
25-00055-UT - Procedural Order

From Kippenbrock, Ana, PRC <Ana.Kippenbrock@prc.nm.gov>

Date Tue 8/26/2025 4:14 PM

To Mount, William, PRC <william.mount@prc.nm.gov>; Santillanes, LaurieAnn , PRC <LaurieAnn.Santillanes@prc.nm.gov>; Rettig y Martinez, Alejandro , PRC <alejandro.martinez@prc.nm.gov>; Cameron, Scott , PRC <scott.cameron@prc.nm.gov>; kherrmann@stelznerlaw.com <kherrmann@stelznerlaw.com>; nwinter@stelznerlaw.com <nwinter@stelznerlaw.com>; dahlharris@hotmail.com <dahlharris@hotmail.com>; cmelendrez@abcwua.org <cmelendrez@abcwua.org>; eflores@stelznerlaw.com <eflores@stelznerlaw.com>; akharriger@sawvel.com <akharriger@sawvel.com>; bvigil@bernco.gov <bvigil@bernco.gov>; Mateo@transformconsulting.com <Mateo@transformconsulting.com>; mdemeule@bernco.gov <mdemeule@bernco.gov>; mreno@reno-energy.com <mreno@reno-energy.com>; ndowney@bernco.gov <ndowney@bernco.gov>; vjoe@bernco.gov <vjoe@bernco.gov>; Kenmartinez@bernco.gov <Kenmartinez@bernco.gov>; bchapman@cabq.gov <bchapman@cabq.gov>; browland@cabq.gov <browland@cabq.gov>; jenniferlucero@cabq.gov <jenniferlucero@cabq.gov>

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 1 attachment (600 KB)

25-00055-UT- 8-26-25 - JK-EH-Procedural Order.pdf;

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF PUBLIC SERVICE)	
COMPANY OF NEW MEXICO'S APPLICATION)	
FOR A CERTIFICATE OF PUBLIC)	Case No. 25-00055-UT
CONVENIENCE AND NECESSITY TO)	
CONSTRUCT, OWN, AND OPERATE A 30)	
MEGAWATTS OF BATTERY ENERGY STORAGE)	
FACILITIES)	

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BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF PUBLIC SERVICE COMPANY OF)
NEW MEXICO’S APPLICATION FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECUSSITY TO CONSTRUCT,) Case No. 25-00055-UT
OWN, AND OPERATE THIRTY MEGAWATTS OF)
BATTERY ENERGY STORAGE FACITLITIES)**

PROCEDURAL ORDER

THIS MATTER comes before Hearing Examiners John F. Kreienkamp and Elizabeth C. Hurst upon Public Service Company of New Mexico’s (“PNM’s”) Application (“Application”) for Approval of a Certificate of Public Convenience and Necessity (“CCN”), pursuant to NMSA 1978, Section 62-9-1 (2025), and NMSA 1978, Section 62-9-6 (1967), to construct, own, and operate 30 megawatts (MW) of battery energy storage facilities at five existing PNM-owned solar facility sites (the “BESS Project”), filed with the New Mexico Public Regulation Commission (the “Commission”) on August 6, 2025. The Hearing Examiners **FIND AND CONCLUDE** as follows:

1. According to PNM’s Application, the BESS Project will assist in providing improved voltage support and power quality on five overloaded feeders, increase those feeders’ solar hosting capacity and assist in meeting load growth. The BESS Project will help reduce the costs of system upgrades needed to ensure PNM provides safe and reliable service for customers. The battery facilities are intended to be operational in mid-2027. PNM seeks approval of the CCN for the BESS Project no later than May 6, 2026.¹

2. PNM is not seeking a determination on the ratemaking treatment of the estimated \$78.7 million investment for the BESS Project in this proceeding. The proposed ratemaking treatment for the BESS Project will be included in PNM’s next general rate case.

