

**Notice of Decision
City Council
City of Albuquerque
April 7, 2010**

AC-10-4 Laurie Moye, Agent for PNM, Appeals the Development Review Board's (DRB's) Denial of a Request for Subdivision Design Variance From Minimum Standards: PNM request(s) an Overhead Electric Distribution Line Located on Atrisco Dr. NW, Scenic Dr. NW, Unser Blvd. NW, and Urraca St. NW, From Volcano Vista High School to La Cuentista Subdivision

Decision

On April 5, 2010 by a vote of 8 FOR and 0 AGAINST, the City Council voted to accept the recommendation of the Land Use Hearing Officer, deny the appeal, and uphold the decision of the DRB.

Excused: Cook

IT IS THEREFORE ORDERED THAT THE APPEAL IS DENIED.

Attachments

1. Land Use Hearing Officer's Recommendation
2. Action Summary from the April 5, 2010 City Council meeting

Appeal of Final Decision

A person aggrieved by this decision may appeal the decision to the Second Judicial District Court by filing in the Court a notice of appeal within thirty (30) days from the date this decision is filed with the City Clerk.



Ken Sanchez, President
City Council

Date: _____

4/8/10

Received by: _____
City Clerk's Office

Date: _____

4/8/10

LAND USE HEARING OFFICER'S RECOMMENDATION

APPEAL NO. AC-10-4
09DRB-70377
Project No. 1008093

PNM, Appellants,

Appeal from the DRB.

1 I. PROCEDURAL BACKGROUND AND ISSUES

2 This appeal arises from a decision of the Development Review Board (DRB) denying a
3 request by PNM to deviate from the requirements of the City of Albuquerque Subdivision
4 Regulation. Section 14-14-4-8(B) states in relevant part "[t]he Development Review Board may
5 grant a variance if it is determined that no significant public purpose would be served by requiring
6 that the new lines be placed underground and that one or more of the following conditions exists:
7 (1) The immediate or adjacent area is presently served by overhead lines; or (2) Subsurface
8 conditions make under-ground lines economically unreasonable."

9 On December 4, 2009, PNM submitted an application to the DRB for a variance so that it
10 could place overhead electric distribution lines (rather than the required underground lines) to be
11 located on Atrisco Drive, N.W., Scenic Drive, N.W., Unser Boulevard, N.W., and Urraca Street,
12 N.W., from Volcano Vista High School to La Cuentista Subdivision.

13 On January 6, 2010, the DRB held a scheduled public hearing on the matter and denied the
14 request after making oral and written findings and conclusions. This timely appeal followed.

15

16

1 **II. STANDARD OF REVIEW**

2 A review of an appeal is a whole record review to determine if there is error:

- 3 1. In applying adopted city plans, policies, and ordinances in arriving at the decision;
- 4 2. In the appealed action or decision, including its stated facts;
- 5 3. In acting arbitrarily, capriciously or manifestly abusive of discretion.

6 The decision and record must be supported by a preponderance of the evidence to be upheld.

7 The Land Use Hearing Officer (LUHO) may not substitute his judgment for that of the reviewing
8 Body below. The LUHO's opinion is advisory to the City Council. The LUHO may recommend
9 that the Council "grant, in whole or in part, an appeal; deny, in whole or in part, an appeal, or remand
10 an appeal for reconsideration if the remand is necessary to clarify or supplement the record, or if the
11 remand would expeditiously dispose of the matter."¹

12 **III. DISCUSSION**

13 After reviewing the record and taking testimony and new evidence in this matter, I find that
14 the appeal should be denied because Appellants have not satisfied their burden of proof that the
15 DRB erred. I therefore recommend that the City Council deny the appeal and uphold the decision
16 of the DRB in this case.

17 I began by noting that the variance standards under Section 14-14-4-8(B) are quite different
18 from those standards in the Zoning Code. Under Section 14-14-4-8(B), the threshold proof PNM
19 must show to obtain its variance is that there is "no significant public purpose" that is served by
20 requiring PNM to place the lines underground. (Emphasis added.) That is an exceptionally

¹ See Rules of the Land Use Hearing Officer adopted by the City Council, February 18, 2004. Bill No. F/S OC-04-6.

1 difficult burden to satisfy.

2 The DRB found that there exists several public policy purposes for the underground
3 placement of new distribution lines. First, it found that many of these purposes are expressly stated
4 in the Albuquerque/ Bernalillo County Comprehensive Plan, the Northwest Mesa Escarpment Plan,
5 and the West Side Strategic Plan.² These are all the relevant Rank I and II plans corresponding to
6 the affected area of the proposed location of the distribution lines. Second, the DRB found that
7 there exists underground electric distribution lines in the "immediate and adjacent area of this
8 request."³ The DRB appropriately reasoned that because there exists considerable undeveloped
9 platted lands in the area, granting the variance in this case would affect other variance requests in
10 the future when such requests are reviewed under Section 14-14-4-8(B)1.⁴ In addition, the DRB
11 found that overhead lines are more of a nuisance (affecting ballooning, traffic, and pedestrians) and
12 less aesthetically appealing than are underground lines.⁵

13 I find that these are significant public purposes and that the Appellants did not rebut or
14 attempt to disprove any of the DRB's "public purpose" findings. Thus, with regard to the threshold
15 inquiry for the variance, (that Appellants must show there is no public purpose for the underground
16 lines) Appellants' appeal fails.

² See the DRB's Official Notification of Decision, Finding 1.a.,b.,c.,d.,e., and f., Page 6 and 7 of the LUHO record.

³ Id. at Finding 2, Page 7, LUHO record.

⁴ Although normally each request must be reviewed on its own merits and not necessarily on any precedent the decision would set, the variance test under Section 14-14-4-8 requires an investigation into whether or not, underground lines currently exist in the area. Thus it is a relevant inquiry for the DRB.



⁵ See the DRB's Official Notification of Decision, Finding 3 of the LUHO record.

1 Because PNM's appeal falls short of the threshold inquiry, I need not address its appeal as
2 it relates to the second part of the variance test. However, I think it is worth noting for the record
3 that the appeal falls short on this second inquiry as well.

4 To receive the variance, Appellants must next show that either (1) the immediate or adjacent
5 area is presently served by overhead lines; or (2) subsurface conditions make underground lines
6 economically unreasonable.⁶ The undisputed record establishes that the immediate or the adjacent
7 areas are presently served by underground electric distribution lines; thus, Appellants must prove that
8 it is economically unreasonable to place additional underground lines at the site because of the
9 subsurface conditions.

10 The DRB found that because underground lines have already been placed in the immediate
11 area, this evidence is *prima facie* (self-evident) proof that it is not economically unreasonable to
12 place additional underground lines in this area. PNM did not rebut the DRB's reasoning other than
13 its submission that it would pass the cost on to its customers.⁷ Accordingly, I find that PNM has not
14 met its burden on this second part of the variance test.

15 In summary, I recommend that the City Council deny the appeal. The Appellants have not
16 satisfied the two-part test for a variance.

17 
18 
19 Steven M. Chavez, Esq.
20 Land Use Hearing Officer

3/14/2010

⁶ Subdivision Regulation, Section 14-14-4-8(B)1.

⁷ Note that at the Appeal hearing before this LUHO, the Appellant presented- and I accepted- new evidence on this issue. PNM's analysis of the cost for the underground project resulted in a \$.08 monthly rate increase for a one-year recovery period to all its Albuquerque customers.



City of Albuquerque

Action Summary

City Council

Albuquerque/Bernalillo
County
Government Center
One Civic Plaza
Albuquerque, NM 87102

Council President, Ken Sanchez, District 1
Vice-President, Trudy E. Jones, District 8

Debbie O'Malley, District 2; Isaac Benton, District 3
Brad Winter, District 4; Dan Lewis, District 5
Rey Garduño, District 6; Michael D. Cook, District 7
Don Harris, District 9

Monday, April 5, 2010

5:05 PM

Vincent E. Griego Chambers
One Civic Plaza
Albuquerque/Bernalillo County
Government Center

O-09-76 Amending Sections 2-12-3, 2-12-4, and 2-12-5 of The Revised Ordinances of Albuquerque 1994 Relating To The City's Capital Improvements Program and The Process For Adoption Or Amendment; Declaring An Emergency (Harris)

Motion: *Postpone, due back on June 7, 2010*

Status: Passed

Votes: For: 7 - Council Members: O'Malley, Garduño, Lewis, Jones, Harris, Sanchez and Benton

Excused: 2 - Council Members: Cook and Winter

O-09-90 Establishing The Balloon Fiesta Park Commission; Establishing The Responsibility of The Commission (O'Malley)

Motion: *Postpone, due back on April 19, 2010*

Status: Passed

Votes: For: 7 - Council Members: O'Malley, Garduño, Lewis, Jones, Harris, Sanchez and Benton

Excused: 2 - Council Members: Cook and Winter

EC-10-33 Declaring Parcel NRW Northeast Corner (Zuni/San Pedro), Westerly 77' of Lot 17 Remnant, Non-essential for Municipal Purposes

Motion: *Approve*

Status: Passed

Votes: For: 8 - Council Members: O'Malley, Winter, Garduño, Lewis, Jones, Harris, Sanchez and Benton

Excused: 1 - Council Members: Cook

EC-10-35 Approval of the First Amendment to the Rental Car Service Center Facility Lease and Agreement Between the City of Albuquerque and EAN Holdings, LLC dba Enterprise Rent-A-Car

Motion: *Approve*

Status: Passed

Votes: For: 8 - Council Members: O'Malley, Winter, Garduño, Lewis, Jones, Harris, Sanchez and Benton

Excused: 1 - Council Members: Cook

- EC-10-42** FY10 Goal #1 Priority Objective #4 Report Regarding the Department of Senior Affairs' Website
Motion: *Receipt Be Noted*
Status: Passed
Votes: For: 8 - Council Members: O'Malley, Winter, Garduño, Lewis, Jones, Harris, Sanchez and Benton
Excused: 1 - Council Members: Cook
- EC-10-44** Approval of Ground Lease Agreement between the City of Albuquerque and YDI Inc.
Motion: *Approve*
Status: Passed
Votes: For: 8 - Council Members: O'Malley, Winter, Garduño, Lewis, Jones, Harris, Sanchez and Benton
Excused: 1 - Council Members: Cook
- R-10-32** Approving and Authorizing The Filing of A Grant Application For A Food Service Program For Children With The New Mexico Department of Children, Youth and Families and Providing An Appropriation To The Department of Family and Community Services/Division of Child and Family Development (Sanchez, by request)
Motion: *Do Pass*
Status: Passed
Votes: For: 8 - Council Members: O'Malley, Winter, Garduño, Lewis, Jones, Harris, Sanchez and Benton
Excused: 1 - Council Members: Cook
- R-10-41** Authorizing The Mayor To Execute A Grant Agreement With The New Mexico State Highway And Transportation Department For Safe, Accountable, Flexible, Efficient, Transportation Equity Act: A Legacy For Users (SAFETEA-LU) Funding To Operate A Bicycle Safety Education Program In Outdoor Recreation And Providing An Appropriation To The Parks And Recreation Department (Benton, by request)
Motion: *Do Pass*
Status: Passed
Votes: For: 8 - Council Members: O'Malley, Winter, Garduño, Lewis, Jones, Harris, Sanchez and Benton
Excused: 1 - Council Members: Cook
- R-10-42** Approving And Authorizing The Filing Of Grant Application For An E911 Grant Program From The New Mexico Department Of Finance And Administration, Local Government Division And Providing For An Appropriation To The City Of Albuquerque, Police Department (Lewis, by request)
Motion: *Do Pass*
Status: Passed
Votes: For: 8 - Council Members: O'Malley, Winter, Garduño, Lewis, Jones, Harris, Sanchez and Benton
Excused: 1 - Council Members: Cook

- AC-10-5** Kirtland Community Association, Agent for Vincent Baty, Appeals the Environmental Planning Commission's Approval of a Zone Map Amendment from C-1 to SU-1 for C-1 Uses & Hotel/Motel, for all or a portion of Tract B, Hugh B. Woodward Addition, Located on Gibson Blvd SE Between Mulberry St. SE and University Blvd SE
Motion: *Postpone, due back on May 3, 2010*
Status: Passed
Votes: For: 8 - Council Members: O'Malley, Winter, Garduño, Lewis, Jones, Harris, Sanchez and Benton
Excused: 1 - Council Members: Cook
- AC-10-2** Dr. Joe L. Valles Appeals the Environmental Planning Commission Rules of Conduct
Motion: *To Accept the Land Use Hearing Officer Recommendation*
Status: Passed
Votes: For: 7 - Council Members: O'Malley, Winter, Lewis, Jones, Harris, Sanchez and Benton
Against: 1 - Council Members: Garduño
Excused: 1 - Council Members: Cook
- AC-10-4** Laurie Moye, Agent for PNM, Appeals the Development Review Board's (DRB's) Denial of a Request for Subdivision Design Variance From Minimum Standards: PNM request(s) an Overhead Electric Distribution Line Located on Atrisco Dr. NW, Scenic Dr. NW, Unser Blvd. NW, and Urraca St. NW, From Volcano Vista High School to La Cuentista Subdivision
Motion: *To Accept the Land Use Hearing Officer Recommendation*
Status: Passed
Votes: For: 8 - Council Members: O'Malley, Winter, Garduño, Lewis, Jones, Harris, Sanchez and Benton
Excused: 1 - Council Members: Cook
- EC-10-34** Declaring Parcel 3-1 NRW (Paseo Del Norte/San Pedro), Non-essential for Municipal Purposes
Motion: *Approve*
Status: Passed
Votes: For: 8 - Council Members: O'Malley, Winter, Garduño, Lewis, Jones, Harris, Sanchez and Benton
Excused: 1 - Council Members: Cook
- EC-10-114** Appointment of Robert J. Perry to the Position of City Attorney
Motion: *Confirm*
Status: Passed
Votes: For: 7 - Council Members: Winter, Garduño, Lewis, Jones, Harris, Sanchez and Benton
Against: 1 - Council Members: O'Malley
Excused: 1 - Council Members: Cook

EC-10-115 Moss Adams, LLC Professional Services Contract**Motion:** *Approve***Status:** Passed**Votes:** For: 8 - Council Members: O'Malley, Winter, Garduño, Lewis, Jones, Harris, Sanchez and Benton

Excused: 1 - Council Members: Cook

R-10-43 Appropriating Funds for Educational Access Television Services provided by the TalNet Cable Television Channel for Fiscal Year 2010 (Garduño)**Motion:** *Do Pass***Status:** Failed**Votes:** For: 4 - Council Members: O'Malley, Winter, Garduño and Sanchez

Against: 4 - Council Members: Lewis, Jones, Harris and Benton

Excused: 1 - Council Members: Cook

R-10-45 Relating To Capital Projects; Amending Resolution R-10-20 To Adjust The Percentage of 2011 General Obligation Bond Proceeds That Are To Be Dedicated To Public Safety and Storm Drainage (Benton)**Motion:** *Do Pass***Status:** Passed**Votes:** For: 8 - Council Members: O'Malley, Winter, Garduño, Lewis, Jones, Harris, Sanchez and Benton

Excused: 1 - Council Members: Cook

R-10-54 Extending a Moratorium Established In C/S R-07-278 and Extended On Subdivision Approvals Within The Tijeras Arroyo (Harris)**Motion:** *Do Pass***Status:** Passed**Votes:** For: 8 - Council Members: O'Malley, Winter, Garduño, Lewis, Jones, Harris, Sanchez and Benton

Excused: 1 - Council Members: Cook



CITY OF ALBUQUERQUE

City Council

P.O. Box 1293
Albuquerque, NM 87103
Tel: (505) 768-3100
Fax: (505) 768-3227
www.cabq.gov/council

President Ken Sanchez
District 1

Vice President Trudy E. Jones
District 8

Debbie O'Malley District 2	Isaac Benton District 3	Brad Winter District 4	Dan Lewis District 5	Rey Garduño District 6	Michael D. Cook District 7	Don Harris District 9	Laura Mason Council Director
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March 23, 2010

To all interested parties:

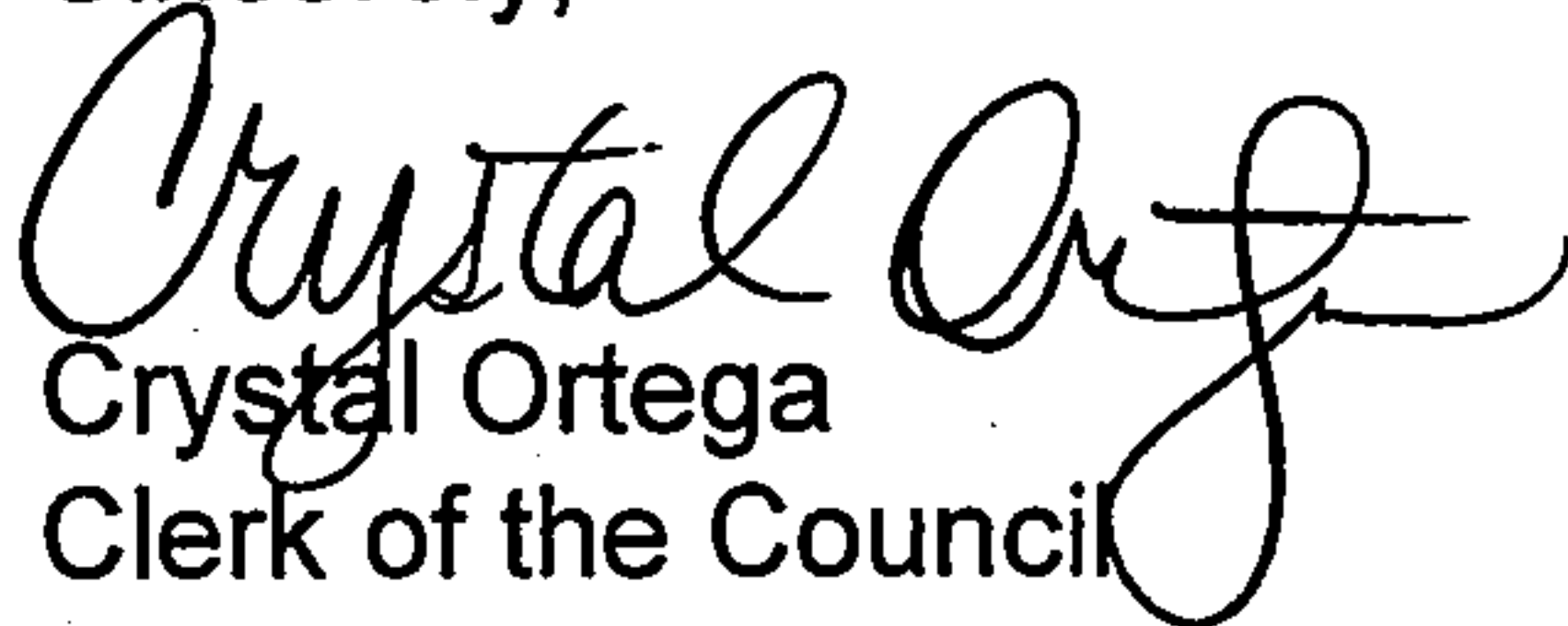
The following appeal is on the agenda of the **Monday, April 5, 2010** City Council meeting, which will begin at 5:00 p.m. in the Vincent E. Griego Chambers, Basement Level, 1 Civic Plaza NW:

AC-10-4 Laurie Moyer, Agent for PNM, Appeals the Development Review Board's (DRB's) Denial of a Request for Subdivision Design Variance From Minimum Standards: PNM request(s) an Overhead Electric Distribution Line Located on Atrisco Dr. NW, Scenic Dr. NW, Unser Blvd. NW, and Urraca St. NW, From Volcano Vista High School to La Cuentista Subdivision

The City Council will be voting to either "Accept" or "Reject" the Land Use Hearing Officer's recommended Decision, therefore, public testimony is generally not taken at this time. Should the City Council reject the Land Use Hearing Officer's recommended Decision, the appeal will then be scheduled for a full hearing before the City Council at a date no earlier than the next regular meeting of the full Council.

If you have any questions, I can be reached at 768-3100.

Sincerely,


Crystal Ortega
Clerk of the Council

Attachments:

Land Use Hearing Officer's Recommendation
Excerpt from the Council's Rules of Procedure

cc:
PNM, Laurie Moyer, Alvarado Square, Albuquerque, NM 87158
Rene Horvath, 5515 Palomino, Albuquerque, NM 87120
Joe Archbold, P.O. Box 65888, Albuquerque, NM 87193-5888
Elisa Balli, 6912 Nacelle Rd NE, Albuquerque, NM 87144
Tom & Diana Griego, P.O. Box 67077, Albuquerque, NM 87193
Gerry Falls, P.O. Box 20760, Albuquerque, NM 87154
David Stang, 7609 Northridge NE, Albuquerque, NM 87109
Debbie Tony Madrid, 3801 Manchester NW, Albuquerque, NM 87107
Anthony Navarro, 1542 Yakima SW, Albuquerque, NM 87105
Barbara Mueller, 4904 Alberta NW, Albuquerque, NM 87120
Crystal Ortega, Clerk to the Council, City/County Bldg.-9th Floor
DRB File

LAND USE HEARING OFFICER'S RECOMMENDATION

APPEAL NO. AC-10-4
09DRB-70377
Project No. 1008093

PNM, Appellants,

Appeal from the DRB.

1 I. PROCEDURAL BACKGROUND AND ISSUES

2 This appeal arises from a decision of the Development Review Board (DRB) denying a
3 request by PNM to deviate from the requirements of the City of Albuquerque Subdivision
4 Regulation. Section 14-14-4-8(B) states in relevant part "[t]he Development Review Board may
5 grant a variance if it is determined that no significant public purpose would be served by requiring
6 that the new lines be placed underground and that one or more of the following conditions exists:
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9 On December 4, 2009, PNM submitted an application to the DRB for a variance so that it
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11 located on Atrisco Drive, N.W., Scenic Drive, N.W., Unser Boulevard, N.W., and Urraca Street,
12 N.W., from Volcano Vista High School to La Cuentista Subdivision.

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14 request after making oral and written findings and conclusions. This timely appeal followed.

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1 **II. STANDARD OF REVIEW**

2 A review of an appeal is a whole record review to determine if there is error:

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11 remand would expeditiously dispose of the matter."¹

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13 After reviewing the record and taking testimony and new evidence in this matter, I find that
14 the appeal should be denied because Appellants have not satisfied their burden of proof that the
15 DRB erred. I therefore recommend that the City Council deny the appeal and uphold the decision
16 of the DRB in this case.

17 I began by noting that the variance standards under Section 14-14-4-8(B) are quite different
18 from those standards in the Zoning Code. Under Section 14-14-4-8(B), the threshold proof PNM
19 must show to obtain its variance is that there is "*no* significant public purpose" that is served by
20 requiring PNM to place the lines underground. (Emphasis added.) That is an exceptionally

¹ See Rules of the Land Use Hearing Officer adopted by the City Council, February 18, 2004. Bill No. F/S OC-04-6.

1 difficult burden to satisfy.

2 The DRB found that there exists several public policy purposes for the underground
3 placement of new distribution lines. First, it found that many of these purposes are expressly stated
4 in the Albuquerque/ Bernalillo County Comprehensive Plan, the Northwest Mesa Escarpment Plan,
5 and the West Side Strategic Plan.² These are all the relevant Rank I and II plans corresponding to
6 the affected area of the proposed location of the distribution lines. Second, the DRB found that
7 there exists underground electric distribution lines in the "immediate and adjacent area of this
8 request."³ The DRB appropriately reasoned that because there exists considerable undeveloped
9 platted lands in the area, granting the variance in this case would affect other variance requests in
10 the future when such requests are reviewed under Section 14-14-4-8(B)1.⁴ In addition, the DRB
11 found that overhead lines are more of a nuisance (affecting ballooning, traffic, and pedestrians) and
12 less aesthetically appealing than are underground lines.⁵

13 I find that these are significant public purposes and that the Appellants did not rebut or
14 attempt to disprove any of the DRB's "public purpose" findings. Thus, with regard to the threshold
15 inquiry for the variance, (that Appellants must show there is no public purpose for the underground
16 lines) Appellants' appeal fails.

² See the DRB's Official Notification of Decision, Finding 1.a.,b.,c.,d.,e., and f., Page 6 and 7 of the LUHO record.

³ Id. at Finding 2, Page 7, LUHO record.

⁴ Although normally each request must be reviewed on its own merits and not necessarily on any precedent the decision would set, the variance test under Section 14-14-4-8 requires an investigation into whether or not, underground lines currently exist in the area. Thus it is a relevant inquiry for the DRB.

⁵ See the DRB's Official Notification of Decision, Finding 3 of the LUHO record.

1 Because PNM's appeal falls short of the threshold inquiry, I need not address its appeal as
2 it relates to the second part of the variance test. However, I think it is worth noting for the record
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4 To receive the variance, Appellants must next show that either (1) the immediate or adjacent
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8 it is economically unreasonable to place additional underground lines at the site because of the
9 subsurface conditions.

10 The DRB found that because underground lines have already been placed in the immediate
11 area, this evidence is *prima facie* (self-evident) proof that it is not economically unreasonable to
12 place additional underground lines in this area. PNM did not rebut the DRB's reasoning other than
13 its submission that it would pass the cost on to its customers.⁷ Accordingly, I find that PNM has not
14 met its burden on this second part of the variance test.

15 In summary, I recommend that the City Council deny the appeal. The Appellants have not
16 satisfied the two-part test for a variance.

17 ~~_____
18 _____~~ 3/14/2010
19 Steven M. Chavez, Esq.
20 Land Use Hearing Officer

⁶ Subdivision Regulation, Section 14-14-4-8(B)1.
⁷ Note that at the Appeal hearing before this LUHO, the Appellant presented- and I accepted- new evidence on this issue. PNM's analysis of the cost for the underground project resulted in a \$.08 monthly rate increase for a one-year recovery period to all its Albuquerque customers.

**Excerpt from the City Council's Rules of Procedure (11/2009)
Regarding the Hearing of the Land Use Hearing Officer's
Recommended Decision by the City Council***

The Hearing Officer shall enter his or her findings and recommended decision ("decision") within 5 days after the close of the hearing and shall forward the decision and findings to the parties and the Council within 5 days of entering the decision.

When the Council receives the Hearing Officer's findings and decision, the Council shall place the decision on the agenda of the next regular full Council meeting provided that there is a period of at least 7 days between the receipt of the decision and the Council meeting. The parties may submit comments to the Council regarding the Hearing Officer's decision and findings provided such comments are in writing and received by the Council and the other parties of record four days prior to the Council meeting.

The Council shall vote whether to accept or reject the Hearing Officer's decision and findings. A motion to reject or accept the Hearing Officer's decision and findings must be approved by a majority of the membership of the Council.

The Council may accept the decision and amend the findings of the Hearing Officer if such an amendment is consistent with the decision of the Hearing Officer.

If the Hearing Officer's decision is rejected, the appeal shall be scheduled to be heard by the full Council no earlier than the next regular meeting of the full Council.

If the Hearing Officer rules are in conflict with the Zoning Code, the Zoning Code shall prevail. If the Hearing Officer rules are silent regarding an area that is addressed by the Zoning Code, the Zoning Code shall apply.

*For the complete set of rules that apply to land use appeals, see the City Council Rules of Procedure, which can be viewed on the Council's website at <http://www.cabq.gov/council>

March 30, 2010

The following comments were provided to the City Council by Council staff for the April 5, 2010 Council meeting.

AC-10-4 Appeal of DRB Decision Denying a Variance to Allow Overhead Electrical Distribution Lines

{ACCEPT OR REJECT}

SUMMARY: PNM will install an electric distribution line generally from Volcano Vista High School to La Cuenista Subdivision along Atrisco Dr. NW and Unser Blvd. NW. The project is known as the Black Ranch Feeer 12 (Project) and is intended to connect substations to provide service in case of an outage. Section 14-14-4-9 (B) requires this line to be placed underground unless a variance is granted:

“(B) New electrical three phase distribution lines carrying above 12 kilovolts (kV), but less than 40 kilovolts (kV) shall be installed underground within subdivisions which have underground distribution lines, unless a variance is granted.”

Pursuant to the Public Regulatory Commission if the City requires PNM to underground an electric line, PNM is allowed to seek a rate increase from City customers to cover the excess cost of undergrounding. While the City is allowed to challenge such rate increase, the City has as yet been unable to succeed in such a challenge in other instances of undergrounding. It is safe to assume that if this undergrounding is required there will be a rate increase to City customers of from \$350,000 to \$450,000.

Under a stipulated agreement entered into between the City and PNM, in front of the PRC, before PNM can seek a rate increase based on undergrounding it must apply to the City's DRB for a variance from the undergrounding requirement. If denied by the DRB, PNM must bring an administrative appeal to the City Council.

In this case the DRB has denied a variance from the undergrounding requirement and the matter has been appealed to the City Council by PNM. The standard for granting a variance is:

“that one or more of the following conditions exists:

- (1) The immediate or adjacent area is presently served by overhead lines; or
- (2) Subsurface conditions make under-ground lines economically unreasonable.”

There is some evidence of overhead lines in the area and some evidence of rocky conditions that could increase the cost of undergrounding. The evidence was not developed with respect to either issue.

LUHO RECOMMENDATION: The LUHO recommends affirming the decision of the DRB. He found no evidence to support either of the required bases for the variance.

COMMENTS: *The most interesting part of this case is that the Appellant, PNM,* doesn't care how the appeal comes out. PNM either puts up an overhead line or gets paid the expense of undergrounding. The appeal is only filed because PNM is required to file the appeal pursuant to the settlement with the City.

The only individuals with a real interest in the outcome are the neighbors who oppose overhead transmission lines.

COUNCIL OPTIONS:

- 1.) The Council may vote to accept the LUHO's Findings and Recommendation which would deny the appeal, deny the variance and provide that the transmission line will be undergrounded.
- 2.) The Council may vote to reject the Findings and Recommendation of the LUHO and the matter will be set for hearing before the City Council.

CITY OF ALBUQUERQUE



Planning Department

Deborah L. Stover, Director

Current Planning Division

600 2nd Street NW – 3rd Floor

Albuquerque, NM 87102

NOTICE OF HEARING

February 17, 2010

Public Service Co., of NM

Attn: Laurie Moye

Alvarado Square

Albuquerque, NM 87158

AC-10-4 – Project #1008093 – 09DRB-70377 - Laurie Moye, agent for PNM, appeals the Development Review Board's (DRB's) denial of a request for SUBDIVISION DESIGN VARIANCE FROM MINIMUM STANDARDS: PNM request(s) the referenced/ above action(s) for an OVERHEAD ELECTRIC DISTRIBUTION LINE located on **ATRISCO DR NW, SCENIC DR NW, UNSER BLVD NW, AND URRACA ST NW**, from Volcano Vista High School to La Cuentista Subdivision. (C-9, D-9, D-10)

The City of Albuquerque Land Use Hearing Officer will hear the above appealed case on **Thursday, March 4, 2010**. The hearing begins at **9:30 am** in the Council Committee Room, 9th Floor, Albuquerque/Bernalillo County Government Center, One Civic Plaza NW.
PO Box 1293

Submittal of new information or questions regarding the hearing with the City Council should be directed to Council Services, c/o Crystal Ortega, One Civic Plaza NW, 9th Floor, Albuquerque NM 87102, (505) 768-3100.

If you would like a copy of the record submitted to the City Council, copies are available upon request by calling (505) 924-3883.

NM 87103

Sincerely,

www.cabq.gov

Dora Henry

Administrative Assistant

cc: Rene Horvath – 5515 Palomino – Albuquerque, NM 87120
cc: Joe Archbold – P.O. Box 65888 – Albuquerque, NM 87193-5888
cc: Elisa Balli – 6912 Nacelle Rd NE – Albuquerque, NM 87144
cc: Tom & Diana Griego – P.O. Box 67077 – Albuquerque, NM 87193
cc: Gerry Falls – P.O. Box 20760 – Albuquerque, NM 87154
cc: David Stang – 7609 Northridge NE – Albuquerque, NM 87109
cc: Debbie Tony Madrid – 3801 Manchester NW – Albuquerque, NM 87107
cc: Anthony Navarro – 1542 Yakima SW – Albuquerque, NM 87105
cc: Barbara Mueller – 4904 Alberta NW – Albuquerque, NM 87120
Crystal Ortega, Clerk to the Council, City/County Bldg – 9th Floor
DRB FILE

CITY OF ALBUQUERQUE

Planning Department

Deborah L. Stover, Director

Development Review Division

600 2nd Street NW – 3rd Floor

Albuquerque, NM 87102



NOTICE OF APPEAL

January 19, 2010

TO WHOM IT MAY CONCERN:

The Planning Department received the attached appeal on January 14, 2010. You will receive a Notice of Hearing as to when the appeal will be heard by the Land Use Hearing Officer.

Please refer to enclosed Bill (F/S OC-04-6, Land Use Hearing Officer Rules of Procedure and Qualifications) for any questions you may have regarding the Land Use Hearing Officer rules of procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedure that are not answered in the enclosed bill can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

CITY COUNCIL APPEAL NUMBER: AC-10-4

**PLANNING DEPARTMENT CASE FILE NUMBERS: 1008093
09DRB-70377**

**APPELLANT(s): PNM
Attn: Laurie Moye
Alvarado Square
Albuquerque, NM 87158**

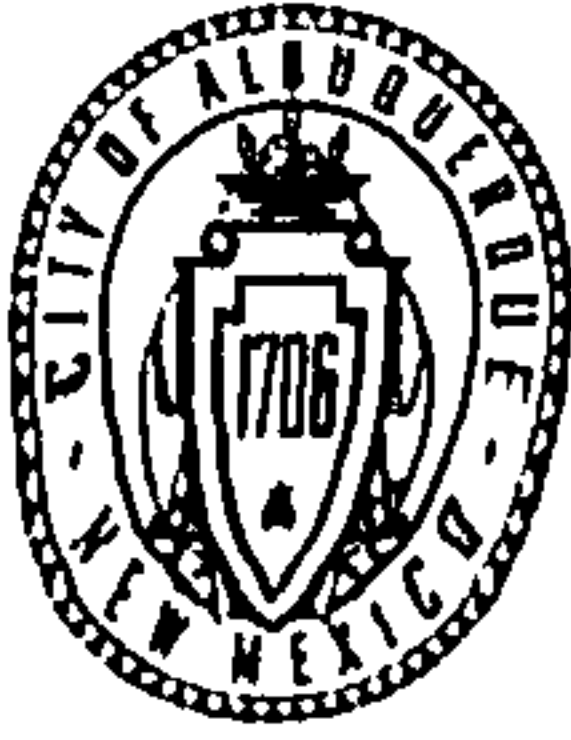
Cc: Rene Horvath – 5515 Palomino – Albuquerque, NM 87120
Cc: Joe Archbold – P.O. Box 65888 – Albuquerque, NM 87193-5888
Cc: Elisa Balli – 6912 Nacelle Rd NE – Albuquerque, NM 87144
Cc: Tom & Diana Griego – P.O. Box 67077 – Albuquerque, NM 87193
Cc: Gerry Falls – P.O. Box 20760 – Albuquerque, NM 87154
Cc: David Stang – 7609 Northridge NE – Albuquerque, NM 87109
Cc: Debbie Tony Madrid – 3801 Manchester NW – Albuquerque, NM 87107
Cc: Anthony Navarro – 1542 Yakima SW – Albuquerque, NM 87105
Cc: Barbara Mueller – 4904 Alberta NW – Albuquerque, NM 87120
Crystal Ortega, Clerk to the Council, City/County Bldg – 9th Floor
DRB FILE

PO Box 1293

Albuquerque

NM 87103

www.cabq.gov



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

January 6, 2010

Project# 1008093

09DRB-70377 SUBDIVISION DESIGN VARIANCE FROM MIN STANDARDS

PNM request(s) the referenced/ above action(s) for an **OVERHEAD ELECTRIC DISTRIBUTION LINE** located on ATRISCO DR NW, SCENIC DR NW, UNSER BLVD NW, AND URRACA ST NW, from Volcano Vista High School to La Cuentista Subdivision. (C-9, D-9, D-10)

The Public Service Company of New Mexico's (PNM) has requested a variance to the undergrounding requirements of Section 14-14-4-9(B) Electrical and Communication Line Locations of the City Subdivision Ordinance, to place new electrical three phase distribution line aboveground on the northwest mesa, generally from Volcano Vista High School to La Cuentista Subdivision along Atrisco Dr NW and Unser Blvd NW.

Section 14-14-4-9(B) of the Subdivision Ordinance states: "The Development Review Board may grant a variance...if it is determined that no significant public purpose would be served by requiring the new lines be placed underground and that one or more of the following conditions exists: (1) the immediate or adjacent area is presently served by overhead lines; or (2) subsurface conditions make underground lines economically unreasonable."

The variance request is subject to the policies of the Albuquerque/Bernalillo County Comprehensive Plan, the Northwest Mesa Escarpment Plan, and the West Side Strategic Plan

At the January 6, 2010, Development Review Board meeting, the subject variance request was denied based on the following Findings:

1. A significant public purpose is served by requiring the placement of the new lines underground because:
 - a. Policy II.C.8.a of the Albuquerque/Bernalillo County Comprehensive Plan item 2) states that development and subdivision standards are to encourage solutions which are not limited to engineering effectiveness, and item 4) states that utilities are to be designed with respect for environmental and visual factors.
 - b. Policy II.C.8.b of the Albuquerque/Bernalillo County Comprehensive Plan states that utilities shall be designed to realize opportunities for City beautification, with qualitative standards for development.

- c. Policy II.C.8.c of the Comprehensive Plan states that incidental structures such as wires and poles shall be designed for minimal visual intrusion.
- d. Policy 1.a of the Northwest Mesa Escarpment Plan states that the unique visual qualities of the escarpment are to be conserved.
- e. Policy 1.d of the Northwest Mesa Escarpment Plan states that views to and from the escarpment are recognized as important.
- f. Policy 4.6 of the West Side Strategic Plan states that the Overhead Utilities Section of that Plan became policy upon plan adoption. The Overhead Utilities Section states that electrical distribution lines should be placed underground consistent with the City's Subdivision Ordinance.

2. Other private development in the immediate and adjacent area of this request has constructed and is served by underground distribution lines and other underground utilities (e.g. Vista Vieja, La Cuentista, and The Trails). There is a significant amount of platted but undeveloped land in the immediate area that is presently unserved by PNM. To allow the placement of overhead distribution lines could set a precedent to justify the remaining undeveloped land, some of which is within the Impact Area of the NW Mesa Escarpment Plan, to be served by overhead lines.

3. There is a significant public purpose in placing the lines underground because overhead lines create potential safety hazards to children, vehicular traffic, and balloonists, and are aesthetically displeasing because they obstruct and, therefore, detract from the natural landscape.

4. Subsurface conditions have been overcome by other private development in the area as noted in Finding No. 2, therefore the installation of underground lines is not economically unreasonable.

If you wish to appeal this decision, you must do so by January 21, 2010, in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal.

If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).



Jack Cloud, AICP, DRB Chair

Cc: Rene Horvath – 5515 Palomino – Albuquerque, NM 87120
Cc: Joe Archbold – P.O. Box 65888 – Albuquerque, NM 87193-5888
Cc: Elisa Balli – 6912 Nacelle Rd NE – Albuquerque, NM 87144
Cc: Tom & Diana Griego – P.O. Box 67077 – Albuquerque, NM 87193
Cc: Gerry Falls – P.O. Box 20760 – Albuquerque, NM 87154
Cc: David Stang – 7609 Northridge NE – Albuquerque, NM 87109
Cc: Debbie Tony Madrid – 3801 Manchester NW – Albuquerque, NM 87107
Cc: Anthony Navarro – 1542 Yakima SW – Albuquerque, NM 87105
Cc: Barbara Mueller – 4904 Alberta NW – Albuquerque, NM 87120
File

Box
DRB PUBLIC HEARING SIGN IN SHEETS

PROJECT #: 1008093 AGENDA# 1 DATE: 1/6/10

1. Name: René Horvath Address: 5515 Palomino Zip: 87120
2. Name: JOE ARCHBOLD Address: PO Box 65888 Albuquerque NM Zip: 87193-5888
3. Name: ELISH BALLI Address: 6912 NARCELLE RD NE Zip: 87144
4. Name: Tom + Diana Griego Address: PO Box 67077 Albuquerque NM Zip: 87193
5. Name: Gerry Falls Address: PO Box 20760 Zip: 87154
6. Name: David Stang Address: 7609 Northridge NE Zip: 87109
7. Name: ROBERT PUTT Address: 3029 Rio Grande NW Zip: 87107
8. Name: Debbie & Tony Madrid Address: 3801 Manchester Zip: 87107
9. Name: ANTHONY NAVAREZ Address: 1542 YAKIMA SW NW Zip: 87105
10. Name: Barbara Mueller Address: 4904 Albert Ln NW Zip: 87120
11. Name: _____ Address: _____ Zip: _____
12. Name: _____ Address: _____ Zip: _____
13. Name: _____ Address: _____ Zip: _____
14. Name: _____ Address: _____ Zip: _____
15. Name: _____ Address: _____ Zip: _____
16. Name: _____ Address: _____ Zip: _____
17. Name: _____ Address: _____ Zip: _____



CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

January 6, 2010

Project# 1008093

09DRB-70377 SUBDIVISION DESIGN VARIANCE FROM MIN STANDARDS

PNM request(s) the referenced/ above action(s) for an **OVERHEAD ELECTRIC DISTRIBUTION LINE** located on ATRISCO DR NW, SCENIC DR NW, UNSER BLVD NW, AND URRACA ST NW, from Volcano Vista High School to La Cuentista Subdivision. (C-9, D-9, D-10)

AMAFCA

PNM Overhead Distribution Line, Atrisco/Scenic, (C-9, D-9, D-10)

No objection to variance request. Since the proposed distribution line will be adjacent to right-of-way that AMAFCA will acquire for the Boca Negra Dam, AMAFCA would like to review the construction plans.

COG

MPO ID # 464.0 is a City of Albuquerque preliminary engineering, design and right-of-way acquisition to construct a new 4 lane roadway and bike lanes/trail on Unser between Atrisco Blvd. (end of existing 4 lane sect.) & Paseo del Norte. The project has been included in the 2030 MTP and funding for this project has been programmed for FY 2010. Coordination with DMD is recommended to insure development is consistent with this project. MPO ID # 494.0 "Rainbow Blvd Extension" is a private project to construct a new 2 lane roadway from Unser Blvd to Paseo del Norte.

Unser Blvd is a high capacity, limited access Principal Arterial from Gun Club Road to US 550 with full access at-grade intersections at one-half mile intervals. Right-in, right-out access points may be located at approximately one-quarter mile intervals, provided the access location does not degrade traffic flow and upon review by the TCC and approval by the MTB. Between Dellyne Avenue and Paradise Blvd there is limited to full access at 81st street (T-intersection to the east) and Compass Drive.

TRANSIT

Project # 1008093

09DRB-70377

SUBDIVISION DESIGN VARIANCE FROM MIN STANDARDS.

Adjacent and nearby routes

None

Adjacent bus stops

None

Site plan requirements

None

Large site TDM suggestions

None.

Other information

None.

ZONING ENFORCEMENT

No comment.

NEIGHBORHOOD COORDINATION

APS

Overhead Electric Distribution Line is located on Atrisco Dr NW, Scenic Dr NW, Unser Blvd NW, and Urraca St NW from Volcano Vista High School to La Cuentista Subdivision. The owner of the above property requests a Subdivision Design Variance, to install an Electrical and Communication Line. This project is located more than 300 ft from Volcano Vista High School, and will not cause adverse impacts to the APS district.

POLICE DEPARTMENT

No comment.

FIRE DEPARTMENT

No comment.

PNM ELECTRIC & GAS

No comment.

COMCAST

No comment.

QWEST

No comment.

ENVIRONMENTAL HEALTH

No comment.

M.R.G.C.D

No Adverse Comments.

OPEN SPACE DIVISION

No comment.

CITY ENGINEER

The Hydrology section has no objection to the variance request.

TRANSPORTATION DEVELOPMENT

No adverse comments.

PARKS AND RECREATION

No objection

ABCWUA

Defer to planning.

PLANNING DEPARTMENT

The Public Service Company of New Mexico's (PNM) is requesting a variance to the undergrounding requirements of Section 14-14-4-9(B) Electrical and Communication Line Locations of the City Subdivision Ordinance.

PNM has requested the variance to allow them to place new electrical three phase distribution line on the northwest mesa, generally from Volcano Vista High School to La Cuentista Subdivision along Atrisco Dr NW and Unser Blvd NW.

The variance request is subject to the policies of the Albuquerque/Bernalillo County Comprehensive Plan, the Northwest Mesa Escarpment Plan, and the West Side Strategic Plan (The Facility Plan: Electric Service Transmission and Subtransmission Facilities refers mainly to higher voltage lines than the subject 12 kilovolt distribution line).

The application cites the Introduction and Context Section of the Comprehensive Plan items 1.D.3 for supplying energy and 1.D.6 for economic development as support for this variance request; however, similar to The Facility Plan: Electric Service, item 1D.3 mainly refers to transmission lines and not distribution lines. Item 1.D.6 refers to economic activities; however the area of this variance request is almost exclusively zoned residential.

The application further states that the West Side Strategic Plan does not define the mechanism to pay for the cost differential for placing utilities underground, and notes that existing underground lines were paid for by developers. The application also explains that the variance for overhead lines is permissible under the Northwest Mesa Escarpment Plan, and that the proposed poles would be lower than the 40 ft height limit of the Plan's View Area regulations.

Finally, the application proposes that no significant public purpose would be served by requiring underground lines due to the lack of clear subdivision development goals and antiquated platting in the area. It is claimed that the adjacent area is served by overhead lines, and that due to subsurface conditions the cost differential makes underground line construction economically unreasonable.

Section 14-14-4-9(B) of the Subdivision Ordinance states: "The Development Review Board may grant a variance...if it is determined that no significant public purpose would be served by requiring the new lines be placed underground and that one or more of the following conditions exists: (1) the immediate or adjacent area is presently served by overhead lines; or (2) subsurface conditions make underground lines economically unreasonable."

The following policies and plans suggest that a significant public purpose is served by requiring the placement of the new lines underground:

- a. Policy II.C.8.a of the Albuquerque/Bernalillo County Comprehensive Plan item 2) states that development and subdivision standards are to encourage solutions which are not limited to engineering effectiveness, and item 4) states that utilities are to be designed with respect for environmental and visual factors.
- b. Policy II.C.8.b of the Albuquerque/Bernalillo County Comprehensive Plan states that utilities shall be designed to realize opportunities for City beautification, with qualitative standards for development.
- c. Policy II.C.8.c of the Comprehensive Plan states that incidental structures such as wires and poles shall be designed for minimal visual intrusion.
- d. Policy 1.a of the Northwest Mesa Escarpment Plan states that the unique visual qualities of the escarpment are to be conserved.
- e. Policy 1.d of the Northwest Mesa Escarpment Plan states that views to and from the escarpment are recognized as important.
- f. Policy 4.6 of the West Side Strategic Plan states that the Overhead Utilities Section of that Plan became policy upon plan adoption. The Overhead Utilities Section states that electrical distribution lines should be placed underground consistent with the City's Subdivision Ordinance.
- g. It is acknowledged that private development in the area of this request has

constructed and is served by underground distribution lines and other utilities.

- h. It is acknowledged that there is a significant amount of platted but undeveloped land in the immediately area that is presently unserved by PNM. To allow the placement of overhead distribution lines could set a precedent to justify the remaining undeveloped land, some of which is within the Impact Area of the NW Mesa Escarpment Plan, to be served by overhead lines.
- i. There is a significant public purpose in placing the lines underground because overhead lines create potential safety hazards to children, vehicular traffic, and balloonists, and are aesthetically displeasing because they obstruct and, therefore, detract from the natural landscape.
- j. Subsurface conditions have been overcome with private development, therefore the installation of underground lines is not economically unreasonable

IT IS REQUIRED THAT THE APPLICANT AND/OR AGENT BE PRESENT AT THE HEARING

HEARING DATE 1-6-10 (ELEC. DIST. LINE)

**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST**

Meeting Date: January 6, 2010
Zone Atlas Page: C-9/D-9
Notification Radius: 100 Ft.

Project# 1008093
App# 09DRB-70377

Cross Reference and Location: ATRISCO NW, UNSER NW, SCENIC NW KIMMICK
NW AND URRACA NW

Applicant: PNM
ALVARADO SQUARE
ALBUQUERQUE, NM 87158

Agent: LAURIE MOYE
ALVARADO SQUARE
ALBUQUERQUE, NM 87158

Special Instructions:

**Notice must be mailed from the
City's 15 day's prior to the meeting.**

Date Mailed: DECEMBER 24, 2009
SIGNATURE: *ERIN TREMLIN*

UPC	OWNER	OWNADD	OWNADD2	LEGALDESC	Shape_Area
101006326338220000	LYTE ROBERT L #B26	11100 GIBSON BLVD SE	ALBUQUERQUE NM 87123	* 014 006VOLCANO CLIFFS SUBD UNIT 18	15205.52
101006312825220000	JACKSON STEVEN P	6300 RIVERSIDE PL NW 200	ALBUQUERQUE NM 87120	* 009 005VOLCANO CLIFFS SUBD UNIT 18	22208.35
101006322836720000	AMINIAN BEHROUZ	10504 ROYAL TROON NE	ALBUQUERQUE NM 87111	* 010 006VOLCANO CLIFFS SUBD UNIT 18	13378.17
101006327443020000	DEFOUR JENNIFER E & EVERETT WILLARD GRAY II	2002 BEDFORD	MIDLAND TX 79701	* 012 005VOLCANO CLIFFS SUBD UNIT 17	14816.55
100906340544610000	CHARLENE J & DAVID R STANG & DEBORAH K DLABAL	7609 NORTHRIDGE NE	ALBUQUERQUE NM 87109	LT 4 BLK 2 UNIT 14 VOLCANO CLIFFS SUBD CONT .3271 AC	14153.99
101006303230920000	GONZALES VICTORIA A & MICHAEL ALLEN GONZALES	3501 KEMBLE	LONG BEACH CA 90808	LT 7 BLK 5 VOLCANO CLIFFS SUBDIVISION UNIT NO. 14CONT .3444 AC	15038.71
101006322132820000	P & KALLEN DOUGLAS	6300 RIVERSIDE PL NW 200	ALBUQUERQUE NM 87120	* 034 006VOLCANO CLIFFS SUBD UNIT 18	23942.46
101006327041320000	GUTHEINZ LEE M & CARYL ANN TRUSTEES OF GUTHEINZ RLT	13723 APACHE PLUME PL NE	ALBUQUERQUE NM 87111	* 018 005VOLCANO CLIFFS SUBD UNIT 17	14181.94
100906343542010000	BANK OF NM TR E W GRAY TESTAMENTARY TR	PO BOX 1968	ALBUQUERQUE NM 87103 1968	LT 33 BLK 2 UNIT 14 VOLCANO CLIFFS SUBD CONT .3280 AC	13980.01
100906336824941000	SALLS BROTHERS CONSTRUCTION INC	PO BOX 66239	ALBUQUERQUE NM 87193 6239	LT 4 BLK 10 PLAT OF VISTA VIEJA SUBD UNITS THREE & FOUR(TRACTS 3 & 4 BULK LAND PLAT OF VISTA VIEJA SUBD & PARCELS1, 2 & 3 VISTA VIEJA SUBD UNIT 2) CONT .1524 AC	6634.39
100906343323241000	VISTA VIEJA INVESTMENTS LLC	8300 CARMEL AVE NE SUITE 401	ALBUQUERQUE NM 87122	LT 6-P1 BLK 2 PLAT OF VISTA VIEJA SUBDIVISION UNIT TWO TRACT2 BULK LAND PLAT OF VISTA VIEJA SUBDIVISION CONT .1517 AC	6601.93
100906330752111000	THOMSON MARJORIE	8213 FRUIT AVE NE	ALBUQUERQUE NM 87108	*23 003VOLCANO CLIFFS SUBD UNIT 13	13052.53
101006310924040000	STATE OF NEW MEXICO STATE LAND OFFICE	PO BOX 1148	SANTA FE NM 87504 1148	* 010 001VOLCANO CLIFFS SUBD UNIT 18	28538.71
100906341731210000	MARTINEZ STANLEY E ETUX	PO BOX 710	CHINLE AZ 86503 0710	*14 005VOLCANO CLIFFS SUBD UNIT 13	52452.01
101006334042412000	LA CUENTISTA I LLC	PO BOX 51177	ALBUQUERQUE NM 87181 1177	LT 17 BLK 3 PLAT OF LA CUENTISTA SUBDIVISION UNIT 1CONT .1624 AC	7065.04
101006332939711000	MEM HOLDINGS LLC	9628 GRAND ISLE LN	LAS VEGAS NV 89144	*00050001VOLCANO CLIFFS SUBD UNIT 22	17975.59

100906335742410000	CERAMI SALVATORE T	403 JOAQUIN CT	CORRALES NM 87048	*1 004VOLCANO CLIFFS SUBD UNIT NO 13	136212.62
100906338349111000	NGUYEN THANH VAN	PO BOX 966	TUCUMCARI NM 88401 0966	LOT 3 BLK 1 UNIT 14 VOLCANO CLIFFS SUBD CONT 13,500 SQ FT	13318.61
101006329638020000	RICHARD W & NANCY L	101 ORTEGA RD NW	ALBUQUERQUE NM 87114	* 022 006VOLCANO CLIFFS SUBD UNIT 18	14327.30
101006316728520000	TRUJILLO LARRY D & JANET I	4512 ALLEN CT NW	ALBUQUERQUE NM 87114	* 017 005VOLCANO CLIFFS SUBD UNIT 18	24263.69
100906339535610000	JENNINGS JEROME C & JUDITH	916 DARTMOUTH DR NE	ALBUQUERQUE NM 87106	*2 006VOLCANO CLIFFS SUBD UNIT 13	14810.67
101006327544921000	ATKERSON E RENEE & JERRY J	10212 AVENIDA VISTA SOL NW	ALBUQUERQUE NM 87114	* 020 001VOLCANO CLIFFS SUBD UNIT 17	12657.12
101006334840511000	LES FILE DRY WALL INC	116 INDUSTRIAL NE	ALBUQUERQUE NM 87107	*00080001VOLCANO CLIFFS SUBD UNIT 22	15087.54
101006331438820000	DANIEL G & CYNTHIA G	1212 WAGON TRAIN DR SE	ALBUQUERQUE NM 87123 4239	* 020 006VOLCANO CLIFFS SUBD UNIT 18	15662.66
101006325834210000	WILLIAM & DONNA PATRICIA TRUSTEES BARNETT RVT	9919 RIVERSIDE NW	ALBUQUERQUE NM 87114	* 002 007VOLCANO CLIFFS SUBD UNIT 18	14546.93
101006328737620000	GALLEGOS RICHARD	3101 4TH ST NW	ALBUQUERQUE NM 87107	* 023 006VOLCANO CLIFFS SUBD UNIT 18	14562.68
100906339833810000	HAALAND DAVID & KATHY	809 RICHMOND DR SE	ALBUQUERQUE NM 87106 2314	*4 006VOLCANO CLIFFS SUBD UNIT 13	13682.35
101006320835920000	LEMMEL GARY & TAYLOR-LEMMEL YVONNE M	2608 GARNER RD SW	ALBUQUERQUE NM 87105	* 008 006VOLCANO CLIFFS SUBD UNIT 18	21797.24
101006329842520000	LEE MICHAEL HOMES INC	P O BOX 51177	ALBUQUERQUE NM 87181	* 015 005VOLCANO CLIFFS SUBD UNIT 17	16534.26
100906340130910000	ANTHONY BRIAN & JOHNATHAN M & ANTOINETTE DOMINGUEZ	1542 YAKIMA RD SW	ALBUQUERQUE NM 87105	*7 006VOLCANO CLIFFS SUBD UNIT 13	14182.45
100906332549411000	LERDAHL STEPHANIE	2242 MUNIZ LN SW	ALBUQUERQUE NM 87105 6576	*12 003VOLCANO CLIFFS SUBD UNIT 13	13274.49
101006324437520000	HUIZAR RONNIE K	PO BOX 6563	ALBUQUERQUE NM 87197	* 012 006VOLCANO CLIFFS SUBD UNIT 18	12963.97
100906345728210000	BALDRIDGE FAMILY LIMITED PARTNERSHIP II LP	605 SAN ANTONIO AVE	MANY LA 71449	* 005 001VOLCANO CLIFFS UNIT 25	28290.38
100906340943810000	GRIEGO THOMAS J & DIANA L	PO BOX 67077	ALBUQUERQUE NM 87193	LT 5 BLK 2 UNIT 14 VOLCANO CLIFFS SUBD CONT .3271 AC	14133.32
101006316030820000	ROMERO CHARLES D TRUSTEE ROMERO RVLVT	8031 VICTORIA DR NW	ALBUQUERQUE NM 87120	* 039 006VOLCANO CLIFFS SUBD UNIT 18	24023.64
101006313730620000	VILLALOBOS CECIL S ETUX	3804 CAMBRIDGE AVE	EL PASO TX 79903 1305	* 002 006VOLCANO CLIFFS SUBD UNIT 18	23029.09
100906336552311000	JOHNSTON DOUGLAS M F & EMMA T	1740 DARLENE RD SE	RIO RANCHO NM 87124	LT 7 BLK 1 UNIT 14 VOLCANO CLIFFS SUBD CONT .4256 AC	17165.61
101006331144012000	CALENTO PATRICK & VIRGINIA M	6452 KOLA CT NW	ALBUQUERQUE NM 87120	LT 11 BLK 3 PLAT OF LA CUENTISTA SUBDIVISION UNIT 1CONT .2398 AC	10453.66

100906351527710000	KB HOME NEW MEXICO INC	6330 RIVERSIDE LN NW SUITE 200	ALBUQUERQUE NM 87120	* 004 002VOLCANO CLIFFS UNIT 25	144407.83
100906337949911000	SWEENEY KAREN ANN	1550 W WINDWOR AVE	PHOENIX AZ 85007	LT 4 BLK 1 UNIT 14 VOLCANO CLIFFS SUBD CONT .3099 AC	13350.94
100906334050811000	PIANO JASPER & EMILY E TRUSTEES PIANO FAMILY TRUST	200 S BURKE DR	GALLUP NM 87301	*26 003VOLCANO CLIFFS SUBD UNIT 13	75001.58
100906338129110000	SPRINGER ERIC J	8333 COMANCHE NE 13A	ALBUQUERQUE NM 87110	*10 007VOLCANO CLIFFS SUBD UNIT 13	13658.40
100906338434710000	KAMERMAN BRETT PADRAIC TRUSTEE KAMERMAN LVT	310 MONTERO AVE	NEWPORT BEACH CA 92661	*13 006VOLCANO CLIFFS SUBD UNIT 13	12228.45
100906338950411000	GREGORY JERRY D	12607 CALLE DEL OSO PL NE	ALBUQUERQUE NM 87111 8055	LT 11 BLK 1 UNIT 14 VOLCANO CLIFFS SUBD CONT .3358 AC	14028.37
100906344925840000	MONTECITO ESTATES COMMUNITY ASSOC INC C/O CANYON GATE ESTATES SERVICE	PO BOX 93488	ALBUQUERQUE NM 87111	TR A PLAT OF VISTA VIEJA SUBDIVISION UNIT TWO TRACT2 BULK LAND PLAT OF VISTA VIEJA SUBDIVISION CONT 1.0558 AC	45895.98
101006321538920000	BOYD DAVID & TERESA M	608 NAVARRA WAY SE	ALBUQUERQUE NM 87123	* 024 005VOLCANO CLIFFS SUBD UNIT 17	14387.65
100906339640910000	CERAMI MARIE	11112 ALTA DR NW	ALBUQUERQUE NM 87114	*3 004VOLCANO CLIFFS SUBD UNIT NO 13	57919.31
100906340029110000	BALLI ELISA R	6912 NACELLE RD NE	RIO RANCHO NM 87144	*12 007VOLCANO CLIFFS SUBD UNIT 13	15471.82
100906417714030000	BOARD OF EDUCATION	PO BOX 25704	ALBUQUERQUE NM 87125	TR C-1 PLAT OF TRACT C-1 ANCIENT MESA BULK LAND PLAT OFTRACT C-2 ANCIENT MESA CONT 63.3138 AC	2816451.69
100906341745310000	CHARLENE J & DAVID R STANG & DEBORAH K DLBAL	7609 NORTHRIDGE NE	ALBUQUERQUE NM 87109	LT 37 BLK 2 UNIT 14 VOLCANO CLIFFS SUBD CONT .3053 AC	13601.58
101006330336210000	JOSEPHINE ANN TRUSTEE OF THE JOSEPHINE ANN MADRID RVT	5531 FURMAN NW	ALBUQUERQUE NM 87114	* 007 007VOLCANO CLIFFS SUBD UNIT 18	13919.17
101006313924420000	DOW LEO	3704 12TH ST NW	ALBUQUERQUE NM 87107	* 008 005VOLCANO CLIFFS SUBD UNIT 18	21138.48
101006329435810000	RATHBUN AARON C SR	PO BOX 18042	ALBUQUERQUE NM 87185	* 006 007VOLCANO CLIFFS SUBD UNIT 18	14188.73
101006320131720000	GIERSCH JOHN P & DARRLA J	8011 4TH ST NW	ALBUQUERQUE NM 87111	* 020 005VOLCANO CLIFFS SUBD UNIT 18	30859.47
101006306025420000	JENNINGS DANIEL E & NOEL	4618 LARCHMONTE NE	ALBUQUERQUE NM 87111	LOT 13 BLK 2 UNIT 14 VOLCANO CLIFFS SUBDIVISIONCONT .4821 AC	19975.56
101006316933620000	VILLIANOS JERRY S	7536 NORTHRIDGE NE	ALBUQUERQUE NM 87109	* 005 006VOLCANO CLIFFS SUBD UNIT 18	23084.96
100906339129110000	ROMO GENE D	5400 PHOENIX AVE NE	ALBUQUERQUE NM 87110 3144	*11 007VOLCANO CLIFFS SUBD UNIT 13	13589.63

101006312729620000	JACKSON STEVEN P & MAPLE GARY D & KIMBERLY G	6300 RIVERSIDE PL NW 200	ALBUQUERQUE NM 87120	* 001 006VOLCANO CLIFFS SUBD UNIT 18	29504.82
101006302731720000	FASTLE JAMES	7109 LANTERN RD NE	ALBUQUERQUE NM 87109	005TRACT 8 OF VOLCANO CLIFFS SUBD UNIT 14	13874.90
100906324745311000	PADILLA PAT	6016 RIVERWALK NW	ALBUQUERQUE NM 87120	*4 003VOLCANO CLIFFS SUBD UNIT 13	14473.76
101006329039420000	WEALE JOHN C	8900 HALLSTON TRL NW	ALBUQUERQUE NM 87114	* 017 006VOLCANO CLIFFS SUBD UNIT 18	13949.29
101006309131620000	ROBERT E & DOROTHY H	7601 N CENTRAL AVE 9	PHOENIX AZ 85020 4080	* 011 007VOLCANO CLIFFS SUBD UNIT 17	13685.46
101006323035120000	WU TUNG HUEI	2452 SEAFORD DR	WELLINGTON FL 33414 6241	* 029 006VOLCANO CLIFFS SUBD UNIT 18	23854.26
100906334147511000	RICE TIMOTHY L & ALICE RICE	4625 ARLINGTON AVE NW	ALBUQUERQUE NM 87114	*5 003VOLCANO CLIFFS SUBD UNIT 13	14287.56
101006314926220000	ERNEST J & JUDDIE J PO BOX 5312	3920 EAST YUMA DR	LAKE MONTEZUMA AZ 86342	* 015 005VOLCANO CLIFFS SUBD UNIT 18	28752.22
100906339834710000	O'BRIEN PATRICK L & PATRICIA A	PO BOX 20625	ALBUQUERQUE NM 87154 0625	*3 006VOLCANO CLIFFS SUBD UNIT 13	13698.74
100906351322740000	AMAFCA	2600 PROSPECT NE	ALBUQUERQUE NM 87107	TR D PLAT OF VISTA VIEJA SUBDIVISION UNIT TWO TRACT2 BULK LAND PLAT OF VISTA VIEJA SUBDIVISION CONT 6.8815 AC	299559.35
100906339832910000	LUJAN MICHAEL & LISA	14768 COUNTY RD 1100	TYLER TX 75703	*5 006VOLCANO CLIFFS SUBD UNIT 13	13821.79
100906332150211000	MEDINA CHRISTOPHER	PO BOX 33153	SANTA FE NM 87594	*13 003VOLCANO CLIFFS SUBD UNIT 13	14369.19
101006320538520000	RABADI SAMIA AS CUSTODIAN FOR AMER RABADI UNIFORM TRNS TO MINOR ACT	11201 SAN ANTONIA DR NE	ALBUQUERQUE NM 87122	* 025 005VOLCANO CLIFFS SUBD UNIT 17	17205.64
101006329939820000	BLACKMAN C A TRUSTEE BLACKMAN LVT	7817 LOUISIANA BLVD NE 1502	ALBUQUERQUE NM 87109	* 018 006VOLCANO CLIFFS SUBD UNIT 18	14170.30
101006301230420000	TRAILS LLC	3077 E WARM SPRINGS RD	LAS VEGAS NV 89120	LT 19 BLK 2 UNIT 14 VOLCANO CLIFFS SUBD CONT 1.0100 AC	49128.00
101006328645421000	MOGLIA OSCAR R & MARGARET	10428 SW 62ND CT	OCALA FL 34476	* 019 001VOLCANO CLIFFS SUBD UNIT 17	12177.53
101006318730620000	MARTINEZ ADRIAN	1109 VIA TOMAS NE	ALBUQUERQUE NM 87113	* 019 005VOLCANO CLIFFS SUBD UNIT 18	22876.30
101006330544612000	RAINDEER INVESTMENTS LLC	PO BOX 36810	ALBUQUERQUE NM 87176	LT 10 BLK 3 PLAT OF LA CUENTISTA SUBDIVISION UNIT 1CONT .2151 AC	9376.31
101006330445612000	QUESADA MARIO J & ETTIANA M	4505 BRIGHTWATER CT APT H	OWINGS MILLS MD 21117	LT 9 BLK 3 PLAT OF LA CUENTISTA SUBDIVISION UNIT 1CONT .3323 AC	14478.88
100906334651411000	TELLEZ INVESTMENTS LLC	7120 PORLAMAR RD NW	ALBUQUERQUE NM 87120	LT 6 BLK 1 UNIT 14 VOLCANO CLIFFS SUBD CONT .3099 AC	13110.34

100906341935910000	HOSSAIN MOHAMMED & AZESHA	4400 ALTURA AVE NE	ALBUQUERQUE NM 87110	*12 005VOLCANO CLIFFS SUBD UNIT 13	76672.48
101006314835420000	KULLER WILLIAM G	1047 FALCON CREEK DR	KENNEDALE TX 76060	* 13 6 VOLCANO CLIFFS UNIT #17	20195.46
101006315832720000	HENMI RYOTA & MARILYN & ZIA TRUST INC CUSTODIAN ERIC A TOLEDO IRA	PO BOX 30928	ALBUQUERQUE NM 87190	* 004 006VOLCANO CLIFFS SUBD UNIT 18	23784.03
101006319438020000	TATKOSKI ARTHUR J	4801 NORTHRIDGE CT NE	ALBUQUERQUE NM 87109 3020	* 026 005VOLCANO CLIFFS SUBD UNIT 17	17593.15
100906344041010000	JENKINS CLARICE ETAL	5137 FAIRFAX DR NW	ALBUQUERQUE NM 87114 4307	LT 32 BLK 2 UNIT 14 VOLCANO CLIFFS SUBD CONT .4366 AC	16469.91
101006302232720000	GNEKOW RICHARD & LUELLA Z	4404 BRYAN AVE NW	ALBUQUERQUE NM 87114	005TRACT 9 OF VOLCANO CLIFFS SUBD UNIT 14	14411.59
101006331236610000	CHANEY LUCILE G SHUBE	4923 CASA DEL OSO NE	ALBUQUERQUE NM 87111 3778	* 008 007VOLCANO CLIFFS SUBD UNIT 18	14200.57
100906339227510000	VELARDE GILBERT L ETUX	1509 CAMINO AMPARO NW	ALBUQUERQUE NM 87107 2609	*13 007VOLCANO CLIFFS SUBD UNIT 13	43229.97
101006304426720000	MYSTIC LLC % AMIR NATHOO	5715 CENTRAL AVE NE	ALBUQUERQUE NM 87108	LT 15 BLK 2 UNIT 14 VOLCANO CLIFFS SUBD CONT .4821 AC	20624.12
100906343132710620CA	NEWVECTOR COMMUNICATIONS INC C/O MARK MEYERS U S WEST INC	PO BOX 97019	BELLEVUE WA 98009 9719	LT 1 BLK 1 VOLCANO CLIFFS UNIT 25 CONT .7800 AC	34664.00
101006313726420000	KAUFMANN PAT D	250 CRYSTAL SKY DR	SEDONA AZ 86351	* 014 005VOLCANO CLIFFS SUBD UNIT 18	22220.91
101006324936020000	TRUNICK PERRY A	PO BOX 91726	CLEVELAND OH 44101 3726	* 027 006VOLCANO CLIFFS SUBD UNIT 18	14885.92
100906340537410000	VASQUEZ JOE R & JUDITH N	510 SOUTH FOURTH ST	GALLUP NM 87301	*11 005VOLCANO CLIFFS SUBD UNIT 13	24662.77
101006324833810000	WILLIAM & DONNA PATRICIA TRUSTEES	9919 RIVERSIDE NW	ALBUQUERQUE NM 87114	* 001 007VOLCANO CLIFFS SUBD UNIT 18	14005.87
101006327238620000	RAFFERTY KATHY ANN	8526 BLACKCASTLE DR	SAN ANTONIO TX 78250 5683	* 015 006VOLCANO CLIFFS SUBD UNIT 18	14167.81
101006316035820000	FIRST FINANCIAL TRUST CO SUCCESSOR CUSTODIAN J T ROACH IRA	PO BOX 30970	ALBUQUERQUE NM 87190	* 012 006VOLCANO CLIFFS SUBD UNIT 17	14985.06
101006318234420000	STRINGFELLOW THOMAS J & SANDRA	4725 MESA MARCADA CT	ALBUQUERQUE NM 87120	* 006 006VOLCANO CLIFFS SUBD UNIT 18	23477.17
101006319635220000	LEMMEL ROBERT G & JOANNE	9605 APACHE NE	ALBUQUERQUE NM 87112	* 007 006VOLCANO CLIFFS SUBD UNIT 18	21871.42
101006325240520000	KENDALL BUFORD E ETUX	1609 CARDENAS DR NE	ALBUQUERQUE NM 87110 6627	* 020 005VOLCANO CLIFFS SUBD UNIT 17	13923.32
101006326836820000	MCCUTCHEON HAROLD & JENNIFER K	4504 CACTUS HILLS NW	ALBUQUERQUE NM 87114	* 025 006VOLCANO CLIFFS SUBD UNIT 18	15102.57
101006315129720000	P & GRABIEL JUSTIN M & JANE W	6300 RIVERSIDE PL NW 200	ALBUQUERQUE NM 87120	* 040 006VOLCANO CLIFFS SUBD UNIT 18	25702.91

