



*Elizabeth Garcia*

# Supreme Court of New Mexico

CHIEF JUSTICE  
C. SHANNON BACON  
JUSTICES  
MICHAEL E. VIGIL  
DAVID K. THOMSON  
JULIE J. VARGAS  
BRIANA H. ZAMORA

P.O. BOX 848  
SANTA FE, NEW MEXICO  
87504-0848  
(505) 827-4860

CLERK OF COURT  
ELIZABETH A. GARCIA, ESQ.  
CHIEF DEPUTY CLERK OF COURT  
LYSETTE ROMERO CORDOVA, ESQ.

## NOTICE OF ORAL ARGUMENT

Dear Counsel:

Your case has been set for oral argument in the Supreme Court of New Mexico as reflected on the attached oral argument calendar. In the event of inclement weather, please check the local news outlets for notice of any delays or closures for the Supreme Court Building. If the building is closed, your argument will be rescheduled. If the Court is on a two-hour delay, morning arguments will begin ninety minutes later and afternoon arguments will remain on the original schedule.

Unless otherwise noted on the attached calendar or ordered by the Court, the time allotted to each side for oral argument will be in accordance with Rule 12-319(E) NMRA. Please note that there is room to seat up to four attorneys per side at counsel's tables. Only attorneys of record are permitted to sit at counsel's tables except in disciplinary cases and BBE matters. In those cases, the respondent may also sit at counsel's table. Nonparties and parties in all other cases are only permitted to sit at counsel's table at the discretion of the Clerk of Court. Members of the public may view oral arguments in the courtroom or at two video overflow sites in the Supreme Court Building. Additionally, all oral arguments are livestreamed through the Court's website.

The use of exhibits or other demonstrative aids is governed by Rule 12-319(F) NMRA. If you intend to file a motion under Rule 12-319(F), please do so well in advance of—and no later than five (5) business days ahead of—oral argument and indicate whether opposing counsel concurs in your use of the proposed material. If the Court grants your motion, any material that needs to be distributed to the Justices for oral argument must be provided directly to the Clerk's Office upon the granting of the motion. A copy must be given to opposing counsel, and our office will distribute the material to each Justice seated at the bench.

Because parking around the Supreme Court Building is limited, please plan to arrive early to find parking and go through security. On the day of your argument, you must check in at the Clerk's Office at least fifteen (15) minutes before the start of your argument.



**Please confirm receipt of this notice at least two weeks before the date of your oral argument by sending an email to [nmsupremecourtclerk@nmcourts.gov](mailto:nmsupremecourtclerk@nmcourts.gov).** At the same time, please also provide (1) the name(s) of the attorney(s) presenting argument for your side, (2) the names of any attorneys who intend to sit at counsel's table, and (3) information regarding how your side intends to split the time allocated for your oral argument (including any rebuttal time), if applicable.

Thank you for your cooperation, and please do not hesitate to contact our office if you have any questions.

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth A. Garcia".

Elizabeth A. Garcia  
Chief Clerk of Court

A handwritten signature in black ink that reads "Lysette Romero Córdova".

Lysette Romero Córdova  
Chief Deputy Clerk of Court

attachment

IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

**ORAL ARGUMENT CALENDAR**  
**NOVEMBER 13, 2023**

**ORAL ARGUMENT WILL BE HEARD IN THE FOLLOWING CASE**

**CALL OF THE DOCKET FOR THE FOLLOWING CASE IS 10:30 A.M.**  
**COUNSEL SHOULD CHECK IN WITH THE CLERK'S OFFICE BEFORE 10:30 A.M.**

**PUBLIC REGULATION COMMISSION APPEAL:**

NO. S-1-SC-39406

**COALITION FOR CLEAN  
AFFORDABLE ENERGY and  
RENEWABLE ENERGY INDUSTRIES  
ASSOCIATION OF NEW MEXICO,**

Appellants,

v.

