

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 APPOINTING HEARING EXAMINER AND ORDER FOR RESPONSES TO
SEC’S MOTION TO STAY**

THIS MATTER comes before the New Mexico Public Regulation Commission (“Commission”) the Revised Compliance Order dated March 30, 2022 and upon Socorro Electric Cooperative, Inc.’s Second Emergency Motion to Stay to Prevent Imposition of the Requirement of the Revised Compliance Order, etc. (“Motion to Stay”) filed on April 7, 2022; wherefore, being duly advised in the premises;

THE COMMISSION FINDS AND CONCLUDES:

1. On March 30, 2022, the Commission issued its Revised Compliance Order, Order to Show Cause Why SEC Should Not Book as Regulatory Assets or Regulatory Liabilities the Amounts Not Billed in Violation of the Final Order and Order for SEC to Cease and Desist its Violation of the Final Order (the “Revised Compliance Order”) which ordered Socorro Electric Cooperative, Inc. (“SEC”) to: a) cease and desist from the operation of its unlawful billing in continued violation of the Final Order; b) file a response within twenty-one (21) days of this ORDER TO SHOW CAUSE why the Commission should not find that SEC’s operation of its unlawful billing is not a continued violation of a lawful Commission Final Order that has not been stayed by either the Commission or the New Mexico Supreme Court and show cause why it should not record, as of the effective date of the Final Order, regulatory assets or regulatory liabilities for each customer class to account for what is due each class if SEC had complied with the Final Order

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as of the Final Order's effective date in violation of the statutes, rules and provisions cited in the findings above; c) pursuant to its authority under NMSA 1978 § 8-8-14 and 1.2.2.29A NMAC, the Commission shall, by subsequent single signature Order, designate a hearing examiner to preside over the Order to Show Cause and Order to Cease and Desist proceedings in this matter and that the hearing examiner should issue a Procedural Order scheduling the date and time of the Public Hearing, the dates for filing testimony, and the method of Notice of the Public Hearing; d) the Compliance Order is hereby modified to delete all Decretal Paragraphs; e) the Compliance Order's Decretal paragraphs are revised to state as follows. *A. There are no personal fines levied against SEC Board of Trustee members as individuals of \$1000 per day. The fines assessed as of the effective date of the Compliance Order pursuant to NMSA 1978 § 62-12-4 and NMSA 1978, § 62-12-5 are \$1000 per day penalties against the corporation known as Socorro Electric Cooperative, Inc. only and not penalties against the individual Board of Trustees, due and payable, and continuing to accrue until the date SEC fully implements the Final Order;* f) comply with the Final Order, in total, effective to the date of the Final Order and shall track and account for all increases and/or decreases to all customers that would have resulted from implementing the new rates set forth in the Final Order; and g) as soon as practicable but no later than April 7, 2022, by USPS, mail to all of its customers the attached Notice to Customers, in the exact form attached hereto as Exhibit A, return receipt requested. SEC shall scan all return receipts received and file them in this docket no later than May 1, 2022.

2. On April 7, 2022, SEC filed its Motion to Stay requesting the Commission stay the requirement that SEC send out the Notice attached to the Commission's Revised Compliance pending a ruling by the Supreme Court of the validity of the Revised Compliance Order. SEC stated that it intends to file an appeal of the Revised Compliance Order and a writ of prohibition

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or in the alternative a writ of mandamus. SEC requested that the Commission stay the implementation of the Revised Compliance Order pending the anticipated appeal to the Supreme Court.

IT IS THEREFORE ORDERED:

A. In accordance with March 30, 2022 Revised Compliance Order and pursuant to its authority under NMSA 1978, Section 8-8-14 (1998) and Rule 1.2.2.29 (B) NMAC, the Commission hereby designates and appoints Christopher Ryan as Hearing Examiner to preside over this case, to take all action necessary and convenient thereto within the limits of the Hearing Examiner's authority, to conduct any necessary hearings, to take any other action in this case that is consistent with Commission procedure, and to submit a Recommended Decision containing proposed findings of fact and conclusions of law regarding this case to the Commission on all issues raised in the Complaint. The Hearing Examiner shall issue a procedural order at his earliest convenience establishing the terms of public notice to be provided by SEC and establishing a timeframe for intervention by interested parties.

B. Staff shall and the City of Socorro and New Mexico Tech may, file a Response to SEC's Motion to Stay no later than April 15, 2022 and SEC may file a Reply to the Responses no later than April 18, 2022.

C. This Order is issued by the Chair of the Commission as authorized by 1.2.2.30(B)(3) NMAC of the Commission's Rules on Procedure.

D. A copy of this Order shall be served upon all persons listed on the attached certificate of service via email, to the extent that email addresses are known, and if not known, then by regular mail.

ISSUED at Santa Fe, New Mexico, this 8th day of April, 2022.



NEW MEXICO PUBLIC REGULATION COMMISSION

/s/ Joseph M. Maestas, electronically signed

COMMISSIONER JOSEPH M. MAESTAS

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APPLICANT.)

CERTIFICATE OF SERVICE

I CERTIFY that on this date I sent to the parties listed here, via email only, a true and correct copy of the **Order Appointing Hearing Examiner and Order for Responses to Sec's Motion to Stay.**

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DATED this April 8, 2022.

NEW MEXICO PUBLIC REGULATION COMMISSION

/s/ Isaac Sullivan-Leshin, electronically signed

Isaac Sullivan-Leshin, Law Clerk

Isaac.sullivan-leshin@state.nm.us