

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF PUBLIC SERVICE)
COMPANY OF NEW MEXICO’S)
APPLICATION FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
TO CONSTRUCT, OWN, AND OPERATE)
30 MEGAWATTS OF BATTERY ENERGY)
STORAGE FACILITIES)
)
PUBLIC SERVICE COMPANY OF NEW)
MEXICO,)
)
Applicant)
_____)**

Case No. 25-000__ - UT

**DIRECT TESTIMONY

OF

KYLE T. SANDERS**

August 6, 2025

NMPRC CASE NO. 25-000__-UT
INDEX TO THE DIRECT TESTIMONY OF
KYLE T. SANDERS

WITNESS FOR
PUBLIC SERVICE COMPANY OF NEW MEXICO

I.	INTRODUCTION AND PURPOSE	1
II.	NEED AND REASONABLENESS OF PROPOSED RESOURCES	4
III.	STATUTORY, REGULATORY, AND PRIOR ORDER REQUIREMENTS.....	6
IV.	COST RECOVERY	13
V.	REGULATORY STAKEHOLDER OUTREACH PROCESS	16
VI.	CONCLUSION.....	18

PNM Exhibit KTS-1

Resume of Kyle T. Sanders

AFFIDAVIT

**DIRECT TESTIMONY
OF KYLE T. SANDERS
NMPRC CASE NO. 25-000__-UT**

1

I. INTRODUCTION AND PURPOSE

2 **Q. Please state your name, title, and business address.**

3 **A.** My name is Kyle T. Sanders. I am the Vice President of Regulatory for Public
4 Service Company of New Mexico (“PNM” or “Company”). My business address
5 is Public Service Company of New Mexico, 414 Silver Avenue SW, Albuquerque,
6 New Mexico 87102.

7

8 **Q. Please summarize your educational and professional qualifications.**

9 **A.** PNM Exhibit KTS-1 describes my educational and professional qualifications.

10

11 **Q. Have you previously provided testimony in Commission proceedings?**

12 **A.** Yes. A list of cases in which I have provided testimony before the NMPRC is
13 included in PNM Exhibit KTS-1.

14

15 **Q. What is PNM requesting in this proceeding?**

16 **A.** PNM is seeking a certificate of public convenience and necessity (“CCN”) for 30
17 MW of battery energy storage systems (“BESS”) consisting of five 6 MW, 4-hour
18 batteries on five PNM distribution feeders (the “BESS Project”). PNM will own
19 and operate the BESS located at five different locations in PNM’s service territory
20 on PNM’s distribution system. These sites, all of which are located within existing

**DIRECT TESTIMONY
OF KYLE T. SANDERS
NMPRC CASE NO. 25-000__-UT**

1 PNM solar generation facilities at the distribution level, will result in a streamlined
2 process, in that PNM already has control of locations, and in many cases, no
3 additional permits or reviews will be required. The locations are described in more
4 detail by PNM witness Erfan Hakimian.

5
6 **Q. What is the purpose of your testimony?**

7 **A.** My testimony demonstrates how PNM's CCN application for the BESS Project
8 meets the regulatory framework and applicable legal standards in NMSA 1978,
9 Sections 62-9-1 and 62-9-6 of the Public Utility Act ("PUA"). Taken together with
10 PNM's other witnesses, PNM's application demonstrates that the proposed BESS
11 Project is in the public interest.

12
13 **Q. How is your testimony organized?**

14 **A.** My testimony is organized as follows:

- 15 • Identification of the other PNM witnesses that support PNM's Application.
- 16 • Need and reasonableness of BESS Project.
- 17 • Compliance with NMSA 1978, Sections 62-9-1 and 62-9-6 of the PUA for
- 18 approval of PNM's requested CCN.
- 19 • Recovery of the associated BESS Project costs.
- 20 • Stakeholder outreach process around the BESS Project.

