

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

<b>IN THE MATTER OF THE APPROVAL OF AN</b>	)	
<b>AMENDED SERVICE AGREEMENT BETWEEN</b>	)	
<b>ROOSEVELT COUNTY ELECTRIC</b>	)	
<b>COOPERATIVE, INC., AND SOUTHWESTERN</b>	)	<b>CASE NO. 24-00251-UT</b>
<b>PUBLIC SERVICE COMPANY.</b>	)	
	)	
<b>SOUTHWESTERN PUBLIC SERVICE COMPANY</b>	)	
<b>AND ROOSEVELT COUNTY ELECTRIC</b>	)	
<b>COOPERATIVE, INC., APPLICANTS.</b>	)	
	)	

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**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 Joint Application for Approval of an Amended Service Agreement (Application) with the New Mexico Public Regulation Commission (NMPRC or Commission) by Roosevelt County Electric Cooperative, Inc. (RCEC) and Southwestern Public Service Company (SPS). Being duly informed, the Hearing Examiner **FINDS AND CONCLUDES:**

1. On September 19, 2024, RCEC and SPS filed the Joint Application requesting the Commission enter a final order approving the Amended Service Agreement entered into by RCEC and SPS on September 19, 2024. The supporting testimonies of Brad Baldrige and Eric Segovia were filed with the Application.

2. The Amended Service Agreement adjusts SPS’s service area boundaries from an existing Service Agreement between RCEC and SPS dated June 28, 1995, and approved by the Commission on March 18, 1996. Specifically, the Amended Service Agreement adjusts SPS’s existing service area boundaries around Portales by adding to RCEC’s service territory some undeveloped land currently located around the outer edge of SPS’s existing boundary on the outskirts of Portales and adjusts SPS’s existing service area boundaries in Roosevelt County near

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State Highway 202 between US Route 70 and the Texas state line by adding to RCEC's service territory some undeveloped land currently located around the outer edge of SPS's existing boundary.

3. On October 4, 2024, the Commission issued an Order Appointing Hearing Examiner that appointed the undersigned to preside over this case.

4. On October 7, 2024, the Hearing Examiner issued an Order Setting Prehearing Conference to be held on October 15, 2024, at 11:00 a.m. via the Zoom platform.

5. The Prehearing was held on October 15, 2024, and was attended by representatives of SPS, RCEC, 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,

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

7. 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, SPS shall cause, at its sole expense, the Notice attached to the Procedural Order to be published once in a newspaper of general circulation in Roosevelt County, where SPS and RCEC provide service in New Mexico. RCEC shall provide publication in newspapers of general circulation in any other impacted counties where it provides service. SPS and RCEC shall ensure that affidavits confirming such publications are promptly filed in the docket.

B. On or before November 8, 2024, SPS and RCEC shall mail or include with their

billing statements (at their sole expense) the Notice attached to the Procedural Order to their impacted customers. SPS and RCEC shall ensure affidavits confirming such mailing are 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. SPS and RCEC shall each post the Notice, the Application, and the supporting pre-filed direct testimony, exhibits, and related papers as promptly as feasible to a prominent space on their websites. SPS and RCEC shall ensure that affidavits confirming such postings are 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 November 25, 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 SPS and RCEC 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. SPS shall post the discovery requests it receives from the parties or Staff and SPS’s and RCEC’s responses to discovery requests, including exhibits, on SPS’s file sharing platform.

H. Direct testimony, motions in limine, motions to strike, and other prehearing motions shall be filed on or before December 24, 2024. Responses to such motions shall be filed

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on or before December 30, 2024.

I. A prehearing conference is tentatively scheduled for January 3, 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.

J. A public hearing will be held, if necessary, beginning at 9:30 a.m. on January 8, 2025, as determined to be necessary by the Hearing Examiner.

K. 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.

L. 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 8, 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

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later than 8:30 a.m. MT on January 8, 2025, by emailing Ana Kippenbrock at [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 PRC Case No. 24-00251-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.

M. 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 those and any other necessary submissions shall be set forth in a subsequent prehearing order issued by the Hearing Examiner.<sup>1</sup>

N. 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 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

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<sup>1</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.

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testimony or other oral testimony.

O. 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.

P. Each witness at the hearing, and each witness's attorney, shall have readily available to them a copy of the pre-filed testimony of each witness and any related exhibits.

Q. Any interested person may examine the Joint Application and supporting documents and other documents filed in the public record online at the Commission's website <https://www.prc.nm.gov/case-lookup-e-docket/>, RCEC's website <https://www.rcec.coop/>, SPS's website [https://www.xcelenergy.com/company/rates\\_and\\_regulations/filings](https://www.xcelenergy.com/company/rates_and_regulations/filings); or in person at SPS's offices at 111 E. Fifth Street, Roswell, New Mexico 88201 (telephone 505- 625-5499 or 1800-895-4999, Attn. Mike McLeod); or RCEC's office at 121 N. Main Street, Portales, New Mexico 88130 (telephone 575-356-4491, Attn. Eric Segovia). All inquiries or written comments should reference Case No. 24-00251-UT.

