

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE PETITION OF THE)	
UTILITY DIVISION STAFF OF THE PUBLIC)	
REGULATION COMMISSION FOR A)	Case No. 05-00387-UT
RULEMAKING TO ADOPT PROPOSED RULE 770)	
AND RULE 970 TO CONFORM TO THE NEW)	
MEXICO PUBLIC UTILITY ACT,)	
)	
UTILITY DIVISION STAFF OF THE PUBLIC)	
REGULATION COMMISSION,)	
)	
Petitioner.)	

IN THE MATTER OF THE AMENDMENT OF)	
THE RULES CONCERNING PROCEDURES FOR)	
REVIEW OF RATES PROPOSED BY WATER AND)	Case No. 06-00176-UT
SANITATION DISTRICTS, 17.12.810 NMAC.)	

AMENDED NOTICE OF PROPOSED RULEMAKING

NOTICE is hereby given that the New Mexico Public Regulation Commission ("Commission") has commenced a rulemaking proceeding for the purpose of promulgating replacement rules to 17.12.770 NMAC, 17.12.810.11(C) NMAC and 17.13.970 NMAC. The proposed replacement rules seek to amend existing Commission rules in order to be consistent with amendments to NMSA 1978 Section 62-8-7.1 (2005) and NMSA 73-21-4(D) 2005 which changed the definitions of small water and sewer utilities and their ratemaking procedures.

On September 26, 2005, Staff filed its Petition requesting that the Commission promulgate replacement rules for 17.12.770 NMAC concerning small water utilities, and 17.13.970 NMAC, concerning small sewer utilities, to implement the statutory changes streamlining the procedures for rate changes for those utilities.

Staff has proposed replacement rules, which it presented to the Commission on April 27, 2006, and which it developed with the input of the industry, to implement these statutory changes. The Commission issued a Notice of Proposed Rulemaking ("Notice") on May 16, 2006 including Staff's proposed replacement rules.

After receipt of written comment and public hearings held on July 11, 2006, July 12, 2006 and July 17, 2006, respectively, on October 26, 2006 the Commission issued a Final Order Adopting Proposed Replacement Rules 17.12.770 NMAC, 17.12.810.11(C) NMAC and 17.13.970 NMAC ("Final Order"). In its subsequent order of March 6, 2007 the Commission found that the NOPR had failed to comply with the publication requirements of 17.1.120.9(A) NMAC which requires that prior to adoption or amendment of any rule, the Commission shall publish notice of its proposed action in the New Mexico Register and shall at least forty-five (45) days prior to its proposed action publish notice of its proposed action in newspapers of general circulation in the State of New Mexico so as to achieve statewide circulation. The Commission found that the Notice had not been published in either the New Mexico Register or newspapers of general circulation. On the basis of that finding, the Commission vacated its Final Order. The Commission also ordered that this Amended Notice be issued without delay.

The proposed replacement rules, presented here in the same form and identical to those attached to the Notice of Proposed Rulemaking issued on May 16, 2006 are attached hereto and identified as Amended Notice of Proposed Rulemaking Attachment A (proposed replacement rule 17.12.770 NMAC), Attachment B (proposed replacement rule 17.12.810.11 (C)) and Attachment C (proposed replacement rule 17.13.970 NMAC), respectively.

Comments suggesting changes to the rule amendments as proposed should state and discuss the particular reasons for the suggested changes and shall include all specific language necessary or appropriate to effectuate the changes. Specific proposed language changes to the proposed rules shall be in legislative format. Interested persons

shall file their written comments on the proposed rules no later than thirty (30) days from the date of mailing of the Notice. All pleadings, including comments and suggested changes to the proposed rules, shall bear the caption and docket number contained at the top of this Notice. All previously submitted written comments, made either in response to the Notice of May 16, 2006 or oral comments made at public hearing of July 11, 2006, July 12, 2006 or July 17, 2006 will be given consideration by the Commission in its deliberations and are not required to be re-submitted.

Written comments or written response comments in response to this Amended NOPR shall be sent to:

Melanie Sandoval
New Mexico Public Regulation Commission
Attention: Case Nos. 05-00387-UT and 06-00176-UT
224 East Palace Avenue, Marian Hall
Santa Fe, NM 87501
Telephone: (505) 827-6968

Copies of the proposed rules may be downloaded from the Commission's web site, www.nmprc.state.nm.us, under "Meetings," then "Public Notices."

The Commission will review all timely submitted written comments and will hold a public comment hearing on May 4, 2007 beginning at 10 AM and at the following location:

New Mexico Public Regulation Commission
PERA Bldg.
4th Floor Hearing Room
1120 Paseo de Peralta
PO Box 1269
Santa Fe NM 87504-1269
(505) 827-4526

The record shall be closed at the conclusion of the public hearing, currently scheduled for May 4, 2007 unless the Commission orders that it be held open for the purpose of receiving additional written supporting data for a period not to exceed thirty (30) days.

Interested persons should contact the Commission to confirm the date, time and place of any public hearing because hearings are occasionally rescheduled.

Any person with a disability requiring special assistance in order to participate in a hearing should contact Cecilia Rios at 827-4501 at least 48 hours prior to the commencement of the hearing.

A copy of this Notice shall be published in the New Mexico Register and at least two newspapers of general circulation within the State of New Mexico and the Commission shall notify all utilities under the Commission's jurisdiction and any person or group filing a written request for advance notice of such proposed action. The Commission shall provide the Notice, including attachments, by e-mail or facsimile transmission to any persons who so request, and shall post a copy of the proposed rules on the Commission's web site.

This Notice is effective immediately.

ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this 6th day of March, 2007.

NEW MEXICO PUBLIC REGULATION COMMISSION

BEN R. LUJAN, CHAIRMAN

JASON MARKS, VICE CHAIRMAN

DAVID W. KING, COMMISSIONER

CAROL K. SLOAN, COMMISSIONER

SANDY JONES, COMMISSIONER