

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE JOINT APPLICATION OF)
IBERDROLA, S.A., AVANGRID, INC., AVANGRID)
NETWORKS, INC., NM GREEN HOLDINGS, INC.,)
PUBLIC SERVICE COMPANY OF NEW MEXICO)
AND PNM RESOURCES, INC. FOR APPROVAL OF)
THE MERGER OF NM GREEN HOLDINGS, INC.) **Case No. 20-00222-UT**
WITH PNM RESOURCES INC.; APPROVAL OF A)
GENERAL DIVERSIFICATION PLAN; AND ALL)
OTHER AUTHORIZATIONS AND APPROVALS)
REQUIRED TO CONSUMMATE AND IMPLEMENT)
THIS TRANSACTION)
)
IBERDROLA, S.A., AVANGRID, INC., AVANGRID)
NETWORKS, INC., NM GREEN HOLDINGS, INC.,)
PUBLIC SERVICE COMPANY OF NEW MEXICO)
AND PNM RESOURCES, INC., JOINT)
APPLICANTS.)
)

**NOTICE OF FILING OF EX PARTE
COMMUNICATIONS**

NOTICE IS HEREBY GIVEN that the following attached *Email communications between Thomas C. Byrd, Brian Haverly, Russell Fisk, Michael C. Smith between the dates of January 17, 2023 through March 7, 2023* may constitute *ex parte* communications and are hereby disclosed to the parties in this case pursuant to Rules 1.2.3.8, 1.2.3.9 NMAC and 1.2.3.10 NMAC.

This Notice will be sent to all parties as shown on the attached Certificate of Service.

DATED this 20th day of April, 2023.

NEW MEXICO PUBLIC REGULATION COMMISSION

/s/ LaurieAnn Santillanes, electronically signed
LaurieAnn Santillanes, Law Clerk

RE: [EXTERNAL] Fw: Avangrid Appeal

Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>

Tue 1/24/2023 1:15 PM

To: Thomas C. Bird <tcb@jhkmlaw.com>

Cc: Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>

OK, will do. The call will be coming from 505-412-5042.

Russell Fisk
Associate General Counsel
New Mexico Public Regulation Commission

From: Thomas C. Bird <tcb@jhkmlaw.com>
Sent: Tuesday, January 24, 2023 1:14 PM
To: Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>
Subject: Re: [EXTERNAL] Fw: Avangrid Appeal

call 505 364 4171 that's my work cell. Thanks.

Thomas C. Bird
Jennings Haug Keleher McLeod
201 Third Street NW | Suite 1200 | Albuquerque, New Mexico 87102
Office: 505.346.4646 | Direct: [505.346.9123](tel:505.346.9123) | tcb@jhkmlaw.com

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From: Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>
Sent: Tuesday, January 24, 2023 1:12 PM
To: Thomas C. Bird <tcb@jhkmlaw.com>
Cc: Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>
Subject: RE: [EXTERNAL] Fw: Avangrid Appeal

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I will call you at your direct number below (unless you would prefer a different number), and I will merge Michael Smith into the call.

Russell Fisk
Associate General Counsel
New Mexico Public Regulation Commission

From: Thomas C. Bird <tcb@jhkmlaw.com>
Sent: Tuesday, January 24, 2023 1:10 PM
To: Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>; Thomas C. Bird <tcb@jhkmlaw.com>
Cc: Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>
Subject: Re: [EXTERNAL] Fw: Avangrid Appeal

Yes, shall I call you?

Thomas C. Bird

Jennings Haug Keleher McLeod

201 Third Street NW | Suite 1200 | Albuquerque, New Mexico 87102

Office: 505.346.4646 | Direct: [505.346.9123](tel:505.346.9123) | tcb@jhkmlaw.com

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JHKM | JENNINGS HAUG
KELEHER MCLEOD

From: Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>
Sent: Tuesday, January 24, 2023 1:08 PM
To: Thomas C. Bird <tcb@jhkmlaw.com>
Cc: Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>
Subject: RE: [EXTERNAL] Fw: Avangrid Appeal

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Tom,

Would 1:30 work for you?

Russell Fisk

Associate General Counsel

New Mexico Public Regulation Commission

From: Thomas C. Bird <tcb@jhkmlaw.com>
Sent: Tuesday, January 24, 2023 9:46 AM
To: michael.smith@state.nm.us; Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>
Subject: [EXTERNAL] Fw: Avangrid Appeal

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Good morning, Michael and Russell:

We don't seem to be having much luck with reaching each other. Maybe we should set up a time for a call. Let me know about your availability; we'll make a time you pick work for our schedules.

Thanks very much,

Tom

Thomas C. Bird
Jennings Haug Keleher McLeod

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From: Thomas C. Bird <tcb@keleher-law.com>

Sent: Tuesday, January 17, 2023 1:18 PM

To: Michael.smith@state.nm.us <Michael.smith@state.nm.us>; Fisk, Russell, PRC <Russell.Fisk@state.nm.us>

Subject: Avangrid Appeal

Hello, Michael and Russell:

I left a voice message just a minute ago with Russell, asking one or both of you to give me a call, please. (Michael's voice message box was full). I'd like to talk to you about the Avangrid appeal.

My number is 505 364 4171.

Thanks very much,

Tom

Thomas C. Bird
Jennings Haug Keleher McLeod

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Re: [EXTERNAL] Thoughts About Procedural Approach

Thomas C. Bird <tcb@jhkmlaw.com>

Wed 2/1/2023 8:49 AM

To: Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>; Thomas C. Bird <tcb@jhkmlaw.com>

Cc: Brian J. Haverly <bjh@jhkmlaw.com>; Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>

Russell,

Thanks very much. I understand completely that you are extremely busy.

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[Download V-Card](#) | [View Bio](#) | [JHKMLAW.com](#)**From:** Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>**Sent:** Wednesday, February 1, 2023 8:04 AM**To:** Thomas C. Bird <tcb@jhkmlaw.com>**Cc:** Brian J. Haverly <bjh@jhkmlaw.com>; Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>**Subject:** RE: [EXTERNAL] Thoughts About Procedural Approach

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Please note that Michael’s email address is MichaelC.Smith@prc.nm.gov.

Thanks

Russell Fisk**Associate General Counsel****New Mexico Public Regulation Commission**

From: Thomas C. Bird <tcb@jhkmlaw.com>
Sent: Tuesday, January 31, 2023 4:33 PM
To: Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>; michael.smith@state.nm.us
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Thank you very much for considering these suggestions about procedure.

Tom

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JHKM | JENNINGS HAUG
KELEHER MCLEOD

Re: [EXTERNAL] Thoughts About Procedural Approach

Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>

Thu 2/2/2023 11:51 AM

To: Thomas C. Bird <tcb@jhkmlaw.com>; Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>

Cc: Brian J. Haverly <bjh@jhkmlaw.com>

Tom & Brian -

In sum, the proposal would dismiss the appeal and the Commission would provide the Joint Applicants and stipulation signatories an opportunity for rehearing based on a Modified Stipulation that would be executed by the requisite parties?

Michael C. Smith
Office of General Counsel
New Mexico Public Regulation Commission
P.O. Box 1269
Santa Fe, New Mexico 87504-1269
michaelc.smith@state.nm.us

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From: Thomas C. Bird <tcb@jhkmlaw.com>**Sent:** Wednesday, February 1, 2023 8:48 AM**To:** Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>; Thomas C. Bird <tcb@jhkmlaw.com>**Cc:** Brian J. Haverly <bjh@jhkmlaw.com>; Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>**Subject:** Re: [EXTERNAL] Thoughts About Procedural Approach

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Please note that Michael’s email address is MichaelC.Smith@prc.nm.gov.

Thanks

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Associate General Counsel
New Mexico Public Regulation Commission

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Sent: Tuesday, January 31, 2023 4:33 PM
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Cc: Brian J. Haverly <bjh@jhkmlaw.com>
Subject: [EXTERNAL] Thoughts About Procedural Approach

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Thank you very much for considering these suggestions about procedure.

Tom

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RE: [EXTERNAL] Thoughts About Procedural Approach

Brian J. Haverly <bjh@jhkmlaw.com>

Thu 2/2/2023 12:51 PM

To: Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>; Thomas C. Bird <tcb@jhkmlaw.com>; Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>

Cc: Brian J. Haverly <bjh@jhkmlaw.com>

Hi Mike,

You are correct that our proposal is to dismiss the appeal. Our thoughts, however, are that the existing record reflects agreement and non-opposition to the modified stipulation and to the additional proposals from Staff – all of the benefits and protections are matters that are in the existing record, which may not have all been reflected in the Commission’s prior decision. We were not contemplating a new agreement for signature. The Modified Stipulation would reflect all the benefits and protections in one place, which the parties have expressed positions on, and which may not have been reflected in the Commission’s prior decision. Happy to discuss.

Thanks!

-Brian

Brian J. Haverly**Jennings Haug Keleher McLeod**

201 Third Street NW | Suite 1200 | Albuquerque, New Mexico 87102

Office: 505.346.4646 | Direct: 505.346.1356 | bjh@jhkmlaw.com

[Download V-Card](#) | [View Bio](#) | [JHKMLAW.com](#)**From:** Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>**Sent:** Thursday, February 2, 2023 11:51 AM**To:** Thomas C. Bird <tcb@jhkmlaw.com>; Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>**Cc:** Brian J. Haverly <bjh@jhkmlaw.com>**Subject:** Re: [EXTERNAL] Thoughts About Procedural Approach

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Tom & Brian -

In sum, the proposal would dismiss the appeal and the Commission would provide the Joint Applicants and stipulation signatories an opportunity for rehearing based on a Modified Stipulation that would be executed by the requisite parties?

