



NEW MEXICO PUBLIC REGULATION COMMISSION • ANNUAL REPORT 2012

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NEW MEXICO PUBLIC REGULATION COMMISSION

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COMMISSION LETTER

December 1, 2012
Citizens of New Mexico
Members of the New Mexico Legislature
Governor Susana Martinez

The New Mexico Public Regulation Commission is proud to present our 2012 Annual Report, which details the activities and accomplishments of the commission for the past fiscal year.

Virtually every citizen and business in the state of New Mexico is affected to some extent by the work of the PRC, as detailed in the body of our report. In rate setting and other economic matters, the commission's constitutional role requires us to appropriately balance the interests of regulated companies and consumers, considering financial factors as well as our population's long-term needs for safe and reliable utility and telecommunication services. The commission administers our state's renewable energy portfolio standards and utility-based energy efficiency laws, furthering New Mexico's energy sustainability goals.

We are also tasked with important public safety responsibilities with respect to utility operations, commercial motor carriers, pipelines, certain underground facilities, fire prevention and support of local fire services throughout the state. Our Insurance Division regulates that industry to ensure that solvency is maintained, an adequate variety of policies are available to the public at competitive rates, and that consumers are protected from unfair practices.

As in past years, 2012 has seen the commission grapple with controversial matters. Although some may differ with outcomes in some cases, the public should be assured that commission decisions are based on the factual records of our cases, the appropriate legal standards, and individual commissioner's assessment of what is most in the public interest.

We are proud of the dedication of our staff at all levels to further the public interest in the state of New Mexico. We are a diverse organization with varying duties and responsibilities. We learn from each other, from public input, from the industries we regulate, and from the people of New Mexico. We commit to continue to work diligently to improve our services for both the industries we regulate and the consumers we serve.

Sincerely,

PRC Commissioners

CHIEF OF STAFF

The chief of staff's office provides leadership and support to the Public Regulation Commission in many areas. The chief of staff monitors the preparation and sustainability of the PRC budget and the preparation of significant reports such as the annual report to the Legislative Finance Committee. The chief of staff works daily to ensure the operations of the agency run smoothly and efficiently, in order to provide excellent customer service to the public, and maintain balance between the industries that the PRC regulates and customers.

The chief of staff has oversight of division directors and meets regularly with them to ensure policies are implemented and all statutory requirements of the PRC are being met. The chief of staff reports regularly in the open meetings to the commissioners on the progress of all divisions.

The chief of staff's office serves as the central facilitator for public information and community relations. During legislative sessions, the chief of staff serves as the central point for all requests for analysis of legislative bills assigned to the agency by the Legislative Finance Committee and Department of Finance and Administration.

The chief of staff is responsible to ensure that analyses request deadlines are met and reported back to state lawmakers to adhere to these deadlines.

2012 Accomplishments

- Ensured fiscal responsibility by identifying and eliminating unnecessary spending within the PRC.
- Continued realignment of internal salaries capping at 90K a year.
- Continued to diligently work at lowering the agency's vacancy rate with highly qualified staff.
- Ensure that the PRC administered and enforced the laws in which it has jurisdiction in the most efficient, responsible and thoughtful manner.
- Works closely with all division directors to ensure that all internal policies and procedures are followed.
- Worked closely with the public information officer to ensure that all PRC public information is released timely and in a manner that all New Mexico residents can understand.
- The COS has taken steps to instill more management accountability within the agency's departments, particularly in the areas of flex scheduling and performance measurement.

The chief of staff will continue to strive in managing the operations of the PRC in a positive, efficient, responsive manner through fostering stronger internal policies and manage the PRC budget in a fiscally responsible manner ensuring all statutory requirements are met in a timely manner.

Chief of Staff

Johnny L. Montoya

COMMISSION HIGHLIGHTS

New Website

The PRC launched a new, better-looking website that is easy to navigate and provides the public with quick access to departmental resources and information about the agency, including open meeting notices, commission cases and consumer relations assistance. The new format greatly improves agency transparency and provides taxpayers and consumers with a one-stop shop for PRC-related networking.

