

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
ARROYO SOLAR LLC, ARROYO STORAGE)
LLC, AND PUBLIC SERVICE COMPANY)
OF NEW MEXICO FOR EXPEDITED LOCATION)
APPROVAL OF THE PINTADO SWITCHYARD)
IN MCKINLEY COUNTY, NEW MEXICO)
PURSUANT TO NMSA § 62-9-3.)
_____)**

Case No. 21-_____-UT

APPLICATION FOR EXPEDITED LOCATION APPROVAL

Arroyo Solar LLC, Arroyo Storage LLC (together, “Arroyo”), and Public Service Company of New Mexico (“PNM”)(collectively, “Applicants”) hereby jointly submit this Application and supporting testimonies and exhibits to the New Mexico Public Regulation Commission (“PRC” or “Commission”) pursuant to NMSA 1978, §62-9-3, for expedited approval to locate, to the extent required by law, an approximately 8.7 acre 345 kV switchyard (the “Pintado Switchyard”) in McKinley County, New Mexico. The Pintado Switchyard and associated tap lines are proposed to connect the Arroyo Solar and Storage Project (the “Arroyo Project”) to PNM’s existing Four Corners-West Mesa 345 kV transmission line. The location for which approval is requested for the Pintado Switchyard is shown on Exhibit DAS-2 attached to the Direct Testimony of Dustin A. Shively.

This Application provides a summary below, along with further details in accompanying testimonies and exhibits, regarding the Applicant, the facilities to be included in the Pintado Switchyard, the relationship of the Pintado Switchyard to the previously approved Arroyo Project, the request for location approval to the extent required by law, and compliance with the requirements of the location control statute.

The Application includes a request for expedited action in this case in light of the need to commence construction on the Pintado Switchyard no later than July 1, 2021 in order to be

completed in time to transmit energy from the Arroyo Project to PNM's existing grid and enable the Arroyo Project to achieve a Commercial Operation Date of June 30, 2022, the retirement date of the San Juan Generating Station.

I. PROJECT BACKGROUND

A. The Applicants.

Arroyo Solar LLC and Arroyo Energy Storage LLC (together with successors and assigns) are each wholly-owned by CRE-Arroyo New Mexico LLC, which is wholly-owned by CRE-Arroyo Holdings LLC, which is wholly-owned by Centaurus Renewable Energy LLC ("CRE"), which funds and manages the development activities for the Arroyo Project. As of the end of 2020, CRE has completed development for and construction of nineteen utility-scale solar projects totaling 1,041 MW-AC in the United States.

Arroyo is the developer of the Arroyo Project. While PNM will own and operate the Pintado Switchyard, Arroyo holds a purchase option on the privately owned land on which the Switchyard will be located, which will ultimately be transferred to PNM.

PNM is a public utility regulated by the Commission pursuant to the Public Utility Act.

B. The Pintado Switchyard

The 8.7 acre Pintado Switchyard will be sited within a 14.7 acre parcel to be ultimately owned by PNM (the "PNM Property"), shown on Exhibit DAS-2, and will connect the Arroyo Project via a 500-foot transmission gen-tie line from the Switchyard to the Arroyo Substation. PNM will interconnect the Pintado Switchyard to its existing Four Corners-Rio Puerco 345 kV transmission line via two tap lines.¹ The facilities are shown on Exhibit DAS-2. The facilities included within the ambit of the Pintado Switchyard for purposes of this case include the terminus

¹ PNM's Four Corners – West Mesa transmission line is also called the Four Corners – Rio Puerco transmission line.

of PNM's tap lines and a short span of PNM's tap lines wholly within the PNM Property, and the switchyard facilities including protection and control devices such as breakers and switches as well as communication facilities, steel structures, foundations, and a control building to integrate with the existing Four Corners-West Mesa 345 kV transmission line.² References to "Pintado Switchyard" in this Application and supporting testimonies and exhibits also include the terminus of the tap lines and the short span of PNM's tap lines wholly within the PNM Property as shown on Exhibit DAS-2.

