



## PLAN SNAPSHOT REPORT DHOWVR-2025-00017 FOR CITY OF ALBUQUERQUE

**Plan Type:** DHO Waiver **Project:** PR-2025-020071 (PR-2025-020071) **App Date:** 05/22/2025  
**Work Class:** DHO Waiver **District:** City of Albuquerque **Exp Date:** NOT AVAILABLE  
**Status:** Fees Due **Square Feet:** 0.00 **Completed:** NOT COMPLETED  
**Valuation:** \$0.00 **Assigned To:** **Approval**  
**Expire Date:**  
**Description:** Public Service Company of New Mexico (PNM) is requesting a waiver to the underground requirement of new electric distribution feeders

| Parcel:  | Address:   | Zone: |
|--|--|-------|
| Owner<br>Ken Maestas<br>2401 Aztec NE<br>Albuquerque, NM 87107<br>Business: (505) 241-4436 | Applicant<br>Ken Maestas<br>2401 Aztec NE<br>Albuquerque, NM 87107<br>Business: (505) 241-4436 |       |

### Plan Custom Fields

|  |                |                                       |                                 |                                    |  |
|--|----------------|---------------------------------------|---------------------------------|------------------------------------|--|
| Existing Project Number<br>(If none, type "N/A")     | PR-2025-020071 | IDO/DPM Requirement<br>Waiver Request | IDO 5-4: Subdivision of<br>Land | Detailed Feature<br>Waiver Request | Waiver to the<br>underground requirement<br>of new electric<br>distribution feeders per<br>6-6(P)(3)(b) of the IDO |
| Do you request an<br>interpreter for the<br>hearing? | No             |                                       |                                 |                                    |  |

| Invoice No.                    | Fee   | Fee Amount | Amount Paid |
|--------------------------------|---|------------|-------------|
| INV-00023443                   | DHO Waiver Application Fee                        | \$275.00   | \$0.00      |
|                                | Technology Fee                                    | \$22.75    | \$0.00      |
|                                | Facilitated Meeting Fee for Planning Applications | \$50.00    | \$0.00      |
| Total for Invoice INV-00023443 |   | \$347.75   | \$0.00      |
| Grand Total for Plan           |   | \$347.75   | \$0.00      |

| Hearing Type    | Location | Scheduled Date | Status    | Subject |
|-----------------|----------|----------------|-----------|---------|
| DHO Hearing v.1 | Zoom     | 06/11/2025     | Scheduled | DHO     |

| Workflow Step / Action Name  | Action Type       | Start Date       | End Date         |
|------------------------------|-------------------|------------------|------------------|
| Application Screening v.1    |                   | 05/22/2025 11:36 | 05/28/2025 8:03  |
| Associate Project Number v.1 | Generic Action    |                  | 05/22/2025 11:36 |
| Screen for Completeness v.1  | Generic Action    |                  | 05/22/2025 18:03 |
| Verify Payment v.1           | Generic Action    |                  | 05/28/2025 8:03  |
| Application Review v.1       |                   | 05/28/2025 8:03  |                  |
| DHO Hearing v.1              | Hold Hearing      | 05/28/2025 8:03  |                  |
| DHO Waiver Review v.1        | Receive Submittal |                  |                  |
| DFT Comments Submittal v.1   | Generic Action    |                  |                  |
| Notice of Decision v.1       |                   |                  |                  |
| Print Notice of Decision v.1 | Create Report     |                  |                  |
| Linked Project Plans v.1     |                   |                  |                  |

Request for Waiver -DHO by Public Service Company of New Mexico (PNM)

MK

Maestas, Ken

To 

pat.duda.52@gmail.com

Cc 

clna87111@gmail.com

Reply

Reply All

Forward

Fri 5/16/2025 10:02 AM

Internal

|   |  |
|---|--|
| <div><div>PDF</div><div>Morris 12 - Morris Street NE - Exhibit.pdf</div><div>193 KB</div></div>   | <div><div>PDF</div><div>Emailed-Notice-Public Hearing - Morris St. NE.pdf</div><div>432 KB</div></div> |
| <div><div></div><div>FW: [External] Public Right of Way - No address - adjacent to the 3400 - 3600 and 3100-3200 blocks of Morris Street NE_Public Notice Inquiry Sheet Submission</div><div>Outlook item</div></div> | <div><div>PDF</div><div>G-21 Waiver - DHO.pdf</div><div>228 KB</div></div>                             |

PNM is submitting an application to the Development Hearing Officer. Please see attached for details.

Respectfully,

Ken Maestas,  
Environmental Services  
Land Use and Permitting  
PNM | 2401 Aztec NE, Albuquerque, NM 87107  
505-241-4436 office  
[ken.maestas@pnm.com](mailto:ken.maestas@pnm.com)



[Note: Items with an asterisk (\*) are required.]

## Public Notice of a Proposed Project in the City of Albuquerque for Decisions Requiring a Hearing

Date of Notice\*: \_\_\_\_\_

This notice of an application for a proposed project is provided as required by Integrated Development Ordinance (IDO) [§14-16-6-4\(K\) Public Notice](#). This notice is being provided to (mark as relevant):

- ☐ Neighborhood Association Representatives on the attached list from the Office of Neighborhood Coordination.<sup>1</sup>
- ☐ Property Owners within 100 feet of the Subject Property.

### Information Required by [IDO §14-16-6-4\(K\)\(1\)\(a\)](#)

1. Subject Property Address\* \_\_\_\_\_  
Location Description \_\_\_\_\_
2. Property Owner\* \_\_\_\_\_
3. Agent/Applicant\* [if applicable] \_\_\_\_\_
4. Application Type(s)<sup>2</sup>\* per IDO [Table 6-1-1](#)
  - ☐ Site Plan – EPC
  - ☐ Subdivision \_\_\_\_\_ (Minor or Major or Bulk Land)
  - ☐ Vacation \_\_\_\_\_ (Easement/Private Way or Public Right-of-way)
  - ☐ Variance – EPC
  - ☐ Waiver \_\_\_\_\_ (DHO or Wireless Telecommunication Facility)
  - ☐ Other: \_\_\_\_\_

Summary of project/request<sup>3</sup>\*: \_\_\_\_\_

5. This application will be decided at a public meeting or hearing by\*:

- ☐ Development Hearing Officer (DHO)
- ☐ Landmarks Commission (LC)
- ☐ Environmental Planning Commission (EPC)

<sup>1</sup> If this box is marked, the Neighborhood Association Representative Contact List from the City's Office of Neighborhood Coordination must be included as an attachment.

<sup>2</sup> Applications for the Zoning Hearing Examiner require a public notice form available here: <https://www.cabq.gov/planning/boards-commissions/zoning-hearing-examiner>. Otherwise, mark all that apply.

<sup>3</sup> Attach additional information, as needed to explain the project/request.

[Note: Items with an asterisk (\*) are required.]

Hearing Date/Time\*: \_\_\_\_\_

Location\*<sup>4</sup>: \_\_\_\_\_

Agenda/meeting materials: <http://www.cabq.gov/planning/boards-commissions>

To contact staff, email [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or call the Planning Department at 505-924-3860 and select the option for “Boards, Commissions, and ZHE Signs.”

6. Where more information about the project can be found\*:

Preferred project contact information:

Name: \_\_\_\_\_

Email: \_\_\_\_\_

Phone: \_\_\_\_\_

☐ Attachments:

- ☐ Neighborhood Association Representative Contact List from the City’s Office of Neighborhood Coordination\*
- ☐ Others: \_\_\_\_\_

☐ Online website or project page: \_\_\_\_\_

**Project Information Required for Mail/Email Notice by [IDO §14-16-6-4\(K\)\(1\)\(b\)](#):**

1. Zone Atlas Page(s)\*<sup>5</sup> \_\_\_\_\_

2. Project Illustrations, as relevant\*<sup>6</sup>

- ☐ Architectural drawings
- ☐ Elevations of the proposed building(s)
- ☐ Other illustrations of the proposed application

*See attachments or the website/project page noted above for the items marked above.*

3. The following exceptions to IDO standards have been requested for this project\*:

☐ Deviation(s)      ☐ Variance(s)      ☐ Waiver(s)

Explanation\*:

\_\_\_\_\_  
\_\_\_\_\_

<sup>4</sup> Physical address or Zoom link

<sup>5</sup> Available online here: <http://data.cabq.gov/business/zoneatlas>

<sup>6</sup> While not required for applications other than Site Plan – EPC, it is recommended that a site plan be included illustrating the location of existing buildings, if any, and the proposed project. For Site Plan – EPC, see additional attachments required below.



[Note: Items with an asterisk (\*) are required.]

4. A Pre-submittal Neighborhood Meeting was required by [Table 6-1-1](#):      Yes      No Summary  
of the Pre-submittal Neighborhood Meeting, if one occurred:

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[Note: The meeting report by the Office of Alternative Dispute Resolution is required to be provided in the application materials.]

5. **For Site Plan Applications only\***, attach site plan showing, at a minimum: **See Attached**

- ☐ a. Location of proposed buildings and landscape areas.\*
- ☐ b. Access and circulation for vehicles and pedestrians.\*
- ☐ c. Maximum height of any proposed structures, with building elevations.\*
- ☐ d. **For residential development\***: Maximum number of proposed dwelling units.
- ☐ e. **For non-residential development\***:
  - ☐ Total gross floor area of proposed project.
  - ☐ Gross floor area for each proposed use.

**Additional Information from IDO Zoning Map<sup>7</sup>:**

**Public Right-of-Way is not zoned  
and there are no overlay zones.**

- 1. Area of Property [typically in acres] \_\_\_\_\_
- 2. IDO Zone District \_\_\_\_\_
- 3. Overlay Zone(s) [if applicable] \_\_\_\_\_
- 4. Center or Corridor Area [if applicable] \_\_\_\_\_
- Current Land Use(s) [vacant, if none] \_\_\_\_\_

**NOTE:** Pursuant to [IDO §14-16-6-4\(L\)](#), property owners within 330 feet and Neighborhood Associations within 660 feet may request a post-submittal facilitated meeting. If requested at least 15 calendar days before the public meeting/hearing date noted above, the facilitated meeting will be required. To request a facilitated meeting regarding this project, contact the Planning Department at [devhelp@cabq.gov](mailto:devhelp@cabq.gov) or 505-924-3860 and select option for “Boards, Commissions, and ZHE Signs.”

#### Useful Links

**Integrated Development Ordinance (IDO):** <https://ido.abc-zone.com>

**IDO Interactive Map:** <https://tinyurl.com/idozoningmap>

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<sup>7</sup> Available here: <https://tinyurl.com/idozoningmap>

# Language Access Notice:

We provide free interpretation services to help you communicate with us. If you need help, you can request interpretation at any service counter in our Department, located in the Plaza Del Sol building, 600 2nd Street NW, Albuquerque, NM 87102.

## **Notificación de Acceso Lingüístico.**

Ofrecemos servicios gratuitos de interpretación para ayudarlo a comunicarse con nosotros. Si necesita ayuda, puede solicitar servicios de interpretación en cualquier mostrador de servicio de nuestro Departamento, ubicado en el edificio Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.

**語言輔助通知。我們提供免費口譯服務，以幫助你與我們溝通。如果你需要幫助，你可以在我們部門的任何服務台請求口譯，服務台位於 Plaza Del Sol大樓，600 2nd Street NW，阿爾伯克基，NM 87102。**

**Thông báo về cách Tiếp cận Ngôn ngữ. Chúng tôi cung cấp các dịch vụ thông dịch miễn phí để giúp quý vị giao tiếp với chúng tôi. Nếu quý vị cần giúp đỡ, quý vị có thể yêu cầu thông dịch tại bất cứ quầy dịch vụ nào trong Sở của chúng tôi, tọa lạc tại tòa nhà Plaza Del Sol, 600 2nd Street NW, Albuquerque, NM 87102.**

**Saad Hadahwiis'a O'oolkaah bee dah na'astsooz. Nihi bik'inaasdzil t'aadoo baahilinigoo 'ata' hashne' tse'esgizii ach'i' dzaadi! Dzaadi! Danihi dahootahgoo bee nihi-. Daa' danihi bidin nishli dzaadi! Dzaadi! Danihi bineesh'a yinishkeed 'ata' hashne' -di t'aa biholniihgoo tse'esgizii ket'aaz -di nihihigii dah diikaah, -k'eh -di tsin Plaza Del Sol Kiniit'aagoo, 600 2nd Kiniit'aa NW, Albuquerque, NM 87102.**

From: Maestas, Ken  
To: Maestas, Ken  
Subject: FW: [External] Public Right of Way - No address - adjacent to the 3400 - 3600 and 3100-3200 blocks of Morris Street NE\_Public Notice Inquiry Sheet Submission  
Date: Thursday, May 15, 2025 3:50:32 PM  
Attachments: jmaes001.png  
G-21 Waiver - DHO.pdf

From: Office of Neighborhood Coordination <onc@cabq.gov>  
Sent: Wednesday, April 30, 2025 4:44 PM  
To: Brito, Russell <Russell.Brito@pnm.com>  
Subject: [External] Public Right of Way - No address - adjacent to the 3400 - 3600 and 3100-3200 blocks of Morris Street NE\_Public Notice Inquiry Sheet Submission

\*\*\*\*\*

**Is this a phishing email? - Look again!**

**CAUTION:** This email was received from an **EXTERNAL** source, use caution when clicking links or opening attachments

This email is from **onc@cabq.gov** - do you know them?

Look for discrepancies in email addresses. Does the displayed **"From"** email address match?

\*\*\*\*\*

PLEASE NOTE:  
The neighborhood association contact information listed below is valid for 30 calendar days after today's date.

