

August 11, 2016

(505) 660-2216

Attorney General Balderas Files Public Comments in Support of Facebook Data Center with the PRC

Santa Fe, NM – This morning, New Mexico Attorney General Hector Balderas filed public comments in support of the Facebook data center with the New Mexico Public Regulation Commission. The Office of the Attorney General is charged with representing New Mexico and its residential and small business ratepayers.

Below is the text of the Attorney General's filing:

Attorney General Hector Balderas submits these public comments in connection with Public Service Company of New Mexico ("PNM" and/or "Company") Application for Approval by the New Mexico Public Regulation Commission ("PRC") for a Special Services Contract, and Advice Notice No. 528 ("the Application"). The filing addresses the proposal by PNM to provide service to one of the world's premier internet companies, Facebook, Inc. ("the Customer"), which if approved, could provide New Mexico with a much needed jobs and an economic boost.

The Office of the Attorney General is charged with representing New Mexico and its residential and small business ratepayers. That means that Attorney General Balderas is committed to ensuring all New Mexico families have access to clean affordable energy. With that in mind, the Office of the Attorney General reviewed this application to ensure the New Mexican families and small businesses would not see an unacceptable rate increase. After reviewing the application, Attorney General Balderas urges the Commission to approve the application and help New Mexico secure more clean energy and help New Mexican families find jobs and economic security.

Approval of the Application will help secure the construction and establishment of a data center by Facebook, Inc. which will benefit the State of New Mexico through increased jobs, economic development and tax revenues. The Application proposes to create new sources of renewable energy with little, if any, impact on residential or small business ratepayers. These additional renewables will be funded by Facebook and thus add diversity to the grid in New Mexico without burdening residential or small business ratepayers with additional costs. The Application, if approved and implemented, could create the framework for other largescale data projects to locate in New Mexico.

The benefits of the Application are numerous. Besides creating a new source of renewable energy, the project as proposed by Facebook would create jobs, both in the construction phase and in the long term. Each one of those jobs has a multiplier effect, creating additional jobs for New Mexico. It is important to approve this application to lead the way for other companies that are looking to bring projects and jobs to New Mexico.

Facebook has estimated that the data center will cost in excess of \$250 million initially. It also has the potential for significant growth in the future. Initial estimates are that the project will produce approximately 30 to 50 full-time jobs with an additional 200 to 300 jobs during the construction stage of the data center.

The additional tax revenues that would flow from the data center project are significant. Tax revenues created from the project itself, from the collateral spending from contractors and vendors peripherally associated with the construction and maintenance of the project could have a “multiplier effect” creating additional downstream tax revenues. All of these benefits would help strengthen the economy of the State while providing jobs and protecting New Mexico’s access to affordable clean energy.

Attorney General Balderas is committed to ensuring that New Mexico families have access to clean, affordable energy, and to protecting and encouraging job growth for New Mexico’s future. The addition of renewable energy provided for in the Application also helps in creating an additional source of energy on the grid. The Application is a positive step in that direction and Attorney General Hector Balderas supports its approval.

Respectfully Submitted,

***OFFICE OF THE NEW MEXICO ATTORNEY GENERAL
HECTOR H. BALDERAS
Attorney General***

Please see attached for a PDF of the official filing.

###

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF NEW MEXICO)
FOR EXPEDITED APPROVAL OF PURCHASE)
POWER AGREEMENTS, SPECIAL SERVICE)
RATE AND SPECIAL SERVICE CONTRACT,)
NEW GREEN ENERGY RIDER, EXEMPTION)
FROM ENERGY EFFICIENCY RIDER,) Case No. 16-00191-UT
VARIANCES FROM 17.1.210.12(B) AND PNM)
RULE NO. 4, ¶ C AND FOR OTHER RELATED)
REGULATORY APPROVALS)
)
**PUBLIC SERVICE COMPANY OF NEW MEXICO,)
Applicant.)**
_____)**

PUBLIC COMMENTS OF THE NEW MEXICO ATTORNEY GENERAL

Attorney General Hector Balderas submits these public comments in connection with Public Service Company of New Mexico (“PNM” and/or “Company”) Application for Approval by the New Mexico Public Regulation Commission (“PRC”) for a Special Services Contract, and Advice Notice No. 528 (“the Application”). The filing addresses the proposal by PNM to provide service to one of the world’s premier internet companies, Facebook, Inc. (“the Customer”), which if approved, could provide New Mexico with a much needed jobs and an economic boost.

