

This rule was filed as 17 NMAC 10.531.

TITLE 17 PUBLIC UTILITIES AND UTILITY SERVICES
CHAPTER 9 ELECTRIC SERVICES
PART 531 DISCLOSURE OF ELECTRIC RATES BY FUNCTION IN CUSTOMER BILLS

17.9.531.1 ISSUING AGENCY: New Mexico Public Utility Commission [New Mexico Public Regulation Commission], 224 East Palace Avenue, Santa Fe, NM 87501.
[6-30-98; Recompiled 12/31/01]

17.9.531.2 SCOPE: This rule applies to every investor-owned, rural electric cooperative, or municipal electric utility operating in New Mexico that is subject to the jurisdiction of the Commission as provided in the Public Utility Act.
[6-30-98; Recompiled 12/31/01]

17.9.531.3 STATUTORY AUTHORITY: The New Mexico Public Utility Act, NMSA 1978 Section 62-1-1 et seq., in particular NMSA 1978 Sections 62-6-1, 62-6-4, and 62-10-2.
[6-30-98; Recompiled 12/31/01]

17.9.531.4 DURATION: Permanent.
[6-30-98; Recompiled 12/31/01]

17.9.531.5 EFFECTIVE DATE: June 30, 1998, unless a later date is cited at the end of a Section or Paragraph.
[6-30-98; Recompiled 12/31/01]

17.9.531.6 OBJECTIVE: The purpose of this rule is to provide information to the Commission and to consumers regarding the generation, transmission and distribution functions of the electric services being provided by utilities. To that end, this rule requires that electric utilities include information in customer bills about the portion of the rates attributable respectively to generation, transmission and distribution activity. This information will serve to educate customers about the various services being rendered by their electric utility and the cost of those services.
[6-30-98; Recompiled 12/31/01]

17.9.531.7 DEFINITIONS: As used in this rule, unless otherwise specified:

- A. Commission or NMPUC** means the New Mexico Public Utility Commission or its successor agency.
- B. Commission Staff** means persons, other than Hearing Examiners, Commission Technical Advisors and Commission Counsel, employed by the Commission.
- C. Customer charge** means the charge which is usually characterized as a customer or monthly service charge, does not vary with the level of usage, and generally includes such costs as administrative, billing, and metering costs.
- D. Distribution** means the delivery of electric power from the transmission system through distribution lines to the meter of the retail customer.
- E. Functions** means the various activities involved in providing electric service, including generation, transmission and distribution. For purposes of this rule, attributing portions of rates to different functions means separately identifying and disclosing that portion of the utilities rates which reasonably reflect the costs attributable to each of the three functions, not including the customer charge. (Note: The definition of "functionalization" provided in NMPUC Rule 530 on minimum data filing requirements shall provide guidance in this identification; "functionalization" in that rule refers to the costs of providing the utility service separated by the major function or purpose which the plant or expense performs in rendering the utility service, for example, production, transmission, distribution, etc.)
- F. Generation** means the production or acquisition of energy supply.
- G. Transmission** means the activities involved in the transmission of electric power from the source or producer of power to the distribution system.

[6-30-98; Recompiled 12/31/01]

17.9.531.8 RELATIONSHIP TO OTHER COMMISSION RULES: Unless otherwise specified, this rule is not intended to supersede any other rule of the Commission but to supplement such rules, including but not limited to NMPUC Rule 410. In the case of conflict, the provisions of this rule shall apply.

[6-30-98; Recompiled 12/31/01]

17.9.531.9 INFORMATION TO BE INCLUDED IN CUSTOMER BILLS

A. Every electric utility shall separately state in its bills to retail customers the portions of its rates (not including the customer charge or any separately stated, Commission-approved fuel and purchased power cost adjustment clause) which are attributable to generation, transmission and distribution functions, respectively. The utility shall provide this information for each per kilowatt or per kilowatt hour charge for the customer class to which the customer belongs. Examples of possible bill formats are provided in 17 NMAC 10.531.16 and 17 NMAC 10.531.17 NMAC [now 17.9.531.16 NMAC and 17.9.531.17 NMAC].

B. The information required by 17 NMAC 10.531.9.1 [now Subsection A of 17.9.531.9 NMAC] shall be revenue-neutral for the utility and for each customer and customer class. No provision of this rule is intended to affect the rates on file with the Commission and a utility's filing pursuant to this rule shall not be construed to be a request for new rates or a change in rates under NMSA 1978 Section 62-8-7 or NMPUC Rules 110, 210, 530 or 540.

