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**23-00071-UT; Order Granting Joint Motion for Extension and Providing Further Specifications and Requirements Regarding Revised Proposed Tariffs**

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23-00071-UT - 2025-03-06 - Order on Mtn for Extension, etc.pdf;

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

- **IN THE MATTER OF THE TARIFFS, AGREEMENTS AND )**  
**FORMS PROPOSED BY THE QUALIFYING UTILITIES FOR )** **- Docket No. 23-00071-UT**  
**THE COMMUNITY SOLAR PROGRAM )**

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Sincerely,  
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**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF THE TARIFFS, AGREEMENTS )  
AND FORMS PROPOSED BY THE QUALIFYING ) Docket No. 23-00071-UT  
UTILITIES FOR THE COMMUNITY SOLAR PROGRAM )**

**ORDER GRANTING JOINT MOTION FOR EXTENSION AND PROVIDING  
FURTHER SPECIFICATIONS AND REQUIREMENTS REGARDING REVISED,  
PROPOSED TARIFFS**

**THIS MATTER** comes before the New Mexico Public Regulation Commission (the “Commission”) upon the filing of the Joint Motion for Extension of Time to File Proposed, Revised, Community Solar Program Tariffs (“Motion”), by Staff of the Commission’s Utility Division (“Staff”), Southwestern Public Service Company (“SPS”), and El Paso Electric Company (“EPE”) (SPS and EPE are hereinafter, sometimes, collectively referred to as the “Movants”), and upon the recent filings of revised, proposed tariffs for the Community Solar Program, by Public Service Company of New Mexico (“PNM”), SPS, and EPE, described below.

The Commission grants the Motion.

**JURISDICTION AND PROCEDURAL HISTORY**

1. The Commission has jurisdiction over this matter.<sup>1</sup>
2. On February 7, 2025, the Commission issued its Order Rejecting Advice Notices with Guidance (“Feb. 7<sup>th</sup> Order”). In the Feb. 7<sup>th</sup> Order, the Commission ordered SPS, EPE, and PNM, “to confer and, to the extent practicable, reach agreement as to new proposed tariffs,”<sup>2</sup> pursuant to the specifications in the order. The Commission set a deadline of February 21, 2025, for the utilities to file their proposed tariffs.
3. On December 21, 2025, PNM filed its Advice Notice No. 633 - Community Solar Original Rider Nos. 56 and 57 (“PNM AN 633”); EPE filed its Advice Notice No. 307 – 1st

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<sup>1</sup> NMSA 1978, § 62-16B-7 (2021).

<sup>2</sup> Feb. 7<sup>th</sup> Order (Feb. 7, 2025) Ordering ¶ B.

Revised Rate No. 47 (Community Solar Program Rate) and Original Rate No. 47.1 (Community Solar Program Administrative Cost Rider Rate) (“EPE AN 307”); and SPS filed its Revised Advice Notice No. 331- First Revised Rate No. 87 (Community Solar Program Credit Rider) and Original Rate No. 94 (Community Solar Administrative Cost Rider).

4. On February 21, 2025, the Movants filed the Motion. In the Motion, the Movants request an extension of 30 days, from February 21, 2025, to March 24, 2025, to file their revised, proposed tariffs.

5. On February 24, 2025, SPS filed its Revised Advice Notice No. 332- First Revised Rate No. 87 (Community Solar Program Credit Rider) and Original Rate No. 94 (Community Solar Administrative Cost Rider) (“SPS AN 332”), to correct certain numbering in the February 21, 2025 filing.

6. On February 25, 2025, the Commission issued its Order Shortening Time for Responses to Joint Motion, shortening the time for filing responses to the Motion from March 6, 2025, to March 3, 2025, at Noon.

7. No responses to the Motion were filed.

### **DISCUSSION**

8. In the Motion, the Movants state that, “[s]ince February 7, 2025, SPS, PNM, and EPE have diligently met with Staff and made considerable progress towards finalizing their proposed tariffs, in accordance with the Commission’s February 7, 2025, Order.”<sup>3</sup>

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<sup>3</sup> Motion (Feb. 21, 2025) ¶ 5.

9. However, the Movants request a 30-day extension of time to file further revised, proposed tariffs, stating that they “believe the additional time would allow SPS and EPE to file more complete, uniform, and clear tariffs with the benefit of additional input from Staff.”<sup>4</sup> The Movants further state that they “are filing their tariffs in accordance with the deadline established in the Final Order but intend to continue their discussions with Staff and may seek to withdraw and amend the tariffs if needed and if the extension is granted.”<sup>5</sup> They add that “PNM would continue to participate in these discussions and may similarly amend its Rider Nos. 56 and 57 as needed based on these discussions.”<sup>6</sup>

10. The Movants cite the Commission’s Rules of Procedure, at 1.2.2.8(K) NMAC, which provides as follows:

Extensions of time: Except as otherwise provided by law, the time by which any person is required or allowed to act under any statute, rule, or order may be extended by the commission or presiding officer for good cause, upon a motion made before the expiration of the period prescribed or previously extended. The filing of the motion does not toll the running of the time period prescribed.<sup>7</sup>

The Movants argue that there is good cause to extend the time to file revised, proposed tariffs in accordance with the Feb. 7<sup>th</sup> Order. They further argue that “[t]he changes to the riders are programmatic and will not change the calculation of the bill credit, and therefore will not delay implementation of the community solar program given that the earliest community solar facilities are not expected to be online until the third quarter of 2025.”<sup>8</sup>

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<sup>4</sup> Motion ¶ 6.

