

FW: 23-00268-UT; Initial Order Opening Docket, Scheduling Workshop, and Requiring Filing of Responses to Inquiries

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BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF AN INQUIRY AND)
POTENTIAL RULEMAKING PERTAINING) Case No. 23-00268-UT
TO INVESTOR-OWNED ELECTRIC)
UTILITIES' REGIONAL MARKET ACTIVITY)**

**INITIAL ORDER OPENING DOCKET, SCHEDULING WORKSHOP, AND
REQUIRING FILING OF RESPONSES TO INQUIRIES**

THIS MATTER comes before the New Mexico Public Regulation Commission (the “Commission”) upon its own motion.

Whereupon, having been duly informed, the Commission finds that it should open an inquiry into the factors that Public Service Company of New Mexico (“PNM”) and El Paso Electric Company (“EPE”) should consider when determining whether to participate in a regional day-ahead market or regional transmission organization (“RTO”).¹ As discussed below, this order requests written comments and schedules an initial workshop, potentially the first of a series of workshops, to solicit industry and stakeholder input to develop the guidance principles and expectations for PNM, EPE, and New Mexico rural electric cooperatives² participating or considering participation in such markets.

THE COMMISSION FINDS AND CONCLUDES:

I. Need for Inquiry

1. The Commission discussed the potential for a Notice of Inquiry proceeding concerning the establishment of regional electric market activity guiding principles during the July 27, 2023, Open Meeting. The Commission explained that New Mexico’s ratepayers will benefit

¹ This order references RTOs and Independent System Operators (“ISO”) interchangeably.

² Rural electric cooperatives are not required to participate in a regional electric market, but they may be interested in doing so. Accordingly, the outcome of this inquiry may be valuable as rural electric cooperatives explore whether to participating in a regional market.

economically from a regional market that optimizes economic dispatch and maximizes the use of the electric grid and available generation. Regional markets will also help meet New Mexico's emissions reduction targets and improve grid reliability at a reduced cost to ratepayers as compared to transacting through the bilateral energy market.

2. The concept of a day-ahead market has not been implemented in the U.S. According to the State-Led Market Study,³ it is generally expected that “a day-ahead market would entail centrally optimized day-ahead unit commitment and real-time dispatch, but participants would continue to administer their own transmission tariffs and transmission planning functions and would retain operational/functional control over their transmission systems.” RTOs and ISOs, on the other hand, have additional responsibilities. RTOs and ISOs are typically tasked with optimizing transmission and energy flows across the market footprint, performing transmission planning and administering the generator interconnection procedures within the market footprint, ensuring reliable operation of the grid, and managing wholesale energy market transactions and cash flows within the market.⁴

3. Electric utilities, the California Independent System Operator Corporation, the Southwest Power Pool (“SPP”), state regulators, and electric industry stakeholders in the Western U.S. are developing and considering viable regional day-ahead markets and discussing the potential for a West-wide RTO/ISO. Given the potential benefits to New Mexico ratepayers, PNM and EPE may participate in a regional market.⁵ Therefore, it is necessary to solicit input from the

³The State-Led Market Study - Exploring Western Organized Market Configurations: A Western States' Study of Coordinated Market Options to Advance State Energy Policies at 6.

⁴ *Id.*

⁵ Southwestern Public Service Company (“SPS”) currently participates in SPP, an existing RTO.

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industry and stakeholders in New Mexico to discuss and develop the guidance principles and expectations for electric utilities participating in such markets.

II. Commission Determination

4. The Commission finds that it is in the public interest to open this docket and schedule a workshop on September 21, 2023, at 2:30 p.m. MST, to establish the guiding principles and expectations that New Mexico ratepayers, regulators, stakeholders, and utilities should have from exploring and ultimately participating in a regional day-ahead market or RTO/ISO.

