

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

JUL - 9 2019

NM PUBLIC REGULATION COMM
RECORDS MANAGEMENT BUREAU

**NEW MEXICO ATTORNEY GENERAL'S
STATEMENT OF INTENTION AND POSTION**

COMES NOW, the Attorney General of New Mexico, Hector H. Balderas, by and through undersigned counsel, pursuant to and in accordance with ordering paragraph "C" of the Commission's "Order on Motion for Oral Argument,"¹ the New Mexico Attorney General states as follows:

1. The New Mexico Attorney General does not intend to participate in oral argument at the July 17, 2019 Open Meeting to address the issues raised in New Energy Economy's ("NEE") Motion² and subsequent Filing³.
2. The New Mexico Attorney General opposes NEE's requested relief.
3. The issues that NEE seeks to re-litigate were decided by the Commission three years ago, appealed and argued before the Supreme Court of New Mexico, and determined in the Commission's favor by the Opinion of the Court on May 16, 2019.⁴

¹ Order on Motion for Oral Argument (6-26-2019).

² Motion to Request Oral Argument (6-18-2019).

³ New Energy Economy's Filing Pursuant to Commission Order of June 26, 2019 (7-1-2019).

⁴ Opinion, No. S-1-SC-36115 (5-16-2019).

4. The Court stated that, “We recognize NEE’s and [Albuquerque Bernalillo County Water Utility Authority’s] concerns that a utility should not be rewarded for its imprudent failure to reasonably consider alternatives and acknowledge that total disallowance may be an appropriate remedy for such imprudence in some circumstances.”⁵ But the Court continued, “Under the particular facts and circumstances of this case, the Commission’s decisions were reasonably made with due consideration of the unique regulatory history of this Palo Verde capacity and the arguments of several parties that Palo Verde provides significant value to ratepayers.”⁶ Ultimately, the Court determined that “it was reasonable and lawful for the Commission to conclude that a total disallowance was not justified in this case.”⁷

5. NEE’s requested relief invites retroactive ratemaking and introduces unnecessary confusion.

6. Accordingly, the New Mexico Attorney General supports the Commission in re-imposing the specific parts of the Final Order that the Court determined to be supported by the substantial evidence.

Respectfully submitted,

NEW MEXICO ATTORNEY GENERAL’S OFFICE

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⁵ *Id.* ¶ 47.

⁶ *Id.*

⁷ *Id.*

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DATED: July 9, 2019.

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OF ITS RETAIL ELECTRIC RATES PURSUANT TO)
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PUBLIC SERVICE COMPANY OF NEW MEXICO,)
APPLICANT)

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RECORDS MANAGEMENT BUREAU

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 9, 2019, I sent a true and correct copy of the New Mexico Attorney General's Statement of Intention and Position, to the parties listed below via email or USPS First-Class Mail.

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