BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF SOUTHWESTERN PUBLIC SERVICE COMPANY'S APPLICATION FOR: (1) REVISION OF ITS RETAIL RATES UNDER ADVICE NOTICE NO. 292; (2) AUTHORIZATION AND APPROVAL TO ABANDON ITS PLANT X UNIT 3 GENERATING STATION; AND (3) OTHER ASSOCIATED RELIEF,	)	**CASE NO. 20-00238-UT**
SOUTHWESTERN PUBLIC SERVICE COMPANY,	)	
APPLICANT.	)	

DIRECT TESTIMONY

of

SUEDEEN G. KELLY

On behalf of

SOUTHWESTERN PUBLIC SERVICE COMPANY

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GLOSSARY OF ACRONYMS AND DEFINED TERMS

Acronym/ Defined Term	Meaning
CV	Curriculum Vitae
Commission	New Mexico Public Regulation Commission
Company	Southwestern Public Service Company, a New Mexico corporation, and wholly-owned subsidiary of Xcel Energy Inc.
ETA	Energy Transition Act
FERC	Federal Energy Regulatory Commission
MW	Megawatt
PPA	Power Purchase Agreement
ROE	Return on Equity
RPS	Renewable Portfolio Standard
SPS	Southwestern Public Service Company, a New Mexico corporation
Xcel Energy	Xcel Energy Inc.

LIST OF ATTACHMENTS

Attachment	**Description**
SGK-1	Curriculum Vitae

Case No. 20-000238-UT
Direct Testimony
of
Suedeen G. Kelly

I. WITNESS IDENTIFICATION AND QUALIFICATIONS

Q. Please state your name, affiliation, and business address.

A. My name is Suedeen G. Kelly. I am a lawyer practicing with the firm of Jenner & Block LLP, where I serve as Chair of its Energy Practice. My business address is 1099 New York Avenue, N. W., Suite 900, Washington, DC 20001.

Q. On whose behalf are you testifying in this proceeding?

A. I am testifying on behalf of SPS, a New Mexico corporation ("SPS"). SPS is a wholly-owned electric utility subsidiary of Xcel Energy Inc. ("Xcel Energy").

Q. Please describe your background and professional experience in the energy and utility industries.

A. I hold a Bachelor's degree in Chemistry from the University of Rochester. I also have a J.D. degree from Cornell Law School.

I served on the New Mexico Public Service Commission, first as a Commissioner (1983-1984) and then as Chairwoman (1984-1986). I was nominated by Presidents Bush and Obama to three terms as a Commissioner on the Federal Energy Regulatory Commission ("FERC") and served as a Commissioner from 2003 through 2009. During that time, FERC resolved approximately 7,000

disputes with published decisions, and I personally authored 100 separate statements.

In addition to my experience as a regulator, I have served as regulatory counsel for the California Independent System Operator Corporation, have engaged in the private practice of energy law, and have taught courses on federal and state energy law, utility regulation, administrative law, and legislative process at the University of New Mexico School of Law, where I was a Professor of Law from l986 until 2003. I continue to present, speak, and publish multiple times a year on topics involving energy law, most commonly enforcement and regulation.

Attached hereto as Attachment SGK-1 is a true and correct copy of my current Curriculum Vitae ("CV").

Q. Have you previously testified before any federal or state regulatory commission?

A. I provided written rebuttal testimony on behalf of SPS in its most recent New Mexico base rate proceeding, Case No. 19-00170-UT. I have also testified on behalf of Exelon before the Maryland Public Service Commission *In the Matter of the Merger of Exelon Corp. and Pepco Holdings, Inc.,* No. 9361 (Md. Pub. Serv. Comm'n), and on behalf of Clean Line before the Missouri Public Service

Commission *In the Matter of the Application of Grain Belt Express Clean Line LLC*, Case No. EA-2016-0358 (Mo. Pub. Serv. Comm'n). As described in my CV, I have also served as an expert witness in state and federal court proceedings.

II. PURPOSE OF TESTIMONY

Q. What is the purpose of your testimony in this proceeding?

A. My testimony explains that granting the return on equity ("ROE") requested by SPS in this proceeding is consistent with the New Mexico Public Regulatory Commission's ("Commission") role and the Commission's and state of New Mexico's goals of ensuring that New Mexico investor-owned utilities provide reliable, cost-effective service to customers while successfully navigating the risks of meeting New Mexico's policy objectives and supporting economic growth.

