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SENATE BILL 49

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

INTRODUCED BY

Pat Woods

AN ACT

RELATING TO UTILITIES; CHANGING THE REPORTING DATE ON PURCHASES  
AND GENERATION OF RENEWABLE ENERGY FOR DISTRIBUTION  
COOPERATIVES; DECLARING AN EMERGENCY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 62-15-34 NMSA 1978 (being Laws 2007,  
Chapter 4, Section 1) is amended to read:

"62-15-34. RENEWABLE PORTFOLIO STANDARD.--

A. Each distribution cooperative organized under  
the Rural Electric Cooperative Act shall meet the renewable  
portfolio standard requirements, as provided in this section,  
to include renewable energy in its electric energy supply  
portfolio. Requirements of the renewable portfolio standard  
are:

(1) no later than January 1, 2015, renewable

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1 energy shall comprise no less than five percent of each  
2 distribution cooperative's total retail sales to New Mexico  
3 customers;

4 (2) the renewable portfolio standard shall  
5 increase by one percent per year thereafter until January 1,  
6 2020, at which time the renewable portfolio standard shall be  
7 ten percent of the distribution cooperative's total retail  
8 sales to New Mexico customers;

9 (3) the renewable portfolio standard of each  
10 distribution cooperative shall be diversified as to the type of  
11 renewable energy resource, taking into consideration the  
12 overall reliability, availability and dispatch flexibility and  
13 the cost of the various renewable energy resources made  
14 available to the distribution cooperative by its suppliers of  
15 electric power; and

16 (4) renewable energy resources that are in a  
17 distribution cooperative's energy supply portfolio on January  
18 1, 2008 shall be counted in determining compliance with this  
19 section.

20 B. If a distribution cooperative determines that,  
21 in any given year, the cost of renewable energy that would need  
22 to be procured or generated for purposes of compliance with the  
23 renewable portfolio standard would be greater than the  
24 reasonable cost threshold, the distribution cooperative shall  
25 not be required to incur that cost; provided that the existence

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1 of this condition excusing performance in any given year shall  
2 not operate to delay any renewable portfolio standard in  
3 subsequent years. For purposes of the Rural Electric  
4 Cooperative Act, "reasonable cost threshold" means an amount  
5 that shall be no greater than one percent of the distribution  
6 cooperative's gross receipts from business transacted in New  
7 Mexico for the preceding calendar year.

8 C. By [~~March 1~~] April 30 of each year, a  
9 distribution cooperative shall file with the public regulation  
10 commission a report on its purchases and generation of  
11 renewable energy during the preceding calendar year. The  
12 report shall include the cost of the renewable energy resources  
13 purchased and generated by the distribution cooperative to meet  
14 the renewable portfolio standard.

15 D. A distribution cooperative shall report to its  
16 membership a summary of its purchases and generation of  
17 renewable energy during the preceding calendar year."

18 SECTION 2. EMERGENCY.--It is necessary for the public  
19 peace, health and safety that this act take effect immediately.