

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF PUBLIC SERVICE)
COMPANY OF NEW MEXICO’S APPLICATION)
FOR APPROVAL OF TWO PURCHASED POWER)
AGREEMENTS AND AN ENERGY STORAGE)
AGREEMENT PURSUANT TO 17.9.551 NMAC, AN)
ADDENDUM TO THE SPECIAL SERVICE)
CONTRACT WITH GREATER KUDU LLC, AND)
AMENDED RIDER NO. 49,)
)
)
PUBLIC SERVICE COMPANY OF NEW MEXICO,)
)
Applicant.)
_____)**

Case No. 21-00031-UT

NOTICE OF HEARING

NOTICE is hereby given that on February 8, 2021, Public Service Company of New Mexico (“PNM”) filed an Application with the New Mexico Public Regulation Commission (“Commission” or “NMPRC”) for approval of:

- 1) two purchased power agreements (“PPAs”) pursuant to 17.9.551 NMAC (“Rule 551”): an agreement with NMRD Data Center III, LLC (“NMRD III”) for 50 MW of solar energy from the Encino North Solar Energy Center (“Encino North PPA”) and an agreement with Sky Ranch Solar, LLC (“Sky Ranch Solar”) for 190 MW of solar energy from the Sky Ranch Solar facility (“Sky Ranch PPA”);
- 2) an energy storage agreement (“ESA”) with Sky Ranch Energy Storage, LLC (“Sky Ranch Energy Storage”) for 100 MW of four-hour energy capacity from the Sky Ranch Energy Storage facility (“Sky Ranch ESA”);

- 3) an Addendum to the Second Amended and Restated Special Service Contract (“SSC”) between PNM and Facebook, Inc. subsidiary Greater Kudu LLC (“Customer”); and
- 4) First Amended Rider No. 49, Production Cost Allocation Rider.

PNM proposes to recover the costs of the PPAs and ESA from the Customer through Rider No. 47, Green Energy Rider, as provided at Section 5.1 of the SSC. PNM asserts that the energy and capacity provided by the two PPAs and ESA are necessary to meet the Customer’s electric service requirements. PNM also asserts that the Addendum to the SSC and the amendments to Rider No. 49 are necessary to clarify the capacity value of controlled storage projects procured pursuant to the SSC for purposes of calculating the Contribution to Production Component of Rate No. 36B, Special Service Rate, applicable to the Customer.

Any interested person may inspect PNM’s Application filed in this case at PNM’s offices, 414 Silver Avenue, SW, Albuquerque, New Mexico, telephone number 505-241-2700; or through the Commission’s website, www.nmprc.state.nm.us, at the link that states case lookup. This case has been docketed as Case No. 21-00031-UT and any inquiries should refer to that number.

On February 17, 2021, the Commission issued its Initial Order and Order on Motion for Expedited Consideration (“Initial Order”) in which a procedural schedule was set, including a hearing date of April 28, 2021. Pursuant to that procedural schedule NMPRC Staff filed Direct Testimony on April 14, 2021 and PNM and New Mexico Affordable Reliable Energy Alliance both filed Rebuttal Testimony on April 21, 2021. On April 22, 2021 the Commission vacated the April 28th public hearing. On April 28th the Commission

issued its Order Setting Procedural Schedule and Notice of Public Hearing, indicating that the Commission would need more time to consider PNM's Application. Pursuant to that order, Staff filed Supplemental Direct on June 2, 2021 and PNM filed Rebuttal on June 9, 2021, and a hearing was conducted before the Commission on June 16, 2021. On June 23, 2021 the Commission issued an Order for Continuance based on the initial hearing, and on July 6, 2021 PNM filed a Motion for Rehearing. On July 16, 2021 the Commission issued an Order Granting PNM's Motion for Rehearing and Setting Procedural Schedule for Re-Hearing, providing the following procedural schedule:

- A. The Commission's Utility Division Staff ("Staff") and NM AREA shall complete all discovery prior to July 21, 2021.
- B. All pre-filed direct testimony or a verified statement of position on the Applications shall be filed on or before July 21, 2021.
- C. All pre-filed rebuttal testimony or response to verified statement of position shall be filed on or before July 22, 2021.
- D. A public hearing shall be held at the Commission's open meeting on July 23, 2021, at 9:00 a.m., to be presided over by Carolyn Glick as the designated presiding officer pursuant to 1.2.2.29 NMAC.
- E. A public comment period shall occur at the beginning of the Commission's open meeting on July 23, 2021 for members of the public who are not protestors or intervenors to comment on the proposed Application. Persons interested in providing public comment must request a Zoom invitation by emailing at Isaac.Sullivan-Leshin@state.nm.us by no later than 5:00 p.m. MT on July 22, 2021. Public comments shall be limited to 3 minutes per speaker unless extended by the Commission. Pursuant to

1.2.2.23(F) NMAC, public comment shall not be considered as evidence in this case. Interested persons may also submit written comments, which shall reference NMPRC Case No. 21-00031-UT, to the Commission via its Records Bureau's email address at: prc.records@state.nm.us.

F. The procedural dates and requirements provided herein are subject to further order of the Commission.

G. Due to the ongoing COVID-19 pandemic and Governor's Executive Orders continuing the public health emergency, the public hearing shall be conducted via the Zoom videoconference platform. Participation in the hearing shall be limited to party participants (*i.e.*, counsel, witnesses, and other representatives of the parties), the Commissioners, and other Commission personnel. Other interested persons may view the hearing via a livestream on YouTube provided on the Commission's website at www.nmprc.state.nm.us.

H. The Commission's Rules of Procedure, 1.2.2 NMAC, shall apply in this case except as modified or varied by order of the Commission. The Rules of Procedure and other NMPRC rules are available online at the New Mexico Commission of Public Records, State Records Center and Archives website at <http://164.64.110.134/nmac/nmac-titles>. This Order is effective immediately.

I. The presiding officer shall conduct a full, fair, and impartial public hearing and to take appropriate action to avoid unnecessary delay in the disposition of proceedings and to maintain order. The presiding officer shall possess all powers necessary to that end, including the following: (1) to administer oaths and affirmations; (2) to order subpoenas issued and to provide for other methods of discovery; (3) to issue orders to show cause

regarding proceedings before them; (4) to receive evidence and rule upon all objections and motions which do not involve final dispositions of proceedings, and to recommend to the commission rulings on objections and motions which do involve final dispositions of proceedings; (5) within their discretion, or upon direction of the commission, to certify any question to the commission for its consideration and disposition, although the commission has the discretion to refuse to review a question so certified; (6) to order parties and staff to hold appropriate conferences before or during the public hearing or investigation, provided that the presiding officer shall not take part in any settlement conference unless their participation is agreed to by all parties and by staff; (7) to regulate the course of public hearings or investigations, including the scheduling, recessing, reconvening, and adjournment thereof, unless otherwise provided by the commission; (8) to apply the procedures of this rule subject to waivers granted pursuant to this rule; (9) to take such other action as may be necessary and appropriate to the discharge of their duties, consistent with the statutory authority or other authorities under which the commission functions and with the rules and policies of the commission.

J. The presiding officer will not issue a recommended decision.