

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF NEW MEXICO GAS
COMPANY INC.'S APPLICATION FOR THE
ISSUANCE OF A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY TO
CONSTRUCT A LIQUIFIED NATURAL GAS
FACILITY.**

NEW MEXICO GAS COMPANY, INC.,

APPLICANT.

Case No. 22-00309-UT

**NEW ENERGY ECONOMY'S STATEMENT OF OPPOSITION
TO STIPULATION OF SETTLEMENT**

New Energy Economy ("NEE"), in accordance with 1.2.2.20.B(2) NMAC, (providing five (5) days for the filing of statements in opposition to a stipulation), summarizes in this Statement its grounds (to date) for opposing the Stipulation of Settlement filed on September 1, 2023. The Stipulation of Settlement is between PRC Staff and the New Mexico Gas Company ("NMGC" or the "Company") only. Immediately, after the 5:00p.m. filing of the Stipulation of Settlement, Counsel for NMGC indicated that the Company erroneously included the Office of New Mexico Attorney General ("OAG") as a Signatory to the Settlement when the OAG was not a party. Only staff signed onto the Stipulation of Settlement with NMGC.

1. NEE requests that the Commission "refuse to entertain" the stipulation and instead schedule a hearing on the merits because "the nature and extent of the opposition is such that hearing the stipulation will not materially conserve commission, staff, and party resources."

1.2.2.20.B(3) NMAC.

2. A stipulation would require a hearing on both matters *included* in the contested stipulation *and* the merits of any substantive issues *not addressed by the stipulation*.¹

Regarding Contested Stipulations, Section 20 (B) (3) of the Commission’s Rules state:

(3) The commission or presiding officer shall schedule the stipulation for public hearing and review unless it is determined that the nature and extent of the opposition is such that hearing the stipulation will not materially conserve commission, staff, and party resources. In the event this determination is made, the commission or presiding officer may refuse to entertain the stipulation. *The commission or presiding officer also has the discretion to combine a public hearing on a contested stipulation with the public hearing on the merits of any substantive issues not addressed by the stipulation.* (Emphasis supplied.)

3. The stipulation does not include or even attempt to address safety or environmental issues which is necessary to include in any “public interest” determination. The stipulation defers ratemaking treatment to a future proceeding in a case in which the utility’s application claims approval would save customers money. Because NMGC has not adequately considered alternatives to its proposed LNG facility, we do not have sufficient information to compare alternatives, such as the costs of negotiating more consumer-protective contract terms with suppliers. NMGC and Staff seek to have the stipulation approve the certificate of public convenience and necessity (“CCN”) now, and the prudence of costs determined later, while at the same time approving “not to exceed” amounts for the costs of construction and operation and maintenance (“O&M”), but claiming that the Stipulation does not address prudence. Stipulation ¶ 11. The request that the Commission approve the facility first and worry about costs later,

¹ Case No. 20-00222-UT, Certification of Stipulation, November 1, 2021, p. 8. (“The Hearing Examiner indicated that hearings would be scheduled to consider the modified version of the May 7 stipulation and that the modified stipulation, as a contested stipulation would be considered pursuant to 1.2.2.20.B(3) NMAC. Thus, the hearing would address the contested stipulation and the merits of any substantive issues not addressed by the stipulation.”)

appears calculated to remove the scrutiny of costs from a case claiming it will save ratepayers money, is not in the public interest. NMGC's Stipulation also requests prior approval "to sell gas from the LNG Storage Facility to a third party" (Stipulation at ¶17) without meaningfully addressing the impact this would have on NMGC customers and residents of Rio Rancho and Albuquerque and New Mexico and whether that would be in the public interest at all, let alone a net public benefit.

4. The stipulation will require pointless additional testimony and briefing required to demonstrate conformity or non-conformity with the standards for approving a stipulation, *in addition to* the usual, quotidian requirements for demonstrating compliance or non-compliance with the applicable legal standards for granting the relief requested in NMGC's application on its merits. 1.2.2.20.B(4) NMAC. ("The proponents of the stipulation have the burden of supporting the stipulation with sufficient evidence and legal argument to allow the commission to approve it. At the public hearing all parties ... shall be allowed an opportunity to present evidence and cross-examine opposing witnesses on the stipulation.") This adds an additional burden on opponents of the stipulation to have to submit testimony and briefing on the merits of the stipulation *per se*.

