

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF THE APPLICATION BY )  
ZIA NATURAL GAS COMPANY FOR APPROVAL OF )  
ITS 2025-2027 ENERGY EFFICEINCY PROGRAM )  
PURSUANT TO THE NEW MEXICO PUBLIC ) Case No. 24-00247-UT  
UTILITY ACT AND EFFICIENT USE OF ENERGY )  
ACT )  
 )  
 )  
ZIA NATURAL GAS COMPANY, APPLICANT )**

**PROCEDURAL ORDER**

**THESE MATTERS** come before Elizabeth C. Hurst, Hearing Examiner with the New Mexico Public Regulation Commission (NMPRC or Commission), upon the filing of the Application for Approval of Zia Natural Gas Company’s (Zia or Applicant) 2025-2027 Energy Efficiency Program (the Application) with the New Mexico Public Regulation Commission (NMPPRC or Commission). Being duly informed, the Hearing Examiner **FINDS AND CONCLUDES:**

1. On July 31, 2024, Zia filed an Unopposed Motion for Extension of Time to File Energy Efficiency Application.
2. On August 14, 2024, the Commission issued an Order Granting Motion for Extension of Time to File Application.
3. On September 30, 2024, Zia filed its Application requesting that the Commission approve Zia’s 2025-2027 Energy Efficiency Program, recovery of its budgeted costs going forward, and proposal to recover an incentive pursuant to provisions of the EUEA.<sup>1</sup> The Application requests approval of its proposed modifications to Zia’s Energy Efficiency Program offerings approved in Case No. 21-00222-UT in order to increase Program effectiveness and

---

<sup>1</sup> See Efficient Use of Energy Act (“EUEA”), NMSA 1978, §§ 62-17-1 to -11.

encourage greater customer participation in Zia's 2025-2027 Energy Efficiency Program and the Plan-Year budget of \$583,801, including Zia's request to earn an incentive of approximately \$42,701 as provided in the Efficient Use of Energy Act. Zia estimates its proposed 2025-2027 Energy Efficiency Program will result in benefit-cost ratios at or above 1.0 pursuant to the Commission's Utility Cost Test ("UCT") standards, both overall and for all of the five proposed Measures. The proposed Program is expected to result in energy savings of 169,089 therms per year.

4. The Application also states that Zia is not requesting any change to its Energy Efficiency Rate Rider.

5. On October 9, 2024, the Commission issued an Order Appointing Hearing Examiner that appointed the undersigned to preside over this case.

6. On October 10, 2024, the Hearing Examiner issued an Order Setting Prehearing Conference to be held on October 15, 2024, at 9:00 A.M. via the Zoom platform.

7. The Prehearing was held on October 15, 2024, and was attended by representatives of Zia and the Staff of the Commission's Utility Division (Staff). Among other items addressed during the Prehearing Conference, the Hearing Examiner established a procedural schedule for this proceeding,

8. The Commission has jurisdiction over the parties and the subject matter of this case.

9. The Hearing Examiner finds that the following procedural dates and requirements should be adopted in this proceeding.

**IT IS THEREFORE ORDERED:**

A. On or before November 8, 2024, Zia shall cause, at its sole expense, the Notice

attached to the Procedural Order, to be published once in a newspaper of general circulation available in every county where Zia provides service in New Mexico. Zia shall ensure that an affidavit confirming such publication is promptly filed in the docket.

B. On or before November 8, 2024, Zia shall mail or include with its billing statements (at its sole expense) the Notice attached to the Procedural Order to customers. Zia shall ensure that an affidavit confirming such mailing is promptly filed in the docket. **The font size in the mailing shall not be smaller than the equivalent to a Times New Roman 10.5 font size.**

C. Zia shall also post as promptly as feasible to a prominent space on its website copies of the Notice, the Application, and the supporting pre-filed direct testimony, exhibits, and related papers. Zia shall ensure that an affidavit confirming such posting is promptly filed in the docket.

D. Any person desiring to become a party (“intervenor”) to this case must file a motion for leave to intervene in conformity with PRC Rules of Procedure 1.2.2.23(A) and 1.2.2.23(B) NMAC on or before December 6, 2024. All motions for leave to intervene shall be served on all existing parties and other proposed intervenors of record.

E. Staff shall, and any intervenor may, file direct testimony by December 13, 2024. Staff testimony shall include Staff’s opinion and proposed determination on every Zia request.

F. Any rebuttal testimony shall be filed by December 20, 2024.

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

H. Due to the review period in this case, the discovery process shall be expedited, and responses produced by close of business on the date that the certificate of service confirming such production is filed in the record. Discovery responses produced after 5:00 p.m. on the date that the

certificate of service is filed shall be deemed produced the following day.

I. Responses to discovery requests shall be served within five (5) days of service of the request unless otherwise agreed or ordered.

