

Sullivan-Leshin, Isaac, PRC

From: Sullivan-Leshin, Isaac, PRC
Sent: Wednesday, February 16, 2022 1:34 PM
To: Records, PRC, PRC
Subject: 21-00215-UT; Filing Submission
Attachments: 21-00215-UT-2.16.2022-Commission-Commission Order on Replacement Resources.pdf

IN THE MATTER OF PUBLIC SERVICE COMPANY OF NEW MEXICO'S)
REQUEST FOR APPROVAL OF NEW RESOURCES UNDER 17.9.551)
NMAC TO REPLACE 114 MW OF LEASED PALO VERDE NUCLEAR) Case No. 21-00215-UT
GENERATING STATION CAPACITY)
_____)

Please file the attached COMMISSION ORDER ON REPLACEMENT RESOURCES into the above captioned case. Thank you.

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BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF PUBLIC SERVICE COMPANY OF)
NEW MEXICO’S REQUEST FOR APPROVAL OF NEW)
RESOURCES UNDER 17.9.551 NMAC TO REPLACE 114) Case No. 21-00215-UT
MW OF LEASED PALO VERDE NUCLEAR)
GENERATING STATION CAPACITY)**

COMMISSION ORDER ON REPLACEMENT RESOURCES

THIS MATTER comes before the New Mexico Public Regulation Commission (“Commission”) on Hearing Examiner Christopher Ryan's (“HE”) February 14, 2022 Recommended Decision (“RD”) concerning Public Service Company of New Mexico’s (“PNM”) Application for Approval of New Resources to Replace 114MW of Leased Palo Verde Nuclear Generating Station (“PVNGS”) Capacity. Having reviewed the pleadings, the RD and being duly informed, the Commission **FINDS** and **CONCLUDES**,

1. The Commission has jurisdiction over the parties and the subject matter of this case.
2. On February 14, 2022, the Hearing Examiner’s 02/14/2022 Order Shortening

Exceptions Period ordered:

A. Initial exceptions will be due by the close of business Monday, February 21, 2022.

B. Responses to exceptions will be due by the close of business on Thursday, February 24, 2022.

3. Also on February 14, 2022, the Commission, recognizing that PNM’s proposed replacement resources have not been opposed by any party during the course of this proceeding and with the purpose of expediting the Commission’s issuance of a final order or orders, issued an Order Modifying Deadlines for Exceptions, requiring the parties to file a notice on or before 9:00 a.m. Wednesday February 16, 2022, indicating:

- A. whether they intend to file exceptions to the Hearing Examiner’s recommended resource approvals;
- B. whether they intend to file exceptions to any other portion of the Recommended Decision; and

- C. whether any party opposes the Commission issuing an order on PNM's replacement resources prior to and separate from an order on any exceptions to any other portions of the Recommended Decision.
- 4. The Order Modifying Deadlines for Exceptions further provided:
 - A. In the event there are exceptions to the Hearing Examiner's recommended resource approvals in the Recommended Decision, such exceptions shall be filed by 12:00 p.m. (noon) on February 18, 2022.
 - B. Responses to exceptions to the Hearing Examiner's recommended resource approvals in the shall be filed on or before 12:00 p.m.(noon) on February 21, 2022.
 - C. Any exceptions to any other portions of the Recommended Decision shall be filed in accordance with the normal timeframes established by 1.2.2.37.C NMAC.
- 5. All parties filing responses in compliance with the Order Modifying Deadlines

indicated that they did not intend to file exceptions to the RD's recommended approval of PNM's proposed replacement resources and did not oppose the Commission issuing a Final Order on the request for approval of replacement resources separate from the remaining issues in the RD.

6. PNM's proposed replacement resources consist of: the Jicarilla solar PPA – 150 MW of solar energy; the Jicarilla storage ESA – 40 MW of four-hour energy storage capacity; the Atrisco solar PPA – 300 MW of solar energy; the Atrisco storage ESA – 150 MW of four-hour energy storage capacity; and, the Sandia Peak storage ESA – 100 MW of two-hour energy storage capacity.

7. The statement of the case, discussion, findings of fact, conclusions of law, and decretal paragraphs set forth in the Recommended Decision filed in the records of the Commission on February 14, 2022, pertaining to the recommended approval of PNM's proposed replacement resources only should be ADOPTED, APPROVED, and ACCEPTED as the Order of the Commission and incorporated by reference except to the extent such are otherwise expressly modified or disapproved herein.

8. Consistent with its February 14, 2022 Order Modifying Deadlines for Exceptions, this order is limited to the approval of replacement resources and the Commission shall issue a separate order on the remaining issues in this case following the filing of exceptions and responses to exceptions on such remaining issues.

IT IS THEREFORE ORDERED:

A. The Commission's decision-making on the issues litigated in this docket is hereby bifurcated. The current order addresses only PNM's requests for the approvals of its proposed replacement resources. The Commission shall issue a separate order on the remaining issues in this case following the Parties filing of exceptions and responses to exceptions in accordance with the Commission's 02/14/2022 Order Modifying Deadlines for Exceptions.

B. The summary, procedural history, discussion, findings of fact & conclusions of law, and decretal paragraphs set forth in the Recommended Decision, pertaining to the recommended approval of PNM's proposed replacement resources are ADOPTED, APPROVED, and ACCEPTED as the Order of the Commission and incorporated by reference as part of this order, except to the extent such are otherwise expressly modified or disapproved herein.

