

NEW MEXICO

PUBLIC REGULATION COMMISSION



FY-14 ANNUAL REPORT

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DISTRICT MAP

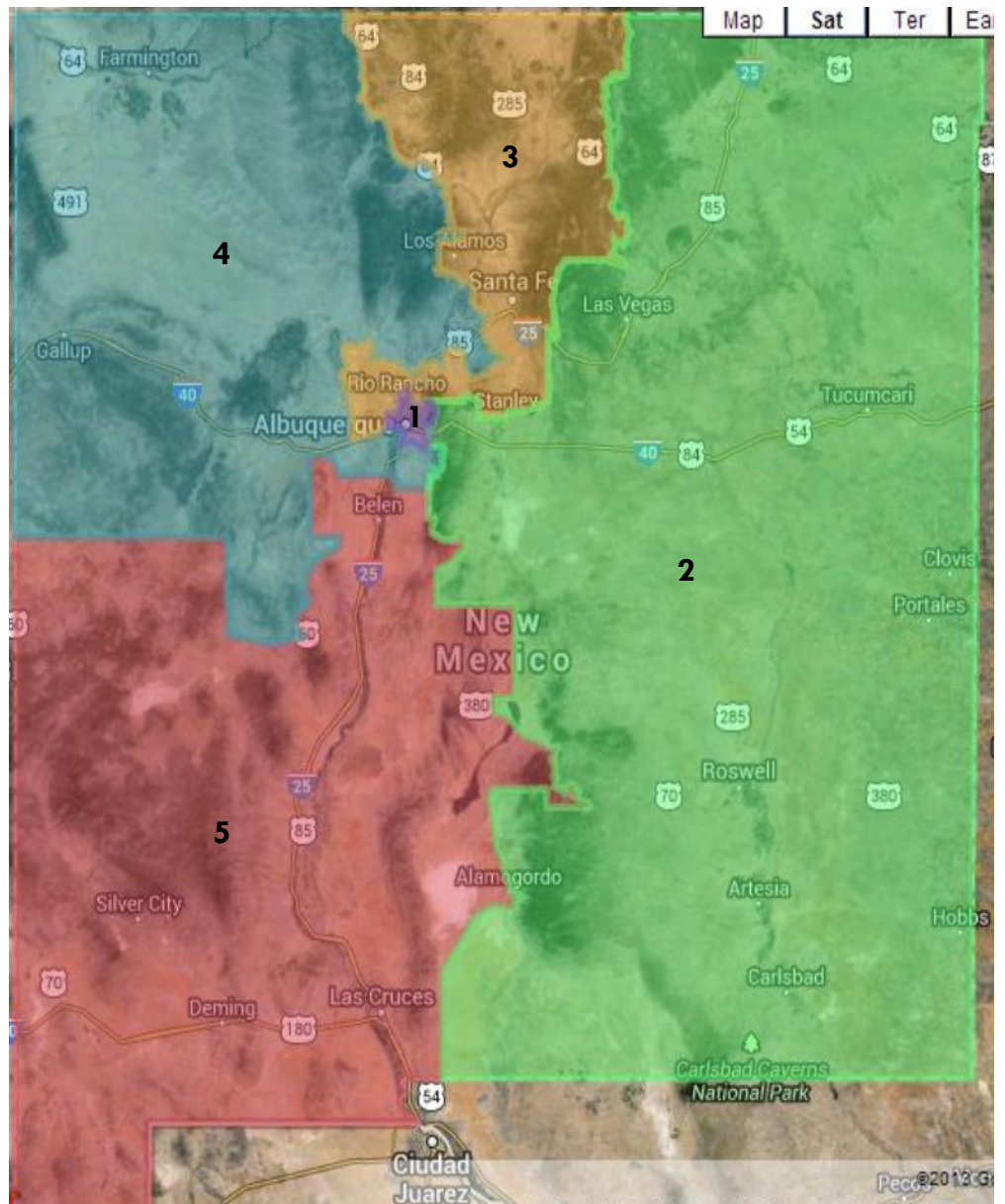
DISTRICT 1
KAREN L.
MONTOYA

DISTRICT 2
PATRICK H.
LYONS

DISTRICT 3
VALERIE
ESPINOZA
(VICE-CHAIR)

DISTRICT 4
THERESA
BECENTI-AGUILAR
(CHAIR-PERSON)

DISTRICT 5
BEN L.
HALL



COMMISSION LETTER

Dec. 1, 2014

Citizens of the State of New Mexico
The Honorable Susana Martinez, Governor of the State of New Mexico
Distinguished Members of the New Mexico State Legislature

We respectfully submit the New Mexico Public Regulation Commission's (NMPRC or PRC) 2014 Annual Report in compliance with NMSA 1978, Section 8-8-20 of the Public Regulation Commission Act, Sections 8-8-1 to 8-8-21. This report includes major accomplishments and activities of the PRC in 2014 and provides a summary of the impact of regulation on the industries regulated by the PRC. Additionally, this report will highlight a number of cases that the PRC will work on in 2015.

