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HOUSE BILL 488

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Eleanor Chavez

AN ACT

RELATING TO PUBLIC UTILITIES; ENACTING A SECTION OF CHAPTER 62,  
ARTICLE 10 NMSA 1978 TO MANDATE THAT THE PUBLIC REGULATION  
COMMISSION ORDER PUBLIC UTILITIES TO PAY THE LEGAL COSTS AND  
FEES OF CERTAIN INTERVENORS IN PUBLIC UTILITY HEARINGS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of Chapter 62, Article 10 NMSA  
1978 is enacted to read:

"~~[NEW MATERIAL]~~ PUBLIC UTILITY HEARINGS--PUBLIC UTILITY TO  
PAY LEGAL COSTS AND FEES OF CERTAIN INTERVENORS.--

A. In a matter before the commission that relates  
to public utilities, the commission shall order a public  
utility to pay a customer reasonable advocate's fees,  
reasonable expert witness fees and other reasonable costs of  
preparation for and participation in a hearing pursuant to

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1 Chapter 62, Article 10 NMSA 1978 when:

2 (1) the customer intervenes in a public  
3 utility matter pursuant to that article;

4 (2) the commission finds that the customer has  
5 made a substantial contribution to the adoption of the  
6 commission's decision in the matter;

7 (3) the customer demonstrates to the  
8 commission that, without an award of fees or costs, the  
9 customer would endure significant financial hardship; and

10 (4) the customer complies with commission  
11 rules regarding notice of intent to claim compensation,  
12 demonstration of substantial contribution to the outcome,  
13 demonstration of potential financial hardship and any other  
14 procedures that the commission determines by rule necessary to  
15 an equitable reimbursement of costs and fees pursuant to this  
16 subsection.

17 B. The commission shall adopt rules to provide for  
18 compensation of customers who intervene in public utility  
19 matters pursuant to Chapter 62, Article 10 NMSA 1978, including  
20 procedures:

21 (1) for providing notice of intent to claim  
22 compensation;

23 (2) by which the commission or customers may  
24 demonstrate that a customer has made a substantial contribution  
25 to the outcome of a proceeding filed pursuant to that article;

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1 (3) for demonstrating potential financial  
2 hardship; and

3 (4) any other procedures that the commission  
4 determines by rule necessary to an equitable reimbursement of  
5 costs and fees pursuant to this subsection.

6 C. As used in this section:

7 (1) "advocate" means a person who:

8 (a) appears on behalf of a customer in  
9 favor of or in opposition to a matter before the commission  
10 that relates to public utilities; or

11 (b) is an attorney, a consultant, a  
12 proponent, a customer or any person who contributes to or  
13 represents an intervenor's actions;

14 (2) "customer" means a person that:

15 (a) is a consumer or subscriber of a  
16 public utility that is subject to hearings pursuant to Chapter  
17 62, Article 10 NMSA 1978; or

18 (b) has been authorized by a person  
19 described in Subparagraph (a) of this paragraph to represent  
20 the interests of that person in a hearing pursuant to Chapter  
21 62, Article 10 NMSA 1978; and

22 (3) "substantial contribution" means a  
23 contribution to proceedings that the commission deems to have  
24 substantially assisted the commission in reaching its decision  
25 through contentions or policy or procedural recommendations

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1 that are presented in a matter filed pursuant to Chapter 62,  
2 Article 10 NMSA 1978."

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