

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF PUBLIC SERVICE COMPANY OF NEW)	
MEXICO FOR REVISIONS OF ITS RETAIL)	
ELECTRIC RATES PURSUANT TO ADVICE)	
NOTICE NO. 513)	Case No. 15-00261-UT
)	
PUBLIC SERVICE COMPANY OF NEW MEXICO,)	
)	
Applicant.)	
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ORDER ON MOTION FOR ORAL ARGUMENT

THIS MATTER comes before the New Mexico Public Regulation Commission (“the Commission”) pursuant to the June 18, 2019 Motion for Oral Argument filed by New Energy Economy (“NEE”). Being fully informed in the premises, **THE COMMISSION FINDS AND CONCLUDES:**

1. Mandate was issued by the New Mexico Supreme Court in SC-1-SC-36115 on June 3, 2019 remanding jurisdiction to the Commission “for further proceedings, if any, consistent and in conformity with the Opinion of [the] Court” issued May 16, 2019.

2. The Opinion of the Court rejected the challenges of the various appellees against the Commission’s September 28, 2016 Final Order, finding instead that with the single exception of the Commission’s denial of future recovery of nuclear decommissioning costs associated with the 64.1 kW of repurchased Palo Verde leases and the 114 kW of renewed Palo Verde leases, “virtually all of the Commission’s decisions are reasonable and lawful.”

3. The Court’s Opinion found that with respect to the issue of the recovery of nuclear decommissioning costs, the Commission denied Public Service Company of New Mexico due

process by failing to provide PNM notice of and an opportunity to respond to the Commission's intended denial of decommissioning costs.

4. The Opinion annulled the Commission's final order en toto.

5. NEE's Motion seeks to address the Commission concerning "how to directly address the entire Commission as to how to proceed given the Supreme Court's remand" and raises the following issue: "Given the New Mexico Supreme Court's affirmation that "the Commission's determination that PNM's decisions were imprudent was supported by substantial evidence" how should this Commission hold ratepayers harmless from any amount imprudently invested with respect to its purchase and lease extensions of Palo Verde nuclear assets?"

6. While NEE's Motion does not identify the specific relief it seeks, it notes that: "the purpose of a prudence review is to hold ratepayers harmless from any amount imprudently invested, ' a disallowance should equal the amount of the unreasonable investment" and " The Court acknowledged the possibility of a "full disallowance" to insulate ratepayers from the imprudent actions of utility management."

7. NEE further notes: "if any aspect of the appeal pending before this Court is successful in a way that results in ratepayers having been overcharges, it is the Court's intent to request that PNM reimburse ratepayers for amounts overcharged."

8. NEE's request for Oral Argument should be granted.

IT IS THEREFORE ORDERED:

A. Oral argument shall be held at the Commission's July 17, 2019 Open Meeting to address the issues raised in NEE's Motion.

B. NEE shall make a filing by 12:00 PM (noon) Monday July 1, 2019 identifying succinctly and with specificity precisely what relief it seeks and intends to address in its oral argument.

C. Interveners in this proceeding that desire to participate in oral argument shall make a filing by no later than 12:00 PM (noon) Tuesday July 9, 2019 indicating whether they intend to participate in the oral argument and whether they support or oppose the relief identified by NEE.

D. In addition, the parties should be prepared to address the issue of the Commission's jurisdiction to revisit issues already determined on appeal as well issues not raised on appeal.

E. The Commission's Utility Division and Legal Division Staff shall participate in this argument in compliance with its statutory duty under §8-8-12.

F. Upon review of the filings required by this order, the Commission will issue a separate procedural order setting the order and times allotted for argument.

G. This Order is issued by the Chair of the Commission or by a single Commissioner in accordance with 1.2.2.30(B) NMAC.

H. This Order is effective immediately.

I. Copies of this Order shall be sent to all persons listed on the attached certificate of service via e-mail if their email addresses are known and by regular mail only if their email addresses are not known.

ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this 26th day
of June 2019.

NEW MEXICO PUBLIC REGULATION COMMISSION



Theresa Becenti-Aguilar, Chairman



BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

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. 513)
)
PUBLIC SERVICE COMPANY OF NEW MEXICO,)
APPLICANT)

Case No. 15-00261-UT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 26, 2019 I sent a true and correct copy of the foregoing

Order on Motion for Oral Argument, dated June 26, 2019, to the parties listed below via email or USPS

First-Class Mail.

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DATED this 26st day of June 2019.

NEW MEXICO PUBLIC REGULATION COMMISSION



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