BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF PUBLIC SERVICE COMPANY OF NEW MEXICO'S APPLICATION FOR APPROVAL OF ITS RENEWABLE ENERGY ACT PLAN FOR 2018 AND PROPOSED 2018 RIDER RATE UNDER RATE RIDER NO. 36	)	**Case No. 17-00129-UT**
PUBLIC SERVICE COMPANY OF NEW MEXICO	)	
Applicant.	)	

NEW ENERGY ECONOMY'S MOTION FOR RECONSIDERATION AND ORDER REQUIRING EXPEDITED RESPONSES

New Energy Economy ("NEE) hereby moves the Commission for reconsideration of its November 16, 2017 Final Order Partially Adopting Recommended Decision in this case ("Final Order") pursuant to NMSA 1978, § 62-10-16 and 1.2.2.37.F(1) NMAC and for a Commission Order requiring expedited responses to this Motion. Specifically, NEE requests that the Commission rehear and reverse the findings and conclusions in paragraph 12 of the Final Order addressing the 50 MW Solar Turnkey Project ("Solar Turnkey Project") proposed by Public Service Company of New Mexico ("PNM") in this case to position itself to satisfy its projected renewable portfolio standard ("RPS") obligations *in 2020--two years beyond* the "plan year" addressed in its proposed 2018 Renewable Energy Portfolio Procurement Plan ("2018 Plan")--because those findings and conclusions: (i) ignore and distort substantial evidence in the record relied on in the Hearing Examiner's Recommended Decision ("RD") supporting its recommended rejection of that Solar Turnkey Project; (ii) ignore and distort applicable law and established Commission standards for approval of utility RPS and other resource acquisition proposals; (iii) are based on arguments by PNM and two other parties that were contradicted by

substantial evidence in the record; and (iv) as shown by the record, will result in unreasonably high solar procurement costs to PNM's customers. For those reasons, those findings and conclusions in the Final Order are unlawful, unjust and unreasonable and contrary to the public interest. NEE also requests that the Commission issue an order requiring expedited responses to this Motion by Monday, November 20, 2017 so that the Commission may consider this Motion at its next scheduled (November 21) Open Meeting.[1]

In support of this Motion, NEE states:

1. The finding and conclusion in paragraph 12.A of the Final Order ignores the preponderance of substantial evidence in the record relied on by the Hearing Examiner (who, unlike any commissioner, read all the testimony and heard the evidence in this case and thus was best able to assess its credibility) in her RD that contradicts that finding and conclusion and supports her recommended finding and conclusion that, based on the record, PNM failed to satisfy its burden of showing that its proposed 50 MW Solar Turnkey Project was its most cost-effective option among all feasible resource alternatives to satisfy its projected RPS obligations in 2020, and thus that rejection of that PNM proposal at this time "was not a difficult call" (RD, pp. 11, 75-80). Even PNM admits and testified that the cost effective standard among feasible alternatives IS the law: "PNM has a duty to negotiate the lowest reasonable cost and to select the most cost-effective alternative among comparable alternatives. Tr. 487-88." RD, p. 61.

[1] At the Commission's November 15, 2017 Open Meeting addressing the Hearing Examiner's RD, Hearing Examiner Glick explained, as she did in her RD, that PNM's proposed 50 MW Solar Turnkey Project is **not** part of, but rather is **in addition to, its 2018 Plan because it is undisputed that PNM does not need that Project to satisfy its RPS obligations in the 2018 "plan year" (as defined in 17.9.572.7.J NMAC) addressed in its Application**. For that reason, the six-month deadline in NMSA 1978, § 62-16-4.E for the Commission to approve or modify PNM's proposed 2018 Plan does not apply to that additional PNM solar procurement proposal and, if the Commission requires more time to review and address the matters addressed in this Motion, it may sever that PNM proposal from its final order addressing PNM's 2018 Plan.

What's also a fact is that the Commission has repeatedly approved the cost effective standard. (Case No. 13-00390-UT, Final Order at 4, paragraph 6 (12-16-15); Case No. 15-00205-UT, Order Partially Granting PNM Motion to Vacate and Addressing Joint Motion to Dismiss at 10-11 (12-22-15); Case No. 15-00261-UT, Corrected Recommended Decision at 96 (8-15-16), adopted in relevant part by Final Order Partially Adopting Corrected Recommended Decision (9-28-16); *See also*, Case No. 2382, *In Re Public Service Co. of New Mexico*, 166 P.U.R. 4th 318, 337, 355-356 (1995).)