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

S. 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 because hearings are occasionally rescheduled or canceled if deemed not required in the discretion of the Hearing Examiner or the Commission.

T. 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 and other PRC rules are available online at the New Mexico Compilation Commission at

<https://nmonesource.com/nmos/en/nav.do>.

U. 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](mailto: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 Monday through Friday from 8:00 a.m. to 5:00 p.m. MT. Parties shall serve a copy on all parties of record and Staff.

V. 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.

W. 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.

X. An order of the Hearing Examiner or Commission is not required for agreements

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between or among any of the participants regarding discovery matters. All other participants shall be notified of such agreements.

Y. 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.

Z. This Order is effective immediately.

**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.

**ISSUED** under the Seal of the Commission at Santa Fe, New Mexico, this 17<sup>th</sup> day of October, 2024.

**NEW MEXICO PUBLIC REGULATION COMMISSION**



*Elizabeth C. Hurst*

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



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<b>AMENDED SERVICE AGREEMENT BETWEEN</b>	)	
<b>ROOSEVELT COUNTY ELECTRIC</b>	)	
<b>COOPERATIVE, INC., AND SOUTHWESTERN</b>	)	<b>CASE No. 24-00251-UT</b>
<b>PUBLIC SERVICE COMPANY.</b>	)	
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<b>SOUTHWESTERN PUBLIC SERVICE COMPANY</b>	)	
<b>AND ROOSEVELT COUNTY ELECTRIC</b>	)	
<b>COOPERATIVE, INC., APPLICANTS.</b>	)	
	)	

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**NOTICE TO CUSTOMERS OF SPS AND RCEC OF PROCEEDING AND HEARING**

To the customers of Southwestern Public Service Company (SPS or Company) and Roosevelt County Electric Cooperative, Inc. (RCEC): This document is required by the New Mexico Public Regulation Commission (NMPRC or Commission). The purpose of this document is to provide you with notice of the Joint Application SPS and RCEC filed with the NMPRC requesting approval of their Amended Service Agreement. This Notice:

- describes the NMPRC process for considering SPS’s and RCEC’s Joint 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 NMPRC of the following:

1. In accordance with Section 62-9-7 of the New Mexico Public Utility Act (“PUA”) and 1.2.2.24 NMAC, on September 19, 2024, RCEC and SPS filed a Joint Application and supporting direct testimony with the Commission requesting the Commission enter a final order approving the Amended Service Agreement entered into by RCEC and SPS on September 19, 2024. The Amended Service Agreement adjusts SPS’s service area boundaries from an existing

Service Agreement between RCEC and SPS dated June 28, 1995, and approved by the Commission on March 18, 1996.

Specifically, the Amended Service Agreement adjusts SPS's existing service area boundaries around Portales by adding to RCEC's service territory some undeveloped land currently located around the outer edge of SPS's existing boundary on the outskirts of Portales and adjusts SPS's existing service area boundaries in Roosevelt County near State Highway 202 between US Route 70 and the Texas state line by adding to RCEC's service territory some undeveloped land currently located around the outer edge of SPS's existing boundary.

2. The Commission has assigned Case No. 24-00251-UT to this Joint Application, and all correspondence, pleadings, comments, and other communications shall refer to that case number.

3. By order issued on October 17, 2024, the Hearing Examiner established the following procedural schedule and requirements for this case:

- A. On or before November 25, 2024, anyone desiring to become a party to this case must file a Motion for Leave to Intervene in conformity with Rules 1.2.2.23(A) and 1.2.2.23(B) NMAC with the Commission's Records Division at [prc.records@prc.nm.gov](mailto:prc.records@prc.nm.gov). All motions for leave to intervene shall be served on all existing parties and other proposed intervenors of record.
- B. The Commission's Utility Division Staff shall, and any intervenors may, file direct testimony on or before December 13, 2024.
- C. Rebuttal testimony may be filed on or before December 20, 2024.
- D. A public hearing will be held, if necessary, beginning at 9:30 a.m. on January 8, 2025, as determined to be necessary by the Hearing Examiner.

4. Based on present conditions and logistical issues, the Hearing Examiner has concluded that it will be necessary to conduct any public hearing via the Zoom videoconference

platform. Access to and participation in the public hearing shall be limited to party participants (i.e., counsel and witnesses), the Commissioners, and other essential Commission personnel. Any 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 comments as allowed in the paragraph below.

5. Anyone who is 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 8, 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 8, 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 PRC Case No. 24-00251-UT and be sent via email to [prc.records@prc.nm.gov](mailto:prc.records@prc.nm.gov). Public comments, whether oral or written, shall not be considered as evidence.

6. The Commission's Rules of Procedure (Rule 1.2.2 NMAC) apply except as modified by order of the Commission or Hearing Examiner. Such rules are available online at the New Mexico Compilation Commission at <https://nmonesource.com/nmos/en/nav.do>.

