

22-00140-UT; Order Issuing Notice of Proposed Rulemaking

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BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF A COMMISSION)
RULEMAKING TO PROMULGATE A NEW RULE)
IN TITLE 17, CHAPTER 9, PART 571 OF THE)
NEW MEXICO ADMINISTRATIVE CODE,)
RENEWABLE ENERGY FOR RURAL ELECTRIC)
COOPERATIVES)**

Docket No. 22-00140-UT

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_____)**

Docket No. 22-00140-UT

ORDER ISSUING NOTICE OF PROPOSED RULEMAKING

THIS MATTER comes before the New Mexico Public Regulation Commission (the “Commission” or “NMPRC”) upon its own motion. The Commission finds that it should issue a notice of proposed rulemaking (“NOPR”) to adopt a new rule at Title 17, Chapter 9, Part 571 of the New Mexico Administrative Code entitled “Renewable Energy For Rural Electric Cooperatives.”

JURISDICTION

1. The Commission has jurisdiction over this rulemaking pursuant to the Rural Electric Cooperative Act, NMSA 1978, Sections 62-15-1 to -37 (1953, as amended through 2021) and the Renewable Energy Act (“REA”), NMSA 1978, Section 62-16-8 (2019). Specifically, the REA requires that the Commission “shall establish and amend rules and regulations for the implementation of renewable portfolio standards consistent with the Rural Electric Cooperative Act.” § 62-16-8(B).

2. Additionally, the Commission has jurisdiction over this rulemaking pursuant to its “responsibility” to regulate public utilities, N.M. Const. art. XI, § 2, and the Commission has jurisdiction and authority to “adopt such reasonable administrative, regulatory and procedural rules as may be necessary or appropriate to carry out its powers and duties[.]” § 62-19-9(B)(10) (2020).

PROCEDURAL HISTORY

3. In the 2019 Legislative Session, the Legislature passed Senate Bill 489 which amended Section 62-15-34 of the Rural Electric Cooperative Act to increase the stringency of the renewable portfolio standard (“RPS”) requirements for cooperatives.

4. On March 22, 2019, Senate Bill 489 was signed into law by the Governor, and on June 14, 2019, Senate Bill 489 became effective law.

5. On October 9, 2019, the Commission issued the “Order Commencing Rulemaking And Setting Initial Workshop” in Docket No. 19-00296-UT to implement the amendments to the Renewable Energy Act and Rural Electric Cooperative Act from Senate Bill 489.

6. On December 2, 2019, Utility Division Staff (“Staff”) moved to bifurcate Docket No. 19-00296-UT on unrelated grounds, but Staff recommended that a first phase of the Docket should be focused on addressing rule changes as they would relate to investor-owned utilities, and a second phase should be focused on addressing rule changes as they would relate to cooperatives.

7. On August 5, 2020, the Commission granted Staff’s Motion to Bifurcate, agreeing with Staff that Docket No. 19-00296-UT should be divided into two phases.

8. On April 14, 2021, the Commission issued the “Final Order Adopting Amendments To NMPRC Rule 17.9.572 NMAC, Entitled Renewable Energy For Electric Utilities, Transferring Unresolved Issues To Case No. 20-00158-UT And Granting Variance To EPE” that adopted rule amendments relating only to investor-owned utilities. The amendments adopted by the Commission did not pertain to cooperatives, and the until-then existing provisions in Rule 572 pertaining to cooperatives were approved to be removed from the Rule.

9. On May 4, 2021, the Rule 572 amendments were published in the New Mexico Register, codifying the removal of provisions pertaining to cooperatives.

10. On May 14, 2021, Southwestern Public Service Company filed a “Notice Of Appeal” with the New Mexico Supreme Court, thereby rendering Docket No. 19-00296-UT unsuitable for the continued consideration of rule amendments related to the Rural Electric Cooperative Act for phase two.

11. On June 1, 2022, Staff filed the “Petition To Open A Rulemaking Docket And For The Issuance Of A Notice Or [sic] Proposed Rulemaking” thereby petitioning the Commission to commence a rulemaking to promulgate a renewable energy rule for cooperatives. Staff included draft rule language for the Commission’s consideration with its Petition (“Staff’s Draft Proposed Rule”).

12. On June 8, 2022, the Commission issued the “Initial Order Opening Rulemaking Docket” which permitted interested persons to file comments on Staff’s Draft Proposed Rule and scheduled a public workshop to be held to discuss Staff’s Draft Proposed Rule, but the Commission did not rule upon Staff’s petition for the issuance of a NOPR.

13. On June 29, 2022, Kit Carson Electric Cooperative, Inc. (“Kit Carson”) and the New Mexico Rural Electric Cooperative Association, Inc. (“NMRECA”) filed comments on Staff’s Draft Proposed Rule.

14. On July 14, 2022, the Commission hosted a public workshop that was attended by the following stakeholders: Kit Carson, NMRECA, Staff, and Tri-State Generation and Transmission Association (“Tri-State”). The attendees expressed a desire for stakeholders to form a working group to propose further amendments to Staff’s Draft Proposed Rule.

15. On August 2, 2022, the Commission issued the “Order” that required Kit Carson, NMRECA, Staff, Tri-State, and Western Farmers Electric Cooperative (“WFEC”) to form the “Working Group” to meet, discuss, and file revisions to Staff’s Draft Proposed Rule.

16. On August 25, 2022, the Working Group filed the “Working Group’s Proposed Revisions To 17.9.571NMAC [sic] And Revised Draft Proposed New Rule 17.9.571 NMAC” (“Working Group’s Draft Proposed Rule”). The Working Group’s Draft Proposed Rule contained a definition for “green hydrogen” and a provision that was intended to cause a multiplication of renewable energy certificates (“REC”) for renewable energy generation resources located in the cooperative’s service territory.

17. On March 22, 2023, the Commission issued the “Bench Request To Working Group” which contained the following inquiries related to the Working Group’s Draft Proposed Rule:

- a. please describe the necessity of including the definition of “green hydrogen” as contained in the Working Group’s Draft Proposed Rule when that term is not used elsewhere in the Working Group’s Draft Proposed Rule;
- b. please describe the Commission’s authority to promulgate the definition of “green hydrogen” as contained in the Working Group’s Draft Proposed Rule;
- c. please describe how the definition of “green hydrogen” as contained in the Working Group’s Draft Proposed Rule would not circumvent the statutory definition of “renewable energy resource”;
- d. please explain whether the energy used to create “green hydrogen” should be from 100% renewable resources to qualify as “green”;
- e. please describe the Commission’s authority to promulgate a REC multiplier as contained in the Working Group’s Draft Proposed Rule and please provide any other justification necessary for the Commission to find the proposed language prudent to adopt;
- f. please discuss the issue raised in Paragraph 18 of this Bench Request;
- g. please provide further justification for the amendments to Staff’s Draft Proposed Rule discussed in Paragraph 19 of this Bench Request; and
- h. please explain whether the procedures for annual reporting, found at Section 14 of the Working Group’s Draft Proposed Rule, are efficient to present data on renewable energy purchases and retail sales amounts for each distribution cooperative; please explain the “pros” and “cons” of quarterly reporting such data; and, please state on which dates of a calendar year a distribution cooperative would be able to provide such quarterly data.