Implementing constitutional mandates, the transfer of the Corporations Bureau from the PRC to the Secretary of State and the transition of the Department of Insurance to the Office of the Insurance Superintendent are complete in accordance with Section 52 "Temporary Provisions" of HB 46 [transfer of corporations functions] and Section 38 "Temporary Provisions" of HB 45 [transfer of insurance functions], Regular Session Laws, 2013. The only continuing significant tie between PRC and Insurance is the sharing of the PRC's E-docketing system.

Virtually every citizen in the state is affected to some extent by the work of the PRC. This past year the PRC acted on numerous high profile utility cases including: the acquisition of New Mexico Gas Company by TECO Energy, a Florida based public utility holding company; an effective competition application by CenturyLink; the Southwest Public Service general rate case proceeding; amendments to our rules implementing the Renewable Energy Act and Efficient Use of Energy Act; and several rural electric cooperative cases concerning rate recovery of Native American right-of-way costs. The PRC submitted comments in the Bureau of Indian Affairs' Notice of Proposed Rulemaking on Rights-of-Way on Indian Land. Our staff is working in consultation with New Mexico Environment Department and Energy, Minerals and Natural Resources Department on comments to the carbon regulation rules proposed by the U.S. Environmental Protection Agency pursuant to Section 111(d) of the federal Clean Air Act. Overall ratepayer benefits resulting from matters before the PRC amount to approximately \$13 million so far in 2014.

Current docketed utility matters that are still under consideration include: the CenturyLink Mid-Size Carrier case; the New Mexico Universal Service Fund rulemaking; the Public Service Company of New Mexico case seeking approvals, amongst others, to abandon Units 2 and 3 of its San Juan Generating Station coal plant; and the first Tri-State Generation and Transmission Association, Inc. (all-requirements wholesale power supplier to 12 New Mexico rural electric cooperatives) rate case.

In other areas of responsibility, the PRC Consumer Relations Division saved consumers more than \$100,000 through complaint resolution with regulated entities. Additionally the PRC Pipeline Safety Bureau, the Transportation Division and the State Fire Marshal's office logged more than 200,000 hours in the field this past year. Current docketed transportation matters that are still under consideration include the exercise of jurisdiction over the motor carrier services that Lyft, Inc. and Uber (commonly referred to as "ride-sharing" companies), seek to provide in certain New Mexico markets.

There is no greater honor than to serve the public as elected officials. The PRC remains dedicated to working with the executive and legislative branches to ensure that New Mexicans enjoy safe and reliable utility and transportation services at reasonable rates and terms and further, that balance the interests of the customers, industry and its investors, the economy and the environment. We have worked diligently to restore ethics and integrity to the PRC. All operations are open to public scrutiny with our commitment to achieve the highest standards of transparency. We wish to express our gratitude to the staff of the NMPRC for their dedication to excellence, efficiency, effectiveness and productivity in carrying out the mission of the PRC.

