

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF PUBLIC SERVICE	)	
COMPANY OF NEW MEXICO'S	)	
APPLICATION FOR A CERTIFICATE OF	)	
PUBLIC CONVENIENCE AND NECESSITY	)	
TO CONSTRUCT, OWN, AND OPERATE THE	)	DOCKET No. 26-0000041
RIO PUERCO TO PAJARITO TO	)	
PROSPERITY 345 KV TRANSMISSION	)	
PROJECT	)	
	)	
PUBLIC SERVICE COMPANY OF NEW	)	
MEXICO, APPLICANT	)	

RIGHT OF WAY WIDTH
RECOMMENDED DECISION

Jocelyn Barrett
Chief Hearing Examiner

Keven Gedko
Hearing Examiner

July 24, 2026

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ABBREVIATIONS

ABCWUA.....	Albuquerque Bernalillo County Water Utility Authority
CCN.....	Certificate of Convenience and Necessity
NERC.....	North American Electric Reliability Corporation
NESC.....	National Electrical Safety Code
PNM.....	Public Service Company of New Mexico
ROW.....	Right of Way

I. EXECUTIVE SUMMARY

(1) This Recommended Decision addresses only the portion of Public Service Company of New Mexico's ("PNM") Application requesting a determination pursuant to NMSA 1978, Section 62-9-3.2 that a maximum right-of-way ("ROW") width of 150 feet is necessary to construct and maintain the Rio Puerco to Pajarito to Prosperity 345 kV Transmission Project ("Project"). PNM's request for a certificate of public convenience and necessity ("CCN"), including issues concerning the need for the Project, the proposed transmission route, and the remaining components of the Application, are not addressed or resolved in this Recommended Decision.

(2) PNM presented professional-engineer-stamped calculations and supporting engineering testimony demonstrating that a maximum ROW width of 150 feet is required to accommodate conductor movement under extreme wind conditions, required electrical and vegetation clearances, the footprint of the proposed transmission structures, and the equipment necessary to safely construct, inspect, operate, and maintain the transmission line.¹

(3) Utility Division Staff ("Staff") independently reviewed PNM's request and concluded that PNM provided sufficient and proper evidence demonstrating that a maximum ROW width of 150 feet is necessary and appropriate under Section 62-9-3.2.² Staff therefore recommends approval.

(4) Albuquerque Bernalillo County Water Utility Authority ("ABCWUA") initially protested PNM's requested ROW width. However, ABCWUA notified the Commission that, following discovery and discussions with PNM, its concerns had been resolved, and it no longer opposed the

¹ Direct Testimony of Julia L. Munoz ("Munoz Direct") at 3-5; PNM Exs. JLM-2, JLM-3, and JLM-4.

² Prepared Direct Testimony of Jack D. Sidler ("Sidler Direct") at 3, 9.

requested ROW width determination.³ No party now opposes the requested ROW width determination.

(5) Based upon the uncontroverted evidence, the Hearing Examiners find that PNM has demonstrated that a maximum ROW width of 150 feet is necessary to safely construct and maintain the proposed 345 kV transmission line. The Hearing Examiners therefore recommend that the Commission approve the requested ROW width pursuant to NMSA 1978, Section 62-9-3.2, while expressly reserving all issues relating to PNM's requested CCN, the proposed route, and the remaining portions of the Application.

II. BACKGROUND⁴

(6) On February 26, 2026, PNM filed its Application requesting Commission approval to construct, own, and operate the Project. The Project includes approximately 35 miles of new 345 kV transmission line connecting PNM's Rio Puerco and Pajarito stations, associated expansions of the Rio Puerco and Pajarito stations, construction of 345 kV facilities within the existing Prosperity station, and shorter transmission-line connections involving the Pajarito and Prosperity stations.⁵

(7) PNM requests two principal Commission determinations in the Application: first, issuance of a CCN for the Project pursuant to NMSA 1978, Sections 62-9-1 and 62-9-6; and second, a determination pursuant to NMSA 1978, Section 62-9-3.2 that a ROW width of 150 feet is necessary

³ ABCWUA Notice of Satisfaction of Protest of Right-of-Way (June 16, 2026) at 1.

