

**This is an amendment to 17.1.2 NMAC, Sections 3 and 10, effective 12/27/2022.**

**17.1.2.3** **STATUTORY AUTHORITY:** [~~Paragraph (1) of Subsection B of 8-8-4 NMSA 1978, and 62-8-3 NMSA 1978.~~] Section 8-8-4 NMSA 1978 and Section 62-8-3 NMSA 1978.  
[17.1.2.3 NMAC - Rp, 17 NMAC 1.2.3, 9/1/2008; A, 12/27/2022]

**17.1.2.10 APPLICATIONS FOR NEW RATES:**

**A. General:** This section applies to all filings seeking new rates, except as otherwise provided by statute or by commission rule or order.

**B. Filings seeking new rates:**

**(1)** Proceedings involving new rates shall be initiated by advice notice notifying the commission of the utility's intent to implement new rates by a certain date which may not be less than 30 days after the filing of such notice.

**(a)** The utility shall file with the advice notice direct testimony and supporting exhibits in written form, including any rate filing package required by commission rule or order.

**(b)** In a general rate case the utility shall also file a petition setting forth the concise statement, supported by direct testimony and exhibits, required by Subparagraph (c) of Paragraph (2) of Subsection B of 17.1.2.10 NMAC.

**(c)** All advice notices shall conform to the requirements of Schedule of Rates, Rules, and Forms, 17.1.210 NMAC.

**(d)** The utility shall serve a copy of the advice notice on the attorney general and all counsel of record and pro se parties in the utility's last rate case at the time it files the advice notice with the commission but need not accompany the copy with testimony and exhibits.

**(2)** The utility shall submit the following with its filing.

**(a)** A copy of the notice to be sent to ratepayers and published pursuant to Subsection C of 17.1.2.10 NMAC. At the time of submission the notice shall be complete except as to the date, time, and place of the hearing and the deadline for intervention, which information will be provided to the utility before it sends the notice to newspapers and ratepayers. The notice shall be in the form prescribed by the commission and shall be subject to approval by the commission or presiding officer as to form. The commission or presiding officer shall provide the date, time, and place of the hearing and the deadline for intervention and issue its approval of or corrections to the form of notice within 20 days after the commission issues its order suspending the proposed rates and assigning the matter to a hearing examiner, if such assignment is made.

**(b)** A statement comparing the new rate or rates with the present rate or rates, which statement shall contain the information required in Subparagraphs (a) through (e) of Paragraph (2) of Subsection C of 17.1.2.10 NMAC.

**(c)** In general rate cases, a concise statement supported by the direct testimony and exhibits identifying:

**(i)** whenever the utility proposes to change the ratemaking treatment upon which the present rates are based, each proposed change, the reasons for the proposed change, and the impact in dollars of the proposed change on the rates being requested; and

**(ii)** any extraordinary event or circumstance, known or projected, which materially alters the utility's operating or financial condition from the condition existing during the utility's test period in its last rate case.

~~**(d)** A concise statement setting forth its compliance or failure to comply with each part of the commission's final order in each of the utility's cases decided during the preceding five (5) years. Combination utilities shall provide this statement with respect to the utility operation for which the rate change is being sought. This requirement shall not apply in the event the utility elects to make an annual informational financing filing on a date certain each year setting forth the requested information.~~

**(3)** Failure to abide by the requirements set forth in this subsection may be deemed grounds for rejection of the filing.

**C. Notice of hearing:**

**(1) Notice to general public:** A utility filing for new rates shall cause notice of the hearing on the proposed rates to be published in a newspaper of general circulation available in every county where the utility provides service and in such other counties as the commission or presiding officer by order may determine.

**(a)** Such notice shall be published within 40 days of the date of the order of the commission or presiding officer setting the date, time, and place of the hearing and approving the form of notice.

**(b)** The notice shall appear at least once and shall contain the information set forth in Paragraph (2) of Subsection C of 17.1.2.10 NMAC.

**(c)** The utility making the application for new rates shall bear the cost of publication.

**(d)** The utility shall ensure that an affidavit of publication is filed promptly upon publication of the notice.

**(2) Notice to ratepayers:** Every utility seeking a change in rates shall notify affected customers of the pendency of the application for new rates. Such notice shall be given no later than 40 days after the date of the order of the commission or presiding officer setting the date, time, and place of the hearing and approving the form of notice and shall include the following information:

**(a)** the amount of the change requested, in both dollar amounts and percentage change;

**(b)** the customer classifications to which the rate change will apply;

**(c)** the present rates and the proposed rates for each customer class to which the proposed rates would apply;

**(d)** for residential customers without demand meters, the present bill and the anticipated bill for each of the following levels of consumption or closest reasonable equivalent units:

**(i)** for electric service: 0 kwh, 250 kwh, 500 kwh, 750 kwh, 1,000 kwh, and 2,000 kwh;

**(ii)** for gas service: 0 therms, 50 therms, 100 therms, 200 therms, and 300 therms;

**(iii)** for water service: 0 gallons, 5,000 gallons, 10,000 gallons, 15,000 gallons, and 25,000 gallons; and

**(iv)** for sewer service: 0 gallons, 5,000 gallons, 10,000 gallons, 15,000 gallons, and 25,000 gallons, or fixed charge if applicable;

**(e)** a statement that the rate changes stated by class and, for residential customers, by consumption levels are for informational purposes only and that the final rate design may vary the rates ultimately charged to each class and for each consumption level;

**(f)** the commission case number assigned to the proceeding and the schedule ordered by the commission or presiding officer for the proceeding including the date, time, and place of hearing as well as other procedural dates established by the commission or presiding officer together with the further statement that interested persons should contact the commission for confirmation of the hearing date, time, and place since hearings are on occasion rescheduled;

**(g)** the statement that any interested person may examine the rate filings together with any exhibits and related papers that may be filed at the main office of the utility or at the offices of the commission in Santa Fe, and indicating the addresses and telephone numbers of both the utility and the commission;

**(h)** a statement that a person may intervene by filing a motion for leave to intervene pursuant to this rule on or before a date to be stated in the notice, such date to correspond to the deadline established by this rule or ordered by the commission or presiding officer pursuant to this rule;

**(i)** a statement that any interested person may appear at the time and place of hearing and make a written or oral comment at the hearing pursuant to this rule without becoming an intervenor, but that the comment will not be considered as evidence in the proceeding;

**(j)** a statement that this rule will apply to the proceeding except as modified by order of the commission or presiding officer in the proceeding; and

**(k)** a statement that further information may be obtained by contacting either the utility or the commission.

**(3)** The commission or presiding officer may by order require such other notice of the proceeding as is deemed proper under the circumstances.

**(4)** Failure to comply with this section may result in a dismissal of the application.  
[17.1.2.10 NMAC - Rp, 17 NMAC 1.2.53, 9/1/2008; A, 12/27/2022]