

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION OF)
EPCOR WATER NEW MEXICO INC. FOR)
AUTHORITY TO ENTER INTO A DRINKING)
WATER REVOLVING LOAN FUND LOAN AND)
SUBSIDY AGREEMENT) **CASE No. 25-00009-UT**
)
EPCOR WATER NEW MEXICO INC.,)
)
APPLICANT.)
_____)

NOTICE OF PROCEEDING AND HEARING

NOTICE is hereby given of the following:

1. On January 24, 2025, EPCOR Water New Mexico Inc. (“EWNM”) filed an Application (“Application”) with the New Mexico Public Regulation Commission (“NMPRC” or “Commission”) requesting the Commission’s approval and authorization to enter into a Drinking Water State Revolving Loan Fund Loan and Subsidy Agreement (the “Loan and Subsidy Agreement”) with the New Mexico Finance Authority (“NMFA”) under the Drinking Water State Revolving Loan Fund Act and the Safe Drinking Water Act of 1974. NMFA will award EWNM an amount not to exceed the maximum principal amount of three million dollars (\$3,000,000.00). EWNM intends to use the proceeds from the Loan and Subsidy Agreement to finance the costs of a Preliminary Engineering Report, evaluate and select a treatment process, conduct pilot testing of treatment technologies, and develop a recommended project to bring certain groundwater wells that produce approximately twenty-five percent (25%) of the groundwater supply for the City of Clovis into compliance with the new U.S. Environmental Protection Agency (EPA) maximum contaminant level for Perfluorooctanoic acid (PFOA) and perfluoroalkyl substances (PFAS). The proposed transaction is more fully described in EWNM’s Application, testimony, and exhibits.

2. EWNM asserts that if it completes the Project within the period specified in the Loan and Subsidy Agreement, then NMFA is bound to forgive the entire principal amount of the loan and EWNM is not obligated to repay the disbursed proceeds.

3. EWNM asserts that if it fails to complete the Project within the specified period or otherwise defaults (without subsequent cure) on the Loan and Subsidy Agreement, then NMFA will determine terms and conditions of repayment of the loan. In no event shall the length of repayment be established for a term of less than ten (10) years and/or the interest rate charged exceed the lesser of: (a) ten (10) percent per annum; or (b) a rate per annum that is equal to two (2) percent plus the prime rate as published by the board of governors of the federal reserve system in statistical release H.15 or any superseding publication.

4. EWNM asserts that the issuance of the Loan and Subsidy Agreement from NMFA does not constitute an affiliate transaction.

5. The Commission is required by law to act promptly on EWNM's Application.

6. The present schedule for is as follows:

- A. Any person who desires to become a party to this case must file a Motion for Leave to Intervene, pursuant to 1.2.2.23(A) NMAC, no later than February 10, 2025.
- B. Staff shall, and any intervenors may, file direct testimony by February 10, 2025.
- C. Rebuttal testimony may be filed by February 12, 2025.
- D. A public hearing will be held beginning at 9:00 AM Mountain Time on February 14, 2025, for the purpose of hearing and receiving evidence, arguments, and any other appropriate matters in order to determine whether the authorizations requested in the EWNM's Application should be granted by the Commission. The evidentiary hearing shall be conducted via the Zoom videoconference platform. Access to and participation in the

evidentiary hearing shall be limited to party participants (i.e., counsel and witnesses) the Commissioners, and essential Commission personnel. The Zoom hearing will be livestreamed through YouTube and will be displayed on the Commission's website at <https://www.prc.nm.gov/public-hearings/>. Persons not participating in the evidentiary hearing as an attorney or witness may view the hearing on the Commission's website and shall not join the hearing via Zoom except to provide oral comment as allowed below.

