

This rule was filed as NMPS Rule 210.

**TITLE 17 PUBLIC UTILITIES AND UTILITY SERVICES**  
**CHAPTER 1 UTILITIES GENERAL PROVISIONS**  
**PART 210 SCHEDULE OF RATES, RULES, AND FORMS**

**17.1.210.1 ISSUING AGENCY:** New Mexico Public Service Commission [New Mexico Public Regulation Commission].  
[Recompiled 12/30/01]

**17.1.210.2 SCOPE:**  
[Recompiled 12/30/01]

**17.1.210.3 STATUTORY AUTHORITY:** NMPS Rule 210 [17.1.210 NMAC] is designed to provide for:

- A. The general form and arrangement of Rates, Rules, and Forms showing in a uniform and convenient manner all rates, classifications of service, service rules, privileges, or conditions relating to rates and service, forms, the public inspection thereof, and adherence thereto, as provided by NMSA 1978, Sections 62-8-3, 62-8-4, and 62-8-5;
- B. The procedure to be followed in the filing of rate sheets or changes thereto, as provided by NMSA 1978, Section 62-8-7;
- C. The form and character of other information relative to public utility rates and service required by the Commission to be filed under the general authority contained in NMSA 1978, Section 62-6-4, consistent with effective exercise of the Commission's supervisory powers.

[Recompiled 12/30/01]

**17.1.210.4 DURATION:**  
[Recompiled 12/30/01]

**17.1.210.5 EFFECTIVE DATE:**  
[Recompiled 12/30/01]

**17.1.210.6 OBJECTIVE:**  
[Recompiled 12/30/01]

**17.1.210.7 DEFINITIONS:**  
[Recompiled 12/30/01]

**17.1.210.8 [TABLES OF CONTENTS]**

- A. Permanent Schedule of Rates, Rules and Forms [17.1.210.9 NMAC]
  - (1) General Application and Purpose [17.1.210.6 NMAC]
  - (2) Time of Filing
  - (3) Schedule of Rates, Rules, and Forms
  - (4) Separate Schedule of Rates, Rules, and Forms for Separate Utility Services
  - (5) Uniform Size Pages
  - (6) Original and Four Copies Filed, One Conformed Copy Returned
  - (7) Arrangement of Schedules
- B. Content and Form of Current Schedule of Rates, Rules, and Forms [17.1.210.10 NMAC]
  - (1) Table of Contents--Rates
  - (2) Rate Pages
  - (3) Rules--Tables of Contents by Page Number
  - (4) Forms in General Use--Filing
- C. Succeeding Changes and Additions to Rates, Rules, and Forms --Manner and Effect of Filing [17.1.210.11 NMAC]
  - (1) New and Cancelled Rates, Rules, and Forms --How Shown
  - (2) Advice Notice and Filing Testimony

- (3) Additional Information As to Effect of Proposed Rates
- (4) Corrections to Filings
- (5) Withdrawal of Filings
- (6) Incomplete Filings
- (7) Completed Filings
- (8) Rejection of Filings
- (9) Pre-filing Review
- D. Special Provisions [17.1.210.12 NMAC]
  - (1) Public Inspection of Rates, Rules, or Forms --Posting Notice
  - (2) Effect of Rates, Rules, or Forms on Contracts
  - (3) Contracts--Filing
  - (4) Filing Fee
  - (5) Effect of NMPSC Rule 210 [17.1.210 NMAC]
- E. Attachment A - Electric Company Revised Rate Form
- F. Attachment B - Example of "Advice Notice"

[Recompiled 12/30/01]

**17.1.210.9 PERMANENT SCHEDULE OF RATES, RULES AND FORMS:**

A. Time of Filing: Before engaging in utility operations each utility shall file with the Commission a "Schedule of Rates, Rules, and Forms," as that term is hereinafter defined, in the manner and form provided by NMPSC Rule 210 [17.1.210 NMAC] and thereafter shall comply with all conditions and other requirements relating to such filed schedules.