Dear Applicant:

Please find the neighborhood contact information listed below. Please make certain to read the information further down in this e-mail as it will help answer other questions you may have.

| Association Name                                  | Association Email  | First Name | Last Name    | Email  | Address Line 1            | City        | State | Zip   | Mobile Phone | Phone      |
|---|--|------------|--------------|--|---------------------------|-------------|-------|-------|--------------|------------|
| Cielito Lindo NA                                  | <a href="mailto:clna87111@gmail.com">clna87111@gmail.com</a>                   | Karl       | Hattler      | <a href="mailto:khattler@aol.com">khattler@aol.com</a>           | 3705 Camino Capistrano NE | Albuquerque | NM    | 87111 |              | 5052989928 |
| Cielito Lindo NA                                  | <a href="mailto:clna87111@gmail.com">clna87111@gmail.com</a>                   | Patricia   | Duda         | <a href="mailto:pat.duda.52@gmail.com">pat.duda.52@gmail.com</a> | 3720 Camino Capistrano NE | Albuquerque | NM    | 87111 | 5054403735   | 5052922015 |
| District 8 Coalition of Neighborhood Associations | <a href="mailto:district8coalition@gmail.com">district8coalition@gmail.com</a> | Bob        | Fass         | <a href="mailto:nobullbob1@gmail.com">nobullbob1@gmail.com</a>   | 5226 Edwards Drive NE     | Albuquerque | NM    | 87111 | 5052394774   | 5052935457 |
| District 8 Coalition of Neighborhood Associations | <a href="mailto:district8coalition@gmail.com">district8coalition@gmail.com</a> | Idalia     | Lechuga-Tena | <a href="mailto:idalialt@gmail.com">idalialt@gmail.com</a>       | 4405 Prairie Loft Way NE  | Albuquerque | NM    | 87111 | 5055503868   |            |

The ONC does not have any jurisdiction over any other aspect of your application beyond this neighborhood contact information. We can't answer questions about sign postings, permit status, site plans, buffers, or project plans, so we encourage you to contact the Planning Department at: 505-924-3857 Option #1, e-mail: [devhelp@cabq.gov](mailto:devhelp@cabq.gov), or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

Please note the following:

- You will need to e-mail each of the listed contacts and let them know that you are applying for an approval from the Planning Department for your project.
- Please use this online link to find the required forms you will need to submit your permit application: <https://www.cabq.gov/planning/urban-design-development/public-notice>.
- The Checklist you need for notifying neighborhood associations can be found here: <https://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance-1/public-notice>
- The Administrative Decision form you need for notifying neighborhood associations can be found here: <https://documents.cabq.gov/planning/online-forms/PublicNotice/Emailed-Notice-Administrative-Print&Fill.pdf>
- Once you have e-mailed the listed contacts in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the ONC to your application and submit it to the Planning Department for approval.

If you have questions about what type of notification is required for your particular project or meetings that might be required, please click on the link below to see a table of different types of projects and what notification is required for each: <https://do-abc-zone.com/integrated-development-ordinance-ido?document=1&outline-name=6-1%20Procedures%20Summary%20Table>

Thank you,

Suzie



**Suzie Flores**  
Senior Administrative Assistant

Office of Neighborhood Coordination (ONC) | City Council Department | City of Albuquerque  
(505) 768-3334 Office  
E-mail: [suzannaflores@cabq.gov](mailto:suzannaflores@cabq.gov)  
Website: [www.cabq.gov/neighborhoods](http://www.cabq.gov/neighborhoods)

From: [webmaster@cabq.gov](mailto:webmaster@cabq.gov) <[webmaster@cabq.gov](mailto:webmaster@cabq.gov)>  
Sent: Wednesday, April 30, 2025 4:35 PM  
To: Office of Neighborhood Coordination <[Russell.Brito@pnm.com](mailto:Russell.Brito@pnm.com)>  
Cc: Office of Neighborhood Coordination <[onc@cabq.gov](mailto:onc@cabq.gov)>  
Subject: Public Notice Inquiry Sheet Submission

**This Message Is From an External Sender**  
This message came from outside your organization.

[Report Suspicious](#)

Public Notice Inquiry For:  
Development Hearing Officer  
If you selected "Other" in the question above, please describe what you are seeking a Public Notice Inquiry for below:  
Contact Name  
Russell Brito  
Telephone Number  
505.241.2798  
Email Address  
[Russell.Brito@pnm.com](mailto:Russell.Brito@pnm.com)  
Company Name  
Public Service Company of New Mexico  
Company Address  
2401 Aztec Rd NE  
City  
Albuquerque  
State  
NM  
ZIP  
87107  
Legal description of the subject site for this project:  
Morris Street public R.O.W. from Toltec Rd. to Chapala Pl. and at Quarai Ave.  
Physical address of subject site:  
Public Right of Way - No address - adjacent to the 3400 - 3600 and 3100-3200 blocks of Morris Street NE  
Subject site cross streets:  
Morris Street at Quarai Ave., Morris Street at Toltec Rd. and Morris Street at Chapala Pl.

Other subject site identifiers:

Morris Street between Candelaria Rd. and Comanche Rd.

This site is located on the following zone atlas page:

G-21

Captcha

x

**From:** [Maestas, Ken](#)  
**To:** [pat.duda.52@gmail.com](mailto:pat.duda.52@gmail.com)  
**Cc:** [clna87111@gmail.com](mailto:clna87111@gmail.com)  
**Subject:** FW: Request for Waiver -DHO by Public Service Company of New Mexico (PNM)  
**Date:** Friday, May 23, 2025 9:14:00 AM  
**Attachments:** [Morris 12 - Morris Street NE - Exhibit.pdf](#)  
[Emailed-Notice-Public Hearing - Morris St. NE.pdf](#)  
[FW External Public Right of Way - No address - adjacent to the 3400 - 3600 and 3100-3200 blocks of Morris Street NE Public Notice Inquiry Sheet Submission.msg](#)  
[G-21 Waiver - DHO.pdf](#)

---

Good morning.

PNM has been notified by city planning staff that our request for a Waiver – DHO has been scheduled for the June 11 hearing.

Regards,

Ken Maestas,  
Environmental Services  
Land Use and Permitting  
PNM | 2401 Aztec NE, Albuquerque, NM 87107  
505-241-4436 office, 505-350-2562 cell  
[ken.maestas@pnm.com](mailto:ken.maestas@pnm.com)



---

**From:** Maestas, Ken <Ken.Maestas@pnm.com>  
**Sent:** Friday, May 16, 2025 10:02 AM  
**To:** [pat.duda.52@gmail.com](mailto:pat.duda.52@gmail.com)  
**Cc:** [clna87111@gmail.com](mailto:clna87111@gmail.com)  
**Subject:** Request for Waiver -DHO by Public Service Company of New Mexico (PNM)

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[ken.maestas@pnm.com](mailto:ken.maestas@pnm.com)





**From:** [Maestas, Ken](#)  
**To:** [nobullbob1@gmail.com](mailto:nobullbob1@gmail.com)  
**Cc:** [district8coalition@gmail.com](mailto:district8coalition@gmail.com)  
**Subject:** FW: Request for Waiver -DHO by Public Service Company of New Mexico (PNM)  
**Date:** Friday, May 23, 2025 9:16:00 AM  
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[ken.maestas@pnm.com](mailto:ken.maestas@pnm.com)



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**From:** Maestas, Ken <Ken.Maestas@pnm.com>  
**Sent:** Friday, May 16, 2025 10:02 AM  
**To:** nobullbob1@gmail.com  
**Cc:** district8coalition@gmail.com  
**Subject:** Request for Waiver -DHO by Public Service Company of New Mexico (PNM)

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[ken.maestas@pnm.com](mailto:ken.maestas@pnm.com)





**From:** [Maestas, Ken](#)  
**To:** [khattler@aol.com](mailto:khattler@aol.com)  
**Cc:** [clna87111@gmail.com](mailto:clna87111@gmail.com)  
**Bcc:** [Brito, Russell](#)  
**Subject:** FW: Request for Waiver -DHO by Public Service Company of New Mexico (PNM)  
**Date:** Friday, May 23, 2025 9:25:00 AM  
**Attachments:** [G-21 Waiver - DHO.pdf](#)  
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[ken.maestas@pnm.com](mailto:ken.maestas@pnm.com)



---

**From:** Maestas, Ken <Ken.Maestas@pnm.com>  
**Sent:** Friday, May 16, 2025 10:02 AM  
**To:** [khattler@aol.com](mailto:khattler@aol.com)  
**Cc:** [clna87111@gmail.com](mailto:clna87111@gmail.com)  
**Subject:** Request for Waiver -DHO by Public Service Company of New Mexico (PNM)

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505-241-4436 office  
[ken.maestas@pnm.com](mailto:ken.maestas@pnm.com)



**From:** [Maestas, Ken](#)  
**To:** [idalialt@gmail.com](mailto:idalialt@gmail.com)  
**Cc:** [district8coalition@gmail.com](mailto:district8coalition@gmail.com)  
**Bcc:** [Brito, Russell](#)  
**Subject:** FW: Request for Waiver -DHO by Public Service Company of New Mexico (PNM)  
**Date:** Friday, May 23, 2025 9:24:00 AM  
**Attachments:** [FW External Public Right of Way - No address - adjacent to the 3400 - 3600 and 3100-3200 blocks of Morris Street NE Public Notice Inquiry Sheet Submission.msg](#)  
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505-241-4436 office, 505-350-2562 cell  
[ken.maestas@pnm.com](mailto:ken.maestas@pnm.com)



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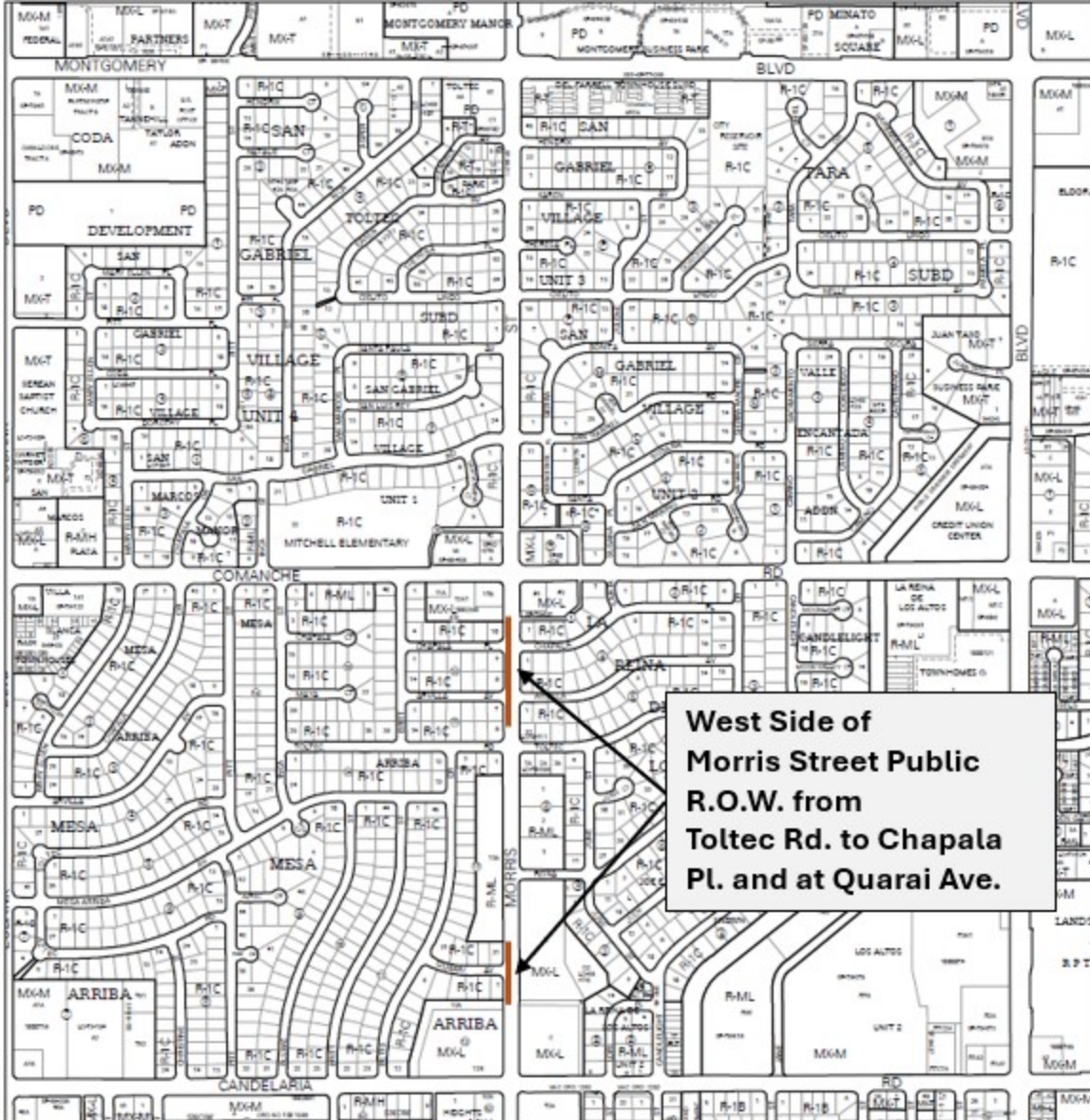
**From:** Maestas, Ken <Ken.Maestas@pnm.com>  
**Sent:** Friday, May 16, 2025 10:02 AM  
**To:** [idalialt@gmail.com](mailto:idalialt@gmail.com)  
**Cc:** [district8coalition@gmail.com](mailto:district8coalition@gmail.com)  
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Ken Maestas,  
Environmental Services  
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505-241-4436 office  
[ken.maestas@pnm.com](mailto:ken.maestas@pnm.com)



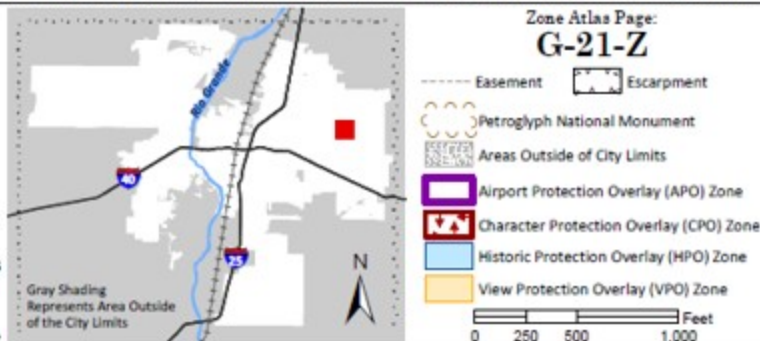


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

**IDO Zone Atlas**  
**May 2018**



**IDO Zoning information as of May 17, 2018**  
**The Zone Districts and Overlay Zones**  
**are established by the**  
**Integrated Development Ordinance (IDO).**



Request for Waiver -DHO by Public Service Company of New Mexico (PNM)

MK

Maestas, Ken

To 

●

 idalialt@gmail.com

Cc 

●

 district8coalition@gmail.com

↩ Reply

↩ Reply All

➡ Forward

⋮

Fri 5/16/2025 10:02 AM

Internal

- ✉

FW: [External] Public Right of Way - No address - adjacent to the 3400 - 3600 and 3100-3200 blocks of Morris Street NE\_Public Notice Inquiry Sheet Submission

Outlook item

▼

📄

G-21 Waiver - DHO.pdf

228 KB

▼
- 📄

Morris 12 - Morris Street NE - Exhibit.pdf

193 KB

▼

📄

Emailed-Notice-Public Hearing - Morris St. NE.pdf

432 KB

▼

PNM is submitting an application to the Development Hearing Officer. Please see attached for details.

