

**MINUTES OF THE
REGULAR OPEN MEETING
NEW MEXICO PUBLIC REGULATION COMMISSION
November 1, 2012**

TIME: 9:40 a. m.

**PLACE: Navajo Nation Transportation Complex
16 Old Coal Mine Road
Tse Bonito New Mexico**

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
Margaret Caffey-Moquin, Acting Chief of Staff for Legal Affairs
John Franchini, Superintendent of Insurance
John Standefer, State Fire Marshal
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 Vice-Chairwoman Theresa Becenti-Aguilar called the Regular Open meeting to order at 9:30 a.m., in the Navajo Nation Division of Transportation Complex, 16 Old Coal Mine Road, Tse Bonito, 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

The Commissioners introduced themselves to the audience.

Vice Chair Becenti-Aguilar welcomed the public to the meeting in Navajo. She said each Commissioner had a particular expertise and named the skills of each one. She mentioned the poor cell service here that the Commissioners had experienced here. She acknowledged the presenters for this meeting.

Mr. Tagaban thanked the Commissioners for meeting in Tse Bonito.

Vice Chair Becenti-Aguilar then introduced the PRC staff who were present.

3. MISCELLANEOUS ANNOUNCEMENTS

There were no miscellaneous announcements.

4. CONSIDERATION AND APPROVAL OF THE AGENDA

Vice Chair Becenti-Aguilar asked that public comment be moved right after approval of minutes.

Commissioner Howe moved to approve the agenda as amended. Commissioner Hall 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 October 9, 2012**

Commissioner Marks with one small correction - Mr. Curl, the committee member, was misspelled. Commissioner Hall seconded the motion and it passed by unanimous (5-0) voice vote.

8. PUBLIC COMMENT

Ms. Janice Begaye spoke briefly in Navajo. She voiced her concern in the Pine Hill Chapter. Long before she was born and as a child, telephone service was provided to her community. As Chapter Chairwoman, she thought the new generation should be stakeholders in telephone service. She had been a loyal member of Frontier Communications. Lately she had gotten lots of complaints. Sometimes they didn't even know their phone service was out and had to drive to a mesa to use a cell phone. But when they called to get phone repair they got referred from one person to another.

She was a single mom working 8-5 M-F and lots of the time was not home and asked when someone would be out to fix my phone or leave a card so she could have a neighbor there when they came. It had not been done. Last weekend it was out. She walked to her neighbor and found their phone wasn't working either. When she called, no one got back to her. Her daughter had high risk health problems and without a phone she couldn't call for an emergency vehicle if it was needed. In 2012, everyone should be receiving utilities but they were not providing them well.

Customers should have a say so in their telephone service. She was not promoting any particular phone service but felt they should be able to vote on which phone service they wanted.

She said she hadn't seen any Frontier vehicles around to repair boxes. She was tired of having the band-aid calls when upgrades were needed. They deserved much more than the service they were receiving right now. If given a survey now she would rate it poor. She had complained and complained without anything being done. She would like to have a satisfaction survey to find out if we are satisfied with the service. She hoped her voice reached out to whoever could help them. Response times were not good.

Living in this area was very convenient for her and raising her children in the rural area - rising to pray at sunrise and leaving her back door open. That's why she lived in her chapter but they were not given the service. Her daughter in high school needed to do research on the internet but couldn't. They once had internet with dial up. Often it shuts off in the middle of research so she got rid of it and just had life line for her daughter.

Living in a rural area is very beneficial for our children. They rise early to catch the bus. It shows our responsibility. Life line provides help but when we need to call for help, medical or law enforcement - they couldn't if their phone was not working. Last week an ambulance couldn't find the address they needed because there was no phone to call.

Before Horizon and AT&T merged, they had good service but afterward they lost that connection.

In the future, she hoped the negotiations would happen and community members be notified that we have a choice on phone service. With Frontier, they had no choice. After complaining to Vice Chair Becenti-Aguilar, a complaint was sent to Frontier and they called. She gave them her complaint and asked them why they didn't respond to all the past complaints. She hoped Frontier heard her clearly. There has to be a better way of communicating.

Making the phone payment was not convenient either. She questioned why they should have to pay if they didn't have service. They shouldn't have to pay by debit card.