5. NEE opposes the Stipulation and urges the Commission to refrain from setting a hearing to approve it because on its face the Stipulation fails to satisfy the Commission's established standards for approval of contested settlement stipulations. *See, e.g.*, Case No. 13-00390-UT, April 8, 2015 Certification of Stipulation, pp. 26-29, supplemented in November 16,

2015 by the *Certification of Stipulation*, pp. 12-13, adopted in Final Order.² The Stipulation should not be entertained for the following reasons:

A. **The NMGC proposed CCN in the stipulation for a liquified natural gas plant**

(“LNG”) would not provide a net public benefit. *Re Valle Vista Water Utility Co.*, 212 P.U.R. 4th 305, 309 (2001). (“The ‘public convenience and necessity’ standard requires a net public benefit.”);

B. While the LNG plant may provide a modicum of further reliability and flexibility that is NOT what the Commission tasked NMGC to pursue – what the Commission tasked NMGC to pursue was to determine how the Company could *mitigate extreme price fluctuations*, (price volatility for ratepayers); in fact the Company testified at the time and the Commission understood at the time that reliability was *not* a problem; the Company has chosen to emphasize “reliability” as the primary benefit to its LNG CCN but that was not the problem to be solved. The price spike mitigation – which *was the problem to be solved* has not been adequately investigated or addressed, let alone solved by the Company’s application. What the Company’s expert (John Reed) has testified is: “Complete price protection, if even achievable, would involve reconsideration of NMGC’s entire gas supply, transportation, and storage portfolio, as well as a reconsideration of its hedging and purchasing practices, and would likely be cost prohibitive.”³ Even if you start from the presumption that the NMGC can’t have “complete price protection” – the goal is improvement (or significant mitigation of the

² The April 8, 2015 Certification notes: “Because a stipulation is no more than the sum of its parts, the Commission must determine...whether the manner in which the Stipulation proposes to resolve those issues, especially those opposed by other parties, is reasonable,” citing, *Final Order*, Case No. 10-00086-UT, p.14, and prior Orders.

³ NM PRC Case No. 22-00309-UT, *Direct Testimony of John J. Reed*, p.77.

price spike). So why limit improvement to building a Company-owned, with associated return on equity, short and long-term higher costs for customers, LNG facility, but fail to examine hedging and contracting and transportation practices? Is it prudent or consistent with law to approve a facility before NMGC has explored reasonable avenues for price spike mitigation?! **There is little to NO testimony specifically about the PRC directive: insulating NMGC customers from the vicissitudes of market spikes.**

NMGC is situated between the Permian and San Juan basins and has ample and varied supplies which needs to be explored. The fact that “complete price protection” may be “cost prohibitive” does not relieve NMGC from its responsibility to consider financial alternatives and weigh them against an LNG storage facility. How would the LNG facility stack up against: hedging and contracting and transportation practices/opportunities? The NMGC Application is silent about its exploration of these alternatives. A utility must “demonstrate that it ‘reasonably examined alternative courses of action.’” The New Mexico Supreme Court explained, in *Public Serv. Co. of N.M. v. NMPRC*, 2019-NMSC-012, ¶¶ 22-32, 444 P.3d 460, “We observe that there is a meaningful relationship from the perspective of the ratepayers between the consideration of alternatives and the cost of the chosen generation resource. The goal of the consideration of alternatives is, of course, to reasonably protect ratepayers from wasteful expenditure. The failure to reasonably consider alternatives was a fundamental flaw in PNM’s decision-making process.”) At ¶32. (citation omitted.)

- C. The best the Company can offer is that if the LNG peak storage facility was in place at the time of Storm Uri occurred ratepayers might have been less vulnerable by \$15M - \$44M (\$44M unlikely because the Gas Company has not used off-system sales in at least

15 years) of the \$107M price spike experienced,⁴ which the Company characterizes as a one in a hundred-year event. The fundamental legal requirement for the Applicant is: **can the Company meet its burden of proof to demonstrate that there is a net public benefit? In the NMGC Application, there is NO showing that if everything NMGC testifies is true, ratepayers would be better off or whole. Frankly, based on NMGC's testimony it does not make any financial sense to invest \$180M+ to offset \$15M - \$44M;**

D. Operational risks, costs or other adverse problems, including fires, deleterious impact to air quality, environmental harm and death, are not worth the financial and operational ease to the Company.