Open Meeting Webcasting and Streaming Video

The PRC now provides online users live visual and audio access to open meetings. Users can watch or listen to all matters that come before the commission. This also vastly improves transparency and allows taxpayers, consumers and the media to get involved in commission issues easily from anywhere in the world.

Reorganized Transportation Division

The PRC has created a much stronger, more focused Transportation Division by shifting staff resources to create its investigations function. This has essentially created an internal compliance bureau with the division's existing structure and has streamlined its reporting function. Additionally, these changes will create better succession planning to ensure continuity between employee services.

New Vehicle Policies & Fleet Manager

The PRC has created new vehicle policies to create a greater sense of accountability for employees who use state vehicles and gas cards for work purposes, including commuting. Staff is now required to use detailed logbooks to help keep track of mileage and gas consumption. Safeguards are now in place to ensure executive staff is notified when vehicle-related infractions occur.

Additionally, the agency has hired a Fleet Manager. This position keeps logbooks and vehicle use organized and ensures compliance with all vehicle policies. This position will work with the commission to reduce vehicle-related spending and eliminate unnecessary or under-used vehicles at the agency.

Code of Conduct for Commissioners

PRC Commissioners are now required to follow a formal code of conduct that provides accountability for inappropriate actions inside and outside the agency.

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COMMISSION HIGHLIGHTS

Salary Cap

The PRC now has a salary cap in place that ensures employee compensation is fiscally responsible and consistent with job requirements.

Public Information Officer

The PRC hired a Public Information Officer to enhance media relations efforts and provide better outreach to public sources. The PIO continually provides relevant information to the public concerning important matters before the commission.

Launched employee newsletter – *The Regulator*

While the notion of a newsletter may seem trivial, its value to a large office like ours is substantial. Many of our divisions and bureaus never cross paths, and many employees don't interact with the commission on a regular basis. The newsletter closes the informational gap and gives everyone at the PRC a chance to catch up on commission accomplishments and co-worker activities.

New Online Filing System for Corporations

The PRC has launched a new web-based filing system that allows entrepreneurs and veteran businesspeople to pay some filing fees electronically, change registered agents and file supplemental reports. The program also allows business owners to submit annual reports and order certificates of good standing so they can keep their doors open.

Filing online has led to a substantial reduction in the amount of paperwork and manual check payment processing, and, in turn, created faster results for corporations while allowing staff to provide better front office support. The PRC is in the process of making additional corporations functions available to users online.

