

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF PUBLIC SERVICE COMPANY OF )  
NEW MEXICO'S APPLICATION FOR AUTHORIZATION )  
TO IMPLEMENT GRID MODERNIZATION )  
COMPONENTS THAT INCLUDE ADVANCED METERING )  
INFRASTRUCTURE AND APPLICATION TO RECOVER ) Case No. 22-00058-UT  
THE ASSOCIATED COSTS THROUGH A RIDER, )  
ISSUANCE OF RELATED ACCOUNTING ORDERS, )  
AND OTHER ASSOCIATED RELIEF )**

**NEW MEXICANS FOR UTILITY SAFETY'S INITIAL BRIEF  
ON PNM'S COST-BENEFIT ANALYSIS**

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**TABLE OF CONTENTS**

TABLE OF AUTHORITIES..... iii

INTRODUCTION AND BACKGROUND ..... 1

I. THE COMMISSION PREVIOUSLY RULED THERE WAS “NO NET PUBLIC BENEFIT” TO AMI ..... 2

II. THE GRID MODERNIZATION STATUTE IS PART OF THE PUBLIC UTILITY ACT ..... 4

    A. Costs to Health and Environment Must Be Evaluated ..... 4

III. HUNDREDS OF PUBLIC COMMENTS TESTIFYING TO INJURY, DEATH, AND HOMELESSNESS FROM AMI MUST BE CONSIDERED BY THE COMMISSION IN ACCEPTING OR REJECTING THE CBA ..... 9

    A. Standard of Review ..... 9

    B. The Public Comments ..... 10

CONCLUSION ..... 23

Exhibit 1 - email of January 23, 2023 from PNM inviting parties to a settlement conference

Exhibit 2 - emails of February 2, 2023 from PNM regarding the settlement conference

Self-Affirmation

**TABLE OF AUTHORITIES**

**CASES**

**New Mexico**

*Baker v. Hedstrom*,  
2013-NMSC-043, 309 P.3d 1047 ..... 6

*Baldonado v. El Paso Natural Gas Co.*,  
2008-NMCA-010, 143 N.M. 297, 176 P.3d 286 ..... 7, 8

*Burlington Northern Railroad Company*,  
1988-NMSC-076, 107 N.M. 582, 761 P.2d 855 ..... 7

*Colonias Development Council v. Rhino*,  
2005-NMSC-024, 138 N.M. 133, 117 P.3d 939 ..... 10

*Griffith v. New Mexico Public Service Commission*,  
1974-NMSA-024, 86 N.M. 113, 520 P. 2d 269 ..... 5

*Gurule v. Ford Motor Co.*,  
No. 29,296, mem. op., 2011 WL 2071701 (N.M. Ct. App. Feb. 17, 2011)..... 7

*Planning and Design Solutions v. City of Santa Fe*,  
1994-NMSC-112, 118 N.M. 707, 885 P.2d 628..... 6

*Rio Grande Chapter of the Sierra Club v. N.M. Mining Comm'n*,  
2003-NMSC-005, 133 N.M. 97, 61 P.3d 806..... 10

*Southwestern Public Service Company v. New Mexico Public Regulation Commission*,  
2024-NMSC-012, \_\_P.3d \_\_ ..... 6

*Thriftway Marketing Corporation v. State of New Mexico*,  
1990-NMCA-115, 111 N.M. 763, 810 P.2d 349 ..... 8

**Other Jurisdictions**

*Apple Canyon Lake Property Owners' Association v. Illinois Commerce Commission*,  
985 N.E.2d 695 (Ill. App. 2013) ..... 10

*Georgetown Preservation Society v. County of El Dorado*,  
30 Cal.App.5th 358 (Cal. App. 2018)..... 10

*Grimshaw v. Ford Motor Co.*,  
174 Cal. Rptr. 348 (Cal. App. 1981)..... 7

**STATUTES**

Grid Modernization statute ..... 4, 5, 6

    Section 3..... 4

Public Utility Act ..... 2, 4, 5, 6, 23

    NMSA 1978 § 62-3-2(A)(2) and (4)..... 5

Solid Waste Act ..... 10

NMSA Chapter 70, Article 3 ..... 8

**RULES**

1.2.2.3(F) NMAC..... 10

1.2.2.36 NMAC..... 1

**COMES NOW** New Mexicans for Utility Safety (“NMUS”) and pursuant to Rule 1.2.2.36 NMAC of the Rules of the New Mexico Public Regulation Commission (“Commission” or “PRC”) and the Briefing Schedule Supplemental Hearing issued by the Hearing Examiner, hereby files its initial post-hearing brief on the Cost-Benefit Analysis (“CBA”) conducted by Public Service Company of New Mexico (“PNM”).

For the reasons set forth herein, as well as the reasons set forth in NMUS’s Brief-in-Chief filed in this proceeding on April 20, 2023 after the initial hearing, the Commission should disapprove PNM’s Grid Modernization Project.

### **INTRODUCTION AND BACKGROUND**

This is PNM’s second application to the Commission for replacement of all utility meters in its service areas with Advanced Metering Infrastructure (“AMI” or “smart meters”). Its first application for AMI, filed February 26, 2016 in Docket No. 15-00312-UT, was accompanied by a cost-benefit analysis.<sup>1</sup> That cost-benefit analysis was revised on September 5, 2017<sup>2</sup> and was revised again on October 13, 2017<sup>3</sup>. Each time, PNM claimed a net public benefit over 20 years. The net benefit claimed by PNM in its three revisions changed from \$20 million to \$8.6 million to \$16.1 million. The Commission concluded there was no net public benefit and denied the application for AMI.<sup>4</sup> The CBA presently under consideration encompasses not just AMI, but also four other components of a Grid Modernization Project: Distribution Planning Tools,

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<sup>1</sup> Case No. 15-00312-UT, PNM Application for Approval of Advanced Metering Infrastructure Project, Feb. 26, 2016, Direct Testimony of Henry E. Monroy, p. 4, and PNM Exhibits HEM-2 through HEM-9.

<sup>2</sup> *Id.*, Supplemental Testimony of Henry E. Monroy, Sept. 5, 2017, p. 3 Table HEM-1, and PNM Exhibits HEM-2 (September 5, 2017 Supplemental) through HEM-8 (September 5, 2017 Supplemental).

<sup>3</sup> *Id.*, Rebuttal Testimony of Henry E. Monroy, Oct. 13, 2017, and PNM Exhibits HEM-2 (October 13, 2017 Rebuttal) through HEM-7 (October 13, 2017 Rebuttal).

<sup>4</sup> *Id.*, Recommended Decision, March 19, 2018.

Integrated Volt-Var Management (“IVVM”), Distributed Energy Resource Management System (“DERMS”), and Fault Location, Isolations and Service Restoration (“FLISR”).

New Mexicans for Utility Safety recommends that the Commission should reject the CBA because it does not consider the costs of the AMI component of PNM’s application to the health, safety and welfare of all New Mexicans as required by the Public Utility Act. This was also one of the reasons for the rejection of PNM’s cost-benefit analysis in Case No. 2015-00312-UT. The Commission ordered PNM to address the health effects of AMI in a public input process before bringing another smart meter proposal to the Commission for approval. This PNM has utterly failed to do.

