

to its purchase of wind renewable energy credits (“RECs”) from Southwestern Public Service Company and to a proposed Biogas Program, to proceed on the current procedural schedule and that consideration of the remainder of the 2010 Plan be stayed to allow for a consideration of approval of a Supplemental Plan (and other remaining aspects of the 2010 Plan) involving a possible PNM-owned distributed solar generation (“DSG”) program under a separate 180-day timetable commencing when, and if, PNM either files the Supplemental Plan or a notice that it will not file the Supplemental Plan by the end of 2009. As proposed, the stay would not stay any PNM responses to discovery requests outstanding at the time of the filing of Motion.

3. PNM asserted that, by using a separate timetable for its proposal of a utility-owned distributed DSG program, the parties would be able to concentrate their efforts on settling, rather than litigating, the issues, and that the parties do not have the resources to pursue litigation and settlement discussions of all the issues simultaneously. PNM also asserted that the Supplemental Plan should be filed in the current docket, albeit with a separate, different timetable, so that issues related to PNM’s proposed modifications of existing PV Programs and PNM’s proposed utility-owned DSG may be considered together.

4. The Commission has received a “Statement of Non-Opposition to Form of Order on [PNM’s] Motion to Amend Second Procedural Order” (“Statement”) signed by representatives of PNM, the Renewable Energy Industry Association, Western Resources Advocates, EverGuard® Roofing, LLC and EverGuard Solar, LLC (“EverGuard”), and the Buckman Direct Diversion Board which states that the signatories do not oppose entry of an order on PNM’s Motion that provides the following:

A. The October 6, 2009 hearing on §§ 6 and 7 of PNM's 2010 Plan, (proposed SPS wind REC purchase and Biogas Program) will proceed as scheduled under the Second Procedural Order as amended by the Hearing Examiner.

B. The remainder of PNM's 2010 Plan is rejected as incomplete pursuant to NMSA §62-16-4F and to PNM's stipulation at the hearing that the 2010 Plan does not contain the required information to allow the Commission to evaluate PNM's remaining proposals.

C. PNM shall file a revised 2010 Plan, which includes the elements of PNM's 2010 Plan as filed on July 1, 2009 except §§ 6 and 7, by the earlier of (1) three weeks after PNM provides notice to the Commission that negotiations among the parties on the distributed generation PV issues have been concluded, either successfully or unsuccessfully, or (2) January 4, 2010. The time limits in §62-16-4E for Commission consideration of the revised 2010 Plan would commence to run from the date it is filed.

D. The Commission reserves decision on the issue whether renewable procurement proposals which were not included in the 2010 Plan filed on July 1, 2009, may be considered under the revised 2010 Plan to be filed in accordance with ¶ 3, above.

E. PNM's Motion to Amend the Second Procedural Schedule is denied to the extent inconsistent herewith.

5. No opposition to this Statement from the remaining eight parties has been received by the Commission at this time.

6. Under the facts and circumstances of this case, the proposal set forth in PNM's Statement, which is unopposed, is well taken and should be adopted by the Commission.

IT IS THEREFORE ORDERED:

A. The October 6, 2009 hearing on §§ 6 and 7 of PNM's 2010 Plan, (proposed SPS wind REC purchase and Biogas Program) shall proceed as scheduled under the Second Procedural Order as amended by the Hearing Examiner.

B. The remainder of PNM's 2010 Plan is hereby rejected as incomplete pursuant to NMSA §62-16-4F and to PNM's stipulation at the hearing that the 2010 Plan does not contain the required information to allow the Commission to evaluate PNM's remaining proposals.

C. PNM shall file a revised 2010 Plan, which includes the elements of PNM's 2010 Plan as filed on July 1, 2009 except §§ 6 and 7, by the earlier of (1) three weeks after PNM provides notice to the Commission that negotiations among the parties on the distributed generation PV issues have been concluded, either successfully or unsuccessfully, or (2) January 4, 2010. The time limits in 1978 NMSA §62-16-4E for Commission consideration of the revised 2010 Plan shall commence to run from the date it is filed.

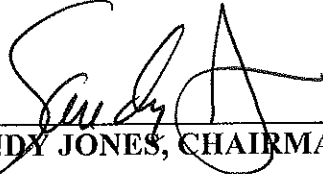
D. The Commission hereby reserves decision on the issue whether renewable procurement proposals which were not included in the 2010 Plan filed on July 1, 2009, may be considered under the revised 2010 Plan to be filed in accordance with ¶ 3, above.

E. PNM's Motion to Amend the Second Procedural Schedule is denied to the extent inconsistent herewith.

F. This Order is effective immediately.

ISSUED under Seal of the Commission at Santa Fe, New Mexico, this 22th day of
September, 2009.

