

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR  
SENATE BILL 175

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

AN ACT

RELATING TO UTILITIES; ENACTING A NEW SECTION OF THE PUBLIC  
UTILITY ACT TO PROVIDE FOR A PUBLIC UTILITY OR A GENERATION AND  
TRANSMISSION COOPERATIVE TO HAVE FIRST RIGHT TO CONSTRUCT, OWN  
AND MAINTAIN CERTAIN TRANSMISSION FACILITIES IN A REGIONAL  
TRANSMISSION PLAN.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Public Utility Act is  
enacted to read:

"NEW MATERIAL TRANSMISSION RIGHT OF FIRST REFUSAL BY  
PUBLIC UTILITY AND GENERATION AND TRANSMISSION COOPERATIVE.--

A. An electric transmission facility designated by  
a regional transmission planning authority as needed for  
purposes such as, but not limited to, individually or in the  
aggregate, maintaining reliability and sharing reserves,

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underscored material = new  
[bracketed material] = delete

1 production cost savings and congestion relief, and meeting  
2 public policy requirements and that has been identified as  
3 being eligible for regional cost allocation through an approved  
4 regional transmission organization or has been approved for  
5 construction by a regional transmission organization shall be  
6 built by the public utility or generation and transmission  
7 cooperative with which the transmission facility is  
8 interconnecting if that public utility or generation and  
9 transmission cooperative elects to construct, own and maintain  
10 the approved transmission facility. If a segment of such  
11 electric transmission facility is to interconnect with two or  
12 more public utilities or generation and transmission  
13 cooperatives, the interconnecting public utilities or  
14 generation and transmission cooperatives shall determine who  
15 shall build, own and maintain such segment of the transmission  
16 facility or portions of the segment, and if no such  
17 determination can be made, then each public utility or  
18 generation and transmission cooperative shall build, own and  
19 maintain its respective interconnection facilities and its  
20 equal share of the segment. The public utility or generation  
21 and transmission cooperative shall give notice to the  
22 commission in writing within sixty days of informing the  
23 regional transmission planning authority that it exercises its  
24 right under this section to construct, own and maintain the  
25 approved transmission facility. Within eighteen months after

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1 giving the written notice to the commission, or such longer  
2 time approved by the commission, the public utility shall file  
3 an application with the commission for a certificate of public  
4 convenience and necessity for the approved transmission  
5 facility if such a certificate is required under Section 62-9-1  
6 NMSA 1978. If the public utility does not file the application  
7 for a certificate of public convenience and necessity within  
8 the eighteen-month period, or within the longer period approved  
9 by the commission, then the public utility waives its first  
10 right to construct, own and maintain the approved transmission  
11 facility.

12 B. As used in this section:

13 (1) "electric transmission facility" and  
14 "transmission facility" mean an electric transmission line and  
15 associated facilities designed for or capable of operations at  
16 a nominal voltage of sixty-nine kilovolts or more that will  
17 interconnect with transmission facilities owned or operated by  
18 a public utility or a generation and transmission cooperative,  
19 but does not include a transmission facility that is funded  
20 solely by the participant or participants in the transmission  
21 facility and for which there has been no request for regional  
22 cost allocation;

23 (2) "generation and transmission cooperative"  
24 has the meaning defined in Subsection E of Section 62-6-4 NMSA  
25 1978;

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1 (3) "public utility" has the meaning defined  
2 in Subsection G of Section 62-3-3 NMSA 1978; and

3 (4) "regional transmission planning authority"  
4 means a regional transmission organization."