Michael C. Smith**Office of General Counsel****New Mexico Public Regulation Commission****P.O. Box 1269****Santa Fe, New Mexico 87504-1269****michaelc.smith@state.nm.us**

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Cc: Brian J. Haverly <bjh@jhkmlaw.com>; Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>
Subject: Re: [EXTERNAL] Thoughts About Procedural Approach

Russell,

Thanks very much. I understand completely that you are extremely busy.

Tom

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201 Third Street NW | Suite 1200 | Albuquerque, New Mexico 87102
Office: 505.346.4646 | Direct: [505.346.9123](tel:505.346.9123) | tcb@jhkmlaw.com

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Please note that Michael’s email address is MichaelC.Smith@prc.nm.gov.

Thanks

Russell Fisk

**Associate General Counsel
New Mexico Public Regulation Commission**

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RE: [EXTERNAL] Thoughts About Procedural Approach

Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>

Fri 2/3/2023 5:24 PM

To: Thomas C. Bird <tcb@jhkmlaw.com>; Brian J. Haverly <bjh@keleher-law.com>

Cc: Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>

Tom and Brian,

We discussed this matter with Commissioners Aguilar and Ellison yesterday, and we respond to your emails below as follows:

- 1) The Commissioners are interested in pursuing settlement of the appeal;
- 2) For the next steps in this process, they would like to see your clients' proposed motion to dismiss the appeal and your clients' proposed motion for rehearing on the existing record of the Commission's Order on Certification of Stipulation; and
- 3) Regarding the motion for rehearing, the Commissioners anticipate that they will be considering as a proposal by your clients the terms of the "Modified Stipulation," i.e., the June 4th Stipulation as modified by the hearing examiner in Appendix 2 to the Certification of Stipulation, plus the additional terms included in Attachment A to Staff's Initial Post-Hearing Brief ("Agreement Between Staff and Joint Applicants Reached on August 19, 2021"). Our understanding is that you do not intend to file a new, executed Modified Stipulation with these terms. Accordingly, the Commissioners anticipate that the motion for rehearing will clearly identify these terms.

Please let us know if your clients are amenable to the above or if you would like to discuss this with us.

Russell Fisk
Associate General Counsel
New Mexico Public Regulation Commission

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Thanks!
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IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

**AVANGRID, INC., AVANGRID NETWORKS, INC.,
NM GREEN HOLDINGS, INC., IBERDROLA, S.A.,
PUBLIC SERVICE COMPANY OF NEW MEXICO, and
PNM RESOURCES, INC.,**

Appellants,

v.

S-1-SC-39152

**NEW MEXICO PUBLIC REGULATION
COMMISSION,**

Appellee,

and

**NEW ENERGY ECONOMY,
WESTERN RESOURCE ADVOCATES,
INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS LOCAL 611,
THE OFFICE OF THE NEW MEXICO
ATTORNEY GENERAL, COALITION FOR
CLEAN AFFORDABLE ENERGY, DINE CITIZENS
AGAINST RUINING THE ENVIRONMENT, SAN
JUAN CITIZENS ALLIANCE, TO NIZHONI ANI,
NAVA EDUCATION PROJECT,**

Intervenor-Appellees.

**In The Matter of The Joint Application of
Iberdrola, S.A., Avangrid, Inc., Avangrid Networks, Inc.,
NM Green Holdings, Inc., Public Service Company
of New Mexico And PNM Resources, Inc. For
Approval of the Merger of NM Green
Holdings, Inc. with PNM Resources, Inc.;
Approval of a General Diversification Plan;**

**and All Other Authorizations and Approvals
Required to Consummate and Implement this
Transaction,
NMPRC Case No. 20-00222-UT**

**JOINT MOTION FOR STIPULATED DISMISSAL OF APPEAL AND
REMAND FOR REHEARING AND RECONSIDERATION: REQUEST
FOR EXPEDITED RULING AND SHORTENED RESPONSE AND
MANDATE PERIODS**

Deleted: AND

Deleted: ION

Deleted:

Pursuant to Rule 12-401(B)(2) NMRA, Avangrid, Inc., Avangrid Networks, Inc., NM Green Holdings, Inc., Iberdrola, S.A., Public Service Company of New Mexico, and PNM Resources, Inc. (collectively, “Appellants”), jointly with the New Mexico Public Regulation Commission (the “Commission” or “Appellee”) hereby move for dismissal of this appeal. Appellants and Appellee seek dismissal and remand of this case for purposes of effectuating their agreement to resolve this appeal by submitting the matter to the Commission for rehearing and reconsideration, as more fully described in this Joint Motion. As grounds for their Joint Motion, Appellants and Appellee state:

1. In this appeal, Appellants seek annulment of an order of the Commission denying approval of a merger and acquisition involving a public utility operating in New Mexico. Appellants also challenge a discovery sanction.

2. Following protracted litigation and negotiations, several of the parties to the proceedings below entered into a stipulated settlement in favor of the proposed merger. The Commission’s Hearing Examiner (the “HE”) recommended that the

Commission reject the settlement stipulation because he concluded the risk of a deterioration in the quality of utility service outweighed the benefits of the transaction. The HE, however, alternatively proposed modifications to the stipulation to further reduce the transaction risks, should the Commission conclude that the stipulation should be approved. Ultimately, all but one of the parties either supported or did not oppose approval of the proposed merger transaction with the HE’s proposed modifications to the settlement stipulation, which the signatories ratified in their exceptions to the Certification of Stipulation. The Commission issued an Order on Certification of Stipulation on December 8, 2021 (“Commission Order”) that rejected the transaction.

Deleted: , which included the modifications to the stipulation proposed by the HE as ratified and affirmed by the stipulating parties

3. It serves the public interest and conserves the resources of the Court if this appeal is dismissed and the matter is remanded to the Commission, to allow the Commission to promptly rehear and reconsider the Commission Order on remand. Appellants and the Commission therefore stipulate to dismissal of this appeal upon the terms and conditions recited in this Joint Motion. The Commission has not agreed to, nor made any determinations, with regard to any specific outcome or decision that may result upon the Court’s dismissal and remand to the Commission for rehearing and reconsideration of the Commission Order. The terms and conditions recited in this Joint Motion comprise the entirety of the agreement between Appellants and Appellee.

Deleted: and

Deleted: Order

4. On January 27, 2023, one of the three Commissioners voluntarily recused himself from the proceeding below. The two remaining Commissioners will decide the rehearing and reconsideration and not assign the matter to a Hearing Examiner.

5. The Commission shall conduct the rehearing and reconsideration under Rule 1.2.2.37(F) NMAC, based upon the existing record that was before the Commission at the time the Commission Order was issued. Specifically, the Commission shall consider the Certification of Stipulation and Appendices issued November 1, 2021; the June 4th Stipulation as modified by the HE in Appendix 2 to the Certification of Stipulation, and the evidentiary record (both in support and opposition to the June 4th Stipulation); proposed modifications and further agreements between the Joint Applicants and other parties reflected in the record and post hearing pleadings but not in the Certification of Stipulation, such as the additional terms included in Attachment A to Staff’s Initial Post-Hearing Brief, entitled “Agreement Between Staff and Joint Applicants Reached on August 19, 2021;” and the parties’ exceptions to the Certification of Stipulation and responses thereto. The Commission may, in its discretion, order additional briefs and oral arguments on the rehearing and reconsideration in the remanded proceeding, if it concludes that doing so will assist in its decision-making.

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6. The Commission shall endeavor to reach a decision and issue its final order on rehearing and reconsideration in a timely manner, and intends to issue its final order no later than April 12, 2023.

7. To assist in the prompt reconsideration and resolution of the proceeding below and to allow the Commission sufficient time to issue a final order on rehearing and reconsideration by April 12, 2023, Appellants and the Commission respectfully request expeditious consideration of this Motion, and a shortened response period applicable to motions for dismissal, set forth in Rule 12-309 NMRA, from fifteen (15) days to five (5) days, without three (3) days for mailing. Appellants and the Commission further request a shortened period for issuance of mandate, as set forth in Rule 12-402, from fifteen (15) days to five (5) days.

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8. Appellants and the Commission have requested the positions of the other parties in this matter, and their positions are as follows:

WHEREFORE Appellants and Appellee respectfully request that the Court dismiss this appeal and remand this matter for rehearing and reconsideration, as stipulated in this Joint Motion.