The issue raised in paragraph 18 of the Bench Request was related to language proposed by the Working Group that may have the effect of causing a division of RECs rather than a multiplication

of RECs. The issue raised in paragraph 19 of the Bench Request was related to RPS report contents language that was proposed to be deleted by the Working Group and that wasn't sufficiently explained.

18. On April 27, 2023, the Working Group filed its response to the Bench Request.¹

19. On May 2, 2024, the Commission discussed this matter at an open meeting.

DISCUSSION

20. In response to ordering paragraph (a) of the Bench Request, the Working Group provided individual responses from each member rather than a combined response.² Kit Carson responded that including a definition for “green hydrogen” is necessary to effect the legislative intent behind the inclusion of fuel cells in the definition of “renewable energy resources” found at Section 62-15-37(D).³ Kit Carson further proposes that the phrase “or green hydrogen” should accompany every usage of “renewable energy resource” in the Working Group’s Draft Proposed Rule, and that “Green hydrogen is a renewable energy resource” should be stricken from the definition of green hydrogen.⁴ NMRECA responded that specifically describing green hydrogen is unnecessary as it is already considered to be a “clean energy source.”⁵ Staff responded that it would require a statutory amendment in order to define green hydrogen as a renewable energy resource, and including it is not necessary or efficient.⁶ Tri-State and WFECA responded that they are “neutral” on the definition of green hydrogen.⁷

¹ 22-00140-UT, Working Group’s Response To Bench Request Order (Apr. 27, 2023) at 1.

² *Id.* at 1-3.

³ *Id.* at 1.

⁴ *Id.* 1, 2.

⁵ *Id.* at 2.

⁶ *Id.*

⁷ *Id.* at 2, 3.

21. In response to ordering paragraph (b) of the Bench Request, the Working Group provided individual responses from each member rather than a combined response.⁸ Kit Carson responded that the Commission has considerable discretion to adopt rules that are necessarily implied and that do not broaden the statutory requirements.⁹ Kit Caron responded that fuel cells in the definition of “renewable energy resource” is an implicit recognition of green hydrogen.¹⁰ NMRECA, Tri-State, Staff, and WFEC each repeated their responses to ordering paragraph (a).¹¹

22. In response to ordering paragraph (c) of the Bench Request, the Working Group provided individual responses from each member rather than a combined response.¹² Kit Carson responded that the definition of “green hydrogen” enhances and gives effect to the definition of “renewable energy resource” rather than circumvents it.¹³ NMRECA, Tri-State, Staff, and WFEC each repeated their responses to ordering paragraph (a).¹⁴

23. In response to ordering paragraph (d) of the Bench Request, the Working Group provided individual responses from each member rather than a combined response.¹⁵ Kit Carson responded that the energy used in the extraction process to create hydrogen from non-fossil fuel resources should be 100% renewable to be considered “green.”¹⁶ NMRECA, Tri-State, Staff, and WFEC each repeated their responses to ordering paragraph (a).¹⁷

⁸ *Id.* at 3, 4.

⁹ *Id.* at 3.

¹⁰ *Id.*

¹¹ *Id.* at 4.

¹² *Id.* at 1-3.

¹³ *Id.* at 4.

¹⁴ *Id.*

¹⁵ *Id.* at 4, 5.

¹⁶ *Id.* at 4.

¹⁷ *Id.* at 5.

24. In response to ordering paragraph (e) of the Bench Request, the Working Group provided individual responses from each member rather than a combined response.¹⁸ Kit Carson responded that the Commission’s authority to promulgate a REC multiplier lies with its precedent of having done so previously.¹⁹ Kit Carson responded that a REC multiplier rewards rural electric cooperatives for local economic development, and it recognizes the higher cost per customer that they have versus investor-owned utilities.²⁰ NMRECA, Tri-State, and WFEC responded that a REC multiplier promotes economic development, but that variances on a per-project basis is appropriate.²¹ Staff responded that the purpose of a REC multiplier is only for promoting economic development and not for advancing RPS compliance, and that it is a policy decision of the Commission.²²

25. In response to ordering paragraph (f) of the Bench Request, the Working Group provided individual responses from each member rather than a combined response.²³ Kit Carson responded that it disagrees with the Commission’s interpretation of the REC multiplier language as a divider, but Kit Carson provides the following clarifying rule language: “Provided [sic] that retirement of renewable energy certificates from within a cooperative’s service territory within the state of New Mexico generating renewable energy resources shall count each one (1) kilowatt hour produced at a rate of one and one-half (1.5) kilowatt hours . . .”²⁴ Kit Carson, NMRECA, Tri-State, and WFEC responded that it supports Kit Carson’s amended language, but with the phrase “within

¹⁸ *Id.* at 5, 6.

¹⁹ *Id.* at 5.

²⁰ *Id.*

²¹ *Id.* at 6.

²² *Id.*

²³ *Id.* at 6, 7.

²⁴ *Id.* at 6.

a cooperative's service territory" stricken thus making the REC multiplier apply to any renewable energy resources in New Mexico.²⁵ Staff repeated its response to ordering paragraph (e).²⁶

26. In response to ordering paragraph (g) of the Bench Request, the Working Group responded that it retracts its recommendation to delete language detailing the contents of RPS reports.²⁷ The Working Group further provided that additional provisions and clarifications are necessary.²⁸ Tri-State additionally responded that it is willing to provide, as part of the annual RPS report, its members' REC spreadsheets.²⁹

27. In response to ordering paragraph (h) of the Bench Request, the Working Group responded that annual reporting, rather than quarterly reporting, is required by statute and that the Commission is without authority to require quarterly reporting.³⁰ Additionally, the Working Group responded that quarterly reporting would be unduly burdensome and unnecessary for no positive effect.³¹

28. The Commission has analyzed the filings in this Docket to date, and it has worked internally with Advisory Staff to draft the Proposed Rule, attached hereto as Exhibit A. The Proposed Rule is based on both Staff's Draft Proposed Rule and the Working Group's Draft Proposed Rule (as amended), but it differs in substantive and non-substantive ways. The Proposed Rule eliminates many of the definitions proposed by Staff and the Working Group, because definitions that are found in statute should not be repeated in rules.³² Further, the Commission is

²⁵ *Id.* at 7.