6. Further, additional litigation may ensue after a hearing on the proposed stipulation pursuant to 20.B(5)(a) NMAC, which means that no time would be conserved.

7. A settlement must be “fair, just and reasonable” or “in the public interest.”⁵ A stipulated settlement’s short- and long-term impacts on the utility and its customers must be considered “as a whole” and must provide a net benefit to customers and the public interest.⁶ See also, *Re Valle Vista Water Utility Co.*, 212 P.U.R. 4th 305, 309 (2001).

⁴ NM PRC Case No. 22-00309-UT, *Direct Testimony of John J. Reed*, pp. 74-78 and NMGC Exhibit JJR-3.

⁵ NM PRC Case No. 16-00276-UT, *Order Rejecting Stipulation in Current Form*, May 12, 2017, fn. 2.

⁶ *Id.* (“[T]he Commission has observed on numerous occasions, the “substantial evidence as a whole” aspect of the standard for testing contested stipulations goes to whether the Commission’s decision is supportable if challenged pursuant to the Supreme Court’s appellate standard of review, which is just that – substantial evidence in the record.” citing, *Certification of Stipulation*, Case No. 14-00310-UT (Apr. 20, 2015) at 22 n. 70.)

8. In a number of respects, the Stipulation also is not “in accordance with applicable law” and violates a number of “important regulatory principles and practices.”⁷ These laws and commission practices are binding.⁸ “The Commission is not free to disregard its own rules and prior ratemaking decisions or ‘to change its position without good cause and prior notice to the affected parties.’” *Pub. Serv. Co. of New Mexico v. New Mexico Pub. Regulation Comm’n*, 2019-NMSC-012, 444 P.3d 460, 468 ¶11, citing, *PNM Gas Servs.*, 2000-NMSC-012, ¶ 9, 129 N.M. 1, 1 P.3d 383 (quoting *Hobbs*, 1993-NMSC-032, ¶ 12, 115 N.M. 678, 858 P.2d 54).⁹ “Although a Commission should be able to change its procedure, it should not arbitrarily or capriciously¹⁰ do

⁷ *Id.* (“The Commission has approved a Hearing Examiner’s decision to determine the merits of specific stipulation issues contested by the parties, citing the requirement that a settlement be in accordance with applicable law and *not violate any important regulatory principles.*”) (Emphasis supplied.)

⁸ NM PRC Case No. 16-00276-UT, *Order Rejecting Stipulation in Current Form*, May 12, 2017, fn. 2. (“The Commission has approved a Hearing Examiner’s decision to determine the merits of specific stipulation issues contested by the parties, citing the requirement that a settlement be in accordance with applicable law and *not violate any important regulatory principles.*”) (Emphasis supplied.)

⁹ See, *Atlixco Coalition v. Maggiore*, 965 P.2d 370, 375, 125 N.M. 786, 1998-NMCA (An administrative agency is required to act in accordance with its own regulations and standards.); *Atlixco Coalition v. County of Bernalillo*, 984 P.2d 796, 800, 127 N.M. 549, 1999-NMCA; *Hobbs Gas Co. v. N.M. Pub. Serv. Comm’n*, 1993-NMSC-032, ¶ 8, 115 N.M. 678 (explaining that the NMPRC is bound by and limited to its existing rules and regulations); *City of Albuquerque v. State Labor & Indus. Comm’n*, 81 N.M. 288, 290, 466 P.2d 565, 567 (1970) (“The Labor Commissioner, as any other administrative agency, is bound by its own rules and regulations.”); see also *Miller v. City of Albuquerque*, 89 N.M. 503, 506, 554 P.2d 665, 668 (1976) (reversing city’s zoning decision due to its acting “contrary to its own established procedures for accepting zone change applications”), cited in *West Old Town Neighborhood Ass’n v. City of Albuquerque*, 1996-NMCA-107, ¶ 26, 122 N.M. 495, 927 P.2d 529; cf. *Planning & Design Solutions v. City of Santa Fe*, 118 N.M. 707, 712, 885 P.2d 628, 633 (1994) (reversing city’s contract award where it “changed the rules in the middle of the game”).

