

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

AN ACT

RELATING TO PUBLIC UTILITIES; REQUIRING A PUBLIC UTILITY TO
SUBMIT AN APPLICATION TO THE PUBLIC REGULATION COMMISSION TO
EXPAND THE USE OF ELECTRICITY TO POWER VEHICLES AND OTHER
EQUIPMENT THAT TRANSPORT GOODS OR PEOPLE; PROVIDING THAT A
PERSON WHO ENGAGES IN THE RETAIL DISTRIBUTION OF ELECTRICITY
FOR VEHICULAR FUEL IS NOT A PUBLIC UTILITY.

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:

"APPLICATIONS TO EXPAND TRANSPORTATION
ELECTRIFICATION.--

A. No later than January 1, 2021, and thereafter
upon request by the commission, but no more frequently than
every two years, a public utility shall file with the
commission an application to expand transportation
electrification. Applications may include investments or
incentives to facilitate the deployment of charging
infrastructure and associated electrical equipment that
support transportation electrification, including
electrification of public transit and publicly owned vehicle
fleets, rate designs or programs that encourage charging that
supports the operation of the electric grid and customer
education and outreach programs that increase awareness of

1 such programs and of the benefits of transportation
2 electrification.

3 B. When considering applications for approval, the
4 commission shall consider whether the investments,
5 incentives, programs and expenditures are:

6 (1) reasonably expected to improve the
7 public utility's electrical system efficiency, the
8 integration of variable resources, operational flexibility
9 and system utilization during off-peak hours;

10 (2) reasonably expected to increase access
11 to the use of electricity as a transportation fuel, with
12 consideration given for increasing such access to low-income
13 users and users in underserved communities;

14 (3) designed to contribute to the reduction
15 of air pollution and greenhouse gases;

16 (4) reasonably expected to support increased
17 consumer choices in electric vehicle charging and related
18 infrastructure and services; allow for private capital
19 investments and skilled jobs in related services; and provide
20 customer information and education;

21 (5) reasonable and prudent, as determined by
22 the commission; and

23 (6) transparent, incorporating public
24 reporting requirements to inform program design and
25 commission policy.

1 C. A public utility that undertakes measures to
2 expand transportation electrification pursuant to this
3 section shall have the option of recovering the public
4 utility's reasonable costs for the expansion through a
5 commission-approved tariff rider or base rate or both.

6 D. The provisions of this section do not apply to
7 a distribution cooperative organized pursuant to the Rural
8 Electric Cooperative Act.

9 E. As used in this section:

10 (1) "low-income" means annual household
11 adjusted gross income, as defined in the Income Tax Act, of
12 equal to or less than two hundred percent of the federal
13 poverty level;

14 (2) "transportation electrification" means
15 the use of electricity from external sources to power all or
16 part of passenger vehicles, trucks, buses, trains, boats or
17 other equipment that transport goods or people; and

18 (3) "underserved community" means an area in
19 this state, including a county, municipality or neighborhood,
20 or subset of such area, where the median income of the area
21 is low-income."

22 SECTION 2. Section 62-3-4 NMSA 1978 (being Laws 1967,
23 Chapter 96, Section 4, as amended) is amended to read:

24 "62-3-4. LIMITATIONS AND EXCEPTIONS.--

25 A. The term "public utility" or "utility", when

1 used in the Public Utility Act, shall not include:

2 (1) any person not otherwise a public
3 utility who furnishes the service or commodity only to that
4 person or that person's employees or tenants, when such
5 service or commodity is not resold to or used by others, or
6 who engages in the retail distribution of natural gas or
7 electricity for vehicular fuel; or

8 (2) a corporation engaged in the business of
9 operating a railroad and that does not primarily engage in
10 the business of selling the service or commodity but that
11 only incidentally to its railroad business or occasionally
12 furnishes the service or commodity to another under a
13 separate limited or revocable agreement or sells to a utility
14 or municipality for resale, or that sells the service or
15 commodity to another railroad, the state or federal
16 government or a governmental agency, or that sells or gives
17 for a consideration under revocable agreements or permits
18 quantities of water out of any surplus of water supply
19 acquired and held by it primarily for railroad purposes; and
20 such railroad corporation shall not be subject to any of the
21 provisions of the Public Utility Act.

22 B. The business of any public utility other than
23 of the character defined in Subsection G of Section 62-3-3
24 NMSA 1978 is not subject to provisions of the Public Utility
25 Act."
