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HOUSE BILL 9

**54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

INTRODUCED BY

Patricia Roybal Caballero and Brian Egolf and Andrea Romero  
and Antoinette Sedillo Lopez and Elizabeth "Liz" Stefanics

AN ACT

RELATING TO UTILITIES; ENACTING THE COMMUNITY SOLAR ACT;  
PROVIDING FOR THE ESTABLISHMENT OF A PHASED-IN COMMUNITY SOLAR  
PROGRAM TO FACILITATE THE DEVELOPMENT AND INTERCONNECTION OF  
COMMUNITY SOLAR FACILITIES; REQUIRING RULEMAKING BY THE PUBLIC  
REGULATION COMMISSION; PROVIDING FOR PROGRAM REVIEW AND  
EVALUATION; CREATING THE COMMUNITY SOLAR ASSISTANCE FUND;  
MAKING APPROPRIATIONS.

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

**SECTION 1.** [NEW MATERIAL] SHORT TITLE.--Sections 1  
through 12 of this act may be cited as the "Community Solar  
Act".

**SECTION 2.** [NEW MATERIAL] DEFINITIONS.--As used in the  
Community Solar Act:

A. "affordable housing provider" means a person

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1 that owns, operates or manages affordable housing units;

2 B. "applicable bill credit rate" means the  
3 qualifying utility's total aggregate retail rate minus a  
4 commission-approved distribution cost rate that is used to  
5 calculate a subscriber's bill credit;

6 C. "bill credit" means the monetary value of the  
7 electricity generated by a community solar facility allocated  
8 to a subscriber that offsets that subscriber's electricity bill  
9 from a qualifying utility;

10 D. "commission" means the public regulation  
11 commission;

12 E. "community solar facility" means a facility  
13 located in the service territory of a qualifying utility in New  
14 Mexico that generates electricity by means of a solar  
15 photovoltaic device whereby a subscriber to the facility  
16 receives a bill credit for the electricity generated in  
17 proportion to the size of the subscription;

18 F. "community solar program" or "program" means a  
19 program created through the commission's adoption of rules that  
20 facilitates the development and interconnection of community  
21 solar facilities in the service territory of a qualifying  
22 utility in accordance with the Community Solar Act;

23 G. "distribution cost rate" means the amount of a  
24 qualifying utility's total cost of service approved by the  
25 commission in the qualifying utility's most recent general rate

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1 case as being related to the qualifying utility's power  
2 distribution service function, converted to a kilowatt-hour  
3 rate, for the applicable rate schedule, excluding distribution  
4 costs that are included in a monthly minimum charge, such as  
5 customer charges and basic service fees;

6 H. "energy storage" means technology that captures  
7 energy produced at one time for use at a later time;

8 I. "Indian nation, tribe or pueblo" means a  
9 federally recognized Indian nation, tribe or pueblo located  
10 wholly or partially in New Mexico;

11 J. "low-income customer" means a residential  
12 customer of a qualifying utility with an annual household  
13 income at or below eighty percent of county area median income,  
14 as published by the United States department of housing and  
15 urban development;

16 K. "low-income project" means a community solar  
17 facility that is at least fifty-one percent subscribed to by a  
18 combination of low-income customers, low-income service  
19 organizations and affordable housing providers that are  
20 qualified by the commission to participate, with at least ten  
21 percent of the subscribers being low-income customers;

22 L. "low-income service organization" means an  
23 organization that certifies to a qualifying utility that it  
24 provides services, assistance or housing to low-income  
25 customers and includes a local or central tribal government, a

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1 chapter house or an Indian housing authority;

2 M. "native community solar project" means a  
3 community solar facility that is sited in New Mexico on the  
4 land of an Indian nation, tribe or pueblo and that is:

5 (1) at least forty percent subscribed to by an  
6 Indian nation, tribe or pueblo; or

7 (2) owned or operated by a subscriber  
8 organization that is an Indian nation, tribe or pueblo;

