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SENATE BILL

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

INTRODUCED BY

FOR THE RADIOACTIVE AND HAZARDOUS MATERIALS COMMITTEE
AND THE SCIENCE, TECHNOLOGY AND TELECOMMUNICATIONS COMMITTEE

AN ACT

RELATING TO UTILITIES; ENACTING A NEW SECTION OF THE PUBLIC
UTILITY ACT TO PROVIDE FOR A PUBLIC UTILITY, INCLUDING A
GENERATION AND TRANSMISSION COOPERATIVE, TO HAVE FIRST RIGHT TO
CONSTRUCT, OWN AND MAINTAIN CERTAIN TRANSMISSION FACILITIES
APPROVED FOR CONSTRUCTION BY A FEDERALLY REGISTERED REGIONAL
TRANSMISSION PLANNING AUTHORITY.

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.--

A. An electric transmission line that has been
approved for construction by a federally registered regional
transmission planning authority shall be built by the public

1 utility that the transmission line is interconnecting with if
2 that public utility is willing and able to construct, own and
3 maintain the approved transmission line. If the transmission
4 line has been approved for construction by a federally
5 registered regional transmission planning authority, the public
6 utility, in its sole discretion, may give notice to the
7 commission, in writing, within one hundred twenty days of
8 approval by the federally registered regional transmission
9 planning authority, of its intent to construct, own and
10 maintain the approved transmission line. If no notice is
11 provided within the one-hundred-twenty-day period, the public
12 utility shall surrender its first right to construct, own and
13 maintain the approved transmission line.

14 B. As used in this section:

15 (1) "electric transmission line" means an
16 electric transmission line and associated facilities designed
17 for or capable of operations at a nominal voltage of one
18 hundred fifteen kilovolts or more that will interconnect with
19 transmission lines owned or operated by a public utility; and

20 (2) "public utility" has the meaning defined
21 in Subsection G of Section 62-3-3 NMSA 1978 and, for the
22 purposes of this section, includes a generation and
23 transmission cooperative as defined in Subsection E of Section
24 62-6-4 NMSA 1978."