

HOUSE MEMORIAL 41

57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026

INTRODUCED BY

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A MEMORIAL

REQUESTING THE UNIVERSITY OF NEW MEXICO BUREAU OF BUSINESS AND
ECONOMIC RESEARCH TO CONDUCT AND OVERSEE A STUDY TO DETERMINE
THE GENERAL FEASIBILITY OF CREATING A PUBLICLY OWNED ELECTRIC
UTILITY.

WHEREAS, reliable and resilient energy infrastructure is essential to support the health, safety and economic security and meet the needs of residents across New Mexico; and

WHEREAS, publicly owned electric utilities offer a state the opportunity to safeguard critical energy infrastructure, ensuring reliable service delivery that is aligned with the public interest; and

WHEREAS, residential customers served by publicly owned electric utilities pay the lowest electricity bills on average in thirty-five states, reflecting the not-for-profit,

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1 community-owned structure of the publicly owned electric
2 utility model; and

3 WHEREAS, many publicly owned electric utilities use power
4 purchase agreements to supplement their owned generation
5 resources, with more than twenty-three thousand megawatts of
6 renewable energy being contracted through power purchase
7 agreements in 2023; and

8 WHEREAS, despite only ten percent of electricity in the
9 United States coming from publicly owned electric utilities,
10 approximately forty percent of that electricity is generated
11 from non-carbon emitting sources; and

12 WHEREAS, even without accounting for purchased power,
13 publicly owned electric utilities rely on a higher proportion
14 of clean energy generation than the private electric industry
15 overall; and

16 WHEREAS, publicly owned electric utilities generate more
17 than sixty billion dollars (\$60,000,000,000) in annual revenue
18 and invest more than two billion dollars (\$2,000,000,000)
19 annually directly back into their communities; and

20 WHEREAS, publicly owned electric utilities invest this
21 revenue back into their communities in myriad ways, including
22 through payments in lieu of taxes, creating local jobs with
23 great benefits, offering free or reduced-cost electric services
24 and supporting local causes and charities; and

25 WHEREAS, other states have successfully used the publicly

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1 owned electric utility model to provide affordable and reliable
2 energy to customers, including:

3 A. Nebraska, which has operated a fully electric
4 publicly owned power utility since 1949 that contributes more
5 than thirty million dollars (\$30,000,000) per year in payments
6 in lieu of taxes that support various state-provided services;

7 B. New York, which operates the largest state-
8 owned public power utility that has been successfully serving
9 residents since 1931;

10 C. Tennessee, which operates a publicly owned
11 electric utility, created in 1933 as part of the New Deal
12 initiatives, that serves most of Tennessee along with parts of
13 six surrounding states; and

14 D. a handful of other states that have various
15 county- and city-owned public power utilities, some of which
16 date back to the late 1800s;

17 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
18 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the university
19 of New Mexico bureau of business and economic research be
20 requested to study the general feasibility of acquiring and
21 operating an electric utility for the purpose of creating a
22 publicly owned electric utility in New Mexico; and

23 BE IT FURTHER RESOLVED that the university of New Mexico
24 bureau of business and economic research be requested to
25 consult with the public regulation commission, the New Mexico

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1 renewable energy transmission authority and the energy,
2 minerals and natural resources department when conducting the
3 study; and

4 BE IT FURTHER RESOLVED that the university of New Mexico
5 bureau of business and economic research be requested to
6 explore the necessary authority needed by the state to acquire
7 and operate an electric utility; identify applicable federal,
8 state and local laws; consider franchise rights, potential
9 service area issues, condemnation and eminent domain risks; and
10 investigate labor law, union and labor transition
11 considerations; and

12 BE IT FURTHER RESOLVED that the university of New Mexico
13 bureau of business and economic research be requested to create
14 an inventory of key public and private entities, data sources
15 and repositories; if possible, collect high-level data
16 appropriate for understanding assets; and assess the strengths
17 and limitations of various valuation methods that may be used
18 to evaluate a publicly owned electric utility; and

19 BE IT FURTHER RESOLVED that the university of New Mexico
20 bureau of business and economic research be requested to
21 investigate the trends toward or away from private to public
22 ownership of electric utilities, and vice-versa, across the
23 country, including attempting to understand key reasons for the
24 trends, and benefits and drawbacks of public and private
25 ownership of electric utilities; and

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1 BE IT FURTHER RESOLVED that the university of New Mexico
2 bureau of business and economic research be requested to assess
3 the potential operational and management needs that a
4 transition to a publicly owned electric utility model might be
5 required to meet, including exploring potential transition
6 plans from a current owner to a state-owned utility,
7 identifying required expertise necessary to make that
8 transition successful and any related customer service,
9 information technology and emergency response needs that must
10 be addressed; and

11 BE IT FURTHER RESOLVED that the university of New Mexico
12 bureau of business and economic research be requested to
13 publish a report containing its determinations as to the
14 general feasibility of a publicly owned electric utility model
15 for New Mexico and any alternatives to an outright purchase of
16 an electric utility that might still achieve the same
17 interests, along with any additional findings or
18 recommendations that the bureau identifies as useful to
19 policymaking around the concept of publicly owned electric
20 utilities; and

21 BE IT FURTHER RESOLVED that the university of New Mexico
22 bureau of business and economic research be requested to
23 present its findings and recommendations to the relevant
24 interim legislative committee on or before June 30, 2027; and

25 BE IT FURTHER RESOLVED that copies of this memorial be

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1 transmitted to the director of the university of New Mexico
2 bureau of business and economic research, the chair of the
3 public regulation commission, the executive director of the New
4 Mexico renewable energy transmission authority and the
5 secretary of energy, minerals and natural resources.

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