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SENATE MEMORIAL 30

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

JOHN ARTHUR SMITH

A MEMORIAL

DECLARING THE INTENT OF THE SENATE REGARDING IMPLEMENTATION OF
RETAIL ELECTRIC COMPETITION.

WHEREAS, the legislature has been studying retail
electric competition since 1993 to determine if its
implementation in New Mexico is in the public interest; and

WHEREAS, in 1996 the legislature unanimously adopted
Senate Joint Memorial 42, which declared that retail electric
competition was not at that time in the public interest of the
state, but directed the New Mexico public utility commission
to study and monitor developments nationally and report back
to the legislature during the 1997 session; and

WHEREAS, the commission issued a report for the 1998
session that it believes that implementation of retail
electric competition is now in the public interest; and

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1 WHEREAS, the implementation of retail electric
2 competition requires the addressing of numerous interrelated
3 and complex issues that cannot be adequately resolved; and

4 WHEREAS, the commission is without the requisite
5 statutory authority to mandate retail electric competition;

6 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
7 OF NEW MEXICO that it be the declared intent of the senate to
8 address retail electric competition through legislation in the
9 1999 legislative session in a manner that is consistent with
10 the principles articulated in Senate Joint Memorial 42, passed
11 in 1996, with an effective date for customer choice no earlier
12 than January 1, 2001; and

13 BE IT FURTHER RESOLVED that the senate determine whether
14 retail electric competition should begin before the operation
15 of New Mexico transmission systems is transferred to an
16 independent system operator approved by the federal energy
17 regulatory commission and the system is operational; and

18 BE IT FURTHER RESOLVED that neither the New Mexico public
19 utility commission nor its successor agency as of January 1,
20 1999, the public regulation commission, take any steps in
21 furtherance of requiring retail electric competition until the
22 legislature provides the necessary statutory authority; and

23 BE IT FURTHER RESOLVED that a copy of this memorial be
24 transmitted to the New Mexico legislative council, the New
25 Mexico public utility commission and the public regulation

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commission when it commences operations.

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