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SENATE BILL 245

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

INTRODUCED BY

Stephen H. Fischmann

AN ACT

RELATING TO UTILITIES; AMENDING A SECTION OF THE EFFICIENT USE OF ENERGY ACT TO PROVIDE FOR COORDINATION AND INTEGRATION OF UTILITY PLANNING AND IMPLEMENTATION.

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

**SECTION 1.** Section 62-17-10 NMSA 1978 (being Laws 2005, Chapter 341, Section 10) is amended to read:

"62-17-10. INTEGRATED RESOURCE PLANNING.--Pursuant to the commission's rulemaking authority, public utilities supplying electric or natural gas service to customers shall periodically file an integrated resource plan with the commission. Utility integrated resource plans shall evaluate renewable energy, energy efficiency, load management, distributed generation and conventional supply-side resources on a consistent and comparable basis and take into consideration risk and

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1 uncertainty of fuel supply, price volatility and costs of  
2 anticipated environmental regulations in order to identify the  
3 most cost-effective portfolio of resources to supply the energy  
4 needs of customers. The preparation of resource plans shall  
5 incorporate a public advisory process. [~~Nothing in this~~  
6 ~~section~~] A resource plan shall [prohibit] not exclude public  
7 utilities from implementing cost-effective energy efficiency  
8 and load management programs and the commission from approving  
9 public utility expenditures on energy efficiency programs and  
10 load management programs [~~prior to the commission establishing~~  
11 ~~rules and guidelines for integrated resource planning~~]. The  
12 commission may exempt public utilities with fewer than five  
13 thousand customers and distribution-only public utilities from  
14 the requirements of this section. The commission shall take  
15 into account a public utility's resource planning requirements  
16 in other states and shall authorize utilities that operate in  
17 multiple states to implement plans that coordinate the  
18 applicable state resource planning requirements. [~~The~~  
19 ~~requirements of this section shall take effect one year~~  
20 ~~following the commission's adoption of rules implementing the~~  
21 ~~provisions of this section.~~] In adopting rules and acting on  
22 cases before it, the commission shall take into account a  
23 public utility's need for compliance with provisions of the  
24 Public Utility Act, the Renewable Energy Act and the Efficient  
25 Use of Energy Act, shall approve resource planning requirements

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1 and shall authorize utilities to implement plans that  
2 coordinate and integrate provisions for compliance with those  
3 acts. The commission shall ensure that an efficiency plan or  
4 renewable portfolio plan approved by the commission is  
5 incorporated into the utility's integrated resource plan."

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