

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF PUBLIC SERVICE COMPANY OF)	
NEW MEXICO FOR APPROVAL OF)	Case No. 12-00007-UT
RENEWABLE ENERGY RIDER NO. 36)	
PURSUANT TO ADVICE NOTICE NO. 439)	
AND FOR VARIANCES FROM CERTAIN)	
FILING REQUIREMENTS)	
)	
PUBLIC SERVICE COMPANY OF)	
NEW MEXICO,)	
Applicant.)	
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**PUBLIC SERVICE COMPANY OF NEW MEXICO'S
RESPONSE IN OPPOSITION TO BILL PAYNE'S
MOTION TO INTERVENE**

Public Service Company of New Mexico ("PNM"), pursuant to NMAC 1.2.2.23(C), objects to the Motion For Leave To Intervene And Request for Discovery of Mr. Bill Payne ("Motion") and requests that the Motion be denied for the following reasons:

1. PNM was not aware of the Motion until the Hearing Examiner filed a Notice of Filing on March 30, 2012 and served the parties. The Motion was not served on PNM as required by 1.2.2.11(H) NMAC and the Procedural Order issued in this case on February 3, 2012.

2. PNM's Application for Approval of Renewable Energy Rider No. 36 ("Application") seeks Commission approval to implement a rate rider to recover certain Commission-approved renewable energy procurement costs that have been incurred to comply with the renewable portfolio standard of the New Mexico Renewable Energy Act ("REA").

3. Mr. Payne's Motion does not indicate any interest in the actual subject matter of this proceeding. Rather, the "interests" identified in the Motion at page 8, subparagraphs 1.A

through G, of the documentation attached to the Hearing Examiner's Notice of Filing demonstrate no basis for granting the Motion.

A. Ensure that decision for rate increase is based on facts provided by engineers and scientists as opposed to liberal arts verbal and essay analysis.

This is an expression of an interest only in a possible evidentiary issue not in the subject matter of the proceeding. Further, Mr. Payne seeks to intervene to seek relief that the Commission's rules do not countenance. For the Commission to categorically exclude all evidence presented by persons other than "engineers and scientists" would be contrary to the Commission's evidentiary rules, 1.2.2.35(A) NMAC, and violate due process.

B. Determine if the New Mexico Renewable energy Act NMSA 1978, §§ 62-16-1 et. seq. ("REA") is merely an alternergy business ploy.

Whether the REA "is merely an alternergy business ploy", whatever that may be, is not a matter before the Commission in this proceeding. Movant has not shown how such determination relates to the issues raised by the Application. The Commission is bound to follow the REA.

C. Determine if large-scale solar and wind generation of electricity equipment purchase, installation and maintenance costs are greater than electric sales revenue derived from them.

The costs that PNM proposes to recover through Rider No. 36 are costs incurred pursuant to approved procurement plans. Such costs already have been examined through the Commission's review process of PNM's annual renewable energy portfolio procurement plans and are "deemed reasonable." They are not in issue in this case.

D. Determine if Energy Returned on Energy Invested is greater than one for Schott solar panels.

This statement appears to address the technical merits of Schott solar panels; there is no apparent relevance of the technical merits of Schott solar panels to PNM's application to recover its renewable energy costs whether through the proposed Rider No. 36 or by any other mechanism. Again, the costs that PNM seeks to recover under the proposed rider relate to procurements that have already been approved by the Commission. Costs that are consistent with those procurements are deemed reasonable.

E. Determine if proper disposal of toxic solar panels is considered.

The manner of disposal of solar panels is not an issue in this proceeding. As far as PNM is aware, the Commission's jurisdiction does not extend to the disposal of solid waste.

F. Compel PNM and Schott Solar to respond through Discovery to requests for information for which responses to past requests were promised but never fulfilled.

PNM knows of no such past requests by Mr. Payne in its renewable energy procurement plan proceedings. Past discovery disputes, if any, are not part of the subject matter of the current proceeding.

G. Expose unintelligence and incompetence at the PRC and New Mexico state government.

This is not the subject matter of this case and is no basis for intervention.