⁴ This section summarizes relevant background. The full electronic record of this proceeding is available at <https://e360.prc.nm.gov/portal/public/>.

⁵ Application (February 26, 2026) at 1–2; Procedural Order (March 12, 2026) ¶ 1.

to construct and maintain the proposed transmission line.⁶ PNM does not request ratemaking treatment for the Project in this proceeding.⁷

(8) PNM supported its Application with the direct testimony and exhibits of Adam J. Alvarez, Erfan Hakimian, Julia L. Munoz, Adam K. McClellan, Cathy Newby, and Leslie M. Watson. As relevant to the ROW width request, Ms. Munoz presented professional-engineer-stamped calculations supporting the requested width; Mr. Hakimian addressed the transmission structures and engineering requirements; and Mr. McClellan addressed land, easement, stakeholder outreach, and notice matters.⁸

(9) On March 12, 2026, the Hearing Examiners issued a Procedural Order establishing separate procedures for protests to the CCN and ROW width components of the Application. The Procedural Order provided that, if a protest to the requested 150-foot ROW width was timely filed, the Hearing Examiners would establish an expedited schedule to address the ROW width request within the six-month period established by Section 62-9-3.2(F).⁹

(10) On May 18, 2026, ABCWUA filed a Notice of Protest concerning both the requested ROW width and the requested CCN. ABCWUA stated that the proposed transmission route crossed property associated with ABCWUA's Soil Amendment Facility and raised questions concerning the compatibility of the proposed facilities with ABCWUA's existing operations.¹⁰

⁶ Application at 1-2; Direct Testimony of Adam J. Alvarez ("Alvarez Direct") at 3.

⁷ *Id.*

⁸ Alvarez Direct at 2-3.

⁹ Procedural Order ¶¶ D–E.

¹⁰ ABCWUA Notice of Protest (May 18, 2026) at 1-2.

(11) On May 27, 2026, the Hearing Examiners issued an Order Requiring Clarification of ABCWUA’s Notice of Protest. ABCWUA subsequently clarified that it challenged the necessity and reasonableness of the requested 150-foot ROW width, including PNM’s reliance upon National Electrical Safety Code (“NESC”) and North American Electric Reliability Corporation (“NERC”) requirements.¹¹ ABCWUA also stated in its Clarification of Protest that the Commission “specifically limits” ROW widths to 100 feet; however, that characterization is inaccurate because NMSA 1978, Section 62-9-3.2 expressly provides a process for Commission approval of ROW widths greater than 100 feet when shown to be necessary.¹²

(12) On June 1, 2026, the Hearing Examiners issued a Supplemental Procedural Order establishing an expedited schedule limited to the ROW width request. The Supplemental Procedural Order established deadlines for testimony specifically addressing the ROW width and scheduled a public hearing for July 1, 2026.¹³

(13) On June 16, 2026, ABCWUA filed its Notice of Satisfaction of Protest of Right-of-Way. ABCWUA stated that, after receiving discovery responses and meeting and conferring with PNM, its outstanding questions regarding the effect of the 150-foot ROW on ABCWUA facilities had been addressed and satisfied.¹⁴

(14) On June 17, 2026, Staff filed the Prepared Direct Testimony of Engineering Bureau Chief Jack D. Sidler. Staff concluded that PNM had provided sufficient and proper evidence demonstrating

¹¹ ABCWUA Clarification of Protest (June 1, 2026) at 1-2.

¹² *Id.* at 1.

¹³ Supplemental Procedural Order (June 1, 2026) ¶¶ 1–6, Ordering ¶ A(1)-(4).

