

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)**

Case No. 20-00222-UT

**AVANGRID, INC., AVANGRID NETWORKS, INC.,)
NM GREEN HOLDINGS, INC., PUBLIC SERVICE)
COMPANY OF NEW MEXICO AND PNM RESOURCES,)
INC.,)
JOINT APPLICANTS.)**

**ORDER DENYING PNM’S EXPEDITED MOTION TO VACATE DEADLINES
AND REQUEST FOR STATUS CONFERENCE**

THIS MATTER comes before the Hearing Examiner upon the Expedited Motion to Vacate Deadlines and Request for Status Conference (“Joint Motion”) filed on April 21, 2021 by 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”). Being fully informed, the Hearing Examiner **FINDS** and **CONCLUDES** as follows:

The Joint Movants request that (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 filed on April 20, 2021; 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 on April 21, 2021.

The Joint Movants state that the Joint Applicants' original commitments in support of the Joint Application have now been superseded by the expanded regulatory commitments attached to the Notice of Initial Stipulation and that a public hearing on the original commitments is no longer relevant or necessary. They state that a public hearing on the merits of the Initial Stipulation and expanded regulatory commitments in support of the Joint Application should be scheduled. They state that 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 offered in support of the Joint Application have been superseded by the materially enhanced benefits in the Initial Stipulation. The Joint Movants state that 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. The Joint Movants also note significant opposition to their Joint Motion.

Subsections 1.2.2.20.B(1) and (2) of the Commission's rules of procedure state that, if some, but not all, of the parties to a proceeding, including staff, enter into a stipulation seeking to dispose of some or all of the issues in the proceeding, the stipulation shall be filed and parties or staff opposing the stipulation shall file statements briefly setting forth the grounds upon which they oppose the stipulation in writing within five (5) days after the stipulation is served, or orally at the public hearing, whichever occurs first. 1.2.2.20.B(1), (2) NMAC.

Subsection 1.2.2.20.B(3) states further that the commission or presiding officer shall schedule a contested stipulation for public hearing and review unless it is determined that the

nature and extent of the opposition is such that hearing the stipulation will not materially conserve commission, staff, and party resources. In the event this determination is made, the commission or presiding officer may refuse to entertain the stipulation. 1.2.2.20.B(3) NMAC.

The Hearing Examiner finds that it is premature to grant the Joint Motion. There is significant opposition to the Joint Motion. The number of signatories to the Initial Stipulation to date is small compared to the number of parties in the case. In addition, by separate order issued today, the Hearing Examiner is requiring statements pursuant to subsections 1.2.2.20.B(1) and (2) regarding any opposition to the Initial Stipulation.

IT IS THEREFORE ORDERED:

The Joint Motion is **DENIED**.

ISSUED at Santa Fe, New Mexico on April 21, 2021.

NEW MEXICO PUBLIC REGULATION COMMISSION

/s/ Ashley C. Schannauer

Ashley C. Schannauer
Hearing Examiner

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CERTIFICATE OF SERVICE

I CERTIFY that on this date I sent via email to the parties listed below a true and correct copy of the Order Denying PNM's Expedited Motion to Vacate Deadlines and Request for Status Conference.

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DATED this April 21, 2021.

NEW MEXICO PUBLIC REGULATION COMMISSION

Ana C. Kippenbrock

Ana C. Kippenbrock, Law Clerk