Q. Please summarize your testimony and the recommendations contained in your testimony.

A. My testimony explains that adoption of the ROE requested by SPS supports a sound regulatory and public policy result in this case. Sound application of regulatory policy principles requires that the Commission consider the long-term effects of its decisions on all stakeholders, which include both SPS's customers and its investors, not simply short-term effects that benefit current customers in the form of the lowest possible rates. The Commission's responsibility is much broader than ensuring the lowest cost-of-service possible without regard for other factors; instead, the Commission must consider as part of the rate setting process whether a

utility is meeting the expectations of its customers, responding to growth, and endeavoring to align with New Mexico policy goals such as emissions reduction and economic development. Consistent with this view, I explain that commissions regularly take into account the performance of a utility in determining the appropriate ROE, and I explain why I support the ROE of 10.35% recommended by Mr. Dylan D'Ascendis. In addressing these topics, I have based my testimony on my experience as a state and federal regulator, and on my professional knowledge of state and federal energy regulation. Although I am a lawyer, I am providing this testimony as an expert witness, not as counsel for SPS.

Q. Is your opinion consistent with New Mexico and federal law?

A. Yes. New Mexico law specifically recognizes that the development and extension of public utilities' businesses directly affect the development, expansion of the general welfare, and growth of the business and industry of the state.[1] It is also a declared policy of New Mexico that the public interest reflects the interests of both consumers and investors and that rates must be sufficient to encourage and attract capital and investment.[2] These standards are consistent with the legal standard

[1] *See* NM Stat. Section 62-3-1(A)(3).

[2] *See* NM Stat. Section 62-3-1(B).

established by the U.S. Supreme Court, which has explained that a utility's ". . . return should be reasonably sufficient to assure confidence in the financial soundness of the utility, and should be adequate, under efficient and economical management, to maintain and support its credit and enable it to raise money necessary for the proper discharge of its public duties."[3]

Q. What is your conclusion regarding the factors the Commission should take into account in setting an appropriate ROE for SPS in this proceeding?

A. The Commission's consideration of SPS's admirable performance in setting its ROE is not only appropriate but also warranted. While Mr. D'Ascendis's recommendation is based on analyses of market factors, I believe SPS's outstanding service and furtherance of New Mexico public policy goals further supports his recommended 10.35% ROE.

[3] *Bluefield Water Works & Improvement Co. vs. Pub. Serv. Comm'n of W. Va.*, 262 U.S. 679, 693 (1923).

III. COMMISSION CONSIDERATION OF PERFORMANCE

Q. Is the Commission's role to set the lowest possible return for a utility?

A. No. As discussed above, the Commission's responsibility in setting rates is much broader than setting the lowest possible rates. For this reason, public utility regulators often consider the performance of the regulated entity in determining the allowable return. Recognition of utility performance is a valuable tool in incentivizing utilities to pursue particular goals, including traditional performance-related goals and broader public policy goals. Incorporating utility performance into ratemaking also aligns the utility's incentives with the performance desired of it by its customers and the public in general.

Q. When you say traditional performance-related goals, what do you mean?

A. Traditional performance-related goals address essential aspects of utility service, such as customer service, system reliability, safety, rate stability, and other metrics related to the operation of the utility.

Q. What kinds of broader public policy goals are commonly considered in utility ratemaking?

A. Utility regulators often consider public policy goals established in earlier regulatory proceedings or by the state government, including, for example, emissions

reductions and renewable resource integration, grid modernization, distributed energy resource interconnections, and other emerging issues of concern to the public, including utility customers.

Q. Generally speaking, how do regulators incorporate utility performance into ratemaking?

A. A wide variety of tools are available. In the last thirty or so years, regulators nationwide have used performance-based ratemaking mechanisms.[4] Although the manner in which performance is measured and the incentives for positive performance differ in every state, there are two primary approaches—quantitative and qualitative.

