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HOUSE BILL 73

53RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2018

INTRODUCED BY

Paul C. Bandy

AN ACT

RELATING TO PUBLIC UTILITIES; REQUIRING THE PUBLIC REGULATION
COMMISSION TO CONSIDER ECONOMIC IMPACTS IN DECIDING TO APPROVE
THE ABANDONMENT OF A PUBLIC UTILITY FACILITY.

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

SECTION 1. Section 62-9-5 NMSA 1978 (being Laws 1941,
Chapter 84, Section 48, as amended) is amended to read:

"62-9-5. ABANDONMENT OF SERVICE.--No utility shall
abandon all or any portion of its facilities subject to the
jurisdiction of the commission, or any service rendered by
means of such facilities, without first obtaining the
permission and approval of the commission. The commission
shall grant such permission and approval, after notice and
hearing, upon finding that the continuation of service is
unwarranted or that the present and future public convenience

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1 and necessity do not otherwise require the continuation of the
2 service or use of the facility; provided, however, that
3 ordinary discontinuance of service or use of facilities for
4 nonpayment of charges, nonuser or other reasons in the usual
5 course of business shall not be considered as abandonment. In
6 considering the present and future public convenience and
7 necessity, the commission shall specifically consider the
8 impact of the proposed abandonment of service on all consumers
9 served in this state, directly or indirectly, by the facilities
10 sought to be abandoned and the economic impact on New Mexico's
11 energy-producing communities from the proposed abandonment of
12 the facilities. Applications for abandonment shall include an
13 evidence-based economic impact analysis of the proposed
14 abandonment and an implementation plan to address the economic
15 impact on affected energy-producing communities."

16 - 2 -