

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE BILL 386

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

GARY K. KING

AN ACT

RELATING TO PUBLIC UTILITIES; AMENDING SECTION 62-13-3 NMSA  
1978 (BEING LAWS 1941, CHAPTER 84, SECTION 82, AS AMENDED) TO  
PERMIT THE NEW MEXICO PUBLIC UTILITY COMMISSION TO AWARD  
LITIGATION EXPENSES TO CERTAIN INTERVENORS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 62-13-3 NMSA 1978 (being Laws 1941,  
Chapter 84, Section 82, as amended) is amended to read:

"62-13-3. COSTS. --

A. Except as provided in Subsection D of this section and as otherwise provided by law, in all proceedings before the commission and in the courts, each party to the controversy shall bear his own costs and no costs shall be taxed against either party.

B. In any commission rate proceeding in which the

Underscored material = new  
[bracketed material] = delete

1 utility seeks rates to recover adjusted test-year litigation  
2 expenses, there shall be no presumption that the litigation  
3 expenses are prudent. Nothing in this section shall be  
4 construed to create or imply a presumption of prudence for any  
5 utility expenditures not addressed in this section.

6 C. As used in this section, "litigation expenses"  
7 means all [~~attorneys'~~] attorney fees, consulting fees and  
8 other costs of litigation, including in-house expenditures.

9 D. When, at its discretion, the commission finds  
10 that the public interest would be served, the commission may  
11 contract to pay the litigation costs of non-governmental  
12 intervenors to present evidence and legal argument or  
13 otherwise intervene in proceedings before the commission in  
14 support of the interests of residential, small commercial and  
15 irrigation consumers in commission proceedings. All such  
16 contracts shall be paid for with funds appropriated to the  
17 commission. The commission shall adopt rules and regulations  
18 governing its award of such intervenor contracts. "