

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

FILED IN OFFICE OF
JUN 18 2019

NEW MEXICO PUBLIC REGULATION COMMISSION
REGULATORY SETTLEMENTS BUREAU

MOTION TO REQUEST ORAL ARGUMENT

COMES NOW New Energy Economy (“NEE”) in accordance with Commission Rule 1.2.2.12 NMAC, and moves the Commission for an order allowing oral argument consistent with the remand of Case No. 36115, the appeal of NM PRC Case No. 15-00261-UT before the entire Commission.

The issue at hand is this: Given the New Mexico’s Supreme Court’s affirmation that “the Commission’s determination that PNM’s decisions were imprudent was supported by substantial evidence”¹ 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?

In support of this Motion, Movants states:

1. Commission Rule 1.2.2.12.A NMAC provides that motions may be made at any time during the course of a proceeding and that “[t]he commission discourages any delay in the filing of a motion once grounds for the motion are known to the movant.”

¹ *Public Service Company of New Mexico v. New Mexico Public Regulation Commission*, 36115, 5/16/2019, p. 24.

2. The Court ruled 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.” The Court acknowledged the possibility of a “*full disallowance*” to insulate ratepayers from the imprudent actions of utility management.²

3. Additionally, the Court ruled in response to New Energy Economy’s motion to stay the rate increase that: “if any aspect of the appeal pending before this Court is successful in a way that results in ratepayers having been overcharged, it is the Court’s intent to request that PNM reimburse ratepayers for amounts overcharged.” See No. S-1-SC-36115, Order of December 12, 2016, attached as Exhibit A.

4. New Energy Economy and other parties seek to directly address the entire Commission as to how to proceed given the New Mexico Supreme Court’s remand.

5. The request is to allow each party is given a total of 15 minutes to address the Commission. PNM would also be allotted a total of 15 minutes but since it is PNM’s rate case it can split its time however it chooses between an opening and closing statement.

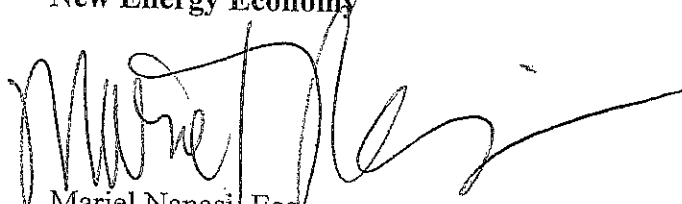
6. Movant has contacted the other parties in this case and are authorized to state: Albuquerque Bernalillo County Water Utility Authority support this Motion; Public Service Company of New Mexico opposes this Motion; No other parties responded prior to the filing of this Motion.

Dated this 18th day of June, 2019.

² *Id.*, at p. 29.

Respectfully submitted,

New Energy Economy

A handwritten signature in black ink, appearing to read 'Mariel Nanasi', with a long horizontal flourish extending to the right.

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