

This rule was filed as NMPS Rule 940.

TITLE 17 PUBLIC UTILITIES AND UTILITY SERVICES
CHAPTER 13 SEWER SERVICES
PART 940 CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR SEWER UTILITIES

17.13.940.1 ISSUING AGENCY: New Mexico Public Service Commission [New Mexico Public Regulation Commission].
[Recompiled 12/30/01]

17.13.940.2 SCOPE:
[Recompiled 12/30/01]

17.13.940.3 STATUTORY AUTHORITY:
[Recompiled 12/30/01]

17.13.940.4 DURATION:
[Recompiled 12/30/01]

17.13.940.5 EFFECTIVE DATE:
[Recompiled 12/30/01]

17.13.940.6 OBJECTIVE:
[Recompiled 12/30/01]

17.13.940.7 DEFINITIONS:
[Recompiled 12/30/01]

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A. Certificates of Public Convenience and Necessity Required [17.13.940.9 NMAC]
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C. Conformance with Minimum Standards of Design, Construction, and Operation [17.13.940.11 NMAC]
D. Conformance with Provisional Customer Rules and Regulations [17.13.940.12 NMAC]
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G. Assistance of Commission Staff [17.13.940.15 NMAC]
[Recompiled 12/30/01]

17.13.940.9 CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY REQUIRED: Every jurisdictional sewer utility shall obtain from the Public Service Commission [Public Regulation Commission] a certificate of public convenience and necessity prior to providing service to the public or when otherwise required.
[Recompiled 12/30/01]

17.13.940.10 APPLICATION: Each applicant must file with the Commission an application for a certificate of public convenience and necessity as prescribed in NMPSC Rules 110.35 through 110.38, [17.1.2 NMAC].
[Recompiled 12/30/01]

17.13.940.11 CONFORMANCE WITH MINIMUM STANDARDS OF DESIGN, CONSTRUCTION, AND OPERATION: Each applicant for a certificate of public convenience and necessity must meet certain minimum standards for design, construction, and operation as required by the Commission. If an applicant is unable to conform to any specific design, construction, or operation standard, the applicant should apply for a variance from such standard.

[Recompiled 12/30/01]

17.13.940.12 CONFORMANCE WITH PROVISIONAL CUSTOMER RULES AND REGULATIONS: Each applicant for a certificate of public convenience and necessity shall have prescribed customer service rules and regulations substantially similar to the service rules and regulations required by the Commission. If an applicant is unable to conform to any recommended customer service rule or regulation, the company should apply for a variance from such rule or regulation.

[Recompiled 12/30/01]

17.13.940.13 MINIMUM DATA REQUIREMENTS: The following exhibits must be attached to and made a part of a water utility's application for a certificate of public convenience and necessity:

- A. Evidence of Ownership:
 - (1) Corporation--certificate of incorporation and by-laws;
 - (2) Partnership--articles of co-partnership;
 - (3) Subsidiary affiliation;
 - (4) Company officials;
 - (5) Business address;
 - (6) Actual location of plant facilities and business office(s).
- B. Statement showing franchise rights of applicant to provide sewer services in the community in which service is proposed.
- C. Evidence of economic feasibility:
 - (1) Statement demonstrating Applicant's financial ability;
 - (2) Proposed Facilities:
 - (a) Cost of proposed facilities;
 - (b) Financing of proposed facilities; (Supply details of all present and proposed financing arrangements.)
 - (3) Revenue requirements:
 - (a) Source of funding for operation and maintenance;
 - (b) Revenues;
 - (c) Expenses;
 - (d) Depreciation;
 - (e) Taxes;
 - (f) Return (net income).
- D. Evidence of compliance with the Water Quality Control Commission regulations.
- E. One complete set of design plans and specifications as required by the New Mexico Health and Environment Department's publication titled "Guidelines for Wastewater Collection and Treatment Works in New Mexico". All plans and specifications shall be prepared under the direction and approved by a New Mexico registered professional engineer. Plans and specifications shall bear the seal of the professional engineer.
- F. Easement and right-of-way policy.
- G. Appropriate Permits:
 - (1) State Land Office;
 - (2) State Health and Environment Department;
 - (3) Environmental Protection Agency.
- H. Evidence of system adequacy (present and 3 years projected).
 - (1) Proof of experience to provide adequate and efficient service;
 - (2) Design capacity of treatment and disposal plant;
 - (3) Characteristics of sewage being treated;
 - (4) Peak day flow rate;
 - (5) Average daily flow rate;
 - (6) Complete description of biological-treatment process and BOD loadings.
- I. Original cost listing of plant items. If plant has already been constructed and is in operation, the utility shall:
 - (1) Provide a list of plant items and show the original cost of each plant item as prescribed in the NMPSA Annual Report;

(2) Submit a completed NMPSC Annual Report if the plant has been in operation for at least twelve (12) months.

(3) A complete set of as-built plans and specifications of the system constructed.

J. Copies of tariff schedules and operating rules and regulations:

(1) Rate schedules for each customer class;

(2) Copies of operating rules and regulations.

K. A rate study setting rates that would apply if the system were developed to 85% of its potential plant-in-service capacity. The study should include but not be limited to:

(1) Estimated cost of service and supporting documents;

(2) Potential number of equivalent residential connections based on treatment plant in service;

(3) Potential number of equivalent residential connections based on collection mains in service.

[Recompiled 12/30/01]

17.13.940.14 FILING FEES: A filing fee of \$25.00 must accompany the application. In addition, there is a \$1.00 filing fee for each tariff number (excluding Table of Contents).

[Recompiled 12/30/01]

17.13.940.15 ASSISTANCE OF COMMISSION STAFF: The Commission Staff will be available to meet with an applicant and/or anyone representing the applicant's interests in the matter to answer any questions the applicant may have.

[Recompiled 12/30/01]

17.13.940.16 [HISTORY: NMPSC Case No. 2277, order dated December 29, 1989, unless otherwise noted.]

[Recompiled 12/30/01]

HISTORY OF 17.13.940 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the Commission of Public Records-State Records Center and Archives.

NMPSC Rule 940, Certificates Of Public Convenience And Necessity For Sewer Utilities, 12/29/89.

History of Repealed Material: [RESERVED]