



## OFFICIAL NOTICE OF DECISION

CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

March 28, 2012

### **Project# 1009164**

### **12DRB-70070 ELECTRICAL LINE LOCATION VARIANCE**

PNM request(s) the referenced/above action(s) for an OVERHEAD DISTRIBUTION LINE between **Innovation Substation 13 Feeder and Four Hill Substation 12**, located at JUAN TABO BLVD SE and MONACHOS RD SE south of the TIJERA ARROYO. (M-21 & 22)

At the March 28, 2012 Development Review Board meeting, the electrical line location variance for an overhead distribution line was partially approved for four poles on the west side of Juan Tabo Boulevard SE.

#### Findings

In accordance with the Subdivision Ordinance, Section 14-14-4-9 which specifies criteria for a variance to be approved, the Board makes the following Findings:

1. The variance is approved for the portion of the requested variance west of Juan Tabo Boulevard SE.
  - a. The proposed distribution line will connect with an existing overhead distribution line on the west side of Juan Tabo Blvd SE.
  - b. This is a slope area in or adjacent to the flood zone of the Tijeras Arroyo which presents subsurface and surface conditions that would unreasonably affect the economics of constructing and maintaining underground distribution lines.
  - c. There is no significant public purpose served by requiring this portion of the new distribution line be placed underground based on existing overhead transmission lines, the shorter height of the proposed distribution line poles combined with the lower elevation of the slope area from the adjacent street and private property, and the minimum number of poles.
  
2. The variance is denied for the portion of the requested variance east of Juan Tabo Boulevard SE.
  - a. The existing overhead distribution lines at the east end of the proposal are located on the site of an approved preliminary plat, which will result in the construction of underground distribution lines to replace these existing overhead lines.
  - b. Regarding subsurface conditions, it is again noted that the area on the east side of Juan Tabo Blvd SE is in the approval process for development which will result in the existing overhead distribution lines

being replaced with underground distribution lines; the cost differential presented in Appendix D addresses the standard difference in underground vs. overhead construction and is not based on unusual subsurface conditions.

CONDITIONS:

1. The location of the fourth pole may be adjusted from as shown in Appendix C to allow for the transition to go underground beneath Juan Tabo Blvd SE.
2. Appendix D shall be revised to reflect the partial approval for the western portion of the variance request.


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, DRB Chair

Cc: City Attorney  
file




3. **Project# 1009083**  
12DRB-70078 VACATION OF PUBLIC  
UTILITY & DRAINAGE EASEMENT  
12DRB-70081 VACATION OF PUBLIC  
ROADWAY EASEMENT 


WILSON & COMPANY agent(s) for CITY OF ALBUQUERQUE et.al. request(s) the referenced/ above action(s) for all or a portion of Lots 10-11 and 19-22, Block 2, **VOLCANO CLIFFS Unit 14** and Lots 1-3, Block 2 **UNIT 25**, zoned SU-2/ VCUR & VCMX, located on ATRISCO DR NW and COMPASS DR NW south of PEREZOSO TRL NW containing approximately 12.5 acre(s). (D-9 & 10) **DEFERRED TO 4/4/12 AT THE AGENT'S REQUEST.**

4. **Project# 1009084**  
12DRB-70079 VACATION OF PUBLIC  
UTILITY EASEMENT  
12DRB-70080 VACATION OF PUBLIC  
RIGHT-OF-WAY 


WILSON & COMPANY agent(s) for CITY OF ALBUQUERQUE et.al. request(s) the referenced/ above action(s) for all or a portion of COMPASS DRIVE NW plus Utility Easements in Block(s) 2, **VOLCANO CLIFFS Unit 19**, zoned SU-2/ VCLL, located on COMPASS DR NW bewteen CAMINO DEL OSTE NW and COMPASS CT NW containing approximately 4.5 acre(s). (D-10) **DEFERRED TO 4/4/12 AT THE AGENT'S REQUEST.**

5. **Project# 1009164**  
12DRB-70070 ELECTRICAL LINE  
LOCATION VARIANCE 

PNM request(s) the referenced/above action(s) for an OVERHEAD DISTRIBUTION LINE between **Innovation Substation 13 Feeder and Four Hill Substation 12**, located at JUAN TABO BLVD SE and MONACHOS RD SE south of the TIJERA ARROYO. (M-21 & 22)**APPROVED.**

6. **Project# 1005354**  
12DRB-70060 VACATION OF PUBLIC  
RIGHT-OF-WAY  
12DRB-70061 VACATION OF PUBLIC  
EASEMENT 

BOHANNAN HUSTON INC agent(s) for SAWMILL COMMUNITY LAND TRUST request(s) the referenced/ above action(s) for a portion of MILL POND ROAD NW and EASEMENT adjacent to Tract 2-E-1, **ARBOLERA DE VIDA UNIT 2B** zoned S-MI, located on at the terminus of ASPEN AVE NW west of 12TH ST NW containing approximately 6.0172 acre(s). (H-13) *[Deferred from 3/21/12]* **THE VACATIONS WERE APPROVED AS SHOWN ON EXHIBIT B IN THE PLANNING FILE PER SECTION 14-14-7-2(A) (1) AND (B) (1)(3) OF THE SUBDIVISION ORDINANCE WITH CONDITIONS AS FOLLOWS: ADEQUATE RIGHT-OF-WAY AND EASEMENTS.**

7. **Project# 1008435**  
12DRB-70053 VACATION OF PUBLIC  
RIGHT-OF-WAY 

ISAACSON AND ARFMAN PA agent(s) for MECHENBIER CONSTRUCTION, INC. request(s) the referenced/ above action(s) for all or a portion of PANORAMA/ TRAMWAY BOULEVARD NE adjacent to Tract N-2 **TANOAN PROPERTIES** and Tracts 17 & 18 **HIGH DESERT SUBDIVISION** zoned R-D, located on the west side of TRAMWAY BLVD NE north of ACADEMY RD NE containing approximately 5.2885 acre(s). (E-22) *[Deferred from 3/21/12]* **DEFERRED TO 4/4/12 AT THE AGENT'S REQUEST.**



CITY OF ALBUQUERQUE  
PLANNING DEPARTMENT  
DEVELOPMENT REVIEW BOARD

March 28, 2012

**Project# 1009164**  
**12DRB-70070 ELECTRICAL LINE LOCATION VARIANCE**

PNM request(s) the referenced/above action(s) for an OVERHEAD DISTRIBUTION LINE between **Innovation Substation 13 Feeder and Four Hill Substation 12**, located at JUAN TABO BLVD SE and MONACHOS RD SE south of the TIJERA ARROYO. (M-21 & 22)

<b>AMAFCA</b> No comment.
<b>COG</b> No comments provided.
<b>TRANSIT</b> No comments provided.
<b>ZONING ENFORCEMENT</b> No comments provided.
<b>NEIGHBORHOOD COORDINATION</b>
<b>APS</b> This will have no adverse impacts to the APS district.
<b>POLICE DEPARTMENT</b> Foothills Area Command - No Crime Prevention or CPTED comments concerning the proposed Subdivision Electric Distribution Variance request at this time.
<b>FIRE DEPARTMENT</b> No comments provided.
<b>PNM ELECTRIC &amp; GAS</b> No comments provided.
<b>COMCAST</b> No comments provided.
<b>CenturyLink</b> No adverse comments
<b>ENVIRONMENTAL HEALTH</b> No comments provided.
<b>M.R.G.C.D</b> No Comments provided.
<b>OPEN SPACE DIVISION</b> No Adverse Comments.
<b>CITY ENGINEER</b> Comments, if any, will be provided at the meeting

**TRANSPORTATION DEVELOPMENT**

**PARKS AND RECREATION**

No comments

**ABCWUA**

**PLANNING DEPARTMENT**

Based on the Subdivision Ordinance, approval for overhead distribution lines require a determination that no significant public purpose would be served by requiring the new lines to be placed underground; additionally, the immediate or adjacent area must be found to being presently served by overhead lines OR the subsurface conditions must be found to be such that installing underground lines would be economically unreasonable.

While there are existing overhead transmission lines, there is still a public purpose served by not allowing additional and shorter utility poles adjacent to major public open space.

Regarding required findings for approval of the variance, it is noted that the proposal would link existing overhead distribution lines; however the lines at the east end of the proposal are located on the site of an approved preliminary plat which will result in underground distribution lines to replace the overhead lines. Regarding subsurface conditions, the cost differential presented in Appendix D appears to address the standard difference in underground vs. overhead construction and is not based on unusual subsurface conditions.

Based on the preceding, it does not appear that a variance is appropriate for the project east of Juan Tabo Blvd.

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





**PUBLIC HEARING--DEVELOPMENT REVIEW BOARD  
CITY OF ALBUQUERQUE**

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW, on Wednesday, March 28, 2012, beginning at 9:00 a.m. for the purpose of considering the following items. The Development Review Board will hold a Pre-Hearing Discussion in the Conference Room of Suite 201, Lobby Level, Plaza del Sol Building, 600 2nd St NW, Albuquerque, NM on Tuesday, MARCH 27, 2012, beginning at 3:00 p.m. for the purpose of reviewing these items prior to the public hearing; no action or public comments will be taken at this Discussion.

**Project# 1008656**

12DRB-70073 VACATION OF EASEMENT  
12DRB-70074 SIDEWALK VARIANCE  
12DRB-70075 SUBDIVISION DESIGN  
VARIANCE FROM MIN DPM STDS  
12DRB-70076 MINOR - TEMP DEFERRAL  
SIDEWALK CONSRUCTION  
12DRB-70077 PRELIMINARY PLAT

MARK GOODWIN AND ASSOCIATES, P.A. agent(s) for GLENDALE, LLC request(s) the referenced/ above action(s) for all or a portion of Lot(s) 4-9, Block 12, **NORTH ALBUQUERQUE ACRES Tract 1 Unit 3**, zoned R-D, located on the south side of GLENDALE AVE NE between WYOMING BLVD NE and BARSTOW ST NE. containing approximately 5.993 acre(s). (B19)

**Project# 1009082**

12DRB-70082 VACATION OF PUBLIC  
UTILITY EASEMENT  
12DRB-70083 VACATION OF PUBLIC  
RIGHT-OF-WAY

WILSON & COMPANY agent(s) for MX LLC request(s) the referenced/ above action(s) for VALIENTE ROAD NW as well as a portion of KIMMICK DRIVE NW and CALLE NORTENA NW plus Utility Easements in Blocks 2, 3 & 6 **VOLCANO CLIFFS Unit 26**, zoned SU-2/ VCMX, located on the south side of PASEO DEL NORTE NW between CALLE NORTENA NW and CALLE PLATA NW containing approximately 30.7 acre(s). (C-11)

**Project# 1009083**

12DRB-70078 VACATION OF PUBLIC  
UTILITY & DRAINAGE EASEMENT  
12DRB-70081 VACATION OF PUBLIC  
ROADWAY EASEMENT

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12DRB-70080 VACATION OF PUBLIC  
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12DRB-70070 ELECTRICAL LINE  
LOCATION VARIANCE

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Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays INDIVIDUALS WITH DISABILITIES who need special assistance to participate at this hearing should contact Angela Gomez, Planning Department, at 924-3946 (VOICE) or teletypewriter (TTY) 924-3361 - TTY users may also access the Voice number via the New Mexico Relay Network by calling toll-free 1-800-659-8331.

  
Jack Cloud, DRB Chair, Development Review Board

**TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, MARCH 12, 2012.**



# City of Albuquerque Planning Department

## DEVELOPMENT AND BUILDING SERVICES

STANDARD APPLICATION, Paper Plans Required

### DEVELOPMENT REVIEW BOARD

02/28/2012 Issued By: E08375 137910

Category Code **910**

**2012 070 070**

**Application Number:** 12DRB-70070, Subdn Design Variance From Min Dpm Stds

**Address:**

**Location Description:** JUAN TABO AND MONACHOS

**Project Number:** 1009164

**Applicant**  
LAURIE MOYE

**Agent / Contact**  
PNM

ALBARADO SQUARE  
ALBUQUERQUE NM 87158  
241-2792

ALVARADO SQUAREPO BOX 2267  
ALBUQUERQUE NM 87158

### Application Fees

441018/4943000	APN Fee	
441032/3416000	Conflict Mgmt Fee	<b>\$20.00</b>
441006/4958000	DRB Actions	
<b>TOTAL:</b>		<b>\$20.00</b>

City Of Albuquerque  
Treasury Division

2/28/2012 3:36PM LOC: ANNX  
WS# 006 TRANSH 0050  
RECEIPT# 00144842-00144842  
PERMIT# 2012070070 TRSLJS  
Trans Amt \$20.00  
Conflict Manag. Fee \$20.00  
MC \$20.00  
CHANGE \$0.00

Thank You



May 1, 2012

Mayor Richard J. Berry  
City of Albuquerque  
Office of the Mayor  
P.O. Box 1293  
Albuquerque, NM 87103

Subject: Cost Estimates, Route and Construction Schedule for PNM's Innovation Feeder 13 Distribution Project

Dear Mayor Berry:

The City of Albuquerque ("City") Subdivision Ordinance, Electrical and Communication Line Location §14-14-4-9 (B) requires the underground installation, within certain subdivisions, of all new electrical three-phase distribution lines operating at above 12 kilovolts but less than 40 kilovolts unless a variance is granted. PNM plans to construct the new Innovation Feeder 13 distribution project ("Innovation") in the City in 2012 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 Innovation.

In accordance with the Amended and Restated Stipulation, NMPRC Case No. 10-00100-UT ("Stipulation"), entered into by the City and PNM in 2010, and approved by the NMPRC, PNM applied to the City on February 28, 2012 for a variance from the City's Ordinance requirement to the Development Review Board ("DRB") with respect to Innovation. The DRB denied a portion of the requested variance east of Juan Tabo Boulevard SE consisting of 758 feet of distribution line. In response to the DRB Official Notice of Decision dated March 28, 2012, Condition 2, Appendix D of the variance request submittal is revised and provided to the City herein.

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 for the portion of Innovation to be placed underground through a rate rider at the NMPRC.

Enclosed please find Rate 22, Stipulation, route map and cost estimates for the construction of Innovation. The estimated cost to build the portion of the distribution line east of Juan Tabo Boulevard SE overhead is \$16,376.14. The estimated cost to build the portion of the distribution line east of Juan Tabo Boulevard SE underground is \$91,431.76. The resulting estimated excess cost is \$75,055.62. The estimates, route and schedule are being provided for the City's review and comment pursuant to Rate 22. This tariff allows for cost recovery of excess costs associated with underground installation of distribution lines from either the local government directly or from local electric 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 July 1, 2012.

If the City elects not to pay the excess cost 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 Innovation underground from City electric customers, as provided by Rate 22. PNM has estimated a six-month recovery period with the following temporary estimated monthly charges. The proposed rate rider will increase the electric bills of: Residential – \$.03 cents/month, Small Power – \$.08 cents/month, General Power - \$1.30/month, Large Power - \$12.74/month, Water & Sewage - \$2.24/month and Universities - \$226.54/month.

With respect to the proposed schedule, PNM anticipates that construction of Innovation will begin after approval of the underground rate rider by the NMPRC. Innovation will take approximately 3 weeks to construct. In the event that the City elects to pay the excess cost directly, PNM will begin construction after the execution of the contract.

If you have any questions or need additional information, please contact me at (505) 241-2792.

Sincerely,



Laurie W. Moyer

Enclosures

cc:

Ms. Trudy E. Jones, City Council President  
Mr. David Tourek, Esq., City Attorney  
Mr. Robert D. Kidd, Jr., Esq., Deputy Assistant City Attorney,  
Mr. Jack Cloud, Development Review Board Chair

cc (without enclosures):

Gerard T. Ortiz, PNM, Executive Director, Executive Director, NM Retail Regulatory Services  
Kevin Curran, Esq., Managing Assistant City Attorney,  
Pete Otero, PNM, Manager, Commercial/Industrial Service & System Reliability

## **PUBLIC SERVICE COMPANY OF NEW MEXICO**

### **Agreement for Recovery of Excess Undergrounding Costs**

THIS AGREEMENT, dated \_\_\_\_, 2012, 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 an electric distribution line ("Project") 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 Project; 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; 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 one new underground distribution line to integrate the Innovation Substation into the surrounding electric distribution system and the construction of a new electric distribution line to connect to Four Hills 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.

3. The Excess Costs of constructing the Project underground, as defined in PNM Electric Rate No. 22, are calculated as shown in Exhibit A attached to this Agreement.

4. The design of the Project for construction as an Underground System is in accordance with the Company's standards and specifications.

5. The Company shall design and construct the Underground System in accordance with the Company's standards and specifications.



6. 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):  
\$ 75,055.62
- 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**

<b>UNDERGROUND COSTS:</b>	<b><u>\$91,431.76</u></b>
<b>OVERHEAD COSTS:</b>	<b><u>\$16,376.14</u></b>
<b>EXCESS COSTS:</b>	<b><u>\$ 75,055.62</u></b>



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### Findings

In accordance with the Subdivision Ordinance, Section 14-14-4-9 which specifies criteria for a variance to be approved, the Board makes the following Findings:

1. The variance is approved for the portion of the requested variance west of Juan Tabo Boulevard SE.
  - a. The proposed distribution line will connect with an existing overhead distribution line on the west side of Juan Tabo Blvd SE.
  - b. This is a slope area in or adjacent to the flood zone of the Tijeras Arroyo which presents subsurface and surface conditions that would unreasonably affect the economics of constructing and maintaining underground distribution lines.
  - c. There is no significant public purpose served by requiring this portion of the new distribution line be placed underground based on existing overhead transmission lines, the shorter height of the proposed distribution line poles combined with the lower elevation of the slope area from the adjacent street and private property, and the minimum number of poles.
  
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being replaced with underground distribution lines; the cost differential presented in Appendix D addresses the standard difference in underground vs. overhead construction and is not based on unusual subsurface conditions.