Under a quantitative approach, the regulator identifies performance metrics as well as baselines and performance targets for each metric, and the regulator develops a mechanism for rewarding good performance (and perhaps penalizing poor performance) as measured relative to the metric baseline and performance

[4] *See* EnerKnol and Wood Mackenzie Power & Renewables, *Regulatory Evolution for a Decentralized Electric Grid: State of Performance-Based Ratemaking in the U.S. – Executive Summary* (June 13, 2019), *available at* http://go.woodmac.com/l/131501/xecSummary-WoodMacEnerknol-pdf/27dk95.

target. Common metrics include measures of customer service or satisfaction, reliability (such as outage duration and frequency), energy efficiency implementation, emissions reductions, and the timeliness of interconnections of distributed energy resources. Typically, an ROE adder and/or penalty is associated with each metric. The value of the adder or penalty is usually established in advance—based on an evaluation of the level of adder or penalty that will sufficiently incentivize or reward desired utility performance—and it is applied in each year or rate case on a forward-looking basis, for demonstrated performance.[5] The utility's demonstrated performance relative to the baseline and performance target determines the level of incentive or penalty applied to a base-level ROE to determine the utility's total ROE. Thus, a utility that performs well against the metric baseline — i.e., attaining or surpassing the performance target — will experience an increased rate of return in its next rate case, while a utility that

[5] The New Mexico Supreme Court has ruled that the Commission may "properly consider[] in a rate proceeding, quality or inadequacy of service in determining, under the facts and circumstances in each particular case, what is a fair, just and reasonable rate of return to the utility." *Application of Gen. Tel. Co. of Sw*., 98 N.M. 749, 758, 652 P.2d 1200, 1209 (N.M. 1982). By way of note, in this case the Court ruled that the Commission may not, after-the-fact, reduce an ROE it otherwise deemed in the rate proceeding to be "just, fair, and reasonable."

performs poorly will not experience an increased rate of return, and in fact, may be penalized with a decreased rate of return. States such as Illinois, Hawaii, Rhode Island, and New York use frameworks which include quantitative performance assessment.[6]

Under a qualitative approach to assessing utility performance, the regulator evaluates the evidence to derive a range of reasonably allowable ROEs. Then, in choosing an ROE within that range for a utility, the regulator takes into account qualitative factors, including for example, compliance with reliability standards, management efficacy, cost control, level of rates, safety, and furtherance of public

[6] *See* 220 ILCS 5/16-108.5 (establishing performance-based formula ratemaking mechanism for Illinois electric utilities that considers factors including reliability, billing accuracy, reductions in unaccounted-for energy and uncollectibles, and minority- and women-owned contracting); *In re Pub. Utils. Comm'n Instituting a Proceeding to Investigate Performance-Based Regulation*, HI PUC Docket 2018-0088, Order No. 36326 (May 23, 2019) (establishing revenue adjustment mechanisms, performance mechanisms, and other regulatory mechanisms for development in Phase 2); *Investigation into the Changing Electric Distribution System*, RI PUC Docket Nos. 4770 and 4780, Settlement Agreement (June 6, 2018) at 67–81 (implementing performance incentives for capacity saving, installed energy storage capacity, electric vehicles, electric heat, fleet electrification, and distributed generation interconnection time); *Proceeding on Motion of the Comm'n in regard to Reforming the Energy Vision*, NY PSC Case 14-M-0101, Order Adopting a Ratemaking and Utility Revenue Model Policy Framework (May 19, 2016) at 53–70 (requiring utilities to propose "earnings adjustment mechanisms" applicable to load factors, electric usage intensity, distributed resource interconnection timeliness, and achievement of clean energy standards, and permitting additional proposals for efficiency achievements, customer engagement, and arrearage reductions).

policy goals. If the utility has performed positively relative to other utilities, or relative to its past performance, the regulator chooses an ROE towards the high end of the reasonable range; if not, the regulator chooses an ROE towards the lower end of the reasonable range.[7]

[7] *See, e.g., Milford Water Co.*, MA DPU Docket 17-107, Order (Aug. 31, 2018) (considering the utility's improved quality of service and customer relations as positive qualitative factors, and considering failure to follow directives related to affiliate transactions and the selection of rate case consultants as negative qualitative factors); *see also Potomac Elec. Power Co.*, DC PSC Case No. 1087, Order No. 16930, at 282 (Sept. 27, 2012) (explaining that a proposal to reduce the utility's ROE to the low end of the reasonable range was rejected because the utility had "substantially complied" with reliability standards); *Emera Maine*, ME PUC Docket No. 2015-00360, Order (Dec. 22, 2016) (setting the ROE at the low end of the identified reasonable range, based in part on record evidence of inefficient management resulting in poor service).

