

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF PUBLIC SERVICE COMPANY OF NEW)	
MEXICO FOR REVISION OF ITS RETAIL)	
ELECTRIC RATES PURSUANT TO ADVICE)	
NOTICE NO. 595)	
)	Case No. 22-00270-UT
PUBLIC SERVICE COMPANY OF NEW)	
MEXICO,)	
)	
APPLICANT.)	
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PREHEARING ORDER

THIS MATTER comes before the Hearing Examiners on their own motion. Building on the two prehearing orders issued in this case on August 16, 2023, namely the *Order Regarding Prehearing Memoranda for August 31, 2023 Prehearing Conference* and the *Order on Zoom, Exhibit, and Witness Protocols* (“August 16 Orders”), the Hearing Examiners **FIND** and **CONCLUDE** it incumbent to issue this Prehearing Order, which sets forth key procedures and details for the evidentiary hearing set to begin in this matter on September 5, 2023. The August 16, 2023 Orders are incorporated herein by reference and made part of this Order as if they were fully set forth herein. Given some necessary overlapping content, any discrepancy between this Order and the August 16 Orders is controlled by this Order.

IT IS THEREFORE ORDERED:

1. Witnesses

a) The Hearing Examiners sent Zoom invitations to all people on the official service list for this case on September 1, 2023. However, to enable the parties, the court reporter, and the Hearing Examiner to focus on the witnesses testifying, active participation in the Zoom

videoconference at any time will be limited to the witness testifying, one attorney for each of the parties, the court reporter, the Commissioners, Hearing Examiners, and any other essential Commission personnel. This is necessary given the reduced size of the images that appear on the Zoom videoconferencing screen as a larger number of users participate in the videoconference.

b) Witnesses will be included as active participants in the Zoom videoconference at the time they are called to testify. Witnesses who have completed their testimony, witnesses who have yet to testify, and all other interested persons will be able to view the hearings through the live streaming YouTube platform that will be made available on the Commission's website – <https://www.nm-prc.org/>.

c) The attached Exhibit A illustrates the tentative daily schedule of witnesses, although updates to the schedule will be discussed daily based upon the progress of the hearings. If examination of a witness does not conclude on the scheduled day for that witness to testify, examination of that witness shall continue at the beginning of the next hearing day unless otherwise ordered. Similarly, if examination of a witness does not begin on the scheduled day for that witness to testify, examination of the witness shall begin on the next hearing day unless otherwise ordered. Witnesses shall keep their schedules open for the day and day after they are scheduled to testify unless they have said that they are unavailable on the day after they are scheduled to testify. Witnesses designated to be on "standby" on a date shall be available to testify on that date if time opens up for another witness to testify.

d) The order of cross-examination of witnesses established by the parties¹ is as follows:

Public Service Company of New Mexico (PNM)
Bernalillo County
New Mexico Affordable Reliable Energy Alliance (NM AREA)
Albuquerque Bernalillo County Water Utility Authority (ABCWUA)
Walmart
Kroger
New Mexico Attorney General (NMAG)
Coalition for Clean Affordable Energy (CCAIE)
Coalition for Community Solar Access (CCSA)
Sierra Club
New Energy Economy (NEE)
Western Resource Advocates (WRA)
Staff

e) The parties’ permitted lengths of cross-examination for each witness are set forth in Exhibit B to this Order, *infra*. The revised times requested for cross-examination in the parties’ September 1, 2023 filings, which reflect at least a 20% reduction in time for cross-examination estimated in their August 28, 2021 prehearing memoranda, have been adopted (with appreciation for the parties’ assistance) to be able to complete the hearing within the number of days scheduled, which the Hearing Examiners increased by two days to Monday, September 25 and Tuesday, September 26, 2023 due to, among other things, the large number of witnesses expected to testify at hearing (49), the multiplicity of contested issues in play in this proceeding, and recessing the September 15, 2023 hearing session to facilitate involved parties to participate in the oral argument in the *PNM/Avangrid, et al. v. PRC, et al.* merger appeal in Supreme Court No. S-1-SC-39152).

¹ See PNM’s Prehearing Memoranda (Aug. 28, 2023) p. 5.

f) All pre-filed testimony for each witness (i.e., direct, supplemental, rebuttal, and surrebuttal distributed prior to or during the hearing) shall be offered when the witness is first presented.

g) The Hearing Examiners will strictly enforce time limits on cross-examination, redirect examination, and any allowed recross-examination.