J. Direct testimony, motions in limine, motions to strike, and other prehearing motions shall be filed on or before December 27, 2024. Responses to such motions shall be filed on or before December 31, 2024.

K. A prehearing conference is tentatively scheduled for January 9, 2025, commencing at 10:00 a.m. Mountain Time (“MT”) on the Zoom videoconference platform. The purpose of that conference is to address, among other things, the following matters:

- i. the order of presentation of the parties and their respective witnesses,
- ii. designation by each party of the witnesses they intend to cross-examine and for what length of time,
- iii. any other matters that may expedite orderly conduct and disposition of this proceeding.

L. A public hearing will be held, if necessary, beginning at 9:30 a.m. on January 14, 2025, as determined to be necessary by the Hearing Examiner.

M. The evidentiary hearing shall be conducted via the Zoom videoconference platform. Access to and participation in the evidentiary hearing shall 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 will be displayed on the Commission’s website at <https://www.prc.nm.gov/>. Persons not participating in the evidentiary hearing as an attorney or witness may view the hearing on the Commission’s website and shall not join the hearing via Zoom except to provide oral comment as allowed below.

N. Interested persons who are not affiliated with a party may make oral or written

comment as allowed by Rule 1.2.2.23(F) NMAC. Oral comments shall be taken shortly after the beginning of the evidentiary hearing on January 14, 2025, and comments shall be limited to 3 minutes per person. As part of the public hearing, public comment will be taken via the Zoom platform; therefore, persons wishing to make an oral public comment must register in advance, not later than 8:30 a.m. MT on January 14, 2025, by email to [Ana.Kippenbrock@prc.nm.gov](mailto:Ana.Kippenbrock@prc.nm.gov). Alternatively, written public comments may be submitted before the Commission takes final action. Those comments shall reference Case No. 24-00247-UT and be emailed to [\*\*PRC.records@prc.nm.gov\*\*](mailto:PRC.records@prc.nm.gov). Public comments, whether oral or written, shall not be considered as evidence in this proceeding.

O. Since the evidentiary hearing will be conducted via Zoom, the parties and Staff will be required to electronically distribute the exhibits they intend to offer for admission into evidence at the hearing in advance of the hearing. That electronic distribution shall provide the documents to all parties, the Hearing Examiner, and the court reporter. The requirements for any necessary submissions shall be set forth in a subsequent prehearing order issued by the Hearing Examiner.<sup>2</sup>

P. Any person filing prepared testimony consistent with 1.2.2.35(I) NMAC on behalf of a party shall attend the hearing and submit to examination under oath and shall appear via the Zoom video feed. All pre-filed testimonies of a witness shall 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 shall be accepted, considered, and received in evidence along with other relevant and otherwise admissible exhibits. Oral testimony elicited by a party or

---

<sup>2</sup> Parties will be required to utilize Dropbox to upload and download documents. See <https://www.dropbox.com>. All parties should familiarize themselves with use of that file-sharing application.

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

Procedural Order

Case No. 24-00247-UT

Staff presenting a witness (except for appropriate redirect examination) shall consist solely of the authentication and verification of each pre-filed testimony and identifications of any permitted corrections to that testimony. The party or Staff shall 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, shall 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 Zia's filing, exhibits, and related papers at Zia's office located at 100 Short Drive, Ruidoso Downs, New Mexico 88346, telephone: (800) 520-4277 or (575) 378-4277; online at Zia's website <http://www.zngc.com/>; or at the Commission's website <https://www.prc.nm.gov/case-lookup-e-docket/>.

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

U. Interested persons should contact the Commission at (505) 690-4191 or [Ana.Kippenbrock@prc.nm.gov](mailto:Ana.Kippenbrock@prc.nm.gov) for confirmation of the hearing date, time, and place since hearings are occasionally rescheduled or canceled if deemed not required in the discretion of the Hearing Examiner or the Commission.

V. The Commission's rules of procedure, 1.2.2.1 NMAC et seq., shall apply in this case except as modified by order of the Hearing Examiner or Commission. The Rules of Procedure

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

Procedural Order

Case No. 24-00247-UT

and other PRC rules are available online at the official NMAC website: <https://www.srca.nm.gov/nmac-home/nmac-titles/>.

W. Anyone filing pleadings, documents, or testimony in this case shall comply with the Commission's electronic filing policy which is amended from time to time. This includes compliance with the following (not 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 email address, **PRC.Records@prc.nm.gov**, or to another Records Bureau address as set out on the Commission's webpage. Any filing must be submitted within regular business hours of the due date to be considered timely filed. Documents received after regular business hours will be considered filed the next business day. Regular Commission business hours are from 8:00 a.m. to 5:00 p.m. MT. Parties shall serve a copy on all parties of record and Staff.

