

  
Joey D. Moya

1                   **IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

2   **January 29, 2020**

3       **NO. S-1-SC-38041**

4       **STATE OF NEW MEXICO, ex rel.,**  
5       **Representative BRIAN EGOLF,**  
6       **Senator JACOB CANDELARIA,**  
7       **Senator MIMI STEWART,**  
8       **Representative NATHAN SMALL,**  
9       **Governor MICHELLE LUJAN GRISHAM,**  
10       **and Navajo Nation President,**  
11       **JONATHAN NEZ,**

12                   Petitioners,

13       v.

14       **NEW MEXICO PUBLIC REGULATION COMMISSION,**  
15       **Commissioner VALERIE ESPINOZA, Commissioner**  
16       **JEFFERSON L. BYRD, Commissioner CYNTHIA B.**  
17       **HALL, Commissioner THERESA BECENTI-AGUILAR,**  
18       **and Commissioner STEPHEN FISCHMANN,**

19                   Respondents,

20       and

21       **PUBLIC SERVICE COMPANY OF NEW MEXICO,**

22                   Intervener-Real Party in Interest.

23   **ORDER**

24                   WHEREAS, this matter came on for consideration upon emergency verified  
25       petition for writ of mandamus, responses thereto, and the oral argument of the  
26       parties on January 29, 2020, pursuant to this Court's original jurisdiction under

1 Article VI, Section 3, of the New Mexico Constitution;

2 WHEREAS, in light of the foregoing, and the Court concluding that the  
3 elements for the issuance of a writ of mandamus as set forth in *State ex rel. Sandel*  
4 *v. N.M. Pub. Util. Comm'n*, 1999-NMSC-019, ¶ 11, 127 N.M. 272, 980 P.2d 55,  
5 have been met in this matter and being otherwise sufficiently advised, Justice  
6 Barbara J. Vigil, Justice Michael E. Vigil, Justice C. Shannon Bacon, Justice  
7 David K. Thomson, and Judge Raymond Z. Ortiz, sitting by designation,  
8 concurring;

9 NOW, THEREFORE, IT IS ORDERED that the petition is GRANTED, and  
10 a writ of mandamus shall issue to Respondents;

11 IT IS FURTHER ORDERED that the writ of mandamus shall direct  
12 Respondents to apply the Energy Transition Act, 2019 N.M. Laws, ch. 65, to the  
13 proceedings for the Public Service Company of New Mexico's proposed  
14 abandonment, financing, and replacement of units one and four of the San Juan  
15 Generating Station;

16 IT IS FURTHER ORDERED that the writ shall direct Respondents to vacate  
17 any provisions in prior orders issued by the Commission in Case Nos. 19-00018-  
18 UT and 19-00195-UT, including any provisions in the Commission's orders dated  
19 January 10, 2019, and January 30, 2019, that are inconsistent with the ruling of this  
20 Court; and

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IT IS FURTHER ORDERED that an opinion shall issue at a later date to

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more fully explain the Court’s ruling in this matter.

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IT IS SO ORDERED.



WITNESS, the Honorable Barbara J. Vigil, Acting Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 29th day of January, 2020.

 A handwritten signature in black ink, appearing to read "Joey D. Moya", is written over a horizontal line.
 

Joey D. Moya, Chief Clerk of the Supreme Court  
of the State of New Mexico

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I CERTIFY AND ATTEST:

A true copy was served on all parties or their counsel of record on date filed.

Joey D. Moya

Chief Clerk of the Supreme Court  
of the State of New Mexico