2. Exhibits and Dropbox Matters

a) The Hearing Examiners provided instructions for uploading and downloading exhibits in this case to and from Dropbox via e-mail on August 30, 2023.

b) As established at the August 31, 2023 prehearing conference, the parties were required to upload their exhibits and exhibit lists on September 2, 2023 by 5:00 p.m. MDT.

c) The Hearing Examiners provided the parties a Dropbox link to download all exhibits uploaded to Dropbox via e-mail on September 3, 2023.

d) The Hearing Examiners sent the parties a link via e-mail on September 1, 2023 that allowed them to download the documents and records they are taking administrative of, per the August 31, 2023 *Hearing Examiners' Notice of Taking Administrative Notice of Portions of Record in Case No. 16-00276-UT*, on the issue of prudence of PNM's continued use of and investment in the Four Corners Plant (FCPP).

e) The Hearing Examiners will request the parties' positions, and entertain any objections, on the 75 exhibits for which they have taken administrative on the FCPP issue of prudence at the beginning of the hearing on September 5, 2023.

f) Requests from Counsel to be excused from portions of the hearing shall be addressed at the hearing after the entry of appearances on September 5, 2023. Counsel (and thus party) absences shall be subject to the Procedural Rules' proviso that they "are deemed to have notice of, and waived their right to object to, all matters addressed, resolved, or determined in their absence." 1.2.2.32(B) NMAC.

3. Miscellaneous Provisions and Conclusion

a) Any discrepancy between this Order and the August 16 Orders shall be controlled by this Order.

b) Except as expressly provided above, all findings, conclusions, and ordering clauses contained in all orders of the Hearing Examiners and Commission that have not been amended or otherwise superseded remain in full force and effect.

c) This Order is effective immediately.

d) A copy of this Order shall be served on all parties on the official service list for this case.

ISSUED under the Seal of the Commission at Santa Fe, New Mexico this **4th** day of **September 2023**.



NEW MEXICO PUBLIC REGULATION COMMISSION

Anthony F. Medeiros

**Anthony F. Medeiros
Christopher P. Ryan
Hearing Examiners**

EXHIBIT A
SCHEDULE OF WITNESSES (Tentative)

MONDAY	TUESDAY	Wednesday	THURSDAY	FRIDAY
4-Sep	5-Sep	6-Sep	7-Sep	8-Sep
LABOR DAY	Henry Monroy (PNM)	Kyle Sanders (PNM)	Frank Graves (PNM) Dane Watson (PNM)	Adrien McKenzie (PNM) Sabrina Greinel (PNM) Allen Felsenthal (PNM) Larry Morris (PNM) Shelia Mendez (PNM) Mario Cervantes (PNM)
MONDAY	TUESDAY	Wednesday	THURSDAY	FRIDAY
11-Sep	12-Sep	13-Sep	14-Sep	15-Sep
Brent Heffington (PNM) Angela Pino (PNM) Leonard Sanchez (PNM)	Eric Chaves (PNM) Yannick Gagne (PNM) Jason Peters (PNM) Wesley Gray (PNM) Stuart McMenamin (PNM)	Stella Chan (PNM)	Abraham Casas (PNM)	RECESS
MONDAY	TUESDAY	Wednesday	THURSDAY	FRIDAY
18-Sep	19-Sep	20-Sep	21-Sep	22-Sep
Jospeh Miller (PNM) Heidi Pitts (PNM)	Nicholas Phillips (PNM) E.J. Lopez (PNM) Steve Maestas (PNM) Christopher Sandberg (NEE) Keven Cray (CCSA)	Doug Gegax (AG) J. Woolridge (AG) Gerard Ortiz (NM AREA) James Dauphinais (NM AREA)	Chris Walters (NM AREA) Brian Andrews (NM AREA) Greg Meyer (NM AREA)	Andrew Harriger (ABCWUA) Mark Garrett (ABCWUA) David Garrett (ABCWUA) Jack D. Sidler (Staff)
MONDAY	TUESDAY	Wednesday	THURSDAY	FRIDAY
25-Sep	26-Sep	27-Sep	28-Sep	29-Sep
Steve Chriss (Walmart) Maureen Reno (BernCo) Michael Kenney (CCAE) Brendon Baatz (WRA) Andrea Crane (AG) Justin Bieber (Kroger)	Jeremy Fisher (Sierra Club) Gabriella Dasheno (Staff) Jonah B. Mauldin (Staff) Christopher Dunn (Staff) Georgette Ramie (Staff)			

NOTES:

The schedule will be updated daily, based up the progress of the hearings.

