

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF NEW MEXICO)
FOR APPROVAL OF ELECTRIC ENERGY)
EFFICIENCY PROGRAMS AND PROGRAM)
COST TARIFF RIDER PURSUANT TO THE)
NEW MEXICO PUBLIC UTILITY AND)
EFFICIENT USE OF ENERGY ACTS) Case No. 14-00310-UT
)
PUBLIC SERVICE COMPANY OF)
NEW MEXICO,)
)
APPLICANT.)
_____)

PROCEDURAL ORDER

THIS MATTER comes before Anthony F. Medeiros, Hearing Examiner in the above-captioned case, pursuant to NMSA 1978, § 8-8-14 (1998, as amended through 2013) and New Mexico Public Regulation Commission (“Commission” or NMPRC) Rules of Procedure 1.2.2.24 and 1.2.2.29 NMAC. Being fully informed of the premises, the Hearing Examiner **FINDS** and **CONCLUDES**:

1. On October 6, 2014, Public Service Company of New Mexico (PNM) filed its Application for Approval of Energy Efficiency and Load Management Program Plan and Revisions to Tariff Rider No. 16 (“Application”). The Application was filed pursuant to the New Mexico Public Utility Act (PUA), NMSA 1978, §§ 62-1-1 to 13-15 (1941, as amended through 2013), the Efficient Use of Energy Act (EUEA), NMSA 1978, §§ 62-17-1 to -11 (2005, as amended through 2013), and Advice Notice No. 501. Filed with and in support of the Application were the Direct Testimony and Exhibits of four PNM witnesses: Gerard T. Ortiz, Steven M. Bean, Patrick J. O’Connell and Stella Chan.

2. Through the Application, PNM seeks certain approvals and authorizations from the Commission for PNM's 2014 Energy Efficiency and Load Management Program Plan ("2014 Plan"). Specifically, the Application requests:

- a. Approval of revised budgets and participation levels for ten existing energy efficiency and load management (EE/LM) programs that PNM is proposing to continue, with modifications, from its 2012 Energy Efficiency and Load Management Program Plan approved by the Commission in Case No. 12-00317-UT;¹
- b. Authorization to implement one new EE/LM program, the Multi-Family program, which is targeted to owners of multi-family dwellings with rebates and direct-install measures for energy efficiency upgrades in common areas and residential housing units;
- c. Approval of a profit incentive in accordance with Section 62-17-5(F) of the EUEA to be collected under the revised tariff rider;
- d. Approval of 13th Revised Rider No. 16 ("Rider No. 16"), filed pursuant to Advice Notice 501, to collect the costs associated with the 2014 Plan of \$25,842,415 and the proposed profit incentive of \$2,067,436, for a total amount of \$27,909,851 by applying a 3.231% charge to customer bills; and
- e. All other approvals, authorizations and actions that may be required under the PUA, the EUEA and Commission rules and orders to implement the 2014 Plan and revised tariff rider.

3. The Notice attached to this Order contains additional information and tables which, among other things: (a) identify the cost of each component to be collected through Rider No. 16; (b) display tariff rider charges for each affected customer rate class to be collected through a line item charge on customer bills; and (c) provide estimated bill impacts for PNM North and PNM South residential customers on Rate

¹ The ten existing programs include: (1) Commercial Comprehensive; (2) Residential Comprehensive; (3) Residential Lighting; (4) PNM Home Works; (5) Home Energy Reports (to be continued only through 2015); (6) Low Income Refrigerator and CFL; (7) Easy Savings Kit; (8) Power Saver Load Management; (9) Peak Saver Load Management; and (10) Market Transformation. Application, at 4.

Schedule No. 1A without demand meters through comparison of present and anticipated bills for such customers at six consumption (kWh) levels.

4. On October 22, 2014, the Commission issued an Order designating the undersigned to preside over this proceeding and suspending Rider No. 16 for a period of 180 days from the date of the Order pursuant to Section 62-17-6(C) of the EUEA.

5. On November 5, 2014, the Hearing Examiner issued an Order scheduling a pre-hearing conference in this case on November 20, 2014.

6. The Hearing Examiner held a pre-hearing conference in this matter on November 20, 2014. Participating in the pre-hearing conference were representatives of PNM, the Attorney General of the State of New Mexico (AG), the Coalition for Clean Affordable Energy (CCAЕ), the New Mexico Industrial Energy Consumers (NMIEC) and Western Resource Advocates (WRA).