Sincerely,

Theresa
Becenti-Aguilar
Chair Person

Valerie
Espinoza
Vice Chair

Karen L.
Montoya
Commissioner

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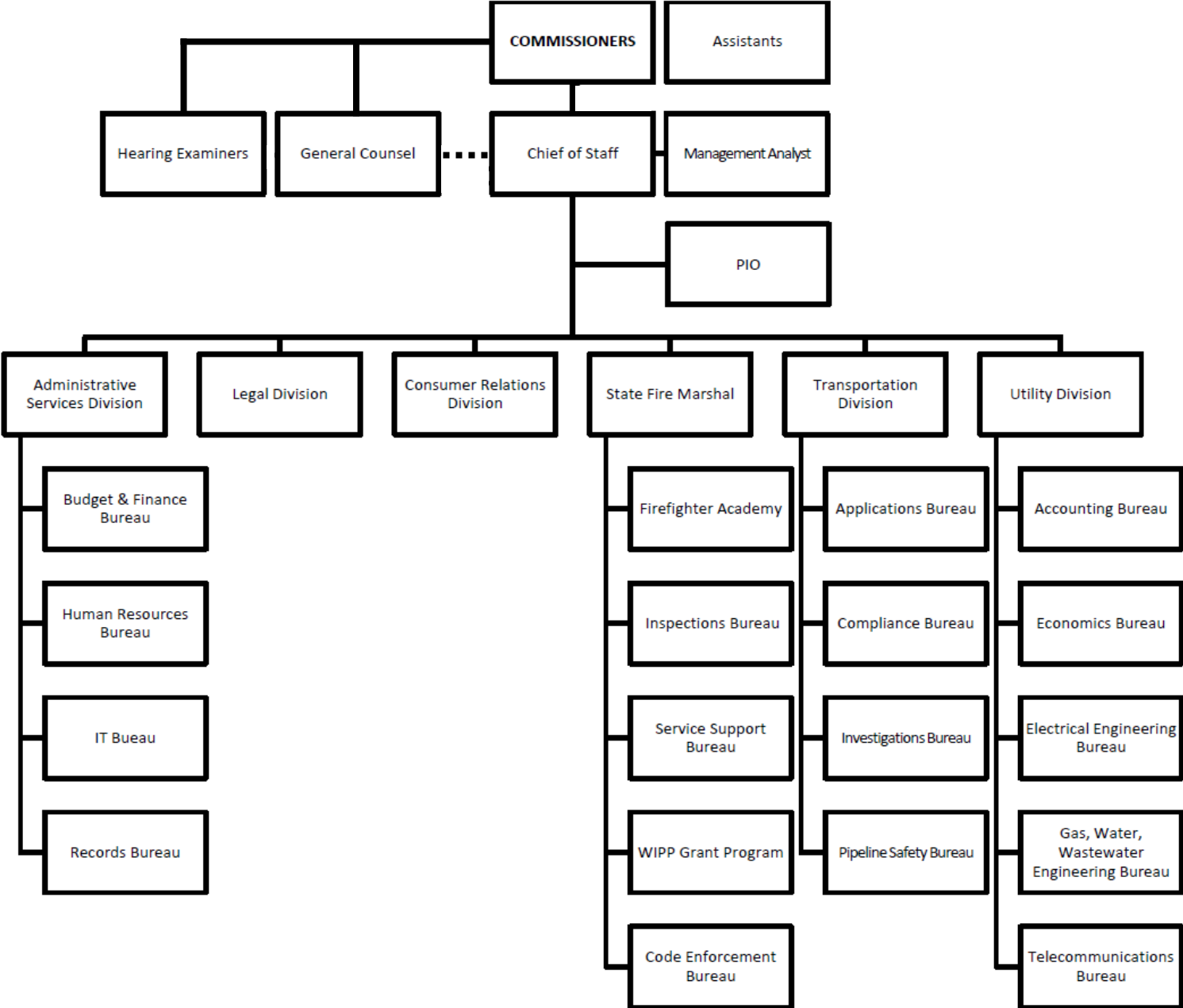
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REGULATION MATRIX

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.

REGULATED ENTITY	MARKET ENTRY	RATES	SERVICE QUALITY	SAFETY	COMPLAINTS
Electric Utilities ¹	X	X	X	X	X
Natural Gas Utilities ²	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	
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.					