She thanked the Commission for listening to her hardship.

Vice Chair Becenti-Aguilar thanked her. She was trying to work with Frontier. Ms. Begaye was just one of many complaints she had received.

Mr. Mark Begay thought the Commission was doing a good job. He liked the way they ran their

meetings - one time and organized. He supported the legislative amendment to require more qualifications for PRC candidates.

He said he took care of the water system for his community. The complaint always comes to the person in charge of running it. If you can't do the job, you shouldn't be in that position. If you get a complaint, you should take care of it and if you can't you shouldn't be in that position.

He wished happy Veteran's Day to the veterans. He invited the PRC to come back again.

Mr. Chancy Martinez, legislative assistant to Charles was concerned with the fire station they were planning to build. Their community was far from Gallup. When the firemen had to come out from Gallup the fire was already over. He asked for the Commission's assistance. The six chapters represented also had communications and utility problems.

Councilman Jarris Williams asked how they could work with Commissioners. They lived in a checkerboard area and got it from each side - the Navajo Nation, the State and the Community. It could take years to get a power line to the people and health services.

He met with Vice Chair Becenti-Aguilar a couple of months ago. She said she wanted the best for the Navajo Nation. We wanted the same benefits as the urban people for our rural Navajo people. Shiprock is considered urban for Navajos. But we still have a large number of people in the Nation that don't have the resources needed. Communication should be a priority for Navajo services a basic land line for the Navajo people. It is a future liability. The internet was what they used for their kids to excel in education.

A Navajo student has to travel one to two hours to get to school and another 1-2 hours to get home. But they still have to go to the library to do their research. We need to work together on these issues.

He asked why a company serving Navajo people with telecommunications didn't try to work with them. It didn't happen. They now have a company trying to bring services to the people and he was disappointed that they did not get approved to receive USF. They didn't get one cent. Our people are entitled to receive services too.

As a Council delegate he wanted to work with the PRC and the federal government on these issues, and would like to hear from the PRC on how they would address it.

Sacred Wind is our company to serve our people. Frontier is another. They should be provided the resources to serve our area.

Thank you for coming today. Thanks for opportunity to share our concerns. It is expensive to bring services to Navajos - more miles of power lines. Let's work together for our Navajo people. We vote. So we should work together.

Vice Chair Becenti-Aguilar said he had two concerns. The first was working with the PRC on telecommunications issues. An MOU was needed. Mr. Tagaban was the coordinator to work with the PRC from the Navajo Nation. His second concern was with the Sacred Wind application for USF. She asked Ms.

Caffey-Moquin to respond to that. Since a complaint was filed on it, we need our attorney to respond to it.

Ms. Caffey-Moquin said the Sacred Wind case is on appeal with the Supreme Court. The legislature's Rural Telecommunications Act, together with PRC rules created a framework for when and how to provide USF funding.

Sacred Wind took over certain exchanges from Qwest several years ago and was granted the certification. The Commission determined they didn't meet the requirements for that application. They have not submitted an application that would comply with the laws and rules and chose instead to appeal to the Supreme Court.

The initial status of court consideration was just beginning at the Supreme Court. The Commission expected to receive orders from the Court. Sacred Wind would file their brief first and the Commission would file a response and then Sacred Wind would file a response to the Commission's response.

Vice Chair Becenti-Aguilar said they were awaiting a decision probably in the spring of 2013.

6. PRESENTATIONS

- **Navajo Nation Tribal Council Speaker Johnny Naize**

On behalf of the Speaker and Council, Mr. Naize thanked the Commission for coming here and also to recognize Councilman member Jarris Williams who spoke earlier. He also thanked the Commission for their service to our Navajo communities. The Council has taken that next step to be more transparent.

Mr. Naize introduced himself as staff assistant with the Office of the Speaker and representing the New Mexico portion of his office.

He said the Commission had already heard about the lack of cell coverage in these areas. We want to offer better lines of communication with the PRC to create some standards on lines of communication. He was very aware of the lack of phone and internet service in rural areas. The Navajo Council wants to improve all infrastructure in this area.

