

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF NEW MEXICO GAS COMPANY, )  
INC.'S REQUEST FOR APPROVAL OF ADVICE ) Docket No. 25-00002-UT  
NOTICE NO. 105 )**

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**PROCEDURAL ORDER**

**THIS MATTER** comes before Christopher P. Ryan, Hearing Examiner for the New Mexico Public Regulation Commission, following the prehearing conference on February 24, 2025, at which a procedural schedule and other matters were addressed. The Hearing Examiner **FINDS** and **CONCLUDES** as follows:

1. This case arises from agreements reached in the uncontested stipulation in Case No. 23-00255-UT. A hearing examiner presided over that proceeding, issued a certification of stipulation in which she recommended approving the stipulation, and the Commission accepted the recommendation.

2. Paragraph twenty-four of the approved stipulation obligated NMGC to file, before December 31, 2024, a revised Rule No. 16 – Line Extension Policy. The company agreed to consult with WRA, Commission Staff, and any other interested party about the terms that would be incorporated into the revised rule. Intervenors and Staff expressly retained the right to object to the new line extension policy and seek Commission review and hearing.

3. On December 31, 2024, NMGC filed Advice Notice Number 105 which included a revised Rule No. 16.

4. On January 14, 2025, WRA, CCAE, Prosperity Works, and Southwest Energy Efficiency Project filed a joint motion protesting the advice notice and the revised rule. They asked the Commission to appoint a hearing examiner and authorize that hearing examiner to conduct a public hearing on the merits of the revisions to Rule No. 16.

5. The Commission did as the joint movants requested and suspended Advice Notice No. 105 (and consequently the operation of revised Rule No. 16) until October 30, 2025. This Hearing Examiner was assigned to conduct a hearing, adjudicate the parties' dispute, and propose a resolution of disputed issues.

6. The Hearing Examiner conducted a prehearing conference on February 24, 2025, at which a procedural schedule and other matters were discussed.

**IT IS ORDERED:**

A. The parties agree that there are no additional public notice requirements NMGC must satisfy in this proceeding. Nevertheless, NMGC is directed to post notice of these proceedings on its website and alert its ratepayers to the existence of these proceedings and the issues that will be addressed. That should be accomplished as soon as is practicable. In addition to identification of the issues, NMGC should identify the public hearing date in its posting. After posting the information, NMGC will file an affidavit in this docket confirming the posting was made.

B. The Commission will post notice of the proceeding on the Commission's website in the legal notices section. The other parties who jointly protested the advice notice, who represent constituents, and who have websites are encouraged to post notice of these proceedings on their respective websites.

C. The parties agreed at the prehearing that there are no preliminary or threshold legal issues that must be resolved. A date will nevertheless be set for **dispositive motions**<sup>1</sup> to ensure

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<sup>1</sup> The words "dispositive motion" are intended to broadly refer to any motion that would, as a matter of law, resolve some portion of this case or require the applicant to retract and refile the advice notice. Similarly, the words are intended to capture any motion that would result in summary rejection of any portion of the advice notice and the rule contained in it. Additionally, the words are meant to include any motion that would identify absent information or testimony and require NMGC to supply supplemental testimony or evidence.

orderly proceedings. Any party who wishes to file a dispositive motion must do so on or before **March 14, 2025**.

D. To the extent the protestors intend to file motions or raise issues during these proceedings that will require the applicant to file supplemental testimony, any such motion must be filed as soon as is practicable. Waiting to file such a motion until a time when it is not practicable for the applicant to respond with supplemental testimony is impermissible.

E. The joint protestors—WRA, CCAE, Prosperity Works, and SWEEP—will be treated as intervenors and need not file a motion to intervene. Any other party who wishes to **intervene** in these proceedings must file a motion to intervene that conforms to 1.2.2.23 NMAC and do so on or before **March 14, 2025**.

F. Interested persons who are not affiliated with a party may make **comment** as allowed by Rule 1.2.2.23(F) NMAC. Written comments may be submitted at any time before the Commission takes final action. Comments should be sent to [prc.records@prc.nm.gov](mailto:prc.records@prc.nm.gov) and must reference PRC Case No. 25-00002-UT. Public comments are not evidence. The Commissioners may elect to conduct a public comment hearing. If they choose to do that, then the date, time, and place for that public-comment hearing will be filed in this docket and noted on the Commission's website.