¹⁰ *New Energy Economy v. N.M. Pub. Regulation Comm’n*, 2018-NMSC-024, ¶24, 416 P.3d 277, citing *N.M. Indus. Energy Consumers v. N.M. Pub. Regulation Comm’n* (NMIEC), 2007-NMSC-053, ¶ 13, 142 N.M. 533, 168 P.3d 105 (The Court reviews a PRC decision to determine whether

so without good reasons.” *Hobbs Gas Co. v. N.M. Pub. Serv. Comm’n*, 1993-NMSC-032, ¶ 8, 115 N.M. 678, 858 P.2d 54, 57, citing, *Southern Union Gas Co. v. New Mexico Pub. Serv. Comm’n*, 84 N.M. 330, 333, 503 P.2d 310, 313 (1972). “Thus, regulatory treatment which ‘radically departs from past practice without proper notice’ will not be sustained.” *Id.*, citing, *General Tel. Co. v. Corporation Comm’n*, 98 N.M. 749, 755-56, 652 P.2d 1200, 1206-07 (1982).

The “important regulatory principles and practices” violated by the Stipulation include the Commission’s obligation under the New Mexico Public Utility Act (“PUA”) to *reasonably* balance the interests of a utility’s customers with those of its investors. “By statute, the Commission must balance:

the interest of consumers and the interest of investors ... to the end that reasonable and proper services shall be available at fair, just and reasonable rates ... without unnecessary duplication and economic waste[.]

NMSA 1978, § 62-3-1(B) (2008).” *Pub. Serv. Co. of New Mexico v. New Mexico Pub.*

Regulation Comm’n, 2019-NMSC-012, *supra*, ¶10. Unfortunately, fully understood and from a balancing of interests perspective, the Stipulation provides too much “give” by PRC Staff and too much “take” by NMGC for its international parent (Emera) investors and senior management. The short- and long-term costs of the Stipulation to NMGC’s customers are unknown, even according to NMGC’s own testimony, and as a result could potentially be unreasonably high.

Facts Pertinent to The Specifics of NMGC’s LNG Proposal in Rio Rancho:

9. NEE cannot, in good faith support the Stipulation, because:

it is “arbitrary and capricious, not supported by substantial evidence, outside the scope of the agency’s authority, or otherwise inconsistent with law [.]”)

- A. **The risks outweigh the benefits:** There is no net benefit for NMGC ratepayers. As designed, the LNG Facility will take up approximately 25 acres of a 160-acre parcel located on the outskirts of Rio Rancho near the Double Eagle Airport. LNG, derived from fracked methane gas and chilled to -260 F, poses significant risks to public safety and the environment. The proposed facility includes liquefaction, storage and regasification components for injection into NMGC's existing distribution pipelines. The application also anticipates transportation of LNG by trucks to other parts of the state, which could lead to increased traffic and dangers along congested transportation corridors. **Health and safety risks to Rio Rancho, Bernalillo County and surrounding communities include:**
- **Physical danger from the ignition of leaking gas forming a low-lying cloud that drifts until it hits an ignition source — even simple static electricity — and ignites an inferno.** Depending upon wind and topography, such methane clouds can extend for miles.
 - LNG production lines are rife with heavier hydrocarbons such as ethane & propane that **present a higher risk of exploding.**
 - Emergency personnel (fire and hospital) require special training and equipment to respond to LNG fires. LNG poses unique safety risks and **related fires are extremely difficult to control.**
 - Proposed LNG tanker trucks will **endanger New Mexico drivers and communities throughout the state.**
 - Impacts from boil-off gas and other necessary intermittent venting **could increase cumulative emissions and further exacerbate existing air quality issues** in Rio Rancho and Albuquerque.
- B. **The plant is not cost effective for ratepayers:** given the paucity of evidence proffered by the company to show that NMGC's request for a CCN is cost effective — expert testimony states an LNG Facility might've reduced the \$107M price spike experienced by NM ratepayers by as little as \$14.6 M and maybe as much as \$44.4M (Reed Testimony, pp. 74-76; NMGC Exhibit JJR-3) — the application and Stipulation on its face fail to sustain NMGC's burden of proof. **At best, NMGC's speculative evidence is that ratepayers should invest \$180M+ plus an interest rate of 9.375% for 30 years to save \$44.4M.** This imprudent financial equation for ratepayers did not result from a comprehensive "evaluation and assessment" required by the Commission¹¹ it came from the Company's plan to increase capital spending.¹² Building the plant will not **prevent reoccurrence of extraordinary gas expenses** as the PRC's mandate required.

