
24-00266-UT - Order Setting Prehearing and Status Conference

From Kippenbrock, Ana, PRC <Ana.Kippenbrock@prc.nm.gov>

Date Mon 6/9/2025 10:03 AM

To TMD@jkwlawyers.com <TMD@jkwlawyers.com>; BJH@jkwlawyers.com <BJH@jkwlawyers.com>; NMGCRegulatory@nmgco.com <NMGCRegulatory@nmgco.com>; RGifford@wbklaw.com <RGifford@wbklaw.com>; DHardy@hardymclean.com <DHardy@hardymclean.com>; JMclean@hardymclean.com <JMclean@hardymclean.com>; TRode@hardymclean.com <TRode@hardymclean.com>; WDubois@wbklaw.com <WDubois@wbklaw.com>; Ebaker@scottmadden.com <Ebaker@scottmadden.com>; Desaillan.ccae@gmail.com <Desaillan.ccae@gmail.com>; lynch.cara.nm@gmail.com <lynch.cara.nm@gmail.com>; Sricdon@earthlink.net <Sricdon@earthlink.net>; Mewen@indecon.com <Mewen@indecon.com>; AVitulli@indecon.com <AVitulli@indecon.com>; JPrice@indecon.com <JPrice@indecon.com>; Spenn@indecon.com <Spenn@indecon.com>; Jelani.Freeman@hq.doe.gov <Jelani.Freeman@hq.doe.gov>; Emily.Medlyn@hq.doe.gov <Emily.Medlyn@hq.doe.gov>; DEtheridge@exeterassociates.com <DEtheridge@exeterassociates.com>; DNajjar@virtuelaw.com <DNajjar@virtuelaw.com>

Cc Records, PRC, PRC <PRC.Records@prc.nm.gov>; Hurst, Elizabeth, PRC <Elizabeth.Hurst@prc.nm.gov>; Schaefer, Patrick, PRC <patrick.schaefer@prc.nm.gov>

 1 attachment (360 KB)

24-00266-UT-6-9-25- EH-PS - Order Setting Prehearing and Status Conference.pdf;

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE JOINT)	-
APPLICATION FOR APPROVAL TO)	
ACQUIRE NEW MEXICO GAS COMPANY,)	
INC. BY SATURN UTILITIES HOLDCO,)	Case No. 24-00266-UT
LLC.)	
JOINT APPLICANTS)	

Ana C. Kippenbrock

Law Clerk

Hearing Examiners Division

New Mexico Public Regulation Commission

P.O. Box 1269

Santa Fe, NM 87504

(505) 690-4191

Ana.Kippenbrock@prc.nm.gov



BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION)	
OF SATURN UTILITIES HOLDCO, LLC.)	
FOR APPROVAL TO ACQUIRE NEW)	
MEXICO GAS COMPANY, INC.)	Case No. 24-00266-UT
JOINT APPLICANTS)	
)	

ORDER SETTING PREHEARING AND STATUS CONFERENCE

THESE MATTERS come before the Hearing Examiners upon various recently filed pleadings. Being fully advised in the premises, the Hearing Examiners **FIND** and **CONCLUDE** that:

1. A Joint Motion to Dismiss Without Prejudice or For Alternative Relief and Brief in Support (“Joint Motion to Dismiss or for Alternative Relief”) was filed by the Utility Division Staff of the New Mexico Public Regulation Commission (“Staff”), the New Mexico Department of Justice (“NMDOJ”), New Energy Economy (“NEE”), Western Resource Advocates (“WRA”), the Coalition for Clean Affordable Energy (“CCAEE”), and the New Mexico Affordable Reliable Energy Alliance (“NM AREA”) (hereafter “Joint Movants”) on May 27, 2025. The Joint Movants request that the Hearing Examiners dismiss, without prejudice, the October 28, 2024 Application filed by New Mexico Gas Company, Inc. (“NMGC”), Bernhard Capital Partners Management (“BCP”), Emera, Inc. (“Emera”), TECO Holdings, Inc. (“TECO”) and all the other affiliates and subsidiaries of these entities (together the “Joint Applicants”). In the alternative, the Joint Movants request the Hearing Examiners either (i) put the current procedural schedule in abeyance and require a refile of the Application, or (ii) strike the portions of the Joint Applicants’ rebuttal

testimony that violate 1.2.2.35.N NMAC and proceed to hearing on the October 28, 2024, Application, as currently scheduled.

2. On May 28, 2025, the Hearing Examiners issued an Order Setting Response and Reply Deadlines to Joint Motion to Dismiss or for Alternative Relief.

