

Vote “NO” on Amendment #1

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Proposed Constitutional Amendment 1

PROPOSING TO AMEND THE CONSTITUTION OF NEW MEXICO TO PROVIDE THAT THE PUBLIC REGULATION COMMISSION CONSIST OF THREE MEMBERS APPOINTED BY THE GOVERNOR FROM A LIST OF PROFESSIONALLY QUALIFIED NOMINEES SUBMITTED TO THE GOVERNOR BY A NOMINATING COMMITTEE AS PROVIDED BY LAW AND THAT THE COMMISSION IS REQUIRED TO REGULATE PUBLIC UTILITIES AND MAY BE REQUIRED TO REGULATE OTHER PUBLIC SERVICE COMPANIES.

The Public Regulation Commission (PRC), established in the New Mexico Constitution, regulates utilities—gas, electric, water and wastewater; pipeline safety; transportation – motor carriers, towing, ambulances, taxi services, and a variety of telecommunications. The PRC has quasi-legislative, judicial, executive duties that impact every New Mexican

The Commission, plagued by functional and public image problems, has been modified over the years - professional qualifications have been placed upon candidates, and some responsibilities have been moved to other entities - we should give those changes a chance to work.

As a candidate for Public Regulation Commission, District 1, and a voter, I **OPPOSE the Constitutional Amendment** for the following reasons.

1. Concentration of Power in the Executive; Elimination of the Elective Franchise

Checks and balances provide disbursed powers and are diminished if the Governor is given additional authority. Removing the PRC from the elected franchise reduces the chance that a Commissioner would take your call when something is wrong. We should keep the distribution of power, and we should keep our elected representatives in this powerful commission.

Of note - in 2004 the legislature eliminated the elected Board of Education, replacing it with a Secretary of Education, so the Governor would hold the Department and the education of our children to a higher standard. How’s THAT working? Our current Secretary of Education lives in Philadelphia and our kids are still being failed by our schools.

Recently, the PRC was evicted by the Governor from their long-held office complex, without a plan for a new location nor a way to carry out their duties while ‘in transit’. Arguably, the Governor did this to make a petty point, but can you imagine her evicting other constitutional offices – the Attorney General, the Auditor, the Secretary of State? Providing ANY Governor additional authority is a mistake.

2. Does Not Solve PRC Problem – Salaries

If we want highly qualified professional staff and commissioners, salaries must be competitive. They are not competitive. (I am retired and am qualified to serve. I can afford the salary.) If we want to hire commissioners at the top of their field, the current salary for commissioners is not competitive, by half.

3. Does Not Eliminate Political Influence

New Mexicans are best represented by elected officials with professional qualifications. The authors of our State Constitution understood the need for some business “monopolies”. The PRC was created to stand between ratepayers and business so these special industries would prosper without taking advantage of ratepayers. If you think appointments will escape political influence, look at Boards of Regents, Cabinet Secretaries, and most boards and commissions.

Summary - three reasons to vote ‘no’ -

1. concentration of power in the Executive and elimination of the Elective Franchise,
2. failure to solve root problem of the PRC, and
3. compromises the mission of the PRC while failing to eliminate political influence

Now comes a fourth reason to vote “NO”. The New York based Environmental Defense Fund, under the guise of the “**Committee to Protect New Mexico Consumers**” has spent more than **\$264,193.00** (as of 9/14/2020) on “**educational mailers**” to convince New Mexicans they should give up their right to elect a PRC in favor of appointed experts as reported by the ABQJournal. (<https://www.abqjournal.com/1498694/two-nm-groups-pushed-to-disclose-political-spending.html>)

Each mailer contains a variation of this message:

“Just as Governor Lujan Grisham is relying on experts in the fight against COVID, this proposal would require expert professionals to deal with the complex utility issues that will guide our state’s environmental future and economic growth. Commissioners would be prohibited from having any personal financial interest in any public utility.”

How is the COVID fight working for you? For the economy?

The Environmental Defense Fund underestimates the voters in New Mexico. I will take the wisdom of the New Mexican voters any day over the opinion of three experts. Vote ‘No’ on Amendment #1.

