

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF THE APPLICATION OF NEW )  
MEXICO WATER SERVICE COMPANY FOR )  
APPROVAL TO ACCEPT A FORGIVABLE LOAN FROM )  
THE NEW MEXICO FINANCE AUTHORITY, IN )  
CONNECTION WITH THE CONSTRUCTION OF PFAS )  
TREATMENT FACILITIES TO SERVE THE ELEPHANT )  
BUTTE WATER SYSTEM )**

**Docket No. 26-000083**

**PROCEDURAL ORDER**

**THIS MATTER** comes before Jocelyn Barrett, hearing examiner for the New Mexico Public Regulation Commission, upon New Mexico Water Service Company’s (“NMWSC”) Application for Several Approvals and Authorizations, if Necessary, in Connection with the Construction of PFAS Treatment Facilities to Serve the Elephant Butte Water System (“Application”) The proposed transaction is more fully described below and in NMWSC’s Application, testimony, and exhibits.

The Hearing Examiner **FINDS** and **CONCLUDES** as follows:

1. On April 22, 2026, NMWSC filed the Application, in which it sought any approvals needed “to construct two PFAS<sup>1</sup> treatment facilities to serve the Elephant Butte water system pursuant to NMSA 1978, Section 62-6-12(A)(4) and NMSA 1978, Section 62-9-1(A).”<sup>2</sup>

2. NMWSC further sought approval “to accept up to a \$10 million loan (with 100% principal forgiveness) from the New Mexico Finance Authority (“NMFA”) to fund the construction of the two PFAS treatment facilities pursuant to NMSA 1978, Section 62-6-6(B)(3).”<sup>3</sup>

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<sup>1</sup> “PFAS” refers to per- and polyfluoroalkyl substances, which “break down very slowly and can build up in people, animals, and the environment over time.” See U.S. Environmental Protection Agency, *Our Current Understanding of the Human Health and Environmental Risks of PFAS*, <https://www.epa.gov/pfas/our-current-understanding-human-health-and-environmental-risks-pfas> (visited April 29, 2026).

<sup>2</sup> Application (April 22, 2026) at 1.

<sup>3</sup> Application at 1.

3. NMWSC stated that it “believes that approvals from the Commission pursuant to the above-mentioned provisions of the Public Utility Act are likely unnecessary, but that there is sufficient uncertainty regarding the application of these provisions to NMWSC’s construction project to warrant seeking the Commission’s approval of the project, if necessary, in an abundance of caution.”<sup>4</sup>

4. On April 27, 2026, NMWSC filed its Motion for Expedited Consideration, requesting that the Commission expedite its consideration of the Application.

5. On May 5, 2026, the Commission issued its order bifurcating the original matter into two separate proceedings, a proceeding concerning NMWSC’s request for approval of the prospective loan from the NMFA and a proceeding concerning NMWSC’s request for a certificate of convenience and necessity (“CCN”) for the new construction.

6. The Commission modified the caption of this docket, Docket No. 26-0000083, to indicate that the proceeding in the docket pertains to NMWSC’s application for approval to accept the loan, and the Commission appointed Jocelyn Barrett as Hearing Examiner to preside over the proceeding concerning approval of the loan.

7. The Commission also opened a new docket, Docket No. 26-0000095, for a proceeding concerning NMWSC’s application for a CCN, including consideration of the threshold question of whether a CCN is necessary.

8. NMSA 1978, § 62-6-9 (1941) provides that applications for the issuance, assumption, or guarantee of securities shall be disposed of promptly and within thirty days of filing with the Commission unless good cause exists for a longer period.

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<sup>4</sup> Application at 1-2.

9. It is necessary to extend the thirty-day deadline as good cause exists for doing so. Given the that the procedural posture of this case was altered through bifurcation, the Hearing Examiner finds that to ensure an adequate review of the Application it is appropriate to calculate the thirty-day deadline from the date of this Order, rather than the date of filing.

10. Thirty days from the date of this Order is Friday, June 5, 2026. The next open meeting after that date is Thursday, June 18, 2026. The review period in this case will be lengthened so Commission final action on this application can occur at the June 18<sup>th</sup> open meeting. The Commission will issue a final order the day after that open meeting, or as soon as is practicable.

11. The Commission has jurisdiction over the parties and the subject matter of this case.

12. NMSA 1978, § 62-6-7 (1941) provides the Commission discretionary authority to determine whether to hold a hearing upon receipt of an application relating to securities. This procedural order schedules a hearing but does so subject to the possibility that the hearing will be vacated if it is determined that there is no need for one.

**IT IS THEREFORE ORDERED:**

A. As required by 17.1.2.8(D) NMAC, NMWSC will ensure that a copy of the authorized notice attached to this order as Attachment A is published as soon as is practicable in a newspaper having general circulation in the area affected by the Application. NMWSC will ensure that an affidavit of publication is promptly filed with the Commission once publication is completed. NMWSC will also ensure that, if possible, the notice is published on its website in a highly visible area.