B. Schedule of Rates, Rules, and Forms: The term "Schedule of Rates, Rules, and Forms" when employed in NMPSC Rule 210 [17.1.210 NMAC] shall mean the entire compilation of Rates, Rules, and Forms as collectively filed by a public utility and in effect at a given time. When such terms as "Rate," "Rule," or "Form" are employed they shall be taken to refer only to those particular parts of the compilation.

C. Separate Schedule of Rates, Rules, and Forms for Separate Utility Services: Any public utility engaged in rendering two or more of the kinds of utility service described in the Public Utility Act, such as both electric and water service, shall file with the Commission and keep open to public inspection a separate schedule of Rates, Rules, and Forms covering each kind of utility service rendered.

D. Uniform Size Pages:

(1) All pages included in the schedule of Rates, Rules, and Forms shall measure 8 1/2 inches in width, 11 inches in length, and shall be prepared on durable paper stock not less than 16 pound bond or its equivalent. The content of the page shall be contained with a minimum margin of 1 1/8 inches all around excluding the lower left hand corner, which shall contain a blank space for Commission use measuring at least 2 inches in height and 4 inches in width. Any holes for binding or filing shall be on the left-hand margin. All pages shall be typewritten or machine printed.

(2) Rate, Rule, and Form pages shall be filed in loose-leaf so that each complete schedule may be changed from time to time to reflect succeeding Rates, Rules, or Forms by removing a superseded page and substituting a new page. All pages shall be printed or typewritten.

(3) Each page in a schedule of Rates, Rules, and Forms shall indicate the Rate, Rule, or Form number and the applicable class of customer. If the Rate, Rule, or Form applies to all customers it shall so indicate. Approved revisions to original Rates, Rules, or Forms shall be denoted as 1st Revised (Rate, Rule, or Form) No. \_\_\_\_ Cancelling Original (Rate, Rule, or Form) No. \_\_\_\_; 2nd Revised (Rate, Rule, or Form) No. \_\_\_\_ Cancelling 1st Revised (Rate, Rule, or Form) No. \_\_\_\_ etc. Additional Rates, Rules, or Forms which create an entirely new Rate, Rule, or Form by customer classification or subject matter shall bear the next succeeding unused Rate, Rule, or Form number. Rates, Rules, or Forms shall bear a notation listing the page number and total number of pages. For example, the first page of Rate No. 1, which contains five (5) pages, shall be labeled "page 1 of 5" (see Attachment A).

E. Original and Four Copies Submitted and Filed, One Conformed Copy Returned: New schedules of Rates, Rules, and Forms and additions to or changes in existing schedules shall be filed as an original with four (4) copies and the Commission shall promptly acknowledge receipt of the submitted filing. After new or revised Rates, Rules, or Forms have been determined complete, one (1) copy of such Rates, Rules, or Forms and of the accompanying Advice Notice will be returned to the utility showing the date the Rates, Rules, or Forms have been

accepted and the statutory date the Rates, Rules, or Forms would otherwise become effective unless earlier suspended by the Commission for investigation and public hearing.

F. Arrangement of Schedules:

- (1) The various subdivisions of the schedule shall be arranged and filed in the following order:
  - (i) Rates,
  - (ii) Rules,
  - (iii) Forms.

(2) Each subdivision of a schedule shall contain a Table of Contents showing the sections included in the subdivision.

[Recompiled 12/30/01]

**17.1.210.10 CONTENT AND FORM OF CURRENT SCHEDULE OF RATES, RULES, AND FORMS:**

A. Table of Contents--Rates: A complete list shall be maintained of all rates, charges, and NMPSC Rule 570 [17.9.570 NMAC] buy-back rates filed in the rate subsection of the schedule of Rates, Rules, and Forms. This list shall be tabulated by rate number.

