

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

2
3 **September 2, 2022**

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

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

7
8 Appellant,

9 v.

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

12
13 Appellee,

14 and

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

22
23 Intervenors-Appellees.

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

28 **ORDER**

29 WHEREAS, this matter came on for consideration by the Court upon the
30 following: (1) motions to intervene filed by the County of Bernalillo and the New

1 Mexico Office of the Attorney General (NMAG) (jointly), Coalition for Clean
2 Affordable Energy (CCAIE) and Prosperity Works (PW) (jointly), New Energy
3 Economy (NEE), New Mexico Affordable Reliable Energy Alliance (NM AREA),
4 and Western Resource Advocates (WRA); (2) emergency motion for interim partial
5 stay filed by Appellant, Public Service Company of New Mexico (PNM), responses
6 thereto filed by intervenors WRA and CCAIE; (3) motion for briefing schedule filed
7 by Appellee, New Mexico Public Regulation Commission (PRC), and response
8 thereto; (4) second emergency motion for partial stay and request for briefing
9 schedule filed by PNM, responses thereto filed by PRC, NEE, NM AREA, CCAIE
10 and WRA (jointly), and partial response filed by CCAIE, NEE, PW, and NMAG
11 (jointly); and (5) motion to disregard PNM's second emergency motion for partial
12 stay filed by PRC;

13 WHEREAS, the Court concludes that the first emergency motion for partial
14 stay is superseded by the second emergency motion for partial stay;

15 WHEREAS, not all intervenors have filed complete responses to PNM's
16 second emergency motion for partial stay;

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

1 NOW, THEREFORE, IT IS ORDERED that PNM's second emergency
2 motion for partial stay pending appeal is GRANTED and PRC's motion to disregard
3 second emergency motion for stay is DENIED; and

4 IT IS FURTHER ORDERED that responses to the second motion for partial
5 stay shall be timely if filed by **September 12, 2022**;

6 IT IS FURTHER ORDERED that after consideration of all responses, the
7 Court shall revisit the stay;

8 IT IS FURTHER ORDERED that all motions to intervene are GRANTED;
9 and

10 IT IS FURTHER ORDERED that the caption on all further pleadings filed in
11 this proceeding shall conform to the caption of this order.

12 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 2nd day of September, 2022.

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

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

13