C. In the event that adjustments based on a fuel and purchased power cost adjustment clause approved by the Commission under NMPUC Rule 550 are not separately stated in the utility's customer bills, the utility may, without further approval by the Commission, modify the information required by this rule consistently with the change in rates resulting from the fuel and purchased power cost adjustment clause.

[6-30-98; Recompiled 12/31/01]

17.9.531.10 BASIS FOR INFORMATION

A. The information required by 17 NMAC 10.531.9 [now 17.9.531.9 NMAC] shall be based on the revenue requirements and rates in effect for the utility.

B. Data used to develop and support the information provided pursuant to 17 NMAC 10.531.9 [now 17.9.531.9 NMAC] may include data filed by the utility in its last rate proceeding, any reports filed with the Commission, including cost of fuel adjustment reports, annual reports, and data included in Federal Energy Regulatory Commission (FERC) Form No. 1 in the case of investor-owned utilities or Rural Utility Services (RUS) Form 7 in the case of rural electric cooperatives.

[6-30-98; Recompiled 12/31/01]

17.9.531.11 COMMISSION REVIEW AND APPROVAL: To implement the requirements of this rule in the most expeditious manner possible, the following procedures shall be followed

A. Each electric utility shall submit the information required by 17 NMAC 10.531.9 [now 17.9.531.9 NMAC] to the Commission on or before August 1, 1998. The utility shall submit the information in the form of proposed bill formats for each customer class, together with the data and calculations upon which it bases its determination of the portions of its rates attributable to different functions. The utility shall include as part of this filing a copy of the first insert it proposes to send to customers under 17 NMAC 10.531.12.1 [now Subsection A of 17.9.531.12 NMAC] and a copy of the customer education program it intends to implement under 17 NMAC 10.531.12.2 [now Subsection B of 17.9.531.12 NMAC]. A copy of the filing shall be served on the Attorney General, Commission Staff and the parties to the utility's most recent general rate proceeding, except as provided in 17 NMAC 10.531.11.4 [now Subsection D of 17.9.531.11 NMAC].

B. Commission Staff and other interested parties may submit written comments on the utility's filing, including any proposed revisions and all supporting materials, to the Commission within 10 days of service by the utility pursuant to 17 NMAC 10.531.11.1 [now Subsection A of 17.9.531.11 NMAC]. The Commission shall review the submittals of the utility and any interested parties, together with the data and calculations on which they are based and any other information requested by the Commission, and determine the information to be included in customer bills and the manner of presentation, as well as the nature and timing of the utility's customer education program.

C. The utility shall use the new bill format beginning either with the October 1998 billing cycle or the second billing cycle after issuance of the Commission's order under 17 NMAC 10.531.11.2 [now Subsection B of 17.9.531.11 NMAC], whichever is later, or as otherwise directed by the Commission.

D. Notwithstanding the service provisions of 17 NMAC 10.531.11.1 [now Subsection A of 17.9.531.11 NMAC], in the case of rural electric cooperatives, service shall be made on the Attorney General, Commission Staff and the parties to the cooperatives most recent general rate proceeding, if conducted within the five years immediately prior to service. If no general rate proceeding has been conducted during that time period, service shall be made on the Attorney General, Commission Staff and any other person requesting such service.

E. Utilitys shall file their new bill formats with the Commission in accordance with NMPUC Rule 210.11.
[6-30-98; Recompiled 12/31/01]

17.9.531.12 CUSTOMER EDUCATION PROGRAM

A. Bill inserts. During the billing cycle just prior to the implementation of the bill format adopted pursuant to 17 NMAC 10.531.11 [now 17.9.531.11 NMAC], the utility shall include an insert with its bills which explains the new format. The utility shall also include a bill insert with the first two bills sent to each customer using the new bill format, and no less often than every six months thereafter. These inserts shall describe the different functional components of electric service, defining each function in clear terms, and shall be approved by the Commission prior to their use. In the case of a rural electric cooperative, the explanation otherwise provided by an insert may be furnished in the enchantment magazine, subject to Commission approval.