ORGANIZATIONAL CHART

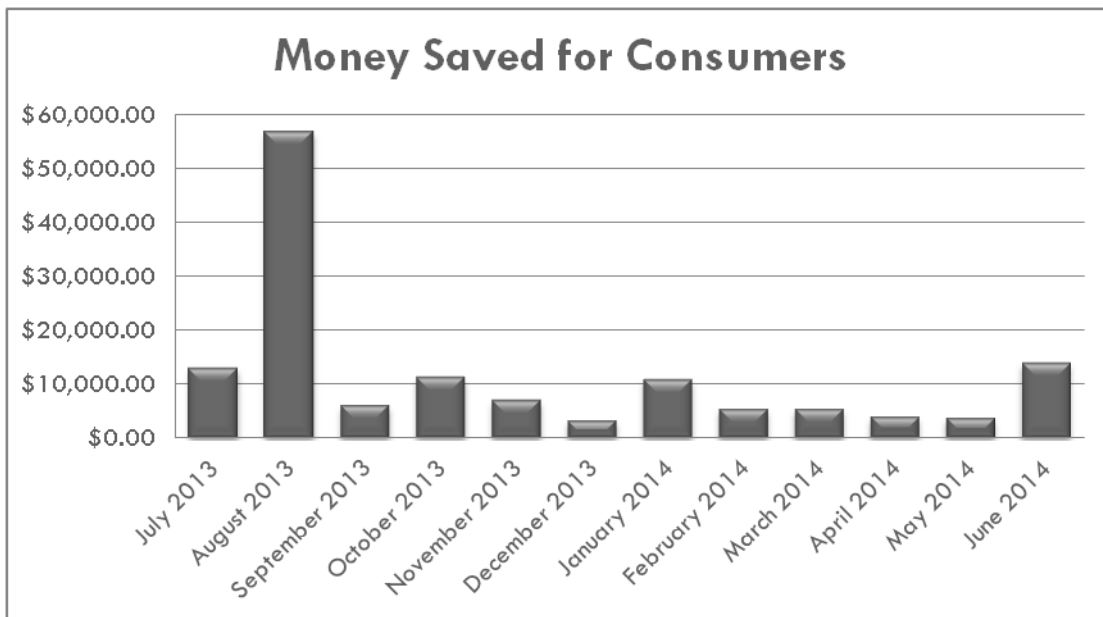


CONSUMER RELATIONS DIVISION

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. CRD’s compliance officers assist New Mexico residents 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 and regulated entities have a good working relationship to resolve consumer issues prior to an issue becoming a complaint, so the consumer complaint is avoided entirely.

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.

FY-14 BUDGET PERFORMANCE MEASURES



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

FY14 Target	\$956,000
FY14 Result	\$139,415*

**Money saved for consumers is down due to:
Refinement of the Electric and Gas Consumer Protection Rules in December of 2012
Removal of Insurance Division*

UTILITY DIVISION

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.

As advocacy staff the Utility Division is a party in every utility proceeding that comes before the Commission. Commission Staff is statutorily required to balance the public interest with that of public utility shareholders. The Utility Division Staff economists, engineers and accountants are professionals' whose responsibilities include reviewing and researching every case, filing testimony and appearing as expert witnesses in each proceeding. The Utility Division Staff are highly educated with most of the staff having a master's degree, CPA's and a few working on PHD's.

2014 Activities

In 2014 the Utility Division was managing the usual large case load, with a wide variety of cases docketed, with 134 cases currently open. Southwestern Public Service Company (SPS) rate case was resolved this year. PNM brought one of the largest cases to the commission in years, requesting the abandonment and shut down of two units at San Juan Generating Station as a result of an agreement with the Environmental Protection Agency and environmental groups regarding air pollution issues in the Four Corners area. That case is now before a hearing examiner pending a hearing regarding a partial stipulated settlement. TECO has been approved as the purchaser of New Mexico Gas Co., in one of the largest sales/purchases of a New Mexico Utility in recent memory. Tri-State Generation and Transmission Cooperative, Inc. request for a rate increase continues to move slowly forward with an agreement or stipulated settlement that will allow a temporary rate increase to be implemented and imposed on New Mexico electric cooperatives pending resolution of a number of related issues. Several right of way cases are pending. Four have been recently resolved. They involve electric cooperatives, including Jemez Mountains Electric Cooperative and a number of Native American Pueblos. These cases are complex and involve the allocation of right of way costs associated with transmission and distribution lines on the pueblo lands. The renewable energy and energy efficiency filings continue annually. These are very complex as well. The Commission has entertained a number of rule makings in 2014, most recently the Commission approved revisions to the Energy Efficiency Rule. A telecommunications rule, the New Mexico Rural Universal Service Fund Rule is currently being revised with hopes of completion by year end. The rule determines rural telecommunications providers access to the fund, for what purposes and how much they will be allowed to receive. Century Link also filed an effective competition case this year.

2015 Activities and Filings to Come

In addition to cases already filed with the Commission, these are some anticipated filings:

Public Service Company of New Mexico has indicated that it plans to make rate increase request, as has El Paso Electric. A number of small water companies and Raton Natural Gas have also indicated plans to file rate increase requests before the Commission. A few pending or potential cases include:

- The continuation of the Tri-State rate filing.
- An El Paso Electric rate filing and PNM rate filing.
- A rate filing by Raton Natural Gas Company.
- The compulsory renewable and energy efficiency filings.
- A host of Eligible Telecommunications Carrier Certification filings.
- The possibility of continued review of the Energy Efficiency Rule.
- Tracking the proposed EPA Carbon Rulemaking, 111D.

