

**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. 352 ) Case No. 08-00273-UT  
)  
PUBLIC SERVICE COMPANY OF NEW )  
MEXICO, )  
Applicant. )**

**IN THE MATTER OF THE RESOURCE STIPULATION )  
CONCERNING PUBLIC SERVICE COMPANY OF )  
NEW MEXICO'S PROPOSED APPROVAL OF THE )  
VALENCIA PPA, ACQUISITION OF A BENEFICIAL ) Case No. 08-00305-UT  
INTEREST IN PVNGS UNIT 2 OWNERSHIP TRUST, )  
AND CCN LUNA ENRGY FACILITY AND )  
LORDBURG GENERATING STATION )**

**ORDER RESCINDING DESIGNATION OF  
HEARING EXAMINER AND EXPANDING SCOPE OF HEARING**

**THIS MATTER** comes before the Public Regulation Commission ("Commission") upon its own motion.

**THE COMMISSION FINDS AND CONCLUDES AS FOLLOWS:**

1. On March 6, 2009, Public Service Company of New Mexico ("PNM") filed a Stipulation ("Rate Stipulation") in Case No. 08-00273-UT which, if approved by the Commission, would resolve all issues in that case. Among the parties joining the Rate Stipulation are the Staff of the Commission's Utility Division, the Attorney General, New Mexico Industrial Energy Consumers Inc., the Regents of the University of New Mexico, Albuquerque Bernalillo County Water Utility Authority, and Western Resource Advocates. No party has opposed the Stipulation.

2. On March 9, 2009, Elizabeth Hurst, the Hearing Examiner in Case No. 08-00305-UT, issued her Certification of Stipulation in Case No. 08-00305-UT, which recommends that the Commission approve the Stipulation, dated September 10, 2008 ("Resource Stipulation"), among many of the same parties that joined the Rate Stipulation. The Resource Stipulation is also unopposed.

3. Because of the importance of this case, and in order to expedite the Commission's determination of whether it should adopt and approve the Stipulation, the Commission has determined that it should rescind the designation of a Hearing Examiner in Case No. 08-00305-UT that was made in the Order Suspending Rates and Designating Hearing Examiner, issued September 30, 2008.

4. The Second Procedural Order, issued February 27, 2009, and the procedural schedule set forth in that Order, with the exception of the Pre-Hearing Status Conference scheduled for April 3, 2009, are not affected by this Order. The Pre-Hearing Status Conference should be cancelled. However, notice is hereby given that the hearing on the Stipulation, scheduled to commence on April 8, 2009, shall be held before the Commission in the 4<sup>th</sup> Floor Hearing Room, PERA Building, 1120 Paseo De Peralta, Santa Fe, New Mexico.

5. Further, because the Rate Stipulation and the Resource Stipulation are so closely intertwined, and because the Commission may have questions regarding the Resource Stipulation, the hearing to be held April 8, 2009 before the Commission should be expanded to include the Resource Stipulation. The signatories to the Resource and Rates Stipulations should have available at the April 8, 2009 hearing witnesses that can knowledgeably respond to questions regarding those Stipulations and why approval of the Stipulations is in the public interest.

6. In order to further expedite the Commission's issuance of an Order on the Rate Stipulation, Staff should file with the Commission, by no later than April 8, 2009, a Statement of the Case suitable for inclusion in the Commission's Order on the Rate Stipulation.

**IT IS THEREFORE ORDERED:**

A. The Commission's previous designation of a Hearing Examiner in Case No. 08-00273-UT is rescinded.

B. The hearing currently scheduled in Case No. 08-00273-UT shall be expanded to include the Resource Stipulation pending in Case No. 08-00305-UT, and shall be held before the Commission commencing at 9:30 a.m. in the 4<sup>th</sup> Floor Hearing Room, PERA Building, 1120 Paseo De Peralta, Santa Fe, New Mexico. The signatories to the Resource and Rates Stipulations shall have available at the April 8, 2009 hearing witnesses that can knowledgeably respond to questions regarding those Stipulations and why approval of the Stipulations is in the public interest.

C. The Pre-Hearing Conference scheduled for April 3, 2009 in Case No. 08-00273-UT is cancelled. All other procedural dates set forth in the Second Procedural Order issued February 27, 2009 in Case No. 08-00273-UT shall remain in effect.