C. The Request for Location Approval to the Extent Required by Law

The Arroyo Project has received multiple Commission approvals, including location approval. The Commission first approved the Arroyo Project as part of the portfolio of resources to replace PNM's portion of the San Juan plant in Case No. 19-00195-UT. The Commission then approved the Power Purchase Agreement, Energy Storage Agreement and applicable amendments between Arroyo and PNM in Case No. 20-00182-UT. The Commission approved the location of the Arroyo Project including the solar generation and energy storage facilities, the Arroyo Substation, and the transmission line that will connect the Arroyo Substation to the Pintado Switchyard in Case No. 20-00188-UT.

Neither the Pintado Switchyard nor the PNM tap lines or terminus³ into the Pintado Switchyard were included in Arroyo's location application for the Commission's approval of the location of the Arroyo Project. At the time of the Arroyo location case, Arroyo understood that the Pintado Switchyard and PNM tap lines met the criteria to be "safe-harbored" pursuant to the

² From an engineering and interconnection perspective, the terms substation and switching station or switchyard could be used interchangeably. For clarity and to distinguish the Pintado Switchyard from the Arroyo Substation, this Application and Arroyo's previous location application in Case No. 20-00188-UT refer to the Pintado facility as a switchyard.

³ The PNM tap lines connecting the Pintado Switchyard to PNM's existing Four Corners – West Mesa transmission line were referred to as the "PNM Transmission Line" in Case No. 20-00188-UT.

Commission’s Location Rule 17.9.592.15 NMAC and did not require location approval pursuant to NMSA 1978, Section 62-9-3.D because they would be “additions or modifications” to PNM’s existing transmission facilities.⁴ However, in the Commission’s deliberations in its March 3, 2021 open meeting, uncertainty was raised regarding whether the Pintado Switchyard meets the criteria to be safe-harbored because it was depicted as partially but not fully located within 1,200 feet of the then-existing PNM transmission right-of-way (“Original ROW”).⁵ The Commission’s Final Order in that case expressly limits its location approval solely to the Arroyo Solar and Storage Project, the Arroyo Substation, and the 500-foot long Arroyo Gen-Tie Line (*i.e.*, the Arroyo Project) to the 345 kV transmission system owned and operated by PNM via an unbuilt switchyard (*i.e.*, the Pintado Switchyard).⁶

At this time, it is undisputed that the PNM tap lines meet the “Safe Harbor” provision of Section 17.9.592.15 of the Location Rule because all but the last span in to the Pintado Switchyard will fully within 1,200 feet of the Original ROW. In addition, since the filing of Arroyo’s application in Case No. 20-00188-UT, the PNM transmission ROW has been expanded as a result of a right-of-way issued by the Bureau of Land Management (“BLM”) for the PNM tap lines, as shown in Exhibits DAS-2 (location maps) and DAS-4 (the BLM right-of-way grant), and the Pintado Switchyard is fully located within the now-expanded transmission right-of-way (“Expanded ROW”) or within 1,200 feet of the Original ROW, thus it is reasonable to conclude that the Safe Harbor provision applies to the Pintado Switchyard. Further, the Switchyard is more

⁴ The Location Statute, NMSA 1978, § 62-9-3.D provides that additions and modifications to existing transmission lines do not require location approval. The Location Rule 17.9.592.15 NMAC (the “Safe Harbor” provision), provides that such additions or modifications include additions within, or within 1,200 feet of an existing ROW not adjacent to a developed residential, commercial or industrial area.

⁵ See Commission Approved Minutes of March 3, 2021 open meeting. The Commission’s approved open meeting minutes are available at: <http://www.nmprc.state.nm.us/administrative-services/previous-agendas-minutes.html#gsc.tab=0>.

⁶ See Final Order Adopting Recommended Decision (March 3, 2021) ¶ 12, Case No. 20-00188-UT.

clearly an “associated facility” to the PNM tap lines, which it is undisputed do not themselves require location approval, and thus it follows that the Switchyard also would not require location approval. PNM’s Rule 440 notice filing 1253 made on April 2, 2021 asserted these conclusions.