3. On May 29, 2025, the Joint Movants filed a Joint Response to the Hearing Examiners' May 28, 2025, Order to provide the identification of the Joint Applicants' Rebuttal testimonies that they asserted should be stricken as contrary to Section 1.2.2.35.N NMAC of the New Mexico Public Regulation Commission's ("Commission") Rules of Procedure.

4. On June 2, 2025, the Joint Applicants' Response to the Joint Motion to Dismiss was filed. Joint Applicants assert that the Joint Motion to Dismiss or for Alternative Relief is procedurally improper and substantively incorrect and should be rejected. Joint Applicants also argue that Joint Movants have failed to meet the standards for dismissal or suspension of the Application. Further, Joint Applicants aver that the Joint Applicants' rebuttal testimonies are proper and not grounds for dismissal nor should the testimonies be stricken. Finally, Joint Applicants contend that dismissal or de facto dismissal would be an extreme remedy and significant departure from standard Commission practice without prior notice, particularly in light of the availability of a viable remedy to which the Joint Applicants would consent. If the Hearing Examiners consider that the Joint Movants (and other intervenors) should have the opportunity to address the rebuttal commitments and testimony that addressed their reply testimony, then the Joint Applicants propose: (a) the addition of surrebuttal and rejoinder testimonies; and (b) a reasonable delay of the hearing (four to six weeks).

5. On June 6, 2024, the Joint Movants filed a Joint Reply to Joint Applicant's Response. Joint Movants maintain that as a litigation strategy, Joint Applicants chose to file a non-

conforming Application, which they impermissibly supplemented through rebuttal testimony after Staff and Intervenor testimony was filed. Joint Movants claim that this tactic has deprived the Staff and Intervenors of the opportunity to fully analyze and respond to the revised Application, and maintain that dismissal is the appropriate remedy. Additionally, Joint Movants declare that the filing of the Joint Motion was timely given the number of new rebuttal witnesses and the number and complexity of the revisions the Joint Applicants were proposing in their Rebuttal Testimonies. Joint Movants also contend that Joint Applicants' offer for limited changes to the procedural schedule which would deprive them of their due process right to provide adequate testimony and therefore, should be rejected. Joint Movants also declared that the Joint Applicants' new procedural proposal is also unacceptable because it does not require the Applicants to present, in one document, all of their best and final proposals to the Commission for consideration.

After reviewing each of the above referenced pleadings and considering the time and efforts that have already been expended in this matter, the Hearing Examiners find that there is good cause to set a prehearing and status conference to discuss how the hearings could be adjusted to meet the legally appropriate and reasonable needs of all parties. Considering the timing of the upcoming scheduled hearings in this matter, the Hearing Examiners find the prehearing and Status conference should be held immediately.

The Hearing Examiners **ORDER:**

- A. A Prehearing and Status Conference will be held on June 11, 2025, beginning at 2:00 P.M. MST via the Zoom Platform.
- B. Parties shall be prepared to present a proposed schedule that will include dates or deadlines for:

1. A filing of Joint Applicants' revised Application including all documentation (including Commission ordered documents) and testimonial support;

2. Staff and Intervenor testimony;

3. Joint Applicants' rebuttal testimony; and

4. Proposed prehearing and hearing dates.

C. Prior to the Prehearing and Status Conference, Joint Applicants will contact all parties in the case to ascertain whether parties can reach an agreed upon schedule or other reasonable scheduling alternatives.

ISSUED under the seal of the Commission at Santa Fe, New Mexico, this **9th** day of June 2025.

NEW MEXICO PUBLIC REGULATION COMMISSION



Elizabeth C. Hurst

Elizabeth C. Hurst, Hearing Examiner
Patrick Schaefer, Hearing Examiner
Elizabeth.Hurst@prc.nm.gov

A stylized, handwritten signature in black ink, consisting of a large, looped 'S' followed by a horizontal line and a vertical stroke.

Patrick Schaefer
Hearing Examiner
Patrick.Schaefer@prc.nm.gov

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE JOINT)
APPLICATION FOR APPROVAL TO)
ACQUIRE NEW MEXICO GAS COMPANY,)
INC. BY SATURN UTILITIES HOLDCO,) Case No. 24-00266-UT
LLC.)
JOINT APPLICANTS)

CERTIFICATE OF SERVICE

I CERTIFY that on this date I sent via email a true and correct copy of the Order Setting Prehearing and Status Conference to the people listed here.

