
[EXTERNAL] Documents for cases 25-00054-UT, 25-00078-UT, and 25-00081-UT

From rougespear@comcast.net <rougespear@comcast.net>

Date Fri 1/2/2026 5:37 PM

To Records, PRC, PRC <PRC.Records@prc.nm.gov>

 2 attachments (263 KB)

Motion for Intervention.pdf; CERTIFICATE OF SERVICE Motion for Intervention.pdf;

You don't often get email from rougespear@comcast.net. [Learn why this is important](#)

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

Good afternoon,

Please submit the attached documents for cases that are listed in the subject line.

v/r

Roy S. McClellan

“We don’t rise to the level of our expectations, We fall to the level of our training”

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF MELODY RANCH WATER COMPANY, LLC

Case Nos. 25-00054-UT, 25-00078-UT, and 25-00081-UT

MOTION FOR COMMISSION INTERVENTION, FINDING OF UNAUTHORIZED OPERATION,
AND APPOINTMENT OF A RECEIVER OR SEIZURE OF ALL COMPANY ASSETS

I. INTRODUCTION

Complainant respectfully moves the New Mexico Public Regulation Commission (“Commission”) to intervene in the operations of Melody Ranch Water Company, LLC (“Company”) pursuant to its statutory authority under NMSA 1978, §§ 62-6-4 and 62-10-3. The record in the above-captioned cases demonstrates that Ms. Tracy Padilla has been acting on behalf of the Company without any documented legal authority, ownership interest, or Power of Attorney. This unauthorized operation places customers at risk and undermines the Commission’s regulatory oversight.

II. FACTUAL BACKGROUND

1. Melody Ranch Water Company, LLC is a regulated water utility subject to the jurisdiction of the Commission.
2. The New Mexico Secretary of State lists C.E. Smith as the registered agent and owner of record. No amendments, ownership transfers, or Power of Attorney filings naming Ms. Padilla exist in the state’s corporate records.
3. Despite this, filings and communications submitted in Case Nos. 25-00054-UT, 25-00078-UT, and 25-00081-UT show that Ms. Padilla has been signing, submitting, or representing operational and regulatory matters on behalf of the Company.
4. No evidence has been produced in any of these dockets demonstrating that Ms. Padilla has been granted lawful authority to operate the utility, manage its assets, or bind the Company in regulatory proceedings.
5. The Company’s failure to provide documentation of authority, combined with ongoing service failures and regulatory noncompliance, constitutes mismanagement and unauthorized operation under New Mexico law.

III. LEGAL BASIS FOR COMMISSION ACTION

- Under NMSA 1978, § 62-6-4, the Commission has broad supervisory authority over public utilities to ensure safe, reliable, and lawful service.

- Under NMSA 1978, § 62-10-3, the Commission may appoint a receiver or otherwise assume operational control of a utility where mismanagement, abandonment, or unauthorized operation threatens public welfare.
- The Commission has already opened and consolidated multiple proceedings involving Melody Ranch Water Company, including 25-00054-UT, 25-00078-UT, and 25-00081-UT, each documenting ongoing operational failures and irregularities.
- The absence of any legally recognized authority for Ms. Padilla to act on behalf of the Company constitutes unauthorized operation, justifying immediate Commission intervention.

IV. REQUEST FOR RELIEF

Complainant respectfully requests that the Commission issue an order providing the following relief:

1. A finding that Ms. Tracy Padilla is acting without documented legal authority to operate or represent Melody Ranch Water Company, LLC.
2. An order compelling Melody Ranch Water Company, LLC to produce any and all documents purporting to grant Ms. Padilla authority, including ownership transfers, corporate resolutions, or Powers of Attorney.
3. A determination that absent such documentation, the Company is being operated unlawfully and in violation of Commission rules and New Mexico statutes.
4. Appointment of a temporary receiver or, in the alternative, direct seizure of operational control of Melody Ranch Water Company, LLC by the Commission or a designated State agency.
5. An order requiring the immediate turnover of all Company property, equipment, assets, operational records, and access credentials to the Commission or its appointed receiver to ensure continuity of service and protection of public welfare.
6. Any additional relief the Commission deems just, proper, and necessary to protect the customers of Melody Ranch Water Company.

V. CONCLUSION

For the reasons stated above, and based on the direct evidence contained in Case Nos. 25-00054-UT, 25-00078-UT, and 25-00081-UT, Complainant respectfully requests that the Commission intervene, declare the Company to be under unauthorized operation, and

seize control or appoint a receiver with full authority over all assets and equipment of Melody Ranch Water Company, LLC.

Respectfully submitted,

Roy S. McClellan

24 Cottonwood Rd, Edgewood, NM 87015

2 January 2026

Roy McClellan  Digitally signed by Roy McClellan
Date: 2026.01.02 17:13:12 -07'00'

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of January, 2026, I caused a true and correct copy of the following document to be served for Case Nos. 25-00054-UT, 25-00078-UT, and 25-00081-UT:

- MOTION FOR COMMISSION INTERVENTION

Service was made upon the following parties by electronic mail (where addresses are known) and otherwise by regular mail:

Respondent and Counsel

- Pete V. Domenici, Jr. – pdomenici@domenicilaw.com
- Tracy Padilla – echoandmelody@gmail.com

Complainant

- Roy S. McClellan – rougespear@comcast.net

NMPRC Utility Staff

- John Bogatko – John.Bogatko@prc.nm.gov
- Jacqueline Ortiz – Jackie.Ortiz@prc.nm.gov
- Elizabeth Ramirez – Elizabeth.Ramirez@prc.nm.gov
- Peggy Martinez-Rael – Peggy.Martinez-Rael@prc.nm.gov
- Cholla Khoury – Cholla.Khoury@prc.nm.gov
- Ed Rilkoff – Ed.Rilkoff@prc.nm.gov
- Gabriella Dasheno – Gabriella.Dasheno@prc.nm.gov
- Timothy Martinez – Timothy.Martinez@prc.nm.gov
- Orland Whitney – Orland.Whitney@prc.nm.gov
- Kai Filion – Kai.Filion@prc.nm.gov
- Mclee Kerolle – Mclee.Kerolle@prc.nm.gov

NMPRC General Counsel Division

- LaurieAnn Santillanes – Laurieann.Santillanes@prc.nm.gov
- Alyssa Herrera-Waldroup – Alyssa.Herrera-Waldroup@prc.nm.gov

Hearing Examiners Division

- Patrick Schaefer, Hearing Examiner – Patrick.Schaefer@prc.nm.gov
- Ana Kippenbrock, Paralegal – Ana.Kippenbrock@prc.nm.gov

Respectfully submitted,

Roy S. McClellan (pro se)

24 Cottonwood Rd

Edgewood, NM 87015

505-514-4624

rougespear@comcast.net

Dated: January 2, 2026

Roy McClellan  Digitally signed by Roy McClellan
Date: 2026.01.02 17:32:29 -07'00'