

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF THE APPLICATION    )**  
**OF SATURN UTILITIES HOLDCO, LLC.    )**  
**FOR APPROVAL TO ACQUIRE NEW        )**  
**MEXICO GAS COMPANY, INC.            )** **Case No. 24-00266-UT**  
**)**  
**JOINT APPLICANTS                        )**

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**ORDER VACATING PREHEARING AND HEARING DATES**

**THESE MATTERS** come before the Hearing Examiners upon various pleadings filed with the New Mexico Public Regulation commission (“NMPRC or Commission”). Being fully advised in the premises, the Hearing Examiners **FIND** and **CONCLUDE** that:

1. The agreed upon procedural schedule for this case was set out in a Procedural Order issued on November 27, 2024.
2. On April 7, 2025, Bernhard Capital Partners Management (“BCP”), (“BCP Applicants”) filed a Motion for Interlocutory Appeal of the Commission Order Denying BCP Applicants Motion for Confidentiality and Denying NMGC’s Motion for Confidentiality issued on April 3, 2025.
3. On April 18, 2025, after consideration of the Motion for Interlocutory Appeal, and the Reponses filed in opposition, the Hearing Examiners issued an Order Granting the Motion for Interlocutory Appeal finding that, while having determined that the nature of the documents and information require public disclosure, the Hearing Examiners are nevertheless cognizant of the position and considerations of the BCP Applicants and proceed with an abundance of caution and therefore determine that an Interlocutory Appeal is here permitted under 1.2.2.31(B)(1)(b) NMAC,

finding here that circumstances exist which make prompt commission review of the contested ruling necessary to prevent irreparable harm to any person.

4. Consideration of BCP's Interlocutory Appeal is before the Commission.

5. A Joint Motion to Dismiss Without Prejudice or For Alternative Relief and Brief in Support ("Joint Motion to Dismiss or for Alternative Relief") was filed by the Utility Division Staff of the New Mexico Public Regulation Commission ("Staff"), the New Mexico Department of Justice ("NMDOJ"), New Energy Economy ("NEE"), Western Resource Advocates ("WRA"), the Coalition for Clean Affordable Energy ("CCAE") and the New Mexico Affordable Reliable Energy Alliance ("NM AREA") (hereafter "Joint Movants") on May 27, 2025. The Joint Movants request that the Hearing Examiners dismiss, without prejudice, the October 28, 2024 Application filed by in this case, or in the alternative, the Joint Movants request the Hearing Examiners either (i) put the current procedural schedule in abeyance and require a refile of the Application, or (ii) strike the portions of the Joint Applicants' rebuttal testimony that violate 1.2.2.35.N NMAC and proceed to hearing on the October 28, 2024, Application, as currently scheduled.<sup>1</sup>

6. On June 2, 2025, the Joint Applicants' Response to the Joint Motion to Dismiss was filed.<sup>2</sup> Among other things, Joint Applicants assert that the Joint Motion to Dismiss or for Alternative Relief is procedurally improper and substantively incorrect and should be rejected. Joint Applicants also argue that Joint Movants have failed to meet the standards for dismissal or suspension of the Application. Further, Joint Applicants offered another remedy to address the

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1. On May 29, 2025, the Joint Movants filed a Joint Response to the Hearing Examiners' May 28, 2025, Order to provide the identification of the Joint Applicants' Rebuttal testimonies that they asserted should be stricken as contrary to Section 1.2.2.35.N NMAC of the New Mexico Public Regulation Commission's ("Commission") Rules of Procedure.

2 New Mexico Gas Company, Inc. ("NMGC"), Bernhard Capital Partners Management ("BCP"), Emera, Inc. ("Emera"), TECO Holdings, Inc. ("TECO") and all the other affiliates and subsidiaries of these entities (together the "Joint Applicants").

Joint Movants' concerns: if the Hearing Examiners considered that the Joint Movants (and other intervenors) should have the opportunity to address the rebuttal commitments and testimony that addressed their reply testimony, then the Joint Applicants proposed: (a) the addition of surrebuttal and rejoinder testimonies; and (b) a reasonable delay of the hearing (four to six weeks).

7. The Hearing Examiners held a Prehearing and Status Conference on June 11, 2025, to discuss procedural dates and deadlines.

After reviewing each of the above referenced pleadings, considering the time and efforts that have already been expended in this matter, the parties' proposed changes to the current schedule, and finding that it is not reasonable to hold the scheduled hearings while disclosure, and evidentiary matters are outstanding, nor would it be reasonable or efficient to hold hearings on a redacted version of the Joint Application or its supporting testimony,<sup>3</sup> the Hearing Examiners find that there is good cause to vacate the currently schedule prehearing and hearings, and reset them at a later date.

Being fully advised in the premises, the Hearing Examiners **ORDER:**

**A.** The Prehearing and Hearings scheduled for this case in Sections L and M of the Procedural Order are hereby **VACATED**.

**B.** Further procedural dates and details will be issued in subsequent orders.

**C.** Any parts of the Procedural Order issued November 27, 2024, not modified by this Order Vacating Prehearing and Hearing Dates, are in full force and effect.