IV. SPS'S PERFORMANCE HISTORY IS EXCELLENT ACROSS NUMEROUS CATEGORIES AND METRICS

Q. Have you considered SPS's performance in arriving at your conclusion that a 10.35% ROE for SPS should be adopted in this proceeding?

A. Yes. I am familiar with SPS as a utility, and I have reviewed information regarding SPS's performance that was provided to the Commission in this and other filings.

Q. Does SPS provide low-cost service?

A. Yes. As SPS witness David T. Hudson explains in his direct testimony, SPS's all-in electric rates in New Mexico have for multiple years been — and continue to remain — amongst the lowest in the country, falling well below both the New Mexico *and* national average rates. SPS's rates dropped between 2017 and 2019. The rates proposed in this proceeding reflect an increase in base rates due to SPS's capital investments to meet load growth and expand renewable energy integration via new wind capacity. However, SPS's investment in renewable technology provides significant fuel savings to customers, and SPS's proposed all-in rates remain among the lowest in the country, at an average price of 32% below the national average and 23% below the New Mexico average.[8]

[8] Direct Testimony of David T. Hudson at viii - ix.

Q. How has SPS performed in terms of other traditional performance-related goals?

A. SPS's performance has been, and continues to be, excellent. In addition to having consistently low rates, SPS provides excellent service to its customers in a manner that also furthers New Mexico's policy goals. As Mr. Hudson testifies, SPS has made significant investments to continue to provide safe and reliable electric delivery service, has a strong track record of service restoration after storms, and has continued to meet the growing need for electric delivery service in Southeastern New Mexico by making additional investments in order to timely respond to new connection requests.[9] These investments are key to the state's continued economic growth and to providing quality electric delivery service.

Q. How has SPS responded to the growing electric load demand in New Mexico?

SPS has responded to and supported the economic growth New Mexico is experiencing and the resulting accelerated demand for new service, especially in counties in which oil and gas development continues to expand. Since its last rate case, SPS has invested more than $1.16 billion in New Mexico — including

[9] *Id*. at 5, 10, 15.

upgrading its distribution and transmission systems and expanding renewable energy generation — to support the state's growth and meet customer demand, which has in turn generated job growth and increased local and State tax revenues.[10] SPS has also expanded its workforce to keep pace with annual load growth, which has continued even during the pandemic. Because of such investments, SPS's services have kept pace with the growing electric load of the petrochemical economy in its New Mexico service territory, enabling SPS to meet its customers' demand and contributing to the economic success of southeastern New Mexico.[11]

Q. How has SPS performed in terms of broader public policy goals?

A. SPS is a leader in integrating renewable and clean energy resources into its generation portfolio, which aligns with New Mexico's clean energy transition policy goals.[12] The State of New Mexico's Energy Transition Act, Senate Bill 489 ("ETA") establishes a state policy goal to encourage the development of renewable energy resources.[13] The ETA articulates New Mexico's policy that

[10] *Id*. at vi-viii.

[11] *Id*. at 10-11, 22.

[12] *Id*. at 15-17.

[13] 1978 NMSA, §§ 62-16-1 to 62-16-10 (2019).

utilities are to be encouraged to exceed Renewable Portfolio Standards ("RPS").[14] SPS currently purchases a total of 1,640 megawatt ("MW") of renewable energy from wind and solar facilities; SPS's total renewable capacity is 2,900 MW.[15] This includes New Mexico's largest wind facility, the recently completed Sagamore Wind project, located in Roosevelt County. The addition of the Sagamore Wind project involved an $858 million investment in the state, of which $281 million is allocated to New Mexico customers.[16]

SPS has exceeded its RPS requirements under the New Mexico ETA, and it continues to lead utility RPS achievement statewide. SPS's investment in the Sagamore Wind project expanded SPS's lead among New Mexico utilities in RPS achievement. SPS has also received recognition for its programs to support renewable energy projects that provide revenues for New Mexico's local communities, hire and retain military veterans, and advance LGBTQ equality.[17] It is also notable that SPS has voluntarily built its generation portfolio using a blend of power purchase agreements ("PPAs") along with company-owned projects.