Mr. Williams mentioned that we all want the best for our constituents. The rural areas of our nation and perhaps rural areas all around the Nation get the least amount of attention. So we want to bring urban services to rural areas. Opening the lines of communication is something we want to do. He would leave the technical side to Mr. Tagaban. Some of the lingo was above his head.

- **Navajo Nation Telecommunication Regulatory Commission, Brian Tagaban, Executive Director**

Vice Chair Becenti-Aguilar introduced Mr. Brian Tagaban. She respected the Navajo Nation leadership and felt it wasn't right for a state official to direct Navajo policy.

Mr. Tagaban welcomed the Commission. He was from Big Mountain Arizona. The Telecommunication Regulatory Commission had 19 members with a regulatory role. The two Commissions overlapped and shared some of the same constituents but had different powers. Hopefully their relationship would expand into other areas - like the fire marshal. As they built understanding the regulation could grow into other areas.

Mr. Tagaban shared a power point presentation on his work. The vision of their TRC was to regulate, promote and strengthen the telecommunication industry to benefit the Diné. Their mission was to regulate the telecommunications industry on the Navajo Nation. They were looking after the public interest. Competition was in their interest. Their job was to bring more companies into this area and to protect public from the need for complaints. The public has an avenue to hold these phone companies accountable. They had incumbents and CLECs and the laymen didn't understand that terminology so it was on the Commission to put it in simple terms. He invited Commissioners to visit their website at [HTTP://NNTRC.ORG](http://NNTRC.ORG).

The Commission was established in 1984 and was unfunded until 2002. It was lodged within the executive branch of government as part of the Office of the President and Vice-President. One of President's platforms was broadband and that was an obligation Mr. Tagaban had. They were trying to build a smart regulatory region and wanted to work with New Mexico, Arizona and Utah as they moved forward.

His office was an official delegate to the FCC on all matters; authorized to negotiate on jurisdictional issues and international telecommunications. As a development sector member he took that role seriously. They were working actively with developing countries on telecommunications.

In the FCC Broadband Pilot project Sacred Wind is the lead entity for the application; working with Navajo Communications. A treatment group was to be located in New Mexico and NNTRC was contributing to consultation costs - 10% growth in adoption equates to 3% GDP growth.

He briefly explained the introduction of a tiered approach - small operator, general operator, public interest operator, negotiated agreement operator. They wanted to make sure broadband was understood by Navajo people and it had to meet the standard and were taxing customers on Navajo lands.

A Public Interest Operator must show unserved and under-served areas and declare their build out plan for those areas. ROW has been one of the biggest obstacles for the industry.

Commissioner Lyons asked about funding.

Mr. Tagaban said there was no one working in that office until 2002 and the industry was unregulated until 2002 so they were catching up.

Commissioner Marks wanted to hear more about the FCC demonstration. It was not just seeking grants but working on the progress that was falling into place. He agreed that the state statutes were not the best model for a nation that wanted to be part of the 21st century so he was right about revision of statutes.

He thought their plan sounded like that through the CCNs to regulate quality of service and tariffs that voice phone companies were offering. And regulating broadband is a good idea for consumer protection. Lots of marketing fees that are shown are not what the customer pays. We have not been able to deal with it but maybe the TRC can, starting from scratch so people could compare prices. The PRC gets limited when it comes to regulating FCC stuff - not entry and not prices.

Mr. Tagaban said they didn't have more power directly. They were still subject to FCC regulations so it was the same framework. But they did have trust land status. The FCC has the area where one can enter as a small operator or general operator. When NNTRC negotiates as general operator, we are in special advertising. No one can come into Navajo Nation with broadband without meeting the standards.

He was proud of the progress that has been made and the FCC has recognized that. So we are members of Native American Task Force. CCN is the first step.

Commissioner Marks thanked him for those answers. He hoped the future Commission could not only coordinate with the Navajo Nation but that the Navajo Nation could teach the Commission something on it.

Vice Chair Becenti-Aguilar thanked Mr. Tagaban for his presentation and asked him to give the Commission's best wishes to the President.

- **Joe Hausner, Operations Manager, Navajo Frontier Communications**

Mr. Hausner introduced himself as Operations Manager and Victoria Begaye as the Enterprise Account Manager. He described the voice services for residential and commercial, high speed internet, broadband, Dish and Long Distance. For commercial they also did audio and web conferencing, WiFi Hot Spot and anchor tenants.

