

**MINUTES OF THE
REGULAR OPEN MEETING
NEW MEXICO PUBLIC REGULATION COMMISSION
August 16, 2012**

TIME: 9:30 a. m.

PLACE:

Ruidoso Council Chambers
Ruidoso Village Hall
313 Cree Meadows Drive
Ruidoso, New Mexico

A quorum was present as follows:

Members Present:

Commission Chairman Patrick H. Lyons
Commissioner Vice Chair Theresa Becenti-Aguilar
Commissioner Jason A. Marks [telephonically]
Commissioner Ben L. Hall

Members Absent:

Commissioner Douglas J. Howe

Staff Present

Johnny Montoya, Chief of Staff
Bob Parker, Deputy Chief of Staff for Legal Affairs
Margaret Caffey-Moquin, Associate General Counsel

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 Ruidoso Council Chambers, Ruidoso Village Hall, 313 Cree Meadows Drive, Ruidoso, 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

Commissioner Hall moved to approve the agenda as presented. Commissioner Becenti-Aguilar seconded the motion and it passed by unanimous (4-0) voice vote.

5. REGULAR ACTION

A. Utility Division

**12-00193-UT IN THE MATTER OF TIMBERON WATER AND SANITATION DISTRICT'S
ADVICE NOTICE NO. 10 FOR NEW RATES.**

**10-00366-UT IN THE MATTER OF THE REQUEST OF TIMBERON WATER AND
SANITATION DISTRICT FOR AN EMERGENCY INTERIM RATE INCREASE.
(Margaret Caffey-Moquin) Order**

Chairman Lyons asked Commissioner Hall to chair this portion of the meeting.

Ms. Caffey-Moquin presented information regarding both cases to the Commission regarding the Timberon Water and Sanitation District (TWSD) rate increase requests. On June 19th in Santa Fé the Commission issued an order that extended the interim rates that had been established in December 2010. The increase was necessary to enable the district to continue operations. In the recent order, the Commission established the 12-00193 docket for consideration of a new rate filing that was filed on June 4, 2012 from TWSD as Advice Notice No. 10. On June 19th the Commission also extended the deadline for protests to Advice Notice No. 10 until July 19. During that time the interim rates were kept in place until further order by the Commission.

A formal protest was filed on July 19 by Mr. Virgil Beagles on behalf of a number of TWSD rate payers. On July 30 the TWSD filed a challenge to the protest along with an affidavit of Mr. Rubinowitz. The Commission does have jurisdiction in this proceeding even though water and sanitation districts are not usually subject to PRC jurisdiction because the TWSD Board opted to come under PRC jurisdiction pursuant to state law, allowing the Commission to regulate the rates of that district.

In 2010, the court appointed a receiver in place of the TWSD board because of finances. With that, TWSD came under the protections and provisions of the NM Public Utility Act (PUA). All relevant

documents for this case are available from the Commission at a reasonable charge in hard copy and also available through the PRC web site.

Earlier in 2012, the district court reinstated the TWSD board to manage the district's affairs. In April the board commenced a rate change procedure as allowed under the PUA. The PUA allows public utilities with fewer than 1,500 service connections to increase rates without a hearing, provided it is done in accord with the other provisions of the Act. And the rate increase proposed was less than 50%. At that time, TWSD had approximately 444 service connections.

The requested rate increases ranged from 49.4% to 49.9% calculated from the April 2, 2012 notice to customers and Advice Notice No. 10. The notice was sent to the 444 service connection customers as well as 3,089 stand-by customers. Stand-by customers were property owners who had a distribution line adjacent to their property so the water line was available to them when they chose to request water service.

TWSD for many years has had a stand-by fee assessed annually on stand-by customers. That was one of the rates proposed to increase under Advice Notice No. 10. As such, the stand-by customers are considered to be rate payers of TWSD as defined by Commission Rule 770. But because there is an overlap and some metered customers were also stand-by customers, TWSD calculated 3,355 rate payers total as of March 2012.