[14] 1978 NMSA § 62-16-4(D) (2019).

[15] Direct Testimony of William A. Grant at 25-26.

[16] *Id*. at 37.

[17] Direct Testimony of David T. Hudson at 15-17.

Q. What is significant about SPS's use of both PPAs and company-owned generation in its portfolio?

A. SPS's use of both approaches to meet its customers' needs raises two relevant considerations. First, the fact that SPS selects between these approaches to securing electric supply for its customers, rather than mechanically taking one approach or the other in all instances, demonstrates its thoughtfulness in delivering cost-effective, reliable electricity for its customers. Second, SPS's PPAs are a source of risk to SPS and its investors. SPS does not earn any return under traditional ratemaking on PPAs, yet SPS must obtain regulatory approval for these contracts, and SPS's credit rating calculations are negatively impacted by the inclusion of PPAs in rating agency determinations of SPS's debt.[18] Providing SPS and its investors with additional return and revenue in recognition of this additional risk that it takes on in pursuit of cost-effective, reliable service is consistent with: (1) setting utility returns commensurate with utility risks; and (2) rewarding and incentivizing utilities' use of customer-centric considerations in planning and performance.

[18] *See* Direct Testimony of Patricia L. Martin at 31.

Q. How does SPS's performance compare to others in its industry?

A. SPS not only provides safe, reliable service at rates well below the U.S. and New Mexico averages, SPS is a leader in integrating renewable and clean energy resources into its generation portfolio.[19] SPS has also made investments to keep pace with broader industry trends in information technology, cybersecurity, and customer data privacy.[20]

[19] Direct Testimony of David T. Hudson at 16.

[20] *Id*. at 9-10.

V. THE COMMISSION SHOULD RECOGNIZE SPS'S CONTINUED EXCELLENT PERFORMANCE AND COMMITMENT TO LOW-COST, RELIABLE, AND LOW EMISSION SERVICE

Q. Relative to the national average, what is a reasonable ROE for SPS?

A. It is my opinion that SPS should receive an ROE that is higher than that of average or underperforming utilities in order to: (1) incentivize the Company to continue to provide safe, reliable electric service that is responsive to the needs and desires of its customers, (2) incentivize performance by other utilities whose rates are regulated by the Commission, (3) encourage investments that ensure the transmission and distribution system and generation mix meet customer demand in an economical manner that is consistent with climate and environmental policy goals, and (4) compensate SPS and its investors for the risks they face in meeting customers' and New Mexico's needs and goals. My conclusion is based on the fact that SPS's performance is excellent while maintaining rates amongst the lowest in the country: as such, it should receive an ROE exceeding the ROEs applicable to utilities that only meet, rather than surpass, performance standards.

Q. Could failing to recognize excellent performance have a detrimental effect on SPS and its customers?

A. Yes, it could. It sends the message that excellent performance is not valued. If excellence is not valued, there is little incentive for a utility to keep performing that way.

Q. How do utilities and customers benefit from the Commission recognizing desired performance objectives?

A. A regulatory structure that recognizes and rewards utilities for providing high-quality, cost-efficient service to their customers encourages the utility to continue such behavior, better aligns the utility's goals with its customers' goals—and those of its regulator, incentivizes performance by other utilities whose rates are regulated by the Commission, and ensures that the utility and the customer share in the success of the utility. Utilities such as SPS attempt to balance meeting new customer and public policy needs with ensuring reliable, safe, affordable electricity service. Incentives that recognize utilities for excellent performance will encourage continued pursuit of this balancing, as well as spur lower-performing utilities toward better service in keeping with New Mexico public policy goals.

Q. What are the benefits of recognizing excellent performance?

A. As discussed above, SPS has *excelled* at meeting a utility's statutory responsibility to provide adequate and reliable service at just and reasonable rates. Recognizing this performance through an appropriate ROE allows SPS continued access to the capital it needs to continue to provide excellent service in southeastern New Mexico.