C. The approval of replacement resources is based on the record examined and addressed by the RD and adopted as part of this order. In the event the contractual terms of the approved replacement resource agreements approved by this order are renegotiated or altered, PNM shall make a compliance filing identifying any such changes in the contractual terms and including copies of any revised contracts. The Commission, staff and the parties shall have ten (10) days from the filing of such compliance notice to object to such terms or they shall be deemed to be approved consistent with this Order.

D. PNM shall further make compliance filings every two months from the date of this order updating the Commission as to the status of the PPAs and ESAs approved by this Order.

E. In accordance with 1.2.2.35(D) NMAC, the Commission has taken administrative notice of all Commission orders, rules, decisions, and other relevant materials in all Commission proceedings cited in this Order.

F. Any matter not specifically ruled on prior to or during the hearing or in this Order is disposed of consistent with this Order and Commission rules.

G. This Order is effective immediately.

H. A copy of this Order shall be served on all parties listed on the official service list for this case by email.

ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this 16th day of
February, 2022.

NEW MEXICO PUBLIC REGULATION COMMISSION

/s/ Cynthia B. Hall, electronically signed

CYNTHIA B. HALL, COMMISSIONER DISTRICT 1

/s/ Jefferson L. Byrd, electronically signed

JEFFERSON L. BYRD, COMMISSIONER DISTRICT 2

/s/ Joseph M. Maestas, electronically signed

JOSEPH M. MAESTAS, COMMISSIONER DISTRICT 3

/s/ Theresa Becenti-Aguilar, electronically signed

THERESA BECENTI-AGUILAR, COMMISSIONER DISTRICT 4

/s/ Stephen Fischmann, electronically signed

STEPHEN FISCHMANN, COMMISSIONER DISTRICT 5



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MW OF LEASED PALO VERDE NUCLEAR GENERATING)
STATION CAPACITY)**

CERTIFICATE OF SERVICE

I CERTIFY that on this date I sent via email to the parties listed below a true and correct copy of the **Commission Order on Replacement Resources**.

Stacey Goodwin Leslie Padilla Richard Alvidrez Mark Fenton Steven Schwebke Raymond Gifford Mariel Nanasi Tim Davis Christopher Sandberg Joan Drake Haley B. Adams Nann M. Winter Keith Herrmann Jody Garcia Dahl Harris Charles W. Kolberg Andrew Harriger Steven S. Michel Cydney Beadles Pat O'Connell Cara R. Lynch Gideon Elliot Jennifer Van Wiel Keven Gedko Sydnee Wright Andrea Crane Doug Gegax	Stacey.Goodwin@pnmresources.com ; Leslie.padilla@pnmresources.com ; Ralvidrez@mstlaw.com ; Mark.Fenton@pnm.com ; Steven.Schwebke@pnm.com ; RGifford@wbklaw.com ; Mariel@seedsbeneaththesnow.com ; tim@newenergyeconomy.org cksandberg@me.com ; jdrake@modrall.com ; hadams@modrall.com ; nwinter@stelznerlaw.com ; kherrmann@stelznerlaw.com ; JGarcia@stelznerlaw.com ; dahlharris@hotmail.com ; ckolberg@abcwua.org ; akharriger@sawvel.com ; smichel@westernresources.org ; Cydney.Beadles@westernresources.org ; Lynch.Cara.nm@gmail.com ; pat.oconnell@westernresources.org ; gelliot@nmag.gov ; jvanwiel@nmag.gov ; kgedko@nmag.gov ; swright@nmag.gov ; ctcolumbia@aol.com ; dgegax@nmsu.edu ;	Amanda Edwards Jeffrey Albright Michael I. Garcia Bruce C. Throne Joseph Yar Jeffrey Spurgeon Peter J. Gould Kelly Gould Jim Dauphinais Stephanie Dzur April Elliott Don Hancock Michael C. Smith Bradford Borman Naomi Velasquez Elizabeth Jeffreys Peggy Martinez-Rael Elizabeth Ramirez Jack Sidler Elisha Leyba-Tercero Gabriella Dasheno Eli LaSalle Ana Kippenbrock Christopher Ryan	AE@Jalblaw.com ; JA@Jalblaw.com ; mikgarcia@bernco.gov ; bthronatt@newmexico.com ; joseph@yarlawoffice.com ; spurgeonJ@southwestgen.com ; peter@thegouldlawfirm.com ; Kelly@thegouldlawfirm.com ; jdauphinais@consultbai.com ; Stephanie@Dzur-law.com ; ccae@elliottanalytics.com ; srcidon@earthlink.net ; Michaelc.smith@state.nm.us ; Bradford.Borman@state.nm.us ; Naomi.Velasquez1@state.nm.us ; Elizabeth.jeffreys@state.nm.us ; Peggy.Martinez-Rael@state.nm.us ; Elizabeth.Ramirez@state.nm.us ; Jack.sidler@state.nm.us ; Elisha.Leyba-Tercero@state.nm.us ; Gabriella.Dasheno@state.nm.us ; Eli.Lasalle@state.nm.us ; Ana.Kippenbrock@state.nm.us ; Christopher.ryan@state.nm.us ;
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DATED this February 16th, 2022.

NEW MEXICO PUBLIC REGULATION COMMISSION

/s/ Isaac Sullivan-Leshin, electronically signed

Isaac Sullivan-Leshin, Law Clerk

Isaac.sullivan-leshin@state.nm.us