

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF REQUEST FOR)	
APPROVAL OF GENERAL RATE)	
ADJUSTMENT PURSUANT TO 17.9.540)	
)	Case No. 21-00318-UT
JEMEZ MOUNTAINS ELECTRIC)	
COOPERATIVE, INC.,)	
Petitioner.)	
_____)	

SECOND PROCEDURAL ORDER
and
NOTICE OF HEARING
with
ORDER LIMITING SCOPE OF CASE

THIS MATTER comes before Robert J. Lennon, Hearing Examiner for the New Mexico Public Regulation Commission (Commission), upon the Application for a change in rates filed by Jemez Mountains Electric Cooperative, Inc. (“JEMEC”). The Hearing Examiner **FINDS AND CONCLUDES:**

1. On December 30, 2021, JEMEC filed an Application with the Commission requesting approval of a rate increase and a variance from the definition of a base period as defined in 17.1.3.7(B) NMAC.
2. On January 18, 2022, a protest by the ratepayer/members was filed by Loyda Martinez.
3. NMSA 1978, § 62-8-7(H) provides that a protest “shall be filed no later than twenty days after the filing with the commission of the schedule proposing new rates.”
4. The twenty-day limit expired on or about January 19, 2022.

5. On February 23, 2022, the Commission found that the protest of the ratepayer/members was timely-filed in substantial compliance.
6. The Commission also denied the requested variance and required an *amended* application.
7. On June 10, 2022, JEMEC complied, by amending its Application.
8. On June 28, 2022, Loyda Martinez filed a second pleading entitled “Protest to Amended Application & Amended Cost of Services Study.” The protest could have more-accurately been characterized as an *amended* protest in response to the *amended* application.
9. On June 30, 2022 a pleading was filed by “K. Elizabeth Gold, and other protestors.” The pleading is entitled “PROTEST TO JEMEZ MOUNTAINS ELECTRIC COOPERATIVE, INC.’S REQUEST FOR APPROVAL OF GENERAL RATE ADJUSTMENT” with a subtitle “(Amended Application for Rate Increase and Amended Cost of Service Study).”
10. The amended application did not create a second twenty-day time limit for the filing of protests.
11. The July 30, 2022 “protest” was not timely filed.
12. The above statute further provides that “The hearing and review shall be limited to the issues set forth in the protest and for which the commission may find just cause for the review, which issues shall be contained in the notice of hearing.”
13. The protest clearly states: “We protest the rates being proposed by the above named Cooperative.”

14. Attached to the protest and the amended protest were letters addressed “To Whom it May Concern” with “comments” signed by Ms. Montoya. The letters are not sworn testimony or evidence.
15. The controlling statute states: “...the commission shall ...conduct a hearing concerning the reasonableness of any proposed rates filed by a rural electric cooperative...”
16. On July 6, 2022, an informal meeting was held with counsel, Ms. Martinez and this hearing examiner to avoid scheduling conflicts regarding the hearing and other dates. The time limits are set forth below. Also resolved at the meeting was the form of notice to be provided to the Cooperative’s members.

IT IS THEREFORE ORDERED:

- A. The evidentiary hearing will begin at 10 am on October 18, 2022, continuing to the 19th, and 20th, as necessary. The hearing will be conducted via Zoom and available to the public, via YouTube. A zoom link will be provided to counsel and Ms. Martinez.
- B. There shall be a pre-hearing conference at 1 pm on October 11, 2022, also via zoom.
- C. Motions for Leave to Intervene may be filed on or before August 17, 2022.
- D. Direct testimony shall be filed by JEMEC on or before August 17, 2022.
- E. Direct testimony by Staff, Protestors and/or Intervenors may be filed on or before September 12, 2022.
- F. Rebuttal testimony may be filed by JEMEC on or before September 28, 2022.

- G. The scope of this proceeding is narrowed to only the issues raised in the protest, as amended. Specifically, the issue is: whether the rates proposed in the application, as amended, are reasonable.
- H. Any “protest” filed after the twenty-day deadline, January 19, 2022, is not properly “at issue” before the Commission and is not the subject of this proceeding.
- I. Within two business days of this Order, JEMEC shall begin to include with customer-billing, a copy of this Order as Notice to all members of the Cooperative.
- J. The procedural dates and requirements set out in this Order are subject to further Order of the Commission or Hearing Examiner.
- K. Any interested person may appear at the time and place of hearing and make written or oral comment without becoming an intervenor; The below Hearing Examiner should be notified by such commenter, by email, in advance of the hearing, no later than October 14, 2022. Interested persons may also send written comments, directly to the hearing examiner at robert.lennon@state.nm.us .
- L. The pleadings in this case, including the Application, as amended, are available for review on the PRC public “edocket.” <https://edocket.nmprc.state.nm.us>
- M. Any person filing pleadings shall serve copies via e-mail on all persons on the attached Certificate of Service, as updated, and via e-mail on the Hearing Examiner at robert.lennon@state.nm.us.

ISSUED at Santa Fe, New Mexico on July 8, 2022.

NEW MEXICO PUBLIC REGULATION COMMISSION

/s/Robert J. Lennon
Robert J. Lennon
Hearing Examiner

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF REQUEST FOR APPROVAL OF)
GENERAL RATE ADJUSTMENT PURSUANT TO)
17.9.540) Docket No. 21-00318-UT
JEMEZ MOUNTAINS ELECTRIC COOPERATIVE,)
INC., PETITIONER.)**

CERTIFICATE OF SERVICE

I CERTIFY that on this date I sent, via email, to the parties and individuals listed below,
a true and correct copy of the Second Procedural Order and Notice of Hearing with Order Limiting

Scope of Case.

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DATED this July 8, 2022

NEW MEXICO PUBLIC REGULATION COMMISSION

Ana C. Kippenbrock

Ana C. Kippenbrock, Law Clerk