¹¹ Case No. 21-00095-UT, *Final Order*, June 15, 2021, Decretal ¶ N, "evaluate and assess potential measures, and specifically, increased access to stored gas, including possible NMGC owned or controlled storage facilities, that may be adopted to prevent a reoccurrence of this event and the potential for extraordinary gas expenses and curtailments to customers."

¹² NMGC is a wholly owned subsidiary of Emera; According to Emera's 2023 second quarter financial reports, Emera is "on track to deploy \$2.8 billion in capital in 2023 with \$1.4 billion invested in the first half of the year." <https://investors.emera.com/news/news-details/2023/Emera-Reports-2023-Second-Quarter-Financial-Results/default.aspx>

- C. **Alternatives were not adequately investigated**: According to NMGC’s Tom C. Bullard in his response to discovery: Reliability is not an issue. NMGC’s expert Reed testifies that: “Complete price protection, if even achievable, would involve reconsideration of NMGC’s entire gas supply, transportation, and storage portfolio, as well as a reconsideration of its hedging and purchasing practices, and would likely be cost prohibitive.” The fact that “complete price protection” may be “cost prohibitive” does not relieve NMGC of its responsibility to consider each of these possible alternatives (or a combination thereof) like hedging and contracting and transportation practices before an LNG facility is approved. Essentially, “insurance” alternatives have been discarded for more lucrative company investments.
- D. **The plant will contribute carbon emissions and exacerbate climate change.**
- E. **New fossil fuel investments will slow the adoption of alternatives and ultimately turn into stranded assets when those alternatives become inevitable. Now is not the time to build new infrastructure that makes decarbonization more difficult!**

Moreover, pursuant to NMSA 62-9-3, the public interest includes any adverse effect upon the environment and upon the quality of life of the people of the state that may occur due to a plant’s location. The location of the proposed facility on the Quail Ranch property in Rio Rancho, part of, Bernalillo County, poses threats to the health and safety of over 40,000 residents, as well as seven nearby schools and two community centers, including Quail Ranch, Ventana Ranch, CNM, Volcano Vista High School, Paradise Hills, Volcano Cliffs, and Petroglyph National Monument. Additionally, the LNG facility may threaten economic development; Amazon’s new warehouse and distribution center near I-40 and Atrisco Vista may be at risk — the ground level, is around 600,000 square feet and it has five floors. Altogether, it totals more than 2.5 million square feet.

Further, leaks at LNG sites can result in low-lying natural gas clouds that can ignite upon contact with an ignition source, putting communities and businesses at risk. Recent incidents and reports highlight the risks:

- June 2023, Cameron, Louisiana, [Town was evacuated after LNG tank explosion](#)
- February 2023 - [Report finds that LNG export terminals pose a growing and invisible threat: air pollution](#)
- June, 2022, Freeport, Texas - [LNG terminal explosion sends a 450ft fireball into the sky and neighborhoods were evacuated.](#)
- March 2014 Plymouth, Washington - [4 employees injured and 200 people evacuated after LNG plant explosion](#)
- “The Storage and Transportation of LNG: What Could Go Wrong?” Delaware Currents, 11 March 2021, <https://delawarecurrents.org/2021/03/11/the-storage-and-transportation-of-lng-what-could-go-wrong/>.