**DIRECT TESTIMONY
OF KYLE T. SANDERS
NMPRC CASE NO. 25-000__-UT**

1 **Q. What is the timeframe PNM is requesting for approval of the application?**

2 **A.** PNM requests approval of a CCN for the BESS Project no later than May 6, 2025,
3 consistent with the requirement that a CCN application be approved within a
4 nine-month approval deadline (subject to extension). As described by PNM witness
5 Hakimian, approval within the nine-month timeframe will allow PNM to start
6 addressing the volume of pending interconnection applications on these five
7 distribution feeders, as well as to provide the direct and indirect system benefits
8 described in the testimonies of the other PNM witnesses.

9

10 **Q. Who are the other PNM witnesses filing testimony in support of PNM's**
11 **application?**

12 **A.** There are three other witnesses testifying on behalf of PNM in this matter:

- 13 • Erfan Hakimian, Director of Transmission/Distribution Planning and Contracts,
14 will address matters related to hosting capacity on the PNM distribution system,
15 describe the analysis of sites for the 30 MW of BESS and the potential benefits,
16 and will address how PNM's application satisfies certain CCN criteria.
- 17 • Nicholas Pollman, Manager of Control Systems for Utility Operations and
18 Technology, will address matters related to the generation engineering aspects
19 of the BESS Project, including the technical specifications, integration, and
20 operational methodology of BESS deployment on PNM's system.

**DIRECT TESTIMONY
OF KYLE T. SANDERS
NMPRC CASE NO. 25-000__-UT**

- 1 • Gary Barnard, Executive Director of Strategic Energy Development,
2 Renewables and Contracts, will address the background and description of the
3 proposed 30 MW BESS, the strategy, request for proposal process and the
4 estimated capital costs and timing for the BESS Project, and how the BESS
5 Project meets certain statutory criteria for approval of a CCN.

6 With respect to the criteria in the PUA for issuance of a CCN, in many cases
7 multiple PNM witnesses will address the same criteria. However, each witness is
8 addressing each particular criteria [e.g., how the BESS Project will reduce costs to
9 ratepayers as required by Section 62-9-1(E)(1)] based upon their own expertise and
10 job responsibilities. PNM's intent in asking multiple witnesses the same question
11 is not repetition, but to ensure the most complete response regarding each of the
12 CCN criteria from the most knowledgeable witness(es).

13
14 **II. NEED AND REASONABLENESS OF PROPOSED RESOURCES**

15
16 **Q. Why is PNM proposing the BESS Project?**

17 **A.** As more fully discussed by PNM witness Hakimian, the BESS Project provides the
18 second phase of distribution-sited BESS, which will ensure the continued safe and
19 reliable operation of PNM's distribution system. These systems will enable PNM
20 to continue to accommodate additional customer-owned distributed generation
21 ("DG") interconnections, as well as programs such as community solar. The BESS

**DIRECT TESTIMONY
OF KYLE T. SANDERS
NMPRC CASE NO. 25-000__-UT**

1 Project also provides other system benefits, including utilizing this additional
2 storage capacity to PNM's system to help manage overall loads and resources.

3

4 **Q. What action has PNM previously taken to address the distribution system**
5 **overcapacity issues?**

6 **A.** Historically, PNM has implemented more traditional distribution system upgrades
7 to address overcapacity issues. Please see the Direct Testimony of PNM witness
8 Hakimian for a detailed description of those traditional upgrades.

9

10 **Q. Does the BESS Project provide system-wide benefits to PNM customers?**

11 **A.** Yes. Just like other approved energy storage additions on PNM's system, customers
12 will benefit from the added capacity provided by the BESS Project. PNM witness
13 Hakimian describes the various benefits to the system as a whole and confirms that
14 the BESS Project provides overall benefits to PNM customers. He explains that
15 BESS installations will help the system store peak renewable energy production
16 while minimizing losses by being in close proximity to the sources of renewable
17 energy and use that stored energy when needed to serve customers while optimizing
18 the use of carbon-free resources. The BESS Project will also potentially provide
19 an added measure of resiliency to PNM's overall system while providing improved
20 reliability at a more localized level.

