

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

<b>IN THE MATTER OF PUBLIC SERVICE</b>	)	
<b>COMPANY OF NEW MEXICO'S</b>	)	
<b>CONSOLIDATED APPLICATION FOR</b>	)	
<b>APPROVALS FOR THE ABANDONMENT,</b>	)	<b>Case No. 19-00195-UT</b>
<b>FINANCING, AND RESOURCE REPLACEMENT</b>	)	
<b>FOR SAN JUAN GENERATING STATION</b>	)	
<b>PURSUANT TO THE ENERGY TRANSITION ACT</b>	)	
<hr/>		

**ORDER AMENDING PROCEDURAL ORDER AND CONSOLIDATING  
CONSIDERATION OF PROPOSED REPLACEMENT RESOURCES**

**THIS MATTER** comes before the Hearing Examiners upon the Motion for Rehearing of Procedural Order (“Motion”) filed by Sierra Club on August 2, 2019. Being fully informed, the Hearing Examiners **FIND and CONCLUDE:**

**I. DISCUSSION**

Sierra Club moves the Hearing Examiners pursuant to 1.2.2.37(F)(1) NMAC for rehearing and revision of the hearing schedule established in the Procedural Order issued in this case on July 25, 2019, as clarified and amended in the Notice of Errata and Amendment to Procedural Order issued on July 31, 2019. Given the relatively complex series of events leading up to the issuance of the Procedural Order and the nature of the relief Sierra Club requests, some background discussion is warranted before addressing the substance of the Motion.

**A. Background**

On July 1, 2019, Public Service Company of New Mexico (PNM) filed its Consolidated Application in Case No. 19-00195-UT pursuant to the Energy Transition Act (ETA), NMSA 1978, §§ 62-18-1 to -23 (2019), for abandonment of the San Juan Generating Station (SJGS), a financing order to securitize the costs of abandonment, and for approvals of proposed replacement resources. As described in more detail below, the so-called “replacement resources” consist of certain proposed utility-owned generating units and energy storage systems for which PNM is seeking certificates of

public convenience and necessity (CCNs) and the acquisition of additional resources through purchased power agreements (PPAs).

On July 10, 2019, the Commission issued a Corrected Order on Consolidated Application which separated or, as certain parties describe the action, “bifurcated” the Commission’s review of PNM’s Application into two proceedings. In short, the Commission dedicated the proposed SJGS replacement resource issues to this proceeding, Case No. 19-00195-UT, while it placed the abandonment and securitization issues in Case No. 19-00018-UT.

Regarding the SJGS replacement resources, as subsequently clarified in the July 31, 2019 Order, the Procedural Order provided that the following matters will be addressed in this case:

(A) PNM’s proposal for new generating resources to replace the retired 497 MW of capacity and energy produced by PNM’s share of the San Juan Generating Station (SJGS), including,

i. Approval of two PPAs and associated energy storage agreements (ESAs):

(1) a 20-year PPA for 300 MW<sub>AC</sub> of solar energy from the Arroyo Solar Facility located in McKinley County (“Arroyo Solar PPA”) combined with a 20-year Energy Storage Agreement (ESA) for 40 MW<sub>AC</sub> 4-hour energy storage from the Arroyo Storage battery system (“Arroyo Storage ESA”); and

(2) a 20-year PPA for the output from a 50 MW<sub>AC</sub> solar facility located on Jicarilla Apache lands (“Jicarilla Solar 1 PPA”) combined with a 20-year ESA for a 20 MW<sub>AC</sub> 4-hour energy storage from the Jicarilla Storage 1 battery system (“Jicarilla Storage 1 ESA”).

ii. Issuance of CCNs for:

(1) 40 MW and 30 MW utility-owned energy storage systems, referred to as the Sandia and Zamora facilities, respectively, located at two existing utility sites in Bernalillo County; and

(2) 280 MW of utility-owned natural gas-fired generating units, referred to as the Pinon Gas Plant, located in Waterflow, New Mexico at the SJGS site.

iii. In addition to the foregoing approvals for new resources to replace SJGS, PNM requests that consideration be given to a proposed PNM-owned 20 MW solar facility to be installed at the SJGS site as a means of fulfilling PNM’s obligation under Paragraph 40 of the Modified Stipulation approved in Case No. 13-00390-UT.