**I. THE COMMISSION PREVIOUSLY RULED THERE WAS “NO NET PUBLIC BENEFIT” TO AMI**

In Case No. 15-00312-UT, the Recommended Decision of March 19, 2018 was adopted by the Commission in its Final Order of April 11, 2018. Section II(G)(3)<sup>5</sup> evaluated the cost-benefit analysis submitted by PNM in light of all the evidence, including the costs to health. The section is titled “**No net public benefit, no evaluation of alternatives and the public interest.**” Subsection (a) is titled “**Public opposition and the need for better planning.**”<sup>6</sup> Subsection (f)(ii) is titled “**Health concerns**”<sup>7</sup>. It states:

A great deal of evidence has been presented on the *health effects of smart meters* and the extent to which *all* or a subset of the population experience *health effects*. There was evidence of the thermal and non-thermal effects; cancer effects and non-cancer effects; “measurable physiologic abnormalities” and “symptoms that warrant medical treatment”...

Dr. Gelmann and Mr. Firstenberg agreed that the most common *health effects* identified by patients are sleep disorders (e.g., insomnia), tinnitus (i.e., ringing in the ears), and dizziness. Mr. Firstenberg also added nausea, headaches

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<sup>5</sup> *Id.*, Recommended Decision, pp. 81-113.

<sup>6</sup> *Id.*, pp. 81-85.

<sup>7</sup> *Id.*, pp. 107-109.

and heart palpitations to the list. Gelmann (2/14/2017), pp. 8-9; Firstenberg (2/14/2017), pp. 11-12.

The evidence, however, does not indicate how many people are sensitive to the electromagnetic emissions from smart meters, the extent to which smart meters, including the particular AMI meters proposed by PNM, may cause or aggravate the condition compared to the emissions from other sources of radio waves in the environment. The Hearing Examiner, thus, cannot, based upon this record, make definitive findings on *the health impacts of emissions* from PNM's proposed AMI Project or recommend that PNM's Application be denied on the basis of *adverse health conditions*.

... These are issues that can and should be addressed in a public input process of the sort PNM stated in its 2012 Report that it would conduct before bringing a smart meter proposal to the Commission for approval.

(emphases added).

Instead, PNM deliberately excluded NMUS and all other parties concerned with those health effects from its purported public input process<sup>8</sup>; from its stakeholder meetings<sup>9</sup>; from the service list for its Application for Grid Modernization launching the current case<sup>10</sup>; and even from its settlement conference<sup>11</sup> in the current proceeding. And PNM's "public input process" asked customers only whether they were "concerned about electromagnetic sensitivity"<sup>12</sup>, not about the health effects of smart meters as it was commanded to do.

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<sup>8</sup> PNM's "customer surveys" were neither random nor sent to all customers. Only the Customer Sentiment Survey reveals the 7 zip codes in which all of the surveyed customers resided. Application, October 3, 2022, Exhibit JAR-2, p. 30. Only the Customer Insights Survey mentions "electromagnetic sensitivity"; the word "health" does not appear in the survey. Exhibit JAR-4.

<sup>9</sup> PNM invited and met with only those stakeholders who support AMI. It neither invited nor notified NMUS of these meetings. Exhibit LES-7, p. 1.

<sup>10</sup> Application, October 3, 2022, p. 1 of cover letter to Melanie Sandoval: "This application is being served on parties to Case Nos. 22-00058-UT and 16-00276-UT ('2016 Rate Case')". It was *not* served on parties to the previous AMI proceeding, Case No. 15-00312-UT.

<sup>11</sup> See emails of January 23, 2023 and February 2, 2023 from PNM's Mark Fenton, attached hereto as Exhibits 1 and 2, inviting all PRC staff and all of the then-parties *except* NMUS to a settlement conference on February 2, 2023.

<sup>12</sup> Application, Exhibit JAR-4, p. 5.

## **II. THE GRID MODERNIZATION STATUTE IS PART OF THE PUBLIC UTILITY ACT**

### **A. Costs to Health and Environment Must Be Evaluated**

Contrary to the Hearing Examiner’s assertions, the Grid Modernization statute did not repeal the Public Utility Act (“PUA”), which makes the protection of the public health, safety and welfare a primary responsibility in all of the Commission’s actions. The costs to the public health and the environment may not be omitted in any cost-benefit analysis, and the Commission may not rule them “irrelevant” to a CBA, as the Hearing Examiner has done. The Legislature did not remove health, safety and welfare from the Public Utility Act by passing the Grid Modernization statute. It did not mention health, safety and welfare in the Grid Modernization statute because it did not have to: the Grid Modernization statute is *part* of the Public Utility Act. Section 3 of the Grid Modernization statute begins with this sentence: “A new section of the Public Utility Act is enacted to read: ‘APPLICATION FOR GRID MODERNIZATION PROJECTS.’”<sup>13</sup>

The Hearing Examiner seems not to be aware of that. In an Order dated February 14, 2023, he ruled that “The Commission is not authorized to investigate whether AMI can or should be used at all or whether AMI will end up physically harming New Mexicans.”<sup>14</sup> Considering the hundreds of comments in the record of this proceeding filed by members of the public in both New Mexico and elsewhere testifying to severe injury, death, and homelessness caused by smart meters (see Section III below), that is an astounding ruling by a public official appointed by this Commission to uphold the law and the Constitution. The Public Utility Act states:

The following are the objects and purposes of this act

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<sup>13</sup> Laws 2020, ch. 15, § 3.

<sup>14</sup> Order Granting PNM’s Objection and Motion to Strike the Testimony of NMUS, 2/14/23.



(2) It is the declared policy of the state that *preservation of the public health, safety and welfare*, the interest of consumers and the interest of investor-members require that the construction, development and extension of utility plants and facilities be without unnecessary duplication and economic waste.

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(4) It is the intent of the legislature in enacting this statute to bring up to date the laws pertaining to public utilities and rural electric cooperatives... The accomplishment of this intent is necessary and vital to the preservation of the *public health, safety and welfare*.

(emphases added). NMSA 1978, § 62-3-2(A). “One of the purposes of enacting [the Public Utility] Act is to preserve the public health, safety and welfare.” *Griffith v. New Mexico Public Service Commission*, 1974-NMSA-024, ¶ 8, 86 N.M. 113, 520 P. 2d 269.

During the March 23, 2023 day of hearing, Mr. Harris, representing Albuquerque Bernalillo County Water Utility Authority, recognizing that all provisions of the Public Utility Act must be obeyed, and not just the Grid Modernization statute, cross-examined Ms. Crane of the Office of the Attorney General:

Q. My question is other than the Grid Modernization statute, when deciding the issues in this case, are there other provisions of the Public Utility Act and/or other regulatory principles that you would recommend the Commission consider when reaching its decisions?

A. Wow, that’s a really broad question. Yeah, I mean I think they should consider a lot of things probably too numerous to mention here.<sup>15</sup>

But during the April 23, 2024 day of the CBA hearing, the Hearing Examiner seemed not to even be aware that the Grid Modernization statute is part of the Public Utility Act and that the responsibilities of the Commission in this proceeding must be determined by reference not just to the Grid Modernization statute but to the entire Act. Mr. Elliot of the Office of the Attorney General was cross-examining Mr. Shields of PNM:

Q. Are you also familiar with the New Mexico Public Utility Act?

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<sup>15</sup> Transcript of Proceedings March 23, 2023, p. 1212.

