

# City accuses Coop of attempting to delay informing members

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Story by [Cathy Cook | El Defensor Chieftain Editor](#) | Apr 21, 2022

The Socorro Electric Coop asked for an emergency stay in sending a notice from the New Mexico Public Regulation Commission to Coop members. The City of Socorro claims the request is a delay tactic before the annual Coop membership meeting Saturday.

The Coop was ordered by the NMPRC to send out a specific notice to all Coop members by April 7. The notice was centered on the Coop refusing to follow an NMPRC order from 2019 to restructure their rates. The Coop objects to the rate redesign, claiming that the NMPRC has overstepped its authority. The notice also would have informed Coop members of the accumulating \$1,000 per day fine the NMPRC has set for every day the Coop fails to implement the restructured rates.

On the day of the deadline, the Socorro Electric Coop objected to sending the letters, saying the notice with return receipts is cost-prohibitive. They argue the cost of sending out the mailing, which they estimate at anywhere from \$75,000 to \$100,000 would impact SEC's ability to service its customers. They also argue the notice provides irrelevant and confusing information, and should at least be written in plain English and translated into Spanish, so members can better understand it.

The Coop was also instructed to account for all increases and decreases that would have resulted to customers if it had implemented the restructured rates when NMPRC directed it to. The Coop objected to this, with a message from the software company that services SEC saying it is unable to figure out how to account for all of those increases and decreases that would have resulted to customers.

On April 8, a hearing examiner, Christopher Ryan was appointed to oversee any necessary hearings.

On April 15 the NMPRC Utility Division staff responded, arguing that SEC cannot be allowed to disregard commission orders and the commission's rate design since the Coop is a utility regulated in the state of New Mexico. The staff suggested a compromise: If SEC immediately files an Advice Notice with the Commission in compliance with the rates approved in the Final Order in 2019, and implements those rates within 30 days, the staff would not object to NMPRC waiving or removing the requirement to send the notice and would recommend the existing fines of over \$800,000 be revisited.

Also, on April 15, the City of Socorro and New Mexico Tech responded to the Coop's objection. Their response argues that the emergency order to not send out the notice to members was a stalling tactic to avoid notifying members of the legal issues prior to the annual meeting. The response says that SEC's "grumbling about the costs of compliance and other damages is absurd," since the compliance requirements would not be necessary if SEC had originally followed the order. They would not need to review billings or send refunds to customers if they had billed the restructured rate originally.