7. Motions for leave to intervene in this case were filed by NMIEC on October 14, 2014, the AG and CCAE on October 21, 2014, and WRA on November 14, 2014.

8. Further information regarding this case can be obtained by contacting the Commission at the address and telephone number provided below. The Commission has assigned Case No. 14-00310-UT to this proceeding and all inquires or written comments concerning this matter should refer to that docket number.

9. The Commission has jurisdiction over the parties and the subject matter of this case.

10. The schedule and other procedural details set out below should be adopted for this proceeding.

The Hearing Examiner **ORDERS**:

A. A public hearing in this case shall be held on February 18, 2015, commencing at 9:30 a.m. MST and continuing as necessary on February 19, 2015, at the Commission's offices in the P.E.R.A. Building, 1120 Paseo de Peralta, Santa Fe, New Mexico, for purposes of hearing and receiving testimony, exhibits, arguments and any other material matters and issues relevant to this proceeding.

B. On or before December 15, 2014, PNM shall cause, at its expense, the Notice to be published one time in a newspaper of general circulation available in every county where PNM provides service. PNM shall ensure that an affidavit reflecting such publication is promptly filed in the docket.

C. On or before December 29, 2014, PNM shall cause, at its expense, the Notice appended hereto and incorporated herein by reference to be mailed to all of its retail electric customers. PNM shall ensure that an affidavit reflecting such mailing is promptly filed in this docket.

D. Any person desiring to intervene to become a party ("intervenor") to this case must file a motion for leave to intervene in conformity with Rules of Procedure 1.2.2.23(A) and 1.2.2.23(B) NMAC no later than January 16, 2015.

E. Staff shall, and any intervenor may, file direct testimony on or before January 23, 2015.

F. Any desired rebuttal testimony shall be filed on or before February 9, 2015.

G. PNM shall order, at its expense, an expedited transcript of the public hearing set above before or by the end of said hearing.

H. Any person whose testimony has been filed shall attend the hearing and submit to examination under oath.

I. Unless otherwise approved or ordered by the Hearing Examiner, at the public hearing in this case only pre-filed prepared written testimony, in question and answer form and verified by the witness for a Party, and examination of witnesses on such pre-filed testimony, shall be accepted and received in evidence along with other relevant, material and otherwise admissible exhibits.

J. Interested persons should contact the Commission for confirmation of the hearing date, time, and place since hearings are occasionally rescheduled.

K. The procedural dates and requirements provided in this Order are subject to further order of the Hearing Examiner or Commission.

L. The Commission's Rules of Procedure, 1.2.2 NMAC, shall apply to this case except as modified by order of the Hearing Examiner or Commission. A copy of such rules may be obtained from the offices of the Commission and is available at the official NMAC website, <http://www.nmcpr.state.nm.us/nmac/>.

M. Interested persons may appear at the time and place of hearing and make written or oral comment without becoming an intervenor. Written comments, which shall reference Case No. 14-00310-UT, may also be sent to the Commission at the following address:

New Mexico Public Regulation Commission
ATTN: Records Management Bureau
P.E.R.A. Building
1120 Paseo de Peralta
P.O. Box 1269
Santa Fe, NM 87504-1269
Telephone: 1-888-427-5772

Pursuant to 1.2.2.23(F) NMAC, all comments governed by this paragraph will not be considered as evidence in this case.

N. Interested persons may examine PNM's Application and 2014 Plan, pre-filed testimony and exhibits, pleadings and other documents filed in the public record for

this case at the Commission's address set out above or at the offices of PNM at the following address:

Public Service Company of New Mexico
414 Silver, SW
Albuquerque, New Mexico 87102
Telephone: (505) 241-2700

O. The filing and service of pleadings and other documents in this case are subject to applicable Commission rules (*see e.g.*, 1.2.2.10 and 1.2.2.25(H) NMAC) and pertinent rulings in this case, except that service of discovery requests and responses shall be via email unless otherwise agreed or ordered. Exhibits to discovery responses shall also be served via email, unless otherwise agreed or ordered, at the same time as such responses.