Respectfully,

Ken Maestas,  
Environmental Services  
Land Use and Permitting  
PNM | 2401 Aztec NE, Albuquerque, NM 87107  
505-241-4436 office  
[ken.maestas@pnm.com](mailto:ken.maestas@pnm.com)





Request for Waiver -DHO by Public Service Company of New Mexico (PNM)

MK

Maestas, Ken

To ● khattler@aol.com

Cc ● clna87111@gmail.com

↩ Reply

↩ Reply All

➡ Forward

⋮

Fri 5/16/2025 10:02 AM

Internal

|  |  |
|--|--|
| <div><div>PDF</div><div>G-21 Waiver - DHO.pdf</div><div>228 KB</div></div>                             | <div><div>PDF</div><div>Morris 12 - Morris Street NE - Exhibit.pdf</div><div>193 KB</div></div>  |
| <div><div>PDF</div><div>Emailed-Notice-Public Hearing - Morris St. NE.pdf</div><div>432 KB</div></div> | <div><div>✉</div><div>FW: [External] Public Right of Way - No address - adjacent to the 3400 - 3600 and 3100-3200 blocks of Morris Street NE_Public Notice Inquiry Sheet Submission</div><div>Outlook item</div></div> |

PNM is submitting an application to the Development Hearing Officer. Please see attached for details.

Respectfully,

Ken Maestas,  
Environmental Services  
Land Use and Permitting  
PNM | 2401 Aztec NE, Albuquerque, NM 87107  
505-241-4436 office  
[ken.maestas@pnm.com](mailto:ken.maestas@pnm.com)



## MORRIS 12 FEEDER RELOCATION FROM NEIGHBORHOOD TO MORRIS STREET

Approx. 1050' of underground distribution feeder to avoid conflicts with multiple curb cut access points to parking lots and circulation for apartments along Morris Street.

**Remove** approx. 550' of overhead distribution feeder line and two poles from inside the neighborhood.

Existing overhead distribution lines.

Existing overhead distribution feeder line.

Approx. 600' of overhead distribution feeder line and 4 new poles in Morris Street Right-of-Way.

Approx. 300' of overhead distribution feeder line and 2 new poles in Morris Street Right-of-Way.

Existing overhead distribution feeder lines.

Candelaria Rd

Morris Street

Comanche Rd



**From:** [Pat Duda](#)  
**To:** [Maestas, Ken](#)  
**Cc:** [Karl & Esther Hattler](#); [Bob Fass](#)  
**Subject:** [External] Re: FW: Request for Waiver -DHO by Public Service Company of New Mexico (PNM)  
**Date:** Friday, May 23, 2025 1:48:49 PM

---

\*\*\*\*\*

**Is this a phishing email? - Look again!**

**CAUTION:** This email was received from an **EXTERNAL** source, use caution when clicking links or opening attachments

This email is from [pat.duda.52@gmail.com](mailto:pat.duda.52@gmail.com) - do you know them?

Look for discrepancies in email addresses. Does the displayed "**From**" email address match?

\*\*\*\*\*

Hello Ken Maestas,  
The Cielito Lindo Neighborhood Association has no objection to this project.  
Pat Duda, Secretary  
Cielito Lindo Neighborhood Association

On Fri, May 23, 2025 at 10:26 AM Maestas, Ken <[Ken.Maestas@pnm.com](mailto:Ken.Maestas@pnm.com)> wrote:

Good morning.

Attached is an updated "Notice – Public Hearing" form for the Waiver – DHO request by PNM.

Regards,

Ken Maestas,  
Environmental Services  
Land Use and Permitting  
PNM | 2401 Aztec NE, Albuquerque, NM 87107  
505-241-4436 office  
[ken.maestas@pnm.com](mailto:ken.maestas@pnm.com)



---

**From:** Maestas, Ken  
**Sent:** Friday, May 23, 2025 9:15 AM  
**To:** [pat.duda.52@gmail.com](mailto:pat.duda.52@gmail.com)  
**Cc:** [clna87111@gmail.com](mailto:clna87111@gmail.com)  
**Subject:** FW: Request for Waiver -DHO by Public Service Company of New Mexico (PNM)

Good morning.

PNM has been notified by city planning staff that our request for a Waiver – DHO has been scheduled for the June 11 hearing.

Regards,

Ken Maestas,

Environmental Services

Land Use and Permitting

PNM | 2401 Aztec NE, Albuquerque, NM 87107

505-241-4436 office, 505-350-2562 cell

[ken.maestas@pnm.com](mailto:ken.maestas@pnm.com)



---

**From:** Maestas, Ken <[Ken.Maestas@pnm.com](mailto:Ken.Maestas@pnm.com)>

**Sent:** Friday, May 16, 2025 10:02 AM

**To:** [pat.duda.52@gmail.com](mailto:pat.duda.52@gmail.com)

**Cc:** [clna87111@gmail.com](mailto:clna87111@gmail.com)

**Subject:** Request for Waiver -DHO by Public Service Company of New Mexico (PNM)

PNM is submitting an application to the Development Hearing Officer. Please see attached for details.

Respectfully,

Ken Maestas,

Environmental Services

Land Use and Permitting

PNM | 2401 Aztec NE, Albuquerque, NM 87107

505-241-4436 office

[ken.maestas@pnm.com](mailto:ken.maestas@pnm.com)



From: [khattler@aol.com](mailto:khattler@aol.com)  
To: [Maestas\\_Ken](mailto:Maestas_Ken)  
Subject: [External] Re: Request for Waiver -DHO by Public Service Company of New Mexico (PNM)  
Date: Sunday, May 25, 2025 3:25:12 PM  
Attachments: [maestas01.png](#)

\*\*\*\*\*  
**Is this a phishing email? - Look again!**  
**CAUTION:** This email was received from an **EXTERNAL** source, use caution when clicking links or opening attachments  
This email is from [khattler@aol.com](mailto:khattler@aol.com) - do you know them?  
Look for discrepancies in email addresses. Does the displayed **"From"** email address match?  
\*\*\*\*\*

The Cielito Lindo NA has no objection to  
Any work within our neighborhood .

[Sent from the all new AOL app for iOS](#)

On Friday, May 23, 2025, 9:25 AM, Maestas, Ken <Ken.Maestas@pnm.com> wrote:

Good morning.

PNM has been notified by city planning staff that our request for a Waiver – DHO has been scheduled for the June 11 hearing.

Regards,

**Ken Maestas,**  
Environmental Services  
Land Use and Permitting  
PNM | 2401 Aztec NE, Albuquerque, NM 87107  
505-241-4436 office, 505-350-2562 cell  
[ken.maestas@pnm.com](mailto:ken.maestas@pnm.com)



From: Maestas, Ken <Ken.Maestas@pnm.com>  
Sent: Friday, May 16, 2025 10:02 AM  
To: [khattler@aol.com](mailto:khattler@aol.com)  
Cc: [clna87111@gmail.com](mailto:clna87111@gmail.com)  
Subject: Request for Waiver -DHO by Public Service Company of New Mexico (PNM)

PNM is submitting an application to the Development Hearing Officer. Please see attached for details.

Respectfully,

**Ken Maestas,**  
Environmental Services  
Land Use and Permitting  
PNM | 2401 Aztec NE, Albuquerque, NM 87107  
505-241-4436 office  
[ken.maestas@pnm.com](mailto:ken.maestas@pnm.com)



From: Office of Neighborhood Coordination <[onc@cabq.gov](mailto:onc@cabq.gov)>  
Sent: Wednesday, April 30, 2025 4:44 PM  
To: Brito, Russell <[Russell.Brito@pnm.com](mailto:Russell.Brito@pnm.com)>  
Subject: [External] Public Right of Way - No address - adjacent to the 3400 - 3600 and 3100-3200 blocks of Morris Street NE\_Public Notice Inquiry Sheet Submission

\*\*\*\*\*  
**Is this a phishing email? - Look again!**  
**CAUTION:** This email was received from an **EXTERNAL** source, use caution when clicking links or opening attachments  
This email is from [onc@cabq.gov](mailto:onc@cabq.gov) - do you know them?  
Look for discrepancies in email addresses. Does the displayed **"From"** email address match?  
\*\*\*\*\*

**PLEASE NOTE:**  
The neighborhood association contact information listed below is valid for 30 calendar days after today's date.

Dear Applicant:

Please find the neighborhood contact information listed below. Please make certain to read the information further down in this e-mail as it will help answer other questions you may have.

| Association Name                                  | Association Email  | First Name | Last Name    | Email  | Address Line 1            | City        | State | Zip   | Mobile Phone | Phone      |
|---|--|------------|--------------|--|---------------------------|-------------|-------|-------|--------------|------------|
| Cielito Lindo NA                                  | <a href="mailto:clna87111@gmail.com">clna87111@gmail.com</a>                   | Karl       | Hattler      | <a href="mailto:khattler@aol.com">khattler@aol.com</a>           | 3705 Camino Capistrano NE | Albuquerque | NM    | 87111 |              | 5052989928 |
| Cielito Lindo NA                                  | <a href="mailto:clna87111@gmail.com">clna87111@gmail.com</a>                   | Patricia   | Duda         | <a href="mailto:pat.duda.52@gmail.com">pat.duda.52@gmail.com</a> | 3720 Camino Capistrano NE | Albuquerque | NM    | 87111 | 5054403735   | 5052922015 |
| District 8 Coalition of Neighborhood Associations | <a href="mailto:district8coalition@gmail.com">district8coalition@gmail.com</a> | Bob        | Fass         | <a href="mailto:nobullbob1@gmail.com">nobullbob1@gmail.com</a>   | 5226 Edwards Drive NE     | Albuquerque | NM    | 87111 | 5052394774   | 5052935457 |
| District 8 Coalition of Neighborhood Associations | <a href="mailto:district8coalition@gmail.com">district8coalition@gmail.com</a> | Idalia     | Lechuga-Tena | <a href="mailto:idalialt@gmail.com">idalialt@gmail.com</a>       | 4405 Prairie Loft Way NE  | Albuquerque | NM    | 87111 | 5055503868   |            |

The ONC does not have any jurisdiction over any other aspect of your application beyond this neighborhood contact information. We can't answer questions about sign postings, permit status, site plans, buffers, or project plans, so we encourage you to contact the Planning Department at: 505-924-3857 Option #1, e-mail: [devhelp@cabq.gov](mailto:devhelp@cabq.gov), or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

- Please note the following:
- You will need to e-mail each of the listed contacts and let them know that you are applying for an approval from the Planning Department for your project.
  - Please use this online link to find the required forms you will need to submit your permit application: <https://www.cabq.gov/planning/urban-design-development/public-notice>.
  - The Checklist you need for notifying neighborhood associations can be found here: <https://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance-1/public-notice>
  - The Administrative Decision form you need for notifying neighborhood associations can be found here: <https://documents.cabq.gov/planning/online-forms/PublicNotice/Emailed-Notice-Administrative-Print&Fill.pdf>
  - Once you have e-mailed the listed contacts in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the ONC to your application and submit it to the Planning Department for approval.

If you have questions about what type of notification is required for your particular project or meetings that might be required, please click on the link below to see a table of different types of projects and what notification is required for each: <https://do-abc-zone.com/integrated-development-ordinance-ido?document=1&outline-name=6-1%20Procedures%20Summary%20Table>

Thank you,

Suzie



**Suzie Flores**

Senior Administrative Assistant

Office of Neighborhood Coordination (ONC) | City Council Department | City of Albuquerque  
(505) 768-3334 Office  
E-mail: [suzannaflores@cabq.gov](mailto:suzannaflores@cabq.gov)  
Website: [www.cabq.gov/neighborhoods](http://www.cabq.gov/neighborhoods)

**From:** [webmaster@cabq.gov](mailto:webmaster@cabq.gov) <[webmaster@cabq.gov](mailto:webmaster@cabq.gov)>  
**Sent:** Wednesday, April 30, 2025 4:35 PM  
**To:** Office of Neighborhood Coordination <[Russell.Brito@pnm.com](mailto:Russell.Brito@pnm.com)>  
**Cc:** Office of Neighborhood Coordination <[onc@cabq.gov](mailto:onc@cabq.gov)>  
**Subject:** Public Notice Inquiry Sheet Submission

---

**This Message Is From an External Sender**

This message came from outside your organization.

[Report Suspicious](#)

Public Notice Inquiry For:

Development Hearing Officer

If you selected "Other" in the question above, please describe what you are seeking a Public Notice Inquiry for below:

Contact Name

Russell Brito

Telephone Number

505.241.2798

Email Address

[Russell.Brito@pnm.com](mailto:Russell.Brito@pnm.com)

Company Name

Public Service Company of New Mexico

Company Address

2401 Aztec Rd NE

City

Albuquerque

State

NM

ZIP

87107

Legal description of the subject site for this project:

Morris Street public R.O.W. from Toltec Rd. to Chapala Pl. and at Quarai Ave.

Physical address of subject site:

Public Right of Way - No address - adjacent to the 3400 - 3600 and 3100-3200 blocks of Morris Street NE

Subject site cross streets:

Morris Street at Quarai Ave., Morris Street at Toltec Rd. and Morris Street at Chapala Pl.

Other subject site identifiers:

Morris Street between Candelaria Rd. and Comanche Rd.


This site is located on the following zone atlas page:

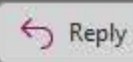
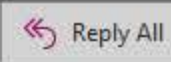
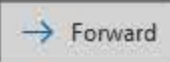

G-21

Captcha


x

Request for Waiver -DHO by Public Service Company of New Mexico (PNM)

 Maestas, Ken  
To ● nobullbob1@gmail.com  
Cc ● district8coalition@gmail.com

 Reply  Reply All  Forward 

Fri 5/16/2025 10:02 AM

 Internal

|   |   |
|---|---|
|  G-21 Waiver - DHO.pdf<br>228 KB   |  Emailed-Notice-Public Hearing - Morris St. NE.pdf<br>432 KB |
|  FW: [External] Public Right of Way - No address - adjacent to the 3400 - 3600 and 3100-3200 blocks of Morris Street NE_Public Notice Inquiry Sheet Submission<br>Outlook item |  Morris 12 - Morris Street NE - Exhibit.pdf<br>193 KB        |

PNM is submitting an application to the Development Hearing Officer. Please see attached for details.

