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HOUSE BILL 263

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,  
2000**

INTRODUCED BY

Delores C. Wright

AN ACT

RELATING TO UTILITIES; AMENDING SECTION 62-9-1 NMSA 1978  
(BEING LAWS 1941, CHAPTER 84, SECTION 46, AS AMENDED) TO  
CLARIFY THE STATUS OF CERTAIN UTILITIES.

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

Section 1. Section 62-9-1 NMSA 1978 (being Laws 1941,  
Chapter 84, Section 46, as amended) is amended to read:

"62-9-1. NEW CONSTRUCTION.--

A. No public utility shall [~~after the effective  
date of this 1941 act~~] begin the construction or operation of  
any public utility plant or system or of any extension of any  
plant or system without first obtaining from the commission a  
certificate that public convenience and necessity require or  
will require such construction or operation. This section  
[~~shall~~] does not [~~be construed to~~] require [~~any such~~] a  
public utility to secure a certificate for an extension

.131550.1

underscored material = new  
[~~bracketed material~~] = delete

underscoring material = new  
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1 within any municipality or district within which it lawfully  
2 commenced operations before ~~[the effective date of this 1941~~  
3 ~~act]~~ June 13, 1941 or for an extension within or to territory  
4 already served by it, necessary in the ordinary course of its  
5 business, or for an extension into territory contiguous to  
6 that already occupied by it and that is not receiving similar  
7 service from another utility. ~~[Notwithstanding any other~~  
8 ~~provision of the Public Utility Act, as amended, or any~~  
9 ~~privilege granted under that act]~~ If any public utility or  
10 mutual domestic water consumer association in constructing or  
11 extending its line, plant or system unreasonably interferes  
12 or is about to unreasonably interfere with the service or  
13 system of any other public utility or mutual domestic water  
14 consumer association rendering the same type of service, the  
15 commission, on complaint of the public utility or mutual  
16 domestic water consumer association claiming to be  
17 injuriously affected, may, upon and pursuant to the  
18 applicable procedure provided in Chapter 62, Article 10 NMSA  
19 1978, and after giving due regard to public convenience and  
20 necessity, including  
21 ~~[but not limited to]~~ reasonable service agreements between  
22 the utilities, make ~~[such]~~ an order and prescribe ~~[such]~~ just  
23 and reasonable terms and conditions in harmony with the  
24 Public Utility Act ~~[as are just and reasonable so as]~~ to  
25 provide for the construction, development and extension,  
without unnecessary duplication and economic waste.

B. As used in this section, "mutual domestic water

underscoring material = new  
~~[bracketed material] = delete~~

1 consumer association" means an association created and  
2 organized pursuant to the provisions of:

3 (1) Laws 1947, Chapter 206; Laws 1949,  
4 Chapter 79; or Laws 1951, Chapter 52; or

5 (2) the Sanitary Projects Act."

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