A. Somewhat.

Q. It's the State's policy in order to ensure the rates remain just and reasonable and affordable. I mean that's also part of the policy; right? Ensuring that rates remain affordable. . .

Here Mr. Ryan interrupted:

Mr. Elliot, I'll go one step further and add that we don't need to go to the PUA for the cost question because Subsection 1B of the Grid Mod statute says that one reason is to maintain reasonable ratepayer costs. It is built into the statute.<sup>16</sup>

Mr. Ryan even sustained PNM's refusal to answer NMUS's discovery requests related to the costs of AMI to health and environment on the basis that they are not "relevant" to the CBA.<sup>17,18,19</sup>

Costs to the public health and environment are mandated by the Public Utility Act to be considered in every decision of the PRC, including especially a decision on a cost-benefit analysis. The Grid Modernization statute must be interpreted in the context of "the PRC's broader regulatory duties. *Cf. Baker v. Hedstrom*, 2013-NMSC-043, ¶ 15, 309 P.3d 1047 ("We must examine [the plaintiffs'] interpretation in the context of the statute as a whole, including the purposes and consequences of the ... Act.')." *Southwestern Public Service Company v. New Mexico Public Regulation Commission*, 2024-NMSC-012, ¶ 40, \_\_P.3d \_\_.

In *Planning and Design Solutions v. City of Santa Fe*, 1994-NMSC-112, ¶ 33, 118 N.M. 707, 885 P.2d 628, our Supreme Court said that "[t]he public has both economic and moral interests in assuring that government entities strictly adhere to the code as well as their own

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<sup>16</sup> Transcript of Proceedings April 23, 2024, pp. 1764-5.

<sup>17</sup> NMUS Supplemental Hearing Exhibit Number 1 – NMUS's Third Set of Discovery Requests to PNM. *In* Transcript of Proceedings April 24, 2024 Exhibits, Doc. ID 1233060, pp. 366-71.

<sup>18</sup> NMUS Supplemental Hearing Exhibit Number 2 – PNM's Responses to NMUS's Third Set of Discovery Requests, *Id.* pp. 372-79.

<sup>19</sup> Mr. Ryan sustaining PNM's objection, *in* Transcript of Proceedings April 24, 2024, pp. 1988-89.

published regulations,” and that one way to avoid misconduct is to conduct “a realistic cost-benefit analysis.”

In *Grimshaw v. Ford Motor Co.*, 174 Cal. Rptr. 348, 384-5 (Cal. App. 1981), the Defendant conducted a “cost-benefit analysis balancing human lives and limbs against corporate profits,” which “showed the defendant’s ‘institutional mentality was shown to be one of callous indifference to public safety’” (quoted in *Gurule v. Ford Motor Co.*, No. 29,296, mem. op., 2011 WL 2071701 (N.M. Ct. App. Feb. 17, 2011)).

See also *Burlington Northern Railroad Company*, 1988-NMSC-076, ¶ 7, 107 N.M. 582, 761 P.2d 855 (1988):

In determining the reasonableness of an order concerning the removal of local station agents, this Court engages in a cost-benefit analysis... Factors to be considered in this analysis are the expense of maintaining the station, the revenue derived by the railroad from the operation of the station, the number of people to be benefited, the demand for services, the proximity and accessibility of other stations, *any inconvenience to the public*, the nature of the service remaining or to be substituted, and all other facts and circumstances.

(emphasis added).

In *Baldonado v. El Paso Natural Gas Co.*, 2008-NMCA-010, ¶ 31, 143 N.M. 297, 176 P.3d 286, “Plaintiffs claim[ed] that ‘[Defendant] undertook a cost-benefit analysis (a “Pinto” analysis) that studied the costs to make the pipelines safe as compared to the costs that would be incurred for personal injury and wrongful death claims.’” The court reversed the district court’s dismissal of Plaintiffs’ claims and remanded for trial because “we cannot say that there is no conceivable set of facts provable under the allegations of Plaintiffs’ complaint that would satisfy the elements of the tort.” *Id.* ¶ 34. The situation here is even worse: PNM did not even include in its CBA any costs that would be incurred because of injuries and deaths caused by AMI as alleged by parties to this proceeding and by hundreds of public commenters, and the

Commission cannot accept a CBA that does not inquire into the truth of those allegations. To assume that those allegations are not provable while not accepting any evidence or testimony about them from the parties to this proceeding is to contradict the previous findings and conclusions of this Commission in Case No. 15-00312-UT and to ignore the Commission's own command to address the health effects of AMI in a public input process before bringing another smart meter proposal back for approval. The situation here is similar to that in *Baldonado*, where the fact that the Legislature authorized the counties to grant rights-of-way for laying pipelines<sup>20</sup> did not make protecting the public health "irrelevant."

Even the granting of a liquor license requires a local authority to "consider the issues of the effect of the transfer on public health, safety, and morals." *Thriftway Marketing Corporation v. State of New Mexico*, 1990-NMCA-115, ¶ 5, 111 N.M. 763, 810 P.2d 349.

There is no case in New Mexico where significant costs have been deemed by a court to be "not relevant" to a cost-benefit analysis.

The Commission may decide, *based on the evidence*, that there is no cost of AMI to the public health or environment. But it may not summarily exclude such evidence on the basis that it is "not relevant" to the deployment of inescapable facilities that are accused of doing severe harm to people, animals, birds, and insects everywhere. The fact that AMI has become much more widely deployed in the rest of the United States since the conclusion of Case No. 15-00312 does not prove them safe. Quite the opposite: it has injured and killed so many people, and made so many people homeless, that they are screaming at New Mexico, by way of 431 written public comments and a large number of oral public comments, not to follow the rest of the country off the cliff and to finally set a precedent for health, life, and the planet.

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<sup>20</sup> NMSA Chapter 70, Article 3.

### **III. HUNDREDS OF PUBLIC COMMENTS TESTIFYING TO INJURY, DEATH, AND HOMELESSNESS FROM AMI MUST BE CONSIDERED BY THE COMMISSION IN ACCEPTING OR REJECTING THE CBA**

The volume of public opposition to AMI, and PNM's failure to acknowledge it, were primary factors in the Commission's rejection of PNM's cost-benefit analysis in Case No. 15-00312-UT. Both the number of scientific studies, the evidence of severe health effects, and the magnitude of the public opposition in Case No. 22-00058-UT are now even more extensive, but have been not only ignored by PNM, but both ignored, ruled "irrelevant," and excluded by the Hearing Examiner. This is contrary to law. NMUS has already addressed the total exclusion of all witnesses and evidence relating to health and environment from this proceeding in its Brief-in-Chief that it filed on April 20, 2023 following the previous hearing.<sup>21</sup> Here NMUS highlights the total and illegal exclusion of the huge public opposition to AMI when considering the costs of this technology. The Hearing Examiner even scheduled the prehearing on the CBA at the exact same time as the public comment hearing on the CBA, 2:00 P.M. on April 18, 2024, thus guaranteeing that neither he nor any of the parties would be able to hear those public comments; thus guaranteeing that the parties could not use those comments in any way in their briefs on the CBA, or the Hearing Examiner in his Recommended Decision, since they have not even been transcribed.