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Respectfully submitted this ____ day of February, 2023

JENNINGS HAUG KELEHER MCLEOD LLP

/s/ Thomas C. Bird

Thomas C. Bird
Brian J. Haverly
Gary J. Van Luchene, Esq.
Julianna T. Hopper, Esq.
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*Attorneys for Avangrid, Inc., Avangrid Networks, Inc.,
NM Green Holdings, Inc., & Iberdrola, S.A.*

PUBLIC SERVICE COMPANY OF NEW MEXICO

/s/

Patrick V. Apodaca, Senior Vice President
and General Counsel PNM Resources, Inc.
Stacey J. Goodwin, Associate General Counsel
PNMR Services Company
Corporate Headquarters – Legal Department
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Stacey.Goodwin@pnmresources.com

and

/s/ _____

Richard L. Alvidrez
Miller Stratvert P.A.
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RALvidrez@mstlaw.com
*Attorneys for Public Service Company of New Mexico,
and PNM Resources, Inc.*

NEW MEXICO PUBLIC REGULATION
COMMISSION

/s/ _____

Russell Fisk, Associate General Counsel
Michael C. Smith
P.O. Box 1269
Santa Fe, New Mexico 87504-1269
(505) 412-5042
Russell.Fisk@state.nm.us
MichaelC.Smith@state.nm.us
*Attorneys for New Mexico Public Regulation
Commission*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ____ day of February, 2023, I caused the foregoing to be submitted to Odyssey File & Serve, which in turn caused all counsel to be served by email.

/s/ Thomas C. Bird _____

Thomas C. Bird

[EXTERNAL] AvangridPNM Merger - Joint Motion for Stip Dismissal of Appeal and Remand Revised clean (2).docx

Thomas C. Bird <tcb@jhkmlaw.com>

Thu 2/9/2023 2:10 PM

To: Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>;Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>

Cc: Brian J. Haverly <bjh@jhkmlaw.com>

📎 1 attachments (27 KB)

AvangridPNM Merger - Joint Motion for Stip Dismissal of Appeal and Remand Revised clean (2).docx;

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Good afternoon, Michael and Russell:

To follow up on Russell's email message from last Friday, here is a draft joint motion for remand, etc. we would propose filing in the New Mexico Supreme Court. Russell's message asked that we provide a draft of a motion for rehearing and reconsideration to the Commission. I have not included a draft of that motion because we would like to discuss your ideas about its content continuing the drafting of that motion.

Please let us know at your earliest possible convenience about your comments or suggestions concerning this draft, and when you might be able to discuss with us your ideas about the rehearing/reconsideration motion to the Commission.

Thanks very much,

Tom

Thomas C. Bird
Jennings Haug Keleher McLeod
201 Third Street NW | Suite 1200 | Albuquerque, New Mexico 87102
Office: 505.346.4646 | Direct: 505.346.9123 | tcb@jhkmlaw.com

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From: Tully-Bird Family <Tully-Bird@msn.com>

Sent: Thursday, February 9, 2023 1:50 PM

To: tcb@jhkmlaw.com <tcb@jhkmlaw.com>

Subject: AvangridPNM Merger - Joint Motion for Stip Dismissal of Appeal and Remand Revised clean (2).docx

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Respectfully submitted this ____ day of February, 2023

JENNINGS HAUG KELEHER MCLEOD LLP

/s/ Thomas C. Bird

Thomas C. Bird
Brian J. Haverly
Gary J. Van Luchene, Esq.
Julianna T. Hopper, Esq.
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*Attorneys for Avangrid, Inc., Avangrid Networks, Inc.,
NM Green Holdings, Inc., & Iberdrola, S.A.*

PUBLIC SERVICE COMPANY OF NEW MEXICO

/s/

Patrick V. Apodaca, Senior Vice President
and General Counsel PNM Resources, Inc.
Stacey J. Goodwin, Associate General Counsel
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Patrick.Apodaca@pnmresources.com
Stacey.Goodwin@pnmresources.com

and

/s/

Richard L. Alvidrez
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RALvidrez@mstlaw.com
*Attorneys for Public Service Company of New Mexico,
and PNM Resources, Inc.*

NEW MEXICO PUBLIC REGULATION
COMMISSION

/s/

Russell Fisk, Associate General Counsel
Michael C. Smith
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Santa Fe, New Mexico 87504-1269
(505) 412-5042
Russell.Fisk@state.nm.us
MichaelC.Smith@state.nm.us
*Attorneys for New Mexico Public Regulation
Commission*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ____ day of February, 2023, I caused the foregoing to be submitted to Odyssey File & Serve, which in turn caused all counsel to be served by email.

/s/ *Thomas C. Bird*

Thomas C. Bird

[EXTERNAL] Joint Motion for Remand

Thomas C. Bird <tcb@jhkmlaw.com>

Thu 2/9/2023 2:46 PM

To: Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>; Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>

Cc: Brian J. Haverly <bjh@jhkmlaw.com>

📎 1 attachments (26 KB)

AvangridPNM Merger - Joint Motion for Stip Dismissal of Appeal and Remand Revised clean (2).docx;

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Hello, again, Michael and Russell:

I unintentionally sent you a redlined version of the joint motion for remand. Here is a "clean" version. Please disregard the redlined version I sent earlier by mistake.

Thank you,

Tom

Thomas C. Bird

Jennings Haug Keleher McLeod

201 Third Street NW | Suite 1200 | Albuquerque, New Mexico 87102

Office: 505.346.4646 | Direct: 505.346.9123 | tcb@jhkmlaw.com

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From: Tully-Bird Family <Tully-Bird@msn.com>

Sent: Thursday, February 9, 2023 2:41 PM

To: tcb@jhkmlaw.com <tcb@jhkmlaw.com>

Subject: AvangridPNM Merger - Joint Motion for Stip Dismissal of Appeal and Remand Revised clean (2).docx

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Re: [EXTERNAL] Joint Motion for Remand

Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>

Fri 2/10/2023 5:13 PM

To: Thomas C. Bird <tcb@jhkmlaw.com>; Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>

Cc: Brian J. Haverly <bjh@jhkmlaw.com>

Tom & Brian:

I'd like to conduct a meeting with the commissioners to go over this in final form so we can get it filed ASAP. My only real concern right now is that Paragraph 5 states the rehearing will be conducted under 1.2.2.37(F) but by limiting consideration to the existing record as part of this motion, the Commission would be determining the rights of the parties as far as the opportunity to argue that new evidence should be heard as provided for in paragraph 3. Rather than state "The Commission shall" I think it would be more consistent with due process to end the first clause with a period after NMAC and state next "Appellants will take the position that the rehearing be based upon the existing record..." then "Specifically, that the Commission consider..."

Michael C. Smith
Office of General Counsel
New Mexico Public Regulation Commission
P.O. Box 1269
Santa Fe, New Mexico 87504-1269
michaelc.smith@state.nm.us

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Re: [EXTERNAL] Joint Motion for Remand

Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>

Fri 2/10/2023 5:15 PM

To: Thomas C. Bird <tcb@jhkmlaw.com>; Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>

Cc: Brian J. Haverly <bjh@jhkmlaw.com>

Also , para 6 - replace "shall" with "will" - maybe just semantics, but ...

Michael C. Smith
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P.O. Box 1269
Santa Fe, New Mexico 87504-1269
michaelc.smith@state.nm.us

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6. The Commission ~~will~~ endeavor to reach a decision and issue its final order on rehearing and reconsideration in a timely manner, and intends to issue its final order no later than April 12, 2023.

7. To assist in the prompt reconsideration and resolution of the proceeding below and to allow the Commission sufficient time to issue a final order on rehearing and reconsideration by April 12, 2023, Appellants and the Commission respectfully request expeditious consideration of this Motion, and a shortened response period applicable to motions for dismissal, set forth in Rule 12-309 NMRA, from fifteen (15) days to five (5) days, without three (3) days for mailing. Appellants and the Commission further request a shortened period for issuance of mandate, as set forth in Rule 12-402, from fifteen (15) days to five (5) days.

Deleted: , based upon the existing record that was before the Commission at the time the Commission Order was issued. Specifically, the Commission shall consider the Certification of Stipulation and Appendices issued November 1, 2021; the June 4th Stipulation as modified by the HE in Appendix 2 to the Certification of Stipulation, and the evidentiary record (both in support and opposition to the June 4th Stipulation); proposed modifications and further

Deleted: agreements between the Joint Applicants and other reflected in the record and post hearing pleadings but not in the Certification of Stipulation, such as the additional terms included in Attachment A to Staff's Initial Post-Hearing Brief, entitled "Agreement Between Staff and Joint Applicants Reached on August 19, 2021;" and the parties' exceptions to the Certification of Stipulation and responses thereto.

Deleted: shall

8. Appellants and the Commission have requested the positions of the other parties in this matter, and their positions are as follows:

WHEREFORE Appellants and Appellee respectfully request that the Court dismiss this appeal and remand this matter for rehearing and reconsideration, as stipulated in this Joint Motion.