100906344938310000	HIGHLAND VENTURES INC ETAL	4 JUNIPER RD NE	ALBUQUERQUE NM 87122	002TRACT 10 VOLCANO CLIFFS SUBD UNIT 14	108943.65
100906338351911000	GARDUNO DAVID J	11312 WOODMAR LN NE	ALBUQUERQUE NM 87111	LT 12 BLK 1 UNIT 14 VOLCANO CLIFFS SUBD CONT .5047 AC	22386.87
101006314228620000	JACKSON STEVEN P & MAPLE GARY D & KIMBERELY G	6300 RIVERSIDE PL NW 200	ALBUQUERQUE NM 87120	* 041 006VOLCANO CLIFFS SUBD UNIT 18	26569.38
100906337638110000	SOUTHSIDE WYOMING LLC	525 WYOMING NE	ALBUQUERQUE NM 87123	*8 005VOLCANO CLIFFS SUBD UNIT 13	12932.17
101006323532820000	SILVA ADAM A & YVETTE F	5605 ALTIMA PL NW	ALBUQUERQUE NM 87120	* 031 006VOLCANO CLIFFS SUBD UNIT 18	10764.12
101006317629620000	ZAMORA JONATHAN	7336 TRIANA PL NW	ALBUQUERQUE NM 87114	* 018 005VOLCANO CLIFFS SUBD UNIT 18	21216.56
101006309028620000	SOTELO ENRIQUE & MARTHA O	1720 RUSTY RD NW	ALBUQUERQUE NM 87114	005TRACT 23 OF VOLCANO CLIFFS SUBD UNIT 14	17767.73
101006321936320000	TAYLOR GANARLD	615 LA VETA LLEY NE	ALBUQUERQUE NM 87108	* 009 006VOLCANO CLIFFS SUBD UNIT 18	13356.11
101006332640911000	THOMPSON OWEN L	3009 PALO ALTO NE	ALBUQUERQUE NM 87111	*0060001VOLCANO CLIFFS SUBD UNIT 22	19509.21
100906352233110000	GONZALES MARY ELLEN BURNS	2806 CALLE CAMPEON	SANTA FE NM 87505 6419	LT 20 BLK 2 UNIT 14 VOLCANO CLIFFS SUBD CONT 1.4200 AC	74383.62
100906350230110000	LOFTUS MARTIN J & MARIE M	PO BOX 1842	CLOVIS NM 88102 1842	* 003 002VOLCANO CLIFFS UNIT 25	125945.99
100906348034510000	LOFTUS MARTIN & MARTIN M	PO BOX 1842	CLOVIS NM 88102 1842	* 001 002VOLCANO CLIFFS UNIT 25	147602.57
100906339537810000	ANTONIO & FELICHA	6231 ESCOVIEL ST NW	ALBUQUERQUE NM 87120	*10 005VOLCANO CLIFFS SUBD UNIT 13	16431.58
101006323133820000	LEGARRETA ELI E & NATANIA D	7524 PARK WOOD DR NW	ALBUQUERQUE NM 87120 3917	* 030 006VOLCANO CLIFFS SUBD UNIT 18	12094.16
100906343831710000	DENTON GORDON E & NANCY J TRUSTEES OF LIVING TRUST	3521 RIDGE GLEN DR	SACHSE TX 75048 2246	* 002 001VOLCANO CLIFFS UNIT 25	34271.40
101006328139020000	HIGHLANDS JOINT VENTURE	PO BOX 6548	ALBUQUERQUE NM 87197 6548	* 016 006VOLCANO CLIFFS SUBD UNIT 18	14537.91
101006325936420000	SIMS PETER	6400 CALEY AVE NW	ALBUQUERQUE NM 87120	* 026 006VOLCANO CLIFFS SUBD UNIT 18	14090.08
100906336827510000	WORDEN JUDE A & MARIE T CO-TRUSTEES OF WORDEN TRUST	10910 SANTA MONICA NE	ALBUQUERQUE NM 87122	*14 007VOLCANO CLIFFS SUBD UNIT 13	26437.72
101006327941720000	BUTTON ROSEMARY T	3413 REAMER DR	BARRINGTON NJ 08007	* 017 005VOLCANO CLIFFS SUBD UNIT 17	14417.94
101006323439720000	RABADI SAMIA CUSTODIAN FOR AMER RABADI	11201 SAN ANTONIA DR NE	ALBUQUERQUE NM 87122	* 022 005VOLCANO CLIFFS SUBD UNIT 17	14180.95
100906337450511000	WELKER CHAD & ANGELA	2015 VIA ESTERLINA AVE SE	RIO RANCHO NM 87124 8705	LT 5 BLK 1 UNIT 14 VOLCANO CLIFFS SUBD CONT .3099 AC	13441.60
101006332841912000	DAY RICK E & CAROLINE	6452 HOPS CT NW	ALBUQUERQUE NM 87120	LT 15 BLK 3 PLAT OF LA CUENTISTA SUBDIVISION UNIT 1CONT .1587 AC	6917.87

100906344430510000	DENTON GORDON E & NANCY J TR OF DENTON LIVING TRUST	3521 RIDGE GLEN DR	SACHSE TX 75048 2246	* 003 001VOLCANO CLIFFS UNIT 25	34513.40
101006315927220000	TOLEDO ERIC A & B J	220 WINGED FOOT CT	RIO RANCHO NM 87124	* 016 005VOLCANO CLIFFS SUBD UNIT 18	22573.37
101006323737120000	EDWARDS KATHARINE E TRUSTEE EDWARDS RVT	10010 NAVARRE RD SW	NAVARRE OH 44662 9403	* 011 006VOLCANO CLIFFS SUBD UNIT 18	13595.70
101006321334120000	FALL DEVELOPENT C/O GERRY FALLS	PO BOX 21760	ALBUQUERQUE NM 87154 1176	* 035 006VOLCANO CLIFFS SUBD UNIT 18	33787.65
101006332737010000	SALISBURY MARK W & JOAN H	4432 RANCHO LARGO RD NW	ALBUQUERQUE NM 87120	* 009 007VOLCANO CLIFFS SUBD UNIT 18	15208.71
101006303526920000	SIGNATURE REAL ESTATE SERVICES LLC	PO BOX 51355	ALBUQUERQUE NM 87181	LT 16 BLK 2 UNIT 14 . VOLCANO CLIFFS SUBD CONT .4821 AC	20812.58
101006330940120000	RADZIBABA VICTOR ETUX	PO BOX 9592	ALBUQUERQUE NM 87119	* 019 006VOLCANO CLIFFS SUBD UNIT 18	15244.60
100906335947411000	KILGORE MARGARET ANN	6303 ALVIS RD SW	ALBUQUERQUE NM 87105	*27 003VOLCANO CLIFFS SUBD UNIT 13	69310.50
101006327635110000	MODI BHUPENDRABHAI & PRAGNABEN	615 CENTRAL AVE NE	ALBUQUERQUE NM 87102	* 004 007VOLCANO CLIFFS SUBD UNIT 18	14449.34
100906337843410000	TANG RICHARD & CERAMI MARIE E & KATHY LAMKIN	1112 ALTA DR NW	ALBUQUERQUE NM 87114	*2 004VOLCANO CLIFFS SUBD UNIT NO 13	84597.12
100906342840310000	CARLTON P & NANCY B WHITEMAN- DAVENPORT	7708 HERMANSON PL NE	ALBUQUERQUE NM 87110	LT 9 BLK 2 UNIT 14 VOLCANO CLIFFS SUBD CONT .5222 AC	22016.45
101006319833720000	ROLL SAMUEL ETUX	PO BOX 40746	ALBUQUERQUE NM 87196	* 036 006VOLCANO CLIFFS SUBD UNIT 18	20516.58
100906342228110000	ROUSSEAU JAMES ALBERT & MARY JEANNE TRUSTEES ROUSSEAU RLT	6325 MESQUITE NW	ALBUQUERQUE NM 87120	* 015 005VOLCANO CLIFFS SUBD UNIT #13	83394.14
100906345029410000	BARZ RICHARD K AUSTRALIAN NATIONAL UNIVERSITY	PO BOX 82	ACT 2616 AUSTRALIA	* 004 001VOLCANO CLIFFS UNIT 25	34373.75
100906345936610000	SPEER GREGORY M & HELEN LAURA	758 ALAMOS RD	CORRALES NM 87048	002TRACT 11 VOLCANO CLIFFS SUBD UNIT 14	94209.86
101006308028920000	OLGUIN CHARLES D & AZIZA CHAVEZ	9832 CAMERON ST NW	ALBUQUERQUE NM 87114	005TRACT 22 OF VOLCANO CLIFFS SUBD UNIT 14	15187.53
101006332944812000	PARDO RAUL CANELA & TAMARA	6444 KOLA CT NW	ALBUQUERQUE NM 87120	LT 19 BLK 3 PLAT OF LA CUENTISTA SUBDIVISION UNIT 1CONT .1862 AC	8109.55
101006333343912000	JONES BENNIE J & AILEEN A	PO BOX 21454	ALBUQUERQUE NM 87154	LT 18 BLK 3 PLAT OF LA CUENTISTA SUBDIVISION UNIT 1CONT .1865 AC	8121.36
101006327837220000	PERRY KEITH M	4701 MORRIS ST NE 1303	ALBUQUERQUE NM 87111 7722	* 024 006VOLCANO CLIFFS SUBD UNIT 18	14406.58
101006324135620000	& PATRICIA A BURR	9501 ADMIRAL NIMITZ NE	ALBUQUERQUE NM 87111	* 028 006VOLCANO CLIFFS SUBD UNIT 18	15029.67

100906351322740350
AMAFCA
2600 PROSPECT NE
ALBUQUERQUE NM 87107

101006322836720432
AMINIAN BEHROUZ
10504 ROYAL TROON NE
ALBUQUERQUE NM 87111

101006331438820422
APOSTALON DANIEL G & CYNTHIA G
1212 WAGON TRAIN DR SE
ALBUQUERQUE NM 87123 4239

101006327544921217
ATKERSON E RENEE & JERRY J
10212 AVENIDA VISTA SOL NW
ALBUQUERQUE NM 87114

100906345728210624
BALDRIDGE FAMILY LIMITED
PARTNERSHIP II LP
605 SAN ANTONIO AVE
MANY LA 71449

100906340029110304
BALLI ELISA R
6912 NACELLE RD NE
RIO RANCHO NM 87144

101006324833810418
BARNETT JACK WILLIAM & DONNA
PATRICIA TRUSTEES
9919 RIVERSIDE NW
ALBUQUERQUE NM 87114

101006325834210417
BARNETT JACK WILLIAM & DONNA
PATRICIA TRUSTEES BARNETT RVT
9919 RIVERSIDE NW
ALBUQUERQUE NM 87114

100906345029410623
BARZ RICHARD K AUSTRALIAN
NATIONAL UNIVERSITY
PO BOX 82
ACT 2616 AUSTRALIA

101006314926220113
BATCHELLER ERNEST J & JUDDIE J
PO BOX 5312
3920 EAST YUMA DR
LAKE MONTEZUMA AZ 86342

101006329939820424
BLACKMAN C A TRUSTEE BLACKMAN
LVT
7817 LOUISIANA BLVD NE 1502
ALBUQUERQUE NM 87109

100906417714030202
BOARD OF EDUCATION
PO BOX 25704
ALBUQUERQUE NM 87125

101006321538920705
BOYD DAVID & TERESA M
608 NAVARRA WAY SE
ALBUQUERQUE NM 87123

101006327941720712
BUTTON ROSEMARY T
3413 REAMER DR
BARRINGTON NJ 08007

101006331144012211
CALENTO PATRICK & VIRGINIA M
6452 KOLA CT NW
ALBUQUERQUE NM 87120

100906339640910619
CERAMI MARIE
11112 ALTA DR NW
ALBUQUERQUE NM 87114

100906335742410617
CERAMI SALVATORE T
403 JOAQUIN CT
CORRALES NM 87048

101006331236610411
CHANEY LUCILE G SHUBE
4923 CASA DEL OSO NE
ALBUQUERQUE NM 87111 3778

100906342840310709
DAVENPORT CARLTON P & NANCY B
WHITEMAN-DAVENPORT
7708 HERMANSON PL NE
ALBUQUERQUE NM 87110

101006332841912215
DAY RICK E & CAROLINE
6452 HOPS CT NW
ALBUQUERQUE NM 87120

101006327443020717
DEFOR JENNIFER E & EVERETT
WILLARD GRAY II
2002 BEDFORD
MIDLAND TX 79701

100906344430510622
DENTON GORDON E & NANCY J TR
OF DENTON LIVING TRUST
3521 RIDGE GLEN DR
SACHSE TX 75048 2246

100906343831710621
DENTON GORDON E & NANCY J
TRUSTEES OF LIVING TRUST
3521 RIDGE GLEN DR
SACHSE TX 75048 2246

101006313924420120
DOW LEO
3704 12TH ST NW
ALBUQUERQUE NM 87107

101006323737120431
EDWARDS KATHARINE E TRUSTEE
EDWARDS RVT
10010 NAVARRE RD SW
NAVARRE OH 44662 9403

101006321334120407
FALL DEVELOPENT C/O GERRY FALLS
PO BOX 21760
ALBUQUERQUE NM 87154 1176

101006302731720317
FASTLE JAMES
7109 LANTERN RD NE
ALBUQUERQUE NM 87109

101006316035820604
FIRST FINANCIAL TRUST CO
SUCCESSOR CUSTODIAN J T ROACH
IRA
PO BOX 30970
ALBUQUERQUE NM 87190

100906343542010726
FIRST SECURITY BANK OF NM TR E W
GRAY TESTAMENTARY TR
PO BOX 1968
ALBUQUERQUE NM 87103 1968

101006328737620419
GALLEGOS RICHARD
3101 4TH ST NW
ALBUQUERQUE NM 87107

101006329638020420
GALLEGOS RICHARD W & NANCY L
101 ORTEGA RD NW
ALBUQUERQUE NM 87114

101006302232720316
GNEKOW RICHARD & LUELLA Z
4404 BRYAN AVE NW
ALBUQUERQUE NM 87114

101006303230920318
GONZALES VICTORIA A & MICHAEL
ALLEN GONZALES
3501 KEMBLE
LONG BEACH CA 90808

101006327041320711
GUTHEINZ LEE M & CARYL ANN
TRUSTEES OF GUTHEINZ RLT
13723 APACHE PLUME PL NE
ALBUQUERQUE NM 87111

100906344938310710
HIGHLAND VENTURES INC ETAL
4 JUNIPER RD NE
ALBUQUERQUE NM 87122

101006324437520430
HUIZAR RONNIE K
PO BOX 6563
ALBUQUERQUE NM 87197

101006322132820408
JACKSON STEVEN P & KALLEN
DOUGLAS
6300 RIVERSIDE PL NW 200
ALBUQUERQUE NM 87120

100906344041010725
JENKINS CLARICE ETAL
5137 FAIRFAX DR NW
ALBUQUERQUE NM 87114 4307

100906336552311001
JOHNSTON DOUGLAS M F & EMMA T
1740 DARLENE RD SE
RIO RANCHO NM 87124

101006313726420114
KAUFMANN PAT D
250 CRYSTAL SKY DR
SEDONA AZ 86351

100906338351911012
GARDUNO DAVID J
11312 WOODMAR LN NE
ALBUQUERQUE NM 87111

100906339537810606
GONZALES ANTONIO & FELICHA
6231 ESCOVIEL ST NW
ALBUQUERQUE NM 87120

100906338950411011
GREGORY JERRY D
12607 CALLE DEL OSO PL NE
ALBUQUERQUE NM 87111 8055

100906339833810406
HAALAND DAVID & KATHY
809 RICHMOND DR SE
ALBUQUERQUE NM 87106 2314

101006328139020426
HIGHLANDS JOINT VENTURE
PO BOX 6548
ALBUQUERQUE NM 87197 6548

101006312825220119
JACKSON STEVEN P
6300 RIVERSIDE PL NW 200
ALBUQUERQUE NM 87120

101006314228620401
JACKSON STEVEN P & MAPLE GARY
D & KIMBERELY G
6300 RIVERSIDE PL NW 200
ALBUQUERQUE NM 87120

101006306025420202
JENNINGS DANIEL E & NOEL
4618 LARCHMONTE NE
ALBUQUERQUE NM 87111

101006333343912218
JONES BENNIE J & AILEEN A
PO BOX 21454
ALBUQUERQUE NM 87154

100906351527710734
KB HOME NEW MEXICO INC
6330 RIVERSIDE LN NW SUITE 200
ALBUQUERQUE NM 87120

101006320131720108
GIERSCH JOHN P & DARRLA J
8011 4TH ST NW
ALBUQUERQUE NM 87111

100906352233110713
GONZALES MARY ELLEN BURNS
2806 CALLE CAMPEON
SANTA FE NM 87505 6419

100906340943810705
GRIEGO THOMAS J & DIANA L
PO BOX 67077
ALBUQUERQUE NM 87193

101006315832720438
HENMI RYOTA & MARILYN & ZIA
TRUST INC CUSTODIAN ERIC A
TOLEDO IRA
PO BOX 30928
ALBUQUERQUE NM 87190

100906341935910604
HOSSAIN MOHAMMED & AZESHA
4400 ALTURA AVE NE
ALBUQUERQUE NM 87110

101006315129720402
JACKSON STEVEN P & GRABIEL
JUSTIN M & JANE W
6300 RIVERSIDE PL NW 200
ALBUQUERQUE NM 87120

101006312729620441
JACKSON STEVEN P & MAPLE GARY
D & KIMBERLY G
6300 RIVERSIDE PL NW 200
ALBUQUERQUE NM 87120

100906339535610408
JENNINGS JEROME C & JUDITH
916 DARTMOUTH DR NE
ALBUQUERQUE NM 87106

100906338434710410
KAMERMAN BRETT PADRAIC
TRUSTEE KAMERMAN LVT
310 MONTERO AVE
NEWPORT BEACH CA 92661

101006325240520709
KENDALL BUFORD E ETUX
1609 CARDENAS DR NE
ALBUQUERQUE NM 87110 6627

100906335947411136
KILGORE MARGARET ANN
6303 ALVIS RD SW
ALBUQUERQUE NM 87105

101006314835420603
KULLER WILLIAM G
1047 FALCON CREEK DR
KENNEDEALE TX 76060

101006334042412217
LA CUENTISTA I LLC
PO BOX 51177
ALBUQUERQUE NM 87181 1177

101006329842520714
LEE MICHAEL HOMES INC
P O BOX 51177
ALBUQUERQUE NM 87181

101006323133820412
LEGARRETA ELI E & NATANIA D
7524 PARK WOOD DR NW
ALBUQUERQUE NM 87120 3917

101006320835920434
LEMMEL GARY & TAYLOR-LEMMEL
YVONNE M
2608 GARNER RD SW
ALBUQUERQUE NM 87105

101006319635220435
LEMMEL ROBERT G & JOANNE
9605 APACHE NE
ALBUQUERQUE NM 87112

100906332549411121
LERDAHL STEPHANIE
2242 MUNIZ LN SW
ALBUQUERQUE NM 87105 6576

101006334840511123
LES FILE DRY WALL INC
116 INDUSTRIAL NE
ALBUQUERQUE NM 87107

100906348034510731
LOFTUS MARTIN & MARTIN M
PO BOX 1842
CLOVIS NM 88102 1842

100906350230110733
LOFTUS MARTIN J & MARIE M
PO BOX 1842
CLOVIS NM 88102 1842

100906339832910405
LUJAN MICHAEL & LISA
14768 COUNTY RD 1100
TYLER TX 75703

101006326338220428
LYTE ROBERT L #B26
11100 GIBSON BLVD SE
ALBUQUERQUE NM 87123

101006330336210412
MADRID JOSEPHINE ANN TRUSTEE
OF THE JOSEPHINE ANN MADRID RVT
5531 FURMAN NW
ALBUQUERQUE NM 87114

101006318730620109
MARTINEZ ADRIAN
1109 VIA TOMAS NE
ALBUQUERQUE NM 87113

100906341731210602
MARTINEZ STANLEY E ETUX
PO BOX 710
CHINLE AZ 86503 0710

101006326836820417
MCCUTCHEON HAROLD & JENNIFER K
4504 CACTUS HILLS NW
ALBUQUERQUE NM 87114

100906332150211122
MEDINA CHRISTOPHER
PO BOX 33153
SANTA FE NM 87594

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MEM HOLDINGS LLC
9628 GRAND ISLE LN
LAS VEGAS NV 89144

101006327635110415
MODI BHUPENDRABHAI &
PRAGNABEN
615 CENTRAL AVE NE
ALBUQUERQUE NM 87102

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MOGLIA OSCAR R & MARGARET
10428 SW 62ND CT
OCALA FL 34476

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MONTECITO ESTATES COMMUNITY
ASSOC INC C/O CANYON GATE
ESTATES SERVICE
PO BOX 93488
ALBUQUERQUE NM 87111

101006304426720204
MYSTIC LLC % AMIR NATHOO
5715 CENTRAL AVE NE
ALBUQUERQUE NM 87108

100906340130910403
NAVARRO ANTHONY BRIAN &
JOHNATHAN M & ANTOINETTE
DOMINGUEZ
1542 YAKIMA RD SW
ALBUQUERQUE NM 87105

100906343132710620CA
NEWVECTOR COMMUNICATIONS INC
C/O MARK MEYERS U S WEST INC
PO BOX 97019
BELLEVUE WA 98009 9719

100906338349111005
NGUYEN THANH VAN
PO BOX 966
TUCUMCARI NM 88401 0966

101006324135620414
O BRIEN PATRICK L & PATRICIA A
BURR
9501 ADMIRAL NIMITZ NE
ALBUQUERQUE NM 87111

100906339834710407
O'BRIEN PATRICK L & PATRICIA A
PO BOX 20625
ALBUQUERQUE NM 87154 0625

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OLGUIN CHARLES D & AZIZA CHAVEZ
9832 CAMERON ST NW
ALBUQUERQUE NM 87114

100906324745311113
PADILLA PAT
6016 RIVERWALK NW
ALBUQUERQUE NM 87120

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PARDO RAUL CANELA & TAMARA
6444 KOLA CT NW
ALBUQUERQUE NM 87120

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PERRY KEITH M
4701 MORRIS ST NE 1303
ALBUQUERQUE NM 87111 7722

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PIANO JASPER & EMILY E TRUSTEES
PIANO FAMILY TRUST
200 S BURKE DR
GALLUP NM 87301

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QUESADA MARIO J & ETTIANA M
4505 BRIGHTWATER CT APT H
OWINGS MILLS MD 21117

101006320538520704
RABADI SAMIA AS CUSTODIAN FOR
AMER RABADI UNIFORM TRNS TO
MINOR ACT
11201 SAN ANTONIA DR NE
ALBUQUERQUE NM 87122

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RABADI SAMIA CUSTODIAN FOR
AMER RABADI
11201 SAN ANTONIA DR NE
ALBUQUERQUE NM 87122

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RADZIBABA VICTOR ETUX
PO BOX 9592
ALBUQUERQUE NM 87119

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RAFFERTY KATHY ANN
8526 BLACKCASTLE DR
SAN ANTONIO TX 78250 5683

101006330544612210
RAINDEER INVESTMENTS LLC
PO BOX 36810
ALBUQUERQUE NM 87176

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RATHBUN AARON C SR
PO BOX 18042
ALBUQUERQUE NM 87185

100906334147511114
RICE TIMOTHY L & ALICE RICE
4625 ARLINGTON AVE NW
ALBUQUERQUE NM 87114

101006319833720406
ROLL SAMUEL ETUX
PO BOX 40746
ALBUQUERQUE NM 87196

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ROMERO CHARLES D TRUSTEE
ROMERO RVLVT
8031 VICTORIA DR NW
ALBUQUERQUE NM 87120

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ROMO GENE D
5400 PHOENIX AVE NE
ALBUQUERQUE NM 87110 3144

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ROUSSEAU JAMES ALBERT & MARY
JEANNE TRUSTEES ROUSSEAU RLT
6325 MESQUITE NW
ALBUQUERQUE NM 87120

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SALISBURY MARK W & JOAN H
4432 RANCHO LARGO RD NW
ALBUQUERQUE NM 87120

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SALLS BROTHERS CONSTRUCTION
INC
PO BOX 66239
ALBUQUERQUE NM 87193 6239

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SIGNATURE REAL ESTATE SERVICES
LLC
PO BOX 51355
ALBUQUERQUE NM 87181

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SILVA ADAM A & YVETTE F
5605 ALTIMA PL NW
ALBUQUERQUE NM 87120

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SIMS PETER
6400 CALEY AVE NW
ALBUQUERQUE NM 87120

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SOTELO ENRIQUE & MARTHA O
1720 RUSTY RD NW
ALBUQUERQUE NM 87114

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SOUTHSIDE WYOMING LLC
525 WYOMING NE
ALBUQUERQUE NM 87123

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SPEER GREGORY M & HELEN LAURA
758 ALAMOS RD
CORRALES NM 87048

100906338129110306
SPRINGER ERIC J
8333 COMANCHE NE 13A
ALBUQUERQUE NM 87110

101006310924040290
STATE OF NEW MEXICO STATE LAND
OFFICE
PO BOX 1148
SANTA FE NM 87504 1148

101006318234420436
STRINGFELLOW THOMAS J & SANDRA
4725 MESA MARCADA CT
ALBUQUERQUE NM 87120

100906337949911004
SWEENEY KAREN ANN
1550 W WINDWOR AVE
PHOENIX AZ 85007

100906337843410618
TANG RICHARD & CERAMI MARIE E &
KATHY LAMKIN
1112 ALTA DR NW
ALBUQUERQUE NM 87114

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TATKOSKI ARTHUR J
4801 NORTHRIDGE CT NE
ALBUQUERQUE NM 87109 3020

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TAYLOR GANARLD
615 LA VETA LLEY NE
ALBUQUERQUE NM 87108

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TELLEZ INVESTMENTS LLC
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ALBUQUERQUE NM 87120

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THOMPSON OWEN L
3009 PALO ALTO NE
ALBUQUERQUE NM 87111

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THOMSON MARJORIE
8213 FRUIT AVE NE
ALBUQUERQUE NM 87108

101006315927220112
TOLEDO ERIC A & B J
220 WINGED FOOT CT
RIO RANCHO NM 87124

101006301230420208
TRAILS LLC
3077 E WARM SPRINGS RD
LAS VEGAS NV 89120

101006316728520111
TRUJILLO LARRY D & JANET I
4512 ALLEN CT NW
ALBUQUERQUE NM 87114

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TRUNICK PERRY A
PO BOX 91726
CLEVELAND OH 44101 3726

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VASQUEZ JOE R & JUDITH N
510 SOUTH FOURTH ST
GALLUP NM 87301

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VELARDE GILBERT L ETUX
1509 CAMINO AMPARO NW
ALBUQUERQUE NM 87107 2609

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VILLALOBOS CECIL S ETUX
3804 CAMBRIDGE AVE
EL PASO TX 79903 1305

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VILLIANOS JERRY S
7536 NORTHRIDGE NE
ALBUQUERQUE NM 87109

100906343323241720
VISTA VIEJA INVESTMENTS LLC
8300 CARMEL AVE NE SUITE 401
ALBUQUERQUE NM 87122

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WEALE JOHN C
8900 HALLSTON TRL NW
ALBUQUERQUE NM 87114

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WELKER CHAD & ANGELA
2015 VIA ESTERLINA AVE SE
RIO RANCHO NM 87124 8705

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WESTFALL ROBERT E & DOROTHY H
7601 N CENTRAL AVE 9
PHOENIX AZ 85020 4080

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WHITEHOUSE CHARLENE J & DAVID R
STANG & DEBORAH K DLBAL
7609 NORTHRIDGE NE
ALBUQUERQUE NM 87109

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WHITEHOUSE ED & CHARLENE J &
DAVID R STANG & DEBORAH K
DLBAL
7609 NORTHRIDGE NE
ALBUQUERQUE NM 87109

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WORDEN JUDE A & MARIE T CO-
TRUSTEES OF WORDEN TRUST
10910 SANTA MONICA NE
ALBUQUERQUE NM 87122

101006323035120413
WU TUNG HUEI
2452 SEAFORD DR
WELLINGTON FL 33414 6241

101006317629620110
ZAMORA JONATHAN
7336 TRIANA PL NW
ALBUQUERQUE NM 87114

Project# 1008093
LAURIE MOYE
PNM
ALVARADO SQUARE
ALBUQUERQUE, NM 87158

Project# 1008093
DAVE HEIL
160 ITASCA RD
RIO RANCHO, NM 87124

Project# 1008093
BILLY J WRIGHT
4112 BLUE RIDGE PL
ALBUQUERQUE, NM 87111

Project# 1008093
RENE HORVATH
5515 PALOMINO DR NW
ALBUQUERQUE, NM 87120

Project# 1008093
FRED VAN BERKEL
5716 MORGAN LN NW
ALBUQUERQUE, NM 87120

WHITEHOUSE ED & CHARLENE J &
DAVID R STANG & DEBORAH K
DLABAL
7609 NORTHRIDGE NE
ALBUQUERQUE, NM 87109

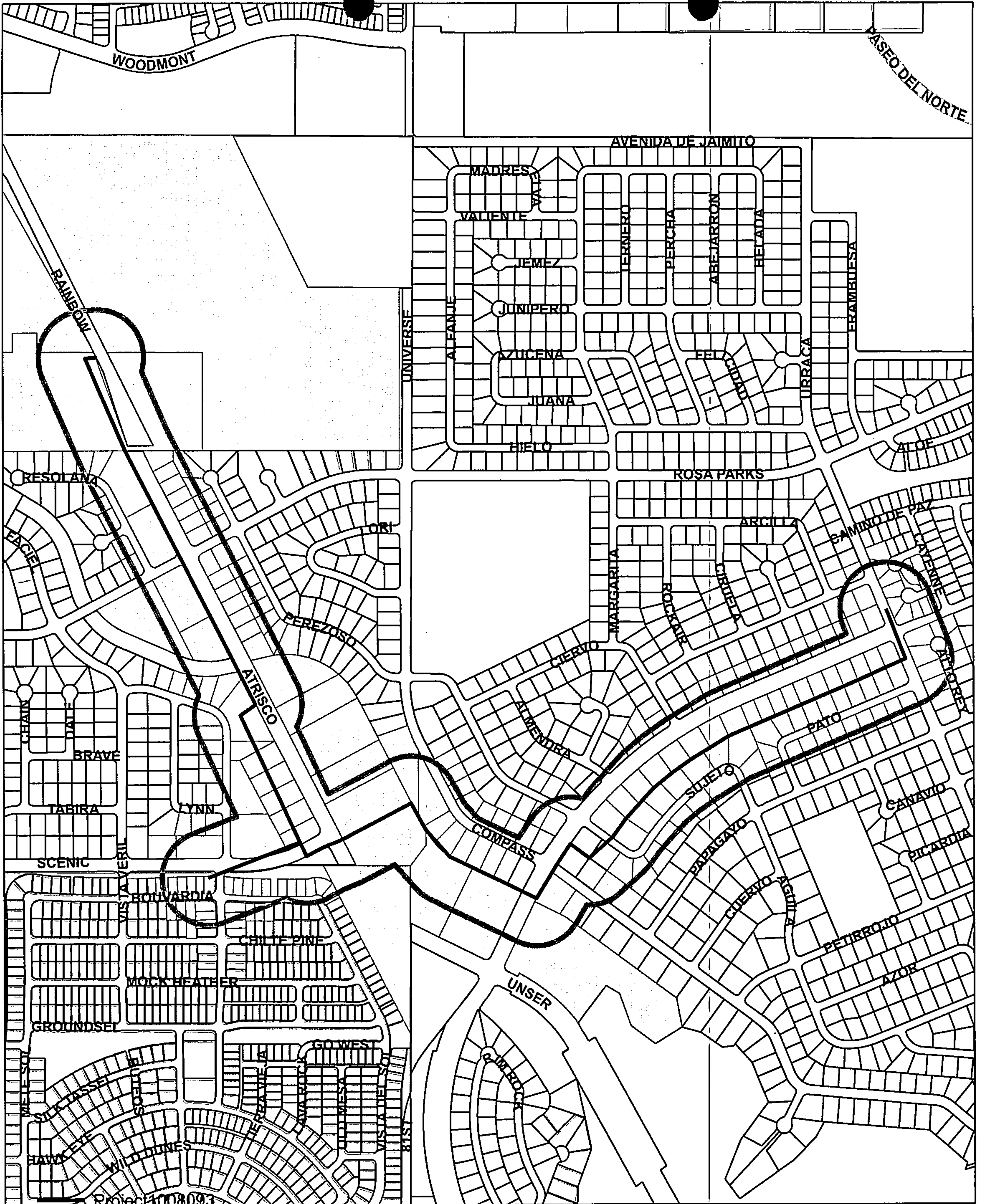
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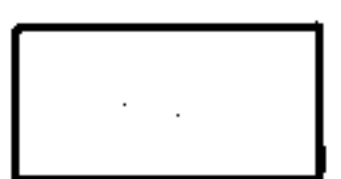

MONTECITO ESTATES COMMUNITY
ASSOC INC C/O CANYON GATE
ESTATES SERVICE
PO BOX 93488
ALBUQUERQUE, NM 87111

NAVARRO ANTHONY BRIAN &
JOHNATHAN M & ANTOINETTE
DOMINGUEZ
1542 YAKIMA RD SW
ALBUQUERQUE, NM 87105

HNMI RYOTA & MERILYN & ZIA
TRUST INC CUSTODIAN ERIC A
TOLEDO IRA
PO BOX 30928
ALBUQUERQUE, NM 87190

FIRST FINANCIAL TRUST CO
SUCCESSOR CUSTODIAN J T ROACH
IRA
PO BOX 30970
ALBUQUERQUE, NM 87190



-  Buffer
-  Selected Properties
-  Project Site

Ownership Selection
 Project# 100 **8093**
 09DRB-70368



*NOTE: PROPERTIES NOT SELECTED WITHIN BUFFER ARE CITY OWNED PROPERTIES.





OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

January 6, 2010

Project# 1008093

09DRB-70377 SUBDIVISION DESIGN VARIANCE FROM MIN STANDARDS

PNM request(s) the referenced/ above action(s) for an **OVERHEAD ELECTRIC DISTRIBUTION LINE** located on ATRISCO DR NW, SCENIC DR NW, UNSER BLVD NW, AND URRACA ST NW, from Volcano Vista High School to La Cuentista Subdivision. (C-9, D-9, D-10)

The Public Service Company of New Mexico's (PNM) has requested a variance to the undergrounding requirements of Section 14-14-4-9(B) Electrical and Communication Line Locations of the City Subdivision Ordinance, to place new electrical three phase distribution line aboveground on the northwest mesa, generally from Volcano Vista High School to La Cuentista Subdivision along Atrisco Dr NW and Unser Blvd NW.

Section 14-14-4-9(B) of the Subdivision Ordinance states: "The Development Review Board may grant a variance...if it is determined that no significant public purpose would be served by requiring the new lines be placed underground and that one or more of the following conditions exists: (1) the immediate or adjacent area is presently served by overhead lines; or (2) subsurface conditions make underground lines economically unreasonable."

The variance request is subject to the policies of the Albuquerque/Bernalillo County Comprehensive Plan, the Northwest Mesa Escarpment Plan, and the West Side Strategic Plan

At the January 6, 2010, Development Review Board meeting, the subject variance request was denied based on the following Findings:

1. A significant public purpose is served by requiring the placement of the new lines underground because:
 - a. Policy II.C.8.a of the Albuquerque/Bernalillo County Comprehensive Plan item 2) states that development and subdivision standards are to encourage solutions which are not limited to engineering effectiveness, and item 4) states that utilities are to be designed with respect for environmental and visual factors.
 - b. Policy II.C.8.b of the Albuquerque/Bernalillo County Comprehensive Plan states that utilities shall be designed to realize opportunities for City beautification, with qualitative standards for development.

- c. Policy II.C.8.c of the Comprehensive Plan states that incidental structures such as wires and poles shall be designed for minimal visual intrusion.
- d. Policy 1.a of the Northwest Mesa Escarpment Plan states that the unique visual qualities of the escarpment are to be conserved.
- e. Policy 1.d of the Northwest Mesa Escarpment Plan states that views to and from the escarpment are recognized as important.
- f. Policy 4.6 of the West Side Strategic Plan states that the Overhead Utilities Section of that Plan became policy upon plan adoption. The Overhead Utilities Section states that electrical distribution lines should be placed underground consistent with the City's Subdivision Ordinance.

2. Other private development in the immediate and adjacent area of this request has constructed and is served by underground distribution lines and other underground utilities (e.g. Vista Vieja, La Cuentista, and The Trails). There is a significant amount of platted but undeveloped land in the immediate area that is presently unserved by PNM. To allow the placement of overhead distribution lines could set a precedent to justify the remaining undeveloped land, some of which is within the Impact Area of the NW Mesa Escarpment Plan, to be served by overhead lines.

3. There is a significant public purpose in placing the lines underground because overhead lines create potential safety hazards to children, vehicular traffic, and balloonists, and are aesthetically displeasing because they obstruct and, therefore, detract from the natural landscape.

4. Subsurface conditions have been overcome by other private development in the area as noted in Finding No. 2, therefore the installation of underground lines is not economically unreasonable.

If you wish to appeal this decision, you must do so by January 21, 2010, in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal.

If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).



Jack Cloud, AICP, DRB Chair

Cc: Rene Horvath – 5515 Palomino – Albuquerque, NM 87120
Cc: Joe Archbold – P.O. Box 65888 – Albuquerque, NM 87193-5888
Cc: Elisa Balli – 6912 Nacelle Rd NE – Albuquerque, NM 87144
Cc: Tom & Diana Griego – P.O. Box 67077 – Albuquerque, NM 87193
Cc: Gerry Falls – P.O. Box 20760 – Albuquerque, NM 87154
Cc: David Stang – 7609 Northridge NE – Albuquerque, NM 87109
Cc: Debbie Tony Madrid – 3801 Manchester NW – Albuquerque, NM 87107
Cc: Anthony Navarro – 1542 Yakima SW – Albuquerque, NM 87105
Cc: Barbara Mueller – 4904 Alberta NW – Albuquerque, NM 87120
File



Mayor Richard J. Berry

CITY OF ALBUQUERQUE
Albuquerque, New Mexico
Planning Department

INTER-OFFICE MEMORANDUM

February 4, 2010

TO: Ken Sanchez, President, City Council

FROM: Deborah L. Stover, Planning Department Director

SUBJECT: AC-10-4 – Project #1008093 – 09DRB-70377 - Laurie Moye, agent for PNM, appeals the Development Review Board's (DRB's) denial of a request for SUBDIVISION DESIGN VARIANCE FROM MINIMUM STANDARDS: PNM request(s) the referenced/ above action(s) for an OVERHEAD ELECTRIC DISTRIBUTION LINE located on ATRISCO DR NW, SCENIC DR NW, UNSER BLVD NW, AND URRACA ST NW, from Volcano Vista High School to La Cuentista Subdivision. (C-9, D-9, D-10)

BACKGROUND

This appeal is the result of action taken by the Development Review Board (DRB) on a request for a variance to the Subdivision Ordinance, to allow the placement of overhead electrical distribution lines. The DRB denied the request, and that decision is being appealed. This appeal was filed within the time allowed by the Subdivision Ordinance; it was also filed consistent with a stipulation approved by the New Mexico Public Regulation Commission (NMPRC) Case No. 07-00463-UT, which was made part of the record at the DRB hearing. Please refer to the DRB Notice of Decision for the Findings of Fact made by the DRB in denying the request.

ISSUES

As stated in the appeal and at the DRB hearing, the Appellant's request for a variance to allow the overhead placement of distribution lines is essentially a matter of funding. If the variance is approved, the overhead lines would be constructed and the cost would be absorbed as part of normal operating costs. Otherwise, the Appellant intends to seek approval from the NMPRC to recover the cost to install the lines underground through a rate adjustment. The Appellant considers the cost for underground installation of the distribution lines to be unreasonable and therefore grounds for a variance.

THE APPEAL

The Subdivision Ordinance lists three possible reasons for making an appeal (Section 14-14-8-3) – (A) Error in applying adopted city plans, policies, and ordinances in arriving at the decision; (B) Error in the appealed action or decision, including its stated facts; OR (C) Error in acting arbitrarily or capriciously or being manifestly abusive of discretion. The appeal appears to focus on (B), that there was an error in the decision. The appeal statements are summarized below with bullet points, with responses immediately following:

- No public purpose is served by the underground placement of the distribution lines because overhead construction can be accomplished consistent with the requirements of the National Electrical Safety Code (NESC)

As noted in the first Finding adopted by the DRB, there are numerous adopted plans and policies which note that there is a public purpose served by requiring the underground placement of distribution lines in this area. This was also supported by the public testimony at the DRB hearing, as noted in the minutes.

- The overhead construction of the line would not present any risks to public health and safety different from the risks posed by the extensive number of existing power poles and overhead lines in the City

Part of the reason for the ordinance requirement to install distribution lines underground is to reduce the potential for risks which are posed by existing power poles and overhead lines. This requirement has served the City for several decades to not create additional attractive nuisances, roadside obstacles, or utility infrastructure subject to disruption by extreme weather. This was noted in DRB Finding No. 3.

- The excess costs of the underground placement of this project are considerable

The DRB can acknowledge that the requirement to install distribution lines underground may be more expensive than overhead lines, but the DRB did not find that the costs were unreasonable per the ordinance based on Findings No. 2 and No. 4.

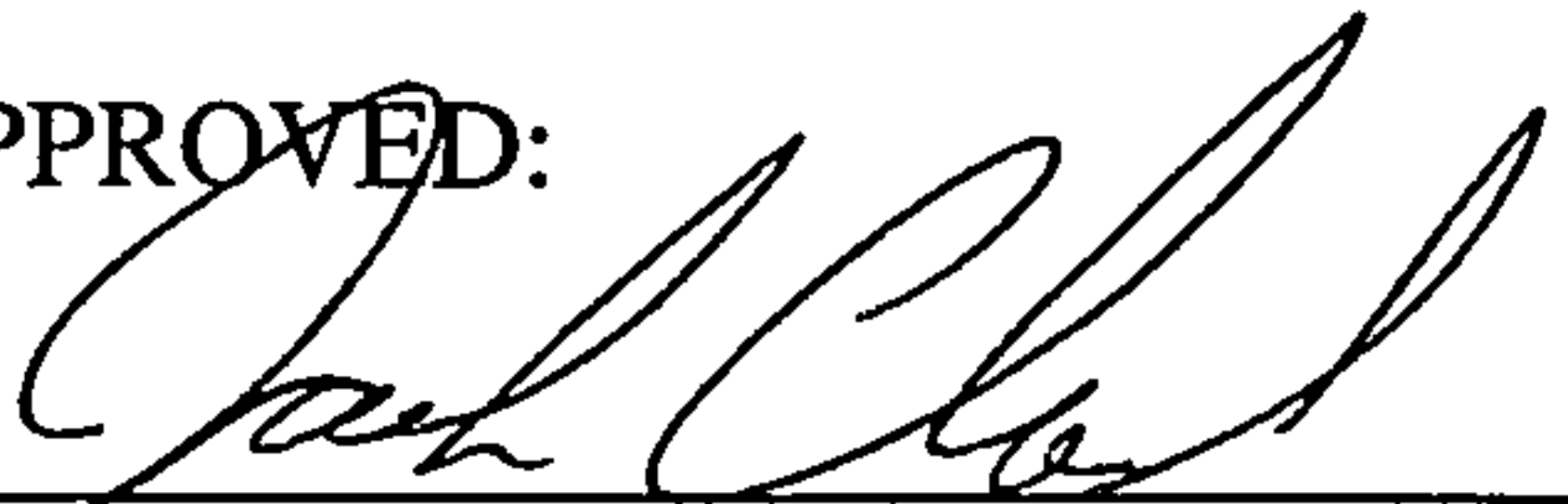
- No public purpose is served by the underground placement of the distribution lines because overhead construction is the norm throughout the City

As previously mentioned, the requirement to install distribution lines underground has been in place for well over 20 years. Again, as noted in DRB Finding No. 2 and No. 4, compliance with this requirement has been accomplished by contemporary subdivisions in the area of this request.

CONCLUSION

Ultimately this appeal repeats the basic points of the request which was denied by the DRB. The action of the DRB was based on supporting plans and policies, as well as testimony at the public hearing on the request. It is recommended that the appeal be denied, and the Findings of the DRB be upheld.

APPROVED:



Jack Cloud, Chair
Development Review Board

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City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION

- Major Subdivision action
- Minor Subdivision action
- Vacation
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment (AA)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)
- Street Name Change (Local & Collector)
- A A APPEAL / PROTEST of...**
 - Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): Laurie Moyer PHONE: 241-2792
 ADDRESS: Alvarado Square FAX: 241-2386
 CITY: Albq STATE NM ZIP 87158 E-MAIL: Laurie.Moyer@pnm.com

APPLICANT: PNM PHONE: 241-2792
 ADDRESS: Alvarado Square FAX: 241-2386
 CITY: Albq STATE NM ZIP 87158 E-MAIL: Laurie.Moyer@pnm.com

Proprietary interest in site: Easement List all owners: N/A

DESCRIPTION OF REQUEST: appeal of DRB decision 1/6/2010 09ARB-70377

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. _____ Block: _____ Unit: _____
 Subdiv/Addn/TBKA: road right of way; private easement
 Existing Zoning: _____ Proposed zoning: _____ MRGCD Map No _____
 Zone Atlas page(s): C9, D-9-10 UPC Code: N/A

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.):
NMPRC stipulation Case NO. 07-00403-UT; 09-DRB-70377

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: N/A No. of proposed lots: N/A Total area of site (acres): N/A
 LOCATION OF PROPERTY BY STREETS: On or Near: see attached route map
 Between: _____ and _____

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: _____

SIGNATURE Laurie Moyer DATE 1-14-10
 (Print) Laurie Moyer Applicant: Agent:

FOR OFFICIAL USE ONLY

- INTERNAL ROUTING
- All checklists are complete
- All fees have been collected
- All case #s are assigned
- AGIS copy has been sent
- Case history #s are listed
- Site is within 1000ft of a landfill
- F.H.D.P. density bonus
- F.H.D.P. fee rebale

Application case numbers	Action	S.F.	Fees
10CC - 30000	APPEAL		\$ 190. ⁰⁰
	APV		\$ 50. ⁰⁰
			\$
			\$
			\$
			\$
			\$
			Total
			\$ 240. ⁰⁰

Hearing date _____
Sandy Hunter, 01/14/10 Project # 1008093
 Planner signature / date

Form revised 4/07

FORM A: APPEAL

Appeal to the Zoning Board of Appeals regarding:

- DECISION OF THE ZONING HEARING EXAMINER** (BOA01)

___ Project number of case being appealed: _____

___ Application number of case being appealed: _____

___ Reason for the appeal *

___ Appellant's basis of standing as an appellant *

___ Letter of authorization from the appellant if this application for appeal is submitted by an agent

___ Copy of the Official Notification of Decision regarding the matter being appealed

___ Fee (see schedule)

Appeal to the Landmarks and Urban Conservation Commission regarding:

- CERTIFICATE OF APPROPRIATENESS**
- DECISION OF THE PLANNING DIRECTOR OR STAFF** (LUCCAPP)

___ Project number of case being appealed: _____

___ Application number of case being appealed: _____

___ Reason for the appeal *

___ Appellant's basis of standing as an appellant *

___ Letter of authorization from the appellant if this application for appeal is submitted by an agent

___ Copy of the Official Notification of Decision regarding the matter being appealed

___ Fee (see schedule)

Appeal to the Environmental Planning Commission regarding:

- DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER** (EPC09)
- DETERMINATION OF THE IMPACT FEE ADMINISTRATOR** (EPC10)

___ Project number of case being appealed: _____

___ Application number of case being appealed: _____

___ Reason for the appeal *

___ Appellant's basis of standing as an appellant *

___ Letter of authorization from the appellant if this application for appeal is submitted by an agent

___ Copy of the Official Notification of Decision regarding the matter being appealed

___ Fee (see schedule)

Appeal to the City Council through the Land Use Hearing Officer regarding:

- ADMINISTRATIVE AMENDMENT/DECISION OF PLANNING DIRECTOR/STAFF** (CCSTAFF)
- DETERMINATION OR ACTION OF THE EPC** (CCEPC)
- DETERMINATION OR ACTION OF THE DRB RE: SUBDIVISION ORD** (CCDRB)
- ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL** (CCBOA)
- DECISION OF THE LANDMARKS URBAN CONSERVATION COMMISSION** (CCLUCC)

___ Project number of case being appealed: 1008093

___ Application number of case being appealed: 09DRB-70377

___ Reason for the appeal * /

___ Appellant's basis of standing as an appellant *

___ Letter of authorization from the appellant if this application for appeal is submitted by an agent

___ Copy of the Official Notification of Decision regarding the matter being appealed

___ Fee (see schedule)

* Criteria for reasonable appeals and criteria for standing as an appellant are given in *Zoning Code §14-16-4-4*. Any appeal must meet these criteria to be heard. The applicant should review these and other relevant documents carefully before preparing an application for appeal.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Laurie Meye PNM
Applicant name (print)

Laurie Meye
Applicant signature / date



Form revised 04/2007

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers

1000 - 30000

Sandy Handberg 01/14/10
Planner signature / date

Project # 1008093

PNM
Alvarado Square
Albuquerque, NM 87158-0600
505 241-2700
Fax 505 241-2363
www.pnm.com



*A personal commitment
to New Mexico*

January 14, 2010

President Ken Sanchez
City Council
City of Albuquerque
1 Civic Plaza NW
Albuquerque, New Mexico 87102

Re: Appeal from DRB Denial of PNM Project #1008093 09DRB-70377

Dear President Sanchez:

By "Official Notice of Decision" dated January 6, 2010, the Development Review Board (DRB) denied PNM's requested variance from City of Albuquerque Subdivision Ordinance §14-14-4-9(B), Electrical and Communication Line Location. This ordinance requires that new electric three-phase distribution lines carrying above 12 kilovolts (kV), but less than 40 kV, be installed underground within certain subdivisions unless a variance is granted. As described below, PNM is taking an appeal of the DRB's decision to the City's Land Use Hearing Officer (LUHO) and the City Council. This letter supplements the Planning Department appeal form that accompanies this letter.

In a stipulation approved in New Mexico Public Regulation Commission (NMPRC) Case No. 07-00463-UT, PNM and the City agreed on a process that would allow the City Council to determine, on a case-by-case basis, whether underground installations of new electric distribution lines should be required within those subdivisions to which §14-14-4-9 applies. The City had taken the position in Case 07-00463-UT that PNM had, by not filing an appeal from the denial of a variance, not given the City Council a sufficient opportunity to consider whether the distribution line at issue in that case should be placed underground. The process agreed to in the Case 07-00463-UT stipulation therefore requires that PNM (i) seek a variance from the underground installation requirement; and, (ii) if the variance is denied by the DRB, that PNM seek administrative review of the DRB decision.

Accordingly, the DRB having denied PNM's above-referenced variance application, PNM is taking this appeal. It should be emphasized that PNM has no preference whether the distribution line in question is constructed overhead or underground. If the

LUHO or City Council determines that, as provided in §14-14-4-9, the distribution line should be constructed underground, PNM will seek approval from the NMPRC, under PNM's First Revised Rate 22, to recover from electric customers within the City the excess costs associated with underground installation. If the City Council reverses the DRB decision and determines that the distribution line should be constructed overhead, those costs will be absorbed by PNM and all of its customers.

The Subdivision Ordinance, § 14-14-8-3 states that applications for an appeal shall articulate the reasons for the appeal. PNM therefore states the following grounds for appeal:

- No public purpose is served by the underground placement of the distribution line because the overhead construction of the line can be accomplished in a safe and economical manner consistent with the requirements of the National Electrical Safety Code (NESC); the NESC contains no preference for underground construction even though its purpose is the safe installation and maintenance of electrical facilities.
- The overhead construction of the line would not present any risks to public health and safety different from the risks posed by over 35,000 other power poles and over 1,400 miles of overhead electric lines in the City.
- The excess costs of the underground placement of this project are considerable, in the range of \$350,000 to \$450,000 based on preliminary cost estimates; these excess costs can be avoided by the overhead construction of the line.
- No public purpose is served by the underground placement of the line because overhead construction of distribution lines is the norm throughout the City and there is no good reason to impose upon all citizens in the City the excess costs associated with the undergrounding of this one line for the benefit of a particular neighborhood or area.

If there are any questions regarding this appeal, please contact me at 241-2792.

Sincerely,

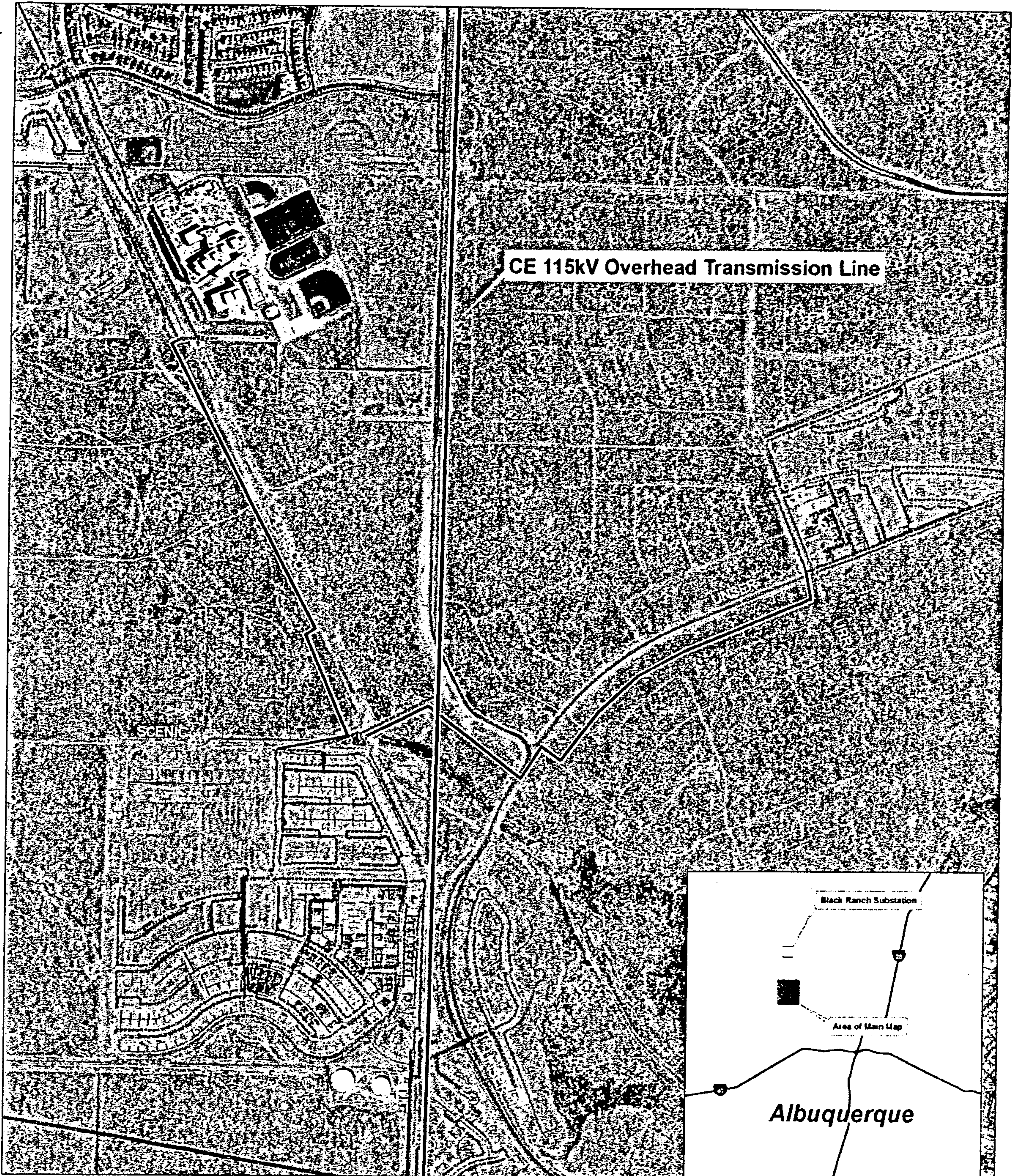


Laurie Moyer

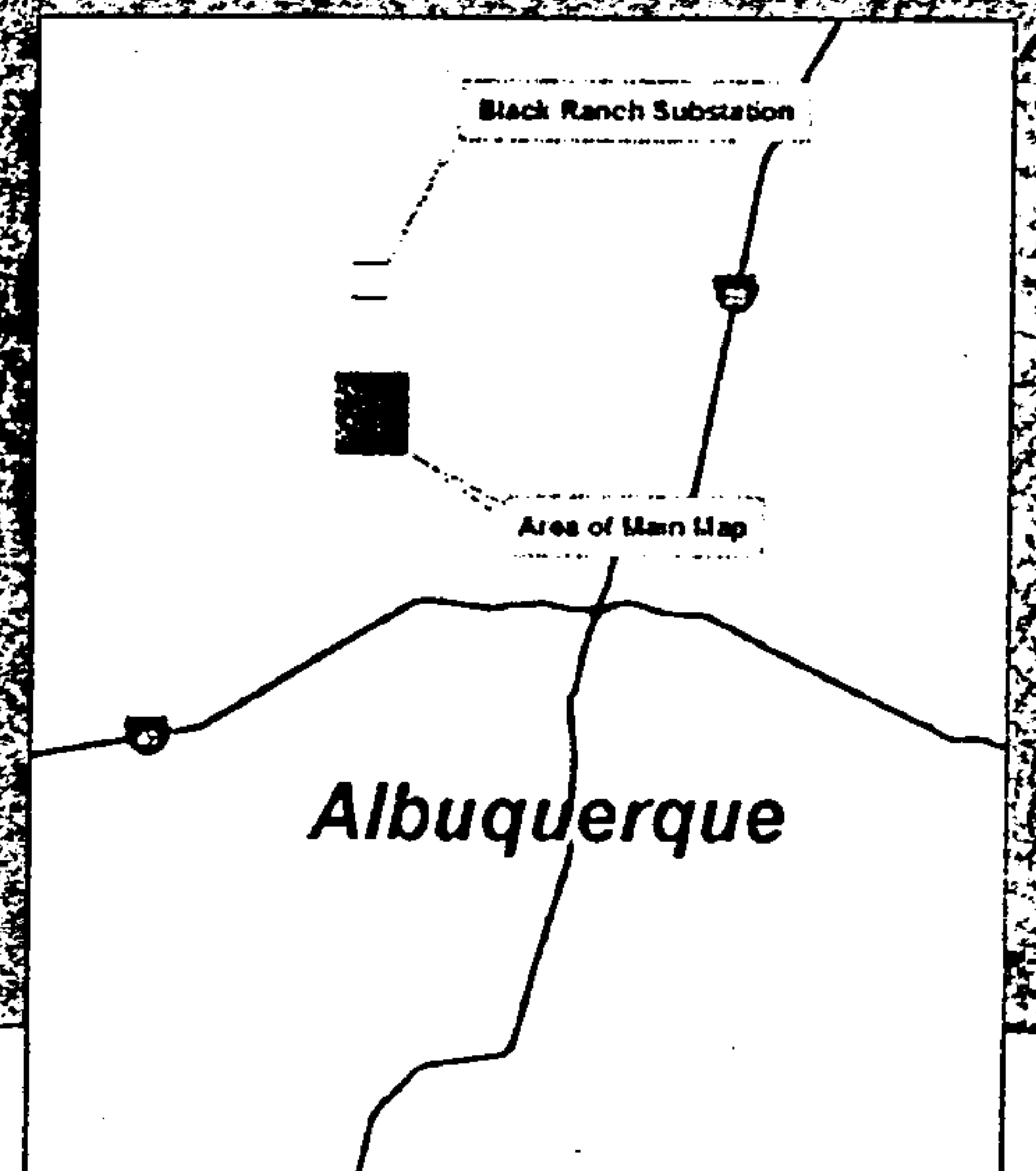
PNM

Coordinator Regulatory Relations and Public Participation

Cc: Kevin J. Curran, Esq.
Robert H. Clark, Esq.
Gerard T. Ortiz
Robert Kidd, Esq.



CE 115kV Overhead Transmission Line



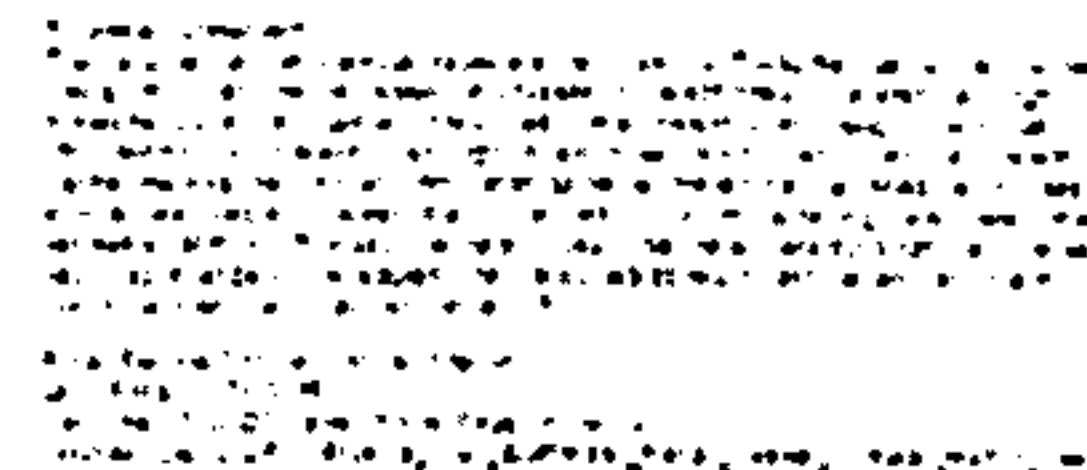
Proposed Black Ranch 12 Feeder Ties

- Existing Overhead Distribution Line
- - - Existing Underground Distribution Line
- Proposed Overhead Distribution Line

Aerial Photography 2008



0 250 500 1,000 Feet



5



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

January 6, 2010

Project# 1008093

09DRB-70377 SUBDIVISION DESIGN VARIANCE FROM MIN STANDARDS

PNM request(s) the referenced/ above action(s) for an **OVERHEAD ELECTRIC DISTRIBUTION LINE** located on ATRISCO DR NW, SCENIC DR NW, UNSER BLVD NW, AND URRACA ST NW, from Volcano Vista High School to La Cuentista Subdivision. (C-9, D-9, D-10)

The Public Service Company of New Mexico's (PNM) has requested a variance to the undergrounding requirements of Section 14-14-4-9(B) Electrical and Communication Line Locations of the City Subdivision Ordinance, to place new electrical three phase distribution line aboveground on the northwest mesa, generally from Volcano Vista High School to La Cuentista Subdivision along Atrisco Dr NW and Unser Blvd NW.

Section 14-14-4-9(B) of the Subdivision Ordinance states: "The Development Review Board may grant a variance...if it is determined that no significant public purpose would be served by requiring the new lines be placed underground and that one or more of the following conditions exists: (1) the immediate or adjacent area is presently served by overhead lines; or (2) subsurface conditions make underground lines economically unreasonable."

The variance request is subject to the policies of the Albuquerque/Bernalillo County Comprehensive Plan, the Northwest Mesa Escarpment Plan, and the West Side Strategic Plan

At the January 6, 2010, Development Review Board meeting, the subject variance request was denied based on the following Findings:.

1. A significant public purpose is served by requiring the placement of the new lines underground because:
 - a. Policy II.C.8.a of the Albuquerque/Bernalillo County Comprehensive Plan item 2) states that development and subdivision standards are to encourage solutions which are not limited to engineering effectiveness, and item 4) states that utilities are to be designed with respect for environmental and visual factors.
 - b. Policy II.C.8.b of the Albuquerque/Bernalillo County Comprehensive Plan states that utilities shall be designed to realize opportunities for City beautification, with qualitative standards for development.

- c. Policy II.C.8.c of the Comprehensive Plan states that incidental structures such as wires and poles shall be designed for minimal visual intrusion.
- d. Policy 1.a of the Northwest Mesa Escarpment Plan states that the unique visual qualities of the escarpment are to be conserved.
- e. Policy 1.d of the Northwest Mesa Escarpment Plan states that views to and from the escarpment are recognized as important.
- f. Policy 4.6 of the West Side Strategic Plan states that the Overhead Utilities Section of that Plan became policy upon plan adoption. The Overhead Utilities Section states that electrical distribution lines should be placed underground consistent with the City's Subdivision Ordinance.

2. Other private development in the immediate and adjacent area of this request has constructed and is served by underground distribution lines and other underground utilities (e.g. Vista Vieja, La Cuentista, and The Trails). There is a significant amount of platted but undeveloped land in the immediate area that is presently unserved by PNM. To allow the placement of overhead distribution lines could set a precedent to justify the remaining undeveloped land, some of which is within the Impact Area of the NW Mesa Escarpment Plan, to be served by overhead lines.

3. There is a significant public purpose in placing the lines underground because overhead lines create potential safety hazards to children, vehicular traffic, and balloonists, and are aesthetically displeasing because they obstruct and, therefore, detract from the natural landscape.


4. Subsurface conditions have been overcome by other private development in the area as noted in Finding No. 2, therefore the installation of underground lines is not economically unreasonable.

If you wish to appeal this decision, you must do so by January 21, 2010, in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal.

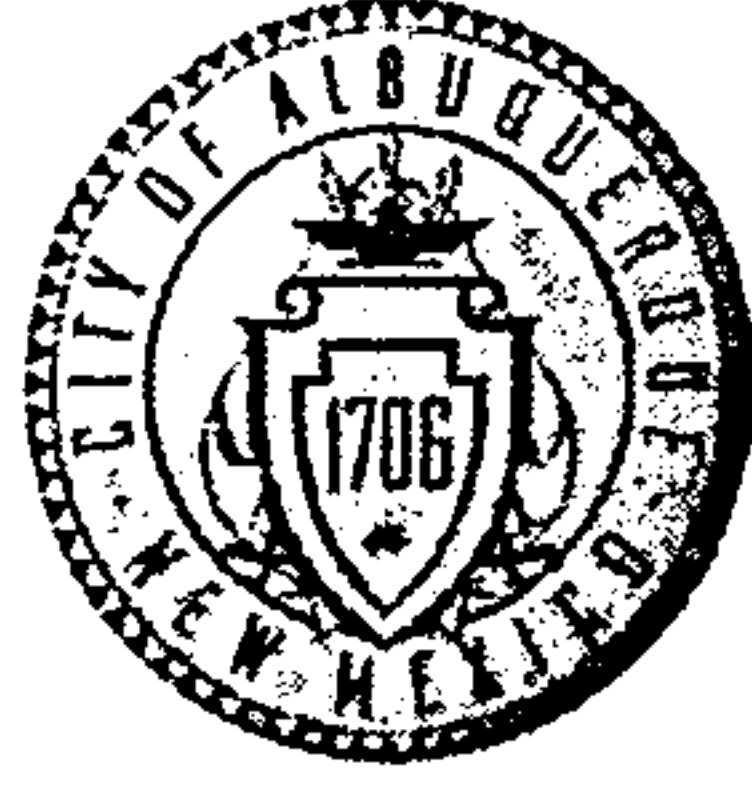
If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).



Jack Cloud, AICP, DRB Chair

Cc: Rene Horvath – 5515 Palomino – Albuquerque, NM 87120
Cc: Joe Archbold – P.O. Box 65888 – Albuquerque, NM 87193-5888
Cc: Elisa Balli – 6912 Nacelle Rd NE – Albuquerque, NM 87144
Cc: Tom & Diana Griego – P.O. Box 67077 – Albuquerque, NM 87193
Cc: Gerry Falls – P.O. Box 20760 – Albuquerque, NM 87154
Cc: David Stang – 7609 Northridge NE – Albuquerque, NM 87109
Cc: Debbie Tony Madrid – 3801 Manchester NW – Albuquerque, NM 87107
Cc: Anthony Navarro – 1542 Yakima SW – Albuquerque, NM 87105
Cc: Barbara Mueller – 4904 Alberta NW – Albuquerque, NM 87120
File



DEVELOPMENT REVIEW BOARD

MINUTES

Plaza del Sol Hearing Room, Basement, Plaza del Sol Building

January 6, 2010

MEMBERS:

Jack Cloud, AICP, DRB Chairman, Planning Department

Angela Gomez, Administrative Assistant

**Kristal Metro, P.E., Transportation Development
Brad Bingham, P.E., Hydrology/ Alternate City
Engineer**

**Roger Green, P.E., Albuquerque/ Bernalillo Co. WUA
Christina Sandoval, Parks/Municipal Development**

Project# 1008093

09DRB-70377 SUBDIVISION DESIGN VARIANCE FROM MIN STANDARDS

PNM request(s) the referenced/ above action(s) for an **OVERHEAD ELECTRIC DISTRIBUTION LINE** located on ATRISCO DR NW, SCENIC DR NW, UNSER BLVD NW, AND URRACA ST NW, from Volcano Vista High School to La Cuentista Subdivision. (C-9, D-9, D-10)

PERSONS SPEAKING ON BEHALF OF THE REQUEST:

Laurie Moyer – 414 Silver SW — Albuquerque, NM 87158

PERSONS PRESENT IN INTEREST:

Rene Horvath – 5515 Palomino – Albuquerque, NM 87120

Joe Archbold – P.O. Box 65888 – Albuquerque, NM 87193-5888

Elisa Balli – 6912 Nacelle Rd NE – Albuquerque, NM 87144

Tom & Diana Griego – P.O. Box 67077 – Albuquerque, NM 87193

Gerry Falls – P.O. Box 20760 – Albuquerque, NM 87154

David Stang – 7609 Northridge NE – Albuquerque, NM 87109

Debbie Tony Madrid – 3801 Manchester NW – Albuquerque, NM 87107

Anthony Navarro – 1542 Yakima SW – Albuquerque, NM 87105

MR. JACK CLOUD DRB CHAIR: PNM is requesting a variance from the subdivision design minimum standards to allow for overhead electric distribution lines on the northwest mesa generally following Atrisco, Scenic Drive, Unser and Urraca.

MS. MOYE SWORN IN

MR. CLOUD: Could you give your name for the record please.

MS. LAURIE MOYE: Laurie Moye, PNM, 414 Silver SW.

MR. CLOUD: Would you go ahead and please present your application.