Ms. Begaye said they served 49 exchanges with 13 in New Mexico. She was responsible for all commercial services including governments, schools, hospitals, etc. They provided data backup and recovery and customer premise equipment and optical services; WAN, point to point, PRI, Metro Ethernet, web hosting and development as well as 911 service.

Mr. Hausner said they could splice fiber and have been repairing other people's fiber. Their local business office had bi-lingual staff with 64 employees for local support.

Their Engineering Division spends about \$3-5 million annually on expansion.

Commissioner Marks asked if they kept statistics on service outages Mr. Hausner agreed but had none with him.

Commissioner Marks asked if there was some deteriorated copper wiring.

Mr. Hausner agreed. It was what caused much of the community outage. Lightning caused a lot of them and during bird hunting seasons, lines get shot.

Commissioner Marks was interested in restoration statistics. Mr. Hausner agreed to send them.

Commissioner Marks asked how large Frontier was.

Mr. Hausner said locally they had 28,000 lines.

Commissioner Marks explained that the PRC had jurisdiction for quality of service over large and medium carriers but not on rural companies. They might expect the same quality but he knew it took longer to respond in rural areas. They had to rely on cooperation mostly.

Vice Chair Becenti-Aguilar asked about the territory they served and Mr. Hausner agreed to provide a map to her.

- **New Mexico Fire Protection in the Navajo Nation - John Standefer, State Fire Marshal**

Fire Marshal John Standefer described the scope and history of the Fire Marshal's Division. It was created in 1955 and primarily responsible in 4 areas:

1. Code enforcement. Water supply was crucial and lack of it was a great detriment to them.
2. Fire investigations. They didn't have much on Navajo Nation - usually only as requested and only 3-4 times in the last two years, mostly from ATF.
3. Training - The academy is 52 acres in Socorro. They also conduct a week-long school for BIA once a year for all of BIA west of the Mississippi.

The State Fire Fund was created in 1958 to lower fire insurance rates. It was funded by a 3% surcharge on home and auto insurance. They now received about \$50-60 million each year.

4. Structural Fire protection - new legislation allowed an expanded use of the State Fire Fund including EMS. The access specifically in the law is to the county fire departments so to get funding requires the fire department to be part of the county fire departments. Twenty six fire departments that receive funding are in or cover parts of the Navajo Nation. He referenced the listing and the maps in the area. Every part of San Juan County was covered.

Equipment, water supplies, trained people and communication system were all necessary for successful fire departments. Because of long distances in the Navajo Nation, it is difficult and expensive. Fire apparatus costs as much as \$250,000. A total of \$1.7 million was distributed to fire departments in the three counties covered by Navajo Nation.

Superintendent Franchini asked what the difference was between an ISO of 5 and one of 9 in the insurance premium and fire protection.

Marshal Standefer said the savings could be as much as 10% on a policy. So what happens in a

community can affect the property insurance premium. So he wanted all communities to move up from ISO Class 10. Water supply is critical for that. It doesn't matter where the water comes from so the Fire Fund provides funds for a tanker that can draw from a lake or a river and it helps. They train people at the Academy how to do that. When communities try to grow commercially, the ISO is a big factor.

4. County government coverage.

Vice Chair Becenti-Aguilar said a person asked about creating a fire station south of Gallup and she would meet with Marshal Standefer in that regard.

Marshal Standefer said they could survey that district and find out the distances to prove feasibility for it.

- **John Franchini, Superintendent of Insurance**

Superintendent Franchini was proud to be here with the citizens of Navajo Nation today. There were very similar issues from urban to Navajos and needed to do more commingling. "We are learning a lot from you."

He explained his role as Superintendent included:

1. Affordable Care Act - How it is being implemented in New Mexico and its benefits

The Affordable Health Care Act became law in early 2010 and was to be implemented fully by 2014. It stopped denials from pre-existing conditions or from taking away a person's health insurance coverage.

Provisions include: Access to emergency care cannot be denied; unlimited coverage; right to appeal to an independent entity. The Department of Insurance has done that for many years. So anyone with a complaint can call for assistance. Last year they had 3500 complaints that were resolved in favor of the public.