In addition to the list above, Utility Division staff will also be tracking legislation affecting the PRC and its regulatory responsibilities, pursuing compliance issues that frequently involve small water utilities, processing customer complaints that involve a host of issues from billing to service quality, representing the NMPRC on various transmission, clean energy and FERC issues, as well as handling the miscellaneous investigations that come about as a result of regulating utilities.

FY-14 BUDGET PERFORMANCE MEASURES

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

FY14 Target	+/- 5.0 percent
FY14 Result	+1.2 percent - met

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:

FY14 Target	10.0 percent minimum
FY14 Result	11.6 percent - met

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

FY14 Target	350,000 minimum
FY14 Results	681,117 - met

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

FY14 Target	+/- 5.0 percent
FY14 Result	+ 0.1 percent - met

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

FY14 Target	100,000,000 minimum
FY14 Result	126,000,000 - met

FY-14 BUDGET PERFORMANCE MEASURES CONTINUED

Filed Cases by Type/Year	2010	2011	2012	2013	2014 (As of 11/13/14)	Total	Average
CCN/Transfer/Abandon	5	5	5	7	3	25	5.0
Complaint	14	12	24	21	9	80	16.0
Compliance (Continuation/Variance)	18	14	13	15	7	67	13.4
Finance	5	3	5	3	3	19	3.8
Investigation/Show Cause	2	7	5	4	3	21	4.2
Rate	10	5	9	6	5	35	7.0
Rulemaking	2	1	8	3	0	14	2.8
Telecommunications	12	13	15	20	8	68	13.6
Utility/Other	16	14	10	13	10	63	12.6
Renewable Energy	6	4	6	4	3	23	4.6
Energy Efficiency	6	4	4	2	2	18	3.6
Total Cases Docketed	96	82	104	98	53*	433	86.6

**The number of cases for 2014 are lower than prior years, but the cases in 2014 were significantly more complex than prior years. The PNM San Juan Case involves nearly half the Utility Division and Legal Staff, and the New Mexico Gas Co. Sale Case required almost as many staff resources.*

TRANSPORTATION DIVISION

The Transportation Division implements a public policy which fosters the development, coordination and preservation of a safe, sound, and adequate transportation system. The Division ensures financial responsibility and accountability on the part of the motor carriers and provides 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 four bureaus:

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

Number of formal complaints processed by the Transportation Division:

FY14 Target	75
FY14 Result	9

FY-14 BUDGET PERFORMANCE MEASURES

Investigations/Type	Total
Motor Carrier Investigations	69
Formal Complaints	9
Docketed Enforcement Cases	13
Motor Carrier Inspections	208
Ambulance Inspections	84
Railroad Inspections	109
Interstate UCR Fees Collected	\$2.3 million
Warrants Issued	178
Certificates Issued	35

PIPELINE SAFETY BUREAU

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 to ensure the safe transportation of product through pipeline. 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. The PSB is audited annually by the USDOT.

FY-14 BUDGET PERFORMANCE MEASURES

Pipeline Safety Bureau Cases	Total
Docketed Enforcement Cases	2
Rulemakings	1
Pipeline Safety Inspections (Includes MM)	220
Damage Prevention/Pipeline Investigations	1761/17

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

FY14 Target	4,000
FY14 Result	11,264

Annually, the Pipeline Safety Bureau undergoes a program evaluation conducted by the Federal Government’s Pipeline and Hazardous Materials Safety Administration. The results of the evaluations are a direct relation to the amount of federal grant money awarded to fund the pipeline safety program for upcoming years. Although the Bureau experienced a lack of resources in 2013, due to retirements and better paying jobs, they have been able to maintain a robust safety program.

Program Description	Federal Program Evaluation Score (%)		
	CY2011	CY2012	CY2013
Natural Gas	99.1	99.6	99
hazardous Liquid	100	99.5	90.3

ADMINISTRATIVE SERVICES DIVISION

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, and information technology systems. ASD contains four bureaus:

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

FY-14 BUDGET PERFORMANCE MEASURES

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

FY14 Target 100 percent

FY14 Result 100 percent

Percent of fully functional information technology applications systems:

FY14 Target 100 percent

FY14 Result 100 percent

Percent of prior-year audit findings eliminated:

FY14 Target 100 percent

FY14 Result 80 percent

Audit:

The Public Regulation Commission FY2013 independent financial audit received an unqualified opinion with no material weaknesses or significant deficiencies in federal grant reporting or internal controls on financial reporting.