9 N. "qualifying utility" means an investor-owned  
10 electric public utility or a rural electric distribution  
11 cooperative certified by the commission to provide retail  
12 electric service pursuant to the Public Utility Act;

13 O. "subscriber" means a retail electric customer of  
14 a qualifying utility that has one or more subscriptions to a  
15 community solar facility interconnected with that utility;

16 P. "subscriber organization" means an entity,  
17 including a municipality, county, affordable housing provider,  
18 Indian nation, tribe, pueblo or other entity authorized to  
19 transact business in New Mexico, that owns or operates a  
20 community solar facility;

21 Q. "subscription" means a contract between a  
22 subscriber and a subscriber organization;

23 R. "total aggregate retail rate" means the total  
24 amount of a qualifying utility's demand, energy and other  
25 charges, exclusive of charges described on a qualifying

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1 utility's rate schedule as minimum monthly charges, such as  
2 customer or service availability charges, converted to a  
3 kilowatt-hour rate, but does not include energy efficiency  
4 program riders or other charges not related to a qualifying  
5 utility's power production or transmission functions, as  
6 approved by the commission, or franchise fees and tax charges  
7 on utility bills; and

8 S. "unsubscribed electricity" means electricity,  
9 measured in kilowatt-hours, generated by a community solar  
10 facility that is not allocated to a subscriber.

11 SECTION 3. [NEW MATERIAL] COMMUNITY SOLAR FACILITY--  
12 SUBSCRIBER ORGANIZATIONS--SUBSCRIPTIONS--REQUIREMENTS.--

13 A. A community solar facility:

14 (1) shall have a nameplate capacity rating of  
15 five megawatts alternating current or less;

16 (2) shall be interconnected to the electric  
17 distribution grid of the qualifying utility and metered;

18 (3) may be co-located with energy storage; and

19 (4) shall have at least ten subscribers.

20 B. A subscriber organization shall:

21 (1) register with the commission and keep its  
22 registration in good standing in order to participate in the  
23 community solar program; and

24 (2) make at least forty percent of the total  
25 generating capacity of a community solar facility available in

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1 subscriptions of twenty-five kilowatts or less.

2 C. A subscription shall:

3 (1) be attributed to a location in the same  
4 qualifying utility service territory where the community solar  
5 facility is located;

6 (2) be sized to supply no more than one  
7 hundred twenty percent of the average annual consumption of  
8 electricity by the subscriber at the location to which the  
9 subscription is attributed;

10 (3) account for no more than sixty percent of  
11 the generating capacity of the community solar facility; and

12 (4) be transferable and portable, and may be  
13 retained by the subscriber if the subscriber moves within the  
14 same qualifying utility service territory.

15 D. A customer with a premise-sited renewable energy  
16 distributed generation facility may subscribe to a community  
17 solar facility.

18 E. An investor-owned electric public utility may  
19 own or operate a community solar facility subject to all  
20 requirements of the Community Solar Act; provided that  
21 investor-owned electric public utility community solar  
22 facilities shall:

23 (1) in the initial phased-in period through  
24 December 31, 2023, constitute no more than ten percent of  
25 program capacity; and

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1 (2) after December 31, 2023, be subject to the  
2 annual statewide capacity cap applicable to investor-owned  
3 electric public utilities, if adopted by the commission.

4 F. The commission shall provide exemptions to the  
5 requirements of this section for community solar facilities  
6 located on the lands of Indian nations, tribes or pueblos  
7 serving exclusively subscribers on those lands.

8 G. Nothing in the Community Solar Act shall  
9 preclude an Indian nation, tribe or pueblo from hosting a  
10 community solar facility on the land of the Indian nation,  
11 tribe or pueblo in partnership with a third-party entity or  
12 subscribers.