#### **A. Standard of Review**

To totally ignore the public comments in a case is to make a mockery of the rule that allows the public to make them and to effectively invalidate it. The PRC's rule states: "All interested persons are afforded the opportunity to have input into cases which affect them."

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<sup>21</sup> See New Mexicans for Utility Safety's Brief-in-Chief, this docket, April 20, 2023.

1.2.2.3(F) NMAC. Input that is not considered is not input. Input that is not even heard by the decision-maker is not input.

“A ruling by an administrative agency is arbitrary and capricious if it is unreasonable or without a rational basis, when viewed in light of the whole record.” *Colonias Development Council v. Rhino*, 2005-NMSC-024, ¶ 13, 138 N.M. 133, 117 P.3d 939 (quoting *Rio Grande Chapter of the Sierra Club v. N.M. Mining Comm’n*, 2003-NMSC-005, ¶ 17, 133 N.M. 97, 61 P.3d 806). The public comments are part of the whole record. After the Court of Appeals ruled that the New Mexico Environment Department was not required to consider the public testimony, the Supreme Court reversed, noting that an important purpose of the Solid Waste Act, which NMED is charged with administering, is to “protect the public health, safety and welfare.” *Colonias* ¶ 32. That is also an important purpose of the Public Utility Act.

See also *Georgetown Preservation Society v. County of El Dorado*, 30 Cal.App.5th 358, 367 (Cal. App. 2018) (“[T]he public comments submitted to the County provided substantial evidence to support a fair argument that the project may have significant aesthetic impacts”); *Apple Canyon Lake Property Owners’ Association v. Illinois Commerce Commission*, 985 N.E.2d 695, 708 (Ill. App. 2013) (“Because the public comments might affect the Commission’s decision, and because they are part of the Commission’s record, the parties must be given an opportunity to cite to the comments in their briefs and to make permissible arguments about the comments’ significance”).

## **B. The Public Comments**

As of June 11, 2024, 431 members of the public have submitted written comments into the record of this case<sup>22</sup>, and 33 additional people who did not submit written comments gave

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<sup>22</sup> Public Comments, Document ID 1216076.

oral comments on March 17, 2023.<sup>23</sup> The transcript for the additional public comment hearing held April 19, 2024 is not available. Of the 464 commenters whose names and testimonies are in the record, 460 oppose PNM’s application for Grid Modernization. 430 of those are opposed for reasons of health and environment. Some of the commenters are New Mexico residents who have experienced smart meters prior to moving here; others are New Mexico residents who have experienced smart meters while traveling; others are residents of parts of New Mexico that already have smart meters; and others are people who live in the rest of the country and the rest of the world who have experienced smart meters that have been forced upon them. Among them are doctors, psychologists, nurses, and other health practitioners. The following are excerpts from some of the comments:

Maryann McCabe writes that

“from the time [the smart meter] was turned on, I could not write an email, I could not think and I could not sleep. It was an absolute nightmare until it was switched off.” (Public Comments, p. 11)

Lauren Bond writes that

“the radiation [smart meters] emit inside apartments creates for myself, a constant burning pain to my skin.” (*Id.* p. 19).

Jeanne Thompson writes that

“my mother died of a massive brain tumor caused by a row of smart meters outside her condo, on the wall where the head of her bed was.” (*Id.* p. 20).

Richard Flook writes:

“I had to move because of the horrific radiation my property was surrounded by, that was given off by the Smart meters on every house in the local survey” that “were destroying me and my families health.” (*Id.* p. 29).

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<sup>23</sup> Transcript of Proceedings, March 17, 2023 Public Comment Hearing.

Dr. L. Thomas writes:

“I have seen hideous debility in adults and children secondary to Smart Meters being installed in my area.” (*Id.* p. 39).

Charlene Bontrager writes of

“how sick the smart grid has made me since 2010,” that “I have to fight for my life on a daily basis,” and that “the blueberry farm had no bees and could not make a living or sell produce to its customers.” (*Id.* p. 55).

Mary Boncher writes that since a smart meter was installed,

“I have experienced headaches whenever I'm in the house for an extended period of time,” and that “we are no longer having birds visiting in our backyard as we used to.” (*Id.* p. 58).

Simone St. Clare writes:

“Over the past 6 years since the installation of a smart meter on my home, I have noticed that there are almost NO hummingbirds visiting the feeders. Anna's hummingbirds overwinter here and previously, the feeders were busy year round.” (*Id.* p. 66).

Deirdre Novella writes:

“I was severely negatively impacted by smart meters. They were installed at my job as a hair stylist, and within a few months I had massive radiation poisoning symptoms. My hair was falling out and I was diagnosed with leukemia... New Mexico is a safe haven for me, so I think smart meters should be banned.” (*Id.* p. 69).

Rebeca Randle writes:

“In the house that we had a smart meter (until there was an “opt out” program) THERE WERE NO BIRDS! When the smart meter was removed the birds came back.” (*Id.* p. 79).

Shira Nahari writes that

“my observations of the effect of smart meters on the health of friends in other communities have been horrifying.” (*Id.* p. 83).

Robert Workman, a Building Biologist, sent a video “of a client who had a stroke and broke out in hives.” He writes:



“This meter has been torture to myself and others in St Louis, it is my professional opinion this meter kills all biological life.” (*Id.* p. 91).

Cynthia Sue Larson writes that a smart meter made her “sicker than I’d ever been in my life” for two years until she finally succeeded in getting it removed from her house. “I’m now sleeping well and no longer waking up with nosebleeds and migraine headaches... and the heart palpitations, muscle spasms and blurred vision are a thing of the past.” (*Id.* pp. 93-97).

Sema Kelly opted out, but her neighbor had a smart meter put in:

“She didn't know it had such dangers, but soon found out her chickens in the yard had huge tumors growing on their throats and body. The eggs they laid were odd shapes and colors, and the chickens appeared to be tired, which was not ever seen prior to the installments of the smart meters.” (*Id.* p. 105).

Andre Fayolle writes that

“it has affected our health: headaches; it has affected the animal, bird, and insect life in our community: disparition; it burnt our houses, so we have no more house since three years.” (*Id.* p. 111).

Phoebe Anne Sorgen writes:

“I know people who have been egregiously harmed by them, people who were healthy until installation of a so-called smart meter drove them from their homes in agony and turned them into EMF refugees.” (*Id.* p. 114).

Marie Roulleau had a smart meter installed in 2016. She writes:

“I don't hear as many songbirds now as I used to before 2016. Pollinisation of fruit trees in my backyard seems to have been affected as well. A bee-keeper neighbour has lost her beehives.” (*Id.* p. 117).

Annette Lillig writes:

“I myself have no smart meter because everyone I know who does have one has been negatively affected by them.” (*Id.* p. 119).

Cynthia Groves writes:

“I had to move from a condo after I couldn't take it 5 months later because of smart meters—painful and expensive.” (*Id.* p. 123).