We have state mandates and federal mandates so the policy is far reaching beginning in 2014.

2. Silver Plan (Basic Plan) - How exchange will work

Our own state plan was written by Lovelace and is very affordable. This has never been done before. New Mexico is one of only ten states and we got it done by the due date in October.

We also have to have a health insurance exchange where a person can see all plans and pick and choose. It will be finished by mid-2013.

He had copies of the Human Services Department's Native American Work Group report. Every entity

was listed. The Work Group will share more information on it. The State Regulation and Licensing has been helping them with it. They will have outreach to all areas of the state.

Home Health Aides will be trained through Ambercare to provide a variety of services. Schools will be one of the first places to implement the State Plan.

3. Working with the Tribes

- What plans are going to be implemented for working and communicating with the Tribes.**

- Do Tribes want to work with the Superintendent of Insurance or be independent?**

- How the Superintendent of Insurance will do its outreach program**

Superintendent Franchini said at the federal poverty level, a family can get coverage for a premium of less than 3% of their income.

He said the U.S. was very good with crisis health care but not with preventative wellness care. He didn't think the Republicans could get rid of the Affordable Health Care Act. When Medicare was introduced some people thought it would destroy the health care field but it actually made it better.

A member of public asked how AHCA might affect small businesses or entrepreneurs.

Superintendent Franchini said some small businesses don't provide health care but they will have a choice with AHCA and will have great credits using the exchange. Without the exchange, taxes will be expensive. There is no underwriting and people cannot be rated. He thought it was a mandatory provision with either a tax paid or coverage for the employees. He didn't think it was mandatory for individuals.

Mr. Tagaban said Native American people were not mandated because they had IHS.

Vice Chair Becenti-Aguilar introduced the councilman from her homeland, Councilman Mel Begaye.

Councilman Begaye thanked her for the opportunity to speak. He was proud to have one of their community members serve as a Commissioner. Sharing some of the knowledge was important to our community here and our needs as a nation. These are important issues we are faced with and a matter of practice that we get service from the State of New Mexico and some of these issues are overlooked. This gives us an opportunity to realize how important they are.

It is a privilege to thank you for coming to our community and sharing these concerns. Fire Department needs are so evident. It is heartbreaking to hear of a family's house burning down for lack of a fire

department. And many don't have insurance to cover it once the house burns down.

He hoped the Commission would continue to address them in the time to come. He thought this was the first time the Navajo Nation had been able to host a meeting of the PRC.

7. REGULAR ACTION

A. Transportation Division

**11-00420-TR-R IN THE MATTER OF THE ADOPTION OF FURTHER AMENDMENTS TO THE
COMMISSION'S RULES REGARDING RAILROADS AND RAILROAD SAFETY
(Margaret Caffey-Moquin) Order on Motion for Extension of Time**

Ms. Caffey-Moquin provided information regarding this matter to the Commission. It involved amendments to the PRC safety rules incorporating federal railroad standards. The changes would bring the rules up to date. There are two railroad inspectors on staff who deal with this issue.

The Commission discussed this on Tuesday and today's version has a new paragraph on page 5, paragraph 14 and on page 6, paragraphs 16 and 17 have small changes.

Paragraph 14 recognized the right of the legislature to legislate for TRD and PRC on overlapping issues that PRC is primarily for railroad safety and that a constitutional amendment would be needed to change that.

Paragraphs 16 and 17 deal with formal and informal complaints to specify the avenue for consumers to follow.

Paragraph 17 shortens the language for the evidentiary hearing and conforms to federal statute for evidence in court.

Commissioner Howe said they discussed this thoroughly but he asked if she was unable to accommodate all the suggestions. Ms. Caffey-Moquin agreed.

Commissioner Hall noted in paragraph 14 that she said the Commission would not be averse to but the Commission really encourages the legislature to resolve the overlapping jurisdiction with TRD.

Commissioner Marks suggested saying they would welcome legislation to make that resolution.

Commissioner Howe offered that the Commission would welcome legislative change to clarify this issue with jurisdiction.

Ms. Caffey-Moquin agreed.

Commissioner Marks suggested not saying "clarify" but "separate." Commissioner Hall agreed.