13 SECTION 4. [NEW MATERIAL] COMMUNITY SOLAR PROGRAM  
14 ADMINISTRATION--BILL CREDITS--ENVIRONMENTAL ATTRIBUTES.--

15 A. A qualifying utility shall:

16 (1) provide a bill credit to a subscriber's  
17 subsequent monthly electric bill for that proportion of the  
18 output of a community solar facility attributable to that  
19 subscriber and generated in the previous cycle. The bill  
20 credit shall be calculated by multiplying the subscriber's  
21 portion of the kilowatt-hour electricity production from the  
22 community solar facility by the applicable bill credit rate,  
23 which shall be the qualifying utility's total aggregate retail  
24 rate minus a commission-approved distribution cost rate. Any  
25 amount of the bill credit that exceeds the subscriber's monthly

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1 bill shall be carried over and applied to the next month's  
2 bill. On an annual basis, any excess bill credits shall be  
3 paid to the subscriber at the utility's avoided cost;

4 (2) apply bill credits to subscriber bills  
5 within one billing cycle following the cycle during which the  
6 energy was generated by the community solar facility;

7 (3) provide bill credits to a community solar  
8 facility's subscribers for not less than twenty-five years from  
9 the date the community solar facility is first interconnected;  
10 and

11 (4) on a monthly basis and in a standardized  
12 electronic format, provide to the subscriber organization a  
13 report indicating the total value of bill credits generated by  
14 the community solar facility in the prior month as well as the  
15 amount of the bill credit applied to each subscriber.

16 B. A subscriber organization shall provide to the  
17 qualifying utility:

18 (1) on a monthly basis and in a standardized  
19 electronic format, a subscriber list indicating the  
20 proportional output of a community solar facility attributable  
21 to each subscriber. Subscriber lists may be updated monthly to  
22 reflect canceling subscribers and to add new subscribers; and

23 (2) real-time production data to facilitate  
24 incorporation of the community solar facility into the  
25 utility's operation of its electric distribution system.

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1 C. A subscriber organization may accumulate  
2 community solar bill credits in the event that all of the  
3 electricity by a community solar facility is not allocated to  
4 subscribers in a given month. On an annual basis, a subscriber  
5 organization shall provide the qualifying utility allocation  
6 instructions for distributing excess community solar bill  
7 credits to subscribers. Excess community solar bill credits  
8 that are not reallocated shall be considered unsubscribed  
9 electricity and shall be purchased by the qualifying utility at  
10 its commission-approved avoided cost of energy.

11 D. All environmental attributes associated with a  
12 community solar facility, including renewable energy  
13 certificates, shall be considered the property of the  
14 subscriber organization. At the subscriber organization's  
15 discretion, the environmental attributes may be sold,  
16 accumulated, retired or transferred to subscribers or to a  
17 qualifying utility. A qualifying utility may develop, and file  
18 with the commission, a standard offer to purchase renewable  
19 energy credits from community solar facilities to help meet the  
20 state's renewable portfolio standard.

21 SECTION 5. [NEW MATERIAL] COMMUNITY SOLAR FACILITY--  
22 LOCATION LIMITATIONS.--

23 A. An entity, affiliated entity or entities under  
24 common control shall not develop, own or operate more than one  
25 community solar facility on the same parcel of land or on

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1 contiguous parcels of land.

2 B. Community solar facilities that are not  
3 developed, owned or operated by the same entity, an affiliated  
4 entity or entities under common control may be located on the  
5 same parcel of land or on contiguous parcels of land.

6 C. This section does not apply to community solar  
7 facilities located on the lands of Indian nations, tribes or  
8 pueblos serving exclusively subscribers on those lands.