Respectfully,

Ken Maestas,  
Environmental Services  
Land Use and Permitting  
PNM | 2401 Aztec NE, Albuquerque, NM 87107  
505-241-4436 office  
[ken.maestas@pnm.com](mailto:ken.maestas@pnm.com)





**Please check the appropriate box(es) and refer to supplemental forms for submittal requirements. All fees must be paid at the time of application. Please note that these applications are not reviewed in a public meeting.**

| SUBDIVISIONS   | MISCELLANEOUS APPLICATIONS   |
|--|--|
| <input type="checkbox"/> Major – Preliminary Plat (Forms PLT & S1)           | <input type="checkbox"/> Sidewalk Waiver (Form V2)                   |
| <input type="checkbox"/> Major – Bulk Land Plat (Forms PLT & S1)             | <input checked="" type="checkbox"/> Waiver to IDO (Form V2)          |
| <input type="checkbox"/> Extension of Preliminary Plat (Form S1)             | <input type="checkbox"/> Waiver to DPM (Form V2)                     |
| <input type="checkbox"/> Minor Amendment - Preliminary Plat (Forms PLT & S2) | <input type="checkbox"/> Vacation of Public Right-of-way (Form V)    |
| <input type="checkbox"/> Minor - Final Plat (Forms PLT & S2)                 | <input type="checkbox"/> Vacation of Public Easement(s) DHO (Form V) |
| <input type="checkbox"/> Minor – Preliminary/Final Plat (Forms PLT & S2)     | <input type="checkbox"/> Vacation of Private Easement(s) (Form V)    |
|  | <b>APPEAL</b>  |
|  | <input type="checkbox"/> Decision of DHO (Form A)                    |

### BRIEF DESCRIPTION OF REQUEST

Public Service Company of New Mexico (PNM) is requesting a waiver to the underground requirement of new electric distribution feeders ( see attached description).

### APPLICATION INFORMATION

|   |           |                                       |
|---|-----------|---------------------------------------|
| Applicant/Owner: Public Service Company of New Mexico |           | Phone: 505-241-4436                   |
| Address: 2401 Aztec NE                                |           | Email: kenny.maestas@pnmresources.com |
| City: Albuquerque                                     | State: NM | Zip: 87107                            |
| Professional/Agent (if any):                          |           | Phone:                                |
| Address:  |           | Email:                                |
| City:   | State:    | Zip:                                  |
| Proprietary Interest in Site:                         |           | List <u>all</u> owners:               |

### SITE INFORMATION (Accuracy of the existing legal description is crucial! Attach a separate sheet if necessary.)

|   |                         |                |                                 |
|---|-------------------------|----------------|---------------------------------|
| Lot or Tract No.: Right-of-Way (See attached Franchise Agreement) |                         | Block:         | Unit:                           |
| Subdivision/Addition: N/A   |                         | MRGCD Map No.: | UPC Code: N/A                   |
| Zone Atlas Page(s):   | Existing Zoning: N/A    |                | Proposed Zoning: N/A            |
| # of Existing Lots: N/A   | # of Proposed Lots: N/A |                | Total Area of Site (Acres): N/A |

### LOCATION OF PROPERTY BY STREETS

|   |                         |                   |
|---|-------------------------|-------------------|
| Site Address/Street: West side of Morris St. NE | Between: Candelaria Rd. | and: Comanche St. |
|---|-------------------------|-------------------|

### CASE HISTORY (List any current or prior project and case number(s) that may be relevant to your request.)

I certify that the information I have included here and sent in the required notice was complete, true, and accurate to the extent of my knowledge.

|                             |   |
|-----------------------------|---|
| Signature:                  | Date: 22 May 2025   |
| Printed Name: Russell Brito | <input checked="" type="checkbox"/> Applicant or <input type="checkbox"/> Agent |

**FORM V2: WAIVER - DHO**

***Please refer to the DHO public meeting schedule for meeting dates and deadlines. Your attendance is required.***

☐ **SIDEWALK WAIVER**

A Single PDF file of the complete application including all documents being submitted must be emailed to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov). Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided to City Staff using other online resources such as Dropbox or FTP. *The PDF shall be organized in the number order below.* Divide the PDF with a title sheet for each of the three documentation sections in **bold** below.

**WAIVER DOCUMENTATION**

- \_\_\_ 1) DHO Application form completed, signed, and dated
- \_\_\_ 2) Form V2 with all the submittal items checked/marked
- \_\_\_ 3) Zone Atlas map with the entire site clearly outlined and labeled
- \_\_\_ 4) Scale drawing showing the location of the proposed waiver, as applicable

**SUPPORTIVE DOCUMENTATION**

- \_\_\_ 5) Letter of authorization from the property owner if application is submitted by an agent
- \_\_\_ 6) Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-6(P)(3)
- \_\_\_ 7) Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)

**PUBLIC NOTICE DOCUMENTATION**

- \_\_\_ 8) Proof of a Pre-Submittal Neighborhood Meeting per IDO 14-16-6-4(C)
  - C Office of Neighborhood Coordination neighborhood meeting inquiry response
  - C Proof of email with read receipt OR Certified Letter offering meeting to applicable associations
  - \_\_\_ Completed neighborhood meeting request form(s)
  - \_\_\_ If a meeting was requested or held, copy of sign-in sheet and meeting notes
- \_\_\_ 9) Required Content of Notice at Submittal per IDO Section 14-16-6-4(K)(1) (not required for an extension)
  - \_\_\_ Office of Neighborhood Coordination notice inquiry response
  - \_\_\_ Completed notification form(s), proof of additional information provided in accordance with IDO Section 6-4(K)(1)(b)
  - \_\_\_ Proof of emailed notice to affected Neighborhood Association representatives

\_\_\_ 10) Interpreter Needed for Hearing? \_\_\_ if yes, indicate language: \_\_\_



### WAIVER - IDO

A Single PDF file of the complete application including all documents being submitted must be emailed to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov). Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided to City Staff using other online resources such as Dropbox or FTP. The PDF shall be organized in the number order below. Divide the PDF with a title sheet for each of the three documentation sections in **bold** below.

#### **WAIVER DOCUMENTATION**

- ☒ 1) DHO Application form completed, signed, and dated
- ☒ 2) Form V2 with all the submittal items checked/marked
- ☒ 3) Zone Atlas map with the entire site clearly outlined and labeled
- ☒ 4) Scale drawing showing the location of the proposed waiver, as applicable

#### **SUPPORTIVE DOCUMENTATION**

- ☒ 5) Letter of authorization from the property owner if application is submitted by an agent
- ☒ 6) Letter describing, explaining, and justifying the request per the criteria in IDO Section 14-16-6-6(P)(3)
- ☒ 7) Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)

#### **PUBLIC NOTICE DOCUMENTATION**

- ☒ 8) Proof of a Pre-Submittal Neighborhood Meeting per IDO 14-16-6-4(C)
  - ☒ Office of Neighborhood Coordination neighborhood meeting inquiry response
  - ☒ Proof of email with read receipt OR Certified Letter offering meeting to applicable associations
  - ☒ Completed neighborhood meeting request form(s)
  - \_\_\_ If a meeting was requested or held, copy of sign-in sheet and meeting notes
- \_\_\_ 9) Required Content of Notice at Submittal per IDO Section 14-16-6-4(K)(1) (not required for an extension)
  - \_\_\_ Office of Neighborhood Coordination notice inquiry response
  - \_\_\_ Completed notification form(s), proof of additional information provided in accordance with IDO Section 6-4(K)(1)(b)
  - \_\_\_ Proof of emailed notice to affected Neighborhood Association representatives
- \_\_\_ 10) Interpreter Needed for Hearing? \_\_\_ if yes, indicate language: \_\_\_



☐ **WAIVER – DPM (MUST BE HEARD WITH SUBDIVISION ACTION)**

A Single PDF file of the complete application including all documents being submitted must be emailed to [PLNDRS@cabq.gov](mailto:PLNDRS@cabq.gov). Zipped files or those over 9 MB cannot be delivered via email, in which case the PDF must be provided to City Staff using other online resources such as Dropbox or FTP. The PDF shall be organized in the number order below. Divide the PDF with a title sheet for each of the three documentation sections in **bold** below.

**WAIVER DOCUMENTATION**

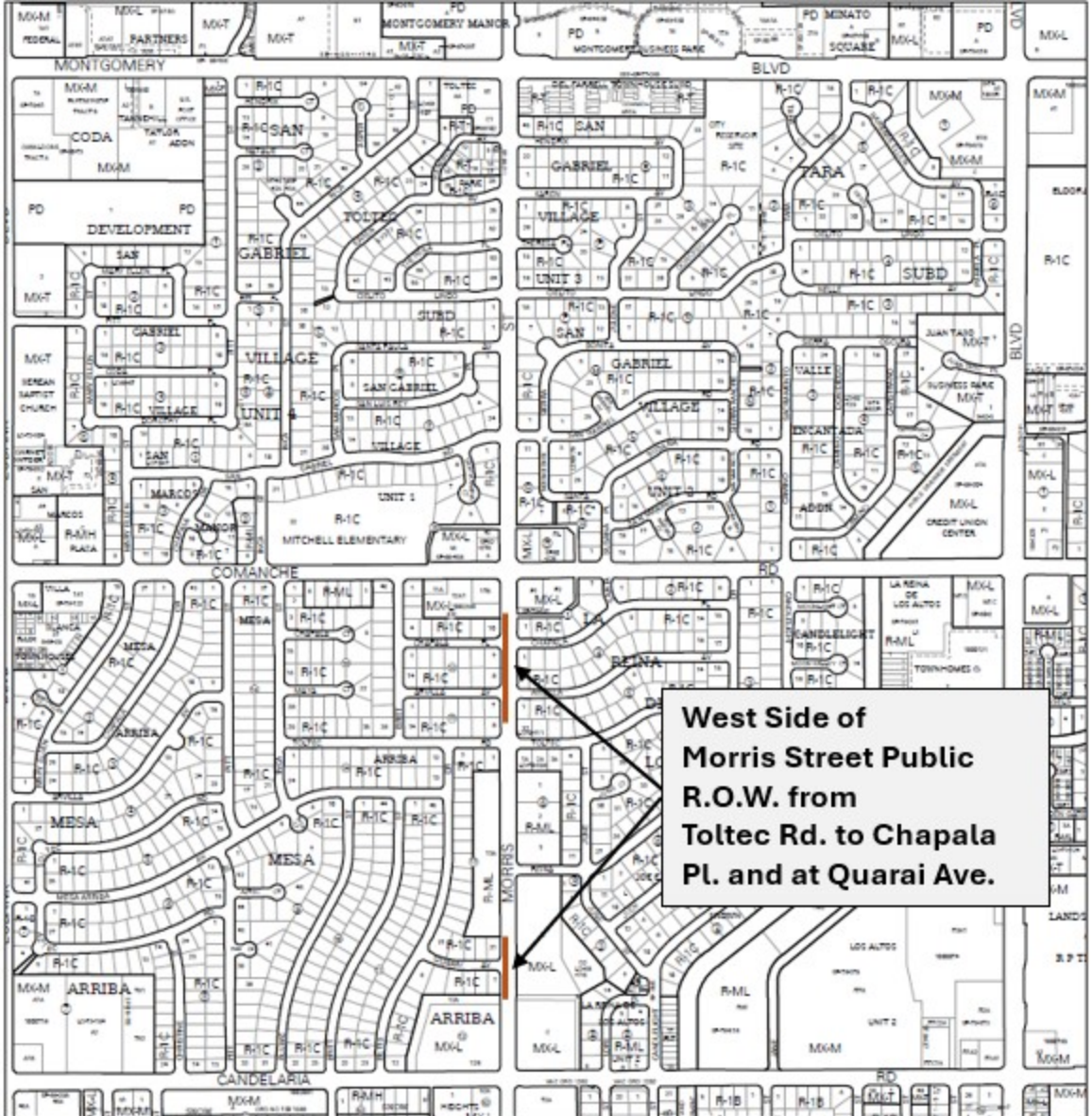
- \_\_\_ 1) DHO Application form completed, signed, and dated
- \_\_\_ 2) Form V2 with all the submittal items checked/marked
- \_\_\_ 3) Zone Atlas map with the entire site clearly outlined and labeled
- \_\_\_ 4) Scale drawing showing the location of the proposed waiver, as applicable

**SUPPORTIVE DOCUMENTATION**

- \_\_\_ 5) Letter of authorization from the property owner if application is submitted by an agent
- \_\_\_ 6) Letter describing, explaining, and justifying the request per the criteria in DPM – Chapter 2
- \_\_\_ 7) Proof of Pre-Application Meeting with City staff per IDO Section 14-16-6-4(B)

**PUBLIC NOTICE DOCUMENTATION**

- \_\_\_ 8) Sign Posting Agreement – **this step is not required if waiver is to be heard with a minor subdivision plat**
- \_\_\_ 9) Required Content of Notice at Submittal per IDO Section 14-16-6-4(K)(1)
  - \_\_\_ Office of Neighborhood Coordination notice inquiry response
  - \_\_\_ Buffer map and list of property owners within 100 feet (excluding public rights-of-way) provided by the Planning Department - **this step is not required if waiver is to be heard with a minor subdivision plat**
  - \_\_\_ Completed notification form(s), proof of additional information provided in accordance with IDO Section 6-4(K)(1)(b)
  - \_\_\_ Proof of emailed notice to affected Neighborhood Association representatives
  - \_\_\_ Proof of first class mailing to affected Neighborhood Association representatives and property owners within 100 feet – **this step is not required if waiver is to be heard with a minor subdivision plat**
- \_\_\_ 10) Interpreter Needed for Hearing? \_\_\_ if yes, indicate language: \_\_\_

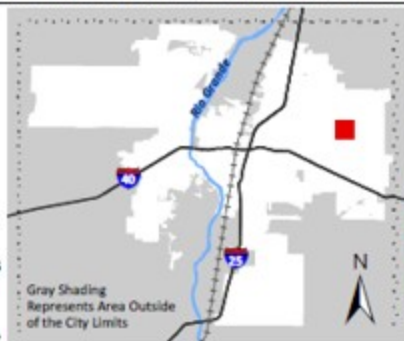


For more details about the Integrated Development Ordinance visit: <http://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance>

## IDO Zone Atlas May 2018



IDO Zoning information as of May 17, 2018  
The Zone Districts and Overlay Zones  
are established by the  
Integrated Development Ordinance (IDO).