Ms. Caffey-Moquin corrected on part: "joint jurisdiction" should be changed to "overlapping jurisdiction."

Commissioner Howe moved to adopt the order with the amendments just made. Commissioner Hall seconded the motion.

Commissioner Lyons asked if she had talked with DOT about this.

Ms. Caffey-Moquin said she did last year and with Class 1 railroads.

Commissioner Lyons asked if the railroads would they be happy with this.

Ms. Caffey-Moquin thought so. It was sent out for their response. It is the railroads' position along with DOT that this Commission does not have jurisdiction to require a railroad crossing to be opened or closed so it would be exposure to that issue. She explained that the PRC is required to hold hearings on closing or opening crossings. There is a Class 3 RR in southern New Mexico that filed on that issue too.

Commissioner Lyons didn't know why the Commission wouldn't want to give that to them. He favored taking it out if it was not a dereliction of our duties.

Commissioner Howe said the issue was that only the legislature could give that to the DOT.

Ms. Caffey-Moquin agreed it was up to legislature. The downside was that it would remove the access of citizens because DOT doesn't have the same access.

Commissioner Howe moved to approve the order as amended and using Commissioner Marks's language. Commissioner Hall seconded the motion and it passed by unanimous (5-0) voice vote. So Ordered.

B. Utility Division

**11-00218-UT IN THE MATTER OF THE COMMISSION ESTABLISHING A STANDARD
METHOD FOR CALCULATING THE COST OF PROCURING RENEWABLE
ENERGY, APPLYING THAT METHOD TO THE REASONABLE COST
THRESHOLD, AND CALCULATING THE RATE IMPACT DUE TO ALL
RENEWABLE ENERGY PROCUREMENTS.
(Margaret Caffey-Moquin) Order**

Ms. Caffey-Moquin presented information regarding this matter to the Commission. It was a draft by Mr. Blumenfeld for the rule making and was under the Public Utility Act but it recognizes it as a guideline in a proceeding. There was a hearing on October 24 and the rules allowed the Commission to hold the case open for 30 days after a hearing. The draft finds the AG's request for November 26 to be reasonable yet contrary to the conclusion of the Commission statement that responses would not be allowed. So this was for a different procedure than the Commission normally would have. The draft order would extend the

deadline but only allow briefs and response briefs limited to ten pages.

Commissioner Howe noted that this project had been around for 17 months - from April 20, 2011. It has been through four extensions already. He was there at the evidentiary hearing and it comes down to some specific topics. Originally it was very broad and there were lots of opinions all over the map but after 17 months of back and forth it came down to specific limited issues. He personally thought the Commission would do well to just table it until next Tuesday when they could ask staff about where the issues are right now and whether a fifth extension was needed.

Commissioner Howe moved to table the matter. Commissioner Hall seconded the motion and it passed by unanimous (5-0) voice vote. So Ordered.

Commissioner Lyons asked that it be put on Tuesday's agenda.

9. COMMUNICATIONS WITH ACTING CHIEF OF STAFF FOR LEGAL AFFAIRS, MARGARET CAFFEY-MOQUIN

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

10. COMMUNICATIONS WITH CHIEF OF STAFF, JOHNY MONTOYA

Mr. Montoya announced that Thursday and Friday they would interview candidates for the Transportation Division Director position.

Commissioner Lyons announced that after the meeting on Thursday they would go to the Science and Tech Legislative Committee regarding Sacred Wind.

11. COMMUNICATIONS WITH COMMISSIONERS

Commissioner Marks said regarding the railroad rules the Commission just passed was brought here purposely and recognizing Vice Chair Becenti-Aguilar's commitment to railroad safety given the number of fatalities in this region of the state. He commended General Counsel for bringing that here and for Vice Chair Becenti-Aguilar keeping that in the Commission's attention with our community meetings here and interactions in Santa Fé. It is a step in the right direction and shows our interest in being part of the solution.

Vice Chair Becenti-Aguilar thanked him. She said in the future they planned to have more meetings here but she wanted the opportunity for other commissioners to take the Commission to their districts.

