

NEW MEXICO PRC NOMINATING COMMITTEE

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Public Regulation Commissioner Candidate Questionnaire

1. New Mexico has the potential to be a leader in the region, delivering low-cost renewable resources to serve its citizens and the rest of the West, benefiting New Mexico's economy, ratepayers, and supporting grid reliability. What do you see as the role for a New Mexico Commissioner as it relates to regional discussions on power markets and interstate transmission; how are you best suited to engage in these regional forums?

The role of a New Mexico Commissioner in regional discussions on power markets and interstate transmission is to advocate for policies that maximize the state's renewable energy potential to comply with New Mexico's aggressive Renewable Portfolio Standards. However, renewable energy expansion cannot come at the expense of grid reliability. A Commissioner's primary objective is to regulate in a manner that ensures fair, just, and reasonable rates.

New Mexico currently has two front-running suitors in the regional market space. A Commissioner needs to continue on the path of facilitating inclusive workshops and actively engaging in regional discussions to ensure that if New Mexico does join a regional power market, that New Mexico residents benefit in the form of more reliable power and more affordable rates.

Regarding Transmission, the Commission has sought to gain insight into the planning process because although FERC has ultimate jurisdiction, the availability of transmission lines can function as a limiter on the expansion of renewable energy projects. To the extent that the Commission has influence, a commissioner must pay careful attention to minimizing seams, or boundaries between different transmission systems. Seams can lead to challenges in real-time operations, such as managing power flows, congestion, and reliability across different systems. Harmonizing rules and tariffs across previously separated entities is essential to lower costs for consumers, attract investment, and promote economic development if New Mexico joins a regional power market.

2. Competition between generators, whether utility- or Independent Power Producer-owned, helps ensure the lowest cost, best suited resource is procured by electric utilities, ultimately resulting in the best deal for customers. What do you see as the role of a Commissioner in ensuring fair and transparent competition in resource procurement?

In accordance with NMSA 1978, Section 62-6-4, the Commissioner plays a critical role in establishing and enforcing a regulatory framework that promotes fair and transparent competition among generators. The question presented does not discuss economies of scale, which are inherent in utility operations. However, while recognizing the importance of economies of scale, it is still important to ensure that procurement processes are open, competitive, and nondiscriminatory between self-build and PPA options.

Having written the Integrated Resource Planning rule that is currently in place, I will say there are a number

of considerations in the resource selection and procurement process, including transparency, stakeholder engagement, RPS requirements, and fair, just and reasonable rates. The IRP process that I helped to design, draft, and implement includes an Independent Monitor to ensure a level playing field between bidders and an overall transparent and fair process.

3. What is the "public interest" in the context of utility regulation?

It cannot be overstated how complex and nuanced this question is. Indeed, there have been reasonable debates in the utility regulation field between highly qualified experts as to exactly what "public interest" means. In one instance, I was fortunate enough to listen to Cydney Beadles, a member of this very Nominating Committee, discuss the question with Jason Marks, a former Commissioner, at the PRC's November 2023 Continuing Legal Education Seminar. It can be difficult to differentiate between the general meaning of "public interest" as opposed to private interests, versus the concept of "public interest" as a metric of general welfare of the utility regulatory compact.

The Hope and Bluefield standard provides the foundational guidance on what "public interest" means. In New Mexico, our standard, derived from *Hope and Bluefield*, is found in NMSA 1978 Section 62-3-1, in the Preamble to the Public Utility Act. In Subsection A, the Legislature has recognized that utilities render essential public services to a large number of the public, the financing of which involves the investment of large sums of money, and "that the development and extension of public utilities' business directly affects the development, growth and expansion of the general welfare, business and industry of the state." Subsection B contains New Mexico's definition of the public interest as follows:

"B. It is the declared policy of the state that the public interest, the interest of consumers and the interest of investors require the regulation and supervision of public utilities to the end that reasonable and proper services shall be available at fair, just and reasonable rates and to the end that capital and investment may be encouraged and attracted so as to provide for the construction, development and extension, without unnecessary duplication and economic waste, of proper plants and facilities and demand-side resources for the rendition of service to the general public and to industry."

To me, this means that a Commissioner must ensure fair, just and reasonable rates by ensuring that consumers receive the benefit of reliable and affordable power at an affordable rate while the utility is given the opportunity to earn a reasonable rate of return on its investments so that it may continue to provide that power through the attraction of capital and investment to sustain its operations.