¹ Pursuant to Section 62-9-1, the Commission is required to issue its order in this matter “within nine months from the date the application is filed with the commission,” although it may also “extend the time for granting approval for an additional six months for good cause shown.” Section 62-9-1(C). Without an extension, the initial 9-month deadline to resolve this matter is May 6, 2026. With a full 6-month extension, the deadline would be November 6, 2026.

3. PNM seeks authorization to recover the actual cost of the BESS Project, including allowance for funds used during construction, which it anticipates will be approximately \$2.9 million, with the reasonableness of the final actual costs subject to Commission review and determination in a future general rate case and subject to Rule 17.3.580 NMAC.

4. The BESS Project will be located at five existing PNM solar facility sites and will store a total of 30 MW of existing, co-located solar power. The sites are located in Otero County, San Miguel County, Luna County and two in Valencia County. Four of the sites are located outside of existing municipal boundaries, and one of the two facilities in Valencia County (at the Jarales 12 feeder) is within the City of Rio Communities. If a CCN is granted, prior to commencing any construction, PNM or its contractor will obtain all necessary governmental permits and comply with all applicable zoning and building requirements with respect to the construction and operation of the BESS. They will be built and owned by PNM.

5. PNM intends for the BESS Project to be operational by mid-2027, in time for the 2027 summer peak season. Having this battery storage available during the summer of 2027 will, according to PNM, help support adequate, efficient, and reliable service for PNM's forecasted load.

6. PNM alleges that the BESS Project meets the statutory criteria for issuance of a CCN under Section 62-9-1(E), and that the construction and operation of the BESS Project is also consistent with opportunities identified in PNM's 2023 Integrated Resource Plan.

7. According to PNM's Application, the BESS Project will provide synergistic system benefits that result in economic benefits for customers and increase the effective capacity of PNM's existing generation so that PNM can reliably serve its customer base and increase the amount of installed distributed solar energy.

8. PNM included the direct testimony and exhibits of the following witnesses: Kyle Sanders, Vice President of PNM Regulatory; Erfan Hakimian, Director of Transmission / Distribution Planning and Contracts; Nicholas Pollman, Manager of Control Systems, Utility Operations and Technology for PNMR Services Company; and Gary Barnard, Executive Director, Renewable Generation and Contracts, for PNMR Services Company.

9. PNM served a copy of the Application upon the parties to its most recent rate case, Case No. 24-00089-UT.

10. PNM attached a proposed notice as an exhibit to its Application. PNM stated that only publication of its notice was required by law and that notice to other electric utilities was not required pursuant to 17.1.2.9(B) NMAC.

11. On August 14, 2025, the Hearing Examiners issued an Order Setting a Pre-Hearing Conference for August 26, 2025.

12. On August 26, 2025, Hearing Examiner Kreienkamp convened a prehearing conference in this matter. Attending the prehearing conference were representatives of PNM, Staff of the Commission's Utility Division ("Staff"), New Mexico Affordable Reliable Energy Alliance ("NM AREA"), Albuquerque Bernalillo County Water Utility Authority ("ABCWUA"), the Coalition for Clean Affordable Energy ("CCAE"), Prosperity Works, Renewable Energy Industries Association of New Mexico ("REIA-NM"), and Western Resource Advocates ("WRA"). Among other things addressed during the prehearing conference, the Hearing Examiner established a procedural schedule for this proceeding.

13. Accordingly, consistent with the Initial Order and the foregoing discussion, the Hearing Examiners find the following procedural dates and requirements should be adopted in this proceeding.

IT IS THEREFORE ORDERED:

A. On or before **Monday, September 8, 2025**, PNM shall cause, at its sole expense, the Notice attached to the Procedural Order to be published once in the Albuquerque Journal. PNM shall ensure that an affidavit confirming such publication is promptly filed in the docket.

B. PNM shall also post as promptly as feasible to a prominent space on its website copies of the Notice, the Application, and the supporting pre-filed direct testimony, exhibits, and related papers. PNM shall ensure that an affidavit confirming such posting is promptly filed in the docket.