¹⁴ ABCWUA Notice of Satisfaction of Protest of Right-of-Way (June 16, 2026) at 1.

that a maximum ROW width of 150 feet is necessary and appropriate for the proposed 345 kV transmission line and recommended that the Commission approve PNM's request pursuant to Section 62-9-3.2.¹⁵

(15) On June 18, 2026, the Hearing Examiners issued an Order Vacating Hearing on ABCWUA's Protest. The Order found that, because ABCWUA's ROW concerns had been satisfied and Staff supported the requested ROW width, the July 1, 2026, public hearing was no longer necessary.¹⁶

(16) The June 18, 2026, Order also admitted into evidence, for purposes of considering PNM's ROW width request, the direct testimony and exhibits of PNM witnesses Adam J. Alvarez, Erfan Hakimian, Julia L. Munoz, Adam K. McClellan, Cathy Newby, and Leslie M. Watson, as well as the Prepared Direct Testimony of Staff witness Jack D. Sidler.¹⁷

III. DISCUSSION

A. Applicable Law

(17) NMSA 1978, Section 62-9-3.2(A) provides that, unless otherwise agreed by the parties, a person may not begin construction of a transmission line requiring a ROW width greater than 100 feet without first obtaining a Commission determination of the ROW width necessary to construct and maintain the transmission line.¹⁸

(18) An application for a ROW width determination must be made in writing, set forth the relevant facts, and contain the information required by the Commission to make its determination.¹⁹

¹⁵ Sidler Direct at 2-3.

¹⁶ Order Vacating Hearing on ABCWUA's Protest (June 18, 2026) ¶¶ 6–8, Ordering ¶ A.

¹⁷ *Id.* Ordering ¶ B.

¹⁸ NMSA 1978, § 62-9-3.2(A).

¹⁹ NMSA 1978, § 62-9-3.2(C).

(19) Section 62-9-3.2 also requires notice of the time and place of hearing to owners of property proposed to be taken and, when applicable, persons in actual occupancy of the property.²⁰

(20) Section 62-9-3.2 requires Commission review before construction begins when the necessary ROW width exceeds 100 feet. The Commission's task is therefore to determine, based upon the evidentiary record, whether the width requested by the applicant is necessary to construct and maintain the proposed transmission line.

(21) Commission Rule 17.9.560.13 NMAC also requires electric utility facilities to be constructed, installed, maintained, and operated in accordance with accepted good engineering practices. The rule identifies the applicable provisions of the NESC among the standards of accepted good engineering practice to be used by electric utilities unless otherwise specified by the Commission.²¹

B. PNM's Request for a 150-Foot Right-of-Way Width

(22) PNM requests a determination that a maximum ROW width of 150 feet is necessary for the proposed 345 kV transmission line. PNM witness Erfan Hakimian testified that 150 feet is PNM's standard ROW width for a 345 kV transmission line and that the proposed line will primarily use H-frame structures, which have a wider footprint than monopole structures.²²

(23) PNM witness Julia L. Munoz, a licensed professional engineer, sponsored the calculations supporting PNM's requested ROW width. Ms. Munoz testified that the calculations and drawings contained in PNM Exhibits JLM-2 and JLM-3 were professionally engineered and stamped.²³

²⁰ NMSA 1978, § 62-9-3.2(D); Direct Testimony of Adam K. McClellan ("McClellan Direct") at 12.

²¹ 17.9.560.13(A)–(B)(1) NMAC; Sidler Direct at 7-8.

²² Direct Testimony of Erfan Hakimian ("Hakimian Direct") at 14.

²³ Munoz Direct at 2, 3.