X. All filings shall be emailed to the Hearing Examiner on the date filed at [Elizabeth.Hurst@prc.nm.gov](mailto:Elizabeth.Hurst@prc.nm.gov) by no later than 5:00 p.m. MT. Any filing emailed to the Hearing Examiner shall include the Word or other native version of the filing (e.g., Excel or Power Point) if created in such format. Any filings not emailed 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.

Y. Except as expressly provided in this Order or subsequently ruled, discovery matters, and any discovery disputes shall be governed by the Commission's discovery rules at 1.2.2.25 NMAC. The parties shall raise any disputes, questions, or concerns regarding discovery with the Hearing Examiner at the earliest available opportunity so that all such issues may be considered well in advance of the hearing.

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**Procedural Order**

**Case No. 24-00247-UT**

Z. An order of the Hearing Examiner or Commission is not required for agreements between or among any of the participants regarding discovery matters. All other participants shall be notified of such agreements.

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

BB. This Order is effective immediately.

**ISSUED** under the Seal of the Commission at Santa Fe, New Mexico, this 16<sup>th</sup> day of October, 2024.

**NEW MEXICO PUBLIC REGULATION COMMISSION**



*Elizabeth C. Hurst*

---

**Elizabeth C. Hurst**  
**Hearing Examiner**



**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF THE APPLICATION BY )  
ZIA NATURAL GAS COMPANY FOR APPROVAL OF )  
ITS 2025-2027 ENERGY EFFICEINCY PROGRAM )  
PURSUANT TO THE NEW MEXICO PUBLIC UTILITY ) Case No. 24-00247-UT  
ACT AND EFFICIENT USE OF ENERGY ACT )  
)  
ZIA NATURAL GAS COMPANY, APPLICANT )**

**NOTICE TO ZIA CUSTOMERS OF PROCEEDING AND HEARING**

To Zia Natural Gas Company customers:

This document is required by the New Mexico Public Regulation Commission (Commission).

The purpose of this document is to provide you with notice of the Application Zia filed with the Commission requesting approval of its 2025-2027 Energy Efficiency Program and associated relief. This Notice:

- describes the Commission’s process for considering Zia’s Application; and
- describes how you can participate in this process if you wish to do so.

If you wish to participate in this process, the information below details how you may participate. **If you do not wish to participate, no action is required on your part.**

Therefore, **NOTICE** is given by the Commission of the following:

On September 30, 2024, Zia Natural Gas Company, Inc. ("Zia") filed with the Commission its Application requesting approvals and authorizations necessary to implement its proposed 2025-2027 Energy Efficiency Program and budget. The Application requests approval of its proposed modifications to Zia’s Energy Efficiency Program offerings approved in Case No. 21-00222-UT in order to increase Program effectiveness and encourage greater customer participation in Zia’s 2025-2027 Energy Efficiency Program and the Plan-Year budget of \$583,801, including Zia’s request to earn an incentive of approximately \$42,701 as provided in the Efficient Use of Energy

Act. Zia estimates its proposed 2025-2027 Energy Efficiency Program will result in benefit-cost ratios at or above 1.0 pursuant to the Commission's Utility Cost Test ("UCT") standards, both overall and for all of the five proposed measures. The proposed Program is expected to result in energy savings of 169,089 therms per year.

The New Mexico Efficient Use of Energy Act allows Zia to recover costs incurred as a result of implementing, funding, and administering energy efficiency programs through a tariff rider. Zia currently recovers its program costs through its approved Sixth Energy Efficiency Rate Rider No. 2. Zia requests no change to the currently approved Rate Rider tariff rate.

The Commission has assigned Case No. 24-00247-UT to this proceeding, and all inquiries or written comments concerning this proceeding should refer to that case number.

The Hearing Examiner has established the following schedule for this case:

A. Any person who desires to become a party to this case must file a Motion for Leave to Intervene, pursuant to 1.2.2.23 NMAC, by December 6, 2024. All motions for leave to intervene shall be served on all existing parties and other proposed intervenors of record.

B. Commission Utility Division Staff shall, and Intervenors may, file Direct Testimony by December 13, 2024.

C. Rebuttal Testimony may be filed by December 20, 2024.

D. A public hearing will be held, if necessary, beginning at **9:30 A.M. on January 14, 2025**. The public hearing, if deemed necessary by the Commission, shall be conducted via the Zoom videoconference platform. Participation in the public 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 <https://www.prc.nm.gov/>. Any person whose testimony has been pre-filed shall attend the hearing, if one is held, and submit to examination under oath.

E. The procedural dates and requirements provided herein are subject to further order of the Commission or the Hearing Examiner. Interested persons should contact the Commission at 505-690-4191 for confirmation of the hearing date, time, and place because hearings are occasionally rescheduled.