2. The finding and conclusion in paragraph 12.B of the Final Order also ignores substantial evidence relied on in the Hearing Examiner's RD to support its recommended rejection of PNM's 50 MW Solar Turnkey Project making clear that it was not limited to evidence concerning the unfair competitive effects of the 31-day deadline for responses in PNM's 2017 Request for Proposals ("RFP"), but also included credible testimony by NEE witness Muller addressing the anti-competitive effects of other provisions in that RFP and PNM's prior generation resource procurement practices, as well as the results of those effects.[2]

[2] Other anti-competitive procurement practices include: Transparently eliminating PPAs from meaningful consideration; Preferring that solar providers locate their projects only on land controlled and to be owned by PNM and stating that it would be "unrealistic" for PNM to be forced to provide their sites to Independent Power Producers; Providing that the resource to be selected would be owned by PNM. NEE Brief-in-Chief pp. 15-27; RD, pp. 75-80 ("The provision in the RFP allowing turnkey bidders, but not PPA bidders, to use PNM- Designated Sites was unfair and uncompetitive. It gave turnkey bidders an unfair advantage because they did not need to submit interconnection and distribution or transmission cost information, which can take months or years to establish with the certainty required by PNM." RD, p. 76) ("In the utility resource procurement process a bias exists that favors utility ownership of generation assets over PPAs with third parties." RD, 77) (There is no legal requirement that precluded PNM from including the provision in the RFP that allowed turnkey bidders, but prevented PPA bidders, from using PNM-Designated Sites. However, the existence of that provision is relevant to determining

whether PNM has met its burden. PNM provided no reasonable justification for the provision." RD, p. 77) ("PNM's assertion that "it is not feasible" for PNM to offer PNM-controlled sites to PPA bidders is not credible in light of evidence that PNM has in fact transferred PNM-controlled sites to an IPP and an affiliate. First, in Case No. 08-00305-UT, the Commission approved a PPA between PNM and Valencia Power, LLC (Valencia PPA). … Second, in Case No. 16-00191-UT, the Commission approved three PPAs between PNM and PNMR Development and Management Corporation (PNMR-D), a PNM affiliate, for PNM to procure the entire output of energy and RECs generated by three solar energy facilities to be constructed, owned and operated by PNMR-D with a combined capacity of 30MW [for Facebook]." RD, p. 77) ("PNM's assertion that it would not pursue PNM-controlled sites if PNM cannot earn a return on the sites also is not credible because PNM did not earn a return on the sites that it transferred to PNMR-D: PNM transferred the sites to PNMR-D at cost. Tr. 403-06 (Barnard). … Mr. Barnard was asked: if PNM was willing to transfer the PNM Designated Sites to an affiliate at cost, "could PNM indeed have done the same thing with an IPP?" Mr. Barnard answered, "On that basis hypothetically I guess it would be possible." "This Commission has recognized 'the need to place long-term PPAs on an equal footing with utility built power plants in respect to prior Commission approval.'" Case No. 08-00305- UT, Certification of Stipulation at 47." Tr. 406." RD, p. 78)

3. As stated in NEE's Response to Exceptions to the RD (p. 3), completely ignored by commissioners at the November 15, 2017 Open Meeting discussion of a final order in this case, the substantial evidence in the record supporting the Hearing Examiner's recommended rejection of PNM's proposed 50 MW Solar Turnkey Project and contradicting the findings and conclusions in paragraph 12 of the Final Order includes not only the meager number (four) of solar "turnkey" (and no conforming solar PPA) bids PNM received and reported to the Commission, but also the uncontroverted evidence that the $44.63/MWh "levelized cost" of that proposed Project is between $1.98 and $3/MWh *higher* than the "leveled cost" of the three lowest PPA bids (for between 40 and 49.5 MW of solar capacity for service by December 31, 2019, including "wheeling/transmission" costs) PNM received in February 2016, *more than a year and half ago*, in response to its last 2016 Renewables RFP, which cost is particularly unreasonable for PNM's customers at a time when solar and wind resource costs have continued to decline in New Mexico and elsewhere. *See*, RD, p. 70.

