



NEW MEXICO PUBLIC REGULATION COMMISSION

NOTICE OF OPEN MEETING OPEN MEETING: REGULAR WEEKLY MEETING Wednesday, April 19, 2023 1:30 p.m. HYBRID MEETING

NOTICE: THIS IS A HYBRID MEETING WHICH WILL BE HELD IN PERSON AND VIA ZOOM. THE PUBLIC IS WELCOME TO ATTEND THE MEETING IN PERSON AT THE BOKUM BUILDING WHICH IS LOCATED AT 142 W PALACE AVE., SANTA FE, NM 87501. THE PUBLIC MAY ALSO VIEW THE MEETING REMOTELY VIA A LIVESTREAM ON YOUTUBE. INDIVIDUALS WISHING TO PROVIDE PUBLIC COMMENT MAY DO SO VIA ZOOM, OR BY PHONE; TO SIGN UP FOR PUBLIC COMMENT PLEASE CONTACT LaurieAnn Santillanes AT LaurieAnn.Santillanes@prc.nm.gov OR (505) 670-4830. GO TO <https://www.nm-prc.org/nmprc-open-meeting-agenda/> SEVERAL MINUTES BEFORE THE START OF THE MEETING FOR A LINK TO THE LIVESTREAM.

AGENDA

- I. CALL TO ORDER AND ROLL CALL**
- II. PLEDGE OF ALLEGIANCE/STATE PLEDGE**
- III. CONSIDERATION AND APPROVAL OF THE AGENDA**
- IV. CONSIDERATION AND APPROVAL OF PRIOR MEETING MINUTES**
 - Minutes of March 15, 22 and 29, 2023 Open Meetings
- V. EMPLOYEE OF THE MONTH**
- VI. PUBLIC COMMENT**
- VII. CONSENT ACTION ITEMS**

A. Transportation Matters:

23-00088-TR-M Erika Avila Stephanz	IN THE MATTER OF THE APPLICATION OF CARLSBAD FIRE DEPT. AMBULANCE SERVICE FOR REISSUANCE OF CERTIFICATE NO. 12328 AND TEMPORARY AUTHORITY TO PROVIDE AMBULANCE SERVICE <u>PROPOSED ORDER ON APPLICATION</u>
23-00100-TR-M Erika Stephanz	IN THE MATTER OF THE APPLICATION OF HIDALGO COUNTY AMBULANCE SERVICE FOR REISSUANCE OF

	<p>CERTIFICATE NO. 14017 AND TEMPORARY AUTHORITY TO PROVIDE AMBULANCE SERVICE</p> <p><u>PROPOSED ORDER ON APPLICATION</u></p>
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B. Utility Matters:

<p>22-00108-UT Hans Muller</p>	<p>IN THE MATTER OF THE APPLICATION OF EARTHGRID PBC FOR A CERTIFICATE OF REGISTRATION TO PROVIDE COMPETITIVE LOCAL EXCHANGE TELECOMMUNICATIONS SERVICE WITHIN THE STATE OF NEW MEXICO</p> <p><u>PROPOSED ORDER ON APPLICATION</u></p>
<p>22-00299-UT Erika Stephanz</p>	<p>IN THE MATTER OF THE FORMAL COMPLAINT OF JHAIRO AJTUN AGAINST TIMBERON WATER & SANITATION DISTRICT</p> <p><u>PROPOSED ORDER DISMISSING COMPLAINT</u></p>
<p>23-00017-UT Robert Lundin</p>	<p>IN THE MATTER OF THE FORMAL COMPLAINT OF TOM OLSEN AGAINST PUBLIC SERVICE COMPANY OF NEW MEXICO</p> <p><u>PROPOSED ORDER DISMISSING COMPLAINT</u></p>
<p>20-00099-UT Russell Fisk</p>	<p>IN THE MATTER OF APPLICATIONS FOR 2021 BROADBAND PROGRAM SUPPORT FROM THE STATE RURAL UNIVERSAL SERVICE FUND, AS PER 17.11.10.31 NMAC</p> <p><u>PROPOSED ORDER CONCERNING BACA VALLEY TELEPHONE COMPANY, INC.'S REQUEST FOR MIDPOINT DISBURSEMENT FOR RANCH TO RATON PROJECT</u></p>
<p>21-00098-UT Russell Fisk</p>	<p>IN THE MATTER OF APPLICATIONS FOR 2022 BROADBAND PROGRAM SUPPORT FROM THE STATE RURAL UNIVERSAL SERVICE FUND, AS PER 17.11.10.31 NMAC</p> <p><u>PROPOSED ORDER CONCERNING PLATEAU TELECOMMUNICATIONS INCORPORATED'S REQUEST</u></p>

