

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF PUBLIC SERVICE)
COMPANY OF MEXICO'S)
ABANDONMENT OF SAN JUAN)
GENERATING STATION UNITS 1 AND 4)

Case No. 19-00018-UT

ORDER REGARDING PREHEARING CONFERENCE
AND AMENDING JULY 25, 2019 PROCEDURAL ORDER

THIS MATTER comes before the Hearing Examiners *sua sponte*. Being fully informed, the Hearing Examiners **FIND** and **CONCLUDE** that the parties should file a prehearing memo prior to the November 25, 2019 prehearing conference to facilitate the discussion of the matters that will be discussed at the prehearing conference and that certain additional procedural deadlines should be established. The prehearing conference memos may also eliminate the need to hold the prehearing conference.

IT IS THEREFORE ORDERED:

1. Each party shall file a prehearing memo by November 19, 2019 that identifies the following:
 - a. Names of attorneys who will represent the party in the hearing.
 - b. Number of people each party expects to attend the hearing on the party's behalf. The ground floor hearing room has seating capacity for 40-45 people. If substantially more participants are anticipated, the hearing may have to be held in Apodaca Hall.
 - c. The names of witnesses each party intends to present and any dates the witnesses are unavailable for the hearing.

- d. The exhibits (pre-filed testimony, etc.) that each party intends to present. This does not include exhibits that cannot be anticipated before the hearing.¹
- e. Estimates of the amount of time that each party will cross-examine each witness who has pre-filed testimony in this case and the names of any witnesses for which each party waives the right of cross-examination. In order to complete the hearings on a timely basis, the Hearing Examiners may need to enforce time limits in their discretion.
- f. Unresolved issues regarding the use of materials designated as confidential under the July 29, 2019 Protective Order.

2. PNM shall, following consultation with Staff and the other parties, include in its prehearing memo: (i) a proposed order of presentation of all witnesses at the hearing, and (ii) a proposed order of cross-examination of each witness.

3. PNM shall also include in its prehearing memo its willingness to pay for the cost of expedited transcripts.

¹ Parties are advised of the following procedures for testimony and exhibits (in addition to the procedures in the Commission's rules and the July 25, 2019 Procedural Order):

-- Pre-filed testimony and exhibits must be offered into evidence at the hearing. Filing is not sufficient to admit the testimony and exhibits into the evidentiary record.

-- Each party shall present to the court reporter **two copies** of any testimony or other exhibit the party intends to offer into evidence. If the testimony or exhibit has not been pre-filed, the party offering the document into evidence shall distribute copies to the court reporter, hearing examiner, and all parties. This requirement also applies to exhibits that a party intends to use in cross-examination.

-- Exhibits shall be marked numerically and identify the party offering the exhibit.

-- If a witness intends to present corrections to pre-filed testimony, the corrections shall be marked on the copies presented to the court reporter.

-- All pre-filed testimony (direct and rebuttal testimony) for each witness shall be offered when the witness is first presented.

-- The oral testimony elicited by the party presenting the witness shall (except for redirect examination) consist of the authentication and verification of each pre-filed document. Unless otherwise ordered by the Hearing Examiners, the party shall not elicit oral summaries of pre-filed testimony.

4. Motions in limine, motions to strike, and all other prehearing motions shall be filed by November 19, 2019.² Responses shall be filed by November 22, 2019.

5. The prehearing conference may be used, if the Hearing Examiners deem it necessary, for oral argument on any outstanding motions.

6. The prehearing conference may also be used, if the Hearing Examiners deem it necessary, for oral argument or evidentiary hearing on any requests for confidentiality determinations pursuant to ¶¶ H and J of the Protective Order issued in this case on July 29, 2019. The parties are reminded that, pursuant to ¶ J.3, the Hearing Examiners may issue a ruling on requests for confidentiality determinations based upon the affidavits filed in support of and in opposition to any such requests. Affidavits should, therefore, contain the information that the filing party deems sufficient to support its position.

7. Except as expressly provided herein, all findings, conclusions, and ordering clauses contained in the July 25, 2019 Procedural Order and other orders of the Hearing Examiners and Commission that have not been amended or otherwise superseded remain in full force and effect.

ISSUED at Santa Fe, New Mexico on **November 6, 2019**.

NEW MEXICO PUBLIC REGULATION COMMISSION



Ashley C. Schannauer
Anthony F. Medeiros
Hearing Examiners

² This filing deadline amends the July 25, 2019 Procedural Order, which formerly required the filing of such motions by November 22, 2019. See Procedural Order at 6, ¶A(10).

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CERTIFICATE OF SERVICE

I **CERTIFY** that on this date I sent to the parties listed here, via email only, a true and correct copy of
the **Order Regarding Prehearing Conference and Amending July 25, 2019 Procedural Order.**

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DATED this November 6, 2019.

NEW MEXICO PUBLIC REGULATION COMMISSION



Ana C. Kappenbrock, Law Clerk