

Maria C. Berio - Answers to Public Regulation Commissioner Candidate Questionnaire

1. New Mexico has the potential to be a leader in the region, delivering low-cost renewable resources to serve its citizens and the rest of the West, benefiting New Mexico's economy, ratepayers, and supporting grid reliability. What do you see as the role for a New Mexico Commissioner as it relates to regional discussions on power markets and interstate transmission; how are you best suited to engage in these regional forums?

As a New Mexico Commissioner, the role in regional discussions on power markets and interstate transmission is crucial to harnessing the state's potential as a leader in renewable energy. The Commissioner must actively participate in collaborative efforts with neighboring states and regional entities, advocating for policies that facilitate the development of robust transmission infrastructure and fair market practices. By promoting New Mexico's unique renewable resources, the Commissioner can help secure strategic partnerships and ensure that the state's interests are prioritized in regional planning, ultimately contributing to lower costs for ratepayers and enhanced grid reliability.

My experience in power generation and stakeholder management positions me well to engage effectively in these regional forums. I have a deep understanding of both the technical aspects of energy markets and the regulatory frameworks that govern them. Additionally, my background in fostering collaborative relationships with diverse stakeholders allows me to bridge conversations between utilities, regulators, and community interests. This holistic approach enables me to advocate for innovative solutions that support New Mexico's goals while fostering a coherent regional strategy for clean energy transition and economic growth.

2. Competition between generators, whether utility- or Independent Power Producer-owned, helps ensure the lowest cost, best suited resource is procured by electric utilities, ultimately resulting in the best deal for customers. What do you see as the role of a Commissioner in ensuring fair and transparent competition in resource procurement?

The role of a Commissioner in ensuring fair and transparent competition in resource procurement is pivotal to fostering a competitive energy market that benefits consumers. Commissioners must establish and enforce clear regulatory frameworks that promote an open bidding process for electric utilities when acquiring generation resources. This involves scrutinizing procurement practices to prevent any anti-competitive behavior, such as favoritism or collusion among providers. By advocating for transparency in the selection process, including public access to information and stakeholder engagement, Commissioners can ensure that all potential suppliers have

Maria C. Berio - Answers to Public Regulation Commissioner Candidate Questionnaire

an equal opportunity to participate, ultimately leading to the selection of the most cost-effective and appropriate resource options.

Additionally, Commissioners have a responsibility to monitor and evaluate the outcomes of procurement processes to ensure they align with the intended goals of cost-effectiveness and reliability. This includes reviewing the performance of selected resources and their impact on consumer rates. By analyzing procurement results and engaging with stakeholders, the Commission can identify areas for improvement and make necessary adjustments to procurement policies. This proactive approach reinforces the commitment to a competitive marketplace that prioritizes consumer interests while supporting the transition to a more sustainable energy future.

3. What is the "public interest" in the context of utility regulation?

In the context of utility regulation, the "public interest" refers to the overarching goal of ensuring that essential services—such as electricity, water, and natural gas—are provided in a manner that is equitable, affordable, reliable, and environmentally sustainable for all members of the community. It encompasses various considerations, including the protection of consumers from unfair pricing, the promotion of safety and reliability in service delivery, and the facilitation of access to necessary utilities, particularly for vulnerable populations.

The public interest also includes accountability and transparency in the regulatory process, allowing stakeholders, including residents, businesses, and local organizations, to have a voice in utility decisions that impact their lives. Additionally, considering the evolving energy markets and climate concerns, the public interest now increasingly incorporates goals related to sustainability, such as advancing renewable energy adoption, reducing greenhouse gas emissions, and promoting resilience in the face of environmental challenges. Ultimately, utility regulation aims to balance the needs of consumers, suppliers, and the environment to foster a fair and just energy system.

4. What is the role of electric utilities in decarbonizing the economy and what is the Commission's role in overseeing that process?