Lastly, the Stipulation’s request that the Commission approve the prudence and reasonableness of the NMGC’s further investment in climate polluting infrastructure at a time when the world is on fire and cannot be justified by the other alleged “benefits” in the Stipulation. The NMGC proposed CCN is contrary to the Governor’s Executive Order¹³ the 2020-2022 IPCC reports,¹⁴ the Energy Transition Act (“ETA,” Senate Bill 489, NMSA §§ 62-18-1 to 23 (2019))¹⁵, and Commission precedent.¹⁶ The Stipulation requests that the Commission

¹³ Executive Order on Addressing Climate Change and Energy Waste Prevention, Executive Order 2019-003, https://www.governor.state.nm.us/wp-content/uploads/2019/01/EO_2019-003.pdf

¹⁴ https://report.ipcc.ch/ar6wg3/pdf/IPCC_AR6_WGIII_FinalDraft_Chapter06.pdf (“Warming cannot be limited to well below 2°C without rapid and deep reductions in energy system CO₂ and GHG emissions. ... Prices have dropped rapidly over the last five years for several key energy system mitigation options, notably solar PV, wind power, and batteries.”)

¹⁵ NMSA 1978, Section 62-16.4.B(4) (the commission shall prevent carbon dioxide emitting electricity-generating resources from being reassigned, redesignated or sold as a means of complying with the standard)

¹⁶ NM PRC Case NM PRC Case 19-00195-UT, *Recommended Decision on Replacement Resources, Part II*, 6/24/2020, pp. 82-86, (“the problem of climate change and the role of CO₂

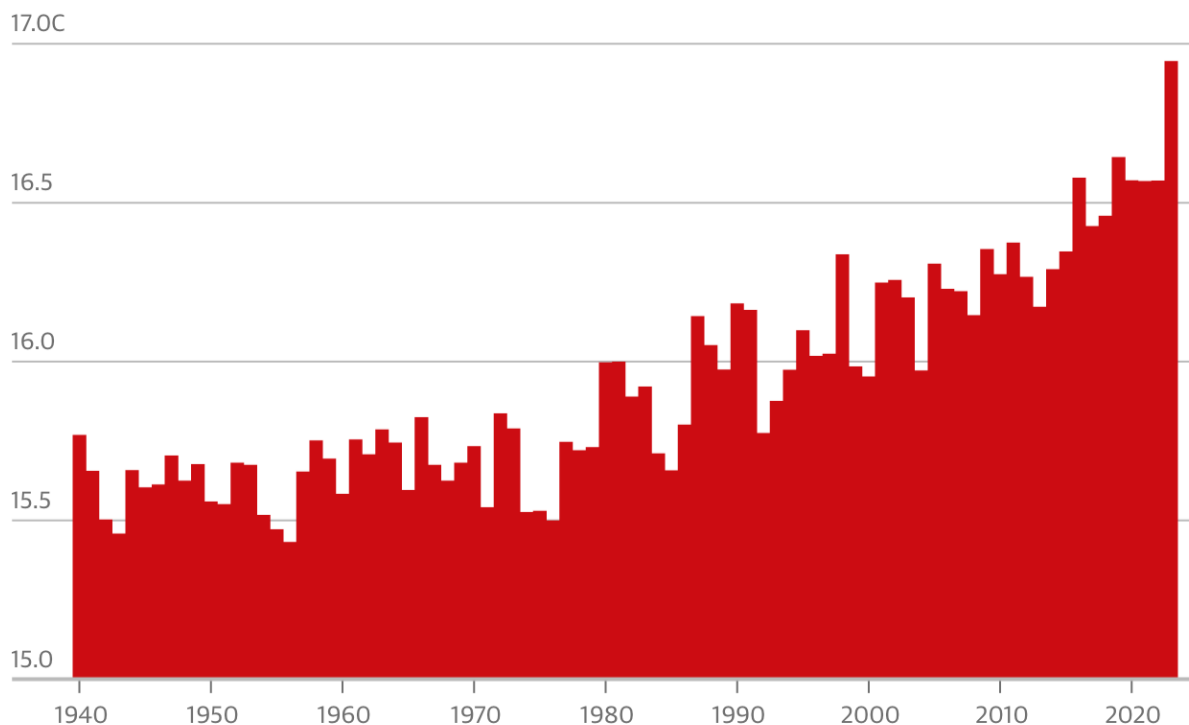
act contrary to the New Mexico Renewable Energy Act (“REA”), NMSA § 62-16-4.B(4) (2019). This application prevents the reduction or cessation of gas extraction and burning and/or may cause stranded assets and is therefore a net detriment to the public interest. *See*, 19-00195-UT, *Recommended Decision on Replacement Resources, Part II*, 6/24/2020, pp. 82-86. Noting, “the problem of climate change and the role of CO₂ emissions from electric generating resources as major contributors to the climate change problem.” *See, also*, NM PRC Case No. 19-00349-UT the Commission assessed and denied a post-Energy Transition Act (“ETA”) request by El Paso Electric Co. (“EPE”) for a CCN to acquire approval of a new gas-fired resource with a useful life that would extend beyond the January 1, 2045 “zero carbon resources” “noting that the use of natural gas turbines is also inconsistent with the ETA’s ‘policy of transitioning away from fossil fuel resources and reducing CO₂ emissions through graduated increases in non-carbon generation up to 2040 under the revised Renewable Portfolio Standard (RPS).” Case No. 19-00349-UT, *Recommended Decision*, p. 79, adopted by *Final Order*. (*Id.*, at 78: “it is reasonable and necessary for the Commission to be able to evaluate how long the resource will provide service and potential impediments affecting that projected service life.” *Id.*, at 80: “The Hearing Examiner further finds that a preponderance of credible evidence shows that there is no immediate need for [the new fossil facility] ... [given] other existing EPE resources, [and] should provide sufficient capacity in the near term to allow EPE to provide adequate safe and reliable electric service, at least until EPE evaluates and seeks approval for resource selections that are compliant with New Mexico law.”)