9 SECTION 6. [NEW MATERIAL] COMMUNITY SOLAR PROGRAM--  
10 COMMISSION RULEMAKING.--

11 A. By November 1, 2020, the commission shall adopt  
12 rules establishing a community solar program to provide  
13 customers of a qualifying utility with the voluntary option of  
14 accessing solar energy produced by a community solar facility  
15 through a subscription process in accordance with the Community  
16 Solar Act. This shall include an initial phased-in program of  
17 limited scale with the transition to a permanent program by  
18 December 31, 2023 based on the submission of the energy,  
19 minerals and natural resources department's final program  
20 evaluation and recommendations. The rules shall:

21 (1) detail the tariffs, agreements or forms  
22 required to be filed by a qualifying utility;

23 (2) set a date certain for the implementation  
24 of the community solar program in the qualifying utility's  
25 service territory;

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1 (3) establish capacity caps for the  
2 procurement of electricity from community solar facilities by  
3 qualifying utilities; provided that native community solar  
4 projects and community solar facilities within the territory of  
5 a rural electric distribution cooperative shall not be included  
6 in the annual capacity caps. The commission shall establish:

7 (a) an initial statewide capacity cap of  
8 two hundred megawatts alternating current of community solar  
9 facility capacity through December 31, 2023, allocated  
10 proportionately by retail sales for each investor-owned  
11 electric public utility and up to an additional ten megawatts  
12 alternating current for each qualifying utility that is not an  
13 investor-owned electric public utility, with each qualifying  
14 utility required to reserve thirty percent of the initial  
15 capacity cap for low-income projects; and

16 (b) following the community solar  
17 program review and evaluation recommendations pursuant to  
18 Section 11 of the Community Solar Act, a statewide annual  
19 capacity cap for the number of megawatts of community solar  
20 capacity in each year after December 31, 2023;

21 (4) establish reasonable, uniform, efficient  
22 and non-discriminatory standards, fees and processes for the  
23 interconnection of community solar facilities that allow a  
24 qualifying utility to recover reasonable interconnection costs  
25 for each community solar facility;

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1 (5) establish demonstrable and verifiable  
2 project development milestones in order for subscriber  
3 organizations to submit projects to participate in the  
4 community solar program;

5 (6) allow a qualifying utility to recover  
6 reasonable costs of administering the community solar program;

7 (7) encourage robust development of community  
8 solar facilities and community solar program access for all  
9 customer classes;

10 (8) provide consumer protections for  
11 subscribers, including a uniform disclosure form that  
12 identifies the information that shall be provided by a  
13 subscriber organization to a potential subscriber, in both  
14 English and Spanish, and when appropriate, native or indigenous  
15 languages, to ensure fair disclosure of future costs and  
16 benefits of subscriptions, key contract terms and other  
17 relevant but reasonable information pertaining to the  
18 subscription;

19 (9) include a list of approved low-income  
20 services or nonprofit service providers that may pre-qualify  
21 individuals or families as low-income customers;

22 (10) establish criteria to qualify an  
23 affordable housing provider for participation in a low-income  
24 project, including consideration of whether the affordable  
25 housing provider passes specific, identifiable and quantifiable

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1 long-term benefits of participation in a community solar  
2 facility to its tenants or residents;

3 (11) provide a process for the commission to  
4 receive and publish on its website information on community  
5 solar facilities that are seeking subscribers and any  
6 additional relevant information about the community solar  
7 program; and

8 (12) ensure investor-owned electric public  
9 utilities do not unfairly limit community solar project  
10 development and interconnection by subscriber organizations.

11 B. Within one hundred eighty days of the  
12 publication of the commission's final rules, qualifying  
13 utilities shall begin crediting subscriber accounts.

14 SECTION 7. [NEW MATERIAL] QUALIFYING UTILITY--FILING  
15 REQUIREMENTS--REPORT.--

16 A. A qualifying utility shall file with the  
17 commission any tariffs, agreements or forms necessary for the  
18 implementation of the community solar program in its service  
19 territory as prescribed by the commission.

20 B. A qualifying utility shall not remove a customer  
21 from the customer's otherwise applicable customer class as a  
22 consequence of the customer subscribing to a community solar  
23 facility.

