

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.)	
_____)	

ORDER DENYING INTERVENTION

THIS MATTER comes before the Hearing Examiner upon the motion of William H. Payne for leave to intervene in this case and pursuant to 1.2.2.23 NMAC, the rules of the New Mexico Public Regulation Commission (“Commission” or NMPRC) governing motions to intervene in proceedings before the Commission. Being duly apprised, the Hearing Examiner **FINDS** and **CONCLUDES**:

1. As provided in the Procedural Order issued November 24, 2014, motions for leave to intervene in this case were required to be filed no later than January 16, 2015. On that date, the subject motion – in the form of an email – was transmitted electronically to the Commission’s Records Bureau, the Hearing Examiner, and approximately ten of the sixty-seven individuals listed in the initial official service list for this case. On January 21, 2015, a paper version of Mr. Payne’s motion bearing his signature was received by the Records Bureau and filed in the record of this case. Neither the email motion nor the written version in the record indicates whether either

form was served on all existing parties and other proposed intervenors in accordance with Section 1.2.2.23(A)(3) NMAC and the Procedural Order (*see* at 6, ¶¶ O, P).

2. On January 22, 2015, Public Service Company of New Mexico (PNM) filed an objection to the email motion. PNM states the motion was not properly filed with the Commission and served as required under Section 1.2.2.23(A)(3) NMAC and does not otherwise comply with the Commission's Rules of Procedure. PNM asserts that Mr. Payne does not indicate the nature of his interest in this proceeding as required by Section 1.2.2.23(A)(1) NMAC. PNM observes that the interest in the proceeding articulated in Mr. Payne's motion, "Identification of proceeding hijacking by unqualified participants using open mouths as opposed to fact examination," does not show that any of his legal rights will be affected by this case. PNM also notes that the motion neglects the requirement of Section 1.2.2.23(A)(2) NMAC to indicate the facts relied on as grounds for intervention.

3. PNM further asserts that Mr. Payne's motion should be denied pursuant to provisions of the rule governing motions filed out of time, specifically Subsections 1.2.2.23(D)(3)(a), (b) and (c) NMAC. PNM contends the motion fails to state sufficient grounds for intervention, and because Mr. Payne's statements do not comport with the Commission's procedural rules, his intervention may lead to disruption of these proceedings and cause parties to this case undue hardship.

4. Having considered Mr. Payne's motion, PNM's objection and the record as a whole, the Hearing Examiner finds the motion should be denied. The motion does not conform to the requirements of Section 1.2.2.23(A) NMAC. Moreover, being untimely, failing to set forth sufficient grounds for intervention, and presenting the prospect of disruption to the proceeding and unnecessary hardship to the existing parties or Staff of

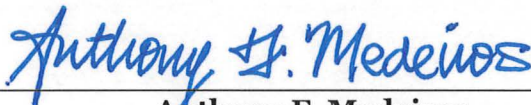
the Commission's Utility Division, the motion warrants denial under Section 1.2.2.23(D)(3) NMAC.

It is therefore **ORDERED**:

- A. The motion for leave to intervene of William H. Payne is DENIED.
- B. This Order is effective immediately.

ISSUED at Santa Fe, New Mexico this 10th day of February 2015.

NEW MEXICO PUBLIC REGULATION COMMISSION



Anthony F. Medeiros
Hearing Examiner

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)
PUBLIC SERVICE COMPANY OF NEW)
MEXICO,)
)
Applicant.)
_____)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Order Denying Intervention** was delivered as specified below to each of the following:

First-Class Postage Prepaid and email:

Benjamin Phillips
Associate General Counsel
PNM Resources, Inc.
414 Silver Ave. SW
Albuquerque, NM 87102
Ben.Phillips@pnmresources.com

Stacey Goodwin
Deputy Associate General Counsel
PNM Resources, Inc.
414 Silver Ave. SW
Albuquerque, NM 87102
Stacey.Goodwin@pnmresources.com

Bradford Borman
Senior Corporate Counsel
PNM Resources, Inc.
414 Silver Ave. SW
Albuquerque, NM 87102
Bradford.Borman@pnmresources.com

Steven Schwebke
PNM Resources, Inc.
Corporate Offices - Regulatory
Albuquerque, NM 87158-1105
Steven.Schwebke@pnm.com

Mark Fenton
PNM Resources, Inc
Corporate Offices - Regulatory
Albuquerque, NM 87158-1105
Mark.Fenton@pnm.com

Cholla Khoury
Assistant Attorney General
Office of the Attorney General
P.O. Drawer 1508
Santa Fe, NM 87504-1508
ckhoury@nmag.gov
lmartinez@nmag.gov

Steven S. Michel
WRA
409 East Palace Avenue, Unit 2
Santa Fe, NM 87501
smichel@westernresources.org

Charles F. Noble
CCA
409 E. Palace Avenue, Unit 2
Santa Fe, NM 87501
noble.ccae@gmail.com

Peter J. Gould
NMIEC
P.O. Box 34127
Santa Fe, NM 87594
pgouldlaw@gmail.com

Joanne Reuter
Reuter Legal & Consulting Services
12231 Academy Rd. NE
Albuquerque, NM 87111
joannecreuter@comcast.net

Hand Delivery and email:

Cydney Beadles
New Mexico Public Regulation Commission
1120 Paseo de Peralta
Santa Fe, NM 87504
Nancy.Burns@state.nm.us

Charles Gunter
New Mexico Public Regulation Commission
1120 Paseo de Peralta
Santa Fe, NM 87504
Charles.Gunter@state.nm.us

John Reynolds
New Mexico Public Regulation Commission
1120 Paseo de Peralta
Santa Fe, NM 87504
John.Reynolds@state.nm.us

Bruno Carrara
New Mexico Public Regulation Commission
1120 Paseo de Peralta
Santa Fe, NM 87504
Bruno.Carrara@state.nm.us

Anthony Sisneros
New Mexico Public Regulation Commission
1120 Paseo de Peralta
Santa Fe, NM 87504
Anthony.Sisneros@state.nm.us

Judith Amer
New Mexico Public Regulation Commission
1120 Paseo de Peralta
Santa Fe, NM 87504
Judith.Amer@state.nm.us

Email only:

Douglas Howe
doug.howe@dhaconsulting.us

Howard Geller
hgeller@swenergy.org

Adam Bickford
abickford@swenergy.org

Ramona Blaber
monablaber@gmail.com

Tammy Fiebelkorn
tfiebelkorn@swenergy.org

Glenda Murphy
gmurphy@westernresources.org

David Van Winkle
david@vw77.com

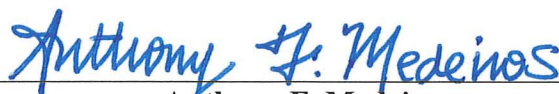
Frank Lacey
flacey@comverge.com

Tracy Caswell
tcaswell@comverge.com

William Payne
bpayne37@comcast.net

DATED this 10th day of February 2015.

NEW MEXICO PUBLIC REGULATION COMMISSION



Anthony F. Medeiros
Hearing Examiner