Electric utilities play a pivotal role in decarbonizing the economy by transitioning from fossil fuel-based energy sources to renewable energy generation, such as solar, wind, and hydroelectric power. They are responsible for modernizing their infrastructure to

Maria C. Berio - Answers to Public Regulation Commissioner Candidate Questionnaire

accommodate distributed energy resources, enhancing energy efficiency, and investing in innovative technologies that reduce greenhouse gas emissions. By doing so, electric utilities can significantly contribute to national and regional climate goals while ensuring reliable and affordable energy for their customers.

The Commission's role in overseeing this decarbonization process is multifaceted. It involves establishing regulatory frameworks that support the integration of renewable energy sources and energy efficiency programs while ensuring that utilities remain financially viable. The Commission also monitors utilities' compliance with environmental standards and their progress toward decarbonization targets. By facilitating public engagement and stakeholder collaboration, the Commission can ensure that the transition to a cleaner energy future is equitable, inclusive, and aligned with the broader goals of sustainability and economic growth.

5. What is the PRC's role in ensuring broadband is universally available?

PRC plays a critical role in ensuring universal broadband access by establishing policies that promote infrastructure expansion, particularly in underserved and rural areas. By creating clear regulatory frameworks, the PRC encourages service providers to prioritize network development. Additionally, the Commission monitors providers for compliance with state and federal regulations, collecting data on service coverage to hold them accountable and identify improvement areas.

Furthermore, the PRC can explore funding mechanisms, such as grants and public-private partnerships, to stimulate investment in broadband infrastructure. Engaging with communities to understand their specific connectivity needs allows the PRC to address barriers to access effectively. By collaborating with other state and federal agencies, the Commission can align efforts to enhance broadband availability, ultimately fostering equitable economic growth and improving the quality of life for residents throughout the state.

6. Should providers of broadband be regulated as a utility? Why or why not?

Whether providers of broadband should be regulated as a utility is a complex issue that warrants careful consideration of various factors, including access, equity, and the nature of broadband services. One of the primary arguments in favor of regulating broadband providers as utilities is the essential nature of internet access in today's society. Much like electricity and water, broadband has become a critical infrastructure

Maria C. Berio - Answers to Public Regulation Commissioner Candidate Questionnaire

that supports education, economic opportunity, healthcare, and civic engagement. Regulating it as a utility could help ensure that all communities, particularly underserved and low-income areas, have reliable access to high-speed internet, bridging the digital divide that exists between urban and rural areas.

On the other hand, some argue against classifying broadband as a utility, citing concerns about stifling innovation and competition in the private sector. Regulating broadband providers could lead to increased bureaucracy and potentially limit the flexibility these companies need to invest in infrastructure and respond to rapidly changing technology. Additionally, if broadband providers are classified strictly as utilities, it may lead to price controls that could discourage investment in network expansion and improvements.

In conclusion, while regulating broadband as a utility could enhance access and equity, it is essential to balance regulatory oversight with the need to foster a competitive and innovative environment. A hybrid approach that combines regulatory frameworks with incentives for private investment may be a more effective solution to ensure that high-quality broadband service is available to all consumers without hindering the growth of the industry.

7. To what extent, if any, should rate-setting decisions of the PRC consider social, cultural, and environmental externalities? When, if ever, should social, cultural, and environmental externalities lead the PRC to approve rates higher than could be approved if such externalities were not considered?

Rate-setting decisions should indeed consider social, cultural, and environmental externalities to a significant extent. In an increasingly complex and interconnected world, the true cost of energy production and consumption extends beyond mere financial metrics; it encompasses the social and environmental impacts that energy generation can have on communities and ecosystems. Recognizing these externalities is vital for creating a fair and equitable energy landscape that reflects the values and needs of diverse stakeholders within New Mexico.

In instances where social, cultural, and environmental externalities contribute to broader societal benefits—such as enhanced public health, preservation of cultural resources, or significant contributions to climate resilience—it may be justified for the PRC to approve rates that are higher than what would typically be accepted if solely based on financial analysis. For example, investments in renewable energy sources that provide cleaner air and reduce greenhouse gas emissions could warrant higher

Maria C. Berio - Answers to Public Regulation Commissioner Candidate Questionnaire

rates due to the long-term health benefits for communities and the environmental sustainability they promote. Furthermore, considering equity in rate-setting could lead to adjustments that protect vulnerable populations facing disproportionate impacts from energy costs. Ultimately, integrating these externalities into rate-setting decisions can foster an energy system that is not only financially sustainable but also socially responsible and environmentally sound, aligning with the goals of a just energy transition.