Under the procedures in the PUA a rate increase may become effective unless protested by 10% of the utility's rate payers or 25 rate payers, whichever is greater. The District received protests from 70 from TWSD customers. On July 30, TWSD filed its motion challenging the validity of the protest that had been filed on July 19 and cited five different reasons for its challenge:

1. Filing on an improper form;
2. Protester is not a TWSD rate payer;
3. Protest was not timely filed;
4. Multiple protests were filed by a single rate payer such as a husband and wife (rate payer being just one per connection or a stand-by customer not connected);
5. Protest filed with NMPRC was not filed with TWSD.

Staff had examined the protests and the challenge and did a careful analysis of them. Drawing on that information, she prepared a draft order for the Commission and it would find that at most, and even discounting some of the challenges at most, 70 protests were filed. But ten percent of the rate payers would be 335 rate payers. Seventy protests were not enough under Rule 770 to meet the ten percent minimum.

The proposed order would find that the number of protests was insufficient to allow the Commission to conduct a full review of rate increase proposed under Advice Notice No. 10. The draft order would also repeal the interim rates that were put into place in December 2010 and replace with those rates set out in Advice Notice No. 10 and the order would be entered in the record.

Commissioner Hall thanked Ms. Caffey-Moquin and asked for questions from the Commissioners.

Chairman Lyons noted the interim rate increases were passed by the Commission in December 2010 before he and Commissioner Hall came in. He asked how much those increases were - what the rate was

on December 29 and on December 30 2010.

Ms. Caffey-Moquin apologized that she didn't have those figures.

Mr. Rubinowitz said the increase in percentage on metered rates was 83% and on standby was 40% under the emergency interim rate structure.

Chairman Lyons asked if he could say what the dollar amounts were.

Mr. Rubinowitz said the original meter rate was \$17.40 base rate but didn't remember the increased dollar amount. He thought it was \$30.90. The standby rate at that time was \$36 and increased to \$50.50, an increase of 40%.

Chairman Lyons asked if a ranch whose land had a line adjacent would get charged that much.

Mr. Rubinowitz said if they were inside the water and sanitation district and adjacent to an existing line they would be charged the standby rate. A rancher outside the district would obviously not be charged anything. But if within the district and within 400' of the existing line, they would have to pay the standby rate.

Chairman Lyons asked if there were any lines outside the district.

Mr. Rubinowitz thought there was one line that went outside.

Chairman Lyons asked if standby fees were a standard practice of small water companies.

Mr. Parker said some did and others didn't.

Mr. Rubinowitz said the San Isidro Water District had a standby fee that was half of their base rate. Their metered users were billed \$26 per month and standby users at 13 per month. The TWSD standby rate was \$50.50 per year.

Commissioner Marks asked how many total protests were filed.

Ms. Caffey-Moquin said there were more than 70 protests but 70 was the maximum number that was in accord with the statute.

Commissioner Marks asked if all were counted whether there were more than a hundred.

Ms. Caffey-Moquin didn't know but didn't think so. She clarified that there needed to be 335 to meet the ten percent minimum.

Commissioner Marks asked if she was saying some of them were not counted at all. Ms. Caffey-Moquin agreed.

Commissioner Marks asked why they were not counted.

Ms. Caffey-Moquin responded that some were multiple signatures for the same rate payer.

Commissioner Marks asked when duplicates were eliminated that they had about 70. Ms. Caffey-Moquin agreed.

Commissioner Marks asked if there were protests from standby customers or just metered customers.

Ms. Caffey-Moquin said it was a mix of both but were primarily from standby customers.

Commissioner Marks asked if there were not ten percent of metered customers and not ten percent of standby customers. Ms. Caffey-Moquin agreed.

Commissioner Marks asked if the decision today was just to figure out if there were sufficient protests but not to rule on the specific rates. Ms. Caffey-Moquin agreed.

Commissioner Marks asked if the Commission determined there were not sufficient numbers of protests to meet the ten percent then the rate amounts would be subject to the TWSD democratic process. Ms. Caffey-Moquin agreed.

Commissioner Marks said it was abundantly clear that it was not anywhere near ten percent. Ms. Caffey-Moquin agreed.

Commissioner Hall asked if the statute clarified that standby customers were rate payers when it came to protests because without the standby customers there would be enough protests. There were only 444 metered customers.

