

# NEW MEXICO PUBLIC REGULATION COMMISSION

## COMMISSIONERS

DISTRICT 1 HERB H. HUGHES, VICE CHAIRMAN  
DISTRICT 2 BILL POPE, CHAIRMAN  
DISTRICT 3 JEROME D. BLOCK  
DISTRICT 4 LYNDA M. LOVEJOY  
DISTRICT 5 TONY SCHAEFER



01 JAN -8 AM 10:51

1120 Paseo de Peralta  
P.O. Box 1269  
Santa Fe, New Mexico 87504

General Counsel's Office  
(505) 827-6947

## VIA FEDERAL EXPRESS

January 5, 2001

Mr. David P. Boergers  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E., Room 1A  
Washington, DC 20426

Re: *Avista Corporation, et al.*, Docket No. RT01-35-000

Dear Mr. Boergers:

Please find enclosed the original and 14 copies of the Motion To Intervene Out Of Time of the New Mexico Public Regulation Commission, to be filed in the above-referenced proceeding. Also enclosed are two extra copies, which we ask that you file-stamp and return in the enclosed prepaid envelope.

Thank you very much for your cooperation.

Sincerely,

A handwritten signature in cursive script, reading "Margaret Caffey-Moquin".

Margaret Caffey-Moquin  
Associate General Counsel

Enclosures

cc: Official Service List

UNITED STATES OF AMERICA  
BEFORE THE  
FEDERAL ENERGY REGULATORY COMMISSION

Avista Corporation, et al.            §            Docket No. RT01-35-000

**NEW MEXICO PUBLIC REGULATION COMMISSION'S  
MOTION TO INTERVENE OUT OF TIME**

Pursuant to Rule 214 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission ("FERC"), the New Mexico Public Regulation Commission ("NMPRC"), by and through its General Counsel, files this motion to Intervene Out Of Time in the above-captioned proceeding, as follows:

**1. Name and representatives.** Movant's name is the New Mexico Public Regulation Commission. The representatives of the NMPRC to whom communications concerning this proceeding should be addressed are:

James C. Martin  
General Counsel

Margaret Caffey-Moquin  
Associate General Counsel

New Mexico Public Regulation Commission  
P.E.R.A. Building  
1120 Paseo de Peralta  
P.O. Box 1269  
Santa Fe, New Mexico 87504-1269  
Telephone: (505) 827-6947  
Telecopier: (505) 827-4194

2. **Nature of proceeding.** Docket No. RT01-35-000 concerns the formation and establishment of a Regional Transmission Organization pursuant to the FERC's Order No. 2000.

3. The NMPRC has a direct, material interest in the outcome of this proceeding as the regulator of electric utilities within the state of New Mexico. Although none of the current parties to this proceeding are among the electric utilities regulated by the NMPRC, significant policy changes that could affect the assets or operations of non-New Mexico utilities operating within the Western United States would likely have a substantial impact on the available power supply in New Mexico. As such, any change concerning the governance and management of these assets and operations is likely to be of high importance to New Mexico ratepayers, and to the public interest in general.

4. Inasmuch as the NMPRC agrees to accept the record as it currently exists, no disruption to the proceedings and no prejudice to, or additional burdens upon, the existing parties will result from permitting this intervention.

5. **Reasons for late filing.** The NMPRC is a newly formed regulatory body that came into being on January 1, 1999. This motion, together with similar contemporaneous motions being filed in related dockets, constitutes the NMPRC's first participation in a FERC docket. The NMPRC regulates, not only electric utilities, but also water and gas utilities, telecommunications, insurance, transportation, and fire safety.

In order to conserve its resources, and because of the relative novelty to the NMPRC of the issues presented in this proceeding, the NMPRC did not intervene earlier. However, it is now apparent to the NMPRC that the issues expected to be raised in this proceeding are likely to have a substantial effect on the structure and function of

electricity markets in New Mexico. As such, those issues are likely also to have a substantial impact on New Mexico ratepayers and on the public interest in general.

6. **Position.** The NMPRC's interest in this proceeding is to address important considerations in determining how best to achieve a well-functioning marketplace for electricity in New Mexico. At this time, the NMPRC has not adopted a formal policy position on the subject matter of this proceeding. Participation in this proceeding may enable the NMPRC to develop a position on the matters at issue herein.

7. The NMPRC is in the process of reviewing the record in this proceeding. At this time, the NMPRC's principal concern is to be in a position to monitor effectively the filings and positions of the existing parties. Additionally, the NMPRC would like to have an opportunity to file substantive pleadings or testimony in order to address issues of potential concern to New Mexico ratepayers, in the event that it should become necessary to do so.

ACCORDINGLY, the NMPRC respectfully requests that its motion to intervene out of time in the instant proceeding be granted, and that it be afforded such other and further relief to which it may be justly entitled.

Respectfully submitted this 5<sup>th</sup> day of January, 2001.

JAMES C. MARTIN  
General Counsel

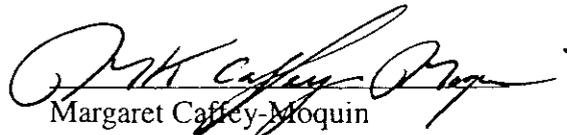


MARGARET CAFFEY-MOQUIN  
Associate General Counsel  
New Mexico Public Regulation Commission  
P.E.R.A. Building  
1120 Paseo de Peralta  
P.O. Box 1269  
Santa Fe, New Mexico 87504-1269  
Telephone: (505) 827-6947  
Telecopier: (505) 827-4194

ATTORNEYS FOR THE  
NEW MEXICO PUBLIC REGULATION  
COMMISSION

CERTIFICATE OF SERVICE

I hereby certify that on this 5<sup>th</sup> day of January, 2001, I caused a true and correct copy of the foregoing document to be sent by United States mail, postage prepaid, to all persons listed on the attached service list.

  
Margaret Caffey-Moquin  
Associate General Counsel  
New Mexico Public Regulation Commission