PRC Division Director Training & Development

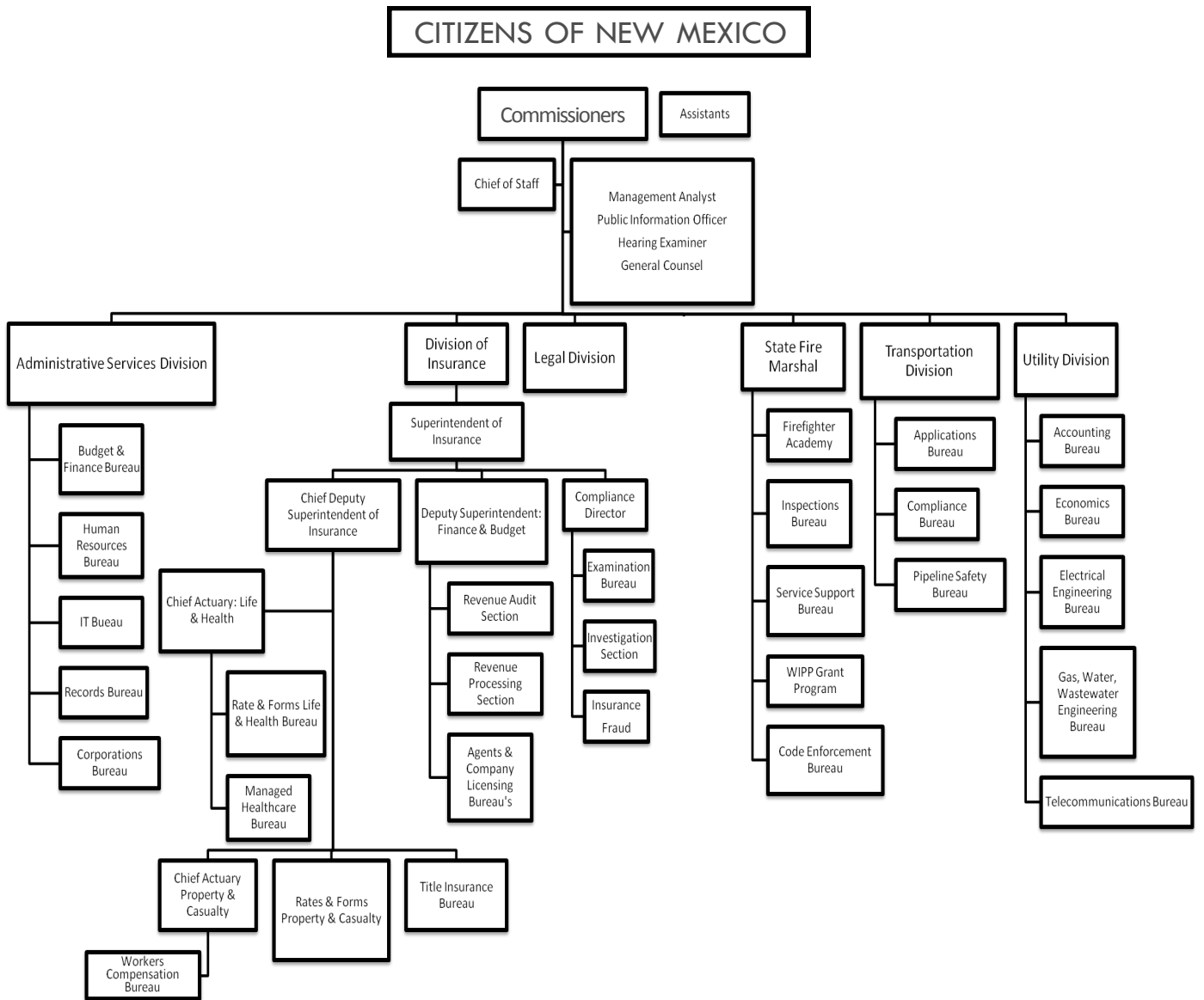
Division directors at the PRC have already started taking part in leadership trainings that will continue throughout the year. The idea is to develop stronger, more focused leadership within the agency that can better manage employee performance and develop our staff's professional abilities. Identifying additional opportunities for training and education will continue to be a top priority in the PRC's future.

REGULATION MATRIX

The Public Regulation Commission regulates the utilities, telecommunications, motor carriers and insurance industries to ensure fair and reasonable rates, and to assure reasonable and adequate services to the public as provided by law. The PRC promotes public safety through the offices of the State Fire Marshal, the Firefighter Training Academy, and Pipeline Safety Bureau. The PRC is also responsible for registering all corporations doing business in New Mexico.

REGULATED ENTITY	MARKET ENTRY	RATES	SERVICE QUALITY	SAFETY	COMPLAINTS
Electric Utilities ¹	X	X	X	X	X
Natural Gas Utilities ¹	X	X ²	X	X	X
Water Utilities & Sewer ¹	X	X	X	X	X
Telephone ILECs	X	X	X		X
Telephone CLECs			X		X
Long Distance Carriers					X
Wireless Companies					X
Motor Carriers, including: taxis, buses, limousines, shuttle services, wreckers, ambulances and household movers	X	X	X	X	X
Pipelines				X	
Excavators				X	
Underground Facility Owners				X	
Insurance Carriers	X	X ³	X		X
Insurance Agents	X		X		X
State Fire Marshal (Inspection of Public Buildings)				X	
¹ Excludes utilities owned by a local government or mutual domestic water association.					
² The PRC sets rates for gas transmission and distribution, the price of gas itself is market based.					
³ The PRC sets rates in Property and Casualty, Life and Health and Title Insurance.					