The Procedural Order expressly recognized that, as PNM stated in the Application, the Jicarilla and Arroyo PPAs have approval deadline provisions of April 30, 2020 written into those

PPAs to “ensure the renewable tax credits can be fully utilized.”<sup>1</sup> PNM also stated that the Sandia and Zamora solar and storage projects and the Pinon Gas Plant have approval deadline provisions of September 30, 2020 to “ensure project engineering and equipment purchases can occur to meet the 2022 installation dates.”<sup>2</sup>

The Procedural Order further noted that in its July 10, 2019 Order, the Commission recognized that the six-month time limit for approval of long-term PPAs under 17.9.551.10 NMAC may apply to the Application’s request for approval of the replacement resources. Nonetheless, the Commission found that since the timeframe of 17.9.551.10 NMAC appears to conflict with the timeframe provisions set forth in the ETA, the applicability of 17.9.551.10 NMAC to this matter should be waived in order to permit consideration of all potential replacement resources in a single proceeding.<sup>3</sup>

Additionally, the Procedural Order took into account the fact that the Commission’s July 10, 2019 Order established a fifteen-month timeframe for review of the PNM requests at issue in this proceeding and, among other things, directed the undersigned Hearing Examiners to “endeavor to issue recommended decision for consideration by the Commission in sufficient time for the Commission to render a decision within the timeframes sought by PNM where appropriate, but definitely within the applicable statutory timeframes and as established by this Order.”<sup>4</sup>

Thus, having considered the Commission’s findings, the proposed procedural schedules put forward by several parties, and having addressed procedural issues with the assembled parties during

---

<sup>1</sup> Procedural Order at 2 (quoting Consolidated Application at 18).

<sup>2</sup> *Id.*

<sup>3</sup> July 10, 2019 Order at 4-5, ¶ 17.

<sup>4</sup> Procedural Order at 3 (quoting Corrected Order on Consolidated Application, Cases Nos. 19-00018-UT and 19-00195-UT (July 10, 2019), at ¶ 18 and ordering ¶ B)).

the July 23, 2019 prehearing conference in this case,<sup>5</sup> the Hearing Examiners established – separate hearing schedules in the Procedural Order,<sup>6</sup> first, for consideration of the Jicarilla and Arroyo PPAs and ESAs (collectively “Jicarilla and Arroyo PPAs” hereinafter), and subsequently for the remainder of PNM’s proposed replacement resources. The interim schedule was established to redress the imperative, stated by PNM, to make a decision on the Jicarilla and Arroyo PPAs by April 30, 2020 and the prospect that appeared likely at the time that the parties might stipulate to their approval.<sup>7</sup> Indeed, the schedule established for their consideration explicitly incorporated the prospect of a stipulation:<sup>8</sup>

1) Should a settlement be reached among all or some of the parties, a stipulation may be filed by no later than October 25, 2019.

2) Testimony supporting the stipulation shall be filed on or before November 1, 2019. Alternatively, if a stipulation is not filed as provided above, direct testimony of Staff and intervenors shall be filed on or before November 1, 2019.

---

<sup>5</sup> Representatives of the following parties attended the prehearing conference on July 23, 2019: PNM, Albuquerque Bernalillo County Water Utility Authority, Bernalillo County, the Coalition for Clean Affordable Energy, the Interwest Energy Alliance, IUOE Local 953, New Energy Economy, the New Mexico Attorney General, the New Mexico Industrial Energy Consumers, the San Juan Citizens Alliance and Diné CARE, San Juan County, the Sierra Club, Southwest Generation Operating Company, Western Resource Advocates, and the Utility Division Staff (“Staff”) of the Commission.

<sup>6</sup> References to the subject “Procedural Order” issued on July 25, 2019 incorporate and include the July 31, 2019 Notice of Errata and Amendment to Procedural Order (“July 31, 2019 Order”).

<sup>7</sup> The interim dates for testimony and the hearing adopted for consideration of the Jicarilla and Arroyo PPAs had been proposed by counsel for intervenor NMIEC (now NM AREA) consistent with his July 19, 2019 email response to the Hearing Examiners’ prior request for potential procedural schedules in the July 12, 2019 Order Scheduling Prehearing Conference. Counsel’s email explained, in pertinent part, that NMIEC was “proposing interim dates for resolution of the issues related to the solar/battery PPAs – which by their terms expire in March 2020. The interim process removes the need to have the expiration of those PPAs drive the schedule in the entire case.” The only direct feedback received from the parties regarding the interim process came from counsel for SWG, who stated in his July 19, 2019 email response that “SWG supports NMIEC’s proposal for establishment of interim dates for consideration of stipulations regarding the proposed PPAs and battery ESAs.”

<sup>8</sup> See Procedural Order at 6-7, ¶¶ B(1)-(4).

3) Testimony opposing the stipulation shall be filed on or before November 19, 2019. Alternatively, if a stipulation is not filed as provided above, rebuttal testimony shall be filed on or before November 19, 2019.

4) The evidentiary hearing shall be held on December 2, 2019 and shall continue as necessary on December 3, 2019.