Margaretha Tierney had a smart meter installed:

“Two weeks later, I became sick and was sick for five years. During that time I went overseas for three months (USA) and was not sick... In the end I had the smart meter moved off the house about 45 feet away, which cost me \$5000.” (*Id.* p. 134).

Sarah Wild writes:

“I had a smart meter installed a few years ago and after only a short time, had to move out of the house until it was removed... My neighbour, an 80 year old man, also had a smart meter installed at around this time – and (maybe coincidence) went from being extremely lively, active, outward-going to hobbling around and forgetful within 6 months. He died within 18 months.” (*Id.* p. 136).

Dino DeBenetti writes:

“The smart meter was installed without our informed consent... I attempted to hatch fertile chicken eggs in an incubator in my house and after 21 days, not one egg hatched. Further examination showed that not one egg started to grow any fetus. I tried this 2 times and the same results with well over 20 fertile eggs each time.” (*Id.* p. 144).

Lorita Lang writes:

“Since the installation of Smart Meters I have noticed... severe stomach issues like diarrhea, pain, trouble swallowing, that has not been helped with medical care... my cat also started developing stomach issues near the time of installation of the meters, my former garden before Smart Meters grew wonderfully, which in the past few years is almost unproductive, and was filled with pollinators like wasps, bees and butterflies but now on walks in our neighborhood we find too many dead bees which seem to be laid out in groups and I no longer see some of what used to be very common bumblebees.” (*Id.* p. 152).

Dr. Paul Héroux, a professor of toxicology, sent his curriculum vitae and his 37-page report on AMI's effects on health and the environment. (*Id.* pp. 153-219).

K. Blomquist writes:

“In 2013, smart meters were instituted within my neighborhood... I incurred inner ear damage, and health issues from inability to sleep due to: anxiety, non-stop heart palpitations, and migraines. I literally fled from my home after two months of the above, and stayed with a friend who did not have smart meters in their

neighborhood—FOR THREE YEARS—because I felt death would have occurred within weeks if I had not done so.” (*Id.* p. 227).

Tina Cada writes:

“On the day they were getting installed, I walked outside and had no idea where I was. I had the worst kind of disorientation. This reaction was ongoing and lasted for the first few months... The vertigo attacks have only gotten worse in the past three years... My son is a teenager and he started having issues as well. The dry mouth, headaches, and sleep disruptions being the worst for him... After the installation of the smart meters, my neighbor's big dog suddenly got cancer and died. My cat started acting differently as well. We used to have a lot of bats around here which are great for eating all the mosquitoes, but I have not seen any bats in the past year or two.” (*Id.* p. 229).

Jennifer Wood writes that she

“became unable to live in my house when a smart meter was put on it... I have literally known thousands of people over the past nine years or so who became so ill when smart meters were installed in their homes that they had to move just as I did.” (*Id.* p. 238)

Elizabeth Foley Walsh writes:

“After a smart meter was installed in my home in NC, I began having severe headaches and dizziness the very next week, and absence episodes which later were diagnosed as temporal lobe seizures... I had to go on medical leave from my 18-year career in developmental epidemiology... In desperation I decided to sign a short-term lease to move to a remote and rural community in NC where I could pay a fee to keep my analog meter. I was not terribly optimistic which is why I was stunned at the change in my health. It was truly shocking. I never had another seizure...

“[T]he frogs disappeared the very summer after the smart meter went in. We used to have hundreds of tiny frogs every summer, without fail, due to a creek behind the back yard, and they actually disappeared. It was very noticeable because you would always see tiny frogs jumping out across the path as you walked, and that summer after the meter went in and I was so sick, the frogs never showed up... Also the smaller species of birds disappeared... We were devastated because we used to have about 15-20 house sparrows each summer and they disappeared 100 percent... We have vacated. The wildlife have either died or are sick.” (*Id.* p. 246-7).

Victor Oddivak writes:

“My neighbor installed the Smart Meter and 5 days later her young healthy cat died.” (*Id.* p. 258).

Iwona Wnuk, writing in German, says that his wife developed heart arrhythmia and high blood pressure and fainted on the day a smart meter was installed:

“Am selben Tag ging es meiner Frau sehr schlecht. Sie bekam Herzrhythmusstörungen, sehr hohen Blutdruck und fiel in Ohnmacht.” (*Id.* p. 269).

Kent Casady writes:

“We bought our house in San Diego in 2018. A smart meter was installed on the house. There was no life in the yard. The dirt in the yard was dead, There were no insects, no bees, no butterflies, no birds. It was weird. I called San Diego Gas and electric and asked them to remove the smart meter which they did... Pretty soon we had lots of alive activity, earthworms in the soil, bees, butterflies, hummingbirds, spiders, and other creatures, and healthy plants producing food.” (*Id.* p. 284).

K. Webber writes:

“We have noticed our friends, family and neighbors who had the RF Smart Meters put on their homes, almost always without their knowledge or permission, having a wide array of negative effects, including heart irregularity, ear ringing, hair loss, cancer and insomnia. One of our friends who had an RF meter on his house had a stroke, with no previous health problems and at a young age.” (*Id.* p. 287).

Ellen Habeck writes:

“[S]ince the smart meter installation in this home and elsewhere, I have noticed here and other places I am familiar with that there are far fewer songbirds, rabbits, squirrels, chipmunks and frogs than previously.” (*Id.* p. 293).

Cathy Cooke, a Building Biologist, writes that “the suffering [from smart meters] is incalculable.” (*Id.* p. 295).

Arlene Griffin writes:

“I was relocated from New Mexico to southern California briefly in 2019-2020. I had no history of heart problems, but upon moving into a house in a development in San Diego County, I was jolted awake every night, feeling like what it would be like to be hit with defibrillator paddles... We hired an inspector who tested our

house for RF/EMF radiation and found that the high readings were not coming from our property (we had an analog meter), but from our neighbor's house...

“Finally, in September 2020 I returned to New Mexico for good, and I have not had those heart symptoms here.” (*Id.* p. 298).

Stephanie Dickerson writes:

“I have been forced from 3 previous home locations because of smartmeter installations.” (*Id.* p. 299).

Brenda Rogers writes:

“I lived in Lancaster CA on a cul-de-sac. I could not sleep. I could not think. My head was in pain. The list of ailments I dealt with in my house is long. I had to leave my home in a camper to find somewhere I could sleep. First I begged, then I paid monthly for them to change to an analog meter. I got a different meter but low and behold, the neighbors on each side of me had their Smart Meters on their garage that was too close to my house, and I had the same health problem...

“I had to move from my home I had for 30 years... So far I do not have a smart meter, and my health is much better.” (*Id.* p. 301).

Jennifer Andree developed “horrific and disabling symptoms” after sleeping with her head one foot away from 2 smart meters at Kirtland Air Force Base on the other side of her bedroom wall. (*Id.* pp. 319-321).

Alvita Armanavičienė sent a photograph of a bush that was brown on the side facing toward a smart meter and green on the side facing away. (*Id.* p. 364).

Simone Bercu writes:

“Five years ago, my family and I had left our homes in other states to come here, because smart meters were not mandated. This was our second move since 2013! The smart meters were devastating our small children and ourselves and the effects are still noticeable.” (*Id.* p. 367).

