

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE APPLICATION)
OF PUBLIC SERVICE COMPANY OF NEW)
MEXICO FOR PRIOR APPROVAL OF)
THE ADVANCED METERING)
INFRASTRUCTURE PROJECT,)
DETERMINATION OF RATEMAKING)
PRINCIPLES AND TREATMENT, AND)
ISSUANCE OF RELATED ACCOUNTING)
ORDERS)**

Case No. 15-00312-UT

**PUBLIC SERVICE COMPANY OF NEW)
MEXICO,)
)
Applicant)**

**NEW MEXICANS FOR UTILITY SAFETY’S MOTION TO STRIKE PREPARED
TESTIMONY OF REBECCA R. TEAGUE**

Pursuant to the Commission’s Order setting an August 1, 2016 deadline for motions to strike prepared testimony, New Mexicans for Utility Safety (“NMUS”) submits this motion to strike the Direct Testimony of Rebecca R. Teague, filed on behalf of Public Service Company of New Mexico (“PNM”) on February 26, 2016. As reasons therefor, NMUS states that Ms. Teague has, under oath, given false answers to interrogatories and produced a fraudulent document. As a sanction for perjury, her prepared testimony should be stricken.

On June 21, 2016, NMUS served the following discovery request upon PNM:

**INTERROGATORY NO. 8 AND REQUEST FOR PRODUCTION OF
DOCUMENTS NO. 6:** Please state how many years the following models of meters were under any kind of warranty when PNM last purchased them. Please also provide a copy of any and all such warranties. (A) Elster 2A Single-Stator Watthour Meter, Type AB1R (analog); (B) GE Watthour Meter, Type 1-70-S/2 (analog); (C) Sangamo Watthour Meter, Type J5S (analog);

(D) Schlumberger Watt-hour Meter, Type J5S (analog); (E) Sangamo Watt-hour meter, type J3S (analog); (F) Landis & Gyr Single-Stator Watthour Meter, Type MSII (analog); (G) ABB Single-Stator Watthour Meter (analog); (H) Itron CENTRON digital meter, Type C1S.

In PNM's response (attached hereto as Exhibit A), signed under oath by Ms. Teague, she swore that the information she gave is "specifically known to PNM" (at p. 1). She then wrote (at p. 3), "Please see below for additional responsive information specific to each meter," and for each of the six types of analog meters she gave a separate and identical answer stating that it was warranted for "12 months from installation or 18 months from shipment." To compound these falsehoods she produced a document titled "GE Terms of Sale" that she falsely represented as the warranty for the GE analog meter. She did not produce copies of any warranties for the other analog meters.

NMUS has independently obtained a copy of the warranty that covers all of Elster's electromechanical (analog) meters. The warranty is on page 4 of Byram's Metering Manual (attached hereto as Exhibit B), which is available online from Byram Laboratories, Inc. at <http://www.byramlabs.com/store/pdf/elster/Electromechanical%20Manual.pdf>. It is a warranty for "any Elster metering product" and states that the warranty period is "10 years from the date of manufacture." The manual is also accessible from this page: http://byramlabs.com/store/product_info.php/products_id/33 (attached hereto as Exhibit C), which states that "Elster will offer *the same warranty*, manufacturing quality controls, calibration standards, and calibration reports *that you have always expected from Elster*" (emphasis added).

For the GE meter, which Ms. Teague stated has not been purchased by PNM since July 14, 2004, Ms. Teague produced a document (attached hereto as Exhibit D) purporting to contain the warranty terms of "12 months from installation or 18 months from shipment." The document

is titled “GE Terms of Sale,” however it is an undated excerpt containing only sections 5.1 through 5.6 of a larger document and does not specify which GE products it applies to. NMUS became suspicious because section 5.2 of this document states that “software-related Services are warranted for ninety (90) days.” Analog meters do not contain any software.

NMUS independently obtained the larger document from which sections 5.1 through 5.6 were excerpted. It is available online from GE’s Power Conversion subsidiary at <http://www.gepowerconversion.com/sites/gepc/files/product/es104.pdf>. GE Power Conversion does not sell electric meters, much less analog electric meters that were manufactured prior to July 14, 2004. The document is titled “Terms and Conditions for Sale of Products and Services: Form ES 104 (Rev. 4),” and is dated January 2011. It is attached hereto as Exhibit E.

NMUS also obtained the previous revision of the same document (“Form ES104 (Rev 3),” attached hereto as Exhibit F), which is available online at http://www.gegridsolutions.com/T&Cs/AP/terms_energy.pdf, and which is dated September 2009. Its warranty is worded differently and is in section 7, not section 5—proving that the purported GE warranty produced by PNM did not come from any document dated earlier than January 2011.

In her response to Western Resource Advocates’ first discovery request, Ms. Teague admitted that PNM’s proposed Itron AMI meters are warranted for only one year (Response to WRA Interrogatory I-15, attached hereto as Exhibit G), and produced the one-year warranty (attached hereto as Exhibit H). The purpose of her false and fraudulent responses to NMUS is evident: she wants to conceal from the Commission the fact that PNM is proposing to replace 531,000 electric meters that were warranted for ten years with 531,000 electric meters that are

warranted for only one year. This calls the truthfulness of all of Ms. Teague's testimony into question, and it should be stricken.

Respectfully submitted,

NEW MEXICANS FOR UTILITY SAFETY

/s/ Arthur Firstenberg

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August 1, 2016

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CERTIFICATE OF SERVICE

I certify that on this date of August 1, 2016, I served New Mexicans for Utility Safety's

Motion to Strike Prepared Testimony of Rebecca R. Teague by mail upon:

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/s/ Arthur Firstenberg

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