The Legislature has explicitly stated in NMSA 1978 Section 62-6-4 that the Commission is vested with the authority to supervise and regulate public utilities to safeguard the public interest, ensuring that utilities operate in a manner consistent with the public interest. This is a Commissioner's primary responsibility, a challenge that I wholly embrace.

4. What is the role of electric utilities in decarbonizing the economy and what is the Commission's role in overseeing that process?

Utilities have a duty under NMSA 1978 Sections 62-18-1 to 62-18-23 (The Energy Transition Act) and Sections 62-16-1 to 62-16-10 (the Renewable Energy Act) to invest in renewable generation, upgrade infrastructure for better integration of renewables, and meet the aggressive RPS targets set by the Legislature.

The Commission's role in this process is to oversee and facilitate the transition by implementing the laws that the Legislature has codified. To that extent, resource selection and procurement under the Integrated Resource Plan process (NMAC Title 17, Chapter 7, Part 3) guides Commission oversight to ensure that utilities meet their obligations while maintaining grid reliability

and rate affordability. I wrote this rule in conjunction with a small internal PRC team after a series of inclusive stakeholder workshops.

The Commission must also review and approve interconnection agreements and infrastructure projects that support renewable integration pursuant to New Mexico's Interconnection Rule (NMAC Title 17, Chapter 7, Part 3). The National Renewable Energy Laboratory, the United States' primary laboratory for renewable energy and energy efficiency research and development, awarded New Mexico's Interconnection Rule the only "A" graded rule in the country. As a Commissioner Advisor, I worked on a small and dynamic team to facilitate inclusive stakeholder workshops to design, draft, and implement this rule.

5. What is the PRC's role in ensuring broadband is universally available?

The PRC promotes universal broadband access through administering the State Rural Universal Service Fund, as authorized by NMSA 1978, Section 63-9H-6. The Commission oversees an approximately \$30 million fund, supported by telecommunications surcharges, that supports telecommunications provider in extending broadband services to underserved and rural areas.

The PRC works closely with Incumbent Local Exchange Carriers (ILECs) and other stakeholders to address broadband deployment challenges, while navigating funding limitations and regulatory constraints. In this way, the PRC helps bridge New Mexico's gaps to reduce disparities in access to broadband services which I believe are essential.

6. Should providers of broadband be regulated as a utility? Why or why not?

Ultimately, this is a determination for the Legislature. The Policy and Purpose of the New Mexico Telecommunications Act could be amended to suit the Legislature's determination of whether broadband should be regulated as a utility.

On one hand, regulating broadband as a utility could ensure consistent service standards and consumer protections. But it could also impose regulatory burdens that could potentially hinder innovation.

A Commissioner must enforce the laws as they are enacted by the Legislature. It is paramount to respect to the policymaking authority of the legislative branch and remain impartial in executing regulatory duties.

7. To what extent, if any, should rate-setting decisions of the PRC consider social, cultural, and environmental externalities? When, if ever, should social, cultural, and environmental externalities lead the PRC to approve rates higher than could be approved if such externalities were not considered?

Rate-setting decisions should consider social, cultural, and environmental externalities to the extent reflected in legislative mandates and the public interest, as outlined in NMSA 1978, Section 62-3-1. The Commission must ensure rates are fair, just, and reasonable while also accounting for broader impacts, as required by NMSA 1978, Section 62-8-1 (Fixing Rates).

Externalities may necessitate additional utility investments or operational changes, influencing rates. The PRC should approve higher rates when such externalities are legally recognized—such as environmental regulations under the Renewable Energy Act or cultural preservation requirements—and when benefits to society outweigh costs. Decisions must be based on evidence, stakeholder input, and compliance with applicable laws, ensuring alignment with NMSA 1978, Section 62-6-4 (Commission's General Powers and Duties).

8. Please discuss your views on governance and the appropriate roles of Commissioners and staff, appropriate levels of delegation and your expected level of involvement in the administration of the agency.

Effective governance requires clear delineation of roles between Commissioners and staff, as per NMSA 1978, Section 8-8-4 and Section 8-8-5 (Chief of Staff; Employees). Commissioners are responsible for policy decisions, case adjudication, and strategic direction. Staff provide research, technical expertise, and administrative support.

Appropriate delegation involves assigning responsibilities aligning with staff expertise while Commissioners maintain oversight and make final decisions. This is consistent with NMAC Title 1, Chapter 2, Part 2 (Public Regulation Commission Rules of Procedure). As a Commissioner, I intend to be actively involved in setting priorities and ensuring compliance without overstepping into operational details, respecting the roles defined by the PRC's governing statutes.

