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A personal commitment  
to New Mexico

Attention: Section 1813 Row Study  
Office of Indian Energy and Economic Development  
1849 C St., NW  
Mail Stop 2749-MIB  
Washington, DC 20240

Subject: Section 1813 Implementation;  
Native American Rights of Way

To Whom It May Concern:

In response to the recently published directive in the Congressional Record, Public Service Company of New Mexico (PNM) welcomes the opportunity to address implementation of the congressionally mandated study related to utility rights of way on Native American lands.

PNM supplies electric and natural gas services to a large area of New Mexico. Consequently, PNM operates and maintains hundreds of miles of transmission and distribution utility lines, and numerous substations, switching stations, and regulator stations on Native American lands, representing approximately 17 different tribes in New Mexico. PNM does so under right of way permits and other agreements (and renewals thereof) negotiated and agreed to by PNM and the individual tribal governments. Nearly every year PNM is involved in right of way renewal negotiations with one or more tribes. As a result, PNM has experienced first hand, a large increase in right of way renewal pricing on tribal lands, combined with a push by some tribal governments to reduce the length of terms of right of way grants.

In today's environment of energy shortages, and rising energy costs, PNM, like other utility companies, believes that the trend of dramatically rising right of way costs on tribal lands is a matter of national concern. Although PNM is interested in the pricing of new right of way for new projects, PNM is most concerned about the escalating costs and the uncertainties involved in acquiring right of way renewals for pre-existing facilities. PNM prefers that the ongoing study aim much of its focus on right of way renewals in hopes that a greater element of certainty (for price and length of term) can be brought to the table for such matters. PNM also fully appreciates tribal concerns about possible erosion of sovereign rights. To this end, PNM is hopeful that the congressional study will air all issues resulting in a solution that is acceptable to tribal governments and the utility industry on new and renewal right of way issues.

It appears that the scoping and workshop framework identified in the congressional record will be a viable mechanism to bring all issues to the table. It is hopeful that federal staff will gather sufficient information during this process. However, it should be understood that confidentiality concerns related to right of way agreements between tribal governments and utility companies will be at play during the scoping, workshop and study processes. Albeit a difficult task, all participants must find a way to share valuable historical information without violating such confidentiality, nor undermining ongoing specific right of way negotiations between various tribes and utility companies.

Thank you for offering PNM the opportunity to provide these few comments. If you have any questions, please feel free to contact me at any time.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Roberts", with a long horizontal line extending to the right.

Rob Roberts  
Manager, Right of Way Department  
505-241-2564