

BEFORE THE NEW MEXICO PUBLIC UTILITY COMMISSION

IN THE MATTER OF THE ADOPTION)
OF A RULE REQUIRING INFORMATION)
DISCLOSING ELECTRIC RATES BY)
FUNCTION IN CUSTOMER BILLS.)
_____)

Case No. 2816

FINAL ORDER

THIS MATTER comes before the New Mexico Public Utility Commission (“NMPUC” or “Commission”) upon its own Motion and the outstanding variance requests remaining in this docket. Having reviewed the various compliance filings and requests and responses, together with the entire record, and being fully informed of the premises, the Commission issues this Final Order.

THE COMMISSION FINDS AND CONCLUDES:

1. On February 16, 1998, the Commission issued a Notice of Proposed Rulemaking (“NOPR”) proposing a new rule, NMPUC Rule 531, 17 NMAC 10.531, that would require electric utilities to provide their customers with information regarding the different functions that are included as part of their electric service and the portions of the rates attributed to each of those functions.

2. Based on the written and oral comments received, the Commission on June 5, 1998, issued its Order Adopting Rule in which it adopted a new NMPUC Rule 531, 17 NMAC 10.531, that reflected certain changes to the rule originally proposed in the NOPR. In the Order Adopting Rule, the Commission set forth a schedule and objectives for compliance workshops between Staff and individual utilities and provided that the rural electric cooperatives should meet with Staff as a group.

3. The Order Adopting Rule and the rule itself, Section 11.1 of NMPUC Rule 531, 17 NMAC 10.531.11.1, required utilities to submit their proposed bill formats, breakdowns of bill components into amounts attributable to generation, transmission and distribution, first bill inserts, and consumer education plans on or before August 1, 1998. Commission-approved proposals would be implemented by including the proposed first bill insert in September 1998 billings and utilizing the proposed bill formats (with the proposed component cost figures) in October 1998 billings.

4. As originally proposed in the NOPR, Section 15 of NMPUC Rule 531, 17 NMAC 10.531.15, provided for the granting of variances to the informational requirements in the proposed rule. As finally promulgated, Section 14 of the rule, 17 NMAC 531.14, provides for such variances, and Section 15, 17 NMAC 531.15, explicitly provides for the granting of extensions of time in which to take actions required by the rule.

5. Throughout the course of this docket, various requests for variances were filed by the rural electric cooperatives and investor-owned utilities (“IOUs”), which were accordingly addressed by the Commission in its Orders issued on July 29 and September 21, 1998.

6. Pursuant to the requirements of NMPUC Rule 531, 17 NMAC 10.531.11.2, Staff has filed Comments providing recommendations on the various compliance filings and requests for variance; Staff has also conducted an ongoing review of the utilities’ filings and compliance activities in this matter. The Commission would like to express its appreciation of the Staff’s efforts to ensure that the educational and customer information requirements of NMPUC Rule 531, 17 NMAC 10.531 have been met by the utilities.

7. To the extent there remain outstanding requests for variances from the Rule or the

Commission's previous orders, those requests should be approved to the extent they are consistent with the Commission's previous determinations in this case.

8. The remaining obligations of individual utilities established in the Commission's previous orders in this docket are of a compliance nature that do not require this docket to remain open.

9. Any future requests for variances or future compliance requirements for utilities that may arise under NMPUC Rule 531, 17 NMAC 10.531, should be filed with the Commission in accordance with the applicable provisions of the Rule.

IT IS THEREFORE ORDERED:

A. To the extent not previously ruled upon by the Commission, the rural electric cooperatives whose primary membership base is situated outside of New Mexico are granted a variance from the application of NMPUC Rule 531, 17 NMAC 10.531 until such time as similar requirements regarding the functionalization of either rates or billing information is required by the state in which their primary membership is based.

B. To the extent not previously ruled upon by the Commission, any outstanding requests for variances or temporary compliance filings are approved, consistent with the approvals granted by the Commission in its preceding Orders in this matter.

C. Any future requests for variances and permanent compliance filings shall be filed by individual utilities in accordance with the applicable provisions and consistent with the requirements of NMPUC Rule 531, 17 NMAC 10.531 and the Commission's previous Orders in this case.

D. Copies of this Order shall be served upon all persons listed on the attached

Certificate of Service.

E. This Order is effective immediately.

F. This Docket is closed.

ISSUED at Santa Fe, New Mexico, this 7th day of December, 1998.

NEW MEXICO PUBLIC UTILITY COMMISSION

WAYNE SHIRLEY, CHAIRMAN

BEATRÍZ RIVERA, COMMISSIONER

ROBERT M. SCHWARTZ, COMMISSIONER