9. As you evaluate issues before the PRC, which factors do you view as most important and why?

The most important factor is ensuring that utility rates and services are fair, just, and reasonable, impacting consumers directly, as mandated by NMSA 1978, Section 62-3-1 and Section 62-8-1. Rate cases are a primary focus due to their influence on consumer costs and utility operations.

Additionally, fulfilling the PRC's statutory responsibilities across various domains—such as telecommunications under NMSA 1978, Chapter 63, pipeline safety as per NMSA 1978, Section 70-3-1, and implementing initiatives like the Energy Transition Act—is crucial. Prioritizing these factors ensures the PRC meets its obligations and supports New Mexico's long-term interests.

10. Is there a state whose energy regulatory policies that you believe New Mexico should emulate? If so, which one and why?

I would not single out a particular state to emulate, but I would say that New Mexico shares more in common with Western States than it does with Midwest or Eastern States in the utility regulation dynamic.

While New Mexico has amazing opportunities to advance renewable energy deployment and integration, we also face challenges in terms of creating parity for access. Rural Electric Cooperatives differ from Investor-Owned Utilities in terms of structure, resources, and geographic location.

New Mexico's Public Regulation Commission also differs from other state commissions, such as the California Public Utilities Commission, in agency size and staff.

For these reasons, it is important for the Commission to conserve resources where appropriate by observing innovative and successful regulatory mechanisms in other states that New Mexico can emulate as an early-adopter of successful models.

11. Briefly describe your experience with regulatory topics including: utility rate setting, promulgating regulations, and the New Mexico Energy Transition Act.

Utility Rate Setting:

I have analyzed numerous rate cases during my tenure at the PRC, participating in proceedings governed by NMSA 1978, Sections 62-8-1 to 62-8-8. My work included drafting bench requests, analyzing recommended decisions by using my financial and economic acumen, and participating in regional conversations with organizations such as WIRAB and CREPC. As a Commissioner Advisor, I put myself in the shoes of a Commissioner to understand what my Commissioner needed to make the most informed decisions in rate cases before the Commission, and I worked tirelessly to that end.

Promulgating Regulations:

I facilitated workshops and contributed to drafting rules in accordance with NMSA 1978, Section 8-8-15 (Rulemaking Procedures). This includes the development of interconnection rules (NMAC Title 17, Chapter 9, Part 568), which received an "A" rating from NREL, and revisions to the Integrated Resource Planning rule (NMAC Title 17, Chapter 7, Part 3). I also played a role in formulating the community solar rule (NMAC Title 17, Chapter 9, Part 573).

New Mexico Energy Transition Act (ETA):

Since 2020, I've been involved in implementing the ETA (NMSA 1978, Sections 62-18-1 to 62-18-23). This includes participating in the San Juan Generating Station abandonment case (Case No. 19-00195-UT) to the extent that my superiors were prepared to make informed decisions. I also engaged in Integrated Resource Planning proceedings and contributed to the 2024 Renewable Portfolio Standard report to the Legislature, supporting New Mexico's decarbonization goals under the Renewable Energy Act.

12. New Mexico has 23 distinct sovereign Native American tribes within its borders. Please explain your familiarity with the State - Tribal relationship with an emphasis on how this relationship is applicable to utilities including power generation, right of ways and alternative energy?

I recognize the sovereignty of New Mexico's 23 Native American tribes and the importance of respectful collaboration, as acknowledged in NMSA 1978, Section 11-18-1 (State-Tribal Collaboration Act). As the question implies, utilities often require rights of way across tribal lands for power generation and transmission projects, necessitating compliance with NMAC Title 17, Chapter 9, Part 595 (Utility Access to Rights of Way on Tribal Land). Utilities are also required to comply with both federal and tribal laws when operating on or near tribal lands. Similarly, state agencies are required to engage with tribes on a government-to-government basis, respecting their autonomy and legal status.

I have participated in regulatory proceedings involving utilities and tribal interests, ensuring compliance with statutory requirements and respectful engagement with tribal entities. At the same time, more work needs to be done in fostering a healthy and engaging relationship with the Tribal Council.

Understanding tribal concerns is essential when considering alternative energy projects that may impact their lands. I am committed to fostering partnerships that honor tribal rights and promote mutual benefits, ensuring tribal voices are included in utility-related decision-making processes. The Commission must do more to ensure inclusive and effective collaboration with the leadership of Native peoples.

