

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION


IN THE MATTER OF THE INVESTIGATION OF THE)
IMPACT OF THE FEDERAL TAX CUTS AND JOBS)
ACT OF 2017 ON ALL UTILITIES IN THE) Case No. 18-00016-UT
JURISDICTION OF THE NEW MEXICO PUBLIC)
REGULATION COMMISSION)
_____)

NOTICE OF FILING

NOTICE IS HEREBY GIVEN that the following attached documents were received by the Commission's Office of General Counsel from the Commission's Utilities Division ("Staff"). These documents are from regulated investor owned electricity utility Public Service Company of New Mexico in reply to Staff's February 2, 2018 letter that requested responses to certain questions regarding the federal Tax Cuts and Jobs Act of 2017 in this Docket.

DATED this 20th day of March 2018.

NEW MEXICO PUBLIC REGULATION COMMISSION



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February 23, 2018

Mr. Milo Chavez
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Re: PNM Response to Commission Staff's February 2, 2018 Letter
Tax Cut and Jobs Act of 2017 - NMPRC Case No. 18-00016-UT

In its January 24, 2018 Order, the New Mexico Public Regulation Commission ("Commission") issued the *Order Commencing Review of the Effects of the Federal Tax Cuts and Jobs Act of 2017 on Regulated New Mexico Utilities* ("Order") which opened a docket to review the effects of the Tax Cuts and Jobs Act of 2017 ("TCJA") on utilities within the Commission's jurisdiction.

On February 2, 2018 as directed in the Order, Commission Staff sent a letter to regulated utilities including PNM that required the utilities to provide answers to three questions related to the effects of the TCJA by February 23, 2018 ("Staff's Letter"). As directed in Staff's Letter PNM is responding directly to Commission Staff by letter no later than February 23, 2018 addressing the questions.

PNM would like to preface its response to Staff's Letter by acknowledging that, as a result of the orders issued in PNM's most recent rate case (NMPRC Case No. 16-00276-UT), PNM has already incorporated the impact of the TCJA to New Mexico retail customers through its compliance filing dated January 23, 2018 and PNM Advice Notice No. 545 effective with services rendered on February 1, 2018. The details of PNM's timely implementation of the TCJA are described in the January 23, 2018 compliance filing cover letter and the related Exhibits.

In response to the three questions in Staff's Letter PNM provides the following information.

QUESTION 1

Based on the current calendar year of January 1, 2018 through December 31, 2018, what impact does the Utility expect to realize on its New Mexico financial operations because of the TCJA federal corporate tax rate changes? In your response please address, at a minimum, the impacts on tax expense, accumulated deferred income tax (ADIT), and excess ADIT.

As a result of the change in the federal income tax rate from 35% to 21%, PNM adjusted its accumulated deferred income taxes (ADIT) to the new rate as of December 31, 2017 in accordance with generally accepted accounting principles. For regulated ADIT, the difference between the amount recorded at prior tax rates and the amount calculated at the new tax rate represents "excess deferred income taxes" and was recorded as a regulatory liability. For unregulated ADIT, the adjustment to the new rate was recorded as an increase to 2017 tax expense.

In the current calendar year, PNM expects to have lower income tax expense as a result of the lower tax rate. PNM's tax expense will be further reduced by the amortization of estimated excess deferred income taxes. These reductions to tax expense will be offset by reductions in revenue as described in the response to Question 2.

PNM's financial operations are impacted because cash flows are reduced as a result of PNM's agreement to immediately pass through tax savings benefits to customers in its 2016 Rate Case effective February 1, 2018.

QUESTION 2

What does the Utility propose to do with the realized tax rate reduction savings, if any?

As noted in PNM's Compliance Filing (Advice Notice No. 545) made on January 23, 2018 as a result of PNM's 2016 Rate Case, PNM estimated a tax impact of approximately \$46.8 million based on PNM's Test Period in NMPRC Case No. 16-00276-UT of January 1, 2018 to December 1, 2018. Exhibits A & C attached to PNM's Compliance Filing filed with the Commission on January 23, 2-UT 018 contain an illustrative cost of service ("Exhibit A") and workpapers that show the details of the tax calculation ("Exhibit C").