G. Staff will and any intervenor may file **direct testimony** on or before **April 7, 2025**.

H. Any **stipulation** filed in this case must be filed by **April 7, 2025**. This date is selected to ensure that there is adequate time in the procedural schedule to hold a hearing on a stipulation. Any stipulation filed must be accompanied by testimony in support of the stipulation. If a stipulation is filed, an alternative procedural schedule for hearing on a stipulation will be discussed and, if deemed necessary, set.

I. To prevent the Commission from being placed in the position of issuing an order rejecting a stipulation and then having insufficient time remaining in the suspension period to adequately consider the as-filed advice notice, the parties are alerted that the Hearing Examiner may condition consideration of the stipulation on the stipulating parties' agreement to toll the running of the suspension period.

J. **Rebuttal testimony** will be filed on or before **May 2, 2025**.

K. A **public hearing** will be held on **Tuesday, May 20, 2025**, and will continue through **Wednesday, May 21, 2025**, if an additional day of hearing time is needed.

L. Service of all documents filed in this proceeding and discovery requests and responses will be via email unless a party requests a hard copy or unless otherwise ordered.

M. The public hearing will be conducted via the Zoom videoconference platform. A party may request a hybrid hearing (where witnesses and other case participants appear both in person and virtually). That request will be granted only if the Commission has the necessary resources (technology and hearing space) to conduct a hybrid hearing.

N. Access to and participation in a Zoom evidentiary hearing will be limited to party-participants (i.e., counsel and witnesses), the Commissioners, and other essential Commission personnel. The Zoom hearing will be livestreamed through YouTube and a link to the stream provided on the Commission's website at <https://www.prc.nm.gov/public-hearings/>. Persons not participating in a Zoom evidentiary hearing as an attorney or witness may view the hearing on YouTube.

O. The parties and Staff will be required to electronically distribute in advance of the hearing exhibits they intend to offer for admission into evidence at the hearing. That electronic distribution will ensure that all parties as well as the court reporter and Hearing Examiner have the

documents that parties will seek to admit. The specific requirements and manner for advanced sharing of hearing exhibits will be identified at a time closer to the hearing date.

P. Any person filing prepared testimony consistent with 1.2.2.35(I) NMAC on behalf of a party will attend the hearing and submit to examination under oath. All pre-filed testimonies of a witness will be moved into evidence when the witness is first presented. Unless otherwise ordered or approved by the Hearing Examiner, only pre-filed testimony in question-and-answer form and verified by the witness—and examination of witnesses on such pre-filed testimony—will be accepted, considered, and received in evidence. Oral testimony elicited by a party or Staff presenting a witness (except for appropriate redirect examination) will consist solely of the authentication and verification of each pre-filed testimony and identification of any permitted corrections to that testimony. The party or Staff will not elicit oral summaries of pre-filed testimony or other oral testimony.

Q. Friendly cross-examination is prohibited. Friendly cross-examination is cross-examination of a witness by a party who does not disagree with the witness's position on an issue.

R. Each witness at the hearing, and each witness's attorney, will have readily available to him or her at the hearing a copy of the pre-filed testimony of each witness and any related exhibits.

S. Any interested person may examine NMGC's application and supporting documents filed in the public record of this case on the Commission's electronic docketing system which is accessible at <https://www.prc.nm.gov/case-lookup-e-docket>.

T. The procedural dates and requirements set here are subject to further order of the Hearing Examiner or the Commission.

U. Interested persons should contact the Commission at (888) 427-5772 or (505) 827-4082 for confirmation of the hearing date, time, and place as hearings are occasionally rescheduled or canceled if deemed not required.

V. Members of the public may contact the Commission's Consumer Relations Division about this case or any other matter by e-mail at [ryan.jimenez@prc.nm.gov](mailto:ryan.jimenez@prc.nm.gov).

W. The Commission's rules of procedure, *see* 1.2.2 NMAC, will apply in this case except as modified by order of the Hearing Examiner or Commission. The rules of procedure and are available online at the New Mexico Compilation Commission website at <https://nmonesource.com/nmos/en/nav.do>.