13. The Public Regulation Commission is a regulatory body. Often the line between regulation and policy can get blurred. Please explain your view as to where the line between regulation and policy is.

Let me be very clear, the line between regulation and policy is defined by the roles assigned by law. The legislature creates laws and sets policy objectives (NMSA 1978, Section 8-8-4), while the Commission implements and enforces those laws through regulation. As a Commissioner, it's imperative to base decisions on statutes enacted by the legislature and the factual records of each case, in compliance with NMSA 1978, Section 62-6-4.

Regulators must interpret and apply laws consistently, ensuring regulatory actions align with legislative intent. While the Commission may provide input on policy matters when requested, its primary function is to execute laws faithfully, maintaining the separation of powers fundamental to our governance.

14. What is the most consequential action or decision of the PRC in the last twenty years? Why?

The application of the Energy Transition Act to the Abandonment of the San Juan Generating Station and the decisions that the PRC has made in associated dockets is the most consequential decision the Agency has made in the last twenty years.

The decisions in PRC Docket 19-00018-UT and 19-00195 accelerated the integration of renewable resources, setting a precedent for future utility resource planning in New Mexico. The Commission approved PNM's application to abandon SJGS Units 1 and 4, facilitating the state's move away from coal-fired electricity as required under the law. At the same time, the fallout from the timing of the release of securitized bonds, the location of replacement resources intended to serve local consolidated school districts for tax purposes, and the impact to local workers in the San Juan area have impacted this community in unanticipated ways.

Critics argue that the PRC did not adequately address the economic consequences for the communities surrounding SJGS, particularly in San Juan County and among the Navajo Nation. The closure led to significant job losses, affecting plant workers, coal miners, and related industries. Reliability was also a very large

concern because of the timing of renewable replacement operability. Some consumer advocates also noted that the transition could lead to higher electricity rates due to the costs of new infrastructure and renewable energy projects. Financially, there was also concern that securitized bonds might burden future ratepayers with debt, potentially leading to long-term financial obligations. Many felt that the abandonment process was not deliberate enough in that it was too rushed, that it was not transparent enough, or that it was not inclusive enough. Some community members felt that their voices were not being heard. Environmental groups were concerned that the PRC did not adequately plan for remediation of the SJGS site. Finally and importantly, the closure's impact on the Navajo Nation and other Indigenous Communities raised concerns about cultural disruption and loss of traditional livelihoods.

While acknowledging these criticisms, it is important to consider the broader context and the steps that the PRC took to mitigate negative impacts of the abandonment, legally, environmentally, economically, and with an eye towards a just transition. The PRC was required to implement the ETA as passed by the legislature, which mandated the transition away from coal-fired power plants and set specific timelines. The urgency of addressing climate change and reducing greenhouse gas emissions provided a compelling reason for the PRC's actions, aligning with state, national, and global environmental goals. The shift towards renewable energy opened new avenues for economic growth, job creation, and technological innovation in New Mexico, offering long-term benefits that could outweigh short-term challenges. Lastly, The inclusion of funding for worker retraining and economic development demonstrated a commitment to supporting affected communities, even if implementation could be improved.

Overall, decisions in both dockets in implementing the ETA and transition away from coal-fired power has been fundamentally beneficial for New Mexico for several reasons:

1. Environmental Leadership and Improved Public Health
 - Significant Reduction in Emissions: Closing SJGS has led to a substantial decrease in carbon emissions and other pollutants, contributing to cleaner air and a healthier environment.
 - Public Health Benefits: Improved air quality reduces the incidence of pollution-related health issues, benefiting communities statewide.
2. Advancement of Renewable Energy and Economic Growth
 - Renewable Energy Expansion: The approval of new renewable energy projects positions New Mexico as a leader in clean energy, attracting investment and fostering innovation.
 - Job Creation: The renewable sector offers opportunities for employment and economic diversification, particularly in rural areas affected by the decline of fossil fuel industries.
3. Alignment with Policy Goals and Public Sentiment
 - Compliance with Legislative Mandates: The PRC fulfilled its duty to implement the ETA, reflecting the state's policy direction as determined by elected representatives.
 - Public Support for Clean Energy: Surveys and public input indicate strong support among New Mexicans for transitioning to renewable energy sources.
4. Long-Term Economic and Environmental Sustainability
 - Cost Savings Over Time: Renewable energy sources can offer more stable and potentially lower costs in the long run due to declining technology prices and low operational expenses.
 - Resilience Against Market Volatility: Diversifying the energy mix reduces dependence on fossil fuels, shielding the state from price fluctuations and supply disruptions.
5. Enhanced Regulatory Framework
 - Setting Precedents for Future Actions: The PRC's handling of the SJGS case provides valuable lessons and precedents for managing future energy transitions, emphasizing the importance of comprehensive planning and stakeholder engagement.