Respectfully submitted this ____ day of February, 2023

JENNINGS HAUG KELEHER MCLEOD LLP

/s/ Thomas C. Bird

Thomas C. Bird
Brian J. Haverly
Gary J. Van Luchene, Esq.
Julianna T. Hopper, Esq.
Post Office Box AA
Albuquerque, NM 87103
Phone: (505) 346-4646
Fax: (505) 346-1345
tcb@jhkmlaw.com
bjh@jhkmlaw.com
gvl@jhkmlaw.com
jth@jhkmlaw.com

*Attorneys for Avangrid, Inc., Avangrid Networks, Inc.,
NM Green Holdings, Inc., & Iberdrola, S.A.*

PUBLIC SERVICE COMPANY OF NEW MEXICO

/s/

Patrick V. Apodaca, Senior Vice President
and General Counsel PNM Resources, Inc.
Stacey J. Goodwin, Associate General Counsel
PNMR Services Company
Corporate Headquarters – Legal Department
Albuquerque, NM 87158-0805
(505) 241-4927
(505) 241-4836
Patrick.Apodaca@pnmresources.com
Stacey.Goodwin@pnmresources.com

and

/s/

Richard L. Alvidrez
Miller Stratvert P.A.
500 Marquette NW, Suite 1100
P.O. Box 25687
Albuquerque, New Mexico 87125
(505) 842-1950
RALvidrez@mstlaw.com
*Attorneys for Public Service Company of New Mexico,
and PNM Resources, Inc.*

NEW MEXICO PUBLIC REGULATION
COMMISSION

/s/

Russell Fisk, Associate General Counsel
Michael C. Smith
P.O. Box 1269
Santa Fe, New Mexico 87504-1269
(505) 412-5042
Russell.Fisk@state.nm.us
MichaelC.Smith@state.nm.us
*Attorneys for New Mexico Public Regulation
Commission*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ____ day of February, 2023, I caused the foregoing to be submitted to Odyssey File & Serve, which in turn caused all counsel to be served by email.

/s/ Thomas C. Bird

Thomas C. Bird

[EXTERNAL] RE: Joint Motion for Remand

Brian J. Haverly <bjh@jhkmlaw.com>

Sun 2/12/2023 1:59 PM

To: Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>; Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>

Cc: Thomas C. Bird <tcb@jhkmlaw.com>

📎 1 attachments (21 KB)

AvangridPNM Merger - Joint Motion for Stip Dismissal of Appeal and Remand Revised redline.docx;

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Michael and Russell,

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Please let us know if you want to discuss further.

Thank you,
-Brian

Brian J. Haverly
Jennings Haug Keleher McLeod
201 Third Street NW | Suite 1200 | Albuquerque, New Mexico 87102
Office: 505.346.4646 | Direct: 505.346.1356 | bjh@jhkmlaw.com
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From: Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>
Sent: Friday, February 10, 2023 5:14 PM
To: Thomas C. Bird <tcb@jhkmlaw.com>; Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>
Cc: Brian J. Haverly <bjh@jhkmlaw.com>
Subject: Re: [EXTERNAL] Joint Motion for Remand

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next "Appellants will take the position that the rehearing be based upon the existing record..." then "Specifically, that the Commission consider...."

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michaelc.smith@state.nm.us

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JHKM | JENNINGS HAUG
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Tue 2/14/2023 2:14 PM

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From: Brian J. Haverly <bjh@jhkmlaw.com>**Sent:** Sunday, February 12, 2023 1:58 PM**To:** Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>; Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>**Cc:** Thomas C. Bird <tcb@jhkmlaw.com>**Subject:** [EXTERNAL] RE: Joint Motion for Remand

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Office: 505.346.4646 | Direct: [505.346.9123](tel:505.346.9123) | tcb@jhkmlaw.com

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Sent: Thursday, February 9, 2023 2:41 PM

To: tcb@jhkmlaw.com <tcb@jhkmlaw.com>

Subject: AvangridPNM Merger - Joint Motion for Stip Dismissal of Appeal and Remand Revised clean (2).docx

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RE: [EXTERNAL] RE: Joint Motion for Remand

Brian J. Haverly <bjh@jhkmlaw.com>

Wed 2/15/2023 6:32 AM

To: Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>; Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>

Cc: Thomas C. Bird <tcb@jhkmlaw.com>

Michael and Russell:

Your proposed modifications to Paragraph 6 are fine with us.

Thank you,

-Brian

Brian J. Haverly

Jennings Haug Keleher McLeod

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Office: 505.346.4646 | Direct: 505.346.1356 | bjh@jhkmlaw.com

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Sent: Tuesday, February 14, 2023 2:15 PM

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Cc: Thomas C. Bird <tcb@jhkmlaw.com>

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[EXTERNAL] Required Steps

Thomas C. Bird <tcb@jhkmlaw.com>

Wed 2/15/2023 2:09 PM

To: Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>

Cc: Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>; Brian J. Haverly <bjh@jhkmlaw.com>

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RE: [EXTERNAL] Required Steps

Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>

Thu 2/16/2023 3:22 PM

To: Thomas C. Bird <tcb@jhkmlaw.com>

Cc: Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>; Brian J. Haverly <bjh@jhkmlaw.com>

Tom,

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Thank you

Russell Fisk
Associate General Counsel
New Mexico Public Regulation Commission

From: Thomas C. Bird <tcb@jhkmlaw.com>
Sent: Wednesday, February 15, 2023 2:09 PM
To: Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>
Cc: Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>; Brian J. Haverly <bjh@jhkmlaw.com>
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Re: [EXTERNAL] Required Steps

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Thu 2/16/2023 3:24 PM

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Cc: Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>; Brian J. Haverly <bjh@jhkmlaw.com>

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Thomas C. Bird**Jennings Haug Keleher McLeod**

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IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

**AVANGRID, INC., AVANGRID NETWORKS, INC.,
NM GREEN HOLDINGS, INC., IBERDROLA, S.A.,
PUBLIC SERVICE COMPANY OF NEW MEXICO, and
PNM RESOURCES, INC.,**

Appellants,

v.

S-1-SC-39152

**NEW MEXICO PUBLIC REGULATION
COMMISSION,**

Appellee,

and

**NEW ENERGY ECONOMY,
WESTERN RESOURCE ADVOCATES,
INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS LOCAL 611,
THE OFFICE OF THE NEW MEXICO
ATTORNEY GENERAL, COALITION FOR
CLEAN AFFORDABLE ENERGY, DINE CITIZENS
AGAINST RUINING THE ENVIRONMENT, SAN
JUAN CITIZENS ALLIANCE, TO NIZHONI ANI,
NAVA EDUCATION PROJECT,**

Intervenor-Appellees.

**In The Matter of The Joint Application of
Iberdrola, S.A., Avangrid, Inc., Avangrid Networks, Inc.,
NM Green Holdings, Inc., Public Service Company
of New Mexico And PNM Resources, Inc. For
Approval of the Merger of NM Green
Holdings, Inc. with PNM Resources, Inc.;
Approval of a General Diversification Plan;**

**and All Other Authorizations and Approvals
Required to Consummate and Implement this
Transaction,
NMPRC Case No. 20-00222-UT**

**JOINT MOTION FOR STIPULATED DISMISSAL OF APPEAL AND
REMAND FOR REHEARING AND RECONSIDERATION; REQUEST
FOR EXPEDITED RULING AND SHORTENED RESPONSE AND
MANDATE PERIODS**

Pursuant to Rule 12-401(B)(2) NMRA, Avangrid, Inc., Avangrid Networks, Inc., NM Green Holdings, Inc., Iberdrola, S.A., Public Service Company of New Mexico, and PNM Resources, Inc. (collectively, “Appellants”), jointly with the New Mexico Public Regulation Commission (the “Commission” or “Appellee”) hereby move for dismissal of this appeal. Appellants and Appellee seek dismissal and remand of this case for purposes of effectuating their agreement to resolve this appeal by submitting the matter to the Commission for rehearing and reconsideration, as more fully described in this Joint Motion. As grounds for their Joint Motion, Appellants and Appellee state:

1. In this appeal, Appellants seek annulment of an order of the Commission denying approval of a merger and acquisition involving a public utility operating in New Mexico. Appellants also challenge a discovery sanction.

2. Following protracted litigation and negotiations, several of the parties to the proceedings below entered into a stipulated settlement in favor of the proposed merger. The Commission’s Hearing Examiner (the “HE”) recommended that the

Commission reject the settlement stipulation because he concluded the risk of a deterioration in the quality of utility service outweighed the benefits of the transaction. The HE, however, alternatively proposed modifications to the stipulation to further reduce the transaction risks, should the Commission conclude that the stipulation should be approved. Ultimately, all but one of the parties either supported or did not oppose approval of the proposed merger transaction with the HE's proposed modifications to the settlement stipulation, which the signatories ratified in their exceptions to the Certification of Stipulation. The Commission issued an Order on Certification of Stipulation on December 8, 2021 ("Commission Order") that rejected the transaction.

3. It serves the public interest and conserves the resources of the Court if this appeal is dismissed and the matter is remanded to the Commission to allow the Commission to promptly rehear and reconsider the Commission Order on remand. Appellants and the Commission therefore stipulate to dismissal of this appeal upon the terms and conditions recited in this Joint Motion. The Commission has not agreed to, nor made any determinations, with regard to any specific outcome or decision that may result upon the Court's dismissal and remand to the Commission for rehearing and reconsideration of the Commission Order. The terms and conditions recited in this Joint Motion comprise the entirety of the agreement between Appellants and Appellee.

4. On January 27, 2023, one of the three Commissioners voluntarily recused himself from the proceeding below. The two remaining Commissioners will decide the rehearing and reconsideration and not assign the matter to a Hearing Examiner.

5. The Commission shall conduct the rehearing and reconsideration under Rule 1.2.2.37(F) NMAC. ~~The Commission may, in its discretion, order additional~~ briefs and oral arguments on the rehearing and reconsideration in the remanded proceeding, if it concludes that doing so will assist in its decision-making.

6. The Commission ~~will~~ endeavor to reach a decision and issue its final order on rehearing and reconsideration in a timely manner. ~~The Commission acknowledges that Appellants request that the Commission~~ issue its final order no later than April 12, 2023.