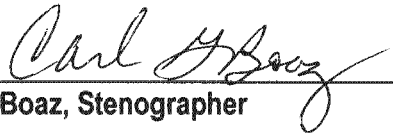
12. ADJOURNMENT

Commissioner Lyons moved to adjourn the meeting. Commissioner Howe seconded the motion and it

passed by unanimous (5-0) voice vote.

The meeting was adjourned at 1:08 p.m.

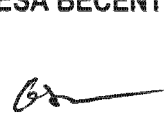
ATTEST:


Carl Boaz, Stenographer

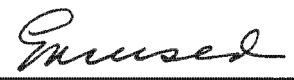
APPROVED: 11/29/2012


PATRICK H. LYONS, CHAIRMAN


THERESA BECENTI-AGUILAR, VICE CHAIR


JASON A. MARKS, COMMISSIONER


BEN L. HALL, COMMISSIONER


DOUGLAS J. HOWE, COMMISSIONER

NEW MEXICO PUBLIC REGULATION COMMISSION OPEN MEETING

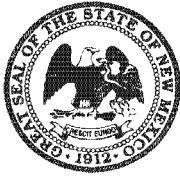
Tse Bonito,
New
Mexico

Meeting Date: 11/01/2012

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Hostie Bryant	Asst. President	Naschutti	870-1646		
Luther Blumquist	CSC	Naschutti	505/ 732-5401		
Victoria Begg	2nd Asst. Mgr. Frontier		928 871-3787	928 871-3779	Victoria.Begg@fr.com
Joe Hausner	DPS Mgr	FRONTIER	928 871-3771	871-3779	Joe.Hausner@FR.com
Will Tsosie	NNTRC Commissioner	NNTRC	505 368-4427		WillTsosie@rocketmail.com
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Sonny Moore	Comm-Gallup NNTRC	Comm-Gallup	870- 9082(505)		
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Danny Iron	NNTC		928-380 1847		

**Tse Bonito,
New
Mexico**

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NEW MEXICO PUBLIC REGULATION COMMISSION

REGULAR OPEN MEETING
Thursday, November 1, 2012
9:30 A.M.

Navajo Nation Division of Transportation Complex
16 Old Coal Mine Road
Tse Bonito, New Mexico
(2.5 Miles East of Window Rock, AZ)

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 October 9, 2012**
- 6. PRESENTATIONS**
 - **Navajo Nation Tribal Council Speaker Johnny Naize**
 - **Navajo Nation Telecommunication Regulatory Commission**
Brian Tagaban, Executive Director
 - **Joe Hausner, Operations Manager, Navajo Frontier Communications**
 - **New Mexico Fire Protection in the Navajo Nation –**
John Standefer, State Fire Marshal
 - **Presentation by John Franchini, Superintendent of Insurance**
 - 1. Affordable Care Act**
 - **How it is being implemented in New Mexico**
 - **It's benefits**

2. Silver Plan (Basic Plan)
 - How exchange will work
3. Working with the Tribes
 - What plans are going to be implemented for working and communicating with the Tribes
 - Do Tribes want to work with the Superintendent of Insurance or be independent
 - How the Superintendent of Insurance will do its outreach program

7. **REGULAR ACTION**

A. Transportation Division

11-00420-TR-R Margaret Caffey-Moquin	IN THE MATTER OF THE ADOPTION OF FURTHER AMENDMENTS TO THE COMMISSION'S RULES REGARDING RAILROADS AND RAILROAD SAFETY. NOPR
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B. Utility Division

11-00218-UT Margaret Caffey-Moquin	IN THE MATTER OF THE COMMISSION ESTABLISHING A STANDARD METHOD FOR CALCULATING THE COST OF PROCURING RENEWABLE ENERGY, APPLYING THAT METHOD TO THE REASONABLE COST THRESHOLD, AND CALCULATING THE RATE IMPACT DUE TO ALL RENEWABLE ENERGY PROCUREMENTS. Order on Motion for Extension of Time
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8. **PUBLIC COMMENT**

9. **COMMUNICATIONS WITH ACTING CHIEF OF STAFF FOR LEGAL AFFAIRS, MARGARET CAFFEY-MOQUIN**

10. **COMMUNICATIONS WITH CHIEF OF STAFF, JOHNNY MONTROYA**

11. **COMMUNICATIONS WITH COMMISSIONERS**

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.