And for consideration of the remaining replacement resources, the schedule provides, in pertinent part, as follows:<sup>9</sup>

1) The following testimony shall be filed by Staff and may be filed by intervenors on or before January 10, 2020: (i) testimony responsive to the testimony in PNM's Application; and (ii) in the event the ETA is ultimately determined not to apply to this proceeding, testimony on the merits of Staff and Intervenors' claims (if any) regarding the most cost-effective resources to replace the capacity lost with the abandonment of the San Juan Units 1 and 4 under the statutes effective prior to the ETA.

2) Rebuttal testimony shall be filed on or before February 14, 2020.

3) All motions in limine, motions to strike testimony, and other prehearing motions shall be filed on or before February 21, 2020.

4) A prehearing conference will be held, if necessary, on February 25, 2020.

5) A public comment hearing in this matter shall be held on March 2, 2020.

6) The evidentiary hearing shall be held beginning on March 3, 2020 and shall continue as necessary until March 13, 2020.

## **B. The Motion**

In the instant Motion, Sierra Club takes issue with the separate procedural schedules established for what the Sierra Club categorizes as PPA/ESAs and CCNs and requests in the Motion that the Hearing Examiners grant "rehearing of, and/or revise," the setting of separate schedules for the PPA and CCN resources.<sup>10</sup> And, thus, Sierra Club requests that the Hearing Examiners issue a

---

<sup>9</sup> *Id.* at 5-6, ¶¶ A(8)-(13).

<sup>10</sup> Motion at 10.

single schedule in this proceedings that addresses all replacement resources (both PPA and CCN resources) and enables the Commission to issue a final decision by the end of April 2020.

### **C. Sierra Club's Arguments**

As grounds for the relief it seeks, Sierra Club argues Procedural Order is inconsistent with the purported “record evidence” that PNM analyzed PPAs and CCNs together.<sup>11</sup> Sierra Club explains that PNM and its contractors focused on modeling the economics and reliability of four portfolios, which PNM calls “scenarios,” meaning a set of proposed replacement resources consisting of both PPA and CCN resources. Sierra Club claims that in no case did PNM and its contractors perform model runs of PPA and CCN resources separately.

Sierra Club argues that by issuing a procedural schedule that contains separate schedules for PPA and CCN resources, the Procedural Order “severely impair[s]” the ability of intervenors to propose alternative portfolios and poses “significant inefficiencies” for the parties.<sup>12</sup> Sierra Club announces that it will likely present testimony that PNM should have selected different PPAs than PNM has proposed in its preferred portfolio. Sierra Club complains that under the current Procedural Order, it would need to present the same testimony on PPAs twice, in both the PPA and CCN hearings because, according to Sierra Club, testimony regarding PPAs is inextricably linked to testimony regarding CCNs. Sierra Club posits that since PNM and its contractors apparently modeled the PPA and CCN resources as part of a single portfolio, changing a PPA in a portfolio may change the CCNs in that portfolio as well. Sierra Club thus fears that it, and perhaps other intervenors, will be forced to present the same testimony in both the PPA and CCN portions of this proceeding.

---

<sup>11</sup> *Id.* at 2.

<sup>12</sup> *Id.* at 3.

Complicating matters further, Sierra Club maintains the circumstances of this case make it likely that Sierra Club or other interveners could present testimony and other evidence to support substituting one or more PPA resources for a resource proposed by PNM as a company-owned CCN resource. Sierra Club acknowledges that such evidence would need to be presented in the CCN phase of the case; however, if the evidence were to show the superiority of one or more PPA resources to the CCNs proposed by PNM, Sierra Club contends the mechanism for Commission approval of the new PPAs “becomes confused, at best,” under the current schedule.<sup>13</sup> Sierra Club insists the inefficiency it perceives is the direct result of the July 25 Order creating separate procedural schedules for PPA and CCN resources.

Finally, Sierra Club submits that if the Hearing Examiners are open to consolidating the replacement resource proposals into a single hearing process, that procedural schedule could provide additional time for preparation and filing of Staff and intervenor direct testimony, which would then be required to address a broader range of resources. To that end, Sierra Club proposes a procedural schedule devised to culminate in the issuance of a Commission final order prior to the April 30, 2020 expiration of PNM’s proposed PPAs.<sup>14</sup>

#### **D. Responses**

Responses to the instant Motion were filed on August 12, 2019 by PNM, the Albuquerque Bernalillo County Water Utility Authority (Water Authority or ABCWUA), and Southwest

---

<sup>13</sup> *Id.*

<sup>14</sup> *Id.* at 5. Sierra Club “suggests the following as a possible procedural schedule: Staff and Intervenor Direct Testimony, December 13, 2019; Rebuttal, January 6, 2020; Hearing, January 22-29, 2020; Initial Briefs, February 10, 2020; Response Briefs, February 17, 2020. If a recommended decision was to issue thereafter on or around March 17, 2020, then Exceptions could be due March 24, 2020, and Responses on March 30, 2020, leaving all of April for Commission consideration and action on a final order.” *Id.* at 5 n.1.

