

NOTICE OF ISSUANCE OF EMERGENCY RULES

Prohibiting public utilities subject to the jurisdiction of the New Mexico Public Regulation Commission specifically, investor-owned electric, rural electric cooperatives, gas and water, from the disconnection of residential utility service during the time period the Emergency Executive Orders 2020-004 Declaring a Public Health Emergency and 2020-005 through 2020-0010 remain in effect

SPECIFIC AUTHORITY

Pursuant to Section 8-8-15 (C) NMSA 1978, Section 14-4-5.6 NMSA 1978 and Section 62-6-4 NMSA 1978 and pursuant to the authority granted under Executive Orders 2020-004, 2020-005, 2020-006, 2020-007, 2020-008, 2020-009, and 2020-010 issued by Michelle Lujan Grisham, the Governor of the State of New Mexico, the New Mexico Public Regulation Commission shall issue emergency temporary amendments to 17.9.560.12 NMAC, 17.10.650.11 NMAC and 17.12.760.10 NMAC to become effective immediately upon filing. These amendments shall be temporary in nature and the amended rules will revert to their previous versions by effect of law 180 days after the emergency rule amendments are filed.

CONCISE EXPLANATORY STATEMENT

On March 11, 2020, and on March 15, 2020, Michelle Lujan Grisham, the Governor of the State of New Mexico, declared in Executive Order 2020-004 and related Executive Order 2020-005, 2020-006, 2020-007, 2020-008, 2020-009, and 2020-010 that a Public Health Emergency exists in New Mexico under the Public Health Emergency Response Act, and invoked the All Hazards Emergency Management Act by directing all cabinets, departments and agencies to comply with the directives of the declaration and the further instructions of the Department of Health due to COVID-19. On March 12, 2020, the Secretary of the New Mexico Department of Health issued Public Health Emergency Order to Limit Mass Gatherings due to COVID-19. As a result of the aforementioned, there has been an immediate negative economic effect upon New Mexico's and the world's economy due to the requirements of social distancing, remote working, and the laying off of workers due to the closure of certain businesses having little or no economic activity. The end result is that certain residential customers may temporarily be without sufficient funds to timely make full payment of their public utility bills during the time period of the COVID-19 public health emergency. Such customers may also experience difficulty transmitting payment without contravening social distancing protocols and placing themselves at increased risk of transmission of the coronavirus-COVID 19.

On March 18, 2020, the Commission issued an Order in Case No. 20-00069-UT, in accordance with Section 8-8-15 C. NMSA 1978 of the New Mexico Public Regulation Act. and Section 14-4-5.6 NMSA 1978 (2017), finding that due to the above stated reasons: a) a state of emergency exists that causes an "imminent peril to the public health, safety or welfare" that requires the adoption and issuance of an immediate temporary emergency rule prohibiting the discontinuation of residential customer utility service during the time period of the Governor's Executive Orders 2020-004 through 2020-0010 are in effect; and b) due to the above stated reasons, the "immediate adoption... of a rule is necessary for the preservation of the public peace, health, safety or general welfare...." Therefore, the Commission issued the March 18, 2020 Order, pursuant to its authority under NMSA 1978, Section 62-6-4 A, immediately adopting and issuing an temporary emergency rule prohibiting the discontinuation of residential customer utility service during the time period of the Governor's Executive Orders 2020-004 through 2020-0010 are in effect;

DESCRIPTION OF EMERGENCY RULE AMENDMENTS

The emergency temporary amendments to Subsection (G) of 17.9.560.12 NMAC, Subsection (G) of 17.10.650.11 NMAC and 17.12.760.10 NMAC shall be immediately and temporarily adopted for the purpose of ensuring that public utilities subject to the jurisdiction of the New Mexico Public Regulation Commission, specifically investor-owned electric utilities, rural electric cooperatives, gas utilities and water utilities, are prohibited from the disconnection of the utility service of residential customers for non-payment during the period of time the Governor of the State of New Mexico's Executive Order 2020-004 declaring a public health emergency under the Public

Health Emergency Response Act and under the All Hazards Emergency Act, as well as Executive Orders 2020-005 through 2020-0010 remain in effect. The emergency temporary amendments shall state: Public utilities are prohibited from discontinuing residential customer utility service during the time period the Governor's Executive Orders 2020-004 through 2020-0010 are in effect. Disconnections for non-payment issued on or after March 11, 2020 (the effective date of the Emergency Executive Orders) are suspended for the duration of the effectiveness of the Emergency Executive Orders. Late fees related to these bill payments shall be waived. Public utilities are not prohibited from disconnecting service to residential customers due to: a) an emergency; b) safety; or c) a request to disconnect from the residential customer. Public utilities are permitted to temporarily and immediately close in-person bill payment locations as long as they provide notice to residential customers regarding the same and notice how to pay electronically or by mail. In the event of closure of in-person bill payment locations, public utilities shall be permitted to continue to collect credit card or bank fees in accordance with their own Commission approved and filed tariffs. Medical certificates set to expire shall not expire for the duration of the effectiveness of the Emergency Executive Orders and shall automatically be extended for 90 days from the end of the Emergency Executive Orders.