4. As stated in NEE's Response to Exceptions to the RD (p. 17), also completely ignored by commissioners at the November 15, 2017 Open Meeting discussion of a final order in this case, the substantial evidence in the record supporting the Hearing Examiner's recommended rejection of PNM's proposed 50 MW Solar Turnkey Project and contradicting the findings and conclusions in paragraph 12 of the Final Order includes the uncontroverted evidence that Commission approval of that Project will allow PNM to earn from its customers an estimated profit (return on rate base) of $6.94 million over thirty years ($231,000 annually) on its site (land) acquisition costs *alone* for that Project without providing the Commission with any PPA bids for solar (or wind) resources at those PNM-controlled sites or at any other sites. RD, p. 75 ("**If the Affordable Solar Project is approved, PNM would seek to recover through rates**

a total return on rate base for the land over 30 years of $6.94 million, or $231,000 annually. *Id.* at 410 (Barnard); NEE Exh. 11 at 28.") (Emphasis supplied.)

5. The findings and conclusions in paragraph 12 of the Final Order also are unreasonable because they fail to consider or address the fact that, since PNM uses the results of its renewable resources RFPs to support its cost assumptions for those resources in the Strategist-based analyses it relies on to support its applications for Commission approval of additional generation resources, Commission approval of PNM's proposed 50 MW Solar Turnkey Project based on the meager and biased (toward PNM-ownership) results of its uncompetitive 2017 Renewables RFP addressed in the Hearing Examiner's RD also will expose its customers to additional higher costs for solar and other generation resources needed by PNM in the future than would result from a competitive fair PNM RFP and bid evaluation process.

6. The findings and conclusions in paragraph 12.C of the Final Order also are not supported by substantial evidence and are contradicted by a preponderance of substantial evidence in the record addressed in the RD and are unreasonable because they:

(i) state *incorrectly* that the "HE's determination [regarding the 31-day response time for proposals established in PNM's 2017 RFP] ignores the fact that PNM received 31 bids in response to the [PNM's] 2016 [Renewables] RFP, of which nine bids were submitted by PPA bidders";

(ii) ignore the credible evidence in the record that, due to the fact that PNM did not propose Commission approval of *any* of the lowest cost solar PPA bids (or any other renewable resource bids) it received in response to that 2016 RFP and the facts that PNMs' 2017 RFP precluded developers from proposing solar PPA (or other renewable resource) bids at any of the PNM –controlled (though site options) "Designated Sites" where resources could be directly

connected to PNM's Distribution System (and thereby avoid having to obtain a place in PNM's OASIS "queue" or requiring transmission "wheeling" service from PNM) and thereby expressed its preference for PNM-owned proposals at those Sites, sophisticated developers understood from that RFP that PNM intended to select a "turnkey" proposal for Commission approval and therefore that submitting PPA proposals would be a waste of their time and money;

(iii) unreasonably conclude, contrary to the findings and conclusions in the RD, that "[t]he fact that no bidder requesting additional time to submit a bid, or filed a protest to PNM's procurement plan raising that issue further supports the conclusion that the 31-day deadline was reasonable under the facts and circumstances of this case" in the absence of (a) *any* evidence in the record that PNM would have extended its deadline for proposals if it had received such a request, (b) *any* evidence that PNM (or the Commission) has any established procedure for resolving such a protest by an RFP bidder in a *timely* manner (i.e., *before* PNM files an application for approval of an RFP bid) or (c) *any* evidence providing any other credible reason why PNM's 2017 RFP attracted so few bids and no PPA bids that were able to comply with its requirements, including any re-submission of *any* of the *lower cost* solar PPA bids that PNM received in February 2016 in response to its 2016 Renewables RFP; and

(iv) contrary to the Hearing Examiner's RD and the record, states that "NEE's contention that developers believed the PNM was interested only in turnkey proposals was speculative,"[3] based on argument in "PNM's Exceptions at 13."

[3] RD, pp. 69-70; *See also*, Mr. Muller spoke to two leaders in the IPP industry, Will Coyne, who heads up the Colorado Independent Energy Association, and Bob Kahn, who heads up the Northwest IPP Group, trade groups with members "who have apparently indicated to them that this was a rigged bid," which he defined as "designed to get ownership of the new generation over to PNM." TR., Muller, 9/21/17, pp. 587-88.