(24) Ms. Munoz explained that the proposed line must maintain applicable electrical and vegetation clearances under multiple operating and weather conditions, including conductor movement during high-wind events and greater conductor sag under high-temperature conditions. She identified the relevant considerations as including NESC horizontal-clearance and extreme-wind requirements, NERC vegetation-clearance requirements, PNM transmission-line design standards, anticipated future development near the transmission corridor, vegetation management, and the space needed for safe inspection and maintenance activities.²⁴

(25) PNM's calculations evaluated the proposed H-frame tangent structures under three conditions: conductor at rest, conductor movement under a six-pound-per-square-foot wind load, and conductor movement under the NESC extreme-wind condition. PNM used transmission-line design software to model conductor movement under those conditions.²⁵

(26) The controlling extreme-wind calculation resulted in a required ROW width of 141.8 feet based upon conductor movement alone.²⁶ This calculation provides a reasonable engineering basis for a ROW materially greater than 100 feet and leaves only a limited margin within the requested 150-foot width for variations in terrain, final structure placement, structure configuration, and other design considerations.

(27) PNM separately evaluated the space required to safely construct and maintain the line. Based upon the dimensions and placement of line trucks and other equipment in relation to the structures

²⁴ *Id.* at 2-5.

²⁵ *Id.* at 5-6.

²⁶ *Id.* at 6.

and conductors, PNM determined that approximately 148 feet would be necessary to safely perform construction and maintenance activities within the ROW.²⁷

(28) The requested 150-foot width therefore provides only a limited margin beyond the approximately 148 feet identified for safe construction and maintenance. The evidence does not indicate that the requested width is arbitrary or materially greater than the space reasonably required for the anticipated facilities and activities.

(29) PNM also calculated the anticipated audible noise produced by the proposed facilities. The calculation showed a maximum fair-weather noise level of 42.9 dBA at the edge of the proposed 150-foot ROW, below the referenced 55 dBA recommended limit.²⁸ Although audible noise is not the principal basis for determining the ROW width, the evidence provides additional support that the proposed width is consistent with safe and reasonable operation of the line.

(30) PNM's engineering standards incorporate NESC clearances and additional buffers intended to account for future development, terrain changes, and possible changes in structure configurations without creating safety or clearance violations.²⁹ The evidence further establishes that no permanent Project facilities will require a ROW greater than 150 feet after construction, although temporary work areas outside the permanent ROW may be needed at certain conductor-pulling locations during construction.³⁰

²⁷ *Id.* at 6-7.

²⁸ *Id.* at 7.

²⁹ *Id.*

³⁰ *Id.* at 8.

C. Staff's Position

(31) Staff witness Jack D. Sidler is the Commission's Engineering Bureau Chief and a licensed professional engineer. Mr. Sidler reviewed PNM's ROW width request, the governing statute, and the engineering evidence presented in support of the request.³¹

(32) Staff determined that the requested 150-foot ROW width is supported by the required electrical clearances, conductor movement, the proposed transmission-structure footprint, and construction and operational requirements.³²

(33) Staff addressed ABCWUA's contention posed in its Clarification of Protest that the Commission had not adopted the NESC standards relied upon by PNM. Staff explained that Rule 17.9.560.13 NMAC directs electric utilities to use applicable NESC provisions as standards of accepted good engineering practice unless otherwise specified by the Commission.³³

(34) Staff further explained that Section 62-9-3.2 does not limit transmission ROWs to 100 feet, as ABCWUA also argued in its Clarification of Protest. Instead, the statute expressly establishes a process through which the Commission may determine that a ROW greater than 100 feet is necessary to construct and maintain a proposed transmission line.³⁴

(35) Staff concluded that PNM provided sufficient and proper evidence demonstrating that a maximum ROW width of 150 feet is necessary and appropriate for the proposed 345 kV line. Staff therefore recommends approval of the requested ROW width determination.³⁵

³¹ Sidler Direct at 2.

³² *Id.* at 3-4.

³³ *Id.* at 7-8; 17.9.560.13(A)–(B)(1) NMAC.

³⁴ Sidler Direct at 8; NMSA 1978, § 62-9-3.2(A).

³⁵ Sidler Direct at 9.

D. Hearing Examiners' Recommendation

(36) The record contains substantial and uncontroverted evidence supporting PNM's requested maximum ROW width of 150 feet. PNM provided professionally engineered and stamped calculations evaluating conductor movement, extreme-wind conditions, electrical clearances, vegetation clearances, equipment access, and construction and maintenance activities.

