

challenging the PRC's authority over its wholesale electric rates. That action is still pending in federal district court. In a related case, Tri-State appealed to the New Mexico Supreme Court the PRC's rejection of Tri-State's subsequently-filed interim rates. The New Mexico Supreme Court in vacating the Commission's order discussed at length the basis for the different processes set forth by the Legislature in reviewing the rates of investor owned utilities and electric cooperatives. *Tri-State Generation & Transmission Association's, Inc. v. New Mexico Public Regulation Commission*, 2015-NMSC-013, 347 P.3d 274.

The Court noted that the Legislature had chosen a more "limited" form of PRC regulation because "the interests of the purchasers of electric power from a G & T Coop, who own the G & T Coop, are already addressed democratically through the owner-membership of the G & T Coop board." *Id.*, ¶ 16, 347 P.3d at 278. This bill seeks to change that dynamic by allowing a single member or non-member transmission customer to initiate a rate proceeding before the Commission. In light of the still-pending federal court action, it is unclear as to whether the Commission even has the authority to entertain such a proceeding.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Transmission customers will not be added to the G&T cooperative's member distribution for those required to be notified by the G&T cooperative of proposed rates and who would, in turn, have an opportunity to protest the G&T cooperative's proposed rates.

JM/gb