7. Contrary to the foregoing findings and conclusions in paragraph 12.C of the Final Order and based on the evidence she heard and carefully addressed, the Hearing Examiner rejected those arguments by PNM and relied on credible testimony by NEE witness Muller that sophisticated developers understood from PNM's 2017 RFP and its past renewable energy procurement conduct that PNM was only interested in selecting and proposing Commission approval of turnkey bids for projects at one of its "PNM-Designated Sites."[4]

8. The findings and conclusions in paragraph 12 of the Final Order also are contradicted by the record (Mr. Muller's testimony), unreasonable and contrary to the interests of PNM's customers and the public interest because they fail to consider or address that, by overturning the Hearing Examiner's recommended findings and conclusions regarding the competitive unfairness of PNM's 2017 RFP and PNM's failure to satisfy its burden of proof regarding its proposed 50 MW Solar Turnkey Project, the Commission would send a powerful message to renewable energy developers in New Mexico and elsewhere that, even when the Commission is presented with persuasive evidence that PNM has not conducted a competitively fair RFP (or bid evaluation) process that is demonstrably biased towards proposals for PNM-owned resources and does not show that such proposals are its most cost-effective option among all feasible resource alternatives to meet its RPS or other service needs, the Commission nevertheless will approve PNM resource proposals based on such a competitively unfair resource

[4] PNM's speculation in its briefs that developers that submitted PPA proposals in response to its 2016 Renewables RFP simply "sat on the sidelines" and had no interest in re-submitting any "on-the-shelf" solar projects proposed in response to its 2017 Renewables RFP is hardly more credible than NEE witness Muller's explanation that sophisticated developers understood from PNM's 2017 RFP and its past renewable energy procurement conduct that PNM was only interested in proposing Commission approval of turnkey bids for projects at one of its "PNM-Designated Sites." Why would any sophisticated developer do so if it believed PNM intended to conduct a fair RFP and bid evaluation process that provided them with a fair opportunity to be selected by PNM?

selection process, which can only serve to further discourage developers from participating in PNM RFP processes in the future.[5]

9. The finding and conclusion in paragraph 12.D that "neither the Hearing Examiner nor any party in this case have asserted that the 2017 RFP, by denying bidders access to the PNM-Designated Sites, turnkey bidders somehow had a cost advantage over PPA bidders" also is not correct and is contradicted by the record. As discussed in NEE's Response to Exceptions (pp. 27-28), at the hearing, NEE witness Muller explained that, because PNM's 2017 RFP indicated PNM's preference for turnkey bids for projects located *at one or more of the PNM-Designated Sites that could be connected directly to PNM's Distribution System without requiring that a bidder obtain a place in PNM's OASIS (transmission service) "queue" or incur the additional cost of obtaining transmission (wheeling) service from PNM*, any sophisticated developer would have understood that it would be difficult if not impossible to submit a conforming PPA bid for a project at any site not controlled and designated by PNM that included such an OASIS "queue" position and additional transmission service costs that PNM would deem more cost-effective than turnkey proposals at the PNM-Designated Sites.[6]

[5] In this regard, NEE notes that responses to PNM's most recent (October 30, 2017) "all-sources" RFP to identify the types of replacement resources it would need if its retires and abandons service from San Juan Generating Station Units 1 and 4 in 2022, as proposed in its proposed 2017 Integrated Resource Plan, are due by January 30, 2018. NEE believes the findings and conclusions in paragraph 12 of the Final Order will send exactly that message to developers that may be interested in that latest PNM RFP.

[6] As NEE witness Muller addressed in his testimony and is shown by PNM's 2017 RFP in the record (PNM Ex. GBB-2, p. 7), that RFP expressly required that "Proposals should explicitly identify transmission costs relating to system upgrades and interconnection" and "should also identify the schedule for transmission service procurement" and stated that "All interconnections [for the PNM-designated sites] will be made to PNM's distribution system at distribution voltage." PNM's preference in that RFP for turnkey projects at the "PNM –designated sites" could hardly have been clearer to any sophisticated developer.

10. The finding and conclusion in paragraph 12.D that "the parties and the Hearing Examiner contend that the advantage that turnkey bidders have over PPA bidders was one of time" also distort the findings and conclusions recommended in the RD and are contradicted by the record. The RD made it clear that the 31-day response deadline for proposals in PNM's 2017 RFP was *only one* aspect of the preponderance of evidence the Hearing Examiner relied on to support her finding and conclusion that PNM's 2017 RFP was not competitively fair and that PNM did not satisfy its burden of proving that its proposed 50 MW Solar Turnkey Project is its most cost-effective option among all feasible resource alternatives to satisfy its projected RPS obligations in 2020.