5. In advance of the workshop, the Commission seeks responses by PNM and EPE to the questions in Appendix A to provide the Commission and the workshop participants with relevant information to evaluate and develop the guidance principles and expectations. The Commission also invites rural electric cooperatives and any other interested stakeholders to respond to the request for information. In addition, given that Southwestern Public Service Company (“SPS”) is a current member of SPP, the Commission requests that SPS provide written comments to explain the benefits to ratepayers, and any other notable impacts to ratepayers, from RTO participation.

6. PNM and EPE should make public presentations of their responses during the workshop. The Commission also requests that SPS deliver a presentation of its insights and experience of participating in an RTO. The Commission also encourages presentations by rural electric cooperatives and other interested parties that wish to present.

7. For these reasons, by end of business on September 14, 2023, PNM, EPE, SPS, and other interested parties shall file written responses to the inquiries to assist the Commission in its consideration of this matter. PNM, EPE, SPS, and interested parties that have signed up should

be prepared to present this information at the September 21, 2023, workshop and answer related questions.

8. A draft proposed rulemaking may be formulated and distributed after this workshop. After the conclusion of this informal workshop, the formal process of a Notice of Proposed Rulemaking may be initiated if necessary.

IT IS THEREFORE ORDERED:

A. PNM, SPS, EPE, and any interested stakeholders signed up to present shall attend a workshop informational open meeting which is hereby scheduled to be held on September 21, 2023, at 2:30 p.m. MST with hybrid attendance options.

B. Any rural electric cooperatives and interested stakeholders that wish to make a presentation may sign up to do so by contacting Patrick Rodriguez via email Patrick.rodriguez@prc.nm.gov or by phone at (505) 490-7910 no later than 5:00 p.m., on September 14, 2023.

C. Anyone may attend the workshop informational Open Meeting in person at the Bokum Building, 142 W. Palace Ave, Santa Fe, NM 87501, or via Zoom. In addition, the workshop will be accessible to the public via a live stream on YouTube and individuals wishing to provide public comment may now do so in person, via the Zoom app, or by telephone. To sign up for public comment, please contact Patrick Rodriguez via email Patrick.rodriguez@prc.nm.gov or by phone at (505) 490-7910 no later than 5:00 p.m., on the day before the workshop.

D. By the end of business on September 14, 2023, PNM, EPE, and SPS shall, and any other interested stakeholder may file written responses to the questions in Appendix A to assist the Commission in its consideration of this matter.

E. A copy of this Order shall be served on all parties listed on the attached certificate of service via email, if the email address is known, and if not known, by regular mail.

F. This Order is effective immediately.

ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this 10th day of August, 2023.

NEW MEXICO PUBLIC REGULATION COMMISSION

/s/ Gabriel Aguilera, electronically signed

GABRIEL AGUILERA, COMMISSIONER

/s/ James F. Ellison, Jr., electronically signed

JAMES F. ELLISON, JR., COMMISSIONER

/s/ Patrick J. O'Connell, electronically signed

PATRICK J. O'CONNELL, COMMISSIONER



Appendix A

The questions in this appendix are intended to inform the guiding principles and expectations that ratepayers, regulators, stakeholders, and utilities should have from electric utilities in New Mexico exploring and ultimately participating in a regional day-ahead market or an RTO/ISO.

1. Ongoing Initiatives Concerning Regional Markets

- A. Please explain the ongoing initiatives seeking to expand regional markets in the Western Interconnection.
- B. Please describe your views of the current landscape concerning regional markets, especially in terms of best outcomes, timelines, and challenges.
- C. Discuss the effect the size of the market footprint will have on ratepayer benefits.
- D. Please explain the chief pros and cons to New Mexico ratepayers of electric utilities' participation in a regional day-ahead market or RTO/ISO.

2. Benefits to Ratepayers

- A. How are cost savings to ratepayers measured under a regional market?
- B. Discuss whether a regional market would increase system reliability and reduce price volatility.
- C. Are ratepayers impacted in other ways by an electric utility's participation in a day-ahead regional market? If so, how? How are ratepayers additionally affected by an electric utility's participation in an ISO/RTO?
- D. How often should utilities report an analysis of the market's performance to the Commission for public consumption?

