BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF A PROTEST
TO THE 2012 NEW MEXICO GAS
COMPANY INTEGRATED
RESOURCE PLAN

Case No. 12-00145-UT

FINAL ORDER

THIS MATTER comes before the New Mexico Public Regulation Commission (Commission or NMPRC) upon the Protest filed on May 2, 2012, by the United States Department of Energy’s (DOE’s) National Nuclear Security Administration (NNSA) against New Mexico Gas Company’s (NMGC’s) 2012 Integrated Resource Plan (IRP). Whereupon, being duly advised,

THE COMMISSION FINDS AND CONCLUDES:

1. On May 12, 2012, the New Mexico Attorney General (AG) filed a Motion for Leave to Intervene, Request for Discovery, and Statement of Position, in which the AG stated his support of the objections raised in NNSA's Protest and requested that the Commission set the IRP for hearing.

2. On May 14, 2012, NMGC filed its Response to NNSA's Protest, stating that the concerns raised in the Protest were addressed in other proceedings before the Commission and that NMGC had complied with all of the Commission's IRP mandates.

3. On May 15, 2012, the Commission issued its Initial Order, which required: (1) interested parties, particularly NNSA and NMGC, to discuss the disputed issues between NMGC and NNSA involving the IRP; and (2) NMGC and NNSA to file jointly a report (Joint Report) within 30 days of the date of the Initial Order detailing the results of Final Order
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the discussions. It also required that NMGC file a new IRP if the issues were resolved.

4. According to the Joint Report filed on June 28, 2012, NMGC and NNSA held meetings on May 24 and May 31, 2012 to discuss the disputed issues. The Commission’s Utility Division Staff (Staff) and the AG were invited to participate in the discussions, and Staff participated by telephone.

5. In response to an unopposed motion requesting more time, the Commission on June 20, 2012, entered its Order Granting Extension of Time to File Joint Report, extending the date by which NMGC and NNSA had to file the Joint Report to June 28, 2012.

6. The Joint Report states that the issues raised in the Protest have been resolved and that NNSA, NMGC, Staff, and the AG agree that NNSA will withdraw the Protest, that NMGC does not need to file a new IRP, and that a hearing on the IRP is not necessary. Staff and the AG support the resolution of the Protest. (Joint Report at ¶¶ 11, 20, and 21)

7. On July 10, 2012, DOE on behalf of NNSA filed a motion to withdraw the Protest.

8. NMGC and NNSA request that the Commission accept the Joint Report as a complete resolution of this matter and issue an order approving the current IRP without a hearing. (Joint Report p.4, final paragraph)

9. The Commission should accept the current IRP without a hearing as requested and include the Joint Report’s Resolution in the decretal portions of this Final Order.

**IT IS THEREFORE ORDERED:**

A. The Commission accepts the Joint Report as a complete resolution of
this matter.

B. NNSA’s motion to withdraw the Protest is GRANTED.

C. NMGC is not required to file another 2012 IRP.

D. Pursuant to Rule 17.7.4.15 (A) NMAC, NMGC’s IRP filed on April 2, 2012, is hereby approved and accepted with the addition of the following requirements:

   (i) NMGC and NNSA shall meet twice a year, at six month intervals, starting in August, 2012, to discuss NMGC's natural gas utility service, including any disruptions such as the disruption that occurred in February, 2011, or other issues related thereto. A primary purpose of these meetings shall be to discuss NMGC's planning to ensure the reliability of NMGC's distribution and transmission system in order to avoid and to mitigate future curtailments of gas transportation service in New Mexico. NNSA representatives shall be free to suggest different approaches to reliability at these meetings;

   (ii) NMGC shall provide NNSA with reasonable planning documents prior to each meeting;

   (iii) If after any meeting NNSA requests further documentation or follow-up meetings, NMGC shall make a reasonable effort to provide the requested documentation and participate in follow-up meetings;

