

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE SUBSTITUTE FOR
HOUSE BILL 163

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

AN ACT

RELATING TO UTILITIES; ENACTING A NEW SECTION OF THE PUBLIC
UTILITY ACT TO PROVIDE FOR A PUBLIC UTILITY OR A GENERATION AND
TRANSMISSION COOPERATIVE TO HAVE FIRST RIGHT TO CONSTRUCT, OWN
AND MAINTAIN CERTAIN TRANSMISSION FACILITIES IN A REGIONAL
TRANSMISSION ORGANIZATION.

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:

"[NEW MATERIAL] TRANSMISSION RIGHT OF FIRST REFUSAL BY
PUBLIC UTILITY AND GENERATION AND TRANSMISSION COOPERATIVE.--

A. An electric transmission facility that has been
identified as being eligible for regional cost allocation and
that has been approved for construction by a regional
transmission organization shall, after obtaining all required

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1 governmental approvals, be built by the public utility or
2 generation and transmission cooperative with which the
3 transmission facility is interconnecting if that public utility
4 or generation and transmission cooperative elects to construct,
5 own and maintain the approved transmission facility. If a
6 segment of such electric transmission facility is to
7 interconnect with two or more public utilities or generation
8 and transmission cooperatives, the interconnecting public
9 utilities or generation and transmission cooperatives shall
10 determine who shall build, own and maintain such segment of the
11 transmission facility or portions of the segment. If, however,
12 no such determination is made, then each public utility or
13 generation and transmission cooperative shall build, own and
14 maintain its respective interconnection facilities and its
15 equal share of the segment. The public utility or generation
16 and transmission cooperative shall give notice to the
17 commission in writing within sixty days of informing the
18 regional transmission organization that it exercises its right
19 under this section to construct, own and maintain the approved
20 transmission facility.

21 B. As used in this section:

22 (1) "electric transmission facility" and
23 "transmission facility" mean an electric transmission line and
24 associated facilities designed for or capable of operations at
25 a nominal voltage of sixty-nine kilovolts or more that will

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1 interconnect with transmission facilities owned or operated by
2 a public utility or a generation and transmission cooperative;

3 (2) "generation and transmission cooperative"
4 has the meaning defined in Subsection E of Section 62-6-4 NMSA
5 1978;

6 (3) "public utility" has the meaning defined
7 in Subsection G of Section 62-3-3 NMSA 1978; and

8 (4) "regional transmission organization" means
9 a regional transmission organization approved by the federal
10 energy regulatory commission."

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