24 C. On an annual basis, commencing no later than two  
25 years after the commission's adoption of rules creating the

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1 community solar program, a qualifying utility shall submit to  
2 the commission, and make publicly available, a status report on  
3 the qualifying utility's implementation of the community solar  
4 program. The report shall include:

5 (1) the total number of participating  
6 customers by customer class;

7 (2) the total number of community solar  
8 facilities, low-income projects and native community solar  
9 projects and associated project capacity, reported in  
10 alternating current;

11 (3) the number of participating low-income  
12 customers, affordable housing providers, low-income service  
13 organizations and Indian nations, tribes and pueblos and their  
14 entities and tribal members;

15 (4) the total program capacity subscribed by  
16 low-income customers, affordable housing providers, low-income  
17 service organizations and Indian nations, tribes and pueblos  
18 and their entities and tribal members;

19 (5) the number of co-located energy storage  
20 projects;

21 (6) the average number of days between  
22 interconnection of a community solar facility and the date on  
23 which subscribers start to receive bill credits; and

24 (7) interconnection costs paid by subscriber  
25 organizations.

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1           SECTION 8.   [NEW MATERIAL] COMMISSION REGULATION--  
2 SUBSCRIBER ORGANIZATIONS--SUBSCRIBERS--SUBSCRIPTION RATES.--

3           A.   Subscriber organizations, or the subscribers to  
4 a community solar facility, shall not be considered public  
5 utilities subject to regulation by the commission under the  
6 Public Utility Act solely as a result of their ownership  
7 interest in, operation of or subscription to a community solar  
8 facility.

9           B.   Rates paid for subscriptions shall not be  
10 subject to regulation by the commission.

11           SECTION 9.   [NEW MATERIAL] RURAL ELECTRIC DISTRIBUTION  
12 COOPERATIVES--EXEMPTION.--A rural electric distribution

13 cooperative may request an exemption from the requirements of  
14 the Community Solar Act for a period of three years by  
15 submitting a waiver request to the commission if the rural  
16 electric distribution cooperative:

17           A.   is limited in its ability to participate in the  
18 community solar program because of the amount of generation on  
19 its system and the rural electric distribution cooperative's  
20 generation provider; and

21           B.   provides a justification of the reasons it  
22 cannot accommodate community solar facilities and proposes when  
23 it will be able to accommodate community solar facilities and  
24 participate in the community solar program.

25           SECTION 10.   [NEW MATERIAL] UTILITY LOADS AND RESOURCE

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1 TABLES--INTEGRATED RESOURCE PLANS.--A qualifying utility shall:

2 A. include community solar facilities pursuant to  
3 the Community Solar Act in its loads and resources tables,  
4 integrated resource planning processes and integrated resource  
5 plans; and

6 B. notify the commission and participants in the  
7 commission's public advisory process, in accordance with the  
8 commission's applicable integrated resource plan rules, of the  
9 development of community solar facilities pursuant to the  
10 Community Solar Act that would have the effect of changing the  
11 results of the utility's most recent integrated resource plan  
12 filed with the commission.

13 SECTION 11. [NEW MATERIAL] ENERGY, MINERALS AND NATURAL  
14 RESOURCES DEPARTMENT--COMMUNITY SOLAR PROGRAM MANAGEMENT AND  
15 REVIEW.--

16 A. Three years after the commission adopts rules  
17 pursuant to Section 6 of the Community Solar Act, the energy,  
18 minerals and natural resources department shall review the  
19 implementation of the community solar program.