B. Rate Pages: Rate pages shall be substantially in the form provided in Attachment A, and each rate page shall include the following information as nearly as possible in the order shown:

- (1) Rate number;
  - (2) Class of service, such as residential, commercial, industrial, etc., with each class of service in a separate rate on separate pages;
  - (3) End-use such as heating, lighting, or power service;
  - (4) Territory to which the rate is applicable;
  - (5) Where more than one rate block is to be charged, the blocks listed in tabular form with the lowest block listed first;
  - (6) Minimum or customer charge and whether any usage is included in the minimum or customer charge;
- and
- (7) Any general or special conditions, exceptions, or limitations regarding the rate and service provided by the rate, such as demand or ratchet provisions, etc., applicable to the rate.

C. Rules--Table of Contents by Rule Number:

(1) Each rule shall be numbered consecutively and shall have a title line briefly indicative of the section's contents. A separate rule number shall be used for each rule. Rules shall be on pages identical to those previously described in NMPSC Rule 210.5 [Subsection D of 17.1.210.9 NMAC] for schedules of rates. A Table of Contents for all rules shall appear at the front of the rules subsection of the schedule.

(2) The following subject categories and other subject categories, where necessary, shall be covered by rules included in the schedule for all services:

- (i) Definitions--Clear and concise definitions of the principal terms used.
- (ii) Character of Service--Full description of character of service rendered and standards of service maintained, including metering.
- (iii) Application for Service--Procedure necessary to obtain service.
- (iv) Deposits and Establishment of Credit--Procedure necessary to establish and reestablish credit, basis for requiring deposits, conditions precedent for return of deposits, and interest paid thereon.
- (v) Rendering and Payment of Bills --Methods of rendering bills, billing periods, due dates, methods of payment, Budget Payment Plans.
- (vi) Disputed Bills and Settlement Agreements--Methods of adjustment and time limitations, internal utility compliance procedures, meter testing procedures, notice of customer rights, and availability of schedules.
- (vii) Discontinuance and Restoration of Service--Reasons for discontinuance, notification, time limitations, procedure necessary for restoration of service, and charges.
- (viii) Temporary Service--Conditions precedent for rendering temporary service or service to construction projects.
- (ix) Shortage of Supply--Interruption of delivery of service, notice to customers, apportionment of available service.
- (x) Line Extensions and Service Hook-ups--Free extensions, advances, contributions and refunds, ownership, and maintenance.

(xi) Service Connection Made by Utility Employees--No other connections authorized.

(xii) Right of Ingress to and Egress from Customers' Premises--At all reasonable hours.

(3) Rules which have been filed and which by operation of NMSA 1978, Section 62-8-7B, have become effective without hearing at the expiration of thirty (30) days from the date of their filing shall not be construed to bear the approval of the Commission, but like any approved rule shall be subject to inquiry by the Commission at any time.

D. Forms in General Use--Filing:

(1) Sample copies of printed forms that are normally used in connection with customer services or which are required by the Commission, such as applications for service, regular bills for service, contract forms, delinquency notices, disconnect notices, deposit receipts, and similar forms, shall be included in a utility's schedule of forms. Each form shall be mounted on a separate page identical to that previously described in NMPSC Rule 210.5 [Subsection D of 17.1.210.9 NMAC] showing the name or title of the form. Such forms shall be numbered consecutively in the same manner as rates and rules. A Table of Contents shall appear at the front of the sample forms subsection of the schedule.

(2) Forms which have been filed and which by operation of NMSA 1978, Section 62-8-7B, have become effective without hearing at the expiration of thirty (30) days from the date of their filing shall not be construed to bear the approval of the Commission, but like any approved rule shall be subject to inquiry by the Commission at any time.

