

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE JOINT APPLICATION)
OF AVANGRID, INC., AVANGRID NETWORKS,)
INC., NM GREEN HOLDINGS, INC., PUBLIC)
SERVICE COMPANY OF NEW MEXICO AND PNM)
RESOURCES, INC., FOR APPROVAL OF THE)
MERGER OF NM GREEN HOLDINGS, INC. WITH)
PNM RESOURCES, INC.; APPROVAL OF A)
GENERAL DIVERSIFICATION PLAN; AND ALL)
OTHER AUTHORIZATIONS AND APPROVALS)
REQUIRED TO CONSUMMATE AND IMPLEMENT)
THIS TRANSACTION)
)
AVANGRID, INC., AVANGRID NETWORKS, INC.,)
NM GREEN HOLDINGS, INC., PUBLIC SERVICE)
COMPANY OF NEW MEXICO AND PNM)
RESOURCES, INC.,)
)
JOINT APPLICANTS.)
_____)**

Case No. 20-00222-UT

**EXPEDITED MOTION TO VACATE DEADLINES
AND REQUEST FOR STATUS CONFERENCE**

Public Service Company of New Mexico (“PNM”), PNM Resources, Inc., Avangrid, Inc., Avangrid Networks, Inc., NM Green Holdings, Inc., the Attorney General of the State of New Mexico, and International Brotherhood of Electrical Workers Local 611, (together, the “Joint Movants”) respectfully request (i) the Hearing Examiner enter an Order providing that the deadlines and other procedural matters set forth in the Procedural Order issued on December 18, 2020, be stayed and the April 21, 2021 deadline for rebuttal testimony and April 23, 2021 submittal of prehearing memoranda be vacated pending resolution of the Initial Stipulation discussed herein; and (ii) that the Hearing Examiner use the prehearing conference scheduled for April 26, 2021, instead as a status conference to discuss dates and procedures for filing testimonies related to the Initial Stipulation, and a date and time for a public hearing on the Initial Stipulation. In support of this request, the Joint Movants state as follows:

1. An Initial Stipulation has been reached in this case among the Joint Applicants¹ and several of the parties which resolves the substantive issues in this case with respect to those parties, which materially expands the commitments of the Joint Applicants, including:

- a. Significant increases in rate benefits to customers, that more than doubles the rate benefits proposed in the Joint Application filing;
- b. Significantly enhanced economic development benefits that include additional economic development funding and additional job commitments (number of jobs and minimum amount of time remaining in effect);
- c. Enhanced protections/ring-fencing provisions;
- d. Additional agreements on the governance of PNM; and
- e. New environmental commitments.

2. PNM filed a Notice of Initial Stipulation on April 20, 2021, in this docket, and attached a copy of the Initial Stipulation as an exhibit to the Notice.

3. The Notice of Initial Stipulation was served on the service list in this case.

4. As Joint Applicants' original commitments in support of the Joint Application have now been superseded by the expanded regulatory commitments attached to the Notice of Initial Stipulation, a public hearing on the original commitments is no longer relevant or necessary and instead a public hearing on the merits of the Initial Stipulation and expanded regulatory commitments in support of the Joint Application should be scheduled.

5. Rebuttal testimony regarding the original benefits and protections offered by the Joint Applicants would not be helpful or productive, as the benefits and protections originally

¹ The Joint Applicants include PNM, PNM Resources, Inc., Avangrid, Inc., Avangrid Networks, Inc., NM Green Holdings, Inc.

offered in support of the Joint Application have been superseded by the materially enhanced benefits in the Initial Stipulation.

6. A status conference would be helpful to discuss dates and procedures for filing testimonies related to the Initial Stipulation, and a date and time for a public hearing on the Initial Stipulation.

7. A prehearing conference is already scheduled for April 26, 2021, and Joint Movants propose that this prehearing conference be vacated and in its place a status conference be held to discuss dates and procedures for filing testimonies related to the Initial Stipulation, and a date and time for a public hearing on the Initial Stipulation.

8. The Joint Movants will commit to continue to work in good faith with the remaining parties in this case to negotiate with those parties and add additional signatories to the Initial Stipulation.

9. Joint Movants have requested the positions of the parties, which are as follows:

- Albuquerque Bernalillo County Water Utility Authority – Opposes this motion and reserves the right to respond.
- Berrendo Energy, LLC – No response.
- City of Albuquerque – Is not able to provide a position on the motion within the time requested.
- Bernalillo County – Opposes and reserves the right to respond to the motion.
- City of Farmington – Approve.
- Coalition for Clean Affordable Energy – Is unable to provide a position given the short time to respond.
- Dine Citizens Against Ruining Our Environment – Support the motion.

- Enchant Energy Corporation – Approve.
- Incorporated County of Los Alamos – Do not oppose, but expressly reserve the right to propose procedures going forward different than those proposed in the Motion.
- Interwest Energy Alliance – Takes no position on the motion and reserves its right to respond pursuant to order. Interwest supports using the prehearing conference to discuss potential changes to the procedural schedule, but that vacating the rebuttal testimony deadline at this late date would not appear to serve the goals of judicial efficiency and preservation of Commission and party resources.
- Kroger Co. – Takes no position on the motion.
- M-S-R Power Public Power Agency – Do not oppose, but expressly reserve the right to propose procedures going forward different than those proposed in the Motion.
- Nava Education Project – Support the motion.
- New Energy Economy – Opposes.
- New Mexico Affordable Reliable Energy Alliance – Opposes the Motion and reserves the right to file a response pursuant to the NMPRC's rules.
- New Mexico Public Regulation Commission’s Utility Division Staff – Opposes.
- Onward Energy Holdings, LLC – No response.
- San Juan Citizens Alliance – Support the motion.

- Sierra Club – Is not able to provide a position on the motion within the time requested.
- Walmart, Inc. – Takes no position.
- Western Resource Advocates – Support the motion.
- Westmoreland Mining, LLC – No response.
- To Nizhoni Ani – Support the motion.

WHEREFORE, the Joint Movants respectfully request the Hearing Examiner 1) enter an Order providing that the deadlines and other procedural matters set forth in the Procedural Order issued on December 18, 2020 be stayed and the deadlines for filing rebuttal testimony and prehearing memoranda be vacated pending resolution of the Initial Stipulation; and 2) use the prehearing conference scheduled for April 26, 2021 as a status conference to discuss topics including, but not limited to: dates and procedures for filing testimonies related to the Initial Stipulation, date and time for a public hearing on the Initial Stipulation, and any other topics the Hearing Examiner or parties would like to address.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **Expedited Motion to Vacate Deadlines and Request for Status Conference** was emailed to the parties listed below on April 21, 2021:

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Dated this 21st day of April, 2021.

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