M. L. writes:

“When our meter started transmitting, I noticed two birds that had died within approximately 25 feet of it.” (*Id.* p. 385).

Lukas Zillmer writes that the radiation from a smart meter has “made life almost unbearable. (*Id.* p. 396).

Simone Prince writes:

When a smart meter was installed on my townhouse approximately 6 years ago, my cat developed Hyperthyroidism. I also went from Hypothyroidism to Hyperthyroidism.” (*Id.* p. 407).

Lydia McNicol writes that ever since she moved into a home with a smart meter, her health has deteriorated “to such a degree that I have very little quality of life.” (*Id.* p. 410).

Sirpa Autio is a family physician who has “13 smart meters on the wall downstairs from my apartment. I am practically disabled by now after just 3 months in the apartment.” (*Id.* p. 411).

Ron Schranz writes:

“My home is NOW UNLIVEABLE. The minute I step out of my car in the driveway I get ZAPPED with painful headaches. I can not be in my home at all. Every home around me now has a Smart meter and I am being crucified with nowhere to go. I will have to leave my home, my family, and my work in an attempt to save myself...” (*Id.* p. 412).

Wendy Lang writes:

“My late husband died of a brain tumor (glioma) 10 years ago, after a row of smart meters were put in place outside the wall where his head was as we slept.” (*Id.* p. 413).

Beloved Heartsong writes:

“Although I am very healthy and active, and usually a very good sleeper, upon moving into a rental home a few years ago, I started having intense heart palpitations and pains in my chest and not sleeping well. I thought I was going to have a heart attack... A friend of mine who does EMF remediation came to check out my house, and told me I had a smart meter... I moved out shortly after realizing how detrimental that meter was to my health, and for years now, have had a home with an analog meter and I feel fine and sleep well again.” (*Id.* p. 414).

Agnès Dufour writes, in French, that she developed acute pain two hours after a smart meter was installed, and had to leave her home. (*Id.* p. 415).

Katie Sosayachanh became severely ill three weeks after a smart meter was installed:

“9 months into suffering from the smart meter, my dog and I suddenly both developed extreme hair loss and also simultaneously were diagnosed with hypothyroidism... My husband also developed sleep disturbances and moodiness and observed that the grass and plants directly adjacent to the smart meter were failing or dead, despite being located in a moist/ideal area for growth. Previously, they had thrived in this spot.” (*Id.* p. 418).

Amanda Coy writes:

“Just a few years ago, I was an athletic 27-year-old in pristine health, and within the course of two years, deteriorated into a husk of a human being... I couldn't eat or sleep (and consequently lost 15 lbs, becoming underweight); I was chronically fatigued; my cognitive abilities atrophied to the point where I was no longer myself; my hair began falling out; and most alarmingly, I developed a severely debilitating heart condition...

“So what changed? During this time, my family and I had moved into a duplex 900 feet away from two cell towers—and into a bedroom that had two smart meters mounted to the exterior wall.” (*Id.* p. 420-421).

Carla Jacobson writes:

“I was living in Medford, OR when the cell phone meter was placed on my home. The very first night, I ended up with the ER unable to breathe... I immediately left my home and felt better camping that night in a national forest. Fast forward 3 years, I'm still living in my car.” (*Id.* p. 422).

Charles Wolfe writes:

“Back in 2014 a bank of 7 smart meters were installed in the condo building where I lived at the time. The same day they were installed I began experiencing vertigo and balance problems. As time went on I experienced brain fog and pressure in my head... The symptoms were bad enough that I was forced to vacate my unit and move back in with my mom for about a year until I was able to sell my condo and purchase a single family home free from smart meters.” (*Id.* p. 423).

Paula Polson writes:

“Soon after the smart meter was installed I had such severe palpitations I went to emergency dept. at the local hospital.” (*Id.* p. 424).

Petrina Gregson writes that “[i]n 2012 we moved from our home town to escape the smart meters.” (*Id.* p. 425).

Alice Martineau writes:

“For nearly 7 years [my neighbor’s] meter was on the side of the building about 12 feet from where my head rested while I slept on the other side of the driveway. During that time I developed tinnitus, trouble sleeping, heart palpitations and a melanoma on the top of my forehead opposite their smart meter.” (*Id.* p. 429).

Kelly McMenimen writes:

“I myself was having great difficulty sleeping for several years, felt like I was experiencing a mild form of electrocution throughout my body every time I laid down at night... I soon discovered that smart meters for the two units were on the outside wall to my bedroom.

“I moved away as soon as I could to a more rural area where I only have two neighbors, and I immediately started sleeping just fine again. Until about 5 years later. The same thing started to happen as before... [I] discovered that one of my neighbor's electrical meters had been changed to a Smart meter! ... I begged my neighbor to ask the electrical company to remove the so-called Smart Meter. When they did so, a month later, I could suddenly sleep again!” (*Id.* p. 433).

Deborah Simpkins writes that when she passed by a smart meter near the back door of a restaurant, she almost passed out, and that “[t]he pain in my head and stinging of my skin was unbearable.” (*Id.* p. 435).

Pat Ormsby writes that when the analog meters in her town were replaced with smart meters, they observed “no bees pollinating the melons” and noticed changes in bird behavior. (*Id.* p. 436-8).

Danuta Hulajko writes that when a smart meter was installed, “Almost immediately I developed insomnia, anxiety and heart palpitations.” (*Id.* p. 436-9).



Jane Goodfellow writes that “I had to give up lucrative caring work and my home” because of smart meters. (*Id.* p. 440).

Sharon Casjens writes that the day they installed a smart meter “it felt like a sledge hammer hit me in the chest, my face felt like it was on fire, I began to shake uncontrollably, heart rate dropped very quickly.” When she went out to water her plants, she was “thrown right onto my face on the ground.” (*Id.* p. 452).

Cal Aylmer writes that when the smart meter was installed, “IMMEDIATELY I developed tinnitus like a massive morse code beeping in my ears non-stop.” It was removed seven years later. “The SECOND AND I MEAN THE SECOND THE VERY ACTUAL SECOND IT WAS TURNED OFF MY TINNITUS STOPPED STONE COLD ON THE SPOT! SO DID THE PULSING IN MY EAR DRUMS.” (*Id.* p. 468).

Marian Porter writes that after a smart meter was installed, “I became sicker than I had ever been in my life.” (*Id.* p. 495).

Susan Michetti writes that she suffered serious health effects from smart meters installed 300 feet away, and when smart meters were installed adjacent to her home, she developed glaucoma that required surgery. She adds that “I have never seen so many dead birds.” (*Id.* pp. 520-522).

Lavonne Garnett writes:

“Regarding installation of 2 Radio Off Smart Meters on our home, September 2019, within one week my husband had a stroke, and the following week a second stroke.” (*Id.* p. 537).

Nancy Trites Botkin writes that she had “twisted leg cramps” at night for years before she discovered that “below our bed, in the lower floor, were 5 smart meters for the whole building. Once we had them taken out, and other measures taken, the cramps stopped.” (*Id.* p. 538).

Patrick Ouimet writes that he is “forced to sell my property” because of the smart meters. (*Id.* p. 554).

