

Sierra Club ties re-emerge in PNM case

Hearing examiner disclosed membership in 2015 filing

Albuquerque Journal · 20 Aug 2016 · BY MARIE C. BACA JOURNAL STAFF WRITER

A hearing examiner's past Sierra Club membership has raised questions in an increasingly contentious rate case involving New Mexico regulators and the state's largest utility.

In a 2015 filing with the New Mexico Public Regulation Commission, hearing examiner Carolyn Glick disclosed she and her husband were members of the Sierra Club and led hikes with the environmental advocacy organization in the early 1990s.

"The hearing examiner's membership in the Sierra Club has not led to the hearing examiner having a predisposition toward Sierra Club," Glick wrote in the filing. "The hearing examiner's membership in the Sierra Club does not and will not cause her to be unable to make a fair and impartial decision."

Glick filed the disclosure when she was appointed hearing examiner in Public Service Company of New Mexico's 2015 rate case, which was eventually dismissed on the grounds that PNM had not provided enough information to the commission. The Sierra Club was an intervening party in that case, and is one of 110 member organizations in the New Mexico Coalition for Clean Affordable Energy, which was an intervening party in both the 2015 case as well as the current one.

Chuck Noble, attorney for the coalition, said the Sierra Club is not involved in the proceedings of the current rate case.

Glick's Aug. 4 recommended decision in the current rate case suggested a \$41.3 million annual revenue increase, far lower than PNM's \$123.5 requested increase. PNM customers would on average see their bills increase by 14.4 percent under the utility's proposal instead of 6.4 percent under Glick's.

Much of the difference between the two rate increases can be attributed to Glick's decision to exclude several of PNM's nuclear power transactions from the rate base calculation. In her recommended decision, Glick said PNM had acted "imprudently" by not conducting an appropriate cost-benefit analysis before committing to the transactions, while PNM maintains their analysis was sufficient.

Carla Sonntag, president of the New Mexico Utility Shareholders Alliance, questioned the impact of Glick's past Sierra Club affiliation at a recent PRC meeting. Glick denied her membership had any impact on her recommended decision.

"I have a lot of respect for Carolyn Glick, and I'm not accusing her of anything," Sonntag told the Journal. "But this decision was stunning, and because of that, I wanted to raise questions about her involvement in the Sierra Club."

Glick has said it is not appropriate for her to comment in the middle of a rate case. PRC spokesman Carlos Padilla said in a statement that Glick issued the 2015 disclosure on her own initiative and neither she nor her husband renewed their Sierra Club membership in order to avoid an appearance of bias in the current rate case.

“PNM could have filed a motion to disqualify hearing examiner Glick when she was appointed as hearing examiner in the pending PNM rate case, but did not,” said Padilla. PNM declined to comment. Commissioner Pat Lyons, who accused Glick of being biased against nuclear energy at the PRC meeting, said he felt Glick’s past Sierra Club membership was a non-issue.

“I don’t think it’s affected her decision-making at all,” said Lyons. “We may have our disagreements, but I don’t think Carolyn’s been anything but professional.”

The PRC is expected to make their ruling in the case by Aug. 31.