



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

2   **November 1, 2022**

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

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

6  
7           Appellant,

8 v.

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

11  
12           Appellee,

13 and

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

21  
22           Intervenors-Appellees.

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

27   **ORDER**

28           WHEREAS, this matter previously came on for consideration by the Court

1 upon a second emergency motion of the Public Service Company of New Mexico  
2 (PNM) for partial stay of the final order of the New Mexico Public Regulation  
3 Commission (PRC) which required PNM to issue rate credits, and responses thereto  
4 filed by: New Mexico Affordable Reusable Energy Alliance, New Energy Economy,  
5 PRC, and the Coalition for Clean Affordable Energy and Western Resource  
6 Advocates (jointly); and motion by PRC to disregard PNM's second emergency  
7 motion, and PNM's response thereto;

8 WHEREAS, this Court thereafter entered an order GRANTING the second  
9 motion for partial for stay with a provision that the stay would be revisited following  
10 the deadline to respond to the second motion, and DENYING PRC's motion to  
11 disregard the second motion for partial stay;

12 WHEREAS, additional responses were subsequently timely filed by  
13 intervenors Western Resource Alliance, Bernalillo County and the New Mexico  
14 Office of the Attorney General (jointly), and Prosperity Works and the Coalition for  
15 Clean Affordable Energy (jointly), and the Court having considered the foregoing,  
16 revisited the stay, and being sufficiently advised; Chief Justice C. Shannon Bacon,  
17 Justice Michael E. Vigil, Justice David K. Thomson, Justice Julie J. Vargas, and  
18 Justice Briana H. Zamora concurring;

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1           NOW, THEREFORE, IT IS ORDERED, that the portion of PRC’s final order  
2 requiring PNM to issue rate credits remains STAYED pending the final resolution  
3 of this appeal.

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 1st day of November, 2022.

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

5           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

By Kristen R. Edwards  
Deputy Clerk