While there is room for improvement in addressing the economic and social impacts on affected communities, the overall direction set by the PRC's decision aligns with New Mexico's long-term interests. By prioritizing environmental sustainability, public health, and economic diversification, New Mexico is better positioned to face future challenges and capitalize on emerging opportunities in the energy sector. Moving forward, the

PRC should work to implement the Legislature's directives by strengthening support for affected communities, ensuring reliable energy supply, promoting inclusive engagement, and focusing on environmental remediation.

15. Per NMSA 1978 Section 62-19-5 please provide the following:

- a. Do you hold a baccalaureate degree from an institution of higher education that has been accredited by a regional or national accrediting body? (If you hold a professional license or a post-graduate degree, skip to subsection b.)
 - i. Do you have at least ten years of professional experience in an area regulated by the commission or in the energy sector and involving a scope of work that includes accounting, public or business administration, economics, finance, statistics, policy, engineering or law? Please detail how your work experience meets this requirement, including noting the specific number of years in each relevant role.
- b. Do you hold a professional license or a post-graduate degree from an institution of higher education that has been accredited by a regional or national accrediting body in an area regulated by the commission, including accounting, public or business administration, economics, finance, statistics, policy, engineering or law?

Yes.

 - i. Do you have at least ten years of experience within the field in which you hold your license or post-graduate degree? Please detail how your work experience meets this requirement, including noting the specific number of years in each relevant role.

Licenses and Post-graduate education:

- I have two post-graduate degrees:
 - MBA in Finance from the University of New Mexico Anderson School of Management
 - Juris-Doctorate from the University of New Mexico School of Law
- I also have an economics minor from the University of New Mexico.
- I had a professional Series 7 License (FINRA) during my career in finance
 - This licensure permits a financial professional to engage in trading and sales of virtually all types of securities, including:
 - Corporate Stocks and Bonds
 - Options Contracts
 - Municipal Securities
 - Mutual Funds
 - Variable Annuities
 - Direct Participation Programs (DPPs)
 - Exchange-Traded Funds (ETFs)
 - Real Estate Investment Trusts (REITs)
- I have an active license to practice law in the State of New Mexico, which I currently employ for Consumer Protection with the New Mexico Department of Justice.

Work Experience that applies to Utility Regulation:

- Over 4 years working at the New Mexico Public Regulation Commission
- Two years in accounting and finance with CoreMark (account receivable manager), CitiGroup (Prime Brokerage Control Division), and MetLife (Financial accounting including swaps and hedges)
- Summer Employment with Consumer Law offices including Fefferman, Warren, and Mattison, and The Senior Citizens Law Office, during law school
- Clinical Experience in the Economic Justice Clinic at the University of New

Mexico School of Law

- Current experience in Consumer Protection working for the Attorney General under the New Mexico Department of Justice
- To the extent that education is considered appropriate experience, I have
 - 4 years of education in economics and foreign languages, including statistics;
 - 3 years of legal education; and
 - 2 years of financial education at the graduate level

c. Do you have a financial interest in a public utility in New Mexico or elsewhere?

i. No.

d. Have you been employed by a commission-regulated entity at any time during the last two years?

i. No.

e. Do you agree that you will give your entire time to the business of the commission and will not pursue any other business or vocation or hold any other office for profit?

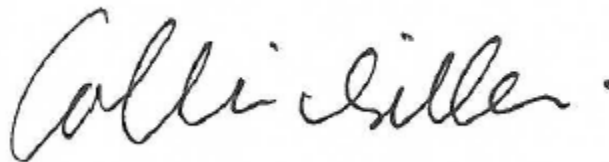
i. Yes.

16. The two sitting PRC Commissioners are registered to vote with the Democratic Party. The New Mexico Constitution requires that no more than two PRC Commissioners can be registered to vote with the same political party. Please state your registered party affiliation.

I am a registered independent.

Please affirm this statement with your signature below:

I affirm that the above information is true and correct, and I have met the statutory and constitutional requirements, as described in questions 15 and 16 above.



Candidate Signature of Affirmation