20 B. The energy, minerals and natural resources  
21 department shall determine the effectiveness of the  
22 commission's rules and the community solar program. In  
23 measuring the effectiveness of the community solar program, the  
24 department shall:

25 (1) consider:

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1 (a) information submitted as part of a  
2 qualifying utility's annual status report;

3 (b) the effectiveness of existing  
4 mechanisms to support the participation by a diversity of  
5 subscriber types, especially low-income subscribers;

6 (c) the effectiveness of existing  
7 mechanisms to support successful creation, financing and  
8 accessibility of community solar facilities in a way that  
9 encourages robust consumer participation and a sustainable  
10 market-based community solar program;

11 (d) siting, implementation and  
12 interconnection challenges;

13 (e) performance of utility-owned  
14 community solar projects;

15 (f) the effectiveness and ability for  
16 community solar facilities to meet the renewable portfolio  
17 standard;

18 (g) the geographic diversity of projects  
19 across both urban and rural areas; and

20 (h) consumer protection measures, to be  
21 assessed in consultation with the consumer and environmental  
22 protection division of the office of the attorney general;

23 (2) make the details of the program evaluation  
24 public and use an inclusive and transparent process to solicit  
25 feedback, including in-person meetings with groups that may not

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1 have the ability to participate in a formal process and a  
2 process for interested persons to submit public comments to the  
3 department; and

4 (3) no later than December 31, 2023, submit a  
5 comprehensive evaluation report, including findings of the  
6 program's effectiveness and stakeholder feedback, to the  
7 commission and the appropriate interim legislative committee.  
8 The report shall contain recommendations for program  
9 continuation as-is or adjustment through commission rulemaking,  
10 including recommendations for:

11 (a) an appropriate annual statewide  
12 capacity cap after December 31, 2023;

13 (b) the percentage of annual statewide  
14 capacity allocated to low-income projects after December 31,  
15 2023;

16 (c) continued participation of investor-  
17 owned electric public utilities as subscriber organizations  
18 and, if appropriate, the percentage of annual statewide  
19 capacity allocated to community solar projects owned by  
20 investor-owned electric public utilities after December 31,  
21 2023;

22 (d) mechanisms or program rule changes  
23 to facilitate the participation by a diversity of subscriber  
24 types and eliminate barriers to participation;

25 (e) mechanisms or program rule changes

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1 to facilitate the development of low-income projects and native  
2 community solar projects;

3 (f) mechanisms and program rule changes  
4 to facilitate the geographic diversity of projects across both  
5 urban and rural areas; and

6 (g) mechanisms to support the successful  
7 creation, financing and accessibility of community solar  
8 facilities in a way that encourages robust consumer  
9 participation and a sustainable market-based community solar  
10 program.

11 C. Within one hundred eighty days of receiving the  
12 energy, minerals and natural resources department's report, the  
13 commission shall propose adjustments to its rules to address  
14 recommendations made by the department.

15 SECTION 12. [NEW MATERIAL] COMMUNITY SOLAR ASSISTANCE  
16 FUND--CREATED.--

17 A. The "community solar assistance fund" is created  
18 in the state treasury. The fund consists of appropriations,  
19 gifts, grants and donations. Money in the fund at the end of a  
20 fiscal year shall not revert to any other fund. The energy,  
21 minerals and natural resources department shall administer the  
22 fund, and money in the fund is appropriated to the energy,  
23 minerals and natural resources department to facilitate low-  
24 income customer subscriptions to community solar facilities as  
25 provided in this section. Disbursements from the fund shall be

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1 made by warrant of the secretary of finance and administration  
2 pursuant to vouchers signed by the secretary of energy,  
3 minerals and natural resources or the secretary's designee.

4 B. In order to meet the requirements for low-income  
5 projects, subscriber organizations may apply to the community  
6 solar assistance fund with a proposal to use money from the  
7 fund to reduce participation barriers and increase financial  
8 benefits for low-income customers.

9 C. The energy, minerals and natural resources  
10 department shall create a stakeholder process with electric  
11 utilities, low-income and environmental justice stakeholders,  
12 appropriate state agencies, potential subscriber organizations  
13 and other interested persons to:

14 (1) identify financing options, financial  
15 incentives, education and outreach programs, workforce  
16 development and community engagement strategies to meet  
17 program participation goals for low-income customers, low-  
18 income service organizations and low-income affordable housing  
19 providers through the community solar assistance fund; and

20 (2) establish processes for the award of the  
21 community solar assistance funds to the subscriber  
22 organizations of low-income projects.

