

Mr. Parker said it didn't but the order made it clear that was what the Commission wanted. It was just opening an investigation which would be hard to challenge in court.

Commissioner Marks said what the Commission knew was not in the record so there was a hole in it.

Commissioner Howe said the Commission didn't know anything except what was heard in the public hearing in Farmington. We heard the customers believed they had a ROW agreement that provided rights to gas in perpetuity but hadn't seen those agreements.

Commissioner Hall said Williams and Enterprise bought into Southern Union and he needed to know if Southern Union promised them perpetual access for the ROW.

Mr. Parker clarified the order was just to gather information.

Commissioner Hall said NMGC and Williams made a deal and didn't tell the Commission about it until after the fact.

Commissioner Marks moved to adopt the order as presented. Commissioner Becenti-Aguilar seconded the motion.

Chairman Lyons asked how much the average increase would be on that \$6.6 million.

Mr. Herrmann said it was not a log of money. He thought it was about a dollar per year.

Mr. Tom Domme (NMGC) said it was eight cents a month until the next rate case. It starts off at about a penny because it lays it in by quarters as the money is spent.

Chairman Lyons asked for a quick synopsis of Rule 22.

Mr. Parker said Rule 22 was for special customers and it allowed a utility to cease service.

Chairman Lyons asked when Rule 22 was approved by the Commission.

Mr. Parker said he was asking them to provide the history of Rule 22.

Chairman Lyons wondered if this should have pipeline safety be a part of this order too.

Mr. Parker said OGC didn't specify health and safety. Staff would automatically be a party to this. It could deal with pressure and things like that.

Commissioner Marks said Pipeline Safety did audits on the company to ensure they had done continuous quality examinations. This was an economic case and ownership of the pipelines was not changing so he felt this wasn't a matter for Pipeline Safety but they would continue to have jurisdiction over the pipelines and any additional lines NMGC would build.

Chairman Lyons was confused by the language in Section G on the deadlines for responses. Questions 1, 2 and 13 had an August 27th deadline.

Mr. Parker explained that some of the questions didn't apply to Williams and Enterprise.

Commissioner Howe suggested it could be fixed by taking "Williams and Enterprise out of section G and leave NMGC in and let paragraph F at the very end stand. Chairman Lyons agreed.

Commissioner Marks accepted those as friendly amendments and the motion passed by unanimous (5-0) voice vote. So Ordered.

8. DISCUSSION/ACTION

A. Utility Division

IN THE MATTER OF THE APPLICATION OF NAVOPACHE ELECTRIC COOPERATIVE, INC. FOR EXEMPTION AND VARIANCE FROM THE PROVISIONS OF NMPRC RULE 572 PERTAINING TO RENEWABLE ENERGY PORTFOLIO STANDARD AND OTHER REQUIREMENTS AND FOR A DECLARATORY ORDER.

(Elizabeth C. Hurst, Bob Parker)

Recommended Decision Order

Ms. Hurst presented information regarding this matter to the Commission. Navopache was referred to as a "foreign" utility in that it served in an addition another state. Navopache asked the Commission to issue a declaration that it should be treated as a New Mexico cooperative and not a utility. They were still subject to certain things and could get around that by asking for a variance.

The majority of its coop members (38,500) lived in Arizona and they followed the Arizona rules and regulations and were asking for permission to follow those for all customers including those in New Mexico. They got a legislative change last year to have the same rate treatment as New Mexico coops. Navopache had asked not be dismissed because they might have to make those decisions down the road. The Commission had approved the RD without a hearing and Navopache sent notice to all customers. Navopache had pursued that matter at the Arizona Commission.

Basically the impact in New Mexico and one reason to have a hearing was to know the exact rates being offered to New Mexico customers just because of the size of what was being collected. Essentially, the renewable product for solar basically for residential customers would be capped at \$1.05 per month per residential customer. There was no requirement for renewables here until 2015 but there was in Arizona already. Navopache wanted to have consistency with all customers in the most cost-effective way.