VI. CONCLUSION

Q. What is your recommendation?

A. I recommend that the Commission recognize SPS's excellent performance by adopting the 10.35% ROE recommended by Mr. D'Ascendis.

Q. Does this conclude your pre-filed direct testimony?

A. Yes.

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SOUTHWESTERN PUBLIC SERVICE COMPANY,	)	
APPLICANT.	)	

VERIFICATION

On this day, January 4, 2021, I, Suedeen G. Kelly, swear and affirm under penalty of perjury under the law of the State of New Mexico, that my testimony contained in Direct Testimony of Suedeen G. Kelly is true and correct.

/s/ Suedeen G. Kelly
SUEDEEN G. KELLY

SUEDEEN G. KELLY

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EMPLOYMENT

Jenner & Block, LLP, Washington, DC
Partner and Co-Chair of Energy Practice (2017-Present)

Chosen by *Law360* - List of Ten Influential Women in Energy Law (2018); Jenner & Block Energy Practice chosen by *Law360* Five Top Energy Practices (2019)

Akin Gump Strauss Hauer & Feld LLP, Washington, DC Partner, and Chair of Energy Practice (2012-2017)

Chosen by *Metropolitan Corporate Counsel* as its cover story for January 2016; Chambers Global Ranked (2012-2016), energy electricity, regulatory and litigation; Recognized by *The National Law Journal* as 2015 Top 50 Regulatory & Compliance Trailblazers in environment, energy and law; Top Author, JD Supra Readers' Choice Award (2015).

Member, Board of Directors, **UIL Holdings**, New Haven, CT (2011 -2015)

Member, Board of Directors, **Access Midstream Partners**, Oklahoma City, OK (2010 -2015)

Member, Board of Directors, **Tendril,** Boulder, CO (2010-2012)

Patton Boggs LLP, Washington, DC Partner, 2010 -2012
Co-Chair of Energy Industry Practice

Federal Energy Regulatory Commission, Washington, DC Commissioner (2003 -2009)
Responsibilities included (1) making decisions in approximately 1300 cases each year involving electric and natural gas wholesale markets and interstate transmission, hydroelectric licensees and gas pipeline certificates, oil pipeline rates, electricity reliability, and enforcement; (2) maintaining relations with the U.S. Senate Energy and Natural Resources Committee and the U.S. House Commerce and Energy Committee, including testifying before the committees as required and following legislative developments; (3) maintaining relations with industry and market participants; (4) speaking publicly on energy industry developments and maintaining relations with the press; (5) co-chairing the Smart Grid Collaborative between FERC and the National Association of Regulatory Utility Commissioners; (6) managing the budget and staff of the Office of the Commissioner.

University of New Mexico School of Law, Albuquerque, NM
Professor of Law, 1986 - 2003

Taught Energy Law, Public Utility Regulation, Legislative Process and Administrative Law, and Administrative Practice. Served as Editor-in-Chief, Natural Resources Journal (1995-2000) (responsibilities included managing all aspects of the publication of four volumes of the Journal each year, its budget and administrative staff, and supervising the student editorial staff). Was the Lewis & Clark Law School Distinguished Visitor (1998) and was awarded the Susan and Ronald Friedman Faculty Excellence in Teaching Award (1995-96) and the Keleher & McLeod Professor of Law Award (1997-99).

Staff of **U.S. Senator Jeff Bingaman**, Washington, DC
Detail to the U.S. Senate Energy and Natural Resources Committee, 1999 (on leave from U. of NM)
Contributed to development of energy and hydroelectric licensing legislation.

California Independent System Operator, Folsom, CA Regulatory Counsel, 2000 (on leave from U. of NM)
CAISO operates much of California's transmission grid and dispatches interconnected generation, which was coordinated with the California Power Exchange until 2001. Responsible for learning and understanding the ISO's protocols and tariff provisions so as to be able to answer day-to-day legal questions. Worked on the regulatory proceeding involving the 70 unresolved issues remaining from the FERC's conditional certification of the ISO.

