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SENATE BILL 169

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Stuart Ingle

AN ACT

RELATING TO UTILITIES; ENACTING A NEW SECTION OF THE PUBLIC UTILITY ACT TO PROVIDE FOR A PUBLIC UTILITY OR A GENERATION AND TRANSMISSION COOPERATIVE TO HAVE FIRST RIGHT TO CONSTRUCT, OWN AND MAINTAIN CERTAIN TRANSMISSION FACILITIES IN A REGIONAL TRANSMISSION ORGANIZATION.

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

SECTION 1. A new section of the Public Utility Act is enacted to read:

"[NEW MATERIAL] FIRST RIGHT TO CONSTRUCT, OWN AND MAINTAIN CERTAIN TRANSMISSION FACILITIES BY PUBLIC UTILITIES AND GENERATION AND TRANSMISSION COOPERATIVES.--

A. A public utility or a generation and transmission cooperative shall have first right to construct, own and maintain an electric transmission facility that is

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1 eligible for regional cost allocation and has been approved for
2 construction by a regional transmission organization. The
3 approved electric transmission facility, however, shall not be
4 built until all required governmental approvals have been
5 obtained. If a segment of such electric transmission facility
6 is to interconnect with two or more public utilities or
7 generation and transmission cooperatives, the interconnecting
8 public utilities or generation and transmission cooperatives
9 shall determine who shall build, own and maintain such segment
10 of the transmission facility or portions of the segment. If,
11 however, no such determination is made, then each public
12 utility or generation and transmission cooperative shall build,
13 own and maintain its respective interconnection facilities and
14 its equal share of the segment. The public utility or the
15 generation and transmission cooperative shall give notice to
16 the commission in writing within sixty days of informing the
17 regional transmission organization that it exercises its right
18 under this section to construct, own and maintain the approved
19 transmission facility.

20 B. As used in this section:

21 (1) "electric transmission facility" and
22 "transmission facility" mean an electric transmission line and
23 associated facilities designed for or capable of operations at
24 a nominal voltage of sixty-nine kilovolts or more that will
25 interconnect with transmission facilities owned or operated by

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1 a public utility or a generation and transmission cooperative;

2 (2) "generation and transmission cooperative"
3 has the meaning defined in Subsection E of Section 62-6-4 NMSA
4 1978;

5 (3) "public utility" has the meaning defined
6 in Subsection G of Section 62-3-3 NMSA 1978; and

7 (4) "regional transmission organization" means
8 a regional transmission organization approved by the federal
9 energy regulatory commission."