

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE FILING OF)
ADVICE NOTICES NO. 69 BY SOCORRO)
ELECTRIC COOPERATIVE, INC.) Case No. 18-00383-UT
)
SOCORRO ELECTRIC COOPERATIVE, INC.,)
)
Applicant.)
_____)
)

ORDER SUSPENDING PROPOSED RATES

THIS MATTER comes before the New Mexico Public Regulation Commission (“Commission”) upon the Protests (“Protests”) filed by members of Socorro Electric Cooperative Inc. (“Socorro Electric”), who opposed the proposed rates in Socorro Electric’s Advice Notice No. 69, filed on December 3, 2018.

THE COMMISSION FINDS AND CONCLUDES:

1. On December 3, 2018, Socorro Electric submitted Advice Notice Nos.69, 70 and 71, all with a proposed effective date of January 3, 2019.
2. The Commission has jurisdiction over the parties and the subject matter of this proceeding pursuant to the New Mexico Constitution, the New Mexico Public Utility Act and other applicable law.
3. Advice Notice No. 69 presents original and revised rates for thirteen (13) rate schedules and presents changes to Rate No. 7 – Schedule of Fees, which reflects the actual dollar amount of fees proposed to be charged.
4. Advice Notice No. 70 presents Original Form No. 23 – Optional Renewable Resource Power Rider Intent to Purchase Application. This form provides an application for Socorro Electric’s members to submit to purchase new 100 kWh blocks of renewable resources

or modify existing purchases of 100 kWh blocks of renewable resources. Purchases of renewable resources are voluntary.

5. Advice Notice No. 71 presents First Revised Rule No. 5 – Fees. First Revised Rule No. 5 describes the Socorro Electric’s 17 various fees, grouped by fees involved with delinquent accounts, metering, operations and miscellaneous fees. In addition, First Revised Rule No. 5 describes the calculation of member deposits. Advice Notice No. 71 indicates that First Revised Rule No. 5 includes numerous changes to the existing rule.

6. According to Utility Division Staff, David Ault’s Memorandum, dated December 17, 2018, as of December 18, 2018, the Commission had received 33 Protests protesting Advice Notice No. 69.

7. Pursuant to Rule 17.1.210.10 (D) NMAC and NMSA 1978, Section 62-8-7(B) (amended 1998), without a suspension order from the Commission, Socorro Electric’s new rates would become effective on January 3, 2019.

8. The Public Utility Act, at NMSA 1978, Section 62-8-7(H)(amended 2011), provides, in relevant part [with emphasis added]:

Upon the filing with the commission of a protest setting forth grounds for review of the proposed rates signed by the lesser of one percent of or twenty-five members of a customer rate class of the rural electric cooperative or foreign distribution cooperative and if the commission determines that there is just cause for reviewing the proposed rates on one or more of the grounds of the protest, the commission shall suspend the rates and conduct a hearing concerning the reasonableness of any proposed rates filed by a rural electric cooperative or a foreign distribution cooperative pursuant to Subsections C and D of this section. The protest shall be filed no later than twenty days after the filing with the commission of the schedule proposing new rates.

9. Under Rule 17.9.540.10 NMAC (“Protests by Coop Members”) protests must be filed no later than twenty (20) days after a cooperative files a proposed rate schedule. Further,

under Form I NM Rule 17.9.540, if protests are received in the number of the lesser of 25 or 1% of coop members, the Commission shall determine if there is just cause to review the rate proposal through a formal hearing.¹

10. Customer protests, in this matter, are therefore required to be filed by close of business on December 23, 2018.

11. By the close of business on December 17, 2018, according to Staff, it appeared that at least 25 residential customers have filed timely protests.

12. Given that Socorro Electric, by Advice Notice No. 69, is proposing numerous changes to Rate No. 7 – Schedule of Fees, the protests raise the question of whether Socorro Electric’s proposed new rates are fair, just and reasonable in their entirety.

13. The Commission finds that Socorro Electric should be given a reasonable amount of time to object to any of the Protests and that the Commission’s Utility Division Staff (“Staff”) should be given a reasonable amount of time to make a determination on the exact number of valid, timely Protests and to determine if Socorro Electric’s filing of Advice Notice No.69 constitutes a complete application pursuant to Section 62-8-7(B).

14. The Commission finds that, pursuant to Section 62-8-7(H), Socorro Electric’s Advice Notice Nos. 69 can and should be suspended.

IT IS THEREFORE ORDERED:

A. The proposed rates filed by Socorro Electric in its Advice Notices No. 69 are suspended pending the Commission’s review of the filings by Socorro Electric and Staff described herein.

¹ Instructions for Protesting an Electric Cooperatives Rate Increase NMPRC Rule 17.9.540
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B. Socorro Electric shall file its objections, if any, to any of the Protests filed protesting Advice Notices Nos. 69 and 71, by January 2, 2019.


C. Staff shall file its determination as to the number of valid, timely Protests and its determination as to whether Socorro Electric's filing of Advice Notice No.69 constitute a complete application for a rate increase pursuant to Section 62-8-7(B) by January 9, 2019.

D. This Order is effective immediately.

E. Copies of this Order shall be e-mailed to all persons on the attached Certificate of Service if their e-mail addresses are known, and otherwise shall be sent via regular mail.

ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this 19th day
of December 2018.

NEW MEXICO PUBLIC REGULATION COMMISSION

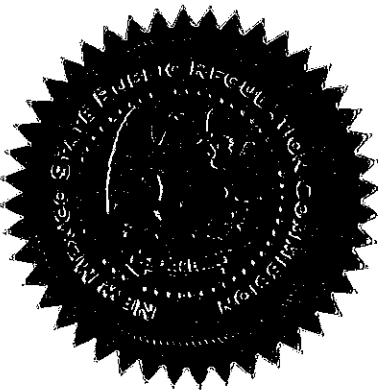

SANDY JONES, CHAIRMAN


CYNTHIA B. HALL, VICE CHAIR


PATRICK H. LYONS, COMMISSIONER


VALERIE ESPINOZA, COMMISSIONER

VOTED YES
LYNDA LOVEJOY, COMMISSIONER



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Case No. 18-00383-UT

**SOCORRO ELECTRIC COOPERATIVE, INC.,)
)
Applicant.)**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Order Suspending Proposed Rates** issued by the New Mexico Public Regulation Commission on December 19, 2018, was sent on December 21, 2018, as indicated below:

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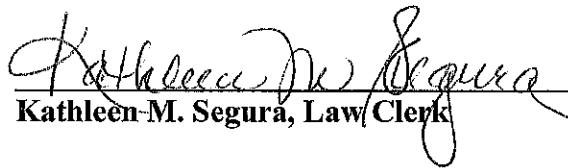
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DATED this 21st day of December, 2018.

NEW MEXICO PUBLIC REGULATION COMMISSION


Kathleen-M. Segura, Law Clerk