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1. The location of the fourth pole may be adjusted from as shown in Appendix C to allow for the transition to go underground beneath Juan Tabo Blvd SE.
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Jack Cloud, DRB Chair

Cc: City Attorney  
file



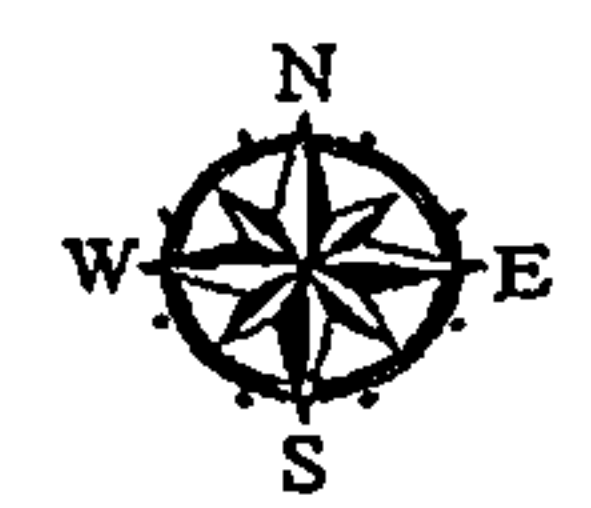
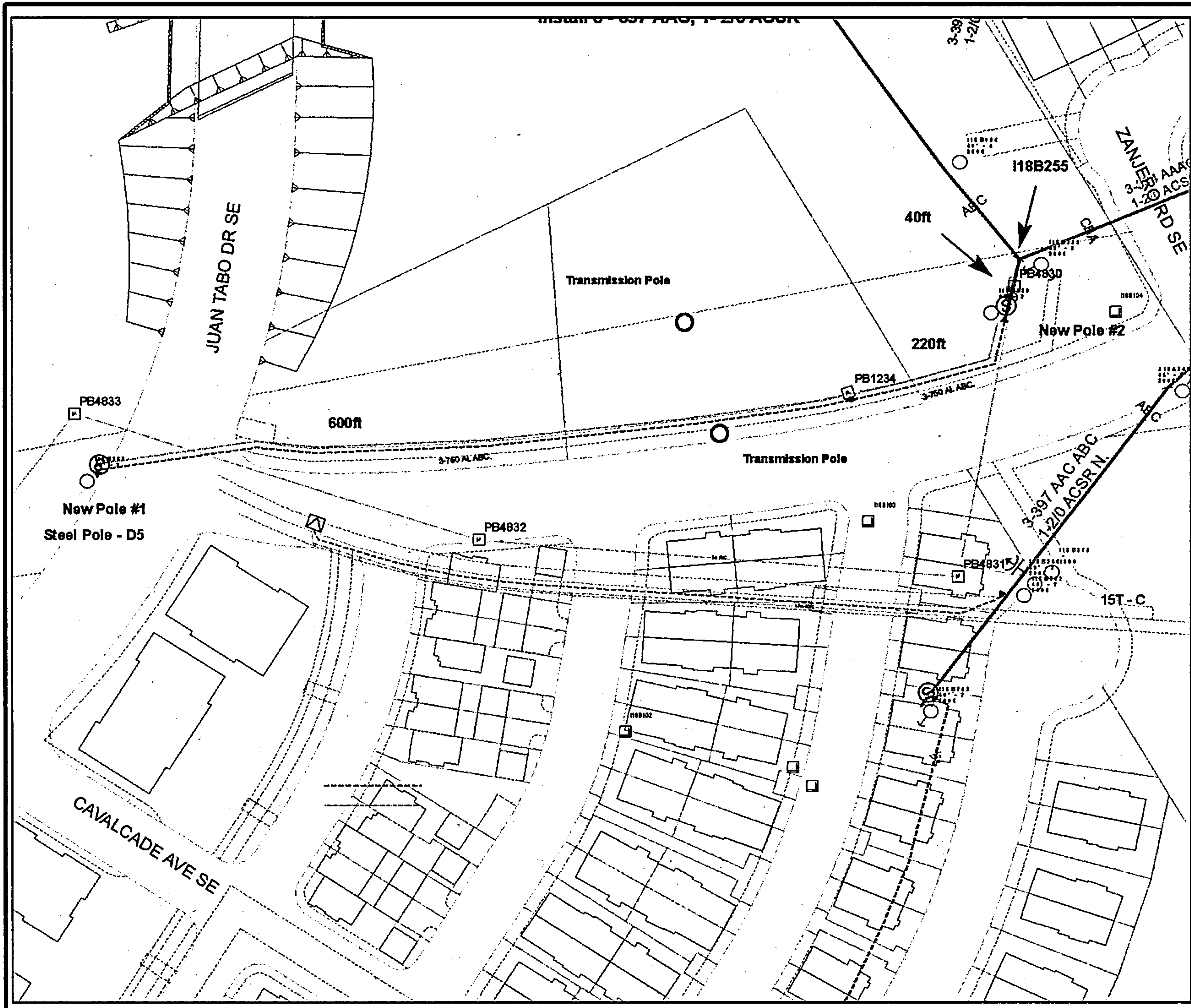
**Public Service Company Of New Mexico  
Task Cost Statement**


Save copy to DM

Client: NO CLIENT ID FOUND FOR THIS WORK ORDER  
 Address:  
 Resp Person: DRODRIG2  
 Description: UG RATE RIDER - FEEDER GETAWAY: INNOVATION  
 FDR 13: RATE RIDE

WO--Task: 02375098--03  
 PowerPlant: 23750980277  
 Contribution Required: N

Labor		\$17,502.02
Material		\$53,290.01
Meters		\$0.00
Services		\$0.00
Transportation		\$3,910.58
Vegetation Management		\$0.00
Contract Work		\$0.00
Misc. Expenses		\$16,729.15
<b>Total Cost of Work</b>		<b>\$91,431.76</b>
Customer Credit		\$0.00
Lot Credit		\$0.00
Salvage Credit		\$0.00
Sys Improvement Credit		\$0.00
Transformer Credit		\$0.00
<b>Subtotal</b>		<b>\$91,431.76</b>
Profit	0.00%	\$0.00
<b>Subtotal Profit</b>		<b>\$91,431.76</b>
Tax	0.00%	\$0.00
<b>Subtotal Tax</b>		<b>\$91,431.76</b>
<b>Billable Amount</b>		<b>\$0.00</b>



Notes:

DATE: 5/1/2012
REVIEWED BY:
PROJECT:
SCALE:

# Public Service Company Of New Mexico

Save copy to DM

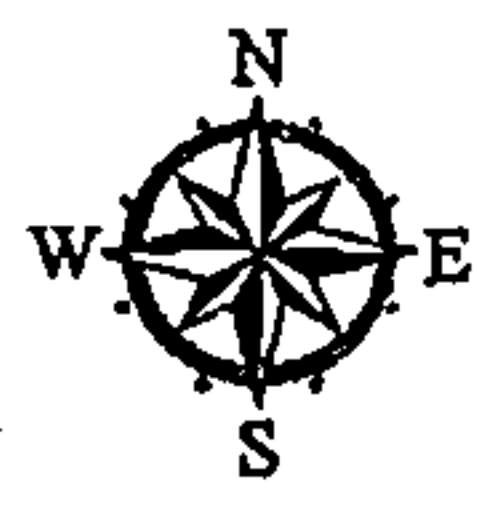
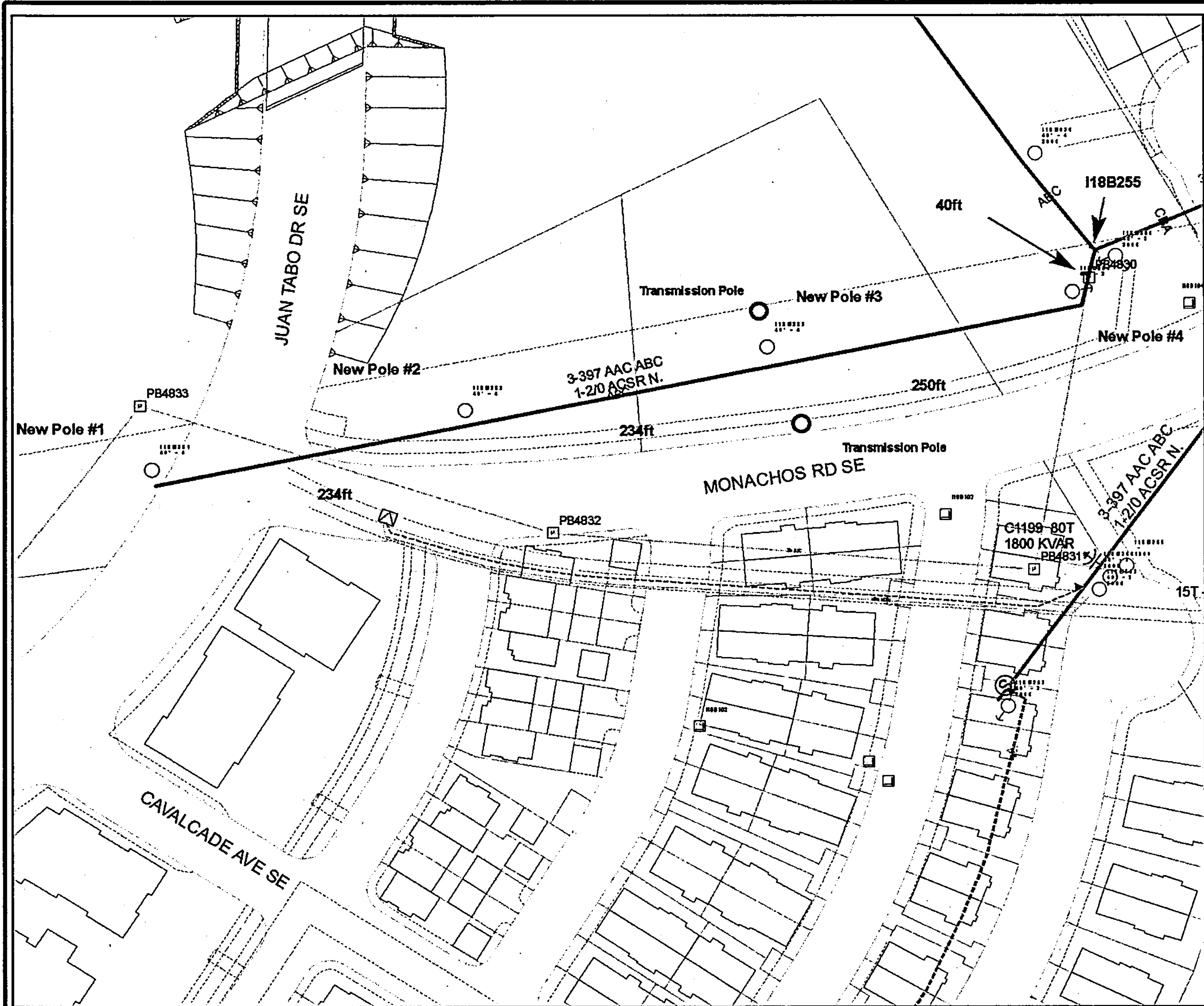
## Task Cost Statement


Client: NO CLIENT ID FOUND FOR THIS WORK ORDER  
Address:  
Resp Person: DRODRIG2  
Description: OH RATE RIDER - FEEDER GETAWAY: INNOVATION  
FDR 13: RATE RIDE

WO--Task: 02375098--02  
PowerPlant: 23750980277  
Contribution Required: N

Labor		\$6,899.82
Material		\$7,934.65
Meters		\$0.00
Services		\$0.00
Transportation		\$1,541.67
Vegetation Management		\$0.00
Contract Work		\$0.00
Misc. Expenses		\$0.00
<b>Total Cost of Work</b>		<b>\$16,376.14</b>
Customer Credit		\$0.00
Lot Credit		\$0.00
Salvage Credit		\$0.00
Sys Improvement Credit		\$0.00
Transformer Credit		\$0.00
<b>Subtotal</b>		<b>\$16,376.14</b>
Profit	0.00%	\$0.00
<b>Subtotal Profit</b>		<b>\$16,376.14</b>
Tax	0.00%	\$0.00
<b>Subtotal Tax</b>		<b>\$16,376.14</b>
<b>Billable Amount</b>		<b>\$0.00</b>





Notes:

DATE: 5/1/2012
REVIEWED BY:
PROJECT:
SCALE:



## APPENDIX A

Alvarado Square  
Albuquerque, NM 87158-0810  
P 505 241-2700  
F 505 241-2386  
PNM.com

August 6, 2010



*A personal commitment  
to New Mexico*

Mr. Ronald X. Montoya  
New Mexico Public Regulation Commission  
1120 Paseo de Peralta  
Santa Fe, NM 87501

Re: Case No. 10-00100-UT – Amended and Restated Stipulation

Dear Mr. Montoya:

Public Service Company of New Mexico ("PNM") hereby submits its Amended and Restated Stipulation ("Stipulation").

Included in this filing are the original plus six copies of the Stipulation. Please conform the extra copy of the Stipulation for our files and return it with our courier. If you have any questions, please contact me at 505-241-4733.

Sincerely,

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

Carey Salaz  
Regulatory Affairs Research Analyst

Enclosures

GCG#503611

**APPENDIX A**

**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 2010 UNDERGROUND )  
PROJECT RIDER PURSUANT TO ADVICE )  
NOTICE NO. 391, )  
)  
)  
PUBLIC SERVICE COMPANY OF NEW )  
MEXICO, )  
Applicant. )**

**Case No. 10-00100-UT**

**AMENDED AND RESTATED STIPULATION**

Pursuant to the New Mexico Public Regulation Commission's ("Commission" or "NMPRC") Rule 1.2.2.20(A) NMAC, Public Service Company of New Mexico ("PNM") and the City of Albuquerque (the "City") agree and stipulate as follows:<sup>1</sup>

**INTRODUCTION**

1. On August 29, 2008, PNM and the City entered into an Unopposed Stipulation (the "2008 Stipulation") to resolve the issues in NMPRC Case 07-00463-UT (the "Rider 21 Case"). PNM had filed the Rider 21 Case, seeking Commission approval of PNM's Rider 21 to allow PNM to recover the excess costs associated with the underground installation of the Unser 12 distribution line within the City. The City initially opposed PNM's Rider 21 Case, but PNM and the City ultimately entered into the 2008 Stipulation to resolve their differences. The 2008 Stipulation was approved by the Commission in the Rider 21 Case. See Final Order Approving Stipulation, dated December 11, 2008, with attached Certification of Stipulation dated November 25, 2008. PNM and the City desire now to amend and restate the 2008 Stipulation and to replace the 2008 Stipulation with this Amended and Restated Stipulation.

<sup>1</sup> Prior to filing, this Amended and Restated Stipulation was provided to the Commission's Utility Division Staff ("Staff").

## APPENDIX A

2. The 2008 Stipulation provided, among other things, that the City would withdraw its objections to the Rider 21 Case. In exchange, PNM agreed to detailed procedures it would follow in future City of Albuquerque cases before PNM made an underground rate rider filing under the Company's First Revised Rate 22 ("Rate 22").

3. Specifically, PNM agreed that, 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 would 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") denied the variance application, PNM agreed that it would seek administrative review of the DRB decision to the City Council, i.e., that it would appeal the DRB decision to the City Council.

4. The 2008 Stipulation provided that the City would 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 failed to reach a decision on a PNM variance filing within one hundred and twenty (120) days after the variance filing date, PNM could make a Rate 22 filing with the NMPRC to recover any excess costs PNM would incur in complying with the undergrounding requirement of the City's subdivision ordinance. It was understood that PNM could provide the 60-day notice required by Rate 22 on the sixtieth (60<sup>th</sup>) day after the date of the variance filing so that the sixty (60) days under PNM's 60-day notice would expire on the one hundred and twentieth (120<sup>th</sup>) day after the date of the variance filing.

5. The 2008 Stipulation further provided that, assuming PNM's compliance with the requirement that it apply for a variance, and that PNM had withheld submission of its 60-day notice under Rate 22 for at least sixty (60) days following the date of the variance filing, the City

## APPENDIX A

would not oppose a PNM rate rider filing under Rate 22 on the basis that the PNM variance filing was still pending before the DRB or the City Council, nor would the City oppose a rate rider filing under Rate 22 on the basis that PNM had failed to seek or exhaust administrative remedies.

6. The 2008 Stipulation also provided that if, during the pendency of a Rate 22 proceeding before the NMPRC, the City were to grant PNM's variance application, PNM would file a motion with the NMPRC to withdraw its Rate 22 application and would proceed to construct the project above ground. The City agreed to support, or not oppose, such a PNM motion to withdraw its Rate 22 application.

7. Additionally, PNM committed in the 2008 Stipulation that its contractors and employees would comply with the City's Excavation and Barricade ordinance and regulations in relation to the installation of electric distribution lines within the City.

8. The procedures agreed to in the 2008 Stipulation were first implemented when PNM made a variance filing with the City in anticipation of the filing of the present case, NMPRC Case 10-00100-UT. As described in the Direct Testimony of Gerard T. Ortiz, PNM applied for a variance from the City on December 4, 2009. Ortiz Direct at 6. The variance was heard and denied by the DRB on January 6, 2010. PNM then appealed the variance denial on January 14, 2010, and the appeal was heard on March 4, 2010 by the City's Land Use Hearing Officer ("LUHO"). The LUHO issued a recommended decision that the City Council deny the appeal and on April 5, 2010, the City Council accepted the LUHO's recommendation, thereby requiring that the project that is the subject of this case, i.e., the Black Ranch 12 project, be installed underground. *Id.* at 6-7.



## APPENDIX A

9. As the result of experience gained by application of the 2008 Stipulation, PNM and the City desire to amend and restate the 2008 Stipulation. Among other things, PNM and the City desire to eliminate the requirement of the 2008 Stipulation that PNM must appeal actions of the DRB to the City Council as a condition of being able to make a rate rider filing under Rate 22.

10. PNM and the City believe that this Amended and Restated Stipulation is fair, just and reasonable and consistent with the public interest.

### AMENDED AND RESTATED STIPULATION

11. As of the date of the Commission's Final Order in this Case 10-00100-UT, the 2008 Stipulation is superseded and replaced in its entirety, and shall be of no further force or effect. Any future PNM underground rate rider applications under Rate 22 pertaining to the City shall thereafter be governed exclusively by this Amended and Restated Stipulation.

12. 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 City's subdivision ordinance. PNM shall not, however, be required to appeal any decision of the DRB as a condition of filing a rate rider application under Rate 22.

13. The City shall make a good faith effort to reach a decision on the merits of a PNM variance application within forty-five (45) days of the variance filing. Thirty (30) days after the variance filing date, PNM may provide the 60-day notice to the City of PNM's intent to seek recovery of the excess costs through a rate rider application at the NMPRC. PNM will therefore be able to make a rate rider filing under Rate 22 ninety (90) days after the variance filing date. If PNM requests a deferral of the variance process, the 45-day period herein provided, for the City

## APPENDIX A

to reach a decision on the variance filing, will be extended by the amount of the deferral requested by PNM.

14. Assuming PNM's compliance with the requirement that it apply for a variance, as provided for in paragraph 12, the City will not oppose a PNM rate rider filing under Rate 22 on the basis that the PNM variance filing is still pending.

15. If, during the pendency of a Rate 22 proceeding before the NMPRC, but prior to the start of construction of a new PNM underground project, the City grants PNM's variance application, or otherwise permits the project to be constructed above ground, 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.

