

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 REQUIRING EL PASO ELECTRIC COMPANY TO CONDUCT REQUEST
FOR PROPOSALS AND TO AMEND APPLICATION; ORDER EXTENDING
STATUTORY PERIOD AND APPOINTING HEARING EXAMINER**

THIS MATTER comes before the New Mexico Public Regulation Commission (the "Commission") upon the oral argument of the parties on December 12, 2018.

Whereupon, being duly informed,

THE COMMISSION FINDS AND CONCLUDES:

1. On October 31, 2018, the Commission issued its Order Granting Verified Motion by NEE for Reconsideration of October 24, 2018 Order and Dismissing EPE's Application Without Prejudice (the "October 31 Order"). In that order, the Commission found that certain arguments made by NEE were well taken, that the October 24 Order was "unlawful, unjust, or unreasonable," and that the Application should be dismissed without prejudice.

2. On November 15, 2018, WRA filed its Application for Rehearing concerning the October 31 Order. On November 19, 2018, the Commission granted the Application for Rehearing insofar as the Commission vacated the October 31 Order and scheduled a public hearing and oral argument for December 5, 2018. The public hearing and oral argument were subsequently rescheduled for December 12, 2018, via single-signature order.

3. Parties filed initial briefs with the Commission on November 28, 2018, and responsive briefs on November 30, 2018.

4. On December 12, 2018, the public hearing and oral argument were held before Chairman Jones, as designee of the Commission. Commissioner Hall was also present and participated in the matter. No testimony or other evidence were offered at the public hearing. Oral argument was presented by all parties except for the City of Las Cruces and the New Mexico Attorney General. The oral argument was transcribed by a court reporter.

5. The Commission has jurisdiction over the parties and the subject matter of this case.

6. After consideration of the oral argument, the Commission finds that the recommendation of EPE to go forward with the matter in this docket is well taken. EPE should go forward in this docket with an amended application for certificate of convenience and necessity (“CCN”) and for approval of a voluntary community solar program after conducting a request for proposals (“RFP”). To allow sufficient time for further proceedings, the Commission finds that there is good cause to extend the period for consideration of EPE’s application for a CCN by six months, in accordance with Section 62-9-1.C of the Public Utility Act. NMSA 1978, § 62-9-1.C.

7. The Commission also finds that EPE should not be required to expand the scope of the RFP beyond utility-owned facilities. Though the Commission’s decision in its Final Order Partially Adopting Recommended Decision, in Case No. 17-00129-UT, *In the Matter of Public Service Company of New Mexico’s Application for Approval of its Renewable Energy Act Plan for 2018 and Proposed 2018 Rider Rate Under Rate Rider No. 36*, is based upon a somewhat

different set of facts than those at issue in this matter, the legal and policy concerns noted in that decision, concerning a utility's choice of scope for an RFP, apply here as well.

IT IS THEREFORE ORDERED:

- A. EPE is ordered to conduct an RFP, as per Paragraphs 5 and 6, above.
- B. EPE is ordered to file a motion to amend its application following the new RFP.

Such motion shall be filed in this matter on or before February 15, 2019.

C. The period for the Commission to issue a final order in this matter is hereby extended by a period of six months, in accordance with Section 62-9-1.C of the Public Utility Act. NMSA 1978, § 62-9-1.C.


D. Pursuant to its authority under NMSA 1978, § 8-8-14 (1998) and Rule 1.2.2.29(B) NMAC, the Commission hereby appoints Ashley Schannauer as Hearing Examiner, to preside over this matter, to take all action necessary and convenient thereto within the limits of the Hearing Examiner's authority and in accordance with this Order, to conduct any necessary hearings, to submit a Recommended Decision containing proposed findings of fact and conclusions of law regarding this case to the Commission, and to take any other action in this case that is consistent with Commission procedure.

E. 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.

- F. This order is effective immediately.

ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this 19th day
of December 2018.


NEW MEXICO PUBLIC REGULATION COMMISSION


SANDY JONES, CHAIRMAN


CYNTHIA B. HALL, VICE CHAIR


PATRICK H. LYONS, COMMISSIONER


VALERIE ESPINOZA, COMMISSIONER


LYNDA LOVEJOY, COMMISSIONER



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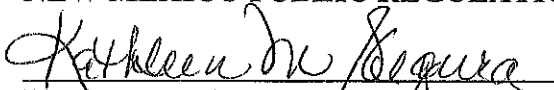
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Order Requiring El Paso Electric Company to Conduct Request for Proposals and to Amend Application; Order Extending Statutory Period and Appointing Hearing Examiner** issued by the New Mexico Public Regulation Commission on December 19, 2018, was sent by email on December 19, 2018, to the parties indicated below:

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DATED this 19th day of December, 2018

NEW MEXICO PUBLIC REGULATION COMMISSION



Kathleen M. Segura, Law Clerk