Based on the above statements of interests by Mr. Payne, none of which demonstrate an interest in the actual issues raised by PNM's Application, granting Mr. Payne's Motion would likely cause undue prejudice to existing parties and unduly delay the proceedings, (NMAC 1.2.2.23(D)(2)(c)). Therefore, the Motion is not substantially in the public interest and should be denied. NMAC 1.2.2.23(D)(2)(b).

Respectfully submitted,

PUBLIC SERVICE COMPANY OF NEW MEXICO

By  _____

Benjamin Phillips, Associate General Counsel
Public Service Company of New Mexico
Alvarado Square, MS-1200
Albuquerque, NM 87158
Telephone: (505) 241-4836
Fax: (505) 242-2883
Ben.Phillips@pnmresources.com

Patrick T. Ortiz
Cuddy & McCarthy, LLP
1701 Old Pecos Trail
P.O. Box 4160
Santa Fe, New Mexico 87502-4160
Phone: (505) 954-7323
Fax: (505) 954-7373
portiz@cuddymccarthy.com

Attorneys for Public Service Company of New Mexico

GCG # 514239

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF PUBLIC SERVICE COMPANY OF NEW)
MEXICO FOR APPROVAL OF RIDER NO. 36)
FOR RECOVERY OF RENEWABLE)
ENERGY COSTS)
)
)
**PUBLIC SERVICE COMPANY OF NEW)
MEXICO,)
)
)
Applicant.)****

Case No. 12-000007-UT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of **Public Service Company of New Mexico's Response in Opposition to Bill Payne's Motion to Intervene** was mailed first-class, postage-paid, or hand-delivered on April 12, 2012 to the following persons whose mailing addresses are listed below and emailed to those persons at the email addresses shown below:

Benjamin Phillips, Esq.
PNM Resources, Inc.
Alvarado Square, MS-1200
Albuquerque, NM 87158
Ben.phillips@pnmresources.com

Peter J. Gould, Esq.
PO Box 34127
Santa Fe, NM 87594-4127
pgouldlaw@gmail.com

Jeff Taylor
Assistant Attorney General
Post Office Box 1508
Santa Fe, NM 87504-1508
jtaylor@nmag.gov
lmartinez@nmag.gov

Patrick T. Ortiz, Esq.
Cuddy & McCarthy, LLP
PO Box 4160
Santa Fe, NM 87502-4160
POrtiz@cuddymccarthy.com

Steven S. Michel, Esq.
John Curl
Western Resource Advocates
409 E. Palace Ave., Unit 2
Santa Fe, NM 87501
smichel@westernresources.org
jcurl@westernresources.org

Nann M. Winter, Esq.
P.O. Box 528
302 8th St. NW, Ste. 200
Albuquerque, NM 87103
nwinter@stelznerlaw.com

Charles F. Noble, Esq.
CCAЕ
409 E. Palace Avenue, Unit 2
Santa Fe, NM 87501
c-m-k@msn.com

Thomas J. Wander
Manager, Regulatory Projects
PNMR Services Co.
Alvarado Square, MS-0810
Albuquerque, NM 87158
Thomas.wander@pnmresources.com

Hand Deliver To:
Dwight Lamberson
NMPRC
1120 Paseo de Peralta
Santa Fe, NM 87504
Dwight.Lamberson@state.nm.us

Hand Deliver To:
Ryan Jerman, Esq.
NMPRC
1120 Paseo de Peralta
Santa Fe, NM 87501
ryan.jerman@state.nm.us

Hand Deliver To:
James Brack
NMPRC -- Utility Division
1120 Paseo De Peralta
Santa Fe, NM 87501
Jim.Brack@state.nm.us

Hand Deliver To:

Carolyn Glick, Hearing Examiner
NMPRC
1120 Paseo de Peralta
Santa Fe, NM 87501
Carolyn.Glick@state.nm.us

E-Mailed Only to:

Patrick Griebel, Esq.
patrick@abqbizlaw.com


Nancy Burns, Esq.
NMPRC
Nancy.Burns@state.nm.us

David Griscom – CCAE
Davidgriscom@gmail.com

Glenda Murphy
gmurphy@westernresources.org

Bill Payne
bpayne37@comcast.net

Dated this 12th day of April, 2012.

By: 
Thomas J. Wander
Manager, Regulatory Projects