²⁶ *Id.*

²⁷ *See id.* at 7, 8.

²⁸ *Id.*

²⁹ *Id.* at 9.

³⁰ *See id.* at 9, 10.

³¹ *Id.*

³² "A word or phrase that is defined in an applicable statute should not be defined in rule." NMSA 1978, § 14-4-5.7(B) (2017).

not persuaded by Kit Carson that the definition of green hydrogen is necessary to be included in the Proposed Rule. Based on the Working Group's comments, it appears that green hydrogen may already be encompassed within the definition of renewable energy resource in the Rural Electric Cooperative Act. Kit Carson may continue to advocate for green hydrogen in future filed comments, however, Kit Carson should address the necessity of including green hydrogen.

29. The Proposed Rule also eliminates the REC multiplier proposed by Kit Carson, NMRECA, Tri-State, and WFEC, as the Commission is not persuaded that including it is within the authority of the Commission. A REC multiplier would have the effect of changing the minimum requirements of the RPS, or in other words, reducing the stringency of the RPS for cooperatives. The Legislature clearly provided minimum targets for cooperatives' renewable energy sales – amendment of which would require legislative action. The aforementioned stakeholders may continue to advocate for a REC multiplier in future filed comments, however, they should address the legality of it and the authority of the Commission to promulgate such a rule. Lastly, the Proposed Rule separates the idea of the renewable portfolio standard from the zero carbon resource standard, as those two standards may be incongruous as they appear in statute, as explained below.

30. The RPS as it applies to rural electric cooperatives is not the same as it applies to investor-owned electric utilities. It provides:

A. Except as provided in Subsection E of this section, each distribution cooperative organized under the Rural Electric Cooperative Act shall meet the renewable portfolio standard requirements, as provided in this section, to include renewable energy in its electric energy supply portfolio as demonstrated by its retirement of renewable energy certificates. Requirements and targets of the renewable portfolio standard are as follows:

(1) no later than January 1, 2015, renewable energy shall comprise no less than five percent of each distribution cooperative's total retail sales to New Mexico customers;

(2) the renewable portfolio standard shall increase by one percent per year thereafter until January 1, 2020, at which time the renewable portfolio standard shall be ten percent of the distribution cooperative's total retail sales to New Mexico customers;

(3) a distribution cooperative shall have the following targets and requirements for renewable energy and zero carbon resources as a percentage of the distribution cooperative's total retail sales in New Mexico:

(a) a requirement of forty percent renewable energy by January 1, 2025;

(b) a requirement of fifty percent renewable energy by January 1, 2030; and

(c) a target of achieving the zero carbon resource standard by January 1, 2050, composed of at least eighty percent renewable energy; provided that: 1) achieving the target is technically feasible; 2) the rural electric cooperative is able to provide reliable electric service while implementing the target; and 3) implementing the target shall not cause electric service to become unaffordable; and

(4) renewable energy resources that are in a distribution cooperative's energy supply portfolio on January 1, 2008 shall be counted in determining compliance with this section.³³

31. Given that the Proposed Rule is unlikely to be finalized prior to 2025, the dates listed in Paragraphs (1) and (2) of Section 62-15-34(A) are not relevant for the Commission's interpretation in the Proposed Rule. Thus, the Commission is mostly interested in interpreting Paragraph (3) of Section 62-15-34(A).

32. Section 62-15-34(A) was drafted with the mandatory language "shall," and it describes the RPS as "requirements."³⁴ However, in the following sentence also in Subsection A, the Statute describes the RPS as "requirements *and targets*," both terms being plural.³⁵ The word "targets" implies permissive, rather than mandatory, aspects of the law. Paragraphs (1) and (2) then clarify, with the mandatory "shall" language, that the 2015 RPS and 2020 RPS are mandatory. But Paragraph (3), like Subsection A, is drafted with the mandatory language *together with the*

³³ NMSA 1978, § 62-15-34(A) (2019).

³⁴ *Id.*

³⁵ *Id.*

permissive language.³⁶ Sub-paragraphs (a) and (b) use the mandatory language to describe the 2025 RPS and 2030 RPS, and (c) uses the permissive language in the singular to describe the 80% RPS and the zero carbon resource standard. Although Sub-paragraph (c) uses “target,” it appears that it refers to two separate standards that should be clarified in the Proposed Rule.

33. In the context a renewable energy standard, the “zero carbon resource standard,” is different in both substance and practical application. In order to read Section 62-15-34(A) in harmony, the Commission finds it necessary to separate the 80% renewable energy standard from the 100% zero carbon resource standard in the Proposed Rule, and to view them each as permissive targets rather than mandatory requirements.

34. The RPS, by definition, is measured by renewable energy sales – compliance therewith is demonstrated by the retirement of RECs.³⁷ RECs are generated from renewable energy *only*.³⁸ The term “zero carbon resource standard” means “providing New Mexico rural electric cooperative retail customers with electricity generated from one hundred percent zero carbon resources.”³⁹ Zero carbon resources are not necessarily synonymous with renewable energy.⁴⁰ RECs, based on the current statutory framework, are not created by non-renewable zero carbon resources as that term is defined in the Rural Electric Cooperative Act. Therefore, a distribution cooperative *may or may not be able to* demonstrate compliance with the zero carbon

³⁶ *See id.*

³⁷ *See id.* (“Except as provided in Subsection E of this section, each distribution cooperative organized under the Rural Electric Cooperative Act shall meet the renewable portfolio standard requirements, as provided in this section, *to include renewable energy in its electric energy supply portfolio as demonstrated by its retirement of renewable energy certificates.*” (emphasis added)).

³⁸ § 62-15-37(C) (“renewable energy certificate’ means a certificate or other record, in a format approved by the public regulation commission, that represents all the environmental attributes from one megawatt-hour of electricity *generated from renewable energy;*” (emphasis added)).

³⁹ § 62-15-37(G).

⁴⁰ *See* § 62-15-37(F) (“‘zero carbon resource’ means an electricity generation resource that emits no carbon dioxide into the atmosphere, or that reduces methane emitted into the atmosphere in an amount equal to no less than one-tenth of the tons of carbon dioxide emitted into the atmosphere, as a result of electricity production”).

resource standard by the retirement of RECs alone if it has nuclear or other non-renewable zero carbon resources in its portfolio, as the statutory framework provides. This issue is not addressed in the Proposed Rule. However, the Commission has many years to consider the details and mechanics of a rural electric cooperative's implementation of the 2050 zero carbon resource standard. Nevertheless, the zero carbon resource standard shall be an open issue for the Commission and stakeholders to discuss in this rulemaking or future rulemakings as we approach the compliance year, 2050.