The Office of the Attorney General is charged with representing New Mexico and its residential and small business ratepayers. That means that Attorney General Balderas is committed to ensuring all New Mexico families have access to clean affordable energy. With that in mind, the Office of the Attorney General reviewed this application to ensure the New Mexican families and small businesses would not see an unacceptable rate increase. After reviewing the application, Attorney General Balderas urges the Commission to approve the application and help

New Mexico secure more clean energy and help New Mexican families find jobs and economic security.

Approval of the Application will help secure the construction and establishment of a data center by Facebook, Inc. which will benefit the State of New Mexico through increased jobs, economic development and tax revenues. The Application proposes to create new sources of renewable energy with little, if any, impact on residential or small business ratepayers. These additional renewables will be funded by Facebook and thus add diversity to the grid in New Mexico without burdening residential or small business ratepayers with additional costs. The Application, if approved and implemented, could create the framework for other largescale data projects to locate in New Mexico.

The benefits of the Application are numerous. Besides creating a new source of renewable energy, the project as proposed by Facebook would create jobs, both in the construction phase and in the long term. Each one of those jobs has a multiplier effect, creating additional jobs for New Mexico. It is important to approve this application to lead the way for other companies that are looking to bring projects and jobs to New Mexico.

Facebook has estimated that the data center will cost in excess of \$250 million initially. It also has the potential for significant growth in the future. Initial estimates are that the project will produce approximately 30 to 50 full-time jobs with an additional 200 to 300 jobs during the construction stage of the data center.

The additional tax revenues that would flow from the data center project are significant. Tax revenues created from the project itself, from the collateral spending from contractors and vendors peripherally associated with the construction and maintenance of the project could have a “multiplier effect” creating additional downstream tax revenues. All of these benefits would help

strengthen the economy of the State while providing jobs and protecting New Mexico's access to affordable clean energy.

Attorney General Balderas is committed to ensuring that New Mexico families have access to clean, affordable energy, and to protecting and encouraging job growth for New Mexico's future. The addition of renewable energy provided for in the Application also helps in creating an additional source of energy on the grid. The Application is a positive step in that direction and Attorney General Hector Balderas supports its approval.

Respectfully Submitted,

OFFICE OF THE NEW MEXICO ATTORNEY GENERAL

HECTOR H. BALDERAS
Attorney General

Handwritten signature in blue ink that reads "Joseph Yar / TLF". A horizontal line is drawn below the signature.

Joseph Yar
Assistant Attorney General
Post Office Drawer 1508
Santa Fe, New Mexico 87504-1508
(505) 827-6939
jyar@nmag.gov

DATED this 11th day of August, 2016.

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF NEW MEXICO)
FOR EXPEDITED APPROVAL OF PURCHASE)
POWER AGREEMENTS, SPECIAL SERVICE)
RATE AND SPECIAL SERVICE CONTRACT,)
NEW GREEN ENERGY RIDER, EXEMPTION)
FROM ENERGY EFFICIENCY RIDER,)
VARIANCES FROM 17.1.210.12(B) AND PNM)
RULE NO. 4, ¶ C AND FOR OTHER RELATED)
REGULATORY APPROVALS)
PUBLIC SERVICE COMPANY OF NEW MEXICO,)
Applicant.)**

Case No. 16-00191-UT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY, that a true and correct copy of the **Public Comments of the New Mexico Attorney General**, filed on the 11th day of August, 2016, was sent via electronic transmission and/or first-class, postage pre-paid mail, to the following parties of record:

