

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE MEMORIAL 26

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

Richard C. Martinez

A MEMORIAL

REQUESTING THE PUBLIC REGULATION COMMISSION TO MAINTAIN
POLICIES CONSISTENT WITH A FAIR AND REASONABLE METHODOLOGY FOR
THE ALLOCATION OF ACCESS FEES, CHARGES AND TRESPASS FINES PAID
BY THE ELECTRIC DISTRIBUTION COOPERATIVES TO ANY GOVERNMENTAL
ENTITY.

WHEREAS, New Mexico's electric distribution cooperatives
are the primary source of electric power for rural communities
throughout the state, many of which are economically depressed;
and

WHEREAS, the cost of monthly utility bills has increased
steadily over the years and has become increasingly difficult
for many customers to afford during difficult economic
circumstances; and

WHEREAS, the electric distribution cooperatives are

underscored material = new
~~[bracketed material] = delete~~

underscoring material = new
~~[bracketed material] = delete~~

1 not-for-profit entities owned and operated by its members; and

2 WHEREAS, many governmental entities, including Indian
3 nations, tribes and pueblos, require the electric distribution
4 cooperatives to pay fees, other charges and trespass fines for
5 access to power lines and other related utility facilities to,
6 over and across lands subject to the jurisdiction of these
7 governmental entities; and

8 WHEREAS, these access fees, charges and trespass fines
9 impose burdensome costs passed directly on to all members,
10 including those on fixed incomes, including Native Americans;
11 and

12 WHEREAS, the failure to pay the fees, charges and fines
13 imposed by governmental entities for access to, over and across
14 lands within the jurisdiction of the governmental entity
15 imposing such fee, charge or fine will result in the electric
16 distribution cooperative being subject to penalties that must
17 be recovered from members; and

18 WHEREAS, the public regulation commission has jurisdiction
19 over the rates charged by the electric distribution
20 cooperatives and must determine fair, just and reasonable rates
21 to all consumers; and

22 WHEREAS, many members have complained to the public
23 regulation commission about the fairness of having to pay rates
24 that include access fees, charges and trespass fines imposed by
25 governmental entities, notably Indian nations, tribes and

.195963.1

underscoring material = new
~~[bracketed material] = delete~~

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

pueblos; and

WHEREAS, the Indian nations, tribes and pueblos are separate sovereign entities authorized under federal law to impose access fees, charges and trespass fines without limit for certain types of utility facilities;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NEW MEXICO that the public regulation commission be requested to maintain policies consistent with a fair and reasonable methodology for the allocation of access fees, charges and trespass fines paid by the electric distribution cooperatives to any governmental entity, including Indian nations, tribes and pueblos; and

BE IT FURTHER RESOLVED that in establishing a uniform rule and methodology, the public regulation commission be requested to consult with management and members of the electric distribution cooperatives as well as the Indian nations, tribes and pueblos and the congressional delegation; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the public regulation commissioners and to the New Mexico congressional delegation.