



1                   **IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

2   **January 22, 2024**

3       **NO. S-1-SC-39152**

4       **PUBLIC SERVICE COMPANY OF NEW MEXICO,**  
5       **and PNM RESOURCES, INC.,**

6                   Appellants,

7       v.

8       **NEW MEXICO PUBLIC REGULATION**  
9       **COMMISSION,**

10                   Appellee,

11       and

12  
13       **NEW ENERGY ECONOMY,**  
14       **WESTERN RESOURCE ADVOCATES,**  
15       **INTERNATIONAL BROTHERHOOD**  
16       **OF ELECTRICAL WORKERS LOCAL 611,**  
17       **and THE OFFICE OF THE NEW MEXICO**  
18       **ATTORNEY GENERAL, COALITION FOR**  
19       **CLEAN AFFORDABLE ENERGY, DINE CITIZENS**  
20       **AGAINST RUINING THE ENVIRONMENT, SAN**  
21       **JUAN CITIZENS ALLIANCE, TO NIZHONI ANI,**  
22       **NAVA EDUCATION PROJECT, BERNALILLO COUNTY,**  
23       **ALBUQUERQUE BERNALILLO COUNTY WATER**  
24       **UTILITY AUTHORITY, and NEW MEXICO**  
25       **AFFORDABLE RELIABLE ENERGY ALLIANCE,**

26                   Intervenors-Appellees.

27       **In the Matter of The Joint Application of Iberdrola, S.A.,**  
28       **Avangrid, Inc., Avangrid Networks, Inc., NM Green**  
29       **Holdings, Inc., Public Service Company of New**  
30       **Mexico and PNM Resources, Inc. For Approval of the**  
31       **Merger of NM Green Holdings, Inc. with PNM Resources,**  
32       **Inc.; Approval of a General Diversification Plan; and All**

1 **Other Authorizations and Approvals Required to**  
2 **Consummate and Implement this Transaction,**  
3 **NMPRC Case No. 20-00222-UT**

4 **ORDER**

5 WHEREAS, this matter initially came on for consideration by the Court upon  
6 Notice of Appeal and Statement of Issues filed by Joint Appellants—Avangrid, Inc.,  
7 Avangrid Networks, Inc., NM Green Holdings, Inc., Iberdrola, S.A., Public Service  
8 Company of New Mexico, and PNM Resources, Inc.—appealing the December 8,  
9 2021, final order of the New Mexico Public Regulation Commission (NMPRC) that  
10 denied a proposed public utility merger and imposed sanctions on Joint Appellants;

11 WHEREAS, following full briefing and oral argument before this Court on  
12 September 15, 2023, Avangrid, Inc., Avangrid Networks, Inc., NM Green Holdings,  
13 Inc., and Iberdrola, S.A. (collectively “Avangrid Appellants”) and Public Service  
14 Company of New Mexico, and PNM Resources, Inc. (collectively “PNM  
15 Appellants”) filed notices of termination of the proposed merger agreement on  
16 January 2 and January 3, 2024, respectively;

17 WHEREAS, this matter now comes on for consideration by the Court upon  
18 motion of the Avangrid Appellants to withdraw from appeal, motion of the PNM  
19 Appellants for partial dismissal of appeal under Rule 12-401(B)(2) NMRA, and  
20 Appellee NMPRC’s response to the motion for partial dismissal;

21 WHEREAS, the Court having considered the foregoing and being sufficiently  
22 advised; Chief Justice C. Shannon Bacon, Justice Michael E. Vigil, Justice David K.  
23 Thomson, Justice Julie J. Vargas, and Justice Briana H. Zamora concurring;

24 NOW, THEREFORE, IT IS ORDERED that both motions are GRANTED;

25 IT IS FURTHER ORDERED that the Avangrid Appellants are hereby  
26 WITHDRAWN from this appeal, effective immediately;

1 IT IS FURTHER ORDERED that all issues in this matter relating to the  
2 NMPRC's denial of the proposed utility merger are hereby DISMISSED, provided  
3 that this Court shall retain jurisdiction over the issues relating to sanctions imposed  
4 by the NMRPC; and

5 IT IS FURTHER ORDERED that all further pleadings filed in this matter  
6 shall conform to the caption of this order.

7 IT IS SO ORDERED.



WITNESS, the Honorable C. Shannon Bacon, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 22nd day of January, 2024.

Elizabeth A. Garcia, Clerk of Court  
Supreme Court of New Mexico

I CERTIFY AND ATTEST:  
A true copy was served on all parties  
or their counsel of record on date filed.  
Kristen Edwards  
Deputy Clerk of the Supreme Court  
of the State of New Mexico

By Kristen R. Edwards  
Deputy Clerk