23 D. The energy, minerals and natural resources  
24 department may prioritize applications for projects that:

25 (1) serve Indian nations, tribes and pueblos

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1 and their entities and tribal members, including projects sited  
2 in partnership with or otherwise controlled by Indian nations,  
3 tribes or pueblos or demonstrably benefiting Indian nations,  
4 tribes or pueblos;

5 (2) are sited in or provide direct benefits to  
6 environmental justice communities as long as these communities  
7 are meaningfully involved in the decision-making process;

8 (3) maximize savings for low-income customers;

9 (4) are owned and operated by nonprofit or  
10 community-based organizations;

11 (5) involve nonprofit or community-based  
12 organizations to facilitate subscriber enrollment, education  
13 and management;

14 (6) provide subscription terms favorable to  
15 subscribers, for example, minimum contract lengths, no up-front  
16 fees or no termination fees;

17 (7) incorporate job training and workforce  
18 development; and

19 (8) meet program goals for low-income  
20 customers, low-income service organizations and affordable  
21 housing participation.

22 SECTION 13. Section 62-17-10 NMSA 1978 (being Laws 2005,  
23 Chapter 341, Section 10) is amended to read:

24 "62-17-10. INTEGRATED RESOURCE PLANNING.--Pursuant to the  
25 commission's rulemaking authority, public utilities supplying

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1 electric or natural gas service to customers shall periodically  
2 file an integrated resource plan with the commission. Utility  
3 integrated resource plans shall evaluate renewable energy,  
4 energy efficiency, load management, distributed generation,  
5 community solar facilities and conventional supply-side  
6 resources on a consistent and comparable basis and take into  
7 consideration risk and uncertainty of fuel supply, price  
8 volatility and costs of anticipated environmental regulations  
9 in order to identify the most cost-effective portfolio of  
10 resources to supply the energy needs of customers. The  
11 preparation of resource plans shall incorporate a public  
12 advisory process. Nothing in this section shall prohibit  
13 public utilities from implementing cost-effective energy  
14 efficiency and load management programs and the commission from  
15 approving public utility expenditures on energy efficiency  
16 programs and load management programs prior to the commission  
17 establishing rules and guidelines for integrated resource  
18 planning. The commission may exempt public utilities with  
19 fewer than five thousand customers and distribution-only public  
20 utilities from the requirements of this section. The  
21 commission shall take into account a public utility's resource  
22 planning requirements in other states and shall authorize  
23 utilities that operate in multiple states to implement plans  
24 that coordinate the applicable state resource planning  
25 requirements. The requirements of this section shall take

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1 effect one year following the commission's adoption of rules  
2 implementing the provisions of this section."

3 SECTION 14. APPROPRIATIONS.--

4 A. Ten million dollars (\$10,000,000) is  
5 appropriated from the general fund to the community solar  
6 assistance fund for expenditure in fiscal year 2021 and  
7 subsequent fiscal years for the energy, minerals and natural  
8 resources department to carry out the purposes of the community  
9 solar assistance fund, including development and administration  
10 of the community solar program, facilitation of necessary  
11 stakeholder processes and funding of low-income subsidization.  
12 Any unexpended or unencumbered balance remaining at the end of  
13 a fiscal year shall not revert to the general fund.

14 B. One hundred thousand dollars (\$100,000) is  
15 appropriated from the general fund to the public regulation  
16 commission for expenditure in fiscal year 2021 for the public  
17 regulation commission to hire a full-time employee to assist  
18 the commission in implementing the Community Solar Act. Any  
19 unexpended or unencumbered balance remaining at the end of  
20 fiscal year 2021 shall revert to the general fund.