16. 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.

17. PNM and the City waive any objection to the jurisdiction of the Commission to enter a Final Order approving this Amended and Restated Stipulation, to the extent the Commission may deem its approval is required of this Amended and Restated Stipulation. PNM and the City also waive any objection to the jurisdiction of the Commission to enforce any Final Order incorporating the terms of this Amended and Restated Stipulation. PNM and the City agree that the Commission may enforce this Amended and Restated 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 Amended and Restated Stipulation, or (ii) declining to consider any City objection or protest to a PNM rate rider filing that is

## APPENDIX A

inconsistent with the City's agreements in this Amended and Restated Stipulation. PNM and the City acknowledge that nothing in this paragraph 17 binds the Commission to any particular course of action in future cases or limits the Commission's exercise of its discretion in future cases.

18. Except as specifically stated in the language of this Amended and Restated 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.

19. In accordance with 1.2.2.20(D) NMAC, the Commission's approval of this Amended and Restated Stipulation shall not be construed to either grant any approval or create any precedent regarding any principle or issue in this or any other proceeding.

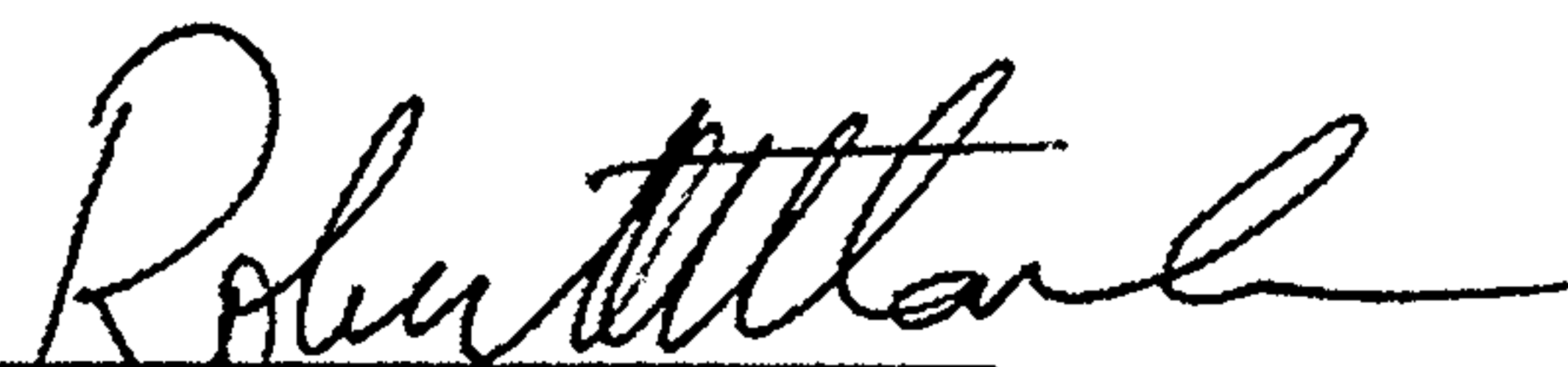
20. This Amended and Restated Stipulation reflects a negotiated settlement, and if the Amended and Restated Stipulation is not executed or is not adopted in its entirety by the Commission (to the extent Commission approval may be required), without additions or deletions, the Amended and Restated Stipulation 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 this Amended and Restated Stipulation shall not be admissible before any court or regulatory agency. This Amended and Restated Stipulation constitutes the entire agreement between PNM and the City concerning the subject matter hereof, and contains the full intent and understanding of PNM and the City. No implication should be drawn concerning any matter not

## APPENDIX A

addressed herein. There are not, and have not been, any representations, warranties or agreements other than those specifically set forth above.

21. This Amended and Restated 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: [electronic concurrence given 8/4/10]  
Robert D. Kidd, Jr.  
Kevin J. Curran  
City of Albuquerque Legal Department  
P.O. Box 2248  
Albuquerque, New Mexico 87103-2248  
(505) 768-4500



# APPENDIX A

## 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 2010 UNDERGROUND )  
PROJECT RIDER PURSUANT TO ADVICE )  
NOTICE NO. 391, )  
)  
)  
PUBLIC SERVICE COMPANY OF NEW )  
MEXICO, )  
)  
)  
Applicant )  
)

Case No. 10-00100-UT

## CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of **Public Service Company of New Mexico's Amended and Restated Stipulation** was delivered by courier to the New Mexico Public Regulation Commission, and mailed by first class mail, postage prepaid to the following individuals on August 6, 2010:

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

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

Kevin Curran  
City of Albuquerque  
PO Box 2248  
Albuquerque, NM 87103

Robert H. Clark, Esq.  
Brian J. Haverly,  
Miller Stratvert, PA  
PO Box 25687  
Albuquerque, NM 87125-0687

**HAND DELIVERED:**  
Jack Sidler  
New Mexico Public Regulation Commission  
1120 Paseo De Peralta  
Santa Fe, NM 87501

**HAND DELIVERED:**  
Joan Ellis  
New Mexico Public Regulation Commission  
1120 Paseo De Peralta  
Santa Fe, NM 87501

**HAND DELIVERED:**  
Lee W. Huffman, Esq.  
NMPRC - Hearing Examiner  
1120 Paseo De Peralta  
Santa Fe, NM 87501

Dated this 6<sup>th</sup> day of August, 2010.

By:   
Carey Salaz  
Regulatory, Affairs Research Analyst

CGC# 503612

Appendix A  
**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.

Appendix A  
**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.



Appendix A  
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



Appendix A  
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 4 of 7

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

Appendix A  
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 5 of 7

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

Appendix A  
**PUBLIC SERVICE COMPANY OF NEW MEXICO  
ELECTRIC SERVICES**

**1ST REVISED RATE NO. 22  
CANCELING ORIGINAL RATE NO. 22**

**EFFECTIVE FOR SERVICE ON  
FEBRARY 10, 2004**

**UNDERGROUND SYSTEM SPECIAL SERVICES**

Page 6 of 7

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.

Appendix A  
**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 7 of 7

**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





Supplemental Form (SF)

**SUBDIVISION**

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

**SITE DEVELOPMENT PLAN**

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

**STORM DRAINAGE (Form D)**

- Storm Drainage Cost Allocation Plan

**S Z ZONING & PLANNING**

- Annexation
- Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plan boundaries)
- 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)
- L A APPEAL / PROTEST of...**
  - Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, 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 2<sup>nd</sup> 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 MOYE PHONE: 241-2792  
 ADDRESS: ALVARADO SQUARE FAX: 241-2386  
 CITY: ALBUQUERQUE STATE NM ZIP 87158 E-MAIL: Laurie.Moye@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 site: 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): M-21-Z; M-22-Z 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? YES  
 No. of existing lots: N/A No. of proposed lots: N/A Total site area (acres): N/A  
 LOCATION OF PROPERTY BY STREETS: On or Near: JUAN TABO BLVD. SE & MONACHOS RD. SE  
 Between: \_\_\_\_\_ and \_\_\_\_\_

Check if project was previously reviewed by: Sketch Plat/Plan  or Pre-application Review Team(PRT)  Review Date: \_\_\_\_\_

SIGNATURE Laurie Moye DATE 2-28-12  
 (Print Name) Laurie Moye Applicant:  Agent:

**FOR OFFICIAL USE ONLY**

Revised: 6/2011

	Application case numbers	Action	S.F.	Fees
<input checked="" type="checkbox"/> INTERNAL ROUTING	<u>12 DRB - 70070</u>	<u>CMF</u>	_____	\$ <u>20.00</u>
<input checked="" type="checkbox"/> All checklists are complete	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> All fees have been collected	_____	_____	_____	\$ _____
<input checked="" type="checkbox"/> All case #s are assigned	_____	_____	_____	\$ _____
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<input type="checkbox"/> Site is within 1000ft of a landfill	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. fee/rebate	_____	_____	_____	\$ _____
	Hearing date <u>March 28, 2012</u>			Total \$ <u>20.00</u>
	<u>2-28-12</u>	Project # <u>1009164</u>		

*[Handwritten Signature]*  
 Staff signature & Date

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)**

*Electric Distribution Line*

    - 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
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    - \_\_\_ Letter briefly describing, explaining, and justifying the deferral or extension
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- 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.

*PSM/Laurie Moye*  
 Applicant name (print)  
*Laurie Moye 2-28-12*  
 Applicant signature / date



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

Application case numbers  
 12 - DRB - 70070

Form revised 4/07  
*[Signature]* 2-28-12  
 Planner signature / date  
 Project # 1009164



# 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 March 13, 2012 to March 28, 2012

#### 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.

Jessie Mize  
(Applicant or Agent)

2-28-12  
(Date)

I issued 2 signs for this application, 2-28-12  
(Date)

[Signature]  
(Staff Member)

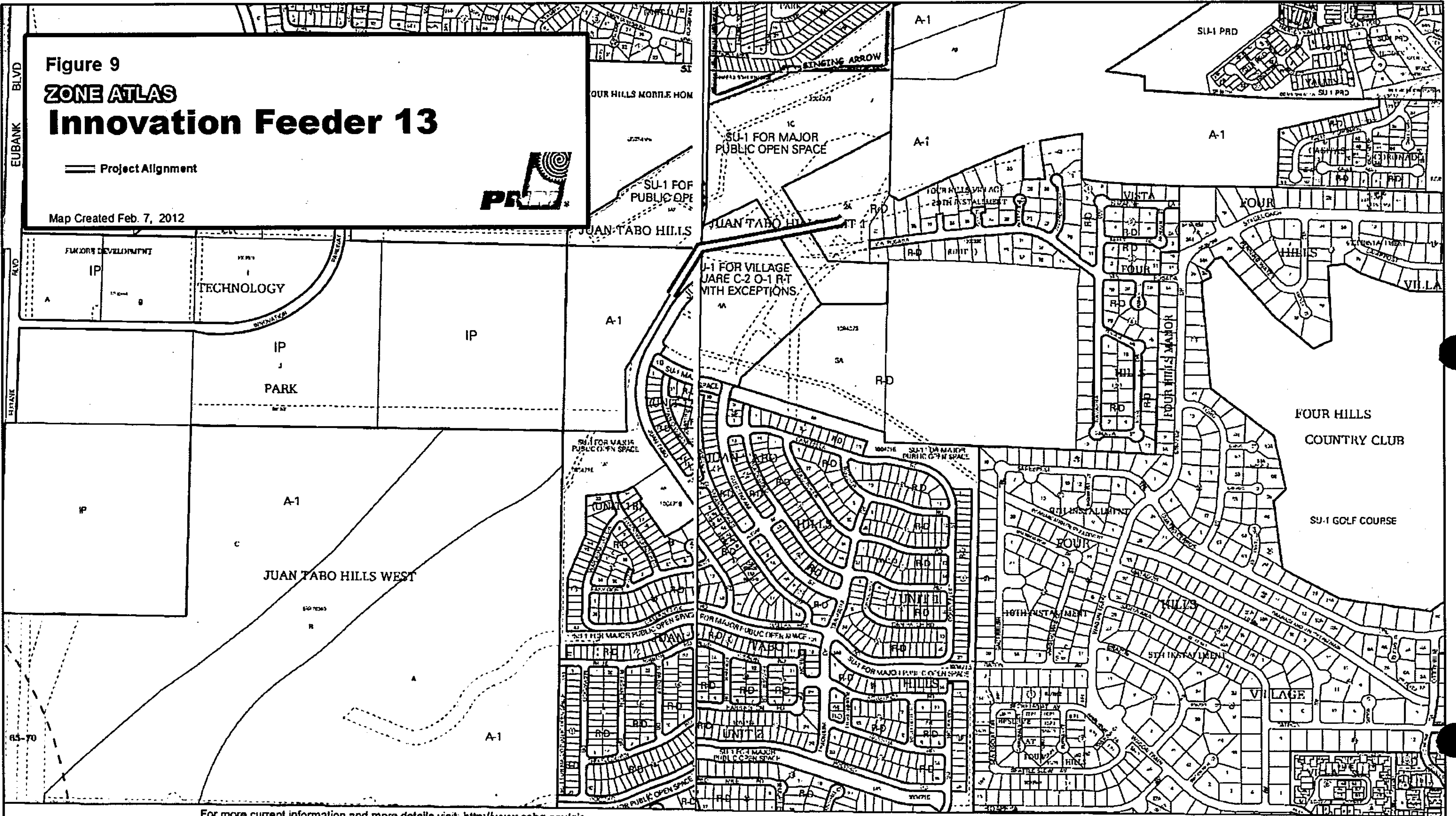
DRB PROJECT NUMBER: 1009164



**Figure 9**  
**ZONE ATLAS**  
**Innovation Feeder 13**

Project Alignment

Map Created Feb. 7, 2012

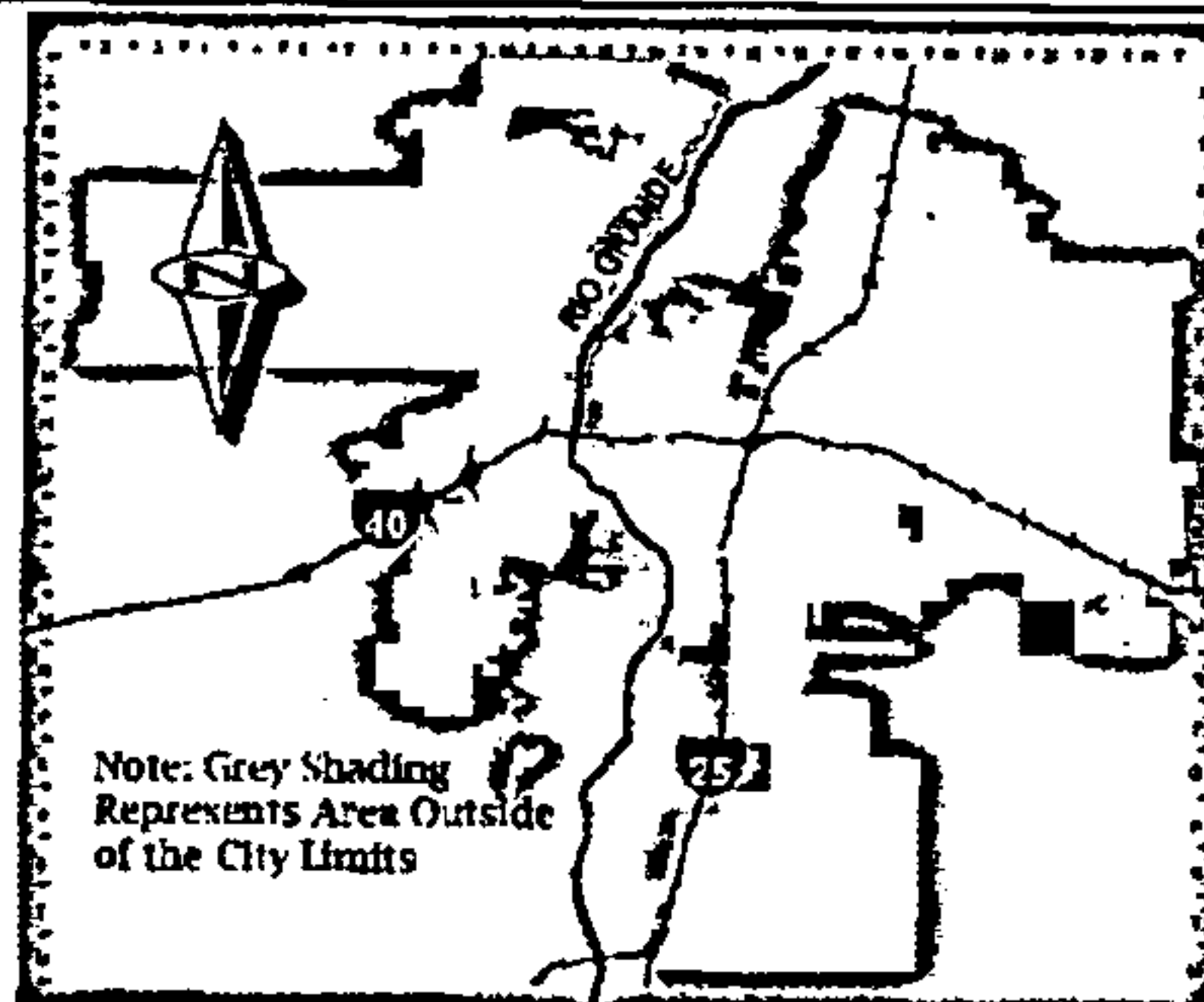


For more current information and more details visit: <http://www.cabq.gov/gis>

For more current information and more details visit: <http://www.cabq.gov/gis>



Map amended through: 1/24/2011

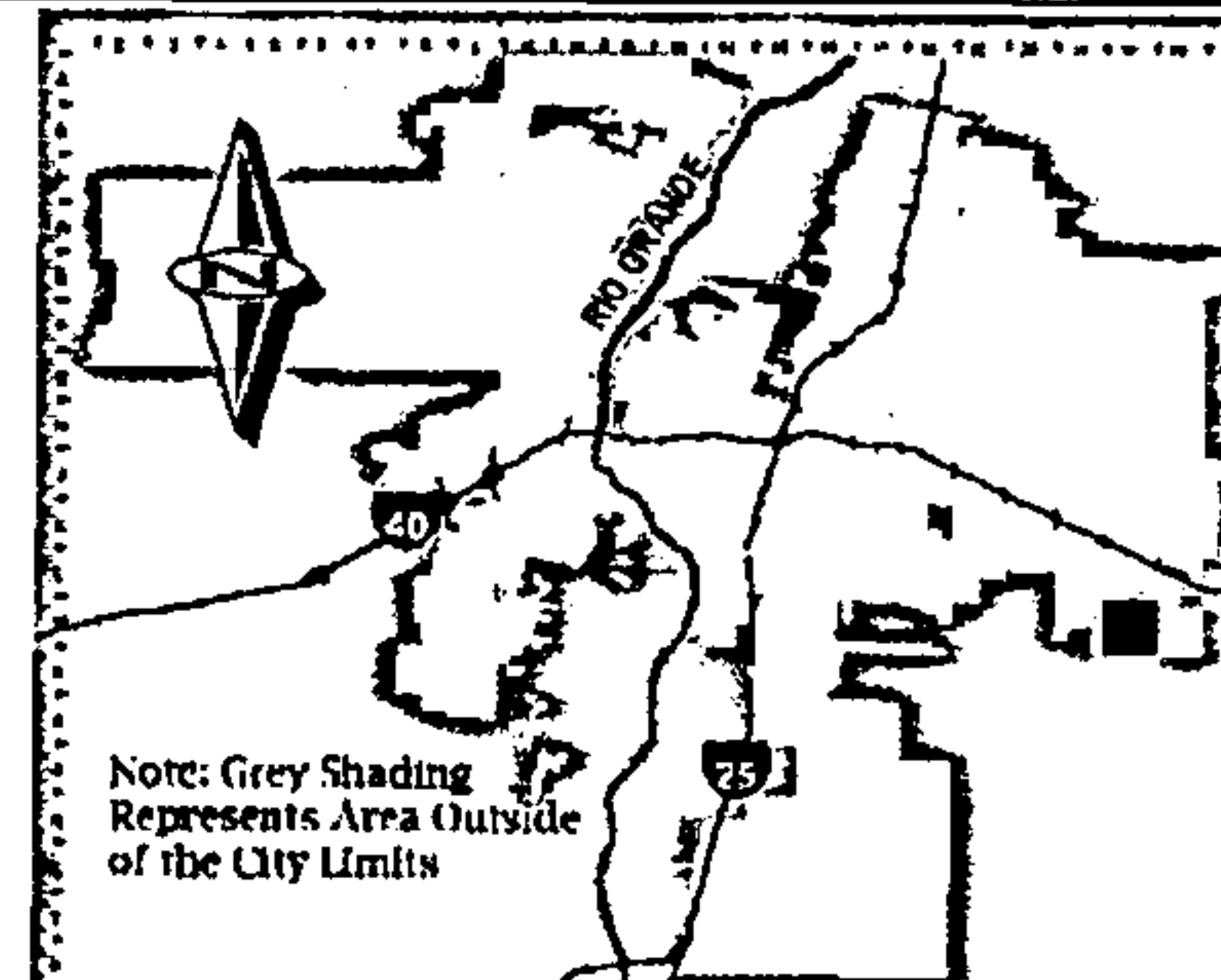


Note: Grey Shading Represents Area Outside of the City Limits

- Zone Atlas Page  
**M-21-Z**
- Selected Symbols
- SECTOR PLANS
  - Design Overlay Zones
  - City Historic Zones
  - H-1 Buffer Zone
  - Petroglyph Mon.