Generation Operating Co., LLC (SWG). PNM supports the Motion. The Water Authority and SWG oppose it.

PNM agrees with Sierra Club that PNM's proposed replacement resources are properly considered as a "package."<sup>15</sup> PNM explains these proposed resources were developed and analyzed by PNM as integrated group of resources. PNM maintains it would be impractical and erroneous to attempt to separately consider and assess these replacement resources based on their proposed ownership status. PNM also submits that the issue of SJGS abandonment should be determined before the issue of replacement resources are addressed as provided in the ETA.

PNM proposes that the issue of SJGS abandonment and securitization be considered in advance of the issue of the proposed replacement resources which, PNM believes, should be considered all at the same time. PNM generally concurs with the proposed prehearing schedule proposed by Sierra Club for the hearing on PNM's proposed SJGS replacement resources.

The Water Authority, on the other hand, asserts that Sierra Club's request to reconsolidate all proposed SJGS replacement resources into one hearing process would result in the unnecessary delay of the Commission's review and approval of, as ABCWUA puts it, "410 MW of cost effective and carbon free energy resources."<sup>16</sup>

The Water Authority points out that the Sierra Club also fails to consider two critical elements clearly captured in the Procedural Order. First, PNM has repeatedly emphasized that the Jicarilla and Arroyo PPAs have an approval deadline of April 30, 2020, to "ensure the renewable tax credits can be fully utilized."<sup>17</sup> Second, in the Procedural Order the Hearing Examiners acknowledged that

---

<sup>15</sup> PNM Resp. at 2.

<sup>16</sup> ABCWUA Resp. at 2.

<sup>17</sup> *Id.* at 2 (quoting Consolidated Application at 18).



the six-month time limit for approval of long-term PPAs under 17.9.551.10 NMAC likely applies to PNM's request for approval of the Jicarilla and Arroyo PPAs.

In addition, the Water Authority cites the Commission's direction to the Hearing Examiners, quoted above, to endeavor to issue a recommended decision on a date that leaves the Commission sufficient time to render a fully considered decision within PNM's requested timeframes, where appropriate, but certainly within the applicable statutory timeframes and the extended deadlines established in the Commission's July 10, 2019 Order.

Accordingly, the Water Authority maintains that in issuing the Procedural Order the Hearing Examiners succeeded in the difficult task of crafting a schedule that accommodates the unique aspects of the PPAs, a schedule that not only preserves PNM's ability to maximize certain tax incentives, but also does not run afoul of the six-month time limit imposed by Rule 551.10 for approval of the long-term PPAs.

The Water Authority finally suggests that Sierra Club may also be arguing that the PNM proposed "scenarios" are part of some "cohesive, indelible package that cannot be tampered with."<sup>18</sup> That would simply not be true, the Water Authority asserts, because "PNM is spending much time, energy and effort allowing access to multiple software packages that would permit and generate the assessment of dozens or hundreds of scenarios." Therefore, to the Water Authority at least, "[e]arly consideration of green, large scale installations – in line with [Sierra Club's] stated policy directives - does not impact [Sierra Club's] ability to model less gas or more battery or more renewable resources."<sup>19</sup>

---

<sup>18</sup> *Id.* at 4.

<sup>19</sup> *Id.*

SWG, for its part, focuses its criticisms of the Motion, primarily<sup>20</sup> on Sierra Club's allegations that: the distinct procedural schedules established in the Procedural Order are inconsistent with "record evidence" that PNM analyzed the PPAs and CCNs together; procedural schedules severely supposedly impair the ability of intervenors to propose alternative portfolios; and they risk significant inefficiencies for the parties.

First, rebutting the Sierra Club's claim that the Procedural Order provides no rationale for separate consideration of the PPAs and CCNs and are inconsistent with the state of record to date, SWG points to the Procedural Order's express finding that, quoting among other things paragraph 4 of the Order, "the Jicarilla and Arroyo PPAs have approval deadline provisions of April 30, 2020 written into those PPAs to 'ensure the renewable tax credits can be fully utilized,'" which as SWG notes, is "five months earlier than the September 30, 2020 'contract deadlines' for PNM's proposed utility-owned Pinon Gas Plant and Sandia and Zamora battery storage projects."<sup>21</sup> SWG finds further support for its rejoinder in PNM's Application and the pre-filed direct testimony of PNM witness Thomas Fallgren.<sup>22</sup>

Next, SWG cites several benefits of the distinct procedural schedules. SWG propounds that, to the extent parties agree with PNM that its proposed renewable energy PPAs and ESAs are cost-effective replacement resources for the SJGS, they may so stipulate in accordance with those schedules and thereafter address PNM's other replacement resource proposals in a more efficient

---

<sup>20</sup> SWG also raises issues and makes detailed arguments regarding, e.g., PNM's alleged delays in informing the Commission of available cost-effective replacement resources, *id.* at 7-12, and the "distinct manner" that PNM's pre-filed testimony represents that PNM identified and evaluated its PPA, ESA, and utility-owned replacement resource options, *id.* at 12-16.