MS. MOYE: Thank you Mr. Chair, members of the Development Review Board. PNM is asking for a variance to the subdivision ordinance and this is in order to provide a distribution line, an electric distribution line that will link two substations together, which will provide greater reliability for the citizens on the West Mesa. Currently due to the extensive growth there, we've discovered that our substations are unable to handle the load if we should take one of the substations out for regular maintenance. We do need to link the substations so that we can spread the load across our system on the west side and Albuquerque, across the system in Albuquerque as well and we have asked for a variance due to a stipulation between the City of Albuquerque and PNM in regard to Rate Rider 22, and I believe that Mr. Curran has a copy of both the stipulation and the rate writer to place in the record.

MR. KEVIN CURRAN, CITY ATTORNEY: Mr. Chairman since these variance requests are subject to a previous stipulation that the City entered into with PNM, and the revised rate number 22 which is the formal permission from the Public Regulatory Commission approving the increased rate that PNM may charge pursuant to this previous case. I believe both of the documents should be in the record so that everyone can see what the ground rules are for approving this variance or denying this variance.

MR. CLOUD: Okay.

MR. CURRAN: I'm going to hand them to Angela for her to put them in the record. This is my only copy if I can get copies made.

MR. CLOUD: Okay, we can do that. Thank you. Go ahead.

MS. MOYE: I would just like to address the staff report and I would like to just do some corrections on the Northwest Mesa Escarpment Plan comments. One is that this particular line is not in the view area. It's back behind the view area and most likely will not be seen from... if you're looking up at the Escarpment. The

line is far enough back that you are not going to see the line. I think Mr. Chair if I could I think that really our application for a variance is more about who's going to pay the difference. Who's going to pay to place the line underground? We're all very familiar with the fact that the West Mesa is covered with lava and that it's expensive to dig through the lava. We're also very aware that there are archeological sites out there. When you place a line underground, you trench and when you trench you typically are going to, if there is an archeological site you will impact that archeological site through a trench as opposed to overhead lines which are easier to avoid... easier to place to avoid archeological sites, and certainly must be less expensive to place due to the basalt. I think that this is really more about who is going to pay for it since it's fairly clear in the plans, the West Side Strategic Plan that a community value is to place the distribution lines underground. PNM is not opposed to placing the lines underground. PNM wants to know who is going to pay the cost difference and since it is a community value for the City of Albuquerque, the PNM customers within the City of Albuquerque City limits should be paying the cost differential. I understand there are a number signed up to speak so I will stop.

MR. CLOUD: Thank you. Board members have any questions? No? Thank you. First person signed up to speak is Rene Horvath.

MS. RENE HORVATH SWORN IN

MS. HORVATH: My name is Rene Horvath and I'm with the Taylor Ranch Neighborhood Association. We did receive a notice from PNM about the distribution lines variance request and the Neighborhood Association, I called all the board members within the last week and they all did not support the variance. They ask why the need for a variance and I did explain to them that it was because of the lava rock and it's more expensive to put in underground but the thought that it was more preferable for better development to have it underground unless it's an impossibility. I did talk to Ms. Moyer here and she said 'well it is possible to put them underground, it's just more expensive.' Our neighborhood association does support them [above]ground and also I did send a letter in to that, to explain that. One thing I thought I'd still mention and I did talk to Ms. Moyer about this because this was an issue a couple years ago about an archeological site called Folsom Site which is an ancient site which is a very important site to the archeologists and it's near the high school and it's somewhere south of the high school somewhere near Rainbow Road or Atrisco Road here as listed on the map. I would just double check and make sure that it's not an issue because a couple years ago a contractor did trench through there and the school already knew the site was there and it was supposed to be protected so I would just double check, because whether the lines go above ground or below ground, it would pay to check where that site so that's the only thing I would like to add.

MR. CLOUD. Thank you, any questions? Next is Joe Archbold.

MR. JOE ARCHBOLD SWORN IN

MR. ARCHBOLD: Good morning Mr. Chairman, board members, my name is Joe Archbold and I am a property owner in Volcano Cliffs and I am here today to protest this idea that PNM must put the electric lines overhead. Just to rebut some the comments I've heard this morning, I heard tell that this is not in view of the view area. The view area they talked about is just a strip of land along the edge of the National Monument underneath. If you go to the view area which is on the other side of the National Monument on top it is certainly within sight and within sight of all the current houses that are up there and the other thousands of houses that will be up there as soon as we get finished with the legal wrangling with the City over the Volcano Heights sector development plan which was thrown out of court a year ago last December. We are currently working with the City to make the plan a good plan for Volcano Cliffs and one of the parts of it would be that S.A.D.'s would be put in there, all of the electrical for the special assessment districts and all that property up there would be put underground like it has been in S.A.D 227 up there. All the electrical providing service to S.A.D 227 is underground. The only thing that was above ground is a very old line that was originally put in to serve the West Mesa Airport. It also served as a drop, the equestrian center in Boca Negra park up there. We were told when we were doing S.A.D 227 that PNM when we would do that, would put that line underground. When time came for that line to be put underground, that was ran aboveground and unfortunately, that line still exists up there running right through S.A.D 227 and we never got that resolved with PNM. In PNM's comments here they do mention about adjacent above ground lines. That is the line they are talking about and it is the ugliest looking thing you did see and totally detracts from S.A.D and the wonderful houses which are, by the way in the half million to 2.25 million dollar area that were built there and they were also built on this platting that PNM now has the audacity to call antiquated platting. I am tired of people coming along and saying for their reasons they can do anything they want up in Volcano Cliffs because there is antiquated platting up there. That platting is much nicer than any of the other platting. The City had a right to change that type of platting when they did S.A.D 227.

MR. CLOUD: Okay, Mr. Archbold could you please speak to the request? Do you have any other comments on the variance?

MR. ARCHBOLD: Yes, comments on the variance are that they are referring to the overhead lines in S.A.D 227 as a reason why they should put this in. That is not a reason to put it in, it detracts from the whole area. The other thing is they talk about the problem with the basalt at the Volcano Cliffs. We had to go down 5 feet to put in electric to S.A.D 227. We had no trouble trenching that. We did not run into any basalt. They only have to go down 3 feet, 36 inches. They will have no trouble digging through that. We did not have to get any special

equipment in to do that. I would just say that this is not a good idea, it will not cost them a lot extra just to do the job correctly. Thank you so much.

MR. CLOUD: Thank you. Next speaker is Elisa Ballí

MS. ELISA BALLI SWORN IN

MS. BALLI: Yes, I'm here to also protest against the variance for PNM's request indicating that it's not even to serve the community there, its not even for the people that are going to be... have the obstruction of not only poles, and as you know that once PNM, PNM leads the other utilities. Once PNM goes there, we'll be seeing not only poles, anchors, down wires, Qwest cables. If you notice how big those cables are PNM lines, cable to be, transformers, you name it it's up on those poles. This will devalue my property, one that I am planning to retire and live there and these poles won't go away. They stay there forever, it's not even to serve us and I tend to disagree with the lady here to my left with PNM stating that on an archeological survey, with placing poles, they're digging, they probably need an archeological survey for every pole they are going to put out there so I disagree with that. And again, I'm very much against that, I would like for this hearing that I got, I received... it was sent at the end of the month, it's on the holidays, and then too, I didn't open it until January 2nd, I talked to Mr. Cloud Monday and I sent you an email Tuesday, and this doesn't give people enough time to really come and figure what is going on. I would say, give the people an up or down vote to say we're for it, give us an explanation and people to decide, not just try and pass it kind of like what our federal government is doing now in the middle of the night, so I'm not accusing of anything like that, I'm just saying that it would have been better if more people got to come and protest, and I am very much against this, especially since I have to live there and it obstructs my views, it devalues my property and I have to put up with that forever, and it's not even to serve me. Thank you so much for your time.

MR. CLOUD: Thank you. Any questions from the board? Okay, Tom and Diane Griego.

MS. DIANE GRIEGO SWORN IN

MS. GRIEGO: Thank you for having us this morning. I'm also here to protest the putting in of these overhead lines, they are unsightly. I don't know if any of you have driven out there but we did again this morning on our way here and the poles that are there are unsightly. It's going to devalue the property. I know that from my own experience as a land owner, but also as a realtor. The proposed line is actually on three of our lots that are right there so, I mean we will probably lose those lots completely to PNM if they try to put in an overhead power line. They are the only large building lots really truly left in Albuquerque area, in the Albuquerque City limits so it's interesting that it says that they are antiquated

planning areas where the development goals are unknown, because if you look and see what's going on up there, we have high end homes, there are at minimum quarter acre lots, you all are well aware that there are not quarter acre lots available to build upon. Most of the things that are built out there are .11 or less so there are actual sizeable lots so people could actually have some space. The other concern I have is that PNM is stating that there's, you know they're not opposed to putting them underground, and my proposal that they do exactly that because the existing community, the entire community of Ventana Ranch put them underground, all of them. They also have built, again I encourage you all to go and look, there are three brand new schools, not one not two, but three new schools and the utilities are underground. Soccer fields, all the new home development, it is a phenomenal source of property, gives some people so space and a great source of income for people that are developers that are wanting to go in and put in some building out there because it's a great way to expand and it will effect the views greatly. The property taxes have been increasing steadily, in fact we had a huge increase three years ago so clearly the City sees that, the Assessor sees that there's some value in that because if we're paying more property taxes the property is increasing in value a great deal so I do feel that this statement that says "no significant public purpose would be served by requiring the new lines be placed underground" I strongly disagree with that as do many of the people that we've discussed this with and there are a lot more people coming on board that want to discuss it, but with the holidays and this short notice, we did not have enough time to get everybody together. In fact I planned a personal trip that I cancelled just to make sure that we could be here, that's how important this was. I don't agree that it's going to be economically unreasonable for the subsurface conditions. As I said, and I don't want to beat a dead horse, the rest of the neighborhoods, an entire community managed to put it in, it looks phenomenal up there, we don't need to make it look worse, so thank you for your time.

MR. CLOUD: Thank you. Any questions from the board? Okay, next is Gerry Falls.

MR. GERRY FALLS SWORN IN

MR. FALLS: Mr. Chairman, members, I'm very much opposed to this and I plead with you to deny this request. I believe that it would set us back decades and from well established policies to make the west side development be better for Albuquerque than we've seen over on the northeast heights, and the public, the Planning Department has done a good job of outlining that, the reasons why they should be denied, so you know, the west side development was delayed for many years because it was thought that the basalt rock there would be prohibitive, would make development prohibitive. Once development was finally allowed to go through and we have a lot of development in this area already, in fact I believe this line follows easements along well improved streets and roads

there so there's no mystery about what's there, the road has already been built. The development that was delayed for so long in that area because people thought the rock would be prohibitive, it just turned out not to be true, it cost more when you do encounter the rock, and the rock is not everywhere but when you do encounter it, it does cost more but not prohibitively more, fifteen to twenty percent is what we've found, and so to say that there's no good reason to put lines underground, it seems like PNM is trying to talk against underground in general and that just goes against everything that public policy has been established for Albuquerque to make sure that the west side development turns out to make a more beautiful City than we've seen in the east side.

MR. CLOUD: Thank you. Next is David Stang is that right?

MR. DAVID STANG SWORN IN

MR. STANG: Hello Mr. Chairman, my name is David Stang and I have 5 lots right out there at the corner of Rosa Parks and Atrisco and they are zoned residential. I'd kind of like to know what side of the Atrisco the line is going to be on, the east or the west side, I'm not sure where they are going to be for one, but I don't really want a major electrical line right over top of my property. It's right at the busy corner there. I do agree that it will lower the property values in that area. PNM said that it's not, it will not restrict, or not in the view area, but there are going to be 40 foot poles with lines right above my lots so I don't know how you're not going to be able to see that, it will be right in the view area. I do protest these lines and I think they could do it underground just as easy as overhead and that's all I got for right now, thank you.

MR. CLOUD: Actually, I think that Ms. Moye might have an aerial photo that can show you its going down the west side of Atrisco I believe.

MS MOYE: Thank you Mr. Chairman, yes we're actually going to be in, there's a major gas pipeline and we are going to be in the gas pipeline and then we're going to be in existing easements at the back of the lots here

MR. STANG: So it will be in the west side of Atrisco?

MS. MOYE: On the west side of Atrisco yes.

MR. STANG: Okay.

MR. CLOUD: Thank you Ms. Moye. Any questions from the board? Okay, next Debbie and Tony Madrid.

MR. MADRID SWORN IN

MR. MADRID: Good morning, I'm a PNM shareholder and I want to protest the lines that are going up. I just had two questions, one question was when PNM loses the right to put the electric lines up on this venture, where's the alternative, where are they going to go or is there an alternative?

MR. CLOUD: The only question before us this morning is whether they can go above ground in the location they've requested. You'd have to contact PNM to determine any alternatives. I'm supposing maybe Ms. Moye might want to answer, if they are going to use the same alignment but go underground.

MS. MOYE: Mr. Chair, that's correct. We have existing easement on all of the lots out there and the lines will either be overhead or underground in those existing easements.

MR. CLOUD: Thank you.

MR. MADRID: My other question was, the powerful PNM, when it goes through, I know how powerful PNM is, will the people be compensated for the damage that these lines do and will they be compensated for the losses that they have.

MR. CLOUD: You'll have to go to court to find that out because we won't know unless the court says so.

MR. MADRID: And one more thing is what are the risks of electrical lines being put so close to homes?

MR. CLOUD: We don't have the answer to that question, thank you. Any questions or answers from the board? Okay. Next would be Anthony Navarro.

MR. ANTHONY NAVARRO SWORN IN

MR. NAVARRO: My name is Anthony Navarro and I currently live at 1542 Yakima SW. I have a property right on Lynn Lane NW, which I believe is just two blocks south of Scenic Road where the lines are going to be and I just want to support, I am against this and I want to support everybody else here that is against this, it is going to be an eye sore. The hummings of those high voltage lines is pretty loud when you live near them.

MR. CLOUD: Just for clarification, this is not for high voltage lines, this is for distribution lines, this is for your regular access to power lines.

MR. NAVARRO: Okay, again it's an eye sore to the property, the property value will go down and I can't understand why PNM isn't in the first place pursuing underground. That's the way they do all their lines and expense wise they're trying to say it's going to be more expensive and I just don't understand that end of it. I just want to thank you for your time.

MR. CLOUD: Okay, thank you. Does the board have any more comments? Okay. Last speaker is Barbara Mueller.

MS. BARBARA MUELLER SWORN IN

MS. MUELLER: My name is Barbara Mueller, and I'm a land owner in the area as well as the vice president of the Volcano Cliffs Property Owner's Association representing several hundred land owners in the area, and I oppose the variance request. All of the subdivisions up there, La Cuentista, Longford, KB Homes, DR Horton, and our S.A.D 227 managed to figure out how to bury our utility lines, as Mr. Falls said with a modest cost increase. When we built the first house on Marigold in 2001 in S.A.D 227 we buried the electric line 5 feet deep for 458 feet and we dug it with a moderate-sized Case backhoe. We hit some rock, but it was very friable, we could take it out. This line only has to be buried 3 feet deep, they probably will hit very little rock at the 3 foot point digging their trench. I think the cost will be insignificant extra from the experience we had. We've also drilled test holes all over that area up there and at 3 feet you just don't hit any rock hardly, you know, an isolated patch here or there, it's an insignificant extra expense. The development in the immediate area of this line will be done by S.A.D's with underground electric lines, and we actually have a proposed S.A.D in the works, it's been before the S.A.D review committee and it's has been tentatively approved by them. It's presently awaiting the settlement of the existing lawsuit over the Volcano Heights plan and that is very close to settlement so there are plans for development in this immediate area. This ugly overhead line will adversely visually impact hundreds of lots and landowners in this area and it's a step back in what should be done in the way of electric lines in the town of Albuquerque. Thank you.

MR. CLOUD: Thank you.

MS. BALLI: Mr. Cloud can I just make one more comment please?

MR. CLOUD: Please come forward.

MS. BALLI: I just want to make one comment and maybe this aerial facilities poles that they're proposing is a short term solution because just with my experience with Qwest, the aerial lines have a 20 year life expectancy and buried lines have a 30 year life expectancy so if they've considered that, and I'm sure there is a difference, so I would say in what they are trying to save in the short term is going to make gain in the long term. Thank you very much, I appreciate it.

MR. CLOUD: Okay thank you. That's all the people who have signed up to speak, was there anyone here that wished to speak that did not get to sign up? Okay, Ms. Moye would you like to have some time for rebuttal?

MS. MOYE: Thank you Mr. Chair yes, I just would like to again reiterate that PNM is not opposed to placing this line underground. What this hearing is about is about cost recovery. I think there is a lot of confusion based on the testimony that I heard today. The roads, where PNM is placing the lines, the roads are not developed. It is not clear what is going to be happening along Unser or along Atrisco pipeline road, if anything, along Scenic where the dam's going to be. Again PNM is not opposed to placing this line underground. It's completely about cost recovery and we're going to be building 9,083 feet of line 3 feet deep, that's correct. It has been our experience in placing lines underground in the existing development in the area that we have hit rock and we are basing our estimate on hitting rock. I'm not quite sure what else to say about it, I certainly will respond to questions from the board if there are any.

MR. CLOUD: Okay. You also have the right to cross examine any of the people that testified. Did you wish to cross examine anybody?

MS. MOYE: I do not.

MR. CLOUD: Okay thank you. Why don't we go through the comments from the agencies and the board and then we can take any other questions or comments from the board. AMAFCA had no objection to the variance request. Council of Governments has provided generally an informational comment and same with Transit. There is no comment from Zoning Enforcement or Neighborhood Coordination. APS indicated they had no adverse comment and there's a series of no comments from Police, Fire, Utilities, Comcast, Qwest, or Environmental Health. The Conservancy District had no adverse comment and Open Space Division had no comment. Parks and Recreation, Christina, comments on agenda item #1?

MISS CRISTINA SANDOVAL: Parks and Recreation would have no objection to the request as this does not negatively impact any park facilities.

MR. CLOUD: City Engineer, Brad?

MR. BRAD BINGHAM: Hydrology has no objection to a variance, however, AMAFCA did make a comment about wanting to know where the lines would be, especially around the dam area, so in the course of your design if you would allow them to review the plans, that would be great. I do support the Planning Departments assertion that it would be better underground though, and so I'm going to concur with Planning on this.

MR. CLOUD: Okay, Water Authority?

MR. ALLAN PORTER: Water Authority has no objection to the variance based on impacts to our utilities, however, we do concur with the Planning Department's recommendations.

MR. CLOUD: Transportation Development, Kristal?

MISS KRISTAL METRO: Transportation Development has no objection.

MR. CLOUD: Planning Department, this is pretty much a policy and planning issue. I appreciate the submittal from PNM that took the time to justify your request using the plans and policies, however, I think there are other plans and policies that would support denial of the variance. My review of the geographic information system, I'm pretty sure I saw this clip the view area of the northwest escarpment plan. I will double check that, I think if we were to make a decision today, I would suggest that we include these points regarding the support of a significant public purpose that require the grounds underlying include the finding regarding the northwest mesa escarpment plan subject to verification that it is in the view area. If not then we would omit those findings.

MS. MOYE: Okay, thank you Mr. Chair because I tried to determine if it was in the view area and from the maps it appeared that it wasn't, but I certainly would support checking it.

MR. CLOUD: Okay. Any other questions or comments from the board?

MR. CURRAN: Yes, I have a question. Thank you Mr. Chair. I have one question from Ms. Moye, and then one question from Mr. Archbold. Ms. Moye, I'm wondering if you can give us a cost estimate for the underground versus the above ground.

MS. MOYE: Thank you Mr. Chair, Mr. Curran, I do have an estimate that I put in my submittal and it does appear that it will be an approximate range of \$350,000 to \$450,000 and that's in 2009 dollars. Now I know that shortly the City will be receiving a letter from PNM in detail of what the estimate is.

MR. CURRAN: So if I'm reading your submittal correctly, you're saying there is going to be an increase in cost of \$350,000 to \$450,000 to put the line underground?

MS. MOYE: That is correct, yes.

MR. CURRAN: And what would be the cost of the undergrounding itself? This is an increased cost, do we know what the absolute cost of the underground?

MS. MOYE: I do not. All I know is the difference between the overhead construction and the underground construction, the difference, is in a range of

\$350,000 to \$450,000. Again the City will receive a letter with these costs detailed.

MR. CURRAN: Okay, Mr. Chairman, could I ask Mr. Archbold one question.

MR. CLOUD: Okay, Mr. Archbold, could you please come forward again? I'll remind you, you are still under oath.

MR. CURRAN: Mr. Archbold, I believe you testified that there are some above ground lines in the area or in the vicinity that serviced the equestrian center, is that correct?

MR. ARCHBOLD: Correct.

MR. CURRAN: Could you point of for us where those lines are in relation to the map that PNM has submitted with their application?

MR. CLOUD: I believe it's immediately south of Unser as it crosses the escarpment.

MR. ARCHBOLD: It's ...

MS. MOYE: In here, is this your development?

MR. ARCHBOLD: No it's not our development. No that's not our development. It's down here in S.A.D. 227, south of here, here's S.A.D 227 and it's about right here. Here's the line right here, okay?

MR. CURRAN: Okay but, you're saying "here" so let the record reflect that Mr. Archbold is referring to the overhead aerial of figure 2 that's been submitted by PNM is that correct? Okay.

MR. ARCHBOLD: And it comes down here, and goes across over the escarpment here.

MR. CURRAN: So approximately how far are these overhead lines from the PNM route?

MR. ARCHBOLD: They'll be coming down to the dam here in the substation here, right?

MS. MOYE: This is the proposed route.

MR. ARCHBOLD: No, wait oh that's the proposed route, okay.

MS. MOYE: That's the proposed route is up here.

MR. CURRAN: Let the record reflect we are referring to figure 2 and the orange/red line Ms. Moye is pointing to as the proposed route. Okay, go ahead.

MR. ARCHBOLD: It runs across about over about 7 lots from Boca Negra Park to a easement in the National Monument because it was there before the National Monument.

MR. CLOUD: That's correct.

MR. ARCHBOLD: That's how old this line is okay. It's about a mile a 1/3 from...

MR. CURRAN: From the proposed PNM route. Okay, that's all I have.

MR. CLOUD: Okay, thank you. Thank you Mr. Archbold.

MS. MOYE: Mr. Chairman if I could?

MR. CLOUD: Yes Ms. Moye?

MS. MOYE: In my submittal I did say that the immediate or adjacent area is presently served by overhead lines. That is a statement from the reasons for a variance. My response is the area is not served by overhead lines. The development is sparse. In figure 2 and in figure 1 particularly in figure 2 the overhead lines are marked in red, the existing overhead lines are marked in a red line, solid line. And the underground distribution lines are marked in a dotted red line.

MR. CLOUD: Thank you.

MS. MOYE: And also for the record Mr. Chair, actually overhead lines do last longer than underground lines do. I believe there was a citizen that testified contrary to that. Our overhead lines last longer.

MR. CLOUD: Okay that you.

MS. MOYE: And another point if I could, if the lines were placed overhead, no one pays. There are no additional costs. The costs are absorbed by the company and that's part of doing business and that's why we pay our electric bills. The cost difference between the overhead and the underground is what's under discussion today. With the Rate Rider 22 the costs are spread among all of the City rate payers that are PNM customers.

MR. CLOUD: And this letter that you refer to that the City will be receiving will detail these costs?

MS. MOYE: That's correct, yes.

MR. CLOUD: Okay, thank you. Mr. Curran, is there any problem if we add that letter to the record if this goes on appeal? Will that be additional information and the City Council would have to move to accept or can we make a condition now that that be added to the record should there be an appeal?

MR. CURRAN: Mr. Chairman, it's my opinion that that would be new evidence and the City Council would have to agree to accept that into the record at that time. I don't think it's within the board's pervue to accept a piece of evidence that's not in existence.

MR. CLOUD: Okay, thank you. Okay, also for the record we did receive a letter today from the Volcano Cliffs Property Association in objection to the request. Also as testified, Rene Horvath had submitted a letter that they do not support the variance and Ms. Balli had also sent an email which we have included in the record. And we received an email from Diane Souder with the Parks service as an informational comment with the potential of archeological sites, which was also mentioned in today's testimony.

MS. MOYE: Mr. Chair, if I could. To address the archeological damage, PNM has 3 archeologists on staff and prior to doing any type of construction on any project, we do an archeological survey. And we research the records of archeological sites. If an archeological site is found, we have an archeological monitor on site; particularly during trenching to observe the trenching if something is found we stop construction. I mean we do hold ourselves to a higher standard.

MR. CLOUD: Okay, thank you for that comment. I will close the public hearing. I think based on the testimony and the review of the application... this is a consensus board; it would take all 5 board members to approve the variance and as representative of the Planning Director I am prepared to deny the variance, and so I think that if the board will support me, will could adopt as findings for that denial, in the Planning Department comments where we referenced the policies and plans, that we have a finding number one, that the board finds the following plans and policies show a significant public purpose would be served by requiring placement of new lines underground, items A through F. And then a finding number 2 which would essentially be item G just to state that other private development in the immediate and adjacent area of the request has constructed and is served by underground distribution lines and other underground utilities. This includes Vista Vieja, La Cuentista, and The Trails as examples... that there is a significant amount of platted but undeveloped land in the immediate area that reference Volcano Cliffs Subdivision, and that to allow placement of overhead line could set a precedent. And finding number 3, that in addition to the foregoing plans and policies there could be a significant public purpose in placing lines underground as identified in item I. And a finding 4, that the subservice conditions have been overcome by other developments in the area as testified

today and referenced in previous findings, and that it would not necessarily be economically unreasonable. Does the board have any comments on adopting those? Okay, so we will deny the request. There is a fifteen day appeal period and everybody that signed up and gave us your address will receive notice by mail. Thank you all for coming.

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION	S	Z	ZONING & PLANNING
<input type="checkbox"/> Major Subdivision action			<input type="checkbox"/> Annexation
<input type="checkbox"/> Minor Subdivision action			<input type="checkbox"/> County Submittal
<input type="checkbox"/> Vacation	V		<input type="checkbox"/> EPC Submittal
<input checked="" type="checkbox"/> Variance (Non-Zoning)			<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning)
SITE DEVELOPMENT PLAN	P		<input type="checkbox"/> Sector Plan (Phase I, II, III)
<input type="checkbox"/> for Subdivision			<input type="checkbox"/> Amendment to Sector, Area, Facility or Comprehensive Plan
<input type="checkbox"/> for Building Permit			<input type="checkbox"/> Text Amendment (Zoning Code/Sub Regs)
<input type="checkbox"/> Administrative Amendment (AA)	D		<input type="checkbox"/> Street Name Change (Local & Collector)
<input type="checkbox"/> IP Master Development Plan	L	A	APPEAL / PROTEST of...
<input type="checkbox"/> Cert. of Appropriateness (LUCC)			<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals
STORM DRAINAGE (Form D)			
<input type="checkbox"/> Storm Drainage Cost Allocation Plan			

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): Laurie Moyer PHONE: 241-2792
 ADDRESS: Alvarado Square FAX: 241-2386
 CITY: Albuquerque STATE NM ZIP 87158 E-MAIL: Laurie.Moyer@pnm.com
 APPLICANT: PNM PHONE: 241-2792
 ADDRESS: Alvarado Square FAX: 241-2386
 CITY: Albuquerque STATE NM ZIP 87158 E-MAIL: N/A
 Proprietary interest in sites: easement List all owners: N/A

DESCRIPTION OF REQUEST: Variance request of 14-14-4-9(B) electrical and communication line location for overhead line
 Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. _____ Block: _____ Unit: _____
 Subdiv/Addn/TBKA: road right of way, private easement
 Existing Zoning: _____ Proposed zoning: _____ MRGCD Map No. _____
 Zone Atlas page(s): C9-D9-10 UPC Code: N/A

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_Z_, V_, S_, etc.): _____

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: N/A No. of proposed lots: N/A Total area of site (acres): N/A
 LOCATION OF PROPERTY BY STREETS: On or Near: Atrisco NW, Unser NW, Stonic NW
 Between: Kimmick NW and Uraaca NW

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: _____

SIGNATURE Laurie Moyer DATE 12-4-09
 (Print) Laurie Moyer Applicant: Agent:

FOR OFFICIAL USE ONLY

- INTERNAL ROUTING
- All checklists are complete
- All fees have been collected
- All case #s are assigned
- AGIS copy has been sent
- Case history #s are listed
- Site is within 1000ft of a landfill
- F.H.D.P. density bonus
- F.H.D.P. fee rebate

Application case numbers	Action	S.F.	Fees
<u>09DRB 70377</u>	<u>ELEC DIST. LINE</u>		\$ <u>0</u>
	<u>ADV</u>		\$ <u>75.00</u>
	<u>CME</u>		\$ <u>20.00</u>
			\$ _____
			\$ _____
			\$ _____
			Total
			\$ <u>95.00</u>

Hearing date 01/06/10
Sandy Handley 12/10/09
 Planner signature / date

Project # 1008093

FORM V: SUBDIVISION VARIANCES & VACATIONS

- BULK LAND VARIANCE (DRB04)** (PUBLIC HEARING CASE)
 - Application for Minor Plat on FORM S-3, including those submittal requirements. **24 copies**
 - Letter briefly describing and explaining: the request, compliance with the Development Process Manual, and all improvements to be waived.
 - Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
 - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - Sign Posting Agreement
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application

DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

- VACATION OF PUBLIC EASEMENT (DRB27)**
- VACATION OF PUBLIC RIGHT-OF-WAY (DRB28)**
 - The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) **24 copies.**
(Not required for City owned public right-of-way.)
 - Drawing showing the easement or right-of-way to be vacated, etc. (not to exceed 8.5" by 11") **24 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the request
 - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - Sign Posting Agreement
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

- SIDEWALK VARIANCE (DRB20)**
- SIDEWALK WAIVER (DRB21)**
 - Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14") **6 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the variance or waiver
 - List any original and/or related file numbers on the cover application

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

- SUBDIVISION DESIGN VARIANCE FROM MINIMUM DPM STANDARDS (DRB25)** (Public Hearing)
 - Scale drawing showing the location of the proposed variance or waiver (not to exceed 8.5" by 14") **24 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the variance
 - Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
 - Sign Posting Agreement
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application

Electric Distribution Line

DRB meetings are approximately 30 DAYS after the filing deadline. Your attendance is required.

- TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB19)**
- EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB07)**
 - Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") **6 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter briefly describing, explaining, and justifying the deferral or extension
 - List any original and/or related file numbers on the cover application

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

- VACATION OF PRIVATE EASEMENT (DRB26)**
- VACATION OF RECORDED PLAT (DRB29)**
 - The complete document which created the private easement/recorded plat (not to exceed 8.5" by 14") **6 copies**
 - Scale drawing showing the easement to be vacated (8.5" by 11") **6 copies**
 - Zone Atlas map with the entire property(ies) clearly outlined
 - Letter/documents briefly describing, explaining, and justifying the vacation **6 copies**
 - Letter of authorization from the grantors and the beneficiaries (private easement only)
 - Fee (see schedule)
 - List any original and/or related file numbers on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

PNM / Laurie Moya
 Applicant name (print)
Laurie Moya 12-4-09
 Applicant signature / date



Form revised 4/07

- Checklists complete
- Fees collected
- Case #'s assigned
- Related #'s listed

Application case numbers
 09 DRB - 70377

Sandy Handley 12/10/09
 Planner signature / date
 Project # 1008093

PNM
Alvarado Square
Albuquerque, NM 87158-0600
505 241-2700
Fax 505 241-2363
www.pnm.com



*A personal commitment
to New Mexico*

December 4, 2009

Mr. Jack Cloud, AICP
Development Review Board Chair
City of Albuquerque
P.O. Box 1693
Albuquerque, NM 87103

Subject: Variance Request for Black Ranch Feeder 12

Dear Mr. Cloud:

PNM is presenting the Black Ranch Feeder 12 electric distribution project (Project) variance request for your review and consideration. This request is being submitted to the Development Review Board (DRB) as a result of the New Mexico Public Regulation Commission's (NMPRC) approval in NMPRC Case No. 07-00463-UT. In that case a stipulation, between PNM and City of Albuquerque (City), that provided, among other things: (i) in the future, where as the result of the City's Subdivision Ordinance, where PNM would normally file a rate rider application under PNM's Rule 22, PNM will first file a variance application with the City, seeking a variance from the undergrounding requirement of the subdivision ordinance; and (ii) the City will make a good faith effort to reach a decision on the merits of the PNM variance application within 90 days of the variance filing date.

The request is for a variance from City Subdivision Ordinance §14-14-4-9 (B), Electrical and Communication Line Location, which requires that all new electrical three-phase distribution lines carrying 12 kilovolts but less than 40 kilovolts shall be installed underground unless a variance is granted.

Purpose and Need for the Project

The Project will strengthen the PNM electric distribution system serving northwest Albuquerque. The Project will provide much needed electric distribution feeder tie capacity and voltage support in the area served by PNM's existing Black Ranch Substation (Figure 1) and will allow Black Ranch Feeder 11 and a portion of Black Ranch Feeder 12 to be backed up from adjacent substations during an outage at the Black Ranch Substation. In order to balance both the electric load and the voltages in the area for more reliable service, there must be connections between this substation and surrounding substations. Three-phase lines, called feeder ties, provide those connections. The Project has an in-service date of June 1, 2010 prior to the increased summer electric demand.

The Project

The Project is located on Albuquerque's West Side near Atrisco Drive NW and Unser Boulevard NW, **Figure 2**.

PNM typically locates its facilities within road right of way or private easement. PNM has either acquired private easement or has identified public utility easement on all the affected properties.

The Project consists of the installation of a three-phase overhead distribution line from the west side of the new Volcano Vista High School going south by southeast along Pipeline Road to Atrisco Blvd. NW to the intersection of Scenic Road NW to lots adjacent to Compass Drive NW then south by southeast to Kimmick Rd NW and following lots adjacent to Kimmick Rd NW to Urraca Street NW. The total length of the line is approximately 9083 feet.

The Project would be constructed using steel and wood structures 35 feet above ground height. Typical structure configurations are shown in **Figure 3** and illustrate triangular, 8 foot cross arm and vertical configuration.

Albuquerque/Bernalillo County Comprehensive Plan

Section 1 D 3 Energy

Every metropolitan area requires a large reliable supply of energy in the forms of power and natural gas to meet a variety of demands.

This Project will strengthen the PNM electric distribution system serving northwest Albuquerque, one of the fastest growing areas of the community.

Section 1 D 6 Economic Development

Albuquerque's dynamic post World War Two expansion would not have been possible without a strong economy capable of proving economic opportunity for its citizens.

Safe and reliable electric service is the cornerstone of economic development.

West Side Strategic Plan

Section 4, Development Process Issues, Design Guidelines, Overhead Utilities states that electrical distribution lines shall be placed underground consistent with the City's Subdivision Ordinance on page 140.

The West Side Strategic Plan calls for utilities to be placed underground without defining the mechanism to pay for the cost differential therefore, PNM would be applying for relief through PRC approved PNM Rate Rider 22. The existing underground distribution lines in the area are from developer driven projects and paid for by the developer.

Northwest Mesa Escarpment Plan

The project is located within the View Area of the Northwest Mesa Escarpment Plan. The View Area allows private development.

While there is discussion regarding utilities in the Impact and Conservation Areas of the Plan; there is no discussion in the View Area of the Plan page 47. Overhead distribution lines will not affect views from a distance.

Section 4 – View Area Regulations

Policy #21. STRUCTURES ABOVE AND BELOW THE ESCARPMENT SHALL NOT DOMINATE THE VIEWS OF THE ESCARPMENT FROM THE EAST SIDE page 73.

21-1 The height of structures within the View Area shall comply with the requirements of the Comprehensive City Zoning Code, except that no structure shall exceed 40'0" in height.

According to the Comprehensive City Zoning Code utility poles are excluded from the definition of a structure. The height of the typical distribution poles is 34' 6" above ground and does not exceed the requirement of 40'0".

§14-14-4-9 (B) Electric and Communication Line Location

"New electrical three phase distribution lines carrying above 12.5 kilovolts (kV), but less than 40 kilovolts (kV) shall be installed underground with subdivisions which have underground distribution lines, unless a variance is granted. The Development Review Board may grant a variance if it is determined that no significant public purpose would be served by requiring that the new lines be placed underground and that one or more of the following conditions exists:

- (1) The immediate or adjacent area is presently served by overhead lines; or
- (2) Subsurface conditions make the underground lines economically unreasonable."

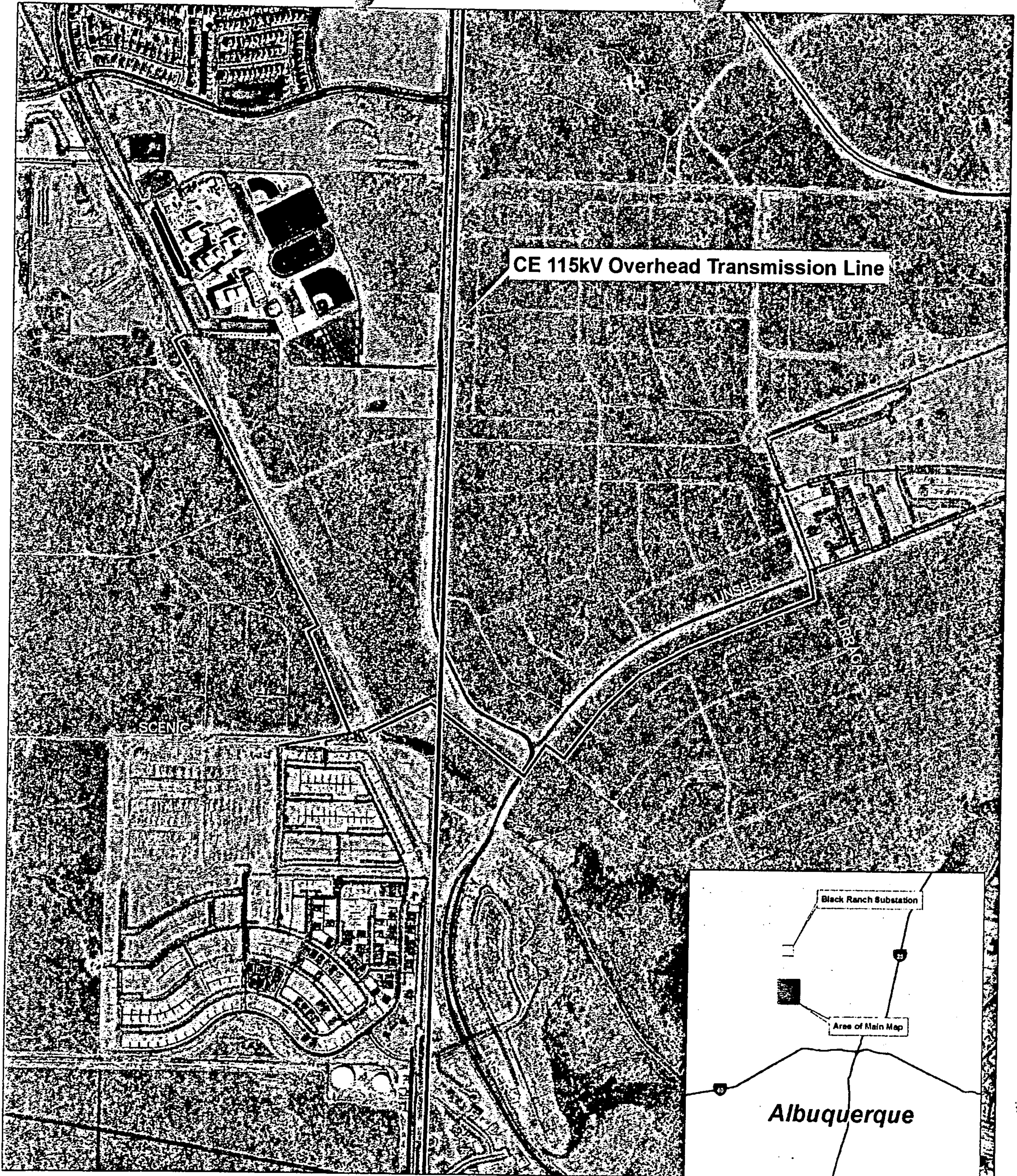
Reasons which Fulfill §14-14-4-9 (B) Conditions

- The Development Review Board may grant a variance if it is determined that no significant public purpose would be served by requiring that the new lines be placed underground. PNM believes that no significant public purpose would be served by requiring new distribution lines be placed underground due to the lack of clear subdivision development goals and antiquated platting in the area which also makes the areas development goals unknown.
- The immediate or adjacent area is presently served by overhead lines. The area is not served by overhead lines but the development in the area is sparse and spread out with antiquated platting, Figure1.
- Subsurface conditions make the underground lines economically unreasonable. Subsurface conditions including volcanic rock in the study area atop the West Mesa make trenching for underground lines extremely difficult and economically unreasonable. The cost differential between overhead construction and underground construction is estimated to be an approximate range of \$350,000 to \$450,000 in 2009 dollars. Subject to a filing with the NMPRC under PNM's Rate 22, the differential cost will be borne by the PNM electric customers within the City of Albuquerque city limits. Final numbers will be provided with the PNM Rate 22 notice to the City of Albuquerque.

PNM is seeking a decision regarding our variance request as the first step in the review process, as agreed in the above-reference stipulation between the City and PNM. If you have any questions or need additional information, please contact me at (505) 241-2792.

Sincerely,


Laurie W. Moye



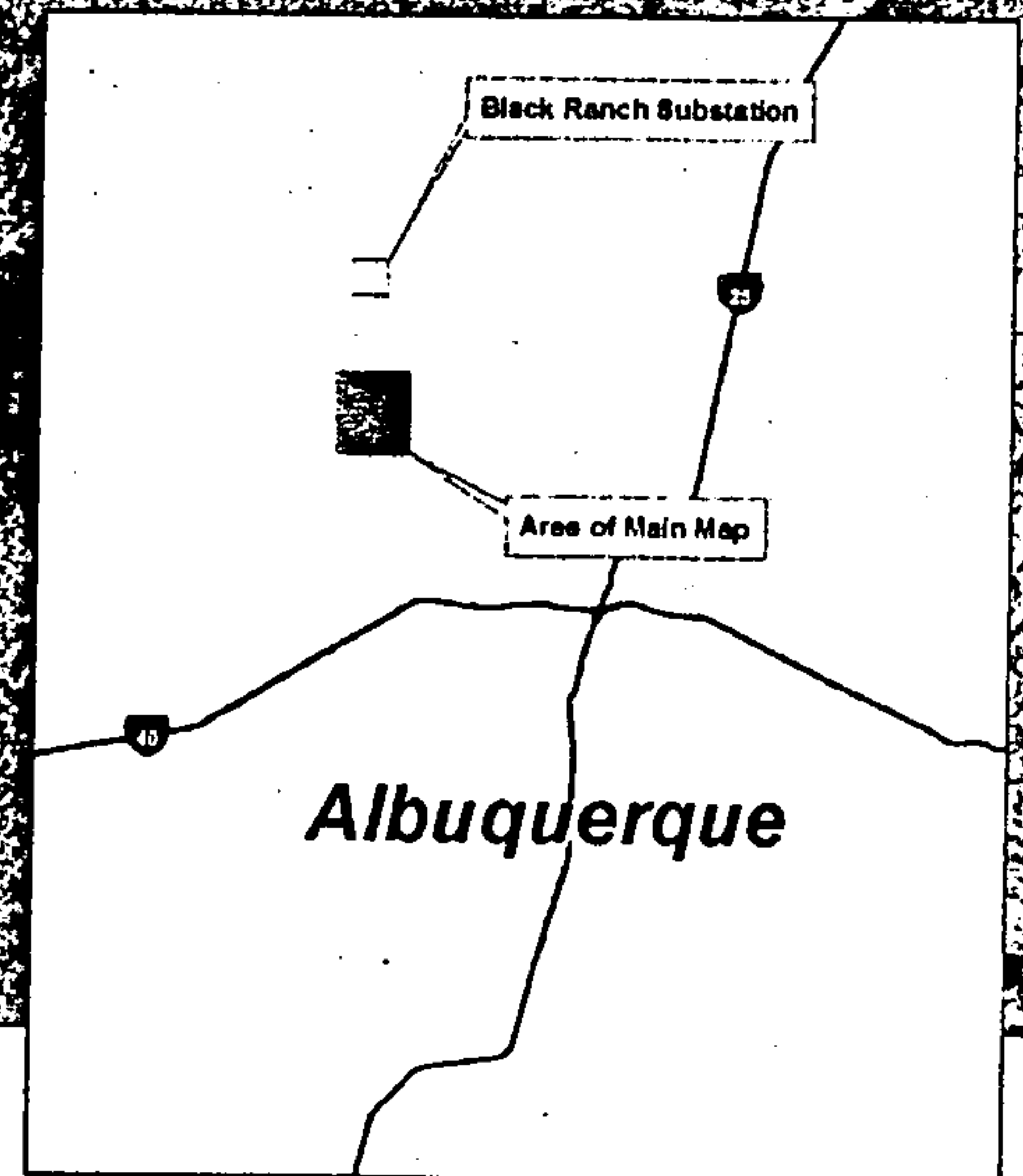
Proposed Black Ranch 12 Feeder Ties

- Existing Overhead Distribution Line
- Existing Underground Distribution Line
- Proposed Overhead Distribution Line

Aerial Photography 2008



0 250 500 1,000 Feet



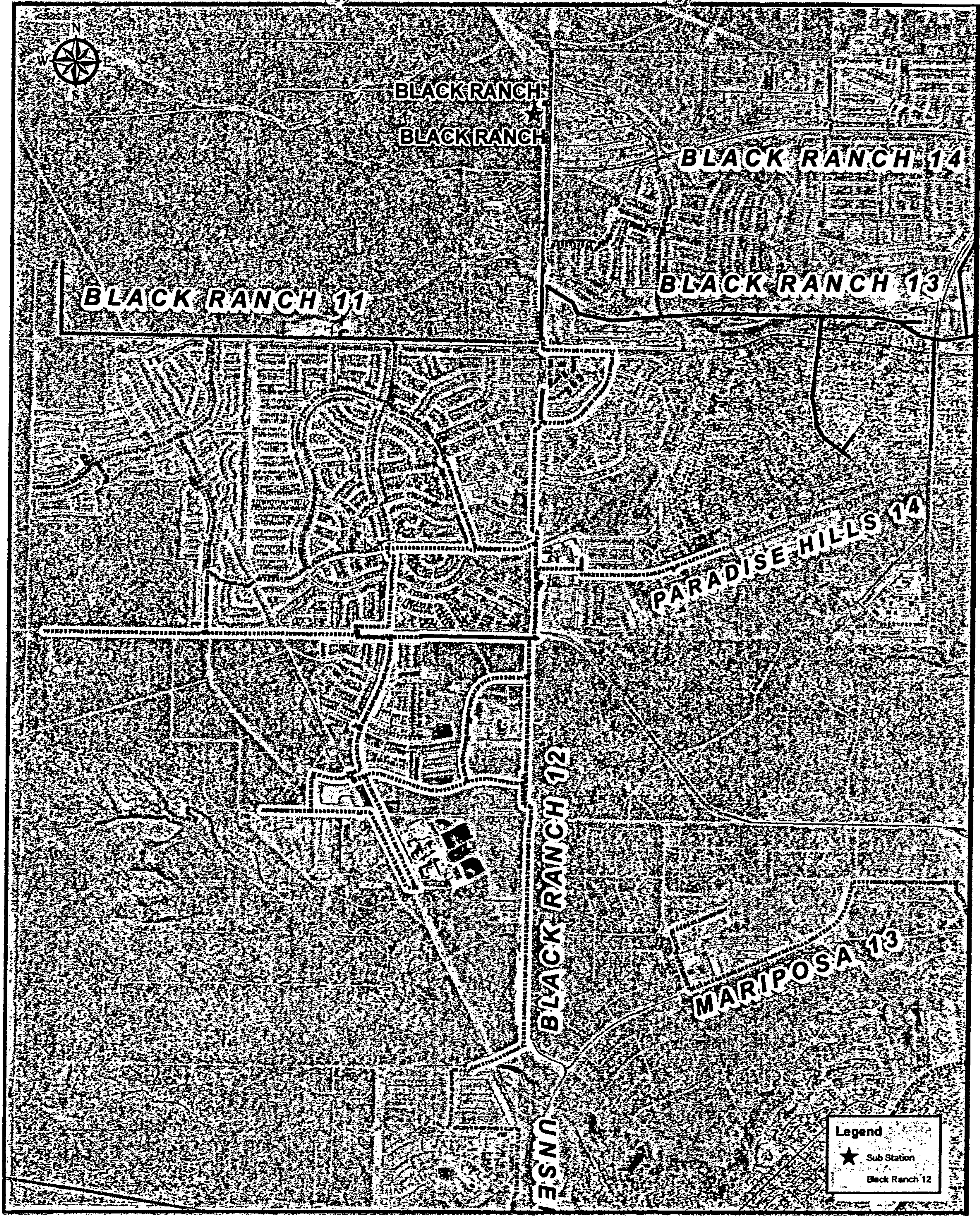
Copyright 2008 by PNM Resources, Inc. All rights reserved. This map is a reproduction of the original map prepared by PNM Resources, Inc. for the purpose of illustrating the proposed project. It is not intended to be used for any other purpose. The map is not a warranty, representation, or endorsement of any products or services. PNM Resources, Inc. is not responsible for any errors or omissions on this map. The map is not a legal document. For more information, contact PNM Resources, Inc. at 1-800-444-4444.



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29

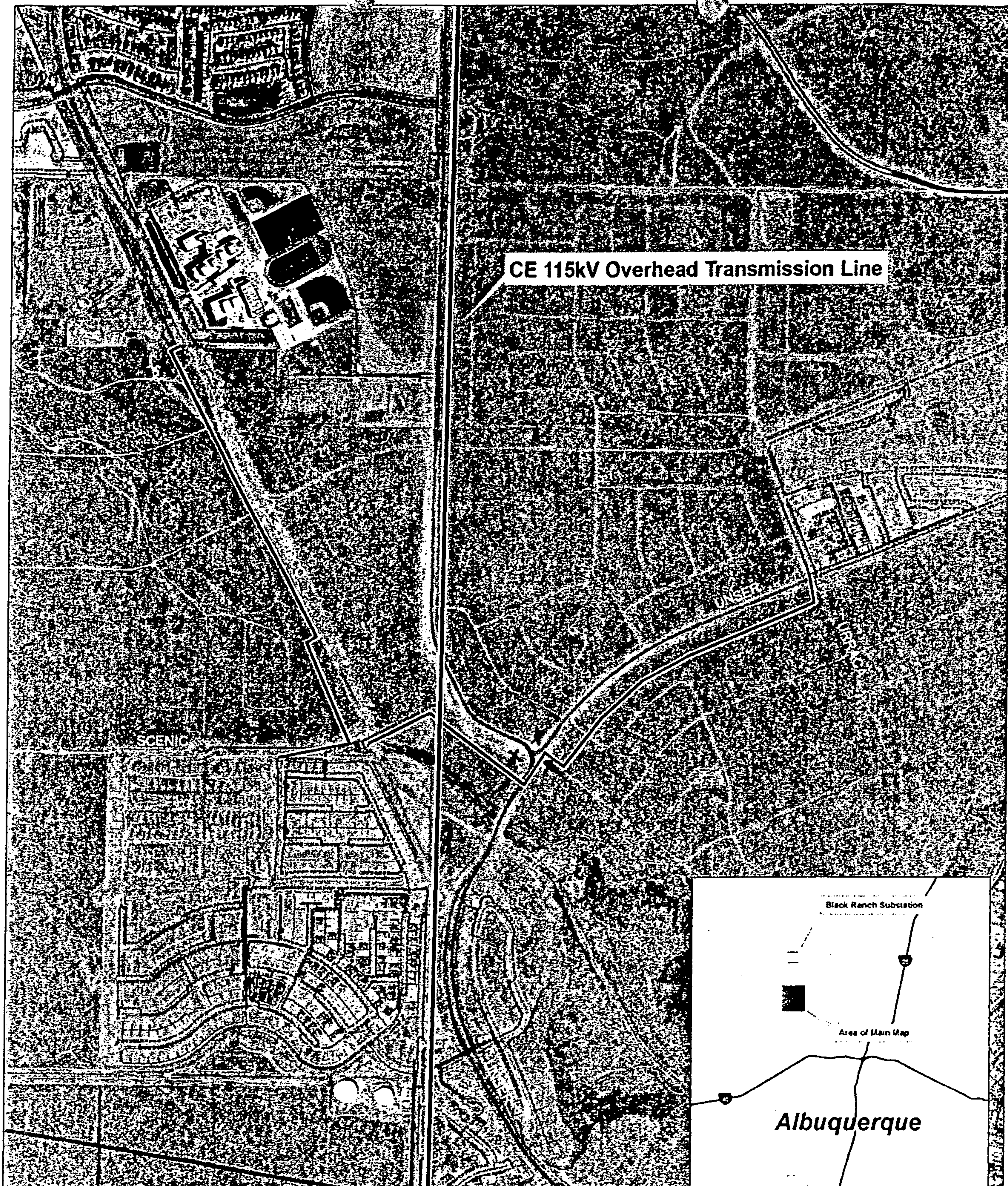
FIGURE 1



BLACK RANCH FEEDERS

0.0 0.1 0.2 0.3 0.4 0.5 0.6 0.7 0.8 0.9 1 Miles

DATE: 12-01-2009



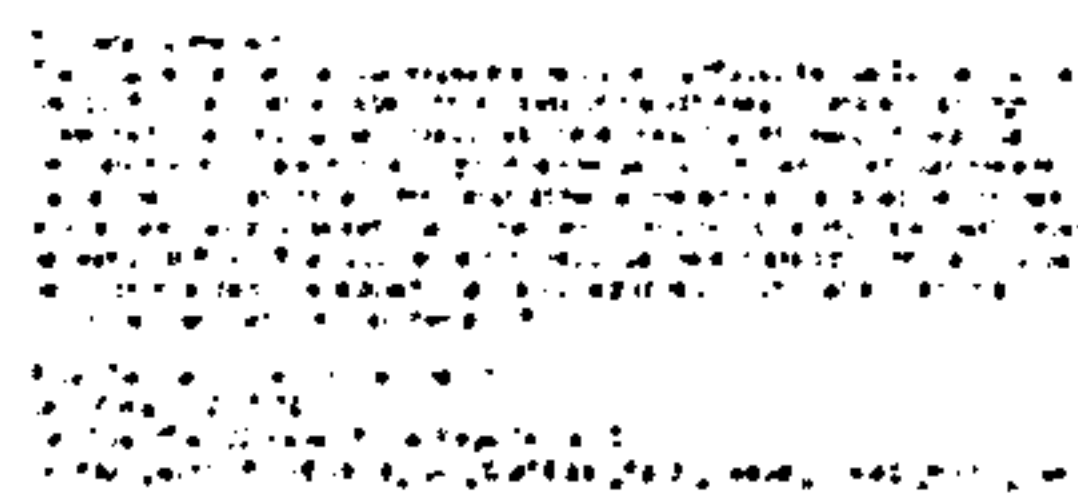
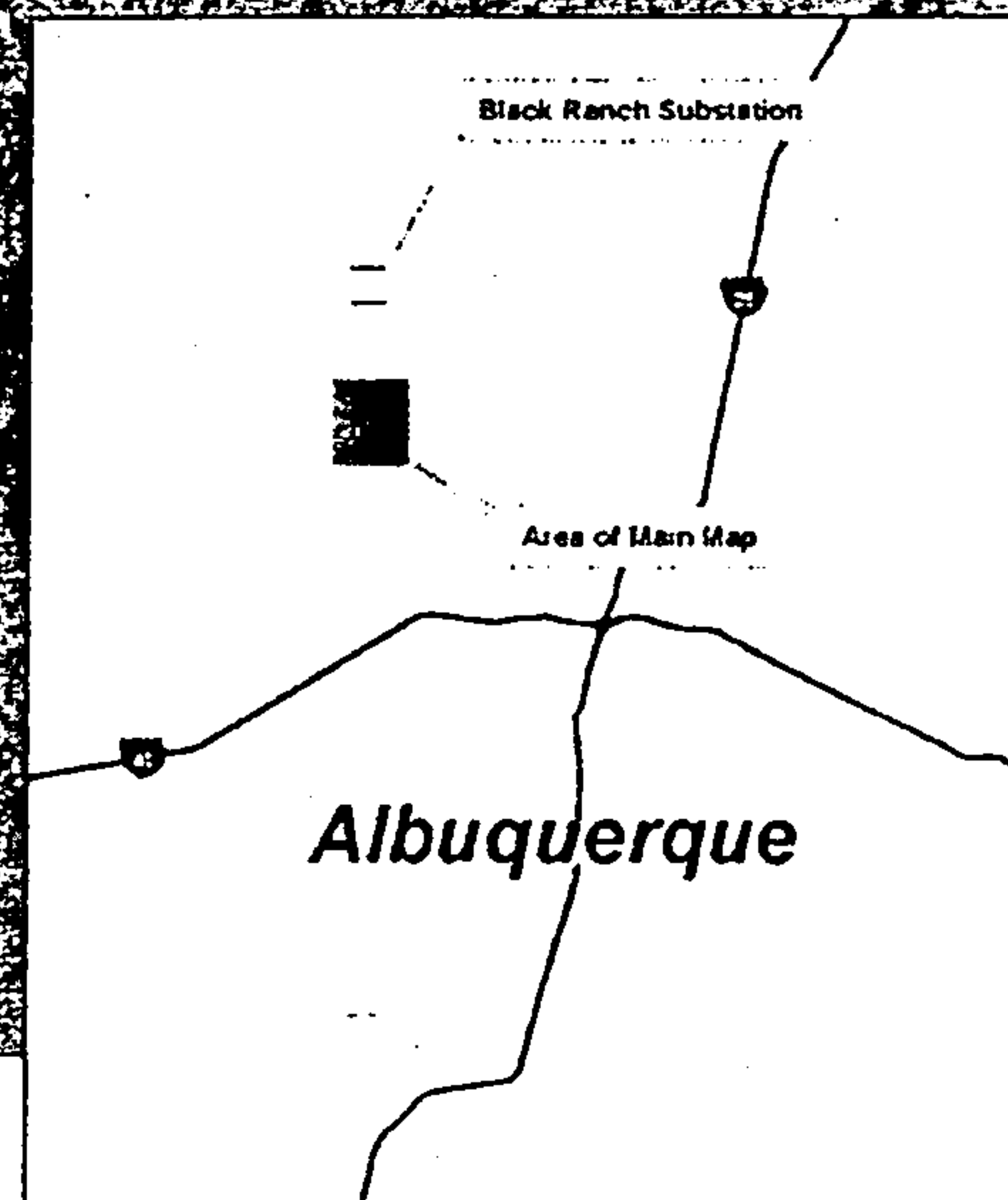
Proposed Black Ranch 12 Feeder Ties

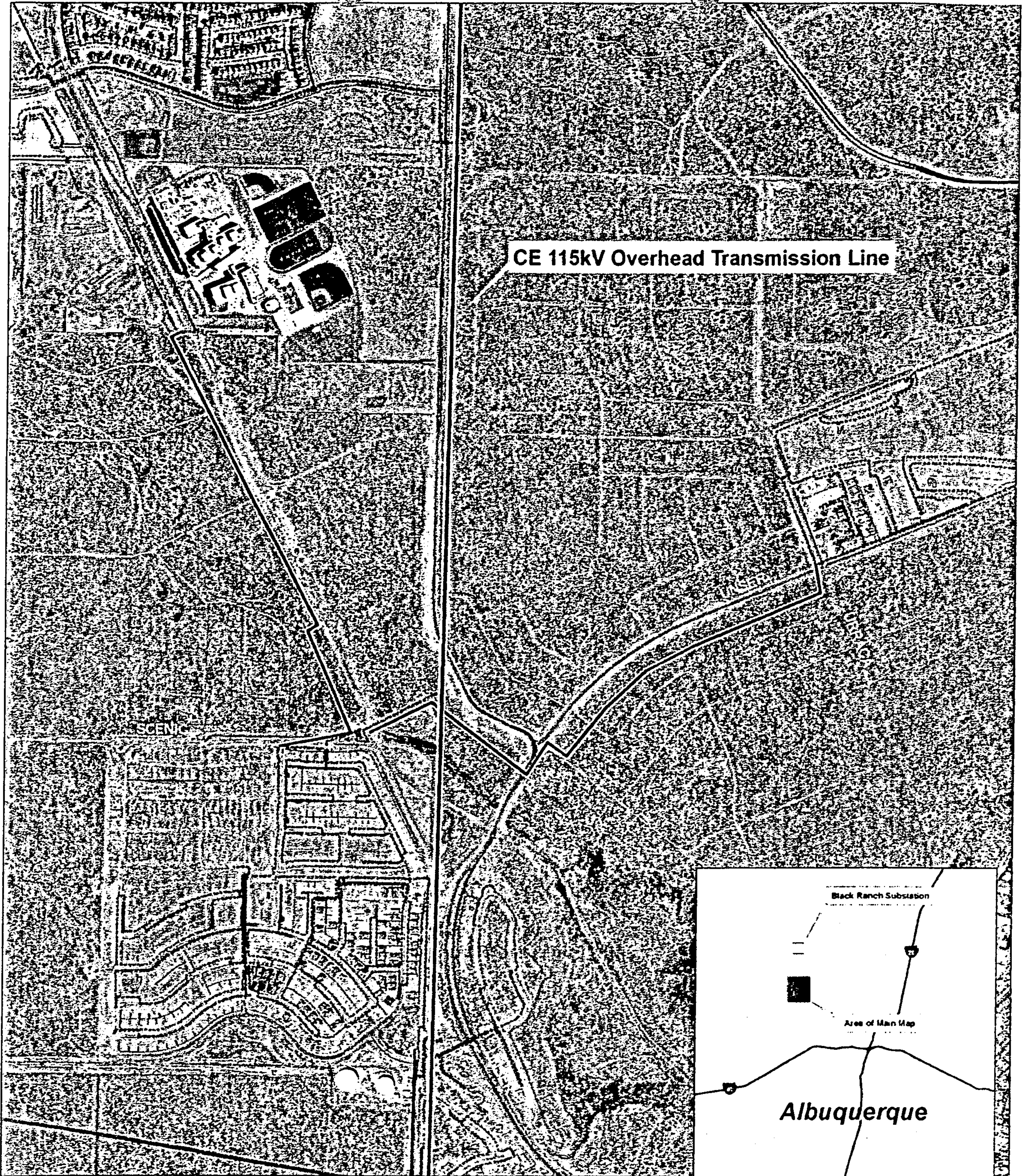
- Existing Overhead Distribution Line
- Existing Underground Distribution Line
- Proposed Overhead Distribution Line

Aerial Photography 2008



0 250 500 1000 Feet





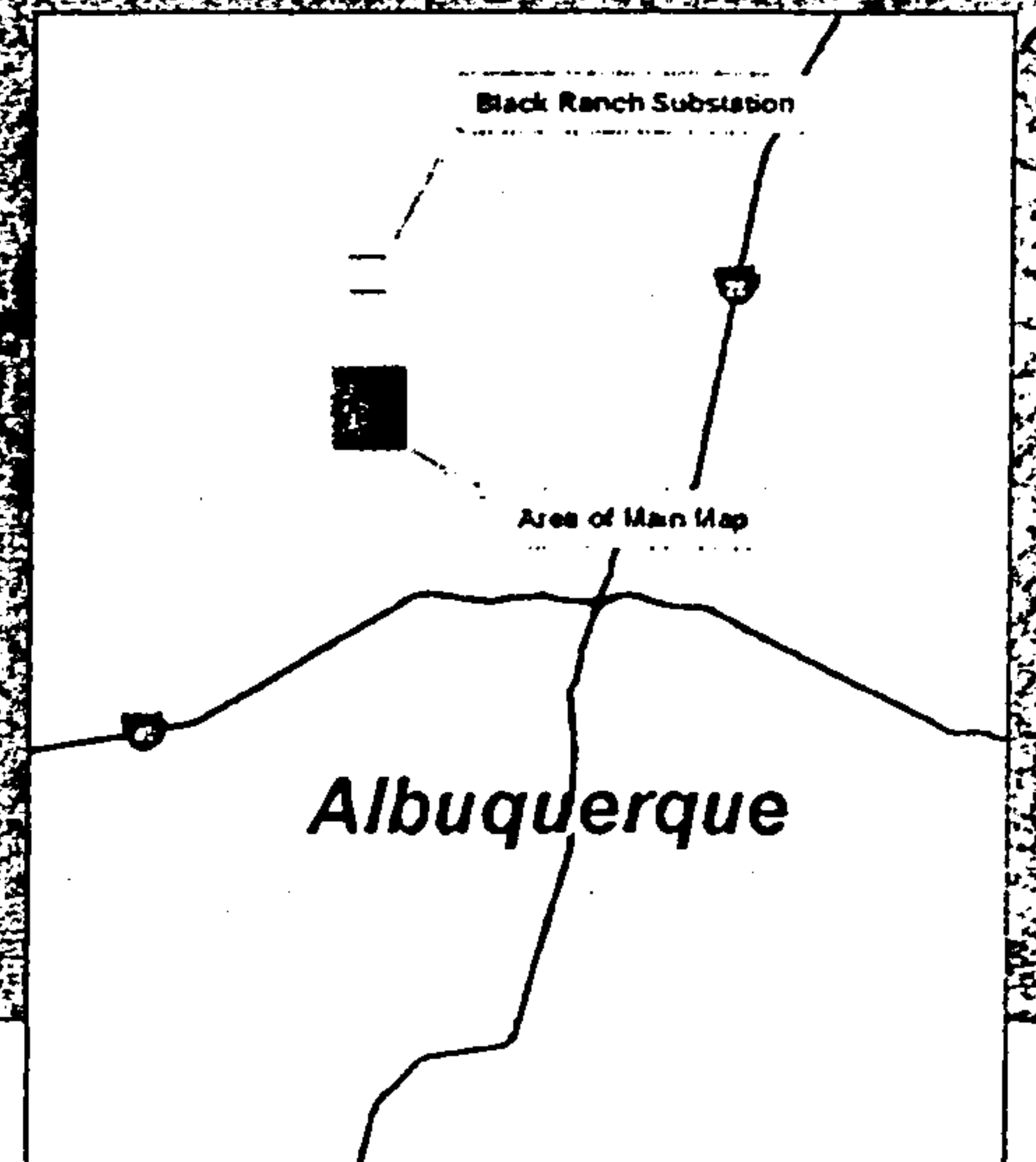
Proposed Black Ranch 12 Feeder Ties

- Existing Overhead Distribution Line
- Existing Underground Distribution Line
- Proposed Overhead Distribution Line

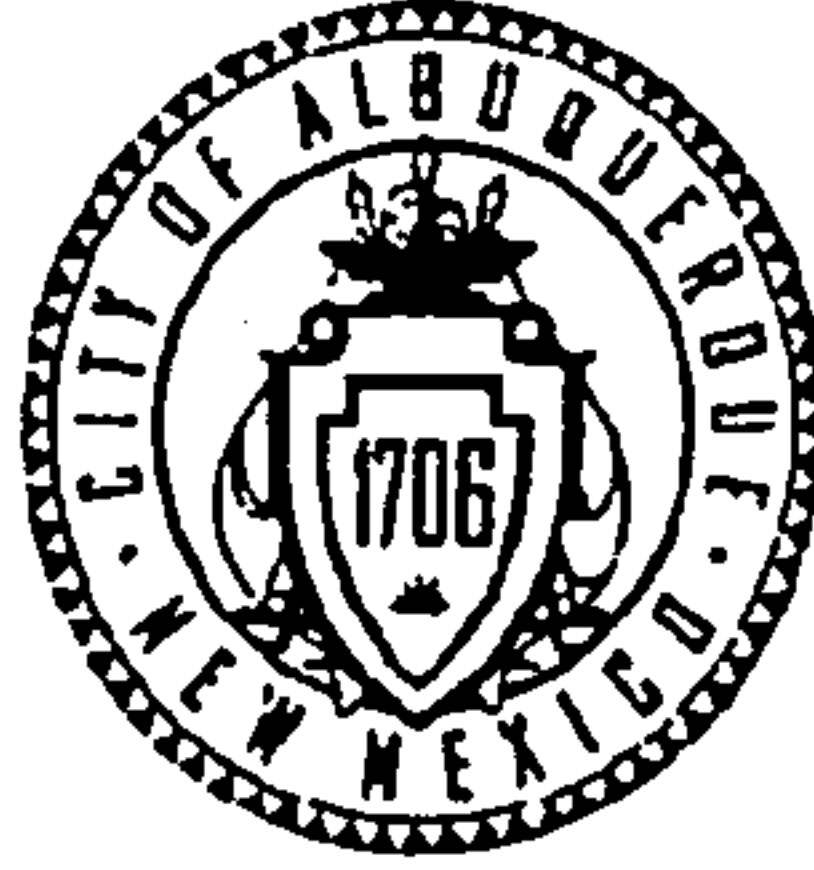
Aerial Photography 2008



0 250 500 1 000 Feet



PRM



City of Albuquerque
P.O. Box 1293, Albuquerque, NM 87103

December 2, 2009

Laurie W. Moyer
Public Participation and Regulatory Relations
System Engineering
Alvarado Square MS 0600
Albuquerque, NM 87158
Phone: (505) 241-2792/Fax: (505) 241-2363
E-mail: Laurie.Moyer@pnmresources.com

PLEASE NOTE: The Neighborhood and/or Homeowner Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office. It is your responsibility to provide current information - outdated information may result in a deferral of your case.

Dear Laurie:

Thank you for your inquiry of December 2, 2009 requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of O-92 by your proposed project at **(DRB SUBMITTAL) - LOCATED BY RAINBOW BOULEVARD NW TO SCENIC ROAD NW TO KIMMICK ROAD NW TO URRACA NW** zone map **C-9 AND D-9-10**

Our records indicate that the **Neighborhood and/or Homeowner Associations** affected by this proposal and the contact names are as follows:

VOLCANO CLIFFS PROPERTY OWNERS ASSOC. (VCC)
Dave Heil, 160 Itasca Rd., Rio Rancho, NM/87124 228-7189 (c)
Billy J. Wright, 4112 Blue Ridge Pl. NE/87111-4167

TAYLOR RANCH N.A. (TRN) "R"
Rene Horvath, 5515 Palomino Dr. NW/87120 898-2114 (h)
Fred van Berkel, 5716 Morgan Ln. NW/87120 899-2738 (h)

Please note that according to O-92 you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing. **IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred for 30 days.** If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at swinklepleck@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Stephani Winklepleck

Stephani I. Winklepleck
Neighborhood Liaison
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

LETTERS MUST BE SENT TO BOTH CONTACTS OF EACH NEIGHBORHOOD AND/OR HOMEOWNER ASSOCIATION.

planningrnaform(12/06/07)

!!!Notice to Applicants!!!

SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

Applicants for Zone Change, Site Plan, Sector Development Plan approval or an amendment to a Sector Development Plan by the EPC, DRB, etc. are required under Council Bill O-92 to notify all affected neighborhood and/or homeowner associations **PRIOR TO FILING THE APPLICATION TO THE PLANNING DEPARTMENT**. Because the purpose of the notification is to ensure communication as a means of identifying and resolving problems early, it is essential that the notification be fully informative.