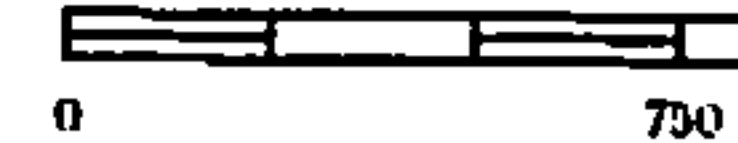


Map amended through: 1/24/2011



Note: Grey Shading Represents Area Outside of the City Limits

- Zone Atlas Page:  
**M-22-Z**
- Selected Symbols
- SECTOR PLANS
  - Design Overlay Zones
  - City Historic Zones
  - H-1 Buffer Zone
  - Petroglyph Mon.
  - Escarpment
  - 2 Mile Airport
  - Airport Noi
  - Wall Overle







## INTER-OFFICE MEMORANDUM

### COMMENTING AGENCIES

DEBBIE BAUMAN, Transportation Development  
SHABIH RIZVI, Transit & Parking Department  
STEVE MONTIEL, Council of Governments  
LYNN MAZUR, AMAFCA  
STEVE SINK, APD Crime Prevention  
JAY LEE EVANS, Open Space Division  
RAY SANCHEZ, Fire Department  
DAVID KILPATRICK, Zoning Enforcement Inspector  
STEPHANI WINKLEPLECK, Neighborhood Coordination  
DANIEL ARAGON, Public Service Company of New Mexico  
PATRICK SANCHEZ, New Mexico Gas Company  
APRIL WINTERS, Albuquerque Public Schools  
MICHELE RAMIREZ, CenturyLink  
MIKE MORTUS, Comcast Cable  
RAY GOMEZ, Middle Rio Grande Conservancy District (MRGCD)  
SUZANNE BUSCH, Environmental Health

Your comments on the following case(s) are requested. Board hearing date:

PROJECT # 1009164

**Wednesday, March 28, 2012**

Comments must be received by:

**Wednesday, March 21, 2012**

If comments are not received by this date, "no comments" will be listed on the staff report. Attached are copies of the requests.

**If you have any questions, please contact me at 924-3946 or [agomez@cabq.gov](mailto:agomez@cabq.gov)**



**PUBLIC HEARING--DEVELOPMENT REVIEW BOARD  
CITY OF ALBUQUERQUE**

Notice is hereby given that the Development Review Board, City of Albuquerque, will hold a public hearing in the Plaza del Sol Hearing Room, Basement, Plaza del Sol Building, 600 2nd St NW, on Wednesday, March 28, 2012, beginning at 9:00 a.m. for the purpose of considering the following items. The Development Review Board will hold a Pre-Hearing Discussion in the Conference Room of Suite 201, Lobby Level, Plaza del Sol Building, 600 2nd St NW, Albuquerque, NM on Tuesday, MARCH 27, 2012, beginning at 3:00 p.m. for the purpose of reviewing these items prior to the public hearing; no action or public comments will be taken at this Discussion.

**Project# 1008656**

12DRB-70073 VACATION OF EASEMENT  
12DRB-70074 SIDEWALK VARIANCE  
12DRB-70075 SUBDIVISION DESIGN  
VARIANCE FROM MIN DPM STDS  
12DRB-70076 MINOR - TEMP DEFERRAL  
SIDEWALK CONSRUCTION  
12DRB-70077 PRELIMINARY PLAT

MARK GOODWIN AND ASSOCIATES, P.A. agent(s) for GLENDALE, LLC request(s) the referenced/ above action(s) for all or a portion of Lot(s) 4-9, Block 12, **NORTH ALBUQUERQUE ACRES Tract 1 Unit 3**, zoned R-D, located on the south side of GLENDALE AVE NE between WYOMING BLVD NE and BARSTOW ST NE. containing approximately 5.993 acre(s). (B19)

**Project# 1009082**

12DRB-70082 VACATION OF PUBLIC  
UTILITY EASEMENT  
12DRB-70083 VACATION OF PUBLIC  
RIGHT-OF-WAY

WILSON & COMPANY agent(s) for MX LLC request(s) the referenced/ above action(s) for VALIENTE ROAD NW as well as a portion of KIMMICK DRIVE NW and CALLE NORTENA NW plus Utility Easements in Blocks 2, 3 & 6 **VOLCANO CLIFFS Unit 26**, zoned SU-2/ VCMX, located on the south side of PASEO DEL NORTE NW between CALLE NORTENA NW and CALLE PLATA NW containing approximately 30.7 acre(s). (C-11)

**Project# 1009083**

12DRB-70078 VACATION OF PUBLIC  
UTILITY & DRAINAGE EASEMENT  
12DRB-70081 VACATION OF PUBLIC  
ROADWAY EASEMENT

WILSON & COMPANY agent(s) for CITY OF ALBUQUERQUE et.al. request(s) the referenced/ above action(s) for all or a portion of Lots 10-11 and 19-22, Block 2, **VOLCANO CLIFFS Unit 14** and Lots 1-3, Block 2 **UNIT 25**, zoned SU-2/ VCUR & VCMX, located on ATRISCO DR NW and COMPASS DR NW south of PEREZOSO TRL NW containing approximately 12.5 acre(s). (D-9 & 10)

**Project# 1009084**

12DRB-70079 VACATION OF PUBLIC  
UTILITY EASEMENT  
12DRB-70080 VACATION OF PUBLIC  
RIGHT-OF-WAY

WILSON & COMPANY agent(s) for CITY OF ALBUQUERQUE et.al. request(s) the referenced/ above action(s) for all or a portion of COMPASS DRIVE NW plus Utility Easements in Block(s) 2, **VOLCANO CLIFFS Unit 19**, zoned SU-2/ VCLL, located on COMPASS DR NW bewteen CAMINO DEL OSTE NW and COMPASS CT NW containing approximately 4.5 acre(s). (D-10)

**Project# 1009164**

12DRB-70070 ELECTRICAL LINE  
LOCATION VARIANCE

PNM request(s) the referenced/above action(s) for an OVERHEAD DISTRIBUTION LINE between **Innovation Substation 13 Feeder and Four Hill Substation 12**, located at JUAN TABO BLVD SE and MONACHOS RD SE south of the TIJERA ARROYO. (M-21 & 22)

Details of the application(s) may be examined at the Development Services Center of the Planning Department, Second Floor, Plaza Del Sol Building, 600 2nd St NW, between 10:00 a.m. and 12:00 p.m. or 2:00 p.m. and 4:00 p.m. Monday through Friday except holidays INDIVIDUALS WITH DISABILITIES who need special assistance to participate at this hearing should contact Angela Gomez, Planning Department, at 924-3946 (VOICE) or teletypewriter (TTY) 924-3361 - TTY users may also access the Voice number via the New Mexico Relay Network by calling toll-free 1-800-659-8331.

  
Jack Cloud, DRB Chair, Development Review Board

**TO BE PUBLISHED IN THE ALBUQUERQUE JOURNAL MONDAY, MARCH 12, 2012.**





**Supplemental Form (SF)**

<b>SUBDIVISION</b>	<b>S</b>	<b>Z</b>	<b>ZONING &amp; PLANNING</b>
<input type="checkbox"/> Major subdivision action			<input type="checkbox"/> Annexation
<input type="checkbox"/> Minor subdivision action			
<input type="checkbox"/> Vacation	<b>V</b>		<input type="checkbox"/> Zone Map Amendment (Establish or Change Zoning, includes Zoning within Sector Development Plan boundaries)
<input checked="" type="checkbox"/> Variance (Non-Zoning)			<input type="checkbox"/> Sector Plan (Phase I, II, III)
<b>SITE DEVELOPMENT PLAN</b>	<b>P</b>		<input type="checkbox"/> Amendment to Sector, Area, Facility or Comprehensive Plan
<input type="checkbox"/> for Subdivision			<input type="checkbox"/> Text Amendment (Zoning Code/Sub Regs)
<input type="checkbox"/> for Building Permit			<input type="checkbox"/> Street Name Change (Local & Collector)
<input type="checkbox"/> Administrative Amendment/Approval (AA)	<b>D</b>		
<input type="checkbox"/> IP Master Development Plan			
<input type="checkbox"/> Cert. of Appropriateness (LUCC)	<b>L</b>	<b>A</b>	<b>APPEAL / PROTEST of...</b>
<b>STORM DRAINAGE (Form D)</b>			<input type="checkbox"/> Decision by: DRB, EPC, LUCC, Planning Director or Staff, ZHE, Board of Appeals
<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 2<sup>nd</sup> 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 MOYE PHONE: 241-2792  
 ADDRESS: ALVARADO SQUARE FAX: 241-2386  
 CITY: ALBUQUERQUE STATE NM ZIP 87158 E-MAIL: Laurie.Moye@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 site: 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): M-21-Z; M-22-Z UPC Code: N/A

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 Between: \_\_\_\_\_ and \_\_\_\_\_

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SIGNATURE Laurie Moye DATE 2-28-12  
 (Print Name) Laurie Moye Applicant:  Agent:

**FOR OFFICIAL USE ONLY**

Revised: 6/2011

<input checked="" type="checkbox"/> INTERNAL ROUTING	Application case numbers	Action	S.F.	Fees
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<input type="checkbox"/> F.H.D.P. density bonus	_____	_____	_____	\$ _____
<input type="checkbox"/> F.H.D.P. fee/rebate	_____	_____	_____	\$ _____
	Hearing date <u>March 28, 2012</u>			Total <u>\$ 20.00</u>

[Signature]  
 2-28-12  
 Staff signature & Date

Project # 1009164

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*Electric Distribution line*

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*PSM/Laurie Moye*  
Applicant name (print)  
*Laurie Moye 2-28-12*  
Applicant signature / date



- Checklists complete
  - Fees collected
  - Case #s assigned
  - Related #s listed
- Application case numbers  
12 - DRB - 70070

Form revised 4/07  
*[Signature]* 2-28-12  
Planner signature / date  
Project # 1009164





February 28, 2012

Mr. Jack Cloud, AICP  
Development Review Board Chair  
City of Albuquerque  
600 2nd Street NW  
Albuquerque, NM 87103

Subject: Variance Request - Innovation Feeder 13 Electric Distribution Feeder Project

Dear Mr. Cloud:

PNM is seeking a decision regarding a variance request for the Innovation Feeder 13 Electric Distribution Feeder Project (Project). This application request is being submitted to the Development Review Board (DRB) in accordance with the New Mexico Public Regulation Commission's (NMPRC) approval of a stipulation in NMPRC Case No. 10-00100-UT Amended and Restated Stipulation between PNM and the City of Albuquerque (City) that provided, among other things: "...(i) whereas the result of the City's subdivision ordinance, 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 45 days of the variance filing date" as shown in Appendix A.

This request is for a variance from City of Albuquerque 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, see Appendix B.

**Purpose and Need**

In order to balance both the electric load and the voltages in the area for more reliable service, there must be a connection between the newly constructed Innovation Substation and surrounding substations, Figure 1. Three-phase distribution lines, called feeder ties, provide these connections. The Project will strengthen the PNM electric distribution system serving the Juan Tabo Hills development, the Four Hills area and the Sandia Science and Technology Park in southeast Albuquerque.

The Project will provide much needed electric distribution feeder tie capacity and voltage support in the area. The area is served by PNM's Innovation Substation located inside PNM's Sandia Switching Station and will allow Innovation Feeder 13 and Four Hills Feeder 12 to be backed up from adjacent substations during a planned or unplanned outage, see Figure 1.

The Project has an in-service date of late Spring 2012 prior to the increased summer electric demand.

## **Project Description**

The Project variance request consists of an overhead three-phase distribution line to be located in southeast Albuquerque. It begins along the west side of Juan Tabo Boulevard SE from an overhead distribution line in Bernalillo County as shown in Figure 2. The line will cross Juan Tabo Boulevard SE immediately north of Manachos Road SE in the City of Albuquerque city limits and will connect with an existing overhead electric distribution line known as Four Hills Feeder 12 south of Tijeras Arroyo.

These new distribution poles will be adjacent to and in between existing 46 kV and 115 kV transmission lines in an electric utility corridor following the alignment shown in Figure 2. The total length of the distribution feeder line to be located within the City of Albuquerque is approximately 1,503 feet.

The Project would be constructed using steel and wood structures approximately 34.5 feet to 45 feet above ground in height. Typical structure configurations to be used for the Project are shown in Figure 3, Figure 4, and Figure 5. The figures illustrate a 10-foot cross arm configuration for raptor/bird safety, which is a PNM standard. The Project consists of 7 new distribution feeder poles within an existing electric utility corridor in the City of Albuquerque.

PNM typically locates its facilities within road right-of-way or in private easement. PNM has either acquired private easement or has identified public utility easement for the entire route of the Project.

The western portion of the Project consisting of 3 poles as shown in Figure 2, is located within the City of Albuquerque Designated Eubank Landfill Buffer Zone associated with the former Eubank Landfill (City of Albuquerque Interim Guidelines for Development within City Designated Landfill Buffer Zones, Revised October 2005). PNM has contracted with Terracon, an environmental monitoring company, for the Project. PNM and Terracon will monitor all construction per the above-referenced Interim Guidelines.

Figure 6 shows the camera location for the visual simulation along Juan Tabo Boulevard SE facing to the northeast. Existing conditions are shown in Figure 7 followed by a visual simulation of the Project facilities from the same viewpoint shown in Figure 8. Figure 9, Zone Atlas Map, shows the Project and zoning.

## **Conformity with Existing Plans**

### **1. Facility Plan for Arroyos: Multiple Use of Albuquerque's Arroyos and Their Floodplains**

#### **B. General Policies, Multiple Use, Policy 1 – Encouraging Multiple Use:**

“The City, County, and AMAFCA shall encourage the design of multiple use facilities, defined in the City’s Drainage Ordinance” as “drainage control, flood control, or erosion control facilities in which other secondary uses are planned or allowed, including but not limited to recreation, open space, transportation, and utility location.””

### **2. East Gateway Sector Development Plan, adopted October 2010**

The East Gateway Sector Development Plan identifies existing electric infrastructure within the Plan area in Figure 4.gg (page 4-32) of Section 4.7 Utilities, Electrical Service, Natural Gas and Alternative Energy. In addition, the section states that numerous public utility easements exist within East Gateway (page 4-32). Overhead and underground electric distribution lines are typically located within public utility easements (PUEs).

Appendix C identifies the specific overhead and the underground alignments. These alignments were used in developing the construction Task Cost Statements provided in Appendix D which list cost estimates for the overhead and underground construction designs.

**Summary**

PNM is seeking a decision regarding a variance request for the Project as agreed to in NMPRC Case No. 10-00100-UT Amended and Restated Stipulation between PNM and the City of Albuquerque shown in Appendix A. Please refer to the attached documents to assist with your review and consideration. If you have any questions or need additional information, please contact me at (505) 241-2792.