C. The Notice will also be posted on the Commission's website.

D. Any person wishing to object to the requested approvals must file a written protest specifying the grounds for protest and demonstrating the need for a formal hearing on PNM's Application by no later than **Friday, November 7, 2025**.² If no written Protests are timely filed, the Commission may, but is not required to, vacate and waive a formal hearing on this matter.

E. Any person desiring to become a party ("intervenor") to this case must file a motion for leave to intervene in conformity with PRC Rules of Procedure 1.2.2.23(A) and 1.2.2.23(B) NMAC on or before **Friday, November 7, 2025**. All motions for leave to intervene shall be served on all existing parties and other proposed intervenors of record.

F. Staff shall and any intervenor may file direct testimony by **Friday, November 14, 2025**. Staff's testimony shall include its opinion and proposed determination on each PNM request.

G. Any rebuttal testimony shall be filed on or before **Friday, November 21, 2025**.

² Section 62-9-1(C) provides that PNM's application may be approved without a hearing "if no protest is filed within sixty days of the date that notice is given, pursuant to commission order, that the application has been filed." November 7, 2025, is sixty days from the deadline for newspaper notice of September 8, 2025.

H. Service of all documents filed in this proceeding and discovery requests and responses shall be via email unless a party requests a hard copy or unless otherwise ordered. PNM shall post the discovery requests it receives from the parties or Staff and PNM's responses to discovery requests, including exhibits, on PNM's file sharing platform.

I. Responses to discovery shall be produced by close of business on the date that the certificate of service confirming such production is filed in the record. Discovery responses produced after 5:00 p.m. on the date that the certificate of service is filed shall be deemed produced the following day.

J. The Hearing Examiners encourage parties to agree upon an abbreviated discovery timeline for discovery service in this case considering the shortened procedural schedule in this matter. Notwithstanding the standard 15-day discovery deadline outlined in the Commission's rules, beginning on November 7, 2025, responses to discovery requests shall be served within seven (7) days of service, unless otherwise agreed or ordered. In the event that this 7-day response deadline becomes especially burdensome and an agreeable resolution cannot be reached by the parties, any party may file a motion seeking a modification of the procedural schedule or alternative relief.

K. With regard to PNM's direct testimony and Staff and intervenors' direct testimony, motions in limine, motions to strike, and other prehearing motions shall be filed on or before **Friday, November 21, 2025**. Responses to such motions shall be filed on or before **Monday, December 1, 2025**.

L. With regard to rebuttal testimony, motions in limine, motions to strike, and other prehearing motions shall be filed on or before **Monday, December 1, 2025**. Responses to such motions shall be filed on or before **Thursday, December 4, 2025**.

M. A prehearing conference is tentatively scheduled for **Monday, December 10, 2025**, commencing at 1:00 p.m. Mountain Time (“MT”) on the Zoom videoconference platform. The purpose of the conference is to address, if necessary and among other items, prehearing matters and any other matters that may expedite the orderly conduct and disposition of this proceeding. The conference may be vacated if deemed unnecessary by the Hearing Examiners.

N. A public hearing will be held, if necessary, on **Tuesday, December 9, 2025**, beginning at 9:00 a.m. Mountain Time (“MT”).

O. Based on present conditions and logistical issues, the Hearing Examiners have concluded that it will be necessary to conduct evidentiary hearing via the Zoom videoconference platform. Access to and participation in the evidentiary hearing shall be limited to party participants (i.e., counsel and witnesses), the Commissioners, and other essential Commission personnel. The Zoom hearing will be livestreamed through YouTube and will be displayed on the Commission’s website at <https://www.prc.nm.gov/public-hearings/>. Persons not participating in the evidentiary hearing as an attorney or witness may view the hearing on the Commission’s website and shall not join the hearing via Zoom except to provide oral comment as allowed below.

P. Interested persons who are not affiliated with a party may make oral or written comment as allowed by Rule 1.2.2.23(F) NMAC. Written public comments may be submitted before the Commission takes final action by sending the comment, which must reference Case No. 25-00055-UT, to prc.records@prc.nm.gov. Additionally, oral comments may be taken at the public comment hearing if one is scheduled by the Commission. If a public comment hearing is scheduled, the date, time, and location will be provided. Public comments, whether oral or written, shall not be considered as evidence in this proceeding.