<sup>21</sup> SWG Resp. at 2.

<sup>22</sup> *Id.* at 2-3.

manner than fully-litigating the merits of those PPA and ESA proposals together with PNM's other replacement resource proposals.

In addition, SWG believes the distinct procedural schedules will provide all concerned a longer period of time to assess PNM's other replacement resource proposals, which may be addressed more efficiently by parties after they address the merits of PNM's PPA and ESA proposals. Moreover, SWG asserts the distinct procedural schedules will not restrict parties to considering PNM's PPA and ESA proposals as part of a rushed "take it or leave it" package as presented by PNM in its Consolidated Application. Instead, from SWG's perspective, the distinct procedural schedules will allow the parties to address, and the Hearing Examiners and the Commission to consider, PNM's PPA and ESA proposals in a timely manner without forcing them to hastily address and consider PNM's CCN proposals due to filing delays controlled by PNM.

Further, SWG points out that in its Application in pending Case No. 19-00159-UT, PNM is asking the Commission to approve a proposed 140 MW wind PPA to satisfy its higher renewable portfolio standard (RPS) requirements under the ETA, a request that is not contingent upon Commission approval of all of the replacement resources described in PNM's preferred "Scenario 1" or its alternative "Scenario 2" described in its Consolidated Application. Hence, SWG maintains that contrary to Sierra Club's supposition, just because those PNM replacement resources mix scenarios include combinations of PPA, ESA, and CCN proposals, the Commission is not obliged to nor should it address those PNM proposals pursuant to a single procedural schedule so it can resolve each of their merits at the same time.

SWG concludes that nothing in the procedural schedules established by the Hearing Examiners precludes Sierra Club or any other party from proposing, or the Hearing Examiners or the Commission from considering, alternatives to PNM's CCN proposals in the second phase of this case that would allow PNM to provide reliable service to its customers in a manner that is equally

or more cost-effective for its customers and complies with the replacement resources requirements of the ETA, assuming the ETA applies in this case.

## II. ANALYSIS AND FINDINGS AND CONCLUSIONS

Having considered the Motion, the parties' responses, and the record as a whole, the Hearing Examiners are not persuaded that the interim schedule established for consideration of the Jicarilla and Arroyo PPAs is inconsistent with the directions the Commission gave them in the Commission's July 10, 2019 Order. Contrary to Sierra Club's conjecture, the Hearing Examiners established the interim schedule for examination of the Jicarilla and Arroyo PPAs for two reasons. Interim action on the Jicarilla and Arroyo PPAs was intended to address PNM's insistence that a Commission decision must be issued by the contracts' April 30, 2020 deadline in order to ensure the full utilization of renewable tax credits. In this regard, too, contrary to Sierra Club's understanding, the Hearing Examiners did not intend to set separate schedules to address PPAs and CCNs as potential types of replacement resources. The initial set of hearings was established to address the Jicarilla and Arroyo PPAs, not to address the reasonableness of any and all PPAs that parties might propose as replacement resources. Similarly, the second set of hearings was not established to exclusively address the reasonableness of utility-owned replacement resources. The second set of hearings was established to address any combination of PPAs and utility-owned resources proposed as replacement resources.

Second, when they conceived the schedule, the Hearing Examiners were under the impression that, as suggested by certain parties,<sup>23</sup> a stipulation representing the PPAs as cost-effective replacement resources would likely be submitted in relatively short order for potential approval by

---

<sup>23</sup> See *supra* n7. and accompanying text.

the Commission. Now, as Sierra Club presages, any such settlement would be vigorously opposed and inevitably ignite major litigation and a protracted hearing immediately before even more intensive and extended hearings involving the very same parties on the abandonment and securitization issues is set to begin in Case No. 19-00018-UT. Consequently, the efficiencies of a stipulation hearing on SJGS replacement resources formerly believed achievable are no longer realistically attainable.

Therefore, while they categorically reject Sierra Club's Motion for rehearing on the merits, they nevertheless will treat it as a motion to amend the Procedural Order. Accordingly, the Hearing Examiners find and conclude for the reasons stated and in the interests of administrative efficiency and the preservation of party and Commission resources that the consideration of all of PNM's proposed replacement resources should be unified in this case. The consolidation is reflected in the amended procedural schedule set forth below.

### **III. DECRETAL PARAGRAPHS**

The Hearing Examiners therefore **ORDER** that:

A. The Motion is DENIED in part and GRANTED in part consistent with the foregoing discussion, analysis, and findings and conclusions.