[Recompiled 12/30/01]

**17.1.210.11 SUCCEEDING CHANGES AND ADDITIONS TO RATES, RULES, AND FORMS --MANNER AND EFFECT OF FILING:**

A. New and Cancelled Rates, Rules, and Forms --How Shown:

(1) When any change is made in a Rate, Rule, or Form, or any part thereof, a new Rate, Rule, or Form shall be filed and attention shall be directed to the changes on the revised Rate, Rule, or Form by placing an "X" at the right-hand border on the line which contains the change (See Attachment A). When all or most of the Rates, Rules, or Forms are to be changed, the "X" may be placed near the top of the page below the schedule name with a notation to that effect.

(2) The new page shall bear the same Rate, Rule, or Form number and pertain to the same character of service as the page being replaced and shall take the place of and cancel the old one.

(3) Cancelled Rates, Rules, or Forms will not be destroyed but will be removed at the time they become obsolete and maintained as a separate subsection of the Schedule of Rates, Rules, and Forms.

B. Advice Notice and Filing of Testimony:

(1) Every new Rate, Rule, or Form submitted to the Commission for filing shall be accompanied by an original and four (4) copies of an "Advice Notice" listing the new Rates, Rules, or Form numbers and titles proposed thereby together with the numbers of all Rates, Rules, or Forms to be replaced in substantially the form set out in Attachment B. Advice Notices shall be numbered consecutively beginning with No. 1. Except for filings made in accordance with and pursuant to NMPSC Rule 540 [17.9.540 NMAC], 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. Every new Rate, Rule or Form submitted the Commission for filing shall also be accompanied by a certificate of service listing the recipients of the new Rate, Rule or Form and accompanying Advice Notice.

(2) In every case of a proposed change in rates the utility shall file together with the Advice Notice direct testimony from every witness it intends to present in support of the proposed rate change along with supporting exhibits in written form intended to be introduced into evidence. Failure to abide by the requirements set forth herein shall be deemed grounds for rejection of the filing.

C. Additional Information as to Effect of Proposed Rates: For the information of the Commission and the public, but not to be or become part of the permanent schedule on file, a concise statement shall accompany each Advice Notice of a new or changed rate showing the anticipated reduction or increase in annual revenue resulting therefrom, the number of customers in each rate class affected or likely to be affected thereby, and the impact on customers at a class average of consumption within each class as nearly as may be calculated.

D. Corrections to Filings: When typographical errors or incorrect Rate, Rule, Form, or Advice Notice numbers or other anomalies inconsistent with the Commission's rules or policy have been made in a filing, before

such filing may be deemed complete corrected pages shall be submitted to the Commission with a letter of explanation.

E. **Withdrawal of Filings:** Except as provided in NMPSC Rule 210.15 [Subsection D of 17.1.210.11 NMAC], a filing which has been made with the Commission may not be withdrawn or changed in any manner without the Commission's approval. Such approval may be granted by the Commission in its discretion. Upon withdrawal all copies of the Advice Notice and related Rates, Rules, or Forms shall be returned to the utility, and the Advice Notice numbers and Rate, Rule, or Form numbers shall be considered as never having been filed. The numbers withdrawn will therefore be available for use by the utility in its subsequent submissions. If a utility withdraws its filing after a hearing has been held on it, the Commission may recover costs against the party withdrawing the filing. The withdrawal of a filing after hearing shall be accompanied by an affidavit setting forth the reasons the filing should be withdrawn. This section shall not apply to filings ordered withdrawn after hearing or for any other reason ordered by the Commission.

F. **Incomplete Filings:** Filed Rates, Rules, or Forms which do not conform to the requirements specified in NMPSC Rule 210 [17.1.210 NMAC] shall not be determined complete until all requirements are met. In the event such filings are found to be incomplete, the Commission shall advise the filing utility of the deficiency of the filing within thirty (30) days of receipt and will hold the Rates, Rules, or Forms for a reasonable time until the additional information required or necessary corrections have been provided. All applications for a change in rates will be considered incomplete unless accompanied by an Advice Notice, direct testimony, exhibits, and appropriate filing fee as required by NMPSC Rules 210.17 and 210.13 [Subsections F and B of 17.1.210.11 NMAC]. No statutory deadline shall begin to be computed until the filing has been determined complete after notification to the utility of any deficiencies.

