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## FISCAL IMPACT REPORT

Rubio/ Woods/  
Louis/Anderson/  
**SPONSOR** Garratt **ORIGINAL DATE** 2/20/19  
**LAST UPDATED** \_\_\_\_\_ **HB** 521  
**SHORT TITLE** PRC Application for Vehicle Electricity **SB** \_\_\_\_\_  
**ANALYST** Martinez

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		
NFI	NFI	NFI	NFI

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates Senate Conservation Committee Substitute for SB 336.

Relates to SB 195.

### SOURCES OF INFORMATION

LFC Files

Responses Received From  
Public Regulation Commission (PRC)

### SUMMARY

#### Synopsis of Bill

House Bill 521 introduces a new section of the Public Utility Act (PUA) and amends Section 62-3-4 of the PUA.

The new section of the PUA provides for public utilities to file an application with the Public Regulation Commission (PRC) no later than January 1, 2021 and subsequently, on request by the commission, no more frequently than every two years, for approval of a plan to expand transportation electrification.

Each utility's plan may address investments, incentives, programs, rate designs, and expenditures in support of the electrification of transportation. Such support would include the deployment of charging infrastructure and associated electrical equipment, customer education, and outreach.

The commission is to consider a number of factors in its review of the plan, including (1) the potential improvement of the public utility’s electrical system efficiency, the integration of variable resources, operational flexibility and system utilization during off-peak hours, (2) increased access to use of electricity as a transportation fuel generally and by low-income users in underserved communities specifically, (3) the contribution to any reduction in pollution or greenhouse gases, (4) reasonably expected increases in consumer choices in electric vehicle charging and related infrastructure and services as well as private capital investments, skilled jobs, and customer information and education, (5) reasonableness and prudence, and (6) transparency including public reporting requirements. This section of the bill also provides for public utilities with approved plans to expand transportation electrification to seek recovery of the plan’s reasonable costs through a tariff rider or through base rates or both. These provisions do not apply to rural electric distribution cooperatives.

The amendment of Section 62-3-4 of the PUA expands the exceptions to what is considered a “public utility” by adding that any person engaged in the retail distribution of electricity specifically for vehicular fuel would not be a public utility as used in the PUA.

### **FISCAL IMPLICATIONS**

HB521 carries no appropriation and will not have an impact on PRC’s operating budget.

### **SIGNIFICANT ISSUES**

The Public Regulation Commission provided the following:

Public utilities are regulated monopolies which have been granted the exclusive right to serve the customers in their respective service territories with their electricity needs and they are obligated to serve their customers’ needs. In return, public utilities are subject to the regulatory oversight of the PRC. Public utilities are continuously adapting their resources to evolving customer needs and the Commission has the authority to approve rates that give the utilities the opportunity to recover the costs incurred to serve its evolving customer base and to earn a reasonable return on its investment for these purposes.

HB521 requires public utilities to develop a plan to meet a specifically identified need, that of transportation electrification. The Commission’s review of the plan developed by the utilities would include elements that are generally beyond the Commission’s existing authority, such as increasing the use of electricity generally, and by low-income users specifically, along with contributing to reductions in pollution and greenhouse gases. Public utilities are already incentivized to meet growing electricity needs with reasonable shareholder returns on the prudent capital investments necessary to meet such growing electricity demand. The mandate in this bill to support a specific segment of the electricity market differs markedly from other existing statutory mandates such as renewable portfolio standards or energy efficiency in that the existing mandates do not seek to favor or support certain customers or market segments.

Longstanding regulatory practice in New Mexico provides for the utility’s overall cost of service to be allocated among customer classes so that each class pays for the cost it causes the utility to incur for serving that class. HB521 could be reasonably be

interpreted to mean that the electrified transportation class, to the extent it will exist, would be entitled to additional considerations regarding cost recovery or through promotion of increase usage, access by low-income users, support for infrastructure and services, the provision of customer information and education, thus possibly shifting those costs to other customer classes.

Another issue is that “public utilities” as used in the PUA refers to electric, gas or water utilities. In this bill which address electrification, it would be helpful to specifically refer to electric public utilities.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

This bill is a duplicate of the Senate Conservation Committee Substitute for SB336.

This bill is related to SB195.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The Public Regulation Commission provided the following:

Public Utilities will continue to have the opportunity and the obligation to provide electric service to the electrified transportation market and to seek recovery of the prudent and reasonable costs of providing such service pursuant to the PUA. With respect to the promotion of increased use of electricity for transportation, New Mexico’s Energy, Minerals, and Natural Resources Department acts as the State’s Energy Office and it appears to be promoting cleaner modes of transportation.

JM/gb/al