Leah Spitzer writes that the day the smart meters were turned on, “I was leaning over to feed my golden retriever and I landed on all fours. Vertigo hit me like a rifle shot. I couldn’t stand.” She moved to a place where there are no smart meters. (*Id.* p. 556).

Githa Ben-David writes:

“My son had a strong reaction to sleeping with a Smartmeter in a basement for one month. His skin was itching – and he got burns all over... it looked like getting radiation treatment for cancer. He had it all over the body. Now one and a half months after in my home without smartmeter, he starts to heal.” (*Id.* p. 571).

Ken Mack lives in Country Acres Farm, a community with 48 homes. After smart meters were installed, he “watched people get sick and die.” People had miscarriages and there were “no babies born alive since 2011.” “We spent \$377,000.00 the utility finally took out the system we are now on analog meters no one is sick or died.” (*Id.* pp. 572-577).

Kat Calhoun writes that “while trying to cover the required smart meter, my heart went into a-fib.” (*Id.* p. 581).

Kamala Nellen writes:

“Ever since smart meters have been slapped onto our homes in California, I have not slept through the night once.” (*Id.* p. 583).

Karen Cook writes about

“the terrible Smart Meters that have basically destroyed my life, causing physical injuries, death of family members and pets, wildlife, insects, trees and plants, etc.” (*Id.* p. 597).

Kathairein Greer writes:

“In September, 2013, when I was 65, I left my belongings behind in Irving, TX and arrived in Albuquerque with my Cat, my Landline phone and my laptop. Two

or three weeks before that, Irving began installing Smart Meters without informing the homeowners and landlords. I became visibly spastic when I walked to and from the grocery stores and often laid down on the ground in pain to get relief... I thought I was going to die..." (*Id.* p. 691).

Joann Wolfeld, a registered nurse, says that when the smart meter was installed,

"I started having trouble sleeping... I would stay awake all night long... I also developed blood clots that were so huge... I actually stuffed my nose with Kleenex before going to sleep, worried that I might choke on the blood during the night. I had tinnitus before, but not to this degree. I developed such ringing in my ears, such depression, rapid heartbeats just from walking in my house." (Transcript of Proceedings, March 17, 2023 Public Comment Hearing, pp. 150-151).

### CONCLUSION

New Mexicans for Utility Safety respectfully requests the Commission to review the CBA and the Grid Modernization application for compliance with the Public Utility Act, and recommends that:

- 1) Public comments should be considered in evaluating PNM's Cost-Benefit Analysis;
- 2) Costs to health and environment must be part of the Cost-Benefit Analysis;
- 3) The Cost-Benefit Analysis submitted by PNM should be disapproved; and
- 4) PNM's application for a Grid Modernization project should be denied.

Respectfully submitted,

NEW MEXICANS FOR UTILITY SAFETY

*/s/ Arthur Firstenberg*

Arthur Firstenberg  
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Santa Fe, NM 87502  
(505) 471-0129  
bearstar@fastmail.fm

June 11, 2024

# EXHIBIT 1

**From:** [Borman, Bradford, PRC](#) on behalf of [Fenton, Mark](#)  
**To:** [Mauldin, Jonah, PRC](#); [Zedalis, Bryce, PRC](#); [Goodwin, Stacey](#); [Tupler, Marc, PRC](#); [Padilla, Leslie](#); [Sidler, Jack, PRC](#); [Buffington, Brian](#); [LaSalle, Eli, PRC](#); [Sanders, Kyle](#); [Leyba-Tercero, Elisha, PRC](#); [Warner, Omni](#); [Dasheno, Gabriella, PRC](#); [Gideon Elliot](#); [Martinez, Richard, PRC](#); [clane@synapse-energy.com](#); [Rilkoff, Ed, PRC](#); [kgedko@nmag.gov](#); [ctcolumbia@aol.com](#); [Cydney.Beadles@westernresources.org](#); [Clare Valentine](#); [lynch.cara.nm@gmail.com](#); [Charles de Saillan](#); [mkenney@swenergy.org](#); [Borman, Bradford, PRC](#); [Kelly@thegouldlawfirm.com](#); [peter@thegouldlawfirm.com](#); [Keith Herrmann](#); [Park, Julie](#); [Stephen Chriss](#); [JA@Jalblaw.com](#); [jlesky@leskylawoffice.com](#)  
**Cc:** [Sanchez, Laura](#); [Johnson, Zach](#); [Andrews, Brian C.](#)  
**Subject:** FW: [EXTERNAL] PNM grid modernization application - settlement/rebuttal position - discussion

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I don't know how many of you were planning to participate in this meeting tomorrow; at the very least, I plan to join to hear what they might have to offer. But do we want to meet beforehand to talk about this?

-----Original Appointment-----

From: Fenton, Mark <Mark.Fenton@pnm.com>

Sent: Monday, January 23, 2023 2:26 PM

To: Fenton, Mark; Goodwin, Stacey; Padilla, Leslie; Buffington, Brian; Sanders, Kyle; Warner, Omni; Gideon Elliot; clane@synapse-energy.com; kgedko@nmag.gov; ctcolumbia@aol.com; Cydney.Beadles@westernresources.org; Clare Valentine; lynch.cara.nm@gmail.com; Charles de Saillan; mkenney@swenergy.org; Rilkoff, Ed, PRC; Sidler, Jack, PRC; Tupler, Marc, PRC; LaSalle, Eli, PRC; Mauldin, Jonah, PRC; Martinez, Richard, PRC; Borman, Bradford, PRC; Kelly@thegouldlawfirm.com; peter@thegouldlawfirm.com; Keith Herrmann; Park, Julie; Stephen Chriss; JA@Jalblaw.com; jlesky@leskylawoffice.com

Cc: Sanchez, Laura; Johnson, Zach; Andrews, Brian C.

Subject: [EXTERNAL] PNM grid modernization application - settlement/rebuttal position - discussion

When: Thursday, February 2, 2023 10:00 AM-11:30 AM (UTC-07:00) Mountain Time (US & Canada).

Where: and 414 Silver Silver SW, Albuquerque 87102; Conf Rm, HQ-11 Large

CAUTION: This email originated outside of our organization. Exercise caution prior to clicking on links or opening attachments.

We look forward to the meeting on Thursday. I have taken of the "Calendar Placeholder". Thanks, Mark Fenton

The meeting will be a "hybrid" and individuals may participate through Webex or in-person at PNM's offices at 414 Silver, SW, Albuquerque. Please have PNM security contact Donna Holliday to be escorted up to the HQ 11 conference room if you choose to participate in-person. Others are welcome to participate through Webex. PNM has met with several (not all) parties to discuss the potential for settlement in PNM's grid modernization application. This meeting will be held following the filing of Staff and Intervenor testimony on January 27th. Based on initial discussions, several parties appeared interested in pursuing a settlement. The purpose of the meeting will be to identify areas of potential agreement that could be used in rebuttal testimony to be filed on February 8th and also to determine if a settlement may be a consideration in this docket for some or all issues. The Hearing Examiner has set February 17th as the deadline for reaching a stipulation. Thanks, Mark Fenton

-- Do not delete or change any of the following text. --

When it's time, join your Webex meeting here.