8. Please discuss your views on governance and the appropriate roles of Commissioners and staff, appropriate levels of delegation and your expected level of involvement in the administration of the agency.

Effective governance within a regulatory agency hinges on the clear delineation of roles and responsibilities between Commissioners and staff. Commissioners are tasked with setting the agency's strategic direction, establishing policies, and making high-level decisions that guide regulatory priorities and initiatives. This role necessitates a comprehensive understanding of the regulatory landscape, stakeholder needs, and the broader implications of decisions on the public and energy markets. Additionally, Commissioners must focus on fostering transparency and accountability to ensure that the public has confidence in the agency's operations and decision-making processes.

Staff members play a vital role in supporting the Commissioners by providing the technical expertise, data analysis, and regulatory recommendations necessary for informed decision-making. They are responsible for conducting in-depth research, facilitating stakeholder engagement, and preparing materials for Commission deliberations. In terms of delegation, it is appropriate to entrust staff with day-to-day operations, investigations, and management of regulatory proceedings while ensuring that Commissioners maintain oversight of significant decisions and policy matters. My expected level of involvement in the administration of the agency would be collaborative, working closely with both Commissioners and staff to ensure that operational efficiency aligns with the agency's strategic objectives. This approach will facilitate a cohesive workflow, enabling policy directions to be effectively translated into actionable regulations, ultimately enhancing the agency's effectiveness in serving the public and promoting sustainable energy practices.

Maria C. Berio - Answers to Public Regulation Commissioner Candidate Questionnaire

9. As you evaluate issues before the PRC, which factors do you view as most important and why?

When evaluating issues before the PRC, several key factors are paramount. First, stakeholder engagement is crucial; actively involving consumers, utility companies, and community organizations ensures that a range of perspectives is considered. This approach is particularly important in a diverse state like New Mexico, where indigenous populations and underrepresented communities may be disproportionately affected by energy policies. Understanding these varying interests helps to develop equitable and inclusive solutions that address the needs of the entire population.

Additionally, sustainability and environmental impact must be prioritized as we confront the challenges posed by climate change. Examining the environmental consequences of proposed projects and policies—particularly in terms of reducing greenhouse gas emissions and promoting renewable energy—should be a primary consideration. Furthermore, the affordability and economic viability of energy solutions must be balanced with regulatory compliance and alignment with existing laws and policies, such as the New Mexico Energy Transition Act. By focusing on these factors, the NMPRC can make informed decisions that contribute to a sustainable, equitable, and economically sound energy future for the state.

10. Is there a state whose energy regulatory policies that you believe New Mexico should emulate? If so, which one and why?

One state that New Mexico could consider emulating in terms of energy regulatory policies is California. California has been at the forefront of renewable energy and climate policy for several years, implementing ambitious targets for greenhouse gas reduction and renewable energy adoption. The state's approach includes comprehensive measures such as the California Renewables Portfolio Standard, which requires utilities to obtain a significant percentage of their electricity from renewable sources. This policy framework has successfully driven investment in solar, wind, and other renewable technologies, fostering a competitive market while creating jobs in the clean energy sector.

Additionally, California's emphasis on stakeholder engagement and community involvement in the regulatory process serves as a model for New Mexico. The state's efforts to incorporate diverse stakeholder perspectives, including those of low-income communities and indigenous groups, have led to more equitable energy solutions and enhanced public support for clean energy initiatives. By adopting similar regulatory

Maria C. Berio - Answers to Public Regulation Commissioner Candidate Questionnaire

frameworks and stakeholder engagement practices, New Mexico could advance its energy transition goals while ensuring that the benefits of renewable energy are widely shared across all communities.

11. Briefly describe your experience with regulatory topics including: utility rate setting, promulgating regulations, and the New Mexico Energy Transition Act.