21

**DIRECT TESTIMONY
OF KYLE T. SANDERS
NMPRC CASE NO. 25-000__-UT**

1 **Q. What is the current status of the BESS Project?**

2 **A.** Initial planning has been completed, as discussed in the Direct Testimony of PNM
3 witness Hakimian. As discussed by PNM witness Barnard, PNM is utilizing an
4 Engineering, Procurement, and Construction (“EPC”) contract structure. PNM has
5 contracted with Gridworks as the prime contractor for this effort.

6
7 **III. STATUTORY, REGULATORY, AND PRIOR ORDER REQUIREMENTS**

8
9 **Q. What general standards apply for granting a CCN in New Mexico?**

10 **A.** Section 62-9-1 of the PUA prescribes the general standard for issuance of CCNs
11 and provides that “[n]o public utility shall begin the construction or operation of
12 any public utility plant or system or of any extension of any plant or system without
13 first obtaining from the commission a certificate that public convenience and
14 necessity require or will require such construction or operation.” I note that Section
15 62-9-1(A) provides that a CCN is not required for the extension of any plant or
16 system within areas it serves that are necessary in the ordinary course of its
17 business. Consistent with PNM’s prior application related to BESS equipment
18 installed on PNM’s system at the distribution level,¹ PNM has interpreted the
19 exemption to not apply without further guidance from the Commission on whether

¹ Case No. 23-00162-UT, Recommended Decision at pp. 6-7 (Dec. 8, 2023, approved by Final Order on Dec. 21, 2023).

**DIRECT TESTIMONY
OF KYLE T. SANDERS
NMPRC CASE NO. 25-000__-UT**

1 energy storage equipment and facilities can be considered as necessary in the
2 ordinary course of business.

3

4 **Q. Are there specific criteria applicable to CCN applications for energy storage**
5 **facilities?**

6 **A.** Yes. As amended in 2019,² Section 62-9-1(E) of the PUA specifically governs the
7 CCN criteria to be met for an energy storage system, which is defined as “methods
8 and technologies used to store electricity.” The BESS Project is a battery energy
9 storage system used to store electricity. Moreover, energy storage on distribution
10 level systems has not been determined to be in the ordinary course of business to
11 date. Therefore, this Application is governed by Section 62-9-1(E).

12

13 **Q. What are the specific requirements under Section 62-9-1(E) for approval of an**
14 **energy storage system such as the BESS Project?**

15 **A.** Section 62-9-1(E) provides that the Commission shall approve an application for a
16 CCN for energy storage systems that meets the following criteria:

17 (1) reduce costs to ratepayers by avoiding or deferring the need for
18 investment in new generation and for upgrades to systems for the
19 transmission and distribution of energy;

² Section 62-9-1 was amended in 2019 to provide guidelines for the Commission when reviewing an application for a CCN for an energy storage system, which were codified as Section 62-9-1(D). In 2025, subsection (D) was redesignated as subsection (E) to account for additional unrelated amendments.

**DIRECT TESTIMONY
OF KYLE T. SANDERS
NMPRC CASE NO. 25-000__-UT**

1 (2) reduce the use of fossil fuels for meeting demand during peak
2 load periods and for providing ancillary services;

3 (3) assist with ensuring grid reliability, including transmission and
4 distribution system stability, while integrating sources of renewable
5 energy into the grid;

6 (4) support diversification of energy resources and enhance grid
7 security;

8 (5) reduce greenhouse gases and other air pollutants resulting from
9 power generation;

10 (6) provide the public utility with the discretion, subject to
11 applicable laws and rules, to operate, maintain and control energy
12 storage systems so as to ensure reliable and efficient service to
13 customers; and

14 (7) are the most cost effective among feasible alternatives.
15

16 **Q. Do you view Section 62-9-1(E) as modifying the general requirements for**
17 **issuance of a CCN for an energy storage system such as the BESS Project?**

18 **A.** Not necessarily, I believe that Section 62-9-1(E) provides further clarity for when
19 the Commission “shall approve an application for a CCN” for an energy storage
20 system if the project satisfies the seven criteria listed earlier in my testimony. I
21 believe the use of the word “shall” provides the clear circumstances in which the
22 approval of an energy storage project is mandatory. However, I do still address
23 below how the BESS Project also satisfies the more general requirements for a
24 CCN.
25