Zone Atlas Page:  
**G-21-Z**

- Easement
- Escarpment
- Petroglyph National Monument
- Areas Outside of City Limits
- Airport Protection Overlay (APO) Zone
- Character Protection Overlay (CPO) Zone
- Historic Protection Overlay (HPO) Zone
- View Protection Overlay (VPO) Zone

Gray Shading  
Represents Area Outside  
of the City Limits



0 250 500 1,000  
Feet

# CITY of ALBUQUERQUE

## TWENTY FOURTH COUNCIL

COUNCIL BILL NO. O-20-11 ENACTMENT NO. D-2020-015

SPONSORED BY: Pat Davis, by request

### 1 ORDINANCE

2 GRANTING A FRANCHISE AUTHORITY TO THE PUBLIC SERVICE COMPANY  
3 OF NEW MEXICO TO CONSTRUCT, MAINTAIN AND OPERATE ELECTRIC  
4 POWER INFRASTRUCTURE IN THE PUBLIC RIGHTS-OF-WAY OF THE CITY OF  
5 ALBUQUERQUE; REPEALING SECTIONS 13-4-2-1 THROUGH 13-4-2-11.

6 WHEREAS, as a home rule municipality and municipal corporation  
7 pursuant to state law, the City of Albuquerque ("City") is authorized to grant a  
8 franchise authority to the Public Service Company of New Mexico for the  
9 construction, maintenance, and operation of its facilities and distribution  
10 systems within the City's streets and other public rights-of-way; and

11 WHEREAS a franchise granted by a municipality to a public utility means it  
12 is authorized to use the public rights-of-way to construct, maintain and  
13 operate its electric power infrastructure, including its facilities and equipment;  
14 and

15 WHEREAS the City's existing franchise authority with the Public Service  
16 Company of New Mexico ("PNM") has expired; and

17 WHEREAS PNM's franchise authority has renewed automatically pursuant  
18 to New Mexico law since the expiration of its term.

19 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF  
20 ALBUQUERQUE:

#### 21 SECTION 1. SHORT TITLE.

22 This Ordinance shall be known and may be cited as the PNM Franchise  
23 Ordinance.

#### 24 SECTION 2. GRANT OF AUTHORITY.

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1       (A)       Grant. The City, a home rule municipality and municipal corporation  
2       created under Article X, Section 6 of the New Mexico Constitution and Chapter  
3       3 of the New Mexico Statutes Annotated, 1978, hereby grants to PNM, its  
4       successors, and assigns (collectively referred to as the "Public Service  
5       Company of New Mexico" or "PNM") the right and privilege to use, construct,  
6       maintain and operate electric power infrastructure in the City's streets and  
7       other public rights-of-way. More specifically, the City grants to PNM the right  
8       and privilege to use, construct, install, place, erect, lay, remove, change,  
9       expand, alter, improve, maintain and operate electric power infrastructure in,  
10      upon, over and under the public rights-of-way, including the streets, alleys,  
11      avenues, thoroughfares, highways, and other similar public property within  
12      the City, as they exist now and as they may be hereafter extended, dedicated,  
13      annexed, owned or controlled by the City; such electric power infrastructure  
14      includes PNM's generation, transmission, and distribution facilities and  
15      equipment within the City limits.

16      (B)       Franchise Not Exclusive. The franchise rights and privileges  
17      extended by this grant shall never be construed or held to be exclusive. The  
18      City retains and shall ever be considered as having and retaining the right and  
19      power to allow and to grant to any other person, firm or corporation and other  
20      electrical companies, including the City itself, these same franchise rights and  
21      privileges to be exercised in and upon its streets, highways, alleys, and roads,  
22      and other public places as permitted by the City.

23      (C)       Jurisdiction of the Public Regulation Commission. The New Mexico  
24      Public Regulation Commission ("Commission") has the sole authority in New  
25      Mexico to grant a company the right to provide electric service. The rates to  
26      be charged by PNM for furnishing electricity shall be those rates effective by  
27      tariffs or contracts filed with the Commission, as the same may be amended  
28      from time to time, in accordance with the rules and regulations of the  
29      Commission and the Statutes of the State of New Mexico.

30      SECTION 3. TERM.

31      (A)       Term. The rights, privileges, and franchise herein granted shall  
32      continue in full force and effect for the period of fifteen (15) years from and  
33      after the date this Ordinance becomes effective. This Ordinance shall be

1 subject to any and all State and Federal legislative enactments. The Parties  
2 agree to negotiate the franchise fee percentage upon receipt by PNM of a  
3 proposal from the City following the completion of the tenth (10<sup>th</sup>) year of the  
4 term, provided that such negotiation of the franchise fee percentage shall not  
5 obligate or otherwise require PNM to agree to the City's proposal. The Parties  
6 agree to negotiate an amendment pursuant to the process set out in Section  
7 8(D) for amendments and addenda. Any amendment of the franchise fee  
8 percentage would be effective only upon the mutual agreement of the Parties  
9 and upon Council approval.

10 **SECTION 4. FRANCHISE FEE.**

11 (A) Franchise Fee. In consideration of the rights, privileges, and  
12 franchise hereby granted, PNM shall pay the City, from and after the date of  
13 the acceptance of this franchise, on a monthly basis, a total aggregate sum of  
14 an amount equal to three percent (3%) of the gross receipts which PNM  
15 receives from the sale of electricity and the collection of energy transition  
16 charges within the municipal boundaries of the City as such boundaries exist  
17 as of the effective date or as later expanded by the City pursuant to applicable  
18 law, provided that in the event of such expansion, the City provides PNM with  
19 written notice specifying such boundary expansion pursuant to Section 8(C)  
20 of this Franchise Ordinance for the next preceding one-month period to all  
21 PNM retail customers as classified by PNM's rate schedules. PNM shall make  
22 payments on a monthly basis on or before the thirtieth (30<sup>th</sup>) day following the  
23 close of such month.

24 (B) Franchise Fee in Lieu of Other Payments for the Occupancy and Use  
25 of the Public Rights-of-Way. The franchise fee and payments made hereunder  
26 are and shall be in lieu of any and all other franchise, license, right-of-way  
27 privilege, occupancy or use fees during the term of this franchise; provided,  
28 however, that no acceptance of payment by the City shall be construed as an  
29 accord and in satisfaction as to any underpayment of amounts due under  
30 Section 4(A). This Franchise Ordinance expressly provides that ad valorem  
31 property taxes, special assessments for local improvements, gross receipts  
32 taxes, and other assessments, taxes, and fees of general applicability shall  
33 remain applicable and payable by PNM. Without limiting the foregoing, the

1 City does not waive the obligation of PNM to obtain all applicable permits and  
2 to comply with codes, ordinances, and regulations governing the operation,  
3 maintenance, and construction of its System.

4 **SECTION 5. CONSTRUCTION ACTIVITIES.**

5 (A) Construction Activities in General; Excavations. PNM shall have the  
6 right to excavate any public right-of-way, including highways, streets, alleys,  
7 avenues, thoroughfares, roads, sidewalk and other similar public property  
8 now or hereafter dedicated, owned, or controlled by the City within its  
9 municipal boundaries, as now existing or hereafter extended, as such  
10 excavations are necessary for the construction, operation, and maintenance of  
11 PNM's electric utility system and the facilities and components associated  
12 therewith, provided that all such construction activities shall be subject to any  
13 and all right-of-way management ordinances of general applicability which  
14 may be adopted pursuant to the City's police powers. In addition and except  
15 as otherwise provided by state law or regulation, all construction activities of  
16 PNM within the municipal limits of the City shall be done in compliance with  
17 the then-applicable construction, planning and zoning rules, regulations,  
18 ordinances or orders of the City and any other agency having jurisdiction.

19 (B) Restorations. There shall be no unreasonable delay in the backfilling  
20 of excavations by PNM under this Section 5, and all such excavations shall be  
21 restored by PNM at its own cost in accordance with valid ordinances and  
22 regulations which the City may adopt to reasonably control and monitor such  
23 activities. If such ordinances and regulations are not adopted or effective, it  
24 shall then be the responsibility of PNM to restore such property, insofar as  
25 practicable, to the condition of such property immediately prior to the  
26 excavation.

27 (C) Relocations. Any location or relocation of PNM's Facilities in the  
28 public rights-of-way reasonably required, caused, or occasioned by any City  
29 project, including without limitation, the installation of storm drainage,  
30 landscaping, traffic facilities, and road reconstruction, shall be at the cost of  
31 PNM and implemented in accordance with valid ordinances and regulations  
32 which the City may adopt to reasonably control and monitor such activities.  
33 Nothing in the Ordinance shall be construed in any way to prevent the City



1 from opening, grading, paving, repairing, altering, or improving any of the  
2 streets, alleys, avenues, thoroughfares, and public highways, or undertaking  
3 other municipal projects affecting public health, safety and general welfare  
4 within the City's rights-of-way in which PNM has its facilities located. Prior to  
5 such activity and in the pre-design phase of any project, the City and PNM  
6 shall make a good faith effort to coordinate activities to avoid unnecessary  
7 cost for both parties. Except as otherwise provided by State regulation or law,  
8 PNM, at its expense, shall protect, support, temporarily disconnect, relocate,  
9 or remove along under or over any street, alley, or any other public place as  
10 permitted by the City, PNM's equipment or facilities when notified in writing  
11 and reasonably required by the City for reasons attributable to a municipal  
12 project undertaken to promote public safety, health or general welfare in the  
13 exercise of the City's police powers. Notwithstanding the foregoing, this  
14 provision shall not apply to any move, regrading, rerouting, improvement, or  
15 widening undertaken for the benefit or convenience of or at the request of a  
16 third party, including a private developer or development entity or any other  
17 person who develops property within the City in a manner which necessitates  
18 such regrading, rerouting, improving or widening of any street, avenue,  
19 easement, right-of-way, alley, highway, sidewalk, bridge or other structure, or  
20 other public places as permitted by the City, or in a manner which  
21 necessitates such construction, reconstruction, removal, or relocation of  
22 traffic signal systems or utility systems owned or operated by or on behalf of  
23 the City. This section shall also be subject to any applicable State regulation  
24 or legislation affecting payment by a state or local public agency or body for  
25 certain relocation costs, or any other agreements with the City affecting  
26 relocation.

27 (D) No Interference with Other Authorized Uses. PNM shall make a good  
28 faith effort in the conduction of its activities so as not to interfere with the  
29 activities of other franchisees. The City shall, in the grant of other franchises,  
30 require that said franchisees similarly conduct their activities to avoid  
31 interference with those of PNM.

32 SECTION 6. TREE TRIMMING, MAINTENANCE, AND MOVING OF AERIALS.

1 (A) Tree Trimming and Obstructions. PNM shall have the right and  
2 authority to trim or remove trees or parts of trees overhanging or within any  
3 public way and to remove any obstruction within any public way to eliminate  
4 or minimize interferences with its lines, system, plant, equipment, service or  
5 facilities. PNM shall comply with the Revised City Ordinances, Article 6,  
6 Sections 6-6-2-1 to 6-6-2-9, to the extent they are applicable, in the activities  
7 described in this subsection.

8 (B) Moving Aerials. Whenever it becomes necessary to temporarily  
9 rearrange, remove, tower or raise any of PNM's aerial cables, wires, or other  
10 apparatus of PNM to permit the passage of any building, machinery or other  
11 object moved over the roads, streets, alleys, avenues, thoroughfares and  
12 public highways within the City, PNM will rearrange such aerial cables, wires,  
13 or other apparatus within a reasonable period after receiving written notice  
14 from the owner or contractor-mover who desires that said building, machinery  
15 or other objects be moved. All such notices must include the written approval  
16 of the City, must set forth in detail the route of movement of the building,  
17 machinery, or object, must state that the costs incurred by PNM for such  
18 activities will be borne by the contractor-mover and that the contractor-mover  
19 will indemnify and save both the City and PNM harmless from any and all  
20 damages or claims of whatsoever kind or nature caused directly or indirectly  
21 by such activities, and if required by PNM, must include a cash deposit or a  
22 good and sufficient bond in an amount reasonably acceptable to PNM to pay  
23 any and all such costs as estimated by PNM.

24 **SECTION 7. INSURANCE AND INDEMNITY.**

25 (A) Commercial General Liability Insurance. PNM shall procure and maintain  
26 for the duration of this Franchise insurance against all claims for injuries to  
27 persons or damages to property which may arise from or in connection with  
28 the exercise of the rights, privileges and authority granted hereunder to PNM,  
29 its agents, representatives or employees.

30 (B) Proof of Insurance; Policy Limits. PNM shall provide evidence of an  
31 insurance certificate, together with an endorsement naming the City, its  
32 elected and appointed officers and employees as additional insureds, to the  
33 City for its inspection prior to the commencement of any work or installation



1 of any Facilities pursuant to this Ordinance or not later than ten (10) business  
2 days after approval of this Franchise Ordinance by the City Council, whichever  
3 comes sooner, and such insurance certificate shall evidence the following  
4 minimum coverages:

5 (1) Commercial General Liability Insurance:

6 (a) Bodily Injury/Property Damage in the minimum amount of  
7 One Million Dollars (\$1,000,000.00) for each occurrence and Two Million  
8 Dollars (\$2,000,000.00) general aggregate; and

9 (b) Property Damage Liability Insurance shall not exclude  
10 Explosion –Collapse – Underground Coverage (XCU).

11 (2) Workers' Compensation Insurance:

12 (a) Part I. Workers' Compensation – in accordance with  
13 statutory requirements; and

14 (b) Part II. Employers' Liability – in the minimum amount of  
15 One Million Dollars (\$1,000,000.00); and

16 (c) PNM shall comply with the provisions of the Workers'  
17 Compensation Act of the State of New Mexico (the "Act"). If PNM has  
18 determined that it is not subject to the Act, it will certify, in a signed statement,  
19 that it is not subject to the Act. PNM will notify the City and comply with the  
20 Act should it employ three (3) or more persons during the term of this  
21 Franchise. If PNM fails to comply with the Act and applicable rules, this  
22 Ordinance may be terminated.

23 (3) Products and Completed Operations in the minimum amount of  
24 One Million Dollars (\$1,000,000.00) for each occurrence and Two Million  
25 Dollars (\$2,000,000.00) general aggregate.

26 (4) Pollution Legal Liability in the minimum amount of One Million  
27 Dollars (\$1,000,000.00) for each occurrence (if applicable).