B. Required plan. Each electric utility affected by this rule shall develop a plan for providing timely information to its customers about the new bill format and the functional components of electric service. Each utilitys plan shall include appropriate means of communication, such as the use of community forums, radio and television announcements, newspaper advertisements, or World Wide Web sites, in addition to the bill inserts described in 17 NMAC 10.531.12.1 [now Subsection A of 17.9.531.12 NMAC]. The utilitys plan is subject to review and approval by the Commission as provided in 17 NMAC 10.531.11 [now 17.9.531.11 NMAC].
[6-30-98; Recompiled 12/31/01]

17.9.531.13 PROCEDURES FOR REVISING INFORMATION BASED ON RATE CHANGES

A. If a rate case is pending on the effective date of this rule, the Commission shall order the utility to propose the information required by 17 NMAC 10.531.9.1 [now Subsection A of 17.9.531.9 NMAC]. consistent with its rate filing or as the Commission may otherwise direct.

B. A utility requesting a change of rates after the effective date of this rule shall propose the information required by 17 NMAC 10.531.9.1 [now Subsection A of 17.9.531.9 NMAC]. in its rate filing.

C. A rural electric cooperative that changes its rates without a hearing pursuant to NMSA 1978 Section 62-8-7F shall include the information required by 17 NMAC 10.531.9.1 [now Subsection A of 17.9.531.9 NMAC]. in its rate filing.

D. At the time that a utilitys changed rates become effective, bills to customers shall separately state the portions of those rates which are attributable respectively to generation, transmission and distribution functions.
[6-30-98; Recompiled 12/31/01]

17.9.531.14 VARIANCES: A utility may request a variance from the informational requirements of this rule if the approach it proposes would provide comparable information to the consumer in a more accurate or understandable manner. The utility shall send notice of its application for a variance to the Attorney General, Commission Staff and the parties to the utility's most recent general rate proceeding. The Commission may grant the variance, with or without modifications, for good cause shown.
[6-30-98; Recompiled 12/31/01]

17.9.531.15 EXTENSIONS: A utility, Commission Staff or other interested party may request an extension of time in which to take an action required by this rule, for good cause shown. The request for extension shall include a specific date by which the moving party proposes to take the action for which an extension is being requested. The moving party shall send notice of its request for an extension to the Attorney General, Commission Staff and the parties to the utilitys most recent general rate proceeding.
[6-30-98; Recompiled 12/31/01]

17.9.531.16 RESIDENTIAL BILL FORMAT: This Section illustrates the difference between the format for a residential bill prior to the effective date of this rule and a sample format that would satisfy the requirements of this

rule. Both the formats and the dollar figures used are for illustrative purposes only. The examples are not intended to reflect actual bills and do not include all possible charges, such as gross receipts taxes.

A. Format prior to this rule.			
Customer Charge			\$ 9.00
Energy Charge	500kWh @ \$0.08/kWh		\$40.00
Fuel & Purchased Power Cost	500kWh @ \$0.0003/kWh		\$ 0.15
Total Charges			\$49.15
B. Sample format under this rule.			
Customer Charge			\$ 9.00
Energy Charge			
Generation	\$0.045/kWh		
Transmission	\$0.010/kWh		
Distribution	\$0.025/kWh		
Total Energy Charge	500kWh @ \$0.080/kWh		\$40.00
Fuel & Purchased Power	500kWh @ \$0.0003/kWh		\$ 0.15
Total Charges			\$49.15

[6-30-98; Recompiled 12/31/01]

17.9.531.17 COMMERCIAL OR INDUSTRIAL BILL FORMAT: This Section illustrates the difference between the format for a commercial or industrial bill prior to the effective date of this rule and the format to be used under the rule. Both the formats and the dollar figures used are for illustrative purposes only. The examples are not intended to reflect actual bills and do not include all possible charges, such as gross receipts taxes.

A. Format prior to this rule.			
Customer Charge			\$250.00
Demand Charge	60 kW @ \$10.00/K		\$600.00
Energy Charge	26,280 kWh @ \$0.035/kWh		\$919.80
Total Charges			\$1,769.80
B. Sample under this rule.			
Customer Charge			\$250.00
Demand Charge			
Generation	\$ 5.15/kW		
Transmission	\$ 3.60/kW		
Distribution	\$ 1.25/kW		
Total Demand Charge	60kW @ \$10.00/kW		\$600.00
Energy Charge			
Generation	\$0.018/kWh		
Transmission	\$0.010/kWh		
Distribution	\$0.007/kWh		
Total Energy Charge	26,280 kWh @ \$0.035/kWh		\$919.80
Total Charges			\$1,769.80

[6-30-98; Recompiled 12/31/01]

History of 17.9.531 NMAC: [RESERVED]