11. The findings and conclusions in paragraph 12 of the Final Order also are unjust, unreasonable and contrary to the public interest because, although it paragraph 12.D finds that "[t]he Commission does believe it should address some of the fundamental concerns raised by the HE's recommendation of fairness in bidding," they fail to address the evidentiary effects of the "competitively unfair" 2017 RFP process PNM relied on to satisfy its burden of proof concerning its proposed 50 MW Solar Turnkey Project as recommended in the RD or in any other way and, instead, simply kick that issue down the road by finding, in paragraph 12.I, that the Commission should initiate a "separate future…Notice of Inquiry into whether the Commission should adopt minimum guidelines for the submittal of responses to RFPs for various types and sizes of renewable energy resources that are included in a utility's proposed renewable energy portfolio."[7]

[7] As stated in paragraph 12.I of the Final, such a "future" NOI proceeding, with no time table, would not address any of the *other* competitively unfair provisions in PNM's 2017 RFP addressed in the RD or PNM's use of those or similar, utility-ownership-biased provisions in any future RFPs for renewable resources, either for RPS compliance or to meet its "system" needs

12. The findings and conclusions in paragraph 12.E of the Final Order that "[t]he Commission has never before required a utility proposing to construct either a conventional generating or renewable energy facility on a PNM-owned site to demonstrate what the cost would be if the facility were instead owned by a developer and located on the same site in order to show that its proposed facility is the least cost alternative" and that establishing such a requirement in this case would be "[a]pplying such a new policy" that "may well violate the long-standing prohibition of *Hobbs Gas Company v. New Mexico Public Service Commission*, 115 N. M. 678, 858 P.2d 54 (1993) also is contradicted by the findings and conclusions in the RD and is unlawful and unreasonable for the following reasons:

(i) As shown in the record, PNM did not propose in this case that it construct its proposed 50 MW Solar Turnkey Project on a PNM-owned site; PNM proposed that it be authorized by the Commission to procure and own that project proposed and to be constructed by Affordable Solar at one or more sites controlled (but not yet owned) by PNM based on the results of its 2017 RFP which, PNM argued, proves that that Project is its most cost-effective option among all feasible resource alternatives to satisfy its RPS obligations in 2020;

(ii) As explained in the RD (pp. 65-66), contrary to that statement in paragraph 12.E, the Commission has a previously established and long-standing policy of requiring utilities in renewable energy plan (RPS) or other renewable or non-renewable resource acquisition proceedings to prove that the resource(s) proposed are their most cost-effective option among all feasible alternatives to meet a specific RPS or other service need; [8]

(e.g., as replacement resources if PNM retires and abandons service from the SJGS in 2020, as proposed in its 2017 IRP).

[8] *See* Case No. 13-00390-UT, Final Order at 4, paragraph 6 (12-16-15); Case No. 15- 00205-UT, Order Partially Granting PNM Motion to Vacate and Addressing Joint Motion to Dismiss at 10-11 (12-22-15); Case No. 15-00261-UT, Corrected Recommended Decision at 96 (8-15-16),

(iii) Thus, as addressed in NEE's Response to Exceptions (pp. 24-27), neither the RD's recommended finding and conclusion that the results of PNM's competitive unfair 2017 RFP were not sufficient for PNM to satisfy that burden of proof with respect to its proposed 50 MW Solar Turnkey Project nor the RD's finding and conclusion that PNM should be required to issue a new RFP for the renewable resources it claims to need to satisfy its RPS obligations in 2020 that does not include the competitively unfair "PNM-Designated Sites" provisions in that RFP do not constitute a "new policy" that implicate the prohibition in *Hobbs Gas* in any way;[9]

(iv) As also addressed in NEE's Response to Exceptions (p. 5), nothing in the RD found, concluded or recommended that the Commission "require PNM to sites to PPA bidders," as stated in paragraph 12.E of the Final Order; Decretal Paragraph L in the RD is clearly limited to the manner in which PNM allows interested developers to submit proposals in response to its RFP, providing that, when it issues its new RFP: "If PNM offers access to PNM-controlled sites to turnkey bidders, PNM shall not deny the same access to other bidders, including PPA bidders.";[10] and

---

adopted in relevant part by Final Order Partially Adopting Corrected Recommended Decision (9-28-16); Case No. 2382. Indeed, as noted in the RD (p. 61), PNM witness Barnard acknowledged this long-established Commission test and burden of proof policy is applicable law in this case testifying that, even when PNM negotiates a proposed renewable resource with a developer *outside* an RFP process, "PNM has a duty to negotiate the lowest reasonable cost and to select the most cost-effective alternative among comparable alternatives," citing Tr. 487-88 (Barnard). That test and policy is no less applicable when PNM proposes a new renewable resource based on the results of an RFP.

