

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF EL PASO ELECTRIC)
COMPANY’S APPLICATION FOR A)
CERTIFICATE OF CONVENIENCE AND) Case No. 18-00099-UT
NECESSITY FOR A TWO-MW SOLAR)
POWER GENERATION FACILITY AND)
APPROVAL OF A VOLUNTARY)
COMMUNITY SOLAR PROGRAM)**

**ORDER RECONSIDERING THE COMMISSION’S DECEMBER 19, 2018 ORDER;
ORDER DISMISSING APPLICATION WITHOUT PREJUDICE**

THIS MATTER comes before the New Mexico Public Regulation Commission (the “Commission”) upon the Commission’s reconsideration of its Order Requiring El Paso Electric Company to Conduct Request for Proposals and to Amend Application; Order Extending Statutory Period and Appointing Hearing Examiner, issued on December 19, 2018 (the “December 19th Order”)

Whereupon, being duly informed,

THE COMMISSION FINDS AND CONCLUDES:

1. At the Commission’s open meeting of January 9, 2019, the Commission decided to reconsider the December 19th Order, upon the motion of Commissioner Espinoza.
2. The Commission has jurisdiction over the parties and the subject matter of this case.
3. Upon reconsideration of the relevant issues, including reconsideration of the briefing and oral arguments presented to the Commission, the Commission is persuaded by arguments made by New Energy Economy, PNE, USA, Inc., Merrie Lee Soules, the City of Las Cruces, and Staff of the Utility Division of the Commission. EPE’s application in this matter should be dismissed without prejudice. The Commission notes that, even with an extension of

the statutory period to the maximum fifteen months allowed by Section 62-9-1.C of the Public Utility Act, it is unlikely that there would be sufficient time for proceedings to go forward within this docket.

IT IS THEREFORE ORDERED:

- A. EPE's application is hereby DISMISSED WITHOUT PREJUDICE.
- B. A copy of this Order shall be served upon all parties listed on the attached certificate of service via email, if the email addresses are known, and if not known, by regular mail.
- C. This order is effective immediately.
- D. This docket is closed.

ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this 9th day of
January, 2019.

NEW MEXICO PUBLIC REGULATION COMMISSION




CYNTHIA HALL, COMMISSIONER, DISTRICT 1



JEFFERSON L. BYRD, COMMISSIONER, DISTRICT 2



VALERIE ESPINOZA, COMMISSIONER, DISTRICT 3



TERESA BECENTI-AGUILAR, COMMISSIONER, DISTRICT 4



STEPHEN FISCHMANN, COMMISSIONER, DISTRICT 5



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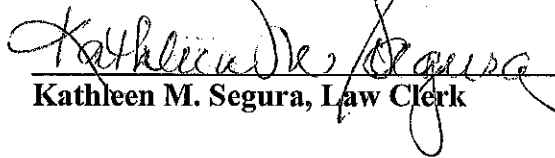
CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing **Order Reconsidering the Commission's December 19, 2018 Order; Order Dismissing Application Without Prejudice** issued by the New Mexico Public Regulation Commission on January 10, 2019 was sent by email on January 10, 2019, to the parties indicated below:

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Judith Parsons	Judith.parsons@epelectric.com ;	Joan Drake	jdrake@modrall.com ;
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Taiyoko Sadewic	taiyoko@positiveenergysolar.com ;		

DATED this 10th day of January, 2019.

NEW MEXICO PUBLIC REGULATION COMMISSION



Kathleen M. Segura, Law Clerk