STRUCTURE





CONSUMER RELATIONS DIVISION

con·sum·er/kən 'sʊmər/

a person who purchases goods and services for personal use

Here to help.

The Consumer Relations Division (CRD) serves as the agency's primary point of contact for consumers with inquiries and complaints related to companies regulated by the PRC. The division focuses on two key areas: utility and transportation complaints and insurance complaints. CRD's compliance officers assist New Mexico residents and customers from around the nation with disputes in an effort to resolve consumer issues in a fair and timely manner. CRD compliance officers utilize mediation and alternative dispute resolution methods to solve these problems.

CRD compiles complaint information and develops data to advise the Commission on consumer related issues and trends. The division also assists the Commission to develop and implement consumer policies and consumer education and outreach programs. The division also works closely with the consumer protection division of the New Mexico Attorney General's Office and the Governor's Constituent Services Office to ensure proper resolution of consumer inquiries and complaints.

Division Director

Jim Williamson

Contact Information

PRC Consumer Relations Division
1120 Paseo De Peralta
P.O. Box 1269
Santa Fe, NM 87501

888.4ASKPRC (888.427.5772)



HIGHLIGHTS

Dollar amount of credits and refunds obtained for consumers in New Mexico through complaint resolution:

FY12 Target	\$1.8 million
FY12 Result	\$799,900*

*Complaints have diminished yearly due to streamlined rules passed by the commission that reduce consumer risk and prevent issues.



UTILITIES DIVISION

u·til·i·ty/yoō 'tilətē/

a service (as light, power, or water) provided
by a public utility

Building a sustainable future.

The Utility Division serves as advocacy staff to the Commission in the regulation of electric, natural gas, renewable energy sources, telecommunications and water and wastewater systems as provided by law. Division staff advocates public interest positions in docketed cases; ensures and enforces compliance with statutes, rules and Commission order; provides technical support on legislation and rulemaking; and assists in relations with other state, regional and federal entities. The division's bureaus include:

- Accounting Bureau
- Economics Bureau
- Telecommunications Bureau
- Electrical Engineering Bureau
- Gas, Water & Wastewater Engineering Bureau

Division Director

Dwight Lamberson

Contact Information

PRC Utilities Division
1120 Paseo De Peralta
P.O. Box 1269
Santa Fe, NM 87501

505.827.6960



HIGHLIGHTS

Comparison of average commercial electric rates between major New Mexico utilities and selected utilities in regional western states:

FY12 Target	+/- 4 percent
FY12 Result	-2.20 percent

Amount of kilowatt hours of renewable energy provided annually by New Mexico's electric utilities, measured as a percent of total retail kilowatt hours sold by New Mexico's electric utilities to New Mexico's retail electric utility customers:

FY12 Target	11 percent
FY12 Result	8.40 percent

Therms of natural gas saved as a results of utility energy efficiency programs:

FY12 Target	750,000
FY12 Results	422,699

Comparison of average residential electric rates between major New Mexico utilities and selected utilities in regional western states:

FY12 Target	+/- 5 percent
FY12 Result	1.20 percent

Kilowatt hours of electricity saved as a result of utility energy efficiency programs:

FY12 Target	68,000,000
FY12 Result	107,968,156



INSURANCE DIVISION

in·sur·ance/in' SHoorəns/

coverage by contract whereby one party
undertakes to indemnify or guarantee another
against loss by a specified
contingency or peril

Providing better choices.

The mission of the Insurance Division is to provide solid regulatory framework for an efficient, safe, fair and stable insurance market in New Mexico for the benefit and protection of all New Mexicans. The division seeks to promote an insurance market in New Mexico that provides our individuals and business consumers with access to reliable insurance products, which meet their needs and are underwritten by financially sound insurers that charge competitive rates and are represented by qualified insurance agents.

Many developments have arisen affecting the regulation of insurance in the United States and New Mexico. Congress has moved for more federal regulations of insurance prompted by the industry's request for uniformity and speed-to-market initiatives. In order to meet these needs, the division has implemented its own speed-to-market initiatives by working to promote and support legislation to improve these measures in New Mexico. The division will be taking necessary steps to comply with mandates set under the Affordable Care Act.