Secondly, the Commission did the same thing for Duncan Valley. She recommended both with a condition for reporting requirements. The language could indicate whether there was some rule change in Arizona. She recommended the reporting requirements be approved and grant the order that Navopache be treated as a New Mexico cooperative under New Mexico laws.

Commissioner Marks said it was the case that our rule didn't say a rural electric coop chartered in New Mexico so the Commission was on firm ground that it was the coop rule and not the investor owned utility. The statute said REA but the PRC rule said rural coops in general. Also, it was a norm to add a fee for renewable energy.

Ms. Hurst agreed and they were going to offer voluntary blocks.

Commissioner Marks concluded it was completely in compliance with Arizona regulations and they had 90% of their members in Arizona so the PRC should not make them jump through extra hoops.

Ms. Hurst asked if he meant on rate regulation. Commissioner Marks agreed.

Commissioner Hall asked if they provided to the people in New Mexico only service from Arizona that might take forever. Most people in Arizona didn't even know where Quemado is.

Chairman Lyons asked if they had a board member from New Mexico.

Ms. Hurst said she had looked at a few things but was not licensed in Arizona. They did use coop language in the documents. They have an office in Reserve, New Mexico.

Commissioner Hall thought people down there thought they were being discriminated against.

Ms. Hurst said they were contacted about a rate on their bills but she hadn't heard a protest.

Counsel for Navopache said she didn't know and could check to find out for the Commission. She could also put a Coop representative on the bridge. They might have representation on the board representing that district but she didn't know if they lived in New Mexico but their Secretary-Treasurer did reside in Reserve. (Commissioner Marks had given her the coop directory.)

Commissioner Marks moved to adopt the order. Commissioner Hall seconded the motion and it passed by unanimous (5-0) voice vote. So Ordered.

Commissioner Marks excused himself from the meeting at this time.

9. PUBLIC COMMENT

There were no public comments.

10. COMMUNICATIONS WITH DEPUTY CHIEF OF STAFF FOR LEGAL AFFAIRS, BOB PARKER

There were no communications with Deputy Chief of Staff for Legal Affairs.

11. COMMUNICATIONS WITH CHIEF OF STAFF

There were no communications with Chief of Staff.

12. COMMUNICATIONS WITH COMMISSIONERS

Commissioner Howe said the Commission ordered an investigation in the PNM case two weeks ago and no one responded. There might be some other over billings that were going on and he would get new information on that through the bench requests.

In PNM's initial response to us, their attorney said the information was provided to CRD and not directly to the Commission. And in conversation with others at PNM there was some confusion about the PRC organization. He'd like to set them straight with a 5 signature letter.

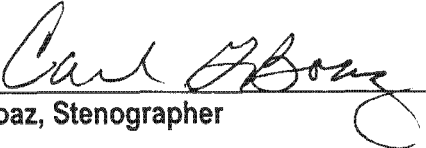
Chairman Lyons agreed there was some confusion.

13. ADJOURNMENT

Commissioner Hall moved to adjourn the meeting. Commissioner Becenti-Aguilar seconded the motion and it passed by unanimous (4-0) voice vote. Commissioner Marks was not present for the vote.

The meeting was adjourned at 11:15 a.m.

ATTEST:


Carl Boaz, Stenographer

APPROVED: 09/11/2012


PATRICK H. LYONS, CHAIRMAN


THERESA BECENTI-AGUILAR, VICE CHAIR


JASON A. MARKS, COMMISSIONER


BEN L. HALL, COMMISSIONER

TELEPHONICALLY APPROVED
DOUGLAS J. HOWE, COMMISSIONER



NEW MEXICO PUBLIC REGULATION COMMISSION

REGULAR OPEN MEETING

Thursday, August 2nd, 2012

9:30 A.M.