Q. Since the evidentiary hearing will be conducted via Zoom, the parties and Staff will be required to electronically distribute the exhibits they intend to offer for admission into evidence at the hearing in advance of the hearing. That electronic distribution shall provide the documents to all parties, the Hearing Examiners, and the court reporter. The requirements for those and any other necessary submissions shall be set forth in a subsequent prehearing order issued by the Hearing Examiners.³

R. Any person filing prepared testimony consistent with 1.2.2.35(I) NMAC on behalf of a party shall attend the hearing and submit to examination under oath and shall appear via the Zoom video feed. All pre-filed testimonies of a witness shall be moved into evidence when the witness is first presented. Unless otherwise ordered or approved by the Hearing Examiners, only pre-filed testimony in question-and-answer form and verified by the witness – and examination of witnesses on such pre-filed testimony – shall be accepted, considered, and received in evidence along with other relevant and otherwise admissible exhibits. Oral testimony elicited by a party or Staff presenting a witness (except for appropriate redirect examination) shall consist solely of the authentication and verification of each pre-filed testimony and identifications of any permitted corrections to that testimony. The party or Staff shall not elicit oral summaries of pre-filed testimony or other oral testimony.

S. Friendly cross-examination is prohibited. Friendly cross-examination is cross-examination of a witness by a party who does not disagree with the witness's position on an issue.

T. Each witness at the hearing, and each witness's attorney, shall have readily

³ Parties will be required to utilize Dropbox to upload and download documents. See <https://www.dropbox.com>. All parties should familiarize themselves with use of that file-sharing application.

available to him or her at the hearing a copy of the pre-filed testimony of each witness and any related exhibits.

U. Any interested person may examine PNM's application and supporting documents and other documents filed in the public record of this case on the Commission's website, <https://www.prc.nm.gov/case-lookup-e-docket/>, or at the offices of PNM at the following address:

Public Service Company of New Mexico
414 Silver Ave. SW
Albuquerque, NM 87102

V. The procedural dates and requirements provided in this order are subject to modification by the Hearing Examiners or the Commission.

W. Interested persons should contact the Commission at (505) 690-4191 or ana.kippenbrock@prc.nm.gov for confirmation of the hearing date, time, and place, since hearings are occasionally rescheduled or canceled.

X. The Commission's rules of procedure⁴ shall apply in this case unless modified by the Hearing Examiners or Commission. The rules of procedure and other PRC rules are available online at the New Mexico Compilation Commission at <https://nmonesource.com/nmos/en/nav.do>.

Y. Anyone filing pleadings, documents, or testimony in this case shall comply with the Commission's electronic filing policy which is amended from time to time. This includes compliance with the following (not exhaustive) set of requirements. Filings must be in .pdf format. They must include an electronic signature and be sent to the Records Management Bureau's email address, PRC.Records@prc.nm.gov. Any filing must be submitted within regular business hours of the due date to be considered timely filed. Documents received after regular business hours will

⁴ See 1.2.2 NMAC.

be considered filed the next business day. Regular Commission business hours are from 8:00 a.m. to 5:00 p.m. MT. Parties shall serve a copy on all parties of record and Staff.

Z. All filings shall be emailed to the Hearing Examiners on the date filed at john.kreienkamp@prc.nm.gov and elizabeth.hurst@prc.nm.gov by no later than 5:00 p.m. MT. Any filing emailed to the Hearing Examiners shall include the Word or other native version of the filing (e.g., Excel or Power Point) if created in such format. All PDF documents shall be Optical Character Recognition (“OCR”) enabled. Any filings not emailed to the Hearing Examiners in compliance with the requirements of this order and Commission rules are subject to being summarily rejected and stricken from the record at the Hearing Examiners’ discretion.