**DIRECT TESTIMONY
OF KYLE T. SANDERS
NMPRC CASE NO. 25-000__-UT**

1 **Q. Has PNM provided evidence that the BESS Project meets all seven of the**
2 **criteria for approval under Section 62-9-1(E)?**

3 **A. Yes, PNM has met the statutory criteria for approval of the BESS Project. Through**
4 their direct testimonies, PNM witnesses Hakimian, Pollman, and Barnard all
5 demonstrate full satisfaction of the seven criteria under Section 62-9-1(E). PNM
6 Table KTS-1 provides a cross reference of the locations in the Direct Testimonies
7 of PNM witnesses where the seven statutory criteria are addressed.

PNM Table KTS-1

PUA Section	Criteria	PNM Witness	Location
62-9-1(E)(1)	Reduce costs to ratepayers by avoiding or deferring the need for investment in new generation and for upgrades to systems for the transmission and distribution of energy	Erfan Hakimian	Section V: Public Interest
62-9-1(E)(2)	Reduce the use of fossil fuels for meeting demand during peak load periods and for providing ancillary services	Nicholas Pollman	Section IV: Public Interest
62-9-1(E)(3)	Assist with ensuring grid reliability, including transmission and distribution system stability, while integrating sources of renewable energy into the grid	Erfan Hakimian	Section V: Public Interest
		Nicholas Pollman	Section IV: Public Interest
62-9-1(E)(4)	Support diversification of energy resources and enhance grid security	Erfan Hakimian	Section V: Public Interest
		Nicholas Pollman	Section IV: Public Interest
		Gary B. Barnard	Section IV: Project Implementation and CCN Criteria

**DIRECT TESTIMONY
OF KYLE T. SANDERS
NMPRC CASE NO. 25-000__-UT**

PUA Section	Criteria	PNM Witness	Location
62-9-1(E)(5)	Reduce greenhouse gases and other air pollutants resulting from power generation	Nicholas Pollman	Section IV: Public Interest
62-9-1(E)(6)	Provide the public utility with the discretion, subject to applicable laws and rules, to operate, maintain and control energy storage systems so as to ensure reliable and efficient service to customers	Nicholas Pollman	Section III: Utility Owned Proposed BESS Project And Section IV: Public Interest
62-9-1(E)(7)	Are the most cost effective among feasible alternatives	Erfan Hakimian	Section V: Public Interest

1

2 **Q. Please explain how the BESS Project also meets the more general CCN**
3 **standards under Section 62-9-1.**

4 **A.** The Commission has equated “public convenience and necessity” with the public
5 interest and found that the CCN statute implies there must be a net public benefit
6 in order to grant a CCN.³ The utility has the burden of showing that the resource it
7 proposes is the most effective resource among feasible alternatives.⁴ The BESS
8 Project will assist in meeting customer needs and forecasted load growth, allow for
9 an increase in solar hosting capacity, reduce costs to customers, and help ensure
10 that PNM can provide safe and reliable service for its customers. The BESS Project
11 will continue to address the issue of overcapacity on distribution feeders which has

³ See, e.g., Case No. 19-00349-UT, Recommended Decision at 16 (Nov. 16, 2020).

⁴ *Id.* at 16-17 (citing Case No. 15-00261-UT, Corrected Recommended Decision (Aug. 15, 2016), Case No. 13-00390-UT, Final Order (Dec. 16, 2015), Case No. 15-00205-UT, Order Partially Granting PNM Motion to Vacate and Addressing Joint Motion to Dismiss (Dec. 22, 2015), and Case No. 2382, Final Order Approving Recommended Decision (Nov. 20, 1995)).

**DIRECT TESTIMONY
OF KYLE T. SANDERS
NMPRC CASE NO. 25-000__-UT**

1 been the subject of customer and Commission concerns. The BESS Project will aid
2 in alleviating the capacity-constrained distribution feeders and will facilitate the use
3 of DG energy to serve customers. These benefits all serve PNM customers as well
4 as the public interest.