Commissioner Marks reminded him they could not count protests from standby customers if they didn't count them in the base.

Commissioner Hall wanted to clarify whether the state statute allowed them to be counted as rate payers when there was no meter on the lot.

Mr. Parker said in this case the standby customers paid a rate. It might come out differently if there was no standby rate. Commissioner Hall understood and just wanted to know if it was legal to count them.

Ms. Caffey-Moquin said the statute did not address that but the Commission rule did.

Commissioner Hall noted that most standby fees were invented by developers who got into trouble on their water systems so he didn't believe it was written into law.

Mr. Virgil Beagles addressed the Commission. He said he sent the Commission a certified copy of the documents. The statute said the utility had ten days to protest the signature but TWSD protested on the fourteenth day so there was no validity to their challenge. His filing on the sixth answered Timberon's

challenges and didn't know why the Commission didn't have that.

Ms. Caffey-Moquin said they did have it.

Mr. Beagles said there was no mention of it at this meeting. He said the statute was very clear on that. If they did not file a challenge within ten days it was not valid.

Mr. Parker said Mr. Beagles sent his filing to the Attorney General's office.

Mr. Beagles said he faxed it to the AG's office but sent it certified to the Santa Fé office of the PRC and got a receipt back.

Chairman Lyons asked to see a copy of it.

Commissioner Hall asked Ms. Caffey-Moquin if she prepared the order based on all the information that was available to her.

Ms. Caffey-Moquin agreed. And she had all the documents in the public record of the case. She checked it again the day before and there were four or five documents posted in the case record and had not seen the document Mr. Beagles mentioned.

There was a 94 page document filed by him in July and that was the document that had been reviewed.

Mr. Beagles said the document he had was an answer to Timberon's challenge. He said they understood it needed 25 or less for protests.

Commissioner Hall said it was not 25 or less but 25 or ten percent, whichever was greater.

Mr. Parker said it would still require 335 to be considered.

Mr. Beagles said in the Receiver's file it said 25 or less but it also said "service connections" and they still had more than ten percent of 440. He added that he had 300 standby lots and that meant 300 protests in so even with standby lots included it was more than 10 percent.

Chairman Lyons asked for clarification and asked if he was making a \$50 payment for each of 300 lots each year.

Mr. Beagles said he had 360 lots and paid \$37 for each of them annually. It was \$9,000 per year.

Chairman Lyons said each payment should be a protest then.

Mr. Beagles said they counted his as one protest.

Chairman Lyons said that didn't make sense.

Mr. Parker asked him if he filed 300 protests.

Mr. Beagles said he did not because he was told he was entitled to one protest.

Commissioner Hall said it should be one per lot. Mr. Beagles agreed but that was not what the Receiver said.

Mr. Beagles said if they read the letter he sent they would understand his response to the challenge. He said he filed it timely and TWSD had only ten days to respond to the protest by statute and didn't.

Mr. Rubinowitz objected to having this being included in the record regardless of when it was received or if it was received. There is no provision in the 1712770 procedure for including anybody's documents. There is no provision for additional documents being submitted to his brief. He objected to any information in that being included.

Mr. Beagles said he didn't include the last paragraph which had the reference to the statute. He had to read the whole thing. He asked the Commission to postpone this so the staff could read his filing in which he stated that the statute was clear that they had ten days to challenge the protest and they didn't file until 14 days had passed.

Commissioner Hall asked if there was any doubt in Ms. Caffey-Moquin's mind that all documents had been processed in a timely manner and if the total of rate payers was 3355 or 444. If there is doubt, the Commission needed to take another look at what they were doing. The Commission had to decide which side was the proper way to go. His own question was considering a standby customer as a rate payer.

Ms. Caffey-Moquin said she had just examined the copy of Mr. Beagle's document and she had never received that document. The certificate was signed by Mr. Taylor who is with the Attorney General's office and not at the Commission. She would like to give the Commission the benefit of her review of this document and give her opinion on whether it should be included in the Commission's deliberations or not. She was not sure about the timeliness or whether it was admissible.

Commissioner Hall said he was trying to get clarity on the law and the rules about it.

