

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE JOINT APPLICATION)
OF IBERDROLA, S.A. 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) Case No. 20-00222-UT
OTHER AUTHORIZATIONS AND APPROVALS)
REQUIRED TO CONSUMMATE AND IMPLEMENT)
THIS TRANSACTION)
)
**IBERDROLA, S.A., AVANGRID, INC., AVANGRID)
NETWORKS, INC., NM GREEN HOLDINGS, INC.,)
PUBLIC SERVICE COMPANY OF NEW MEXICO AND)
PNM RESOURCES, INC.,)
)
JOINT APPLICANTS.)

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JOINT REQUEST FOR ORAL ARGUMENT *NUNC PRO TUNC*

The Coalition for Clean Affordable Energy, Western Resource Advocates, International Brotherhood of Electrical Workers Local 611, M-S-R Public Power Agency, the Incorporated County of Los Alamos, Avangrid, Inc. (“Avangrid”), Avangrid Networks, Inc., NM Green Holdings, Inc., Iberdrola, S.A., Public Service Company of New Mexico (“PNM”), and PNM Resources, Inc. (“PNMR”) (collectively, the “Joint Movants”), hereby request oral argument with respect the Hearing Examiner’s *Certification of Stipulation* and the exceptions filed thereto. As grounds for this Request, Joint Movants state as follows:

1. At its core, this case involves the question of whether it is in the public interest for PNMR, the parent company of PNM, to be allowed to merge and become part of Avangrid. This is a case of great public interest with implications for PNM’s customers and for New Mexico’s renewable energy and economic development future. An extensive record has been compiled

over the year that this case has been pending and through the two-week hearing process that was concluded in August. Post-hearing briefing, including exceptions, has been completed and the New Mexico Public Regulation Commission (“Commission”) has commenced its deliberations on whether the proposed merger should be approved.

2. On the one hand, approval of the merger will bring more than \$300 million in quantifiable benefits in the form of customer rate credits/funding, economic development funding and funding for a wide array of other beneficial programs, in addition to other non-quantifiable customer, economic development, and environmental benefits. On the other, hand questions have been raised about whether PNM’s future service quality will suffer under Avangrid ownership and whether renewable energy competition will be adversely impacted. The Commission must now weigh the benefits and protections in the regulatory commitments with the perceived risks in reaching its final decision on whether to approve the merger.

3. The Commission’s Procedural Rules allow for oral argument on exceptions in the discretion of the Commission. *See* 1.2.2.37(D) NMAC. While the exceptions filed by the parties provide some explanation surrounding the issues addressed in the *Certification of Stipulation*, parties to were limited to 20 pages for exceptions which were necessarily limited to focused recommended findings being challenged by a given party and were not intended to anticipate all questions that might arise during the Commission’s deliberations on the proposed merger.

4. As noted during the Commission’s initial deliberations on December 1, 2021, the issues in this case are complex and the regulatory commitments are extensive. Numerous questions were raised by Commissioners about the proposed merger, the performance of Avangrid’s other utilities and the details of the regulatory commitments and the benefits and protections that they provide. The questions raised by the Commission with respect to the

matters at issue in this case are important and deserve to be fully addressed. Although the deadline has passed for requesting oral argument under 1.2.2.37(D) NMAC, the Commission may still in its discretion entertain and grant a request for oral argument if it determines that such argument would assist the Commission in its deliberations.¹

5. The extensive questions by the Commissioners during their initial deliberations confirm that there are important issues to be addressed in aid of the decision-making process, and that those questions may not be adequately addressed by reference to the limited exceptions alone. Oral argument would allow the Commission to hear directly from the parties and could be of benefit to the Commission's deliberations concerning the proposed merger. In this way, critical issues and questions can be addressed and further explained. The matters at stake in this case are of significant weight and interest such that the Commission would benefit from having the opportunity to directly hear from and question the parties concerning these matters.

6. Joint Movants have sought the position of the other parties with respect to the Request and are informed as follows: Walmart and the NMAG do not oppose. Interwest supports the motion for oral argument by parties that wish to participate but Interwest does not request or intend to participate in oral argument. Onward supports the motion but does not wish to participate in oral argument. Staff opposes. NEE objects to Joint Movants' request as non-compliant with Commission rules. Further, if the Commission grants Joint Movants' request New Energy Economy is requesting the same amount of time as all Joint Movants are allotted. Sierra Club takes no position.

¹ The Commission has entertained oral argument in other significant cases in the past. *See, e.g.*, Case Nos. 13-00390-UT, *Order Granting Request for Oral Argument* (Dec. 9, 2015); Case No. 15-00261-UT, *Order on Oral Argument* (July 10, 2019).

Respectfully submitted this 3rd day of December 2021.

AVANGRID, INC., AVANGRID NETWORKS, INC.,
NM GREEN HOLDINGS, INC., & IBERDROLA, S.A.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of **Joint Request for Oral Argument Nunc Pro Tunc** was emailed to the parties listed below on December 3, 2021:

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