Page 1 of Exhibit C presents the estimated effects on the revenue requirement for (1) the reduced tax rate, which decreased the revenue requirement by approximately \$30.6 million, and (2) the return of estimated excess deferred federal income tax, which decreased the revenue requirement by approximately \$16.2 million. The ADIT liability was decreased by \$12.9 million.

PNM is analyzing its 2017 year-end accounting to determine any necessary adjustment of the estimated excess deferred federal income tax to the actual amount. In addition, PNM is analyzing its book and tax depreciation records to determine if it will be required under the normalization requirements of the Internal Revenue Code to use the Average Rate Assumption Method (ARAM) instead of the Reverse South Georgia Method (RSGM) to return excess deferred federal income tax. RSGM is the method presented in the illustrative cost of service. Any true-up of estimated to actual amount and adjustments to conform with normalization

requirements will be included with PNM's compliance filing in November for its Phase II rates from NMPRC Case No. 16-00276-UT.

In addition PNM will reflect the pass through of the savings of the TCJA to customers related to renewables recovered under PNM's Rider No 36 -- Renewable Energy Rider in its upcoming renewable rider reconciliation filing expected to be made by the end of February 2018.

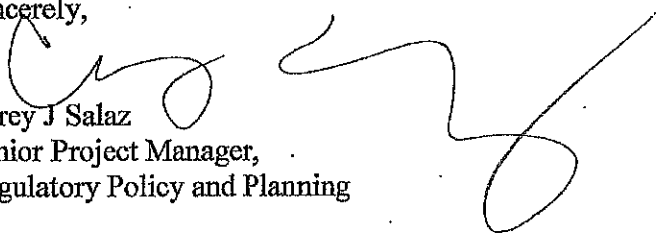
QUESTION 3

Are there any other impacts of the TCJA on the Utility's financial operations that the Utility would like to bring to the Commission's attention?

The TCJA will reduce PNM's cash flow and weaken its credits metrics. Cash flow is reduced because of lower revenues resulting from tax savings being passed on to customers. However, PNM will not see a corresponding reduction in cash taxes paid over the next few years because it is in a net operating loss position. In addition, the return of excess deferred taxes results in a reduction of revenues, but the reduction in tax expense is booked as a reduction to regulatory liabilities and not as a reduction to cash taxes. The credit rating agencies have commented that the TCJA will have a negative impact on the key credit metrics of utilities. Funds From Operations to Debt, a key measure of cash flow to debt, will be reduced by 2% to 3% as a result of these impacts and the loss of bonus depreciation. Further, PNM's retained earnings were reduced at December 31, 2017 by \$29.6 million due to deferred tax expense recorded as a result of TCJA.

Please feel free to call me at 505-241-4733 if you have any questions or require additional information.

Sincerely,


Carey J Salaz
Senior Project Manager,
Regulatory Policy and Planning

Enclosures

Cc: Charles Gunter -- NMPRC
Melanie Sandoval -- NMPRC Records

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THE IMPACT OF THE FEDERAL TAX CUTS AND)
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_____)**

Case No. 18-00016-UT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Notice of Filing**

was served via email and first-class mail on March 20, 2018, to the parties listed below:

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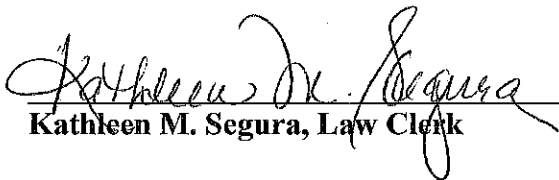
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DATED this 19th day of March, 2018.

NEW MEXICO PUBLIC REGULATION COMMISSION


 Kathleen M. Segura, Law Clerk