35. Thus, the Commission is left to interpret the potentially ambiguous Section 62-15-34(A) to implement the Proposed Rule. For purposes of the Proposed Rule, the Commission finds it necessary to bifurcate the RPS from the zero carbon resource standard for the sake of clarity. That is, Section 10 of the Proposed Rule addresses the RPS, and Section 11 of the Proposed Rule addresses the zero carbon resource standard. In this context, the Proposed Rule would not alter any duty imposed upon rural electric cooperatives by statute, it would only reframe those duties in a more congruous manner.

36. Additionally, the draft proposals provided by Staff and the Working Group use the terms "rural electric cooperative" and "distribution cooperative" interchangeably, and they are given the same definition. In statute, these terms are also used interchangeably, however the Rural Electric Cooperative Act defines and predominantly uses the term "cooperative,"⁴¹ whereas the REA solely uses the term "rural electric cooperative."⁴² Statutes and the various draft proposals also include the term "generation and transmission cooperatives." The Proposed Rule would apply "to all cooperatives, rural electric cooperatives, distribution cooperatives, and generation and

⁴¹ See NMSA 1978, § 62-15-2 (1998).

⁴² See § 62-16-8.

transmission cooperatives under the commission’s jurisdiction.” Commenters should assist the Commission in parsing and clarifying these terms for their most effective usage in a final rule pursuant to the inquiries listed in the decretal paragraphs of this Order.

37. Staff’s Draft Proposed Rule and the Working Group’s Draft Proposed Rule each contain a section for variances and exemptions from the requirements of those draft proposals. The Commission is not persuaded to include a variance and/or exemption section in the Proposed Rule. The Commission’s procedural rules already provide a variance provision that would be applicable to the Proposed Rule.⁴³ Rule 1.2.2.40 NMAC additionally requires that the movant provide an affidavit to support a variance request – a requirement that is missing from the Staff and Working Group proposals. The Commission is also concerned that an exemption could be interpreted as permanent. Therefore, the Proposed Rule does not contain a variance and exemption section.

38. The draft proposals provided by Staff and the Working Group also copy reporting requirements contained in Rule 572 applicable to investor-owned utilities (“IOU”) into the Proposed Rule. The Commission differentiates the requirements between cooperatives and IOUs in this regard. The Commission receives voluminous annual renewable energy reports from IOUs largely due to the requirements of Rule 572 to include information on RECs and the Western Renewable Energy Generation Information System (“WREGIS”). However, the Commission would prefer to have concise annual reports from cooperatives on their RPS compliance, but to retain the ability to request any such REC and WREGIS information as needed. Thus, the Proposed Rule does not incorporate the full list of required data reporting requirements as recommended in the Staff and Working Group draft proposals.

⁴³ See 1.2.2.40 NMAC.
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39. Lastly, Staff's Petition for the issuance of a NOPR cannot be granted in full, as the Commission, and all stakeholders thus far, have impliedly rejected Staff's Draft Proposed Rule. However, Staff's Petition should be granted, in part, to the extent that Staff's request to initiate a formal rulemaking is well taken.

FINDINGS AND CONCLUSIONS

40. The informal rulemaking record, whose foundations were built over multiple rulemaking dockets, and that is comprised of multiple draft proposals, comments, a working group, and a workshop, is sufficient for the Commission to determine that it is now prudent to progress to the formal rulemaking stage.

41. The Commission finds that it is duly informed and that this Order should issue to commence a formal rulemaking, culminating in the Commission's adoption of a new rule located at 17.9.571 NMAC, entitled "Renewable Energy For Rural Electric Cooperatives."

42. The Commission intends to adopt the proposal attached hereto as Exhibit A, and Exhibit A shall be noticed to the public as the Commission's "Proposed Rule," pursuant to Section 14-4-5.2 of the State Rules Act. Prior to adopting the Proposed Rule, the Commission shall elicit and consider comments from the public and hold a public hearing.

43. The Commission finds that the NOPR attached hereto as Exhibit B should be issued by the Commission for publication in the New Mexico Register on the earliest available publication date, pursuant to Section 14-4-5.2 of the State Rules Act, and for publication in two newspapers of general circulation in the State, pursuant to Section 62-19-21 of the Public Regulation Commission Act.

44. A formal rulemaking record shall be maintained in conformity with the Section 14-4-5.4 of the State Rules Act.

IT IS THEREFORE ORDERED:

A. Staff's petition for the issuance of a notice of proposed rulemaking to adopt a new rule at Title 17, Public Utilities and Utility Services; Chapter 9, Electric Services; at the currently reserved Part 571, entitled "Renewable Energy For Rural Electric Cooperatives," is hereby GRANTED in part and DENIED in part, as discussed in Paragraph 39 of this Order.

B. A formal rulemaking is hereby COMMENCED in this Docket.

C. The Commission hereby ISSUES the Proposed Rule attached hereto as Exhibit A. The rule which may eventually be adopted as the final rule in this proceeding may include all, part, or none of the proposed language as shown in Exhibit A. The Commission shall consider any alternative language or proposed amendments from stakeholders that fall within the scope of this rulemaking proceeding.

D. The NOPR, attached hereto as Exhibit B, shall be published in the New Mexico Register and provided to the public pursuant to the State Rules Act, be published in two newspapers of general circulation in the State pursuant to the Public Regulation Commission Act, and conform to all other publication requirements.

E. Any person wishing to comment on the Proposed Rule may do so by submitting written initial comments no later than **October 25, 2024**. Initial comments shall, at minimum, address the following inquiries:

i. please discuss the term "cooperative" as that term is defined in NMSA 1978, Section 62-15-2 (1998) and used throughout the Rural Electric Cooperative Act, and please explain how it differs from the terms listed in D(ii)-(iv) below;

ii. please explain the term “distribution cooperative” as that term is used in NMSA 1978, Section 62-15-34 (2019), and please explain how it differs from the terms listed in D(i) and D(iii)-(iv);

iii. please explain the term “rural electric cooperative” as that term is used in NMSA 1978, Section 62-16-8 (2019), and please explain how it differs from the terms listed in D(i)-(ii) and D(iv);

iv. please explain the term “generation and transmission cooperative” as that term is used in NMSA 1978, Section 62-6-4 (2003) and the Rural Electric Cooperative Act, and please explain how it differs from the terms listed in D(i)-(iii);

v. please state whether the terms listed in D(i)-(iv) require modification in their usage in the Proposed Rule;

vi. please state whether the terms listed in D(i)-(iv) need to be defined in the Proposed Rule;

vii. please explain whether the Commission should make a finding in its final order determining whether green hydrogen is or is not incorporated into the definition of renewable energy resource;

viii. please address whether Subsections E and I of Section 13 of the Proposed Rule, which address non-WREGIS RECs, are necessary in light of Subsection D, which may require that all RECs be registered with WREGIS;⁴⁴

ix. please explain how a cooperative may demonstrate that there has been no double-counting of RECs under two scenarios: 1) when the RECs are registered with WREGIS; and 2) when the RECs are registered with a different tracking system;

⁴⁴ Subsections D, E, and I are verbatim from Rule 572.
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x. please state whether Paragraphs (9) and (10) of Section 17.9.571.15(B) of the Proposed Rule would be burdensome; and if so, please describe the burden; and

xi. please address whether Paragraphs (9) and (10) of Section 17.9.571.15(B) of the Proposed Rule should be retained or eliminated.

