

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF AN INVESTIGATION)
INTO THE PUBLIC SERVICE COMPANY)
OF NEW MEXICO'S PURCHASE OF)
PALO VERDE NUCLEAR GENERATING)
STATION UNIT 1 & 2 LEASES)
AND THE FINANCIAL IMPACT)
ON RATEPAYERS)**

Case No. 19-00102-UT

ORDER REQUIRING RESPONSE

THIS MATTER comes before the New Mexico Public Regulation Commission (Commission) on the April 22, 2019 Joint Petition for Investigation (Petition) filed by New Energy Economy (NEE), Daniel Earnest Tso - Navajo Nation Council Delegate; Citizens for Fair Rates and the Environment (CFRE); Climate Change Leadership Institute (CCLI); Concerned Citizens of Wagon Mound & Mora County; Dooda (NO) Desert Rock; Earth Care; Food & Water Watch; Hispano Round Table de Nuevo México; Honor Our Pueblo Existence (HOPE); Honor the Earth; Indigenous Life Ways, Inc.; Institute for Local Self-Reliance; League of United Latin American Citizens (LULAC); Los Jardines Institute; Multicultural Alliance for a Safe Environment (MASE); Physicians for Social Responsibility-NM; Renewable Taos; Retake Our Democracy; Rio Arriba Concerned Citizens (RACC); Securing Economic and Energy Democracy (SEED); Southwest Indigenous Uranium Forum (SIUF); Student Advocacy Union NM; Taos United/Taoseños Unidos; Tewa Women United; and WildEarth Guardians. (collectively, Petitioners).

Having reviewed the Petition, the Commission **FINDS:**

- 1) The Petition argues that the recent passage of the Energy Transition Act (“ETA”), requiring that by no later than January 1, 2025, renewable energy shall comprise no less than 40

(forty) percent of PNM's total retail sales of electricity to New Mexico customers, constitutes a "material change" to PNM's 2017-2036 Integrated Resource Plan approved in Case 17-00174-UT.

2) The Petition argues §17.7.3.10 NMAC and the ETA requirements may alter the most cost-effective portfolio ("MCEP") of resources previously identified by PNM in its last IRP and therefore there should be a **formal expedited investigation into PNM's MCEP, including the facts and circumstances** of PNM's previously planned purchase of its expiring leases at PVNGS Unit 1 and Unit 2 in 2023 and 2024, respectively. NEE seeks expedited action on this request because under its current PVNGS leases, PNM must provide irrevocable notice to the lessors of PNM's expiring leases by January 15, 2020 and January 15, 2021, respectively.

3) The Commission has jurisdiction over this matter.

4) The Commission finds that PNM should be required to file a response to the Petition within thirteen (13) days of this order.

5) The Commission further finds that the Commission's Utility Division staff (Staff) should file a responsive pleading addressing both the Petition and PNM's response within thirteen (13) days following the filing of PNM's response.

IT IS THEREFORE ORDERED:

A. PNM shall file a response to the Petition within thirteen (13) days of this Order.

B. The Commission's Utility Division Staff shall file a pleading addressing both the Petition and PNM's response within thirteen (13) days of the filing of PNM's response to the Petition.

C. A copy of this Order shall be served on all parties listed on the certificate of service from PNM case 17-00174-UT via email, if the email addresses are known, and only by regular mail if an email address is not known.

D. This Order is effective immediately


ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this 8th day of
May, 2019.


NEW MEXICO PUBLIC REGULATION COMMISSION

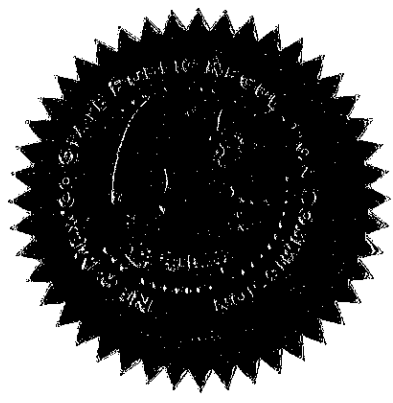

CYNTHIA HALL, COMMISSIONER, DISTRICT 1


JEFFERSON L. BYRD, COMMISSIONER, DISTRICT 2


VALERIE ESPINOZA, VICE CHAIR, DISTRICT 3


THERESA BECENTI-AGUILAR, CHAIR, DISTRICT 4


STEPHEN FISCHMANN, COMMISSIONER, DISTRICT 5



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CERTIFICATE OF SERVICE

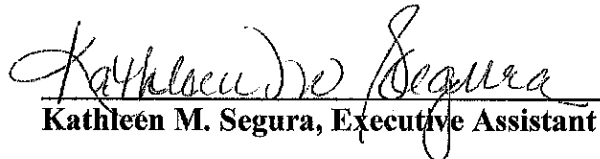
I HEREBY CERTIFY that a true and correct copy of the foregoing **Order Requiring Response** issued by the New Mexico Public Regulation Commission on May 8, 2019, was sent via email on May 8, 2019, to the parties indicated below:

Ryan Jerman
Nann M. Winter
Stacey Goodwin
Carol Clifford
Peter J. Gould
Casey Settles
David Van Winkle
Michael C. Smith
Jeffrey H. Albright
Bruce C. Throne
Anastasia Stevens
Mariel Nanasi
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DATED this 8th day of May, 2019.

NEW MEXICO PUBLIC REGULATION COMMISSION



Kathleen M. Segura, Executive Assistant