<sup>5</sup> Motion ¶ 6.

<sup>6</sup> Motion ¶ 6.

<sup>7</sup> 1.2.2.8(K) NMAC.

<sup>8</sup> Motion ¶ 7.

11. The Movants state that they have contacted the parties regarding the Motion and that the parties' positions are as follows:

PNM – does not oppose; City of Las Cruces – does not oppose; CCSA – CCSA opposes a 30-day extension, but does not oppose a 15-day extension, however, CCSA would not oppose a 30-day extension if the Commission directs InClima to allow the subscriber drives (completion of the disclosure form) to start with “TBD” or a good faith estimate of the rider rates; NEE – opposes; REIA – opposes; CSol Power, LLC – did not provide position; and New Mexico People’s Energy Cooperative – did not provide position.<sup>9</sup>

### FINDINGS AND CONCLUSIONS

12. The Commission finds that the Motion should be granted and that the revised, proposed tariffs should be allowed to take effect on their stated effective date of March 19, 2025, subject to the requirements and specifications provided in this Order. The Commission finds that the Movants have demonstrated that there is good cause to grant the Motion. The Movants and PNM should be granted additional time to confer with Staff and to file further revised, proposed tariffs, pursuant to the requirements and specifications of the Feb. 7<sup>th</sup> Order. As represented by the Movants, the requested additional time is needed to fulfill the requirements of the Feb. 7<sup>th</sup> Order, namely, of providing tariffs that are uniform in presentation, to the extent practicable, and that include sufficiently detailed information.

13. The Commission further finds that PNM AN 633, EPE AN 307, and SPS AN 332, should be allowed to become effective on their stated effective date of March 19, 2025, as the Community Solar Bill Credit and Community Solar Administrative Cost Rider rates stated in these revised, proposed tariffs are compliant with the Commission’s Phase II Final Order. EPE and

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<sup>9</sup> Motion ¶ 8.

SPS<sup>10</sup>, are, in this Order, required to file further revised, proposed tariffs on or before March 24, 2025, each of which shall bear an effective date 30 days from the date of filing of the tariff. As the currently filed proposed tariffs are hereby approved to become effective on March 19, 2025, subscriber organizations are authorized in this Order to use the calculations from the currently filed tariffs in the Uniform Disclosure and Consent Form when soliciting potential subscribers.

14. Finally, the Commission notes that, from their proposed tariffs to be filed on March 24, 2025, EPE and SPS should remove certain references to “TARR,” as the Commission did in its Notice of Errata to Final Order.<sup>11</sup>

**IT IS THEREFORE ORDERED:**

A. The Motion is GRANTED.

B. Movants and Staff (with PNM), shall continue to confer to ensure that the further revised, proposed tariffs to be filed pursuant to this Order, will comply with the requirements and specifications of the Feb. 7th Order and this Order.

C. On or before March 24, 2025, Movants shall, and PNM may, file further revised, proposed tariffs as described in Paragraphs 12-14 of this Order, above.

D. Subscriber organizations participating in the Community Solar Program are authorized to use the figures and calculations provided in the currently filed, proposed tariffs, when soliciting potential subscribers, as described in Paragraph 13, above.

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<sup>10</sup> PNM is not among the Movants. However, the Movants, including Staff, state that PNM plans to take additional time to confer with Staff and to file proposed, revised tariffs. Accordingly, the Commission includes PNM in the terms of this Order, along with EPE and SPS.

<sup>11</sup> The mislabeling is found in EPE AN 307, at 7-10, and in SPS AN 332, at 6. *See* Notice of Errata to Final Order (Dec. 6, 2024) at Ex. A (redline version).

E. This Order is effective when signed.

F. A copy of this Order shall be served upon all persons listed on the attached Certificate of Service via e-mail if their e-mail addresses are known; otherwise, via regular mail.

G. In computing time in accordance with Statute, Regulation, or Commission Order, the computation shall begin on the date that the Order is filed with the Chief Clerk or Chief Clerk designee.

**SIGNED under the Seal of the Commission at Santa Fe, New Mexico, this 6<sup>th</sup> day of March, 2025.**

**NEW MEXICO PUBLIC REGULATION COMMISSION**

*/s/ Gabriel Aguilera, electronically signed*  
**GABRIEL AGUILERA, COMMISSIONER**

*/s/ Greg Nibert, electronically signed*  
**GREG NIBERT, COMMISSIONER**

*/s/ Patrick J. O'Connell, electronically signed*  
**PATRICK J. O'CONNELL, COMMISSIONER**



**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF THE TARIFFS, AGREEMENTS )  
AND FORMS PROPOSED BY THE QUALIFYING ) Docket No. 23-00071-UT  
UTILITIES FOR THE COMMUNITY SOLAR PROGRAM )**

**CERTIFICATE OF SERVICE**

I CERTIFY that on this date I e-mailed a true and correct copy of the foregoing *Order Granting Joint Motion for Extension and Providing Further Specifications and Requirements Regarding Revised Proposed Tariffs* to the parties listed below.

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**DATED** this 7<sup>th</sup> day of March, 2025.

**NEW MEXICO PUBLIC REGULATION COMMISSION**

**/s/ LaurieAnn Santillanes, electronically signed**

**LaurieAnn Santillanes, Paralegal**