

NOTICE OF PROPOSED RULEMAKING
CASE NO. 20-00105-FM

The New Mexico Public Regulation Commission (the “commission”) gives notice of its initiation of a proposed rulemaking to repeal and replace **Rules 10.25.1, 10.25.2, and 10.25.5 NMAC**. The rules which may be adopted as the final rules in this proceeding may include all, part, or none of the language in the proposed rules issued by the commission. The commission may also consider alternative proposals for amending or replacing the current rules.

Concise statement of proposed rules: The commission is considering repealing and replacing Rules 10.25.1, 10.25.2, and 10.25.5 NMAC. The commission is considering changes to many sections of the rules. In particular, the commission is considering changes regarding the inspection and testing of fire and smoke dampers in accordance with evolving National Fire Protection Association standards, provisions within general provisions, which part contains, among other things, definitions that are used in Part 5, provisions within certificates of fitness, which contains provisions establishing the methods of becoming certified to install, test, and inspect fire and smoke dampers, and other changes to modernize the rules.

Constitutional and statutory authority: New Mexico Constitution, Article XI, Sec. 2; Paragraph 10 of Subsection B of Section 8-8-4 NMSA 1978 (1998), Section 8-8-15 NMSA 1978 (1999, amended 2001), Section 59A-52-15 NMSA 1978 (amended 2017), and Section 59A-52-15.1 NMSA 1978 (amended 2017).

A copy of the full text of the proposed rules may be obtained from the Rulemaking Proceedings section of the Commission’s website at <http://www.nmprc.state.nm.us> under Case No. 20-00105-FM or by calling Isaac Sullivan-Leshin in the Office of General Counsel at (505) 670-4830.

Written initial comments and written response comments shall be filed by the deadlines below. Currently, due to the COVID-19 pandemic and orders of the governor pertaining thereto, the commission has adopted emergency electronic filing procedures, which may or may not be in place at the time that comments are filed in this docket. In the alternative, the commission may revert to the filing procedures in place before the emergency electronic filing procedures were instituted, in which case such filings shall be made with the commission’s records bureau at P.O. Box 1269, Santa Fe, NM 87504-1269 or by hand delivery to the commission’s records management bureau at 1120 Paseo de Peralta, Room 406, Santa Fe, NM 87501. For information as to how to file at the time of filing, please contact Melanie Sandoval, the commission’s records bureau chief at melanie.sandoval@state.nm.us or (505) 827-6968. Written initial comments shall be filed no later than **August 31, 2020** and written response comments shall be filed no later than **September 14, 2020**. Comments shall refer to Case No. 20-00105-FM. All written comments will be posted on the commission’s website within three days of their receipt by the records bureau.

A public hearing will be held on **October 21, 2020, beginning at 2:00 p.m.** at the offices of the commission located in the 4th Floor Hearing Room at 1120 Paseo de Peralta, Santa Fe, NM 87501. If emergency conditions arising from the COVID-19 pandemic persist at that time, the commission will announce any alternative forum, such as a conference call, through which the hearing may be held. The purpose of the hearing is to give interested persons an opportunity to give oral comments. The commission may limit the time for each comment to five minutes. The record of this case will close on **November 4, 2020**.

Any person with a disability requiring special assistance in order to participate in the hearing should contact Mr. Bradford Borman at (505) 827-4048 at least 48 hours prior to the commencement of the hearing.