Throughout my career in the energy sector, I have gained significant experience with various regulatory topics, including utility rate setting and promulgating regulations. In my role as President of AES Puerto Rico, I was involved in negotiating utility rates designed to reflect the transition from traditional fossil fuels to renewable energy sources, ensuring that rates were equitable and aligned with the interests of both consumers and stakeholders. This experience taught me the importance of balancing financial sustainability with the need for affordable energy.

While I do not have direct experience with the New Mexico Energy Transition Act, I have worked with similar regulatory frameworks in other jurisdictions that prioritize renewable energy adoption and sustainability. My familiarity with the regulatory processes surrounding energy policy has equipped me to navigate complex energy landscape challenges effectively, advocate for best practices, and engage with multiple stakeholders to achieve shared objectives in transitioning to cleaner energy solutions.

12. New Mexico has 23 distinct sovereign Native American tribes within its borders. Please explain your familiarity with the State - Tribal relationship with an emphasis on how this relationship is applicable to utilities including power generation, right of ways and alternative energy?

In my experience in power generation and stakeholder management, I have come to understand the critical importance of fostering respectful and collaborative relationships with Native American tribes, particularly in a state like New Mexico, which is home to 23 distinct sovereign tribes. The State-Tribal relationship is foundational in navigating the complexities that arise when utilities are involved in power generation and infrastructure development on tribal lands. This relationship requires deep cultural understanding, respect for sovereignty, and a commitment to mutual benefit. Engaging these communities early in the project planning process is vital to ensure their concerns and aspirations are addressed, particularly in areas such as right of ways and the development of alternative energy projects.

Maria C. Berio - Answers to Public Regulation Commissioner Candidate Questionnaire

In my role as President of AES Puerto Rico, I have led the transformation of business operations from coal to solar generation, which provided me with firsthand experience integrating stakeholder engagement into the heart of project initiatives. I understand that successful utility projects in New Mexico must involve collaborative dialogue with tribal stakeholders to address issues pertinent to land rights and environmental impact. This approach not only facilitates regulatory compliance and streamlines project development but also fosters sustainable partnerships and innovative solutions in alternative energy, benefiting both the tribes and the broader state energy goals.

13. The Public Regulation Commission is a regulatory body. Often the line between regulation and policy can get blurred. Please explain your view as to where the line between regulation and policy is.

Regulation and policy, while interconnected, serve distinct roles in the governance framework. Policy is generally formulated by legislative bodies or elected officials and reflects the broader goals and priorities of a government or organization. It provides strategic direction and outlines long-term objectives for addressing societal issues. Policies serve as guiding principles or frameworks within which specific issues are addressed and are shaped by the values and goals of the policymakers.

Regulation, on the other hand, comprises the specific rules and standards developed to implement and enforce these policies. Regulatory bodies, such as PRC, are tasked with ensuring compliance with these standards and managing the operational aspects of governance. Regulations are often more technical and detailed, translating broad policy goals into actionable rules and procedures. The line between regulation and policy can blur when regulatory agencies, through their rule-making processes, impact policy outcomes. To prevent overstepping, regulatory bodies must operate transparently and adhere closely to legislative intent, ensuring that they implement laws without encroaching on policy-making authority.

14. What is the most consequential action or decision of the PRC in the last twenty years? Why?

One of the most consequential actions of the New Mexico Public Regulation Commission in the last twenty years has been its decision to support the Energy Transition Act (ETA) of 2019. The ETA set ambitious goals for transitioning New Mexico to renewable energy, mandating that the state's public utilities obtain 50% of their

Maria C. Berio - Answers to Public Regulation Commissioner Candidate Questionnaire

electricity from renewable sources by 2030, 80% by 2040, and be 100% carbon-free by 2045.

This decision has significantly impacted the state's energy landscape by accelerating the shift from coal and other fossil fuels to wind, solar, and other renewable energy sources. I had experience as President of AES Puerto Rico in leading the transformation of business operations from coal to solar generation.

