

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

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

This matter comes before Carolyn R. Glick, Hearing Examiner for the New Mexico Public Regulation Commission ("Commission"), upon the Response in Opposition to Bill Payne's Motion to Intervene ("Response") filed by Public Service Company of New Mexico ("PNM") on April 12, 2012. The Hearing Examiner FINDS AND CONCLUDES:

1. On January 12, 2012, PNM filed its Application for Approval of Renewable Energy Rider No. 36 and for Variances from Certain Filing Requirements ("Application"). In the Application, PNM 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.
2. On January 26, 2012, the Commission issued an Order Suspending Rates and Designating Hearing Examiner which suspended the proposed rates in Advice Notice No. 439 for nine months commencing on February 9, 2012.
3. On February 3, 2012, the Hearing Examiner issued a Procedural Order which, among other things (i) ordered PNM to cause a copy of the Notice appended to the Procedural Order to be published in a newspaper of general circulation available in every

county where PNM provides service on or before February 20, 2012; (ii) ordered PNM to cause a copy of the Notice to be mailed or e-mailed to all of its current customers on or before March 9, 2012; (iii) set a March 28, 2012 intervention deadline; (iv) set an April 16, 2012 deadline for filing Staff/Intervenor Testimony; and (v) scheduled a public hearing to begin on May 14, 2012.

4. On March 28, 2012, William Payne e-mailed the Hearing Examiner his Motion for Leave to Intervene and Request for Discovery (“Motion for Leave to Intervene”). On March 30, 2012, the Hearing Examiner issued a Notice of Filing, giving notice to the parties and Staff that Mr. Payne had e-mailed the Hearing Examiner his Motion for Leave to Intervene. On March 30, 2012, Mr. Payne filed his Motion for Leave to Intervene at the Commission.

5. Mr. Payne’s Motion for Leave to Intervene states that the nature of Mr. Payne’s interests in this case are:

- 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.
- B. Determine if the New Mexico Renewable Energy Act NMSA 1978, §§ 62-16-1 et seq. (“REA”) is merely an alternergy [sic] business ploy.
- C. Determine if large-scale solar and wind generation of electricity equipment purchase, installation and maintenance [sic] costs are greater than electruc [sic] sales revenue derived from them.
- D. Determine if Energy Returned on Energy Invested is greater than one for Schott solar panels.
- E. Determine if proper disposal of toxic solar panels is considered.
- 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.
- G. Expose unintelligence and incompetence at the PRC and New Mexico state government.

6. When a motion for leave to intervene is contested, the presiding officer may grant the intervention if it appears after consideration that the motion discloses that: (a) the movant possesses a substantial interest in the subject matter of the public hearing; (b) participation of the movant is substantially in the public interest; or (c) the intervention presents no undue prejudice to the other parties. 1.2.2.23(D)(2) NMAC.

7. In its Response to Mr. Payne's Motion for Leave to Intervene, PNM asserts that Mr. Payne's Motion does not indicate any interest in the actual subject matter of this proceeding. PNM argues that the interests identified by Mr. Payne, set forth above in Paragraph 5, demonstrate no basis for granting his Motion. PNM further argues that granting Mr. Payne's Motion for Leave to Intervene would likely cause undue prejudice to the existing parties and unduly delay the proceedings. Accordingly, PNM asserts that Mr. Payne's Motion is not substantially in the public interest and should be denied.

8. PNM is correct that Mr. Payne's Motion for Leave to Intervene does not indicate any interest in the actual subject matter of this proceeding. Based on the interests identified in the Motion, Mr. Payne does not possess a substantial interest in the subject matter of the public hearing in this case nor is his participation substantially in the public interest. To the contrary, his intervention would interject extraneous issues into this case that might delay the case and result in prejudice to the other parties. Accordingly, Mr. Payne's Motion for Leave to Intervene should be denied.

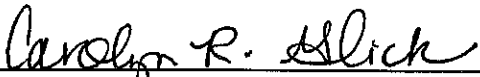
IT IS THEREFORE ORDERED:

- A. William Payne's Motion for Leave to Intervene is denied.
- B. This Order is effective immediately.

C. This Order shall be served on all persons on the attached Certificate of Service.

Issued at Santa Fe, New Mexico on April 17, 2012.

NEW MEXICO PUBLIC REGULATION COMMISSION



Carolyn R. Glick
Hearing Examiner

VIA E-MAIL TO:

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Dated this 17th day of April, 2012.

NEW MEXICO PUBLIC REGULATION COMMISSION



Elizabeth Saiz, Law Clerk