

Responses to NMPRC 2026 Candidate Questionnaire

1. Briefly describe your experience with regulatory topics including: utility rate setting, promulgating regulations, broadband regulation, and New Mexico's energy transition.

I have served as a PRC Commissioner since 2023 and spent 15 years as an economist, energy analyst, supervisor, and policy advisor at the Federal Energy Regulatory Commission (FERC). My experience includes utility rate setting, rulemaking proceedings, administering the PRC's broadband program, and implementing statutory requirements, including those related to New Mexico's energy transition. My resume details extensive experience with additional regulatory topics.

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

In utility regulation, the public interest means balancing competing interests and requires that a proposal's benefits outweigh its reasonable costs. The public interest also requires that regulators consider more than the direct financial interests of consumers and investors.

The Public Utility Act introduces the public interest in NMSA 1978, § 62-3-1(B), providing that "[i]t 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."

Other statutes further refine the public interest by requiring the Commission to weigh specific factors to determine whether a proposal serves the overall public interest, as well as by regulatory precedent and current circumstances. Statutory language and the subsequent development of Commission precedent are the required basis for any interpretation of the concept.

3. How much transparency should the Commission provide the public into their deliberations and the bases for their decisions?

The Commission should provide as much transparency as possible. The Open Meetings Act entitles the public to the greatest possible information. To that end, the Commission must ensure transparency in its deliberations and the basis for its decisions. Importantly, the Open Meetings Act requires the Commission to take all votes and final actions in open meetings.

The Open Meetings Act allows a narrow exception under NMSA 1978, § 10-15-1(H)(3) for deliberations in administrative adjudicatory proceedings. While the Commission acts as a quasi-judicial body addressing adjudicatory proceedings, openness should remain the default, and closed deliberations should be limited. The evidentiary record-building process—including testimony, exhibits, and cross-examination—must occur in open public hearings. The rest of the regulatory process, such as recommended decisions, exceptions, and orders, must also ensure transparency and due process. All votes and final actions must take place in open sessions.

Most importantly, meaningful transparency requires understanding both what the Commission decided and why. The Commission should issue comprehensive written final orders that exceed the requirements of the Open Meetings Act. Detailed orders explaining the reasons for decisions protect

due process, provide a transparent record, and offer an avenue for appeal to the New Mexico Supreme Court.

- 4. 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?**

My work as a PRC Commissioner has provided me direct experience with the state-tribal relationship in New Mexico.

Tribal communities are comprised of New Mexico ratepayers. Improvements to energy infrastructure on tribal land should directly benefit affected communities. Effective collaboration requires early engagement to ensure tribal perspectives are considered and that Pueblos, Tribes, and Nations have substantial, meaningful input in all relevant Commission proceedings.

- 5. What is your definition of “just and reasonable” rates? Has this definition evolved through the years as the PRC and other commissions expanded the scope of their decisions to embrace more special interests?**

A rate is fair, just, and reasonable if it reflects the reasonable costs of providing safe and reliable service and allows the utility to recover prudently incurred costs and earn a fair return.

The just and reasonable standard is not driven by special interests; it is driven by enacted legislation and the public interest. Although utility regulation has evolved, the Commission’s evaluation remains consistent: rate components must be supported by substantial evidence, based on cost-causation principles, and provide benefits to ratepayers at the lowest reasonable cost.

- 6. If a utility could justify a 20% increase in its rates, based on its projections of future costs and sales, but it would impose hardship on a certain segment of its customers, how would you reconcile this dilemma? What regulatory options would you consider?**

When reviewing the proposed 20% rate increase, the Commission must consider affordability. The Commission does not have to approve an across-the-board increase. Instead, the Commission can design rates that consider the burden on low-income consumers. This can include adjusting customer charges and tiered rates and applying the principle of gradualism.

Importantly, the Commission has authority to approve rates and programs designed to reduce the burden of energy costs on low-income customers pursuant to NMSA 1978, § 62-8-6(C).

Furthermore, the Commission can leverage other statutory frameworks that mandate or allow specific consideration of low-income consumers, including statutory provisions enacted by the Efficient Use of Energy Act (NMSA 1978, § 62-17-5), the Community Solar Act (NMSA 1978, § 62-16B-7), the Grid Modernization Act (NMSA 1978, § 62-8-13), and the Transportation Electrification Act (NMSA 1978, § 62-8-12).

7. What is the role of intervenors in Commission adjudications, and do they add value to Commission decisions? If so, how?

Intervenors help identify errors and inconsistencies in utility filings through discovery, expert testimony, and cross-examination. Intervenors also ensure that the Commission adequately considers diverse interests and perspectives. Their participation helps the Commission develop a complete record and evaluate complex proceedings.

8. How will you balance implementation of legislative direction with independent regulatory judgment, and what steps will you take to avoid regulatory capture, manage stakeholder influence, and ensure decisions are grounded in evidence and the long-term interests of New Mexico customers?

Legislative direction and independent regulatory judgment are not in conflict because the Commission is required to implement enacted legislation. Independent regulatory judgment involves applying statutory requirements based on a complete record, considering staff and stakeholder input, and drawing on relevant expertise and sound recommendations from advisory staff to ensure that the Commission's decisions accurately apply the law and serve the public interest.