5
6 **Q. Does the PUA have other general requirements for issuance of a CCN?**

7 **A.** Yes. Section 62-9-6 requires that a corporation applying for a CCN have its articles
8 of incorporation on file with the Commission. PNM's current articles of
9 incorporation have been filed with the Commission and can be found in the record
10 of Case No. 13-00390-UT, in PNM Exhibit GTO-2 to the December 20, 2013
11 Direct Testimony of Gerard T. Ortiz. PNM requests that the Commission take
12 administrative notice of this exhibit in the Commission's records.

13
14 Further, Section 62-9-6 also requires evidence, as the Commission may require,
15 demonstrating the consent and franchise of the municipality where construction and
16 operation of a new facility will occur. PNM witness Hakimian confirms that four
17 of the five BESS Project sites are outside of any municipal boundary so this
18 requirement of Section 62-9-6 is not applicable to those four. The fifth site is
19 located within the City of Rio Communities. However, if satisfaction of this
20 requirement is necessary, and as confirmed by PNM witness Hakimian, PNM will
21 obtain all necessary governmental permits and comply with all applicable zoning

**DIRECT TESTIMONY
OF KYLE T. SANDERS
NMPRC CASE NO. 25-000__-UT**

1 and building requirements with respect to the construction and operation of the
2 BESS Project site within the City of Rio Communities.

3

4 **Q. Is location approval for the BESS Project required from the Commission?**

5 **A.** No. Location approval is not required under Section 62-9-3 of the PUA. The BESS
6 Project is not a plant designed for or capable of operation at a capacity of three
7 hundred thousand kilowatts or more, nor is it a transmission line project that falls
8 within the location statute.

9

10 **Q. Is the BESS Project consistent with PNM’s most recent Integrated Resource**
11 **Plan (“IRP”)?**

12 **A.** Yes. PNM’s most recent IRP, which includes a Statement of Need, was filed in
13 2023 and accepted by the Commission in Case No. 23-00409-UT in 2024. PNM
14 filed an Application for a variance from the Accepted Statement of Need in the
15 2023 IRP on October 10, 2024, which included a supplemental report to the 2023
16 IRP. The variance was granted by the Commission on November 26, 2024. The
17 revised Statement of Need in the October 10 filing identified that 1100 MW to 1700
18 MW of dynamic balancing resources should be added through 2032 (page 5 of the
19 supplemental report). The BESS Project adds dynamic balancing resources that are
20 consistent with the identified need.

21

**DIRECT TESTIMONY
OF KYLE T. SANDERS
NMPRC CASE NO. 25-000__-UT**

IV. COST RECOVERY

Q. How does PNM plan to recover the costs associated with these projects?

A. PNM will recover the BESS Project costs in a future rate recovery proceeding.

Q. Has PNM estimated the cost for the BESS Project?

A. Yes, the BESS Project has an estimated capital cost of \$78.7 million, and a total estimated first year revenue requirement of \$3.3 million. The \$78.7 million capital includes approximately \$850 thousand distribution capital needed to interconnect the batteries to the distribution system. Please see PNM Table KTS-2 below for the breakout of costs by facility. PNM witness Barnard provides the details of the Battery Storage capital costs.

PNM Table KTS-2				
First Year Revenue Requirement by Facility				
Facility	Capacity (MW)	Capital Investment	ITC *	Revenue Requirement
Alamogordo Otero	6	\$ 15,738,000	40%	\$ 486,015
Deming	6	15,738,000	40%	486,015
Meadow Lake	6	15,738,000	30%	923,361
Rio Communities	6	15,738,000	30%	923,361
San Miguel	6	15,738,000	40%	486,015
Total	30	\$ 78,690,000		\$ 3,304,765
* Please see PNM Table KTS-3 for ITC calculation				

**DIRECT TESTIMONY
OF KYLE T. SANDERS
NMPRC CASE NO. 25-000__-UT**

1 **Q. Has PNM modeled the Investment Tax Credits associated with the BESS**
2 **Project?**

3 **A. Yes. PNM has assumed between 30% and 40% Investment Tax Credits (“ITC”)**
4 related to the various locations of the BESS Project. This translates to \$28.0 million
5 of ITC benefit that will be returned to customers when PNM begins to utilize ITC
6 to offset tax liability.

