

This is an amendment to 12.3.1 NMAC, Section 9, effective December 15, 2009.

**12.3.1.9 REQUIREMENTS FOR FILED DOCUMENTS:** In addition to the requirements stated here, particular rules may include other filing requirements. All documents required by these rules to be filed with the commission shall be filed with the bureau as follows.

**A. Address for filing documents.**

(1) Documents filed by mail shall be sent to the New Mexico Public Regulation Commission Corporations Bureau, P.O. Box 1269, Santa Fe, New Mexico 87504-1269.

(2) Documents filed in person or by delivery service shall be delivered to the New Mexico public regulation commission, corporations bureau filing desk, P.E.R.A. Building, Room 346, 1120 Paseo de Peralta, Santa Fe, New Mexico ~~[87505]~~ 87501.

**B. Required format.** All reports, articles, applications and other documents filed with the commission shall be typewritten, clearly legible, on good quality white paper 8 1/2 x 11 inches in size, have a 1 inch margin on each side and at least a one-inch margin at the top and bottom of each page, and be signed or executed in black or blue-black ink. The bureau will accept for filing documents or certificates provided by foreign jurisdictions on paper that is of another size.

**C. Good standing required.** A corporation or other legal entity may not file, and the bureau will not accept, any document unless the corporation or entity is in good standing. For purposes of this subsection, good standing means the corporation or entity has timely filed all required reports and has paid all assessed fees, penalties, and interest.

**D. Filing and requests by facsimile or electronic mail.** A person may obtain a current telephone number for facsimile filing, and may make requests, by calling the bureau at 505-827-4508. Electronic filings and requests may be sent to the address on the commission's website at [www.nmprc.state.nm.us](http://www.nmprc.state.nm.us). The bureau will not accept documents filed by facsimile or electronic means, except for the following:

(1) a certificate of good standing and compliance from the appropriate official of another state or country, for the purpose required by NMSA 1978 Sections 53-8-69, 53-17-6, and 53-19-48, provided that the certificate is sent directly to the bureau by the appropriate official;

(2) requests for certificates, certified copies, or other documents pursuant to 12.3.1.13 NMAC; and

(3) requests for forms pursuant to 12.3.1.10 NMAC.

**E. Date of filing.** The commission shall consider any document filed pursuant to this rule as filed on the date it was received and stamped by the bureau, unless the document is returned pursuant to 12.3.1.11 NMAC except that:

(1) if a report required by the Corporate Reports Act, NMSA 1978 Sections 53-5-1 through 53-5-9, is mailed to the commission, the commission shall add three days to the postmark date for purposes of NMSA 1978 Section 53-5-7; and

(2) if the commission receives a document after regular business hours, the commission shall stamp and consider it received on the next regular business day.

**F. Filing fees.** The commission shall not accept any document for filing unless it is accompanied by the appropriate filing fee, paid as required by 12.3.1.14 NMAC.

**G. ~~[Required addresses. All reports filed by corporations and other regulated entities shall include the street address of the registered office and addresses for each of the entity's directors and officers. The report shall clearly indicate the titles of all officers and directors.]~~ Expedited filing fees.**

(1) Expedited request form required. Each application for expedited filing shall be accompanied by an expedited request form provided by the bureau.

(2) Nonrefundable separate payment required. All expedited filing fees are nonrefundable. Each nonrefundable expedited filing fee shall be paid by separate payment in addition to all other filing fees required by law.

(3) Expedited filing fee schedule. The commission shall accept applications for expedited filing according to the following fee schedule.

(a) Same business day filing. For a \$300.00 expedited filing fee, the commission shall process an application for an expedited filing on the same business day the application is received by the bureau if the application is received by the bureau before 2:00 p.m. If an application for an expedited filing fee is received by the bureau after 2:00 p.m., the commission shall process the application for expedited filing by the end of the next business day for the same \$300.00 expedited filing fee.

(b) **Two business days filing.** For a \$200.00 expedited filing fee, the commission shall process an application for an expedited filing within two business days of the date on which the application for expedited filing is received by the bureau.

(4) **Refund for failure to timely process.** If the bureau is unable to provide the requested expedited filing service, the bureau shall return the expedited filing fee to the applicant for expedited filing services.

**H. Required addresses.** All reports filed by corporations and other regulated entities shall include the street address of the registered office and addresses for each of the entity's directors and officers. The report shall clearly indicate the titles of all officers and directors.

[12.3.1.9 NMAC - N, 7-15-05; A, 12-15-09]