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IN THE SUPREME COURT OF THE STATE OF NEW MEXICO

No. S-1-SC-37248

Filing Date: May 18, 2020

**SOUTHWESTERN PUBLIC
SERVICE COMPANY,**

Appellant,

v.

**NEW MEXICO PUBLIC
REGULATION COMMISSION,**

Appellee,

and

VOTE SOLAR,

Cross-Appellant,

and

**COALITION FOR CLEAN
AFFORDABLE ENERGY,**

Intervenor-Appellee.

**In the Matter of Southwestern
Public Service Company's
Application for Revision of Its
Retail Rates Pursuant to Advice
Notice No. 272, New Mexico
Public Regulation Commission
Case No. 17-00255-UT**

APPEAL FROM THE NEW MEXICO PUBLIC REGULATION COMMISSION

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DISPOSITIONAL ORDER OF DISMISSAL

BACON, Justice.

{1} THIS MATTER comes before the Court pursuant to NMSA 1978, Section 62-11-1 (1993). Following dismissal of the original appeal, this Court retained jurisdiction over cross-appellant's appeal. Having reviewed the briefs submitted to this Court, and being otherwise fully informed on the issues and applicable law, we conclude that there is no reasonable likelihood, under the facts before us, that a decision or formal opinion of the Court will materially advance the law of the State. Accordingly, we dispose of this case by nonprecedential order. See Rule 12-405(B) NMRA.

{2} Although any party to a proceeding before the commission may appeal to this Court for a review of the commission's final orders, see Section 62-11-1, the issues appealed must be ripe for review. See *New Mexico Indus. Energy Consumers v. New Mexico Pub. Serv. Comm'n*, 1991-NMSC-018, ¶ 7, 111 N.M. 622, 808 P.2d 592. The final order in this case did not resolve the issue in dispute and explicitly reserved that issue for future interpretation. In light of this Court's ripeness determination, any decision rendered would be advisory in nature. See *Ramirez v. CYFD*, 2016-NMSC-016, ¶ 11, 372 P.3d 497 (stating that this Court does not render advisory opinions).

{3} IT IS THEREFORE ORDERED that cross-appellant's appeal is dismissed.

{4} IT IS SO ORDERED.

JUDITH K. NAKAMURA, Chief Justice

BARBARA J. VIGIL, Justice

MICHAEL E. VIGIL, Justice

C. SHANNON BACON, Justice

DAVID K. THOMSON, Justice