   (iv) NNSA shall provide NMGC with a list of persons, with relevant contact information, whom NMGC shall contact in the event of an anticipated severe weather occurrence or other situation which could cause a gas service outage to NNSA;
(v) NMGC shall work with NNSA on a curtailment protocol for all Kirtland Air Force Base (KAFB) located agencies and contractors (the U.S. Air Force, Sandia National Laboratories, the U.S. Department of Energy, NNSA, and Chugach) that is consistent with NMGC's Rule 21, which shall be used by NMGC in the event of future KAFB-required gas delivery curtailments;

(vi) NNSA shall work with KAFB located agencies and contractors to make reasonable efforts to simplify curtailment of facilities on KAFB;

(vii) NMGC shall continue to evaluate the local storage options presented in its IRP, as recommended by a study conducted by Los Alamos National Labs and a report issued by the Federal Energy Regulatory Commission; and

(viii) NMGC shall meet with the AG to discuss the issue of compression as a lower cost alternative to local storage; within 120 days of this Final Order, NMGC and the AG shall file a report with the Commission detailing the results of those discussions.

E. This Final Order is effective immediately.

F. A copy of this Final Order shall be served on all persons listed on the attached certificate of service by email, if their e-mail addresses are known, or by regular mail if their e-mail addresses are not known.

G. This Docket shall be closed following the filing of the report noted in subparagraph (D)(viii) of this Final Order.
ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this 12th day of July, 2012.

NEW MEXICO PUBLIC REGULATION COMMISSION

PATRICK H. LYONS, CHAIRMAN

THERESA BECENTI-AGUILAR, VICE-CHAIR

TELEPHONICALLY APPROVED

JASON A. MARKS, COMMISSIONER

DOUGLAS J. HOWE, COMMISSIONER

BEN L. HALL, COMMISSIONER

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CERTIFICATE OF SERVICE

I Certify that a true and correct copy of the Final Order adopted July 12, 2012, was sent on July 16, 2012, either by electronic mail or by first class mail to the individuals listed below.

Thomas Donme            tom.donme@nmge.com
Mary Homan              mary.homan@nmge.com
Jeff Taylor             JTaylor@nnmg.gov
Loretta Martinez        Lmartinez@nnmg.gov
Clyde F. Worthen        cfw@keleher-law.com
Thomas Wander           Thomas.wander@pmresources.com
Ben Phillips            ben.phillips@pmresources.com
Brian J. Haverly        bjh@keleher-law.com
Saul Ramos              sramos@docat.gov
Charles Garcia          cgar西亚@euclidaymich.com
Richard Alvidrez        ralvidrez@mslaw.com;
Justing Lesky           jlesky@jeskylawoffice.com
Nann Winter             univ@sslawfirm.com
Jeff Reynolds           jeffreyreyndst@g@comcast.net
Sunny Nixon             snixon@rodey.com
Peter Gould             pgouldalaw@gmail.com;
Bruce Throne            bthroneway@newmexico.com
Jeff Fornaciari         jfornaciari@hinklalawfirm.com
Evan D. Evans           evan.evans@epelectric.com
Randall Childress       randy@childresslaw.com
Stacey Goodwin          stacey@childresslaw.com
Margret Carde           meardc@live.com
Steven S. Michel        smichel@westernresources.org
Herlga Schinkat         schinkat_law@comcast.net
Patricia Cardona        Trishacard@hotmail.com;
Laura E. Sanchez        lsanchez@nrnc.org
Theresa Leger           tleger@nordhauslaw.com
Daniel Najjar           vnaajar@aol.com
David Romero            David.romero@kqre.com
Andrea Crane            cecolumbias@aol.com
John Arrswmith          Je.arrowsmith@lacnm.us
Maude Grantham-Richards Maude@GR@fmrn.org
Robert D. Kidd          rkidd@aalq.gov
Sanders Moore           sanders@environmentnewmexico.org
David Van Winkle        david@vw77.com;
Tom Singer              tsinger@nrnc.org
Stephen Fischmann       Stephen.fischmann@gmail.com
Kimberly N. Bell        KiBel@salud.unm.edu
Michael Dirmriei        mdirmie@gsb.uchicago.edu
Jack Parson             parson@earthlink.net
Ken Hughes              khughes@state.nm.us
Tom Dobson              Tom.dobson@elpaso.com
Steve Henderson         stevelhenderson@hotmail.com
Judy Stubbs             Judystubbs@nobleone.net
Bill Monlux             billmonlux@gmail.com
Dave Gilmer             dgilmer@ieee.org
Cliff Richmond          Cliff.richardson.ctr@kirtland.af.mil
Jerry Pekarek           pkj@msn.com
Jeff Zunwalt            jzunwalt@unm.edu
Bill Payne              bpayne37@comcast.net
Levy Mapes              lmapes@valverdeenenergy.com
Cora Bernal             cora@unm.edu
Eva Bernal              evabernal@yahoo.com
Michael Furze           mfu@housnmg.org
Dean Brunton            Dean.brunton@pmresources.com
Bill Foster             b.foster@regensp.com
Andy Robertson          andyrobertson@comcast.net
Steven Porter           steven.porter@hq.doe.gov;
Howard Geller           heller@swenergy.org;
Richard Mertz           rmertz@salud.unm.edu
Jay Kumar               jkumar@cicinc.biz
Jenica Jacobi           jjacobi@catbq.gov
Thomas Domme  
New Mexico Gas Company  
P.O. Box 97500  
Albuquerque, NM 87199-7500

