

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF PUBLIC SERVICE COMPANY OF NEW)	
MEXICO FOR APPROVAL OF THE COUNTY)	
OF SANTA FE 2009 UNDERGROUND)	
PROJECT RIDER PURSUANT TO)	
ADVICE NOTICE NO. 367,)	Case No. 09-00056-UT
)	
PUBLIC SERVICE COMPANY OF NEW)	
MEXICO,)	
Applicant.)	
)	

NOTICE AND PROCEDURAL ORDER

NOTICE IS HEREBY GIVEN that this matter comes before James C. Martin, Hearing Examiner in this case, upon Public Service Company of New Mexico's ("PNM" or "Company") Application. Being fully advised, the Hearing Examiner **FINDS and CONCLUDES** that:

1. On February 17, 2009, PNM filed with the New Mexico Public Regulation Commission ("NMPRC" or "Commission") an Application and Advice Notice requesting approvals, authorizations and variances necessary to implement a Santa Fe County 2009 Underground Project Rider No. 26 ("Rider 26"), together with such other and further relief as the Commission may deem necessary and appropriate.

2. PNM states that, if approved by the Commission, proposed Rider 26 would apply to only those PNM customers taking electric service within the County of Santa Fe, but would not include customers located within the jurisdictional boundaries of municipalities or other political subdivisions in the County. Rider 26 would allow the Company to recover total Excess Costs associated with the underground installation of one distribution project within Santa Fe County: the Camel Tracks 13 project. PNM proposes to recover these

Excess Costs over a one-year period. The total Excess Costs for this project are estimated at approximately \$92,445.28 plus carrying costs. PNM estimates that the following Rider 26 charges will be paid in addition to the current charges that the customer is paying, and will be collected through a line item charge on the customer's bill.

<u>Rate Class</u>	<u>Tariff(s)</u>	<u>Excess Cost Fixed Charge</u>
Residential	Schedule 1A and 1B	\$0.24 Per Bill Per Month
Small Power	Schedule 2A and 2B	\$0.42 Per Bill Per Month
General Power	Schedule 3B	\$11.38 Per Bill Per Month
Large Power	Schedule 4B	\$158.38 Per Bill Per Month
Water & Sewage	Schedule 11B	\$17.96 Per Bill Per Month

The new charges stated above are for informational purposes only at this time, and the final rate design may vary the rates ultimately charged to each class of customers.

3. PNM also is requesting related Commission rulings including a variance from the Commission's Rule 17.9.530 NMAC, the minimum standard data filing requirements for rate schedules proposed by investor-owned utilities; and the Commission's Rules regarding the requirement to provide a comparison with present rates.

4. On March 17, 2008, the Commission entered its Order Suspending Rate and Designating Hearing Examiner. Among other things, that Order suspended PNM's proposed rates for a period of not longer than nine months ending on December 18, 2009, and appointed the undersigned as Hearing Examiner for this case.

5. The Commission has jurisdiction over the parties and subject

matter of this case.

6. PNM is certified and authorized to conduct the business of providing public utility service within the State of New Mexico, provides electric utility services within the State of New Mexico, and accordingly is a public utility as defined by the Public Utility Act, NMSA 1978, § 62-3-1, *et seq.*

7. A pre-hearing conference was held in this case on April 1, 2009. Attending that pre-hearing conference were the Hearing Examiner, PNM, the County of Santa Fe, and the Utility Division Staff ("Staff").

8. The procedural details provided below should be adopted for this case.

The Hearing Examiner **ORDERS** that:

A. A public hearing will be held beginning at 10:00 a.m. on June 9, 2009 at the Commission's offices, Marian Hall, 224 East Palace Avenue, Santa Fe, New Mexico, for the purpose of hearing and receiving evidence, arguments and any other appropriate matters related to this proceeding.

B. By no later than May 4, 2009, any person who desires to become a party to this case must file a motion for leave to intervene, pursuant to 1.2.2.23.A and 1.2.2.23.B NMAC.

C. By no later than May 13, 2009, Staff shall, and any Intervenors may, file direct testimony.

D. Any desired rebuttal testimony shall be filed by no later than May 26, 2008.

E. PNM shall cause, at its sole expense, a copy of this Notice and Procedural Order to be published in the Albuquerque Journal and the Santa Fe New Mexican on or before April 10, 2009.

F. The Commission's Administrative Procedures (1.2.2 NMAC) will apply to this case except as modified by Order of the Commission or Hearing Examiner.

G. The procedural dates and requirements provided herein are subject to further Order of the Commission or Hearing Examiner.

H. Any person whose testimony has been filed will attend the hearing and submit to examination under oath.

I. Any interested person may appear at the time and place of 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 NMPRC Case No. 09-00056-UT, to the Commission at the address set out below. All such comments will not be considered as evidence in this case.

J. Further information regarding this case may be obtained by contacting PNM or the Commission at the addresses and telephone numbers provided below. All inquiries or written comments concerning this matter should refer to Case No. 09-00056-UT.

Public Service Company of New Mexico
Alvarado Square
Albuquerque, New Mexico 87158
Telephone: 505.241.2700

New Mexico Public Regulation Commission
Marian Hall
224 E. Palace Avenue
Santa Fe, NM 87501
Telephone: 505.827.6941

K. Anyone filing pleadings, documents or testimony in this case shall serve copies thereof on all parties of record and Staff via e-mail and first class

U.S. mail. Any such filings shall also be sent to the Hearing Examiner via e-mail. Whenever possible, all electronically transmitted documents shall be in Word or native format. If necessary, discovery responses may be transmitted in some other readily searchable format.

M. The filing and service of pleadings and other documents in this case are subject to applicable Commission rules (*see, e.g.,* 1.2.2.10, 1.2.2.11, and 1.2.2.25.H NMAC), except that service of discovery requests and responses shall be exclusively via electronic transmission unless otherwise agreed or ordered. Consistent with 1.2.2.25.H NMAC, electronic service of discovery requests and responses shall not be made upon the Hearing Examiner. Exhibits to discovery responses shall be served at the same time and in the same manner as such responses unless otherwise agreed or ordered.

N. PNM shall post this Order on its website. Staff shall cause this Order to be posted on the Commission's website.

O. Interested persons should contact the Commission for confirmation of the hearing date, time and place, since hearings are occasionally rescheduled.

P. 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.

ISSUED at Santa Fe, New Mexico this 2nd day of April, 2009.

NEW MEXICO PUBLIC REGULATION COMMISSION

**JAMES C. MARTIN
HEARING EXAMINER**