AA. Except as expressly provided in this Order or subsequently ruled, discovery matters, and any discovery disputes shall be governed by the Commission’s discovery rules at 1.2.2.25 NMAC. The parties shall raise any disputes, questions, or concerns regarding discovery with the Hearing Examiners at the earliest available opportunity so that all such issues may be considered well in advance of the hearing.

BB. An order of the Hearing Examiners or Commission is not required for agreements between or among any of the participants regarding discovery matters. All other participants shall be notified of such agreements.

CC. Motions regarding any discovery dispute shall not be considered unless accompanied by a statement that the participants have made a good faith effort to resolve the dispute but were unable to do so.

DD. The caption atop this Order shall be the official caption for this matter. Henceforth, all party pleadings shall reflect that caption.

EE. The certificate of service for this case is attached to this order, Subject to the issuance of an official service list under 1.2.210(C)(4) NMAC, the attached service list shall be used for service of all pleadings and other documents.

FF. This Order is effective immediately.

PERSONS WITH DISABILITIES

IF YOU ARE AN INDIVIDUAL WITH A DISABILITY WHO IS IN NEED OF A READER, AMPLIFIER, QUALIFIED SIGN LANGUAGE INTERPRETER, OR ANY OTHER FORM OF AUXILARY AID OR SERVICE TO ATTEND OR PARTICIPATE IN THIS PROCEEDING PLEASE CONTACT THE DIRECTOR OF ADMINISTRATIVE SERVICES OF THE COMMISSION AT (505) 827-8019 AS SOON AS POSSIBLE PRIOR TO THE HEARING.

ISSUED under the seal of the Commission at Santa Fe, New Mexico, this **26th** day of **August, 2025**.



NEW MEXICO PUBLIC REGULATION COMMISSION

A handwritten signature in black ink, reading "John F. Kreienkamp".

John F. Kreienkamp
Hearing Examiner
john.kreienkamp@prc.nm.gov

A handwritten signature in blue ink, reading "Elizabeth C. Hurst".

Elizabeth C. Hurst
Hearing Examiner
elizabeth.hurst@prc.nm.gov



NOTICE TO PNM CUSTOMERS

Public Service Company of New Mexico (PNM) filed an application for a certificate of public convenience and necessity (CCN) to construct, own and operate 30 megawatts of battery energy storage facilities, to be connected to PNM's distribution system, with the New Mexico Public Regulation Commission on August 6, 2025 (PRC Case No. 25-00055-UT). If approved, the facilities will be located at five existing PNM solar facility sites and will store a total of 30 MW of existing, co-located solar power. The sites are located in Otero County, San Miguel County, Luna County and two in Valencia County. Four of the sites are located outside of existing municipal boundaries, and one of the two facilities in Valencia County (at the Jarales 12 feeder) is within the City of Rio Communities.

PNM is not seeking a determination on the ratemaking treatment of the estimated \$78.7 million investment for the BESS Project in this proceeding. Instead, the proposed ratemaking treatment will be included in PNM's next general rate case. PNM does seek authorization to recover the actual cost of the project, including allowance for funds used during construction, which it anticipates will be approximately \$2.9 million, with the reasonableness of the final actual costs subject to Commission review and determination in a future general rate case.

PNM's application provides additional information about the need for these battery storage systems, the five proposed locations, the cost and other details of the contract for the project, safety and environmental justice considerations, and how the project satisfies the criteria for issuance of a CCN – including how it serves the public interest. PRC proceedings have begun to address the requests in PNM's application.

NO ACTION IS REQUIRED UNLESS YOU WANT TO PARTICIPATE IN THE PUBLIC HEARING OR COMMENT ON THE PROCEEDINGS.

The Application and other filings in this case are available at the Commission's website under "Case Lookup E-docket" at <https://www.prc.nm.gov/case-lookup-e-docket/>, by referencing Case No. 25-00055-UT, and on PNM's website, <https://www.pnm.com/regulatory>.

