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February 5, 2014

Melanie Sandoval  
Margaret Martinez  
New Mexico Public Regulation Commission  
P.E.R.A. Building  
1120 Paseo de Peralta  
Santa Fe, NM 87501

*RE: Case No. 13-00390-UT – Public Service Company of New Mexico's Notice of Filing Supplemental Testimony*

Dear Ms. Sandoval and Ms. Martinez:

Pursuant to the *Initial Order Requiring Filing of Supplemental Testimony*, issued by the New Mexico Public Regulation Commission in this proceeding on January 22, 2014, Public Service Company of New Mexico hereby files a *Notice of Filing Supplemental Testimony* which has attached the supplemental direct testimonies of PNM Witnesses Gerard Ortiz, Chris Olson and Pat O'Connell.

Please note that PNM Exhibit CMO-2 (Supplemental) is voluminous, consisting of 1196 pages. Therefore, PNM is providing hard copies of the exhibit only with the original and five copies of the filing. A copy of PNM Exhibit CMO-2 is being provided to the service list via a CD that is included with the hard copies of the testimony and other exhibits that are being mailed or hand-delivered.

The original and five copies are for filing. Please conform the extra copy for our files and return with our courier. If you have any questions regarding this filing, please contact me at 505-241-2479.

Respectfully,

  
Thomas J. Wander  
Senior Project Manager, Regulatory

cc: Service List

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF THE APPLICATION )  
OF PUBLIC SERVICE COMPANY OF NEW )  
MEXICO FOR APPROVAL TO ABANDON )  
SAN JUAN GENERATING STATION UNITS )  
2 AND 3, ISSUANCE OF CERTIFICATES )  
OF PUBLIC CONVENIENCE AND )  
NECESSITY FOR REPLACEMENT POWER )  
RESOURCES, ISSUANCE OF ACCOUNTING )  
ORDERS AND DETERMINATION OF )  
RELATED RATEMAKING PRINCIPLES AND )  
TREATMENT, )  
)  
**PUBLIC SERVICE COMPANY OF NEW )  
MEXICO, )  
)  
)  
Applicant )  
\_\_\_\_\_ )****

**Case No. 13-00390-UT**

**PUBLIC SERVICE COMPANY OF NEW MEXICO'S  
NOTICE OF FILING SUPPLEMENTAL TESTIMONY**

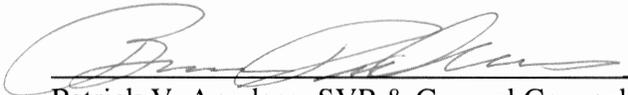
Public Service Company of New Mexico (“PNM”), by and through its attorneys, hereby files notice with the Commission that it is timely filing the supplemental testimonies of Gerard T. Ortiz, Chris M. Olson and Patrick J. O’Connell addressing the questions raised by the Commission in its Initial Order Requiring Filing of Supplemental Testimony issued January 22, 2014 (Ordering Paragraph A at 8-10). Pursuant to Ordering Paragraph B at 10, the Hearing Examiner is directed to determine with input from the Office of General Counsel if “the Application as supplemented is sufficiently complete for the Commission to proceed with this case.” PNM does not dispute the Commission’s authority to require PNM to provide supplemental testimony on relevant issues the Commission identifies and appreciates the Commission’s desire to obtain this information promptly in order to expedite the case. However, PNM submits that its

Application was complete as filed for purposes of starting the statutory clock on the date the Application was filed.

PNM acknowledges the Commission's authority to reject a filing or toll a statutory suspension period or other decisional timeframe established by the Legislature if the original filing is patently deficient in form or a substantive nullity on its face. Such a situation can occur where the filing fails to incorporate substantial information requirements for which the utility has prior notice either through rule or established precedent. *US West Communications, Inc. v. New Mexico State Corporation Commission*, 1993-NMSC-074, 116 N.M. 548; *accord, Municipal Light Boards v. Federal Power Commission*, 450 F.2d 1341 (D.C. Cir. 1971); *Intermountain Gas Co. v. Idaho Public Utilities Commission*, 98 Idaho 718, 571 P.2d 1119, 1125 (1973); *cf. Mountain States Telephone and Telegraph Company v. New Mexico State Corporation Commission*, 1977-NMSC-032, ¶ 77, 90 N.M. 325 (failure to decide case based on evidence in the record because SCC wanted more cost information, but had not provided sufficient prior notice of the cost information it required, deprived utility of its property without due process of law). The filing requirements for a CCN application are identified in the Direct Testimony of Gerard T. Ortiz at 32-35. PNM believes that its initial Application conformed to all such requirements.

Respectfully submitted this 5th day of February, 2014,

**PUBLIC SERVICE COMPANY OF NEW MEXICO**



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MEXICO, )  
)  
)  
Applicant )  
\_\_\_\_\_ )

Case No. 13-00390-UT

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of **Public Service Company of New Mexico's Notice of Filing Supplemental Testimony** was mailed first-class, postage-paid, or hand-delivered on February 5, 2014 to the following persons whose mailing addresses are listed below and emailed to those persons at the email addresses shown below:

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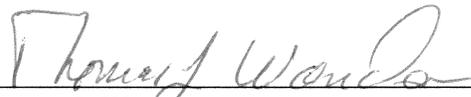
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