7. To assist in the prompt reconsideration and resolution of the proceeding below and to allow the Commission sufficient time to issue a final order on rehearing and reconsideration by April 12, 2023, Appellants and the Commission respectfully request expeditious consideration of this Motion, and a shortened response period applicable to motions for dismissal, set forth in Rule 12-309 NMRA, from fifteen (15) days to five (5) days, without three (3) days for mailing. Appellants and the Commission further request a shortened period for issuance of mandate, as set forth in Rule 12-402, from fifteen (15) days to five (5) days.

Deleted: , based upon the existing record that was before the Commission at the time the Commission Order was issued. Specifically, the Commission shall consider the Certification of Stipulation and Appendices issued November 1, 2021; the June 4th Stipulation as modified by the HE in Appendix 2 to the Certification of Stipulation, and the evidentiary record (both in support and opposition to the June 4th Stipulation); proposed modifications and further

Deleted: agreements between the Joint Applicants and other reflected in the record and post hearing pleadings but not in the Certification of Stipulation, such as the additional terms included in Attachment A to Staff's Initial Post-Hearing Brief, entitled "Agreement Between Staff and Joint Applicants Reached on August 19, 2021;" and the parties' exceptions to the Certification of Stipulation and responses thereto.

Deleted: shall

Deleted: , and intends to

8. Appellants and the Commission have requested the positions of the other parties in this matter, and their positions are as follows:

WHEREFORE Appellants and Appellee respectfully request that the Court dismiss this appeal and remand this matter for rehearing and reconsideration, as stipulated in this Joint Motion.

Respectfully submitted this ____ day of February, 2023

JENNINGS HAUG KELEHER MCLEOD LLP

/s/ Thomas C. Bird

Thomas C. Bird
Brian J. Haverly
Gary J. Van Luchene, Esq.
Julianna T. Hopper, Esq.
Post Office Box AA
Albuquerque, NM 87103
Phone: (505) 346-4646
Fax: (505) 346-1345
tcb@jhkmlaw.com
bjh@jhkmlaw.com
gvl@jhkmlaw.com
jth@jhkmlaw.com

*Attorneys for Avangrid, Inc., Avangrid Networks, Inc.,
NM Green Holdings, Inc., & Iberdrola, S.A.*

PUBLIC SERVICE COMPANY OF NEW MEXICO

/s/

Patrick V. Apodaca, Senior Vice President
and General Counsel PNM Resources, Inc.
Stacey J. Goodwin, Associate General Counsel
PNMR Services Company
Corporate Headquarters – Legal Department
Albuquerque, NM 87158-0805
(505) 241-4927
(505) 241-4836
Patrick.Apodaca@pnmresources.com
Stacey.Goodwin@pnmresources.com

and

/s/

Richard L. Alvidrez
Miller Stratvert P.A.
500 Marquette NW, Suite 1100
P.O. Box 25687
Albuquerque, New Mexico 87125
(505) 842-1950
RALvidrez@mstlaw.com
*Attorneys for Public Service Company of New Mexico,
and PNM Resources, Inc.*

NEW MEXICO PUBLIC REGULATION
COMMISSION

/s/

Russell Fisk, Associate General Counsel
Michael C. Smith
P.O. Box 1269
Santa Fe, New Mexico 87504-1269
(505) 412-5042
Russell.Fisk@state.nm.us
MichaelC.Smith@state.nm.us
*Attorneys for New Mexico Public Regulation
Commission*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ____ day of February, 2023, I caused the foregoing to be submitted to Odyssey File & Serve, which in turn caused all counsel to be served by email.

/s/ *Thomas C. Bird*

Thomas C. Bird

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

**AVANGRID, INC., AVANGRID NETWORKS, INC.,
NM GREEN HOLDINGS, INC., IBERDROLA, S.A.,
PUBLIC SERVICE COMPANY OF NEW MEXICO, and
PNM RESOURCES, INC.,**

Appellants,

v.

S-1-SC-39152

**NEW MEXICO PUBLIC REGULATION
COMMISSION,**

Appellee,

and

**NEW ENERGY ECONOMY,
WESTERN RESOURCE ADVOCATES,
INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS LOCAL 611,
THE OFFICE OF THE NEW MEXICO
ATTORNEY GENERAL, COALITION FOR
CLEAN AFFORDABLE ENERGY, DINE CITIZENS
AGAINST RUINING THE ENVIRONMENT, SAN
JUAN CITIZENS ALLIANCE, TO NIZHONI ANI,
NAVA EDUCATION PROJECT,**

Intervenor-Appellees.

**In The Matter of The Joint Application of
Iberdrola, S.A., Avangrid, Inc., Avangrid Networks, Inc.,
NM Green Holdings, Inc., Public Service Company
of New Mexico And PNM Resources, Inc. For
Approval of the Merger of NM Green
Holdings, Inc. with PNM Resources, Inc.;
Approval of a General Diversification Plan;**

**and All Other Authorizations and Approvals
Required to Consummate and Implement this
Transaction,
NMPRC Case No. 20-00222-UT**

**JOINT MOTION FOR STIPULATED DISMISSAL OF APPEAL AND
REMAND FOR REHEARING AND RECONSIDERATION; REQUEST
FOR EXPEDITED RULING AND SHORTENED RESPONSE AND
MANDATE PERIODS**

Pursuant to Rule 12-401(B)(2) NMRA, Avangrid, Inc., Avangrid Networks, Inc., NM Green Holdings, Inc., Iberdrola, S.A., Public Service Company of New Mexico, and PNM Resources, Inc. (collectively, “Appellants”), jointly with the New Mexico Public Regulation Commission (the “Commission” or “Appellee”) hereby move for dismissal of this appeal. Appellants and Appellee seek dismissal and remand of this case for purposes of effectuating their agreement to resolve this appeal by submitting the matter to the Commission for rehearing and reconsideration, as more fully described in this Joint Motion. As grounds for their Joint Motion, Appellants and Appellee state:

1. In this appeal, Appellants seek annulment of an order of the Commission denying approval of a merger and acquisition involving a public utility operating in New Mexico. Appellants also challenge a discovery sanction.

2. Following protracted litigation and negotiations, several of the parties to the proceedings below entered into a stipulated settlement in favor of the proposed merger. The Commission’s Hearing Examiner (the “HE”) recommended that the

Commission reject the settlement stipulation because he concluded the risk of a deterioration in the quality of utility service outweighed the benefits of the transaction. The HE, however, alternatively proposed modifications to the stipulation to further reduce the transaction risks, should the Commission conclude that the stipulation should be approved. Ultimately, all but one of the parties either supported or did not oppose approval of the proposed merger transaction with the HE's proposed modifications to the settlement stipulation, which the signatories ratified in their exceptions to the Certification of Stipulation. The Commission issued an Order on Certification of Stipulation on December 8, 2021 ("Commission Order") that rejected the transaction.

3. It serves the public interest and conserves the resources of the Court if this appeal is dismissed and the matter is remanded to the Commission to allow the Commission to promptly rehear and reconsider the Commission Order on remand. Appellants and the Commission therefore stipulate to dismissal of this appeal upon the terms and conditions recited in this Joint Motion. The Commission has not agreed to, nor made any determinations, with regard to any specific outcome or decision that may result upon the Court's dismissal and remand to the Commission for rehearing and reconsideration of the Commission Order. The terms and conditions recited in this Joint Motion comprise the entirety of the agreement between Appellants and Appellee.

4. On January 27, 2023, one of the three Commissioners voluntarily recused himself from the proceeding below. The two remaining Commissioners will decide the rehearing and reconsideration and not assign the matter to a Hearing Examiner.

5. The Commission shall conduct the rehearing and reconsideration under Rule 1.2.2.37(F) NMAC. The Commission may, in its discretion, order additional briefs and oral arguments on the rehearing and reconsideration in the remanded proceeding, if it concludes that doing so will assist in its decision-making.

6. The Commission will endeavor to reach a decision and issue its final order on rehearing and reconsideration in a timely manner. The Commission acknowledges that Appellants request that the Commission issue its final order no later than April 12, 2023.

7. To assist in the prompt reconsideration and resolution of the proceeding below and to allow the Commission sufficient time to issue a final order on rehearing and reconsideration by April 12, 2023, Appellants and the Commission respectfully request expeditious consideration of this Motion, and a shortened response period applicable to motions for dismissal, set forth in Rule 12-309 NMRA, from fifteen (15) days to five (5) days, without three (3) days for mailing. Appellants and the Commission further request a shortened period for issuance of mandate, as set forth in Rule 12-402, from fifteen (15) days to five (5) days.

8. Appellants and the Commission have requested the positions of the other parties in this matter, and their positions are as follows:

WHEREFORE Appellants and Appellee respectfully request that the Court dismiss this appeal and remand this matter for rehearing and reconsideration, as stipulated in this Joint Motion.