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More ways to join:

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<<https://pnmresources.webex.com/pnmresources/j.php?MTID=m5c796b806342f87c3ca4911df97966fa>>

Join by meeting number

Meeting number (access code): 2490 798 8262

Meeting password: mMJPtmbJ327

Tap to join from a mobile device (attendees only)

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Join by phone

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Global call-in numbers <<https://pnmresources.webex.com/pnmresources/globalcallin.php?MTID=m2daf2b45f16954d83256baf2fc50dc3f>>

Join from a video system or application

Dial 24907988262@pnmresources.webex.com <sip:24907988262@pnmresources.webex.com>

You can also dial 173.243.2.68 and enter your meeting number.

If you are a host, click here <<https://pnmresources.webex.com/webappng/sites/pnmresources/meeting/info/e6181af9a75d4f0eb94ff4c3a27cc5dd>> and login site to view host information.

Need help? Go to <https://help.webex.com> <<https://help.webex.com>>

EXHIBIT 2

From: Fenton, Mark
To: Borman, Bradford, PRC; Goodwin, Stacey; Padilla, Leslie; Buffington, Brian; Sanders, Kyle; Warner, Omni; Gideon Elliot; clane@synapse-energy.com; kgedko@nmag.gov; ctolumbia@aol.com; Cydney.Beadles@westernresources.org; Clare Valentine; lynch.cara.nm@gmail.com; Charles de Saillan; mkenney@swenergy.org; Rilkoﬀ, Ed, PRC; Sidler, Jack, PRC; Tupler, Marc, PRC; LaSalle, Eli, PRC; Mauldin, Jonah, PRC; Martinez, Richard, PRC; Tupler, Marc, PRC; LaSalle, Eli, PRC; Kelly@thegouldlawfirm.com; peter@thegouldlawfirm.com; Keith Herrmann; Park, Julie; Stephen Chriss; Conf Rm, HQ-11 Large; JA@Jalblaw.com; jlesky@leskylawoﬃce.com; Sanchez, Laura; Johnson, Zach; Andrews, Brian C.; Andrew Harriger; Ismail, Saif; Zedalis, Bryce, PRC
Subject: RE: [EXTERNAL] Friendly reminder of 10:00 a.m. Mountain Time meeting - PNM Grid modernization application - settlement/rebuttal position discussion
Date: Thursday, February 2, 2023 9:43:39 AM

No, there aren't any documents to review for this meeting. Thanks, Mark

From: Borman, Bradford, PRC <Bradford.Borman@prc.nm.gov>
Sent: Thursday, February 2, 2023 9:39 AM
To: Fenton, Mark <Mark.Fenton@pnm.com>; Goodwin, Stacey <Stacey.Goodwin@pnmresources.com>; Padilla, Leslie <Leslie.Padilla@pnmresources.com>; Buffington, Brian <Brian.Buffington@pnm.com>; Sanders, Kyle <Kyle.Sanders@pnmresources.com>; Warner, Omni <Omni.Warner@pnm.com>; Gideon Elliot <gelliott@nmag.gov>; clane@synapse-energy.com; kgedko@nmag.gov; ctolumbia@aol.com; Cydney.Beadles@westernresources.org; Clare Valentine <clare.valentine@westernresources.org>; lynch.cara.nm@gmail.com; Charles de Saillan <desaillan.ccae@gmail.com>; mkenney@swenergy.org; Rilkoﬀ, Ed, PRC <Ed.Rilkoﬀ@prc.nm.gov>; Sidler, Jack, PRC <Jack.Sidler@prc.nm.gov>; Tupler, Marc, PRC <Marc.Tupler@prc.nm.gov>; LaSalle, Eli, PRC <Eli.LaSalle@prc.nm.gov>; Mauldin, Jonah, PRC <Jonah.Mauldin@prc.nm.gov>; Martinez, Richard, PRC <richard.martinez@prc.nm.gov>; Tupler, Marc, PRC <Marc.Tupler@prc.nm.gov>; LaSalle, Eli, PRC <Eli.LaSalle@prc.nm.gov>; Kelly@thegouldlawfirm.com; peter@thegouldlawfirm.com; Keith Herrmann <kherrmann@stelznerlaw.com>; Park, Julie <jpark@cabq.gov>; Stephen Chriss <Stephen.Chriss@walmart.com>; Conf Rm, HQ-11 Large <ConfRmHQ11Large@pnmresources.com>; JA@Jalblaw.com; jlesky@leskylawoﬃce.com; Sanchez, Laura <Laura.Sanchez@pnmresources.com>; Johnson, Zach <Zachary.Johnson@pnmresources.com>; Andrews, Brian C. <bandrews@consultbai.com>; Andrew Harriger <akharriger@sawvel.com>; Ismail, Saif <sismail@cabq.gov>; Zedalis, Bryce, PRC <Bryce.Zedalis1@prc.nm.gov>
Subject: RE: [EXTERNAL] Friendly reminder of 10:00 a.m. Mountain Time meeting - PNM Grid modernization application - settlement/rebuttal position discussion

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Is this a phishing email? - Look again!
This email is from Bradford.Borman@prc.nm.gov - do you know them?
Look for discrepancies in email addresses. Does the displayed "From" email address match?
\*\*\*\*\*
\*\*\*\*\*

Are there any documents to review?

**From:** Fenton, Mark <[Mark.Fenton@pnm.com](mailto:Mark.Fenton@pnm.com)>

**Sent:** Thursday, February 2, 2023 9:34 AM

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**Subject:** [EXTERNAL] Friendly reminder of 10:00 a.m. Mountain Time meeting - PNM Grid modernization application - settlement/rebuttal position discussion

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**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF PUBLIC SERVICE COMPANY OF )  
NEW MEXICO’S APPLICATION FOR AUTHORIZATION )  
TO IMPLEMENT GRID MODERNIZATION )  
COMPONENTS THAT INCLUDE ADVANCED METERING )  
INFRASTRUCTURE AND APPLICATION TO RECOVER ) Case No. 22-00058-UT  
THE ASSOCIATED COSTS THROUGH A RIDER, )  
ISSUANCE OF RELATED ACCOUNTING ORDERS, )  
AND OTHER ASSOCIATED RELIEF )**

**SELF-AFFIRMATION**

I declare under penalty of perjury under the laws of the State of New Mexico that the foregoing *New Mexicans for Utility Safety’s Initial Brief on PNM’s Cost-Benefit Analysis* is true and correct to the best of my knowledge.

Signed this 11th day of June 2024.

*/s/ Arthur Firstenberg*  
Arthur Firstenberg



**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF PUBLIC SERVICE COMPANY OF )  
NEW MEXICO’S APPLICATION FOR AUTHORIZATION )  
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THE ASSOCIATED COSTS THROUGH A RIDER, )  
ISSUANCE OF RELATED ACCOUNTING ORDERS, )  
AND OTHER ASSOCIATED RELIEF )**

**CERTIFICATE OF SERVICE**

I certify that on this date of June 11, 2024, I served a true and correct copy of *New Mexicans for Utility Safety’s Initial Brief on PNM’s Cost-Benefit Analysis* by email on the following parties:

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Arthur Firstenberg