

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	)	

SUPPLEMENTAL PROCEDURAL ORDER

THIS MATTER comes before Jocelyn Barrett and Keven Gedko, co-hearing examiners for the New Mexico Public Regulation Commission ("Commission"), upon the above-captioned Application and the Procedural Order filed in this docket on March 12, 2026. Being duly informed, the Hearing Examiners **FIND** and **CONCLUDE**:

1. On February 26, 2026, Public Service Company of New Mexico ("PNM") filed its Application for a Certificate of Public Convenience and Necessity ("CCN") to construct, own and operate three new segments of transmission line connecting the Rio Puerco to Pajarito to Prosperity 345 kV stations in the Albuquerque area and to expand and upgrade the related station facilities (the "Project"). PNM's Application also requests that the Commission authorize a right-of-way ("ROW") width of 150 feet, greater than 100 feet.

2. On March 12, 2026, the Hearing Examiners issued a Procedural Order that included the following language:

D. Any protest of PNM's Application shall be filed on or before May 18, 2026. Any filed protest shall contain the following:

1. Explicit identification of whether the party is protesting PNM's request for a CCN, PNM's request for authorization of the associated right of way width, or both.
2. A brief statement of the basis of the party's protest

3. In explicitly identifying the nature of the filed protest, the filer shall clearly identify the elements of the application for CCN, and/or the elements of the request for authorization of ROW width of 150 feet, upon which the protest is being based and provide citations to the portions of PNM's Application and/or testimony in which the protested element is contained.
 4. The protest may be presented either in the form of expert testimony, or a statement of protest by the party which meets the above requirements.
- E. If a protest to PNM's request for authorization of a ROW width of 150 feet is timely filed, or if the Co-Hearing Examiners independently determine a need for a public hearing regarding PNM's request for authorization of a ROW width of 150 feet, then the Co-Hearing Examiners will subsequently file into the docket a supplemental procedural order establishing a procedural schedule to address the ROW issues exclusively on an expedited timeline that complies with the timing requirements of NMSA 1978, § 62-9-3.2(F) (2001), and that will run concurrently with the dates set forth in this Procedural Order.

3. On May 18, 2026, Albuquerque Bernalillo County Water Utility Authority ("ABCWUA") and New Mexico Affordable Reliable Energy Alliance ("NM AREA") filed protests pursuant to the above language. NM AREA's protest indicates that "NM AREA protests PNM's request for CCN."¹ ABCWUA's Notice of Protest ("Notice") indicates that "because PNM's proposed ROW is incompatible with ABCWUA's permitted use of the [Soil Amendment Facility] and the route defect carries over into the CCN, ABCWUA respectfully notifies the Hearing Examiner of its protest to PNM's Application for both an ROW and CCN."²

4. NMSA 1978 § 62-9-3.2, which governs "Application[s] for determination of right-of-way width," states:

Unless otherwise agreed to by the parties, no person shall begin the construction of any transmission line requiring a width for right of way of greater than one hundred

¹ NM AREA's Statement of Protest (May 18, 2026) at 1.

² ABCWUA's Notice of Protest (May 18, 2026) at 2.

feet without first obtaining from the commission a determination of the necessary right-of-way width to construct and maintain the transmission line. For the purposes of this subsection, “construction” does not include acquisition of rights of way, preparation of surveys or ordering of equipment.³

5. Section 62-9-3.2 also indicates that “[t]he commission shall issue its order granting or denying the application within six months from the date the application is filed with the commission.”⁴

6. On May 27, 2026, the Hearing Examiners issued an Order Requiring Clarification of ABCWUA’s Notice of Protest (“Order”), as it was unclear from the language of the Notice whether or if the Notice specifically implicated Section 62-9-3.2, necessitating a separate and expedited procedural schedule to address those issues within the statutory six-month period. On June 1, 2026, ABCWUA responded to the Order indicating that Section 62-9-3.2 is implicated in their alleged issues.

IT IS THEREFORE ORDERED:

A. The following procedural dates and requirements are adopted upon the issuance of this Supplemental Procedural Order:

1. ABCWUA shall, and any other party may file direct testimony specifically and exclusively addressing PNM’s requested right of way width on or before **June 16, 2026**.
2. PNM shall, and any other party may file rebuttal testimony on or before **June 26, 2026**.

³ NMSA 1978 § 62-9-3.2(A).

⁴ NMSA 1978 § 62-9-3.2(F).