Respectfully submitted this ____ day of February, 2023

JENNINGS HAUG KELEHER MCLEOD LLP

/s/ Thomas C. Bird

Thomas C. Bird
Brian J. Haverly
Post Office Box AA
Albuquerque, NM 87103
Phone: (505) 346-4646
Fax: (505) 346-1345
tcb@jhkmlaw.com
bjh@jhkmlaw.com

*Attorneys for Avangrid, Inc., Avangrid Networks, Inc.,
NM Green Holdings, Inc., & Iberdrola, S.A.*

PUBLIC SERVICE COMPANY OF NEW MEXICO

/s/

Patrick V. Apodaca, Senior Vice President
and General Counsel PNM Resources, Inc.
Stacey J. Goodwin, Associate General Counsel
PNMR Services Company
Corporate Headquarters – Legal Department
Albuquerque, NM 87158-0805
(505) 241-4927
(505) 241-4836

Patrick.Apodaca@pnmresources.com
Stacey.Goodwin@pnmresources.com

and

/s/

Richard L. Alvidrez
Miller Stratvert P.A.
500 Marquette NW, Suite 1100
P.O. Box 25687
Albuquerque, New Mexico 87125
(505) 842-1950
RALvidrez@mstlaw.com
*Attorneys for Public Service Company of New Mexico,
and PNM Resources, Inc.*

NEW MEXICO PUBLIC REGULATION
COMMISSION

/s/

Russell Fisk, Associate General Counsel
Michael C. Smith
P.O. Box 1269
Santa Fe, New Mexico 87504-1269
(505) 412-5042
Russell.Fisk@state.nm.us
MichaelC.Smith@state.nm.us
*Attorneys for New Mexico Public Regulation
Commission*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ____ day of February, 2023, I caused the foregoing to be submitted to Odyssey File & Serve, which in turn caused all counsel to be served by email.

/s/ Thomas C. Bird
Thomas C. Bird

RE: [EXTERNAL] Required Steps

Brian J. Haverly <bjh@jhkmlaw.com>

Thu 2/16/2023 4:48 PM

To: Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>; Thomas C. Bird <tcb@jhkmlaw.com>

Cc: Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>

 2 attachments (42 KB)

AvangridPNM Merger - Joint Motion for Stip Dismissal of Appeal and Remand Revised redline.docx; AvangridPNM Merger - Joint Motion for Stip Dismissal of Appeal and Remand.docx;

Gentlemen,

Attached is the motion we sent on Sunday, with the addition of the change to Paragraph 6 that we discussed with Michael earlier this week. We are attaching both a redline and a clean version. The clean version also incorporates some minor changes we made to our firm’s signature block (we made it a bit shorter by taking some names off).

Please let us know if there is anything you would like to discuss.

Thank you,
-Brian

Brian J. Haverly
Jennings Haug Keleher McLeod
201 Third Street NW | Suite 1200 | Albuquerque, New Mexico 87102
Office: 505.346.4646 | Direct: 505.346.1356 | bjh@jhkmlaw.com

[Download V-Card](#) | [View Bio](#) | [JHKMLAW.com](#)



From: Thomas C. Bird <tcb@keleher-law.com>
Sent: Thursday, February 16, 2023 3:24 PM
To: Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>; Thomas C. Bird <tcb@jhkmlaw.com>
Cc: Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>; Brian J. Haverly <bjh@jhkmlaw.com>
Subject: Re: [EXTERNAL] Required Steps

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you, Russell.

Thomas C. Bird
Jennings Haug Keleher McLeod
201 Third Street NW | Suite 1200 | Albuquerque, New Mexico 87102
Office: 505.346.4646 | Direct: [505.346.9123](tel:505.346.9123) | tcb@jhkmlaw.com

[Download V-Card](#) | [View Bio](#) | [JHKMLAW.com](#)



From: Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>
Sent: Thursday, February 16, 2023 3:22 PM
To: Thomas C. Bird <tcb@jhkmlaw.com>
Cc: Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>; Brian J. Haverly <bjh@jhkmlaw.com>
Subject: RE: [EXTERNAL] Required Steps

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Tom,

Yes, if the Commissioners approve the motion for remand during the closed meeting, then we will notify you that you can go ahead and file it. Please send us the motion with the revisions that you and Michael discussed.

Thank you

Russell Fisk
Associate General Counsel
New Mexico Public Regulation Commission

From: Thomas C. Bird <tcb@jhkmlaw.com>
Sent: Wednesday, February 15, 2023 2:09 PM
To: Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>
Cc: Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>; Brian J. Haverly <bjh@jhkmlaw.com>
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Hello, Russell:

I just left you a voicemail message to ask this question: Assuming that the Commission approves the remand motion on Friday, will we be able to file (after getting positions of other parties) on Friday, or will another round of consideration be required, e.g., at an open meeting?

Thanks very much.

Tom

Thomas C. Bird
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RE: [EXTERNAL] Required Steps

Brian J. Haverly <bjh@jhkmlaw.com>

Mon 2/20/2023 11:54 AM

To: Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>; Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>

Cc: Thomas C. Bird <tcb@jhkmlaw.com>

Hello Russell and Michael,

Would you have a few minutes for a brief call this afternoon?

Thanks!

-Brian

Brian J. Haverly

Jennings Haug Keleher McLeod

201 Third Street NW | Suite 1200 | Albuquerque, New Mexico 87102

Office: 505.346.4646 | Direct: 505.346.1356 | bjh@jhkmlaw.com

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Subject: Re: [EXTERNAL] Required Steps

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Thank you, Russell.

Thomas C. Bird

Jennings Haug Keleher McLeod

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Office: 505.346.4646 | Direct: [505.346.9123](tel:505.346.9123) | tcb@jhkmlaw.com

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JHKM | JENNINGS HAUG
KELEHER MCLEOD

From: Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>
Sent: Thursday, February 16, 2023 3:22 PM
To: Thomas C. Bird <tcb@jhkmlaw.com>
Cc: Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>; Brian J. Haverly <bjh@jhkmlaw.com>
Subject: RE: [EXTERNAL] Required Steps

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Tom,

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Thank you

Russell Fisk

Associate General Counsel

New Mexico Public Regulation Commission

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Sent: Wednesday, February 15, 2023 2:09 PM
To: Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>
Cc: Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>; Brian J. Haverly <bjh@jhkmlaw.com>
Subject: [EXTERNAL] Required Steps

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Thanks very much.

Tom

Thomas C. Bird

Jennings Haug Keleher McLeod

201 Third Street NW | Suite 1200 | Albuquerque, New Mexico 87102

Office: 505.346.4646 | Direct: [505.346.9123](tel:505.346.9123) | tcb@jhkmlaw.com

[Download V-Card](#) | [View Bio](#) | JHKMLAW.com



[EXTERNAL] Motion to Dismiss/Remand

Thomas C. Bird <tcb@jhkmlaw.com>

Tue 2/28/2023 1:59 PM

To: Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>; Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>

Cc: Brian J. Haverly <bjh@jhkmlaw.com>

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Hello, Michael and Russell:

I thought I would check to see whether there is anything to report on the motion to dismiss/remand the Avangrid merger appeal.

Thanks,

Tom

Thomas C. Bird

Jennings Haug Keleher McLeod

201 Third Street NW | Suite 1200 | Albuquerque, New Mexico 87102
Office: 505.346.4646 | Direct: 505.346.9123 | tcb@jhkmlaw.com

[Download V-Card](#) | [View Bio](#) | [JHKMLAW.com](#)



[EXTERNAL] Avangrid Merger Appeal

Thomas C. Bird <tcb@jhkmlaw.com>

Wed 3/1/2023 8:55 AM

To: Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>; Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>

Cc: Brian J. Haverly <bjh@jhkmlaw.com>

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Dear Michael and Russell:

We are following up on our conversations about the merger appeal. We were hoping to hear back from you shortly after the Commission's meeting on Monday.

We understand from PNM that they received a call from the OGC's office in regard to the San Juan securitization appeal, and PNM had the feeling after the call that settlement discussions on the San Juan case were possibly delaying the resolution of the merger case appeal. This appeared to possibly link the two cases together. This was surprising to us, as 1) you have not mentioned San Juan in any of our discussions, and 2) Avangrid and its affiliates have absolutely nothing to do with PNM's decision on when it abandoned San Juan and when PNM may issue bonds under the ETA, and Avangrid is not a party to any of those proceedings. If the Commission is indeed seeking to link, directly or indirectly, the resolution of the merger appeal to negotiations involving San Juan, please let us know as soon as possible as this is not something that Avangrid has ever considered and has not expressed any interest in doing.

Please give us some times that we can have a call to discuss the status of the resolution of the merger appeal.

Tom

Thomas C. Bird**Jennings Haug Keleher McLeod**

201 Third Street NW | Suite 1200 | Albuquerque, New Mexico 87102

Office: 505.346.4646 | Direct: 505.346.9123 | tcb@jhkmlaw.com

[Download V-Card](#) | [View Bio](#) | [JHKMLAW.com](#) **JENNINGS HAUG
KELEHER MCLEOD**

RE: [EXTERNAL] Avangrid Merger Appeal**Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>**

Fri 3/3/2023 11:22 AM

To: Thomas C. Bird <tcb@jhkmlaw.com>; Brian J. Haverly <bjh@jhkmlaw.com>

Cc: Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>

Tom & Brian –

Sorry for not getting back to you earlier, but the Wednesday open meeting prep consumes much of my time on Monday and Tuesday. Progress on these discussions is slowed because the commissioners are constrained by Open Meeting Act's notice provisions in order to meet in closed session and discuss the proposed remand. Additionally, these commissioners were not involved in the Avangrid matter when it was litigated. We have scheduled another closed session for Monday.