28 (5) Business Automobile Liability in the minimum amount of  
29 combined single limit of One Million Dollars (\$1,000,000.00) for each  
30 occurrence; and Pollution Liability (form MCS90) for transportation exposure  
31 of One Million Dollars (\$1,000,000.00) for each occurrence. Business  
32 Automobile Liability Insurance shall include coverage for the use of all owned,  
33 non-owned and hired automobiles and vehicles.

1           (6) Coverage for independent contractors and their work on behalf  
2 of PNM in public rights-of-way and any Contractual Liability must be included  
3 in all policies that PNM obtains pursuant to Section 7.

4           (7) Professional Liability in the minimum amount of One Million  
5 Dollars (\$1,000,000.00) for each occurrence and Two Million Dollars  
6 (\$2,000,000.00) general aggregate.

7       If such limits are higher than the minimum limits required by the City, such  
8 limits shall apply to the coverage afforded the City under the terms and  
9 conditions of the Ordinance. PNM shall furnish to the City copies of any  
10 insurance policy endorsements that are subsequently issued amending  
11 coverage or limits.

12       PNM or its contractor(s) shall not begin work under this Franchise Ordinance  
13 until the required insurance has been obtained and the proper insurance  
14 certificates have been provided to the City, adding the City as an additional  
15 insured, as applicable. Neither the City's approval nor failure to approve any  
16 insurance certificates shall relieve PNM or its contractors of their full  
17 responsibility to maintain the required insurance policies in full force.

18       (C)     Single Primary; Excess Policy. The minimum limits may be  
19 provided for through a single primary insurance policy providing such  
20 coverage or through the addition of an excess liability policy written in excess  
21 of the primary general liability and automobile liability policies.

22       (D)     Insurance Certificate Requirements. Any insurance certificate  
23 required by Section 7 shall provide that the described policies and  
24 coverages will not be canceled or modified before the expiration date  
25 thereof, without the issuing company giving thirty (30) days written notice  
26 to the certificate holder and those named as additional insureds. In the  
27 event of any cancellation, modification or intent not to renew, PNM shall  
28 obtain and furnish to the City evidence of replacement insurance policies  
29 meeting the requirements of this Section by the cancellation or  
30 modification date.

31       (E)     Insurance Rating. Any commercial insurance carrier providing any  
32 required coverage must have an A.M. Best rating of A-VII or higher.

1 (F) Indemnification, Defend and Hold Harmless. PNM, for itself and its  
2 agents, employees, subcontractors, and the agents and employees of any  
3 subcontractors, shall, at its own expense and throughout the term of this  
4 Ordinance, indemnify, defend, and hold harmless the City and any of its  
5 elected or appointed officers and employees, from any and all claims,  
6 demands, actions, proceedings (formal or informal) or suits (including on  
7 and through any final non-appealable order or judgment) which the City, or  
8 such elected or appointed officers or employees, may suffer, or which may  
9 be recovered from, or obtainable against the City, or such elected or  
10 appointed officers or employees, to the extent arising: (1) as a result of the  
11 installation, use, or maintenance by PNM of its Facilities in the Right-of-  
12 Way; (2) as a result of the exercise by PNM of any or all of the rights,  
13 privileges, permission, and authority conferred under this Ordinance; or  
14 (3) as a result of any alleged act or omission on the part of PNM in  
15 performing or failing to perform any of its obligations under this  
16 Ordinance. PNM is not, however, liable and is not required to indemnify or  
17 hold harmless the City for any damages caused by the negligence of any  
18 agents, servants and/or employees of the City. Notwithstanding any other  
19 provisions in this Ordinance, PNM's obligation to provide indemnification  
20 to the City shall be limited to PNM's proportionate share of fault, as  
21 determined by judgment or by agreement with City, with respect to any  
22 claim for which indemnity is applicable.

23 (G) Risks Associated with Operation of PNM's Facilities; Liability Limits.  
24 By entering into this Ordinance, the City is not assuming any risks for the  
25 operations of PNM's Facilities and PNM shall be responsible and  
26 answerable for any and all injuries to persons or property to the extent  
27 arising out of its negligent operations pursuant to this Ordinance. The  
28 amounts and types of required insurance coverages, as set forth in this  
29 Ordinance, shall in no way be construed as limiting the scope of indemnity  
30 or liability set forth in this Section.

31 (H) PNM Recourse for Loss. PNM acknowledges that its recourse  
32 against the City for any loss, cost, expense, or damage caused by the acts or

1 omissions of the City are subject to and may be limited by the New Mexico  
2 Tort Claims Act, NMSA 1978, 41-1-1 to 41-1-30.

3 **SECTION 8. MISCELLANEOUS PROVISIONS.**

4 **(A) Inspection of PNM's Books, Confidentiality, and Public Records.**  
5 PNM shall make available to the City, upon ten (10) days written notice, such  
6 information directly pertinent to the payment of the franchise fees pursuant to  
7 the terms of this Ordinance, in such form as PNM can reasonably make  
8 available. Subject to New Mexico public records laws, if PNM considers any  
9 such information that PNM provides to the City and/or that the City reviews in  
10 camera as confidential and proprietary, the information shall be so marked  
11 and shall not be disclosed or used for any purpose, other than verifying and/or  
12 enforcing proper computation and payment of franchise fees in accordance  
13 with the terms of this Ordinance. However, if the City must release any such  
14 confidential material pursuant to a valid court order, the City shall so advise  
15 PNM in a timely fashion so that PNM may take appropriate steps to protect its  
16 interests.

17 **(B) Annual Franchise Fee Reports.** PNM shall submit a report verified by  
18 the PNM controller setting forth the computation of gross revenues used to  
19 calculate the franchise fee on an annual basis for the preceding year.

20 **(C) Changes in City's Municipal Boundaries.** The City shall notify PNM in  
21 writing of any changes in the municipal boundaries of the City within thirty  
22 (30) days of any extension or contraction of such municipal boundaries  
23 becoming effective. Such notice shall be delivered to:

24 **Public Service Company of New Mexico**  
25 **Attn: Tax Department**  
26 **MS 1025, 414 Silver SW**  
27 **Albuquerque, NM 87102**

28 The notice shall provide a description of the new and former municipal  
29 boundaries. PNM shall have no obligation to calculate, collect or pay the  
30 franchise fee attributable to any newly extended municipal boundaries until  
31 thirty (30) days have elapsed from PNM's receipt of such notice.

32 **(D) Amendment and Addendum.** At any time during the term of this  
33 Ordinance, the City or PNM may propose an amendment or addendum to the

1 Ordinance by giving thirty (30) days' written notice to the other of the  
2 proposed amendment or addendum desired, and both shall negotiate in good  
3 faith in an effort to agree upon a mutually satisfactory amendment. Such  
4 amendment shall become effective upon adoption and passage of an  
5 amending Ordinance by the City in accordance with the requirements of local  
6 and state law.

7 (E) Notices. For the purpose of this Ordinance,  
8 Notice to the City will be to:

9 Mayor, City of Albuquerque  
10 One Civic Plaza, 11<sup>th</sup> Floor, P.O. Box 1293  
11 Albuquerque, New Mexico 87013

12 With a copy to:

13 City Attorney, City of Albuquerque  
14 One Civic Plaza, P.O. Box 2248  
15 Albuquerque, New Mexico 87013

16 Notice to PNM will be to:

17 Public Service Company of New Mexico  
18 Attn: Tax Department  
19 MS 1025, 414 Silver SW  
20 Albuquerque, NM 87102

21 With a copy to:

22 PNM Resources Law Department  
23 MS 0805, 414 Silver SW  
24 Albuquerque, NM 87102

25 Notice will be effective upon delivery at the above addresses until the City or  
26 PNM notifies the other, in writing, of a change in the address.

27 (F) Reservation of Rights. By accepting this Ordinance, the City and PNM  
28 reserve all rights under federal law, state law, and regulation. All provisions  
29 contained in this Franchise Ordinance are hereby declared to be for a public  
30 purpose and the health, safety, and welfare of the general public; these  
31 provisions shall be liberally construed in favor of the public interest in order to  
32 effectuate its public purpose. Any members of the governing body, City  
33 officials, or employees charged with the enforcement of this Ordinance, who

1 are acting for the City in the discharge of their duties, shall not render  
2 themselves personally liable because of these enforcement activities. By  
3 accepting this Ordinance, the City and PNM reserve all their respective rights  
4 under federal and state law and regulation; and neither waives its rights to  
5 exercise those rights. Further, neither the City nor PNM waives its respective  
6 rights to seek all appropriate legal and equitable remedies as allowed by law  
7 upon violation of the terms of this Franchise, including seeking injunctive  
8 relief and monetary damages in a court of competent jurisdiction. Such right  
9 to injunctive relief is expressly reserved.

10 (G) Order of Precedence. In the event of a conflict between this Ordinance  
11 and any other ordinance adopted by the City, the terms of this Ordinance shall  
12 control; provided, however, that the foregoing does not negate PNM's  
13 obligations under Section 5(A) requiring that all construction activities shall  
14 be subject to any and all right-of-way management ordinances of general  
15 applicability adopted pursuant to the City's police powers.

#### 16 SECTION 9. ACCEPTANCE.

17 (A) PNM to Accept. PNM shall, within thirty (30) days after the passage  
18 and approval of this Ordinance, file in the office of the City Clerk, City of  
19 Albuquerque, a written statement of acceptance duly signed and  
20 acknowledged by the proper officer of PNM authorized to execute such  
21 acceptance.

22 (B) Failure to Accept. In the event PNM does not file such acceptance  
23 within said period, this Ordinance and the rights, privileges and franchise  
24 granted hereunder shall be terminated and void; provided, that the City may  
25 by resolution extend the time herein for the filing of such acceptance for an  
26 additional period.

27 (C) Supersedes Prior Franchise. This Ordinance, if accepted by PNM as  
28 hereinbefore provided, shall supersede, cancel and be in lieu of any and all  
29 other existing or prior grants of rights, permission, and authority to PNM or  
30 any predecessor companies or assignors of PNM to construct, operate, and  
31 maintain any system for the production, transmission, distribution, and sale of  
32 electricity within the City.

#### 33 SECTION 10. SEVERABILITY CLAUSE.

1 If any section, paragraph, clause, or provision of this Ordinance, or any  
2 section, paragraph, clause, or provision of any regulation promulgated  
3 hereunder shall for any reason be held to be invalid, unlawful, or  
4 unenforceable, the invalidity, illegality, or unenforceability of such section,  
5 paragraph, clause, or provision shall not affect the validity of the remaining  
6 portions of this Ordinance or the regulation so challenged.

7 SECTION 11. REPEALER. Sections 13-4-2-1 through 13-4-2-11 are hereby  
8 repealed.

9 SECTION 12. COMPILING CLAUSE. This Ordinance shall be incorporated in  
10 and compiled as part of the Revised Ordinances of the City of Albuquerque.

11 SECTION 13. EFFECTIVE DATE. This Ordinance shall become effective on  
12 May 20, 2020, and in accordance with statute (NMSA 3-42-1 franchises;  
13 authorization).  
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1 PASSED AND ADOPTED THIS 20<sup>th</sup> DAY OF April, 2020  
2 BY A VOTE OF: 9 FOR 0 AGAINST.

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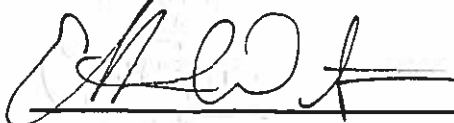
  
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Patrick Davis, President  
City Council

APPROVED THIS 28 DAY OF April, 2020

Bill No. O-20-11

  
\_\_\_\_\_  
Timothy M. Keller, Mayor  
City of Albuquerque

ATTEST:

  
\_\_\_\_\_  
Ethan Watson, City Clerk





Mayor Timothy M. Keller

**CITY OF  
ALBUQUERQUE**  
Albuquerque, New Mexico  
Office of the Mayor

**INTEROFFICE MEMORANDUM**

**March 20, 2020**

**TO: Pat Davis, President, City Council**

**FROM: Timothy M. Keller, Mayor** 

**SUBJECT: Public Service Company of New Mexico ("PNM") Franchise Ordinance**

This ordinance renews the franchise authority that the City granted Public Service Company of New Mexico ("PNM") in 1967. The franchise authorizes PNM to use the City's rights-of way to construct, maintain, and operate electric power infrastructure in return for fair and reasonable compensation. This franchise authority does not grant PNM authority to sell electricity because the New Mexico Public Regulation Commission ("PRC") has granted PNM this authority; the PRC has the sole authority to do so.

The 1967 PNM franchise expired in 1994, though it continues as an implied contract. The City should update this ordinance. An updated franchise rate of three percent of gross revenues, instead of two percent, will bring the City into parity with the cities of Rio Rancho and Santa Fe. The three percent rate also better represents fair and reasonable compensation based on other factors, such as the franchise fee rates for natural gas and telecommunications, which are three percent of gross revenues. The term of this franchise authority is fifteen years with a review of the franchise fee after the completion of the tenth year of the term.

PNM's activities in the City's rights-of-way are subject to state and local law, including codes and regulations on planning, zoning, and construction. The ordinance contains provisions for the relocation of PNM infrastructure when necessitated by municipal projects and for the restoration of PNM construction sites.

The financial and reporting requirements are comparable to those in other franchise authorities.



19 May 2025

CABQ Development Hearing Officer  
c/o CABQ Planning Department  
PO Box 1293  
Albuquerque NM 87103

RE: Waiver – DHO to Underground Installation of Distribution Lines

Dear Development Hearing Officer,

Public Service Company of New Mexico (PNM) respectfully requests approval of this Waiver – DHO (Development Hearing Officer) application to allow the rebuild and relocation of an existing medium-voltage overhead electric distribution feeder line along the west side of Morris Street from Chapala Place to Toltec Road and at Quarai Avenue (see attached maps). This Waiver – DHO request to Integrated Development Ordinance (IDO) Section 14-16-5-4(I)(2) is justified because no significant public purpose would be served by requiring the entire relocation of the distribution feeder to be placed underground per the criteria of IDO Section 6-6(P)(3)(b).

#### Background

PNM is implementing a comprehensive Grid Modernization effort to improve safety, reliability, and resilience of the system and for the customers it serves. A key component of this multi-year project while upgrading service lines and pole structures is to relocate existing distribution feeder lines (“feeders”) from residential customers’ backyards and side yards to more accessible locations, some of which are subject to the undergrounding requirements of IDO Section 5-4(I)(2).

Distribution feeders generally do not provide access for direct service to customers because they carry electricity at a higher voltage between 12 and 40 kilovolts. This voltage then has to be “stepped down” to a lower voltage first to laterals and then distribution and service lines that ultimately provide direct connections to customers.