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

AMENDED AGENDA

- 1. PLEDGE OF ALLEGIANCE**
- 2. INTRODUCTIONS**
- 3. MISCELLANEOUS ANNOUNCEMENTS**
- 4. CONSIDERATION AND APPROVAL OF THE AGENDA**
- 5. CONSIDERATION AND APPROVAL OF MINUTES**
 - **Minutes of the Regular Open Meeting of July 17, 2012.**
- 6. CONSENT ACTION**

A. Transportation Division

12-00198-TR-M Bob Parker	IN THE MATTER OF THE APPLICATION OF GIANT CAB, INC., D/B/A GIANT CAB COMPANY, FOR A CERTIFICATE AND TEMPORARY AUTHORITY TO PROVIDE TAXICAB SERVICE. Order
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7. **REGULAR ACTION**

A. Utility Division

12-00136-UT Bob Parker	IN THE MATTER OF THE PETITION OF THE NEW MEXICO ATTORNEY GENERAL AND FOR AN ORDER TO CEASE AND DESIST AND TO INITIATE AN ABANDONMENT PROCEEDING. Order
12-00264-UT	IN THE MATTER OF THE PUBLIC REGULATION COMMISSION'S INVESTIGATION REGARDING GAS SERVICE TO CERTAIN CUSTOMERS IN NORTHWEST NEW MEXICO. Order
12-00106-UT Michael C. Smith	IN THE MATTER OF STAFF'S PETITION FOR ORDER TO SHOW CAUSE WHY HARTLEY SPRINGS RANCHOS SUBDIVISION WATER SERVICE, A/K/A HARTLEY SPRINGS WATER USERS ASSOCIATION, IS NOT IN VIOLATION OF COMMISSION RULES AND APPLICABLE STATUTES AND FOR OTHER RELIEF INCLUDING PENALTIES. Order
12-00258-UT Margaret Caffey-Moquin	IN THE MATTER OF JEMEZ MOUNTAINS ELECTRIC COOPERATIVE'S ADVICE NOTICE NO. 61. Order
11-00435-UT Rick Blumenfeld	IN THE MATTER OF AN INVESTIGATION INTO PUBLIC SERVICE COMPANY OF NEW MEXICO'S CLOSURE OF REMAINING PAYMENT CENTERS THROUGHOUT THE STATE OF NEW MEXICO. Order

8. DISCUSSION/ACTION

A. Utility Division

11-00012-UT Elizabeth C. Hurst Bob Parker	IN THE MATTER OF THE APPLICATION OF NAVOPACHE ELECTRIC COOPERATIVE, INC. FOR EXEMPTION AND VARIANCE FROM THE PROVISIONS OF NMPRC RULE 572 PERTAINING TO RENEWABLE ENERGY PORTFOLIO STANDARD AND OTHER REQUIREMENTS AND FOR A DECLARATORY ORDER. Recommended Decision Order
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9. PUBLIC COMMENT

**10. COMMUNICATIONS WITH DEPUTY CHIEF OF STAFF FOR LEGAL AFFAIRS,
BOB PARKER**

11. COMMUNICATIONS WITH CHIEF OF STAFF, JOHNNY MONTTOYA

12. COMMUNICATIONS WITH COMMISSIONERS

13. ADJOURNMENT

The Commission will make reasonable efforts to post the agenda on the Commission's website 36 hours before the open meeting, but the inability to do so within the 36 hours prior, will not require the Commission to delay the meeting or to refrain from taking action on any agenda item on which it otherwise could act.

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

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

PERSONS WITH DISABILITIES

ANY PERSON WITH A DISABILITY REQUIRING SPECIAL ASSISTANCE IN ORDER TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE OFFICE OF DIRECTOR OF ADMINISTRATIVE SERVICES OF THE COMMISSION (827-4084) AS SOON AS POSSIBLE PRIOR TO THE COMMENCEMENT OF THE OPEN MEETING.