B. The schedule for consideration of the Jicarilla and Arroyo PPAs set forth in the Procedural Order, at 6-7, Section B(1)-(4), is VACATED.

C. Section (A)(8)-(13) of the Procedural Order, at 5-6, is revised as follows:

1) The following testimony shall be filed by Staff and may be filed by intervenors on or before December 13, 2019: (a) testimony responsive to the testimony in PNM's Application; and (b) in the event the ETA is ultimately determined not to apply to this proceeding, testimony on the merits of Staff and Intervenors' claims (if any) regarding the most cost-effective resources to

replace the capacity lost with the abandonment of the San Juan Units 1 and 4 under the statutes effective prior to the ETA.

2) Rebuttal testimony shall be filed on or before January 6, 2020.

3) All motions in limine, motions to strike testimony, and other prehearing motions shall be filed on or before January 10, 2020.

4) A prehearing conference will be held, if necessary, beginning at 9:30 a.m. on January 15, 2020 in the Ground Floor Hearing Room of the Commission in the P.E.R.A. Building, 1120 Paseo de Peralta, Santa Fe, New Mexico 87501.

5) A public comment hearing in this matter shall be held pursuant to 1.2.2.23(F) NMAC beginning on January 21, 2020, commencing at 9:30 a.m. MT in the Ground Floor Hearing Room of the Commission, P.E.R.A. Building, 1120 Paseo de Peralta, Santa Fe, New Mexico.

6) The evidentiary hearing in this matter shall be held beginning on January 22, 2020 commencing at 9:00 a.m. MT in the Ground Floor Hearing Room of the Commission, P.E.R.A. Building, 1120 Paseo de Peralta, Santa Fe, New Mexico, and shall continue as necessary until January 29, 2020.

D. Interested persons should contact the Commission at (505) 827-6956 for confirmation of the hearing date, time, and place since hearings are occasionally rescheduled or, if deemed not required or necessary, canceled at the discretion of the Hearing Examiners or Commission.

E. Except as expressly provided in this Order, all findings, conclusions, and ordering clauses contained in the Procedural Order, the July 31, 2019 Order, and all other orders of the Hearing Examiners and Commission that have not been amended or otherwise superseded remain in full force and effect.

F. This Order is effective immediately.

**ISSUED** at Santa Fe, New Mexico this **30<sup>th</sup>** day of **August 2019**.

**NEW MEXICO PUBLIC REGULATION COMMISSION**



---

**Anthony F. Medeiros**  
**Ashley C. Schannauer**  
**Hearing Examiners**

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF PUBLIC SERVICE )  
COMPANY OF NEW MEXICO'S )  
CONSOLIDATED APPLICATION FOR ) Case No. 19-00195-UT  
APPROVALS FOR THE ABANDONMENT )  
FOR SAN JUAN GENERATING STATION )  
PRUSUANT TO THE ENERGY )  
TRANSITION ACT )**

**CERTIFICATE OF SERVICE**

I CERTIFY that on this date I sent to the parties and individuals listed here, via email only, a true and correct copy of the **Order Amending Procedural Order and Consolidating Consideration of Proposed Replacement Resources**, issued August 30, 2019.