Underground installation of distribution lines below 12 Kilovolts that directly serve customers is common in the newest residential subdivisions as required by IDO Section 5-4(I)(1). This type of undergrounding is not applicable in this circumstance because customers are not directly served by feeders.

#### The Project

This application is for the next phase of the Morris 12 feeder relocation project (“the project”) within the City of Albuquerque (CABQ). The immediate and adjacent neighborhood area of the project was subdivided well before the IDO went into effect and is presently served exclusively by overhead power lines.

The current locations of some existing distribution feeders are in easements that encumber private properties. Safe access for PNM Linemen and vegetation maintenance crews is hampered by fences, sheds, and other structures and backyard trees. The preferred and safest locations for such distribution feeders is along major streets like collectors and arterials where they can more easily be accessed by PNM Linemen and maintenance crews as allowed per PNM's Franchise Agreement with CABQ.

Per PNM's latest estimates for a relocated feeder line, undergrounding costs up to four times as much as overhead construction. State Law and New Mexico Public Regulation Commission (NMPRC) Rules allow a utility to pass on such a cost difference either directly to the jurisdiction that requires underground installation of power lines or to all of the customers within said jurisdiction, as approved by the jurisdiction's governing body (CABQ City Council) and the NMPRC. This process could take nine or more months to complete prior to any construction.

For this phase of the Morris 12 relocation project, though, most of its length is planned to be constructed underground to avoid conflicts with multiple curb-cut driveways to parking lots and parking circulation for multiple apartment buildings along Morris Street (3200 – 3300 blocks). PNM will not be asking for cost recovery for this portion of the Morris 12 relocation project but is requesting the underground waiver for the areas north and south of the apartment buildings.

#### IDO Section 6-6(P)(3)(b) - Conditions to Approve a Waiver - DHO

No significant public purpose would be served by requiring this relocation project of an existing distribution feeder line to be placed entirely underground because:

- Requiring underground installation of the project in a six-foot-deep trench, costing up to four times as much as an overhead distribution line, is an inefficient expenditure of resources in an area already served by existing overhead distribution facilities.
- This feeder rebuild/relocation is needed to facilitate better safety, reliability, and resilience in the area where it currently exists.
- All existing distribution service lines in the area and this existing distribution feeder are overhead facilities within the neighborhood and in its residential properties.
- The relocation of this distribution feeder from inside the neighborhood to Morris Street will replace some existing poles in their same locations.
- Requiring this distribution feeder to be completely underground will entail much more surface disturbance due to trenching along Morris Street. Extensive trenching required for complete underground installation could unnecessarily damage existing underground water and storm sewer utilities, curbs and gutters, the street, the sidewalk, and adjacent landscape.
- In addition to trenching and boring, underground installation requires underground pull boxes, wider than the trench. The public right of way can best accommodate the project per PNM's franchise agreement with CABQ.

Regarding the relevant existing conditions that support this application for a Waiver – DHO in IDO Section 6-6(P)(3)(b)2 for a distribution line between 12 kilovolts and 40 kilovolts, both subsection a and subsection b are applicable:

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

There are existing overhead lines located along and within Morris Street, a major collector street, and existing overhead lines serve the abutting neighborhood and the larger community. The attached exhibits and location maps illustrate the existing overhead lines in both the immediate and adjacent areas.

- b. Subsurface conditions make underground lines economically unreasonable.

There are existing water, sewer, and storm sewer utility lines in the Morris Street public right-of-way that prevent economically reasonable installation of underground electric line conduits and underground pull boxes. PNM is allowed by the NM PRC to recover the cost difference between overhead and underground power lines via an Underground Tariff (UGTAR) applied to PNM customer bills within the CABQ jurisdiction. Approval of this Waiver – DHO request will mitigate this unreasonable economic cost.

### Conclusion

PNM's commitment to provide safe and reliable electric service to all customers throughout its service territory in the Albuquerque metropolitan area depends in part on compliance with local jurisdiction standards and agreements. Minimizing design and development expenditures for this needed electric utility facility will result in cost savings passed along to customers within the City's jurisdiction.

All applicable criteria and conditions of IDO Section 6-6(P)(3)(b) are met by this application. Approval of this Waiver – DHO application will benefit the public in the immediate and adjacent area and no public benefit would be served by requiring this distribution feeder to be placed underground in an area already served by overhead lines.

Your considerate review and approval is requested.

Thank you,



Russell Brito  
Land Use and Permitting Administrator  
PNM

Cc: Ken Maestas, PNM

**6-6(P)(3)(b) Underground Installation of Distribution Lines**

An application for a Waiver – DHO pursuant to Subsection 14-16- 5-4(I)(1) shall be approved if the DHO determines that no significant public purpose would be served by requiring the new construction to be placed underground and that any of the following conditions exists, as relevant.

1. Distribution Lines 12 Kilovolts or Less
  - a. The lot is already served by an overhead distribution line.
  - b. All adjacent areas are already served by overhead distribution facilities.
  - c. Subsurface conditions make underground lines economically unreasonable.
2. Distribution Lines between 12 Kilovolts and 40 Kilovolts
  - a. The immediate or adjacent area is presently served by overhead lines.
  - b. Subsurface conditions make underground lines economically unreasonable.

# Morris 12 Feeder Relocation – Morris St.

---

WAIVER - DHO

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MAY 16, 2025

# IDO SECTION 6-6(P)(3)(B)

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## NO SIGNIFICANT PUBLIC PURPOSE WOULD BE SERVED BY REQUIRING UNDERGROUNDING

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- All existing distribution lines and feeders in the immediate and larger areas and within the neighborhood are overhead.
- Requiring complete underground installation in a six-foot-deep trench, costing up to four times as much, is an inefficient expenditure of resources in an area already served by existing overhead facilities.
- This feeder rebuild/relocation will facilitate better safety, reliability, and resilience in the immediate and larger area in an efficient and cost-effective manner.
- The relocation of this distribution feeder from inside the neighborhood to Morris Street will replace some existing poles in their same locations.
- Requiring this distribution feeder to be completely underground will entail extensive surface disturbance due to trenching along Morris Street. Extensive trenching required for complete underground installation could unnecessarily damage existing underground water and storm sewer utilities, curbs and gutters, the street, the sidewalk, and adjacent landscape.
- In addition to trenching and boring, underground installation requires pull boxes, wider than the trench. The public right-of-way can best accommodate the project per the existing CABQ/PNM franchise agreement.

# IDO SECTION 6-6(P)(3)(B)2

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## EXISTING CONDITIONS

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

There are existing overhead lines located along and within the Morris Street right-of-way, a major collector street, and existing overhead distribution lines serve the abutting neighborhood and the larger community.

- b. Subsurface conditions make underground lines economically unreasonable.

There are existing water, sewer, and storm sewer utility lines in the Morris Street right-of-way that hamper economically reasonable installation of underground electric line conduits and underground pull boxes along the entire route. PNM is allowed by the NMPRC to recover the cost difference between overhead and underground power lines via an Underground Tariff (UGTAR) applied to PNM customer bills within the CABQ jurisdiction. Approval of this Waiver – DHO request will mitigate this unreasonable economic cost to customers.



## MORRIS 12 FEEDER RELOCATION FROM NEIGHBORHOOD TO MORRIS STREET

Approx. 1050' of underground distribution feeder to avoid conflicts with multiple curb cut access points to parking lots and circulation for apartments along Morris Street.

**Remove** approx. 550' of overhead distribution feeder line and two poles from inside the neighborhood.

Existing overhead distribution lines.

Existing overhead distribution feeder line.

Approx. 600' of overhead distribution feeder line and 4 new poles in Morris Street Right-of-Way.

Approx. 300' of overhead distribution feeder line and 2 new poles in Morris Street Right-of-Way.

Existing overhead distribution feeder lines.

Candelaria Rd

Morris Street

Comanche Rd

# CHAPALA PLACE – ARVILLA PLACE – TOLTEC ROAD





## Comanche Rd Looking South



Existing Conditions

# Comanche Rd Looking South



Project



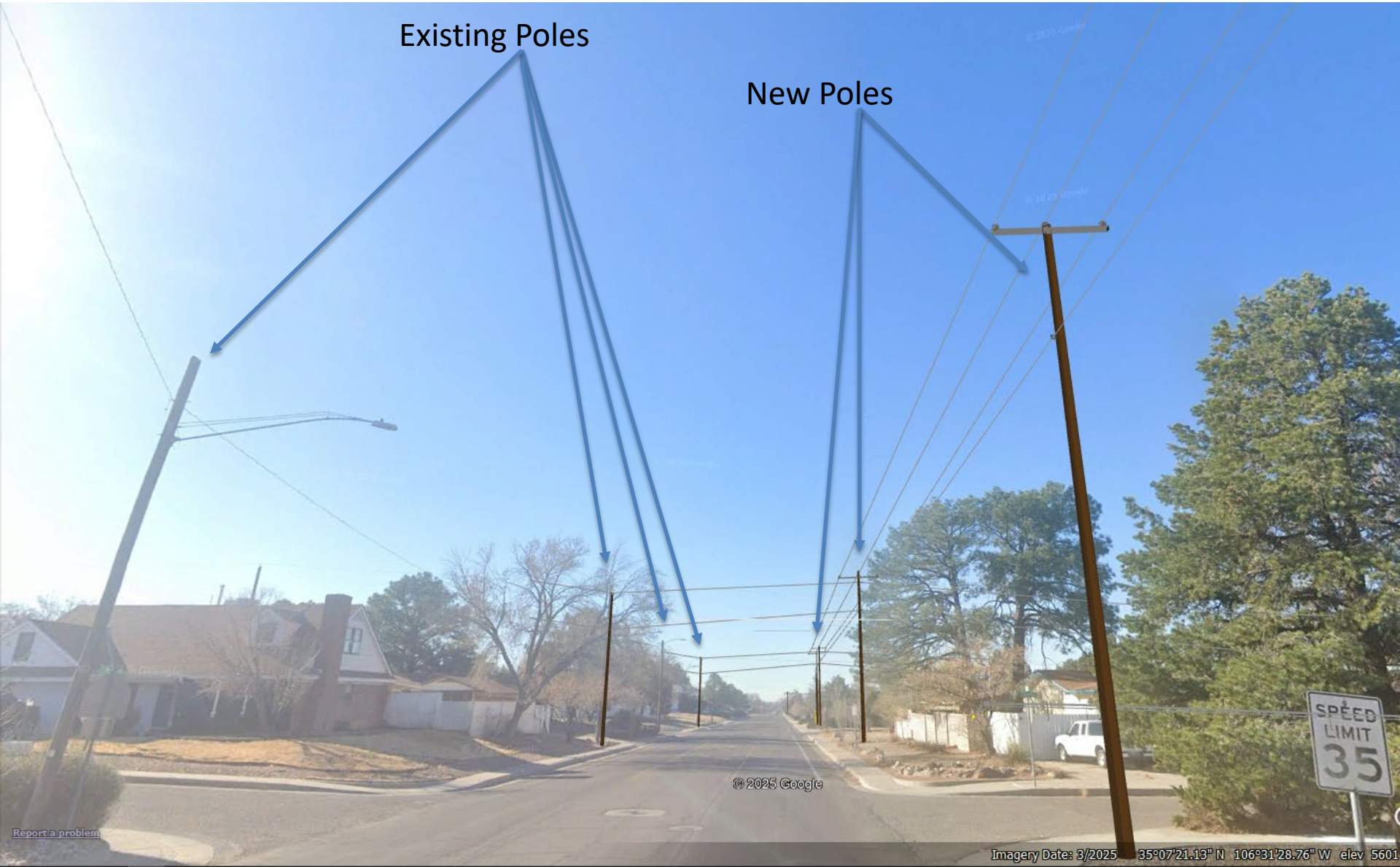
**Chapala Place – Arvilla Place – Toltec Road**