F. Any person wishing to respond to initial comments may do so by submitting written response comments no later than **November 8, 2024**.

G. Reply comments shall not be filed.

H. A public comment hearing on the Proposed Rule and any proposed alternatives, to be presided over by the Commission or its designee, shall be held beginning at **10:00 a.m. on November 21, 2024**. Any member of the public who wishes to make a comment at the hearing may contact Patrick Rodriguez via email at public.comment@prc.nm.gov or by phone at (505) 490-7910 no later than **12:00 p.m. (noon) on November 20, 2024**, to sign up as a hearing participant.

I. The public comment hearing shall be held to receive oral comments. All commenters may be limited in time to speak, subject to the discretion of the Commission or its designee. The Commission or its designee may also determine that a spokesperson shall be designated to speak on behalf of an organization, a group, or a group of individuals that shares the same message or seeks the same goals, in order to maximize the efficiency of the public comment hearing. No testimony or other evidence shall be taken at the public comment hearing. A court reporter shall prepare a transcript of the hearing for filing in this docket.

J. Disruption of the public comment hearing shall not be tolerated and shall constitute grounds for removal from the proceeding pursuant to Commission rules 1.2.2.29(C) and 1.2.2.43(G) NMAC.

K. Written comments recommending modifications or alternatives to the Proposed Rule shall discuss the particular reasons for the recommended modifications or alternatives and shall include draft rule language necessary to effectuate the recommendations. Recommended modifications or alternatives shall be in redline format.

L. Staff of the Commission's Utility Division shall file initial and response comments.

M. Written comments shall suggest line edits, if any, to the Proposed Rule in redline format, and shall include the particular reasons for the suggested edits.

N. All written comments shall bear the above caption and docket number and shall be filed with the Commission's Records Division by emailing the comments in PDF format to prc.records@prc.nm.gov or filed otherwise in accordance with the Commission's Rules of Procedure.

O. Commission Rule 1.2.3.7(B) NMAC, *Ex Parte* Communications, draws a distinction between communications occurring before the rulemaking record has been closed and communications occurring after the record has been closed. It defines only the latter as impermissible "*ex parte* communications." The record shall close on **December 5, 2024**.

P. This Order is effective when signed.

Q. Copies of this Order shall be served on all persons listed on the attached Certificate of Service, via e-mail to those whose e-mail addresses are known, and otherwise via regular mail.

R. In computing time in accordance with statute, rule, or Commission order, the computation shall begin on the date that this Order is filed with the Chief Clerk or Chief Clerk's designee of the Records Management Bureau.

SIGNED under the Seal of the Commission at Santa Fe, New Mexico, this 22nd day of August, 2024.

NEW MEXICO PUBLIC REGULATION COMMISSION

/s/ Gabriel Aguilera, electronically signed
GABRIEL AGUILERA, COMMISSIONER

/s/ James F. Ellison, Jr., electronically signed
JAMES F. ELLISON, JR., COMMISSIONER

/s/ Patrick J. O'Connell, electronically signed
PATRICK J. O'CONNELL, COMMISSIONER



EXHIBIT A – PROPOSED RULE

TITLE 17 PUBLIC UTILITIES AND UTILITY SERVICES
CHAPTER 9 ELECTRIC SERVICES
PART 571 RENEWABLE ENERGY FOR RURAL ELECTRIC COOPERATIVES

17.9.571.1 ISSUING AGENCY: New Mexico Public Regulation Commission.
[17.9.571.1 NMAC – N, xx/xx/2025]

17.9.571.2 SCOPE: This rule applies to all cooperatives, rural electric cooperatives, distribution cooperatives, and generation and transmission cooperatives under the commission’s jurisdiction.
[17.9.571.2 NMAC – N, xx/xx/2025]

17.9.571.3 STATUTORY AUTHORITY: Sections 62-15-1 to -37 NMSA 1978 of the Rural Electric Cooperative Act, and Section 62-16-8 NMSA 1978 of the Renewable Energy Act.
[17.9.571.3 NMAC – N, xx/xx/2025]

17.9.571.4 DURATION: Permanent.
[17.9.571.4 NMAC – N, xx/xx/2025]

17.9. 571.5 EFFECTIVE DATE: [MONTH] [DAY], 2025, unless a later date is cited at the end of a section.
[17.9.571.5 NMAC – N, xx/xx/2025]

17.9. 571.6 OBJECTIVE: The objective of this rule is to implement the renewable energy provisions of the Rural Electric Cooperative Act, the rural electric cooperative voluntary tariff provisions of the Renewable Energy Act, and to bring significant economic development and environmental benefits to New Mexico.
[17.9.571.6 NMAC – N, xx/xx/2025]

17.9. 571.7 DEFINITIONS: Unless otherwise specified, as used in this rule:

- A. **Definitions beginning with “A”:** [RESERVED]
- B. **Definitions beginning with “B”:** [RESERVED]
- C. **Definitions beginning with “C”:** [RESERVED]
- D. **Definitions beginning with “D”:** “distribution cooperative” means an electric utility, with distribution facilities, that purchases wholesale power and delivers it to consumers in New Mexico and that is organized as a cooperative under the Rural Electric Cooperative Act.
- E. **Definitions beginning with “E”:** [RESERVED]
- F. **Definitions beginning with “F”:** [RESERVED]
- G. **Definitions beginning with “G”:** [RESERVED]
- H. **Definitions beginning with “H”:** [RESERVED]
- I. **Definitions beginning with “I”:** [RESERVED]
- J. **Definitions beginning with “J”:** [RESERVED]
- K. **Definitions beginning with “K”:** [RESERVED]
- L. **Definitions beginning with “L”:** [RESERVED]
- M. **Definitions beginning with “M”:** [RESERVED]
- N. **Definitions beginning with “N”:** [RESERVED]
- O. **Definitions beginning with “O”:** [RESERVED]
- P. **Definitions beginning with “P”:** “plan year” means the calendar year for which approval is sought.
- Q. **Definitions beginning with “Q.”:** [RESERVED]
- R. **Definitions beginning with “R”:**
 - (1) “renewable energy certificate” or “REC” is as that term is defined in Section 62-15-37 NMSA 1978;
 - (2) “renewable portfolio standard” or “RPS” means the minimum percentage of retail sales of renewable energy by a distribution cooperative to customers in New Mexico that is required by the Rural Electric Cooperative Act; and
 - (3) “rural electric cooperative” means an electric utility, with distribution facilities, that purchases wholesale power and delivers it to consumers in New Mexico and that is organized as a cooperative under the Rural Electric Cooperative Act.
- S. **Definitions beginning with “S”:** [RESERVED]