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

1. The street address of the subject property.
2. The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.
3. A physical description of the location, referenced to streets and existing land uses.
4. A complete description of the actions requested of the EPC:
 - a) If a **ZONE CHANGE OR ANNEXATION**, the name of the existing zone category and primary uses and the name of the proposed category and primary uses (i.e., "from the R-T Townhouse zone, to the C-2 Community Commercial zone").
 - b) If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendment describes the physical nature of the proposal (i.e., "an amendment to the approved plan to allow a drive-through restaurant to be located just east of the main shopping center entrance off Montgomery Blvd.").
 - c) If a **SECTOR DEVELOPMENT PLAN OR PLAN AMENDMENT** a general description of the plan area, plan concept, the mix of zoning and land use categories proposed and description of major features such as location of significant shopping centers, employment centers, parks and other public facilities.
 - d) The name, address and telephone number of the applicant and of the agent (if any). In particular the name of an individual contact person will be helpful so that neighborhood associations may contact someone with questions or comments.

Information from the Office of Neighborhood Coordination

The following information should always be in each application packet that you submit for an EPC or DRB application. Listed below is a "Checklist" of the items needed.

- ONC's "Official" Letter to the applicant (if there are associations). A copy must be submitted with application packet -OR-**
- The ONC "Official" Letter (if there are no associations). A copy must be submitted with application packet.
- Copies of Letters to Neighborhood and/or Homeowners Associations (if there are associations). A copy must be submitted with application packet.**
- Copies of the certified receipts to Neighborhood and/or Homeowners Associations (if there are associations). A copy must be submitted with application packet.**

Just a reminder - Our ONC "Official" Letter is only valid for a one (1) month period and if you haven't submitted your application by this date, you will need to get an updated letter from our office.

Any questions, please feel free to contact Stephani at 924-3902 or via an e-mail message at swinklepleck@cabq.gov.

Thank you for your cooperation on this matter.

.....
(below this line for ONC use only)

Date of Inquiry: 12/02/09 Time Entered: 11 a.m. ONC Rep. Initials: siw

34

PNM
Alvarado Square
Albuquerque, NM 87158-0600
505 241-2700
Fax 505 241-2363
www.pnm.com



*A personal commitment
to New Mexico*

December 3, 2009

Volcano Cliffs Property Owners Assoc.
Dave Heil
160 Itasca Rd
Rio Rancho, NM 87124

Billy J Wright
4112 Blue Ridge Pl
Albuquerque, NM 87111-4167

Taylor Ranch NA
Rene Horvath
5515 Palomino Dr. NW
Albuquerque, NM 87120

Fred van Berkel
5716 Morgan Ln. NW
Albuquerque, NM 89120

Dear Neighbors,

PNM has a distribution line project called Black Ranch Feeder 12, (Project). A distribution line provides connections between substations and provides electric service to business and homes. A map of the project is included with this letter.

PNM is submitting to the Development Review Board (DRB) a request for a variance to the City of Albuquerque's Subdivision Ordinance:

§14-14-4-9 (B) Electric and Communication Line Location

"New electrical three phase distribution lines carrying above 12.5 kilovolts (kV), but less than 40 kilovolts (kV) shall be installed underground with subdivisions which have underground distribution lines, unless a variance is granted. The Development Review Board may grant a variance if it is determined that no significant public purpose would be served by requiring that the new lines be placed underground and that one or more of the following conditions exists:

- (1) The immediate or adjacent area is presently served by overhead lines;
or
- (2) Subsurface conditions make the underground lines economically unreasonable."

Also, this request is being submitted to the DRB as a result of the New Mexico Public Regulation Commission's (NMPRC) approval, in NMPRC Case No. 07-00463-UT, of a stipulation between PNM and City of Albuquerque (City) that provided, among other

things:(i) in the future, where as the result of the City's subdivision ordinance, PNM would normally file a rate rider application under PNM's Rule 22, PNM will first file a variance application with the City, seeking a variance from the undergrounding requirement of the subdivision ordinance.

Purpose and Need for the Project

The Project will strengthen the PNM electric distribution system serving northwest Albuquerque. The Project will allow PNM to connect PNM's existing Black Ranch Substation to other substations in the area during a planned or unplanned outage at the Black Ranch Substation. In order provide the area with reliable service, there must be connections between this substation and surrounding substations. Three-phase lines, called feeder ties, provide those connections. The Project has an in-service date of June 1, 2010 which is prior to the increased summer electric demand.

The Project

PNM typically locates its facilities within road right of way or private easement. PNM has either acquired private easement or has identified public utility easement on all the affected properties.

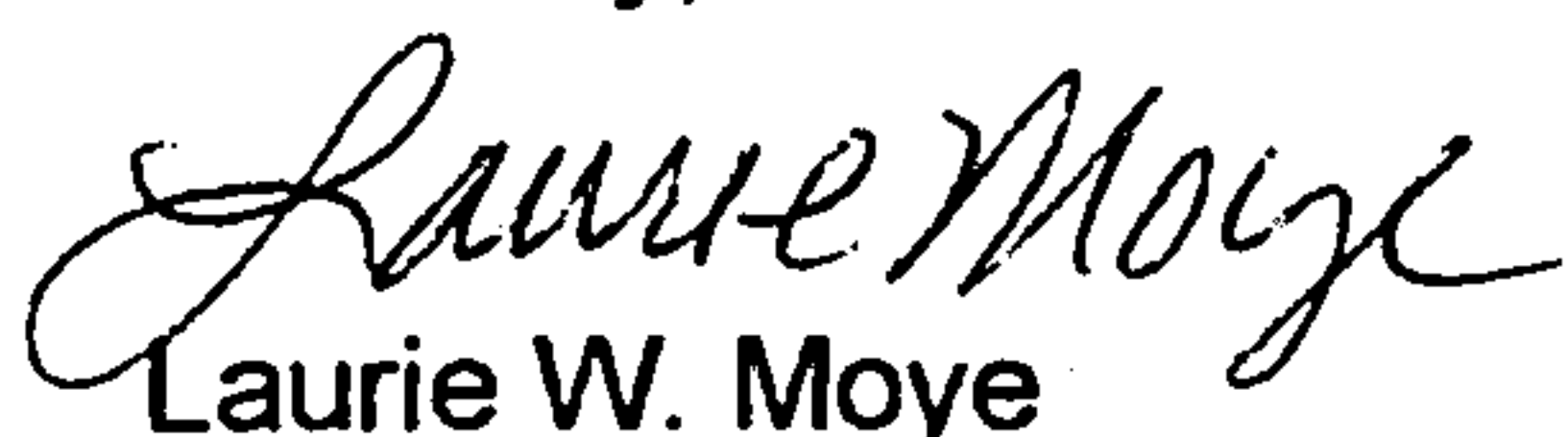
The Project consists of the installation of a three-phase overhead distribution line from the west side of the new Volcano Vista High School going south by southeast along Pipeline Road to Atrisco Blvd. NW to the intersection of Scenic Road NW to lots adjacent to Compass Drive NW then south by southeast to Kimmick Rd NW and following lots adjacent to Kimmick Rd NW to Urraca Street NW. The total length of the line is approximately 9083 feet.

The Project would be constructed using steel and wood structures 34.5 feet above ground height. Typical structure configurations are shown in (Figure 3) and illustrate triangular, 8 foot cross arm and vertical configuration.

PNM is seeking a decision regarding our variance request from the DRB as the first step in the review process for this Project, as agreed in the above-reference agreement between the City and PNM.

If you have any questions or need additional information, please contact me at (505) 241-2792. I am always willing to meet with you to discuss this Project and any questions or concerns you may have.

Sincerely,



Laurie W. Moyer

Coordinator Regulatory Relations and Public Participation

8295 2464 0000 054E 900Z

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For delivery information visit our website at www.usps.com

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Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To: Taylor Ranch NA / Fred van Borkel
 Street, Apt. No., or PO Box No. 5716 Morgan Ln NW
 City, State, ZIP+4 Albuquerque, NM 89120
 PS Form 3800, August 2006 See Reverse for Instructions

4095 2464 0000 054E 900Z

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Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To: Billy J. Wright
 Street, Apt. No., or PO Box No. 4112 Blue Ridge Pl
 City, State, ZIP+4 Albuquerque NM 87111-4167
 PS Form 3800, August 2006 See Reverse for Instructions

8295 2464 0000 054E 900Z

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Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To: Taylor Ranch NA / Rene Horvath
 Street, Apt. No., or PO Box No. 5515 Palomino Dr NW
 City, State, ZIP+4 Albuquerque, NM 87120
 PS Form 3800, August 2006 See Reverse for Instructions

8295 2464 0000 054E 900Z

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Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To: Dave Heil
 Street, Apt. No., or PO Box No. 160 Itasca Rd
 City, State, ZIP+4 Rio Rancho, NM 87154
 PS Form 3800, August 2006 See Reverse for Instructions

SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of \$3.75 each.

1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME

Signs must be posted from DEC. 22, 2009 To JAN 6th, 2010

5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

Janie Moge 12-10-09
(Applicant or Agent) (Date)

I issued 4 signs for this application, 12-10-09 Jan Choi
(Date) (Staff Member)

DRB PROJECT NUMBER: 1008093

REQUEST

VARIANCE FROM ZONING
REGULATIONS OR SUBDIVISION
ORDINANCE FOR FINAL DEDICATION
LINE

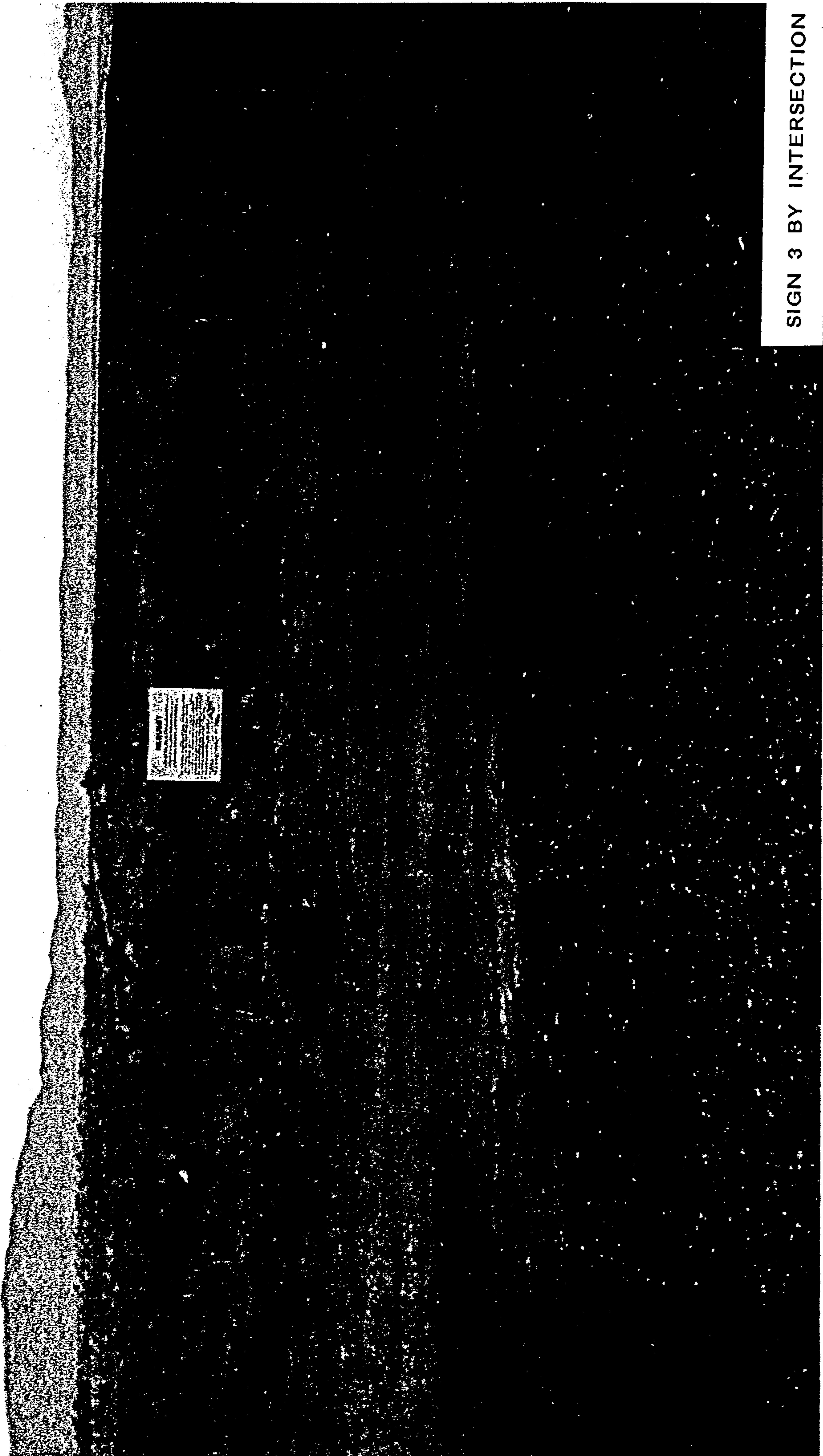
The Development Review Board of the City of Albuquerque will hold a public hearing in the Plaza Del Sol Hearing Room, Basement, Plaza Del Sol Building, 500 2nd St. NW, on JULY 21, 1980 at 9:00 AM and such additional dates as may duly be established. All persons have a right to appear at such hearing. For information on this case or instructions on filing written comments, you may call the City Planning Department at (505) 824-3800. 124-944

Required to be posted from DEC 22, 2009 to 2412747
by ENM
REFER TO FILES 1225015 / 124925 12577

SIGN ONE BY INTERSECTION

REQUEST
WARRANT FOR ABANDONMENT
STATEMENT OF WORKS
APPLICANT: THE CITY OF ALBUQUERQUE
The undersigned Petition Board of the City of Albuquerque and the
City Engineer of the City of Albuquerque, do hereby certify that
the following work is necessary for the improvement of the
City of Albuquerque, and that the City of Albuquerque is
the owner of the property on which the work is to be done.
The work is to be done in accordance with the plans
and specifications on file in the office of the City Engineer
of the City of Albuquerque, and the City of Albuquerque
is the owner of the property on which the work is to be done.
The work is to be done in accordance with the plans
and specifications on file in the office of the City Engineer
of the City of Albuquerque, and the City of Albuquerque
is the owner of the property on which the work is to be done.
The work is to be done in accordance with the plans
and specifications on file in the office of the City Engineer
of the City of Albuquerque, and the City of Albuquerque
is the owner of the property on which the work is to be done.

SIGN TWO BY INTERSECTION,



SIGN 3 BY INTERSECTION

SECURITY
CLASSIFICATION



CITY OF ALBUQUERQUE
 PLANNING DEPARTMENT
 DEVELOPMENT REVIEW BOARD

January 6, 2010

Project# 1008093
 09DRB-70377 SUBDIVISION DESIGN VARIANCE FROM MIN STANDARDS

PNM request(s) the referenced/ above action(s) for an **OVERHEAD ELECTRIC DISTRIBUTION LINE** located on ATRISCO DR NW, SCENIC DR NW, UNSER BLVD NW, AND URRACA ST NW, from Volcano Vista High School to La Cuentista Subdivision. (C-9, D-9, D-10)

AMAFCA

PNM Overhead Distribution Line, Atrisco/Scenic, (C-9, D-9, D-10)
 No objection to variance request. Since the proposed distribution line will be adjacent to right-of-way that AMAFCA will acquire for the Boca Negra Dam, AMAFCA would like to review the construction plans.

COG

MPO ID # 464.0 is a City of Albuquerque preliminary engineering, design and right-of-way acquisition to construct a new 4 lane roadway and bike lanes/trail on Unser between Atrisco Blvd. (end of existing 4 lane sect.) & Paseo del Norte. The project has been included in the 2030 MTP and funding for this project has been programmed for FY 2010. Coordination with DMD is recommended to insure development is consistent with this project. MPO ID # 494.0 "Rainbow Blvd Extension" is a private project to construct a new 2 lane roadway from Unser Blvd to Paseo del Norte.

Unser Blvd is a high capacity, limited access Principal Arterial from Gun Club Road to US 550 with full access at-grade intersections at one-half mile intervals. Right-in, right-out access points may be located at approximately one-quarter mile intervals, provided the access location does not degrade traffic flow and upon review by the TCC and approval by the MTB. Between Dellyne Avenue and Paradise Blvd there is limited to full access at 81st street (T-intersection to the east) and Compass Drive.

TRANSIT

Project # 1008093
 09DRB-70377
 SUBDIVISION DESIGN VARIANCE FROM MIN STANDARDS.

Adjacent and nearby routes
 None

Adjacent bus stops
 None

Site plan requirements
 None

<p>Large site TDM suggestions None.</p> <p>Other information None.</p>
<p>ZONING ENFORCEMENT No comment.</p>
<p>NEIGHBORHOOD COORDINATION</p>
<p>APS Overhead Electric Distribution Line is located on Atrisco Dr NW, Scenic Dr NW, Unser Blvd NW, and Urraca St NW from Volcano Vista High School to La Cuentista Subdivision. The owner of the above property requests a Subdivision Design Variance, to install an Electrical and Communication Line. This project is located more than 300 ft from Volcano Vista High School, and will not cause adverse impacts to the APS district.</p>
<p>POLICE DEPARTMENT No comment.</p>
<p>FIRE DEPARTMENT No comment.</p>
<p>PNM ELECTRIC & GAS No comment.</p>
<p>COMCAST No comment.</p>
<p>QWEST No comment.</p>
<p>ENVIRONMENTAL HEALTH No comment.</p>
<p>M.R.G.C.D No Adverse Comments.</p>
<p>OPEN SPACE DIVISION No comment.</p>
<p>CITY ENGINEER The Hydrology section has no objection to the variance request.</p>
<p>TRANSPORTATION DEVELOPMENT No adverse comments.</p>
<p>PARKS AND RECREATION No objection</p>
<p>ABCWUA Defer to planning.</p>
<p>PLANNING DEPARTMENT The Public Service Company of New Mexico's (PNM) is requesting a variance to the undergrounding requirements of Section 14-14-4-9(B) Electrical and Communication Line Locations of the City Subdivision Ordinance.</p> <p>PNM has requested the variance to allow them to place new electrical three phase distribution line on the northwest mesa, generally from Volcano Vista High School to La Cuentista Subdivision along Atrisco Dr NW and Unser Blvd NW.</p> <p>The variance request is subject to the policies of the Albuquerque/Bernalillo County Comprehensive Plan, the Northwest Mesa Escarpment Plan, and the West Side Strategic Plan (The Facility Plan: Electric Service Transmission and Subtransmission Facilities refers mainly to higher voltage lines than the subject 12 kilovolt distribution line).</p>

The application cites the Introduction and Context Section of the Comprehensive Plan items 1.D.3 for supplying energy and 1.D.6 for economic development as support for this variance request; however, similar to The Facility Plan: Electric Service, item 1D.3 mainly refers to transmission lines and not distribution lines. Item 1.D.6 refers to economic activities; however the area of this variance request is almost exclusively zoned residential.

The application further states that the West Side Strategic Plan does not define the mechanism to pay for the cost differential for placing utilities underground, and notes that existing underground lines were paid for by developers. The application also explains that the variance for overhead lines is permissible under the Northwest Mesa Escarpment Plan, and that the proposed poles would be lower than the 40 ft height limit of the Plan's View Area regulations.

Finally, the application proposes that no significant public purpose would be served by requiring underground lines due to the lack of clear subdivision development goals and antiquated platting in the area. It is claimed that the adjacent area is served by overhead lines, and that due to subsurface conditions the cost differential makes underground line construction economically unreasonable.

Section 14-14-4-9(B) of the Subdivision Ordinance states: "The Development Review Board may grant a variance...if it is determined that no significant public purpose would be served by requiring the new lines be placed underground and that one or more of the following conditions exists: (1) the immediate or adjacent area is presently served by overhead lines; or (2) subsurface conditions make underground lines economically unreasonable."

The following policies and plans suggest that a significant public purpose is served by requiring the placement of the new lines underground:

- a. Policy II.C.8.a of the Albuquerque/Bernalillo County Comprehensive Plan item 2) states that development and subdivision standards are to encourage solutions which are not limited to engineering effectiveness, and item 4) states that utilities are to be designed with respect for environmental and visual factors.
- b. Policy II.C.8.b of the Albuquerque/Bernalillo County Comprehensive Plan states that utilities shall be designed to realize opportunities for City beautification, with qualitative standards for development.
- c. Policy II.C.8.c of the Comprehensive Plan states that incidental structures such as wires and poles shall be designed for minimal visual intrusion.
- d. Policy 1.a of the Northwest Mesa Escarpment Plan states that the unique visual qualities of the escarpment are to be conserved.
- e. Policy 1.d of the Northwest Mesa Escarpment Plan states that views to and from the escarpment are recognized as important.
- f. Policy 4.6 of the West Side Strategic Plan states that the Overhead Utilities Section of that Plan became policy upon plan adoption. The Overhead Utilities Section states that electrical distribution lines should be placed underground consistent with the City's Subdivision Ordinance.
- g. It is acknowledged that private development in the area of this request has

constructed and is served by underground distribution lines and other utilities.

- h. It is acknowledged that there is a significant amount of platted but undeveloped land in the immediately area that is presently unserved by PNM. To allow the placement of overhead distribution lines could set a precedent to justify the remaining undeveloped land, some of which is within the Impact Area of the NW Mesa Escarpment Plan, to be served by overhead lines.
- i. There is a significant public purpose in placing the lines underground because overhead lines create potential safety hazards to children, vehicular traffic, and balloonists, and are aesthetically displeasing because they obstruct and, therefore, detract from the natural landscape.
- j. Subsurface conditions have been overcome with private development, therefore the installation of underground lines is not economically unreasonable

IT IS REQUIRED THAT THE APPLICANT AND/OR AGENT BE PRESENT AT THE HEARING

**CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
PROPERTY OWNERSHIP LIST**

Meeting Date: January 6, 2010
Zone Atlas Page: C-9/D-9
Notification Radius: 100 Ft.

Project# 1008093
App# 09DRB-70377

Cross Reference and Location: ATRISCO NW, UNSER NW, SCENIC NW KIMMICK
NW AND URRACA NW

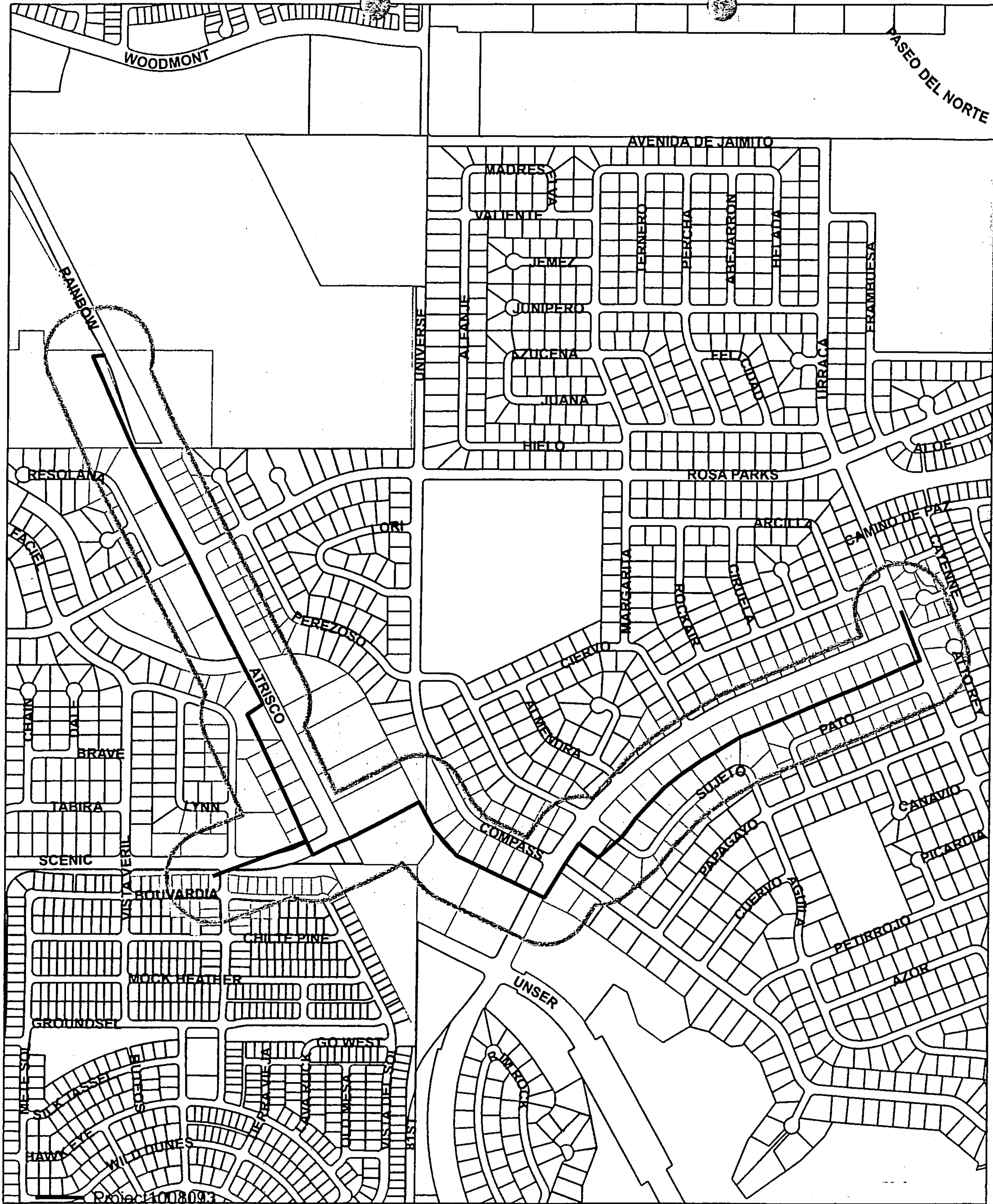
Applicant: PNM
ALVARADO SQUARE
ALBUQUERQUE, NM 87158


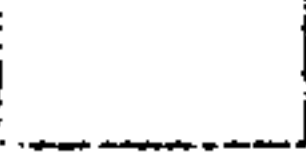

Agent: LAURIE MOYE
ALVARADO SQUARE
ALBUQUERQUE, NM 87158

Special Instructions:

**Notice must be mailed from the
City's 15 day's prior to the meeting.**

Date Mailed: DECEMBER 24, 2009
SIGNATURE: *ERIN TREMLIN*



-  Buffer
-  Selected Properties
-  Project Site

Ownership Selection
 Project# 100 **8093**
 09DRB-70368

*NOTE: PROPERTIES NOT SELECTED WITHIN BUFFER ARE CITY OWNED PROPERTIES.

UR

UPC	OWNER	OWNADD	OWNADD2	LEGALDESC	Shape_Area
101006326338220000	LYTE ROBERT L #B26	11100 GIBSON BLVD SE	ALBUQUERQUE NM 87123	* 014 006VOLCANO CLIFFS SUBD UNIT 18	15205.52
101006312825220000	JACKSON STEVEN P	6300 RIVERSIDE PL NW 200	ALBUQUERQUE NM 87120	* 009 005VOLCANO CLIFFS SUBD UNIT 18	22208.35
101006322836720000	AMINIAN BEHROUZ	10504 ROYAL TROON NE	ALBUQUERQUE NM 87111	* 010 006VOLCANO CLIFFS SUBD UNIT 18	13378.17
101006327443020000	DEFOUR JENNIFER E & EVERETT WILLARD GRAY II	2002 BEDFORD	MIDLAND TX 79701	* 012 005VOLCANO CLIFFS SUBD UNIT 17	14816.55
100906340544610000	CHARLENE J & DAVID R STANG & DEBORAH K DLABAL	7609 NORTHRIDGE NE	ALBUQUERQUE NM 87109	LT 4 BLK 2 UNIT 14 VOLCANO CLIFFS SUBD CONT .3271 AC	14153.99
101006303230920000	GONZALES VICTORIA A & MICHAEL ALLEN GONZALES	3501 KEMBLE	LONG BEACH CA 90808	LT 7 BLK 5 VOLCANO CLIFFS SUBDIVISION UNIT NO. 14CONT .3444 AC	15038.71
101006322132820000	P & KALLEN DOUGLAS	6300 RIVERSIDE PL NW 200	ALBUQUERQUE NM 87120	* 034 006VOLCANO CLIFFS SUBD UNIT 18	23942.46
101006327041320000	GUTHEINZ LEE M & CARYL ANN TRUSTEES OF GUTHEINZ RLT	13723 APACHE PLUME PL NE	ALBUQUERQUE NM 87111	* 018 005VOLCANO CLIFFS SUBD UNIT 17	14181.94
100906343542010000	BANK OF NM TR E W GRAY TESTAMENTARY TR	PO BOX 1968	ALBUQUERQUE NM 87103 1968	LT 33 BLK 2 UNIT 14 VOLCANO CLIFFS SUBD CONT .3280 AC	13980.01
100906336824941000	SALLS BROTHERS CONSTRUCTION INC	PO BOX 66239	ALBUQUERQUE NM 87193 6239	LT 4 BLK 10 PLAT OF VISTA VIEJA SUBD UNITS THREE & FOUR(TRACTS 3 & 4 BULK LAND PLAT OF VISTA VIEJA SUBD & PARCELS1, 2 & 3 VISTA VIEJA SUBD UNIT 2) CONT .1524 AC	6634.39
100906343323241000	VISTA VIEJA INVESTMENTS LLC	8300 CARMEL AVE NE SUITE 401	ALBUQUERQUE NM 87122	LT 6-P1 BLK 2 PLAT OF VISTA VIEJA SUBDIVISION UNIT TWO TRACT2 BULK LAND PLAT OF VISTA VIEJA SUBDIVISION CONT .1517 AC	6601.93
100906330752111000	THOMSON MARJORIE	8213 FRUIT AVE NE	ALBUQUERQUE NM 87108	*23 003VOLCANO CLIFFS SUBD UNIT 13	13052.53
101006310924040000	STATE OF NEW MEXICO STATE LAND OFFICE	PO BOX 1148	SANTA FE NM 87504 1148	* 010 001VOLCANO CLIFFS SUBD UNIT 18	28538.71
100906341731210000	MARTINEZ STANLEY E ETUX	PO BOX 710	CHINLE AZ 86503 0710	*14 005VOLCANO CLIFFS SUBD UNIT 13	52452.01
101006334042412000	LA CUENTISTA I LLC	PO BOX 51177	ALBUQUERQUE NM 87181 1177	LT 17 BLK 3 PLAT OF LA CUENTISTA SUBDIVISION UNIT 1CONT .1624 AC	7065.04
101006332939711000	MEM HOLDINGS LLC	9628 GRAND ISLE LN	LAS VEGAS NV 89144	*00050001VOLCANO CLIFFS SUBD UNIT 22	17975.59

100906351527710000	KB HOME NEW MEXICO INC	6330 RIVERSIDE LN NW SUITE 200	ALBUQUERQUE NM 87120	* 004 002VOLCANO CLIFFS UNIT 25	144407.83
100906337949911000	SWEENEY KAREN ANN	1550 W WINDWOR AVE	PHOENIX AZ 85007	LT 4 BLK 1 UNIT 14 VOLCANO CLIFFS SUBD CONT .3099 AC	13350.94
100906334050811000	PIANO JASPER & EMILY E TRUSTEES PIANO FAMILY TRUST	200 S BURKE DR	GALLUP NM 87301	*26 003VOLCANO CLIFFS SUBD UNIT 13	75001.58
100906338129110000	SPRINGER ERIC J	8333 COMANCHE NE 13A	ALBUQUERQUE NM 87110	*10 007VOLCANO CLIFFS SUBD UNIT 13	13658.40
100906338434710000	KAMERMAN BRETT PADRAIC TRUSTEE KAMERMAN LVT	310 MONTERO AVE	NEWPORT BEACH CA 92661	*13 006VOLCANO CLIFFS SUBD UNIT 13	12228.45
100906338950411000	GREGORY JERRY D	12607 CALLE DEL OSO PL NE	ALBUQUERQUE NM 87111 8055	LT 11 BLK 1 UNIT 14 VOLCANO CLIFFS SUBD CONT .3358 AC	14028.37
100906344925840000	MONTECITO ESTATES COMMUNITY ASSOC INC C/O CANYON GATE ESTATES SERVICE	PO BOX 93488	ALBUQUERQUE NM 87111	TR A PLAT OF VISTA VIEJA SUBDIVISION UNIT TWO TRACT2 BULK LAND PLAT OF VISTA VIEJA SUBDIVISION CONT 1.0558 AC	45895.98
101006321538920000	BOYD DAVID & TERESA M	608 NAVARRA WAY SE	ALBUQUERQUE NM 87123	* 024 005VOLCANO CLIFFS SUBD UNIT 17	14387.65
100906339640910000	CERAMI MARIE	11112 ALTA DR NW	ALBUQUERQUE NM 87114	*3 004VOLCANO CLIFFS SUBD UNIT NO 13	57919.31
100906340029110000	BALLI ELISA R	6912 NACELLE RD NE	RIO RANCHO NM 87144	*12 007VOLCANO CLIFFS SUBD UNIT 13	15471.82
100906417714030000	BOARD OF EDUCATION	PO BOX 25704	ALBUQUERQUE NM 87125	TR C-1 PLAT OF TRACT C-1 ANCIENT MESA BULK LAND PLAT OFTRACT C-2 ANCIENT MESA CONT 63.3138 AC	2816451.69
100906341745310000	CHARLENE J & DAVID R STANG & DEBORAH K DLABAL	7609 NORTHRIDGE NE	ALBUQUERQUE NM 87109	LT 37 BLK 2 UNIT 14 VOLCANO CLIFFS SUBD CONT .3053 AC	13601.58
101006330336210000	JOSEPHINE ANN TRUSTEE OF THE JOSEPHINE ANN MADRID RVT	5531 FURMAN NW	ALBUQUERQUE NM 87114	* 007 007VOLCANO CLIFFS SUBD UNIT 18	13919.17
101006313924420000	DOW LEO	3704 12TH ST NW	ALBUQUERQUE NM 87107	* 008 005VOLCANO CLIFFS SUBD UNIT 18	21138.48
101006329435810000	RATHBUN AARON C SR	PO BOX 18042	ALBUQUERQUE NM 87185	* 006 007VOLCANO CLIFFS SUBD UNIT 18	14188.73
101006320131720000	GIERSCH JOHN P & DARRLA J	8011 4TH ST NW	ALBUQUERQUE NM 87111	* 020 005VOLCANO CLIFFS SUBD UNIT 18	30859.47
101006306025420000	JENNINGS DANIEL E & NOEL	4618 LARCHMONTE NE	ALBUQUERQUE NM 87111	LOT 13 BLK 2 UNIT 14 VOLCANO CLIFFS SUBDIVISIONCONT .4821 AC	19975.56
101006316933620000	VILLIANOS JERRY S	7536 NORTHRIDGE NE	ALBUQUERQUE NM 87109	* 005 006VOLCANO CLIFFS SUBD UNIT 18	23084.96
100906339129110000	ROMO GENE D	5400 PHOENIX AVE NE	ALBUQUERQUE NM 87110 3144	*11 007VOLCANO CLIFFS SUBD UNIT 13	13589.63

100906341935910000	HOSSAIN MOHAMMED & AZESHA	4400 ALTURA AVE NE	ALBUQUERQUE NM 87110	*12 005VOLCANO CLIFFS SUBD UNIT 13	76672.48
101006314835420000	KULLER WILLIAM G	1047 FALCON CREEK DR	KENNEDALE TX 76060	* 13 6 VOLCANO CLIFFS UNIT #17	20195.46
101006315832720000	HENMI RYOTA & MARILYN & ZIA TRUST INC CUSTODIAN ERIC A TOLEDO IRA	PO BOX 30928	ALBUQUERQUE NM 87190	* 004 006VOLCANO CLIFFS SUBD UNIT 18	23784.03
101006319438020000	TATKOSKI ARTHUR J	4801 NORTHRIDGE CT NE	ALBUQUERQUE NM 87109 3020	* 026 005VOLCANO CLIFFS SUBD UNIT 17	17593.15
100906344041010000	JENKINS CLARICE ETAL	5137 FAIRFAX DR NW	ALBUQUERQUE NM 87114 4307	LT 32 BLK 2 UNIT 14 VOLCANO CLIFFS SUBD CONT .4366 AC	16469.91
101006302232720000	GNEKOW RICHARD & LUELLA Z	4404 BRYAN AVE NW	ALBUQUERQUE NM 87114	005TRACT 9 OF VOLCANO CLIFFS SUBD UNIT 14	14411.59
101006331236610000	CHANEY LUCILE G SHUBE	4923 CASA DEL OSO NE	ALBUQUERQUE NM 87111 3778	* 008 007VOLCANO CLIFFS SUBD UNIT 18	14200.57
100906339227510000	VELARDE GILBERT L ETUX	1509 CAMINO AMPARO NW	ALBUQUERQUE NM 87107 2609	*13 007VOLCANO CLIFFS SUBD UNIT 13	43229.97
101006304426720000	MYSTIC LLC % AMIR NATHOO	5715 CENTRAL AVE NE	ALBUQUERQUE NM 87108	LT 15 BLK 2 UNIT 14 VOLCANO CLIFFS SUBD CONT .4821 AC	20624.12
100906343132710620CA	NEWVECTOR COMMUNICATIONS INC C/O MARK MEYERS U S WEST INC	PO BOX 97019	BELLEVUE WA 98009 9719	LT 1 BLK 1 VOLCANO CLIFFS UNIT 25 CONT .7800 AC	34664.00
101006313726420000	KAUFMANN PAT D	250 CRYSTAL SKY DR	SEDONA AZ 86351	* 014 005VOLCANO CLIFFS SUBD UNIT 18	22220.91
101006324936020000	TRUNICK PERRY A	PO BOX 91726	CLEVELAND OH 44101 3726	* 027 006VOLCANO CLIFFS SUBD UNIT 18	14885.92
100906340537410000	VASQUEZ JOE R & JUDITH N	510 SOUTH FOURTH ST	GALLUP NM 87301	*11 005VOLCANO CLIFFS SUBD UNIT 13	24662.77
101006324833810000	WILLIAM & DONNA PATRICIA TRUSTEES	9919 RIVERSIDE NW	ALBUQUERQUE NM 87114	* 001 007VOLCANO CLIFFS SUBD UNIT 18	14005.87
101006327238620000	RAFFERTY KATHY ANN	8526 BLACKCASTLE DR	SAN ANTONIO TX 78250 5683	* 015 006VOLCANO CLIFFS SUBD UNIT 18	14167.81
101006316035820000	FIRST FINANCIAL TRUST CO SUCCESSOR CUSTODIAN J T ROACH IRA	PO BOX 30970	ALBUQUERQUE NM 87190	* 012 006VOLCANO CLIFFS SUBD UNIT 17	14985.06
101006318234420000	STRINGFELLOW THOMAS J & SANDRA	4725 MESA MARCADA CT	ALBUQUERQUE NM 87120	* 006 006VOLCANO CLIFFS SUBD UNIT 18	23477.17
101006319635220000	LEMMEL ROBERT G & JOANNE	9605 APACHE NE	ALBUQUERQUE NM 87112	* 007 006VOLCANO CLIFFS SUBD UNIT 18	21871.42
101006325240520000	KENDALL BUFORD E ETUX	1609 CARDENAS DR NE	ALBUQUERQUE NM 87110 6627	* 020 005VOLCANO CLIFFS SUBD UNIT 17	13923.32
101006326836820000	MCCUTCHEON HAROLD & JENNIFER K	4504 CACTUS HILLS NW	ALBUQUERQUE NM 87114	* 025 006VOLCANO CLIFFS SUBD UNIT 18	15102.57
101006315129720000	P & GRABIEL JUSTIN M & JANE W	6300 RIVERSIDE PL NW 200	ALBUQUERQUE NM 87120	* 040 006VOLCANO CLIFFS SUBD UNIT 18	25702.91

100906344430510000	DENTON GORDON E & NANCY J TR OF DENTON LIVING TRUST	3521 RIDGE GLEN DR	SACHSE TX 75048 2246	* 003 001VOLCANO CLIFFS UNIT 25	34513.40
101006315927220000	TOLEDO ERIC A & B J	220 WINGED FOOT CT	RIO RANCHO NM 87124	* 016 005VOLCANO CLIFFS SUBD UNIT 18	22573.37
101006323737120000	EDWARDS KATHARINE E TRUSTEE EDWARDS RVT	10010 NAVARRE RD SW	NAVARRE OH 44662 9403	* 011 006VOLCANO CLIFFS SUBD UNIT 18	13595.70
101006321334120000	FALL DEVELOPENT C/O GERRY FALLS	PO BOX 21760	ALBUQUERQUE NM 87154 1176	* 035 006VOLCANO CLIFFS SUBD UNIT 18	33787.65
101006332737010000	SALISBURY MARK W & JOAN H	4432 RANCHO LARGO RD NW	ALBUQUERQUE NM 87120	* 009 007VOLCANO CLIFFS SUBD UNIT 18	15208.71
101006303526920000	SIGNATURE REAL ESTATE SERVICES LLC	PO BOX 51355	ALBUQUERQUE NM 87181	LT 16 BLK 2 UNIT 14 VOLCANO CLIFFS SUBD CONT .4821 AC	20812.58
101006330940120000	RADZIBABA VICTOR ETUX	PO BOX 9592	ALBUQUERQUE NM 87119	* 019 006VOLCANO CLIFFS SUBD UNIT 18	15244.60
100906335947411000	KILGORE MARGARET ANN	6303 ALVIS RD SW	ALBUQUERQUE NM 87105	*27 003VOLCANO CLIFFS SUBD UNIT 13	69310.50
101006327635110000	MODI BHUPENDRABHAI & PRAGNABEN	615 CENTRAL AVE NE	ALBUQUERQUE NM 87102	* 004 007VOLCANO CLIFFS SUBD UNIT 18	14449.34
100906337843410000	TANG RICHARD & CERAMI MARIE E & KATHY LAMKIN	1112 ALTA DR NW	ALBUQUERQUE NM 87114	*2 004VOLCANO CLIFFS SUBD UNIT NO 13	84597.12
100906342840310000	CARLTON P & NANCY B WHITEMAN- DAVENPORT	7708 HERMANSON PL NE	ALBUQUERQUE NM 87110	LT 9 BLK 2 UNIT 14 VOLCANO CLIFFS SUBD CONT .5222 AC	22016.45
101006319833720000	ROLL SAMUEL ETUX	PO BOX 40746	ALBUQUERQUE NM 87196	* 036 006VOLCANO CLIFFS SUBD UNIT 18	20516.58
100906342228110000	ROUSSEAU JAMES ALBERT & MARY JEANNE TRUSTEES ROUSSEAU RLT	6325 MESQUITE NW	ALBUQUERQUE NM 87120	* 015 005VOLCANO CLIFFS SUBD UNIT #13	83394.14
100906345029410000	BARZ RICHARD K AUSTRALIAN NATIONAL UNIVERSITY	PO BOX 82	ACT 2616 AUSTRALIA	* 004 001VOLCANO CLIFFS UNIT 25	34373.75
100906345936610000	SPEER GREGORY M & HELEN LAURA	758 ALAMOS RD	CORRALES NM 87048	002TRACT 11 VOLCANO CLIFFS SUBD UNIT 14	94209.86
101006308028920000	OLGUIN CHARLES D & AZIZA CHAVEZ	9832 CAMERON ST NW	ALBUQUERQUE NM 87114	005TRACT 22 OF VOLCANO CLIFFS SUBD UNIT 14	15187.53
101006332944812000	PARDO RAUL CANELA & TAMARA	6444 KOLA CT NW	ALBUQUERQUE NM 87120	LT 19 BLK 3 PLAT OF LA CUENTISTA SUBDIVISION UNIT 1CONT .1862 AC	8109.55
101006333343912000	JONES BENNIE J & AILEEN A	PO BOX 21454	ALBUQUERQUE NM 87154	LT 18 BLK 3 PLAT OF LA CUENTISTA SUBDIVISION UNIT 1CONT .1865 AC	8121.36
101006327837220000	PERRY KEITH M	4701 MORRIS ST NE 1303	ALBUQUERQUE NM 87111 7722	* 024 006VOLCANO CLIFFS SUBD UNIT 18	14406.58
101006324135620000	& PATRICIA A BURR	9501 ADMIRAL NIMITZ NE	ALBUQUERQUE NM 87111	* 028 006VOLCANO CLIFFS SUBD UNIT 18	15029.67

100906351322740350
AMAFCA
2600 PROSPECT NE
ALBUQUERQUE NM 87107

101006322836720432
AMINIAN BEHROUZ
10504 ROYAL TROON NE
ALBUQUERQUE NM 87111

101006331438820422
APOSTALON DANIEL G & CYNTHIA G
1212 WAGON TRAIN DR SE
ALBUQUERQUE NM 87123 4239

101006327544921217
ATKERSON E RENEE & JERRY J
10212 AVENIDA VISTA SOL NW
ALBUQUERQUE NM 87114

100906345728210624
BALDRIDGE FAMILY LIMITED
PARTNERSHIP II LP
605 SAN ANTONIO AVE
MANY LA 71449

100906340029110304
BALLI ELISA R
6912 NACELLE RD NE
RIO RANCHO NM 87144

101006324833810418
BARNETT JACK WILLIAM & DONNA
PATRICIA TRUSTEES
9919 RIVERSIDE NW
ALBUQUERQUE NM 87114

101006325834210417
BARNETT JACK WILLIAM & DONNA
PATRICIA TRUSTEES BARNETT RVT
9919 RIVERSIDE NW
ALBUQUERQUE NM 87114

100906345029410623
BARZ RICHARD K AUSTRALIAN
NATIONAL UNIVERSITY
PO BOX 82
ACT 2616 AUSTRALIA

101006314926220113
BATCHELLER ERNEST J & JUDDIE J
PO BOX 5312
3920 EAST YUMA DR
LAKE MONTEZUMA AZ 86342

101006329939820424
BLACKMAN C A TRUSTEE BLACKMAN
LVT
7817 LOUISIANA BLVD NE 1502
ALBUQUERQUE NM 87109

100906417714030202
BOARD OF EDUCATION
PO BOX 25704
ALBUQUERQUE NM 87125

101006321538920705
BOYD DAVID & TERESA M
608 NAVARRA WAY SE
ALBUQUERQUE NM 87123

101006327941720712
BUTTON ROSEMARY T
3413 REAMER DR
BARRINGTON NJ 08007

101006331144012211
CALENTO PATRICK & VIRGINIA M
6452 KOLA CT NW
ALBUQUERQUE NM 87120

100906339640910619
CERAMI MARIE
11112 ALTA DR NW
ALBUQUERQUE NM 87114

100906335742410617
CERAMI SALVATORE T
403 JOAQUIN CT
CORRALES NM 87048

101006331236610411
CHANEY LUCILE G SHUBE
4923 CASA DEL OSO NE
ALBUQUERQUE NM 87111 3778

100906342840310709
DAVENPORT CARLTON P & NANCY B
WHITEMAN-DAVENPORT
7708 HERMANSON PL NE
ALBUQUERQUE NM 87110

101006332841912215
DAY RICK E & CAROLINE
6452 HOPS CT NW
ALBUQUERQUE NM 87120

101006327443020717
DEFOUR JENNIFER E & EVERETT
WILLARD GRAY II
2002 BEDFORD
MIDLAND TX 79701

100906344430510622
DENTON GORDON E & NANCY J TR
OF DENTON LIVING TRUST
3521 RIDGE GLEN DR
SACHSE TX 75048 2246

100906343831710621
DENTON GORDON E & NANCY J
TRUSTEES OF LIVING TRUST
3521 RIDGE GLEN DR
SACHSE TX 75048 2246

101006313924420120
DOW LEO
3704 12TH ST NW
ALBUQUERQUE NM 87107

101006323737120431
EDWARDS KATHARINE E TRUSTEE
EDWARDS RVT
10010 NAVARRE RD SW
NAVARRE OH 44662 9403

101006321334120407
FALL DEVELOPENT C/O GERRY FALLS
PO BOX 21760
ALBUQUERQUE NM 87154 1176

101006302731720317
FASTLE JAMES
7109 LANTERN RD NE
ALBUQUERQUE NM 87109

101006316035820604
FIRST FINANCIAL TRUST CO
SUCCESSOR CUSTODIAN J T ROACH
IRA
PO BOX 30970
ALBUQUERQUE NM 87109

100906343542010726
FIRST SECURITY BANK OF NM TR E W
GRAY TESTAMENTARY TR
PO BOX 1968
ALBUQUERQUE NM 87103 1968

101006328737620419
GALLEGOS RICHARD
3101 4TH ST NW
ALBUQUERQUE NM 87107

101006329638020420
GALLEGOS RICHARD W & NANCY L
101 ORTEGA RD NW
ALBUQUERQUE NM 87114

100906338351911012
GARDUNO DAVID J
11312 WOODMAR LN NE
ALBUQUERQUE NM 87111

101006320131720108
GIERSCH JOHN P & DARRLA J
8011 4TH ST NW
ALBUQUERQUE NM 87111

101006302232720316
GNEKOW RICHARD & LUELLA Z
4404 BRYAN AVE NW
ALBUQUERQUE NM 87114

100906339537810606
GONZALES ANTONIO & FELICHA
6231 ESCOVIEL ST NW
ALBUQUERQUE NM 87120

100906352233110713
GONZALES MARY ELLEN BURNS
2806 CALLE CAMPEON
SANTA FE NM 87505 6419

101006303230920318
GONZALES VICTORIA A & MICHAEL
ALLEN GONZALES
3501 KEMBLE
LONG BEACH CA 90808

100906338950411011
GREGORY JERRY D
12607 CALLE DEL OSO PL NE
ALBUQUERQUE NM 87111 8055

100906340943810705
GRIEGO THOMAS J & DIANA L
PO BOX 67077
ALBUQUERQUE NM 87193

101006327041320711
GUTHEINZ LEE M & CARYL ANN
TRUSTEES OF GUTHEINZ RLT
13723 APACHE PLUME PL NE
ALBUQUERQUE NM 87111

100906339833810406
HAALAND DAVID & KATHY
809 RICHMOND DR SE
ALBUQUERQUE NM 87106 2314

101006315832720438
HENMI RYOTA & MARILYN & ZIA
TRUST INC CUSTODIAN ERIC A
TOLEDO IRA
PO BOX 30928
ALBUQUERQUE NM 87190

100906344938310710
HIGHLAND VENTURES INC ETAL
4 JUNIPER RD NE
ALBUQUERQUE NM 87122

101006328139020426
HIGHLANDS JOINT VENTURE
PO BOX 6548
ALBUQUERQUE NM 87197 6548

100906341935910604
HOSSAIN MOHAMMED & AZESHA
4400 ALTURA AVE NE
ALBUQUERQUE NM 87110

101006324437520430
HUIZAR RONNIE K
PO BOX 6563
ALBUQUERQUE NM 87197

101006312825220119
JACKSON STEVEN P
6300 RIVERSIDE PL NW 200
ALBUQUERQUE NM 87120

101006315129720402
JACKSON STEVEN P & GRABIEL
JUSTIN M & JANE W
6300 RIVERSIDE PL NW 200
ALBUQUERQUE NM 87120

101006322132820408
JACKSON STEVEN P & KALLEN
DOUGLAS
6300 RIVERSIDE PL NW 200
ALBUQUERQUE NM 87120

101006314228620401
JACKSON STEVEN P & MAPLE GARY
D & KIMBERLY G
6300 RIVERSIDE PL NW 200
ALBUQUERQUE NM 87120

101006312729620441
JACKSON STEVEN P & MAPLE GARY
D & KIMBERLY G
6300 RIVERSIDE PL NW 200
ALBUQUERQUE NM 87120

100906344041010725
JENKINS CLARICE ETAL
5137 FAIRFAX DR NW
ALBUQUERQUE NM 87114 4307

101006306025420202
JENNINGS DANIEL E & NOEL
4618 LARCHMONTE NE
ALBUQUERQUE NM 87111

100906339535610408
JENNINGS JEROME C & JUDITH
916 DARTMOUTH DR NE
ALBUQUERQUE NM 87106

100906336552311001
JOHNSTON DOUGLAS M F & EMMA T
1740 DARLENE RD SE
RIO RANCHO NM 87124

101006333343912218
JONES BENNIE J & AILEEN A
PO BOX 21454
ALBUQUERQUE NM 87154

100906338434710410
KAMERMAN BRETT PADRAIC
TRUSTEE KAMERMAN LVT
310 MONTERO AVE
NEWPORT BEACH CA 92661

101006313726420114
KAUFMANN PAT D
250 CRYSTAL SKY DR
SEDONA AZ 86351

100906351527710734
KB HOME NEW MEXICO INC
6330 RIVERSIDE LN NW SUITE 200
ALBUQUERQUE NM 87120

101006325240520709
KENDALL BUFORD E ETUX
1609 CARDENAS DR NE
ALBUQUERQUE NM 87110 6627

100906335947411136
KILGORE MARGARET ANN
6303 ALVIS RD SW
ALBUQUERQUE NM 87105

101006314835420603
KULLER WILLIAM G
1047 FALCON CREEK DR
KENNEDEALE TX 76060

101006334042412217
LA CUENTISTA I LLC
PO BOX 51177
ALBUQUERQUE NM 87181 1177

101006329842520714
LEE MICHAEL HOMES INC
P O BOX 51177
ALBUQUERQUE NM 87181

101006323133820412
LEGARRETA ELI E & NATANIA D
7524 PARK WOOD DR NW
ALBUQUERQUE NM 87120 3917

101006320835920434
LEMMEL GARY & TAYLOR-LEMMEL
YVONNE M
2608 GARNER RD SW
ALBUQUERQUE NM 87105

101006319635220435
LEMMEL ROBERT G & JOANNE
9605 APACHE NE
ALBUQUERQUE NM 87112

100906332549411121
LERDAHL STEPHANIE
2242 MUNIZ LN SW
ALBUQUERQUE NM 87105 6576

101006334840511123
LES FILE DRY WALL INC
116 INDUSTRIAL NE
ALBUQUERQUE NM 87107

100906348034510731
LOFTUS MARTIN & MARTIN M
PO BOX 1842
CLOVIS NM 88102 1842

100906350230110733
LOFTUS MARTIN J & MARIE M
PO BOX 1842
CLOVIS NM 88102 1842

100906339832910405
LUJAN MICHAEL & LISA
14768 COUNTY RD 1100
TYLER TX 75703

101006326338220428
LYTE ROBERT L #B26
11100 GIBSON BLVD SE
ALBUQUERQUE NM 87123

101006330336210412
MADRID JOSEPHINE ANN TRUSTEE
OF THE JOSEPHINE ANN MADRID RVT
5531 FURMAN NW
ALBUQUERQUE NM 87114

101006318730620109
MARTINEZ ADRIAN
1109 VIA TOMAS NE
ALBUQUERQUE NM 87113

100906341731210602
MARTINEZ STANLEY E ETUX
PO BOX 710
CHINLE AZ 86503 0710

101006326836820417
MCCUTCHEON HAROLD & JENNIFER K
4504 CACTUS HILLS NW
ALBUQUERQUE NM 87114

100906332150211122
MEDINA CHRISTOPHER
PO BOX 33153
SANTA FE NM 87594

101006332939711126
MEM HOLDINGS LLC
9628 GRAND ISLE LN
LAS VEGAS NV 89144

101006327635110415
MODI BHUPENDRABHAI &
PRAGNABEN
615 CENTRAL AVE NE
ALBUQUERQUE NM 87102

101006328645421218
MOGLIA OSCAR R & MARGARET
10428 SW 62ND CT
OCALA FL 34476

100906344925840349
MONTECITO ESTATES COMMUNITY
ASSOC INC C/O CANYON GATE
ESTATES SERVICE
PO BOX 93488
ALBUQUERQUE NM 87111

101006304426720204
MYSTIC LLC % AMIR NATHOO
5715 CENTRAL AVE NE
ALBUQUERQUE NM 87108

100906340130910403
NAVARRO ANTHONY BRIAN &
JOHNATHAN M & ANTOINETTE
DOMINGUEZ
1542 YAKIMA RD SW
ALBUQUERQUE NM 87105

100906343132710620CA
NEWVECTOR COMMUNICATIONS INC
C/O MARK MEYERS U S WEST INC
PO BOX 97019
BELLEVUE WA 98009 9719

100906338349111005
NGUYEN THANH VAN
PO BOX 966
TUCUMCARI NM 88401 0966

101006324135620414
O BRIEN PATRICK L & PATRICIA A
BURR
9501 ADMIRAL NIMITZ NE
ALBUQUERQUE NM 87111

100906339834710407
O'BRIEN PATRICK L & PATRICIA A
PO BOX 20625
ALBUQUERQUE NM 87154 0625

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OLGUIN CHARLES D & AZIZA CHAVEZ
9832 CAMERON ST NW
ALBUQUERQUE NM 87114

100906324745311113
PADILLA PAT
6016 RIVERWALK NW
ALBUQUERQUE NM 87120

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PARDO RAUL CANELA & TAMARA
6444 KOLA CT NW
ALBUQUERQUE NM 87120

101006330445612209
QUESADA MARIO J & ETTIANA M
4505 BRIGHTWATER CT APT H
OWINGS MILLS MD 21117

101006330940120423
RADZIBABA VICTOR ETUX
PO BOX 9592
ALBUQUERQUE NM 87119

101006329435810413
RATHBUN AARON C SR
PO BOX 18042
ALBUQUERQUE NM 87185

101006316030820403
ROMERO CHARLES D TRUSTEE
ROMERO RVLVT
8031 VICTORIA DR NW
ALBUQUERQUE NM 87120

101006332737010410
SALISBURY MARK W & JOAN H
4432 RANCHO LARGO RD NW
ALBUQUERQUE NM 87120

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SILVA ADAM A & YVETTE F
5605 ALTIMA PL NW
ALBUQUERQUE NM 87120

100906337638110608
SOUTHSIDE WYOMING LLC
525 WYOMING NE
ALBUQUERQUE NM 87123

101006310924040290
STATE OF NEW MEXICO STATE LAND
OFFICE
PO BOX 1148
SANTA FE NM 87504 1148

100906337843410618
TANG RICHARD & CERAMI MARIE E &
KATHY LAMKIN
1112 ALTA DR NW
ALBUQUERQUE NM 87114

101006327837220418
PERRY KEITH M
4701 MORRIS ST NE 1303
ALBUQUERQUE NM 87111 7722

101006320538520704
RABADI SAMIA AS CUSTODIAN FOR
AMER RABADI UNIFORM TRNS TO
MINOR ACT
11201 SAN ANTONIA DR NE
ALBUQUERQUE NM 87122

101006327238620427
RAFFERTY KATHY ANN
8526 BLACKCASTLE DR
SAN ANTONIO TX 78250 5683

100906334147511114
RICE TIMOTHY L & ALICE RICE
4625 ARLINGTON AVE NW
ALBUQUERQUE NM 87114

100906339129110305
ROMO GENE D
5400 PHOENIX AVE NE
ALBUQUERQUE NM 87110 3144

100906336824941804
SALLS BROTHERS CONSTRUCTION
INC
PO BOX 66239
ALBUQUERQUE NM 87193 6239

101006325936420416
SIMS PETER
6400 CALEY AVE NW
ALBUQUERQUE NM 87120

100906345936610711
SPEER GREGORY M & HELEN LAURA
758 ALAMOS RD
CORRALES NM 87048

101006318234420436
STRINGFELLOW THOMAS J & SANDRA
4725 MESA MARCADA CT
ALBUQUERQUE NM 87120

101006319438020703
TATKOSKI ARTHUR J
4801 NORTHRIDGE CT NE
ALBUQUERQUE NM 87109 3020

100906334050811135
PIANO JASPER & EMILY E TRUSTEES
PIANO FAMILY TRUST
200 S BURKE DR
GALLUP NM 87301

101006323439720707
RABADI SAMIA CUSTODIAN FOR
AMER RABADI
11201 SAN ANTONIA DR NE
ALBUQUERQUE NM 87122

101006330544612210
RAINDEER INVESTMENTS LLC
PO BOX 36810
ALBUQUERQUE NM 87176

101006319833720406
ROLL SAMUEL ETUX
PO BOX 40746
ALBUQUERQUE NM 87196

100906342228110601
ROUSSEAU JAMES ALBERT & MARY
JEANNE TRUSTEES ROUSSEAU RLT
6325 MESQUITE NW
ALBUQUERQUE NM 87120

101006303526920205
SIGNATURE REAL ESTATE SERVICES
LLC
PO BOX 51355
ALBUQUERQUE NM 87181

101006309028620302
SOTELO ENRIQUE & MARTHA O
1720 RUSTY RD NW
ALBUQUERQUE NM 87114

100906338129110306
SPRINGER ERIC J
8333 COMANCHE NE 13A
ALBUQUERQUE NM 87110

100906337949911004
SWEENEY KAREN ANN
1550 W WINDWOR AVE
PHOENIX AZ 85007

101006321936320433
TAYLOR GANARLD
615 LA VETA LLEY NE
ALBUQUERQUE NM 87108

100906334651411002
TELLEZ INVESTMENTS LLC
7120 PORLAMAR RD NW
ALBUQUERQUE NM 87120

101006332640911125
THOMPSON OWEN L
3009 PALO ALTO NE
ALBUQUERQUE NM 87111

100906330752111132
THOMSON MARJORIE
8213 FRUIT AVE NE
ALBUQUERQUE NM 87108

101006315927220112
TOLEDO ERIC A & B J
220 WINGED FOOT CT
RIO RANCHO NM 87124

101006301230420208
TRAILS LLC
3077 E WARM SPRINGS RD
LAS VEGAS NV 89120

101006316728520111
TRUJILLO LARRY D & JANET I
4512 ALLEN CT NW
ALBUQUERQUE NM 87114

101006324936020415
TRUNICK PERRY A
PO BOX 91726
CLEVELAND OH 44101 3726

100906340537410605
VASQUEZ JOE R & JUDITH N
510 SOUTH FOURTH ST
GALLUP NM 87301

100906339227510303
VELARDE GILBERT L ETUX
1509 CAMINO AMPARO NW
ALBUQUERQUE NM 87107 2609

101006313730620440
VILLALOBOS CECIL S ETUX
3804 CAMBRIDGE AVE
EL PASO TX 79903 1305

101006316933620437
VILLIANOS JERRY S
7536 NORTHRIDGE NE
ALBUQUERQUE NM 87109

100906343323241720
VISTA VIEJA INVESTMENTS LLC
8300 CARMEL AVE NE SUITE 401
ALBUQUERQUE NM 87122

101006329039420425
WEALE JOHN C
8900 HALLSTON TRL NW
ALBUQUERQUE NM 87114

100906337450511003
WELKER CHAD & ANGELA
2015 VIA ESTERLINA AVE SE
RIO RANCHO NM 87124 8705

101006309131620518
WESTFALL ROBERT E & DOROTHY H
7601 N CENTRAL AVE 9
PHOENIX AZ 85020 4080

100906341745310730
WHITEHOUSE CHARLENE J & DAVID R
STANG & DEBORAH K DLBAL
7609 NORTHRIDGE NE
ALBUQUERQUE NM 87109

100906340544610704
WHITEHOUSE ED & CHARLENE J &
DAVID R STANG & DEBORAH K
DLBAL
7609 NORTHRIDGE NE
ALBUQUERQUE NM 87109

100906336827510302
WORDEN JUDE A & MARIE T CO-
TRUSTEES OF WORDEN TRUST
10910 SANTA MONICA NE
ALBUQUERQUE NM 87122

101006323035120413
WU TUNG HUEI
2452 SEAFORD DR
WELLINGTON FL 33414 6241

101006317629620110
ZAMORA JONATHAN
7336 TRIANA PL NW
ALBUQUERQUE NM 87114

Project# 1008093
LAURIE MOYE
PNM
ALVARADO SQUARE
ALBUQUERQUE, NM 87158

Project# 1008093
DAVE HEIL
160 ITASCA RD
RIO RANCHO, NM 87124

Project# 1008093
BILLY J WRIGHT
4112 BLUE RIDGE PL
ALBUQUERQUE, NM 87111

Project# 1008093
RENE HORVATH
5515 PALOMINO DR NW
ALBUQUERQUE, NM 87120

Project# 1008093
FRED VAN BERKEL
5716 MORGAN LN NW
ALBUQUERQUE, NM 87120

WHITEHOUSE ED & CHARLENE J &
DAVID R STANG & DEBORAH K
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AMER RABADI UNIFORMS TRNS TO
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MONTECITO ESTATES COMMUNITY
ASSOC INC C/O CANYON GATE
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NAVARRO ANTHONY BRIAN &
JOHNATHAN M & ANTOINETTE
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ALBUQUERQUE, NM 87105

HNMI RYOTA & MERILYN & ZIA
TRUST INC CUSTODIAN ERIC A
TOLEDO IRA
PO BOX 30928
ALBUQUERQUE, NM 87190

FIRST FINANCIAL TRUST CO
SUCCESSOR CUSTODIAN J T ROACH
IRA
PO BOX 30970
ALBUQUERQUE, NM 87190

January 4, 2010

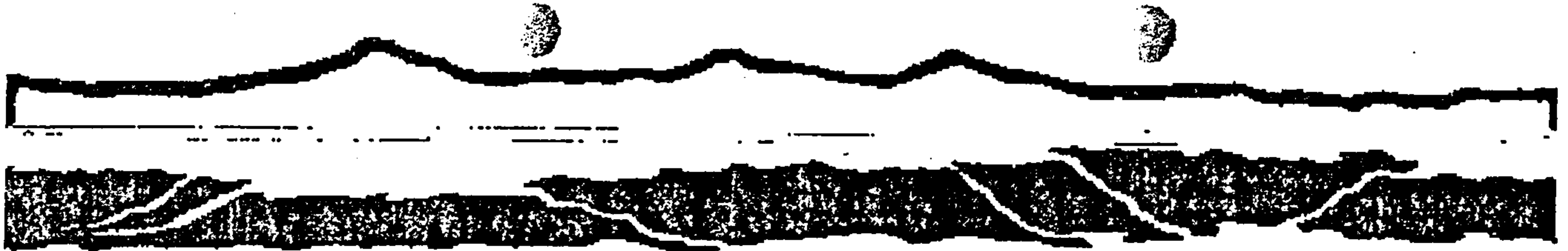
Jack Cloud
DRB Chairman
Development Review Board
600 2nd Street, Ground floor
Albuquerque, New Mexico 87102

Re: Project#1008093: 09DRB-70377 subdivision design variance from minimum standards for overhead electric distribution lines in Volcano Heights.

Dear Mr. Cloud,

The Taylor Ranch Neighborhood Association (TRNA) received notification from PNM that they are seeking a variance for overhead electric distribution lines in Volcano Heights. The TRNA Board does not support a variance for overhead distribution lines on top of the mesa. It is our understanding that there are policies already in place to keep the distribution lines below ground. The Board feels very strongly that electrical lines should be below ground, to help maintain the scenic quality of the mesa top for the residents and to help protect the view-shed for the visitors of Petroglyph National Monument. We feel it would be in the public's best interest to keep the distribution lines below ground.

Sincerely,
Rene' Horvath
TRNA Land Use Director



Volcano Cliffs Property Owners Association, Inc.

P.O. Box 27666, Albuquerque, New Mexico 87125

January 5, 2010

Hand Delivered

To: Jack Cloud, AICP, Chairman
Development Review Board
City of Albuquerque

Subject: PNM Overhead Line in Volcano Cliffs

The Volcano Cliffs Property Owners Association, representing several hundred land owners does hereby protest the installation of the requested overhead power line by PNM in Volcano Cliffs Subdivision.

Installation of such an overhead line would irreparably mar the views in an area where all future utility lines will be installed underground using the Special Assessment District process.

Sincerely,

David Heil
President

Cloud, Jack W.

From: elisa [elibal1@peoplepc.com]
Sent: Tuesday, January 05, 2010 4:20 PM
To: Cloud, Jack W.
Subject: Project #1008093
Attachments: Mr Cloud.doc

Will await your response.

PeoplePC Online
A better way to Internet
<http://www.peoplepc.com>

Mr. Cloud,

As per my conversation with you this morning, I am writing to you. PNM does no placement of their facilities without a request and a charge from them. That means to me that there is a developer that wants to save money at the expense of landowners like myself placing distribution cables and poles on someone else's property to serve their development with buried facilities. What that means to me is depreciation of my property with aerial poles and cables and also obstruction my mountain views. This should be a "NO" vote from all that are voting. Would the City of Albuquerque okay aerial facilities in their parks etc in today's environment?

I received a Notice of Hearing from your department on Saturday, Jan. 2nd. My first call to you was on Monday, Jan 4th. Why send a notice at the end of the year to hold a meeting on the first week of January when it is right after the Holidays when people are going back to work and lots of us are concern about jobs and the stress over money. This is not the right time or is it a perfect time for the developers.

Please tell me if there is a chance to vote no on this project or are people just going through the motions and the decision has already been decided in favor of the developers. Will my voice be heard? Why were people not sent an explanation and told who is the beneficiary of this project? Who among the voters would approve this project if it were your properties involved? What are my choices and options to fight this project if the decision has already been made? What transparency and explanations has the City made?

I am asking that you and all the City Representatives vote "NO" to this injustice. IS THERE SOMEONE OUT THERE THAT IS REPRESENTING THE PEOPLE AND THE INNOCENT AGAINST BIG BUSINESS AND MONEY. MAY GOD HELP US ALL!

Cloud, Jack W.

From: Diane_Souder@nps.gov
Sent: Tuesday, January 05, 2010 4:43 PM
To: Cloud, Jack W.
Subject: Bison Tooth!

Hi Jack:

I know that PNM will be asking for a varience to have their utility lines underground at tomorrow's DRB. While I do not have an exact map of the Folsom site, it appears to be in the immediate area, east of the Northern Geologic window. This site shows that possibly 9000 years ago there was a bison hunting camp in the area and the bison tooth enamel shows that the bison was killed in Spring (I have no idea how they know that) - this fields school was conducted by Dr. Bruce Huckle from UNM. He is the real expert on the site. Whether or not the lines are above/under ground we would hope that careful archaeological study is made so as to avoid any impact on the site.

Thank you for letting us ooofer our opinion.

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF PUBLIC SERVICE COMPANY OF NEW)
MEXICO FOR APPROVAL OF THE CITY OF)
ALBUQUERQUE UNSER 12 UNDERGROUND)
PROJECTS RIDER PURSUANT TO)
ADVICE NOTICE NO. 344,)**

Case No. 07-00463-UT

**PUBLIC SERVICE COMPANY OF NEW)
MEXICO,)**

Applicant.)