Sincerely,



Laurie W. Moyer  
Coordinator, Regulatory Policy and Public Participation

**Attachments:**

- Appendix A – NMPRC Case No. 10-00100-UT Amended and Restated Stipulation
- Appendix B – City of Albuquerque Subdivision Ordinance §14-14-4-9 (B), Electrical and Communication Line Location
- Figure 1 – Project Location Map
- Figure 2 – Variance Request: Alignment Location Map
- Figure 3 – Typical Structure Configurations – Three Phase Tangent Pole
- Figure 4 – Typical Structure Configurations – Three Phase Buckarm Corner Pole
- Figure 5 – Typical Structure Configurations – Three Phase Primary Double Deadend Pole
- Figure 6 – Visual Simulation Camera Location Map
- Figure 7 – Existing Conditions: Viewpoint from Juan Tabo Boulevard SE facing northeast
- Figure 8 – Photo Simulation: Viewpoint from Juan Tabo Boulevard SE facing northeast
- Figure 9 – Zone Atlas Map
- Appendix C – Overhead and the Underground Alignments
- Appendix D – Task Cost Statements for Overhead and Underground Construction





**Figure 8**

**Photo simulation of proposed distribution line from Juan Tabo Blvd. facing northeast.**

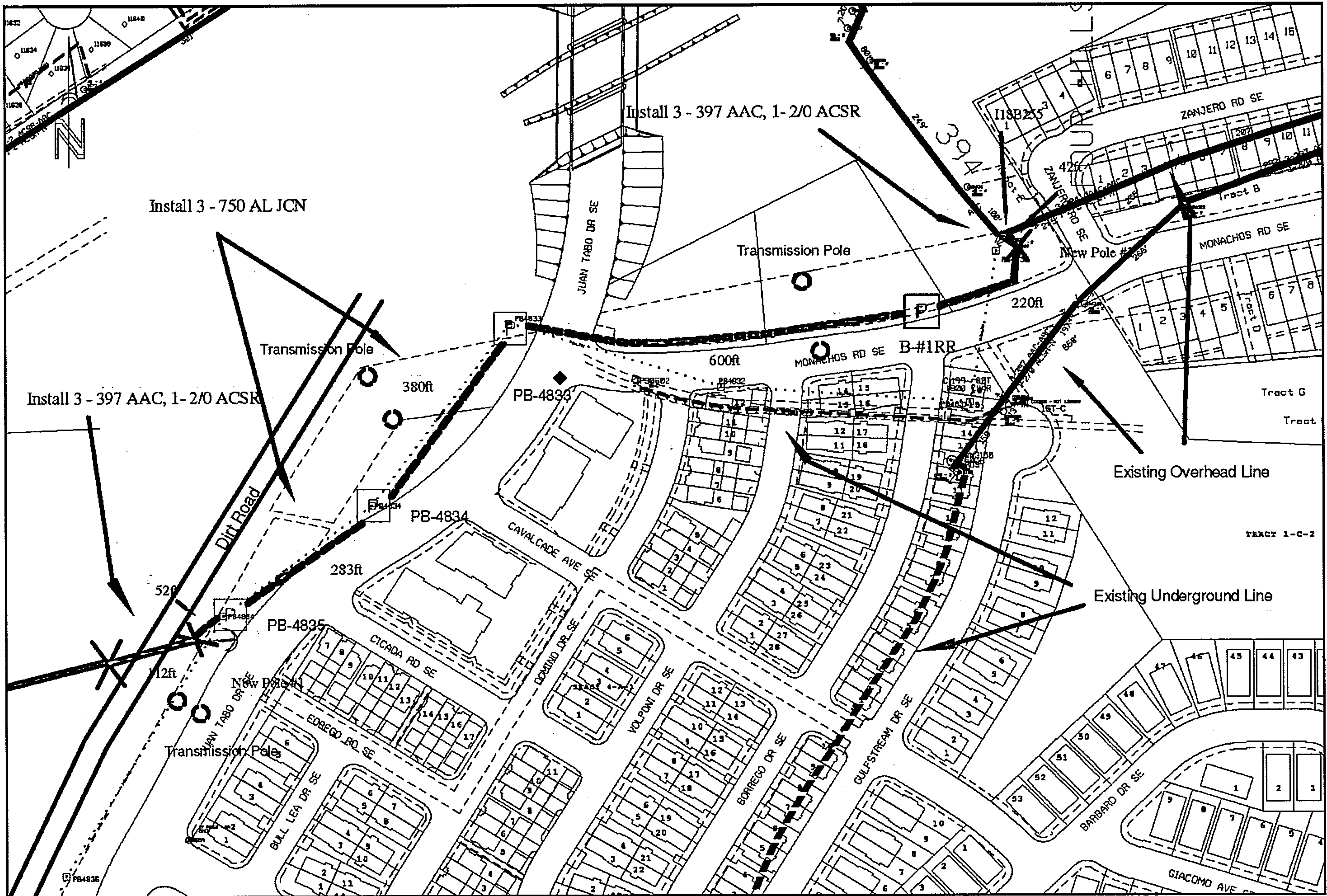
## **Innovation Feeder 13**

Reasonable efforts to provide an accurate visual simulation have been made. However, this computer-generated rendering should be considered an approximate representation of how the proposed facilities will appear.

February 7, 2012







Date: 1/18/2012

Scale: 1 In = 200 Ft  
 Company: PNM Resources

Packet: Innovation 13

**APPENDIX C: UNDERGROUND**

# Public Service Company Of New Mexico

## Task Cost Statement

### APPENDIX D: OVERHEAD

Description: RATE RIDER:INNOVATION FDR 13:OVERHEAD DESIGN

Labor			\$10,285.53
Material			\$14,309.90
Meters			\$0.00
Services			\$0.00
Transportation			\$2,186.81
Vegetation Management			\$0.00
Contract Work			\$0.00
Misc. Expenses			\$3,234.62
<b>Total Cost of Work</b>			<b>\$30,016.86</b>
Customer Credit			\$0.00
Lot Credit			\$0.00
Salvage Credit			\$0.00
Sys Improvement Credit			\$0.00
Transformer Credit			\$0.00
<b>Subtotal</b>			<b>\$30,016.86</b>
Profit	0.00%		\$0.00
<b>Subtotal Profit</b>			<b>\$30,016.86</b>
Tax	0.00%		\$0.00
<b>Subtotal Tax</b>			<b>\$30,016.86</b>
<b>Construction Amount</b>			<b>\$0.00</b>
3rd Party Certified Cost			\$0.00
Less M & J Charges			\$0.00
<b>Gross Up Total</b>			<b>\$30,016.86</b>
Gross Up Fed Tax			\$0.00
<b>Sub Total with Gross Up</b>			<b>\$30,016.86</b>
Less Pre-paid Design Cost			\$0.00
Less 3rd Party Certified Cost			\$0.00
Plus M&J Charges			\$0.00
<b>Final Billable Amount</b>			<b>\$0.00</b>

Public Service Company Of New Mexico

Task Cost Statement

APPENDIX D: UNDERGROUND

Description: RATE RIDER:INNOVATION FDR 13:UNDERGROUND  
DESIGN

Labor		\$17,967.17
Material		\$58,884.23
Meters		\$0.00
Services		\$0.00
Transportation		\$3,820.01
Vegetation Management		\$0.00
Contract Work		\$0.00
Misc. Expenses		\$31,944.75
<b>Total Cost of Work</b>		<b>\$112,616.16</b>
Customer Credit		\$0.00
Lot Credit		\$0.00
Salvage Credit		\$0.00
Sys Improvement Credit		\$0.00
Transformer Credit		\$0.00
<b>Subtotal</b>		<b>\$112,616.16</b>
Profit	0.00%	\$0.00
<b>Subtotal Profit</b>		<b>\$112,616.16</b>
Tax	0.00%	\$0.00
<b>Subtotal Tax</b>		<b>\$112,616.16</b>
<b>Construction Amount</b>		<b>\$0.00</b>
3rd Party Certified Cost		\$0.00
Less M & J Charges		\$0.00
<b>Gross Up Total</b>		<b>\$112,616.16</b>
Gross Up Fed Tax		\$0.00
<b>Sub Total with Gross Up</b>		<b>\$112,616.16</b>
Less Pre-paid Design Cost		\$0.00
Less 3rd Party Certified Cost		\$0.00
Plus M&J Charges		\$0.00
<b>Final Billable Amount</b>		<b>\$0.00</b>





Figure 7  
Photo of existing conditions from Juan Tabo Blvd. facing northeast.  
**Innovation Feeder 13**

February 7, 2012





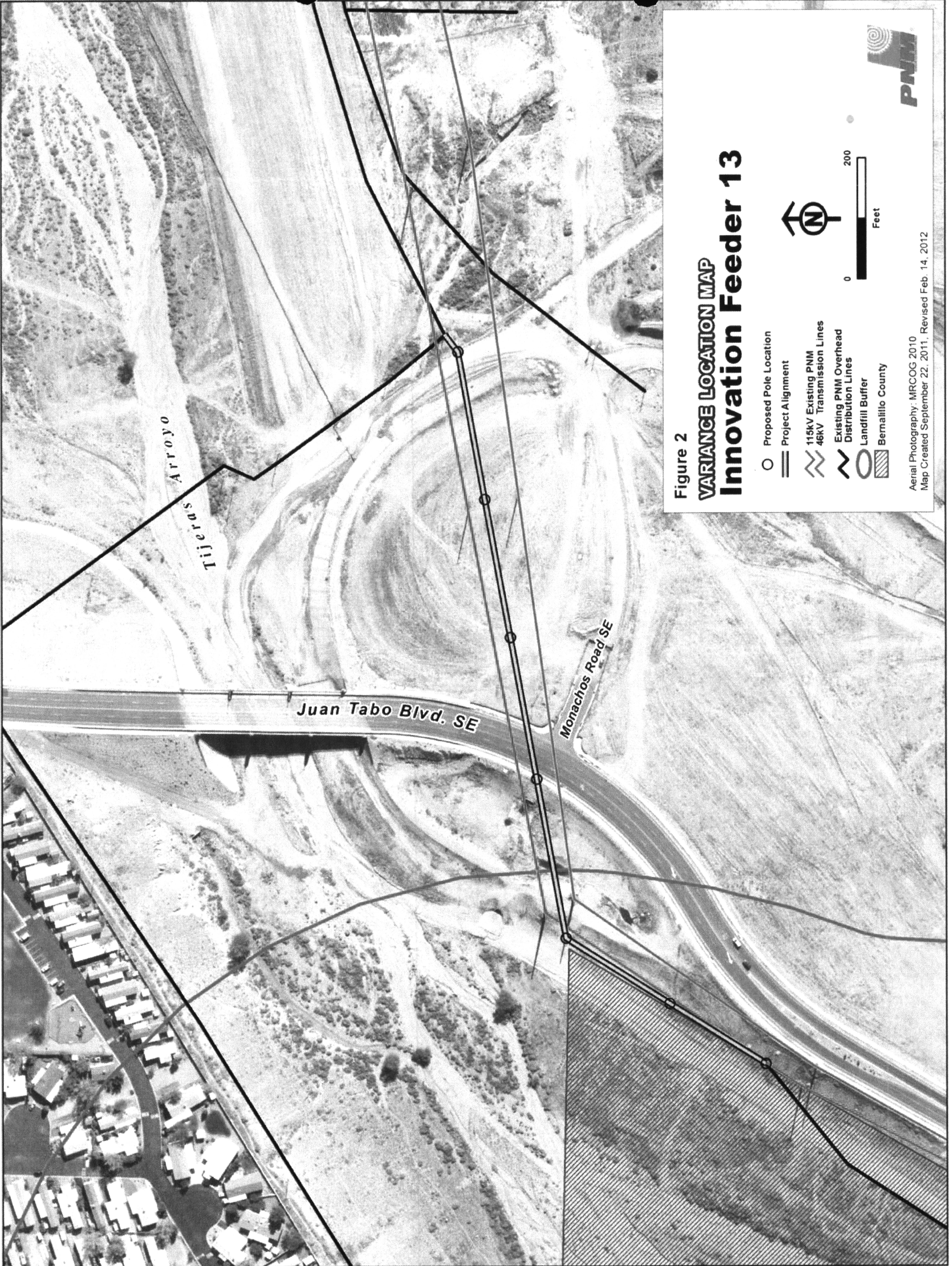
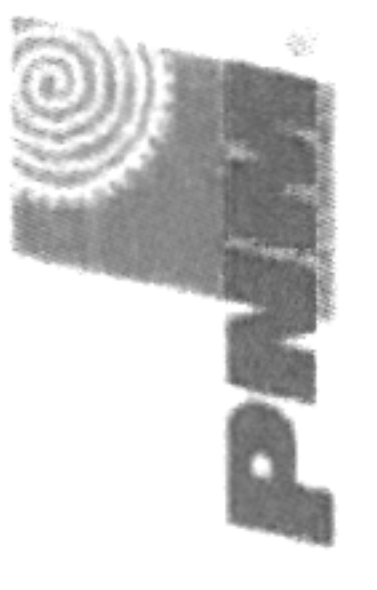


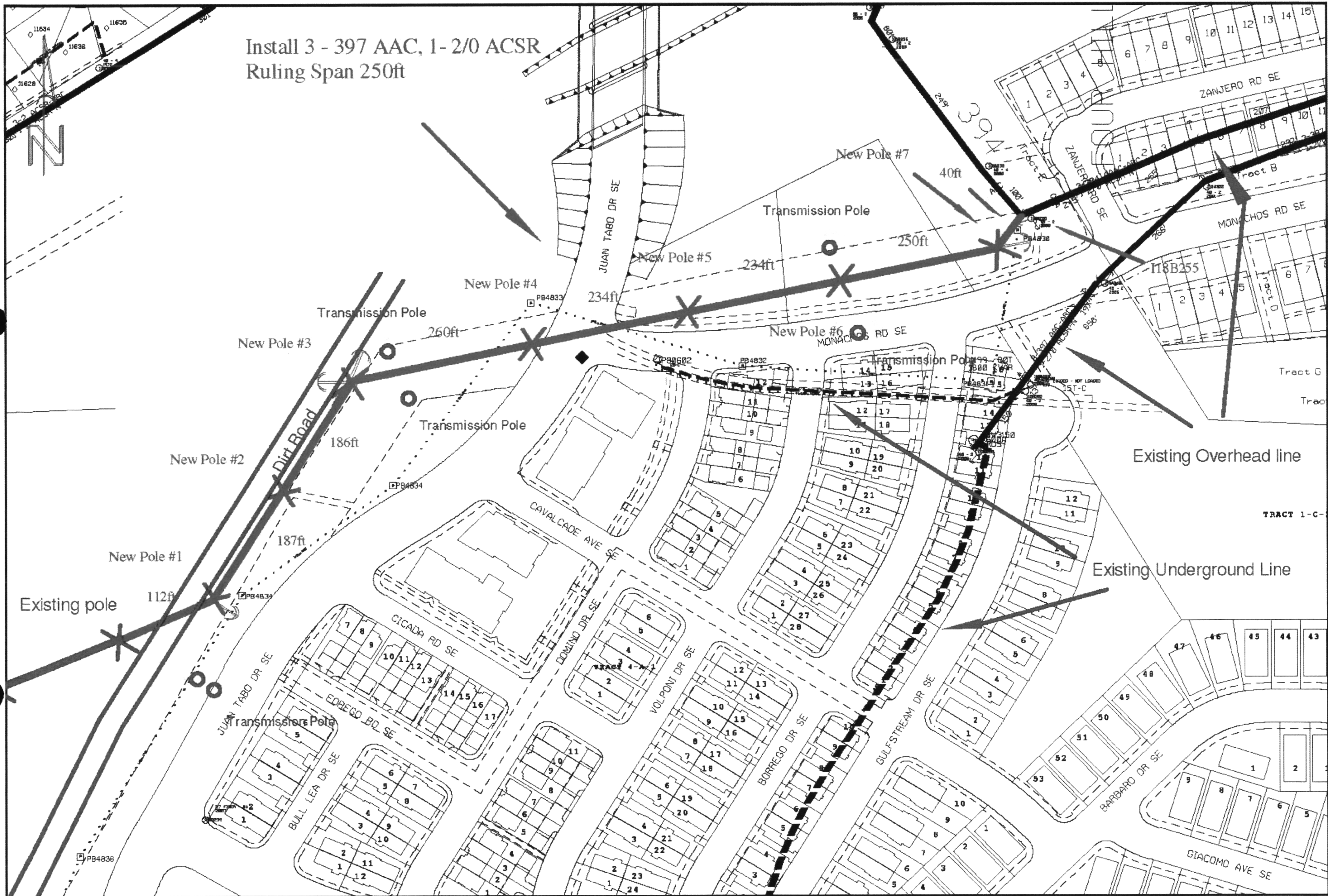
Figure 2  
**VARIANCE LOCATION MAP**  
**Innovation Feeder 13**

- Proposed Pole Location
- ══ Project Alignment
- ≡≡≡ 115KV Existing PNM 46KV Transmission Lines
- ∩ Existing PNM Overhead Distribution Lines
- ⊖ Landfill Buffer
- ▨ Bernalillo County



Aerial Photography: MRCOG 2010  
 Map Created September 22, 2011, Revised Feb. 14, 2012





