

State of New Mexico
Senate

FIFTY-SEVENTH LEGISLATURE
FIRST SESSION

March 20, 2025

SENATE FLOOR AMENDMENT number _____ to HOUSE GOVERNMENT, ELECTIONS
AND INDIAN AFFAIRS
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 93, as amended

Amendment sponsored by Senator

1. On page 1, line 18, before the period, insert "; PERMITTING THE GENERATION AND DISTRIBUTION OF SELF-SOURCED POWER".

2. On page 15, between lines 12 and 13, insert:

"SECTION 6. A new section of Chapter 62 NMSA 1978 is enacted to read:

"[NEW MATERIAL] SELF-SOURCED POWER GENERATION.--

A. Persons located within the state may receive electricity service using a qualified microgrid that may also deliver electricity to equipment, lines and facilities operated by an electric public utility; provided that the person and the electric public utility enter into an electric service agreement.

B. This section authorizes an electric public utility, subject to approval by the public regulation commission, to acquire self-source generation resources or energy and dedicate those resources or energy to retail services, wholesale services or self-generation services, or any combination of those services, and rates established for those services shall take into account the public interest and need, reliability and affordability. The public regulation commission shall not approve an acquisition pursuant to this section from a facility that does not qualify as a self-source generation resource.

C. Energy generated and sold from a self-source generation

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resource that is owned in whole or in part by a qualified microgrid shall not be considered retail sales or energy as contemplated under Sections 62-15-34, 62-16-4 and 62-18-10 NMSA 1978 until 2035, whether serving the qualified microgrid or purchased in whole or in part by the electric public utility to provide service. By 2045, all of the energy that a qualified microgrid generates and sells shall be from net-zero carbon resources. An operator of a qualified microgrid shall file reports as required by the public regulation commission, certifying the qualified microgrid's progress toward and compliance with the net-zero carbon resource standard.

D. A person who only provides self-source generation sales from a self-source generation resource to that person's employees or tenants, when the service or commodity is not resold to or used by others, shall not be considered an electric public utility.

E. As used in this section:

(1) "electric public utility" means an electric public utility certified by the public regulation commission to provide retail electric service in New Mexico pursuant to the Public Utility Act that is not also a distribution cooperative utility;

(2) "net-zero carbon resource" means an electricity generation resource that emits no carbon dioxide into the atmosphere, or that reduces methane emitted into the atmosphere in an amount equal to no less than one-tenth of the tons of carbon dioxide emitted into the atmosphere, as a result of electricity production;

(3) "qualified microgrid" means a permanent or temporary electrical system that:

(a) incorporates a microgrid controller;

(b) includes a self-source generation resource

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that is capable of generating not less than twenty megawatts; and

(c) is capable of operating independently and disconnected from the grid;

(4) "self-source generation resource" means a permanent or temporary electricity generating resource that is dedicated to primarily serving the persons connected either directly or indirectly through business affiliates to the construction and installation of a qualified microgrid; and

(5) "self-source generation sales" means sales of electricity to persons or utilities generated from a self-source generation resource."".

3. Renumber the succeeding section accordingly.

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____