

**NOTICE OF PROPOSED RULEMAKING  
CASE NO. 21-00224-PL**

The New Mexico Public Regulation Commission (the “commission”) hereby gives notice of its initiation of a proposed rulemaking to amend sections of **rule 18.60.5 NMAC, “Pipeline Safety Excavation Damage Prevention.”**

Summary of the full text of the proposed rule and short explanation of its purpose: The commission is considering amendments to sections of Rule 18.60.5 NMAC. The purpose of the rule was to implement Chapter 62, Article 14 NMSA 1978 by providing procedures for preventing damage to underground utilities and for dealing with damage when it occurs during excavation activities. The Rule as it currently stands requires requests to locate pipelines to be completed exactly within 48 hours on the second business day from the time when the request was submitted by an excavator. The proposed revised rule would require requests to locate utility lines to be completed by midnight on the second business day after the request, rather than the specific time of the request submission.

Legal authority authorizing the proposed rule and the adoption of the rule: New Mexico Constitution, Article XI, Sec. 2; New Mexico Public Regulation Commission Act, Section 8-8-1 et seq. NMSA 1978; Sections 62-14-7.1 and 62-14-10 NMSA 1978; Sections 70-3-1 et seq. NMSA 1978.

How a copy of the full text of the proposed rule can be obtained: A copy of the full text of the proposed rule and instructions for accessing the complete rulemaking record can be obtained from the rulemaking page on the commission’s website at <https://www.nm-prc.org/rulemaking-proceedings/> or by calling Isaac Sullivan-Leshin of the commission’s office of general counsel at (505) 670-4830.

How a person can comment on the proposed rule, where comments will be received and when comments are due: Written initial comments and written response comments shall be filed by the deadlines below in accordance with NMPRC rules of procedure 1.2.2 NMAC. Comments can be electronically filed by sending them in PDF format to [prc.records@state.nm.us](mailto:prc.records@state.nm.us). Comments shall refer to Case No. 21-00224-PL. Written initial comments shall be filed no later than **March 15, 2022** and written response comments shall be filed no later than **March 29, 2022**. All written comments will be posted on the commission’s website within three days of their receipt by the records bureau.

The record closure date for this proceeding is **April 19, 2022**. From that date through the completion of this proceeding, rulemaking participants will be forbidden from communicating with the commission or its representatives concerning substantive issues in this proceeding.

When and where a public rule hearing will be held and how a person can participate in the hearing: A public hearing will be held on **April 5, 2022, beginning at 2:00 p.m.** via the Zoom platform. Any person who wishes to make a comment at the hearing must contact Isaac Sullivan-Leshin at (505) 670-4830 or [isaac.sullivan-leshin@state.nm.us](mailto:isaac.sullivan-leshin@state.nm.us) by no later than **12:00 noon on April 4, 2022** to sign up as a hearing participant. The commission’s office of general counsel will email a Zoom invitation to all hearing participants the day before the hearing. The Zoom invitation will include a call-in number for those participants who are unable to access the Zoom platform via computer. The hearing will be held in order to receive oral comments. In the interest of administrative efficiency, commenters who have submitted written comments may be restricted from making oral comments at the discretion subject to the discretion of the Commission or its designee. In addition, any commenter may be limited to five minutes to speak, subject to the discretion of the commission or its designee. The commission or its designee may also determine that a spokesperson should be designated to speak on behalf of an organization, a group, or a group of individuals that shares the same message or seeks the same goals, in order to maximize the efficiency of the public comment hearing. No testimony or other evidence will be taken at the hearing as this is a rulemaking proceeding. A court reporter will prepare a transcript of the hearing for filing the rulemaking docket, Docket No. 21-00224-PL. Any person with a disability requiring special assistance in order to participate in the hearing should contact Renada Peery-Galon at (505) 467-9116 at least 48 hours prior to the commencement of the hearing.

Instructions on how to access the complete rulemaking record, reports and other items filed in the commission's e-docket system can be found at <https://www.nm-prc.org/rulemaking-proceedings/>.