

# [EXT] 6.20.2 NMAC hearing on 30 December Comment #1

Chris Mechels <cmechels@q.com>

Sat 12/19/2020 3:36 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Dear Mr. Sena,

This hearing must be canceled as you have failed to give proper notice on the Sunshine Portal, as required by 14-4-5.2. Notice of proposed rulemaking.

This includes under "provide to the public", as defined in the Rules Act, a requirement to post the notice on the Sunshine Portal, which you have failed to do.

Without this proper posting the rulemaking, per the Rules Act, is "invalid".

This failure is puzzling, as is the fact that the last Sunshine Portal posting was in March 2020.

Did you get some "dispensation"?? If not, without the required posting, the hearings since March are "invalid".

Regards,

Chris Mechels  
505-982-7144

## [EXT] 6.20.2 NMAC hearing on 30 December Comment #2

Chris Mechels <cmechels@q.com>

Mon 12/28/2020 9:27 AM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Dear Mr. Sena,

In addition to my previous comment, which noted the notice violations, concerning the Sunshine Portal; failures in required record keeping.

The PED Sunshine Portal postings, and those on the PED website, for the last year have failed to comply with the Rules Act, 14-4-5.4 NMSA.

In earlier years there is a "spotty" record of Rules Hearings.

This suggests an effort to come into Rules Act compliance would be appropriate, prior to further hearings.

Regards,

Chris Mechels  
505-982-7144

## [EXT] 6.20.2 NMAC hearing on 30 December Comment #3

Chris Mechels <cmechels@q.com>

Mon 12/28/2020 12:30 PM

To:FeedBack, Rule, PED <Rule.FeedBack@state.nm.us>;

Dear Mr. Sena,

On examination of the Rule Notification it seems that the PED hearing procedure is illegal, non-compliant with the Rules Act.

This is indicated not only in the current rulemaking, but previous hearings in 2020.

Per 14-4-5.8 NMSA PED must either follow the Default Procedure, 1.24.25 NMAC, or submit their PED procedure to the Attorney Generals office. It seems you have done neither.

I have received no reply to my query concerning what your hearing procedure is.

Some rather strange features of your procedure, per the Rule Notification, are providing a "summary" of the proposal only at the hearing, not, as required, at notification, esp in the Sunshine Portal. Another strange, and very restrictive, feature is allowing only 3 minutes, per party, for public input at the hearing. Most such hearings allow "at least" five minutes, at minimum.

This all suggests that PED needs to either follow the Default, 1.24.25 NMAC, or publish their own procedure, and file it with the AG as required.

I object to your current practice, which does neither, and leaves the public in the dark.

Regards,

Chris Mechels  
505-982-7144