(37) The controlling conductor-movement analysis requires approximately 141.8 feet, while the analysis of construction and maintenance activities requires approximately 148 feet. These calculations demonstrate that a ROW limited to 100 feet would not provide sufficient width to safely construct and maintain the proposed transmission facilities.

(38) The requested 150-foot ROW width is also consistent with PNM's design standard for 345 kV facilities, the anticipated use of H-frame structures, and Staff's independent engineering review. Staff recommends approval, and ABCWUA has stated that the grounds for its ROW width protest have been satisfied.

(39) The Hearing Examiners therefore find that PNM has met its burden under NMSA 1978, Section 62-9-3.2 and recommend that the Commission determine that a maximum ROW width of 150 feet is necessary to construct and maintain the proposed transmission line.

(40) This determination concerns only the necessary maximum width of the ROW. It does not approve the proposed route, determine the precise location of the ROW on any individual parcel, authorize the taking of any particular property interest, resolve the terms or compensation associated with any easement or property acquisition, or eliminate the need for any other governmental permit or approval.

(41) This Recommended Decision also does not determine whether PNM should receive a CCN for the Project. All issues relating to the requested CCN, including the need for the Project, the reasonableness of the proposed route, Project costs and alternatives, environmental and land-use considerations, and any conditions that may be appropriate if a CCN is ultimately issued, remain pending and are expressly reserved.

IV. RECOMMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW

(42) PNM is a public utility subject to the Commission's jurisdiction under the Public Utility Act.

(43) On February 26, 2026, PNM filed its Application requesting, among other relief, a determination that a maximum ROW width of 150 feet is necessary to construct and maintain the Project.

(44) The Project includes a proposed 345 kV transmission line connecting PNM's Rio Puerco, Pajarito, and Prosperity stations and associated transmission and station facilities.

(45) The proposed transmission line requires a ROW width greater than 100 feet.

(46) NMSA 1978, Section 62-9-3.2 requires Commission approval before construction begins on a transmission line requiring a ROW width greater than 100 feet, unless otherwise agreed by the parties.

(47) The Commission has jurisdiction to determine the ROW width necessary to construct and maintain the proposed transmission line.

(48) PNM presented professionally engineered and stamped calculations supporting its requested maximum ROW width of 150 feet.

(49) PNM's calculations considered applicable electrical clearances, conductor movement under multiple wind conditions, vegetation-clearance requirements, transmission-structure configurations, terrain and elevation, construction requirements, and future operation and maintenance activities.

(50) The controlling extreme-wind condition requires an estimated ROW width of approximately 141.8 feet based upon conductor movement.

(51) PNM's analysis demonstrates that approximately 148 feet is necessary to safely accommodate anticipated construction and maintenance equipment and activities.

(52) PNM's requested maximum ROW width of 150 feet provides reasonable space to accommodate the proposed structures, required clearances, conductor movement, and maintenance activities.

(53) Rule 17.9.560.13 NMAC requires utilities to construct, install, maintain, and operate electric facilities in accordance with accepted good engineering practices and identifies the applicable provisions of the NESC as acceptable standards unless otherwise specified by the Commission.

(54) Section 62-9-3.2 does not prohibit ROW widths greater than 100 feet but requires a Commission determination of the width necessary to construct and maintain a transmission line when the proposed width exceeds 100 feet.

(55) Staff independently reviewed PNM's evidence and concluded that PNM demonstrated that a maximum ROW width of 150 feet is necessary and appropriate.

(56) Staff recommends that the Commission approve PNM's requested ROW width determination pursuant to Section 62-9-3.2.

(57) ABCWUA initially protested PNM's requested ROW width.

(58) ABCWUA subsequently notified the Commission that its outstanding questions concerning the effect of the proposed 150-foot ROW on ABCWUA facilities had been addressed and that the grounds for its ROW protest had been satisfied.

