

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF PUBLIC SERVICE COMPANY OF)
NEW MEXICO’S APPLICATION FOR AUTHORIZATION)
TO IMPLEMENT GRID MODERNIZATION)
COMPONENTS THAT INCLUDE ADVANCED METERING)
INFRASTRUCTURE AND APPLICATION TO RECOVER) **Case No. 22-00058-UT**
THE ASSOCIATED COSTS THROUGH A RIDER,)
ISSUANCE OF RELATED ACCOUNTING ORDERS, AND)
OTHER ASSOCIATED RELIEF)
_____)**

PROCEDURAL SCHEDULE SUPPLEMENTAL PROCEEDINGS

THIS MATTER comes before Christopher P. Ryan, Hearing Examiner for the New Mexico Public Regulation Commission, following the prehearing conference that occurred on January 16, 2024, where a procedural schedule for these supplemental proceedings was discussed.

The Hearing Examiner **FINDS AND CONCLUDES** as follows:

1. Certain intervenors indicated at the prehearing conference that they do intend to file supplemental testimony.
2. The New Mexico Attorney General’s office already issued discovery requests and anticipates those inquiries will be answered in the very near future.
3. Other intervenors indicated they intend to file supplemental discovery responses.
4. The hearing examiner has questions about the supplemental testimony PNM filed that he will issue in a bench request.
5. Several of the Commissioner’s policy advisors appeared at the Zoom prehearing. The Commissioners may have supplemental questioning for PNM’s and intervenors’ witnesses.
6. Intervenors may elect to file supplemental testimony.
7. One of the pro-se intervenors inquired during the prehearing whether the public will be given an opportunity to make public comment about PNM’s cost-benefit analysis and

PNM's supplemental testimony. The public remains free to submit comments by e-mail at any time and will be given the opportunity at the inception of the hearing in these supplemental proceedings to offer comment on PNM's cost benefit analysis.

8. These supplemental proceedings will be focused on the cost-benefit analyses the Commission directed PNM to produce and which PNM did produce. These supplemental proceedings are not an opportunity for the utility applicant or intervenors to relitigate matters already taken into evidence or to have the proverbial "second bite at the apple." Allowing the applicant or intervenors to relitigate matters would not be inefficient and counterproductive.

9. PNM suggested certain procedural dates to achieve what is set out above. The proposals were helpful and they are adopted.

For these reasons, the Hearing Examiner **CONCLUDES**:

A. Intervenors may and Commission Staff will file **supplemental testimony** by the close of business on **March 1, 2024**.

B. Commission Staff will address how the cost benefit analysis and supplemental testimony PNM supplied bears on Staff's recommendation to the Commission as contained in prior testimony and will provide a recommendation on how the Commission should rule on PNM's grid-modernization proposals considering PNM's cost benefit analysis and supplemental evidence.

C. PNM may file **rebuttal testimony** by the close of business on **March 22, 2024**.

D. **A hearing** for cross-examination on all supplemental testimony will occur on **April 23 and 24, 2024, between 9:00 a.m. and 5:00 p.m.** Unless otherwise ordered, that hearing will occur via Zoom. An invitation to the Zoom hearing will be provided by separate e-mail. The same protocols and policies that applied to the initial hearing will apply in the supplemental hearing. PNM will later identify the order of presentation of witnesses. Intervenors will present evidence

and cross examine PNM's witnesses in the same order as at the initial hearing. Again, this is to ensure these supplemental proceedings are conducted in a maximally efficient manner.

E. The focus of the April hearing will be the supplemental evidence and the benefit cost analyses PNM provided. That hearing will not be a forum to address matters that have already been addressed at the prior hearing. There must necessarily be some flexibility in applying this principle to balance efficiency with thoroughness of the testing of PNM's evidence by the intervenors and Commission.

F. Any evidentiary motions that may have impact on the supplemental evidence or relevance to the supplemental hearing will be filed by April 9, 2024. Responses will be due five days later.

G. Additional orders may issue as necessary.

ISSUED under the Seal of the Commission at Santa Fe, New Mexico this **16th** day of **January 2024**.



NEW MEXICO PUBLIC REGULATION COMMISSION

A handwritten signature in black ink, appearing to read "C. P. Ryan", is written over a solid black horizontal line.

Christopher P. Ryan

Hearing Examiner

Christopher.ryan@prc.nm.gov

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RELATED ACCOUNTING ORDERS, AND OTHER)
ASSOCIATED RELIEF)**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the date indicated below I sent a true and correct copy of the order above to the parties listed below.

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DATED: January 16, 2023

NEW MEXICO PUBLIC REGULATION COMMISSION



Christopher P. Ryan
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