**ISSUED** under the seal of the Commission at Santa Fe, New Mexico, this **12<sup>th</sup>** day of June **2025**.

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<sup>3</sup> A redacted version of Joint Applicants' Rebuttal Testimony would purportedly not represent Joint Applicants' current positions on some issues in the case.

NEW MEXICO PUBLIC REGULATION COMMISSION



*Elizabeth C. Hurst*

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**Elizabeth C. Hurst, Hearing Examiner**  
**Patrick Schaefer, Hearing Examiner**  
[elizabeth.hurst@prc.nm.gov](mailto:elizabeth.hurst@prc.nm.gov)

A stylized, handwritten signature of Patrick Schaefer, consisting of a large, looped 'S' and a vertical line.

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**Patrick Schaefer**  
**Hearing Examiner**  
[Patrick.Schaefer@prc.nm.gov](mailto:Patrick.Schaefer@prc.nm.gov)

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

IN THE MATTER OF THE JOINT )  
APPLICATION FOR APPROVAL TO )  
ACQUIRE NEW MEXICO GAS COMPANY, )  
INC. BY SATURN UTILITIES HOLDCO, ) Case No. 24-00266-UT  
LLC. )  
**JOINT APPLICANTS** )

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**CERTIFICATE OF SERVICE**

I CERTIFY that on this date I sent via email a true and correct copy of the Order Vacating Prehearing and Hearing Dates, to the people listed here.

<b>NM Gas Company</b>	
Thomas M. Domme	<a href="mailto:TMD@jkwlawyers.com">TMD@jkwlawyers.com;</a>
Brian J. Haverly	<a href="mailto:BJH@jkwlawyers.com">BJH@jkwlawyers.com;</a>
NMGC Regulatory	<a href="mailto:NMGCRegulatory@nmgco.com">NMGCRegulatory@nmgco.com;</a>
Raymond Gifford	<a href="mailto:RGifford@wbklaw.com">RGifford@wbklaw.com;</a>
<b>Saturn Utilities, LLC</b>	
Dana S. Hardy	<a href="mailto:DHardy@hardymclean.com">DHardy@hardymclean.com;</a>
Jaelyn M. McLean	<a href="mailto:JMclean@hardymclean.com">JMclean@hardymclean.com;</a>
Timothy B. Rode	<a href="mailto:TRode@hardymclean.com">TRode@hardymclean.com;</a>
William DuBois	<a href="mailto:WDubois@wbklaw.com">WDubois@wbklaw.com;</a>
E. Baker	<a href="mailto:Ebaker@scottmadden.com">Ebaker@scottmadden.com;</a>
<b>Coalition for Clean Affordable Energy</b>	
Charles De Saillan	<a href="mailto:Desaillan.ccae@gmail.com">Desaillan.ccae@gmail.com;</a>
Cara R. Lynch	<a href="mailto:Lynch.Cara.NM@gmail.com">Lynch.Cara.NM@gmail.com;</a>
Don Hancock	<a href="mailto:Sricdon@earthlink.net">Sricdon@earthlink.net;</a>
Mark Ewen	<a href="mailto:Mewen@indecon.com">Mewen@indecon.com;</a>
Angela Vitulli	<a href="mailto:AVitulli@indecon.com">AVitulli@indecon.com;</a>
Jason Price	<a href="mailto:JPrice@indecon.com">JPrice@indecon.com;</a>
Stefani Penn	<a href="mailto:Spenn@indecon.com">Spenn@indecon.com;</a>
<b>Federal Executive Agencies</b>	
Jelani Freeman	<a href="mailto:Jelani.Freeman@hq.doe.gov">Jelani.Freeman@hq.doe.gov;</a>
Emily Medlyn	<a href="mailto:Emily.Medlyn@hq.doe.gov">Emily.Medlyn@hq.doe.gov;</a>
Dwight Etheridge	<a href="mailto:DEtheridge@exeterassociates.com">DEtheridge@exeterassociates.com;</a>
<b>Incorporated County of Los Alamos</b>	
Daniel A. Najjar	<a href="mailto:DNajjar@virtuelaw.com">DNajjar@virtuelaw.com;</a>
Philo Shelton	<a href="mailto:Philo.Shelton@lacnm.us">Philo.Shelton@lacnm.us;</a>
Thomas L. Wyman	<a href="mailto:Thomas.Wyman@lacnm.us">Thomas.Wyman@lacnm.us;</a>
<b>New Mexico AREA</b>	
Peter J. Gould	<a href="mailto:Peter@thegouldlawfirm.com">Peter@thegouldlawfirm.com;</a>
Kelly Gould	<a href="mailto:Kelly@thegouldlawfirm.com">Kelly@thegouldlawfirm.com;</a>
Katrina Reid	<a href="mailto:office@thegouldlawfirm.com">office@thegouldlawfirm.com;</a>
Joseph Yar	<a href="mailto:Joseph@velardeyar.com">Joseph@velardeyar.com;</a>
Shawna Tillberg	<a href="mailto:Shawna@velardeyar.com">Shawna@velardeyar.com;</a>

## BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

Official Service List (4<sup>th</sup> Updated 6-9-25)

Case No. 24-00266-UT

<b>New Mexico Department of Justice</b>	
Gideon Elliot	<a href="mailto:GElliot@nmdoj.gov">GElliot@nmdoj.gov</a> ;
Maria Oropeza	<a href="mailto:MOropeza@nmdoj.gov">MOropeza@nmdoj.gov</a> ;
Nicole Teupell	<a href="mailto:Nteupell@nmdoj.gov">Nteupell@nmdoj.gov</a> ;
<b>New Energy Economy</b>	
Mariel Nanasi	<a href="mailto:Mariel@seedsbeneaththesnow.com">Mariel@seedsbeneaththesnow.com</a> ;
Christopher Sandberg	<a href="mailto:CKSandberg@me.com">CKSandberg@me.com</a> ;
Collin Poirot	<a href="mailto:CPoirot@jd18.law.harvard.edu">CPoirot@jd18.law.harvard.edu</a> ;
<b>NMPRC – Utilities Staff</b>	
Ryan Friedman	<a href="mailto:Ryan.Friedman@prc.nm.gov">Ryan.Friedman@prc.nm.gov</a> ;
Nicholas Rossi	<a href="mailto:Nicholas.Rossi@prc.nm.gov">Nicholas.Rossi@prc.nm.gov</a> ;
Kaythee Hlaing	<a href="mailto:Kaythee.Hlaing@prc.nm.gov">Kaythee.Hlaing@prc.nm.gov</a> ;
Naomi Velasquez	<a href="mailto:Naomi.Velasquez1@prc.nm.gov">Naomi.Velasquez1@prc.nm.gov</a> ;
Bryce Zedalis	<a href="mailto:Bryce.Zedalis1@prc.nm.gov">Bryce.Zedalis1@prc.nm.gov</a> ;
Jacqueline Ortiz	<a href="mailto:Jacqueline.Ortiz@prc.nm.gov">Jacqueline.Ortiz@prc.nm.gov</a> ;
Timothy Martinez	<a href="mailto:Timothy.Martinez@prc.nm.gov">Timothy.Martinez@prc.nm.gov</a> ;
Daren Zigich	<a href="mailto:Daren.Zigich@prc.nm.gov">Daren.Zigich@prc.nm.gov</a> ;
Marc Tupler	<a href="mailto:Marc.Tupler@prc.nm.gov">Marc.Tupler@prc.nm.gov</a> ;
Larry Blank	<a href="mailto:LB@tahoeconomics.com">LB@tahoeconomics.com</a> ;
<b>Prosperity Works</b>	
Cara R. Lynch	<a href="mailto:Lynch.Cara.nm@gmail.com">Lynch.Cara.nm@gmail.com</a> ;
Ona Porter	<a href="mailto:Ona@prosperityworks.net">Ona@prosperityworks.net</a> ;
<b>Western Resource Advocates</b>	
Cydney Beadles	<a href="mailto:Cydney.Beadles@westernresources.org">Cydney.Beadles@westernresources.org</a> ;
Anna Linden Weller	<a href="mailto:Annalinden.Weller@westernresources.org">Annalinden.Weller@westernresources.org</a> ;
Caitlin Evans	<a href="mailto:Caitlin.Evans@westernresources.org">Caitlin.Evans@westernresources.org</a> ;
Michael Kenney	<a href="mailto:Michael.Kenney@westernresources.org">Michael.Kenney@westernresources.org</a> ;
Bradley Cebulko	<a href="mailto:BCebulko@currentenergy.group">BCebulko@currentenergy.group</a> ;
Meera Fickling	<a href="mailto:MFickling@currentenergy.group">MFickling@currentenergy.group</a> ;

<b>PRC General Counsel Division</b>	
Scott Cameron	<a href="mailto:Scott.Cameron@prc.nm.gov">Scott.Cameron@prc.nm.gov</a> ;
LaurieAnn Santillanes	<a href="mailto:Laurieann.Santillanes@prc.nm.gov">Laurieann.Santillanes@prc.nm.gov</a> ;
Alejandro Rettig y Martinez	<a href="mailto:Alejandro.Martinez@prc.nm.gov">Alejandro.Martinez@prc.nm.gov</a> ;
Russell Fisk	<a href="mailto:Russell.Fisk@prc.nm.gov">Russell.Fisk@prc.nm.gov</a> ;

<b>Hearing Examiners Division</b>	
Patrick Schaefer Co-Hearing Examiner	<a href="mailto:Patrick.Schaefer@prc.nm.gov">Patrick.Schaefer@prc.nm.gov</a> ;
Ana C. Kippenbrock, Law Clerk	<a href="mailto:Ana.Kippenbrock@prc.nm.gov">Ana.Kippenbrock@prc.nm.gov</a> ;

DATED June 12, 2025

NEW MEXICO PUBLIC REGULATION COMMISSION

*Ana Kippenbrock*

Ana C. Kippenbrock, Law Clerk