F. Interested persons who are not affiliated with a party may make oral or written comment as allowed by Rule 1.2.2.23(F) NMAC. Oral comments shall be taken shortly after the beginning of the evidentiary hearing on January 14, 2025, and comments shall be limited to 3 minutes per person. As part of the public hearing, public comment will be taken via the Zoom platform; therefore, persons wishing to make an oral public comment must register in advance, not later than 8:30 a.m. MT on January 14, 2025, by email to [Ana.Kippenbrock@prc.nm.gov](mailto:Ana.Kippenbrock@prc.nm.gov). Alternatively, written public comments may be submitted before the Commission takes final action. Those comments shall reference Case No. 24-00247-UT and be emailed to [PRC.records@prc.nm.gov](mailto:PRC.records@prc.nm.gov). Public comments, whether oral or written, shall not be considered as evidence in this proceeding.

G. Any person may examine Zia's filing, exhibits, and related papers at Zia's office located at 100 Short Drive, Ruidoso Downs, New Mexico 88346, telephone: (800) 520-4277 or (575) 378-4277; online at Zia's website <http://www.zngc.com/>; or at the Commission's website <https://www.prc.nm.gov/case-lookup-e-docket/>.

H. Copies of documents filed with the Commission must be served on all parties of

record and Staff in the manner indicated on the Certificate of Service for this case. All filings shall be emailed to Staff and the parties on the date they are filed with the Commission. Additionally, all filings shall be emailed to the Hearing Examiner at [Elizabeth.Hurst@prc.nm.gov](mailto:Elizabeth.Hurst@prc.nm.gov).

I. Anyone filing pleadings, documents or testimony in this case shall, until further notice, comply with the Commission's electronic filing policy as posted on the Commission website, as amended from time to time. This includes filings in pdf format, with electronic signatures, sent to the Records Bureau's email address at [PRC.records@prc.nm.gov](mailto:PRC.records@prc.nm.gov) within regular business hours of the due date in order to be considered timely filed. Documents received after regular business hours will be considered as being filed the next business day. Regular business hours are from 8:00 a.m. to 5:00 p.m. MT.

J. 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 Commission rules are available online the official NMAC website: <https://www.srca.nm.gov/nmac-home/nmac-titles/>.

**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 FOR A SUMMARY OR OTHER TYPE OF ACCESSIBLE FORMAT OF PUBLIC DOCUMENTS, PLEASE CONTACT THE DIRECTOR OF ADMINISTRATIVE SERVICES OF THE COMMISSION AT (505) 827-8019 AS SOON AS POSSIBLE PRIOR TO THE HEARING.

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**Notice to Zia Customers of Proceeding and Hearing**

**Case No. 24-00247-UT**

**ISSUED** under the Seal of the Commission at Santa Fe, New Mexico this 16<sup>th</sup> day of October, 2024.

**NEW MEXICO PUBLIC REGULATION COMMISSION**



*Elizabeth C. Hurst*

---

**Elizabeth C. Hurst**  
**Hearing Examiner**

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF THE APPLICATION BY )  
ZIA NATURAL GAS COMPANY FOR APPROVAL )  
OF ITS 2025-2027 ENERGY EFFICIENCY )  
PROGRAM PURSUANT TO THE )  
NEW MEXICO PUBLIC UTILITY ACT )  
AND EFFICIENT USE OF ENERGY ACT )  
)  
ZIA NATURAL GAS COMPANY, APPLICANT )  
\_\_\_\_\_ )**

**Case No. 24-00247-UT**

**CERTIFICATE OF SERVICE**

I **CERTIFY** that on this date I sent via email a true and correct copy of the hearing examiner’s Procedural Order to the parties listed below.

<b>Zia Natural Gas</b>	
Joan Drake	JDrake@modrall.com;
Susan E. Miller	Susan.Miller@modrall.com;
Leslie Graham	lgraham@zngc.com;
Marit Coburn	mcoburn@zngc.com;
Crystal Sifuentes	csifuentes@zngc.com;
Janeen Capshaw	jcapshaw@naturalgaspro.com;
<b>Utility Staff of the NMPRC</b>	
John Bogatko	John.Bogatko@prc.nm.gov;
Bamadou Ouattara	Bamadou.Ouattara@prc.nm.gov;
Agata Malek	Agata.Malek@prc.nm.gov
Joan Ellis	Joan.Ellis@prc.nm.gov;
Elisha Leyba-Tercero	Elisha.Leyba-Tercero@prc.nm.gov;
<b>General Counsel NMPRC</b>	
Kaythee Hlaing	Kaythee.Hlaing@prc.nm.gov;
Scott Cameron	Scott.Cameron@prc.nm.gov;
<b>Hearing Examiners Division</b>	
Ana Kippenbrock	Ana.Kippenbrock@prc.nm.gov;

October 16, 2024.

**NEW MEXICO PUBLIC REGULATION COMMISSION**

  
**Ana C. Kippenbrock**