Install 3 - 397 AAC, 1- 2/0 ACSR  
 Ruling Span 250ft

Date: 1/18/2012

Scale: 1 In = 200 Ft  
 Company: PNM Resources

Packet: Innovation 13

**APPENDIX C: OVERHEAD**



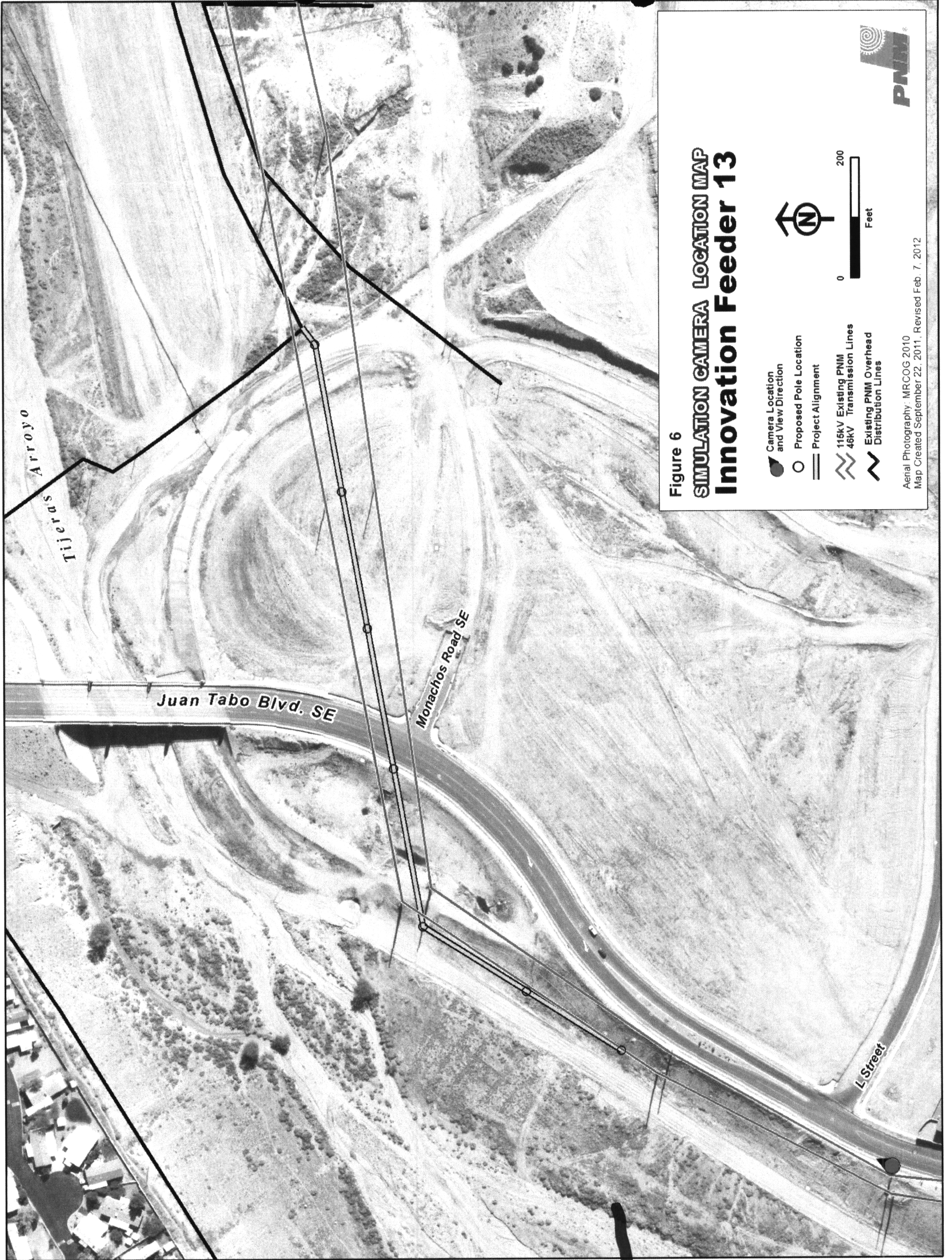






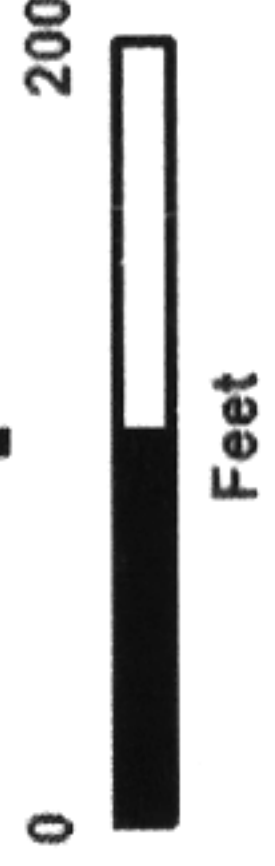


Figure 6  
**SIMULATION CAMERA LOCATION MAP**  
**Innovation Feeder 13**

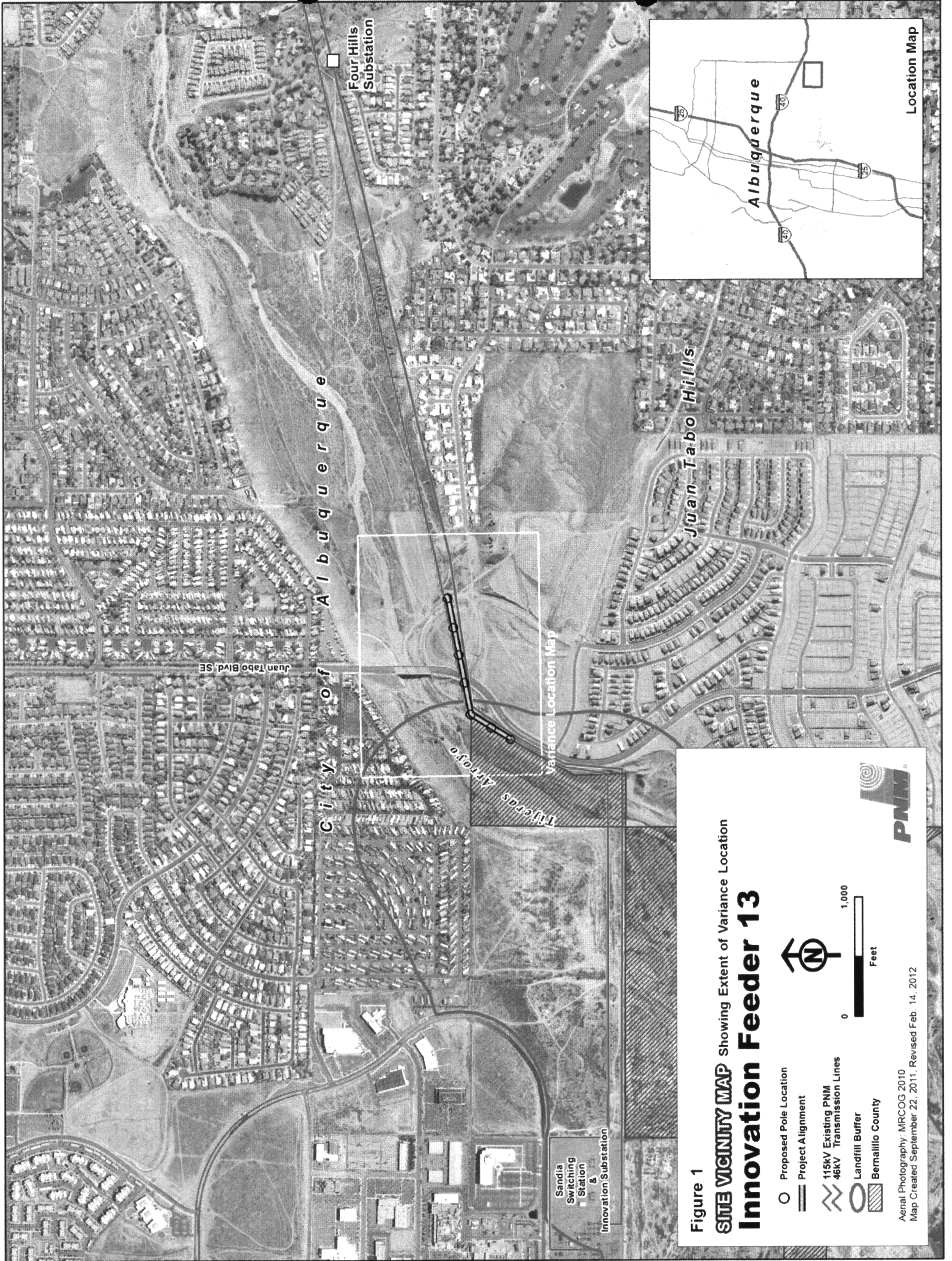
 Camera Location and View Direction  
 Proposed Pole Location  
 Project Alignment  
 115kV Existing PNM 46kV Transmission Lines  
 Existing PNM Overhead Distribution Lines

 North Arrow  
 0 200 Feet



Aerial Photography: MRCOG 2010  
 Map Created: September 22, 2011, Revised Feb. 7, 2012





**Figure 1**  
**SITE VICINITY MAP** Showing Extent of Variance Location  
**Innovation Feeder 13**

- Proposed Pole Location
- Project Alignment
- 115KV Existing PNM 46KV Transmission Lines
- Landfill Buffer
- Bernalillo County

**PNM**

Aerial Photography: MRCOG 2010  
 Map Created September 22, 2011, Revised Feb. 14, 2012



PUEs are located in the area identified as the "public realm" in the Plan. They are compatible with other "dry" utilities such as cable, telephone and fiber optic.

#### **Variance Request of §14-14-4-9 (B) Electric and Communication Line Location**

The City of Albuquerque Subdivision Ordinance addresses new three-phase electric distribution line location in §14-14-4-9 (B) as follows, see Appendix B:

"(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. 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 under-ground lines economically unreasonable."

#### **Reasons which Fulfill Conditions: §14-14-4-9 (B) Electrical and Communication Line Location**

PNM's variance request addresses §14-14-4-9 (B) conditions with the following responses:

- 1. No significant public purpose would be served by requiring new distribution lines to be placed underground.**

PNM believes that no significant public purpose would be served by requiring these new distribution lines to be placed underground. The two existing overhead transmission lines immediately adjacent to the proposed distribution line create an overhead electric utility corridor.

- 2. The immediate or adjacent area is presently served by overhead lines.**

There are three existing overhead distribution lines that serve the adjacent and immediate area. Figure 6, which illustrates the camera location for the visual simulation of the Project, also shows the locations of the existing overhead distribution lines in black and the two overhead transmission lines in blue and turquoise.

#### **Cost Differential**

PNM is responsible for the overhead cost amount; the difference between the overhead and underground cost is the cost differential. The estimated overhead cost is \$30,016.86. The estimated underground cost is \$112,616.16. The cost differential between the overhead construction and underground construction costs for this Project is estimated to be \$82,599.30. Subject to a filing with the NMPRC under PNM's Revised Rate 22, the cost differential will be borne by all PNM electric customers within the City of Albuquerque city limits.

PNM has estimated a six-month recovery period with the following temporary estimated monthly charges: Residential – 3 cents/month, Small Power – 9 cents/month, General Power - \$1.43/month, Large Power - \$14.02/month, Water & Sewage - \$2.47/month and Universities - \$249.31/month.





35' (Typical)

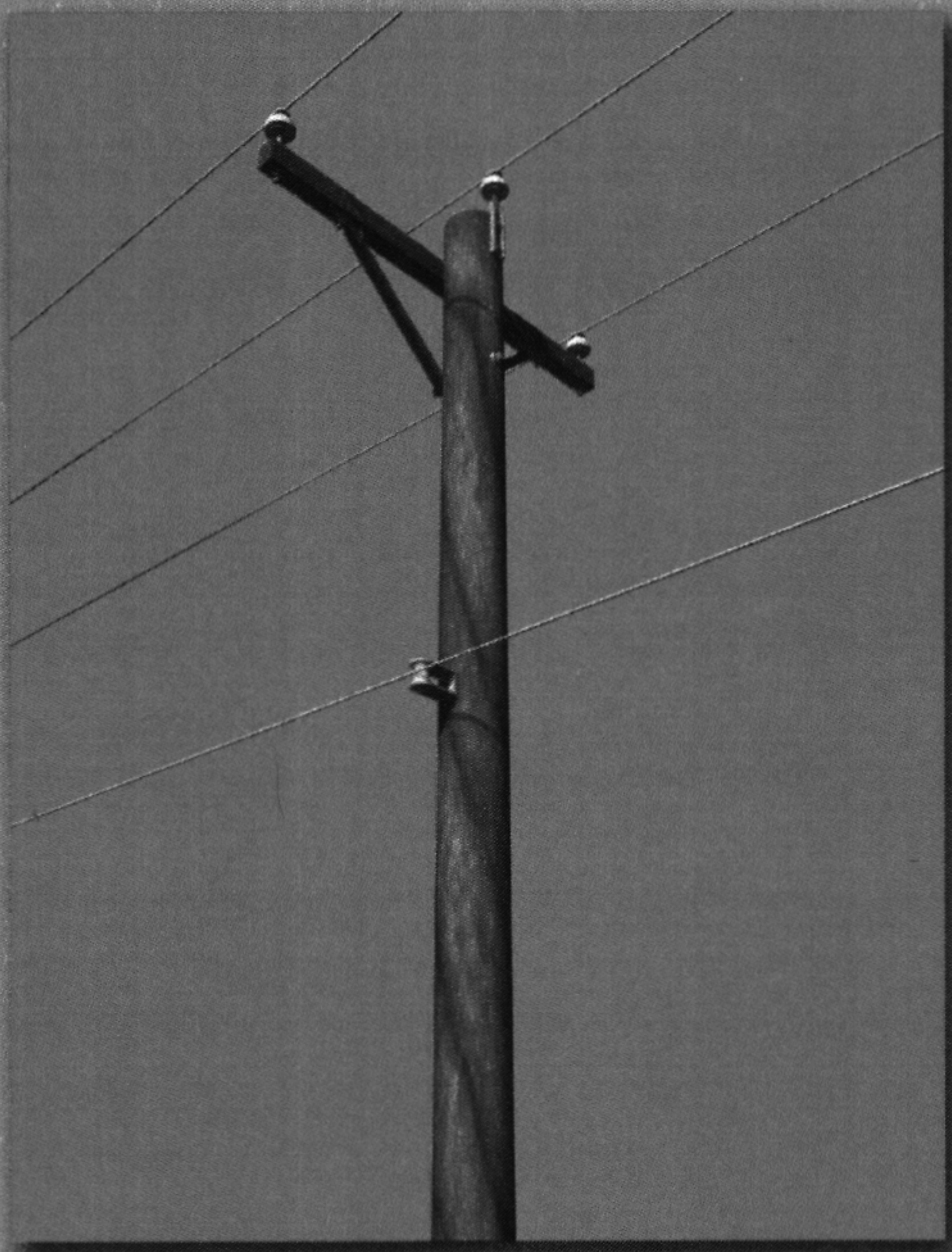


Figure 3

Typical Structure Configurations

## Three Phase Tangent Pole

Direct Bury, Wood, Ten Foot Cross Arm, Distribution Standards DS-2-4.0





Figure 4

Typical Structure Configurations

**Three Phase Primary Buckarm Corner Pole**

Direct Bury, Wood, Ten Foot Cross Arm, Distribution Standards DS-2-10.0



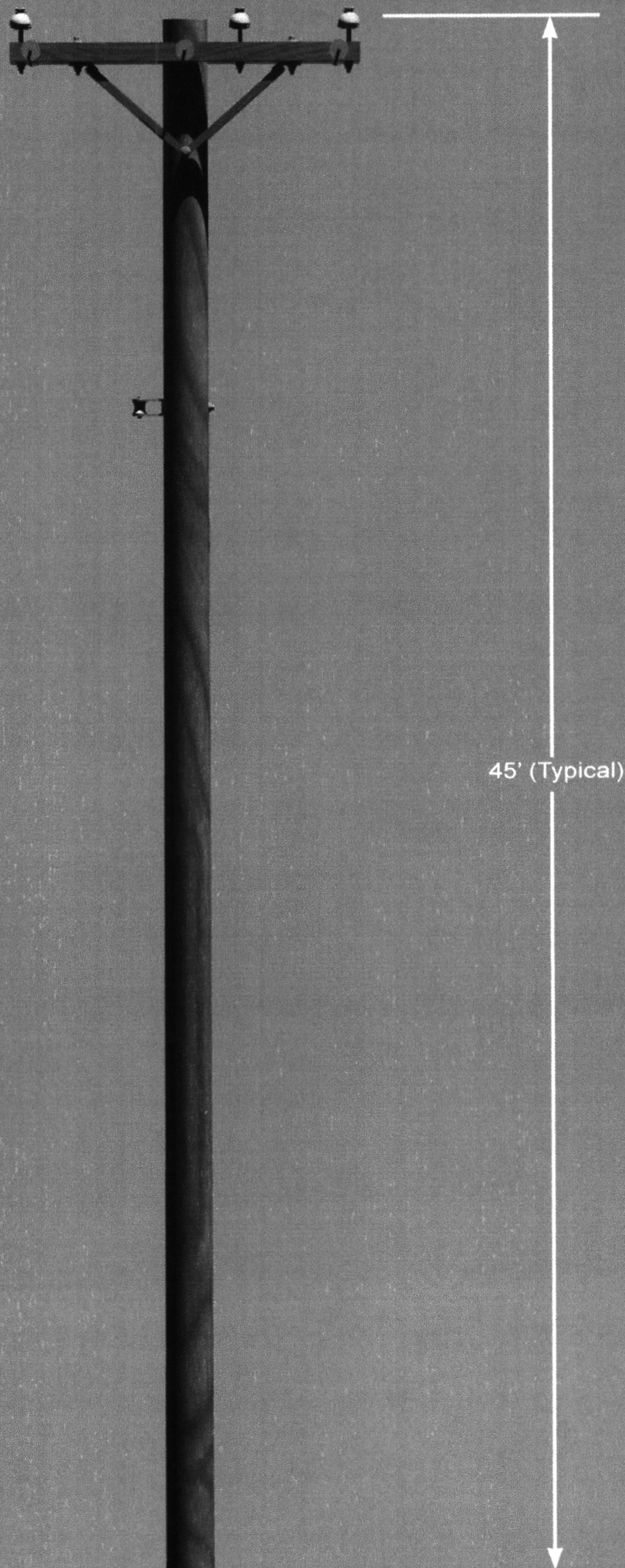


Figure 5

Typical Structure Configurations

**Three Phase Primary Double Deadend**

Direct Bury, Wood, Ten Foot Cross Arm, Distribution Standards DS-2-3.5





## City of Albuquerque

P.O. Box 1293, Albuquerque, NM 87103

February 7, 2012

Laurie W. Moye  
Public Participation and Regulatory Relations  
System Engineering  
Alvarado Square MS 0600  
Albuquerque, NM 87158  
Phone: (505) 241-2792/Fax: (505) 241-2344

~~Laurie.W.Moye@planningnaform.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 February 7, 2012 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) - ELECTRIC LINE ROUTE - LOCATED BY JUAN TABO BOULEVARD SE TO THE WEST, CROSSING EAST TO THE SOUTH SIDE OF TIJERAS ARROYO AND SOUTH OF BRIDGE CROSSING TIJERAS ARROYO** zone map **M-21-22**.

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

**See "Attachment A" for the names of the neighborhood and/or homeowner associations to contact in regards to this DRB Submittal - swinklepleck - 02/07/12**

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](mailto:swinklepleck@cabq.gov) or by fax at (505) 924-3913.

Sincerely,

*Stephani Winklepleck*

Stephani I. Winklepleck

Acting Division Manager

OFFICE OF NEIGHBORHOOD COORDINATION

Planning Department

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

planningrnaform(01/03/12)



# ATTACHMENT A

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  
Email: [Laurie.Moyer@omniresources.com](mailto:Laurie.Moyer@omniresources.com)

## **JUAN TABO HILLS N.A. "R"**

Kevin Smith, 1843 Red Rum Ct. SE/87123 440-3838 (h)

Tom Gregory, 1705 Black Gold SE/87123 235-1271 (h)

## **FOUR HILLS VILLAGE H.O.A. "R"**

Joe Zmuda, 1605 Wagon Train Dr. SE/87123 299-5528 (h)

Cassandra Osterleh, 1424 Catron Ave. SE/87123 836-5368 (h) 264-2427 (w)

## **FOUR HILLS VILLAGE N.A. "R"**

Edwin Barsis, 1538 Catron Ave. SE/87123 293-5347 (h)

Cathy Loveday, 1600 Speakman Dr. SE/87123 298-4801 (h)



# !!!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](mailto:swinklepleck@cabq.gov).

Thank you for your cooperation on this matter.

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

Date of Inquiry: **02/07/12** Time Entered: **10:15 a.m.** ONC Rep. Initials: **siw**





February 28, 2012

Juan Tabo Hills Neighborhood Association:	Kevin Smith 1843 Red Rum Ct. SE Albuquerque, NM 87123	Tom Gregory 1705 Black Gold SE Albuquerque, NM 87123
Four Hills Village Homeowner's Association:	Joe Zmuda 1605 Wagon Train Dr. SE Albuquerque, NM 87123	Cassandra Osterleh 1424 Catron Ave. SE Albuquerque, NM 87123
Four Hills Village Neighborhood Association:	Edwin Barsis 1538 Catron Ave. SE Albuquerque, NM 87123	Cathy Loveday 1600 Speakman Dr. SE Albuquerque, NM 87123

Dear Neighbors,

PNM is planning a new distribution line called Innovation Feeder 13 (Project). A distribution line provides connections between substations and provides electric service to homes and businesses. This Project is needed to balance the electric load and voltages in the area for more reliable service. The Project will connect Innovation Feeder 13 and Four Hills Feeder 12 enabling electrical back up from adjacent substations during a planned or unplanned outage. A Project Location Map is included with this letter.