Departments in the division include:

- Consumer Protection & Enforcement Unit
- Examinations Bureau
- Insurance Fraud Bureau
- Investigations Bureau
- Managed Healthcare Bureau
- Title Insurance Bureau
- Workers Compensation Unit
- Company Licensing Bureau
- Agents Licensing Bureau
- Property & Casualty Rate & Reform Unit
- Life & Health Rate & Reform Filing Unit
- Financial Audit Team
- Revenue Process Unit

State Superintendent of Insurance

John Franchini

Contact Information

New Mexico Insurance Division
 1120 Paseo De Peralta
 P.O. Box 1269
 Santa Fe, NM 87501

888.4ASKPRC (888.427.5772)



HIGHLIGHTS

Percent of internal and external insurance-related grievances closed within 180 days of filing:

FY12 Target 80 percent

FY12 Result 98 percent

Percent of employers whose workers' compensation accident frequency is reduced through counseling, advice and training:

FY12 Target 80 percent

FY12 Result 48 percent

Percent of producer applications, appointments and renewals processed within 10 business days:

FY12 Target 95 percent

FY12 Result 98 percent

Percent of insurance fraud complaints processed and recommended for either further administrative action or closure within 60 days:

FY12 Target 87 percent

FY12 Result 81.5 percent

Number of managed healthcare outreach presentations conducted annually:

FY12 Target 115

FY12 Result 112

Other:

The Insurance Division is putting into place a new electronic content management system that will give customers more access to file and view insurance-related information.



TRANSPORTATION DIVISION

trans·por·ta·tion/ ,trɒnsˈpɜːtəʃən/

public conveyance of passengers or goods
especially as a commercial enterprise

Driving commerce.

The Transportation Division implements a public policy which fosters the development, coordination and preservation of a safe, sound, and adequate transportation system, requiring financial responsibility and accountability on the part of the motor carriers, providing for economic regulation of carriers of persons and household goods and towing services performing non-consensual tows, and by streamlining and promoting uniformity of state regulation of motor carriers. The division serves as both advocacy and advisory staff to the PRC depending on the type of case. The division is organized into three bureaus:

- Applications Bureau
- Motor Carrier Compliance Bureau
- Pipeline Safety Bureau

Division Director

Avelino Gutierrez*

Contact Information

New Mexico Division of Insurance
1120 Paseo De Peralta
P.O. Box 1269
Santa Fe, NM 87501

505.827.4519

*Current acting director appointed after end of fiscal year.



HIGHLIGHTS

Number of formal complaints processed by the Transportation Division:

FY12 Target	75
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FY12 Result	5*
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Total number of inspections:

Motor Carriers	170
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Railroads	98
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*Target included goals for both formal and non-formal complaints. Low result not indicative of poor performance.



PIPELINE SAFETY BUREAU

pipe·line/'pīp ,līn/

a line of pipe with pumps, valves, and control devices for conveying liquids, gases, or finely divided solids

Safety first.

The Pipeline Safety Bureau (PSB) is part of the PRC Transportation Division and enforces Federal and State Pipeline Safety Regulations and Excavation Damage Prevention rules in order to provide for the safety of the citizens of New Mexico. Through a partnership arrangement with the US Department of Transportation Pipeline Hazardous Material Administration, the Pipeline Safety Bureau is responsible for safety compliance inspections and enforcing state and federal pipeline safety regulations on interstate gas and hazardous liquid pipeline facilities. That includes private and municipal gas distribution systems, master meter gas systems, LGP systems, transmission systems and jurisdictional gathering lines.

Bureau Chief

Jason Montoya

Contact Information

New Mexico Division of Insurance
1120 Paseo De Peralta
P.O. Box 1269
Santa Fe, NM 87501

505.476.0298



HIGHLIGHTS

Number of inspection and audit hours performed by the Pipeline Safety Bureau:

FY12 Target	7,500
FY12 Result	3,684*

*FY12 targets not met due to lack of personnel resources. The PRC continues to have difficulty filling vacancies in the bureau due to increasing federal prerequisites for stand alone inspections.