emissions from electric generating resources as major contributors to the climate change problem”); NM PRC Case 19-00349-UT, *Recommended Decision*, 11/16/2020, p. 78-80 (*extending* current existing fossil generation should be considered *before* new fossil investments are made); NM PRC Case No. 20-00222-UT the Chief Hearing Examiner took administrative notice of climate change. *See Order Granting Joint Motion to Take Administrative Notice of Climate Change, it Causes and its Likely Consequences*, June 21, 2021.

There is a moral, climate, social and economic imperative: this Commission should reject a settlement that relies on a LNG gas storage plant that the Company suggests will cost 200 million dollars plus interest from ratepayers and will *exacerbate* climate boiling¹⁷ not allay the climate crisis.

July in 2023 has been the warmest on record

Average global surface temperature for the first 23 days of July, C



Guardian graphic. Source: Copernicus/ERA5

<https://www.theguardian.com/science/2023/jul/27/scientists-july-world-hottest-month-record-climate-temperatures>

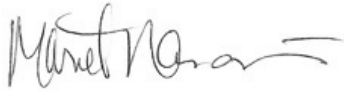
¹⁷ <https://www.theguardian.com/science/2023/jul/27/scientists-july-world-hottest-month-record-climate-temperatures>; <https://news.un.org/en/story/2023/07/1139162>; <https://www.washingtonpost.com/climate-environment/2023/07/29/un-what-is-global-boiling/>

WHEREFORE, NEE respectfully requests that the Hearing Examiner reject the PRC Stipulation with the Company, as fundamentally inconsistent with law and regulatory principles and practice. If pursuant to 1.2.2.20.B (3) the Hearing Examiner in his discretion chooses to combine a public hearing on a contested stipulation with the merits NEE reserves its right to oppose the foregoing provisions and any other provisions in the Stipulation on additional grounds after it has had a full opportunity to obtain further discovery and investigate the merits and consult with its experts, regarding the merits of NMGC's proposition for alleged cost effectiveness, environmental protection, endangerment or impairment of the health and welfare of the environment and people most immediately impacted (people of Rio Rancho and Albuquerque), net benefits, health and welfare concerns, and safety.

DATED this 6th day of September 2023.

Respectfully Submitted,

New Energy Economy



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BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF NEW MEXICO GAS
COMPANY INC.'S APPLICATION FOR THE
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FACILITY.**

Case No. 22-00309-UT

NEW MEXICO GAS COMPANY, INC.,)

APPLICANT.)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date I caused to be sent to the individuals listed below, via email only:

**NEW ENERGY ECONOMY'S STATEMENT OF OPPOSITION
TO STIPULATION OF SETTLEMENT**

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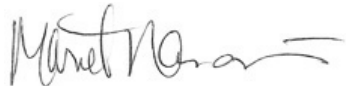
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