The evidentiary hearings will begin at 9:00 a.m. MDT daily unless otherwise order by the Hearing Examiners

Parties	Witnesses	Witness	PNM	Bernalillo County	NM AREA	ABCWUA	Walmart	Kroger	NMAG	CCAE	CCSA	Sierra Club	NEE	WRA	Staff	TOTALS	Hours	
PNM	25	Henry Monroy		20	60	30			30	30		10	30	20	25	255.0	4.3	Henry Monroy
		Kyle Sanders		15	90	30	8		40	15			25		45	268.0	4.5	Kyle Sanders
		Adrien McKenzie		30	15	40	8								25	118.0	2.0	Adrien McKenzie
		Sabrina Greinel		12		40	8			15			20			95.0	1.6	Sabrina Greinel
		Dane Watson			30	25			10				20			85.0	1.4	Dane Watson
		Frank Graves				25			30			40	120		10	225.0	3.8	Frank Graves
		Joseph Miller				25			15				45		10	95.0	1.6	Joseph Miller
		Sheila Mendez		5		10			15							30.0	0.5	Sheila Mendez
		R. Brent Heffington		20	30	15			15			5	20		30	135.0	2.3	R. Brent Heffington
		Wesley Gray			30	15			15						5	65.0	1.1	Wesley Gray
		Angela Pino				12			15						25	52.0	0.9	Angela Pino
		Mario Cervantes				W			15						20	35.0	0.6	Mario Cervantes
		Leonard Sanchez			48	25			10	15						98.0	1.6	Leonard Sanchez
		Eric Chaves				10			10							20.0	0.3	Eric Chaves
		Yannick Gagne				12			10							22.0	0.4	Yannick Gagne
		Jason Peters				12			20				20			52.0	0.9	Jason Peters
		Larry Morris				10			15							25.0	0.4	Larry Morris
		Allen Felsenthal		15		15			W							30.0	0.5	Allen Felsenthal
		J. Stuart McMenamin		15					30					20		65.0	1.1	J. Stuart McMenamin
		Stella Chan		30	240	25		4	W	30				20	15	364.0	6.1	Stella Chan
		Abraham Casas			240	15			W					30	15	300.0	5.0	Abraham Casas
		Heidi Pitts		25	45	10		10	W	15	15			30	40	190.0	3.2	Heidi Pitts
		Nicholas Phillips			120	25			10				20		10	185.0	3.1	Nicholas Phillips
		E.J. Lopez				5			W							5.0	0.1	E.J. Lopez
		Steven Maestas				5			W							5.0	0.1	Steven Maestas
Walmart	1	Steve Chriss	5			5										10.0	0.2	Steve Chriss
Kroger	1	Justin Bieber	5													5.0	0.1	Justin Bieber
WRA	1	Brendan Baatz	15			10										25.0	0.4	Brendan Baatz
NEE	1	Christopher Sandberg	60			10										70.0	1.2	Christopher Sandberg
CCAE	1	Michael Kenney	30			5									20	55.0	0.9	Michael Kenney
Sierra Club	1	Jeremy Fisher	15			15										30.0	0.5	Jeremy Fisher
CCSA	1	Keven Cray	15													15.0	0.3	Keven Cray
Bernalillo County	1	Maureen Reno	45			15										60.0	1.0	Maureen Reno
Attorney General	3	Andrea Crane	45			15										60.0	1.0	Andrea Crane
		Doug Gegax	25													25.0	0.4	Doug Gegax
		J. Randall Woolridge	30			15										45.0	0.8	J. Woolridge
NM AREA	5	Gerard Ortiz	25													25.0	0.4	Gerard Ortiz
		James Dauphinais	45			10										55.0	0.9	James Dauphinais
		Christopher Walters	45			10										55.0	0.9	Christopher Walters
		Brian Andrews	45			10								30		85.0	1.4	Brian Andrews
		Greg Meyer	30			10										40.0	0.7	Greg Meyer
ABCWUA	3	Andrew Harriger	35													35.0	0.6	Andrew Harriger
		Mark Garrett	45													45.0	0.8	Mark Garrett
		David Garrett	45													45.0	0.8	David Garrett
Staff	5	Gabriella Dasheno	30	5		10										45.0	0.8	Gabriella Dasheno
		Jonah Mautdin	25	5		10								20		60.0	1.0	Jonah Mautdin
		Christopher Dunn	30	5		5										40.0	0.7	Christopher Dunn
		Georgette Ramie	40	5				10						20		75.0	1.3	Georgette Ramie
		Jack Sidler		W		10										10.0	0.2	Jack Sidler
Totals	49		730	207	948	601	24	24	305	120	15	55	320	190	295	3834	64.1	

EXHIBIT B
Parties' Permitted Lengths of Cross-Examination

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE APPLICATION
OF PUBLIC SERVICE COMPANY OF NEW
MEXICO FOR REVISION OF ITS RETAIL
ELECTRIC RATES PURSUANT TO ADVICE
NOTICE NO. 595**

**PUBLIC SERVICE COMPANY OF NEW
MEXICO,**

APPLICANT.

Case No. 22-00270-UT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Prehearing Order* issued September 4, 2023 was e-mailed on this date to the parties listed below.

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Before the New Mexico Public Regulation Commission

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DATED this 4th day of **September 2023**.

NEW MEXICO PUBLIC REGULATION COMMISSION

Anthony F. Medeiros

Anthony F. Medeiros
Chief Hearing Examiner