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May 20, 2021

**SUBMITTED VIA EMAIL**

Melanie Sandoval  
Record Bureau Chief  
New Mexico Public Regulations Commission  
P.O. Box 1269  
Santa Fe, New Mexico 87504

Case No. 20-00222-UT

Dear Ms. Sandoval:

On behalf of our clients M-S-R Public Power Agency and the Incorporated County of Los Alamos, we enclose for filing via email with the New Mexico Public Regulation Commission a copy of the **Joint Motion for Joinder to Stipulation** of the Joint Applicants, and Intervenors M-S-R Power Agency and the Incorporated County of Los Alamos, New Mexico.

Please review and contact me at your earliest convenience with any questions or comments.

Respectfully submitted,

VIRTUE & NAJJAR, PC

By: 

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**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

**JOINT MOTION FOR JOINDER TO STIPULATION**

Joint Applicants, and Intervenors M-S-R Power Agency (“M-S-R”) and the Incorporated County of Los Alamos, New Mexico (“LAC”), through their undersigned counsel, move the New Mexico Public Regulation Commission (“Commission”) to allow M-S-R and LAC to become a party to the amended stipulation filed in this proceeding on May 7, 2021. As grounds for this Motion, movants state:

1. M-S-R, LAC, Public Service Company of New Mexico (“PNM”) and certain other parties have engaged in settlement negotiations in order to reach resolution of the issues relating to decommissioning of the San Juan Generating Station that are the subject of the direct testimony submitted by M-S-R and LAC.

2. As result of the negotiations M-S-R and LAC have agreed to support and sign the Stipulation filed in this case on May 7, 2021 if the Stipulation contains the following negotiated provision:

**San Juan Decommissioning.** PNM will use its good faith efforts to work with the SJGS owners and former SJGS owners who have an obligation to participate in decommissioning the SJGS to identify and present feasible options for commercially reasonable actions, available under the terms of the SJGS contracts and consistent with the established decommissioning agreement, that would allow decommissioning options, including decommissioning, demolition and site restoration of the SJGS site to standards applicable to ongoing economic development, commercial and industrial uses of the SJGS plant site, at a cost comparable to the lowest reasonable cost alternative identified in the owners' most recent decommissioning study that applies a whole-life cost analysis.

(the "Provision").

3. The Provision was agreed after M-S-R, LAC and Joint Applicants exchanged multiple settlement offers and counteroffers prior to the May 7, 2021 deadline, including throughout the day on May 7, 2021.

4. Shortly before the 5:00 p.m. May 7, 2021 deadline for filing the Stipulation, PNM, LAC and M-S-R acknowledged the last settlement offer made to PNM had not yet resulted in a mutually acceptable outcome. Although the Joint Applicants needed to file the Stipulation forthwith, PNM offered to continue negotiations with M-S-R and LAC after the May 7<sup>th</sup> deadline for filing a Stipulation in this proceeding.

5. M-S-R, LAC and PNM continued negotiations over the weekend of May 8<sup>th</sup> and 9<sup>th</sup> and reached an agreement the afternoon of May 9<sup>th</sup>.

6. M-S-R, LAC and PNM acted in good faith and with due diligence both before and after the May 7 deadline in an effort to reach a settlement agreement, which good faith and diligent actions were ultimately successful.

7. Upon information and belief, all of the Signatories to the Stipulation agree to inclusion of the Provision in the Stipulation and to the joinder of M-S-R and LAC.

8. Upon information and belief, no party to this proceeding will be prejudiced by M-S-R and LAC's joinder to the Stipulation.

9. With the addition of the Provision, the Stipulation will resolve all of LAC's and M-S-R's issues in this case and will conserve the resources of the Commission and the parties to the proceeding.

10. M-S-R and LAC's joinder to the Stipulation is made solely for the purpose of resolving the issues in this proceeding and is further conditioned on the terms of the Provision being enforceable as a provision of the Stipulation.

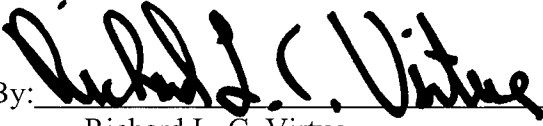
11. Pursuant to 1.2.2.12 NMAC Joint Movants have sought the positions of the other parties to this proceeding with respect to this Joint Motion and received the following responses:

Support:	CCAIE IBEW	Interwest Onward	San Juan/Navajo Citizens' Groups WRA Walmart
Do Not Oppose:	None		
No Position:	Staff Bernalillo County Farmington/Enchant		
Opposes:	None		



kw@keleher-law.com

M-S-R POWER AGENCY AND THE  
INCORPORATED COUNTY OF LOS ALAMOS

By:  \_\_\_\_\_

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Daniel A. Najjar

Virtue & Najjar, PC

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Santa Fe, NM 87502-2249

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)  
)  
JOINT APPLICANTS. )  
\_\_\_\_\_ )


Case No. 20-00222-UT

AFFIDAVIT OF MARTIN HOPPER

THE STATE OF CALIFORNIA )  
 )  
COUNTY OF Alameda )

**Martin Hopper**, General Manager of M-S-R Public Power Agency, hereby deposes and states under oath that the information contained in the foregoing Joint Motion for Joinder to Stipulation is true and accurate based on my personal knowledge and belief.