ADMINISTRATIVE SERVICES DIVISION

ad·min·is·tra·tive/əd' mini, strātiv/

of or relating to the running of a business,
organization, etc

Creating balance.

The Administrative Services Division (ASD) provides support and customer services to all the divisions and programs of the Public Regulation Commission. Those services include general, financial and human capital management, capital assets oversight, records management, corporations processing, and information technology systems. ASD contains five bureaus:

- Budget and Finance Bureau
- Human Resources Bureau
- Information Technology Bureau
- Records Management Bureau
- Corporations Bureau

Division Director

Matthew Lovato

Contact Information

New Mexico Division of Insurance
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P.O. Box 1269
Santa Fe, NM 87501

505.827.4084



HIGHLIGHTS

Percent of information technology projects completed within timeframe and budget referenced in information technology project plan:

FY12 Target 100 percent

FY12 Result 100 percent

Percent of fully functional information technology applications systems:

FY12 Target 100 percent

FY12 Result 100 percent

Percent of prior-year audit findings eliminated:

FY12 Target 100 percent

FY12 Result 90 percent

Percent increase in public use of Info Share program:

FY12 Target 30 percent

FY12 Result 100 percent

Other:

New web-based programs for expediting filing processes are now in place.

Fleet management has been centralized under ASD.



CORPORATIONS BUREAU

cor·po·ra·tion/ ,kôrpə' rāSHən/

a company or group of people authorized to act as a single entity (legally a person) and recognized as such in law

Open for business.

The Corporations Bureau is housed in the Administrative Services Division and ensures industry compliance by issuing certificates of incorporation and authority, overseeing the organization and registration of limited liability companies, and verifying the completeness and accuracy of related charter documents. In addition, the bureau is responsible for:

- Collecting fees.
- Updating corporate information files with information relevant to officers, directors and registered agents.
- Interacting with other state and federal agencies.
- Establishing and maintaining agreements with the Internal Revenue Service, numerous law firms, and approximately 10 service companies from states that access the Corporations Bureau's database on the General Services Department's mainframe.

The bureau also maintains agreements with 49 states, five foreign countries and the Navajo Nation.

Bureau Chief

Stacy Starr-Garcia

Contact Information

PRC Corporations Bureau
1120 Paseo De Peralta
P.O. Box 1269
Santa Fe, NM 87501

505.827.4508



HIGHLIGHTS

Average number of days to issue charter documents:

FY12 Target	3 days
FY12 Result	35 days*

Other:

The bureau has put into place a new online filing and payment system for current businesses that has greatly reduced paperwork and non-compliance issues. The bureau will continue to streamline automated processes to bring filing for LLC's online in FY13.

*Charter document process result due to implementation of new Web-based corporations database.



STATE FIRE MARSHAL

mar·shal/ mārSHəl/

a ministerial officer appointed for a judicial district (as of the United States) to execute the process of the courts and perform various duties similar to those of a sheriff (2): a city law officer entrusted with particular duties

Protecting. Teaching. Leading.

The state Fire Marshal's Office (SFMO), located in Socorro, oversees arson investigations and fire code enforcement, provides fire service support, and administers firefighter training at New Mexico's Fire Training Academy. These important functions are paramount to citizen safety and effective fire-related leadership.

Firefighters Training Academy The New Mexico Firefighters Training Academy was created through legislative action in 1987. A state-of-the-art facility was constructed in Socorro, and its doors were opened to state firefighters in January 1989. The academy's mission is to meet the needs of a complex and dynamic fire service by providing training programs of the highest quality. The primary objective is to develop the basic and advanced skills necessary for emergency responders to best serve the citizens and guests of New Mexico.

Arson Investigations Fire investigators play a vital role in the battle against arson throughout New Mexico and respond to all requests for assistance from local fire departments and law enforcement agencies. Each investigator is trained in origin and cause, evidence collection, interviewing, fraud investigation and other aspects of criminal investigation. The Fire Marshal's Office is mandated to determine fire origin and cause. Most investigations were turned over to the FBI, BIA, state law enforcement agencies or local authorities for follow-up.