To prevent regulatory capture and manage stakeholder influence, the Commission enforces strict *ex parte* rules prohibiting off-the-record communications (NMSA 1978, § 62-19-23). Additionally, Commissioners may not accept anything of value from a regulated entity, affiliated interest, or intervenor, in accordance with NMSA 1978, § 62-19-8(D). Commissioners must also abide by the statutory provisions enacted by the Governmental Conduct Act (NMSA 1978, NMSA 1978 §§ 10-16-3(A)-(D)) and the Gift Act (NMSA 1978, § 10-16B-3) and remain independent of regulated entities and other parties. Moreover, Commissioners must be perceived as fair and impartial to uphold the credibility of their decisions. Adhering to ethical standards and *ex parte* requirements protects Commissioners from lobbying, eliminates conflicts of interest, ensures fairness, and maintains the integrity of Commission decisions.

The Commission's regulatory processes ensure that decisions are based on substantial evidence and comply with New Mexico law. For example, the process for rate cases and other major proceedings includes open public hearings, direct and rebuttal testimony, cross-examination, recommended decisions by independent Hearing Examiners, and opportunities for parties to submit exceptions to the recommended decision before the Commission issues a final order. Additionally, the Commission issues orders explaining the reasons underlying its final decision, which parties can appeal to the New Mexico Supreme Court. This deliberate process ensures that the Commission's decisions are grounded in record evidence and serve the public interest.

9. What can the Commission do to promote universal access to broadband?

The Commission plays an important role in addressing universal access to broadband by closing the infrastructure and affordability gaps in the state. On the infrastructure side, the Commission administers a grant program under the State Rural Universal Service Fund (SRUSF), providing targeted funding to build and maintain broadband infrastructure that provides access to unserved and underserved communities.

Under the newly enacted Senate Bill 152 amending the Rural Telecommunications Act, the Commission must implement the modernized Low-Income Telecommunications Assistance Program within the SRUSF and administer a state-level broadband affordability assistance framework.

The Commission also works with the Office of Broadband Access and Expansion to ensure infrastructure deployment supports universal access.

10. How should the PRC approach resource adequacy and reliability planning, including the role of firm resources, demand-side resources, and regional coordination to ensure reliable and affordable service?

The PRC should approach resource adequacy by carefully evaluating utility filings, especially resource procurement proceedings. The Energy Transition Act requires investor-owned electric utilities to transition to zero-carbon resources by 2045. The Commission must assess a diverse resource portfolio to meet state requirements and provide safe, reliable, and affordable service. This includes recognizing the importance of firm capacity, such as geothermal generation and energy storage, to maintain reliability during peak periods, along with cost-effective zero-carbon and demand-side resources.

Importantly, resource adequacy should not be addressed in isolation by individual utilities. Active regional coordination is essential. Utilities and the Commission must engage in regional transmission planning, collaborative resource adequacy programs, and regional wholesale markets. Regional coordination allows New Mexico to leverage geographic and resource diversity, pool capacity, and reduce production costs, ensuring grid reliability at the lowest cost to customers.

11. What is the role of the Commission in protecting existing customers from the high demands placed by data centers on the electric grid?

The Commission's role in addressing the high demands data centers place on the electric grid is to protect existing customers, including residential and small business customers, from unreasonable cost shifts and ensure large load customers pay their full share. Where the Commission has authority over microgrids, the Commission must enforce strict cost-causation standards and protective rate design to prevent rate increases for existing ratepayers and prevent them from subsidizing the energy demands or grid impacts of data center microgrids.

12. What would be the major issues surrounding natural gas utilities in the future? Should gas utilities invest today in new infrastructure that can become stranded, before its expected end date, when many energy consumers are projected to switch from natural gas to electricity in the future?

Utilities should not invest in infrastructure that may become stranded, and New Mexico ratepayers should not bear the cost of imprudent stranded assets. Under Commission precedent, capital expenditures are recoverable in rates only if they are prudently incurred and remain used and useful in providing safe and reliable service. If a gas utility overinvests despite clear trends toward electrification, the financial risk should fall on the utility and its shareholders, not customers.

13. How should the PRC evaluate and oversee utility proposals related to distributed resources, non-wires alternatives, and performance-based mechanisms so that customers receive the benefits of innovation and competition rather than bearing unnecessary cost or risk?

Utilities may make grid modernization filings, and the Commission can also require them. In January, pursuant to the grid modernization statute, the Commission required the three investor-owned electric utilities to each file a distribution service plan. The Commission required a comprehensive evaluation of distributed energy resource deployment and a hosting capacity analysis for each distribution feeder to highlight where additional distributed energy resources would be beneficial. Moreover, the Commission can proactively ensure that utilities, stakeholders, and staff continually research and consider the costs and benefits of innovative grid solutions. For example, the Commission regularly hosts expert presentations at open meetings, facilitates workshops, and considers potential new rules to ensure customers benefit from new technologies and processes. Non-wires alternatives can cost-effectively avoid or defer traditional upgrades. The Commission requires utilities to demonstrate that grid investments are prudent and cost-effective, and that they considered viable alternatives, before allowing cost recovery through rates. As part of the distribution service plans noted above, utilities must file a cost-benefit analysis comparing grid modernization and advanced grid technology investments with traditional distribution investments.

14. 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.) Response: 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. Response: Skip to Subsection b.
- 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? Response: 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. Response: Yes, I have over 19 years of experience as a utility regulator.
- c. Do you have a financial interest in a public utility in New Mexico or elsewhere? Response: No.
- d. Have you been employed by a commission-regulated entity at any time during the last two years? Response: 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? Response: Yes.

15. The two sitting PRC Commissioners are registered to vote with the Democratic Party and Republican 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. Response: Democrat.