<u>Stacey Goodwin</u>	<u>Stacey.Goodwin@pnmresources.com;</u>	<u>Stephen Curtice</u>	<u>stephen@youtzvaldez.com;</u>
<u>Ryan Jerman</u>	<u>Ryan.Jerman@pnmresources.com;</u>	<u>Shane Youtz</u>	<u>shane@youtzvaldez.com;</u>
<u>Richard Alvidrez</u>	<u>Ralvidrez@mstlaw.com;</u>	<u>James Montalbano</u>	<u>james@youtzvaldez.com;</u>
<u>Dan Akenhead</u>	<u>DAkenhead@mstlaw.com;</u>	<u>Barry W. Dixon</u>	<u>bwdixon953@msn.com;</u>
<u>Mark Fenton</u>	<u>Mark.Fenton@pnm.com;</u>	<u>Kyle J. Tisdell</u>	<u>tisdell@westernlaw.org;</u>
<u>Carey Salaz</u>	<u>Carey.salaz@pnm.com;</u>	<u>Erik Schlenker-Goodrich</u>	<u>eriksg@westernlaw.org;</u>
<u>Steven Schwebke</u>	<u>Steven.Schwebke@pnm.com;</u>	<u>Thomas Singer</u>	<u>Singer@westernlaw.org;</u>
<u>Ray Gifford</u>	<u>Rgifford@wbkllaw.com;</u>	<u>Mike Eisenfeld</u>	<u>mike@sanjuancitizens.org;</u>
<u>Heather Allen</u>	<u>Heather.Allen@pnmresources.com;</u>	<u>Carol Davis</u>	<u>caroljdavis.2004@gmail.com;</u>
<u>Joan Drake</u>	<u>jdrake@modrall.com;</u>	<u>Robyn Jackson</u>	<u>chooshgai.bitsi@gmail.com;</u>
<u>Lisa Tormoen Hickey</u>	<u>lisahickey@newlawgroup.com;</u>	<u>Thomas Manning</u>	<u>cfreel@energy@yahoo.com;</u>
<u>Jason Marks</u>	<u>lawoffice@jasonmarks.com;</u>	<u>Debra S. Doll</u>	<u>Debra@doll-law.com;</u>
<u>Matthew Gerhart</u>	<u>matt.gerhart@sierraclub.org;</u>	<u>Germaine R. Chappell</u>	<u>Gchappelle.law@gmail.com;</u>
<u>Katherine Lagen</u>	<u>Katherine.lagen@sierraclub.org;</u>	<u>Jane Yee</u>	<u>jyee@cabq.gov;</u>
<u>Ramona Blaber</u>	<u>Ramona.blaber@sierraclub.org;</u>	<u>Saif Ismail</u>	<u>sismail@cabq.gov;</u>
<u>Camilla Feibelman</u>	<u>Camilla.Feibelman@sierraclub.org;</u>	<u>Steven Gross</u>	<u>gross@portersimon.com;</u>
<u>Michael Goggin</u>	<u>MGoggin@gridstrategiesllc.com;</u>	<u>Martin R. Hopper</u>	<u>mhopper@msrpower.org;</u>
<u>Nann M. Winter</u>	<u>nwinter@stelznerlaw.com;</u>	<u>James R. Dittmer</u>	<u>jdittmer@utilitech.net;</u>
<u>Keith Herrmann</u>	<u>kherrmann@stelznerlaw.com;</u>	<u>Daniel R. Dolan</u>	<u>drd@lobo.net;</u>
<u>Dahl Harris</u>	<u>dahlharris@hotmail.com;</u>	<u>Robb Hirsch</u>	<u>rhirsch@edlconsulting.us;</u>
<u>Peter Auh</u>	<u>pauh@abcwua.org;</u>	<u>Noah Long</u>	<u>nlong@nrdc.org;</u>
<u>Jody García</u>	<u>JGarcia@stelznerlaw.com;</u>	<u>Mariam Wheir</u>	<u>mwheir@gmail.com;</u>
<u>Andrew Harriger</u>	<u>akharriger@sawvel.com;</u>	<u>John W. Boyd</u>	<u>jwb@fbdlaw.com;</u>
<u>Steven S. Michel</u>	<u>smichel@westernresources.org;</u>	<u>Joseph A. Herz</u>	<u>jaherz@sawvel.com;</u>
<u>Glenda Murphy</u>	<u>gmurphy@westernresources.org;</u>	<u>Caitlin Liotiris</u>	<u>ccollins@energystrat.com;</u>
<u>April Elliott</u>	<u>April.elliott@westernresources.org;</u>	<u>Kathleen Fraser</u>	<u>kfraser@energystrat.com;</u>
<u>Pat O'Connell</u>	<u>pat.oconnell@westernresources.org;</u>	<u>Jim Dauphinais</u>	<u>jdauphinais@consultbai.com;</u>
<u>Douglas J. Howe</u>	<u>dhowe@highrocknm.com;</u>	<u>Brian Andrews</u>	<u>bandrews@consultbai.com;</u>
<u>Mariel Nansi</u>	<u>Mariel@seedsbeneaththesnow.com;</u>	<u>Chris Hunter</u>	<u>Chris@cornerstoneresults.com;</u>
<u>Aaron El Sabrout</u>	<u>Aaron@newenergyeconomy.org;</u>	<u>Chris Finn</u>	<u>Joshua.finn@navajopower.com;</u>
<u>Bruce C. Throne</u>	<u>bthroneatty@newmexico.com;</u>	<u>A. Peters</u>	<u>apeters@wbkllaw.com;</u>
<u>Rob Witwer</u>	<u>witwerr@southwestgen.com;</u>	<u>Donald E. Gruenemeyer</u>	<u>degruen@sawvel.com;</u>
<u>Jeffrey Albright</u>	<u>JA@Jalblaw.com;</u>	<u>Marcos D. Martinez</u>	<u>mdmartinez@santafenm.gov;</u>
<u>Amanda Edwards</u>	<u>AE@Jalblaw.com;</u>	<u>Senator Steve Neville</u>	<u>steven.neville@nmlegis.gov;</u>
<u>Michael I. Garcia</u>	<u>mikgarcia@bernco.gov;</u>	<u>Rep. James Strickler</u>	<u>jamesstrickler@msn.com;</u>
<u>Greg Sonnenfeld</u>	<u>gsonnenf@gmail.com;</u>	<u>Anthony Allison</u>	<u>Anthony.Allison@nmlegis.gov;</u>
<u>Ned Parker</u>	<u>edwardgparker88@gmail.com;</u>		<u>Carlos.cisneros@nmlegis.gov;</u>