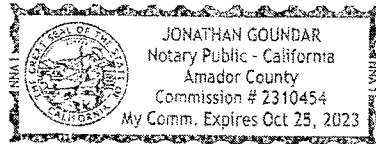
SIGNED this 19<sup>th</sup> day of May, 2021.

  
MARTIN HOPPER

THE STATE OF CALIFORNIA            )  
  )  
COUNTY OF Amador                    )

SUBSCRIBED AND SWORN TO BEFORE ME, JONATHAN GOUNDAR  
notary public, on this 19<sup>th</sup> day of May, 2021.

My Commission expires: 10-25-2023            Notary Public: 



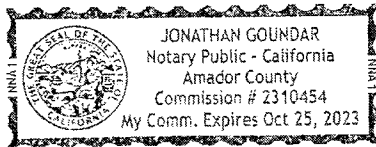


A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of AMADOR

Subscribed and sworn to (or affirmed) before me on this 19TH  
day of MAY, 2021, by MARTIN HOPPER -----

-----  
proved to me on the basis of satisfactory evidence to be the  
person(s) who appeared before me.



(Seal)

Signature

A handwritten signature in cursive script, appearing to read "Jonathan Goundar", written over a horizontal line.

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE JOINT APPLICATION )  
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RESOURCES, INC., )  
)  
JOINT APPLICANTS. )  
\_\_\_\_\_ )

Case No. 20-00222-UT

AFFIDAVIT OF PHILO S. SHELTON

THE STATE OF NEW MEXICO )  
 )  
COUNTY OF LOS ALAMOS )

**Philo S. Shelton**, Utilities Manager of the Incorporated County of Los Alamos, New Mexico, hereby deposes and states under oath that the information contained in the foregoing Joint Motion for Joinder to Stipulation is true and accurate based on my personal knowledge and belief.

SIGNED this 19<sup>th</sup> day of May, 2021.

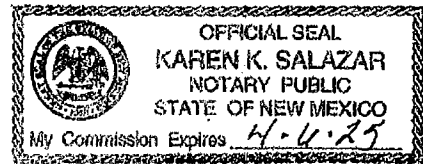


PHILO S. SHELTON [†]

THE STATE OF NEW MEXICO            )  
  )  
COUNTY OF LOS ALAMOS            )

SUBSCRIBED AND SWORN TO BEFORE ME, Karen K Salazar  
notary public, on this 19<sup>th</sup> day of May, 2021.

My Commission expires: 4-6-25 Notary Public: Karen K Salazar



**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

IN THE MATTER OF THE JOINT APPLICATION )  
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THE MERGER OF NM GREEN HOLDINGS, INC. )  
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AVANGRID, INC., NM GREEN HOLDINGS, INC., PUBLIC )  
SERVICE COMPANY OF NEW MEXICO AND PNM )  
RESOURCES, INC., )  
)  
JOINT APPLICANTS. )  
\_\_\_\_\_ )

**SELF AFFIRMATION**

**RONALD N. DARNELL, Sr. Vice President, Public Policy, PNMR Services Company**, upon penalty of perjury under the laws of the State of New Mexico, affirm and state: I have read the foregoing **Joint Motion for Joinder to Stipulation**.

I further affirmatively state that the facts in the Joint Motion for Joinder to Stipulation related to PNM's actions are true and correct to the best of my knowledge and belief.

DATED this 20<sup>th</sup> day of May, 2021.

/s/ Ronald N. Darnell  
**RONALD N. DARNELL**

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

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)  
JOINT APPLICANTS. )  
\_\_\_\_\_ )

Case No. 20-00222-UT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the **Joint Motion for Joinder to Stipulation** of Joint Applicants, and Intervenor M-S-R Public Power Agency and the Incorporated County of Los Alamos, New Mexico was sent via email to the parties and individuals listed below on May 20, 2021:

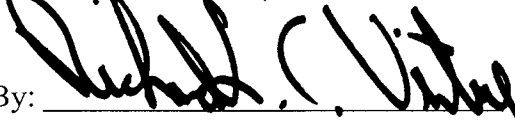
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**DATED** this 20th day of May, 2021.

Sincerely,

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