

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION
RESOLUTION NO. 03-09-16

**REQUESTING THE LEGISLATIVE COUNCIL SERVICE TO ASSIGN TO AN
APPROPRIATE INTERIM COMMITTEE THE TASK TO REVIEW AND
FORMULATE A STATUTORY REMEDY ON THE COMMISSION RECUSAL ISSUE**

WHEREAS, individual commissioners appeared before the New Mexico Supreme Court to determine if recusal of individual commissioners from the PNM San Juan Abandonment case (Case No. 13-00390-UT) was warranted; and

WHEREAS, the Supreme Court did not require recusal from that case, but it is possible that recusal issues may arise in the future; and

WHEREAS, should commissioners be recused from a case, it needs to be determined under what circumstances and how would they be replaced in order to complete the case from which they are recused; and

WHEREAS, it needs to be determined which governmental body would be responsible for selecting a replacement for a recused commissioner and what criteria would be used for the selection of the replaced commissioner; and

WHEREAS, there is a need for legislation to address these issues.

**NOW, THEREFORE, BE IT RESOLVED BY THE NEW MEXICO PUBLIC
REGULATION COMMISSION** that the Commission should request the Legislative Council Service to assign to an appropriate interim committee the task to review and formulate a statutory remedy on the commission recusal issue.

ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this 9th day of
March, 2016.

NEW MEXICO PUBLIC REGULATION COMMISSION

Valerie Espinoza

VALERIE ESPINOZA, CHAIRWOMAN

TELEPHONICALLY APPROVED

KAREN MONTOYA, VICE CHAIR

Patrick H. Lyons

PATRICK H. LYONS, COMMISSIONER

Lynda Lovejoy

LYNDA LOVEJOY, COMMISSIONER

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SANDY JONES, COMMISSIONER

