

**NOTICE OF PROPOSED RULEMAKING  
DOCKET NO. 21-00177-UT**

The New Mexico Public Regulation Commission (the “commission”) hereby gives notice of its initiation of a proposed rulemaking to amend, or alternatively to repeal and replace, rules **17.5.440 NMAC, “Extensions, Improvements, Additions, and Cooperative Agreements Between or Among Utilities”** and **17.9.592 NMAC, “Location of Large Capacity Plants and Transmission Lines.”**

Summary of the full text of the proposed rule and short explanation of its purpose: The commission intends to amend rule 17.5.440 NMAC to bring it up to date with current circumstances, to improve the reliability of reporting under the rule, to provide commission staff with procedural guidance in relation to the reporting requirements under the rule, to give the commission more information and insight in to public utility projects for which the public utility seeks rate base treatment, and to give the commission more regulatory tools to protect the public interest. The commission intends to amend rule 17.9.592 NMAC to require public utilities to notify the commission, in the manner of a report pursuant to rule 17.5.440, when it seeks an exemption from siting approval requirements.

Legal authority authorizing the proposed rule and the adoption of the rule: The commission has the authority to promulgate and adopt the proposed rule under the New Mexico Constitution, Article XI, Sec. 2, the New Mexico Public Regulation Commission Act, Sections 8-8-15 (2001) and 8-8-4 (1998) NMSA 1978; the Public Utility Act, Section 62-3-1 et seq., Section 62-6-4 (2003) NMSA 1978, and Section 62-9-3 (2005) 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: Any person wishing to comment on the proposed rules may do so by submitting written initial comments no later than **June 3, 2022**. Any person wishing to respond to initial comments may do so by submitting written response comments no later than **June 30, 2022**. Any person wishing to reply to response comments may do so by submitting written reply comments no later than **July 22, 2022**. Comments shall be filed in accordance with NMPRC rules of procedure 1.2.2 NMAC. Comments must refer to docket no. 21-00177-UT. 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 **August 5, 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 on the proposed rules shall be held beginning at **1:00 p.m. on July 15, 2022**. Any member of the public who wishes to make a comment at the hearing shall 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 p.m. on July 14, 2022 to sign up as a hearing participant. The commission’s office of general counsel shall email a Zoom invitation to all hearing participants on July 14, 2022. The invitation shall include a call-in number for those participants who are unable to access the hearing via computer.

The hearing will be held in order to receive oral comments. 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. 21-00177-UT.

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.

Technical information that served as a basis for the proposed rule and how the information can be obtained: None.