CERTIFICATION OF STIPULATION

Pursuant to 17.1.2.23.A(5)(b) NMAC, James C. Martin, Hearing Examiner in this case, submits this Certification of Stipulation to the New Mexico Public Regulation Commission ("NMPRC" or the "Commission") concerning the Unopposed Stipulation filed on August 29, 2008, by Public Service Company of New Mexico ("PNM" or "Company") and the City of Albuquerque ("COA").¹ The Unopposed Stipulation is attached hereto as Attachment A. It addresses and, if approved would resolve, all issues raised by the parties in this case. Having reviewed the Stipulation and the record and having conducted a public hearing thereon, the Hearing Examiner recommends that the Commission approve the Stipulation as provided herein and adopt the following Statement of the Case and Discussion.

STATEMENT OF THE CASE

On December 28, 2007, PNM filed an Application and Advice Notice No. 344 with the Commission, requesting approvals, authorizations and variances

¹ The Stipulation recited that the City of Santa Fe concurs in, and the New Mexico Industrial Energy Consumers has no objection to, the Stipulation. *Id.*, at 1, n.1. The Utility Division Staff later testified that it recommends approval of the Stipulation. Staff Ex. 2 (Sisneros Direct) at 1-2.

necessary to implement the City of Albuquerque Unser 12 Underground Project Rider No. 21 ("Rider 21").

On January 16, 2008, the COA filed its Motion to Intervene and Request for Discovery Documents.

On January 17, 2008, the Commission issued its Order Suspending Rates and Designating Hearing Examiner, appointing James C. Martin as Hearing Examiner to preside over this case and expressly granting the Hearing Examiner authority to rule on PNM's request for variances.

On January 23, 2008, the New Mexico Industrial Energy Consumers ("NMIEC") filed its Motion for Leave to Intervene and Request for Discovery.

In an Order Scheduling Pre-Hearing Conference issued on January 25, 2008, the Hearing Examiner ordered that a pre-hearing conference take place on February 5, 2008. The pre-hearing conference was held as scheduled.

In a Procedural Order that was issued on February 7, 2008, the Hearing Examiner set forth the procedural schedule for the case that included the following dates. PNM was required to publish notice of the proceeding in the *Albuquerque Journal* one time on or before February 19, 2008 and to mail or otherwise send notice to its affected electric utility customers, i.e., those within the City of Albuquerque, on or before February 26, 2008. PNM was also required to post the Procedural Order on its website. As required by the Order Suspending Rates and Designating Hearing Examiner, on or before February 20, 2008, PNM was required to file and serve any documents related to the City of Albuquerque undergrounding requirements and any other documents related to this matter involving the COA, including but not limited to any requests for waivers from the COA or grants of waivers by the COA. Any party wishing to

intervene was required to file for leave to intervene on or before March 31, 2008; on or before April 11, 2008, Utility Division Staff ("Staff") and any Intervenors were to file direct testimony; on or before April 18, 2008, all motions requesting any form of dispositive relief or remedy were required to be filed; on or before April 30, 2008, rebuttal testimony was to be filed; and a public hearing was set to begin on May 22, 2008.

By email correspondence dated February 11, 2008, PNM's counsel advised the Hearing Examiner that PNM would be unable to meet the February 26, 2008 deadline contained in the Procedural Order for including copies of the notice in customer bills. This correspondence stated that due to PNM billing cycles, PNM would begin sending out notices in bills that went out starting February 18, 2008, but the last notices would not go out until bills that were mailed March 18, 2008.

On February 11, 2008, the Hearing Examiner entered a minute order that was sent electronically to Staff and the parties, ordering that, to accommodate PNM's billing cycles, paragraph G of the Procedural Order was revised to provide that PNM should begin sending out the notice in bills that went out starting February 18, 2008, with the last mailing of notice to go out with bills mailed on March 18, 2008.

On February 20, 2008, PNM made its Supplemental Filing of Documents Pursuant to Commission Order.

On March 26, 2008, the City of Santa Fe ("COSF") filed its Motion to Intervene and Request for Discovery Documents.

On April 9, 2008, the COA filed its Motion to Dismiss or in the Alternative an Application for an Exemption or Variance from Rate 22. The

COA submitted the pre-filed direct testimony of Joe D. Luehring in support of its Motion to Dismiss.

On April 10, 2008, Staff filed the direct testimony of Anthony R. Sisneros.

On April 10, 2008, PNM filed its Affidavit of Publication and Notice to Customers certifying that notice had been timely published in the *Albuquerque Journal* and that copies of the Notice had been mailed to Albuquerque residents.

On April 25, 2008, PNM and Staff filed an Unopposed Joint Motion to Amend Procedural Order.

In a Second Procedural Order issued on April 28, 2008, the Hearing Examiner granted the Unopposed Joint Motion and revised the procedural schedule as follows: rebuttal testimony must be filed no later than May 29, 2008; responses to motions requesting any form of dispositive relief or remedy must be filed on or before May 29, 2008; and a public hearing will be held on June 18, 2008.

On May 13, 2008, PNM filed its Amended Affidavit of Publication and Notice to Customers. PNM's original Affidavit of Publication and Notice to Customers, filed April 10, 2008, had inadvertently omitted mention of the posting of the Notice on PNM's website. Thus, the amended Affidavit contained an additional paragraph stating that PNM had posted the required Notice on its website on February 12, 2008.

On May 29, 2008, PNM filed its Response to City of Albuquerque's Motion to Dismiss or, in the Alternative, an Application for an Exemption or

Variance from Rate No. 22. On that same date, PNM filed the Rebuttal Testimony of Gerard T. Ortiz in support of its Response.

In an Order issued on June 12, 2008, the Hearing Examiner ordered that the COA's Motion to Dismiss or in the Alternative an Application for an Exemption or Variance from Rate No. 22 was denied and that the case would proceed to a hearing on the merits.

On June 19, 2008, PNM and the COA filed their Joint Motion to Vacate Hearing and for Scheduling of Status Conference.

In an Order Rescheduling Proceedings issued on June 24, 2008, the Hearing Examiner granted the Joint Motion, vacated the June 18, 2008 hearing and ordered that a status conference be held on July 18, 2008.²

On July 14, 2008, PNM and the COA filed their Joint Motion to Reschedule Status Conference.

In an Order Rescheduling Status Conference issued on July 16, 2008, the Hearing Examiner granted the Joint Motion and scheduled a status conference for August 12, 2008.

In a Second Order Rescheduling Status Conference issued on July 18, 2008, the Hearing Examiner ordered that a status conference be held on August 4, 2008. The status conference was held on that date.

In a Third Procedural Order issued on August 5, 2008, the Hearing Examiner revised the procedural schedule as follows: any proposed stipulation shall be filed on or before August 29, 2008; any objections to the proposed stipulation shall be filed on or before September 5, 2008; testimony in support of the proposed stipulation shall be filed on or before September 10, 2008;

² The hearing had been preliminarily vacated by the Hearing Examiner's e-mail Order of June 17, 2008, pending the filing of the Joint Motion to Vacate Hearing.

response testimony shall be filed on or before September 19, 2008; and a public hearing will take place on September 29, 2008. That Order also found (at ¶ 4) that “[t]he current suspension period in this case ends on October 27, 2008. In recognition of the revised schedule for this proceeding, PNM has agreed to extend the suspension period through December 31, 2008.”³

On August 29, 2008, PNM and the COA filed their Unopposed Stipulation. In summary, the Stipulation provides that the COA withdraws its objections to PNM’s rate rider filing in this case and agrees that PNM should be allowed to recover its excess costs associated with the underground installation of the Unser 12 project utilizing the allocation methodology and the one-year recovery period proposed by PNM in its Application. PNM agreed that, in the future, the Company would file a variance request with the COA seeking a variance from the undergrounding requirement of the COA’s subdivision ordinance and follow the variance procedure to completion before filing a rate rider application under Rate 22.

On September 9, 2008, the COA filed the testimony of John Kolessar in support of the Stipulation.

On September 10, 2008, PNM filed the direct testimony of Gerard T. Ortiz in support of the Stipulation.

On September 19, 2008, Staff filed the direct testimony of Anthony R. Sisneros in support of the Stipulation.

A public hearing was held on September 29, 2008. No public comments were presented. The following appearances were entered at the hearing:

For PNM:

³ See also, Hearing Transcript at 51-52.



Robert H. Clark, Esq.

For City of Albuquerque:

Robert D. Kidd, Jr., Esq.
David Nava, Esq.

For Staff:

Joan Ellis, Esq.

Neither NMIEC nor the COSF appeared at or participated in the hearing.

The following witnesses appeared at the hearing and were examined on their respective pre-filed testimonies.

For PNM:

Gerard T. Ortiz
John D. Olmsted

For City of Albuquerque:

John Kolessar

For Staff:

Anthony R. Sisneros

On October 15, 2008, the transcript of the September 29, 2008 hearing was filed.

On October 23, 2008, PNM filed its suggested corrections to the transcript.

On November 3, 2008, Staff, PNM and the COA filed their Joint Proposed Form of Certification of Stipulation to the Commission.

DISCUSSION

1. PNM's Rate 22

PNM's First Revised Rate No. 22 ("Rate 22") allows PNM to recover the "excess" costs associated with installing distribution lines underground if such

lines are installed underground to comply with a Local Government requirement. Rate 22 allows these excess costs to be collected from either the Local Government itself, from customers within the jurisdiction of the Local Government, or from a combination of the two. Rate 22 defines "excess costs" as the difference between "baseline" (overhead) costs and "actual" (underground) costs. Baseline costs continue to be subject to recovery from all PNM customers through rate base. Rate 22 provides Local Governments a period of up to 60 days to review and comment on the Company's route selection, cost estimates and construction schedule.

Rate 22 also contains a variance procedure under which the Commission may grant Local Governments a variance from Rate 22 if the Commission determines that a particular underground system required by a Local Government is necessitated by the public health and safety, and that any aesthetic benefit to the community is merely incidental.

Rate 22 additionally provides that PNM shall not procure materials or commence construction of an underground project unless the Local Government agrees in writing to pay the excess costs for the project, or the Commission approves a rate rider providing for the recovery of the excess costs from the residents of the Local Government. The rate rider must include the fixed charge for each customer class. Rate 22 also requires each rate rider to include applicable carrying costs based on PNM's capital structure, cost of debt, cost of preferred stock at the end of each year, and the return on equity approved in the Company's last litigated rate case. Additionally, Rate 22 provides that the recovery period can be no longer than seven years. Rate 22 does not apply to projects installed under PNM's Rule 15 (Electric Line

Extension Policy), and does not apply to lines where the voltage is greater than or equal to 115 kV, although Rate 22 provides that PNM may petition the Commission for exceptions to this standard.

Rate 22 further requires that each proposed rate rider include the method to be used for reconciliations on a project-by-project basis, and requires two reconciliations. The first reconciliation is required upon completion of the undergrounding project when the actual costs of the project, including carrying costs, become available. This filing must include the revised rate rider charge for the project based upon the total actual excess costs, but does not require Commission approval unless the total actual excess costs for the project differ by more than twenty percent (20%) from the estimated excess costs. The second reconciliation is required at the end of the recovery period, in which the actual total of the excess costs is reconciled against the total amount collected under the rate rider. At that time, a final rate rider charge or credit for the project will be calculated and collected or refunded during the subsequent three-month period.

While Rate 22 does not prescribe a specific methodology to be used in the allocation of excess costs among affected rate classes, it does require a fixed monthly charge and the reconciliation of amounts charged and collected with actual costs.

2. PNM's COA Unser 12 Underground Projects Rider

The project for which PNM seeks recovery of excess costs in this case is the Unser 12 project ("project"). The project consists of the underground installation of approximately 3,350 feet of new three-phase distribution line on the south side of Western Trails, NW between Unser Boulevard, NW and Quaker

Heights Place, NW. PNM Ex. 1 (Ortiz Direct) at 5. The specific purpose of the Unser 12 project is to address circuit overloads during an outage on the Unser Substation. During such an outage, the Mariposa feeder 12 becomes overloaded by nearly 30% and the outage could necessitate dropping some load until the Unser Substation can be restored to service. Id. The Unser 12 project would solve this problem by transferring some of the Unser Substation load to the Mariposa feeder 11, thereby reducing the load on Mariposa feeder 12 during an Unser Substation outage. Id., at 5-6.

3. COA's Subdivision Ordinance Undergrounding Requirement

Because it would be less expensive to construct the project overhead, PNM says that the only reason the Company is installing the line underground is to comply with the COA's subdivision ordinance which requires the underground construction of certain distribution facilities within the city limits, including this project. Id., at 6. PNM sent the COA a letter dated July 31, 2007, which included construction estimates and a route map, and which notified the COA that PNM intended to file for cost recovery under Rate 22 unless the COA chose to pay the excess costs directly. Id. Following the sixty (60) day response period in which correspondence was sent by the COA, PNM filed the application for Rider 21 with the Commission. Id.

PNM testified that the undergrounding of this project is not necessitated on the basis of public health and safety concerns. Id., at 8. *See also*, Stipulation at ¶¶ 5-7. In terms of reliability, PNM's overhead distribution system performs comparably to the underground system. The Company stated that both overhead and underground power lines afford extraordinary reliability. Neither residential nor business customers are likely to perceive any

significant difference from the overhead versus the underground construction of power lines within the COA. PNM Ex. 1 (Ortiz Direct) at 9.

PNM installs its lines in compliance with the National Electrical Safety Code ("Code"), the purpose of which is the safe installation and maintenance of electrical facilities. Id., at 8. The Code reflects no preference for underground line construction. Id. Mr. Ortiz declared in his direct testimony that "[t]he construction and maintenance of overhead power lines, in a prudent manner consistent with industry standards, is consistent with the public health and safety." Id., at 8-9. He further stated that this assertion is true not only as a general proposition, but is true with respect to the Unser 12 underground project. Id., at 9.

4. Estimated Underground Construction Costs

The estimated excess cost for the project is \$115,459.31. Id., at 6. The excess cost results from an estimated underground construction cost of \$199,401.68 and an estimated overhead construction cost of \$83,942.37. Id., Staff Ex. 1 (Sisneros Direct) at 3-4. PNM testified that underground distribution construction is considerably more expensive than overhead distribution construction primarily due to higher material and contract costs. PNM Ex. 1 (Ortiz Direct) at 6. The cost difference for material is largely attributable to the cost of underground cable and conduit system. The cost difference for contract costs is attributable to the costs associated with either boring or digging and backfilling the trenches for underground installation. Id., at 7.

PNM determined the projected excess cost for the project by first estimating the costs of building the project overhead and building the project

underground with both alternatives designed to be technically and operationally equivalent. Id., at 8. The estimated overhead construction cost was then subtracted from the estimated underground construction costs to determine the excess costs. Id. Based upon the uncontroverted evidence provided in the record, the Commission finds that the amount of the excess costs is reasonable.

5. Excess Cost Allocation Methodology

PNM proposes to collect the relevant excess costs under Rate 22 by allocating excess costs among the represented rate classes. The revenues by rate class for 2006 were obtained from the Company records for the COA. PNM Ex. 4 (Olmsted Direct) at 10. PNM proposes an allocation based upon the ratio of revenues collected from each customer class and the total revenues collected from customers in the COA. Staff Ex. 1 (Sisneros Direct) at 7. Staff supports PNM's proposed allocation of the excess costs of undergrounding to the various customers residing in Albuquerque as "consistent with the traditional principles of ratemaking that hold that rates should exhibit fairness in the apportionment of costs given and avoid undue discrimination." Id., at 7-8. The proposed allocation for COA customers will result in an average annual revenue increase of 0.04% for each customer class that is subject to proposed Rider 21. Id., at 8. Staff observed that this method of allocation was also employed in Case No. 07-00170-UT for customers who reside within the Santa Fe city limits. Id.

6. Carrying Cost Methodology Implementation

Rate 22 allows for the recovery of carrying costs as part of the recovery of excess costs so that PNM is kept whole during the recovery period. PNM Ex. 4 (Olmsted Direct) at 8. PNM initially proposed that the carrying cost methodology utilized in this case be identical to that which was approved by the

Commission in Case No. 03-00352-UT and in the subsequent Rio Rancho and City of Santa Fe undergrounding cases. Id., at 7. As initially proposed by PNM, the carrying cost methodology was based on the weighted capital structure and cost of capital derived to support PNM's retail rates resulting from Utility Case No. 3137. Id. However, as a result of the Company's most recent electric rate case, PNM now proposes that the carrying cost methodology be based on the weighted capital structure and cost of capital resulting from the Final Order in Case No. 07-00077-UT. PNM Ex. 4A.

The carrying cost from the most recent rate case is 11.66%, which is lower than the 12.04% rate used for purposes of the carrying cost calculation in previous undergrounding cases. Id.; Hearing Transcript ("Tr.") at 32. The reduction in the carrying cost rate resulting from Case No. 07-00077-UT reduced the total carrying cost calculated as result of the excess costs in Rider 21 by a total of \$246 or approximately 0.2%. Tr. at 32-33. For residential customers within the Albuquerque city limits, whose fixed charge would be \$0.02 per bill per month, the effect of the reduction of the carrying cost is zero because the two-tenths of one percent change is too small to be seen. Tr. at 33. For the small power class of customers (fixed charge per month of \$0.07), the carrying charge has also not changed. Id. The fixed charge for the general power class is reduced by one cent from \$1.21 to \$1.20 per month. Id. For PNM's large power class, the fixed charge is reduced by two cents from \$12.33 to \$12.31 per month. Id. For the water and sewage class, the fixed charge is reduced by one cent from \$1.49 to \$1.48 per month. Tr. at 34. Finally, for the

universities rate class, the monthly fixed charge is reduced by 38 cents per month from \$188.65 to \$188.27. Id.⁴

7. Recovery Period

PNM proposes to collect the excess costs covered by Rider 21 over a one-year period. PNM Ex. 4 (Olmsted Direct) at 9. That period would start running once the Commission gives its final approval to PNM's Application in this case. Tr. at 50. Rate 22 allows PNM to collect costs under a rider for up to seven years. Because of the relatively small amount of excess costs to be collected under Rider 21, a one-year recovery period limits the total carrying costs recovered while still resulting in minimal fixed charges by rate class. PNM Ex. 4 (Olmsted Direct) at 9. Staff supports PNM's request to impose the proposed rate rider for one year as reasonable given the relatively small magnitude of PNM's rate rider. Staff Ex. 1 (Sisneros Direct) at 7.

8. Variances

PNM seeks two variances in this case. The first variance is from the minimum standard data requirements set out in 17.9.530 NMAC, on the basis of the limited and specialized character of Rider 21 and the fact that it is a new rate rider that does not currently exist. PNM Ex. 1 (Ortiz Direct) at 10. A similar variance was requested and granted in Case Nos. 03-00352-UT, 05-00418-UT, 06-00095-UT, 06-00302-UT and 07-00170-UT. Id.

The second variance is from the requirements of 17.1.2.53.B NMAC through 17.1.2.53.C(2)(e) NMAC, on the basis that a comparison with present rates is not included in the proposed form of notice because Rider 21 is a new

⁴ The charges billed under Rider 21 are considered to be contributions in aid of construction instead of electric utility revenue, and thus are not subject to either franchise fees or gross receipts tax. PNM Ex. 4A at 1.

rate that does not currently exist. Id. A similar variance was granted in the previously referenced underground rider cases. Id.

As discussed above, initially PNM requested a variance from the carrying cost language in Rate 22 that specifies the return on equity used be from the Company's last litigated rate case and the capital structure be from year-end. PNM sought this variance on the basis that the Company's last litigated electric rate case was over fifteen years ago and, thus, was not an accurate reflection of current costs. Id. However, in view of the Commission's decision in the recently litigated electric rate case, Case No. 07-00077-UT, this requested variance has effectively been rendered moot, as described by PNM witnesses Ortiz and Olmsted. Thus, pursuant to the requirements of Rate 22, for purposes of Rider 21 PNM proposes to employ the carrying cost methodology based on the capital structure and return on equity approved in Case No. 07-00077-UT. See PNM Ex. 1 (Ortiz Direct) at 11; PNM Ex. 4A. This proposal is consistent with a recommendation made earlier in this proceeding by Staff (Staff Ex. 1 (Sisneros Direct) at 6-7), and should be approved.

9. Reconciliations

There are two potential reconciliations that can occur during the Rider 21 recovery period. First, as Rate 22 requires, once actual project costs are available, PNM will compare the Actual Excess Costs to the Excess Costs filed in support of Rider Rates. PNM Ex. 4 (Olmsted Direct) at 11. This information must be provided to the Commission in an informational filing. If Actual Excess Costs differ by 20% or more than the estimated Excess Costs approved as a result of this case, PNM must file amended Rider 21 Rates with the Commission. Id. Mr. Sisneros stated that "Staff believes that this methodology

proposed by PNM is reasonable and comports with Rate No. 22 approved by the Commission.” Staff Ex. 1 (Sisneros Direct) at 4-5.

A second reconciliation is required at the end of the recovery period, when the actual total of the excess costs will be reconciled against the total amount collected under the rider. PNM Ex. 4 (Olmsted Direct) at 12. A final rider charge for the project must be calculated at that time and applied over a three-month billing period. Id.

10. Notice of Rider Implementation

In prior undergrounding cases under Rate 22, the Commission has expressed concern that local customers be informed about the nature and circumstances of the implementation of the undergrounding riders. Consequently, the Commission has required PNM to send a bill stuffer to the Company’s affected customers when PNM implements the billing under each particular rider. PNM has agreed that in this case it would include a bill insert in the first month of billing as PNM has done when implementing other underground riders. PNM Ex 1 (Ortiz Direct) at 12. Staff believes that the form of bill stuffer proposed by PNM is a reasonable format to provide notice of rate rider implementation. Staff Ex. 1 (Sisneros Direct) at 9-10.

11. Stipulation

This Certification of Stipulation arises from disagreements between PNM and the COA, followed by a proposed resolution of the parties’ differences.

A. Initial Dispute

In a Motion to Dismiss filed by the COA, the COA claimed that PNM did not provide a sufficiently detailed construction schedule for the Unser 12 undergrounding project as required by Rate 22. The COA further claimed that

PNM did not exhaust the administrative remedies available through the City's variance process prior to applying to the Commission for recovery of excess costs associated with the project. Prior to filing its Rider 21 application with the Commission, PNM had applied to the COA for a variance from the undergrounding requirement in the COA's subdivision ordinance. This variance request was denied by the COA's Development Review Board ("DRB"). The DRB's decision informed PNM that it could appeal the decision to the City Council. The COA's allegation that PNM did not exhaust all available administrative remedies was based on the fact that PNM did not file an administrative appeal of the DRB's decision. The COA requested the Hearing Examiner to grant its Motion to Dismiss or, in the alternative, grant an exemption or variance from Rate 22, claiming as well that the undergrounding of this line is necessitated and required by public health and safety and the public interest would be better served by the excess costs being considered a cost of service for PNM.

In response to the COA's Motion, PNM asserted that the information it provided to the COA constituted a sufficient construction schedule as required by Rate 22. PNM argued that parties who unsuccessfully seek variances are not legally obliged to pursue appeals of adverse decisions. Finally, PNM maintained that the COA's alternative application for exemption or variance should be denied because the COA had not shown that undergrounding the Unser 12 project is necessitated and required by the public health and safety, and because the Company had shown that the undergrounding of the project will only promote aesthetic considerations.

Treating the Motion to Dismiss as a motion for summary judgment, the Hearing Examiner denied the Motion principally because it had not met the requirements and standards of Rule 1-056 NMRA. Order on Motion to Dismiss (issued June 12, 2008), at ¶¶ 5-9, and decretal ¶ A. The Unopposed Stipulation proposes a consensual resolution of the issues litigated by PNM and the COA in connection with the Motion to Dismiss, and the substantive issues related to PNM's Application, as discussed immediately below.

B. Summary of Proposed Stipulation

PNM and the COA believe the Uncontested Stipulation is fair, just, reasonable and consistent with the public interest. As noted above, Staff recommends approval of the Stipulation, NMIEC has no objection to it, and the COSF concurs in the Stipulation.

Under the Stipulation, the COA agreed to withdraw all objections to PNM's rate rider filing in this case, including those objections raised in the COA's Direct Testimony. PNM Ex. 2 (Olmsted Direct) at 5. The COA also agreed that PNM should be allowed to recover its excess costs associated with the underground installation of the Unser 12 project in the amounts provided in PNM's Application in this case and using the allocation methodology and the one-year recovery period proposed by PNM. Id. In light of this Stipulation, both PNM and the COA agreed not to support their respective positions advanced by PNM's Rebuttal Testimony (Mr. Ortiz) and COA's Direct Testimony (Mr. Luehring). Id.

PNM agreed that, in the future, when the Company would normally file a rate rider application under Rate 22 as a result of the COA's subdivision ordinance, PNM will first file a variance request with the COA, seeking a

variance from the undergrounding requirement of the subdivision ordinance. Id., at 6. Further, if the DRB denies the variance application, PNM will seek administrative review of the decision by the City Council. Id.

The COA agreed to make a good faith effort to reach a decision on the merits of a PNM variance application within ninety (90) days of the variance filing date. If the City Council has failed to reach a decision on a variance within one hundred and twenty (120) days after the variance filing date, PNM may make a Rate 22 filing with the Commission to recover any excess costs PNM will incur in complying with the undergrounding requirement of the COA's subdivision ordinance. Further, PNM may provide the 60-day notice required by Rate 22 on the sixtieth (60) day after the date of the variance filing so that the sixty days under PNM's 60-day notice will expire on the one hundred and twentieth (120) day after the date of the variance filing. The 120 days is calculated from the date PNM files the variance application with the COA. Tr. at 21-22.

As a part of the requirement that PNM apply for a variance with the DRB, if PNM withholds submitting its 60-day notice under Rate 22 for at least sixty (60) days following the date of the variance filing, the COA will not oppose a PNM rate rider filing under Rate 22 on the basis that the PNM variance filing is still pending before the DRB or the City Council, nor will the COA oppose a rate rider filing under Rate 22 on the basis that PNM has failed to seek or exhaust administrative remedies. If, during the pendency of a Rate 22 proceeding before the Commission, the COA grants PNM's variance application, PNM will file a motion with the Commission to withdraw its Rate 22 application and will proceed to construct the project above ground. The COA will support, or not

oppose, such a PNM motion to withdraw its Rate 22 application. Stipulation, ¶¶ 11-12.

As already discussed, in the event the COA does not decide PNM's variance request within 120 days of the Company filing the variance with the COA, under the terms of the Stipulation PNM will make a Rate 22 filing with the Commission. PNM witness Ortiz was asked whether there is any concern that the Commission might be captive to the COA's processes and determination of whether to grant the variance. Tr. at 23. The Stipulation contains provisions that address any such concern. First, it is expected that once PNM files an application for an underground rider with the Commission, the COA will feel more pressure to resolve the variance request quickly. Tr. at 24. Second, the COA has agreed to make a good faith effort to resolve the variance application within ninety days. Id. It is, therefore, expected that the COA will reach a decision regarding PNM's requested variance shortly after PNM makes a Rate 22 filing with the Commission. Id.

PNM commits to assuring that its contractors and employees will comply with the COA's Excavation and Barricade ordinance and regulations in relation to the installation of electric distribution lines within the COA, prior to initiating construction within the COA right-of-way.

PNM and the COA waive any objection to the jurisdiction of the Commission to enter a Final Order approving the Stipulation and to the jurisdiction of the Commission to enforce such Final Order incorporating the terms of the Stipulation. PNM and the COA agree that the Commission may enforce the Stipulation by, among other things: (i) deferring the consideration of, or declining to consider, a PNM rate rider filing under Rate 22 that is

inconsistent with PNM's agreements in the Stipulation, or (ii) declining to consider any COA objection or protest to a PNM rate rider filing that is inconsistent with the COA's agreements in the Stipulation. Both PNM and the COA agree that "nothing in the Stipulation binds the Commission to any particular course of action or is intended to limit the Commission's exercise of its discretion in future cases." PNM Ex. 2 (Ortiz Direct) at 8; Tr. (Kolessar) at 45.

PNM and the COA agree that the Stipulation represents a resolution that is in the public interest. Also, Staff witness Sisneros testified that he recommended the stipulation be approved because it is in the public interest. Tr. at 50-51. Further, Staff does not have any reservations about the COA variance process detailed in the stipulation. Tr. at 51. The Stipulation is the product of arms-length negotiations between knowledgeable parties represented by counsel. PNM Ex. 2 (Olmsted Direct) at 10. The Stipulation resolves the contested issues as well as the COA's variance request process, thereby allowing a prompt and efficient resolution of the case. Id. As a result, the Stipulation reduces litigation expenses and conserves the resources of PNM, the COA and other parties, and Staff and the Commission. Id. Moreover, assuming the Stipulation leads to a prompt resolution of this case, PNM will soon be able to begin construction of the Unser 12 project. PNM gives its assurance that this project will contribute to the continued reliability of electrical service to the residents of Albuquerque. Id.

The Stipulation also ensures that the City Council will have the opportunity it desires to consider the underground placement of every underground project subject to the COA's subdivision ordinance for which COA

electric customers pay the excess costs, while providing PNM a greater measure of certainty with respect to length of time to allow for the COA's variance process. Id. In addition, the agreed process for requesting a variance with the COA assures that the need for overhead lines will be considered pursuant to a variance, and that the COA will have the opportunity for a full discussion of the costs of and need for undergrounding by COA policy makers, prior to the commencement of construction. COA Ex. 1 (Kolessar Direct) at 5.

C. Waiver of Right to File Exceptions

PNM, the COA and Staff have agreed to waive their rights under 17.1.2.23.A(5)(b) NMAC to file exceptions to the Certification of Stipulation.

Based on a review of the provisions of the Stipulation, the foregoing discussion, and in accordance with 17.1.2.23.A(5)(b) NMAC, the Hearing Examiner recommends that the Commission find that the Unopposed Stipulation is just, reasonable and consistent with the public interest and should be approved.

The Hearing Examiner recommends that the Commission **FIND and CONCLUDE** that:

1. The Statement of the Case, Discussion, and all findings and conclusions therein, whether or not separately stated, numbered or designated as findings or conclusions, are incorporated by reference herein as findings and conclusions.

2. PNM is authorized to conduct the business of providing public utility service within the State of New Mexico and is a public utility as defined in the Public Utility Act, NMSA 1978, § 62-1-1, *et seq.* PNM is subject to the jurisdiction and authority of the Commission.

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

4. Due and proper notice of this case has been given and published.

5. As a public utility, PNM is required to furnish adequate, efficient and reasonable service at just and reasonable rates. NMSA 1978, §§ 62-8-1 & 62-8-2.

6. As a public utility, PNM is required to adhere to its filed rate schedules, including Rate 22. NMSA 1978, § 62-8-5.

7. The Unopposed Stipulation is fair, just, reasonable and in the public interest, is supported by substantial evidence in the record, is uncontested and should be approved and adopted as provided by this Order.

8. Among the applicable legal standards that control the consideration of this rate rider proceeding is Rate 22.

9. As proposed by the Stipulation, there should be a one-year term for the recovery of the excess costs to be recovered under Rider 21.

10. Advice Notice 344 (Rider 21), as revised in PNM witness Olmsted's Exhibit 4A, is fair, just and reasonable and should be approved.

11. PNM should be required to send a bill stuffer to its electric customers in the COA to inform them about the implementation of Rider 21 in the first billing cycle that the rider becomes effective.

12. PNM should be granted variances from the minimum standard data requirements set forth in 17.9.530 NMAC and from the rate comparison notice requirements set forth in 17.1.2.53.B through 17.1.2.53.C(2)(e) NMAC.

13. For purposes of calculating the carrying cost component of Rider 21, PNM should use the Return on Equity approved in Case No. 07-00077-UT

which reflects current costs and is consistent with current rates being charged to electrical customers. The carrying costs associated with the project excess costs are also reflected in PNM's Exhibit 4A.

14. PNM should submit to Staff reconciliation data at the earliest feasible date, and a fixed Excess Cost Adjustment Charge by rate class will be calculated and applied over a three-month billing period, to expire no later than three months after the end of the one-year recovery period, but no sooner than the end of the one-year term.

15. PNM has agreed to extend the suspension period in this case from October 27, 2008, through December 31, 2008.

16. Because they did not appear or participate in the hearing, and did not submit any post-hearing filings, NMIEC and the COSF are deemed to have waived their rights to object to the Unopposed Stipulation, and may not otherwise continue their party status, pursuant to, respectively, 17.1.2.34.B and 17.1.2.34.D(2) NMAC.

17. The corrections contained in PNM's Suggested Corrections to the Transcript should be approved with the following revisions:

- p. 6, l. 22—replace "So" with "so";
- p. 21, l. 5—replace "or" with "for";
- p. 36, l. 8—insert "of" after "that";
- p. 36, l. 24—insert "heard" after "just";
- p. 36, l. 24—replace "years" with "year's"; and
- p. 50, l. 18—insert "PNM's" after "as".

The Hearing Examiner recommends that the Commission **ORDER** that:

A. The Unopposed Stipulation is approved and adopted as provided by this Order.

B. The excess costs for the Unser 12 project, as well as the allocation methodology proposed by PNM and addressed herein, are unopposed, supported by the record, consistent with Rate 22 and accordingly are approved and adopted as described above.

C. The variances requested by PNM, as described above, are granted.

D. PNM shall send a bill stuffer consistent with this Order to its electric customers in the COA to inform them about the implementation of Rider 21 in the first billing cycle that the rider becomes effective.

E. PNM's Suggested Corrections to the Transcript is approved as revised above.

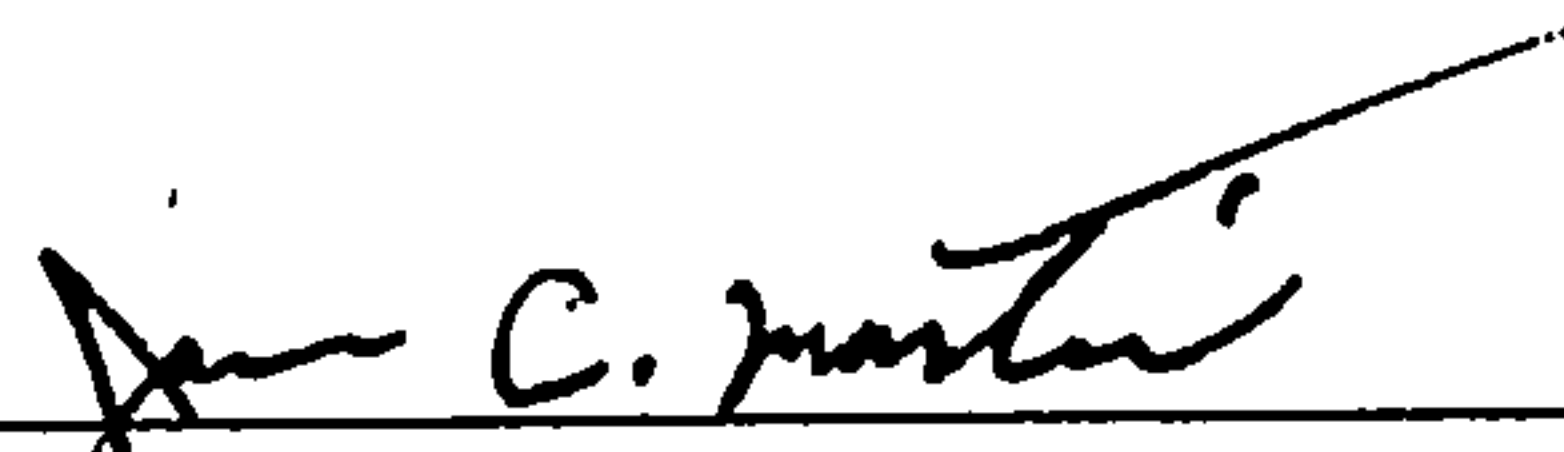
F. Any outstanding matter in this case not specifically ruled on during the hearing or in this Order is disposed of consistent with this Order.

G. This Order is effective immediately.

H. Copies of this Order shall be sent to all persons on the official service list in this proceeding.

ISSUED at Santa Fe, New Mexico this 25th day of November, 2008.

NEW MEXICO PUBLIC REGULATION COMMISSION



JAMES C. MARTIN
HEARING EXAMINER

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION)
OF PUBLIC SERVICE COMPANY OF NEW)
MEXICO FOR APPROVAL OF THE CITY OF)
ALBUQUERQUE UNSER 12 UNDERGROUND)
PROJECTS RIDER PURSUANT TO)
ADVICE NOTICE NO. 344,)
PUBLIC SERVICE COMPANY OF NEW)
MEXICO,)
Applicant.)

Case No. 07-00463-UT

2009 AUG 29 PM 4: 04

NEW MEXICO
REGULATION
COMMISSION

UNOPPOSED STIPULATION

Pursuant to the New Mexico Public Regulation Commission's Rule 17.1.2.23 NMAC, Public Service Company of New Mexico ("PNM") and the City of Albuquerque (the "City") agree and stipulate as follows:¹

INTRODUCTION

1. On December 28, 2007, pursuant to PNM's First Revised Rate 22 ("Rate 22"), PNM filed its Application and Advice No. 344 seeking approval by the New Mexico Public Regulation Commission ("NMPRC" or the "Commission") of PNM's Original Rate Rider 21 ("Rider 21") to allow PNM to recover the excess costs associated with the underground installation of the Unser 12 distribution line within the City of Albuquerque, New Mexico. PNM also requested related variances.

¹ Prior to filing, this Stipulation was provided to the Commission's Utility Division Staff ("Staff") and to the intervenors in this case, New Mexico Industrial Energy Consumers ("NMIEC") and the City of Santa Fe ("Santa Fe"). Staff has advised that it takes no position on the Stipulation at this time, but will take a position at a later time consistent with the procedural schedule set out in the Hearing Examiner's Third Procedural Order. City of Santa Fe concurs in the Stipulation. NMIEC has no objection to the Stipulation.

2. The Unser 12 project consists of the underground installation of approximately 3,350 feet of new three-phase distribution line on the south side of Western Trails, NW between Unser Blvd, NW and Quaker Heights Place, NW.

3. In prefiled direct testimony (the "City's Direct Testimony"), the City opposed PNM's recovery of the excess costs incurred in undergrounding the Unser 12 project, arguing among other things that PNM had not filed an administrative appeal from the denial of its request for a variance for this project; that PNM had failed to provide an adequate construction schedule for the project; and the City also requested a variance from Rate 22 based on asserted health and safety issues. PNM submitted prefiled rebuttal testimony ("PNM's Rebuttal Testimony") in opposition to the City's above positions.

4. In order to resolve their disagreements in this case concerning excess cost recovery for the underground installation of the Unser 12 project, PNM and the City have agreed to this Stipulation, which they believe is fair, just and reasonable and consistent with the public interest.

STIPULATION

City's Withdrawal of Objections

5. The City withdraws all objections to PNM's rate rider filing in this case, including those raised in the City's Direct Testimony.

6. The City agrees that PNM should be allowed to recover its excess costs associated with the underground installation of the Unser 12 project in the amounts set out in PNM's Application in this case (and subject to appropriate reconciliations as provided for in Rate 22).

7. The City agrees that PNM is entitled to its requested variances, and to recover the total actual excess costs associated with the underground installation of the Unser 12 project, utilizing the allocation methodology and the one-year recovery period proposed by PNM.

8. While PNM and the City recognize that the Commission may wish for the City's Direct Testimony and PNM's Rebuttal Testimony to be placed into evidence at the hearing of this case, for the sole purpose of providing a background of their previous positions, both the City and PNM agree, in light of this Stipulation, not to support the respective positions advanced by them in the City's Direct Testimony and PNM's Rebuttal Testimony.

Future Variance Filings by PNM

9. In the future, where as a result of the City's subdivision ordinance, PNM would normally file a rate rider application under Rate 22, PNM will first file a variance request with the City, seeking a variance from the undergrounding requirement of the subdivision ordinance. If the City's Development Review Board ("DRB") denies the variance application, PNM will seek administrative review of the DRB decision to the City Council.

10. The City shall make a good faith effort to reach a decision on the merits of a PNM variance application within ninety (90) days of the variance filing date. If the City Council has failed to reach such a decision on a variance filing within one hundred and twenty (120) days after the variance filing date, PNM may make a Rate 22 filing with the NMPRC to recover any excess costs PNM will incur in complying with the undergrounding requirement of the City's subdivision ordinance. It is understood that PNM may provide the 60-day notice required by Rate 22 on the sixtieth (60th) day after the date of the variance filing so that the sixty (60) days under PNM's 60-day notice will expire on the one hundred and twentieth (120th) day after the date of the variance filing. If PNM requests a deferral of the variance process at either the DRB

or City Council level, the 120-day period herein provided for will be extended by the amount of the deferral requested by PNM.

11. Assuming PNM's compliance with the requirement that it apply for a variance, as provided for in paragraph 9, and that it withholds submitting its sixty-day notice under Rate 22 for at least sixty (60) days following the date of the variance filing, the City will not oppose a PNM rate rider filing under Rate 22 on the basis that the PNM variance filing is still pending before the DRB or the City Council, nor will the City oppose a rate rider filing under Rate 22 on the basis that PNM has failed to seek or exhaust administrative remedies.

12. If, during the pendency of a Rate 22 proceeding before the NMPRC, the City grants PNM's variance application, PNM shall file a motion with the NMPRC to withdraw its Rate 22 application and shall proceed to construct the project above ground. The City shall support, or not oppose, such a PNM motion to withdraw its Rate 22 application.

13. PNM commits to assuring that its contractors and employees will comply with the City's Excavation and Barricade ordinance and regulations in relation to the installation of electric distribution lines within the City.

Other Provisions

14. In light of this Stipulation, the City agrees that the Commission need not address any of the issues previously raised by the City, including any issues related to an alleged failure by PNM to exhaust administrative remedies, failure to provide the City with a sufficient construction schedule, as well as the City's own request for a variance from Rate 22.

15. PNM and the City waive any objection to the jurisdiction of the Commission to enter a Final Order approving this Stipulation and to the jurisdiction of the Commission to enforce such Final Order incorporating the terms of this Stipulation. PNM and the City agree

that the Commission may enforce this Stipulation by, among other things: (i) deferring the consideration of, or declining to consider, a PNM rate rider filing under Rate 22 that is inconsistent with PNM's agreements in this Stipulation, or (ii) declining to consider any City objection or protest to a PNM rate rider filing that is inconsistent with the City's agreements in this Stipulation.

16. Except as specifically stated in the language of this Stipulation, PNM and the City agree that the provisions hereof shall have no precedential effect (including as to allocation methodology) and PNM and the City do not waive any rights they may have in any other pending or future proceeding and they will not be deemed to have approved, accepted, agreed to or consented to the application of any concept, principle, theory or method in any future proceeding.

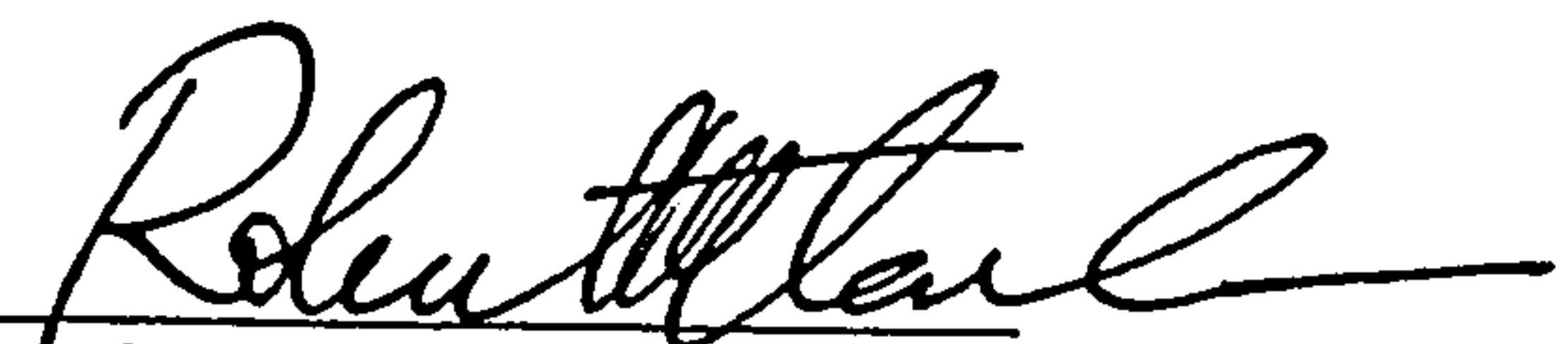
17. In accordance with 17.1.2.23.D NMAC, by approving this Stipulation, the Commission is neither granting any approval nor creating any precedent regarding any principle or issue in this or any other proceeding.

18. This Stipulation reflects a negotiated settlement, and if the Stipulation is not executed or is not adopted in its entirety by the Commission, without additions or deletions, the Stipulation will be void and any statements made or positions taken by PNM and the City during the course of the negotiations that led to the execution of the Stipulation shall not be admissible before any court or regulatory agency. The Stipulation constitutes the entire agreement between PNM and the City, and contains the full intent and understanding of PNM and the City. No implication should be drawn concerning any matter not addressed in the Stipulation. There are not, and have not been, any representations, warranties or agreements other than those specifically set forth above.

19. This Stipulation may be executed in any number of counterparts, including by fax, each of which shall be deemed to be an original and all of which together shall constitute one and the same agreement.

Respectfully submitted,

MILLER STRATVERT P.A.

By: 
Robert H. Clark
P.O. Box 25687
Albuquerque, NM 87125-0687
Telephone (505) 842-1950

Attorneys for Applicant Public Service
Company of New Mexico

CITY OF ALBUQUERQUE

By: [telephonic concurrence given 8/27/08]
Carolyn S. Fudge
Robert D. Kidd, Jr.
City of Albuquerque Legal Department
P.O. Box 2248
Albuquerque, New Mexico 87103-2248
(505) 768-4500

**PUBLIC SERVICE COMPANY OF NEW MEXICO
ELECTRIC SERVICES**

**1ST REVISED RATE NO. 22
CANCELING ORIGINAL RATE NO. 22**

**EFFECTIVE FOR SERVICE ON
FEBRUARY 10, 2004**

UNDERGROUND SYSTEM SPECIAL SERVICES

Page 1 of 7

APPLICABILITY: This Schedule shall be applicable to any Local Government, acting through its governing body in accordance with lawful procedures, that requires the installation of an Underground System instead of a new Overhead System or conversion of an existing Overhead System to an Underground System and to the Local Customers of Public Service Company of New Mexico ("the Company") located within the jurisdiction of such a Local Government. This Schedule describes the cost responsibilities for any Underground System required by a Local Government and provides a mechanism for the Company to collect Excess Costs as defined herein from such a Local Government under a special agreement and/or from the Local Customers.

Any services hereunder will be furnished subject to the Company's Rules and Regulations and any subsequent revisions. These Rules and Regulations are available at the Company's office and are on file with the New Mexico Public Regulation Commission ("NMPRC"). These Rules and Regulations are a part of this Schedule as if fully written herein.

LIMITATION OF RATE: This Schedule is not applicable to line extensions governed by the Company's Rule 15: Electric Line Extension Policy. This Schedule is also not applicable to lines where voltage level is greater than or equal to 115 kV; PNM may petition the NMPRC for exceptions to this standard. Any Underground System constructed by the Company shall be technically and operationally equivalent to the Overhead System that the Company otherwise would construct.

In the event that recovery of Excess Costs is to take place under an NMPRC-approved rate rider the company's current billing system must be able to include this charge on the local customers' bills.

TERRITORY: All territory in New Mexico in which the Company owns and operates power line facilities.

DEFINITIONS: The following definitions apply to the terms discussed within this Schedule:

Actual Total Costs mean the installed costs of an Underground System, including but not limited to costs related to a) feasibility studies; b) engineering design; c) acquisition of any necessary rights-of-way and easements; d) removal of existing facilities net of salvage value; e) any incremental costs of administrative, regulatory, clerical and legal services and any tax impacts; and f) construction costs including inspections and supervision. The above costs include costs for labor, materials and supplies, transportation, and taxes.

**PUBLIC SERVICE COMPANY OF NEW MEXICO
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Baseline Costs mean the estimated costs of an Overhead System, including but not limited to costs related to a) feasibility studies, b) engineering design, and c) acquisition of any necessary rights-of-way and easements, d) removal of existing facilities net of salvage value, e) any incremental costs of administrative, regulatory, clerical and legal services and any tax impacts, and f) construction costs including inspections and supervision, constructed in accordance with the Company's normal practices and zoning; subdivision; and building code regulations of a Local Government, including siting, setbacks, screening, and landscaping requirements of general application that:

1. are imposed on land uses other than those related to utility facility uses; and
2. do not impair the ability of the Company to provide service to its customers in a safe, reliable, adequate, and efficient manner.

The above costs include costs for labor, materials and supplies, transportation, and taxes.

Excess Costs mean the difference between Actual Total Costs and Baseline Costs for new facilities. Excess Costs for conversion of existing facilities mean the difference between Baseline Costs and (Actual Total Costs + Net Book Value + Net Removal).

Local Customer means any customer of the Company that receives electric service from the Company at a location within the jurisdictional boundaries of a Local Government that has required the installation of an Underground System instead of a new Overhead System or the conversion of an existing Overhead System to an Underground System. For purposes of this Schedule, Local Customers within counties shall not include customers located within the jurisdictional boundaries of municipalities or other political subdivisions.

Local Government means any county, municipality or other political subdivision of the State of New Mexico. If a facility is proposed to be located in more than one Local Government jurisdiction, "Local Government" may refer to one or more of the Local Governments in whose jurisdiction the facility is located.

Net Book Value represents the amount remaining on the Company's books at the time an existing facility which is being replaced by an underground system is terminated from service.

Net Removal means the difference between the removal costs and salvage value of an existing facility.

Overhead System means a system of overhead primary and/or secondary distribution and/or transmission conductors, transformers, and other facilities, or any portion thereof.

Advice Notice No. 303

**PUBLIC SERVICE COMPANY OF NEW MEXICO
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UNDERGROUND SYSTEM SPECIAL SERVICES

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Preliminary Costs mean any incremental costs, including but not limited to, detailed engineering, design and feasibility studies relating to a specific Underground System project.

Project Report means a report that will be filed with the NMPRC and which will provide a description of the Underground System project pursuant to this Schedule, including a summary of any agreement entered into by a Local Government and the Company. The Project Report shall be substantially in the form attached to this Schedule and will include a copy of the NMPRC-approved rate rider, if applicable.

Underground System means a system of underground primary and/or secondary distribution and/or transmission cables which may have transformers, terminal boxes, switching devices and other facilities necessarily appurtenant to such a system mounted on the surface, or any portion thereof.

TERMS OF SERVICE: Service will be provided under this Schedule following execution of a written agreement between the Local Government and the Company for installation or conversion of an Overhead System and/or NMPRC approval of a rate rider for recovery of Excess Costs pursuant to the terms of this Schedule and if the following are provided for:

1. Payment of the estimated Excess Costs in advance or upon mutually agreeable terms, which may include the collection of some or all of the Excess Costs by the Company from Local Customers through a rate rider approved in accordance with the provisions of this Schedule;
2. Design of the Underground System by the Company in accordance with the Company's standards and specifications;
3. Easements and rights-of-way, if applicable, from property owners or the Local Government in a Company-approved format to reflect the appropriate record drawings showing the configuration and location of the Underground System;
4. A. Written agreements with all individual customers or property owners served or whose property is encumbered by an Overhead System to be converted wherein the individual customers and/or property owners agree to have any necessary changes to their property or made to the property beyond the point of delivery of electric service at no cost to PNM so that service may be furnished from the Underground System; or
B. Suitable Local Government legislation requiring that any necessary changes be made by individual customers and/or property owners; and

**PUBLIC SERVICE COMPANY OF NEW MEXICO
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UNDERGROUND SYSTEM SPECIAL SERVICES

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5. Furnishment and installation by the Local Government of any required pads and vaults for transformers and associated equipment, conduits, ducts, boxes, any types of pole bases, and the performance of other work related to structures and substructures including breaking of pavement, trenching, backfilling, and repaving required in connection with the installation of the Underground System, all in accordance with the Company's specifications or, in lieu thereof, payment by the Local Government to the Company for furnishing and installation of such facilities and/or NMPRC approval of a rate rider for recovery of the actual costs of such facilities as Excess Costs. Transfer of ownership of such facilities, exclusive of transformer pads, in good condition, shall be made to the Company.

DESIGN AND CONSTRUCTION: Company will design and construct the Underground System in accordance with Company's standards and specifications. The Local Government will be given up to sixty (60) days to review and comment on Company's route selection, cost estimates and construction schedule.

ACCESSIBILITY: Equipment used to provide electric service must be physically accessible as agreed to by the Company. The meter socket must be installed in accordance with the Company's Rules and Regulations.

COST RESPONSIBILITY: Under this Schedule, the Excess Costs of the Underground System project will be the responsibility of the Local Government pursuant to the terms of the agreement between the Company and the Local Government or will be the responsibility of the Local Customers pursuant to the terms of a rate rider approved by the NMPRC as described in this Schedule. The Local Government may agree to bear responsibility for some portion of the Excess Costs, provided that the remainder of the Excess Costs are the responsibility of the Local Customers pursuant to the terms of a rate rider approved by the NMPRC as described in this Schedule.

The Excess Costs for new facilities under this Schedule will be calculated as follows:

$$\text{Actual Total Costs} - \text{Baseline Costs} = \text{Excess Costs}$$

The Excess Costs for a conversion of existing facilities under this Schedule will be calculated as follows:

$$(\text{Actual Total Costs} + \text{Net Book Value} + \text{Net Removal}) - \text{Baseline Costs} = \text{Excess Costs}$$

NET RATE PER MONTH: In the case of any Underground System project under this Schedule for which all or any portion of the Excess Costs are to be collected through a rate rider, the billings

PUBLIC SERVICE COMPANY OF NEW MEXICO
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UNDERGROUND SYSTEM SPECIAL SERVICES

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of the Local Customers shall include a fixed charge for the Excess Costs in accordance with the terms of the rate rider approved by the NMPRC.

SPECIAL TAX AND ASSESSMENT ADJUSTMENT: Billings under this Schedule may be increased by an amount equal to the sum of the taxes payable under the Gross Receipts and Compensating Tax Act and of all other taxes, fees, or charges (exclusive of ad valorem, state and federal income taxes) payable by the utility and levied or assessed by any governmental authority on the public utility service rendered, or on the right or privilege of rendering the service, or on any object or event incidental to the rendition of the service.

TERMS OF PAYMENT: PNM will not perform work that results in the incurrence of Preliminary Costs relating to any specific Underground System project unless there is agreement in writing regarding recovery of the costs of such work. An agreement between the Local Government and the Company may provide for Preliminary Costs to be recovered in the same manner as other Excess Costs after a final agreement for construction of the Underground System is reached and/or after the NMPRC approves a rate rider providing for recovery of the Excess Costs including such Preliminary Costs.

The Company will not procure materials or commence construction of an Underground System unless the Local Government agrees in writing to pay the Excess Costs of such project or the NMPRC approves a rate rider providing for the recovery of the Excess Costs from the Local Customers. Payment for Excess Costs shall be received by the Company in one of the following ways: 1) payment from the Local Government to the Company, either in advance or under payment terms mutually agreed to by the Local Government and the Company, including applicable carrying costs; 2) collection from the Local Customers through a rate rider as described below, including applicable carrying costs; or 3) a combination of 1) and 2).

In the event that the Company receives partial or full payment of the Excess Costs through a rate rider, a separate rate rider will be filed with the NMPRC for each project and will include but is not limited to the following provisions: the fixed rate to be charged for each class of customers and the methodology used for these allocations, the proposed reporting requirements with the NMPRC, and the method to be used for reconciliations on a project by project basis, including applicable carrying costs based on the Company's capital structure, cost of debt, and cost of preferred stock at the end of each year and the return on equity approved in the Company's last litigated rate case. The recovery period for each project will be up to seven years and will be set in accordance with the magnitude of the project relative to the number of Local Customers.

RECONCILIATIONS: Two separate reconciliations will take place under this Schedule. (1) The original filing of a rate rider with the NMPRC will include an estimated total of the Excess

**PUBLIC SERVICE COMPANY OF NEW MEXICO
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Costs, including applicable carrying costs, for a project. Collection of the Excess Costs will begin upon approval of the rate rider. At the time the actual total of the Excess Costs, including applicable carrying costs, becomes available upon completion of the project, the Company will provide an informational filing to the NMPRC which will include the revised rate rider charge for this project based upon the actual total of the Excess Costs less the amount previously collected under the rider. No approval will be required for the informational filings unless there is a twenty percent (20%) or more differential between total actual Excess Costs of the project and estimated total Excess Costs. If the actual total Excess Costs of the project vary by more than twenty percent (20%) of the estimated total Excess Costs, the Company will file a new rate rider for this project for approval by the NMPRC. (2) At the end of the recovery period, the amount of the actual total of the Excess Costs will be reconciled against the total amount collected under the rate rider. A final rate rider charge for the project will be calculated at this time and collected during the subsequent three-month period.

EXEMPTIONS AND VARIANCES: The NMPRC may grant an application of a Local Government for an exemption or variance from the requirements of this Schedule for a particular Underground System project if the Commission determines that:

1. The particular Underground System project is necessitated and required by the public health and safety and any aesthetic benefits are only incidental to the public health and safety.
2. The public interest would be better served if the Excess Costs of a particular Underground System project were considered a cost of service item for the Company.

Any application for an exemption or variance shall fully set out the facts and circumstances that would allow the NMPRC to determine whether it will docket a case to determine if an exemption or variance request should be considered.

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PROJECT REPORT FOR PAYMENT OF EXCESS COSTS

DATED: _____

Local Government Requiring Underground System:

Date of Agreement between Company and Local Government:

Customer Data:

Project Description:

For new facilities:

Estimated Total Costs – Baseline Costs = Estimated Excess Costs Due Under Agreement

Actual Total Costs – Baseline Costs = Actual Excess Costs Due Under Agreement

For conversion of existing facilities:

(Estimated Total Costs + Net Book Value + Net Removal) – Baseline Costs = Estimated Excess Costs Due Under Agreement

(Actual Total Costs + Net Book Value + Net Removal) – Baseline Costs = Actual Excess Costs Due Under Agreement

For both new facilities and conversion of existing facilities:

Methodology for Calculating Applicable Carrying Costs

True-up Mechanism between Estimated Total Costs and Actual Total Costs

Terms of Payment (length of agreement, etc.)

Non-payment penalties

CITY OF ALBUQUERQUE

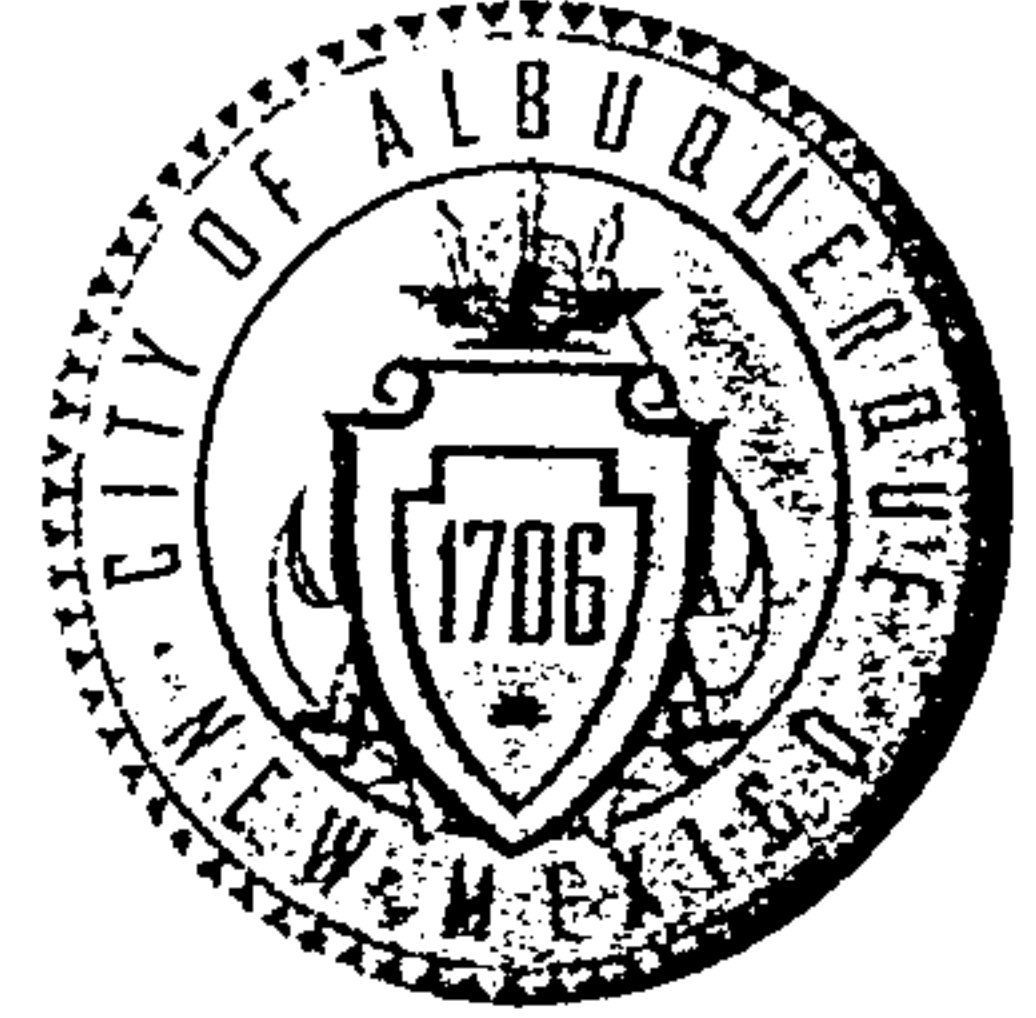
Planning Department

Deborah L. Stover, Director

Development Review Division

600 2nd Street NW - 3rd Floor

Albuquerque, NM 87102



NOTICE OF APPEAL

January 19, 2010

TO WHOM IT MAY CONCERN:

The Planning Department received the attached appeal on January 14, 2010. You will receive a Notice of Hearing as to when the appeal will be heard by the Land Use Hearing Officer.

Please refer to enclosed Bill (F/S OC-04-6, Land Use Hearing Officer Rules of Procedure and Qualifications) for any questions you may have regarding the Land Use Hearing Officer rules of procedure.

Any questions you might have regarding Land Use Hearing Officer policy or procedure that are not answered in the enclosed bill can be answered by Crystal Ortega, Clerk to the Council, (505) 768-3100.

PO Box 1293

CITY COUNCIL APPEAL NUMBER: AC-10-4

PLANNING DEPARTMENT CASE FILE NUMBERS: 1008093
09DRB-70377

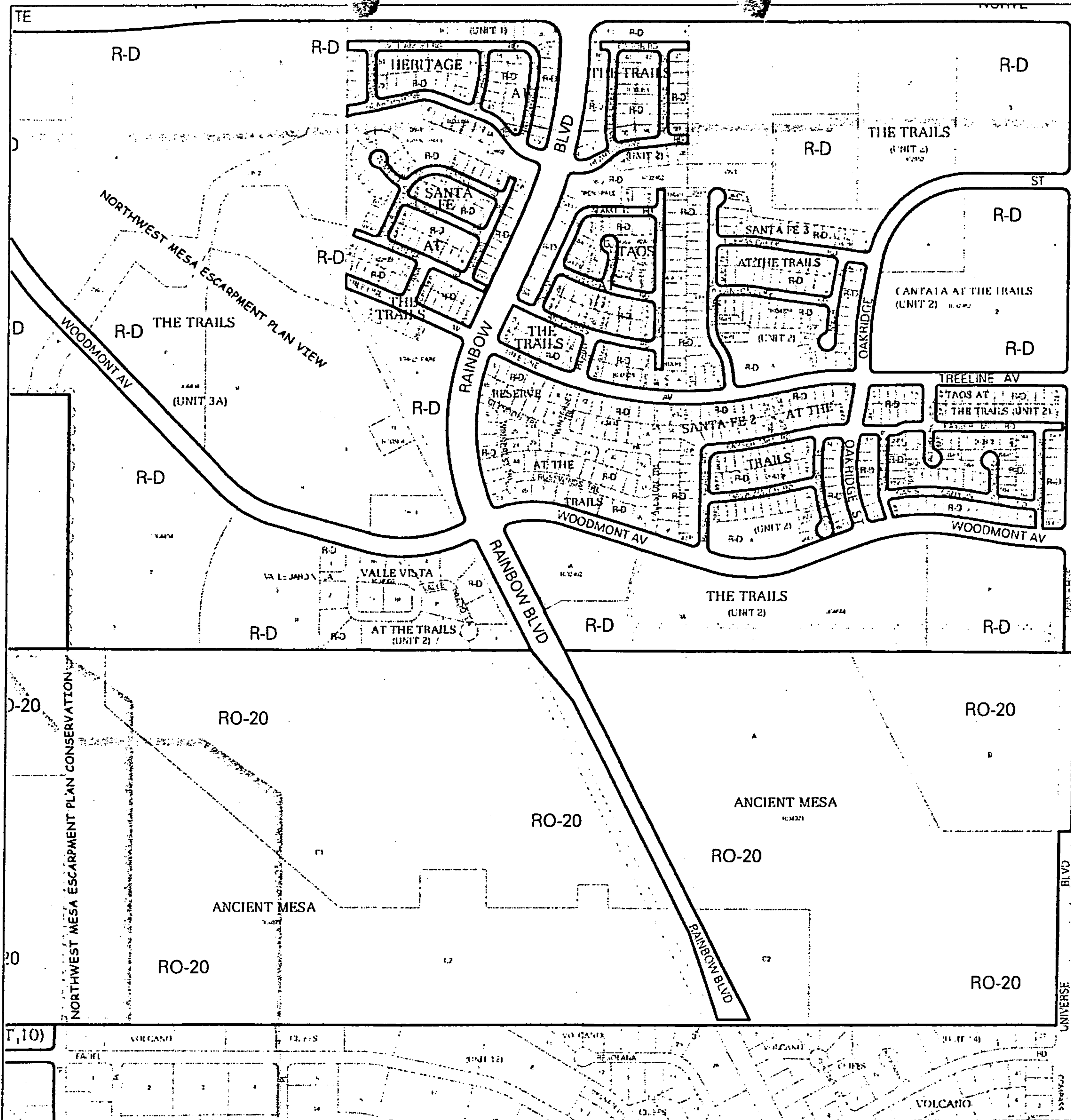
Albuquerque

APPELLANT(s): PNM
Attn: Laurie Moye
Alvarado Square
Albuquerque, NM 87158

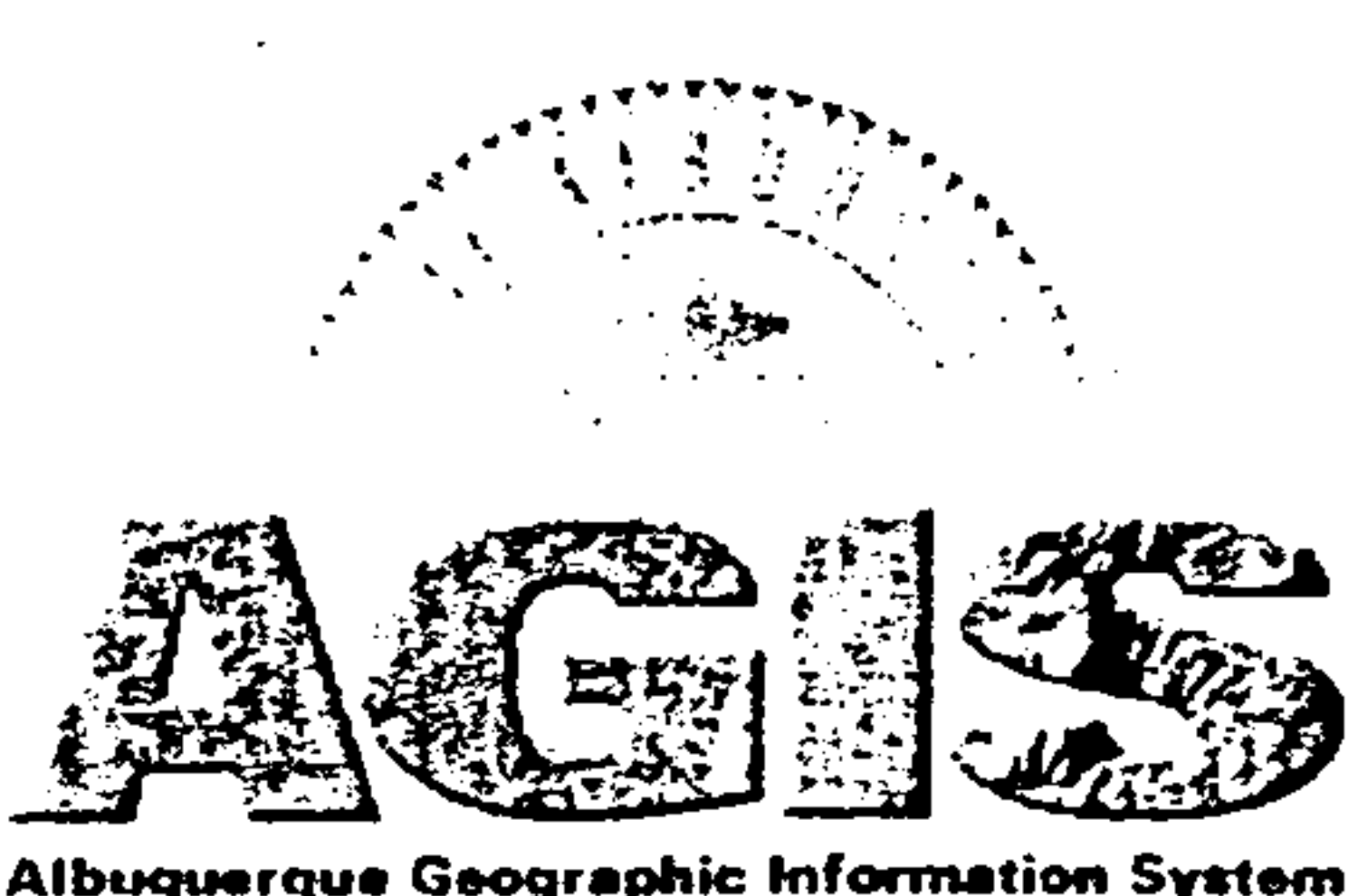
NM 87103

Cc: Rene Horvath - 5515 Palomino - Albuquerque, NM 87120
Cc: Joe Archbold - P.O. Box 65888 - Albuquerque, NM 87193-5888
Cc: Elisa Balli - 6912 Nacelle Rd NE - Albuquerque, NM 87144
Cc: Tom & Diana Griego - P.O. Box 67077 - Albuquerque, NM 87193
Cc: Gerry Falls - P.O. Box 20760 - Albuquerque, NM 87154
Cc: David Stang - 7609 Northridge NE - Albuquerque, NM 87109
Cc: Debbie Tony Madrid - 3801 Manchester NW - Albuquerque, NM 87107
Cc: Anthony Navarro - 1542 Yakima SW - Albuquerque, NM 87105
Cc: Barbara Mueller - 4904 Alberta NW - Albuquerque, NM 87120
Crystal Ortega, Clerk to the Council, City/County Bldg - 9th Floor
DRB FILE

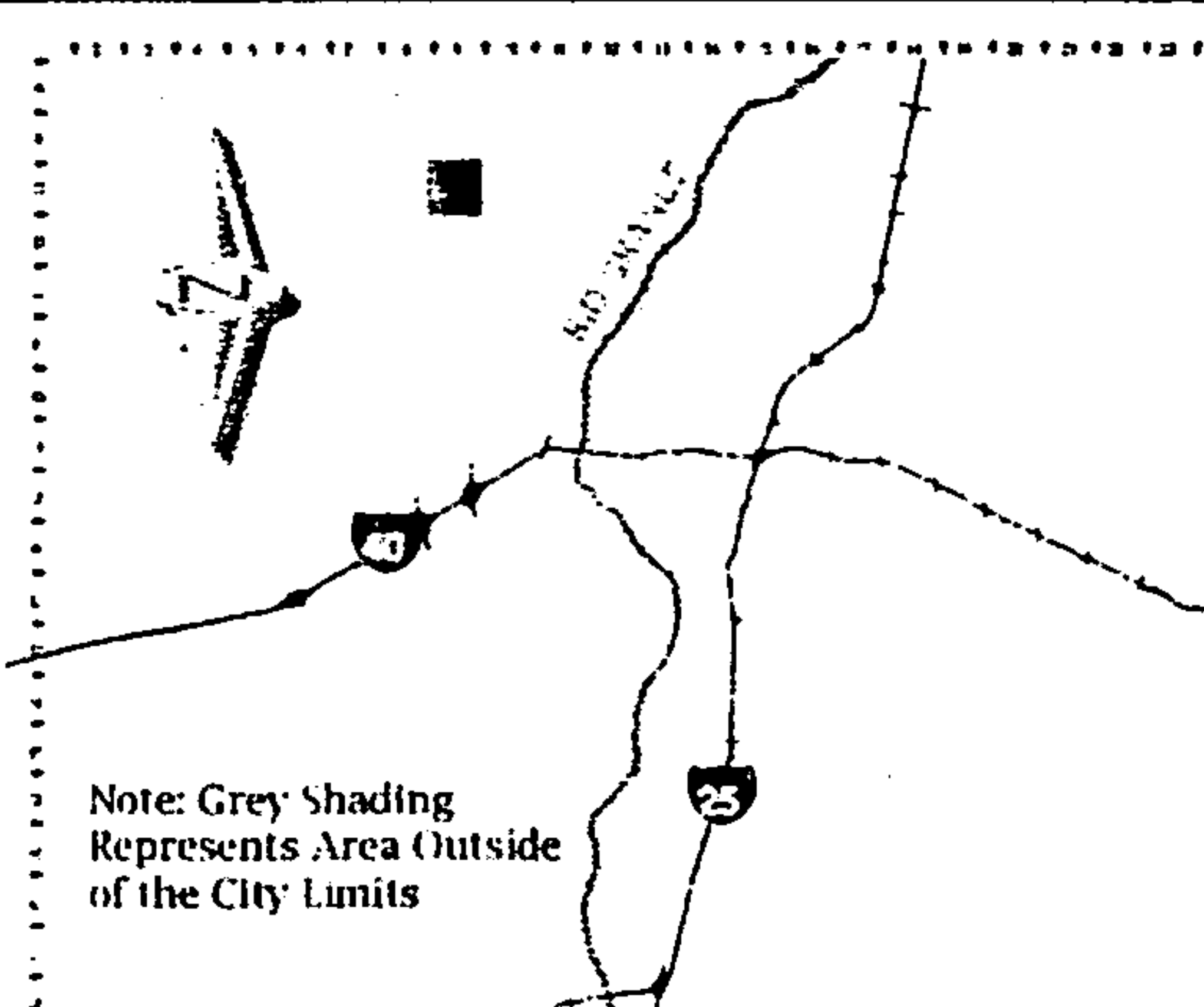
www.cabq.gov



For more current information and more details visit: <http://www.cabq.gov/gis>



Map amended through: 6/5/2009



Note: Grey Shading Represents Area Outside of the City Limits

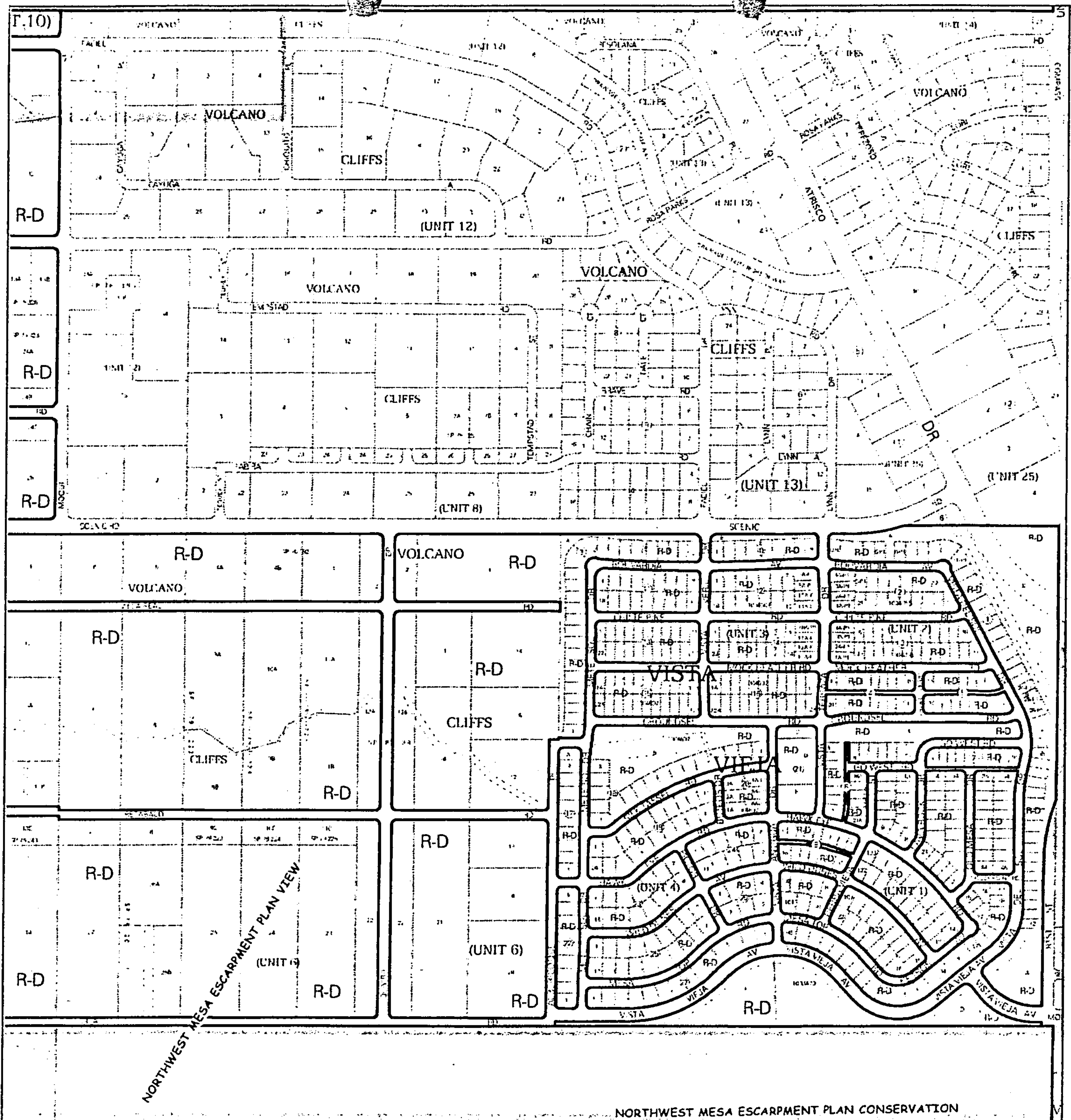
Zone Atlas Page:
C-09-Z

Selected Symbols

SECTOR PLANS	Escarpment
Design Overlay Zones	2 Mile Airport Zone
City Historic Zones	Airport Noise Contours
H-1 Buffer Zone	Wall Overlay Zone
Petroglyph Mon.	