[9] There is *no* evidence in the record showing that, if the Commission rejects PNM's proposed 50 MW Solar Turnkey Project at this time and is required to issue a new RFP as recommended in the RD, it will not be able to seek or obtain Commission approval of any renewable resource it needs to satisfy its projected RPS obligations in 2020. Nor did PNM or any other party cite any such evidence in their briefs or exceptions in this case.

[10] As provided in PNM's RFP (PNM Ex. GBB-2, pp. 20-21), "Nothing in this RFP constitutes an offer or acceptance by PNM" or obligated PNM to select or accept the lowest cost or any other particular proposal submitted. Those are standard "PNM Reservation of Rights and Disclaimers" in PNM's RFPs. Requiring PNM to allow developers to submit PPA bids for

(v) Paragraph 12.E of the Final Order fails to identify the "host of policy issues that could affect to [sic] showings required of utilities whenever they apply for a CCN to build and own, not just renewable energy facilities, but conventional facilities as well"; as shown by the RD and discussed in NEE's Response to Exceptions, the recommendations in the Hearing Examiner's RD are expressly based on the record in this case and are limited to PNM's issuance of a new RFP to identify its most cost-effective renewable resource(s) to meet its projected RPS obligations in 2020. Furthermore, there is no new policy being recommended in this case. The Hearing Examiner was merely applying the repeatedly approved and enunciated policy that a utility must procure the most cost effective resource among feasible alternatives (whether on PNM-controlled land or not).

13. The findings and conclusions in paragraph 12 of the Final Order also are unlawful, unjust and unreasonable because Commissioner Jones, who proposed a final order that would reject and overturn the Hearing Examiner's recommended findings and conclusions in her RD regarding PNM's proposed 50 MW Solar Turnkey Project and who moved the Commission to adopt the Final Order, expressly stated during the commissioners' deliberations at the Commission's November 15, 2017 Open Meeting that he was relying on information outside the record to support his position and his vote to adopt the Final Order.

---

projects on PNM-controlled sites if its RFP allows developers to submit turnkey project bids at such sites, as recommended in the RD, therefore cannot reasonably be interpreted to" require PNM to sell sites to PPA bidders." If PNM is not willing to transfer its right of control over a PNM-controlled site to a developer whose PPA bid is shown by the results of its RFP to be its most cost-effective proposal, PNM would still have the burden of proving that some other proposal is its most cost-effective option among all feasible resource alternatives to meet is projected RPS obligations in 2020.

14. For the reasons stated earlier, the findings and conclusions in paragraphs 12.F, G, H and I of the Final Order are contradicted by the record cited in the RD and are unreasonable, arbitrary, capricious and unlawful.

15. The finding and conclusion in paragraph 12.G of the Final Order that PNM has satisfied its burden of proving that its proposed 50 MW Solar Turnkey Project is its "most cost effective resource among available alternatives" because its levelized $44.63/MWh cost "is substantially less than the $46.80/MWh cost of the second highest scoring turnkey bid" also is unreasonable, arbitrary, capricious and unlawful because, as explained in the RD, such a comparison between bids resulting from PNM's competitively unfair RFP cannot satisfy PNM's burden of proof regarding that proposed Project.

16. NEE asked the parties for their positions on this Motion and they stated as follows: PNM and CCAE/WRA. Albuquerque Bernalillo Water Utility Authority supports the Motion. NMIEC reserves the right to respond. No other parties provided their position.

WHEREFORE, NEE respectfully moves the Commission to require expedited responses to this Motion by November 20, 2017, to consider the option of severing the 2018 Renewable Portfolio Plan from the rest of the plan should the Commission need more time, and to reconsider and reverse the findings and conclusions in paragraph 12 of the Final Order addressing PNM's proposed 50 MW Solar Turnkey Project.

Respectfully submitted, Dated this 17th day of November, 2017.

New Energy Economy
Mariel Nanasi, Esq.
343 East Alameda St., Santa Fe, NM 87501-2229
(505) 469-4060
mariel@seedsbeneaththesnow.com