

**NOTICE OF PROPOSED RULEMAKING**  
**CASE NO. 20-00190-PRC**

The New Mexico Public Regulation Commission (NMPRC or Commission) gives notice of its proposed adoption of rulemaking to promulgate permanent amendments to the Commission's procedural rules 1.2.2 NMAC, including 1.2.2.7, 1.2.2.8, 1.2.2.9, 1.2.2.10, 1.2.2.11, 1.2.2.34 and 1.2.2.35 NMAC to provide for electronic filing, amend the rule on transcripts, prepared testimony and other amendments if necessary. The rules which may be adopted as the final rules in this proceeding may include all, part, or none of the language in the proposed rules issued by the commission. The commission may also consider alternative proposals for amending or replacing the current rules.

Concise statement of proposed rules: The proposed amendments to 1.2.2.7 NMAC: 1) amend the definition of the term file, filed, or filing to mean filing by electronic mail, by regular postal service mail of hard copies, or by in-person delivery; 2) amend the definition of date and time of filing to address electronic filings; and 3) add a definition of electronic signature. The proposed amendments to 1.2.2.8 NMAC modify the rules for filing fees to add a procedure for payment of fees for electronically filed documents. The proposed amendments to 1.2.2.9 NMAC permit water and sewer regulated utilities to be represented by a general manager if an LLC. The proposed amendments to 1.2.2.10 NMAC would require that all regulated entities and participants in open dockets keep a current email on file with the commission where they can receive service of process and communications from the commission and delineate the procedures for electronic filing and electronic service of documents filed with the commission. The proposed amendments to 1.2.2.34 NMAC modify the rule on transcripts to allow for hearings to be audio recorded instead of transcribed by a certified court reporter at the discretion of the commission or the presiding officer and clarifies that hard copies of transcripts received by the commission shall be filed in e-docket. The proposed amendments to 1.2.2.35 NMAC change the rules on prefilled testimony to require that it be supported by an affidavit, provides for unsworn testimony as allowed by New Mexico rule of civil procedure, 1-011(B) NMRA and addresses what evidence can be admitted into evidence on direct testimony. Other changes to 1.2.2.7, 1.2.2.8, 1.2.2.9, 1.2.2.10, 1.2.2.11, 1.2.2.34 and 1.2.2.35 NMAC, other logical outgrowth changes to other subsections of 1.2.2 NMAC, and a full repeal/replace of 1.2.2 NMAC to bring into NMAC2 formatting standards will also be considered as needed.

Constitutional and statutory authority: New Mexico Constitution, Article XI, Section 2; the New Mexico Public Utility Act, Sections 62-3-1 et seq., NMSA 1978; and the Public Regulation Commission Act, Section 8-8-1 through 8-8-21 NMSA 1978, Paragraph (10) of Subsection B of Section 8-8-4 NMSA 1978.

A copy of the full text of the proposed rules may be obtained from the Rulemaking Proceedings section of the Commission's website at <http://www.nmprc.state.nm.us> under Case No. 20-00190-PRC or by calling Isaac Sullivan-Leshin in the Office of General Counsel at (505) 670-4830.

Written initial comments and written response comments shall be filed by the deadlines below. Written comments shall be filed with the Commission's Records Management Bureau my may to P.O. Box 1269, Santa Fe, NM 87504-1269 or electronically by email to [PRC.Records@state.nm.us](mailto:PRC.Records@state.nm.us) in accordance with the commission's emergency rules on electronic filing. For more information as to how to file please contact Melanie Sandoval, the commission's records bureau chief at [melanie.sandoval@state.nm.us](mailto:melanie.sandoval@state.nm.us) or (505) 827-6968. Written initial comments shall be filed no later than **January 12, 2021** and written response comments shall be filed no later than **January 26, 2021**. Comments shall refer to Case No. 20-00190-PRC. All written comments will be posted on the commission's website within three days of their receipt by the records bureau.

A public hearing will be held on **February 9, 2021 at 1:00 p.m.** which shall be accomplished through Zoom. Instructions on how to connect will be posted on the NMPRC home webpage at <http://www.nmprc.state.nm.us> prior to the hearing. The purpose of the hearing is to receive oral comments. Because commenters are afforded the opportunity to submit written comments to the Commission, any individual who wants to provide oral comments shall be limited to five minutes to express those comments, subject to the Commission's discretion. The Commission may also determine that a spokesperson be designated to speak on behalf of an organization, a group, or a group of individuals that shares the same message or seeks the same goals, in order to maximize the efficiency of the public comment hearing. No testimony or other evidence will be taken at the hearing as this is a rulemaking proceeding.

The record of this case will close on **February 16, 2021**.

Interested persons should contact the Commission to confirm the date, time, and place of this public hearing because hearings are occasionally rescheduled. Any person with a disability requiring special assistance in order to participate in the hearing should contact Mr. Bradford Borman at (505) 412-3502 at least 48 hours prior to the commencement of the hearing.