**NEW MEXICO PUBLIC  
REGULATION COMMISSION,**

Appellee,

and

**ALBUQUERQUE BERNALILLO COUNTY  
WATER UTILITY AUTHORITY,  
BERNALILLO COUNTY,  
NEW ENERGY ECONOMY, and  
NEW MEXICO AFFORDABLE RELIABLE  
ENERGY ALLIANCE, and NEW MEXICO  
OFFICE OF THE ATTORNEY GENERAL,**

Intervenors-Appellees.

**In the Matter of the Public Service  
Company of New Mexico's Petition  
for a Declaratory Order Regarding  
Whether the Efficient Use of Energy  
Act Permits a Utility to Implement a  
Full Revenue Decoupling Mechanism;**

**In the Matter of the Petition of Albuquerque  
Bernalillo County Water Utility Authority and  
Bernalillo County for Declaratory Order  
Regarding Whether the Efficient Use of  
Energy Act Mandates the Commission to  
Fully Authorize Full Decoupling Upon Petition  
by a Public Utility.  
Case No. 20-00212-UT**

**CONSOLIDATED WITH  
S-1-SC-39401**

**PUBLIC SERVICE COMPANY OF  
NEW MEXICO,**

Appellant,  
v.

**NEW MEXICO PUBLIC REGULATION  
COMMISSION,**

Appellee,  
and

**ALBUQUERQUE BERNALILLO COUNTY  
WATER UTILITY AUTHORITY,  
BERNALILLO COUNTY,  
NEW ENERGY ECONOMY, and  
NEW MEXICO AFFORDABLE RELIABLE  
ENERGY ALLIANCE, and NEW MEXICO  
OFFICE OF THE ATTORNEY GENERAL**

Intervenors-Appellees.

**In the Matter of the Application of Public  
Service Company of New Mexico's  
Petition for a Declaratory Order Regarding  
Whether the Efficient Use of Energy Act  
Decoupling Mechanism; In the Matter of the  
Petition of Albuquerque Bernalillo County  
Water Utility Authority and Bernalillo County  
for a Declaratory Order Regarding Whether  
the Efficient Use of Energy Act Mandates the  
Commission to Fully Authorize Full Decoupling  
Upon Petition by the Public Utility,  
NMPRC Case No. 20-00212-UT**

***Counsel for Appellant*** – *Coalition for Clean Affordable Energy, Cara R. Lynch, Albuquerque, NM*

***Counsel for Appellant*** – *Renewable Energy Industries Association of New Mexico, Jason Marks Law, LLC, Jason A. Marks, Albuquerque, NM*

***Counsel for Appellant*** – *Public Service Company of New Mexico, PNM Resources, Inc., Stacey J. Goodwin, Albuquerque, NM; Miller Stratvert, P.A., Richard L. Alvidrez, Albuquerque, NM; Wilkinson Barker Knauer, LLP, Raymond L. Gifford, Debrea M. Terwilliger, Denver CO*

***Counsel for Appellee*** – *New Mexico Public Regulation Commission, Russell R. Fisk, Associate General Counsel, Santa Fe, NM*

***Counsel for Intervenor – Bernalillo County*** – *Jalbright Law, LLC., Jeffrey H. Albright, Albuquerque, NM; Montgomery & Andrews, P.A., Jeffrey J. Wechsler, Kari E. Olson, Santa Fe, NM*

***Counsel for Intervenor – Albuquerque Bernalillo County Water Utility Authority*** – *Stelzner, Winter, Warburton, Flores & Dawes, P.A., Nann M. Winter, Keith W. Herrmann, Albuquerque, NM; Bernalillo County Water Utility Authority, Charles W. Kolberg, General Counsel, Albuquerque, NM*

***Counsel for Intervenor*** – *New Mexico Affordable Reliable Energy Alliance – The Gould Law Firm, Peter J. Gould, Kelly D. Gould, Santa Fe, NM*

***Counsel for Intervenor – New Energy Economy*** – *Mariel Nanasi, Santa Fe, NM*

***Counsel for Intervenor – New Mexico Office of the Attorney General*** – *Gideon Elliot, Keven Gedko, Assistants Attorney General, Santa Fe, NM*