B. The Commission will also be posted on the Commission's Legal Notice section of its website <https://www.prc.nm.gov/nmprc-legal-notices/>.

C. On or before May 20, 2026, any person who desires to become a party in this case shall file a motion for leave to intervene with the Commission in conformity with 1.2.2.23(A) and (B) NMAC.

D. By that same date, May 20, 2026, Commission staff *shall*, and any intervenors may, file direct testimony. In direct testimony, Staff shall—in addition to whatever witness testimony it deems necessary—address whether it believes a hearing is necessary.

E. Rebuttal testimony may be filed on or before May 27, 2026.

F. A public hearing in this case shall be held on June 3, 2026, via the Zoom video-conferencing platform commencing at 9:00 a.m. The purpose of the hearing will be to receive testimony, exhibits, arguments, and any other appropriate matters relevant to this proceeding necessary to determine whether NMWSC's Application should be granted. The hearing may be vacated if deemed unnecessary. *See* 17.1.2.8(C)(3) NMAC. In the event the hearing is canceled, the Commission will pass judgment on NMWSC's application at an open meeting where public comment is permitted.

G. This procedural schedule is designed to allow the Commission the opportunity to take final action on this case at the open meeting on June 18, 2026, and issue a final order the next day or as soon as is practicable. Case events or Commissioner inquiry may require the final order on this matter to occur at a later open meeting.

H. The procedural dates and requirements set out in this order are subject to further order of the Hearing Examiner or Commission.

I. The Commission's Rules of Procedure 1.2.2 NMAC apply except as modified by order of the Commission or Hearing Examiners. These and other rules are available online at <https://srca.nm.gov/nmac-home/nmac-titles/>.

J. Persons interested in examining NMWSC's Application and related papers may inspect those by visiting the Commission's PRCE360 case management system <https://e360.prc.nm.gov/portal/public/#/public/nm-prc/en/home> under Docket Number 26-0000083; and at NMWSC's office, 401 Horner St., Rio Communities, New Mexico 87002. Telephone (505) 864-2218.

K. All filings must be submitted online through the PRCE360 filing portal <https://e360.prc.nm.gov/portal/public/#/public/nm-prc/en/home>.

**ISSUED** under the seal of the Commission at Santa Fe, New Mexico, on May 6, 2026.



**NEW MEXICO PUBLIC REGULATION COMMISSION**

A handwritten signature in black ink, appearing to read "J Barrett", written over a horizontal line.

**Jocelyn Barrett**  
Chief Hearing Examiner  
[Jocelyn.Barrett@prc.nm.gov](mailto:Jocelyn.Barrett@prc.nm.gov)



## **NOTICE TO CUSTOMERS OF**

### **NEW MEXICO WATER SERVICE COMPANY**

On April 22, 2026, the New Mexico Water Service Company (“NMWSC”) filed an Application with the Commission requesting authorization of NMWSC’s plans to construct treatment facilities to treat groundwater for per- and polyfluoroalkyl substances (“PFAS”), in advance of federal regulatory requirements, at no cost to existing customers, and fully financed by a 100% forgivable loan provided by the New Mexico Finance Authority (“NMFA”). NMWSC seeks certificates of convenience and necessity (“CCNs”) to construct the facilities in a separate docket, Docket 26-0000095, and financing approval for the forgivable loan from the NMFA in this docket, Docket 26-0000083. NMWSC requests that the Commission issue all approvals and authorizations within 30 days of filing its Application as provided in NMSA 1978, Section 62-6-9 (1941).

NMWSC’s complete Application is accessible online on the Commission’s PRCe360 Docketing System at <https://e360.prc.nm.gov/portal/public/#/public/nm-prc/en/home> under Docket Number 26-0000083. The Application is also available at NMWSC’s office, 401 Horner St., Rio Communities, New Mexico 87002. Telephone (505) 864-2218.

### **NO ACTION IS REQUIRED ON YOUR PART UNLESS YOU WANT TO BECOME A PARTY OR COMMENT ON THE APPLICATION**

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The major events for public participation in this matter will occur as follows:

- Deadline to file motions to intervene to become a party: May 20, 2026
- Deadline to file intervenors’ direct testimony: May 20, 2026
- Deadline to file rebuttal testimony: May 27, 2026
- Public Evidentiary Hearing: June 3, 2026

## **PUBLIC HEARING**

A public hearing to hear and receive testimony, exhibits, and legal arguments about the Application is set for **June 3, 2026, commencing at 9 a.m.** The hearing will be conducted online and can be viewed via livestream on the Commission's YouTube channel and its website, <https://www.prc.nm.gov/public-hearings/>. Please contact the Commission for confirmation of the hearing, because hearings are occasionally cancelled or rescheduled.