The Project begins along the west side of Juan Tabo Boulevard SE from an existing overhead distribution line. It then crosses Juan Tabo Boulevard SE immediately north of Manachos Road SE and connects with the Four Hills Feeder 12 overhead electric distribution line south of Tijeras Arroyo. A total of seven poles similar in height to the existing overhead distribution lines and will be installed adjacent to and in between existing 46 kV and 115 kV transmission lines in an electric utility corridor following the alignment shown in the Project Location Map. The total length of the distribution feeder line is approximately 1,503 feet.

The Project could be built either overhead or underground with underground cost recovery. In accordance with an agreement between PNM and the City of Albuquerque (NMPRC Case No. 10-00100-UT Amended and Restated Stipulation), PNM is filing a variance request with the City of Albuquerque Development Review Board (DRB) to determine whether the Project will be built overhead or underground with underground cost recovery from PNM's customers in the City of Albuquerque.

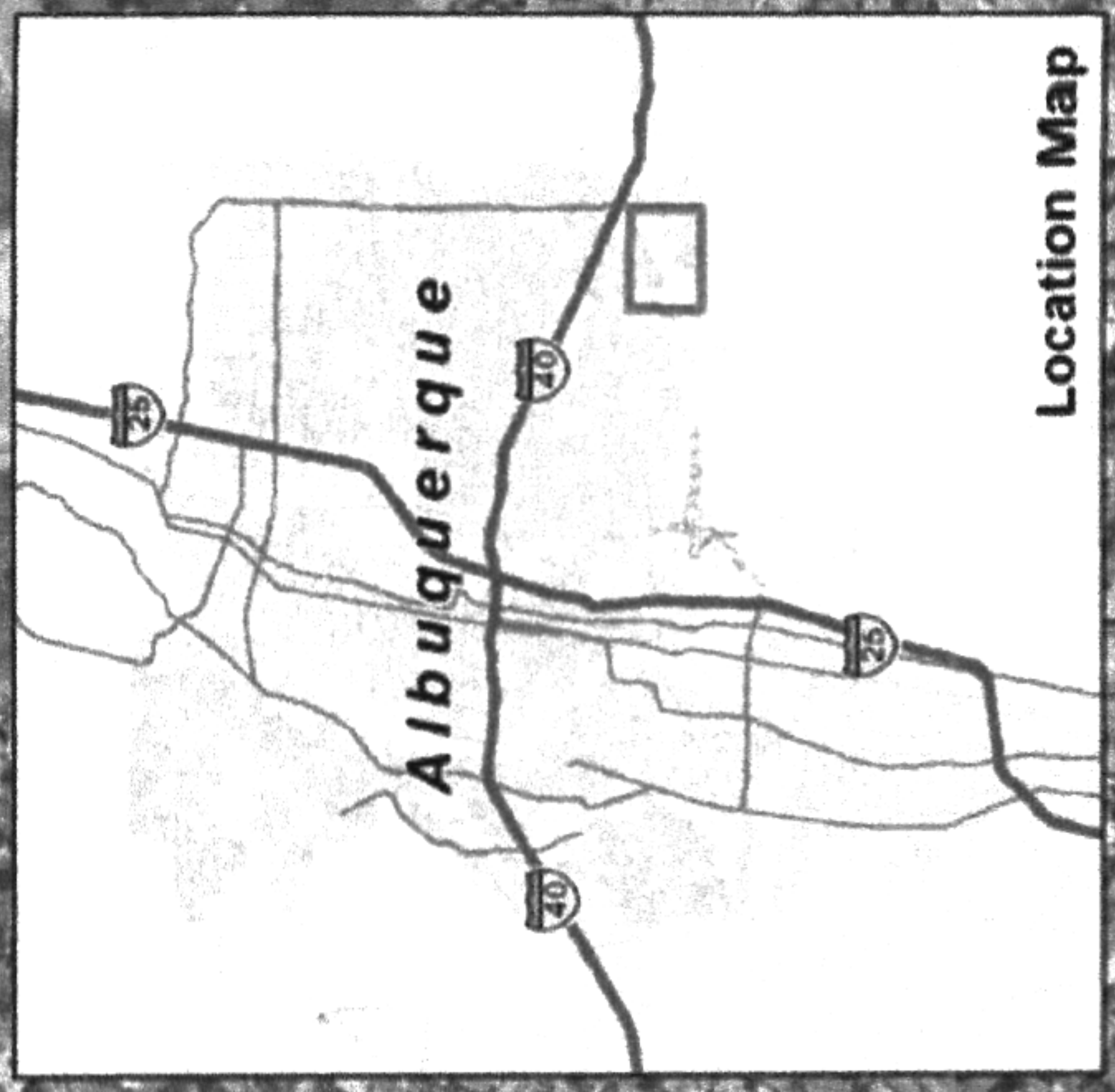
If you have any questions or need additional information, please contact me at (505) 241-2792. I am always willing to meet with you to discuss the Project and address any questions or concerns you may have.

Sincerely,

A handwritten signature in cursive script that reads "Laurie W. Moyer".

Laurie W. Moyer  
Coordinator, Regulatory Project and Public Participation





**Figure 1**  
**SITE VICINITY MAP** Showing Extent of Variance Location  
**Innovation Feeder 13**

- Proposed Pole Location
- Project Alignment
- ≡ 115KV Existing PNM 46KV Transmission Lines
- Landfill Buffer
- ▨ Bernalillo County



Aerial Photography: MRCOG 2010  
 Map Created September 22, 2011, Revised Feb. 14, 2012



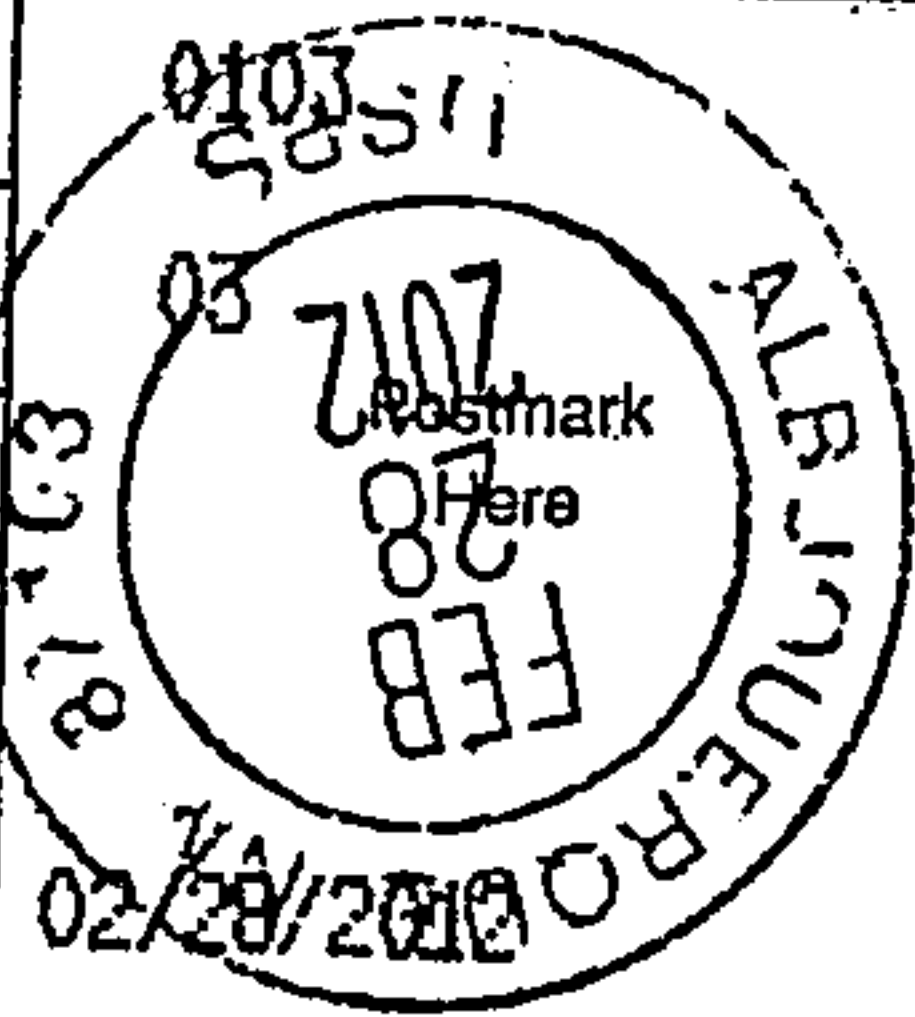
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7006 3450 0000 054E 9002

**U.S. Postal Service™**  
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*MS0600*  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

ALBUQUERQUE NM 87123 **OFFICIAL USE**

Postage	\$	\$0.45
Certified Fee		\$2.95
Return Receipt Fee (Endorsement Required)		\$2.35
Restricted Delivery Fee (Endorsement Required)		\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$</b>	<b>\$5.75</b>



Sent To  
 Street, Apt. No. or PO Box No. Juan Tabo Hills Neighborhood Association  
 Kevin Smith  
 1843 Red Rum Ct. SE  
 City, State, ZIP+4 Albuquerque, NM 87123

PS Form 3800, August 2006 See Reverse for Instructions

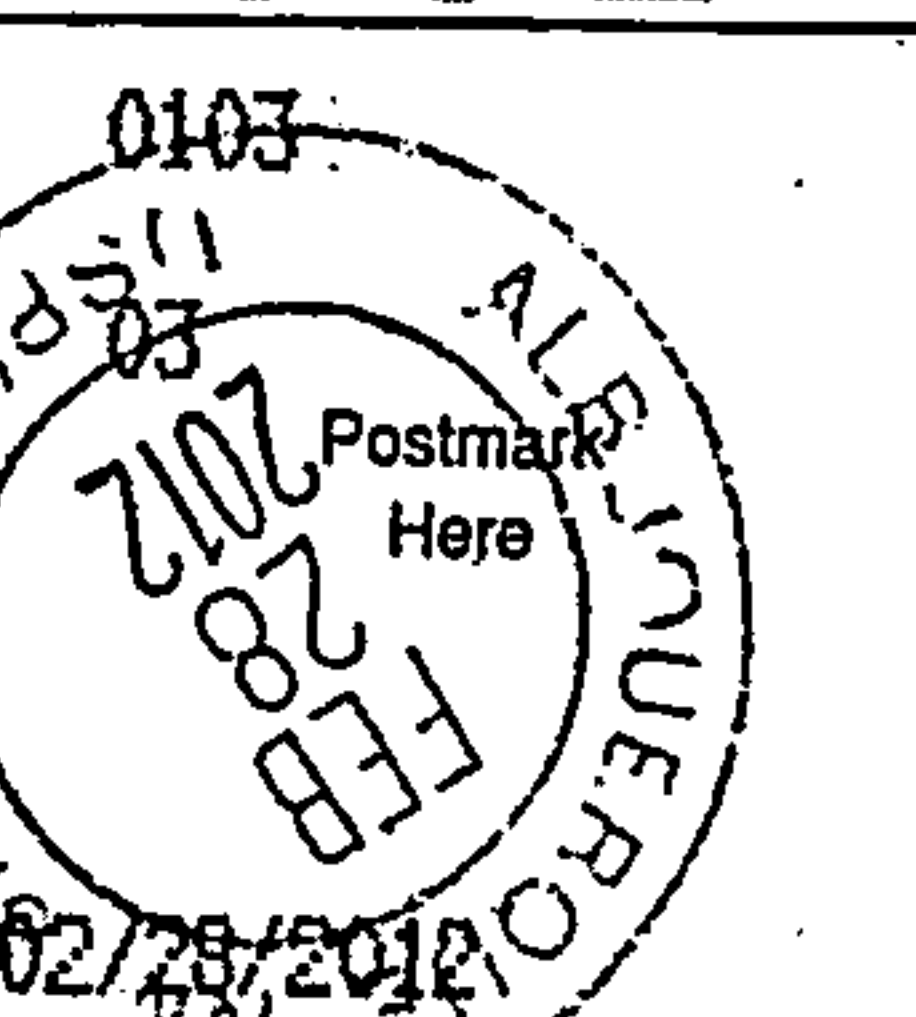
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**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT** *L. Moya*  
*MS0600*  
(Domestic Mail Only; No Insurance Coverage Provided)

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Restricted Delivery Fee (Endorsement Required)		\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$</b>	<b>\$5.75</b>



Sent To  
 Street, Apt. No. or PO Box No. Juan Tabo Hills Neighborhood Association  
 Tom Gregory  
 1705 Black Gold SE  
 City, State, ZIP+4 Albuquerque, NM 87123

PS Form 3800, August 2006 See Reverse for Instructions

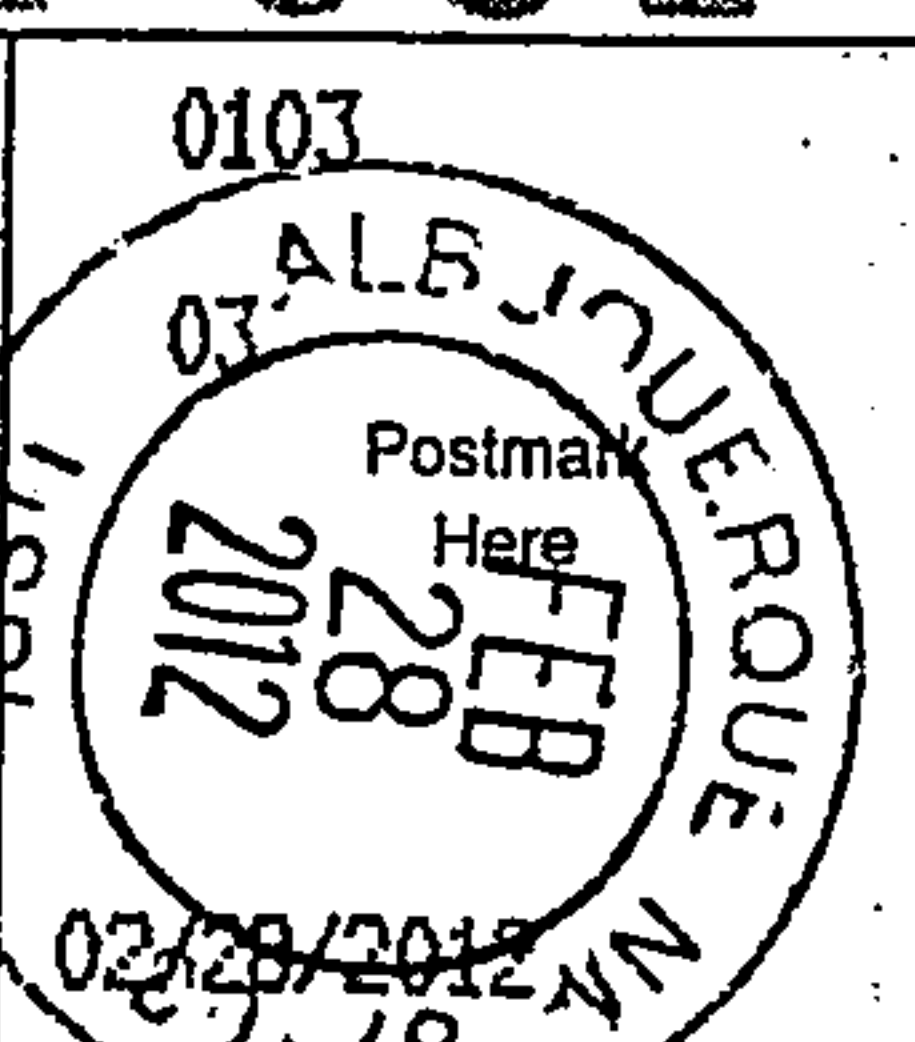
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7006 3450 0000 054E 9002

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<b>Total Postage &amp; Fees</b>	<b>\$</b>	<b>\$5.75</b>



Sent To  
 Street, Apt. No. or PO Box No. Four Hills Village Homeowner's Association  
 Joe Zmuda  
 1605 Wagon Train Dr. SE  
 City, State, ZIP+4 Albuquerque, NM 87123

PS Form 3800, August 2006 See Reverse for Instructions

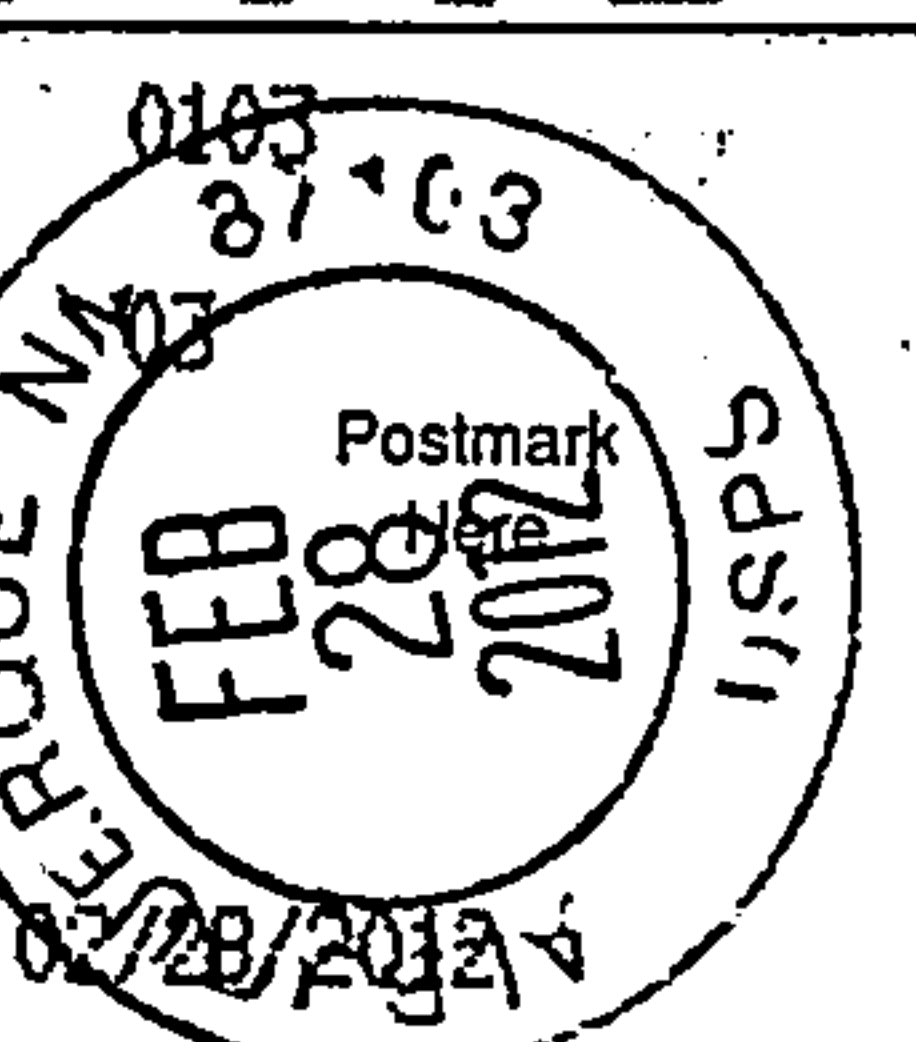
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7006 3450 0000 054E 9002