0 750 1500 Feet

104



For more current information and more details visit: <http://www.cabq.gov/gis>

Map amended through: 6/5/2009

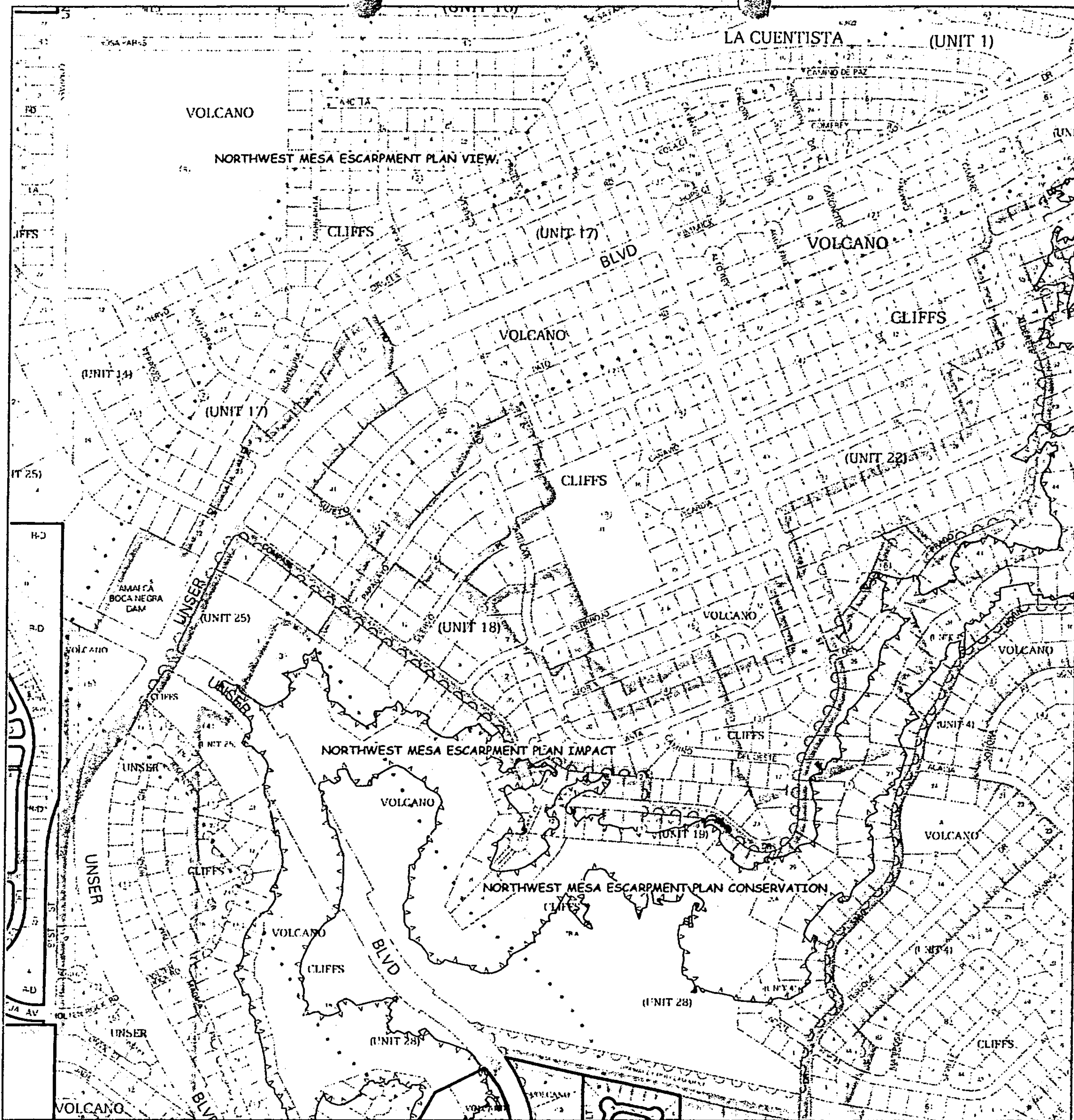
Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
D-09-Z

Selected Symbols

- SECTOR PLANS
- Design Overlay Zones
- City Historic Zones
- H-1 Buffer Zone
- Petroglyph Mon.
- Escarpment
- 2 Mile Airport Zone
- Airport Noise Contours
- Wall Overlay Zone

0 750 1,500 Feet



For more current information and more details visit: <http://www.cabq.gov/gis>

Albuquerque Geographic Information System

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
D-10-Z

Selected Symbols

SECTOR PLANS	Escarpment
Design Overlay Zones	2 Mile Airport Zone
City Historic Zones	Airport Noise Contours
H-1 Buffer Zone	Wall Overlay Zone
Petroglyph Mon.	

0 750 1,500 Feet

Alvarado Square
Albuquerque, NM 87158-0810
P 505 241-2700
F 505 241-2386
PNM.com

February 10, 2010

Mr. David Campbell
Chief Administrative Officer
Office of the Mayor
P.O. Box 1293
Albuquerque, New Mexico 87102



*A personal commitment
to New Mexico*

**RE: Cost estimates, route selections and construction schedules for PNM's
Black Ranch Feeder 12 underground distribution project**

Dear Mr. Campbell:

The City of Albuquerque ("City") Subdivision Ordinance No. 14-14-4-9 (B) requires the underground installation, within certain subdivisions, of all new electrical three-phase distribution lines operating above 12 kilovolts but less than 40 kilovolts unless a variance is granted. PNM plans to construct a new distribution project ("Black Ranch") in the City in 2010 that the Ordinance requires to be placed underground. Pursuant to PNM's First Revised Electric Rate No. 22 – Underground System Special Services ("Rate 22") on file with the New Mexico Public Regulation Commission ("NMPRC"), PNM intends to apply to the NMPRC for recovery from City electric customers of the "excess costs" associated with the underground installation of the Black Ranch distribution project.

In accordance with the Stipulation, NMPRC Case No. 07-00463-UT, that PNM and the City entered into on August 29, 2008, which was approved by the NMPRC on December 11, 2008, PNM applied to the City on December 4, 2009 for a variance from the City's underground electric line installation requirement with respect to the Black Ranch distribution project. Consistent with the Stipulation, and pursuant to Rate 22, PNM is hereby providing the City with a 60-day notice of PNM's intent to seek excess cost recovery through an underground rate rider at the NMPRC while the City is still considering the variance request. The City of Albuquerque Development Review Board denied the variance request on January 6, 2010, and PNM's appeal of the variance denial is still pending. If the Albuquerque City Council grants the variance prior to the NMPRC's decision on the rate rider application, PNM will construct the Black Ranch distribution project overhead.

Enclosed please find cost estimates and a route map for the construction of the new Black Ranch electric distribution line. The estimated cost to build the distribution project overhead is \$1,167,002.38. The estimated cost to build the distribution project underground is \$1,638,364.73. The resulting estimated excess cost is \$471,362.35.

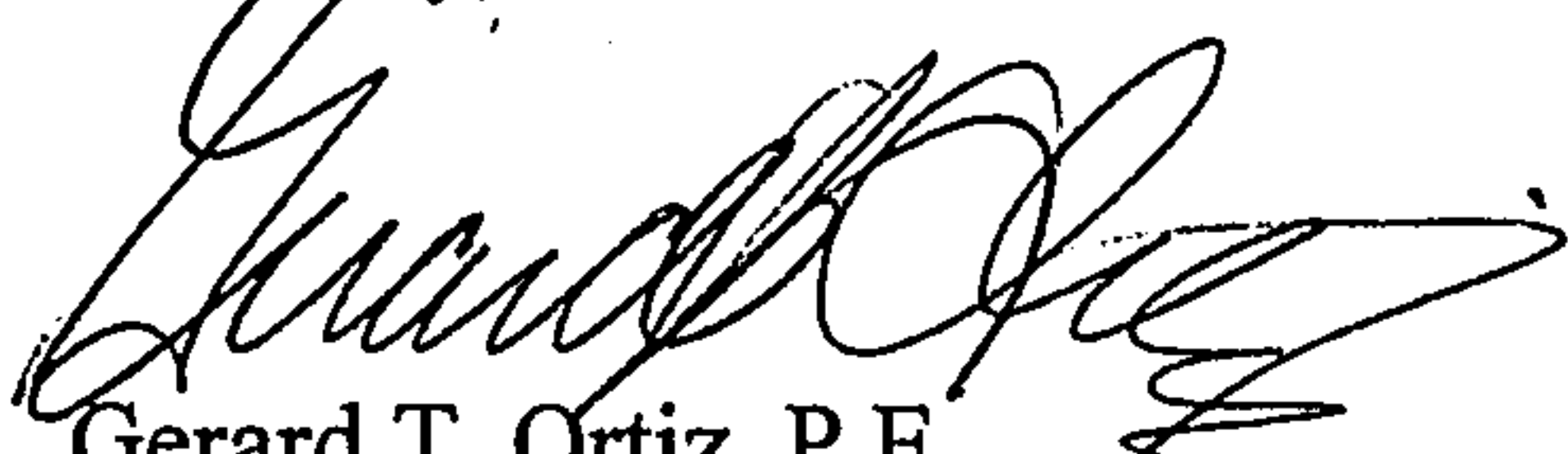
These estimates, routes and the schedule are being provided for the City's review and comment pursuant to Rate 22. A copy of Rate 22 is also enclosed for your reference. This tariff allows for recovery of excess costs associated with the underground installation of distribution lines from either the local government directly or from local customers through a rate rider. In the event that the City decides to pay these costs directly, a sample contract is enclosed for your review. The City has up to 60 days under the tariff to review the estimates and make a decision on the method of cost recovery, or until April 11, 2010.

If the City elects not to pay the excess costs directly, or does not notify PNM of a decision by the end of the 60-day review period, PNM will file an application for a rate rider with the NMPRC to recover the excess costs of installing this project underground from City electric customers, as provided by Rate 22. The proposed rider will increase the electric bills of City residents by approximately \$0.08 per month, assuming a one-year recovery period.

With respect to the proposed schedule, PNM anticipates that construction of the Black Ranch project will begin after approval of the underground rider by the NMPRC. The project will take approximately 12 weeks to construct. In the event that the City elects to pay the excess costs directly, PNM would begin construction after the execution of the contract.

If you have any questions, or you feel you need additional information about the Black Ranch project, please feel free to contact me at 241-2561.

Sincerely,



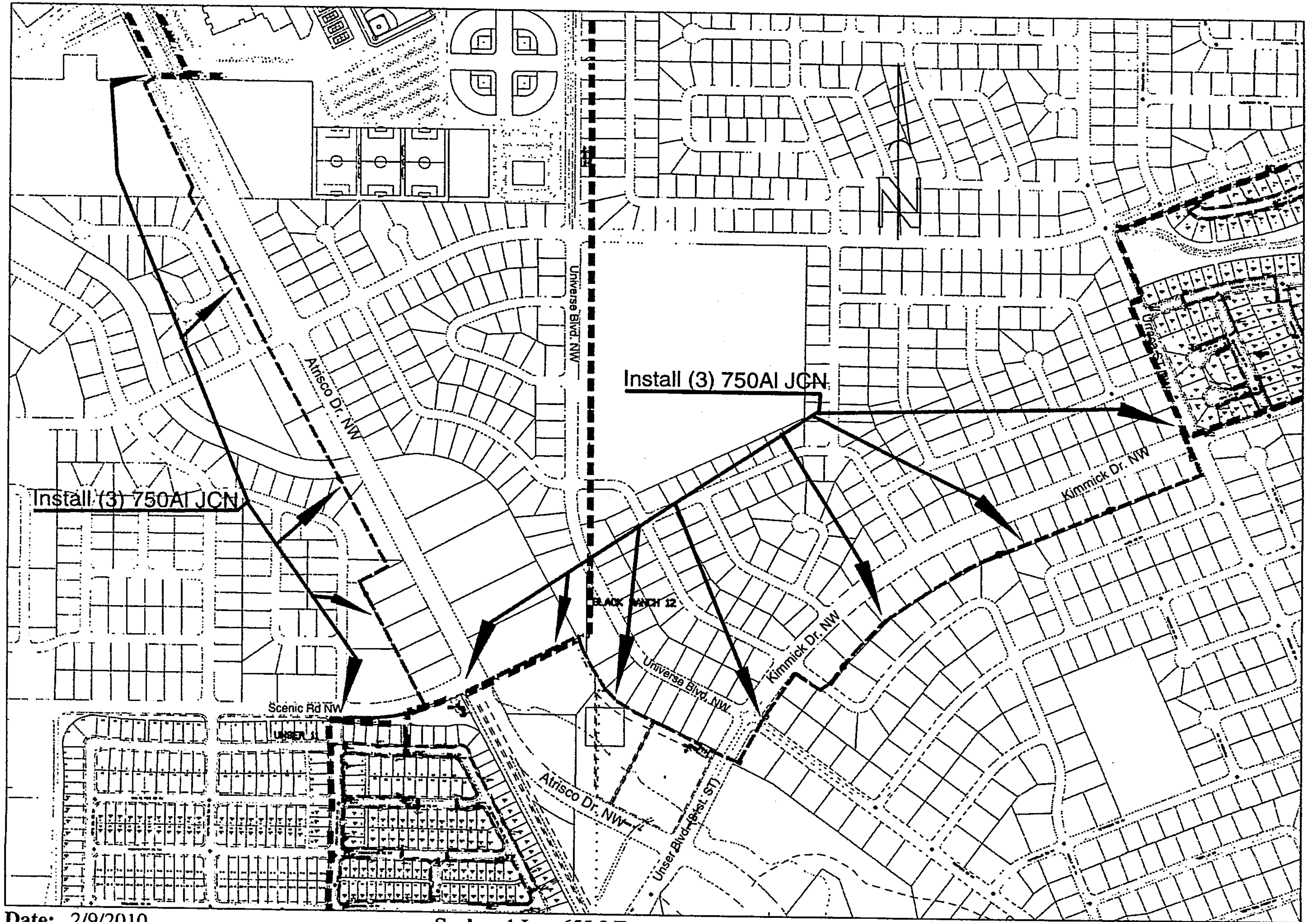
Gerard T. Ortiz, P.E.
Director, Regulatory Policy and Case Management

Enclosures

cc: Mr. Deborah Stover, Planning Department Director
~~Ms. Jack Cloud, Development Review Board Chair~~
Kevin Curran, Esq.

cc (w/o enclosures):

Robert Clark
✓ Ken Maestas
Laurie Moye



Date: 2/9/2010

User: agurule1

Field View Check Print

Scale: 1 In = 655.8 Ft

Packet: BR12 Gerard

Public Service Company Of New Mexico

Cost Statement

Customer Name:
 Address:
 Resp Person: AGURULE1
 Description: BLACK RANCH 12 FEEDER TIE OH WORK ORDER

WO/Task: 02284761/01
 PowerPlant: 22847610077

Labor		\$152,694.29
Material		\$639,263.62
Meters		\$0.00
Services		\$0.00
Transportation		\$34,392.53
Vegetation Management		\$0.00
Contract Work		\$0.00
CONTRACTOR WORK (HIGHEST BID)		\$218,199.32
CRANE RENTAL		\$10,040.00
E&S RAISE OF 2%		\$21,094.79
ENVIRONMENTAL		\$31,454.32
EXCAVATION PERMIT STREET ROW		\$251.00
PNM ROW & SURVEY		\$59,612.50
812 Q - Custmr Trench Allow & Row		\$0.00
	Total Cost of Work	\$1,167,002.38
Customer Credit		\$0.00
Lot Credit		\$0.00
Salvage Credit		\$0.00
Sys Improvement Credit		\$0.00
Transformer Credit		\$0.00
Profit Margin	0.000%	\$0.00
	Subtotal	\$1,167,002.38
Tax	0.000%	\$0.00
	Subtotal	\$1,167,002.38
Less Trench Allow & Row Pmt		\$0.00
	Billable Amount	\$0.00

Public Service Company Of New Mexico
Cost Statement

Customer Name:
Address:
Resp Person: AGURULE1
Description: BLACK RANCH 12 FEEDER TIE UG WORK ORDER

WO/Task: 02284263/01
PowerPlant: 22842630077

Labor		\$112,010.16
Material		\$772,206.84
Meters		\$0.00
Services		\$0.00
Transportation		\$25,228.93
Vegetation Management		\$0.00
Contract Work		\$0.00
CONTRACT WORK (HIGHEST BID)		\$395,899.54
E&S RAISE 2% AND 10% WO ADJUST (ROCK)		\$209,401.77
ENVIRONMENTAL COST		\$62,750.00
LEO ARCHULETA PLAT INFO		\$1,255.00
ROW COST		\$59,612.50
812 Q - Custmr Trench Allow & Row		\$0.00
	Total Cost of Work	\$1,638,364.73
Customer Credit		\$0.00
Lot Credit		\$0.00
Salvage Credit		\$0.00
Sys Improvement Credit		\$0.00
Transformer Credit		\$0.00
Profit Margin	0.000%	\$0.00
	Subtotal	\$1,638,364.73
Tax	0.000%	\$0.00
	Subtotal	\$1,638,364.73
Less Trench Allow & Row Pmt		\$0.00
	Billable Amount	\$0.00

**PUBLIC SERVICE COMPANY OF NEW MEXICO
ELECTRIC SERVICES**

**1ST REVISED RATE NO. 22
CANCELING ORIGINAL RATE NO. 22**

**EFFECTIVE FOR SERVICE ON
FEBRUARY 10, 2004**

UNDERGROUND SYSTEM SPECIAL SERVICES

Page 1 of 7

APPLICABILITY: This Schedule shall be applicable to any Local Government, acting through its governing body in accordance with lawful procedures, that requires the installation of an Underground System instead of a new Overhead System or conversion of an existing Overhead System to an Underground System and to the Local Customers of Public Service Company of New Mexico ("the Company") located within the jurisdiction of such a Local Government. This Schedule describes the cost responsibilities for any Underground System required by a Local Government and provides a mechanism for the Company to collect Excess Costs as defined herein from such a Local Government under a special agreement and/or from the Local Customers.

Any services hereunder will be furnished subject to the Company's Rules and Regulations and any subsequent revisions. These Rules and Regulations are available at the Company's office and are on file with the New Mexico Public Regulation Commission ("NMPRC"). These Rules and Regulations are a part of this Schedule as if fully written herein.

LIMITATION OF RATE: This Schedule is not applicable to line extensions governed by the Company's Rule 15: Electric Line Extension Policy. This Schedule is also not applicable to lines where voltage level is greater than or equal to 115 kV; PNM may petition the NMPRC for exceptions to this standard. Any Underground System constructed by the Company shall be technically and operationally equivalent to the Overhead System that the Company otherwise would construct.

In the event that recovery of Excess Costs is to take place under an NMPRC-approved rate rider the company's current billing system must be able to include this charge on the local customers' bills.

TERRITORY: All territory in New Mexico in which the Company owns and operates power line facilities.

DEFINITIONS: The following definitions apply to the terms discussed within this Schedule:

Actual Total Costs mean the installed costs of an Underground System, including but not limited to costs related to a) feasibility studies; b) engineering design; c) acquisition of any necessary rights-of-way and easements; d) removal of existing facilities net of salvage value; e) any incremental costs of administrative, regulatory, clerical and legal services and any tax impacts; and f) construction costs including inspections and supervision. The above costs include costs for labor, materials and supplies, transportation, and taxes.

**PUBLIC SERVICE COMPANY OF NEW MEXICO
ELECTRIC SERVICES**

**1ST REVISED RATE NO. 22
CANCELING ORIGINAL RATE NO. 22**

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UNDERGROUND SYSTEM SPECIAL SERVICES

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Baseline Costs mean the estimated costs of an Overhead System, including but not limited to costs related to a) feasibility studies, b) engineering design, and c) acquisition of any necessary rights-of-way and easements, d) removal of existing facilities net of salvage value, e) any incremental costs of administrative, regulatory, clerical and legal services and any tax impacts, and f) construction costs including inspections and supervision, constructed in accordance with the Company's normal practices and zoning, subdivision, and building code regulations of a Local Government, including siting, setbacks, screening, and landscaping requirements of general application that:

1. are imposed on land uses other than those related to utility facility uses; and
2. do not impair the ability of the Company to provide service to its customers in a safe, reliable, adequate, and efficient manner.

The above costs include costs for labor, materials and supplies, transportation, and taxes.

Excess Costs mean the difference between Actual Total Costs and Baseline Costs for new facilities. Excess Costs for conversion of existing facilities mean the difference between Baseline Costs and (Actual Total Costs + Net Book Value + Net Removal).

Local Customer means any customer of the Company that receives electric service from the Company at a location within the jurisdictional boundaries of a Local Government that has required the installation of an Underground System instead of a new Overhead System or the conversion of an existing Overhead System to an Underground System. For purposes of this Schedule, Local Customers within counties shall not include customers located within the jurisdictional boundaries of municipalities or other political subdivisions.

Local Government means any county, municipality or other political subdivision of the State of New Mexico. If a facility is proposed to be located in more than one Local Government jurisdiction, "Local Government" may refer to one or more of the Local Governments in whose jurisdiction the facility is located.

Net Book Value represents the amount remaining on the Company's books at the time an existing facility which is being replaced by an underground system is terminated from service.

Net Removal means the difference between the removal costs and salvage value of an existing facility.

Overhead System means a system of overhead primary and/or secondary distribution and/or transmission conductors, transformers, and other facilities, or any portion thereof.

Advice Notice No. 303

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Preliminary Costs mean any incremental costs, including but not limited to, detailed engineering, design and feasibility studies relating to a specific Underground System project.

Project Report means a report that will be filed with the NMPRC and which will provide a description of the Underground System project pursuant to this Schedule, including a summary of any agreement entered into by a Local Government and the Company. The Project Report shall be substantially in the form attached to this Schedule and will include a copy of the NMPRC-approved rate rider, if applicable.

Underground System means a system of underground primary and/or secondary distribution and/or transmission cables which may have transformers, terminal boxes, switching devices and other facilities necessarily appurtenant to such a system mounted on the surface, or any portion thereof.

TERMS OF SERVICE: Service will be provided under this Schedule following execution of a written agreement between the Local Government and the Company for installation or conversion of an Overhead System and/or NMPRC approval of a rate rider for recovery of Excess Costs pursuant to the terms of this Schedule and if the following are provided for:

1. Payment of the estimated Excess Costs in advance or upon mutually agreeable terms, which may include the collection of some or all of the Excess Costs by the Company from Local Customers through a rate rider approved in accordance with the provisions of this Schedule;
2. Design of the Underground System by the Company in accordance with the Company's standards and specifications;
3. Easements and rights-of-way, if applicable, from property owners or the Local Government in a Company-approved format to reflect the appropriate record drawings showing the configuration and location of the Underground System;
4. A. Written agreements with all individual customers or property owners served or whose property is encumbered by an Overhead System to be converted wherein the individual customers and/or property owners agree to have any necessary changes to their property or made to the property beyond the point of delivery of electric service at no cost to PNM so that service may be furnished from the Underground System; or
B. Suitable Local Government legislation requiring that any necessary changes be made by individual customers and/or property owners; and

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5. Furnishment and installation by the Local Government of any required pads and vaults for transformers and associated equipment, conduits, ducts, boxes, any types of pole bases, and the performance of other work related to structures and substructures including breaking of pavement, trenching, backfilling, and repaving required in connection with the installation of the Underground System, all in accordance with the Company's specifications or, in lieu thereof, payment by the Local Government to the Company for furnishing and installation of such facilities and/or NMPRC approval of a rate rider for recovery of the actual costs of such facilities as Excess Costs. Transfer of ownership of such facilities, exclusive of transformer pads, in good condition, shall be made to the Company.

DESIGN AND CONSTRUCTION: Company will design and construct the Underground System in accordance with Company's standards and specifications. The Local Government will be given up to sixty (60) days to review and comment on Company's route selection, cost estimates and construction schedule.

ACCESSIBILITY: Equipment used to provide electric service must be physically accessible as agreed to by the Company. The meter socket must be installed in accordance with the Company's Rules and Regulations.

COST RESPONSIBILITY: Under this Schedule, the Excess Costs of the Underground System project will be the responsibility of the Local Government pursuant to the terms of the agreement between the Company and the Local Government or will be the responsibility of the Local Customers pursuant to the terms of a rate rider approved by the NMPRC as described in this Schedule. The Local Government may agree to bear responsibility for some portion of the Excess Costs, provided that the remainder of the Excess Costs are the responsibility of the Local Customers pursuant to the terms of a rate rider approved by the NMPRC as described in this Schedule.

The Excess Costs for new facilities under this Schedule will be calculated as follows:

$$\text{Actual Total Costs} - \text{Baseline Costs} = \text{Excess Costs}$$

The Excess Costs for a conversion of existing facilities under this Schedule will be calculated as follows:

$$(\text{Actual Total Costs} + \text{Net Book Value} + \text{Net Removal}) - \text{Baseline Costs} = \text{Excess Costs}$$

NET RATE PER MONTH: In the case of any Underground System project under this Schedule for which all or any portion of the Excess Costs are to be collected through a rate rider, the billings

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of the Local Customers shall include a fixed charge for the Excess Costs in accordance with the terms of the rate rider approved by the NMPRC.

SPECIAL TAX AND ASSESSMENT ADJUSTMENT: Billings under this Schedule may be increased by an amount equal to the sum of the taxes payable under the Gross Receipts and Compensating Tax Act and of all other taxes, fees, or charges (exclusive of ad valorem, state and federal income taxes) payable by the utility and levied or assessed by any governmental authority on the public utility service rendered, or on the right or privilege of rendering the service, or on any object or event incidental to the rendition of the service.

TERMS OF PAYMENT: PNM will not perform work that results in the incurrence of Preliminary Costs relating to any specific Underground System project unless there is agreement in writing regarding recovery of the costs of such work. An agreement between the Local Government and the Company may provide for Preliminary Costs to be recovered in the same manner as other Excess Costs after a final agreement for construction of the Underground System is reached and/or after the NMPRC approves a rate rider providing for recovery of the Excess Costs including such Preliminary Costs.

The Company will not procure materials or commence construction of an Underground System unless the Local Government agrees in writing to pay the Excess Costs of such project or the NMPRC approves a rate rider providing for the recovery of the Excess Costs from the Local Customers. Payment for Excess Costs shall be received by the Company in one of the following ways: 1) payment from the Local Government to the Company, either in advance or under payment terms mutually agreed to by the Local Government and the Company, including applicable carrying costs; 2) collection from the Local Customers through a rate rider as described below, including applicable carrying costs; or 3) a combination of 1) and 2).

In the event that the Company receives partial or full payment of the Excess Costs through a rate rider, a separate rate rider will be filed with the NMPRC for each project and will include but is not limited to the following provisions: the fixed rate to be charged for each class of customers and the methodology used for these allocations, the proposed reporting requirements with the NMPRC, and the method to be used for reconciliations on a project by project basis, including applicable carrying costs based on the Company's capital structure, cost of debt, and cost of preferred stock at the end of each year and the return on equity approved in the Company's last litigated rate case. The recovery period for each project will be up to seven years and will be set in accordance with the magnitude of the project relative to the number of Local Customers.

RECONCILIATIONS: Two separate reconciliations will take place under this Schedule. (1) The original filing of a rate rider with the NMPRC will include an estimated total of the Excess

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Costs, including applicable carrying costs, for a project. Collection of the Excess Costs will begin upon approval of the rate rider. At the time the actual total of the Excess Costs, including applicable carrying costs, becomes available upon completion of the project, the Company will provide an informational filing to the NMPRC which will include the revised rate rider charge for this project based upon the actual total of the Excess Costs less the amount previously collected under the rider. No approval will be required for the informational filings unless there is a twenty percent (20%) or more differential between total actual Excess Costs of the project and estimated total Excess Costs. If the actual total Excess Costs of the project vary by more than twenty percent (20%) of the estimated total Excess Costs, the Company will file a new rate rider for this project for approval by the NMPRC. (2) At the end of the recovery period, the amount of the actual total of the Excess Costs will be reconciled against the total amount collected under the rate rider. A final rate rider charge for the project will be calculated at this time and collected during the subsequent three-month period.

EXEMPTIONS AND VARIANCES: The NMPRC may grant an application of a Local Government for an exemption or variance from the requirements of this Schedule for a particular Underground System project if the Commission determines that:

1. The particular Underground System project is necessitated and required by the public health and safety and any aesthetic benefits are only incidental to the public health and safety.
2. The public interest would be better served if the Excess Costs of a particular Underground System project were considered a cost of service item for the Company.

Any application for an exemption or variance shall fully set out the facts and circumstances that would allow the NMPRC to determine whether it will docket a case to determine if an exemption or variance request should be considered.

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PROJECT REPORT FOR PAYMENT OF EXCESS COSTS

DATED: _____

Local Government Requiring Underground System:

Date of Agreement between Company and Local Government:

Customer Data:

Project Description:

For new facilities:

Estimated Total Costs – Baseline Costs = Estimated Excess Costs Due Under Agreement

Actual Total Costs – Baseline Costs = Actual Excess Costs Due Under Agreement

For conversion of existing facilities:

(Estimated Total Costs + Net Book Value + Net Removal) – Baseline Costs = Estimated Excess Costs Due Under Agreement

(Actual Total Costs + Net Book Value + Net Removal) – Baseline Costs = Actual Excess Costs Due Under Agreement

For both new facilities and conversion of existing facilities:

Methodology for Calculating Applicable Carrying Costs

True-up Mechanism between Estimated Total Costs and Actual Total Costs

Terms of Payment (length of agreement, etc.)

Non-payment penalties

PUBLIC SERVICE COMPANY OF NEW MEXICO

Agreement for Recovery of Excess Undergrounding Costs

THIS AGREEMENT, dated _____, 2010, by and between PUBLIC SERVICE COMPANY OF NEW MEXICO, a New Mexico corporation ("PNM" or "Company") and THE CITY OF ALBUQUERQUE, a New Mexico municipal corporation ("Local Government").

WHEREAS, the Company intends to construct electric distribution lines ("Projects") within the jurisdictional boundaries of the Local Government, and has provided the Local Government estimates of the cost to build the distribution lines utilizing overhead and underground construction standards for the Projects; and

WHEREAS, the estimates, routes and schedules for the Projects were provided for the Local Government's review and comment pursuant to PNM Electric Rate No. 22 – Underground System Special Services; and

WHEREAS, PNM Electric Rate No. 22 allows the recovery of Excess Costs of undergrounding, either from the Local Government directly or from local customers through a rate rider approved by the New Mexico Public Regulation Commission; and

WHEREAS, the Local Government, by action of its governing body, has made a decision to pay the Excess Costs of undergrounding for the Project to the Company pursuant to the terms of this Agreement.

NOW, THEREFORE, in consideration of the mutual promises contained in this Agreement and the exchange of consideration by the parties, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. The Projects consist of the construction of new underground distribution lines known as "Black Ranch Feeder 12", located within the City of Albuquerque.
2. The Company has incurred certain Preliminary Costs, as that term is defined in PNM Electric Rate No. 22, which are included in Exhibit A attached to this Agreement.
3. The Excess Costs of constructing the Projects underground, as defined in PNM Electric Rate No. 22, are calculated as shown in Exhibit A.
4. The design of the Projects for construction as an Underground System is in accordance with the Company's standards and specifications.
5. The Local Government shall be responsible for the provision of easements and rights-of-way for the Project, as applicable, which shall be provided to the Company in a Company-approved format to reflect the appropriate record drawings for the configuration and location of the Underground System.

6. The Company shall design and construct the Underground System in accordance with the Company's standards and specifications.

7. The Local Government shall pay the Company the Excess Costs of the Underground System as follows:

a. Payment in advance of construction
(to be made upon execution of this Agreement by both parties):
\$ 471,362.35

b. Payment at completion of construction: \$-0-

8. This Agreement shall be governed by the laws of the State of New Mexico.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly authorized representatives as of the date first above written.

CITY OF ALBUQUERQUE, NEW MEXICO

PUBLIC SERVICE COMPANY OF
NEW MEXICO

By _____

By _____

Name _____

Name _____

Title _____

Title _____

Approved as to form:

City Attorney

Re: WO Number:
RO Number:
Request Number:

EXHIBIT A Customer Cost Summary Sheets

UNDERGROUND COSTS:	\$1,638,364.73
OVERHEAD COSTS:	<u>\$1,167,002.38</u>
EXCESS COSTS:	<u>\$ 471,362.35</u>

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION

- Major Subdivision action
- Minor Subdivision action
- Vacation
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment (AA)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)
- Street Name Change (Local & Collector)
- APPEAL / PROTEST of...**
 - Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): Laurie Moyer PHONE: 241-2792
 ADDRESS: Alvarado square FAX: 241-2386
 CITY: Albq STATE NM ZIP 87158 E-MAIL: Laurie.Moyer@pnm.com

APPLICANT: PNM PHONE: 241-2792
 ADDRESS: Alvarado square FAX: 241-2386
 CITY: Albq STATE NM ZIP 87158 E-MAIL: Laurie.Moyer@pnm.com

Proprietary interest in site: easement List all owners: N/A

DESCRIPTION OF REQUEST: appeal of DRB decision 1/6/2010 09ARB-70377

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. _____ Block: _____ Unit: _____
 Subdiv/Addn/TBKA: road rightway; private easement
 Existing Zoning: _____ Proposed zoning: _____ MRGCD Map No _____
 Zone Atlas page(s): C9; D-9-10 UPC Code: N/A

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX, Z, V, S, etc.):
NMPRC stipulation Case No. 07-00463-UT; 09-DRB-70377

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: N/A No. of proposed lots: N/A Total area of site (acres): N/A
 LOCATION OF PROPERTY BY STREETS: On or Near: see attached route map
 Between: _____ and _____

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: _____

SIGNATURE Laurie Moyer DATE 1-14-10
 (Print) Laurie Moyer Applicant: Agent:

FOR OFFICIAL USE ONLY

Form revised 4/07

- INTERNAL ROUTING
- All checklists are complete
- All fees have been collected
- All case #s are assigned
- AGIS copy has been sent
- Case history #s are listed
- Site is within 1000ft of a landfill
- F.H.D.P. density bonus
- F.H.D.P. fee rebate

Application case numbers	Action	S.F.	Fees
<u>10 CC - 30000</u>	<u>APPEAL</u>		<u>\$ 190.⁰⁰</u>
	<u>APV</u>		<u>\$ 50.⁰⁰</u>
			\$ _____
			\$ _____
			\$ _____
			\$ _____
			\$ _____
			Total
			<u>\$ 240.⁰⁰</u>

Hearing date _____
Sandy Handley 01/14/10 Project # 1008093
 Planner signature / date

FORM A: APPEAL

Appeal to the Zoning Board of Appeals regarding:

- DECISION OF THE ZONING HEARING EXAMINER** (BOA01)

___ Project number of case being appealed: _____

___ Application number of case being appealed: _____

___ Reason for the appeal *

___ Appellant's basis of standing as an appellant *

___ Letter of authorization from the appellant if this application for appeal is submitted by an agent

___ Copy of the Official Notification of Decision regarding the matter being appealed

___ Fee (see schedule)

Appeal to the Landmarks and Urban Conservation Commission regarding:

- CERTIFICATE OF APPROPRIATENESS**
- DECISION OF THE PLANNING DIRECTOR OR STAFF** (LUCCAPP)

___ Project number of case being appealed: _____

___ Application number of case being appealed: _____

___ Reason for the appeal *

___ Appellant's basis of standing as an appellant *

___ Letter of authorization from the appellant if this application for appeal is submitted by an agent

___ Copy of the Official Notification of Decision regarding the matter being appealed

___ Fee (see schedule)

Appeal to the Environmental Planning Commission regarding:

- DECLARATORY RULING OF THE ZONING ENFORCEMENT OFFICER** (EPC09)
- DETERMINATION OF THE IMPACT FEE ADMINISTRATOR** (EPC10)

___ Project number of case being appealed: _____

___ Application number of case being appealed: _____

___ Reason for the appeal *

___ Appellant's basis of standing as an appellant *

___ Letter of authorization from the appellant if this application for appeal is submitted by an agent

___ Copy of the Official Notification of Decision regarding the matter being appealed

___ Fee (see schedule)

Appeal to the City Council through the Land Use Hearing Officer regarding:

- ADMINISTRATIVE AMENDMENT/DECISION OF PLANNING DIRECTOR/STAFF** (CCSTAFF)
- DETERMINATION OR ACTION OF THE EPC** (CCEPC)
- DETERMINATION OR ACTION OF THE DRB RE: SUBDIVISION ORD** (CCDRB)
- ACTION OF THE ZONING BOARD OF APPEALS REGARDING AN APPEAL** (CCBOA)
- DECISION OF THE LANDMARKS URBAN CONSERVATION COMMISSION** (CCLUCC)

___ Project number of case being appealed: 1008093

___ Application number of case being appealed: 09DRB-70377

___ Reason for the appeal * /

___ Appellant's basis of standing as an appellant * /

___ Letter of authorization from the appellant if this application for appeal is submitted by an agent

___ Copy of the Official Notification of Decision regarding the matter being appealed

___ Fee (see schedule)

* Criteria for reasonable appeals and criteria for standing as an appellant are given in *Zoning Code §14-16-4-4*. Any appeal must meet these criteria to be heard. The applicant should review these and other relevant documents carefully before preparing an application for appeal.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

Laurie Moyer PNM
Applicant name (print)
Laurie Moyer
Applicant signature / date



Form revised 04/2007

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers

10 CC - 30000

Sandy Handley 01/14/10
Planner signature / date

Project # 1008093

PNM
Alvarado Square
Albuquerque, NM 87158-0600
505 241-2700
Fax 505 241-2363
www.pnm.com



*A personal commitment
to New Mexico*

January 14, 2010

President Ken Sanchez
City Council
City of Albuquerque
1 Civic Plaza NW
Albuquerque, New Mexico 87102

Re: Appeal from DRB Denial of PNM Project #1008093 09DRB-70377

Dear President Sanchez:

By "Official Notice of Decision" dated January 6, 2010, the Development Review Board (DRB) denied PNM's requested variance from City of Albuquerque Subdivision Ordinance §14-14-4-9(B), Electrical and Communication Line Location. This ordinance requires that new electric three-phase distribution lines carrying above 12 kilovolts (kV), but less than 40 kV, be installed underground within certain subdivisions unless a variance is granted. As described below, PNM is taking an appeal of the DRB's decision to the City's Land Use Hearing Officer (LUHO) and the City Council. This letter supplements the Planning Department appeal form that accompanies this letter.

In a stipulation approved in New Mexico Public Regulation Commission (NMPRC) Case No. 07-00463-UT, PNM and the City agreed on a process that would allow the City Council to determine, on a case-by-case basis, whether underground installations of new electric distribution lines should be required within those subdivisions to which §14-14-4-9 applies. The City had taken the position in Case 07-00463-UT that PNM had, by not filing an appeal from the denial of a variance, not given the City Council a sufficient opportunity to consider whether the distribution line at issue in that case should be placed underground. The process agreed to in the Case 07-00463-UT stipulation therefore requires that PNM (i) seek a variance from the underground installation requirement; and, (ii) if the variance is denied by the DRB, that PNM seek administrative review of the DRB decision.

Accordingly, the DRB having denied PNM's above-referenced variance application, PNM is taking this appeal. It should be emphasized that PNM has no preference whether the distribution line in question is constructed overhead or underground. If the

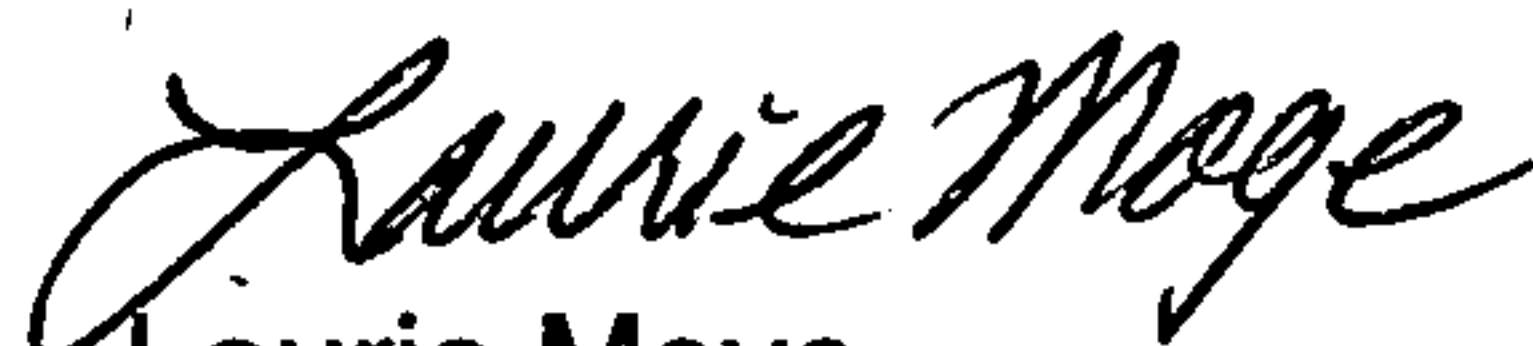
LUHO or City Council determines that, as provided in §14-14-4-9, the distribution line should be constructed underground, PNM will seek approval from the NMPRC, under PNM's First Revised Rate 22, to recover from electric customers within the City the excess costs associated with underground installation. If the City Council reverses the DRB decision and determines that the distribution line should be constructed overhead, those costs will be absorbed by PNM and all of its customers.

The Subdivision Ordinance, § 14-14-8-3 states that applications for an appeal shall articulate the reasons for the appeal. PNM therefore states the following grounds for appeal:

- No public purpose is served by the underground placement of the distribution line because the overhead construction of the line can be accomplished in a safe and economical manner consistent with the requirements of the National Electrical Safety Code (NESC); the NESC contains no preference for underground construction even though its purpose is the safe installation and maintenance of electrical facilities.
- The overhead construction of the line would not present any risks to public health and safety different from the risks posed by over 35,000 other power poles and over 1,400 miles of overhead electric lines in the City.
- The excess costs of the underground placement of this project are considerable, in the range of \$350,000 to \$450,000 based on preliminary cost estimates; these excess costs can be avoided by the overhead construction of the line.
- No public purpose is served by the underground placement of the line because overhead construction of distribution lines is the norm throughout the City and there is no good reason to impose upon all citizens in the City the excess costs associated with the undergrounding of this one line for the benefit of a particular neighborhood or area.

If there are any questions regarding this appeal, please contact me at 241-2792.

Sincerely,



Laurie Moyer

PNM

Coordinator Regulatory Relations and Public Participation

Cc: Kevin J. Curran, Esq.
Robert H. Clark, Esq.
Gerard T. Ortiz
Robert Kidd, Esq.



OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE
PLANNING DEPARTMENT
DEVELOPMENT REVIEW BOARD

January 6, 2010

Project# 1008093

09DRB-70377 SUBDIVISION DESIGN VARIANCE FROM MIN STANDARDS

PNM request(s) the referenced/ above action(s) for an **OVERHEAD ELECTRIC DISTRIBUTION LINE** located on ATRISCO DR NW, SCENIC DR NW, UNSER BLVD NW, AND URRACA ST NW, from Volcano Vista High School to La Cuentista Subdivision. (C-9, D-9, D-10)

The Public Service Company of New Mexico's (PNM) has requested a variance to the undergrounding requirements of Section 14-14-4-9(B) Electrical and Communication Line Locations of the City Subdivision Ordinance, to place new electrical three phase distribution line aboveground on the northwest mesa, generally from Volcano Vista High School to La Cuentista Subdivision along Atrisco Dr NW and Unser Blvd NW.

Section 14-14-4-9(B) of the Subdivision Ordinance states: "The Development Review Board may grant a variance...if it is determined that no significant public purpose would be served by requiring the new lines be placed underground and that one or more of the following conditions exists: (1) the immediate or adjacent area is presently served by overhead lines; or (2) subsurface conditions make underground lines economically unreasonable."

The variance request is subject to the policies of the Albuquerque/Bernalillo County Comprehensive Plan, the Northwest Mesa Escarpment Plan, and the West Side Strategic Plan

At the January 6, 2010, Development Review Board meeting, the subject variance request was denied based on the following Findings:

1. A significant public purpose is served by requiring the placement of the new lines underground because:
 - a. Policy II.C.8.a of the Albuquerque/Bernalillo County Comprehensive Plan item 2) states that development and subdivision standards are to encourage solutions which are not limited to engineering effectiveness, and item 4) states that utilities are to be designed with respect for environmental and visual factors.
 - b. Policy II.C.8.b of the Albuquerque/Bernalillo County Comprehensive Plan states that utilities shall be designed to realize opportunities for City beautification, with qualitative standards for development.

- c. Policy II.C.8.c of the Comprehensive Plan states that incidental structures such as wires and poles shall be designed for minimal visual intrusion.
- d. Policy 1.a of the Northwest Mesa Escarpment Plan states that the unique visual qualities of the escarpment are to be conserved.
- e. Policy 1.d of the Northwest Mesa Escarpment Plan states that views to and from the escarpment are recognized as important.
- f. Policy 4.6 of the West Side Strategic Plan states that the Overhead Utilities Section of that Plan became policy upon plan adoption. The Overhead Utilities Section states that electrical distribution lines should be placed underground consistent with the City's Subdivision Ordinance.

2. Other private development in the immediate and adjacent area of this request has constructed and is served by underground distribution lines and other underground utilities (e.g. Vista Vieja, La Cuentista, and The Trails). There is a significant amount of platted but undeveloped land in the immediate area that is presently unserved by PNM. To allow the placement of overhead distribution lines could set a precedent to justify the remaining undeveloped land, some of which is within the Impact Area of the NW Mesa Escarpment Plan, to be served by overhead lines.

3. There is a significant public purpose in placing the lines underground because overhead lines create potential safety hazards to children, vehicular traffic, and balloonists, and are aesthetically displeasing because they obstruct and, therefore, detract from the natural landscape.

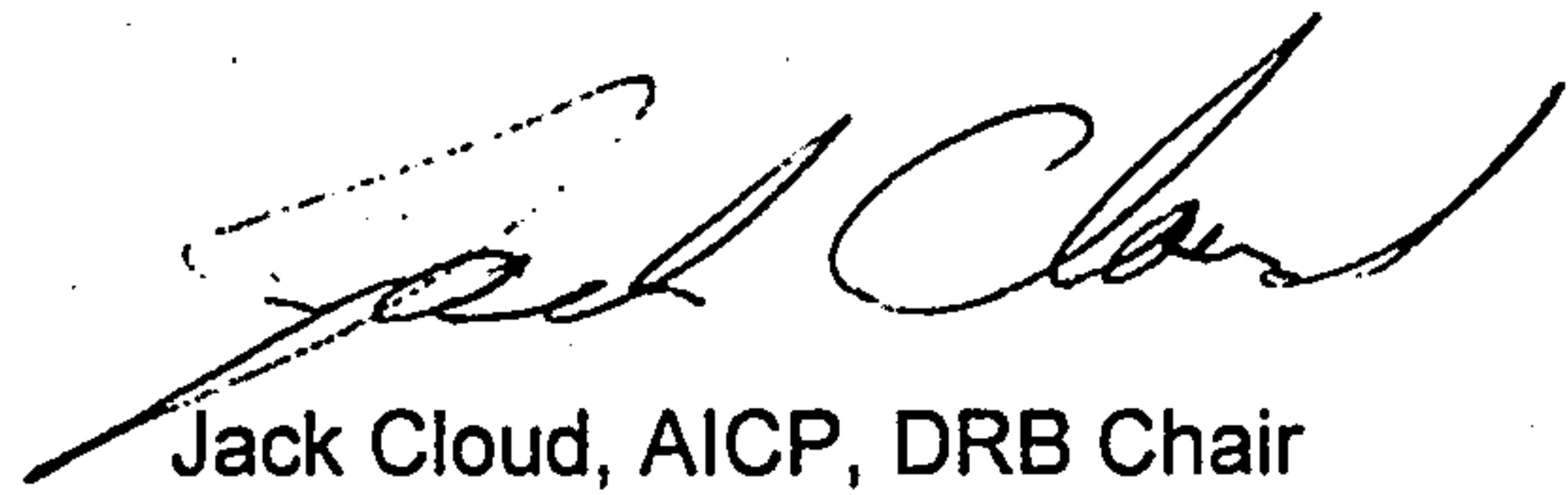
4. Subsurface conditions have been overcome by other private development in the area as noted in Finding No. 2, therefore the installation of underground lines is not economically unreasonable.

If you wish to appeal this decision, you must do so by January 21, 2010, in the manner described below.

Appeal is to the Land Use Hearing Officer. Any person aggrieved with any determination of the Development Review Board may file an appeal on the Planning Department form, to the Planning Department, within 15 days of the Development Review Board's decision. The date the determination in question is issued is not included in the 15-day period for filing an appeal.

If the fifteenth day falls on a Saturday, Sunday or holiday as listed in the Merit System Ordinance, the next working day is considered as the deadline for filing the appeal. Such appeal shall be heard within 60 days of its filing.

You will receive notice if any other person files an appeal. Successful applicants are reminded that other requirements of the City must be complied with, even after approval of the referenced application(s).



Jack Cloud, AICP, DRB Chair

Cc: Rene Horvath – 5515 Palomino – Albuquerque, NM 87120
Cc: Joe Archbold – P.O. Box 65888 – Albuquerque, NM 87193-5888
Cc: Elisa Balli – 6912 Nacelle Rd NE – Albuquerque, NM 87144
Cc: Tom & Diana Griego – P.O. Box 67077 – Albuquerque, NM 87193
Cc: Gerry Falls – P.O. Box 20760 – Albuquerque, NM 87154
Cc: David Stang – 7609 Northridge NE – Albuquerque, NM 87109
Cc: Debbie Tony Madrid – 3801 Manchester NW – Albuquerque, NM 87107
Cc: Anthony Navarro – 1542 Yakima SW – Albuquerque, NM 87105
Cc: Barbara Mueller – 4904 Alberta NW – Albuquerque, NM 87120
File

City of Albuquerque Planning Department
One Stop Shop – Development and Building Services

01/14/2010 Issued By: PLNSDH 65739

Permit Number: 2010 030 000

Category Code 950

Application Number: 10CC-30000, Appeals Of Drb Subdivision Ordanances

Address:

Location Description:

Project Number: 1008093

Applicant

Pnm
Laurie Moya
Alvarado Square
Albuquerque NM 87158
241-2792

Agent / Contact

Pnm
Laurie Moya
Alvarado Square
Albuquerque NM 87158
241-2792

Application Fees

441018/4971000	Public Notification	\$50.00
441006/4971000	CC Actions	\$190.00
TOTAL:		\$240.00

AC-10-4

City Of Albuquerque
Treasury Division

1/14/2010 2:50PM LDC: ANHX
WS# 006 TRANSH 0046
RECEIPT# 00114646-00114646
PERMIT# 2010030000 TRSCXG
Trans Amt \$240.00
Conflict Manag. Fee \$50.00
CC Actions \$190.00
MC \$240.00
CHANGE \$0.00

Thank You

January 4, 2010

Jack Cloud
DRB Chairman
Development Review Board
600 2nd Street, Ground floor
Albuquerque, New Mexico 87102

Re: Project#1008093: 09DRB-70377 subdivision design variance from minimum standards for overhead electric distribution lines in Volcano Heights.

Dear Mr. Cloud,

The Taylor Ranch Neighborhood Association (TRNA) received notification from PNM that they are seeking a variance for overhead electric distribution lines in Volcano Heights. The TRNA Board does not support a variance for overhead distribution lines on top of the mesa. It is our understanding that there are policies already in place to keep the distribution lines below ground. The Board feels very strongly that electrical lines should be below ground, to help maintain the scenic quality of the mesa top for the residents and to help protect the view-shed for the visitors of Petroglyph National Monument. We feel it would be in the public's best interest to keep the distribution lines below ground.

Sincerely,
Rene' Horvath
TRNA Land Use Director



Volcano Cliffs Property Owners Association, Inc.

P.O. Box 27666, Albuquerque, New Mexico 87125

January 5, 2010

Hand Delivered

To: Jack Cloud, AICP, Chairman
Development Review Board
City of Albuquerque

Subject: PNM Overhead Line in Volcano Cliffs

The Volcano Cliffs Property Owners Association, representing several hundred land owners does hereby protest the installation of the requested overhead power line by PNM in Volcano Cliffs Subdivision.

Installation of such an overhead line would irreparably mar the views in an area where all future utility lines will be installed underground using the Special Assessment District process.

Sincerely,



David Heil
President

Cloud, Jack W.

From: elisa [elibal1@peoplepc.com]
Sent: Tuesday, January 05, 2010 4:20 PM
To: Cloud, Jack W.
Subject: Project #1008093
Attachments: Mr Cloud.doc

Will await your response.

PeoplePC Online
A better way to Internet
<http://www.peoplepc.com>

Mr. Cloud,

As per my conversation with you this morning, I am writing to you. PNM does no placement of their facilities without a request and a charge from them. That means to me that there is a developer that wants to save money at the expense of landowners like myself placing distribution cables and poles on someone else's property to serve their development with buried facilities. What that means to me is depreciation of my property with aerial poles and cables and also obstruction my mountain views. This should be a "NO" vote from all that are voting. Would the City of Albuquerque okay aerial facilities in their parks etc in today's environment?

I received a Notice of Hearing from your department on Saturday, Jan. 2nd. My first call to you was on Monday, Jan 4th. Why send a notice at the end of the year to hold a meeting on the first week of January when it is right after the Holidays when people are going back to work and lots of us are concern about jobs and the stress over money. This is not the right time or is it a perfect time for the developers.

Please tell me if there is a chance to vote no on this project or are people just going through the motions and the decision has already been decided in favor of the developers. Will my voice be heard? Why were people not sent an explanation and told who is the beneficiary of this project? Who among the voters would approve this project if it were your properties involved? What are my choices and options to fight this project if the decision has already been made? What transparency and explanations has the City made?

I am asking that you and all the City Representatives vote "NO" to this injustice.
**IS THERE SOMEONE OUT THERE THAT IS REPRESENTING THE
PEOPLE AND THE INNOCENT AGAINST BIG BUSINESS AND MONEY.
MAY GOD HELP US ALL!**

Cloud, Jack W.

From: Diane_Souder@nps.gov
Sent: Tuesday, January 05, 2010 4:43 PM
To: Cloud, Jack W.
Subject: Bison Tooth!

Hi Jack:

I know that PNM will be asking for a varience to have their utility lines underground at tomorrow's DRB. While I do not have an exact map of the Folsom site, it appears to be in the immediate area, east of the Northern Geologic window. This site shows that possibly 9000 years ago there was a bison hunting camp in the area and the bison tooth enamel shows that the bison was killed in Spring (I have no idea how they know that) - this fields school was conducted by Dr. Bruce Huckle from UNM. He is the real expert on the site. Whether or not the lines are above/under ground we would hope that careful archaeological study is made so as to avoid any impact on the site.

Thank you for letting us oofer our opinion.

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF PUBLIC SERVICE COMPANY OF NEW)
MEXICO FOR APPROVAL OF THE CITY OF)
ALBUQUERQUE UNSER 12 UNDERGROUND)
PROJECTS RIDER PURSUANT TO)
ADVICE NOTICE NO. 344,)**

Case No. 07-00463-UT

**PUBLIC SERVICE COMPANY OF NEW)
MEXICO,)**

Applicant.)

CERTIFICATION OF STIPULATION

Pursuant to 17.1.2.23.A(5)(b) NMAC, James C. Martin, Hearing Examiner in this case, submits this Certification of Stipulation to the New Mexico Public Regulation Commission ("NMPRC" or the "Commission") concerning the Unopposed Stipulation filed on August 29, 2008, by Public Service Company of New Mexico ("PNM" or "Company") and the City of Albuquerque ("COA").¹ The Unopposed Stipulation is attached hereto as Attachment A. It addresses and, if approved would resolve, all issues raised by the parties in this case. Having reviewed the Stipulation and the record and having conducted a public hearing thereon, the Hearing Examiner recommends that the Commission approve the Stipulation as provided herein and adopt the following Statement of the Case and Discussion.

STATEMENT OF THE CASE

On December 28, 2007, PNM filed an Application and Advice Notice No. 344 with the Commission, requesting approvals, authorizations and variances

¹ The Stipulation recited that the City of Santa Fe concurs in, and the New Mexico Industrial Energy Consumers has no objection to, the Stipulation. *Id.*, at 1, n.1. The Utility Division Staff later testified that it recommends approval of the Stipulation. Staff Ex. 2 (Sisneros Direct) at 1-2.

necessary to implement the City of Albuquerque Unser 12 Underground Project Rider No. 21 ("Rider 21").

On January 16, 2008, the COA filed its Motion to Intervene and Request for Discovery Documents.

On January 17, 2008, the Commission issued its Order Suspending Rates and Designating Hearing Examiner, appointing James C. Martin as Hearing Examiner to preside over this case and expressly granting the Hearing Examiner authority to rule on PNM's request for variances.

On January 23, 2008, the New Mexico Industrial Energy Consumers ("NMIEC") filed its Motion for Leave to Intervene and Request for Discovery.

In an Order Scheduling Pre-Hearing Conference issued on January 25, 2008, the Hearing Examiner ordered that a pre-hearing conference take place on February 5, 2008. The pre-hearing conference was held as scheduled.

In a Procedural Order that was issued on February 7, 2008, the Hearing Examiner set forth the procedural schedule for the case that included the following dates. PNM was required to publish notice of the proceeding in the *Albuquerque Journal* one time on or before February 19, 2008 and to mail or otherwise send notice to its affected electric utility customers, i.e., those within the City of Albuquerque, on or before February 26, 2008. PNM was also required to post the Procedural Order on its website. As required by the Order Suspending Rates and Designating Hearing Examiner, on or before February 20, 2008, PNM was required to file and serve any documents related to the City of Albuquerque undergrounding requirements and any other documents related to this matter involving the COA, including but not limited to any requests for waivers from the COA or grants of waivers by the COA. Any party wishing to

intervene was required to file for leave to intervene on or before March 31, 2008; on or before April 11, 2008, Utility Division Staff ("Staff") and any Intervenors were to file direct testimony; on or before April 18, 2008, all motions requesting any form of dispositive relief or remedy were required to be filed; on or before April 30, 2008, rebuttal testimony was to be filed; and a public hearing was set to begin on May 22, 2008.

By email correspondence dated February 11, 2008, PNM's counsel advised the Hearing Examiner that PNM would be unable to meet the February 26, 2008 deadline contained in the Procedural Order for including copies of the notice in customer bills. This correspondence stated that due to PNM billing cycles, PNM would begin sending out notices in bills that went out starting February 18, 2008, but the last notices would not go out until bills that were mailed March 18, 2008.

On February 11, 2008, the Hearing Examiner entered a minute order that was sent electronically to Staff and the parties, ordering that, to accommodate PNM's billing cycles, paragraph G of the Procedural Order was revised to provide that PNM should begin sending out the notice in bills that went out starting February 18, 2008, with the last mailing of notice to go out with bills mailed on March 18, 2008.

On February 20, 2008, PNM made its Supplemental Filing of Documents Pursuant to Commission Order.

On March 26, 2008, the City of Santa Fe ("COSF") filed its Motion to Intervene and Request for Discovery Documents.

On April 9, 2008, the COA filed its Motion to Dismiss or in the Alternative an Application for an Exemption or Variance from Rate 22. The

COA submitted the pre-filed direct testimony of Joe D. Luehring in support of its Motion to Dismiss.

On April 10, 2008, Staff filed the direct testimony of Anthony R. Sisneros.

On April 10, 2008, PNM filed its Affidavit of Publication and Notice to Customers certifying that notice had been timely published in the *Albuquerque Journal* and that copies of the Notice had been mailed to Albuquerque residents.

On April 25, 2008, PNM and Staff filed an Unopposed Joint Motion to Amend Procedural Order.

In a Second Procedural Order issued on April 28, 2008, the Hearing Examiner granted the Unopposed Joint Motion and revised the procedural schedule as follows: rebuttal testimony must be filed no later than May 29, 2008; responses to motions requesting any form of dispositive relief or remedy must be filed on or before May 29, 2008; and a public hearing will be held on June 18, 2008.

On May 13, 2008, PNM filed its Amended Affidavit of Publication and Notice to Customers. PNM's original Affidavit of Publication and Notice to Customers, filed April 10, 2008, had inadvertently omitted mention of the posting of the Notice on PNM's website. Thus, the amended Affidavit contained an additional paragraph stating that PNM had posted the required Notice on its website on February 12, 2008.

On May 29, 2008, PNM filed its Response to City of Albuquerque's Motion to Dismiss or, in the Alternative, an Application for an Exemption or

Variance from Rate No. 22. On that same date, PNM filed the Rebuttal Testimony of Gerard T. Ortiz in support of its Response.

In an Order issued on June 12, 2008, the Hearing Examiner ordered that the COA's Motion to Dismiss or in the Alternative an Application for an Exemption or Variance from Rate No. 22 was denied and that the case would proceed to a hearing on the merits.

On June 19, 2008, PNM and the COA filed their Joint Motion to Vacate Hearing and for Scheduling of Status Conference.

In an Order Rescheduling Proceedings issued on June 24, 2008, the Hearing Examiner granted the Joint Motion, vacated the June 18, 2008 hearing and ordered that a status conference be held on July 18, 2008.²

On July 14, 2008, PNM and the COA filed their Joint Motion to Reschedule Status Conference.

In an Order Rescheduling Status Conference issued on July 16, 2008, the Hearing Examiner granted the Joint Motion and scheduled a status conference for August 12, 2008.

In a Second Order Rescheduling Status Conference issued on July 18, 2008, the Hearing Examiner ordered that a status conference be held on August 4, 2008. The status conference was held on that date.

In a Third Procedural Order issued on August 5, 2008, the Hearing Examiner revised the procedural schedule as follows: any proposed stipulation shall be filed on or before August 29, 2008; any objections to the proposed stipulation shall be filed on or before September 5, 2008; testimony in support of the proposed stipulation shall be filed on or before September 10, 2008;

² The hearing had been preliminarily vacated by the Hearing Examiner's e-mail Order of June 17, 2008, pending the filing of the Joint Motion to Vacate Hearing.

response testimony shall be filed on or before September 19, 2008; and a public hearing will take place on September 29, 2008. That Order also found (at ¶ 4) that “[t]he current suspension period in this case ends on October 27, 2008. In recognition of the revised schedule for this proceeding, PNM has agreed to extend the suspension period through December 31, 2008.”³

On August 29, 2008, PNM and the COA filed their Unopposed Stipulation. In summary, the Stipulation provides that the COA withdraws its objections to PNM’s rate rider filing in this case and agrees that PNM should be allowed to recover its excess costs associated with the underground installation of the Unser 12 project utilizing the allocation methodology and the one-year recovery period proposed by PNM in its Application. PNM agreed that, in the future, the Company would file a variance request with the COA seeking a variance from the undergrounding requirement of the COA’s subdivision ordinance and follow the variance procedure to completion before filing a rate rider application under Rate 22.

On September 9, 2008, the COA filed the testimony of John Kolessar in support of the Stipulation.