EXHIBIT A – PROPOSED RULE

- T. **Definitions beginning with “T”:** [RESERVED]
 - U. **Definitions beginning with “U”:** [RESERVED]
 - V. **Definitions beginning with “V”:** [RESERVED]
 - W. **Definitions beginning with “W”:** “WREGIS” means the western renewable energy generation information system.
 - X. **Definitions beginning with “X”:** [RESERVED]
 - Y. **Definitions beginning with “Y”:** [RESERVED]
 - Z. **Definitions beginning with “Z”:** [RESERVED]
- [17.9.571.7 NMAC - N, xx/xx/2025]

17.9. 571.8 LIBERAL CONSTRUCTION; SEVERABILITY:

- A. This rule shall be liberally construed to carry out its intended purposes.
 - B. If any provision of this rule, or the application thereof to any person or circumstance, is held invalid, the remainder of this rule, or the application of such provision to other persons or circumstances, shall not thereby be affected.
- [17.9.571.8 NMAC – N, xx/xx/2025]

17.9. 571.9 RELATIONSHIP TO OTHER COMMISSION RULES: Unless otherwise specified, this rule does not supersede any other rule of the commission but supplements rules applying to distribution cooperatives.

[17.9.571.9 NMAC – N, xx/xx/2025]

17.9.571.10 RENEWABLE PORTFOLIO STANDARD:

- A. Each distribution cooperative organized under the Rural Electric Cooperative Act shall meet the RPS to include renewable energy in its electric energy supply portfolio as demonstrated by retirement of RECs.
 - B. No later than January 1, 2025, renewable energy shall comprise no less than 40 percent of each distribution cooperative’s total retail sales in New Mexico.
 - C. No later than January 1, 2030, renewable energy shall comprise no less than 50 percent of each distribution cooperative’s total retail sales in New Mexico.
 - D. No later than January 1, 2050, each distribution cooperative shall provide New Mexico retail customers with electricity generated from at least 80 percent renewable energy resources, provided that:
 - (1) achieving the 80 percent standard is technically feasible;
 - (2) the distribution cooperative is able to provide reliable electric service while implementing the 80 percent standard; and
 - (3) implementing the 80 percent standard shall not cause electric service to become unaffordable.
 - E. Renewable energy resources that are in a distribution cooperative’s energy supply portfolio on January 1, 2008, shall be counted in determining compliance with Section 62-15-34 NMSA 1978 and this rule.
 - F. Demonstration of Compliance
 - (1) A distribution cooperative shall demonstrate compliance with the RPS by retiring RECs associated with renewable energy assigned to the distribution cooperative.
 - (2) A generation and transmission cooperative, referred to in Section 62-6-4 NMSA 1978, shall be responsible for meeting the requirements and targets for all energy it supplies to its member distribution cooperatives in New Mexico.
 - (3) Energy from renewable energy resources that a generation and transmission cooperative supplies in compliance with the RPS shall be verified at the point where the generation and transmission cooperative produces or takes delivery of the energy on behalf of the member distribution cooperatives that the generation and transmission cooperative is serving.
- [17.9.571.10 NMAC – N, xx/xx/2025]

17.9.571.11 ZERO CARBON RESOURCE STANDARD:

- A. No later than January 1, 2050, each distribution cooperative shall provide New Mexico retail customers with electricity generated from 100 percent zero carbon resources, provided that:
 - (1) achieving the 100 percent standard is technically feasible;
 - (2) the distribution cooperative is able to provide reliable electric service while implementing the 100 percent standard; and

EXHIBIT A – PROPOSED RULE

(3) implementing the 100 percent standard shall not cause electric service to become unaffordable.

B. A generation and transmission cooperative, referred to in Section 62-6-4 NMSA 1978, shall be responsible for meeting the zero carbon resource standard for all energy supplied to the distribution cooperatives in New Mexico.

C. Energy from zero carbon resources that a generation and transmission cooperative, referred to in Section 62-6-4 NMSA 1978, supplies in compliance with the zero carbon resource standard shall be verified at the point where the generation and transmission cooperative produces or takes delivery of the energy on behalf of the member distribution cooperatives that the generation and transmission cooperative is serving.
[17.9.571.11 NMAC – N, xx/xx/2025]

17.9.571.12 REASONABLE COST THRESHOLD:

A. If, in any given year, a distribution cooperative determines that the average annual levelized cost of renewable energy that would need to be procured or generated for purposes of compliance with the RPS would be greater than \$60.00 per megawatt-hour at the point of interconnection of the renewable energy resource with the transmission system, the distribution cooperative shall not be required to incur that excess cost.

(1) The reasonable cost threshold of \$60.00 per megawatt-hour shall be adjusted for inflation after 2020.

(2) Excused performance pursuant to the reasonable cost threshold in any given year shall not operate to delay compliance with the RPS in subsequent years.