G. **Completed Filings:** Submitted incomplete Rates, Rules, or Forms shall be deemed to have been completed and acceptable when all required information and necessary corrections have been received by the Commission.

H. **Rejection of Filings:** Rates, Rules, or Forms which are not in substantial compliance with Commission rules, orders, or applicable statutes may be rejected. If rejected they will be returned with an indication of the deficiencies therein. Filed Rates, Rules, or Forms which have been rejected shall not be entered on the Commission's docket. Acceptance of a document for filing is not a determination that the document complies with all requirements of the Commission and is not a waiver of such requirements.

I. **Pre-filing Review:** As a means of facilitating the filing procedure for both the public utility and the Commission and to avoid misunderstanding and delay due to rejection, a draft copy of new or revised Rates, Rules, or Forms may be submitted to the Commission informally as a "Proposed Filing" for preliminary review by Commission staff. The staff's comments will be given to the utility prior to formal filing but shall in no way constitute approval by the Commission as to the reasonableness or lawfulness of any proposed Rates, Rules, or Forms. [Recompiled 12/30/01]

#### **17.1.210.12 SPECIAL PROVISIONS:**

A. **Public Inspection of Rates, Rules, or Forms--Posting Notice:** Each public utility shall maintain a notice posted in a conspicuous location at each of its New Mexico business offices stating that its complete schedules are open to public inspection at its main and outlying business offices, at the office serving the particular territory in which the customer receives service, and at the offices of the New Mexico Public Service Commission [New Mexico Public Regulation Commission]. The notice shall give the location of such offices.

B. **Effect of Rates, Rules, or Forms on Contracts:** All contracts and agreements made between a public utility and its customers covering service rendered or to be rendered shall contain substantially the following provision: "This contract, including the attached rate schedule, shall at all times be subject to change or modification by order of the New Mexico Public Service Commission [New Mexico Public Regulation Commission]. You will receive notice in accordance with the Commission's requirements when we are requesting the Commission to take action which could cause a change in the terms of this contract."

C. **Contracts--Filing:** All special contracts dealing with Rates, Rules, or Forms shall be maintained by the utility and made available to Commission staff upon request. However, this provision shall not relieve a utility from the duty of filing rates concisely setting forth the terms and conditions applicable to any service rendered under such special contract.

D. **Filing Fee:** Every new or changed Rate, Rule, or Form submitted for filing shall be accompanied by a filing fee of one dollar (\$1.00) for each proposed Rate, Rule, or Form. Tables of Contents may be submitted for filing

without fee. No filing governed by NMPSC Rule 210 [17.1.210 NMAC] is complete unless accompanied by its filing fee.

E. Effect of NMPSC Rule 210 [17.1.210 NMAC]: NMPSC Rule 210 [17.1.10 NMAC] and NMPSC Rule 110.40 [17.1.2.53 NMAC] shall be construed as consistent with each other to the extent possible. In the event of any inconsistencies NMPSC Rule 110.40 [17.1.2.53 NMAC] shall govern.

[Recompiled 12/30/01]

**17.1.210.13** [History: NMPSC Case No. 2086, order dated June 30, 1988, unless otherwise noted. Formerly NMPSC Second Revised General Order No. 2, superseded for purposes of rule reorganization and codification.]

[Recompiled 12/30/01]

**HISTORY OF 17.1.210 NMAC:**

Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records-State Records Center and Archives:

General Order No. 2 (Second Revised), Schedule of Rates, Rules and Forms, 6-14-84.

NMPSC Rule 210, Schedule of Rates, Rules and Forms, 6-30-88.

History of Repealed Material: [Reserved]