

A MEMORIAL

REQUESTING THE PUBLIC REGULATION COMMISSION TO REPORT ON THE ALLOCATION AND RECOVERY OF ACCESS FEES, CHARGES AND TRESPASS FINES PAID BY THE ELECTRIC DISTRIBUTION COOPERATIVES TO ANY NATIVE AMERICAN GOVERNMENTAL ENTITY AND TO INCREASE AWARENESS OF RECENT DEVELOPMENTS IN NATIVE AMERICAN ACCESS AGREEMENTS AFFECTING THE COOPERATIVES' ABILITY TO PROVIDE ELECTRICITY AT THE LOWEST FEASIBLE COST.

WHEREAS, New Mexico's electric distribution cooperatives are the primary source of electric power for rural communities throughout the state, many of which are economically depressed; and

WHEREAS, the cost of monthly utility bills has increased steadily over the years and has become increasingly difficult for many customers to afford during difficult economic circumstances; and

WHEREAS, the electric distribution cooperatives are not-for-profit entities owned and operated by its members; and

WHEREAS, the primary obligation that electric cooperatives owe their members is to provide reliable service at the lowest feasible cost; and

WHEREAS, many governmental entities, including Indian nations, tribes and pueblos, require the electric distribution cooperatives to pay fees, other charges and trespass fines for

access to power lines and other related utility facilities to, over and across lands subject to the jurisdiction of these governmental entities; and

WHEREAS, these access fees, charges and trespass fines impose burdensome costs passed directly on to all members, including those on fixed incomes, including Native Americans; and

WHEREAS, the failure to pay the fees, charges and fines imposed by governmental entities for access to, over and across lands within the jurisdiction of the governmental entity imposing such fee, charge or fine will result in the electric distribution cooperative being subject to penalties that must be recovered from members; and

WHEREAS, the public regulation commission has jurisdiction over the rates charged by the electric distribution cooperatives and must determine fair, just and reasonable rates to all consumers; and

WHEREAS, many members have complained to the public regulation commission about the fairness of having to pay rates that include access fees, charges and trespass fines imposed by governmental entities, notably Indian nations, tribes and pueblos; and

WHEREAS, the Indian nations, tribes and pueblos are separate sovereign entities authorized under federal law to impose access fees, charges and trespass fines without limit

for certain types of utility facilities;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the public regulation commission be requested to maintain policies consistent with a fair and reasonable methodology for the allocation of access fees, charges and trespass fines paid by the electric distribution cooperatives to any governmental entity, including Indian nations, tribes and pueblos; and

BE IT FURTHER RESOLVED that the public regulation commission be requested to report to the appropriate committee appointed by the legislative council and to the congressional delegation on its policies relating to the recovery and the allocation of Native American access costs by electric distribution cooperatives and whether any changes in law are recommended to protect the electric cooperatives' obligation to provide adequate service at the lowest feasible cost; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the public regulation commissioners and to the New Mexico congressional delegation.