B. The provisions of this subsection do not preclude a distribution cooperative from accepting a project with a cost that would exceed the inflation-adjusted reasonable cost threshold.
[17.9.571.12 NMAC – N, xx/xx/2025]

17.9.571.13 RENEWABLE ENERGY CERTIFICATES:

A. Renewable energy certificates:

(1) are owned by the generator of the renewable energy unless:
(a) the RECs are transferred to the purchaser of the energy through specific agreement with the generator;
(b) the generator is a qualifying facility, as defined by the federal Public Utility Regulatory Policies Act of 1978, in which case the RECs are owned by the distribution cooperative purchaser of the renewable energy unless retained by the generator through specific agreement with the distribution cooperative purchaser of the energy;

(c) a contract for the purchase of renewable energy is in effect prior to January 1, 2004, in which case the purchaser of the energy owns the RECs for the term of such contract; or

(d) the generator is a community solar facility, excluding a native community solar project, as those terms are defined in the Community Solar Act, in which case the RECs are owned by the distribution cooperative to whose electric distribution system the community solar facility is interconnected;

(2) may be traded, sold, or otherwise transferred by their owner to any other party; such transfers and use of the certificate by a distribution cooperative for compliance with the renewable energy portfolio standard do not require physical delivery of the electric energy represented by the certificate to a distribution cooperative, so long as the electric energy represented by the certificate was contracted for delivery in New Mexico, or consumed or generated by an end-use customer of the distribution cooperative in New Mexico, unless the commission determines that there is an active regional market for trading renewable energy and RECs in any region in which the distribution cooperative is located;

(3) that are used once by a distribution cooperative to satisfy the RPS and are retired, or that are traded, sold, or otherwise transferred by the distribution cooperative, shall not be further used by the distribution cooperative; and

(4) that are not used by a distribution cooperative to satisfy the RPS, or that are not traded, sold, or otherwise transferred by the distribution cooperative, may be carried forward for up to four years from the date of creation and, if not used by that time, shall be retired by the distribution cooperative.

B. Distribution cooperatives are responsible for demonstrating that a REC used for compliance with the RPS is derived from eligible renewable energy resources and has not been retired, traded, sold, or otherwise transferred to another party.

C. Distribution cooperatives shall maintain records sufficient to meet the requirements of 17.9.571.13 NMAC. Distribution cooperatives shall maintain such records for a minimum of 10 years.

EXHIBIT A – PROPOSED RULE

D. The acquisition, sale or transfer, and retirement of any RECs used to meet the RPS shall be registered with WREGIS or its direct successor(s), except as provided in Subsection E of 17.9.571.13 NMAC. Certificates whose retirement has been registered by the distribution cooperative with WREGIS shall be deemed to meet the requirements of Subsection B of 17.9.571.13 NMAC.

E. RECs representing electricity delivered to New Mexico and registered with a tracking system other than WREGIS may be used to meet the RPS so long as WREGIS lacks the capability to import certificates from the other tracking system.

F. The requirement for registration and trading of RECs through WREGIS shall not constitute a finding by the commission that a regional renewable energy market is generally available.

G. Until such time as the commission has determined that there is a regional market for exchanging renewable energy and RECs that is generally available for all distribution cooperatives in the State, any distribution cooperative may seek approval from the commission to meet some or all of its RPS using individual RECs that represent energy generated by a renewable energy resource within a regional renewable energy market or trading system in any region where the distribution cooperative is located.

H. Any state having a mandatory RPS that accepts RECs for energy produced and delivered in New Mexico on a non-discriminatory basis for compliance with its RPS shall be deemed to be part of an active regional market for distribution cooperatives for the purposes of Paragraph (2) of Subsection A of 17.9.571.13 NMAC.

I. Non-WREGIS registered RECs shall contain the following information:

- (1) the name and contact information of the renewable energy generating facility owner or operator;
- (2) the name and contact information of the distribution cooperative purchasing the REC;
- (3) the type of generator technology and fuel type;
- (4) the generating facility's physical location, nameplate capacity in MW, location and ID number of revenue meter and date of commencement of commercial generation;
- (5) the distribution cooperative to which the generating facility is interconnected;
- (6) the control area operator for the generating facility; and
- (7) the quantity in kWh and the date of the REC creation.

[17.9.571.13 NMAC – N, xx/xx/2025]

17.9.571.14 VOLUNTARY RENEWABLE TARIFFS:

A. A rural electric cooperative may offer its retail customers a voluntary program for purchasing renewable energy under rates and terms that are approved by the commission.

B. A rural electric cooperative that offers its retail customers a voluntary program for purchasing renewable energy shall:

- (1) report to the commission by April 30 of each year the demand for renewable energy pursuant to the voluntary program concerning the availability of renewable energy to the rural electric cooperative and the annual demand for renewable energy pursuant to their voluntary tariff; and
- (2) comply with all requirements for the procurement of renewable energy set forth in the Rural Electric Cooperative Act.

[17.9.571.14 NMAC – N, xx/xx/2025]

17.9.571.15 ANNUAL RENEWABLE ENERGY PORTFOLIO REPORT:

A. Pursuant to Subsection B of Section 62-15-34 NMSA 1978, by April 30 of each year, a distribution cooperative shall file with the commission a report on its purchases and generation of renewable energy during the preceding calendar year.

B. The report shall include:

- (1) an executive summary;
- (2) the cost of the renewable energy resources purchased and generated by the distribution cooperative to meet the RPS;
- (3) an explanation of steps taken to minimize those costs, including competitive procurement and comparison of the price of electricity from renewable energy resources in the bids received by the distribution cooperative to recent prices for such electricity elsewhere in the southwestern United States;
- (4) an annual compliance plan for meeting the RPS for the following three years;
- (5) all renewable energy generation or REC purchases and sales itemized by source;
- (6) where applicable, a reconciliation of any banking of RECs by providing a beginning REC balance, the REC activity affecting the beginning REC balance, and an ending REC balance;

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- (7) where applicable, the impact of any existing multipliers on the number of available RECs, including any documentation regarding the regulatory approval of such multipliers;
- (8) an attestation that, to the best of the distribution cooperative’s knowledge, no RECs used for RPS compliance have been double-counted;
- (9) a list of all RECs, including acquired, issued, or retired certificates;
- (10) information, from WREGIS or its successor, on RECs acquired, sold, retired, transferred, or expired; and the information shall include reports from WREGIS or its successor which allow the commission to determine, by fuel type, the number of RECs in each calendar year:
 - (a) acquired;
 - (b) sold;
 - (c) retired;
 - (d) transferred; and
 - (e) expired;
- (11) a table with the following data:
 - (a) total amount of RECs;
 - (b) total retail sales in megawatt-hours; and
 - (c) RPS compliance percentage achieved;
- (12) the report to the distribution cooperative’s membership including a summary of its purchases and generation of renewable energy during the preceding calendar year required by Subsection D of Section 62-15-34 NMSA 1978; and
- (13) renewable energy and conservation fee information, pursuant to 17.9.571.16 NMAC, if applicable.

C. Distribution cooperatives that are members of a generation and transmission cooperative may file their annual reports as a group, provided that each distribution cooperative’s filing requirements shall be identified separately.

D. Staff may request additional information or clarification from the distribution cooperative.

E. A distribution cooperative shall serve its annual report on the commissioners, commissioners’ advisors, office of general counsel, and staff.
[17.9.571.15 NMAC – N, xx/xx/2025]

17.9.571.16 RENEWABLE ENERGY AND CONSERVATION FEE:

A. In accordance with Section 62-15-36 NMSA 1978, a distribution cooperative may collect from its customers a renewable energy and conservation fee of no more than one percent of the customer’s bill.