P. Anyone filing pleadings, testimony and other documents in this case may file either in person at the Commission's docketing office in the P.E.R.A. Building in Santa Fe, New Mexico, or by mail to the Commission's address at P.O. Box 1269, Santa Fe, New Mexico 87504-1269, and shall serve copies thereof on all parties of record and Staff in the way or ways specified (i.e., email *only* or email *and* either first class mail or hand-delivery) on the most recent Certificate of Service issued in this case by the Hearing Examiner or Commission. Copies of all filings shall be emailed as specified on the latest Certificate of Service on the date of filing with the Commission. Copies of all filings shall also be emailed to the Hearing Examiner at anthony.medeiros@state.nm.us. All documents emailed to the Hearing Examiner shall also include versions created in Word or other native formats if available.

Q. Discovery matters and any discovery disputes shall be governed by the Commission's discovery rules, 1.2.2.25 NMAC. The parties are advised to raise any questions or concerns regarding discovery with the Hearing Examiner in a timely manner so that all such issues may be considered well in advance of the hearing.

R. An order of the Commission or Hearing Examiner is not required for agreements between or among any of the participants regarding discovery matters. All other participants shall be notified of such agreements.

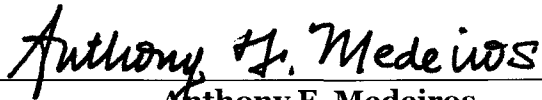
S. No motion regarding any discovery dispute shall be considered unless accompanied by a statement that the participants have made a good faith effort to resolve the dispute and were unable to do so.

T. The Certificate of Service for this case is attached to this Order. Subject to revision pursuant to 1.2.2.10(C)(4) NMAC, the attached service list shall be used for service of all pleadings, testimony and other documents to the individuals and addresses listed thereon in the way or ways specified (i.e., via email *only* or email *and* either first class mail or hand-delivery).

U. Any person with a disability requiring special assistance in order to participate in this proceeding should contact the Commission as soon as possible prior to the commencement of the public hearing.

ISSUED at Santa Fe, New Mexico this 24th day of November 2014.

NEW MEXICO PUBLIC REGULATION COMMISSION



Anthony F. Medeiros
Hearing Examiner

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF NEW MEXICO)
FOR APPROVAL OF ELECTRIC ENERGY)
EFFICIENCY PROGRAMS AND PROGRAM)
COST TARIFF RIDER PURSUANT TO THE)
NEW MEXICO PUBLIC UTILITY AND)
EFFICIENT USE OF ENERGY ACTS)** **Case No. 14-00310-UT**
)
**PUBLIC SERVICE COMPANY OF)
NEW MEXICO,)
)
APPLICANT.)**

NOTICE

NOTICE is given by the New Mexico Public Regulation Commission (“Commission” or NMPRC) of the following:

On October 6, 2014, Public Service Company of New Mexico (PNM) filed with Commission an Application under the New Mexico Public Utility Act (PUA), NMSA 1978, §§ 62-1-1 to 13-15 (1941, as amended through 2013), the Efficient Use of Energy Act (EUEA), NMSA 1978, §§ 62-17-1 to -11 (2005, as amended through 2013), and Advice Notice No. 501 for approvals and authorizations necessary to implement its 2014 Electric Energy Efficiency and Load Management Programs (“2014 Plan”) and revisions to PNM’s Energy Efficiency Rider For PNM Electric Services No. 16 (“Rider No. 16”). The Application requests specific approval of the following: (1) revised participation targets and budgets for ten existing programs; (2) one new program – the Multi-Family program; (3) revisions to Rider No. 16 pursuant to the 2013 Amendments to the EUEA and as set forth Advice Notice No. 501; (4) a profit incentive as provided for under Section 62-17-5(F) of the EUEA, to be collected under the revised Rider; and

(4) all other approvals, authorizations and actions that may be required under applicable law to implement the 2014 Plan and revised tariff rider.

Rider No. 16 allows PNM to recover costs incurred as a result of implementing, funding and administering residential and commercial electric energy efficiency and load management programs included in the portfolio as well as a profit incentive approved by the Commission in accordance with the EUEA. The 2014 proposed program portfolio includes eleven programs. The revisions to Rider No. 16 provide for recovery of the following: the cost for programs related to the 2014 Plan, and the profit incentive rate element approved by the Commission as required by the EUEA. The currently approved Program Rider charge under Rider No. 16 is 2.683% (including reconciliation amounts) of each affected customer's bill. The percentage that will be applied to the customer bill upon approval of the Application and Advice Notice will be 3.231% exclusive of gross receipts tax and franchise fees and takes into account the maximum annual payment of \$75,000 for program costs by any utility customer. The total amount to be collected under the Revised Rider No. 16 will be \$27,909,851, exclusive of gross receipts tax and franchise fees. The table below identifies the cost of each component to be collected through the Rider.