Other:

Insurance was successfully transitioned to a stand-alone agency, effective July 1, 2013

PRC and Office of the Superintendent of Insurance (OSI) worked closely with DFA, State Personnel, and State Treasurer to:

- Set up all SHARE funds and account string
- Ensure OSI staff payrolls were moved to the new agency and setup in SHARE
- Ensure all bank account transactions were setup with notifications to all to consumers of OSI
- Close funds and transfer fund balances to OSI
- Maintain shared E-Docket system until end of calendar year 2014 when OSI migrates to new case management system

Corporations was seamlessly transitioned to the Secretary of State, effective July 1, 2013

- Database information was transitioned in one full weekend without interruption to consumers
- Records were transferred in collaboration with Records and Archives to ensure all files were accounted for and transferred according to State rules
- Furniture and equipment was moved in stages so that staff could continue to assist consumers throughout the moving process
- Funds associated with the Corporations Bureau were closed out and transferred effective July 1, 2013

STATE FIRE MARSHAL

The state Fire Marshal's Office (SFMO) oversees arson investigations and fire code enforcement, provides fire service support, and administers firefighter training at New Mexico's Fire Training Academy in Socorro, NM. 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.

Fire & EMS Expo In September 2014 the NMFTA hosted the 3rd Annual New Mexico Fire & EMS Expo, a combination of the State Fire Marshal's 59th Annual Fire School, the New Mexico EMT Association's Annual Conference and the New Mexico Chapter of the International Association of Arson Investigators' training symposium. Once again the Expo brought New Mexico's first responders the greatest variety and highest quality of Fire and EMS training.

Our last two years have seen emergency responders make sense of the chaos in the "C.L.U.S.T.E.R." and survive "The Blast". This year's theme was "Into the Darkness". With two nights dedicated to intense training and challenges after the sun goes down. This event tested the skills of dozens of emergency responders abilities under limited lighting scenarios, including flammable liquids fires, LPG fires, thermal imaging, emergency medical size up, patient packaging, arson photography and scene examination, extrication, hazardous materials and high rise rappelling.

For seven days, emergency responders were able to select from the most comprehensive offerings of EMS, Fire Suppression, Leadership, Safety, Rescue, Code Enforcement and Arson Investigation courses in the state of New Mexico!

In addition we held our annual salute to fallen firefighters and emergency responders at the New Mexico 9/11 Remembrance and we honored this year's annual award recipients during the opening ceremony and the awards banquet. Participants were able to network at our social events, compete in our skills competitions, visit the vendor's displays and check out what our states' associations have to offer for a complete career enhancing experience. There is no doubt that attendees returned home better prepared to serve their communities and our great state of New Mexico.

FY-14 BUDGET PERFORMANCE MEASURES

Number of inspection and audit hours performed by the SFMO:

FY14 Target 7,000

FY14 Result 5,418

Number of training contact hours delivered:

FY14 Target 125,000

FY14 Result 133,908 - met

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

FY14 Target 3,250

FY14 Result 4,218 - met

Pass rate for state certification exams administered by the State Firefighters Training Academy:

FY14 Target 85 percent

FY14 Result 87 percent - met

Percent of counties and municipalities participating in the arson task force or partnerships with the State Fire Marshal:

FY14 Target 75 percent

FY14 Result 83 percent - met

Percent of fire departments' insurance service office ratings of nine or ten that have been reviewed by survey or audit:

FY14 Target 100 percent

FY14 Result 100 percent - met

Percent of departments' insurance service office ratings of eight or better:

FY14 Target 65 percent

FY14 Results 65.1 percent - met

FY-14 ACTIVITY REPORT

Fire Code Enforcement Bureau:	
Code inspections and acceptance test of systems	1,328
New construction plans reviews	279
Hours of on-site inspection	3,274
Firefighters Training Academy Bureau	
Courses delivered	485
Total course hours	12,045
Total student contact hours	133,908
Students awarded IFSAC accredited state certifications	1,908
Fire Service Support Bureau	
ISO surveys, feasibility inspections and apparatus specification reviews	278
Fire Investigations Bureau	
Investigations opened	145

LEGAL STAFF

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.

Office of General Counsel The Office of the General Counsel (OGC) serves as legal counsel to the Commission. In that role, OGC provides legal advice and assistance to the Commission on matters pending before the Commission such as rulemakings and adjudicatory proceedings. The Office of General Counsel also represents the Commission in litigation concerning Commission orders before state and federal courts and in all appeals before the New Mexico Supreme Court.

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 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. The division also drafts and reviews all contracts between the Commission and third party vendors.

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.