

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF PUBLIC SERVICE COMPANY)
OF NEW MEXICO'S APPLICATION FOR)
AUTHORIZATION TO IMPLEMENT GRID)
MODERNIZATION COMPONENTS THAT)
INCLUDE ADVANCED METERING)
INFRASTRUCTURE AND APPLICATION TO)
RECOVER THE ASSOCIATED COSTS THROUGH A)
RIDER, ISSUANCE OF RELATED ACCOUNTING)
ORDERS, AND OTHER ASSOCIATED RELIEF)

Docket No. 22-00058-UT

ORDER SCHEDULING PUBLIC COMMENT HEARING

THIS MATTER comes before the New Mexico Public Regulation Commission (“Commission” or “NMPRC”) upon its own motion. The Commission finds that it is prudent to schedule a public comment hearing in this matter.

DISCUSSION

1. The Commission has jurisdiction over this matter pursuant to the Commission’s Rules of Procedure. The Commission’s Rules of Procedure permit the public to provide oral statements for the record, 1.2.2.23(F) NMAC; 1.2.2.32(A)(2) NMAC, and they provide that the Chairman may issue any procedural order to schedule a public hearing, 1.2.2.30(B)(2) NMAC.

2. On February 21, 2023, the Presiding Officer issued the “Notice And Order Regarding Scheduling Of Public Comment Hearing,” thereby scheduling a public comment hearing to be held on March 17, 2023.

3. On March 17, 2023, the Commission held a public comment hearing for this Docket in which significant public comments were received and which lasted approximately five and one-half hours.

4. On July 10, 2023, the Presiding Officer issued the “Order Staying Proceedings” which stayed this Docket pending Public Service Company of New Mexico’s (“PNM”) development of cost-benefit analyses.

5. On January 16, 2024, the Presiding Officer issued an order entitled “Procedural Schedule Supplemental Proceedings,” in which the Presiding Officer resumed the proceedings in this Docket and scheduled dates for supplemental and rebuttal testimony to be filed, and for a public hearing to be held on April 23-24, 2024. The Presiding Officer included the opportunity for public comment to be taken at the beginning of the public hearing.

6. The public has shown a keen interest in this Docket, evidenced by the public comments provided on March 17, 2023, and may have a similar turnout for the second opportunity to provide comment to give input on the supplemental proceedings.

7. The Commission’s Rules of Procedure further require that reasonable “notice shall be given to all parties of the time and place of every public hearing scheduled by the commission or presiding officer.” 1.2.2.24(C) NMAC. The Commission’s Rules provide that,

The commission or presiding officer may require that public notice also be given. When public notice is required, it shall be published in a newspaper having general circulation in the area affected by the filed pleadings at least twenty (20) days prior to the date of the public hearing, unless otherwise provided by rule, or if the commission or presiding officer finds that circumstances warrant shorter notice. The party who is required to publish notice shall cause to be filed, on or before the date of public hearing, an affidavit of publication of a responsible officer of the newspaper making such publication. The party required by the commission or presiding officer to publish the notice shall bear the cost of such publication.

Id. Twenty days’ notice from the date of this Order would fall on April 28, 2024.

8. The Commission’s last regularly scheduled open meeting prior to the public hearing, scheduled to be conducted on April 23-24, 2024, will be held on April 18, 2024. This date

provides the best opportunity for a gathering of a quorum of the Commissioners to receive public comment.

9. The public hearing on the supplemental proceedings in this Docket is scheduled for two days, which is sufficient time for the Presiding Officer to receive evidence into the record and to conduct examination of witnesses. If the public once again attends to provide significant public comment, the public hearing in this matter is not long enough to accommodate it. Therefore, it is necessary to separate the public comment hearing from the public hearing and to shorten the notice period for a public comment hearing to be held after the Commission's April 18, 2024, regularly scheduled open meeting.

FINDINGS AND CONCLUSIONS

10. The public should be given the opportunity to provide comments on the supplemental proceedings in this Docket, but circumstances warrant moving the public comment from the public hearing to an earlier date.

11. PNM should be required to provide public notice of the public's right to provide comments pursuant to Rule 1.2.2.24(C) NMAC.

12. Pursuant to 1.2.2.30(C) NMAC, this Order should supersede the Presiding Officer's January 16th Order to the extent that it schedules public comment to begin on April 23, 2024.