(59) No party presently opposes PNM's requested determination that a maximum ROW width of 150 feet is necessary to construct and maintain the proposed transmission line.

(60) PNM has provided sufficient evidence to satisfy the requirements of NMSA 1978, Section 62-9-3.2.

(61) A maximum ROW width of 150 feet is necessary and appropriate to construct and maintain the proposed 345 kV transmission line.

(62) Approval of a maximum ROW width of 150 feet does not constitute approval of the precise route or location of the Project or the ROW on any individual property.

(63) Approval of the ROW width does not determine or authorize the acquisition of any specific property interest, resolve compensation for any property interest, or displace any other applicable property-acquisition requirement.

(64) Approval of the ROW width does not constitute issuance of a CCN for the Project.

(65) All issues concerning PNM's requested CCN and all other portions of the Application not expressly decided in this Recommended Decision should remain pending for subsequent determination.

V. RECOMMENDED DECRETAL PARAGRAPHS

(A) The findings of fact and conclusions of law contained in this Recommended Decision are adopted.

- (B) Pursuant to NMSA 1978, Section 62-9-3.2, the Commission determines that a maximum right-of-way width of 150 feet is necessary and appropriate for the construction and maintenance of the Rio Puerco to Pajarito to Prosperity 345 kV transmission line.
- (C) PNM's request for authorization of a maximum right-of-way width of 150 feet is approved, subject to the limitations stated in this Order.
- (D) Approval of the maximum right-of-way width does not constitute approval of the precise route or location of the Project or of the right-of-way on any particular parcel of property.
- (E) Approval of the maximum right-of-way width does not authorize the acquisition or taking of any specific property interest, determine the compensation or other terms applicable to any property acquisition, or relieve PNM of its obligation to obtain any necessary easement, property right, permit, consent, or authorization.
- (F) Nothing in this Order authorizes PNM to commence construction of the Project unless and until PNM receives all other Commission approvals required by law, including a certificate of public convenience and necessity, and all other applicable governmental permits and authorizations.
- (G) The Commission does not, through this Order, approve or otherwise determine PNM's requested certificate of public convenience and necessity, the proposed route, Project need, Project costs, alternatives, environmental or land-use issues, ratemaking treatment, or any other portion of PNM's Application.
- (H) All issues concerning PNM's requested certificate of public convenience and necessity and all other portions of the Application not expressly decided in this Order remain pending and are reserved for subsequent determination.
- (I) This Order is effective immediately.

(J) A copy of this Order shall be served upon all persons listed on the official service list in this proceeding.

(K) This case shall remain open for resolution of the remaining portions of PNM's Application.

(L) Any finding or conclusion not specifically stated here but that is necessary to make this writing coherent and complete is adopted by the Commission as if it were stated.

(M) The Commission has taken administrative notice of all Commission orders, rules, and decisions in all Commission proceedings cited in this final order.

(N) Any matter not specifically ruled on during the hearing or in this writing is resolved consistent with this Order.

(O) This Order is effective when signed.

(P) In computing time in accordance with statute, regulation, or Commission order, the computation shall begin on the date that this Order is filed.

ISSUED under the Seal of the Commission at Santa Fe, New Mexico, on July 24, 2026.



NEW MEXICO PUBLIC REGULATION COMMISSION

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BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF PUBLIC SERVICE COMPANY)
OF NEW MEXICO'S APPLICATION FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT, OWN AND)
OPERATE THE RIO PUERCO TO PAJARITO TO)
PROSPERITY 345 KV TRANSMISSION PROJECT)
)
PUBLIC SERVICE COMPANY OF NEW MEXICO,)
APPLICANT)

Docket No. 26-0000041

CERTIFICATE OF SERVICE

I certify that on this date I sent via email a true and correct copy of the **Recommended Decision** to parties and potential parties listed below.

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BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

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Docket No. 26-0000041

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Dated on July 24, 2026.

NEW MEXICO PUBLIC REGULATION COMMISSION

/S/ Ana Kippenbrock – electronically signed
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