

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF THE FILING OF ADVICE NOTICE )**  
**NO. 69 BY SOCORRO ELECTRIC COOPERATIVE, INC. )**  
**) Case No. 18-00383-UT**  
**SOCORRO ELECTRIC COOPERATIVE, INC., )**  
**APPLICANT. )**

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**ORDER**

1. On April 18, 2022, SEC filed a reply in support of their second emergency motion to stay. That second emergency motion was filed eleven days earlier, on April 7, 2022.

2. In the reply, SEC states that it accepts a proposal Commission Staff set out in a response Staff filed on April 15, 2022. SEC described Staff’s proposal as “a reasonable compromise of the existing controversy relating to the stay . . . .”

3. Staff’s “compromise” involved three items (which are both quoted and paraphrased here to balance accuracy and efficiency).

i. SEC will file an advice notice within thirty days adopting the rates ordered by the Commission at the conclusion of SEC’s rate case.

ii. “Staff would not object to the Commission waiving or removing [the Commission imposed] requirement that [SEC] send the [n]otice attached to” the Commission’s revised compliance order filed on March 30, 2022, to SEC’s members.

iii. “Staff would recommend that the existing fines arising from the initial compliance order of April 15, 2022, . . . be revisited upon ultimate resolution of the appeal” of SEC’s challenge to the Commission’s jurisdiction to deny SEC’s rate-modification request and impose rates reflecting the Commission’s assessment of the evidence at hearing.

4. Following the prehearing, the hearing examiner was prepared to issue an order requiring the parties to begin discussion of a schedule on a hearing on a stipulation.

5. Staff’s proposal is a stipulated resolution to the matters over which this hearing examiner was assigned to preside. The hearing examiner is aware that the stipulation may be contested and may not resolve all issues the hearing examiner was directed to address.

6. On April 26, 2022, and before the hearing examiner could enter the order he was drafting, SEC filed an emergency petition for a writ of mandamus or writ of prohibition in the alternative with the New Mexico Supreme Court that included a request for an emergency motion to stay.

7. This filing suggests SEC no longer accepts Staff's proposed compromise and is unwilling to participate in a hearing on a stipulation. It is possible too that SEC views the Commission as lacking authority to proceed with such a hearing given SEC's April 26, 2022, filing with the Supreme Court. SEC may have other views on the subject.

8. The hearing examiner will understand that SEC no longer accepts Staff's proposed compromise and will not participate in a hearing on a stipulation unless SEC files a notice by noon, 12:00 p.m., on Friday, April 29, 2022, stating that it will participate in a stipulated hearing.

9. To be clear, the sole thing SEC must do is file a simple notice of an intent to participate in a stipulation hearing on Staff's proposal. SEC may also decline to file the notice. Its action will signify intention.

10. SEC is alerted that this order in no way signals that Staff's proposal, if it were to be heard as a stipulation, would be certified to the Commission. The purpose of this message is only to obtain clarity on SEC's position.

**DATED** April 28, 2022.

**NEW MEXICO PUBLIC REGULATION COMMISSION**



[electronically signed]

Christopher P. Ryan  
Hearing Examiner

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**CERTIFICATE OF SERVICE**

I CERTIFY that on the indicated below I sent via e-mail to the parties listed here a true and correct copy of the order above.

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**DATED** April 28, 2022  
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[electronically signed]  
Christopher P. Ryan  
Hearing Examiner