As Tom and I discussed Friday, the terms of the remand motion should reflect that the Commission is not pre-determining or compromising any party's position with regard to how a rehearing would be conducted once jurisdiction is returned. This is consistent with Tom's request on Friday that language regarding briefing be removed to accommodate the concerns of the intervenors that the process would be limited to briefing. Also consistent with that, the language restraining use of hearing examiners should be removed to preserve all options in addressing what I anticipate may be requests by intervenors to examine a "refreshed" record or possible new evidence. Further delay engendered by the need for a recommended decision and exceptions might be avoided by designating the hearing examiners as presiding officers, but this would need to be determined by the Commission in consideration of what the intervenors may propose.

While I can't address PNM's "feeling" described below, as I was not part of the conversation with Stacey Goodwin, it might be better for clarity purposes if PNM was participating in these discussions about the proposed remand. This is especially so given that both Avangrid and PNM apparently seek approval of the remand and also control the agreement that imposes time constraints on such further proceedings as may be needed, especially in light of what Tom has already indicated the intervenors apparently are contemplating.

I look forward to your response and in turn, I hope to be able to give you a more definitive response after the closed session on Monday.

Michael C. Smith
Office of General Counsel
New Mexico Public Regulation Commission
P.O. Box 1269
Santa Fe, New Mexico 87504-1269
michaelc.smith@state.nm.us

Confidentiality Notice: This e-mail and any attachments are intended for the sole use of the sender and intended recipient(s) and may contain confidential or legally privileged information. If you are not the intended recipient, please contact the sender and destroy all copies of this message.

From: Thomas C. Bird <tcb@jhkmlaw.com>**Sent:** Wednesday, March 1, 2023 8:55 AM**To:** Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>; Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>**Cc:** Brian J. Haverly <bjh@jhkmlaw.com>**Subject:** [EXTERNAL] Avangrid Merger Appeal

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Dear Michael and Russell:

We are following up on our conversations about the merger appeal. We were hoping to hear back from you shortly after the Commission's meeting on Monday.

We understand from PNM that they received a call from the OGC's office in regard to the San Juan securitization appeal, and PNM had the feeling after the call that settlement discussions on the San Juan case were possibly delaying the resolution of the merger case appeal. This appeared to possibly link the two cases together. This was surprising to us, as 1) you have not mentioned San Juan in any of our discussions, and 2) Avangrid and its affiliates have absolutely nothing to do with PNM's decision on when it abandoned San Juan and when PNM may issue bonds under the ETA, and Avangrid is not a party to any of those proceedings. If the Commission is indeed seeking to link, directly or indirectly, the resolution of the merger appeal to negotiations involving San Juan, please let us know as soon as possible as this is not something that Avangrid has ever considered and has not expressed any interest in doing.

Please give us some times that we can have a call to discuss the status of the resolution of the merger appeal.

Tom

Thomas C. Bird

Jennings Haug Keleher McLeod

201 Third Street NW | Suite 1200 | Albuquerque, New Mexico 87102

Office: 505.346.4646 | Direct: [505.346.9123](tel:505.346.9123) | tcb@jhkmlaw.com

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JHKM | JENNINGS HAUG
KELEHER MCLEOD

[EXTERNAL] Fw: AvangridPNM Merger - Joint Motion for Stip Dismissal of Appeal and Remand (1).docx

Thomas C. Bird <tcb@jhkmlaw.com>

Fri 3/3/2023 1:31 PM

To: Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>

Cc: Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>; Brian J. Haverly <bjh@jhkmlaw.com>

 1 attachments (26 KB)

AvangridPNM Merger - Joint Motion for Stip Dismissal of Appeal and Remand (1).docx;

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Thank you Michael for your email. I just tried your mobile phone so we could discuss this. Attached are some suggestions about how we can address the two issues you have raised. Please let us know if this resolves those concerns. Additionally, PNM is fully involved at every step. Our client and PNM are eager to move forward here. Let us know what we can do to assist in expediting this effort.

Happy to discuss at your convenience,
Tom

Thomas C. Bird

Jennings Haug Keleher McLeod

201 Third Street NW | Suite 1200 | Albuquerque, New Mexico 87102

Office: 505.346.4646 | Direct: 505.346.9123 | tcb@jhkmlaw.com

[Download V-Card](#) | [View Bio](#) | [JHKMLAW.com](#)

JHKM | JENNINGS HAUG
KELEHER MCLEOD

[EXTERNAL] Avangrid Appeal, Remand

Thomas C. Bird <tcb@jhkmlaw.com>

Tue 3/7/2023 1:57 PM

To: Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>; Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>

Cc: Brian J. Haverly <bjh@jhkmlaw.com>

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Hello, Michael and Russel,

I'm checking to see if there is anything to report on the remand of the merger appeal.

Thank you,

Tom

Thomas C. Bird

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IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

**AVANGRID, INC., AVANGRID NETWORKS, INC.,
NM GREEN HOLDINGS, INC., IBERDROLA, S.A.,
PUBLIC SERVICE COMPANY OF NEW MEXICO, and
PNM RESOURCES, INC.,**

Appellants,

v.

S-1-SC-39152

**NEW MEXICO PUBLIC REGULATION
COMMISSION,**

Appellee,

and

**NEW ENERGY ECONOMY,
WESTERN RESOURCE ADVOCATES,
INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS LOCAL 611,
THE OFFICE OF THE NEW MEXICO
ATTORNEY GENERAL, COALITION FOR
CLEAN AFFORDABLE ENERGY, DINE CITIZENS
AGAINST RUINING THE ENVIRONMENT, SAN
JUAN CITIZENS ALLIANCE, TO NIZHONI ANI,
NAVA EDUCATION PROJECT,**

Intervenor-Appellees.

**In The Matter of The Joint Application of
Iberdrola, S.A., Avangrid, Inc., Avangrid Networks, Inc.,
NM Green Holdings, Inc., Public Service Company
of New Mexico And PNM Resources, Inc. For
Approval of the Merger of NM Green
Holdings, Inc. with PNM Resources, Inc.;
Approval of a General Diversification Plan;**

**and All Other Authorizations and Approvals
Required to Consummate and Implement this
Transaction,
NMPRC Case No. 20-00222-UT**

**JOINT MOTION FOR STIPULATED DISMISSAL OF APPEAL AND
REMAND FOR REHEARING AND RECONSIDERATION; REQUEST
FOR EXPEDITED RULING AND SHORTENED RESPONSE AND
MANDATE PERIODS**

Pursuant to Rule 12-401(B)(2) NMRA, Avangrid, Inc., Avangrid Networks, Inc., NM Green Holdings, Inc., Iberdrola, S.A., Public Service Company of New Mexico, and PNM Resources, Inc. (collectively, “Appellants”), jointly with the New Mexico Public Regulation Commission (the “Commission” or “Appellee”) hereby move for dismissal of this appeal. Appellants and Appellee seek dismissal and remand of this case for purposes of effectuating their agreement to resolve this appeal by submitting the matter to the Commission for rehearing and reconsideration, as more fully described in this Joint Motion. As grounds for their Joint Motion, Appellants and Appellee state:

1. In this appeal, Appellants seek annulment of an order of the Commission denying approval of a merger and acquisition involving a public utility operating in New Mexico. Appellants also challenge a discovery sanction.

2. Following protracted litigation and negotiations, several of the parties to the proceedings below entered into a stipulated settlement in favor of the proposed merger. The Commission’s Hearing Examiner (the “HE”) recommended that the

Commission reject the settlement stipulation because he concluded the risk of a deterioration in the quality of utility service outweighed the benefits of the transaction. The HE, however, alternatively proposed modifications to the stipulation to further reduce the transaction risks, should the Commission conclude that the stipulation should be approved. Ultimately, all but one of the parties either supported or did not oppose approval of the proposed merger transaction with the HE's proposed modifications to the settlement stipulation, which the signatories ratified in their exceptions to the Certification of Stipulation. The Commission issued an Order on Certification of Stipulation on December 8, 2021 ("Commission Order") that rejected the transaction.

3. It serves the public interest and conserves the resources of the Court if this appeal is dismissed and the matter is remanded to the Commission to allow the Commission to promptly rehear and reconsider the Commission Order on remand. Appellants and the Commission therefore stipulate to dismissal of this appeal upon the terms and conditions recited in this Joint Motion. The Commission has not agreed to, nor made any determinations, with regard to any specific outcome or decision that may result upon the Court's dismissal and remand to the Commission for rehearing and reconsideration of the Commission Order. The terms and conditions recited in this Joint Motion comprise the entirety of the agreement between Appellants and Appellee.

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4. On January 27, 2023, one of the three Commissioners voluntarily recused himself from the proceeding below. The two remaining Commissioners will decide the rehearing and reconsideration.

Deleted: preside over and

Deleted: and not assign the matter to a Hearing Examiner

5. The Commission shall conduct the rehearing and reconsideration under Rule 1.2.2.37(F) NMAC.

Deleted: The Commission may, in its discretion, order additional briefs and oral arguments on the rehearing and reconsideration in the remanded proceeding, if it concludes that doing so will assist in its decision-making.

6. The Commission will endeavor to reach a decision and issue its final order on rehearing and reconsideration in a timely manner. The Commission acknowledges that Appellants request that the Commission issue its final order no later than April 12, 2023.