NEW MEXICO PUBLIC REGULATION COMMISSION



SANDY JONES, CHAIRMAN

TELEPHONICALLY APPROVED

DAVID W. KING, VICE CHAIRMAN

APPROVED

JASON A. MARKS, COMMISSIONER

APPROVED

JEROME D. BLOCK, COMMISSIONER

APPROVED

CAROLE K. SLOAN, COMMISSIONER

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

PUBLIC SERVICE COMPANY OF NEW MEXICO'S)
NOTICE OF FILING OF "RENEWABLE ENERGY)
PORTFOLIO PROCUREMENT PLAN FOR 2010")
) **Case No. 09-00260-UT**
PUBLIC SERVICE COMPANY OF NEW MEXICO,)
)
Petitioner.)
)
)

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and correct copy of the foregoing **Order on Public Service Company of New Mexico's Motion to Amend Second Procedural Order** issued on September 22, 2009, was forwarded on September 22, 2009, by first-class mail, postage paid, and/or by e-mail to the following persons:

Benjamin Phillips, Esq.
PNM Resources, Inc.
Alvarado Square, MS-1200
Albuquerque, NM 87158

Nann M. Winter, Esq.
Sheehan, Sheehan & Stelzner, P.A.
PO Box 271
Albuquerque, NM 87103

Bruce C. Throne, Esq.
Everguard LLC
1440-B South St. Francis Drive
Santa Fe, NM 87505

Joseph Goldberg
Sara Berger
Freedman Boyd Hollander
Goldberg & Ives, P.A.
20 First Plaza NW Suite 700
Albuquerque, NM 87102

Randall W. Childress, Esq.
Stacey J. Goodwin Esq.
Law Offices of Randall W.
Childress, P.C.
300 Galisteo Street, Suite 205
Santa Fe, NM 87501

Nancy R. Long, Esq.
Long, Pound & Komer, P.A.
2200 Brothers Road
P.O. Box 5098
Santa Fe, NM 87502-5098

David Simmons
Everguard Roofing & Solar
512 Veranda Road, N.W.
Albuquerque, NM 87107

Evan D. Evans
El Paso Electric
100 North Stanton
El Paso, TX 79901

Tom Singer
NRDC
464 Camino Don Miguel
Santa Fe, NM 87501

Tom Nesmith
Energy Connections, LLC
P.O. Box 31165
Albuquerque, NM 87190

Helga Schimkat, Esq.
CCA
PO Box 8155
Santa Fe, NM 87504

David B. Nava, Esq.
Robert D. Kidd, Jr., Esq.
City of Albuquerque
PO Box 2248
Albuquerque, NM 87103

Steven S. Michel, Esq.
227 E Palace Ave. Suite M
Santa Fe, NM 87501

Peter J. Gould, Esq.
PO Box 34127
Santa Fe, NM 87594-4127

Rebecca G. Perry-Piper
135 Rincon Valverde
Ponderosa, NM 87044-9500

Andrew Dicamillo
City of Belen
100 S Main Street
Belen, NM 87002

Carol Leach
EMNRD
Wendell Chino Bldg.
1220 S St. Francis Drive
Santa Fe, NM 87505

Craig O'Hare
ENMRD
Wendell Chino Bldg.
1220 S St. Francis Drive
Santa Fe, NM 87505

Rachel Brown
Santa Fe County Attorney's
Office
P.O. Box 276
Santa Fe, NM 87504-0276

Joanne Reuter, Esq.
Attorney at Law
PMB 301-191
12231 Academy Road, NE
Albuquerque, NM 87111

James A. Noel
ENMRD
Wendell Chino Bldg.
1220 S St. Francis Dr.
Santa Fe, NM 87505

Laura E. Sanchez
NRDC
P.O. Box 287
Albuquerque, NM 87102

Rebecca Dempsey, Esq.
Cuddy & McCarthy, LLP
P.O. Box 4160
Santa Fe, NM 87502-4160

Via e-mail only to:

David Griscom
dgriscom@rdcnm.org
John Curl
jcurl@westernresources.org
Michael Stewart
Michael@310solar.com

Richard Oot
Suncard1@yahoo.com
Glenda Murphy
gmurphy@westernresources.org
Robb Thomson
robbm@toast.net

Hand delivered to:

Dahl Harris, Esq.
NMPRC-Legal Division
1120 Paseo de Peralta
Santa Fe, NM 87504

Hand delivered to:

Dwight Lamberson
NMPRC
1120 Paseo de Peralta
Santa Fe, NM 87504

Hand delivered to:

Carolyn R. Glick
NMPRC-Hearing Examiner
1120 Paseo de Peralta
Santa Fe, NM 87504

DATED this **22nd** day of September, 2009

NEW MEXICO PUBLIC REGULATION COMMISSION



Ana C. Kippenbrock, Paralegal