Modrall, Sperling, Roehl, Harris & Sisk, Albuquerque, NM
Attorney, 2001 - 2003 (on leave from U. of NM)
Responsibilities included creating and heading up the firm's public utility practice. Clients included independent power producers, water utilities, a local gas distribution company, and NM State University in its capacity as a large electricity customer.

Suedeen G. Kelly, Attorney-at-Law, Albuquerque, NM
Attorney, 1986 - 2001
Managed a part-time practice in federal and state energy and public utility law, representing private and publicly-owned clients in transactions, legislation, rulemakings and litigation concerning electric, gas and water utility certification, rates and service; electricity assets siting, financing, acquisitions and mergers; electric and gas industry restructuring; and doing business with electric and gas utilities.

New Mexico Public Service Commission, Santa Fe, NM
Chairwoman, 1984 - 1986.
Commissioner, 1983 - 1984.
Responsibilities included regulation of the state's electric, gas and water utilities; management of the agency, its budget and staff; and maintaining relations with the State Legislature, the Governor's Office, the industry, and the public.

New Mexico Office of the Attorney General, Santa Fe, NM
Attorney, Public Utilities Division, 1982 - 1983
Managed cases being litigated in New Mexico state courts and cases before the NM Public Service

Commission.

Luebben, Hughes & Kelly, Albuquerque, NM
Partner, 1978-1982
Managed a private law practice, representing clients in state and federal litigation and regulatory agency practice in utility, natural resources, energy and Indian law.

University of New Mexico Graduate School of Public Administration, Albuquerque, NM
Adjunct Faculty, 1979 - 1982
Taught Administrative Law.

Natural Resources Defense Council, Inc., Washington, DC
Attorney, 1977 - 1978
Law Clerk, 1975
Managed a case load involving environmental litigation in the federal courts, federal agency proceedings and federal legislative developments.

Ruckelshaus, Beveridge, Fairbanks & Diamond, Washington, DC
Associate Attorney, 1976 - 1977
Worked on cases in federal litigation, federal and state agency proceedings, and helped to advise clients regarding legislation. Matters involved environmental, commercial and constitutional law.

U.S. Environmental Protection Agency, Washington, DC
Law Clerk, 1974
Provided research regarding the Federal Water Pollution Control Amendments of 1972 and federal clean water policy.

EDUCATION

Cornell Law School, J.D., *cum laude*, 1976.
Cornell Law Scholarship; Delaware School Foundation Scholarship; International Law Journal Staff; Director, Cornell Legal Aid (responsible for managing the case load of the Family Division and supervising its student attorneys).

University of Rochester, B.A. in Chemistry, *With Distinction*, 1973.
Bausch & Lomb Science Award and Scholarship; President, University Women's Residence Assistants (responsible for managing women's residential assistance program and supervising the residence assistants).

PUBLICATIONS WITHIN THE LAST FIVE YEARS

To Ensure That Its Policies Support the Continued Development of Reliable and Resilient Transmission Infrastructure, FERC Should Discontinue Its Practice of Allowing Pancaked Complaints (Edison Electric Institute) (2018).

Escalating Threats to Infrastructure Confirm Our Need to Harden the Electric Grid (The Hill) (Oct. 30, 2017).

Episode 7: Mysterious Frontiers: The New FERC, Grid Geeks Podcast (August 9, 2017) (with host Alison Clements), available at http://www.goodgrid.net/blog/2017/8/9/grid-geeks-podcast-episode-7.

Federal/State Jurisdictional Split: Implications for Emerging Electricity Technologies, Lawrence Berkeley National Laboratory - Energy Analysis and Environmental Impacts Division (December 2016) (co-authored with Jeffery S. Dennis, Robert R. Nordhaus, and Douglas W. Smith), available at https://www.energy.gov/sites/prod/files/2017/01/f34/Federal%20State%20Jurisdictional%20Split--Implications%20for%20Emerging%20Electricity%20Technologies.pdf.

A FERC challenge: Opening up electricity markets to advanced energy technologies, UtilityDive.com (June 30, 2016) (co-authored with Arvin Ganesan), available at https://www.utilitydive.com/news/a-ferc-challenge-opening-up-electricity-markets-to-advanced-energy-technol/421891/.