	<u>FOR FINAL DISBURSEMENT FOR BUFFALO ROAD PROJECT</u>
22-00097-UT Russell Fisk	<p>IN THE MATTER OF APPLICATIONS FOR 2023 BROADBAND PROGRAM SUPPORT FROM THE STATE RURAL UNIVERSAL SERVICE FUND, AS PER 17.11.10.31 NMAC</p> <p><u>PROPOSED ORDER CONCERNING NMSURF, INC.'S INITIAL DISBURSEMENTS FOR PECOS PROJECT, PACHECO CANYON PROJECT, COCHITI LAKE – VILLAGE OF LA BAJADA PROJECT AND SAN ILDEFONSO PROJECT</u></p>
23-00071-UT Russell Fisk	<p>IN THE MATTER OF THE TARIFFS, AGREEMENTS AND FORMS PROPOSED BY THE QUALIFYING UTILITIES FOR THE COMMUNITY SOLAR PROGRAM</p> <p><u>PROPOSED ORDER CONCERNING PUBLIC SERVICE COMPANY OF NEW MEXICO'S ADVICE NOTICE NO. 602</u></p>
23-00046-UT Russell Fisk	<p>THE MATTER OF THE APPLICATION FOR APPROVAL OF EL PASO ELECTRIC COMPANY'S CONTINUED USE OF ITS FUEL AND PURCHASED POWER COST ADJUSTMENT CLAUSE</p> <p><u>PROPOSED ORDER CONCERNING FURTHER PROCEEDINGS</u></p>
23-00086-UT Russell Fisk	<p>APPLICATION FOR APPROVAL OF EL PASO ELECTRIC COMPANY'S 2023 RENEWABLE ENERGY ACT PLAN PURSUANT TO THE RENEWABLE ENERGY ACT AND 17.9.572 NMAC, AND SEVENTH REVISED RATE NO. 38 – RPS COST RIDER</p> <p><u>PROPOSED ORDER CONCERNING EL PASO ELECTRIC COMPANY'S VERIFIED MOTION FOR A TWO-MONTH EXTENSION OF THE MAY 1, 2023 FILING DATE</u></p>

VIII. REGULAR ACTION ITEMS

A. Transportation Matters:

23-00118-TR-M Hans Muller Erika Stephanz	IN THE MATTER OF THE APPLICATION OF VILLAGE OF QUESTA D/B/A QUESTA VOLUNTEER FIRE DEPARTMENT FOR TEMPORARY AUTHORITY <u>RATIFICATION OF EMERGENCY ACTION TAKEN ON APRIL 5</u>
21-00296-TR-M Erika Stephanz	IN THE MATTER OF STAFF'S PETITION TO GRANT A PANDEMIC RELATED WAIVER TO AMBULANCES FROM RULE 18.3.14.11(A) NMAC <u>POTENTIAL ORDER EXTENDING WAIVER</u>
Resolution 4-19-2023 Hans Muller	A RESOLUTION TO ADOPT THE USE OF MINISTERIAL ACTION TO APPROVE UNCONTESTED APPLICATIONS, APPROVE TEMPORARY AUTHORITY TO CERTIFIED AMBULANCE CARRIERS, AND IMMEDIATELY SUSPEND MOTOR CARRIERS THAT FAIL TO MAINTAIN FINANCIAL RESPONSIBILITY OR VIOLATE A PRESCRIBED SAFETY REQUIREMENT <u>PROPOSED ADOPTION OF RESOLUTION</u>

B. Utility Matters:

23-00049-UT Erika Stephanz Judith Amer	IN THE MATTER OF TIMBERON WATER & SANITATION DISTRICT ADVICE NOTICE NO. 18 AND ADVICE NOTICE NO. 19 <u>PROPOSED ORDER CONCERNING ADVICE NOTICES NOS. 18 AND 19</u>
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IX. DISCUSSION AND POTENTIAL ACTION