EE Program Costs	Amount	Percentage Impact	Months for Recovery
2014 Program Costs	\$25,842,415	3.000%	12 months
2014 Profit Incentives	\$2,067,436	0.231%	12 months
Total	\$27,909,851	3.231%	12 months

Currently, PNM Rider No. 16 applies to PNM Electric Services customers in the following rate classes: Residential Service 1A & 1B, Small Power Service 2A & 2B, General Power Service 3B & 3C, Large Power Service 4B, Large Power Service for Mining Customers 5B, Water & Sewage Pumping 11B, Large Service for Public Universities 15B, Special Contract Service for Large Customers 23, and Large Service for Manufacturing – Distribution Level 30B.

The following tariff rider charges will be paid in addition to the current non-energy efficiency charges that the customer is paying and will be collected through a line item charge on the customer's bill:

Affected Electric Rate Classes		
PNM Electric Service Area:	Tariff Applied	Program Cost Charge
Residential Service 1A & 1B	PNM Rider No. 16	3.231 % of each bill*
Small Power Service 2A & 2B	PNM Rider No. 16	3. 231% of each bill*
General Power Service 3B & 3C	PNM Rider No. 16	3.231% of each bill*
Large Power Service 4B	PNM Rider No. 16	3.231% of each bill*
Large Power Service for Mining Customers 5B	PNM Rider No. 16	3.231% of each bill*
Water & Sewage Pumping 11B	PNM Rider No. 16	3.231% of each bill*
Large Service for Public Universities 15B	PNM Rider No. 16	3.231% of each bill*
Special Contract Service – Large Customers 23	PNM Rider No. 16	3.231% of each bill*
Large Service, Manufacturing – Distribution Level 30B	PNM Rider No. 16	3.231% of each bill*

*3.231% of each affected customers' bill is exclusive of gross receipts tax and franchise fees and takes into account the maximum annual payment for program costs of \$75,000 by any utility customer.

To calculate the dollar impact of all energy efficiency program cost charges on the customer's monthly bill, one would take the amount of the current bill, deduct the amounts shown for gross receipts taxes and franchise fees, and then multiply the balance by 0.03231.

For PNM North residential customers on Rate Schedule 1A without demand meters, the present average monthly bill and the anticipated bill for each of the following levels of consumption are as follows:

Consumption (kWh)	Present Bill	Anticipated bill
0	\$5.13	\$5.16
250	\$31.97	\$32.14
500	\$60.47	\$60.80
750	\$95.67	\$96.19
1000	\$132.16	\$132.86
2000	\$285.76	\$287.29

For PNM South residential customers on Rate Schedule No. 1A without demand meters, the present bill and the anticipated bill for each of the following levels of consumption are as follows:

Consumption (kWh)	Current Bill	Anticipated bill
0	\$5.13	\$5.16
250	\$33.53	\$35.72
500	\$66.11	\$66.46
750	\$97.47	\$97.99
1000	\$128.97	\$129.66
2000	\$255.87	\$257.24

The proposed rate changes stated by customer rate class are for informational purposes. The final rates as approved may vary.

PNM states that energy efficiency programs play an important role in its resource portfolio and are included in the 2014 Integrated Resource Plan's most cost effective resource portfolio. Additionally, PNM notes the benefits for programs included in PNM's 2014 Energy

Efficiency and Load Management Program Plan exceed the costs, primarily due to a reduced need for future generation plant additions and the costs for capacity and energy that can be avoided through energy efficiency and load management programs.

Further information regarding this case can be obtained by contacting the Commission at the address and telephone number set forth below. The Commission has assigned Case No. 14-00310-UT to this proceeding and all inquires or written comments concerning this matter should refer to that docket number.

By Order issued in this case on November 24, 2014, the Hearing Examiner has established the following procedural schedule and requirements for this case:

1. Any person desiring to intervene to become a party (“intervenor”) to this case must file a motion for leave to intervene in conformity with Rules of Procedure 1.2.2.23(A) and 1.2.2.23(B) NMAC no later than January 16, 2015.