Deleted:

7. To assist in the prompt reconsideration and resolution of the proceeding below, Appellants and the Commission respectfully request expeditious consideration of this Motion, and a shortened response period applicable to motions for dismissal, set forth in Rule 12-309 NMRA, from fifteen (15) days to five (5) days, without three (3) days for mailing. Appellants and the Commission further request a shortened period for issuance of mandate, as set forth in Rule 12-402, from fifteen (15) days to five (5) days.

Deleted: and to allow the Commission sufficient time to issue a final order on rehearing and reconsideration by April 12, 2023

Deleted:

8. Appellants and the Commission have requested the positions of the other parties in this matter, and their positions are as follows:

WHEREFORE Appellants and Appellee respectfully request that the Court dismiss this appeal and remand this matter for rehearing and reconsideration, as stipulated in this Joint Motion.

Respectfully submitted this ___ day of March, 2023

Deleted: February

JENNINGS HAUG KELEHER MCLEOD LLP

/s/ Thomas C. Bird

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Post Office Box AA
Albuquerque, NM 87103
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tcb@jhkmlaw.com
bjh@jhkmlaw.com

*Attorneys for Avangrid, Inc., Avangrid Networks, Inc.,
NM Green Holdings, Inc., & Iberdrola, S.A.*

PUBLIC SERVICE COMPANY OF NEW MEXICO

/s/

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and General Counsel PNM Resources, Inc.
Stacey J. Goodwin, Associate General Counsel
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Corporate Headquarters – Legal Department
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*Attorneys for Public Service Company of New Mexico,
and PNM Resources, Inc.*

NEW MEXICO PUBLIC REGULATION
COMMISSION

/s/

Russell Fisk, Associate General Counsel
Michael C. Smith
P.O. Box 1269
Santa Fe, New Mexico 87504-1269
(505) 412-5042
Russell.Fisk@state.nm.us
MichaelC.Smith@state.nm.us
*Attorneys for New Mexico Public Regulation
Commission*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ____ day of February, 2023, I caused the foregoing to be submitted to Odyssey File & Serve, which in turn caused all counsel to be served by email.

/s/ *Thomas C. Bird*

Thomas C. Bird

RE: [EXTERNAL] Avangrid Appeal, Remand

Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>

Tue 3/7/2023 2:36 PM

To: Thomas C. Bird <tcb@jhkmlaw.com>; Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>

Cc: Brian J. Haverly <bjh@jhkmlaw.com>

 1 attachments (29 KB)

AvangridPNM Merger - Joint Motion for Stip Dismissal of Appeal and Remand-3-7.docx;

Tom & Brian

Please see the attached revised draft motion.

The commission’s agreement to file this motion is contingent on appellants’ acceptance of the revisions in this draft including removal of language requiring the commissioners to preside over the hearing and concerning the intent to issue a final order by a specific date.

Michael C. Smith
Office of General Counsel
New Mexico Public Regulation Commission
P.O. Box 1269
Santa Fe, New Mexico 87504-1269
michaelc.smith@state.nm.us

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From: Thomas C. Bird <tcb@jhkmlaw.com>

Sent: Tuesday, March 7, 2023 1:58 PM

To: Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>; Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>

Cc: Brian J. Haverly <bjh@jhkmlaw.com>

Subject: [EXTERNAL] Avangrid Appeal, Remand

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Hello, Michael and Russel,

I'm checking to see if there is anything to report on the remand of the merger appeal.

Thank you,

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Re: [EXTERNAL] Avangrid Appeal, Remand

Thomas C. Bird <tcb@jhkmlaw.com>

Tue 3/7/2023 4:03 PM

To: Smith, Michael C, PRC <MichaelC.Smith@prc.nm.gov>; Thomas C. Bird <tcb@jhkmlaw.com>; Fisk, Russell, PRC <Russell.Fisk@prc.nm.gov>
Cc: Brian J. Haverly <bjh@jhkmlaw.com>

Thank you, Michael, for this response. The changes you propose are acceptable to the Appellants. We plan to circulate the motion among the other parties to the appeal to determine their positions. When we know, we will file the motion, probably tomorrow afternoon.

Thomas C. Bird

Jennings Haug Keleher McLeod

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Subject: RE: [EXTERNAL] Avangrid Appeal, Remand

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Tom & Brian

Please see the attached revised draft motion.
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BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE JOINT APPLICATION OF)
IBERDROLA, S.A., AVANGRID, INC., AVANGRID)
NETWORKS, INC., NM GREEN HOLDINGS, INC.,)
PUBLIC SERVICE COMPANY OF NEW MEXICO)
AND PNM RESOURCES, INC. FOR APPROVAL OF)
THE MERGER OF NM GREEN HOLDINGS, INC.)
WITH PNM RESOURCES INC.; APPROVAL OF A)
GENERAL DIVERSIFICATION PLAN; AND ALL)
OTHER AUTHORIZATIONS AND APPROVALS)
REQUIRED TO CONSUMMATE AND IMPLEMENT)
THIS TRANSACTION)**

Case No. 20-00222-UT

**IBERDROLA, S.A., AVANGRID, INC., AVANGRID)
NETWORKS, INC., NM GREEN HOLDINGS, INC.,)
PUBLIC SERVICE COMPANY OF NEW MEXICO)
AND PNM RESOURCES, INC., JOINT)
APPLICANTS.)**

CERTIFICATE OF SERVICE

I CERTIFY that on this date I sent via email to the parties listed below a true and correct copy of the foregoing *Notice of Filing of Ex Parte Communications*.

Stacey Goodwin Ryan Jerman Richard Alvidrez Mark Fenton Carey Salaz Steven Schwebke Patrick V. Apodaca Mariel Nanasi Tim Davis Christopher Sandberg Joan Drake Haley B. Adams Lisa Tormoen Hickey Nann M. Winter Keith Herrmann Dahl Harris Charles W. Kolberg Andrew Harriger Jody Garcia Steven S. Michel April Elliott Cydney Beadles Douglas J. Howe Gideon Elliot Jennifer Van Wiel Keven Gedko	Stacey.Goodwin@pnmresources.com; Ryan.Jerman@pnmresources.com; Ralvidrez@mstlaw.com; Mark.Fenton@pnm.com; Carey.salaz@pnm.com; Steven.Schwebke@pnm.com; Patrick.Apodaca@pnmresources.com; Mariel@seedsbeneaththesnow.com; Tim@newenergyeconomy.org; cksandberg@me.com; jdrake@modrall.com; hadams@modrall.com; lisahickey@newlawgroup.com; nwinter@stelznerlaw.com; kherrmann@stelznerlaw.com; dahlharris@hotmail.com; ckolberg@abcwua.org; akharriger@sawvel.com; JGarcia@stelznerlaw.com; smichel@westernresources.org; April.elliott@westernresources.org; Cydney.Beadles@westernresources.org; dhowe@highrocknm.com; gelliott@nmag.gov ; jvanwiel@nmag.gov; kgedko@nmag.gov;	Kyle J. Tisdell Ally Beasley Ahtza Dawn Chavez Joseph Hernandez Nicole Horseherder Jessica Keetso Thomas Singer Mike Eisenfeld Robyn Jackson Jane L. Yee Julie Park Larry Blank, Ph.D. Saif Ismail Peter J. Gould Kelly Gould Jim Dauphinais Michael Gorman Justin Lesky Stephanie Dzur Ramona Blaber Don Hancock April Elliott Noah Long Brian J. Haverly Jason Marks Matthew Gerhart	tisdell@westernlaw.org; beasley@westernlaw.org; ahtza@navaeducationproject.org; joseph@navaeducationproject.org; nhorseherder@gmail.com; jkeetso@yahoo.com; Singer@westernlaw.org; mike@sanjuancitizens.org; Robyn.jackson@dine-care.org; jyee@cabq.gov; Jpark@cabq.gov; lb@tahoeeconomics.com; sismail@cabq.gov; peter@thegouldlawfirm.com; Kelly@thegouldlawfirm.com; jdauphinais@consultbai.com; mgorman@consultbai.com; jlesky@leskylawoffice.com; Stephanie@Dzur-law.com; Ramona.blaber@sierraclub.org; sricdon@earthlink.net; ccae@elliottanalytics.com; Nlong@nrdc.org; bjh@jklaw.com ; lawoffice@jasonmarks.com; matt.gerhart@sierraclub.org;
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DATED this 20th day of April, 2023.

NEW MEXICO PUBLIC REGULATION COMMISSION

/s/ LaurieAnn Santillanes, electronically signed

LaurieAnn Santillanes, Law Clerk

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE JOINT APPLICATION OF)
IBERDROLA, S.A., AVANGRID, INC., AVANGRID)
NETWORKS, INC., NM GREEN HOLDINGS, INC.,)
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AND PNM RESOURCES, INC. FOR APPROVAL OF)
THE MERGER OF NM GREEN HOLDINGS, INC.)
WITH PNM RESOURCES INC.; APPROVAL OF A)
GENERAL DIVERSIFICATION PLAN; AND ALL)
OTHER AUTHORIZATIONS AND APPROVALS)
REQUIRED TO CONSUMMATE AND IMPLEMENT)
THIS TRANSACTION)**

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APPLICANTS.)**

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--	---	--	--

DATED this 20th day of April, 2023.

NEW MEXICO PUBLIC REGULATION COMMISSION

/s/ LaurieAnn Santillanes, electronically signed

LaurieAnn Santillanes, Law Clerk