Fire Service Support The State Fire Marshal's Office is responsible for the distribution of monies from the State Fire Fund to Fire Departments who apply and are qualified to receive such funding.

Code Enforcement The International Code Council (ICC) and National Fire Protection Association (NFPA) provide standardized fire codes to the SFMO. The Code Enforcement Bureau ensures occupants of buildings, structures and facilities across the state are safe by enforcing the codes, which help prevent fire and reduce property losses. The two primary codes adopted are the ICC International Fire Code 2003 for new construction and NFPA Fire Prevention Code –1 and the 1997 Life Safety Code – 101 for existing facilities. Other NFPA codes are referenced as needed.

State Fire Marshal

John Standefer

Contact Information

State Fire Marshal's Office
1120 Paseo De Peralta
P.O. Box 1269
Santa Fe, NM 87501

505.476.0066

Firefighters Training Academy
600 Aspen Road
P.O. Box 239
Socorro, NM 87801

575.835.7500



HIGHLIGHTS

Number of personnel completing training through the State Firefighter Training Academy:

FY12 Target	4,050
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FY12 Result	4,861
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Number of inspection and audit hours performed by the SFMO:

FY12 Target	28,000
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FY12 Result	34,235
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Percent of fire departments' insurance service office ratings of nine or 10 that have been reviewed by survey or audit:

FY12 Target	100 percent
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FY12 Result	100 percent
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Percent of statewide fire districts with insurance office ratings of eight or better:

FY12 Target	67 percent
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FY12 Results	67 percent
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LEGAL STAFF

law/lô/

(1): a binding custom or practice of a community: a rule of conduct or action prescribed or formally recognized as binding or enforced by a controlling authority (2): the whole body of such customs, practices, or rules

Fair and equal.

The PRC's legal staff are comprised of hearing examiners, the Office of General Counsel and the Legal Division:

Hearing Examiners The Hearing Examiners Bureau serves as administrative law judges or adjudicators in the cases assigned to them by the Commission. The Chief Hearing Examiner is appointed by and reports to the Commissioners. Hearing Examiners set hearings and conferences, establish procedures and details for the conduct of proceedings, ensure that a full and adequate record is established, make rulings on procedural and evidentiary matters, conduct hearings, admit evidence into the record, analyze evidence, briefs and applicable laws, rules and orders; issue recommended decisions, including finding of fact, conclusions of law and ordering paragraphs; and utility stipulations negotiated by parties to the Commission.

Office of General Counsel The Office of the General Counsel (OGC) serves as legal counsel to the Commission, and provides legal advice and assistance to the Commission on matters such as rulemakings and adjudicatory proceedings pending before the Commission. The Office of General Counsel also provides drafting and review of all contracts between the Commission and third party vendors, and litigation involving the Commission pending in federal and state courts and agencies.

Legal Division The Legal Division represents the public interest positions and recommendations of the staff of all PRC divisions in matters before the Commission and before the Superintendent of Insurance and provides professional, competent legal advice. As attorneys, it is also the division's ethical responsibility to assist in safeguarding the integrity of Commission proceedings. One of the most important aspects of the division's role is to ensure that the rights of the parties to the Commission proceedings, including their due process rights, are protected. In addition, division attorneys assure that the positions taken by members of the staff comply with legal requirements, and carefully consider Commission policy.

Although each lawyer has developed special expertise in one or more areas of practice, the division actively employs interdisciplinary training and case assignment, across more than one area of expertise, so that each lawyer has the opportunity to develop competence and experience in various areas. Since its attorneys must litigate against in-house counsel from multi-state corporations, nationally recognized expert witnesses, and experienced lawyers from private law firms both inside and outside New Mexico, experienced and knowledgeable staff counsel is vital. The attorneys in the division average 23 years practicing law, with an average of 14 years devoted to government and or regulatory experience.

Legal Division Director

Patrick Lopez

Director, Office of General Counsel

Robert Parker

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