7
8 **Q. How is the estimated ITC percentage derived?**

9 **A. Please see PNM Table KTS-3 below for the component of available ITC that PNM**
10 has assumed for each location.

PNM Table KTS-3						
ITC Calculation						
		Bonus ITC				
Facility	Base Credit	Prevailing Wages & Apprenticeship	Low-income Communities	Energy Communities	Domestic Content *	Total ITC
Alamogordo Otero	6%	24%	0%	10%	0%	40%
Deming	6%	24%	0%	10%	0%	40%
Meadow Lake	6%	24%	0%	0%	0%	30%
Rio Communities	6%	24%	0%	0%	0%	30%
San Miguel	6%	24%	0%	10%	0%	40%
* Qualification for the Inflation Reduction Act Domestic Content bonus ITC will be known at the time the batteries and equipment are ordered for the BESS Project.						

**DIRECT TESTIMONY
OF KYLE T. SANDERS
NMPRC CASE NO. 25-000__-UT**

1 **Q. Does PNM expect changes to the current ITC and how does PNM plan to**
2 **handle such changes for the BESS Project?**

3 **A.** PNM does not expect changes to the current ITC on the BESS Project. Current tax
4 reform does not remove the ITC provisions on battery storage projects, so these
5 projects will still qualify. However, in the case of an unlikely event that changes
6 the projects' awarded ITC, PNM would pass the actual ITC earned by each project
7 back to customers. As mentioned in the footnote to PNM Table KTS-3 above, the
8 most likely event would be an upside to the ITC currently estimated as these
9 projects could qualify for the domestic content provision of an additional 10% of
10 ITC.

11

12 **Q. How does PNM plan to account for any difference in the cost of the BESS**
13 **Project from what is estimated in this case?**

14 **A.** To the extent the actual costs of the project are different from the estimated capital
15 cost of \$78.7 million, PNM would provide the information required by the Cost
16 Overrun Rule (17.3.580 NMAC) to request recovery of these costs in its next
17 general rate review application.

18

19 **Q. Is the application of the Commission's Cost Overrun Rule in 17.3.580 NMAC**
20 **to the estimated cost of the BESS Project reasonable?**

**DIRECT TESTIMONY
OF KYLE T. SANDERS
NMPRC CASE NO. 25-000__-UT**

1 **A.** Yes, I believe so. The Cost Overrun Rule applies to an “electric generating plant”
2 as defined in 17.3.580.7(E) NMAC, and the storage component of the project will
3 provide system capacity similar to a generation plant. Therefore, PNM believes
4 that extending the application of 17.3.580 NMAC to the BESS Project is consistent
5 with the objectives of the rule as well as recent treatment of similar projects.⁵ The
6 estimated capital cost of the BESS Project does not include any amount for
7 contingencies.

8

9 **V. REGULATORY STAKEHOLDER OUTREACH PROCESS**

10

11 **Q.** **Please describe the outreach process around the BESS Project PNM engaged**
12 **in with its regulatory stakeholders.**

13 **A.** PNM met with five different stakeholders over the course of two meetings the
14 week of July 14, 2025. Those who attended included:

- 15 • PNM,
- 16 • New Mexico Department of Justice,
- 17 • New Mexico Public Regulation Commission Staff,
- 18 • New Mexico Affordable Reliable Energy Alliance,
- 19 • Western Resource Advocates, and

⁵ See Case No. 23-00353-UT, *Final Order*, ¶ 46 (May 30, 2024); *Recommended Decision*, p. 37 (May 3, 2024).

**DIRECT TESTIMONY
OF KYLE T. SANDERS
NMPRC CASE NO. 25-000__-UT**

1 • Renewable Energy Industries Association.

2 Also invited were Otero County, San Miguel County, Luna County, Valencia
3 County, Coalition for Clean Affordable Energy, Interwest Energy Alliance, and
4 New Energy Economy.