However, due to the questions raised by the Commission, it remains unclear whether the facilities that are not included in the facilities the Commission expressly enumerated in its Final Order approving location for the Arroyo Project in Case No. 20-00188-UT and that are beyond 1,200 feet from the Original ROW (*i.e.*, the Pintado Switchyard including the terminus of the tap lines into the Switchyard as shown on Exhibit DAS-2) are safe harbored or still require location approval.

Therefore, for the avoidance of doubt and to provide permitting and financing certainty for the Arroyo Project, location approval of the Pintado Switchyard, the short span of PNM’s tap lines wholly within the PNM Property, and the terminus of the tap lines (also wholly within the switchyard fenced area) is requested to the extent such approval may be required by law.

Because time is of the essence, the Applicants request the Commission proceed to expedited final action on location approval of the Pintado Switchyard in order to not delay any further than is absolutely necessary the construction and operation of the facilities needed to transmit energy from the Arroyo Project to PNM’s existing grid with a Commercial Operation Date of June 2022.

II. THE PINTADO SWITCHYARD SATISFIES ALL OF THE REQUIREMENTS FOR THE REQUESTED LOCATION APPROVAL.

A. Location Control Requirements

New Mexico's location control statute, NMSA 1978, § 62-9-3 (the “Location Statute”), requires prior approval by the Commission for construction within New Mexico of the following by any person:

transmission lines and *associated facilities* designed for or capable of operations at a nominal voltage of 230 kV or more to be constructed in connection with and to transmit electricity from a new plant for which approval is required. This requirement applies to public utilities, independent transmission developers, and merchant generators.

NMSA § 63-9-3.B (emphasis added).

The Location Statute provides that the Commission shall approve an application for location of transmission lines and associated facilities unless the Commission finds that the location will unduly impair important environmental values. NMSA § 62-9-3.F. In making that determination, the Commission may consider the following factors:

- (1) existing plans of the state, local government and private entities for other developments at or in the vicinity of the proposed location;
- (2) fish, wildlife and plant life;
- (3) noise emission levels and interference with communication signals;
- (4) the proposed availability of the location to the public for recreational purposes, consistent with safety considerations and regulations;
- (5) existing scenic areas, historic, cultural, or religious sites and structures or archeological sites at or in the vicinity of the proposed location; and
- (6) additional factors that require consideration under applicable federal and state laws pertaining to the location.

NMSA § 62-9-3.M.

The Location Statute also provides the Commission shall not approve a location control application that violates an existing state, county or municipal land use statutory or administrative regulation unless the Commission finds that the regulation is unreasonably restrictive. NMSA § 62-9-3.I.

The Location Statute provides the Commission shall issue its order granting or denying a location application within six months from the date the application is filed. NMSA § 62-9-3.K. Failure to issue its order within six months is deemed to be approval of the application; provided that the Commission may extend the time for granting approval for a transmission line for up to

an additional nine months upon finding that additional time is necessary to determine if the proposed location will unduly impair important environmental values. NMSA 62-9-3.L.

The Location Statute provides the Commission shall act upon an application "after a public hearing and upon notice as the commission *may* prescribe." NMSA 62-9-3.C (emphasis added). The statute also provides that the Commission may approve an application without a formal hearing if no protest is filed within sixty days of the date that notice is given. NMSA § 62-9-3.K. A proposed form of notice is attached as Exhibit 1 to this Application.

As explained more fully below and in the testimonies and exhibits that support this Application, the Pintado Switchyard will not violate any existing state, county or municipal land use statutory or administrative regulation and will not unduly impair important environmental values.

B. The Pintado Switchyard Will Not Violate Existing State, County, or Municipal Land Use Statutory or Administrative Regulations.

The 8.7 acre Pintado Switchyard is proposed to be located in McKinley County, New Mexico within approximately 14.7 acres of privately owned land. There are no state, county, municipal or local zoning or land-use regulations or requirements for this area of McKinley County. As explained further in the Direct Testimony of Dustin A. Shively, the Pintado Switchyard is consistent with the objectives of McKinley County's Comprehensive Plan and the McKinley Soil and Water Conservation District's ("McKinley SWCD") Land Use Plan.