D. By no later than April 8, 2009. Staff shall file a Statement of the Case for Case No. 08-00273-UT that is suitable for inclusion in an Order on the Stipulation.

E. Any interested person may appear at the time and place of the hearing and make written or oral comment pursuant to 1.2.2.23(F) NMAC without becoming an intervenor. Interested persons may also send written comments, which shall reference Case No. 08-00273-UT, to the Commission at the following address:

New Mexico Public Regulation Commission  
Marian Hall

224 E. Palace Avenue  
Santa Fe, NM 87501  
Telephone: (505) 827-6941

All such comments will not be considered evidence in this case.

F. All parties and interested persons should contact the Commission for confirmation of the hearing date, time and place, since hearings are occasionally rescheduled.

G. Any person with a disability requiring special assistance in order to participate in this proceeding should contact the Commission at least 24 hours prior to the commencement of the hearing.

H. PNM shall post this Order on its website. A copy of this Order shall also be posted on the Commission's website.

I. This Order is effective immediately.

J. A copy of this Order shall be served on parties on the attached Certificate of Service.

ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this 19<sup>th</sup> day of  
March, 2009.

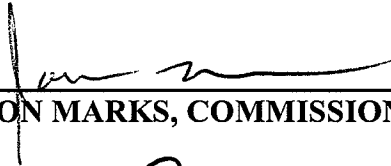
**NEW MEXICO PUBLIC REGULATION COMMISSION**



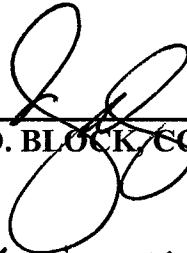
\_\_\_\_\_  
**SANDY JONES, CHAIRMAN**



\_\_\_\_\_  
**DAVID W. KING, VICE CHAIRMAN**



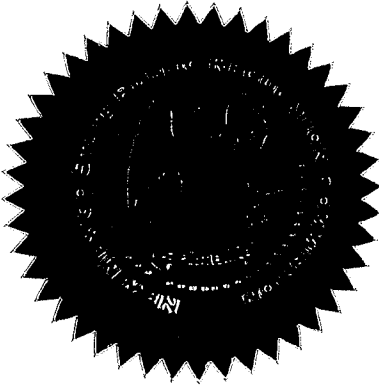
\_\_\_\_\_  
**JASON MARKS, COMMISSIONER**



\_\_\_\_\_  
**JEROME D. BLOCK, COMMISSIONER**



\_\_\_\_\_  
**CAROL K. SLOAN, COMMISSIONER**



**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. 352 ) Case No. 08-00273-UT  
)  
PUBLIC SERVICE COMPANY OF NEW )  
MEXICO, )  
Applicant. )**

**IN THE MATTER OF THE RESOURCE STIPULATION )  
CONCERNING PUBLIC SERVICE COMPANY OF )  
NEW MEXICO'S PROPOSED APPROVAL OF THE )  
VALENCIA PPA, ACQUISITION OF A BENEFICIAL ) Case No. 08-00305-UT  
INTEREST IN PVNGS UNIT 2 OWNERSHIP TRUST, )  
AND CCN LUNA ENRGY FACILITY AND )  
LORDSBURG GENERATING STATION )**

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing **Order Rescinding Designation of Hearing Examiner and Expanding Scope of Hearing** issued on March 19, 2009, was mailed March 20, 2009, by first-class, postage prepaid, to the following:

Stacey Goodwin, Esq.  
Randall W. Childress, Esq.  
300 Galisteo Street, Suite 205  
Santa Fe, NM 87501

Benjamin Phillips, Esq.  
PNM  
Alvarado Square-MS 0806  
Albuquerque, NM 87158

Mark Fenton  
Regulatory Projects  
Alvarado Square – MS 0920  
Albuquerque, NM 87158-0920

Alletta Belin, Esq.  
618 Paseo de Peralta  
Santa Fe, NM 87501

Peter J. Gould, Esq.  
P.O. Box 34127  
Santa Fe, NM 87594-4127

Daniel A. Najjar, Esq.  
PO Box 22249  
Santa Fe, NM 87502-2249

Lewis O. Campbell, Esq.  
National Nuclear Security Admin.  
Keres Consulting  
PO Box 51508  
Albuquerque, NM 87181-1508

Richard D. Vergas  
National Nuclear Security Admin.  
U.S. Department of Energy  
PO Box 5400  
Albuquerque, NM 87185-5400