Ms. Caffey-Moquin said OGC would like to issue their opinion on the matter to the Commission but couldn't do so on the spot. She felt it merited further consideration so the Commission would have all the facts and clarity before making a final decision on this issue.

Mr. Rubinowitz again objected to consideration of that document because there was no provision for such a document in rule 712 or rule 770. He strenuously objected for considering a document they didn't even receive in the first place. He also wanted to set the record straight. There were 618 metered water customers. The 444 was inaccurate. There were 618 notifications to customers and under the requirement in rule 770, ten percent was required. So 62 protests would be ten percent of metered water customers. And those protests were filed on the 18th of July so they were filed in a timely manner. However the ten days to challenge would have fallen on a Sunday, the 29th and he had a stamped copy of their reply date

which stamped on the 30th, the first business day following the weekend so it was filed in a timely manner. It was not late as Mr. Beagles indicated to the Commission. He had a number of concerns about Mr. Beagles' document.

Chairman Lyons asked where the 444 metered customers came from. He asked if 618 metered customers got a monthly bill. Mr. Rubinowitz agreed.

Chairman Lyons asked how many people got a yearly bill.

Mr. Rubinowitz said 3,089 did.

Mr. Beagles said he had a transcript of a hearing that took place in Tucumcari before Judge Reynolds in which Mr. Rubinowitz swore there were 385 metered customers. He offered to provide that transcript of that hearing.

Chairman Lyons asked Mr. Beagles if he was protesting the monthly rate or the standby rate.

Mr. Beagles said he was protesting both. He commented further. He said he could lay the facts out on it. He said as far as finances were concerned, Timberon was about \$400,000 to the good so they didn't even need a rate increase.

Chairman Lyons asked if his beef was with the monthly increase or the yearly increase.

Mr. Beagles said he was protesting the standby fees. He commented about them taking money out of the standby fee fund to work on the golf course.

Mr. Rubinowitz said those expenditures were all from the general fund and this Commission did not regulate anything except the water utility. The Commission could disregard any statements Mr. Beagles made about other activities at Timberon.

Commissioner Hall said the Commission was not here to talk about anything but water and the fees Timberon collected for water. The Commission needed to find out if the protests were valid or not and didn't want Timberon to collect money they were not entitled to and didn't want rate payers to pay fees they were not supposed to pay.

Mr. Parker asked Mr. Rubinowitz about his statement that they had 618 metered customers so 62 protests were needed. He asked how many of the protests were filed by people with meters.

Mr. Rubinowitz didn't know. There were a total of 75 protests filed but he suggested that 24 of those were not water customers. They would qualify under the 810 procedure as a tax payer elective. But they were not customers of the water district.

Chairman Lyons reasoned that the protest was not on the monthly fees but on the standby fees. So the protests ought to be on the standby fees and not the metered fees. He asked how many protests they got on the standby fees. Mr. Beagles had 350 of his own.

Mr. Rubinowitz said he didn't file 350.

Chairman Lyons said he had a right to do so.

Mr. Parker asked who told him he could not file one for each lot.

Mr. Beagles said that was what they were told because the statute said service connection and did not allude to standby so he asked how standby worked. A service connection required a meter. There was nothing in the statute that said he had to file 300 separate protests but should be able to use all of his lots in his protest as a standby customer. He maintained the standby customers should not be counted at all because it was limited to service connections. They also didn't count the 36 protests that were filed originally with the Receiver's rate increase and 70 here. Even if they only counted half of them it was still ten percent and had more than 44 or 38 by reason of his testimony in court. He asked which number was correct - 618, 444 or 385.

Chairman Lyons suggested the Commission could approve the rate increase for metered customers from \$17.40 to \$30.90 and then to investigate the standby fee. In this case, there was nobody using anything so the water company should prove they needed the increase from \$36 to \$50 and give a good reason. They should prove that the \$36 would not cover the line just sitting in the ground. The Commission should have some documentation showing the need for the increase. He understood the monthly fee but didn't understand why the standby fee had to increase.

Mr. Beagles thought they should approve the metered increase but disallow any increase for standby fees.

Mr. Parker said they would need a certain number of protests and that was the question.

Chairman Lyons thought they didn't have enough protests on the monthly fees. Mr. Parker agreed.