On September 10, 2008, PNM filed the direct testimony of Gerard T. Ortiz in support of the Stipulation.

On September 19, 2008, Staff filed the direct testimony of Anthony R. Sisneros in support of the Stipulation.

A public hearing was held on September 29, 2008. No public comments were presented. The following appearances were entered at the hearing:

For PNM:

³ See also, Hearing Transcript at 51-52.

Robert H. Clark, Esq.

For City of Albuquerque:

Robert D. Kidd, Jr., Esq.
David Nava, Esq.

For Staff:

Joan Ellis, Esq.

Neither NMIEC nor the COSF appeared at or participated in the hearing.

The following witnesses appeared at the hearing and were examined on their respective pre-filed testimonies.

For PNM:

Gerard T. Ortiz
John D. Olmsted

For City of Albuquerque:

John Kolessar

For Staff:

Anthony R. Sisneros

On October 15, 2008, the transcript of the September 29, 2008 hearing was filed.

On October 23, 2008, PNM filed its suggested corrections to the transcript.

On November 3, 2008, Staff, PNM and the COA filed their Joint Proposed Form of Certification of Stipulation to the Commission.

DISCUSSION

1. PNM's Rate 22

PNM's First Revised Rate No. 22 ("Rate 22") allows PNM to recover the "excess" costs associated with installing distribution lines underground if such

lines are installed underground to comply with a Local Government requirement. Rate 22 allows these excess costs to be collected from either the Local Government itself, from customers within the jurisdiction of the Local Government, or from a combination of the two. Rate 22 defines "excess costs" as the difference between "baseline" (overhead) costs and "actual" (underground) costs. Baseline costs continue to be subject to recovery from all PNM customers through rate base. Rate 22 provides Local Governments a period of up to 60 days to review and comment on the Company's route selection, cost estimates and construction schedule.

Rate 22 also contains a variance procedure under which the Commission may grant Local Governments a variance from Rate 22 if the Commission determines that a particular underground system required by a Local Government is necessitated by the public health and safety, and that any aesthetic benefit to the community is merely incidental.

Rate 22 additionally provides that PNM shall not procure materials or commence construction of an underground project unless the Local Government agrees in writing to pay the excess costs for the project, or the Commission approves a rate rider providing for the recovery of the excess costs from the residents of the Local Government. The rate rider must include the fixed charge for each customer class. Rate 22 also requires each rate rider to include applicable carrying costs based on PNM's capital structure, cost of debt, cost of preferred stock at the end of each year, and the return on equity approved in the Company's last litigated rate case. Additionally, Rate 22 provides that the recovery period can be no longer than seven years. Rate 22 does not apply to projects installed under PNM's Rule 15 (Electric Line

Extension Policy), and does not apply to lines where the voltage is greater than or equal to 115 kV, although Rate 22 provides that PNM may petition the Commission for exceptions to this standard.

Rate 22 further requires that each proposed rate rider include the method to be used for reconciliations on a project-by-project basis, and requires two reconciliations. The first reconciliation is required upon completion of the undergrounding project when the actual costs of the project, including carrying costs, become available. This filing must include the revised rate rider charge for the project based upon the total actual excess costs, but does not require Commission approval unless the total actual excess costs for the project differ by more than twenty percent (20%) from the estimated excess costs. The second reconciliation is required at the end of the recovery period, in which the actual total of the excess costs is reconciled against the total amount collected under the rate rider. At that time, a final rate rider charge or credit for the project will be calculated and collected or refunded during the subsequent three-month period.

While Rate 22 does not prescribe a specific methodology to be used in the allocation of excess costs among affected rate classes, it does require a fixed monthly charge and the reconciliation of amounts charged and collected with actual costs.

2. PNM's COA Unser 12 Underground Projects Rider

The project for which PNM seeks recovery of excess costs in this case is the Unser 12 project ("project"). The project consists of the underground installation of approximately 3,350 feet of new three-phase distribution line on the south side of Western Trails, NW between Unser Boulevard, NW and Quaker

Heights Place, NW. PNM Ex. 1 (Ortiz Direct) at 5. The specific purpose of the Unser 12 project is to address circuit overloads during an outage on the Unser Substation. During such an outage, the Mariposa feeder 12 becomes overloaded by nearly 30% and the outage could necessitate dropping some load until the Unser Substation can be restored to service. Id. The Unser 12 project would solve this problem by transferring some of the Unser Substation load to the Mariposa feeder 11, thereby reducing the load on Mariposa feeder 12 during an Unser Substation outage. Id., at 5-6.

3. COA's Subdivision Ordinance Undergrounding Requirement

Because it would be less expensive to construct the project overhead, PNM says that the only reason the Company is installing the line underground is to comply with the COA's subdivision ordinance which requires the underground construction of certain distribution facilities within the city limits, including this project. Id., at 6. PNM sent the COA a letter dated July 31, 2007, which included construction estimates and a route map, and which notified the COA that PNM intended to file for cost recovery under Rate 22 unless the COA chose to pay the excess costs directly. Id. Following the sixty (60) day response period in which correspondence was sent by the COA, PNM filed the application for Rider 21 with the Commission. Id.

PNM testified that the undergrounding of this project is not necessitated on the basis of public health and safety concerns. Id., at 8. *See also*, Stipulation at ¶¶ 5 -7. In terms of reliability, PNM's overhead distribution system performs comparably to the underground system. The Company stated that both overhead and underground power lines afford extraordinary reliability. Neither residential nor business customers are likely to perceive any

significant difference from the overhead versus the underground construction of power lines within the COA. PNM Ex. 1 (Ortiz Direct) at 9.

PNM installs its lines in compliance with the National Electrical Safety Code ("Code"), the purpose of which is the safe installation and maintenance of electrical facilities. Id., at 8. The Code reflects no preference for underground line construction. Id. Mr. Ortiz declared in his direct testimony that "[t]he construction and maintenance of overhead power lines, in a prudent manner consistent with industry standards, is consistent with the public health and safety." Id., at 8-9. He further stated that this assertion is true not only as a general proposition, but is true with respect to the Unser 12 underground project. Id., at 9.

4. Estimated Underground Construction Costs

The estimated excess cost for the project is \$115,459.31. Id., at 6. The excess cost results from an estimated underground construction cost of \$199,401.68 and an estimated overhead construction cost of \$83,942.37. Id., Staff Ex. 1 (Sisneros Direct) at 3-4. PNM testified that underground distribution construction is considerably more expensive than overhead distribution construction primarily due to higher material and contract costs. PNM Ex. 1 (Ortiz Direct) at 6. The cost difference for material is largely attributable to the cost of underground cable and conduit system. The cost difference for contract costs is attributable to the costs associated with either boring or digging and backfilling the trenches for underground installation. Id., at 7.

PNM determined the projected excess cost for the project by first estimating the costs of building the project overhead and building the project

underground with both alternatives designed to be technically and operationally equivalent. Id., at 8. The estimated overhead construction cost was then subtracted from the estimated underground construction costs to determine the excess costs. Id. Based upon the uncontroverted evidence provided in the record, the Commission finds that the amount of the excess costs is reasonable.

5. Excess Cost Allocation Methodology

PNM proposes to collect the relevant excess costs under Rate 22 by allocating excess costs among the represented rate classes. The revenues by rate class for 2006 were obtained from the Company records for the COA. PNM Ex. 4 (Olmsted Direct) at 10. PNM proposes an allocation based upon the ratio of revenues collected from each customer class and the total revenues collected from customers in the COA. Staff Ex. 1 (Sisneros Direct) at 7. Staff supports PNM's proposed allocation of the excess costs of undergrounding to the various customers residing in Albuquerque as "consistent with the traditional principles of ratemaking that hold that rates should exhibit fairness in the apportionment of costs given and avoid undue discrimination." Id., at 7-8. The proposed allocation for COA customers will result in an average annual revenue increase of 0.04% for each customer class that is subject to proposed Rider 21. Id., at 8. Staff observed that this method of allocation was also employed in Case No. 07-00170-UT for customers who reside within the Santa Fe city limits. Id.

6. Carrying Cost Methodology Implementation

Rate 22 allows for the recovery of carrying costs as part of the recovery of excess costs so that PNM is kept whole during the recovery period. PNM Ex. 4 (Olmsted Direct) at 8. PNM initially proposed that the carrying cost methodology utilized in this case be identical to that which was approved by the

Commission in Case No. 03-00352-UT and in the subsequent Rio Rancho and City of Santa Fe undergrounding cases. Id., at 7. As initially proposed by PNM, the carrying cost methodology was based on the weighted capital structure and cost of capital derived to support PNM's retail rates resulting from Utility Case No. 3137. Id. However, as a result of the Company's most recent electric rate case, PNM now proposes that the carrying cost methodology be based on the weighted capital structure and cost of capital resulting from the Final Order in Case No. 07-00077-UT. PNM Ex. 4A.

The carrying cost from the most recent rate case is 11.66%, which is lower than the 12.04% rate used for purposes of the carrying cost calculation in previous undergrounding cases. Id.; Hearing Transcript ("Tr.") at 32. The reduction in the carrying cost rate resulting from Case No. 07-00077-UT reduced the total carrying cost calculated as result of the excess costs in Rider 21 by a total of \$246 or approximately 0.2%. Tr. at 32-33. For residential customers within the Albuquerque city limits, whose fixed charge would be \$0.02 per bill per month, the effect of the reduction of the carrying cost is zero because the two-tenths of one percent change is too small to be seen. Tr. at 33. For the small power class of customers (fixed charge per month of \$0.07), the carrying charge has also not changed. Id. The fixed charge for the general power class is reduced by one cent from \$1.21 to \$1.20 per month. Id. For PNM's large power class, the fixed charge is reduced by two cents from \$12.33 to \$12.31 per month. Id. For the water and sewage class, the fixed charge is reduced by one cent from \$1.49 to \$1.48 per month. Tr. at 34. Finally, for the

universities rate class, the monthly fixed charge is reduced by 38 cents per month from \$188.65 to \$188.27. Id.⁴

7. Recovery Period

PNM proposes to collect the excess costs covered by Rider 21 over a one-year period. PNM Ex. 4 (Olmsted Direct) at 9. That period would start running once the Commission gives its final approval to PNM's Application in this case. Tr. at 50. Rate 22 allows PNM to collect costs under a rider for up to seven years. Because of the relatively small amount of excess costs to be collected under Rider 21, a one-year recovery period limits the total carrying costs recovered while still resulting in minimal fixed charges by rate class. PNM Ex. 4 (Olmsted Direct) at 9. Staff supports PNM's request to impose the proposed rate rider for one year as reasonable given the relatively small magnitude of PNM's rate rider. Staff Ex. 1 (Sisneros Direct) at 7.

8. Variances

PNM seeks two variances in this case. The first variance is from the minimum standard data requirements set out in 17.9.530 NMAC, on the basis of the limited and specialized character of Rider 21 and the fact that it is a new rate rider that does not currently exist. PNM Ex. 1 (Ortiz Direct) at 10. A similar variance was requested and granted in Case Nos. 03-00352-UT, 05-00418-UT, 06-00095-UT, 06-00302-UT and 07-00170-UT. Id.

The second variance is from the requirements of 17.1.2.53.B NMAC through 17.1.2.53.C(2)(e) NMAC, on the basis that a comparison with present rates is not included in the proposed form of notice because Rider 21 is a new

⁴ The charges billed under Rider 21 are considered to be contributions in aid of construction instead of electric utility revenue, and thus are not subject to either franchise fees or gross receipts tax. PNM Ex. 4A at 1.

rate that does not currently exist. Id. A similar variance was granted in the previously referenced underground rider cases. Id.

As discussed above, initially PNM requested a variance from the carrying cost language in Rate 22 that specifies the return on equity used be from the Company's last litigated rate case and the capital structure be from year-end. PNM sought this variance on the basis that the Company's last litigated electric rate case was over fifteen years ago and, thus, was not an accurate reflection of current costs. Id. However, in view of the Commission's decision in the recently litigated electric rate case, Case No. 07-00077-UT, this requested variance has effectively been rendered moot, as described by PNM witnesses Ortiz and Olmsted. Thus, pursuant to the requirements of Rate 22, for purposes of Rider 21 PNM proposes to employ the carrying cost methodology based on the capital structure and return on equity approved in Case No. 07-00077-UT. See PNM Ex. 1 (Ortiz Direct) at 11; PNM Ex. 4A. This proposal is consistent with a recommendation made earlier in this proceeding by Staff (Staff Ex. 1 (Sisneros Direct) at 6-7), and should be approved.

9. Reconciliations

There are two potential reconciliations that can occur during the Rider 21 recovery period. First, as Rate 22 requires, once actual project costs are available, PNM will compare the Actual Excess Costs to the Excess Costs filed in support of Rider Rates. PNM Ex. 4 (Olmsted Direct) at 11. This information must be provided to the Commission in an informational filing. If Actual Excess Costs differ by 20% or more than the estimated Excess Costs approved as a result of this case, PNM must file amended Rider 21 Rates with the Commission. Id. Mr. Sisneros stated that "Staff believes that this methodology

proposed by PNM is reasonable and comports with Rate No. 22 approved by the Commission.” Staff Ex. 1 (Sisneros Direct) at 4-5.

A second reconciliation is required at the end of the recovery period, when the actual total of the excess costs will be reconciled against the total amount collected under the rider. PNM Ex. 4 (Olmsted Direct) at 12. A final rider charge for the project must be calculated at that time and applied over a three-month billing period. Id.

10. Notice of Rider Implementation

In prior undergrounding cases under Rate 22, the Commission has expressed concern that local customers be informed about the nature and circumstances of the implementation of the undergrounding riders. Consequently, the Commission has required PNM to send a bill stuffer to the Company’s affected customers when PNM implements the billing under each particular rider. PNM has agreed that in this case it would include a bill insert in the first month of billing as PNM has done when implementing other underground riders. PNM Ex 1 (Ortiz Direct) at 12. Staff believes that the form of bill stuffer proposed by PNM is a reasonable format to provide notice of rate rider implementation. Staff Ex. 1 (Sisneros Direct) at 9-10.

11. Stipulation

This Certification of Stipulation arises from disagreements between PNM and the COA, followed by a proposed resolution of the parties’ differences.

A. Initial Dispute

In a Motion to Dismiss filed by the COA, the COA claimed that PNM did not provide a sufficiently detailed construction schedule for the Unser 12 undergrounding project as required by Rate 22. The COA further claimed that

PNM did not exhaust the administrative remedies available through the City's variance process prior to applying to the Commission for recovery of excess costs associated with the project. Prior to filing its Rider 21 application with the Commission, PNM had applied to the COA for a variance from the undergrounding requirement in the COA's subdivision ordinance. This variance request was denied by the COA's Development Review Board ("DRB"). The DRB's decision informed PNM that it could appeal the decision to the City Council. The COA's allegation that PNM did not exhaust all available administrative remedies was based on the fact that PNM did not file an administrative appeal of the DRB's decision. The COA requested the Hearing Examiner to grant its Motion to Dismiss or, in the alternative, grant an exemption or variance from Rate 22, claiming as well that the undergrounding of this line is necessitated and required by public health and safety and the public interest would be better served by the excess costs being considered a cost of service for PNM.

In response to the COA's Motion, PNM asserted that the information it provided to the COA constituted a sufficient construction schedule as required by Rate 22. PNM argued that parties who unsuccessfully seek variances are not legally obliged to pursue appeals of adverse decisions. Finally, PNM maintained that the COA's alternative application for exemption or variance should be denied because the COA had not shown that undergrounding the Unser 12 project is necessitated and required by the public health and safety, and because the Company had shown that the undergrounding of the project will only promote aesthetic considerations.

Treating the Motion to Dismiss as a motion for summary judgment, the Hearing Examiner denied the Motion principally because it had not met the requirements and standards of Rule 1-056 NMRA. Order on Motion to Dismiss (issued June 12, 2008), at ¶¶ 5-9, and decretal ¶ A. The Unopposed Stipulation proposes a consensual resolution of the issues litigated by PNM and the COA in connection with the Motion to Dismiss, and the substantive issues related to PNM's Application, as discussed immediately below.

B. Summary of Proposed Stipulation

PNM and the COA believe the Uncontested Stipulation is fair, just, reasonable and consistent with the public interest. As noted above, Staff recommends approval of the Stipulation, NMIEC has no objection to it, and the COSF concurs in the Stipulation.

Under the Stipulation, the COA agreed to withdraw all objections to PNM's rate rider filing in this case, including those objections raised in the COA's Direct Testimony. PNM Ex. 2 (Olmsted Direct) at 5. The COA also agreed that PNM should be allowed to recover its excess costs associated with the underground installation of the Unser 12 project in the amounts provided in PNM's Application in this case and using the allocation methodology and the one-year recovery period proposed by PNM. Id. In light of this Stipulation, both PNM and the COA agreed not to support their respective positions advanced by PNM's Rebuttal Testimony (Mr. Ortiz) and COA's Direct Testimony (Mr. Luehring). Id.

PNM agreed that, in the future, when the Company would normally file a rate rider application under Rate 22 as a result of the COA's subdivision ordinance, PNM will first file a variance request with the COA, seeking a

variance from the undergrounding requirement of the subdivision ordinance. Id., at 6. Further, if the DRB denies the variance application, PNM will seek administrative review of the decision by the City Council. Id.

The COA agreed to make a good faith effort to reach a decision on the merits of a PNM variance application within ninety (90) days of the variance filing date. If the City Council has failed to reach a decision on a variance within one hundred and twenty (120) days after the variance filing date, PNM may make a Rate 22 filing with the Commission to recover any excess costs PNM will incur in complying with the undergrounding requirement of the COA's subdivision ordinance. Further, PNM may provide the 60-day notice required by Rate 22 on the sixtieth (60) day after the date of the variance filing so that the sixty days under PNM's 60-day notice will expire on the one hundred and twentieth (120) day after the date of the variance filing. The 120 days is calculated from the date PNM files the variance application with the COA. Tr. at 21-22.

As a part of the requirement that PNM apply for a variance with the DRB, if PNM withholds submitting its 60-day notice under Rate 22 for at least sixty (60) days following the date of the variance filing, the COA will not oppose a PNM rate rider filing under Rate 22 on the basis that the PNM variance filing is still pending before the DRB or the City Council, nor will the COA oppose a rate rider filing under Rate 22 on the basis that PNM has failed to seek or exhaust administrative remedies. If, during the pendency of a Rate 22 proceeding before the Commission, the COA grants PNM's variance application, PNM will file a motion with the Commission to withdraw its Rate 22 application and will proceed to construct the project above ground. The COA will support, or not

oppose, such a PNM motion to withdraw its Rate 22 application. Stipulation, ¶¶ 11-12.

As already discussed, in the event the COA does not decide PNM's variance request within 120 days of the Company filing the variance with the COA, under the terms of the Stipulation PNM will make a Rate 22 filing with the Commission. PNM witness Ortiz was asked whether there is any concern that the Commission might be captive to the COA's processes and determination of whether to grant the variance. Tr. at 23. The Stipulation contains provisions that address any such concern. First, it is expected that once PNM files an application for an underground rider with the Commission, the COA will feel more pressure to resolve the variance request quickly. Tr. at 24. Second, the COA has agreed to make a good faith effort to resolve the variance application within ninety days. Id. It is, therefore, expected that the COA will reach a decision regarding PNM's requested variance shortly after PNM makes a Rate 22 filing with the Commission. Id.

PNM commits to assuring that its contractors and employees will comply with the COA's Excavation and Barricade ordinance and regulations in relation to the installation of electric distribution lines within the COA, prior to initiating construction within the COA right-of-way.

PNM and the COA waive any objection to the jurisdiction of the Commission to enter a Final Order approving the Stipulation and to the jurisdiction of the Commission to enforce such Final Order incorporating the terms of the Stipulation. PNM and the COA agree that the Commission may enforce the Stipulation by, among other things: (i) deferring the consideration of, or declining to consider, a PNM rate rider filing under Rate 22 that is

inconsistent with PNM's agreements in the Stipulation, or (ii) declining to consider any COA objection or protest to a PNM rate rider filing that is inconsistent with the COA's agreements in the Stipulation. Both PNM and the COA agree that "nothing in the Stipulation binds the Commission to any particular course of action or is intended to limit the Commission's exercise of its discretion in future cases." PNM Ex. 2 (Ortiz Direct) at 8; Tr. (Kolessar) at 45.

PNM and the COA agree that the Stipulation represents a resolution that is in the public interest. Also, Staff witness Sisneros testified that he recommended the stipulation be approved because it is in the public interest. Tr. at 50-51. Further, Staff does not have any reservations about the COA variance process detailed in the stipulation. Tr. at 51. The Stipulation is the product of arms-length negotiations between knowledgeable parties represented by counsel. PNM Ex. 2 (Olmsted Direct) at 10. The Stipulation resolves the contested issues as well as the COA's variance request process, thereby allowing a prompt and efficient resolution of the case. Id. As a result, the Stipulation reduces litigation expenses and conserves the resources of PNM, the COA and other parties, and Staff and the Commission. Id. Moreover, assuming the Stipulation leads to a prompt resolution of this case, PNM will soon be able to begin construction of the Unser 12 project. PNM gives its assurance that this project will contribute to the continued reliability of electrical service to the residents of Albuquerque. Id.

The Stipulation also ensures that the City Council will have the opportunity it desires to consider the underground placement of every underground project subject to the COA's subdivision ordinance for which COA

electric customers pay the excess costs, while providing PNM a greater measure of certainty with respect to length of time to allow for the COA's variance process. Id. In addition, the agreed process for requesting a variance with the COA assures that the need for overhead lines will be considered pursuant to a variance, and that the COA will have the opportunity for a full discussion of the costs of and need for undergrounding by COA policy makers, prior to the commencement of construction. COA Ex. 1 (Kolessar Direct) at 5.

C. Waiver of Right to File Exceptions

PNM, the COA and Staff have agreed to waive their rights under 17.1.2.23.A(5)(b) NMAC to file exceptions to the Certification of Stipulation.

Based on a review of the provisions of the Stipulation, the foregoing discussion, and in accordance with 17.1.2.23.A(5)(b) NMAC, the Hearing Examiner recommends that the Commission find that the Unopposed Stipulation is just, reasonable and consistent with the public interest and should be approved.

The Hearing Examiner recommends that the Commission **FIND and CONCLUDE** that:

1. The Statement of the Case, Discussion, and all findings and conclusions therein, whether or not separately stated, numbered or designated as findings or conclusions, are incorporated by reference herein as findings and conclusions.

2. PNM is authorized to conduct the business of providing public utility service within the State of New Mexico and is a public utility as defined in the Public Utility Act, NMSA 1978, § 62-1-1, *et seq.* PNM is subject to the jurisdiction and authority of the Commission.

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

4. Due and proper notice of this case has been given and published.

5. As a public utility, PNM is required to furnish adequate, efficient and reasonable service at just and reasonable rates. NMSA 1978, §§ 62-8-1 & 62-8-2.

6. As a public utility, PNM is required to adhere to its filed rate schedules, including Rate 22. NMSA 1978, § 62-8-5.

7. The Unopposed Stipulation is fair, just, reasonable and in the public interest, is supported by substantial evidence in the record, is uncontested and should be approved and adopted as provided by this Order.

8. Among the applicable legal standards that control the consideration of this rate rider proceeding is Rate 22.

9. As proposed by the Stipulation, there should be a one-year term for the recovery of the excess costs to be recovered under Rider 21.

10. Advice Notice 344 (Rider 21), as revised in PNM witness Olmsted's Exhibit 4A, is fair, just and reasonable and should be approved.

11. PNM should be required to send a bill stuffer to its electric customers in the COA to inform them about the implementation of Rider 21 in the first billing cycle that the rider becomes effective.

12. PNM should be granted variances from the minimum standard data requirements set forth in 17.9.530 NMAC and from the rate comparison notice requirements set forth in 17.1.2.53.B through 17.1.2.53.C(2)(e) NMAC.

13. For purposes of calculating the carrying cost component of Rider 21, PNM should use the Return on Equity approved in Case No. 07-00077-UT

which reflects current costs and is consistent with current rates being charged to electrical customers. The carrying costs associated with the project excess costs are also reflected in PNM's Exhibit 4A.

14. PNM should submit to Staff reconciliation data at the earliest feasible date, and a fixed Excess Cost Adjustment Charge by rate class will be calculated and applied over a three-month billing period, to expire no later than three months after the end of the one-year recovery period, but no sooner than the end of the one-year term.

15. PNM has agreed to extend the suspension period in this case from October 27, 2008, through December 31, 2008.

16. Because they did not appear or participate in the hearing, and did not submit any post-hearing filings, NMIEC and the COSF are deemed to have waived their rights to object to the Unopposed Stipulation, and may not otherwise continue their party status, pursuant to, respectively, 17.1.2.34.B and 17.1.2.34.D(2) NMAC.

17. The corrections contained in PNM's Suggested Corrections to the Transcript should be approved with the following revisions:

- p. 6, l. 22—replace "So" with "so";
- p. 21, l. 5—replace "or" with "for";
- p. 36, l. 8—insert "of" after "that";
- p. 36, l. 24—insert "heard" after "just";
- p. 36, l. 24—replace "years" with "year's"; and
- p. 50, l. 18—insert "PNM's" after "as".

The Hearing Examiner recommends that the Commission **ORDER** that:

A. The Unopposed Stipulation is approved and adopted as provided by this Order.

B. The excess costs for the Unser 12 project, as well as the allocation methodology proposed by PNM and addressed herein, are unopposed, supported by the record, consistent with Rate 22 and accordingly are approved and adopted as described above.

C. The variances requested by PNM, as described above, are granted.

D. PNM shall send a bill stuffer consistent with this Order to its electric customers in the COA to inform them about the implementation of Rider 21 in the first billing cycle that the rider becomes effective.

E. PNM's Suggested Corrections to the Transcript is approved as revised above.

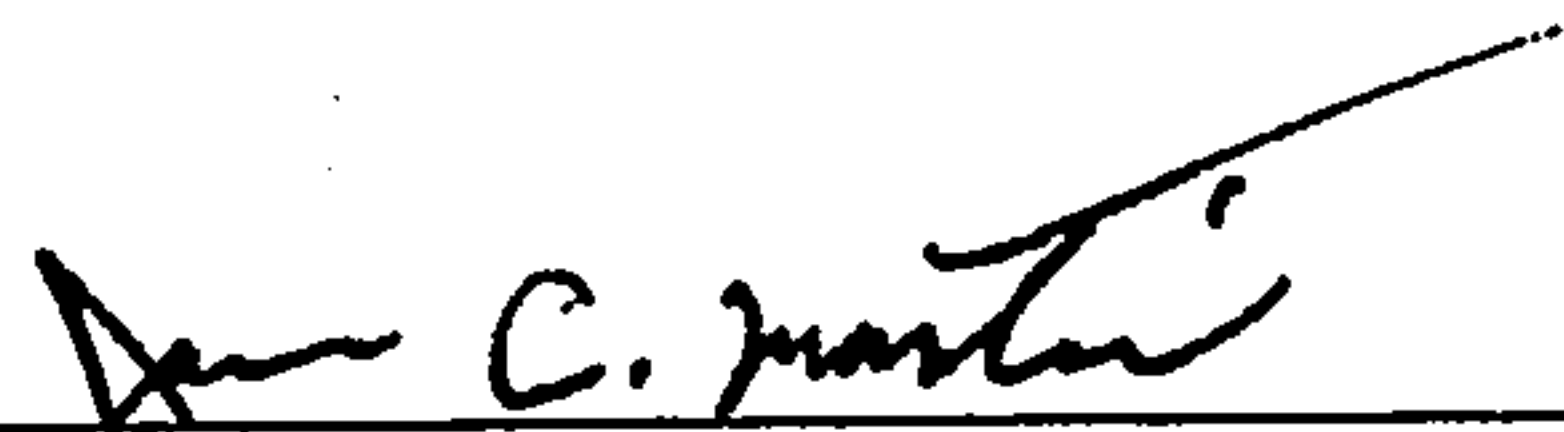
F. Any outstanding matter in this case not specifically ruled on during the hearing or in this Order is disposed of consistent with this Order.

G. This Order is effective immediately.

H. Copies of this Order shall be sent to all persons on the official service list in this proceeding.

ISSUED at Santa Fe, New Mexico this 25th day of November, 2008.

NEW MEXICO PUBLIC REGULATION COMMISSION



JAMES C. MARTIN
HEARING EXAMINER

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION)
OF PUBLIC SERVICE COMPANY OF NEW)
MEXICO FOR APPROVAL OF THE CITY OF)
ALBUQUERQUE UNSER 12 UNDERGROUND)
PROJECTS RIDER PURSUANT TO)
ADVICE NOTICE NO. 344,)
)
PUBLIC SERVICE COMPANY OF NEW)
MEXICO,)
)
)
Applicant.)

Case No. 07-00463-UT

2009 AUG 29 PM 4:04

NM PUBLIC
REGULATION
COMMISSION

UNOPPOSED STIPULATION

Pursuant to the New Mexico Public Regulation Commission's Rule 17.1.2.23 NMAC, Public Service Company of New Mexico ("PNM") and the City of Albuquerque (the "City") agree and stipulate as follows:¹

INTRODUCTION

1. On December 28, 2007, pursuant to PNM's First Revised Rate 22 ("Rate 22"), PNM filed its Application and Advice No. 344 seeking approval by the New Mexico Public Regulation Commission ("NMPRC" or the "Commission") of PNM's Original Rate Rider 21 ("Rider 21") to allow PNM to recover the excess costs associated with the underground installation of the Unser 12 distribution line within the City of Albuquerque, New Mexico. PNM also requested related variances.

¹ Prior to filing, this Stipulation was provided to the Commission's Utility Division Staff ("Staff") and to the intervenors in this case, New Mexico Industrial Energy Consumers ("NMIEC") and the City of Santa Fe ("Santa Fe"). Staff has advised that it takes no position on the Stipulation at this time, but will take a position at a later time consistent with the procedural schedule set out in the Hearing Examiner's Third Procedural Order. City of Santa Fe concurs in the Stipulation. NMIEC has no objection to the Stipulation.

2. The Unser 12 project consists of the underground installation of approximately 3,350 feet of new three-phase distribution line on the south side of Western Trails, NW between Unser Blvd, NW and Quaker Heights Place, NW.

3. In prefiled direct testimony (the "City's Direct Testimony"), the City opposed PNM's recovery of the excess costs incurred in undergrounding the Unser 12 project, arguing among other things that PNM had not filed an administrative appeal from the denial of its request for a variance for this project; that PNM had failed to provide an adequate construction schedule for the project; and the City also requested a variance from Rate 22 based on asserted health and safety issues. PNM submitted prefiled rebuttal testimony ("PNM's Rebuttal Testimony") in opposition to the City's above positions.

4. In order to resolve their disagreements in this case concerning excess cost recovery for the underground installation of the Unser 12 project, PNM and the City have agreed to this Stipulation, which they believe is fair, just and reasonable and consistent with the public interest.

STIPULATION

City's Withdrawal of Objections

5. The City withdraws all objections to PNM's rate rider filing in this case, including those raised in the City's Direct Testimony.

6. The City agrees that PNM should be allowed to recover its excess costs associated with the underground installation of the Unser 12 project in the amounts set out in PNM's Application in this case (and subject to appropriate reconciliations as provided for in Rate 22).

7. The City agrees that PNM is entitled to its requested variances, and to recover the total actual excess costs associated with the underground installation of the Unser 12 project, utilizing the allocation methodology and the one-year recovery period proposed by PNM.

8. While PNM and the City recognize that the Commission may wish for the City's Direct Testimony and PNM's Rebuttal Testimony to be placed into evidence at the hearing of this case, for the sole purpose of providing a background of their previous positions, both the City and PNM agree, in light of this Stipulation, not to support the respective positions advanced by them in the City's Direct Testimony and PNM's Rebuttal Testimony.

Future Variance Filings by PNM

9. In the future, where as a result of the City's subdivision ordinance, PNM would normally file a rate rider application under Rate 22, PNM will first file a variance request with the City, seeking a variance from the undergrounding requirement of the subdivision ordinance. If the City's Development Review Board ("DRB") denies the variance application, PNM will seek administrative review of the DRB decision to the City Council.

10. The City shall make a good faith effort to reach a decision on the merits of a PNM variance application within ninety (90) days of the variance filing date. If the City Council has failed to reach such a decision on a variance filing within one hundred and twenty (120) days after the variance filing date, PNM may make a Rate 22 filing with the NMPRC to recover any excess costs PNM will incur in complying with the undergrounding requirement of the City's subdivision ordinance. It is understood that PNM may provide the 60-day notice required by Rate 22 on the sixtieth (60th) day after the date of the variance filing so that the sixty (60) days under PNM's 60-day notice will expire on the one hundred and twentieth (120th) day after the date of the variance filing. If PNM requests a deferral of the variance process at either the DRB

or City Council level, the 120-day period herein provided for will be extended by the amount of the deferral requested by PNM.

11. Assuming PNM's compliance with the requirement that it apply for a variance, as provided for in paragraph 9, and that it withholds submitting its sixty-day notice under Rate 22 for at least sixty (60) days following the date of the variance filing, the City will not oppose a PNM rate rider filing under Rate 22 on the basis that the PNM variance filing is still pending before the DRB or the City Council, nor will the City oppose a rate rider filing under Rate 22 on the basis that PNM has failed to seek or exhaust administrative remedies.

12. If, during the pendency of a Rate 22 proceeding before the NMPRC, the City grants PNM's variance application, PNM shall file a motion with the NMPRC to withdraw its Rate 22 application and shall proceed to construct the project above ground. The City shall support, or not oppose, such a PNM motion to withdraw its Rate 22 application.

13. PNM commits to assuring that its contractors and employees will comply with the City's Excavation and Barricade ordinance and regulations in relation to the installation of electric distribution lines within the City.

Other Provisions

14. In light of this Stipulation, the City agrees that the Commission need not address any of the issues previously raised by the City, including any issues related to an alleged failure by PNM to exhaust administrative remedies, failure to provide the City with a sufficient construction schedule, as well as the City's own request for a variance from Rate 22.

15. PNM and the City waive any objection to the jurisdiction of the Commission to enter a Final Order approving this Stipulation and to the jurisdiction of the Commission to enforce such Final Order incorporating the terms of this Stipulation. PNM and the City agree

that the Commission may enforce this Stipulation by, among other things: (i) deferring the consideration of, or declining to consider, a PNM rate rider filing under Rate 22 that is inconsistent with PNM's agreements in this Stipulation, or (ii) declining to consider any City objection or protest to a PNM rate rider filing that is inconsistent with the City's agreements in this Stipulation.

16. Except as specifically stated in the language of this Stipulation, PNM and the City agree that the provisions hereof shall have no precedential effect (including as to allocation methodology) and PNM and the City do not waive any rights they may have in any other pending or future proceeding and they will not be deemed to have approved, accepted, agreed to or consented to the application of any concept, principle, theory or method in any future proceeding.


17. In accordance with 17.1.2.23.D NMAC, by approving this Stipulation, the Commission is neither granting any approval nor creating any precedent regarding any principle or issue in this or any other proceeding.

18. This Stipulation reflects a negotiated settlement, and if the Stipulation is not executed or is not adopted in its entirety by the Commission, without additions or deletions, the Stipulation will be void and any statements made or positions taken by PNM and the City during the course of the negotiations that led to the execution of the Stipulation shall not be admissible before any court or regulatory agency. The Stipulation constitutes the entire agreement between PNM and the City, and contains the full intent and understanding of PNM and the City. No implication should be drawn concerning any matter not addressed in the Stipulation. There are not, and have not been, any representations, warranties or agreements other than those specifically set forth above.

19. This Stipulation may be executed in any number of counterparts, including by fax, each of which shall be deemed to be an original and all of which together shall constitute one and the same agreement.

Respectfully submitted,

MILLER STRATVERT P.A.

By: 
Robert H. Clark
P.O. Box 25687
Albuquerque, NM 87125-0687
Telephone (505) 842-1950

Attorneys for Applicant Public Service
Company of New Mexico

CITY OF ALBUQUERQUE

By: [telephonic concurrence given 8/27/08]
Carolyn S. Fudge
Robert D. Kidd, Jr.
City of Albuquerque Legal Department
P.O. Box 2248
Albuquerque, New Mexico 87103-2248
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BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE APPLICATION)
OF PUBLIC SERVICE COMPANY OF NEW)
MEXICO FOR APPROVAL OF THE CITY OF)
ALBUQUERQUE UNSER 12 UNDERGROUND)
PROJECTS RIDER PURSUANT TO)
ADVICE NOTICE NO. 344.)

Case No. 07-00463-UT

PUBLIC SERVICE COMPANY OF NEW)
MEXICO,)

Applicant.)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Certification of Stipulation**, issued November 25, 2008, was mailed first-class, postage prepaid to each of the following:

Carolyn Fudge, Esq.
Utility Counsel
PO Box 2248
Albuquerque, NM 87103

Jeff Taylor, Esq.
Assistant Attorney General
Attorney Generals Office
PO Drawer 1508
Santa Fe, NM 87504-1508

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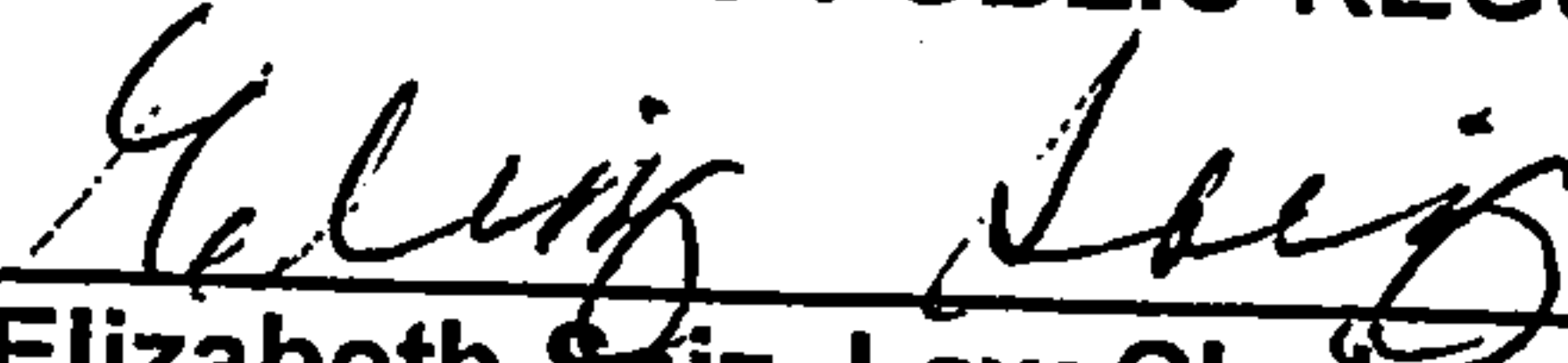
Robert Kidd, Assistant City Attorney
PO Box 2248
Albuquerque, NM 87103

and hand-delivered to:

Dahl Harris, Staff Counsel
NM Public Regulation Commission
224 E. Palace Ave. – Marian Hall
Santa Fe, NM 87501

DATED this 25th day of November, 2008.

NEW MEXICO PUBLIC REGULATION COMMISSION


Elizabeth Saiz, Law Clerk

PUBLIC SERVICE COMPANY OF NEW MEXICO
ELECTRIC SERVICES

1ST REVISED RATE NO. 22
CANCELING ORIGINAL RATE NO. 22

EFFECTIVE FOR SERVICE ON
FEBRUARY 10, 2004

UNDERGROUND SYSTEM SPECIAL SERVICES

Page 1 of 7

APPLICABILITY: This Schedule shall be applicable to any Local Government, acting through its governing body in accordance with lawful procedures, that requires the installation of an Underground System instead of a new Overhead System or conversion of an existing Overhead System to an Underground System and to the Local Customers of Public Service Company of New Mexico ("the Company") located within the jurisdiction of such a Local Government. This Schedule describes the cost responsibilities for any Underground System required by a Local Government and provides a mechanism for the Company to collect Excess Costs as defined herein from such a Local Government under a special agreement and/or from the Local Customers.

Any services hereunder will be furnished subject to the Company's Rules and Regulations and any subsequent revisions. These Rules and Regulations are available at the Company's office and are on file with the New Mexico Public Regulation Commission ("NMPRC"). These Rules and Regulations are a part of this Schedule as if fully written herein.

LIMITATION OF RATE: This Schedule is not applicable to line extensions governed by the Company's Rule 15: Electric Line Extension Policy. This Schedule is also not applicable to lines where voltage level is greater than or equal to 115 kV; PNM may petition the NMPRC for exceptions to this standard. Any Underground System constructed by the Company shall be technically and operationally equivalent to the Overhead System that the Company otherwise would construct.

In the event that recovery of Excess Costs is to take place under an NMPRC-approved rate rider the company's current billing system must be able to include this charge on the local customers' bills.

TERRITORY: All territory in New Mexico in which the Company owns and operates power line facilities.

DEFINITIONS: The following definitions apply to the terms discussed within this Schedule:

Actual Total Costs mean the installed costs of an Underground System, including but not limited to costs related to a) feasibility studies; b) engineering design; c) acquisition of any necessary rights-of-way and easements; d) removal of existing facilities net of salvage value; e) any incremental costs of administrative, regulatory, clerical and legal services and any tax impacts; and f) construction costs including inspections and supervision. The above costs include costs for labor, materials and supplies, transportation, and taxes.

**PUBLIC SERVICE COMPANY OF NEW MEXICO
ELECTRIC SERVICES**

**1ST REVISED RATE NO. 22
CANCELING ORIGINAL RATE NO. 22**

**EFFECTIVE FOR SERVICE ON
FEBRUARY 10, 2004**

UNDERGROUND SYSTEM SPECIAL SERVICES

Page 2 of 7

Baseline Costs mean the estimated costs of an Overhead System, including but not limited to costs related to a) feasibility studies, b) engineering design, and c) acquisition of any necessary rights-of-way and easements, d) removal of existing facilities net of salvage value, e) any incremental costs of administrative, regulatory, clerical and legal services and any tax impacts, and f) construction costs including inspections and supervision, constructed in accordance with the Company's normal practices and zoning; subdivision, and building code regulations of a Local Government, including siting, setbacks, screening, and landscaping requirements of general application that:

1. are imposed on land uses other than those related to utility facility uses; and
2. do not impair the ability of the Company to provide service to its customers in a safe, reliable, adequate, and efficient manner.

The above costs include costs for labor, materials and supplies, transportation, and taxes.

Excess Costs mean the difference between Actual Total Costs and Baseline Costs for new facilities. Excess Costs for conversion of existing facilities mean the difference between Baseline Costs and (Actual Total Costs + Net Book Value + Net Removal).

Local Customer means any customer of the Company that receives electric service from the Company at a location within the jurisdictional boundaries of a Local Government that has required the installation of an Underground System instead of a new Overhead System or the conversion of an existing Overhead System to an Underground System. For purposes of this Schedule, Local Customers within counties shall not include customers located within the jurisdictional boundaries of municipalities or other political subdivisions.

Local Government means any county, municipality or other political subdivision of the State of New Mexico. If a facility is proposed to be located in more than one Local Government jurisdiction, "Local Government" may refer to one or more of the Local Governments in whose jurisdiction the facility is located.

Net Book Value represents the amount remaining on the Company's books at the time an existing facility which is being replaced by an underground system is terminated from service.

Net Removal means the difference between the removal costs and salvage value of an existing facility.

Overhead System means a system of overhead primary and/or secondary distribution and/or transmission conductors, transformers, and other facilities, or any portion thereof.

**PUBLIC SERVICE COMPANY OF NEW MEXICO
ELECTRIC SERVICES**

**1ST REVISED RATE NO. 22
CANCELING ORIGINAL RATE NO. 22**

**EFFECTIVE FOR SERVICE ON
FEBRUARY 10, 2004**

UNDERGROUND SYSTEM SPECIAL SERVICES

Page 3 of 7

Preliminary Costs mean any incremental costs, including but not limited to, detailed engineering, design and feasibility studies relating to a specific Underground System project.

Project Report means a report that will be filed with the NMPRC and which will provide a description of the Underground System project pursuant to this Schedule, including a summary of any agreement entered into by a Local Government and the Company. The Project Report shall be substantially in the form attached to this Schedule and will include a copy of the NMPRC-approved rate rider, if applicable.

Underground System means a system of underground primary and/or secondary distribution and/or transmission cables which may have transformers, terminal boxes, switching devices and other facilities necessarily appurtenant to such a system mounted on the surface, or any portion thereof.

TERMS OF SERVICE: Service will be provided under this Schedule following execution of a written agreement between the Local Government and the Company for installation or conversion of an Overhead System and/or NMPRC approval of a rate rider for recovery of Excess Costs pursuant to the terms of this Schedule and if the following are provided for:

1. Payment of the estimated Excess Costs in advance or upon mutually agreeable terms, which may include the collection of some or all of the Excess Costs by the Company from Local Customers through a rate rider approved in accordance with the provisions of this Schedule;
2. Design of the Underground System by the Company in accordance with the Company's standards and specifications;
3. Easements and rights-of-way, if applicable, from property owners or the Local Government in a Company-approved format to reflect the appropriate record drawings showing the configuration and location of the Underground System;
4. A. Written agreements with all individual customers or property owners served or whose property is encumbered by an Overhead System to be converted wherein the individual customers and/or property owners agree to have any necessary changes to their property or made to the property beyond the point of delivery of electric service at no cost to PNM so that service may be furnished from the Underground System; or
B. Suitable Local Government legislation requiring that any necessary changes be made by individual customers and/or property owners; and

**PUBLIC SERVICE COMPANY OF NEW MEXICO
ELECTRIC SERVICES**

**1ST REVISED RATE NO. 22
CANCELING ORIGINAL RATE NO. 22**

**EFFECTIVE FOR SERVICE ON
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UNDERGROUND SYSTEM SPECIAL SERVICES

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5. Furnishment and installation by the Local Government of any required pads and vaults for transformers and associated equipment, conduits, ducts, boxes, any types of pole bases, and the performance of other work related to structures and substructures including breaking of pavement, trenching, backfilling, and repaving required in connection with the installation of the Underground System, all in accordance with the Company's specifications or, in lieu thereof, payment by the Local Government to the Company for furnishing and installation of such facilities and/or NMPRC approval of a rate rider for recovery of the actual costs of such facilities as Excess Costs. Transfer of ownership of such facilities, exclusive of transformer pads, in good condition, shall be made to the Company.

DESIGN AND CONSTRUCTION: Company will design and construct the Underground System in accordance with Company's standards and specifications. The Local Government will be given up to sixty (60) days to review and comment on Company's route selection, cost estimates and construction schedule.

ACCESSIBILITY: Equipment used to provide electric service must be physically accessible as agreed to by the Company. The meter socket must be installed in accordance with the Company's Rules and Regulations.

COST RESPONSIBILITY: Under this Schedule, the Excess Costs of the Underground System project will be the responsibility of the Local Government pursuant to the terms of the agreement between the Company and the Local Government or will be the responsibility of the Local Customers pursuant to the terms of a rate rider approved by the NMPRC as described in this Schedule. The Local Government may agree to bear responsibility for some portion of the Excess Costs, provided that the remainder of the Excess Costs are the responsibility of the Local Customers pursuant to the terms of a rate rider approved by the NMPRC as described in this Schedule.

The Excess Costs for new facilities under this Schedule will be calculated as follows:

$$\text{Actual Total Costs} - \text{Baseline Costs} = \text{Excess Costs}$$

The Excess Costs for a conversion of existing facilities under this Schedule will be calculated as follows:

$$(\text{Actual Total Costs} + \text{Net Book Value} + \text{Net Removal}) - \text{Baseline Costs} = \text{Excess Costs}$$

NET RATE PER MONTH: In the case of any Underground System project under this Schedule for which all or any portion of the Excess Costs are to be collected through a rate rider, the billings

PUBLIC SERVICE COMPANY OF NEW MEXICO
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of the Local Customers shall include a fixed charge for the Excess Costs in accordance with the terms of the rate rider approved by the NMPRC.

SPECIAL TAX AND ASSESSMENT ADJUSTMENT: Billings under this Schedule may be increased by an amount equal to the sum of the taxes payable under the Gross Receipts and Compensating Tax Act and of all other taxes, fees, or charges (exclusive of ad valorem, state and federal income taxes) payable by the utility and levied or assessed by any governmental authority on the public utility service rendered, or on the right or privilege of rendering the service, or on any object or event incidental to the rendition of the service.

TERMS OF PAYMENT: PNM will not perform work that results in the incurrence of Preliminary Costs relating to any specific Underground System project unless there is agreement in writing regarding recovery of the costs of such work. An agreement between the Local Government and the Company may provide for Preliminary Costs to be recovered in the same manner as other Excess Costs after a final agreement for construction of the Underground System is reached and/or after the NMPRC approves a rate rider providing for recovery of the Excess Costs including such Preliminary Costs.

The Company will not procure materials or commence construction of an Underground System unless the Local Government agrees in writing to pay the Excess Costs of such project or the NMPRC approves a rate rider providing for the recovery of the Excess Costs from the Local Customers. Payment for Excess Costs shall be received by the Company in one of the following ways: 1) payment from the Local Government to the Company, either in advance or under payment terms mutually agreed to by the Local Government and the Company, including applicable carrying costs; 2) collection from the Local Customers through a rate rider as described below, including applicable carrying costs; or 3) a combination of 1) and 2).

In the event that the Company receives partial or full payment of the Excess Costs through a rate rider, a separate rate rider will be filed with the NMPRC for each project and will include but is not limited to the following provisions: the fixed rate to be charged for each class of customers and the methodology used for these allocations, the proposed reporting requirements with the NMPRC, and the method to be used for reconciliations on a project by project basis, including applicable carrying costs based on the Company's capital structure, cost of debt, and cost of preferred stock at the end of each year and the return on equity approved in the Company's last litigated rate case. The recovery period for each project will be up to seven years and will be set in accordance with the magnitude of the project relative to the number of Local Customers.

RECONCILIATIONS: Two separate reconciliations will take place under this Schedule. (1) The original filing of a rate rider with the NMPRC will include an estimated total of the Excess

**PUBLIC SERVICE COMPANY OF NEW MEXICO
ELECTRIC SERVICES**

**1ST REVISED RATE NO. 22
CANCELING ORIGINAL RATE NO. 22**

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UNDERGROUND SYSTEM SPECIAL SERVICES

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Costs, including applicable carrying costs, for a project. Collection of the Excess Costs will begin upon approval of the rate rider. At the time the actual total of the Excess Costs, including applicable carrying costs, becomes available upon completion of the project, the Company will provide an informational filing to the NMPRC which will include the revised rate rider charge for this project based upon the actual total of the Excess Costs less the amount previously collected under the rider. No approval will be required for the informational filings unless there is a twenty percent (20%) or more differential between total actual Excess Costs of the project and estimated total Excess Costs. If the actual total Excess Costs of the project vary by more than twenty percent (20%) of the estimated total Excess Costs, the Company will file a new rate rider for this project for approval by the NMPRC. (2) At the end of the recovery period, the amount of the actual total of the Excess Costs will be reconciled against the total amount collected under the rate rider. A final rate rider charge for the project will be calculated at this time and collected during the subsequent three-month period.

EXEMPTIONS AND VARIANCES: The NMPRC may grant an application of a Local Government for an exemption or variance from the requirements of this Schedule for a particular Underground System project if the Commission determines that:

1. The particular Underground System project is necessitated and required by the public health and safety and any aesthetic benefits are only incidental to the public health and safety.
2. The public interest would be better served if the Excess Costs of a particular Underground System project were considered a cost of service item for the Company.

Any application for an exemption or variance shall fully set out the facts and circumstances that would allow the NMPRC to determine whether it will docket a case to determine if an exemption or variance request should be considered.

**PUBLIC SERVICE COMPANY OF NEW MEXICO
ELECTRIC SERVICES**

**1ST REVISED RATE NO. 22
CANCELING ORIGINAL RATE NO. 22**

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UNDERGROUND SYSTEM SPECIAL SERVICES

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PROJECT REPORT FOR PAYMENT OF EXCESS COSTS

DATED: _____

Local Government Requiring Underground System:

Date of Agreement between Company and Local Government:

Customer Data:

Project Description:

For new facilities:

Estimated Total Costs – Baseline Costs = Estimated Excess Costs Due Under Agreement

Actual Total Costs – Baseline Costs = Actual Excess Costs Due Under Agreement

For conversion of existing facilities:

(Estimated Total Costs + Net Book Value + Net Removal) – Baseline Costs = Estimated Excess Costs Due Under Agreement

(Actual Total Costs + Net Book Value + Net Removal) – Baseline Costs = Actual Excess Costs Due Under Agreement

For both new facilities and conversion of existing facilities:

Methodology for Calculating Applicable Carrying Costs

True-up Mechanism between Estimated Total Costs and Actual Total Costs

Terms of Payment (length of agreement, etc.)

Non-payment penalties

City of Albuquerque



DEVELOPMENT/ PLAN REVIEW APPLICATION

Supplemental form

SUBDIVISION

- Major Subdivision action
- Minor Subdivision action
- Vacation
- Variance (Non-Zoning)

SITE DEVELOPMENT PLAN

- for Subdivision
- for Building Permit
- Administrative Amendment (AA)
- IP Master Development Plan
- Cert. of Appropriateness (LUCC)

STORM DRAINAGE (Form D)

- Storm Drainage Cost Allocation Plan

S Z ZONING & PLANNING

- Annexation
- County Submittal
- EPC Submittal
- Zone Map Amendment (Establish or Change Zoning)
- Sector Plan (Phase I, II, III)
- Amendment to Sector, Area, Facility or Comprehensive Plan
- Text Amendment (Zoning Code/Sub Regs)
- Street Name Change (Local & Collector)
- APPEAL / PROTEST of...**
 - Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Zoning Board of Appeals

PRINT OR TYPE IN BLACK INK ONLY. The applicant or agent must submit the completed application in person to the Planning Department Development Services Center, 600 2nd Street NW, Albuquerque, NM 87102. Fees must be paid at the time of application. Refer to supplemental forms for submittal requirements.

APPLICATION INFORMATION:

Professional/Agent (if any): Laurie Moyer PHONE: 241-2792
 ADDRESS: Alvarado Square FAX: 241-2386
 CITY: Albuquerque STATE NM ZIP 87158 E-MAIL: Laurie.Moyer@pnm.com

APPLICANT: PNM PHONE: 241-2792
 ADDRESS: Alvarado Square FAX: 241-2386
 CITY: Albuquerque STATE NM ZIP 87158 E-MAIL: N/A
 Proprietary interest in sites: Easement List all owners: N/A

DESCRIPTION OF REQUEST: Variance request of 14-14-4-9(B) ELECUTALAND communication line location for overhead line

Is the applicant seeking incentives pursuant to the Family Housing Development Program? Yes. No.

SITE INFORMATION: ACCURACY OF THE EXISTING LEGAL DESCRIPTION IS CRUCIAL! ATTACH A SEPARATE SHEET IF NECESSARY.

Lot or Tract No. _____ Block: _____ Unit: _____
 Subdiv/Addn/TBKA: road right of way, private easement
 Existing Zoning: _____ Proposed zoning: _____ MRGCD Map No _____
 Zone Atlas page(s): C9-D9-10 UPC Code: N/A

CASE HISTORY:

List any current or prior case number that may be relevant to your application (Proj., App., DRB-, AX_, Z_, V_, S_, etc.): _____

CASE INFORMATION:

Within city limits? Yes Within 1000FT of a landfill? NO
 No. of existing lots: N/A No. of proposed lots: N/A Total area of site (acres): N/A
 LOCATION OF PROPERTY BY STREETS: On or Near: Alvarado NW, Unser NW, Stonic NW
 Between: Kimmick NM and Urraca NW

Check-off if project was previously reviewed by Sketch Plat/Plan , or Pre-application Review Team . Date of review: _____

SIGNATURE Laurie Moyer DATE 12-4-09
 (Print) Laurie Moyer Applicant: Agent:

FOR OFFICIAL USE ONLY

Form revised 4/07

- INTERNAL ROUTING
- All checklists are complete
- All fees have been collected
- All case #s are assigned
- AGIS copy has been sent
- Case history #s are listed
- Site is within 1000ft of a landfill
- F.H.D.P. density bonus
- F.H.D.P. fee rebate

Application case numbers	Action	S.F.	Fees
<u>09PRB 70377</u>	<u>ELEC DIST. LINE</u>		\$ <u>0</u>
	<u>ADV</u>		\$ <u>75.00</u>
	<u>CMF</u>		\$ <u>20.00</u>
			\$ _____
			\$ _____
			\$ _____
			\$ _____
			Total
			\$ <u>95.00</u>

Hearing date 01/06/10
Sandy Handley 12/10/09
 Planner signature / date

Project # 1008093

FORM V: SUBDIVISION VARIANCES & VACATIONS

(PUBLIC HEARING CASE)

BULK LAND VARIANCE (DRB04)

24 copies

- Application for Minor Plat on FORM S-3, including those submittal requirements.
- Letter briefly describing and explaining: the request, compliance with the Development Process Manual, and all improvements to be waived.
- Notice on the proposed Plat that there are conditions to subsequent subdivision (refer to DPM)
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

VACATION OF PUBLIC EASEMENT (DRB27)

VACATION OF PUBLIC RIGHT-OF-WAY (DRB28)

- The complete document which created the public easement (folded to fit into an 8.5" by 14" pocket) 24 copies.
(Not required for City owned public right-of-way.)
- Drawing showing the easement or right-of-way to be vacated, etc. (not to exceed 8.5" by 11") 24 copies
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the request
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.
DRB Public hearings are approximately 30 DAYS after the filing deadline. Your attendance is required.

SIDEWALK VARIANCE (DRB20)

SIDEWALK WAIVER (DRB21)

6 copies

- Scale drawing showing the proposed variance or waiver (not to exceed 8.5" by 14")
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the variance or waiver
- List any original and/or related file numbers on the cover application

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

SUBDIVISION ~~DESIGN~~ VARIANCE FROM MINIMUM DPM STANDARDS (DRB25) *Electric Distribution Line* (Public Hearing)

- Scale drawing showing the location of the proposed variance or waiver (not to exceed 8.5" by 14") 24 copies
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the variance
- Office of Community & Neighborhood Coordination inquiry response, notifying letter, certified mail receipts
- Sign Posting Agreement
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

DRB meetings are approximately 30 DAYS after the filing deadline. Your attendance is required.

TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB19)

EXTENSION OF THE SIA FOR TEMPORARY DEFERRAL OF SIDEWALK CONSTRUCTION (DRB07)

- Drawing showing the sidewalks subject to the proposed deferral or extension (not to exceed 8.5" by 14") 6 copies
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter briefly describing, explaining, and justifying the deferral or extension
- List any original and/or related file numbers on the cover application

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

VACATION OF PRIVATE EASEMENT (DRB26)

VACATION OF RECORDED PLAT (DRB29)

- The complete document which created the private easement/recorded plat (not to exceed 8.5" by 14") 6 copies
- Scale drawing showing the easement to be vacated (8.5" by 11") 6 copies
- Zone Atlas map with the entire property(ies) clearly outlined
- Letter/documents briefly describing, explaining, and justifying the vacation 6 copies
- Letter of authorization from the grantors and the beneficiaries (private easement only)
- Fee (see schedule)
- List any original and/or related file numbers on the cover application

Unless the vacation is shown on a DRB approved plat recorded by the County Clerk within one year, it will expire.

DRB meetings are approximately 8 DAYS after the Tuesday noon filing deadline. Your attendance is required.

I, the applicant, acknowledge that any information required but not submitted with this application will likely result in deferral of actions.

PNM / Laurie Moyer
Applicant name (print)
Laurie Moyer 12-4-09
Applicant signature / date



Form revised 4/07

- Checklists complete
- Fees collected
- Case #s assigned
- Related #s listed

Application case numbers
09DRB - 70377

Sandy Handley 12/10/09
Planner signature / date
Project # 1008093

PNM
Alvarado Square
Albuquerque, NM 87158-0600
505 241-2700
Fax 505 241-2363
www.pnm.com



*A personal commitment
to New Mexico*

December 4, 2009

Mr. Jack Cloud, AICP
Development Review Board Chair
City of Albuquerque
P.O. Box 1693
Albuquerque, NM 87103

Subject: Variance Request for Black Ranch Feeder 12

Dear Mr. Cloud:

PNM is presenting the Black Ranch Feeder 12 electric distribution project (Project) variance request for your review and consideration. This request is being submitted to the Development Review Board (DRB) as a result of the New Mexico Public Regulation Commission's (NMPRC) approval in NMPRC Case No. 07-00463-UT. In that case a stipulation, between PNM and City of Albuquerque (City), that provided, among other things:(i) in the future, where as the result of the City's Subdivision Ordinance, where PNM would normally file a rate rider application under PNM's Rule 22, PNM will first file a variance application with the City, seeking a variance from the undergrounding requirement of the subdivision ordinance; and (ii) the City will make a good faith effort to reach a decision on the merits of the PNM variance application within 90 days of the variance filing date.

The request is for a variance from City Subdivision Ordinance §14-14-4-9 (B), Electrical and Communication Line Location, which requires that all new electrical three-phase distribution lines carrying 12 kilovolts but less than 40 kilovolts shall be installed underground unless a variance is granted.

Purpose and Need for the Project

The Project will strengthen the PNM electric distribution system serving northwest Albuquerque. The Project will provide much needed electric distribution feeder tie capacity and voltage support in the area served by PNM's existing Black Ranch Substation (Figure 1) and will allow Black Ranch Feeder 11 and a portion of Black Ranch Feeder 12 to be backed up from adjacent substations during an outage at the Black Ranch Substation. In order to balance both the electric load and the voltages in the area for more reliable service, there must be connections between this substation and surrounding substations. Three-phase lines, called feeder ties, provide those connections. The Project has an in-service date of June 1, 2010 prior to the increased summer electric demand.

The Project

The Project is located on Albuquerque's West Side near Atrisco Drive NW and Unser Boulevard NW, **Figure 2**.

PNM typically locates its facilities within road right of way or private easement. PNM has either acquired private easement or has identified public utility easement on all the affected properties.

The Project consists of the installation of a three-phase overhead distribution line from the west side of the new Volcano Vista High School going south by southeast along Pipeline Road to Atrisco Blvd. NW to the intersection of Scenic Road NW to lots adjacent to Compass Drive NW then south by southeast to Kimmick Rd NW and following lots adjacent to Kimmick Rd NW to Urraca Street NW. The total length of the line is approximately 9083 feet.

The Project would be constructed using steel and wood structures 35 feet above ground height. Typical structure configurations are shown in **Figure 3** and illustrate triangular, 8 foot cross arm and vertical configuration.

Albuquerque/Bernalillo County Comprehensive Plan

Section 1 D 3 Energy

Every metropolitan area requires a large reliable supply of energy in the forms of power and natural gas to meet a variety of demands.

This Project will strengthen the PNM electric distribution system serving northwest Albuquerque, one of the fastest growing areas of the community.

Section 1 D 6 Economic Development

Albuquerque's dynamic post World War Two expansion would not have been possible without a strong economy capable of proving economic opportunity for its citizens.

Safe and reliable electric service is the cornerstone of economic development.

West Side Strategic Plan

Section 4, Development Process Issues, Design Guidelines, Overhead Utilities states that electrical distribution lines shall be placed underground consistent with the City's Subdivision Ordinance on page 140.

The West Side Strategic Plan calls for utilities to be placed underground without defining the mechanism to pay for the cost differential therefore, PNM would be applying for relief through PRC approved PNM Rate Rider 22. The existing underground distribution lines in the area are from developer driven projects and paid for by the developer.

Northwest Mesa Escarpment Plan

The project is located within the View Area of the Northwest Mesa Escarpment Plan. The View Area allows private development.

While there is discussion regarding utilities in the Impact and Conservation Areas of the Plan; there is no discussion in the View Area of the Plan page 47. Overhead distribution lines will not affect views from a distance.

Section 4 – View Area Regulations

Policy #21. STRUCTURES ABOVE AND BELOW THE ESCARPMENT SHALL NOT DOMINATE THE VIEWS OF THE ESCARPMENT FROM THE EAST SIDE page 73.

21-1 The height of structures within the View Area shall comply with the requirements of the Comprehensive City Zoning Code, except that no structure shall exceed 40'0" in height.

According to the Comprehensive City Zoning Code utility poles are excluded from the definition of a structure. The height of the typical distribution poles is 34' 6" above ground and does not exceed the requirement of 40'0".

§14-14-4-9 (B) Electric and Communication Line Location

"New electrical three phase distribution lines carrying above 12.5 kilovolts (kV), but less than 40 kilovolts (kV) shall be installed underground with subdivisions which have underground distribution lines, unless a variance is granted. The Development Review Board may grant a variance if it is determined that no significant public purpose would be served by requiring that the new lines be placed underground and that one or more of the following conditions exists:

- (1) The immediate or adjacent area is presently served by overhead lines; or
- (2) Subsurface conditions make the underground lines economically unreasonable."

Reasons which Fulfill §14-14-4-9 (B) Conditions

- The Development Review Board may grant a variance if it is determined that no significant public purpose would be served by requiring that the new lines be placed underground. PNM believes that no significant public purpose would be served by requiring new distribution lines be placed underground due to the lack of clear subdivision development goals and antiquated platting in the area which also makes the areas development goals unknown.
- The immediate or adjacent area is presently served by overhead lines. The area is not served by overhead lines but the development in the area is sparse and spread out with antiquated platting, Figure1.
- Subsurface conditions make the underground lines economically unreasonable. Subsurface conditions including volcanic rock in the study area atop the West Mesa make trenching for underground lines extremely difficult and economically unreasonable. The cost differential between overhead construction and underground construction is estimated to be an approximate range of \$350,000 to \$450,000 in 2009 dollars. Subject to a filing with the NMPRC under PNM's Rate 22, the differential cost will be borne by the PNM electric customers within the City of Albuquerque city limits. Final numbers will be provided with the PNM Rate 22 notice to the City of Albuquerque.

PNM is seeking a decision regarding our variance request as the first step in the review process, as agreed in the above-reference stipulation between the City and PNM. If you have any questions or need additional information, please contact me at (505) 241-2792.

Sincerely,


Laurie W. Moyer



City of Albuquerque
P.O. Box 1293, Albuquerque, NM 87103

December 2, 2009

Laurie W. Moye
Public Participation and Regulatory Relations
System Engineering
Alvarado Square MS 0600
Albuquerque, NM 87158
Phone: (505) 241-2792/Fax: (505) 241-2363
E-mail: Laurie.Moye@pnmresources.com

PLEASE NOTE: The Neighborhood and/or Homeowner Association information listed in this letter is valid for one (1) month. If you haven't filed your application within one (1) month of the date of this letter - you will need to get an updated letter from our office. It is your responsibility to provide current information - outdated information may result in a deferral of your case.

Dear Laurie:

Thank you for your inquiry of December 2, 2009 requesting the names of **ALL Neighborhood and/or Homeowner Associations** who would be affected under the provisions of O-92 by your proposed project at **(DRB SUBMITTAL) - LOCATED BY RAINBOW BOULEVARD NW TO SCENIC ROAD NW TO KIMMICK ROAD NW TO URRACA NW** zone map **C-9 AND D-9-10**

Our records indicate that the **Neighborhood and/or Homeowner Associations** affected by this proposal and the contact names are as follows:

VOLCANO CLIFFS PROPERTY OWNERS ASSOC. (VCC)
Dave Heil, 160 Itasca Rd., Rio Rancho, NM/87124 228-7189 (c)
Billy J. Wright, 4112 Blue Ridge Pl. NE/87111-4167

TAYLOR RANCH N.A. (TRN) "R"
Rene Horvath, 5515 Palomino Dr. NW/87120 898-2114 (h)
Fred van Berkel, 5716 Morgan Ln. NW/87120 899-2738 (h)

Please note that according to O-92 you are required to notify each of these contact persons by **certified mail, return receipt requested, before** the Planning Department will accept your application filing. **IMPORTANT! Failure of adequate notification may result in your Application Hearing being deferred for 30 days.** If you have any questions about the information provided, please contact me at (505) 924-3902 or via an e-mail message at swinklepleck@cabq.gov or by fax at (505) 924-3913.

Sincerely,

Stephani Winklepleck

Stephani I. Winklepleck
Neighborhood Liaison
OFFICE OF NEIGHBORHOOD COORDINATION
Planning Department

**LETTERS MUST BE SENT TO BOTH
CONTACTS OF EACH
NEIGHBORHOOD AND/OR
HOMEOWNER ASSOCIATION.**

planningrnaform(12/06/07)

!!!Notice to Applicants!!!

SUGGESTED INFORMATION FOR NEIGHBORHOOD NOTIFICATION LETTERS

Applicants for Zone Change, Site Plan, Sector Development Plan approval or an amendment to a Sector Development Plan by the EPC, DRB, etc. are required under Council Bill O-92 to notify all affected neighborhood and/or homeowner associations **PRIOR TO FILING THE APPLICATION TO THE PLANNING DEPARTMENT**. Because the purpose of the notification is to ensure communication as a means of identifying and resolving problems early, it is essential that the notification be fully informative.

WE RECOMMEND THAT THE NOTIFICATION LETTER INCLUDE THE FOLLOWING INFORMATION:

1. The street address of the subject property.
2. The legal description of the property, including lot or tract number (if any), block number (if any), and name of the subdivision.
3. A physical description of the location, referenced to streets and existing land uses.
4. A complete description of the actions requested of the EPC:
 - a) If a **ZONE CHANGE OR ANNEXATION**, the name of the existing zone category and primary uses and the name of the proposed category and primary uses (i.e., "from the R-T Townhouse zone, to the C-2 Community Commercial zone").
 - b) If a **SITE DEVELOPMENT OR MASTER DEVELOPMENT PLAN** approval or amendment describes the physical nature of the proposal (i.e., "an amendment to the approved plan to allow a drive-through restaurant to be located just east of the main shopping center entrance off Montgomery Blvd.").
 - c) If a **SECTOR DEVELOPMENT PLAN OR PLAN AMENDMENT** a general description of the plan area, plan concept, the mix of zoning and land use categories proposed and description of major features such as location of significant shopping centers, employment centers, parks and other public facilities.
 - d) The name, address and telephone number of the applicant and of the agent (if any). In particular the name of an individual contact person will be helpful so that neighborhood associations may contact someone with questions or comments.

Information from the Office of Neighborhood Coordination

The following information should always be in each application packet that you submit for an EPC or DRB application. Listed below is a "Checklist" of the items needed.