SWORN TESTIMONY

Bandera Master Fund LP v. Boardwalk Pipeline Partners, Case No. 2018-0372-JTL, Delaware Chancery Court. On behalf of Boardwalk Pipeline Partners (2020).

In Re: Extraction Oil & Gas, Inc. v. Grand Mesa Pipeline LLC, Case No. 20-11548 (CSS), U.S. Bankruptcy Court for the District of Delaware. On behalf of Grand Mesa Pipeline LLC (2020).

In the Matter of Southwestern Public Service Company's Application For: (1) Revision of Its Retail Rates Under Advice Notice No. 282; (2) Authorization and Approval to Shorten the Service Life of

and Abandon Its Tolk Generating Station Units; and (3) Other Related Relief, No. 19-00170-UT (New Mexico Public Regulation Commission). On behalf of Southwestern Public Service Company (2019).

In the Matter of the Application of Grain Belt Express Clean Line LLC for a Certificate of Convenience and Necessity, No.EA-2016-0358 (Public Service Commission of the State of Missouri) On behalf of Grain Belt Express Clean Line LLC (2016).

Rockies Express Pipeline LLC v. U.S. Dep't of the Interior, CBCA 3704 (1921)-REM, Civilian Board of Contract Appeals. [REM denotes that the case was on remand from the U.S. Court of Appeals for the Federal Circuit]. On behalf of Rockies Express Pipeline LLC (2015-16).

In the Matter of the Merger of Exelon Corporation and Pepco Holdings, Inc., No. 9361 (Public Service Commission of the State of Maryland). On behalf of Exelon Corporation (2015).

PROFESSIONAL ACTIVITIES

Member, Board of Directors, Advanced Energy Economy Institute (2020-Present)

Member, Advisory Board of Directors, American Wind Energy Association (2019-2020)

Member, Board of Advisors, Duke University Nicholas Institute (2018-Present)

Member, Dean's Advisory Council, Hajim School of Engineering, University of Rochester, Rochester, NY (2012 - 2020).

Rocky Mountain Mineral Law Foundation, Trustee (1988 - 1993, 2015 - 2017).

Member, Environmental Law Institute Leadership Council (2015 - 2017).

Member, Advisory Board, The Perfect Power Institute, Chicago, IL (2011 – 2015).

Board Member, Charitable Foundation of the Energy Bar Association (2010 - 2013).

Member, Advisory Board, Gridquant, Columbus, OH (2013).

Member, Smart Grid Advisory Committee, National Institute of Standards and Technology (2010 - 2013).

Council Member, American Bar Association, Section of Administrative Law and Regulatory Practice (2010 - 2012).

Advisory Council, Women's Council on Energy and Environment, Washington, DC (2008 – 2012; Chair 2010 - 2012).

Council Member, American Bar Association, Section of Environment, Energy and Resources (2000 - 2003).

New Mexico Women's Bar Association (1991 - 2003).

Barrister, H. Vearle Payne American Inn of Court (1995 - 2003).

Board Member, Santa Fe Diocese Foundation (1999 - 2003).

Founding Board Member, Albuquerque Open Space Alliance (1996 - 1999).

N.M. Legislative Task Force on Management of the Middle Rio Grande Bosque (1993 - 1994).

American Association of Law Schools, Chair of the Executive Committee of the Legislation Section (1994 - 1995).

Border Research Institute of New Mexico State University, Member of the Advisory Committee on its studies (1992 - 1993).

The National Regulatory Research Institute, Ohio State University, Member of the Research Advisory Committee to the Board (1988 - 1992).

Board Member, New Mexico Bar Association, Natural Resources Section (1987 - 1992)

U.S. Consumer Product Safety Commission, Chair of its Advisory Council (1980 - 1981); Member (1979-1981).

U.S. National Air Quality Commission-Four Comers Region Study, Member of Advisory Committee (1979 - 1981).

N.M. Legislative Task Force, Federal Lands Action Group, (1979 - 1981).

Washington D.C. Council of Lawyers, Executive Board Member (1977 - 1978).

Member of the Bars of New Mexico and the District of Columbia; of the U.S. Courts of Appeal for the District of Columbia, 9th and 10th Circuits; and of the U.S. District Courts for the District of Columbia and New Mexico