C. The Pintado Switchyard Will Not Unduly Impair Important Environment Values.

The Applicant has performed environmental studies over the area proposed for the Pintado Switchyard. As demonstrated in the Direct Testimonies of Alexandra Shin, Hailey Henck, and

Megan Weldy, and their accompanying exhibits, the Pintado Switchyard will not unduly impair important environmental values.

III. PROJECT BENEFITS AND PUBLIC OUTREACH.

By helping to interconnect the Arroyo Project to PNM's grid, the Pintado Switchyard will provide benefits to the State, local communities, McKinley County, and PNM's customers. As a renewable energy generator, the Arroyo Project will provide long-term environmental benefits, including reduction in air pollution emissions and conservation of water resources. Testimonies and exhibits in the evidentiary record in Case No. 20-00188-UT summarize the environmental and economic benefits the Arroyo Project will provide. The Project is supported by the local community. The neighboring Pueblo Pintado Chapter of the Navajo Nation issued a Resolution in support of the Arroyo Project and its interconnection to the PNM transmission system, provided in Exhibit DAS-10 to Mr. Shively's Direct Testimony in Case No. 20-00188-UT. McKinley County letter of support is provided in Exhibit DAS-6 to Mr. Shively's Direct Testimony. The McKinley SWCD letter of support of the Arroyo Project is provided in Exhibit DAS-7 and its position on the Pintado Switchyard will be provided as soon as possible following the District's board meeting on April 20 2021.

IV. THE APPLICATION PROVIDES THE INFORMATION REQUIRED BY THE LOCATION RULE.

The Commission's rule 17.9.592 NMAC (the "Location Rule"), specifies the contents of an application for location approval pursuant to the Location Control Statute. This Application and supporting testimonies and exhibits provide all the required information for Commission review.

The Location Rule, 17.9.592.10 NMAC, provides that the application must file an application, which is supported by written direct testimony and supporting exhibits that contain the following for *transmission lines*⁷ for which location approval is required:

- A. a description of the transmission line including, but not limited to:
 - 1) the location of the transmission line;
 - 2) identification of the ownership of the land (such as private, bureau of land management, U.S. forest service, state trust, etc.) the transmission line will cross and the number of feet the transmission line will cross over each owner's land;
 - 3) the total length of each transmission line in feet;
 - 4) a description of interconnection facilities;
 - 5) a map showing the location of the transmission line; and
 - 6) a schematic diagram showing the transmission line and the interconnection of the transmission line to the transmission grid;
- B. identification of all applicable land use statutes and administrative regulations and proof of compliance or statement of noncompliance with each;
- C. if required under NEPA, an environmental assessment prepared in connection with the transmission line;
- D. if required under NEPA, an environmental impact statement and record of decision or a finding of no significant impact, prepared in connection with the transmission line;
- E. if preparation of a federal environmental assessment or environmental impact statement is not required under NEPA in connection with the transmission line, then a report, comparable to an environmental impact statement, in the format prescribed in 40 C.F.R. Section 1502.10;
- F. all written federal, state, and local environmental authorizations necessary to begin construction of the transmission line;
- G. all written federal, state, and local environmental authorizations necessary to begin operation of the transmission line; if any such authorization cannot be obtained until after construction of the transmission line, proof of application for such authorization;
- H. testimony demonstrating that the transmission line will not unduly impair important environmental values; important environmental values include, but are not limited to, preservation of air and water quality, land uses, soils, flora and fauna, and water, mineral, socioeconomic, cultural, historic, religious, visual, geologic and geographic resources;
- I. the expected date that the transmission line will be online;
- J. proof that the application has been served on all local authorities in each county and township where the transmission line will be located, the New Mexico

⁷ The Location Rule defines the term “transmission line” to include associated facilities such as switchyards, thus we assume the Rule’s reference to “transmission line” includes associated facilities and that these standards apply to this request for location approval of the Pintado Switchyard.