[Charles F. Noble](#)  
[Stephanie Dzur](#)  
[Anna Sommer](#)  
[Chelsea Hotaling](#)  
[Tyler Comings](#)  
[Don Hancock](#)  
[Cholla Khoury](#)  
[Gideon Elliot](#)  
[Robert F. Lundin](#)  
[Elaine Heltman](#)  
[Andrea Crane](#)  
[Douglas Gegax](#)  
[Randy S. Bartell](#)  
[Sharon T. Shaheen](#)  
[John F. McIntyre](#)  
[Marvin Griff](#)  
[Lorraine Talley](#)  
[Vicky Ortiz](#)  
[Peter J. Gould](#)  
[Kelly Gould](#)  
[Michael Gorman](#)  
[Carla J. Sonntag](#)

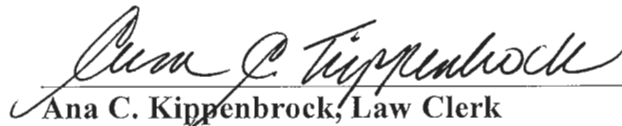
[Noble.ccae@gmail.com;](#)  
[Stephanie@Dzur-law.com;](#)  
[ASommer@energyfuturesgroup.com;](#)  
[CHotaling@energyfuturesgroup.com;](#)  
[tyler.comings@aeclinic.org;](#)  
[sricdon@earthlink.net;](#)  
[ckhoury@nmag.gov;](#)  
[gelliot@nmag.gov;](#)  
[rlundin@nmag.gov;](#)  
[Eheltman@nmag.gov;](#)  
[ctcolumbia@aol.com;](#)  
[dgegax@nmsu.edu;](#)  
[rbartell@montand.com;](#)  
[sshhaheen@montand.com;](#)  
[jmcintyre@montand.com;](#)  
[Marvin.Griff@thompsonhine.com;](#)  
[ltalley@montand.com;](#)  
[Vortiz@montand.com;](#)  
[pgouldlaw@gmail.com;](#)  
[kellydarshan@gmail.com;](#)  
[mgorman@consultbai.com;](#)  
[carla@nmusa.org;](#)

Senator Carlos Cisneros  
Senator William Sharer  
Rep. Rod Montoya  
Rep. Paul Bandy  
Rep. Patricia Lundstrom  
John M. Brittingham  
Melissa Buttler  
Josh Combs  
Bob Edwards  
Eric Koontz  
Kiran Mehta  
David Getts  
Antonio Paez  
Jay Kumar  
Pete Lewis  
Jennifer Breakell  
Richard L. C. Virtue  
Carla Najjar  
Steven Gross  
Martin R. Hopper  
Ana Kippenbrock  
Michael C. Smith  
[Bradford Borman](#)  
[John Bogatko](#)  
[Beverly Eschberger](#)  
[Georgette Ramie](#)  
[Dhiraj Solomon](#)  
Anthony Sisneros

[bill@williamsharer.com;](#)  
[roddmontoya@gmail.com;](#)  
[paul@paulbandy.org;](#)  
[Patricia.lundstrom@nmlegis.gov;](#)  
[John.Brittingham@troutman.com;](#)  
[Melissa.Butler@troutman.com;](#)  
[Josh.Combs@troutman.com;](#)  
[Bob.Edwards@troutman.com;](#)  
[Eric.koontz@troutman.com;](#)  
[Kiran.Mehta@troutman.com;](#)  
[dgetts@southwesternpower.com;](#)  
[apaez@daimc.com;](#)  
[jkumar@etcinc.biz;](#)  
[plewis@daimc.com;](#)  
[jbreakell@fntn.org;](#)  
[rvirtue@virtuelaw.com;](#)  
[Csnajjar@virtuelaw.com;](#)  
[Gross@portersimon.com;](#)  
[mhopper@msrpower.org;](#)  
[Ana.Kippenbrock@state.nm.us;](#)  
[Michaelc.smith@state.nm.us;](#)  
[Bradford.Borman@state.nm.us;](#)  
[John.Bogatko@state.nm.us;](#)  
[Beverly.Eschberger@state.nm.us;](#)  
[Georgette.Ramie@state.nm.us;](#)  
[Dhiraj.Solomon@state.nm.us;](#)  
[Anthony.Sisneros@state.nm.us;](#)

**DATED** this August 30, 2019.

**NEW MEXICO PUBLIC REGULATION COMMISSION**

  
\_\_\_\_\_  
Ana C. Kippenbrock, Law Clerk