John C. Tysseling  
Energy Economic & Envir. Cons.  
5600 Eubank, NE – Suite 200  
Albuquerque, NM 87111

Evan D. Evans  
El Paso Electric Company  
100 N. Stanton  
El Paso, TX 79901

Jeffrey H. Albright, Esq.  
Lewis & Roca Jontz Dawe, LLP  
201 Third Street, NW – Suite 1950  
Albuquerque, NM 87103

Jeff Taylor, Esq.  
Assistant Attorney General  
PO Drawer 1508  
Santa Fe, NM 87504-1508

Justin Lesky, Esq.  
Law Office of Justin Lesky  
8210 La Mirada Pl. NE – Suite 600

Andrea Crane  
The Columbia Group  
PO Box 810

John Curl  
Western Resource Advocates  
227 E. Palace Avenue – Suite M

Albuquerque, NM 87109

Michael Dirmeier  
Georgetown Consulting Group  
1902 Overlook Ridge Dr.  
Keller, TX 76248

William P. Templeman, Esq.  
Comeau, Maldegen, Templeman  
& Indall, LLP  
P.O. Box 669  
Santa Fe, NM 87504-0669

Grace Wung, Esq.  
McDermott Will & Emery, LLP  
600 Thirteenth Street, NW  
Washington, DC 20005-3096

Kira Jones  
Community Action New Mexico  
400 Central Avenue, SE - #101  
Albuquerque, NM 87102

Angelica Anaya Allen, Esq.  
CANM  
4317 Lead, SE  
Albuquerque, NM 87108

Thomas M. Domme  
Keleher & McLeod, P.A.  
P.O. Box AA  
Albuquerque, NM 87103-1626

**Hand-delivered to:**  
Dahl Harris, Esq.  
NM Public Regulation Commission  
224 East Palace Avenue  
Santa Fe, NM 87501

**Hand-delivered to:**  
Elizabeth C. Hurst  
NMPRC-Hearing Examiner  
224 East Palace Avenue  
Santa Fe, NM 87501

Georgetown, CT 06829

Michael McElrath  
Energy Management  
Freeport – McMoRon Mining  
One North Central Avenue  
Phoenix, AZ 85004

Nann M. Winter, Esq.  
Susan C. Kery, Esq.  
Sheehan, Sheehan & Stelzner, P.A.  
40 First Plaza NW – Suite 740  
Albuquerque, NM 87103

Jack King  
Albuquerque Journal  
7777 Jefferson, NE  
Albuquerque, NM 87109

Steven S. Michel, Esq.  
CCA  
2025 Senda Andres  
Santa Fe, NM 87501

Gregory K. Lawrence  
McDermott Will & Emery LLP  
28 State Street  
Boston, MA 02109-1775

James R. Dittmer  
740 NW Blue Parkway – Suite 204  
Lee’s Summit, MS 64086

**Hand delivered to:**  
Nancy Burns, Esq.  
NMPRC – Legal Division  
1120 Paseo de Peralta  
Santa Fe, NM 87504

Santa Fe, NM 87501

Kurt J. Boehm, Esq.  
Michael L. Kurtz, Esq.  
Boehm, Kurtz & Lowry  
36 East Seventh Street, Suite 1510  
Cincinnati, OH 45202

Joanne Reuter, Esq.  
Reuter Legal & Consulting Services  
12231 Academy Rd., NE  
PMB 301-191  
Albuquerque, NM 87111

Maureen Reed  
City of Santa Fe Attorney  
P.O. Box 909  
Santa Fe, NM 87504-0909

David Nava, Esq./Robert Kidd, Esq.  
City of Albuquerque  
PO Box 2248  
Albuquerque, NM 87103

Michael Kurtz, Esq./Kurt Boehm, Esq.  
Boehm, Kurtz & Lowry, LLP.  
36 E Seventh St., Suite 1510  
Cincinnati, OH 45202

**Hand delivered to:**  
Robert Hirasuna, Esq.  
NMPRC – General Counsel  
1120 Paseo de Peralta, Suite 518  
Santa Fe, NM 87504

**DATED this 20<sup>th</sup> day of March, 2009.**

**NEW MEXICO PUBLIC REGULATION COMMISSION**

  
\_\_\_\_\_  
Ana C. Kippenbrock, Paralegal