7. Interested persons who are not affiliated with a party may make oral or written comment pursuant to Rule 1.2.2.23(F) NMAC. Oral comment shall be taken at the beginning of the public hearing on February 14, 2025, and shall be limited to 3 minutes per commenter. As part of the public hearing, public comment will be taken via the Zoom platform. Therefore, persons wishing to make an oral comment must register in advance, not later than 8:30 a.m. MT on February 14, 2025, by e-mailing Ana.Kippenbrock@prc.nm.gov. Written comments may be submitted before the Commission takes final action by sending the comment, which shall reference NMPRC Case No. 25-00009-UT, to prc.records@prc.nm.gov. Public comments, whether oral or written, shall not be considered as evidence in this proceeding.

8. The public hearing set for February 14, 2025, may be vacated if deemed not required pursuant to 17.1.2.8(C)(3) NMAC, in which case the Commission will take public comment and dispose of the Application at an Open Meeting.

9. Additional details regarding this proceeding and its procedural requirements are set forth in the Hearing Examiner's January 28, 2025 Procedural Order.

10. The procedural dates and requirements provided herein are subject to further Order of the Commission or Hearing Examiner. Interested persons should contact the Commission at

505-690-4191 for confirmation of the hearing date, time, and place, since hearings are occasionally rescheduled or canceled if deemed not required at the discretion of the Hearing Examiner.

11. The Commission's Rules of Procedure and Rule for Utility Applications (1.2.2 NMAC and 17.1.2.8 NMAC respectively) shall apply except as modified by order of the Commission or Hearing Examiner. The Rules of Procedure and other NMPRC rules are available online at <https://nmonesource.com/nmos/en/nav.do>.

12. Anyone interested may examine EWNM's Application, exhibits, and related papers filed in this case by contacting EWNM at 505 633-8060 or visiting EWNM's offices at 1515 Lomas Blvd. NW, Albuquerque, NM 87104. The Application may also be viewed online at EPCOR's website at <https://www.epcor.com/us/en/news.html> or the Commission's website under "Case Lookup – eDocket" at <https://www.nm-prc.org/case-lookup-e-docket/>. Instructional information and videos about how to use eDocket are available on the Commission's website. Questions can also be directed to the PRC Consumer Relations Department at 1-888-427-5772. All inquiries concerning this matter should refer to Case No. 25-00009-UT.

13. Any person filing pleadings, testimony, or other documents shall comply with the Commission's Electronic Filing Policy, which includes filings in pdf format, with electronic signature, sent to the Records Management Bureau's e-mail address prc.records@prc.nm.gov within regular business hours on the due date to be considered timely filed. Documents received after regular business hours will be considered as being filed the next business day. Regular business hours are from 8:00 a.m. to 5:00 p.m. Mountain Time (MT). Parties shall serve a copy on all parties of record and Staff with copy to Elizabeth.Hurst@prc.nm.gov by no later than 5:00 p.m. on the date of filing with the Commission.

14. Any person who files testimony shall attend the hearing and submit to examination under oath.

PERSONS WITH DISABILITIES

IF YOU ARE AN INDIVIDUAL WITH A DISABILITY WHO IS IN NEED OF A READER, AMPLIFIER, QUALIFIED SIGN LANGUAGE INTERPRETER, OR ANY OTHER FORM OF AUXILIARY AID OR SERVICE TO ATTEND OR PARTICIPATE IN THE HEARING, OR FOR A SUMMARY OR OTHER TYPE OF ACCESSIBLE FORMAT OF PUBLIC DOCUMENTS, PLEASE CONTACT THE DIRECTOR OF ADMINISTRATIVE SERVICES OF THE COMMISSION AT (505) 827-8019 AS SOON AS POSSIBLE PRIOR TO THE HEARING.

ISSUED under the seal of the Commission at Santa Fe, New Mexico, this 28th day of January 2025.

NEW MEXICO PUBLIC REGULATION COMMISSION



Elizabeth C. Hurst

Elizabeth C. Hurst
Hearing Examiner
Elizabeth.Hurst@prc.nm.gov