Mr. Rubinowitz said 712, 770 said clearly that a rate payer could have many lots but were still only allowed one protest. Commission staff could attest to that. That was the way it was written and that was the way the advice notice was written. Mr. Beagles was correct about the testimony that at one time Timberon had 284 meters active meters. At that time, depending on what time of year it was, how many active meters they had - it was probably winter time and there were only 350 active meters on that day. He offered to provide a copy of the notice to customers that would show there were 618 metered water customers.

Also — there are only 8 active water customers who filed protests. There were 24 who were not customers of the district at all. There was no standby line running by their property and no water connection to their property.

So 24 of the 70 protesters could be removed from the total.

Commissioner Hall asked Ms. Caffey-Moquin if the last rate increase requested by Timberon was just

on standby. He got a letter from someone in Timberon protesting the standby increase that they were going to impose without coming to the Commission or anyone else. He asked if she had seen such a letter.

Ms. Caffey-Moquin said she had not seen that document. Advice Notice No. 10 was a proposal to increase a variety of rates. Standby was one of them.

Commissioner Hall asked if the Commission approved the RD here how much Advice Notice No. 10 would add to everybody – if it would have the same increase to everyone or if it treated everyone differently.

Ms. Caffey-Moquin said they were treated differently.

Commissioner Hall asked if the standby permanent rate would be the same as the interim standby rate.

Ms. Caffey-Moquin was not sure about that. She thought there would be a slight reduction from the interim rate but didn't know the percentage. She understood it was below 50% increase.

Commissioner Hall asked after a decision was made how many were needed for a protest. The Commission had three different numbers and didn't know which one they should go by. The Commission needed to figure out first which number they should use and who could protest and who couldn't. His opinion was that Mr. Beagles, who owned 300+ lots – standby, should have 300+ protests. He didn't see how he could only have one vote. He couldn't see how the Commission could proceed on it today.

Mr. Beagles commented on when Commissioner Marks and Commissioner Jones came to Timberon and what a forensic audit had revealed. Timberon had not provided 2008 and 2009 audits and the Commission needed to see those before granting anything. "They didn't know what they needed because they didn't know what they got." The State Auditor had said it would be put on the web site when it was completed.

Commissioner Hall said the Commission could only deal with water and whatever else they spent money on was not any of the Commission's business.

Commissioner Hall asked if anyone else in the audience wanted to speak. There were none.

Commissioner Becenti-Aguilar said the Commission needed to rely on OGC staff regarding documents and to know how to track where documents were going when they didn't come to OGC to make sure that the Commission was prepared for decisions when away from Santa Fé to be able to be on top of issues and figures and calculations. She asked if the Commissioners could help with that. It appeared today there was a document that General Counsel had not yet seen and that needed to be better organized before going out of town for a meeting.

Commissioner Hall asked Mr. Parker if he wanted to change his recommendation here.

Ms. Caffey-Moquin extended her offer to re-analyze this and present a formal memorandum of opinion to the Commission that would include all aspects of this discussion.

Commissioner Hall totally agreed. He thought they were trying to make a decision without having all the numbers and answers.

Chairman Lyons asked what the financial situation at Timberon was now. He asked if the water company was in bad shape.

Commissioner Marks agreed with Commissioner Hall that it should be tabled to get more data. He had not realized they were not counting meters so they should get the data and bring it back next week.

Chairman Lyons asked if interim rates were in effect now and would continue until a decision was made on the advice notice. Ms. Caffey-Moquin agreed.

Chairman Lyons asked when the yearly bill was sent out.

Mr. Rubinowitz said it was sent out in December.

Chairman Lyons reasoned that everyone was paid up until the end of December on the yearly rate. That meant the Commission would have to act before those bills were sent out.

Mr. Rubinowitz clarified that all the bills were sent out but not everyone was up to date on payment.

Chairman Lyons asked if everyone was up to date on their monthly bill or had been disconnected.

Mr. Rubinowitz said several had outstanding balances that totaled all together about \$36,000.

Chairman Lyons asked what the remedy was for standby customers who were not paid up.

Mr. Rubinowitz said TWSD would file liens and/or foreclosure on those properties.