2. The Utility Division Staff (“Staff”) of the Commission shall, and any intervenor may, file direct testimony on or before January 23, 2015.

3. Any desired rebuttal testimony shall be filed on or before February 9, 2015.

4. A public hearing in this case shall be held on February 18, 2015, commencing at 9:30 a.m. MST and continuing as necessary on February 19, 2015, at the Commission’s offices in the P.E.R.A. Building, 1120 Paseo de Peralta, Santa Fe, New Mexico, for purposes of hearing and receiving testimony, exhibits, arguments and any other material matters and issues relevant to this proceeding.

Interested persons should contact the Commission for confirmation of the hearing date, time and place since hearings are occasionally rescheduled.

The procedural dates and requirements of this case are subject to further order of the Commission or Hearing Examiner.

Additional procedural details and requirements are set out in the Procedural Order issued in this case on November 24, 2014.

The Commission's Rules of Procedure, 1.2.2 NMAC, shall apply to this case except as modified by order of the Commission or Hearing Examiner. A copy of such Rules may be obtained from the offices of the Commission and are available at the official NMAC website, <http://www.nmcpr.state.nm.us/nmac/>.

Interested persons may appear at the time and place of hearing and make written or oral comment without becoming an intervenor. Written comments, which shall reference Case No. 14-00310-UT, also may be sent to the Commission at the following address:

New Mexico Public Regulation Commission
ATTN: Records Management Bureau
P.E.R.A. Building
1120 Paseo de Peralta
P.O. Box 1269
Santa Fe, NM 87504-1269
Telephone: 1-888-427-5772

Pursuant to 1.2.2.23(F) NMAC, all comments governed by this paragraph will not be considered as evidence in this case.

Interested persons may examine PNM's Application and 2014 Plan, pre-filed testimony and exhibits, pleadings and other documents filed in the public record for this case at the Commission's address set out above or at the offices of PNM at the following address:

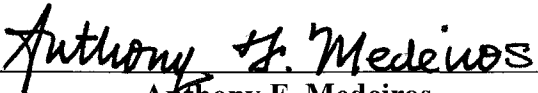
Public Service Company of New Mexico
414 Silver, SW
Albuquerque, New Mexico 87102
Telephone: (505) 241-2700

Anyone filing pleadings, testimony and other documents in this case may file either in person at the Commission's docketing office in the P.E.R.A. Building in Santa Fe, New Mexico, or by mail to the Commission's address at P.O. Box 1269, Santa Fe, New Mexico 87504-1269, and shall serve copies thereof on all parties of record and Staff in the way or ways specified (i.e., email only or email and either first class mail or hand-delivery) on the most recent Certificate of Service issued in this case by the Hearing Examiner or Commission. Copies of all filings shall be emailed as specified on the latest Certificate of Service on the date of filing with the Commission. Copies of all filings shall also be emailed to the Hearing Examiner at anthony.medeiros@state.nm.us. All documents emailed to the Hearing Examiner shall also include versions created in Word or other native formats if available.

ANY PERSON WITH A DISABILITY REQUIRING SPECIAL ASSISTANCE IN ORDER TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE COMMISSION AT LEAST 24 HOURS PRIOR TO THE COMMENCEMENT OF THE HEARING.

ISSUED at Santa Fe, New Mexico this 24th day of November 2014.

NEW MEXICO PUBLIC REGULATION COMMISSION



Anthony F. Medeiros
Hearing Examiner

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF NEW MEXICO)
FOR APPROVAL OF ELECTRIC ENERGY)
EFFICIENCY PROGRAMS AND PROGRAM)
COST TARIFF RIDER PURSUANT TO THE)
NEW MEXICO PUBLIC UTILITY AND)
EFFICIENT USE OF ENERGY ACTS) Case No. 14-00310-UT
)
PUBLIC SERVICE COMPANY OF NEW)
MEXICO,)
)
Applicant.)
_____)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **Procedural Order** was mailed first-class, postage-paid or hand-delivered to the each of the following persons whose mailing addresses are listed below and emailed to those persons at the email addresses shown below:

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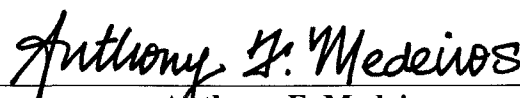
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