5

6 **Q. What was the purpose and format of the stakeholder meetings?**

7 **A.**PNM presented a short overview of the BESS Project filing accompanied by
8 slides, then opened the floor for questions from the stakeholders.

9

10 **Q. What were some of the questions received from stakeholders during the**
11 **public outreach meetings?**

12 **A.**Some of the questions from stakeholders were whether the BESS Project would
13 reduce solar curtailments, why the five sites were selected, what determines if a
14 feeder is at or near capacity, was the EPC contract the result of a competitive
15 procurement, when will the resources be online, and is operational data available
16 from the 12 MW of distribution-sited batteries approved in Case No. 23-00162-
17 UT. PNM has attempted to incorporate the information shared through the
18 discussions into the filing itself.

19

20 **Q. Has PNM considered any environmental justice implications of the BESS**
21 **Project?**

1 **A.** Yes. The batteries will be placed on existing PNM solar generation sites, within the
2 existing footprint and fence lines of these sites. The batteries and inverters
3 organically fold into the pre-existing Photovoltaic (“PV”) inverters and equipment.
4 One of the main reasons for siting these new battery installations on existing sites
5 is due to environmental justice concerns. PNM is attempting to minimize impacts
6 to low-income populations and underserved areas by not acquiring or otherwise
7 developing any additional land that could potentially impact such populations or
8 areas.

9 The environmental justice mapping and screening tool that PNM used in Case No.
10 23-00162-UT to assess the environmental justice attributes of the areas those
11 batteries were sited is no longer available. The Environmental Protection Agency
12 removed public access to their EJScreen tool on February 5, 2025.⁶

16 **Q.** In conclusion, what is PNM requesting in this case?

18

**DIRECT TESTIMONY
OF KYLE T. SANDERS
NMPRC CASE NO. 25-000__-UT**

1 the Application, this project is in the public interest. Therefore, PNM respectfully
2 requests the Commission approve the Application and grant the CCN for the
3 BESS Project.

4

5 **Q. Does this conclude your testimony?**

6 **A. Yes.**

7

GCG#534015

Resume of Kyle T. Sanders

PNM Exhibit KTS-1

Is contained in the following 3 pages.

KYLE T. SANDERS
EDUCATIONAL AND PROFESSIONAL SUMMARY

Name: Kyle T. Sanders

Address: PNM Resources Inc.
MS 1105
414 Silver SW
Albuquerque, NM 87102

Position: Vice-President, PNM Regulatory

Education: Bachelor of Accountancy, New Mexico State University, 2009

Employment: PNM Services Company:
Senior Revenue Requirements Analyst (2012-2013)
Financial Analyst (2013-2015)
Manager of Cost of Service (2015-2017)
Director Financial Planning and Load Forecasting (2017)
Director of Corporate Budget and Cost of Service (2019-2023)
Executive Director of Financial Planning, Corporate Budget, and Cost of Service (2023-2025)
Vice-President, PNM Regulatory (Current)
New Mexico Gas Company:
Director of Planning and Forecasting (2017-2019)

Testimony and Affidavit Filed:

Texas Public Utility Commission

- In the Matter of the Application of Texas-New Mexico Power Company for Interim Update of Wholesale Transmission Rates, PUCT Docket No. 44953, filed July 17, 2015
- In the Matter of the Application of Texas-New Mexico Power Company for Interim Update of Wholesale Transmission Rates, PUCT Docket No. 45559, filed January 29, 2016
- In the Matter of the Application of Texas-New Mexico Power Company for Interim Update of Wholesale Transmission Rates, PUCT Docket No. 46184, filed July 19, 2016
- In the Matter of the Application of Texas-New Mexico Power Company for Interim Update of Wholesale Transmission Rates, PUCT Docket No. 46786, filed January 20, 2017
- In the Matter of the Application of Texas-New Mexico Power Company for A Distribution Cost Recovery Factor, PUCT Docket No. 50731, filed April 6, 2020
- In the Matter of the Application of Texas-New Mexico Power Company for A Distribution Cost Recovery Factor, PUCT Docket No. 51959, filed April 6, 2021