3. Discovery matters and disputes shall be governed by the Commission's discovery rules at 1.2.2.25 NMAC. Agreements between or among any of the participants regarding discovery matters is encouraged. All other participants shall be notified of such agreements. Motions regarding discovery disputes will not be considered unless accompanied by a statement that the participants made a good faith effort to resolve the dispute but were unable to do so.
4. A public hearing shall be held commencing at 9:00 a.m. on **July 1, 2026**, via the Zoom video-conferencing platform. The purpose of the hearing will be to receive testimony, exhibits, arguments, and any other appropriate matters relevant to PNM's requested right of way width. The hearing may be vacated if deemed unnecessary. *See* 17.1.2.8(C)(3) NMAC. In the event the hearing is canceled, the Commission will pass judgment on PNM's requested right of way width at an open meeting where public comment is permitted.
5. People who are not affiliated with a party may make oral or written comment as allowed by Rule 1.2.2.23(F) NMAC. Written comments must refer to Docket Number 26-0000041 and be submitted before the Commission makes a final decision. Written comments should be submitted online through the PRCe360 Docketing System <https://e360.prc.nm.gov/portal/public/#/public/nm-prc/en/home>. Comments can also be sent via US mail to PRC Records P.O. Box 1269, Santa Fe, NM 87504.
6. Alternatively, oral public comments are also welcome during Commission open meetings. The open meeting schedule can be found at www.prc.nm.gov/nmprc-open-meeting-agenda/. Email public.comment@prc.nm.gov or call (505) 490-7910

to sign up to comment online or by phone at an open meeting. If the Commission determines a separate hearing should be set for oral comments for this matter, the date, time, and location will be announced on the Commission's website, <https://www.prc.nm.gov/>.

7. Since the evidentiary hearing will be conducted via Zoom, parties and Staff will be required to electronically distribute the exhibits they intend to offer for admission into evidence at the hearing in advance of the hearing. That electronic distribution shall provide the documents to all parties, the hearing examiners, and the court reporter. The requirements for those and any other necessary submissions shall be set forth in a subsequent order issued by the hearing examiners.⁵
8. Anyone filing prepared testimony consistent with 1.2.2.35(I) NMAC on behalf of a party shall attend the hearing and submit to examination under oath and shall appear via the Zoom video feed. All pre-filed testimonies of a witness shall be moved into evidence when the witness is first presented. Unless otherwise ordered or approved by the Co-Hearing Examiners, only pre-filed testimony in question-and-answer form and verified by the witness – and examination of witnesses on such pre-filed testimony – shall be accepted, considered, and received in evidence along with other relevant and otherwise admissible exhibits. Oral testimony elicited by a party or Staff presenting a witness (except for appropriate redirect examination) shall consist solely of the authentication and verification of each pre-filed testimony and identifications of any permitted corrections to that testimony.

⁵ Parties will be required to utilize Dropbox to upload and download documents. See <https://www.dropbox.com>. All parties should familiarize themselves with use of that file-sharing application.

The party or Staff shall not elicit oral summaries of pre-filed testimony or other oral testimony.

9. PNM's Application and supporting documents may be examined at PNM's website, <https://www.pnm.com/regulatory>, and at the PRCe360 Docketing <https://e360.prc.nm.gov/portal/public/#/public/nm-prc/en/home>.

B. The procedural dates and requirements provided here are subject to further order of the Hearing Examiners or the Commission.

C. The Commission's Rules of Procedure, 1.2.2.1 NMAC *et seq.*, shall apply in this case except as modified by order of the Hearing Examiners or Commission. The rules of procedure and other PRC rules are available online at the New Mexico Compilation Commission at <https://www.srca.nm.gov/nmac-home/nmac-titles/>.

D. Anyone filing pleadings, documents, or testimony shall comply with the Commission's current filing policy.

E. Discovery matters, and any discovery disputes shall be governed by the Commission's discovery rules at 1.2.2.25 NMAC. The parties shall raise any disputes, questions, or concerns regarding discovery with the hearing examiners at the earliest available opportunity so that all such issues may be considered well in advance of the hearing. An order of the hearing examiners or Commission is not required for agreements between or among any of the participants regarding discovery matters. All other participants shall be notified of such agreements.

PEOPLE WITH DISABILITIES WHO, IN ORDER TO ATTEND OR PARTICIPATE IN THE HEARING, REQUIRE A READER, AMPLIFIER, QUALIFIED SIGN LANGUAGE INTERPRETER, OR ANY OTHER FORM OF AUXILIARY AID OR SERVICE OR OTHER TYPE OF ACCESSIBLE FORMAT OF PUBLIC DOCUMENTS, MUST CONTACT THE DIRECTOR OF ADMINISTRATIVE SERVICES OF THE COMMISSION AT (505) 827-8019 AS SOON AS POSSIBLE PRIOR TO THE HEARING.

ISSUED under the seal of the Commission at Santa Fe, New Mexico, this **1st day of June 2026**.

NEW MEXICO PUBLIC REGULATION COMMISSION



A handwritten signature in dark ink, appearing to read "J Barrett", written over a horizontal line.

Jocelyn Barrett
Co-Hearing Examiner

A handwritten signature in dark ink, appearing to read "Keven Gedko", written over a horizontal line.

Keven Gedko
Co-Hearing Examiner

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IN THE MATTER OF PUBLIC SERVICE COMPANY)
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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 Supplemental Procedural Order to parties and potential parties listed below.

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Dated on June 1, 2026.

NEW MEXICO PUBLIC REGULATION COMMISSION

/S/ Ana Kippenbrock – electronically signed
Paralegal