Existing Poles

Existing Conditions

**Chapala Place – Arvilla Place – Toltec Road**



Project



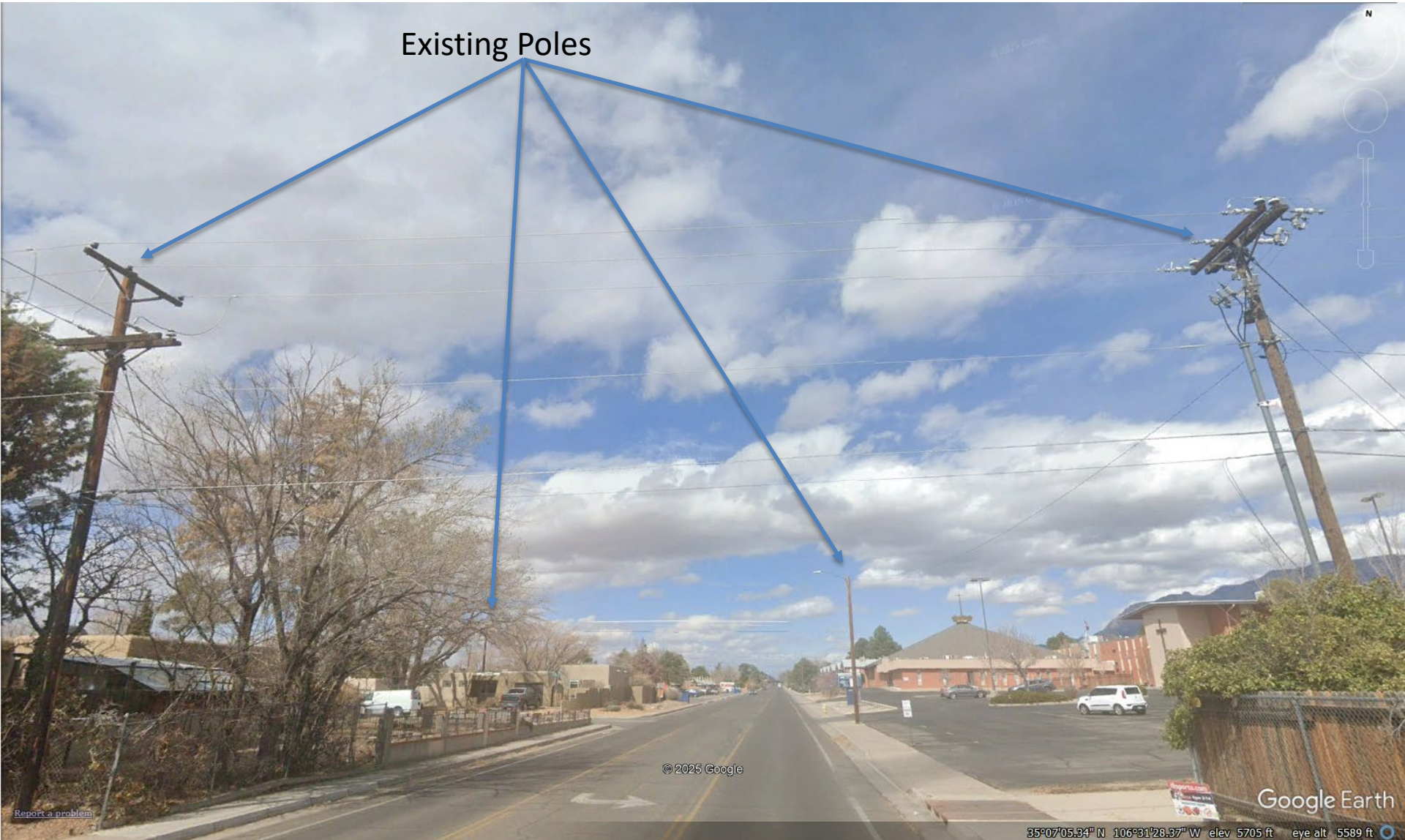
# QUARAI AVENUE





## Quarai Avenue

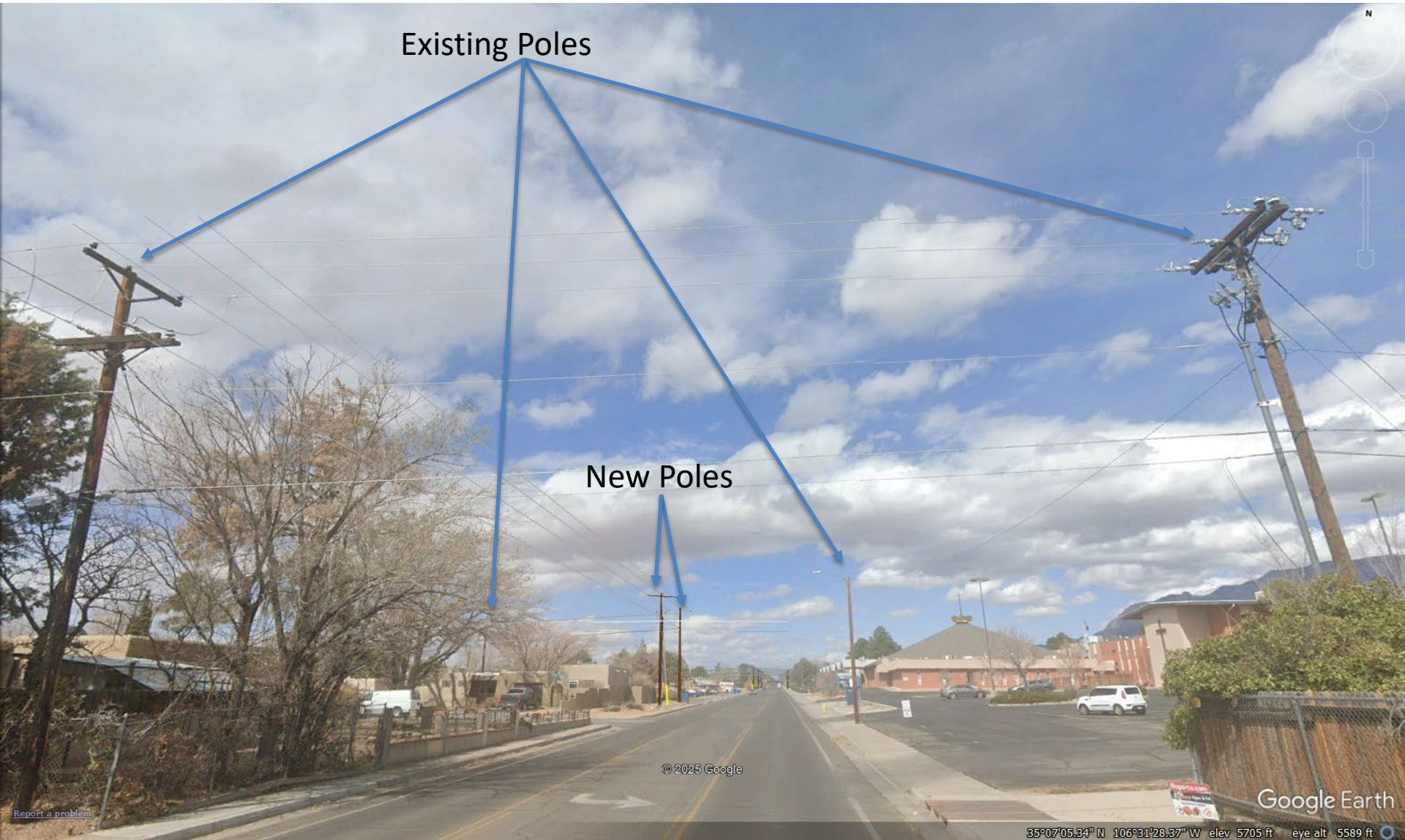
Existing Poles



Existing Conditions



# Quarai Avenue



Project



## 3200 – 3300 Blocks of Morris Street

New Pole



Project

**Morris 12 Feeder Relocation  
Morris Street  
Chapala Place to Quarai Avenue  
Pole Count Totals**

| Streets                 | Existing Poles | Replacement Poles | New Poles |
|-------------------------|----------------|-------------------|-----------|
| Chapala Pl to Toltec Rd | 5              | 1                 | 3         |
| Quarai Ave              | 4              | 0                 | 2         |
| Totals                  | 9              | 1                 | 5         |

**Morris 12 Feeder Relocation  
From Neighborhood  
To Morris Street  
Project Pole Count Totals**

| Location      | Poles     |
|---------------|-----------|
| Morris Street | 5 new     |
| Neighborhood  | 2 removed |
| Project Net   | 3         |



**From:** Maestas, Ken  
**To:** Maestas, Ken  
**Subject:** FW: [External] Public Right of Way - No address - adjacent to the 3400 - 3600 and 3100-3200 blocks of Morris Street NE\_Public Notice Inquiry Sheet Submission  
**Date:** Thursday, May 15, 2025 3:50:32 PM  
**Attachments:** [image001.png](#)  
[G-21 Waiver - DHO.pdf](#)

**From:** Office of Neighborhood Coordination <[onc@cabq.gov](mailto:onc@cabq.gov)>  
**Sent:** Wednesday, April 30, 2025 4:44 PM  
**To:** Brito, Russell <[Russell.Brito@pnm.com](mailto:Russell.Brito@pnm.com)>  
**Subject:** [External] Public Right of Way - No address - adjacent to the 3400 - 3600 and 3100-3200 blocks of Morris Street NE\_Public Notice Inquiry Sheet Submission

\*\*\*\*\*

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\*\*\*\*\*

**PLEASE NOTE:**  
The neighborhood association contact information listed below is valid for 30 calendar days after today's date.

Dear Applicant:

Please find the neighborhood contact information listed below. Please make certain to read the information further down in this e-mail as it will help answer other questions you may have.

| Association Name                                  | Association Email  | First Name | Last Name    | Email  | Address Line 1            | City        | State | Zip   | Mobile Phone | Phone      |
|---|--|------------|--------------|--|---------------------------|-------------|-------|-------|--------------|------------|
| Cielito Lindo NA                                  | <a href="mailto:clna87111@gmail.com">clna87111@gmail.com</a>                   | Karl       | Hattler      | <a href="mailto:khattler@aol.com">khattler@aol.com</a>           | 3705 Camino Capistrano NE | Albuquerque | NM    | 87111 |              | 5052989928 |
| Cielito Lindo NA                                  | <a href="mailto:clna87111@gmail.com">clna87111@gmail.com</a>                   | Patricia   | Duda         | <a href="mailto:pat.duda.52@gmail.com">pat.duda.52@gmail.com</a> | 3720 Camino Capistrano NE | Albuquerque | NM    | 87111 | 5054403735   | 5052922015 |
| District 8 Coalition of Neighborhood Associations | <a href="mailto:district8coalition@gmail.com">district8coalition@gmail.com</a> | Bob        | Fass         | <a href="mailto:nobullbob1@gmail.com">nobullbob1@gmail.com</a>   | 5226 Edwards Drive NE     | Albuquerque | NM    | 87111 | 5052394774   | 5052935457 |
| District 8 Coalition of Neighborhood Associations | <a href="mailto:district8coalition@gmail.com">district8coalition@gmail.com</a> | Idalia     | Lechuga-Tena | <a href="mailto:idalialt@gmail.com">idalialt@gmail.com</a>       | 4405 Prairie Loft Way NE  | Albuquerque | NM    | 87111 | 5055503868   |            |

The ONC does not have any jurisdiction over any other aspect of your application beyond this neighborhood contact information. We can't answer questions about sign postings, permit status, site plans, buffers, or project plans, so we encourage you to contact the Planning Department at: 505-924-3857 Option #1, e-mail: [devhelp@cabq.gov](mailto:devhelp@cabq.gov), or visit: <https://www.cabq.gov/planning/online-planning-permitting-applications> with those types of questions.

Please note the following:

- You will need to e-mail each of the listed contacts and let them know that you are applying for an approval from the Planning Department for your project.
- Please use this online link to find the required forms you will need to submit your permit application: <https://www.cabq.gov/planning/urban-design-development/public-notice>.
- The Checklist you need for notifying neighborhood associations can be found here: <https://www.cabq.gov/planning/codes-policies-regulations/integrated-development-ordinance-1/public-notice>
- The Administrative Decision form you need for notifying neighborhood associations can be found here: <https://documents.cabq.gov/planning/online-forms/PublicNotice/Emailed-Notice-Administrative-Print&Fill.pdf>
- Once you have e-mailed the listed contacts in each neighborhood, you will need to attach a copy of those e-mails AND a copy of this e-mail from the ONC to your application and submit it to the Planning Department for approval.

If you have questions about what type of notification is required for your particular project or meetings that might be required, please click on the link below to see a table of different types of projects and what notification is required for each:  
<https://do.abc-zone.com/integrated-development-ordinance-ido?document=1&outline-name=G-1%20Procedures%20Summary%20Table>

Thank you,

*Suzie*



**Suzie Flores**  
Senior Administrative Assistant

Office of Neighborhood Coordination (ONC) | City Council Department | City of Albuquerque  
(505) 768-3334 Office  
E-mail: [suzannaflores@cabq.gov](mailto:suzannaflores@cabq.gov)  
Website: [www.cabq.gov/neighborhoods](http://www.cabq.gov/neighborhoods)

**From:** [webmaster@cabq.gov](mailto:webmaster@cabq.gov) <[webmaster@cabq.gov](mailto:webmaster@cabq.gov)>  
**Sent:** Wednesday, April 30, 2025 4:35 PM  
**To:** Office of Neighborhood Coordination <[Russell.Brito@pnm.com](mailto:Russell.Brito@pnm.com)>  
**Cc:** Office of Neighborhood Coordination <[onc@cabq.gov](mailto:onc@cabq.gov)>  
**Subject:** Public Notice Inquiry Sheet Submission

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Public Notice Inquiry For:  
Development Hearing Officer  
If you selected "Other" in the question above, please describe what you are seeking a Public Notice Inquiry for below:  
Contact Name  
Russell Brito  
Telephone Number  
505.241.2798  
Email Address  
[Russell.Brito@pnm.com](mailto:Russell.Brito@pnm.com)  
Company Name  
Public Service Company of New Mexico  
Company Address  
2401 Aztec Rd NE  
City  
Albuquerque  
State  
NM  
ZIP  
87107  
Legal description of the subject site for this project:  
Morris Street public R.O.W. from Toltec Rd. to Chapala Pl. and at Quarai Ave.  
Physical address of subject site:  
Public Right of Way - No address - adjacent to the 3400 - 3600 and 3100-3200 blocks of Morris Street NE  
Subject site cross streets:  
Morris Street at Quarai Ave., Morris Street at Toltec Rd. and Morris Street at Chapala Pl.

Other subject site identifiers:

Morris Street between Candelaria Rd. and Comanche Rd.

This site is located on the following zone atlas page:

G-21

Captcha

x

## MORRIS 12 FEEDER RELOCATION FROM NEIGHBORHOOD TO MORRIS STREET

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Candelaria Rd

Morris Street

Comanche Rd



**From:** [Maestas, Ken](#)  
**To:** [pat.duda.52@gmail.com](mailto:pat.duda.52@gmail.com)  
**Cc:** [clna87111@gmail.com](mailto:clna87111@gmail.com)  
**Bcc:** [Brito, Russell](#); [Maestas, Ken](#)  
**Subject:** Request for Waiver -DHO by Public Service Company of New Mexico (PNM)  
**Date:** Friday, May 16, 2025 10:01:00 AM  
**Attachments:** [Morris 12 - Morris Street NE - Exhibit.pdf](#)  
[Emailed-Notice-Public Hearing - Morris St. NE.pdf](#)  
[FW External Public Right of Way - No address - adjacent to the 3400 - 3600 and 3100-3200 blocks of Morris Street NE Public Notice Inquiry Sheet Submission.msg](#)  
[G-21 Waiver - DHO.pdf](#)

---

PNM is submitting an application to the Development Hearing Officer. Please see attached for details.

Respectfully,

Ken Maestas,  
Environmental Services  
Land Use and Permitting  
PNM | 2401 Aztec NE, Albuquerque, NM 87107  
505-241-4436 office  
[ken.maestas@pnm.com](mailto:ken.maestas@pnm.com)



**From:** [Maestas, Ken](#)  
**To:** [nobullbob1@gmail.com](mailto:nobullbob1@gmail.com)  
**Cc:** [district8coalition@gmail.com](mailto:district8coalition@gmail.com)  
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[ken.maestas@pnm.com](mailto:ken.maestas@pnm.com)



**From:** [Maestas, Ken](#)  
**To:** [idalialt@gmail.com](mailto:idalialt@gmail.com)  
**Cc:** [district8coalition@gmail.com](mailto:district8coalition@gmail.com)  
**Bcc:** [Brito, Russell](#); [Maestas, Ken](#)  
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505-241-4436 office  
[ken.maestas@pnm.com](mailto:ken.maestas@pnm.com)



**From:** [Maestas, Ken](#)  
**To:** [khattler@aol.com](mailto:khattler@aol.com)  
**Cc:** [clna87111@gmail.com](mailto:clna87111@gmail.com)  
**Bcc:** [Maestas, Ken](#); [Brito, Russell](#)  
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[ken.maestas@pnm.com](mailto:ken.maestas@pnm.com)