New Mexico Public Regulation Commission

- In the Matter of the Application of Public Service Company of New Mexico for Approval of Renewable Energy Rider No. 36 Pursuant to Advice Notice No. 439 and for Variances from Certain Filing Requirements, NMPRC Case No. 12-00007-UT, filed February 26, 2016 (PNM's Rider No. 36 Reconciliation for 2015.)
- In the Matter of PNM's Application for Approval of Its Renewable Energy Act Plan for 2017 and Proposed 2017 Rider Rate under Rate Rider No. 36, NMPRC Case No. 16-00148-UT, filed June 1, 2016
- In the Matter of the Application of Public Service Company of New Mexico for Approval of Renewable Energy Rider No. 36 Pursuant to Advice Notice No. 439 and for Variances from Certain Filing Requirements, NMPRC Case No. 12-00007-UT, filed February 28, 2017 (PNM's Rider No. 36 Reconciliation for 2016.)
- In the Matter of PNM's Application for Approval of Its Renewable Energy Act Plan for 2018 and Proposed 2018 Rider Rate under Rate Rider No. 36, NMPRC Case No. 17-00129-UT, filed June 1, 2017
- In the Matter of PNM's Application for Approval of Two Purchased Power Agreements and an Energy Storage Agreement Pursuant to 17.9.551 NMAC, An Addendum to the Special Service Contract with Great Kudu LLC, and Amended Rider No. 49, NMPRC Case No. 21-00031-UT, filed February 8, 2021
- In the Matter of the Application of Public Service Company of New Mexico for Decertification and Abandonment of 114 MW of Leased Palo Verde Nuclear Generating Station Capacity and Sale and Transfer of Related Assets and for Approval to Procure New Resources under 17.9.551 NMAC, NMPRC Case No. 21-00083-UT, filed April 2, 2021
- In the Matter of Public Service Company of New Mexico's Request for Approval of New Resources under 17.9.551 NMAC to Replace 114 MW of Leased Palo Verde Nuclear Generating Station Capacity, NMPRC Case No. 21-00215-UT, filed August 27, 2021
- In the Matter of Public Service Company of New Mexico's Request for Continued Use of Fuel and Purchased Power Cost Adjustment Clause, NMPRC Case No. 21-00166-UT, filed June 17, 2022
- 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, NMPRC Case No. 22-00058-UT, filed October 3, 2022
- In the Matter of The Application of Public Service Company of New Mexico for Revision of its Retail Electric Rates Pursuant to Advice Notice No. 595, NMPRC Case No. 22-00270-UT, filed December 5, 2022
- In the Matter of the Application of Public Service Company of New Mexico for Revision of its Retail Electric Rates Pursuant to Advice Notice No. 625, NMPRC Case No. 24-00089-UT, filed June 14, 2024.

Federal Energy Regulatory Commission

- Public Service Company of New Mexico Filing to Revise Depreciation Rates in PNM's Transmission Formula Rate, FERC Docket No. ER 16-2713-000, filed

September 30, 2016

- Public Service Company of New Mexico Filing of Transmission Service Agreements with Leeward Renewable Energy Development, LLC, FERC Docket No. ER 21-1363-001, affidavit filed April 19, 2021

GCG#533987

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF PUBLIC SERVICE COMPANY OF)
NEW MEXICO'S APPLICATION FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY TO)
CONSTRUCT, OWN, AND OPERATE 30 MEGA WATTS)
OF BATTERY ENERGY STORAGE FACILITES)
)
PUBLIC SERVICE COMPANY OF NEW MEXICO)
_____)**

Case No. 25-000__-UT

AFFIDAVIT

STATE OF NEW MEXICO)
) ss
COUNTY OF BERNALILLO)

KYLE T. SANDERS, Director, VP of Regulatory for Public Service Company of New Mexico, upon being duly sworn according to law, under oath, deposes and states: I have read the foregoing **Direct Testimony of Kyle T. Sanders**, and it is true and accurate based on my own personal knowledge and belief.

DATED this 6th day of August, 2025.

/s/ Kyle T. Sanders
KYLE T. SANDERS