- attorney general, the New Mexico environment department, and the New Mexico state engineer; and
- K. any other information, including photographs, which the applicant wishes to submit in support of the application.

This Application and supporting testimonies and exhibits provide the information that is required by the Location Rule and is necessary for the Commission's evaluation. The Application, the Direct Testimony of Dustin A. Shively, and the Direct Testimony of Laurie A. Williams describe the proposed Pintado Switchyard, including the location maps and legal description, the type of land ownership, and the representative one-line diagram contained in Exhibits DAS-2 and DAS-3, all in compliance with 17.9.592.9.A and 10.A NMAC. The Application and Mr. Shively's Testimony explain that there are no state, county, municipal or local zoning ordinances or requirements for the Switchyard area and it is consistent with the objectives of McKinley County's Comprehensive Plan and the McKinley SWCD's Land Use Plan. The Application and Mr. Shively's Testimony verify that the Application and supporting materials have been served on local authorities in McKinley County, the New Mexico Attorney General, the New Mexico Environment Department, and the New Mexico State Engineer, in compliance with 17.9.592.9.F and G, and 10.1 and J NMAC. The Application and Mr. Shively's Testimony explain that there are no other federal, state or local environmental authorizations necessary to begin construction or operation of the Pintado Switchyard. The Direct Testimonies of Alexandra Shin, Hailey Henck, and Megan Weldy, and accompanying exhibits, demonstrate that the Pintado Switchyard will not unduly impair important environmental values, including air and water quality, land uses, soils, flora, fauna, and water, mineral, socioeconomic, cultural, historic, religious, visual, geologic, and geographic resources, in compliance with 17.9.592.10.H NMAC. The supporting testimonies and exhibits include additional information that may assist the Commission.

V. REQUIRED SERVICE AND NOTICE

As required by Commission rules 17.9.592.10.J and 17.9.592.13 NMAC, copies of this Application and supporting testimonies and exhibits have been served on local authorities in McKinley County, the New Mexico Attorney General, New Mexico Environment Department, and the New Mexico State Engineer, and have been provided and are available in the public library in Gallup, which is the county seat of McKinley County. See Mr. Shively's Direct Testimony and the attached Certificate of Service. The Application and supporting testimonies were served on all those who were on the service list in Arroyo's Location Case No. 20-00188-UT.

In addition, attached to this Application as Exhibit 1 is a Proposed Form of Notice that the Applicant proposes, upon order of the Commission, to publish in the *Albuquerque Journal*, a newspaper of general circulation in McKinley County. The Application and supporting materials will be posted on Arroyo's and PNM's websites.

VI. TESTIMONIES

In support of this Application, the Applicant accompanies its Application with the following testimonies and attached exhibits:

Witness	Subjects
Dustin Shively, Arroyo	Overview of location approval request and Applicants, introduction of witnesses, summary of compliance with application requirements as provided in applicable laws and regulations.
Laurie Williams, PNM	PNM facilities and interconnection.
Alexandra Shin, SWCA	The Environmental Report and important environmental values.
Hailey Henck, SWCA	The Biological Resources Report and important environmental values regarding biological resources.
Megan Weldy, SWCA	The Cultural Resources Report and important environmental values regarding cultural resources.

VII. SERVICE TO APPLICANTS

The Applicants respectfully request to be served with copies of all notices, pleadings, correspondence, and discovery requests, responses and objections made by any party in this proceeding. Service should be made as follows:

Joan E. Drake	jdrake@modrall.com
Dustin A. Shively	dshively@centcap.net
Keith Holst	kholst@centcap.net
Stacey Goodwin	stacey.goodwin@pnmresources.com
Ryan Jerman	ryan.jerman@pnmresources.com
Mark Fenton	mark.fenton@pnm.com
Brian Buffington	brian.buffington@pnm.com