15. Per NMSA 1978 Section 62-19-5 please provide the following:

a. Do you hold a baccalaureate degree from an institution of higher education that has been accredited by a regional or national accrediting body? (If you hold a professional license or a post-graduate degree, skip to subsection b.) **Please see subsection b.**

i. Do you have at least ten years of professional experience in an area regulated by the commission or in the energy sector and involving a scope of work that includes accounting, public or business administration, economics, finance, statistics, policy, engineering or law? Please detail how your work experience meets this requirement, including noting the specific number of years in each relevant role.

b. Do you hold a professional license or a post-graduate degree from an institution of higher education that has been accredited by a regional or national accrediting body in an area regulated by the commission, including accounting, public or business administration, economics, finance, statistics, policy, engineering or law?

I hold a Juris Doctor and a Master's in Environmental Law and Public Policy from Vermont Law School, as well as a Bachelor's degree in Environmental Science from the University of Puerto Rico. Additionally, I have certifications from Harvard University's John F. Kennedy School of Government Executive Education Program in Public Financial Management and Driving Government Performance. I am also certified in Carbon Finance from the University of Toronto and as a Project Management Professional by the Project Management Institute.

i. Do you have at least ten years of experience within the field in which you hold your license or post-graduate degree? Please detail how your work experience meets this requirement, including noting the specific number of years in each relevant role.

I have over 18 years of progressive experience in senior leadership roles within renewable energy, public-private partnerships, and infrastructure sectors. Throughout my career, I have consistently demonstrated success in project development,

Maria C. Berio - Answers to Public Regulation Commissioner Candidate Questionnaire

operations, regulatory compliance, and stakeholder engagement. My career highlights include:

- **President and General Manager at AES Puerto Rico: I led the strategic planning and execution of the transition from coal to solar generation, showcasing my commitment to sustainable practices and effective project execution while ensuring responsible financial performance.**
- **Head of Power Marketing and Origination, and Commercial Director for AES: I drove new market growth by developing a diversified portfolio of industrial and commercial clients interested in generation projects using LNG, solar, wind, hydro, and energy storage. I played a key role in sourcing and negotiating over 10 power purchase agreements and led efforts to acquire renewable projects through mergers and acquisitions.**
- **Vice President, Senior Program and Project Manager at CSA Group: At this EPC and project delivery firm, I was responsible for the complete lifecycle execution of generation projects, including solar, wind, recycling, and waste-to-energy initiatives.**
- **Chief Corporate Services Officer at LUMA Energy, LLC: I successfully implemented the transition of operations from a government-owned utility to a private operator start-up within a public-private partnership framework, driving operational optimizations and ensuring seamless integration. I also recruited, trained, and led a high-performing leadership team, implementing policies, business strategies, and budgets that enhanced performance across several departments, including Procurement and Contracts, Legal, Compliance, Community Partnerships, Communications and Legislative Affairs and Internal Audit.**
- **Investment Manager, Cherokee Investment Partners: I led the deal origination and structuring of public and private partnerships for the redevelopment of brownfield sites, and directed consulting teams in project master planning, public financing, permitting, site remediation, and sustainability metrics.**

c. Do you have a financial interest in a public utility in New Mexico or elsewhere? **No**

d. Have you been employed by a commission-regulated entity at any time during the last two years? **No**

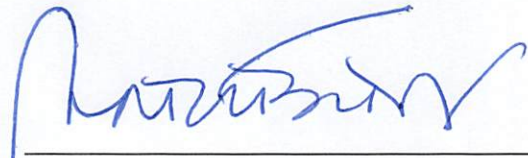
Maria C. Berio - Answers to Public Regulation Commissioner Candidate Questionnaire

e. Do you agree that you will give your entire time to the business of the commission and will not pursue any other business or vocation or hold any other office for profit? **Yes**

16. The two sitting PRC Commissioners are registered to vote with the Democratic Party. The New Mexico Constitution requires that no more than two PRC Commissioners can be registered to vote with the same political party. Please state your registered party affiliation. **I am not a registered voter and do not have any political party affiliation.**

Please affirm this statement with your signature below:

I affirm that the above information is true and correct, and I have met the statutory and constitutional requirements, as described in questions 15 and 16 above.



Candidate Signature of Affirmation