



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

2 **November 14, 2023**

3 **NO. S-1-SC-39440**

4 **PUBLIC SERVICE COMPANY**
5 **OF NEW MEXICO,**

6 Appellant,

7 v.

8 **NEW MEXICO PUBLIC REGULATION**
9 **COMMISSION,**

10 Appellee,

11 and

12 **WESTERN RESOURCE ADVOCATES,**
13 **COUNTY OF BERNALILLO,**
14 **NEW MEXICO OFFICE OF THE ATTORNEY GENERAL,**
15 **NEW ENERGY ECONOMY,**
16 **NEW MEXICO AFFORDABLE RELIABLE**
17 **ENERGY ALLIANCE, COALITION FOR CLEAN**
18 **AFFORDABLE ENERGY, and PROSPERITY WORKS,**

19 Intervenors-Appellees.

20 **In the Matter of Public Service Company**
21 **of New Mexico's Abandonment of San Juan**
22 **Generating Station units 1 and 4,**
23 **NMPRC Case No. 19-00018-UT**

24 **ORDER**

26 WHEREAS, this matter came previously came on for consideration by the
27 Court upon unopposed joint motion to remand this matter to the Public Regulation
28 Commission (PRC) for further proceedings relating the parties' proposed settlement

1 of this matter, and to hold this matter in abeyance, whereupon this Court issued an
2 Order on September 14, 2023, granting the motion;

3 WHEREAS, the PRC held further proceedings and issued its *Order on*
4 *Remand Adopting Uncontested Stipulation* on September 21, 2023;

5 WHEREAS, this matter is now before the Court for consideration upon
6 stipulated agreement of the affected parties—Appellant, Public Service Company of
7 New Mexico (PNM), and Intervenor-Appellees, the New Mexico Office the
8 Attorney General (NMAG), Bernalillo County, Western Resource Advocates
9 (WRA), New Energy Economy (NEE), New Mexico Affordable Reliable Energy
10 Alliance (NM AREA), Coalition for Clean Affordable Energy (CCAEE), and
11 Prosperity Works—requesting dismissal of this appeal pursuant to Rule 12-
12 401(B)(1) NMRA;

13 WHEREAS, the Court having considered the foregoing and being sufficiently
14 advised; Chief Justice C. Shannon Bacon, Justice Michael E. Vigil, Justice David K.
15 Thomson, Justice Julie J. Vargas, and Justice Briana H. Zamora concurring;

16 NOW, THEREFORE, IT IS ORDERED that this Court’s September 14,
17 2023, order is VACATED as to the abeyance;

18 IT IS FURTHER ORDERED that the stipulated agreement requesting
19 dismissal is GRANTED and this matter is hereby DISMISSED; and

20 IT IS FURTHER ORDERED that this Order shall constitute this Court’s

1 | mandate under Rule 12-401(B)(1) for the purpose of remanding this matter to the
2 | PRC for further proceedings, if any, consistent and in conformity with the Order of
3 | this Court.

4 | IT IS SO ORDERED.



WITNESS, the Honorable C. Shannon Bacon, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 14th day of November, 2023.

Elizabeth A. Garcia, Clerk of Court
Supreme Court of New Mexico

By Kristen R. Edwards
Deputy Clerk

I CERTIFY AND ATTEST:
A true copy was served on all parties
or their counsel of record on date filed.
Kristen Edwards
Deputy Clerk of the Supreme Court
of the State of New Mexico