Via Email

Benjamin Phillips	Ben.phillips@pnmresources.com ;	Peter Gould	pgouldlaw@gmail.com ;
Stacey Goodwin	Stacey.goodwin@pnmresources.com ;	Richard C. Mertz	rcmertz7@outlook.com ;
Madonna Bixby	Madonna.Bixby@pnmresources.com ;	James R. Dauphinais	jdauphinais@consultbai.com ;
Mark Fenton	Mark.fenton@pnmresources.com ;	Jane Yee	jyee@cabq.gov ;
Thomas Wander	Thomas.Wonder@pnmresources.com ;	Nann Winter	nwinter@stelznerlaw.com ;
Carey Salaz	Carey.salaz@pnmresources.com ;	Jeffrey Albright	jalbright@lrrc.com ;
Jennifer Hall	jhall@mstlaw.com ;	L. Baca	LBaca@lrrc.com ;
Raymond L. Gifford	rgifford@wbkllaw.com ;	Michael I. Garcia	mikgarcia@bernco.gov ;
James D. Albright	jalbright@wbkllaw.com ;	Amanda Edwards	AEdwards@lrrc.com ;
Debra M. Terwilliger	dterwilliger@wbkllaw.com ;	Robin Gomez	RGomez@LRRc.com ;
Steven S. Michel	smichel@westernresources.org ;	Jessica Nance	JNance@lrrc.com ;
Douglas Howe	Doug.howe@dhaconsulting.us ;	Thomas Domme	Tdomme@tecoenergy.com ;
Glenda Murphy	Glenda.murphy@westernresources.org ;	Rebecca Carter	racarter@tecoenergy.com ;
Charles F. Noble	Noble.ccae@gmail.com ;	Clyde Worthen	cfw@keleher-law.com ;
Megan O'Reilly	arcresearchandanalysis@gmail.com ;	Mariel Nanasi	mariel@seedsbeneaththesnow.com ;
Adam Bickford	abickford@swenergy.org ;	John Boyd	jwb@fbdlaw.com ;
Ramona Blaber	Ramona.blaber@sierraclub.org ;	David Van Winkle	david@vw77.com ;
Don Hancock	srcidon@earthlink.net ;	Joe Herz	jaherz@sawvel.com ;
Noah Long	nlong@nrdc.org ;	William Templeman	wtempleman@cmtisantafe.com ;
Ralph Cavanagh	rcavanagh@nrdc.org ;	Kurt J. Boehm	kboehm@bkllawfirm.com ;
Howard Geller	hgeller@swenergy.org ;	Dahl Harris	dahlharris@hotmail.com ;
Daniel A. Najjar	vnajjar@aol.com ;	Samuel Roberts	sroberts@eugenelaw.com ;
Justin Lesky	jlesky@leskylawoffice.com ;	Shannon A. Parden	sparden@rmjfirm.com ;
Michael McElrath	Michael_McElrath@fmi.com ;	William Dunkel	williamdunkel@consultant.com ;
Kevin Higgins	khiggins@energystrat.com ;	Bruce Throne	bthroneatty@newmexico.com ;
Jenica L. Jacobi	jjacobi@cabq.gov ;	Christine Wright	cwright2@solarcity.com ;

James Mackenzie
Athena Christodoulou
Thomas Manning
Stephanie Dzur
James R. Dittmer
Peter Freed
Bobby Hollis
Marco Gonzales

jimimacknm@comcast.net;
Athena.solpowernm@gmail.com;
[cfreleanenergy@yahoo.com](mailto:cfrecleanenergy@yahoo.com);
Dzur.law@comcast.net;
jdittmer@utilitech.net;
pwf@fb.com;
bjhollis@fb.com
meg@modrall.com

Kevin Auerbacher
Juli Getchell
Clarke Metcalf
Patrick Ortiz
Andrea Crane
Doug Gegax

kauerbacher@solarcity.com;
jgetchell@solarcity.com;
torwirtmetcalf@yahoo.com;
portiz@cuddymccarthy.com
ctcolumbia@aol.com
dgegax@nmsu.edu;

PRC

Cydney Beadles
Julie Park
Heidi Pitts
Vincent Decesare
Charles Gunter
Michael C. Smith

Cydney.beadles@state.nm.us;
Julie.park@state.nm.us;
Heidi.pitts@state.nm.us;
Vincent.decesare@state.nm.us;
Charles.Gunter@state.nm.us;
MichaelC.Smith@state.nm.us;

NMAG

Joseph Yar
Cholla Khoury
Loretta Martinez

jyar@nmag.gov;
Ckhoury@nmag.gov;
lmartinez@nmag.gov;

COMMISSIONERS

Karen L. Montoya
Patrick H. Lyons
Valerie Espinoza
Lynda Lovejoy
Sandy Jones

KarenL.Montoya@state.nm.us;
Patrick.Lyons@state.nm.us;
Valerie.Espinoza@state.nm.us;
Lynda.Lovejoy@state.nm.us;
Sandy.Jones@state.nm.us;