7. The Joint Application with supporting pre-filed direct testimony, attachments, and related papers may be examined online at the Commission's website at <https://www.prc.nm.gov/case-lookup-e-docket/>, RCEC's website <https://www.rcec.coop/>, and SPS's website at [https://www.xcelenergy.com/company/rates\\_and\\_regulations/filings](https://www.xcelenergy.com/company/rates_and_regulations/filings); or in person at the offices of RCEC and SPS at the addresses below, or by calling SPS at 1-800-895-

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Notice of Proceeding and Hearing

Case No. 24-00251-UT

4999 during normal business hours . All inquiries or written comments should reference Case No. 24-00251-UT.

Eric Segovia  
Roosevelt County Electric Cooperative, Inc.  
121 N. Main Street  
Portales, NM 88130  
575-356-4491

Mike McLeod, Manager Community Relations  
Southwestern Public Service Company  
111 E. Fifth Street  
Post Office Box 1937  
Roswell, New Mexico 88201  
(577) 625-5499 or 1-800-895-4999

8. Anyone filing pleadings, testimony, or other documents in this case shall: (1) serve copies on all parties of record and the Commission Staff via email on the date they are filed with the Commission, and (2) comply with the Commission's Electronic Filing Policy, as amended from time to time. The Electronic Filing Policy requires all filings to be made by emailing the filing in PDF format and with electronic signatures to [prc.records@prc.nm.gov](mailto:prc.records@prc.nm.gov) within the 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 business hours are Monday through Friday 8:00 a.m. to 5:00 p.m. MT. All filings shall also be sent to the Hearing Examiner at [Elizabeth.Hurst@prc.nm.gov](mailto:Elizabeth.Hurst@prc.nm.gov) and shall include versions created in Microsoft Word or other applicable native formats if available.

9. The procedural dates and requirements currently set are subject to further order of the Commission or the Hearing Examiner. 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 because hearings are occasionally rescheduled or canceled if deemed not required in the discretion of the Hearing Examiner or the Commission.

10. Any person filing prepared testimony consistent with Rule 1.2.2.35(I) NMAC on behalf of a party shall attend the hearing and submit to examination under oath. No person shall testify at the hearing unless that person has pre-filed testimony.

11. Additional details regarding this proceeding and its procedural requirements are set forth in the Hearing Examiner's October 17, 2024 Procedural Order.

**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.

**ISSUED** under the seal of the Commission at Santa Fe, New Mexico this 17<sup>th</sup> day of October, 2024.

**NEW MEXICO PUBLIC REGULATION COMMISSION**



*Elizabeth C. Hurst*

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

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF APPROVAL OF AN )  
AMENDED SERVICE AGREEMENT )  
BETWEEN ROOSEVELT COUNTY )  
ELECTRIC COOPERATIVE, INC., )  
AND SOUTHWESTERN PUBLIC SERVICE )  
COMPANY. )**

**Docket No. 24-00251-UT**

**SOUTHWESTERN PUBLIC SERVICE )  
COMPANY AND ROOSEVELT COUNTY )  
ELECTRIC COOPERATIVE, INC. )**

**APPLICANTS**

**CERTIFICATE OF SERVICE**

I **CERTIFY** that on this date I sent via email a true and correct copy of the *Procedural Order* to the following:

<b>SPS</b>	
Stephanie G. Houle Zoe Lees Cindy Baeza Jeremiah W. Cunningham	<a href="mailto:Stephanie.G.Houle@xcelenergy.com">Stephanie.G.Houle@xcelenergy.com</a> ; <a href="mailto:Zoe.E.Lees@xcelenergy.com">Zoe.E.Lees@xcelenergy.com</a> ; <a href="mailto:Cindy.Baeza@xcelenergy.com">Cindy.Baeza@xcelenergy.com</a> ; <a href="mailto:Jeremiah.W.Cunningham@xcelenergy.com">Jeremiah.W.Cunningham@xcelenergy.com</a> ;
<b>Farmers' Electric Cooperative, Inc.</b>	
Daniel A. Najjar	<a href="mailto:DNajjar@virtuelaw.com">DNajjar@virtuelaw.com</a> ;
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<b>NMPRC General Counsel</b>	
Keven Gedko LaurieAnn Santillanes, Law Clerk	<a href="mailto:Keven.Gedko@prc.nm.gov">Keven.Gedko@prc.nm.gov</a> ; <a href="mailto:Laurieann.Santillanes@prc.nm.gov">Laurieann.Santillanes@prc.nm.gov</a> ;
Ana Kippenbrock, Law Clerk	<a href="mailto:Ana.Kippenbrock@prc.nm.gov">Ana.Kippenbrock@prc.nm.gov</a> ;

**DATED** this October 17, 2024.

**NEW MEXICO PUBLIC REGULATION COMMISSION**

*Ana Kippenbrock*

**Ana Kippenbrock, Law Clerk**