VIII. REQUEST FOR EXPEDITED ACTION

The Applicants request the Commission proceed to expedited final action on location approval of the Pintado Switchyard in order to not delay any further than is absolutely necessary the construction and operation of the facilities needed to transmit energy from the Arroyo Project to PNM's existing grid with a Commercial Operation Date of June 2022. To assist the Commission, a proposed form of notice is attached as Application Exhibit 1 and a proposed form of initial procedural order is attached as Application Exhibit 2, which could be issued under single commissioner signature pursuant to 1.2.2.30 NMAC to expedite publication of notice. The Applicants propose an expedited schedule, including that the Commission determine there is no need for a hearing in this matter and proceed to decision making based on the testimonies and exhibits filed in the case. An expedited schedule is warranted to facilitate progress on the interconnection of the Arroyo Project in light of the Commission's prior approvals of and familiarity with the overall Arroyo Project to which the small Switchyard area is immediately adjacent. Expedited action will help Arroyo and PNM move forward to timely construct,

interconnect, and commence operation of the Arroyo Project prior to the San Juan Generating Station retirement date.

Arroyo contacted the parties in the Arroyo Location Case No. 20-00188-UT for their positions on the request for expedited action on this Application. Commission Utility Division Staff indicated they do not oppose this request, and NM Affordable Reliable Energy (“NM AREA”), Coalition for Clean Affordable Energy (“CCAЕ”), and Western Resource Advocates (“WRA”) indicated they support the request.

IX. CONCLUSION

This Application and supporting materials demonstrate that the Pintado Switchyard meets all applicable requirements for location approval pursuant to NMSA 1978, § 62-9-3. The location of the Pintado Switchyard will not unduly impair important environmental values and will not violate any existing state, county, or municipal land use statutory or administrative regulation. The Pintado Switchyard will provide environmental and economic benefits, and has the support of the underlying landowner and local communities.

WHEREFORE, for the foregoing reasons, the Applicants respectfully request the Commission (1) grant the request for expedited action and establish the schedule provided in the proposed form of notice attached as Application Exhibit 1 and issue an initial procedural order substantially in the form provided in Application Exhibit 2, (2) approve this Application for location approval pursuant to NMSA 1978, § 62-9-3 and 17.9.592 NMAC to the extent required by law, (3) take prompt final action on this Application at an Open Meeting following the sixty-day protest period in accordance with § 62-9-3(K), and (4) grant such other relief as may be deemed necessary and appropriate.

DATED April 9, 2021.

Respectfully submitted,
MODRALL, SPERLING,
ROEHL, HARRIS & SISK, P.A.

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PUBLIC SERVICE COMPANY OF NEW MEXICO

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BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
ARROYO SOLAR LLC, ARROYO STORAGE)
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OF NEW MEXICO FOR EXPEDITED LOCATION)
APPROVAL OF THE PINTADO SWITCHYARD)
IN MCKINLEY COUNTY, NEW MEXICO)
PURSUANT TO NMSA § 62-9-3.)
_____)**

Case No. 21-_____-UT

**PROPOSED FORM OF
NOTICE**

NOTICE is hereby given of the following proceeding pertaining to the above-captioned case pending before the New Mexico Public Regulation Commission (“Commission” or “NMPRC”):

On April 9, 2021, Arroyo Solar LLC, Arroyo Storage LLC (together, “Arroyo”), and Public Service Company of New Mexico (“PNM”)(collectively, “Applicants”) filed an Application, for expedited location approval, to the extent required by law pursuant to NMSA 1978, §62-9-3, to locate an approximately 8.7 acre 345 kV switchyard (the “Pintado Switchyard”) on a 14.7 privately owned parcel in McKinley County, New Mexico. The Pintado Switchyard and associated transmission tap lines are proposed to connect the Arroyo Solar and Storage Project (the “Arroyo Project”) to PNM’s existing Four Corners-West Mesa 345 kV transmission line. The Pintado Switchyard will ultimately be owned and operated by PNM. The location for which approval is requested for the Pintado Switchyard is shown on Exhibit DAS-2 attached to the Direct Testimony of Dustin A. Shively.

Any interested person may inspect the Application filed in this case on Arroyo’s and PNM’s websites or access the Commission’s website at <https://edocket.nmprc.state.nm.us>. Any inquiries should refer to the Case No. 21-_____-UT docket for this case.