NM Gas Company	
Thomas M. Domme	TMD@jkwlawyers.com ;
Brian J. Haverly	BJH@jkwlawyers.com ;
NMGC Regulatory	NMGCRregulatory@nmgco.com ;
Raymond Gifford	RGifford@wbklaw.com ;
Saturn Utilities, LLC	
Dana S. Hardy	DHardy@hardymclean.com ;
Jaclyn M. McLean	JMclean@hardymclean.com ;
Timothy B. Rode	TRode@hardymclean.com ;
William DuBois	WDubois@wbklaw.com ;
E. Baker	Ebaker@scottmadden.com ;
Coalition for Clean Affordable Energy	
Charles De Saillan	Desaillan.ccae@gmail.com ;
Cara R. Lynch	Lynch.Cara.NM@gmail.com ;
Don Hancock	Sricdon@earthlink.net ;
Mark Ewen	Mewen@indecon.com ;
Angela Vitulli	AVitulli@indecon.com ;
Jason Price	JPrice@indecon.com ;
Stefani Penn	Spenn@indecon.com ;
Federal Executive Agencies	
Jelani Freeman	Jelani.Freeman@hq.doe.gov ;
Emily Medlyn	Emily.Medlyn@hq.doe.gov ;
Dwight Etheridge	DEtheridge@exeterassociates.com ;
Incorporated County of Los Alamos	
Daniel A. Najjar	DNajjar@virtuelaw.com ;
Philo Shelton	Philo.Shelton@lacnm.us ;
Thomas L. Wyman	Thomas.Wyman@lacnm.us ;
New Mexico AREA	
Peter J. Gould	Peter@thegouldlawfirm.com ;
Kelly Gould	Kelly@thegouldlawfirm.com ;
Katrina Reid	office@thegouldlawfirm.com ;
Joseph Yar	Joseph@velardeyar.com ;
Shawna Tillberg	Shawna@velardeyar.com ;

New Mexico Department of Justice	
Gideon Elliot	GElliot@nm DOJ.gov ;
Maria Oropeza	MOropeza@nm DOJ.gov ;
Nicole Teupell	Nteupell@nm DOJ.gov ;
New Energy Economy	
Mariel Nanasi	Mariel@seedsbeneaththesnow.com ;
Christopher Sandberg	CKSandberg@me.com ;
Collin Poirot	CPoirot@jd18.law.harvard.edu ;
NMPRC – Utilities Staff	
Ryan Friedman	Ryan.Friedman@prc.nm.gov ;
Nicholas Rossi	Nicholas.Rossi@prc.nm.gov ;
Kaythee Hlaing	Kaythee.Hlaing@prc.nm.gov ;
Naomi Velasquez	Naomi.Velasquez1@prc.nm.gov ;
Bryce Zedalis	Bryce.Zedalis1@prc.nm.gov ;
Jacqueline Ortiz	Jacqueline.Ortiz@prc.nm.gov ;
Timothy Martinez	Timothy.Martinez@prc.nm.gov ;
Daren Zigich	Daren.Zigich@prc.nm.gov ;
Marc Tupler	Marc.Tupler@prc.nm.gov ;
Larry Blank	LB@tahoeconomics.com ;
Prosperity Works	
Cara R. Lynch	Lynch.Cara.nm@gmail.com ;
Ona Porter	Ona@prosperityworks.net ;
Western Resource Advocates	
Cydney Beadles	Cydney.Beadles@westernresources.org ;
Anna Linden Weller	Annalinden.Weller@westernresources.org ;
Caitlin Evans	Caitlin.Evans@westernresources.org ;
Michael Kenney	Michael.Kenney@westernresources.org ;
Bradley Cebulko	BCebulko@currentenergy.group ;
Meera Fickling	MFickling@currentenergy.group ;

PRC General Counsel Division	
Scott Cameron	Scott.Cameron@prc.nm.gov ;
LaurieAnn Santillanes	Laurieann.Santillanes@prc.nm.gov ;
Alejandro Rettig y Martinez	Alejandro.Martinez@prc.nm.gov ;
Russell Fisk	Russell.Fisk@prc.nm.gov ;

Hearing Examiners Division	
Patrick Schaefer Co-Hearing Examiner	Patrick.Schaefer@prc.nm.gov ;
Ana C. Kippenbrock, Law Clerk	Ana.Kippenbrock@prc.nm.gov ;

DATED June 9, 2025

NEW MEXICO PUBLIC REGULATION COMMISSION

Ana Kippenbrock

 Ana C. Kippenbrock, Law Clerk