IT IS THEREFORE ORDERED:

A. A public comment hearing shall be held on April 18, 2024, from 2:00 P.M. to 5:00 P.M., which duration may be extended at the Commission's discretion, at the Bokum Building located at 142 W Palace. Santa Fe, NM 87505.

B. PNM shall, by April 14, 2024, at its sole expense, cause notice of the April 18th public comment hearing to be published once in a newspaper of general circulation sufficient for

availability in every county where PNM provides service, to be emailed to PNM's customers, to be posted on PNM's social media accounts, and to be posted on PNM's website. Publication in a newspaper of general circulation shall be no smaller than a one-half page advertisement space.

C. Any interested persons who are not affiliated with a party in this Docket may make oral comment in person, via the Zoom app, or by telephone. Persons making oral public comments in person do not need to sign up in advance but do need to sign in by hand on the sign-up sheet at 142 W Palace Santa Fe, NM 87505.

D. To sign up for public comment via telephone and/or Zoom, and to receive the call-in number and/or Zoom invite, please contact Patrick Rodriguez via email at public.comment@prc.nm.gov or by phone at (505) 490-7910. The Commission requests, but does not require, your registration the day before the public comment hearing. You will receive the call-in number and Zoom invitation to join the public comment hearing by separate e-mail at some time before noon on April 18, 2024. Please let Mr. Rodriguez know if your Zoom username is different than the name you supply to register. If you do not know whether your Zoom username is different than your actual name, take steps now to figure this out before you contact Mr. Rodriguez. If you intend to appear at the public comment hearing by telephone, please provide Mr. Rodriguez with your telephone number so that he may correlate that number to your name. Mr. Rodriguez shall function as meeting host. If on the day of the hearing you have difficulties connecting with Zoom or have audio/video problems, you may participate by phone; you shall, however, contact Mr. Rodriguez that you will be participating by phone. The public comment hearing shall be transcribed for the record, and participants shall make sure that their microphones function properly so that the court reporter can hear you. The public comment hearing shall commence with an introduction. After that, each commenter shall be called by name, in the order

of registration. After that time, the commenter shall exit the Zoom meeting or the host shall remove you. These controls are imposed to ensure that the public comment hearing is conducted efficiently and to prevent purposefully disruptive activity. If you wish to view comments, you can view the public comment hearing on the Commission's YouTube channel at <https://www.nm-prc.org/public-hearings/>. If you are new to the Zoom platform, you can view the basics of how to utilize the platform at <https://support.zoom.us/hc/en-us/p/zoom-meetings-guide>.

E. Oral comments shall be limited to 3 minutes but may be shortened or extended at the discretion of the Commission.

F. Interested persons, who are not affiliated with a party in this Docket may additionally file written comments as allowed by Rule 1.2.2.23(F) NMAC.

G. Any interested person may examine PNM's application and supporting documents and other documents filed in the public record of this Docket No. 22-00058-UT on the Commission's website, <https://edocket.nmprc.state.nm.us>, or at the offices of PNM at the following address:

Public Service Company of New Mexico
414 Silver Ave. SW
Albuquerque, New Mexico 87102

H. This Order is effective when signed.

I. Copies of this Order shall be served on all persons listed on the attached Certificate of Service, via e-mail to those whose e-mail addresses are known, and otherwise via regular mail.

J. In computing time in accordance with statute, rule, or Commission order, the computation shall begin on the date that this Order is filed with the Chief Clerk or Chief Clerk's designee of the Records Management Bureau.

PERSONS WITH DISABILITIES

ANY PERSON WITH A DISABILITY REQUIRING SPECIAL ASSISTANCE TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE ADMINISTRATIVE SERVICES DIVISION OF THE COMMISSION AT (505) 827-8019 TO REQUEST SUCH ASSISTANCE AS SOON AS POSSIBLE BEFORE THE COMMENCEMENT OF THE HEARING.

SIGNED under the Seal of the Commission at Santa Fe, New Mexico, this 8th day of April, 2024.

NEW MEXICO PUBLIC REGULATION COMMISSION

/s/ Patrick J. O'Connell, digitally approved
PATRICK J. O'CONNELL, COMMISSIONER



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this date I sent a true and correct copy of the foregoing *Order Scheduling Public Comment Hearing* to the parties listed below.

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DATED this 8th day of April, 2024.

NEW MEXICO PUBLIC REGULATION COMMISSION

/s/ LaurieAnn Santillanes, electronically signed
LaurieAnn Santillanes, Law Clerk