

**PSC OF NM V. RANCHO VISTA**

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**PUBLIC SERVICE COMPANY  
OF NEW MEXICO, a New Mexico  
Corporation,**  
Plaintiff-Appellee,

v.

**RANCHO VISTA DEVELOPMENT,  
LLC, a New Mexico Limited Liability  
Company,**  
Defendant-Appellant.

NO. 28,959

COURT OF APPEALS OF NEW MEXICO

January 30, 2009

APPEAL FROM THE DISTRICT COURT OF SANDOVAL COUNTY, Louis P.  
McDonald, District Judge

**COUNSEL**

Keleher & McLeod PA, Thomas A. Domme, Albuquerque, NM, Miller Stratvert PA, Kirk R. Allen, Albuquerque, NM, for Appellee

Rudolph B. Chavez, Albuquerque, NM, for Appellant

**JUDGES**

CELIA FOY CASTILLO, Judge. WE CONCUR: JAMES J. WECHSLER, Judge,  
ROBERT E. ROBLES, Judge

**AUTHOR:** CELIA FOY CASTILLO

**MEMORANDUM OPINION**

**CASTILLO, Judge.**

In this Court's notice of proposed summary disposition, we proposed to dismiss Rancho Vista Development's appeal as premature. Rancho Vista Development did not file a memorandum in opposition to this Court's proposed disposition, and the time to do so has passed. Instead, Rancho Vista Development sent a letter to this Court, informing the Court that Rancho Vista Development did not intend to pursue its appeal. Rancho Vista Development did not, however, file a voluntary dismissal agreement with this Court pursuant to Rule 12-401(B) NMRA. Therefore, we now dismiss the appeal for the reasons stated in the notice of proposed summary disposition.

**IT IS SO ORDERED.**

**CELIA FOY CASTILLO, Judge**

**WE CONCUR:**

**JAMES J. WECHSLER, Judge**

**ROBERT E. ROBLES, Judge**