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SENATE BILL 175

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

INTRODUCED BY

Carroll H. Leavell

AN ACT

RELATING TO UTILITIES; ENACTING A NEW SECTION OF THE PUBLIC UTILITY ACT TO PROVIDE FOR A PUBLIC UTILITY OR A GENERATION AND TRANSMISSION COOPERATIVE TO HAVE FIRST RIGHT TO CONSTRUCT, OWN AND MAINTAIN CERTAIN TRANSMISSION FACILITIES IN A REGIONAL TRANSMISSION PLAN.

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 OR GENERATION AND TRANSMISSION COOPERATIVE.--

A. An electric transmission facility that has been identified as being eligible for cost allocation through an approved regional planning process or has been approved for construction by a regional transmission planning authority

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1 shall be built by the public utility or generation and  
2 transmission cooperative that the transmission facility is  
3 interconnecting with if that public utility or generation and  
4 transmission cooperative elects to construct, own and maintain  
5 the approved transmission facility. If a segment of such  
6 electric transmission facility is to interconnect with two or  
7 more public utilities or generation and transmission  
8 cooperatives, the interconnecting public utilities or  
9 generation and transmission cooperatives shall determine who  
10 shall build, own and maintain such segment of the transmission  
11 facility or portions of the segment, and if no such  
12 determination can be made, then each public utility or  
13 generation and transmission cooperative shall build, own and  
14 maintain its respective interconnection facilities and its  
15 equal share of the segment. The public utility or generation  
16 and transmission cooperative shall give notice to the  
17 commission, in writing, within sixty days of informing the  
18 regional transmission planning authority that it exercises its  
19 right under this section to construct, own and maintain the  
20 approved transmission facility.

21 B. As used in this section:

22 (1) "electric transmission facility" and  
23 "transmission facility" mean an electric transmission line and  
24 associated facilities designed for or capable of operations at  
25 a nominal voltage of sixty-nine kilovolts or more that will

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1 interconnect with transmission facilities owned or operated by  
2 a public utility or a generation and transmission cooperative;

3 (2) "generation and transmission cooperative"  
4 has the meaning defined in Subsection E of Section 62-6-4 NMSA  
5 1978;

6 (3) "public utility" has the meaning defined  
7 in Subsection G of Section 62-3-3 NMSA 1978; and

8 (4) "regional transmission planning authority"  
9 means a regional transmission organization, or independent  
10 system operator, with federally registered regional  
11 transmission planning authority, or an entity with similar  
12 function that produces a federally accepted regional  
13 transmission plan."