- ONC's "Official" Letter to the applicant (if there are associations). A copy must be submitted with application packet -OR-**
- The ONC "Official" Letter (if there are no associations). A copy must be submitted with application packet.
- Copies of Letters to Neighborhood and/or Homeowners Associations (if there are associations). A copy must be submitted with application packet.**
- Copies of the certified receipts to Neighborhood and/or Homeowners Associations (if there are associations). A copy must be submitted with application packet.**

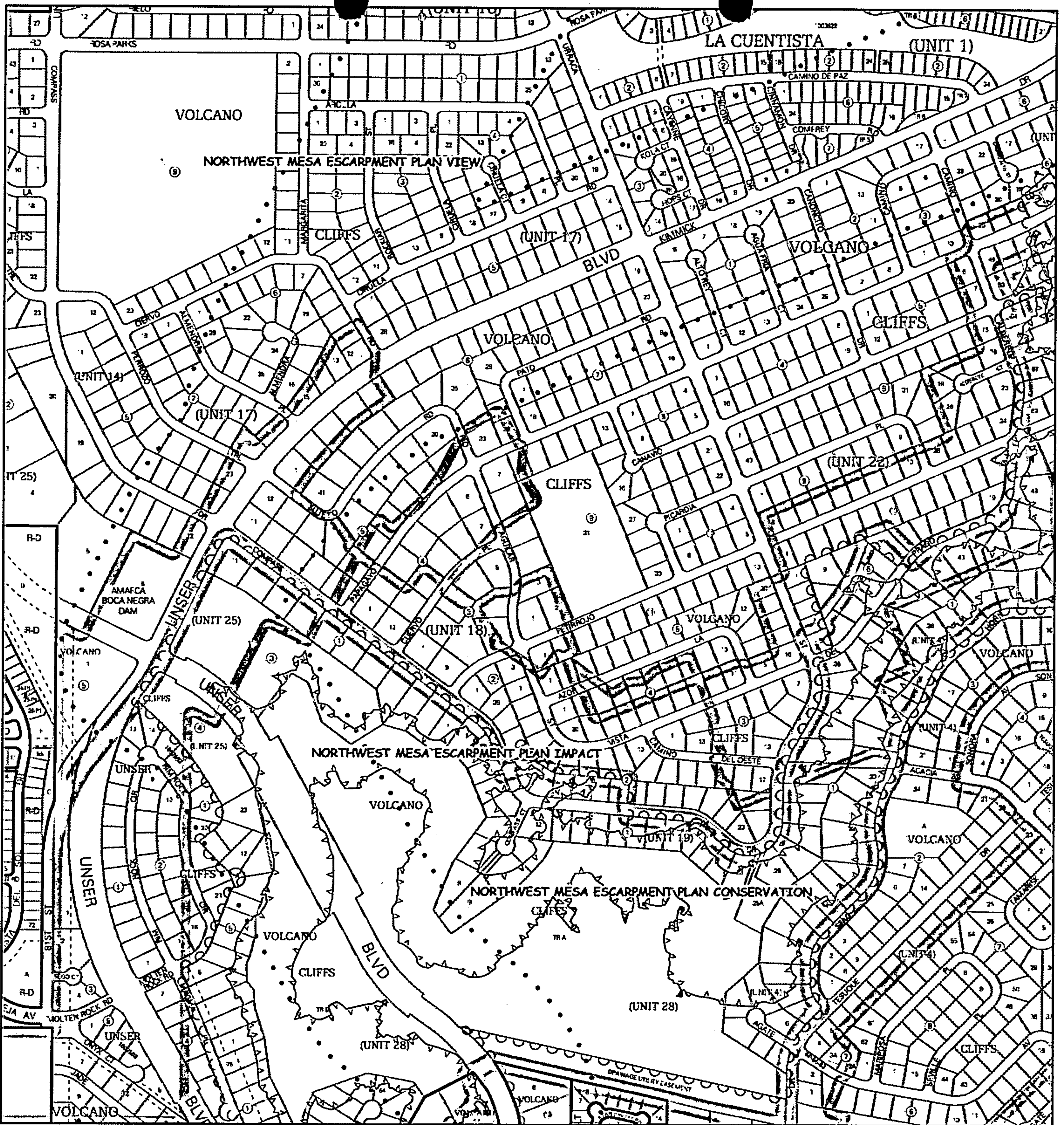
Just a reminder - Our ONC "Official" Letter is only valid for a one (1) month period and if you haven't submitted your application by this date, you will need to get an updated letter from our office.

Any questions, please feel free to contact Stephani at 924-3902 or via an e-mail message at swinklepleck@cabq.gov.

Thank you for your cooperation on this matter.

(below this line for ONC use only)

Date of Inquiry: **12/02/09** Time Entered: **11 a.m.** ONC Rep. Initials: **siw**



For more current information and more details visit: <http://www.cabq.gov/gis>

Note: Grey Shading Represents Area Outside of the City Limits

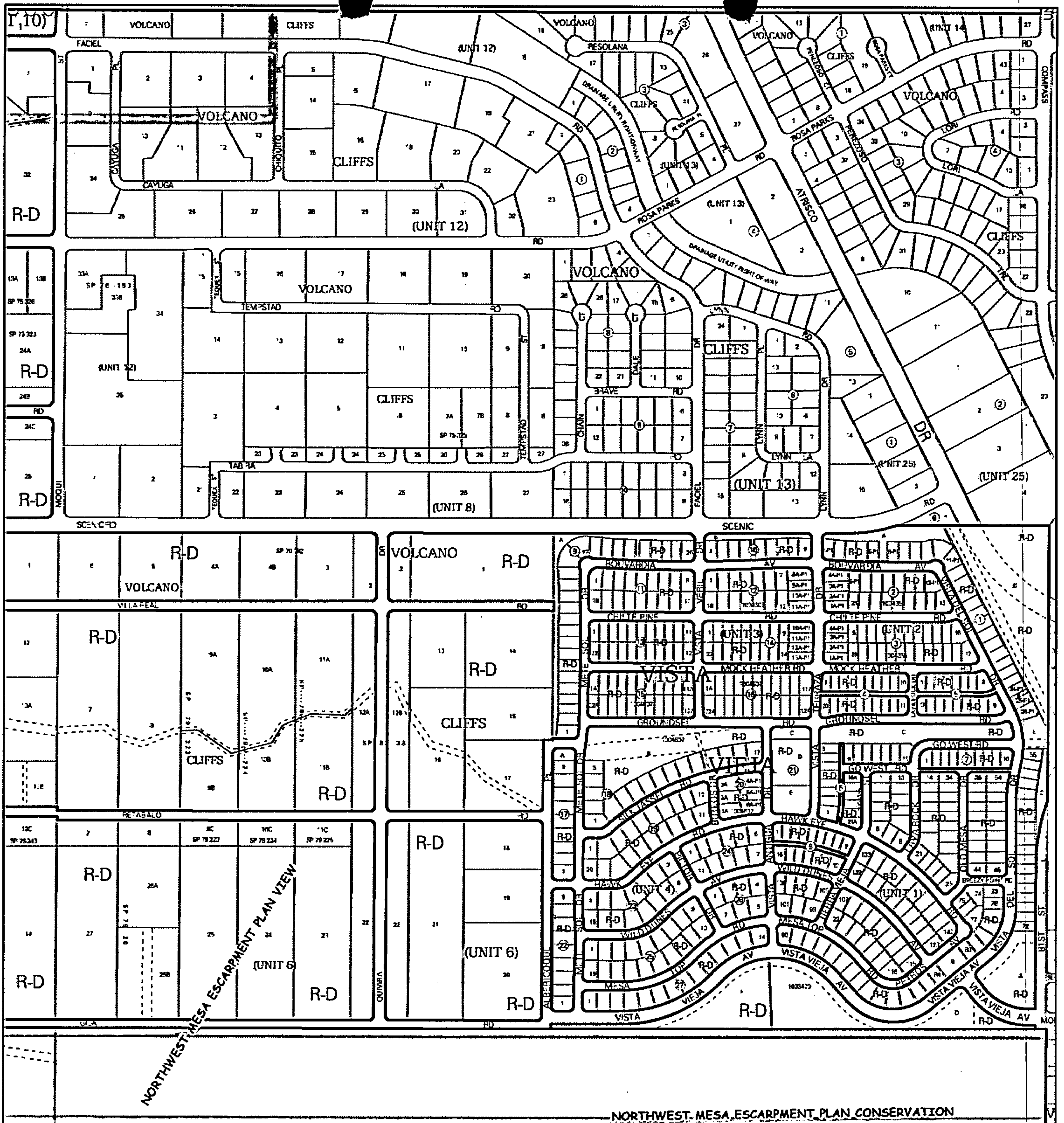
Zone Atlas Page:
D-10-Z

Selected Symbols

SECTOR PLANS	Escarpment
Design Overlay Zones	2 Mile Airport Zone
City Historic Zones	Airport Noise Contours
H-1 Buffer Zone	Wall Overlay Zone
Petroglyph Mon.	

0 750 1,500 Feet

Map amended through: 6/5/2009



For more current information and more details visit: <http://www.cabq.gov/gis>

AGIS
Albuquerque Geographic Information System

Map amended through: 6/5/2009

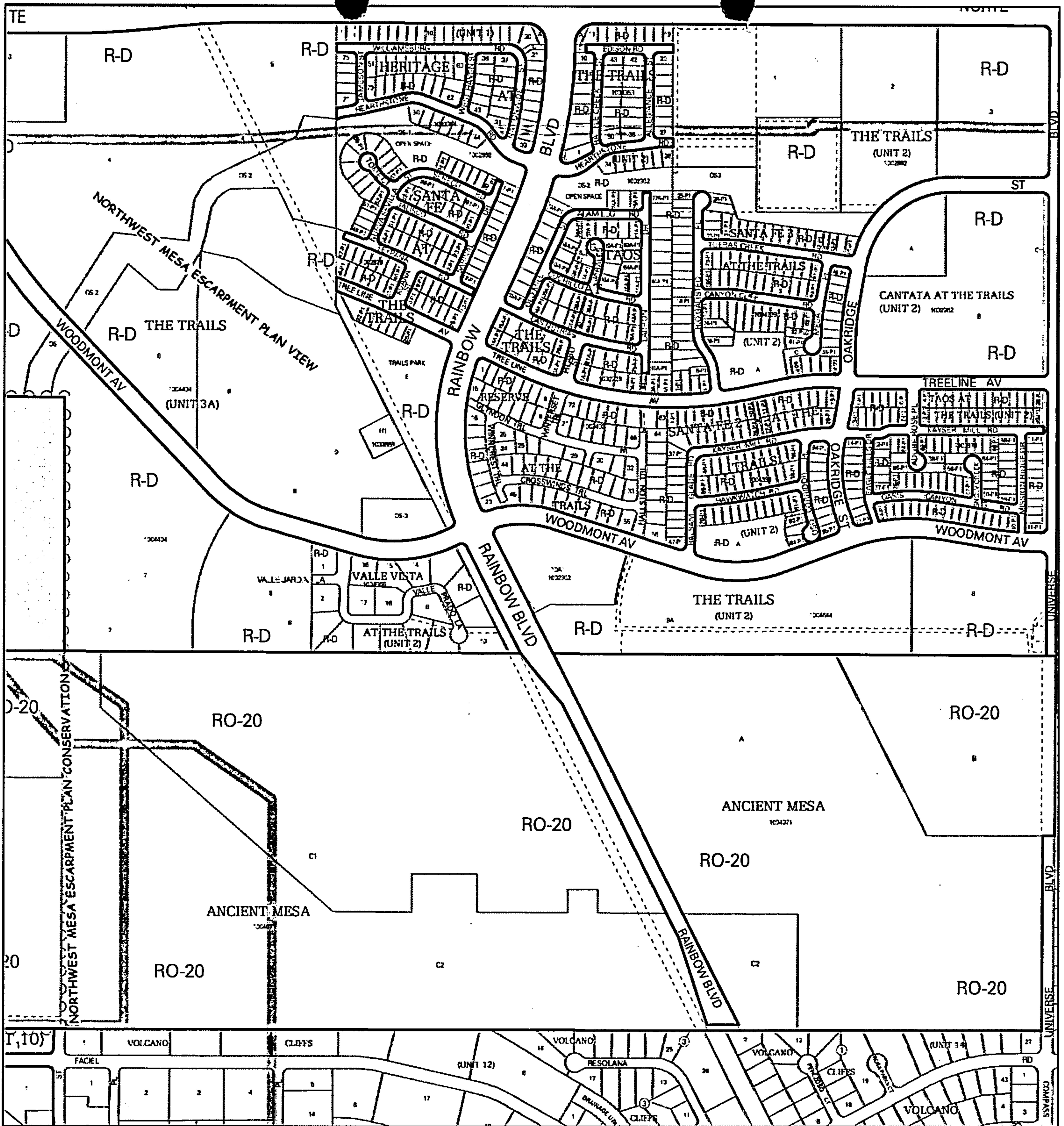
Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
D-09-Z

Selected Symbols

- SECTOR PLANS
- Design Overlay Zones
- City Historic Zones
- H-1 Buffer Zone
- Petroglyph Mon.
- Escarpment
- 2 Mile Airport Zone
- Airport Noise Contours
- Wall Overlay Zone

0 750 1500 Feet



For more current information and more details visit: <http://www.cabq.gov/gis>

AGIS
Albuquerque Geographic Information System

Note: Grey Shading Represents Area Outside of the City Limits

Zone Atlas Page:
C-09-Z

Selected Symbols

- SECTOR PLANS
- Design Overlay Zones
- City Historic Zones
- H-1 Buffer Zone
- Petroglyph Mon.
- Escarpment
- 2 Mile Airport Zone
- Airport Noise Contours
- Wall Overlay Zone

Map amended through: 6/5/2009

0 750 1,500 Feet

PNM
Alvarado Square
Albuquerque, NM 87158-0600
505 241-2700
Fax 505 241-2363
www.pnm.com



*A personal commitment
to New Mexico*

December 3, 2009

Volcano Cliffs Property Owners Assoc.
Dave Heil
160 Itasca Rd
Rio Rancho, NM 87124

Billy J Wright
4112 Blue Ridge Pl
Albuquerque, NM 87111-4167

Taylor Ranch NA
Rene Horvath
5515 Palomino Dr. NW
Albuquerque, NM 87120

Fred van Berkel
5716 Morgan Ln. NW
Albuquerque, NM 89120

Dear Neighbors,

PNM has a distribution line project called Black Ranch Feeder 12, (Project). A distribution line provides connections between substations and provides electric service to business and homes. A map of the project is included with this letter.

PNM is submitting to the Development Review Board (DRB) a request for a variance to the City of Albuquerque's Subdivision Ordinance:

§14-14-4-9 (B) Electric and Communication Line Location

"New electrical three phase distribution lines carrying above 12.5 kilovolts (kV), but less than 40 kilovolts (kV) shall be installed underground with subdivisions which have underground distribution lines, unless a variance is granted. The Development Review Board may grant a variance if it is determined that no significant public purpose would be served by requiring that the new lines be placed underground and that one or more of the following conditions exists:

- (1) The immediate or adjacent area is presently served by overhead lines;
- or
- (2) Subsurface conditions make the underground lines economically unreasonable."

Also, this request is being submitted to the DRB as a result of the New Mexico Public Regulation Commission's (NMPRC) approval, in NMPRC Case No. 07-00463-UT, of a stipulation between PNM and City of Albuquerque (City) that provided, among other

things:(i) in the future, where as the result of the City's subdivision ordinance, PNM would normally file a rate rider application under PNM's Rule 22, PNM will first file a variance application with the City, seeking a variance from the undergrounding requirement of the subdivision ordinance.

Purpose and Need for the Project

The Project will strengthen the PNM electric distribution system serving northwest Albuquerque. The Project will allow PNM to connect PNM's existing Black Ranch Substation to other substations in the area during a planned or unplanned outage at the Black Ranch Substation. In order provide the area with reliable service, there must be connections between this substation and surrounding substations. Three-phase lines, called feeder ties, provide those connections. The Project has an in-service date of June 1, 2010 which is prior to the increased summer electric demand.

The Project

PNM typically locates its facilities within road right of way or private easement. PNM has either acquired private easement or has identified public utility easement on all the affected properties.

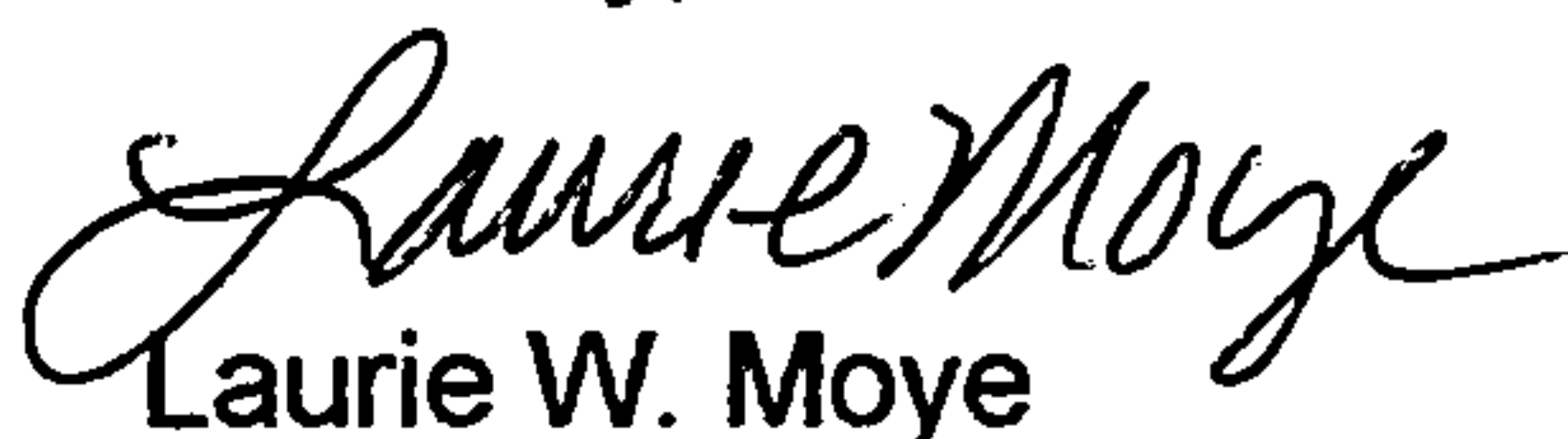
The Project consists of the installation of a three-phase overhead distribution line from the west side of the new Volcano Vista High School going south by southeast along Pipeline Road to Atrisco Blvd. NW to the intersection of Scenic Road NW to lots adjacent to Compass Drive NW then south by southeast to Kimmick Rd NW and following lots adjacent to Kimmick Rd NW to Urraca Street NW. The total length of the line is approximately 9083 feet.

The Project would be constructed using steel and wood structures 34.5 feet above ground height. Typical structure configurations are shown in (Figure 3) and illustrate triangular, 8 foot cross arm and vertical configuration.

PNM is seeking a decision regarding our variance request from the DRB as the first step in the review process for this Project, as agreed in the above-reference agreement between the City and PNM.

If you have any questions or need additional information, please contact me at (505) 241-2792. I am always willing to meet with you to discuss this Project and any questions or concerns you may have.

Sincerely,



Laurie W. Moyer

Coordinator Regulatory Relations and Public Participation

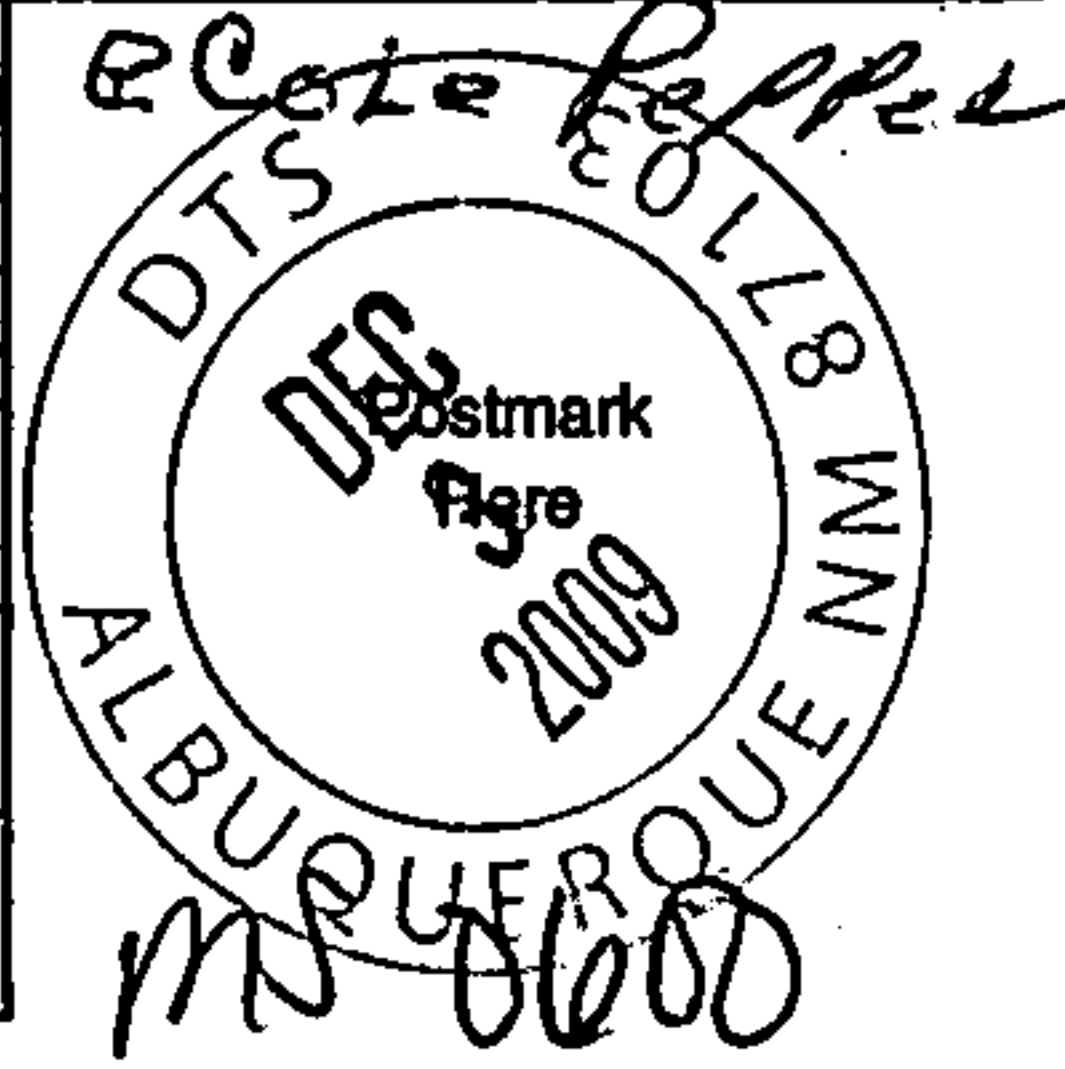
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Sent To: Taylor Ranch NA / Fred van Borkel
 Street, Apt. No., or PO Box No. 5716 Morgan Ln NW
 City, State, ZIP+4 Albuquerque, NM 89120

PS Form 3800, August 2006 See Reverse for Instructions

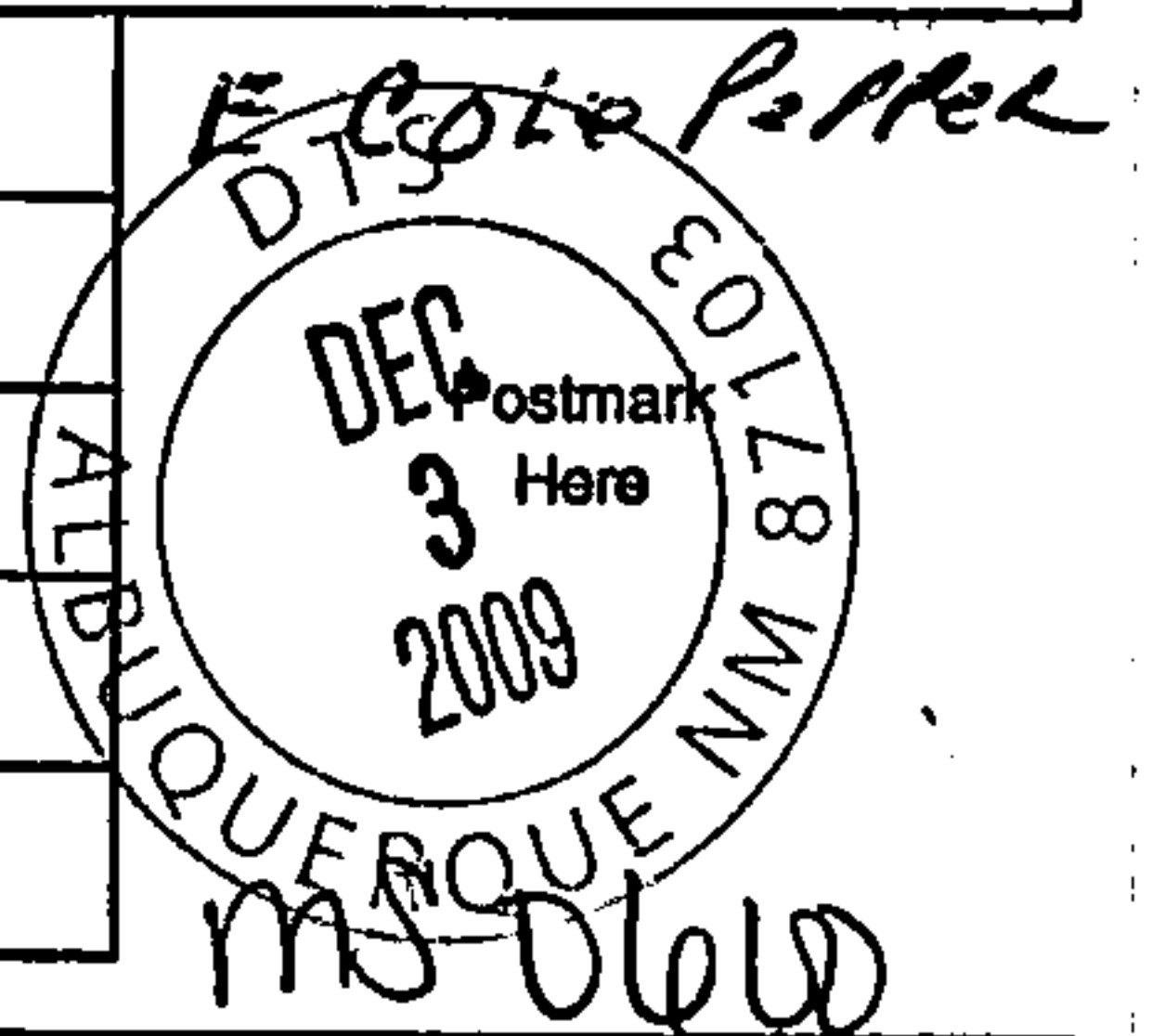
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Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To: Billy J. Wright
 Street, Apt. No., or PO Box No. 4112 Blue Ridge Pl
 City, State, ZIP+4 Albuquerque, NM 87111-4167

PS Form 3800, August 2006 See Reverse for Instructions

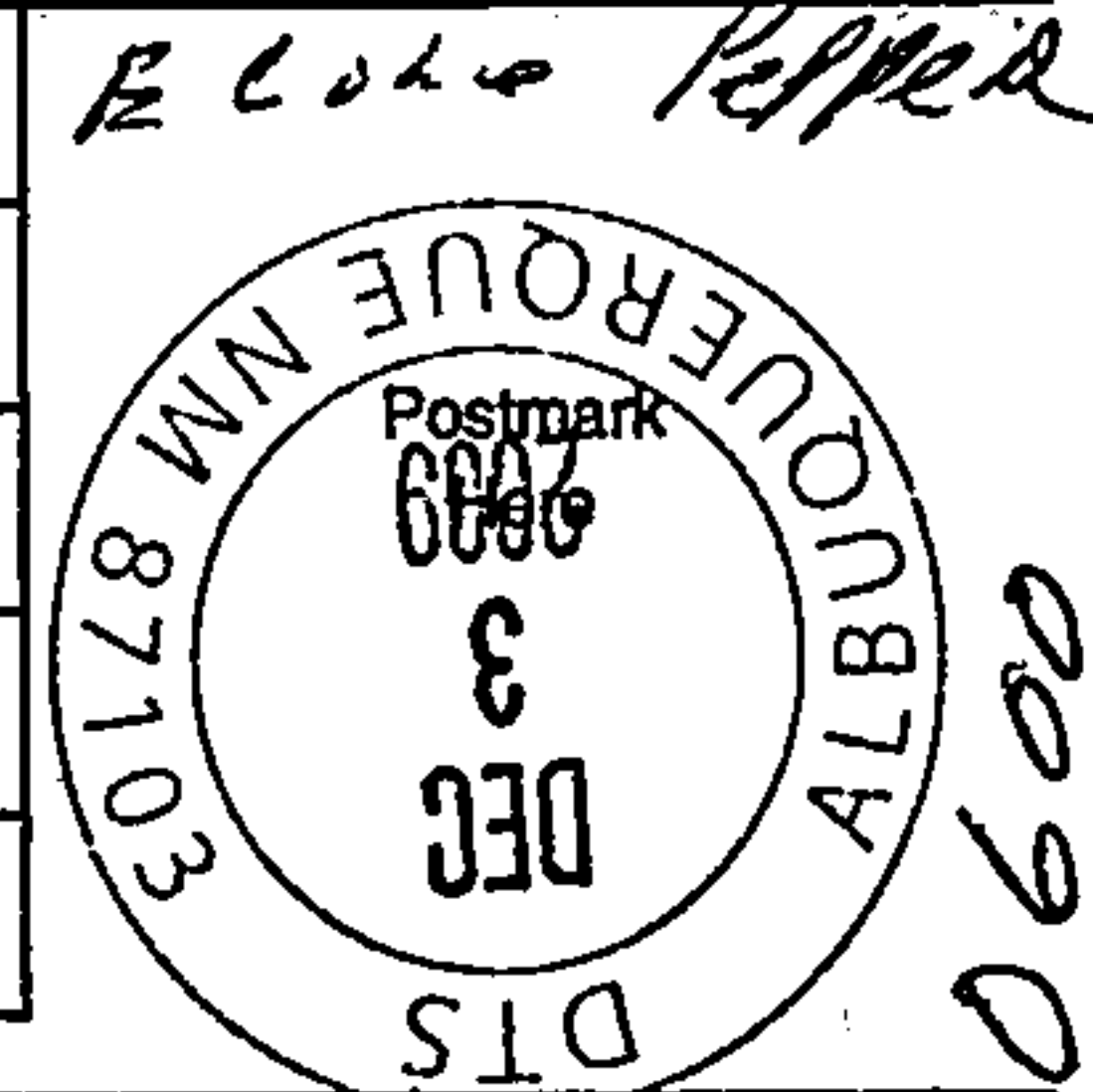
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Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To: Taylor Ranch NA / Rene Horvath
 Street, Apt. No., or PO Box No. 5515 Palomino Dr NW
 City, State, ZIP+4 Albuquerque, NM 87120

PS Form 3800, August 2006 See Reverse for Instructions

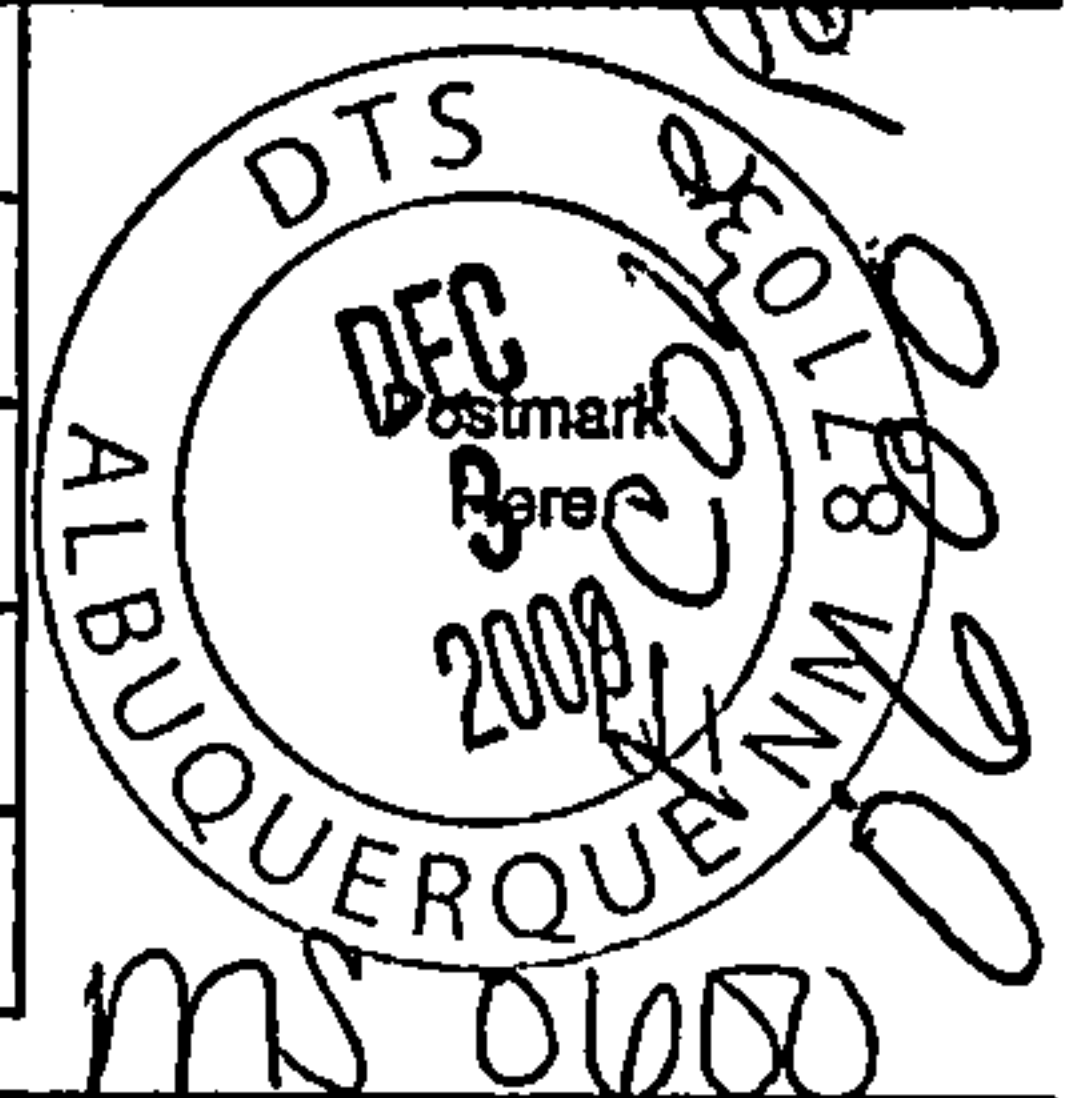
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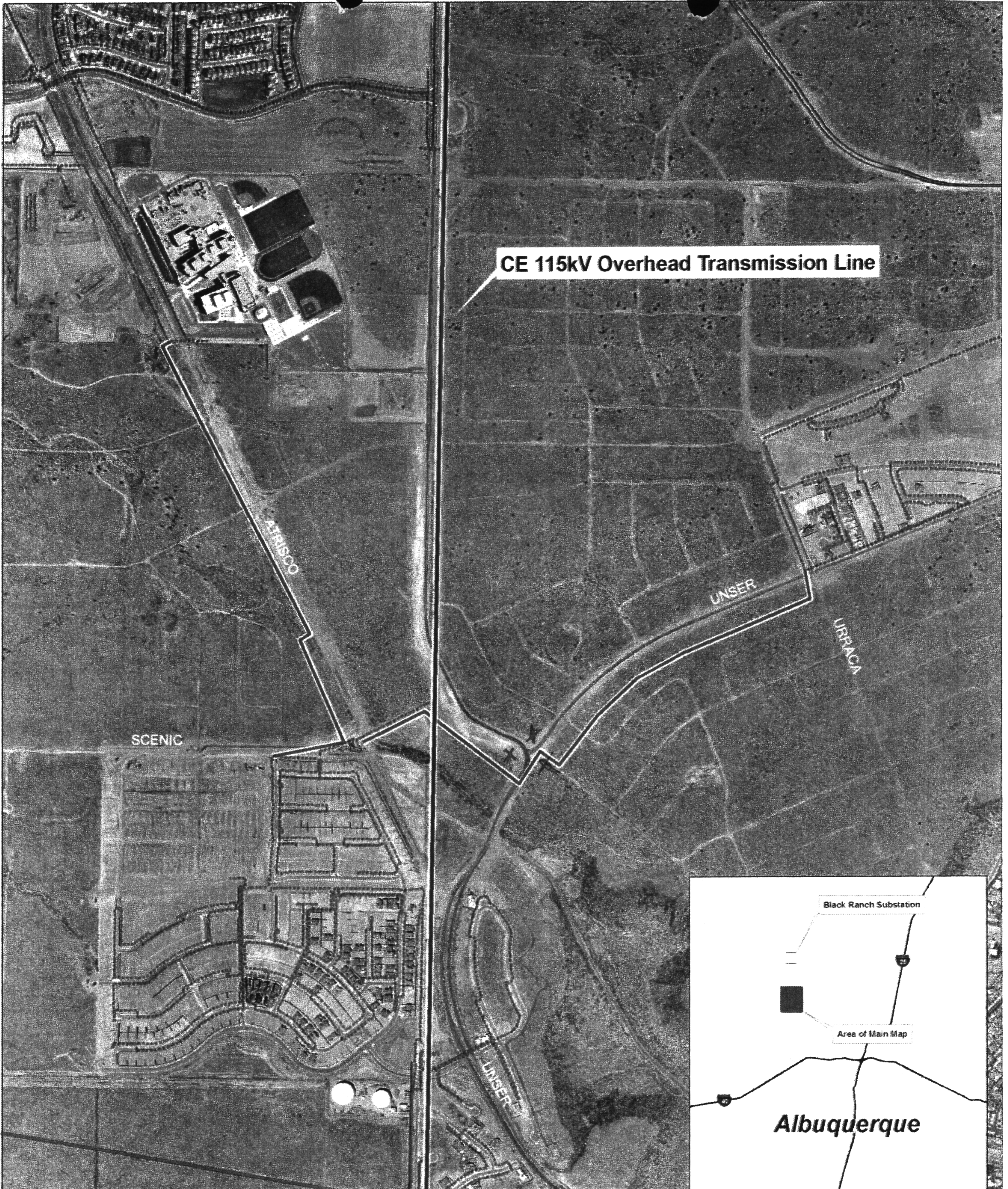
OFFICIAL USE

Postage	\$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$



Sent To: Dave Heil
 Street, Apt. No., or PO Box No. 160 Itasca Rd
 City, State, ZIP+4 Rio Rancho, NM 87154

PS Form 3800, August 2006 See Reverse for Instructions



CE 115kV Overhead Transmission Line

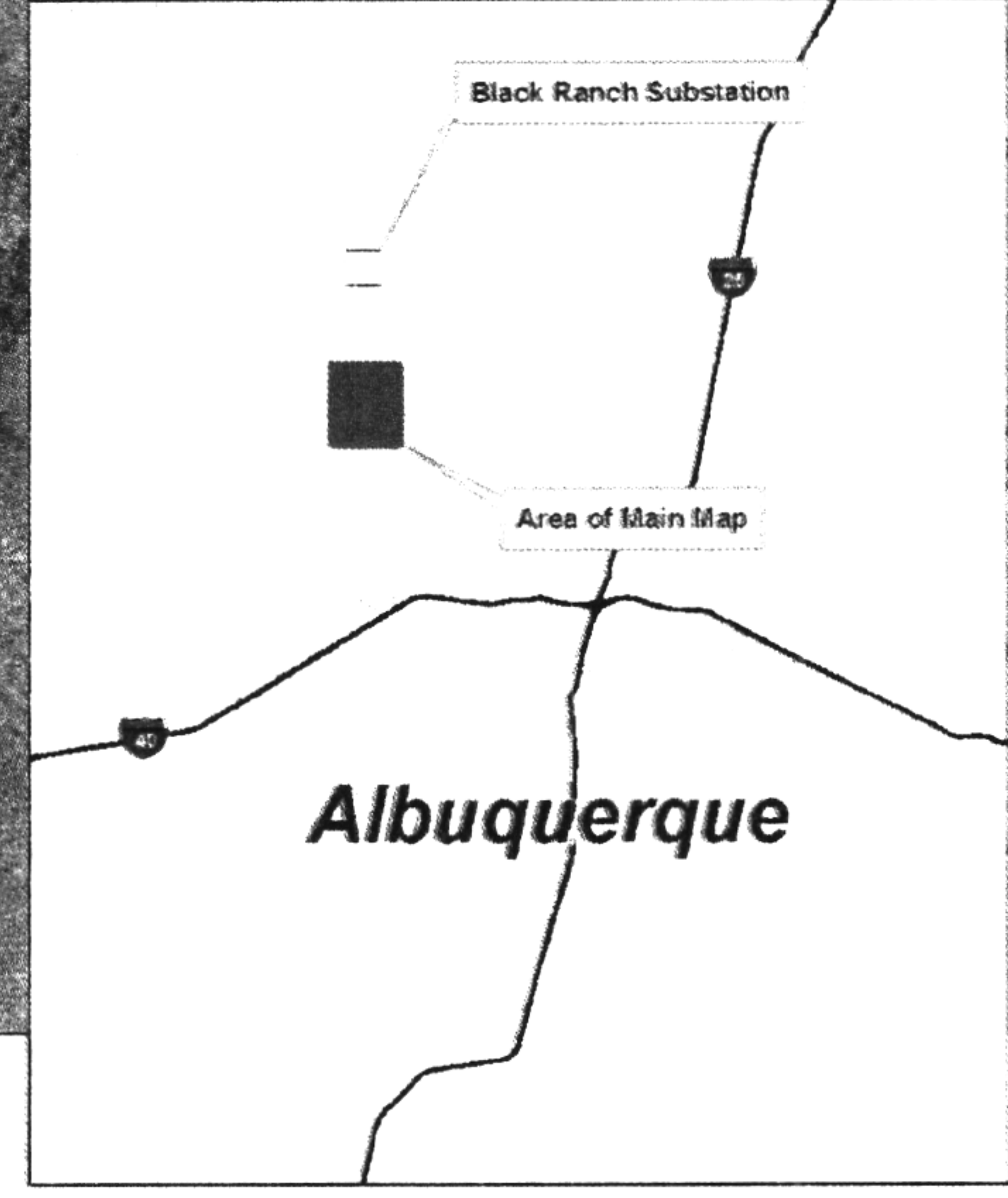
ATRISCO

UNSER

URRACA

SCENIC

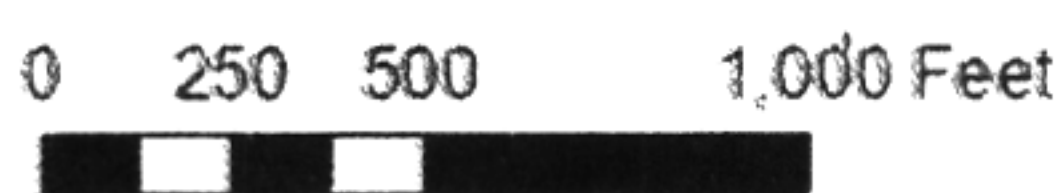
UNSER



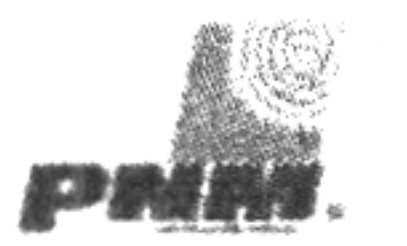
Proposed Black Ranch 12 Feeder Ties

- Existing Overhead Distribution Line
- Existing Underground Distribution Line
- Proposed Overhead Distribution Line

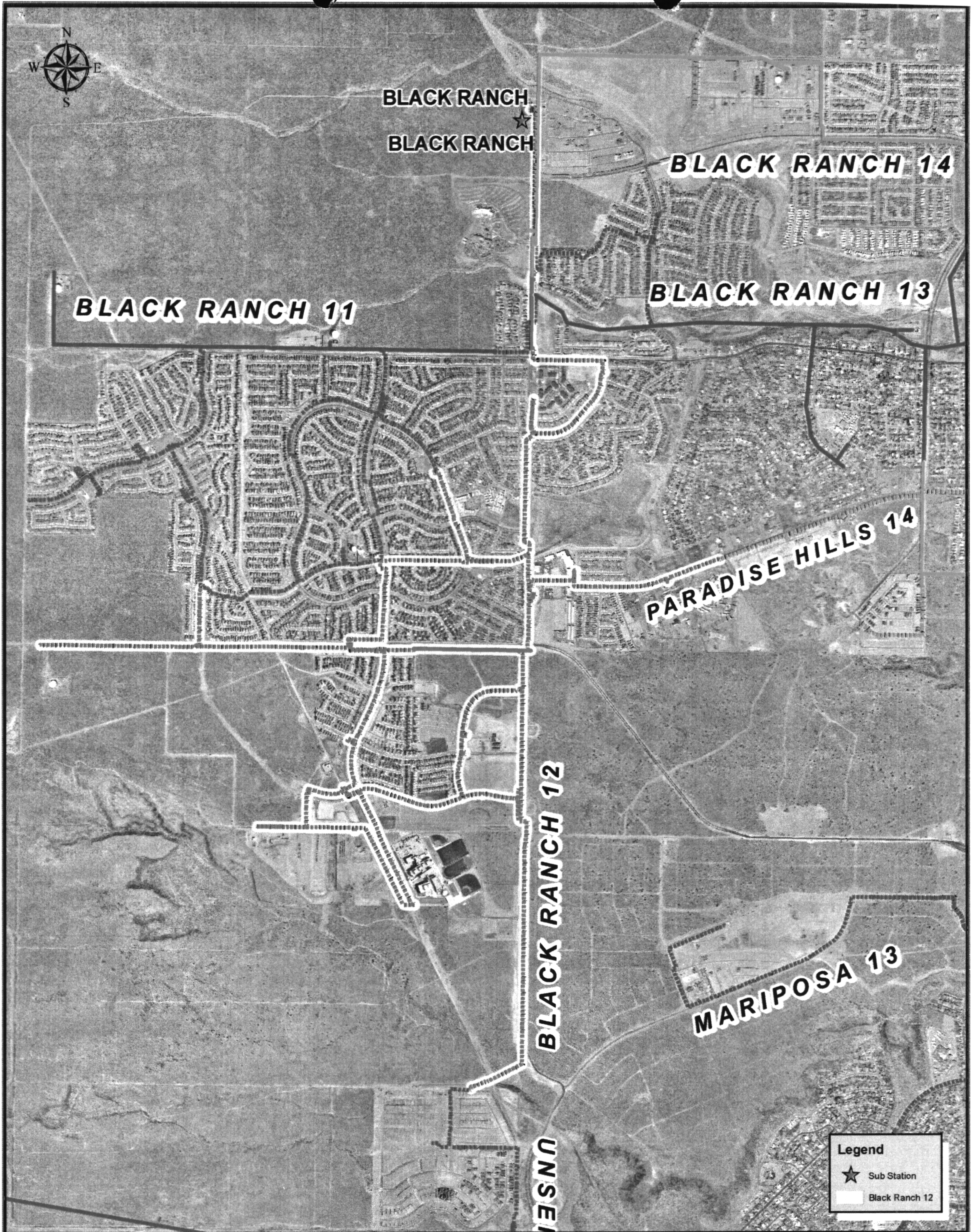
Aerial Photography 2008

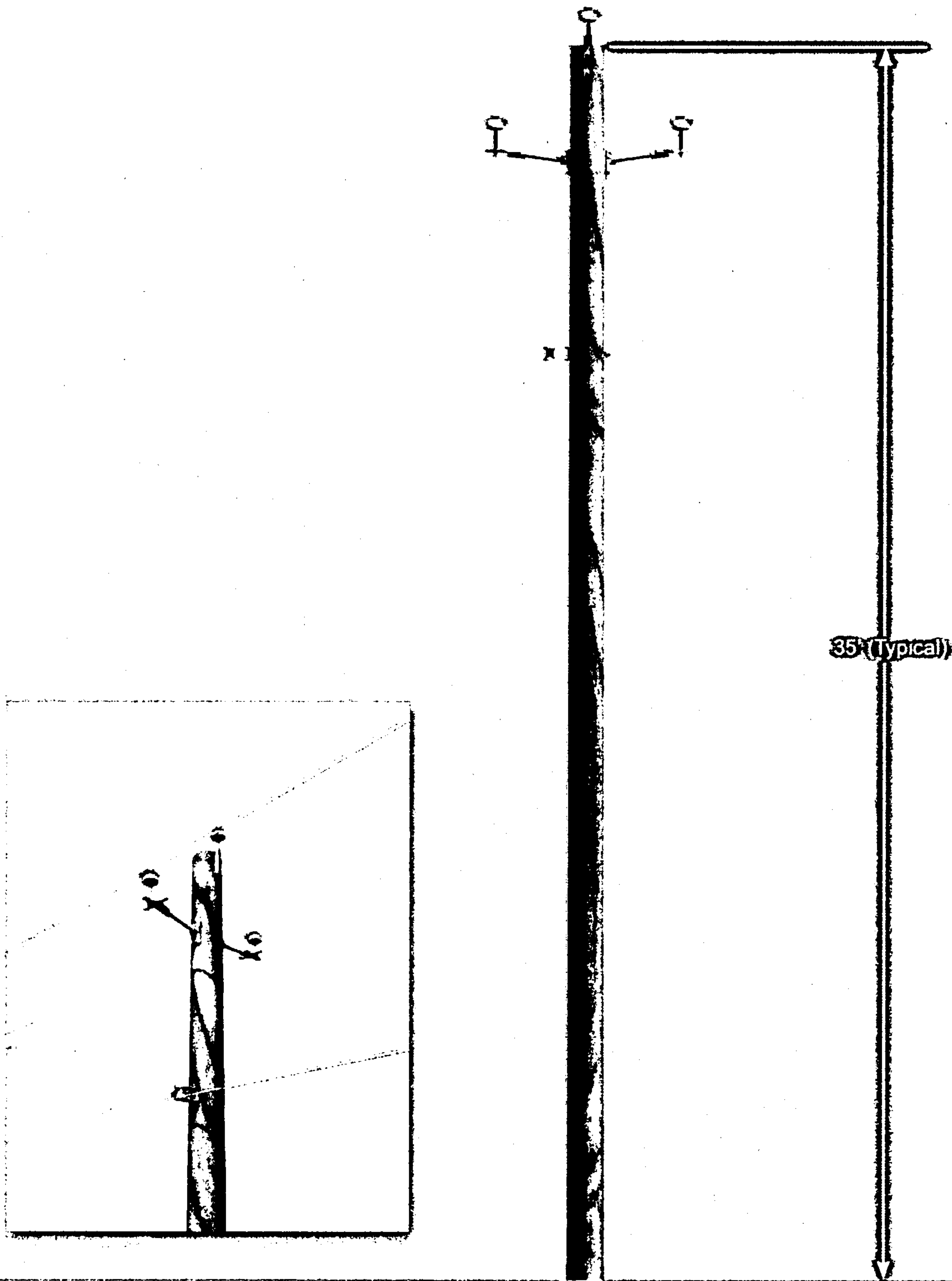


PNM is a utility company that provides electric service to customers in the state of New Mexico. PNM is a public utility and is subject to public utility laws and regulations. PNM is not responsible for any damage to property or injury to persons that may result from the use of its services. PNM is not responsible for any damage to property or injury to persons that may result from the use of its services. PNM is not responsible for any damage to property or injury to persons that may result from the use of its services.



The power to make life better. Together.

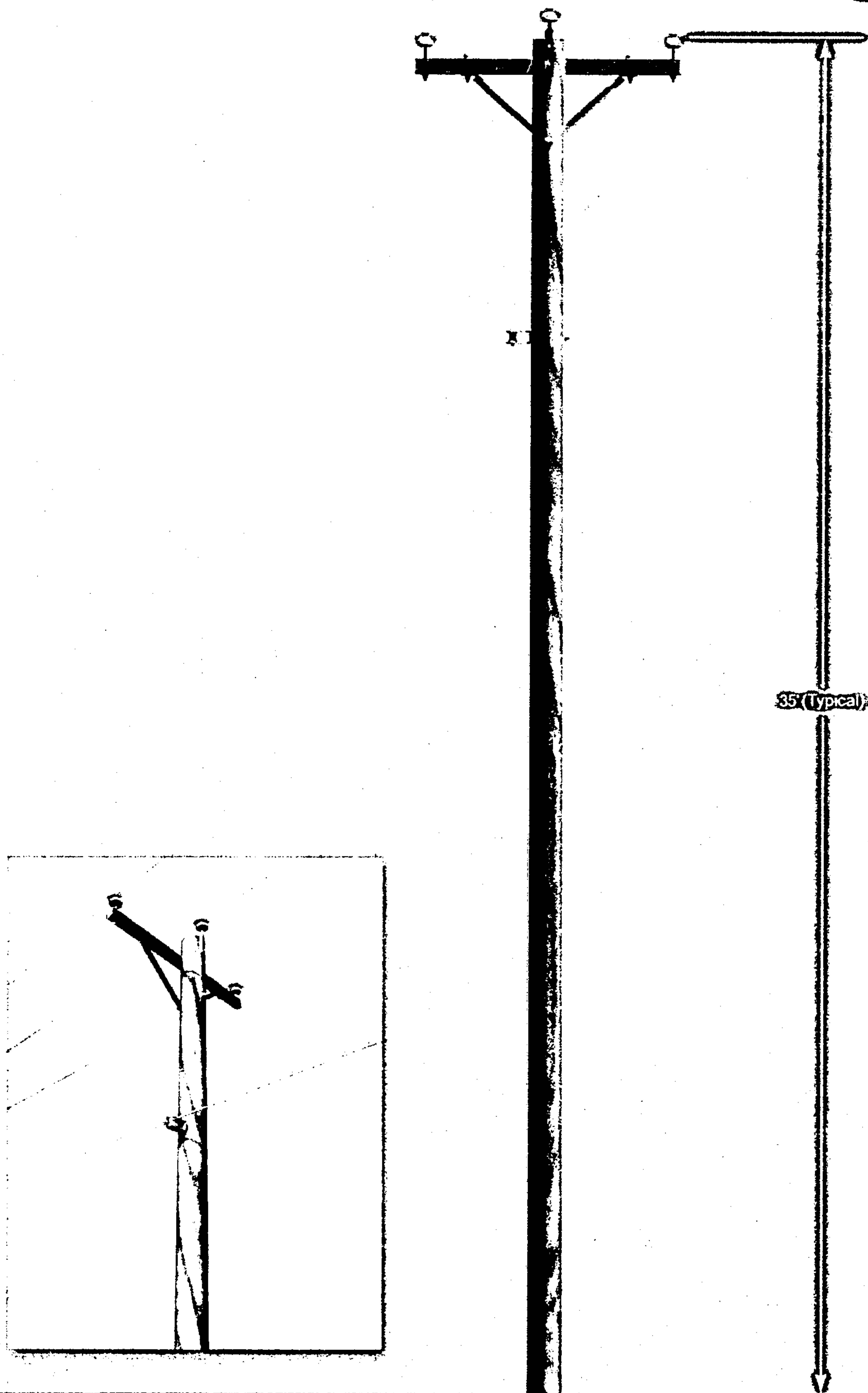




Three Phase Triangular Tangent Pole
Direct-Bury, Wood, Distribution Standards DS-2-19.0

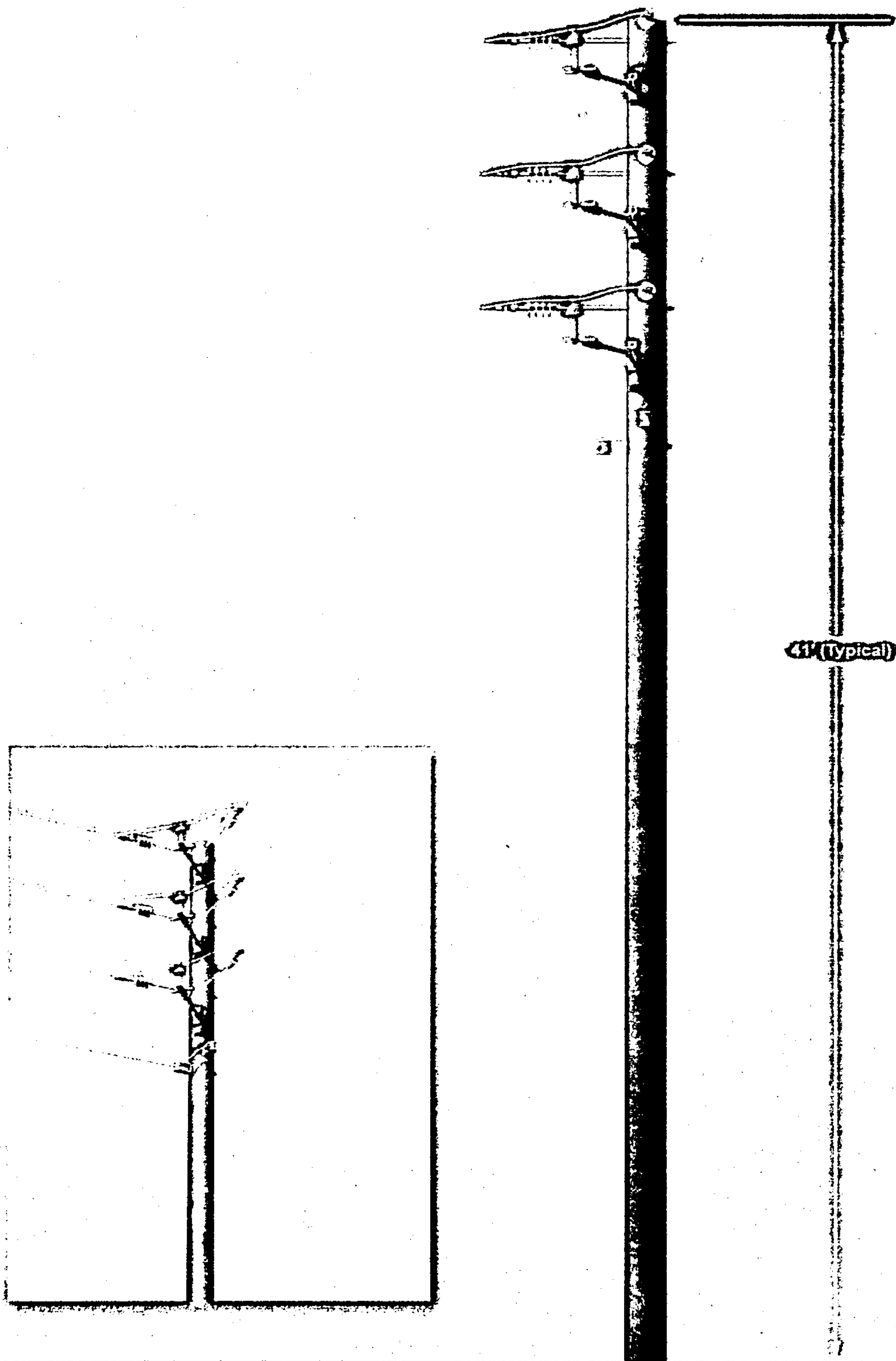
Typical Distribution Pole Configuration

FIGURE 3



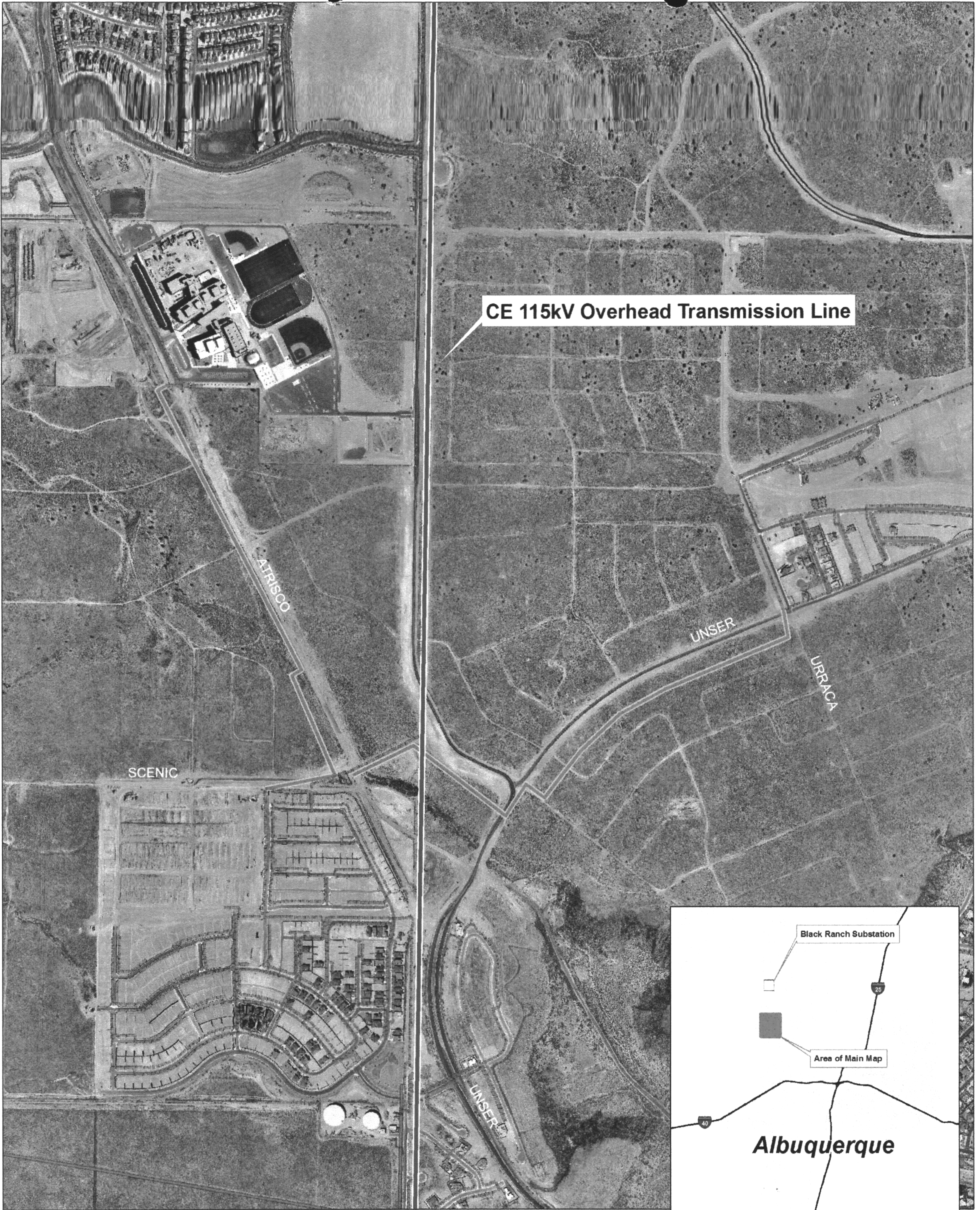
Three Phase Tangent Pole
Direct Bury, Wood, Eight Foot Cross Arm, Distribution Standards DS-2-4.0

Typical Distribution Pole Configuration

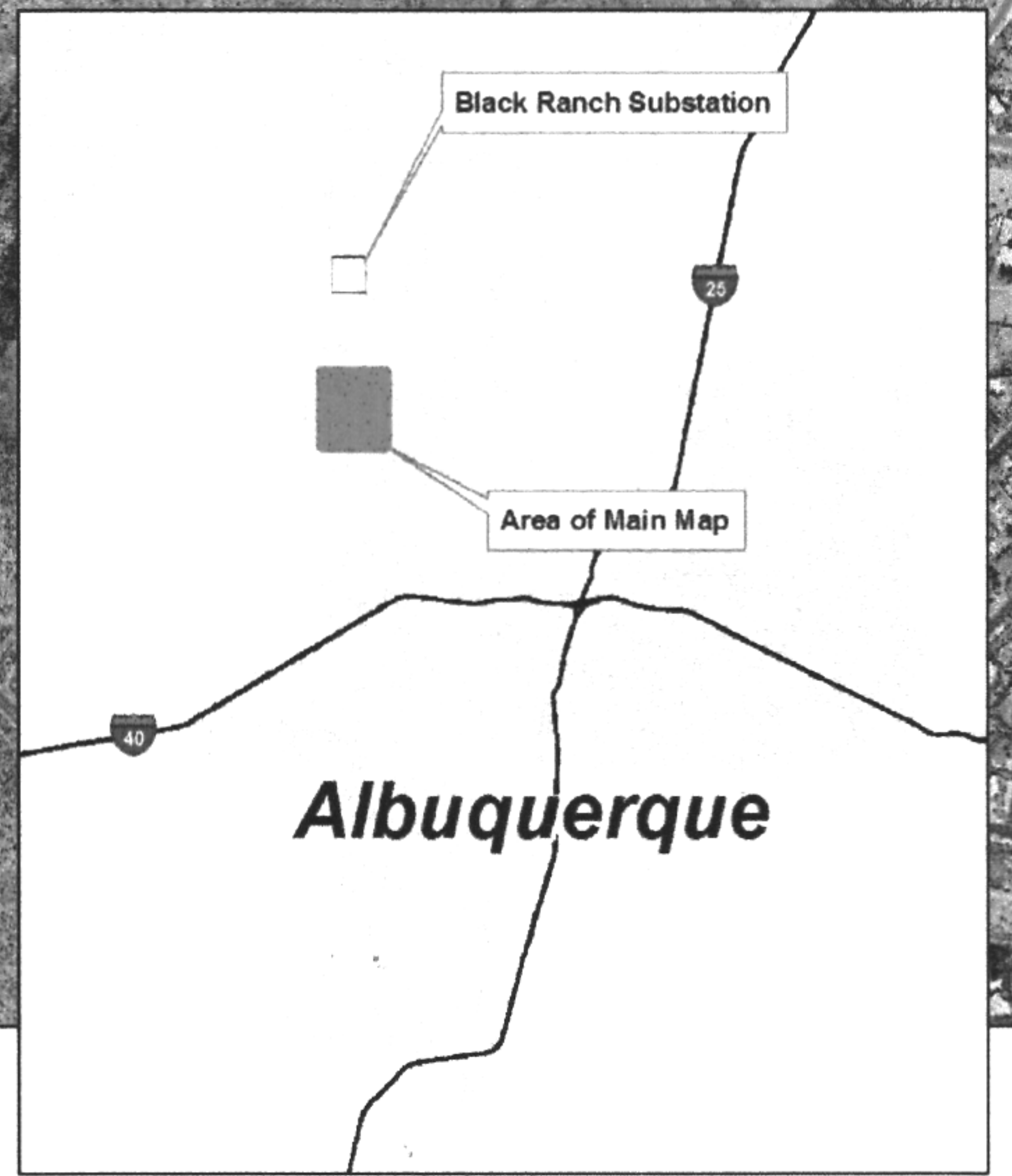


Three Phase Primary Vertical Corner Pole
Direct Bury, Wood, Distribution Standards DS-2-16.0

Typical Distribution Pole Configuration



CE 115kV Overhead Transmission Line



Proposed Black Ranch 12 Feeder Ties

- Existing Overhead Distribution Line
- - - Existing Underground Distribution Line
- Proposed Overhead Distribution Line



0 250 500 1,000 Feet

Aerial Photography 2008

Property statement:
 The documents and all previous issues are the property of Public Service Company of New Mexico (PSCo) and neither PSCo nor its agents, employees or contractors, in any way, shall be held liable for any errors or omissions in this document or any design or technical information shown thereon or any other documents. PSCo does not warrant the accuracy, completeness, or timeliness of any information contained therein. This document is provided under the express condition that it is not to be used in any way, in connection with any legal proceeding or litigation.

Public Service Company of New Mexico
 July 19, 2008
 File No. 17-012008 - River Page Former C
 (Project: 0000)LR00000000_SuffBlackRanchFeeder12BlackRanchFeeder12.mxd



SIGN POSTING AGREEMENT

REQUIREMENTS

POSTING SIGNS ANNOUNCING PUBLIC HEARINGS

All persons making application to the City under the requirements and procedures established by the City Zoning Code or Subdivision Ordinance are responsible for the posting and maintaining of one or more signs on the property which the application describes. Vacations of public rights-of-way (if the way has been in use) also require signs. Waterproof signs are provided at the time of application. If the application is mailed, you must still stop at the Development Services Front Counter to pick up the sign.

The applicant is responsible for ensuring that the signs remain posted throughout the 15-day period prior to public hearing. Failure to maintain the signs during this entire period may be cause for deferral or denial of the application. Replacement signs for those lost or damaged are available from the Development Services Front Counter at a charge of \$3.75 each.

1. LOCATION

- A. The sign shall be conspicuously located. It shall be located within twenty feet of the public sidewalk (or edge of public street). Staff may indicate a specific location.
- B. The face of the sign shall be parallel to the street, and the bottom of the sign shall be at least two feet from the ground.
- C. No barrier shall prevent a person from coming within five feet of the sign to read it.

2. NUMBER

- A. One sign shall be posted on each paved street frontage. Signs may be required on unpaved street frontages.
- B. If the land does not abut a public street, then, in addition to a sign placed on the property, a sign shall be placed on and at the edge of the public right-of-way of the nearest paved City street. Such a sign must direct readers toward the subject property by an arrow and an indication of distance.

3. PHYSICAL POSTING

- A. A heavy stake with two crossbars or a full plywood backing works best to keep the sign in place, especially during high winds.
- B. Large headed nails or staples are best for attaching signs to a post or backing; the sign tears out less easily.

4. TIME

Signs must be posted from DEC. 22, 2009 To JAN 6th, 2010

5. REMOVAL

- A. The sign is not to be removed before the initial hearing on the request.
- B. The sign should be removed within five (5) days after the initial hearing.

I have read this sheet and discussed it with the Development Services Front Counter Staff. I understand (A) my obligation to keep the sign(s) posted for (15) days and (B) where the sign(s) are to be located. I am being given a copy of this sheet.

Jamie Moge 12-10-09
(Applicant or Agent) (Date)

I issued 4 signs for this application, 12-10-09 Jan Ch...
(Date) (Staff Member)

DRB PROJECT NUMBER: 1008093

City of Albuquerque Planning Department
One Stop Shop – Development and Building Services

12/10/2009 Issued By: PLNSDH 63248

Permit Number: 2009 070 377 **Category Code 910**

Application Number: 09DRB-70377, Subdn Design Variance From Min Dpm Stds

Address:

Location Description: ATRISCO NW, UNSER NW, SCENIC NW, KIMMICK NW, AND URRACA NW

Project Number: 1008093

Applicant

Pnm
Laurie Moye
Alvarado Square
Albuquerque NM 87158
241-2782
laurie.moye@pnm.com

Agent / Contact

Pnm
Laurie Moye
Alvarado Square
Albuquerque NM 87158
241-2782
laurie.moye@pnm.com

Application Fees

441018/4971000	Public Notification	\$75.00
441032/3424000	Conflict Mgmt Fee	\$20.00
441006/4983000	DRB Actions	
TOTAL:		\$95.00

City Of Albuquerque
Treasury Division

12/10/2009 2:40PM LOC: ANNX
WS# 007 TRANS# 0039
RECEIPT# 00124588-00124588
PERMIT# 2009070377 TRSCXG
Trans Amt \$95.00
APN Fee \$75.00
Conflict Manag. Fee \$20.00
MC \$95.00
CHANGE \$0.00

Thank You