The procedural schedule for this case is as follows:

A. Applicants shall immediately post the approved Notice on its website, and shall publish as soon as possible the approved Notice once in the *Albuquerque Journal*, which is a newspaper of general circulation in McKinley County in New Mexico. Applicants shall promptly file affidavits of publication and website posting.

B. Any person desiring to become a party (“intervenor”) in this case shall file a motion for leave to intervene in conformity with Rule 1.2.2.23 NMAC on or before June 16, 2021. Any protests to the Application shall be set forth in a motion for leave to intervene.

C. The Commission’s Utility Division Staff (“Staff”) shall, and any intervenor may, file direct testimony or a verified statement of position on the Application on or before June 17, 2021.

D. Any rebuttal testimony or response to verified statement of position shall be filed on or before June 18, 2021.

E. A Proposed Final Order shall be filed by Applicants on or before June 18, 2021.

F. A public hearing, if deemed necessary by the Commission, shall be held at the Commission’s open meeting on June 23, 2021. If there are no interventions or protests filed by June 16, 2021, the Commission may determine, by the Commission or by subsequent single signature order of one Commissioner, that a public hearing is not necessary.

G. The procedural dates and requirements provided herein are subject to further order of the Commission.

H. Due to the ongoing COVID-19 pandemic, a public hearing, if deemed necessary by the Commission, shall be conducted via the Zoom videoconference platform. Participation in the public hearing, if deemed necessary by the Commission, shall be limited to party-participants (i.e.,

counsel, witnesses, and other representatives of the parties), the Commissioners, and other Commission personnel. Other interested persons may view the hearing via a livestream on YouTube provided on the Commission's website at www.nmprc.state.nm.us.

I. The Commission's Rules of Procedure, 1.2.2 NMAC, shall apply in this case except as modified or varied by order of the Commission. The Rules of Procedure and other NMPRC rules are available online at the New Mexico Commission of Public Records, State Records Center and Archives website at <http://www.srca.nm.gov/nmac-home/nmac-titles>.

J. Public comment shall be taken orally at the commencement of the public hearing or the Commission's regular open meeting on June 23, 2021. Public comment will be taken via the Zoom platform. Therefore, persons interested in providing public comment must request a Zoom invitation by emailing at Isaac.Sullivan-Leshin@state.nm.us by no later than 5:00 p.m. MT on June 22, 2021. Public comments shall be limited to 3 minutes per speaker. However, pursuant to 1.2.2.23(F) NMAC, public comment shall not be considered as evidence in this case. Interested persons may also submit written comments, which shall reference NMPRC Case No. 21-____-UT, to the Commission via its Records Bureau's email address at: prc.records@state.nm.us. However, as noted above, pursuant to 1.2.2.23(F) NMAC, such comments will not be considered as evidence in this proceeding.

K. Anyone filing pleadings, documents or testimony in this case shall, until further notice, comply with the Commission's electronic filing policy as posted on the Commission website, as amended from time to time. This includes filings in pdf format, with electronic signatures, sent to the Records Bureau's email address at: prc.records@state.nm.us within regular business hours of the due date, in order to be considered timely filed. Documents received after regular business hours, will be considered as being filed the next business day. Regular business

hours are from 8:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 5:00 p.m. MT. Parties shall serve a copy on all parties of record and Staff. All filings shall be emailed on the date they are filed with the Commission.

L. Any person with a disability requiring special assistance in order to participate in the public hearing should contact the director of Administrative Services Jim Williamson at Jim.Williamson@state.nm.us or (505) 467-9116 at least 24 hours prior to the commencement of the public hearing.

M. The Commission's Rules of Procedure, 1.2.2 NMAC, shall apply in this case except as modified or varied by order of the Commission. The Rules of Procedure and other NMPRC rules are available online at the New Mexico Commission of Public Records, State Records Center and Archives website at <http://www.srca.nm.gov/nmac-home/nmac-titles>.

N. Any person with a disability requiring special assistance in order to participate in this proceeding should contact the offices of the Commission at least 24 hours prior to the commencement of the public hearing or open meeting.