UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
OFFICE OF THE GENERAL COUNSEL
Washington, D.C. 20570

July 21, 2011

[redacted]
6020 CONSTITUTION NE #4
ALBUQUERQUE, NM 87110

Re: Public Service Company of New Mexico
Case 28-CA-023391

Dear [redacted]:

Your appeal from the Regional Director's partial refusal to issue complaint has been carefully considered.

The appeal is denied for the reasons set forth in the Regional Director's letter of May 31, 2011. With regard to the January 27, 2011 information request, the Regional investigation did not disclose sufficient evidence to establish that any documents in addition to those provided by the Employer exist.

As to the January 11, 2011 request for documentation regarding the distribution of the Employer's implemented access policy, the Employer responded that documentation regarding the distribution of the access policy did not exist. While the Union on appeal contends it was seeking information, the investigation did not reveal that the information requested was in the possession of the Employer. Accordingly, further proceedings on the allegations that were dismissed by the Regional Director are unwarranted.

Sincerely,

Lafe E. Solomon
Acting General Counsel

By _____
Yvonne T. Dixon, Director
Office of Appeals

cc: CORNELE A. OVERSTREET
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
2600 NORTH CENTRAL AVE, STE 1800
PHOENIX, AZ 85004

[redacted]
LABOR RELATIONS
PUBLIC SERVICE COMPANY
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ALVARADO SQ, MS 2130
ALBUQUERQUE, NM 87158

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