(1) In no event shall a distribution cooperative collect more than \$75,000 annually through the renewable energy and conservation fee from any single customer.

(2) Money collected through the renewable energy and conservation fee shall be segregated in a separate renewable energy and conservation account from other distribution cooperative funds and shall be expended only on programs or projects to promote the use of renewable energy, load management, or energy efficiency.

B. Each distribution cooperative that collects a renewable energy and conservation fee from its customers shall deduct from the fees paid to the State pursuant to Section 62-8-8 NMSA 1978 an amount equal to fifty percent of the amount of money collected through the renewable energy and conservation fee during the preceding calendar year. The money shall be included in the account with other money from the renewable energy and conservation fee and expended only on programs or projects to promote the use of renewable energy, load management, or energy efficiency.

C. In its annual report to the public regulation commission by April 30 pursuant to 17.9.571.15 NMAC, a distribution cooperative that collects a renewable energy and conservation fee from its customers shall include the information described below for the preceding calendar year:

(1) the total amount of money collected by the distribution cooperative from its customers during the preceding calendar year through the assessment of a renewable energy and conservation fee and the balance of funds in the distribution cooperative’s renewable energy and conservation fund, as of January 1 and December 31 of the preceding calendar year;

(2) the amount of money withheld by the distribution cooperative from the inspection and supervision fees due to the State that was placed in the renewable energy and conservation fund as a partial match of the renewable energy and conservation fees collected during the preceding calendar year;

EXHIBIT A – PROPOSED RULE

(3) the amount of money received by the distribution cooperative from any third party that was placed in the renewable energy and conservation fund;

(4) whether and to what extent the distribution cooperative will assess its customers for a renewable energy and conservation fee in the succeeding calendar year; and

(5) a summary of each renewable energy project, energy efficiency program, or load management program upon which money from the renewable energy and conservation fund was expended during the preceding calendar year, which includes:

(a) a description of the anticipated benefits to the distribution cooperative's members from each project or program;

(b) the amount of money spent on each project or program; and

(c) the status of each project or program.

[17.9.571.16 NMAC – N, xx/xx/2025]

EXHIBIT B - NOPR

NOTICE OF PROPOSED RULEMAKING DOCKET NO. 22-00140-UT

The New Mexico Public Regulation Commission (“Commission”) hereby gives notice of its initiation of a proposed rulemaking to adopt a new rule at Title 17, Chapter 9, Part 571 of the New Mexico Administrative Code entitled “Renewable Energy For Rural Electric Cooperatives.”

Summary of the full text of the proposed rule and short explanation of its purpose: The Commission proposes to issue a new rule related to renewable energy for rural electric cooperatives, containing provisions for the renewable portfolio standard, zero carbon resource standard, and data reporting. On May 4, 2021, amendments to Rule 572, which removed renewable energy provisions relating to rural electric cooperatives, became effective. Since May 4, 2021, the Commission has not had comparable rules.

Legal authority authorizing the proposed rule and the adoption of the rule: The Commission has the authority to promulgate and adopt the Proposed Rule pursuant to the Rural Electric Cooperative Act, NMSA 1978, Sections 62-15-1 to -37 (1953, as amended through 2021) and the Renewable Energy Act (“REA”), NMSA 1978, Section 62-16-8 (2019).

How a copy of the full text of the proposed rule can be obtained: A copy of the full text of the proposed rule and instructions for accessing the complete rulemaking record can be obtained from the rulemaking page on the Commission’s website at <https://www.nm-prc.org/rulemaking-proceedings/> or by emailing Robert Lundin of the Office of General Counsel at Robert.Lundin@prc.nm.gov.

How a person can comment on the proposed rule, where comments will be received and when comments are due: Any person wishing to comment on the Proposed Rules may do so by submitting written initial comments no later than **October 25, 2024**, and written response comments no later than **November 8, 2024**. Comments can be electronically filed by sending them in PDF format to prc.records@state.nm.us. Comments must refer to Docket No. 22-00140-UT. All written comments will be posted on the Commission’s website within three days of their receipt by the records bureau. The record closure date for this proceeding is **December 5, 2024**. From that date through the completion of this proceeding, rulemaking participants will be forbidden from communicating with the Commission or its representatives concerning substantive issues in this proceeding.

When and where a public rule hearing will be held and how a person can participate in the hearing: A public hearing on the Proposed Rule and any additional issues to be addressed in formal comment process, to be presided over by the Commission or its designee, shall be held beginning at **10:00 a.m. on November 21, 2024**.

Any interested person or entity may make oral comment in-person, via the Zoom app, or by telephone. Persons making oral public comments in person do not need to sign up in advance but do need to sign in by hand on the sign-up sheet at 142 W Palace Santa Fe, NM 87505. Individuals wishing to comment by Zoom or telephone must sign up by contacting Patrick Rodriguez at public.comment@prc.nm.gov or (505) 490-7910 as soon as possible before the start of the meeting. When sending an email to sign up for public comment please identify the name of the commentor(s), the name of the entity they represent (if any), and the topic or issue on which they desire to comment. If a speaker is not present at the time he or she is called to provide comment, that speaker shall forfeit their opportunity to speak. Public comment by an individual or entity shall be limited to no more than three (3) minutes unless the Commission acts to extend the period. Individuals represented by or representing a common entity may be asked to select one individual to act as spokesperson to speak for the group. Individuals who sign up to comment, but either fail to do so or choose to speak for less than their allotted time, may not cede or yield their time to another speaker. The subject matter of public comments shall be relevant to matters within the Commission’s jurisdiction. Public comment by parties to a proceeding or adjudication pending before the Commission shall not be permitted where the comment concerns matters at issue in such proceeding.

Technical information that served as a basis for the proposed rule and how the information can be obtained: None.

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF A COMMISSION)
RULEMAKING TO PROMULGATE A NEW RULE)
IN TITLE 17, CHAPTER 9, PART 571 OF THE NEW)
MEXICO ADMINISTRATIVE CODE,)
RENEWABLE ENERGY FOR RURAL ELECTRIC)
COOPERATIVES)**

Docket No. 22-00140-UT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing *Order Issuing Notice of Proposed Rulemaking* was sent via email to the following parties on the date indicated below:

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Socorro Electric
Joseph Herrera
Southwestern Electric
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Springer Electric
David Spradlin
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Duncan Valley Electric
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DATED this 23rd day of August, 2024.

NEW MEXICO PUBLIC REGULATION COMMISSION

/s/ LaurieAnn Santillanes, electronically signed

LaurieAnn Santillanes, Law Clerk