

**This is an amendment to 17.7.3 NMAC, Section 12 effective 01/30/2018.**

**17.7.3.12 COMMISSION REVIEW, ACCEPTANCE AND ACTION:**

~~[A. Compliance Review.]~~ The commission will review the utility's proposed IRP for compliance with the procedures and objectives set forth herein. ~~[The commission may accept the proposed IRP as compliant with this rule without a hearing, unless a protest is filed that demonstrates to the commission's reasonable satisfaction that a hearing is necessary. Protests must be filed within 30 days of the filing of the proposed IRP.]~~ Written public comments may be filed within 20 days of the utility's filing of the proposed IRP in support or in opposition of the proposed IRP as filed. The utility shall file, within 40 days of the utility's filing of the proposed IRP, a written response to all written public comments that were timely filed in support or in opposition, stating whether or not it will incorporate any of the written comments into its proposed IRP and state its reasons why or why not. The commission's utility division staff shall review the utility's proposed IRP as filed and shall consider the filed written public comments in support or in opposition and the utility's written response and shall file a written recommendation to the commission within 60 days of utility's filing as to whether or not the IRP complies with the procedures and objectives of this rule and whether or not it recommends that the commission accept the proposed IRP as filed. If the commission has not acted within ~~[45]~~ 90 days after the filing of the proposed IRP, that IRP is deemed accepted as compliant with this rule. If the commission determines the proposed IRP does not comply with the requirements of this rule, the commission will identify the deficiencies and return it to the utility with instructions for re-filing.

~~[B. Use in Resource Acquisition Proceedings. In a proceeding concerning a utility's request for a CCN for a new utility resource, or in other proceedings concerning a utility's resource acquisition, the utility shall present evidence that the requested resource is consistent with the commission accepted utility IRP unless material changes, as described in Section 17.7.3.10 of this rule, have occurred that would warrant a different utility course of action. Evidence that the resource is consistent with the IRP, and that there have not been material changes that would warrant a different course of action by the utility, will constitute prima facie evidence that the resource type, but not the particular resource being proposed, is required by the public convenience and necessity.]~~

[17.7.3.12 NMAC - N, 4/16/2007; A, 8/29/2017; A, 01/30/2018]