Ms. Caffey-Moquin said Mr. Beagles handed her a certificate of service as well as his response to a motion of TWSD challenging the protests and it appears to have rule and statute citations and had a mail certificate. She had not previously received those and if the Commission instructed her, she would accept them as hand-delivered reserving the question whether they could be considered by the Commission and whether they were timely filed. As soon as she returned to Santa Fé she would put them in the public record of the case for further consideration.

Mr. Parker agreed with Commissioner Becenti-Aguilar – he was troubled that documents seemed to be floating around and nobody knew if they were officially filed. So he would like to go back and figure it out and provide a recommendation.

Commissioner Hall asked him how long that might take if the Commission tabled it today.

Commissioner Becenti-Aguilar said Commissioner Marks indicated one week and she said if that was not sufficient, Counsel needed to let the Commission know.

Ms. Caffey-Moquin said tentatively she was requesting to bring it back next Thursday but it might take longer, in which case the soonest she could do it would be September 11.

Commissioner Hall would rather have her take the time necessary to make sure she had all the documents and not rush through them so the Commission could make the right decision.

Chairman Lyons asked on the standby rate that was approved December 30, 2010 meant that standby customers had paid \$50.50 on each lot owned for 2011 and 2012.

Mr. Rubinowitz agreed they had paid two years' worth. They were mailed in December and due in January.

Mr. Beagles said they sent an additional bill in February or March to recapture that rate increase.

Mr. Rubinowitz said that was an emergency interim order notice.

Chairman Lyons moved to approve the monthly rate increase and have a hearing for the standby yearly rate. There was no second to this motion.

Mr. Rubinowitz said if the Commission did that, Timberon didn't receive nearly enough money from the meters alone for the District to provide for all who needed water, repairs, maintenance and improvement projects. That would hamper the District - the water portion of the District.

Chairman Lyons asked how much the \$14 per year equal total. The increase of standby yearly rate from \$36 to \$50 would be \$14 for 3,000 customers.

Commissioner Hall said it would be \$42,000 per year.

Chairman Lyons asked how much the monthly \$39 would bring in per year.

Mr. Rubinowitz didn't know.

Chairman Lyons said that would be \$370 per year times 618 meters.

Commissioner Hall said it would be \$220,000.

Chairman Lyons understood the \$42,000 loss would break Timberon.

Mr. Rubinowitz said the District was already on the ragged edge but admitted that \$42,000 would not be. They absolutely had to have it in place in time to send out bills.

Commissioner Hall asked if they left it as it was for forty weeks if it would wreck Timberon.

Mr. Rubinowitz said it would not.

Commissioner Hall said it would be considered in three week.

Mr. Rubinowitz said they were all based on the advice notices and the overall increase was 49%. The interim rates had an increase on metered water users of 83% over the previous rates and they could not ask for more than 50% and that was basically what they were asking for. They were trying to balance the increase for everyone.

Mr. Rubinowitz said the golf course needed to pay their bill like the rest of the rate payers because they had a meter too.

Commissioner Hall reminded him that the Commission could consider the amount of the rates but not what the District did with their money. That was up to the board members and who they elected.

Commissioner Hall asked Ms. Caffey-Moquin if the Commission had authority over the water money.

Ms. Caffey-Moquin didn't answer right away and Commissioner Hall said he just wanted her to look at that issue.

Chairman Lyons made a motion to table the matter for three weeks. Commissioner Hall seconded the motion and it passed by unanimous (4-0) voice vote. So Ordered.

Commissioner Marks excused himself from the meeting.

People from the public who came in later were introduced.

6. PRESENTATION Insurance Division presentation on claims surrounding Ruidoso fires.

This item was not considered during the meeting.

7. PUBLIC COMMENT

There were no public comments.

8. COMMUNICATIONS WITH CHIEF OF STAFF FOR LEGAL AFFAIRS, ROBERT W. PARKER

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

9. COMMUNICATIONS WITH CHIEF OF STAFF, JOHNNY MONTROYA

There were no communications with Chief of Staff.

10. COMMUNICATIONS WITH COMMISSIONERS

Commissioner Hall thanked the Mayor of Ruidoso for allowing the Commission to meet in City chambers.

