

This is an amendment to 17.7.2 NMAC, Sections 8, 12, & 14, effective September 26, 2017.

\* \* \*

**17.7.2.8 PUBLIC UTILITY FILING REQUIREMENTS FOR APPLICATIONS AND ANNUAL REPORTS:**

\* \* \*

E. In each plan year, a public utility shall make its best efforts to expend its [~~plan~~] commission authorized funding as calculated in 17.7.2.8.C NMAC above subtracting any applicable prior plan year overage or adding any applicable prior plan year underage; provided, however, that a public utility may periodically adjust its plan year expenditures by an amount not greater than ten percent (10%) of the commission authorized funding if the adjustment will result in aligning plan year expenditures more closely with projected plan year collections under the utility's energy efficiency rider; and also provided, however, that a public utility must file with the commission in the same docket as the relevant application a notice of modification at such time as a public utility exercises any such adjustment to its plan year expenditures. By motion in the docket of its most recent energy efficiency case a utility may seek approval to adjust its plan year expenditures by more than ten percent (10%) of the commission authorized funding.

\* \* \*

**17.7.2.12 MODIFICATION OR TERMINATION OF PROGRAMS:** Within each plan year, [F]the utility, commission staff, attorney general, energy, minerals and natural resources department, or any other interested party, may petition the commission to modify or terminate a measure or program, or to approve a new program, for good cause by filing a motion in the same docket in which the public utility filed its most recent application. Program modification or termination shall not nullify any preexisting obligations of the utility, alternative energy efficiency provider, or contractor, for performance or failure to perform. Termination of a program or programs shall be accomplished in a manner that allows the utility to fully recover its prudent and reasonable program costs.

\* \* \*

**17.7.2.14 ANNUAL REPORT:**

\* \* \*

C. Annual reports shall include the following for each measure and program:  
(1) documentation of program expenditures and estimates of the program expenditures expected in the next year;

\* \* \*