3. Greenhouse Gas (GHG) Emissions Accounting

- A. How can a day-ahead regional market or RTO/ISO help meet New Mexico's carbon reduction goals under the Energy Transition Act?
- B. How should the market ensure that GHG emissions are measurable to demonstrate compliance with New Mexico's emissions laws? Is a method to measure GHG emissions an essential element of a regional market given New Mexico's carbon reduction laws?
- C. What information should the market and the utility produce, and what information should the Commission collect to enforce emissions compliance?

4. Transparency

- A. Describe the core membership requirements a market should have.
- B. What are reasonable expectations concerning the process of joining and exiting membership obligations? What role would the Commission play in this process?
- C. Describe the anticipated decision-making and appeals process in the market.

- a. How are decisions about market design typically made?
 - b. Would New Mexico stakeholders have a meaningful opportunity to participate?
 - c. What voting privileges and decision-making rights should a member have?
 - d. How should the Commission participate in market design decisions?
- D. Describe the key rights and responsibilities that market participants should have.

5. Governance

- A. What does it mean to have an independent board under a regional market construct and what is the importance of the board being independent?
- B. Describe the governance structure of the regional markets currently being discussed. Does the governance structure preserve state authority to support state carbon reduction policies and allow meaningful participation by state representatives and stakeholder interests?

6. Independent Market Monitor (“IMM”)

- A. Is the IMM an external evaluator and is the IMM truly independent?
- B. How should the board of the regional market interact with the IMM?
- C. Please describe the methods typically used in a regional market to ensure that proper market mitigation is in place.
- D. What elements or mechanisms are critical for the IMM to have?

7. Market Transparency and Performance

- A. How often should market performance be analyzed and what should this analysis evaluate?
- B. What data must be made available to the Commission and the public to assess market performance?

8. Seams

- A. Explain PNM’s and EPE’s ties into CAISO and SPP’s potential markets in the West. Explain SPS’s and SPP’s ties into the Western Interconnection.
- B. Describe the effect on seams if the utilities join either the Extended Day-Ahead Market or Markets+.
- C. Are there any other notable considerations concerning seams that should be discussed?

9. Reliability

- A. How are reliability standards, such as a utility’s reserve margin, established under a regional market?
- B. How should the reliability benefits to ratepayers be measured?

- C. Would a utility's responsibility for local reliability change if it participates in a regional market?
- D. How can compliance with these reliability standards be made transparent?
- E. Is system reliability improved by participating in a regional market, and are there any drawbacks to consider?

10. Stakeholder Engagement

- A. How should the Commission engage with the market stakeholder processes?
- B. How can the Commission ensure that the investor-owned utilities are transparent with respect to their considerations in evaluating whether and which regional market to pursue?

11. Integrated Resource Planning (IRP) and Resource Adequacy

- A. Describe a regional market's anticipated effect on the IRP process.
- B. Does the anticipated market structure include appropriate resource adequacy standards?
- C. How can a regional market support a utility's ability to procure sufficient resource adequacy capacity, and what effect would this have on ratepayers?

12. Electric Cooperatives

- A. How can rural electric cooperatives participate in the market if desired?

13. Transmission

- A. How can participation in a day-ahead regional market improve the transmission system for New Mexicans? How would this differ from participating in a full regional transmission organization's market?
- B. Should the regional market require a participating transmission provider to make all its transmission capacity available to the market? What exceptions, if any, should exist?

14. Competitive Generation

- A. How does a regional market affect competition among resources and how does this, in turn, affect ratepayers?
- B. How can independent generators participate in the market?
- C. What aspects of a regional market can create barriers to competition that should be avoided?

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CERTIFICATE OF SERVICE

I CERTIFY that on this date I sent via email, to the parties listed below a true and correct copy of the foregoing *Initial Order Opening Docket, Scheduling Workshop, and Requiring Filing of Responses to Inquiries.*

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/s/ LaurieAnn Santillanes, electronically signed

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