There were no other communications with Commissioners.

11. CLOSED EXECUTIVE SESSION Pursuant to NMSA 1978, Section 10-15-1(H)(2) to discuss limited personnel matters.

Commissioner Becenti-Aguilar moved to go into closed executive session pursuant to NMSA 1978, Section 10-15-1.H (2) to discuss limited personnel matters. Chairman Lyons seconded the motion and it passed by unanimous roll call vote with Commissioner Becenti-Aguilar, Commissioner Hall and Commissioner Lyons voting in favor and none voting against.

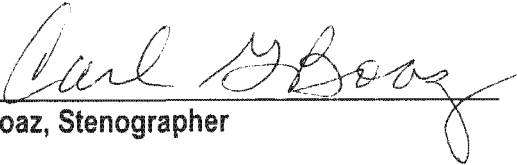
The Commission went into executive session at 10:46 a.m.

The Commission returned to open session at an unknown time after taking no action in executive session and only discussing limited personnel matters.

12. ADJOURNMENT

The Commission adjourned at an unknown time upon motion and unanimous vote.

ATTEST:


Carl Boaz, Stenographer

APPROVED: Sept. 18, 2012


PATRICK H. LYONS, CHAIRMAN


THERESA BECENTI-AGUILAR, VICE CHAIR

EXCUSED

JASON A. MARKS, COMMISSIONER

EXCUSED

BEN L. HALL, COMMISSIONER


DOUGLAS J. HOWE, COMMISSIONER

SIGN-IN SHEET

Open Meeting – Ruidoso, NM
August 16th, 2012

NAME	ADDRESS	E-MAIL	PHONE #
Burt Rubincowitz	651 Manual Blvd. NE #804	burt.rubincowitz@me.com	726-216-7370
Charles Ross	1451 Valley View Canyon	hr2stpr@gmail.com	575 802 5242
Bill Hirschfeld	1044 Mechem Dr Ruidoso	swiman602@aol.com	258-4574
V.L. Beegle	Box 2167 Roswell	5054x@rtcc.com	575 6267488
Mary Collins	Mary.Collins@prmcres.com		565 241-2214
Becky Brooks	728 Suddarth	becky@ruidosonow.com	575 257 7395
Bart Garrison	706 Mechem	BART@RUIDOSONOW.COM	575-257-4651
Kathryn Heiser	"	kathryn@nicdintagency.com	575-257-4651
Deborah Danks	720 Suddarth	deborah@ruidosonow.com	257-7375



NEW MEXICO PUBLIC REGULATION COMMISSION

REGULAR OPEN MEETING

Thursday, August 16, 2012

9:00 A.M.

Ruidoso Council Chambers

Ruidoso Village Hall

313 Cree Meadows Drive

Ruidoso, New Mexico

AGENDA

- 1. PLEDGE OF ALLEGIANCE**
- 2. INTRODUCTIONS**
- 3. MISCELLANEOUS ANNOUNCEMENTS**
- 4. CONSIDERATION AND APPROVAL OF THE AGENDA**
- 5. REGULAR ACTION**

A. Utility Division

12-00193-UT	IN THE MATTER OF TIMBERON WATER AND SANITATION DISTRICT'S ADVICE NOTICE NO. 10 FOR NEW RATES.
10-00366-UT Margaret Caffey-Moquin	IN THE MATTER OF THE REQUEST OF TIMBERON WATER AND SANITATION DISTRICT FOR AN EMERGENCY INTERIM RATE INCREASE.
	Order

6. **PRESENTATION**
 - Insurance Division presentation on claims surrounding Ruidoso fires.
 7. **PUBLIC COMMENT**
 8. **COMMUNICATIONS WITH CHIEF OF STAFF FOR LEGAL AFFAIRS, ROBERT W. PARKER**
 9. **COMMUNICATIONS WITH CHIEF OF STAFF, JOHNNY MONTROYA**
 10. **COMMUNICATIONS WITH COMMISSIONERS**
 11. **CLOSED EXECUTIVE SESSION**
 - Pursuant to NMSA 1978, Section 10-15.1(H)(2) to discuss limited personnel matters.
 12. **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.