Mary E. Homan  
New Mexico Gas Company  
P.O. Box 97500  
Albuquerque, NM 87199-7500

Bruce Throne  
Attorney at Law  
1440 B. South St. Francis Drive  
Santa Fe, NM 87505

Clyde Worthen  
Brian J. Haverly  
Kelcher & McLeod, P.A.  
Post Office Box AA  
Albuquerque, NM 87103

Lewis O. Campbell  
Keres Consulting, Inc.  
Utility Support Contractor  
P.O. Box 51508  
Albuquerque, NM 87181-1508

Saul J. Ramos  
National Nuclear Security Admin.  
U.S. Department of Energy  
Post Office Box 5400  
Albuquerque, NM 87185-5400

Benjamin Phillips  
Public Service Company of NM  
Alvarado Square – MS 0806  
Albuquerque, NM 87158

Jeff Taylor  
Assistant Attorney General  
Post Office Drawer 1508  
Santa Fe, NM 87504-1508

Peter J. Gould  
Attorney at Law  
Post Office Box 34127  
Santa Fe, NM 87594-4127

Roger Colton  
Fisher, Sheehan & Colton  
34 Warwick Road  
Belmont, MA 02478

Sheryl Carter  
NRDC  
11 Sutter Street-20th Floor  
San Francisco, CA 94104

John Arrowsmith  
Utilities Manager  
Dept. of Public Utilities  
Post Office Box 1030  
Los Alamos, NM 87544

Elida Saucedo  
1507 Katie St., NE  
Albuquerque, NM 87110

HAND DELIVERED TO  
COMMISSION STAFF  
Rick Blumenfeld  
NMPRC-OGC  
1120 Paseo de Peralta  
Santa Fe, NM 87501

Nancy Burns  
NMPRC-Legal Division  
1120 Paseo de Peralta  
Santa Fe, NM 87501

Jim Brack  
NMPRC-Utility Division  
1120 Paseo de Peralta  
Santa Fe, NM 87501

Tim Martinez  
NMPRC-Utility Division  
1120 Paseo de Peralta  
Santa Fe, NM 87501

Bruno Carrara  
NMPRC-Utility Division  
1120 Paseo de Peralta  
Santa Fe, NM 87501

John Reynolds  
NMPRC-Utility Division  
1120 Paseo de Peralta  
Santa Fe, NM 87501

July 16, 2012

[Signature]

ANA C. KIPPENBROCK, PARALEGAL