PUBLIC HEARING

A public hearing will be held beginning at 9:00 a.m. on **December 9, 2025**, to hear and receive testimony, exhibits, and legal arguments about PNM's application. The public hearing will take place via the Zoom platform. Members of the public can watch the hearing via a livestream on the Commission's YouTube channel and its website, <https://www.prc.nm.gov/public-hearings/>.

If you wish to participate in the hearing as a party to this case you must file a motion for leave to intervene pursuant to 1.2.2.23 NMAC on or before **November 7, 2025**. Anyone filing pleadings, documents or testimony in this case must serve a copy on all parties and the Commission Staff. Filings must also be sent to the assigned hearing examiners. The Commission's Rules of Procedure, found at 1.2.2 NMAC, apply to this case except as modified by order of the Commission or Hearing Examiners. The rules of procedure and other NMPRC rules are available online at the New Mexico Compilation Commission at <https://nmonesource.com/nmos/en/nav.do>.

Anyone filing pleadings, documents, or testimony in this case shall comply with the Commission's electronic filing policy. Filings must be in PDF format and be Optical Character Recognition ("OCR") enabled. Filings must include an electronic signature and be sent to the Record Management Bureau's email address, prc.records@prc.nm.gov, within regular business hours (8:00 a.m. to 5:00 p.m. MT) of the due date in order to be considered timely filed. Anyone whose testimony is filed in this case must attend the public hearing and submit to examination under oath unless otherwise determined by the hearing examiners.

PUBLIC COMMENT

If you are interested in the case but do not wish to become a party, you may make written and oral comments as allowed by Rule 1.2.2.23(F) NMAC. Public comments are not taken at the evidentiary hearing because they are not evidence, but they are reviewed and considered by Commission staff. You may send written comments before the Commission takes final action by sending the comment, which must specifically reference Case No. 25-00055-UT, to prc.records@prc.nm.gov, or Commission Records Management Bureau, P.O.

Box 1269, Santa Fe, NM 87504-1269. The Commission may be reached by telephone at 1-888-427-5772 if there are questions about how to submit written comments. Additionally, oral comments may be taken at public comment hearing if one is scheduled by the Commission. If a public comment hearing is scheduled, the date, time and location will be provided on the Commission's website. Public comment is also welcome during Commission open meetings. The open meetings schedule is available on the Commission website.

IF YOU ARE AN INDIVIDUAL WITH A DISABILITY WHO IS IN NEED OF A READER, AMPLIFIER, QUALIFIED SIGN LANGUAGE INTERPRETER, OR ANY OTHER FORM OF AUXILIARY AID OR SERVICE TO ATTEND OR PARTICIPATE IN THE HEARING. OR FOR A SUMMARY OR OTHER TYPE OF ACCESSIBLE FORMAT OF PUBLIC DOCUMENTS, PLEASE CONTACT THE DIRECTOR OF ADMINISTRATIVE SERVICES OF THE COMMISSION AT (505) 827-8019 AS SOON AS POSSIBLE PRIOR TO THE HEARING.

Any person who desires more information about this case may contact the Commission's Consumer Relations Division by phone at (505) 827-4084 or 1-888-427-5772 or by email at Ryan.Jimenez@prc.nm.gov.

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF PUBLIC SERVICE)	
COMPANY OF NEW MEXICO'S APPLICATION)	
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)	Case No. 25-00055-UT
AND NECESSITY TO CONSTRUCT, OWN, AND)	
OPERATE A 30 MEGAWATTS OF BATTERY)	
ENERGY STORAGE FACILITIES)	

CERTIFICATE OF SERVICE

This certifies that on this date I sent via email a true and correct copy of the Procedural Order of August 26, 2025, to the parties and potential parties listed here.

Hearing Examiner Division	
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BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

Initial Service List -updated 8/14/25

Case No. 25-00055-UT

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ONWARD ENERGY HOLDINGS	

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

Initial Service List -updated 8/14/25

Case No. 25-00055-UT

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DATED August 26, 2025.

NEW MEXICO PUBLIC REGULATION COMMISSION

/s/ Ana Kippenbrock, electronically signed
Ana Kippenbrock, Paralegal