Via Regular Mail:

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

Nann M. Winter, Esq.
Post Office Box 528
Albuquerque, NM 87103

Kurt J. Boehm, Esq.
Jody Kyler Cohn, Esq.
36 East Seventh Street, Ste. 1510
Cincinnati, Ohio 45202

Raymond L. Gifford, Esq.
1755 Blake St., Suite 470
Denver, CO 80202

Stephanie Dzur, Esq.
5724 Nugget Ct. NE
Albuquerque, NM 87111

Steven S. Michel, Esq.
Western Resources Advocates
409 East Palace Ave. Unit 2
Santa Fe, NM 87501

Kevin Higgins
Energy Strategies, LLC
Parkside Towers,
215 South State St., Suite 200
Salt Lake City, Utah 84111

Daniel A. Najjar, Esq.
Post Office Box 22249
Santa Fe, NM 87502-2249

Thomas Manning
406 S. Arizona St.
Silver City, NM 88061

Shannon A. Parden, Esq.
6000 Uptown Blvd. NE, Ste. 307
Albuquerque, NM 87110

William P. Templeman, Esq.
Post Office Box 669
Santa Fe, NM 87504-0669

Jeffrey H. Albright, Esq.
201 Third Street NW, Suite 1950
Albuquerque, NM 87120

Justin Lesky, Esq.
8210 La Mirada Pl. NE, Ste. 600
Albuquerque, NM 87109

Mariel Nanasi, Esq.
New Energy Economy
343 E. Alameda Street
Santa Fe, NM 87501

Bruce C. Throne, Esq.
1440-B South St. Francis Dr.
Santa Fe, NM 87505

Dahl Harris, Esq.
2753 Herradura Road
Santa Fe, NM 87505

Athena Christodoulou
8751 Modesto Ave. NE
Albuquerque, NM 87122

Joseph Yar
Assistant Attorney General
Post Office Drawer 1508
Santa Fe, NM 87504-1508

Hand-delivered to:
Commissioner Karen L. Montoya
NM Public Regulation Comm'n
1120 Paseo de Peralta
Santa Fe, NM 87501

Hand-delivered to:
Commissioner Lynda Lovejoy
NM Public Regulation Comm'n
1120 Paseo de Peralta
Santa Fe, NM 87501

Hand-delivered to:
Julie Park, Esq.
NMPRC –Legal Division
1120 Paseo de Peralta
Santa Fe, NM 87501

Charles F. Noble, Esq.
409 E. Palace Ave. Unit # 2
Santa Fe, NM 87501

Clarke Metcalf
1323 Dulcinea Lane
Rio Communities, NM 87002

Doug Gegax Consulting
4805 Sage Road
Las Cruces, New Mexico 88011

Hand-delivered to:
Commissioner Patrick H. Lyons
NM Public Regulation Comm'n
1120 Paseo de Peralta
Santa Fe, NM 87501

Hand-delivered to:
Commissioner Sandy Jones
NM Public Regulation Comm'n
1120 Paseo de Peralta
Santa Fe, NM 87501

Peter J. Gould, Esq.
Post Office Box 34127
Santa Fe, NM 87594

Andrea Crane
The Columbia Group
Post Office Box 810
Georgetown, CT 06829

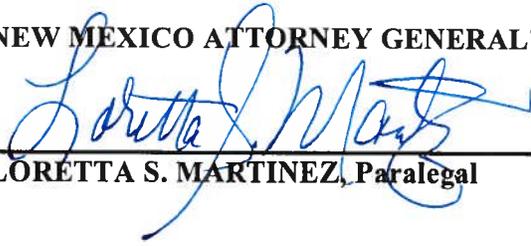
Hand-delivered to:
Cydney Beadles, Esq.
NMPRC –Legal Division
1120 Paseo de Peralta
Santa Fe, NM 87501

Hand-delivered to:
Commissioner Valerie Espinoza
NM Public Regulation Comm'n
1120 Paseo de Peralta
Santa Fe, NM 87501

Hand-delivered to:
Charles Gunter
NMPRC - Utility Department
1120 Paseo de Peralta
Santa Fe, NM 87501

DATED this 11th, of August, 2016.

NEW MEXICO ATTORNEY GENERAL'S OFFICE



LORETTA S. MARTINEZ, Paralegal