Cholla Khoury	RULEMAKING OVERVIEW AND PRIORITIZATION
S-1-SC-39152 20-00222-UT Michael Smith	AVANGRID, INC., AVANGRID NETWORKS, INC., NM GREEN HOLDINGS, INC., IBERDROLA, S.A., PUBLIC SERVICE COMPANY OF NEW MEXICO, and

	<p>PNM RESOURCES, INC. Appellants, v. NEW MEXICO PUBLIC REGULATION COMMISSION, Appellee.</p> <p>IN THE MATTER OF THE JOINT APPLICATION OF IBERDROLA, S.A., AVANGRID, INC., AVANGRID NETWORKS, INC., NM GREEN HOLDINGS, INC., PUBLIC SERVICE COMPANY OF NEW MEXICO AND PNM RESOURCES, INC. FOR APPROVAL OF THE MERGER OF NM GREEN HOLDINGS, INC. WITH PNM RESOURCES INC.</p> <p><u>DISCUSSION AND POTENTIAL ACTION ON PROPOSED JOINT MOTION FOR STIPULATED DISMISSAL OF APPEAL AND REMAND FOR REHEARING AND RECONSIDERATION</u></p>
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X. DISCUSSION

Collin Gillespie	LEGISLATIVE REVIEW
David Martinez	REVIEW OF Q1 CRD REPORT

XI. COMMUNICATIONS WITH CHIEF OF STAFF

XII. COMMUNICATIONS WITH COMMISSIONERS

XIII. ADJOURNMENT

To obtain a copy of this agenda please log in to the Commission's website at <https://www.nm-prc.org/>.

The Commission will make reasonable efforts to post the agenda on the Commission's website at least 72 hours prior to the Open Meeting, but the inability to do so within the 72 hours prior, will not require the Commission to delay the meeting or to refrain from acting 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 AT (505) 467-9116 AS SOON AS POSSIBLE PRIOR TO THE COMMENCEMENT OF THE OPEN MEETING.

PUBLIC COMMENT

All members of the public wishing to provide public comment may do so via Zoom, or by telephone. Individuals wishing to comment must sign up to do so by contacting LaurieAnn Santillanes at LaurieAnn.Santillanes@prc.nm.gov or (505) 670-4830 at least 2 hours before the start of the meeting. When sending an email to sign up for public comment please identify the name of the commentor(s), the name of the organization they represent (if any), and the topic or issue on which they desire to comment. The portion of the agenda allocated for public comment at any one open meeting shall be limited to a maximum of 30 minutes for all persons wishing to provide comment. The order of speakers will be based on the order in which speakers sign up, but public officials may be taken out of order. If a speaker is not present at the time he or she is called to provide comment, that speaker shall forfeit their opportunity to speak. **Public comment by an individual or entity shall be limited to no more than three (3) minutes** unless the Commission acts to extend the period. If the number of individuals on the sign-up sheet desiring to provide comment would exceed the allotted 30-minute period, the Chair may limit individual remarks to a shorter time period. Individuals represented by or representing a common organization or association may be asked to select one individual to act as spokesperson to speak for the group. Individuals who sign up to comment, but either fail to do so or choose to speak for less than their allotted time, may not cede or yield their time to another speaker. Written comments of individuals who cannot be physically present may not be read aloud at the meeting but may be submitted to the Commission.

The subject matter of public comments shall be relevant to matters within the Commission's jurisdiction. Public comment will not be permitted on pending rulemaking proceedings before the Commission once the opportunity for public comment in those proceedings has closed. Public comment by parties to a proceeding or adjudication pending before the Commission will not be permitted where the comment concerns matters at issue in such proceeding. The Chair shall retain the right to stop any speaker who raises an issue that is not under the Commission's jurisdiction or is subject to the restrictions above. Public comment will be received without Commission comment or response. However, individual Commissioners may at their option seek clarification or additional information from speakers through the Chair.

No speakers will be accommodated after the public comment portion of the agenda has closed. The Chair retains the right to exercise discretion in the implementation of this policy and may override the above rules in case of emergency or other unforeseen circumstances.

Speakers providing comment shall at all times conduct themselves in accordance with proper decorum. Profane or vulgar language or gestures will not be tolerated. Audience members shall not disrupt an open meeting by speaking without being recognized by the Commission and shall not incite others to do so. The Commission retains the right to remove disruptive attendees and individuals who fail to conduct themselves in accordance with these provisions from the Commission meeting.