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 Edwin Barsis  
 1538 Catron Ave. SE  
 City, State, ZIP+4 Albuquerque, NM 87123

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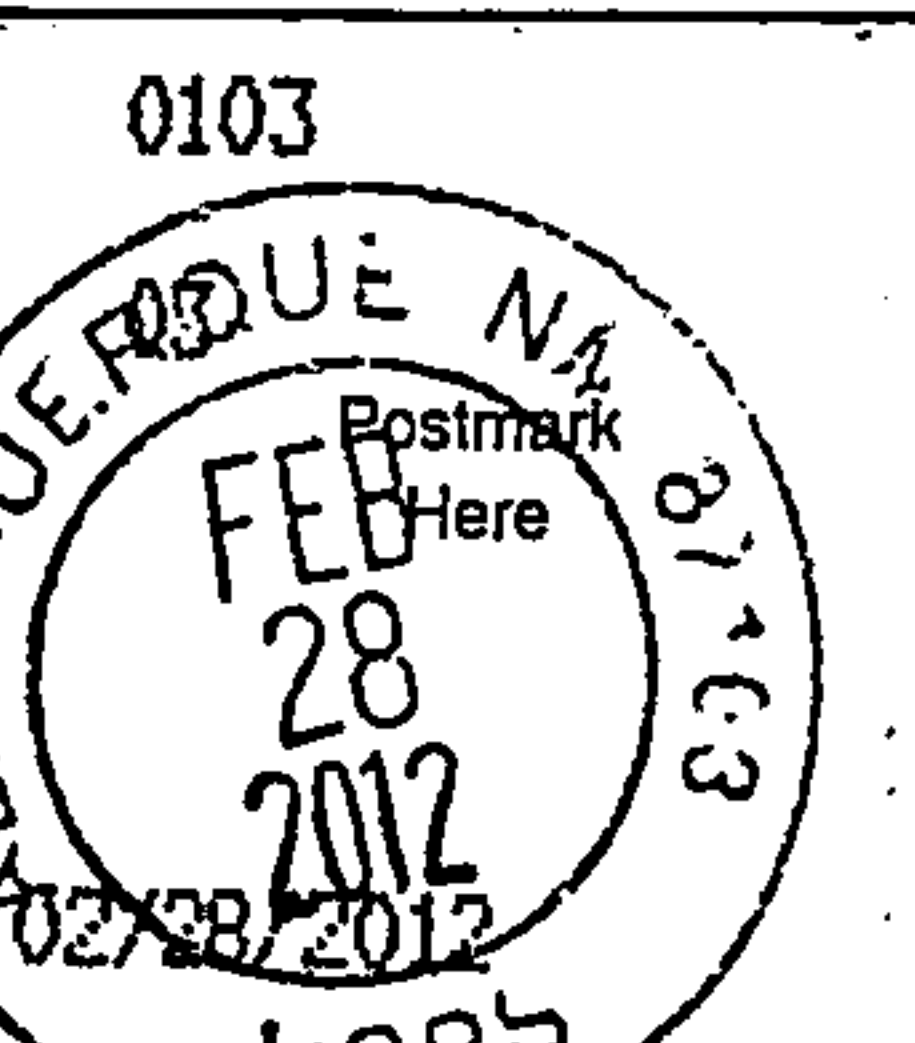
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 Cassandra Osterleh  
 1424 Catron Ave. SE  
 City, State, ZIP+4 Albuquerque, NM 87123

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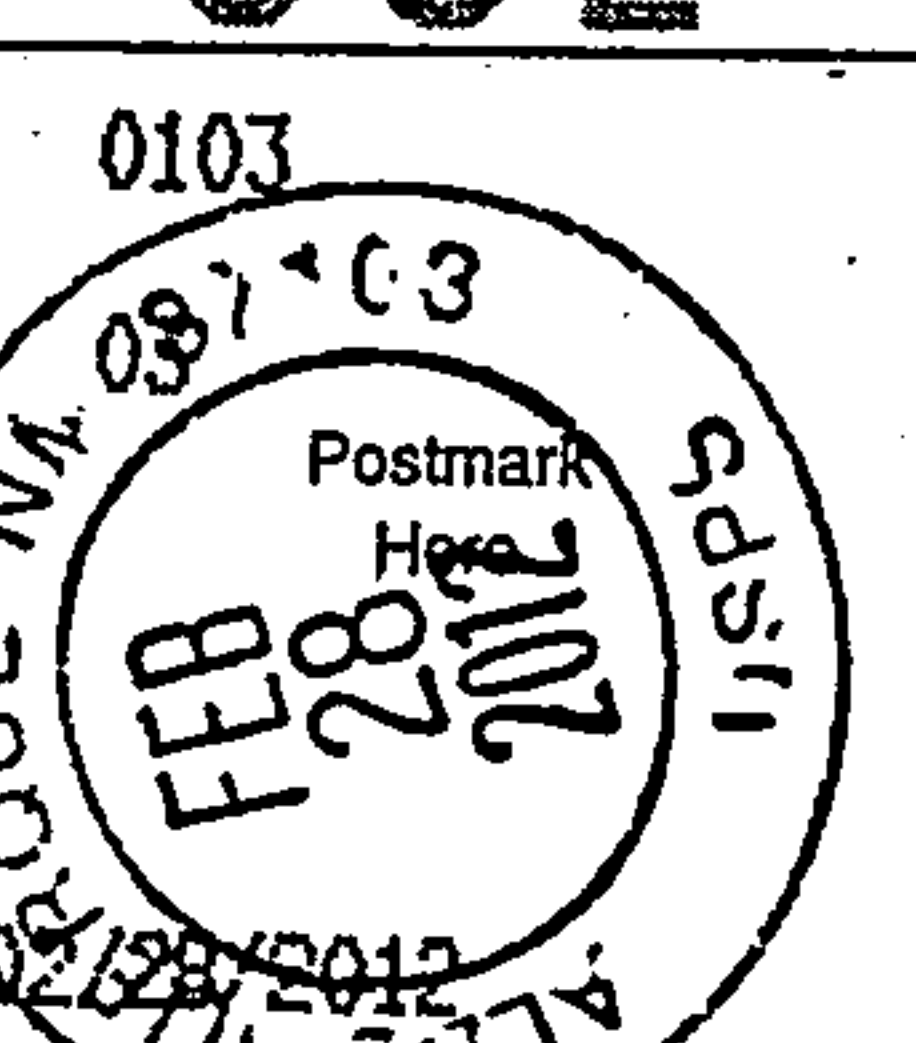
4255 2464 4947 5642  
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 Cathy Loveday  
 1600 Speakman Dr. SE  
 City, State, ZIP+4 Albuquerque, NM 87123

PS Form 3800, August 2006 See Reverse for Instructions



## APPENDIX A

Alvarado Square  
Albuquerque, NM 87158-0810  
P 505 241-2700  
F 505 241-2386  
PNM.com

August 6, 2010



*A personal commitment  
to New Mexico*

Mr. Ronald X. Montoya  
New Mexico Public Regulation Commission  
1120 Paseo de Peralta  
Santa Fe, NM 87501

Re: Case No. 10-00100-UT – Amended and Restated Stipulation

Dear Mr. Montoya:

Public Service Company of New Mexico (“PNM”) hereby submits its Amended and Restated Stipulation (“Stipulation”).

Included in this filing are the original plus six copies of the Stipulation. Please conform the extra copy of the Stipulation for our files and return it with our courier. If you have any questions, please contact me at 505-241-4733.

Sincerely,

A handwritten signature in black ink, appearing to read "Carey Salaz". The signature is fluid and cursive.

Carey Salaz  
Regulatory Affairs Research Analyst

Enclosures

GCG#503611



**APPENDIX A**

**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 2010 UNDERGROUND )  
PROJECT RIDER PURSUANT TO ADVICE )  
NOTICE NO. 391, )  
 )  
PUBLIC SERVICE COMPANY OF NEW )  
MEXICO, )  
 )  
Applicant. )

Case No. 10-00100-UT

**AMENDED AND RESTATED STIPULATION**

Pursuant to the New Mexico Public Regulation Commission’s (“Commission” or “NMPRC”) Rule 1.2.2.20(A) NMAC, Public Service Company of New Mexico (“PNM”) and the City of Albuquerque (the “City”) agree and stipulate as follows:<sup>1</sup>

**INTRODUCTION**

1. On August 29, 2008, PNM and the City entered into an Unopposed Stipulation (the “2008 Stipulation”) to resolve the issues in NMPRC Case 07-00463-UT (the “Rider 21 Case”). PNM had filed the Rider 21 Case, seeking Commission approval of PNM’s Rider 21 to allow PNM to recover the excess costs associated with the underground installation of the Unser 12 distribution line within the City. The City initially opposed PNM’s Rider 21 Case, but PNM and the City ultimately entered into the 2008 Stipulation to resolve their differences. The 2008 Stipulation was approved by the Commission in the Rider 21 Case. See Final Order Approving Stipulation, dated December 11, 2008, with attached Certification of Stipulation dated November 25, 2008. PNM and the City desire now to amend and restate the 2008 Stipulation and to replace the 2008 Stipulation with this Amended and Restated Stipulation.

<sup>1</sup> Prior to filing, this Amended and Restated Stipulation was provided to the Commission’s Utility Division Staff (“Staff”).



## APPENDIX A

2. The 2008 Stipulation provided, among other things, that the City would withdraw its objections to the Rider 21 Case. In exchange, PNM agreed to detailed procedures it would follow in future City of Albuquerque cases before PNM made an underground rate rider filing under the Company's First Revised Rate 22 ("Rate 22").

3. Specifically, PNM agreed that, 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 would 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") denied the variance application, PNM agreed that it would seek administrative review of the DRB decision to the City Council, i.e., that it would appeal the DRB decision to the City Council.

4. The 2008 Stipulation provided that the City would 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 failed to reach a decision on a PNM variance filing within one hundred and twenty (120) days after the variance filing date, PNM could make a Rate 22 filing with the NMPRC to recover any excess costs PNM would incur in complying with the undergrounding requirement of the City's subdivision ordinance. It was understood that PNM could provide the 60-day notice required by Rate 22 on the sixtieth (60<sup>th</sup>) day after the date of the variance filing so that the sixty (60) days under PNM's 60-day notice would expire on the one hundred and twentieth (120<sup>th</sup>) day after the date of the variance filing.

5. The 2008 Stipulation further provided that, assuming PNM's compliance with the requirement that it apply for a variance, and that PNM had withheld submission of its 60-day notice under Rate 22 for at least sixty (60) days following the date of the variance filing, the City



## APPENDIX A

would not oppose a PNM rate rider filing under Rate 22 on the basis that the PNM variance filing was still pending before the DRB or the City Council, nor would the City oppose a rate rider filing under Rate 22 on the basis that PNM had failed to seek or exhaust administrative remedies.

6. The 2008 Stipulation also provided that if, during the pendency of a Rate 22 proceeding before the NMPRC, the City were to grant PNM's variance application, PNM would file a motion with the NMPRC to withdraw its Rate 22 application and would proceed to construct the project above ground. The City agreed to support, or not oppose, such a PNM motion to withdraw its Rate 22 application.

7. Additionally, PNM committed in the 2008 Stipulation that its contractors and employees would comply with the City's Excavation and Barricade ordinance and regulations in relation to the installation of electric distribution lines within the City.

8. The procedures agreed to in the 2008 Stipulation were first implemented when PNM made a variance filing with the City in anticipation of the filing of the present case, NMPRC Case 10-00100-UT. As described in the Direct Testimony of Gerard T. Ortiz, PNM applied for a variance from the City on December 4, 2009. Ortiz Direct at 6. The variance was heard and denied by the DRB on January 6, 2010. PNM then appealed the variance denial on January 14, 2010, and the appeal was heard on March 4, 2010 by the City's Land Use Hearing Officer ("LUHO"). The LUHO issued a recommended decision that the City Council deny the appeal and on April 5, 2010, the City Council accepted the LUHO's recommendation, thereby requiring that the project that is the subject of this case, i.e., the Black Ranch 12 project, be installed underground. *Id.* at 6-7.



## APPENDIX A

9. As the result of experience gained by application of the 2008 Stipulation, PNM and the City desire to amend and restate the 2008 Stipulation. Among other things, PNM and the City desire to eliminate the requirement of the 2008 Stipulation that PNM must appeal actions of the DRB to the City Council as a condition of being able to make a rate rider filing under Rate 22.

10. PNM and the City believe that this Amended and Restated Stipulation is fair, just and reasonable and consistent with the public interest.

### AMENDED AND RESTATED STIPULATION

11. As of the date of the Commission's Final Order in this Case 10-00100-UT, the 2008 Stipulation is superseded and replaced in its entirety, and shall be of no further force or effect. Any future PNM underground rate rider applications under Rate 22 pertaining to the City shall thereafter be governed exclusively by this Amended and Restated Stipulation.

12. 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 City's subdivision ordinance. PNM shall not, however, be required to appeal any decision of the DRB as a condition of filing a rate rider application under Rate 22.

13. The City shall make a good faith effort to reach a decision on the merits of a PNM variance application within forty-five (45) days of the variance filing. Thirty (30) days after the variance filing date, PNM may provide the 60-day notice to the City of PNM's intent to seek recovery of the excess costs through a rate rider application at the NMPRC. PNM will therefore be able to make a rate rider filing under Rate 22 ninety (90) days after the variance filing date. If PNM requests a deferral of the variance process, the 45-day period herein provided, for the City



## APPENDIX A

to reach a decision on the variance filing, will be extended by the amount of the deferral requested by PNM.

14. Assuming PNM's compliance with the requirement that it apply for a variance, as provided for in paragraph 12, the City will not oppose a PNM rate rider filing under Rate 22 on the basis that the PNM variance filing is still pending.

15. If, during the pendency of a Rate 22 proceeding before the NMPRC, but prior to the start of construction of a new PNM underground project, the City grants PNM's variance application, or otherwise permits the project to be constructed above ground, 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.

16. 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.

17. PNM and the City waive any objection to the jurisdiction of the Commission to enter a Final Order approving this Amended and Restated Stipulation, to the extent the Commission may deem its approval is required of this Amended and Restated Stipulation. PNM and the City also waive any objection to the jurisdiction of the Commission to enforce any Final Order incorporating the terms of this Amended and Restated Stipulation. PNM and the City agree that the Commission may enforce this Amended and Restated 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 Amended and Restated Stipulation, or (ii) declining to consider any City objection or protest to a PNM rate rider filing that is



## APPENDIX A

inconsistent with the City's agreements in this Amended and Restated Stipulation. PNM and the City acknowledge that nothing in this paragraph 17 binds the Commission to any particular course of action in future cases or limits the Commission's exercise of its discretion in future cases.

18. Except as specifically stated in the language of this Amended and Restated 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.

19. In accordance with 1.2.2.20(D) NMAC, the Commission's approval of this Amended and Restated Stipulation shall not be construed to either grant any approval or create any precedent regarding any principle or issue in this or any other proceeding.

20. This Amended and Restated Stipulation reflects a negotiated settlement, and if the Amended and Restated Stipulation is not executed or is not adopted in its entirety by the Commission (to the extent Commission approval may be required), without additions or deletions, the Amended and Restated 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 this Amended and Restated Stipulation shall not be admissible before any court or regulatory agency. This Amended and Restated Stipulation constitutes the entire agreement between PNM and the City concerning the subject matter hereof, and contains the full intent and understanding of PNM and the City. No implication should be drawn concerning any matter not




## APPENDIX A

addressed herein. There are not, and have not been, any representations, warranties or agreements other than those specifically set forth above.

21. This Amended and Restated 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: [electronic concurrence given 8/4/10]  
Robert D. Kidd, Jr.  
Kevin J. Curran  
City of Albuquerque Legal Department  
P.O. Box 2248  
Albuquerque, New Mexico 87103-2248  
(505) 768-4500



**APPENDIX A**

**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 2010 UNDERGROUND )  
PROJECT RIDER PURSUANT TO ADVICE )  
NOTICE NO. 391, )  
 )  
PUBLIC SERVICE COMPANY OF NEW )  
MEXICO, )  
 )  
Applicant )  
\_\_\_\_\_ )

Case No. 10-00100-UT

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of Public Service Company of New Mexico's Amended and Restated Stipulation was delivered by courier to the New Mexico Public Regulation Commission, and mailed by first class mail, postage prepaid to the following individuals on August 6, 2010:

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

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

Kevin Curran  
City of Albuquerque  
PO Box 2248  
Albuquerque, NM 87103

Robert H. Clark, Esq.  
Brian J. Haverly,  
Miller Stratvert, PA  
PO Box 25687  
Albuquerque, NM 87125-0687

**HAND DELIVERED:**  
Jack Sidler  
New Mexico Public Regulation Commission  
1120 Paseo De Peralta  
Santa Fe, NM 87501

**HAND DELIVERED:**  
Joan Ellis  
New Mexico Public Regulation Commission  
1120 Paseo De Peralta  
Santa Fe, NM 87501

**HAND DELIVERED:**  
Lee W. Huffman, Esq.  
NMPRC – Hearing Examiner  
1120 Paseo De Peralta  
Santa Fe, NM 87501

Dated this 6<sup>th</sup> day of August, 2010.

By:   
Carey Salaz  
Regulatory, Affairs Research Analyst



## Appendix B

### § 14-14-4-9 ELECTRICAL AND COMMUNICATION LINE LOCATION.

(A) New communications lines, new single phase electrical distribution lines carrying 12 kilovolts (kV) or less, and all other lower voltage electrical lines shall be installed underground within subdivisions approved under this article. The Development Review Board may grant a variance in accordance with Part 6 of this article if it is determined that no significant public purpose would be served by requiring the new construction to be placed underground and that one or more of the following conditions exists:

- (1) The lot is already served by an overhead distribution line;
- (2) All adjacent areas are already served by overhead distribution facilities; or
- (3) Subsurface conditions make underground lines economically unreasonable.

(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. 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 under-ground lines economically unreasonable.

(C) Electrical lines carrying 40 kilovolts (kV) or more are governed by the portion of the facility plan dealing with them, not by this article.

('74 Code, § 7-16-5H) (Am. Ord. 37-2006