## **PUBLIC COMMENT**

People who are not associated with a party to this case may make written or oral comment as allowed by Rule 1.2.2.23(F) NMAC. Written comments must refer to **Docket Number 26-0000083** and be submitted before the Commission makes a final decision. Written comments should be submitted online through the PRCe360 Docketing System provided below. Comments can also be sent via US mail to PRC Records P.O. Box 1269, Santa Fe, NM 87504.

Alternatively, oral public comments are also welcome during Commission open meetings. The open meeting schedule can be found at [www.prc.nm.gov/nmprc-open-meeting-agenda/](http://www.prc.nm.gov/nmprc-open-meeting-agenda/). Email [public.comment@prc.nm.gov](mailto:public.comment@prc.nm.gov) or call (505) 490-7910 to sign up to comment online or by phone at an open meeting.

**Instructions to submit written public comment online, to file pleadings and other documents, and to search Commission dockets** are found at <https://e360.prc.nm.gov/portal/public/#/public/nm-prc/en/home>. All filings subject to deadlines must be submitted within regular business hours of the due date to be considered timely filed.

## **TO BECOME A PARTY**

If you wish to appear in this case as a party, you must file a motion for leave to intervene, pursuant to 1.2.2.23 NMAC, on or before **May 20, 2026**. Intervenors must become familiar with the rules regarding practicing before the Commission and all other applicable rules.

The Commission's Rules of Procedure 1.2.2 NMAC apply except as modified by order of the Commission or Hearing Examiner. These and other rules are available online at <https://srca.nm.gov/nmac-home/nmac-titles/>.

THE DEADLINES GIVEN ABOVE ARE NOT ALL THE DEADLINES SET FORTH IN THIS MATTER, AND PARTIES AND POTENTIAL INTERVENORS ARE ADVISED TO READ

THE COMPLETE PROCEDURAL ORDER ISSUED ON **May 6, 2026**, FOUND ON THE PRce360 DOCKETING SYSTEM.

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PEOPLE WITH DISABILITIES WHO, IN ORDER TO ATTEND OR PARTICIPATE IN THE HEARING, REQUIRE A READER, AMPLIFIER, QUALIFIED SIGN LANGUAGE INTERPRETER, OR ANY OTHER FORM OF AUXILIARY AID OR SERVICE OR OTHER TYPE OF ACCESSIBLE FORMAT OF PUBLIC DOCUMENTS, PLEASE CONTACT THE DIRECTOR OF ADMINISTRATIVE SERVICES OF THE COMMISSION AT (505) 827-8019 AS SOON AS POSSIBLE PRIOR TO THE HEARING.

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**Any person who desires more information about this case may contact the Commission by phone at (505) 827-4084 or 1-888-427-5772 or by email at [Ryan.Jimenez@prc.nm.gov](mailto:Ryan.Jimenez@prc.nm.gov).**

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**IN THE MATTER OF THE APPLICATION OF NEW )  
MEXICO WATER SERVICE COMPANY FOR )  
APPROVAL TO ACCEPT A FORGIVABLE LOAN )  
FROM THE NEW MEXICO FINANCE AUTHORITY IN ) Docket No. 26-000083  
CONNECTION WITH THE CONSTRUCTION OF PFAS )  
TREATMENT FACILITIES TO SERVE THE )  
ELEPHANT BUETTE WATER SYSTEM )**

**CERTIFICATE OF SERVICE**

I CERTIFY that on this date I sent a courtesy copy of the Procedural Order filed through PRCE-360 to the contacts listed below.

<b>New Mexico Water Service Company</b>		
Maria O'Brien		mobrien@modrall.com;
Benjamin C. Rossi		Benjamin.rossi@modrall.com;
<b>PRC Advocacy Staff</b>		
John Bogatko		john.bogatko@prc.nm.gov;
Ryan Friedman		Ryan.friedman@prc.nm.gov;
Kaythee Hlaing		Kaythee.Hlaing@prc.nm.gov;
Nicolas Rossi		Nicholas.Rossi@prc.nm.gov;
Timothy Martinez		Timothy.Martinez@prc.nm.gov;
Daren Zigich		Daren.zigich@prc.nm.gov;
Elisha Leyba-Tercero		<u>Elisha.leyba-tercero@prc.nm.gov;</u>
Peggy Martinez-Rael		Peggy.Martinez-Rael@prc.nm.gov;
Elizabeth Ramirez		Elizabeth.Ramirez@prc.nm.gov;
<b>PRC General Counsel</b>		
Alyssa Herrera-Waldroup		Alyssa.herrera-waldroup@prc.nm.gov;
LaurieAnn Santillanes		LaurieAnn.Santillanes@prc.nm.gov;
<b>PRC Hearing Examiners Division</b>		
Jocelyn Barrett		Jocelyn.Barrett@prc.nm.gov;
Ana Kippenbrock, Paralegal		Ana.Kippenbrock@prc.nm.gov;

**DATED May 6, 2026**

**NEW MEXICO PUBLIC REGULATION COMMISSION**

**/s/ Ana Kippenbrock, E-signed  
Paralegal**