X. Anyone filing pleadings, documents, or testimony in this case will comply with the Commission's electronic filing policy. This includes compliance with the following (non-exhaustive) set of requirements: filings must be in .pdf format; they must include an electronic signature and be sent to the Records Management Bureau's e-mail address, [prc.records@prc.nm.gov](mailto:prc.records@prc.nm.gov); parties must serve a copy of filings on all parties identified in the operative certificate of service which will necessarily include Staff and the Commission's records bureau; all filings must be submitted within regular business hours of the due date to be considered timely filed. Regular Commission business hours are from 8:00 a.m. to 5:00 p.m. MT. Documents received after regular business hours will be considered filed the next business day.

Y. All filings will be e-mailed to the Hearing Examiner on the date filed at [christopher.ryan@prc.nm.gov](mailto:christopher.ryan@prc.nm.gov) by no later than 5:00 p.m. MT. Any filing e-mailed to the Hearing Examiner will include the MS Word or other native version of the filing (e.g., Excel or Power Point). Any filings not e-mailed to the Hearing Examiner in compliance with the requirements of

this order and Commission rules are subject to being summarily rejected and stricken from the record at the Hearing Examiner's discretion.

Z. Discovery and discovery disputes will be governed by the Commission's discovery rules at 1.2.2.25 NMAC. The parties will raise any disputes, questions, or concerns regarding discovery with the Hearing Examiner at the earliest available opportunity so that issues may be addressed well in advance of hearing.

AA. An order of the Hearing Examiner or Commission is not required for agreements between or among any of the participants regarding discovery matters. Parties reaching any agreements will notify all parties of the discovery agreement.

BB. Motions regarding any discovery dispute will not be considered unless accompanied by a statement that the participants made a good faith effort to resolve the dispute but were unable to do so.

**PERSONS WITH DISABILITIES**

IF YOU ARE AN INDIVIDUAL WITH A DISABILITY WHO IS IN NEED OF A READER, AMPLIFIER, QUALIFIED SIGN LANGUAGE INTERPRETER, OR ANY OTHER FORM OF AUXILIARY AID OR SERVICE TO ATTEND OR PARTICIPATE IN THE HEARING OR MEETING, OR FOR A SUMMARY OR OTHER TYPE OF ACCESSIBLE FORMAT OF PUBLIC DOCUMENTS, PLEASE CONTACT THE OFFICE OF DIRECTOR OF ADMINISTRATIVE SERVICES OF THE COMMISSION AT (505) 827-8019 AS SOON AS POSSIBLE PRIOR TO THE MEETING.

ISSUED under the seal of the Commission at Santa Fe, New Mexico, this **25th** day of February 2025.



**NEW MEXICO PUBLIC REGULATION COMMISSION**

A handwritten signature in black ink, appearing to read "C. Ryan", written over a horizontal line.

**Christopher P. Ryan**

Hearing Examiner

[Christopher.ryan@prc.nm.gov](mailto:Christopher.ryan@prc.nm.gov)



**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF NEW MEXICO GAS )  
COMPANY, INC.'S REQUEST FOR APPROVAL ) Docket No. 25-00002-UT  
OF ADVICE NOTICE NO. 105 )**

**CERTIFICATE OF SERVICE**

I certify that on this date I sent via email to those listed here a true and correct copy of the **Procedural Order** issued on February 25, 2025.

<b>New Mexico Gas Company</b>	
Brian Haverly Julianna T. Hopper Anita L. Hart Gerald Weseen Nicole V. Strauser NMGC Regulatory	<a href="mailto:bjh@jkwlawyers.com">bjh@jkwlawyers.com</a> ; <a href="mailto:jth@jkwlawyers.com">jth@jkwlawyers.com</a> ; <a href="mailto:anita.hart@nmgco.com">anita.hart@nmgco.com</a> ; <a href="mailto:gerald.weseen@nmgco.com">gerald.weseen@nmgco.com</a> ; <a href="mailto:nicole.strauser@nmgco.com">nicole.strauser@nmgco.com</a> ; <a href="mailto:NMGCRregulatory@nmgco.com">NMGCRregulatory@nmgco.com</a> ;
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**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**Initial Service List**

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Dated this February 25, 2025.

**NEW MEXICO PUBLIC REGULATION COMMISSION**

*Ana Kippenbrock*

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Ana C. Kippenbrock