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SENATE BILL 372

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

INTRODUCED BY

Michael Padilla and Rebecca Dow

AN ACT

RELATING TO UTILITIES; AMENDING A SECTION OF THE NMSA 1978 TO CLARIFY THE DUTIES OF THE UTILITY DIVISION OF THE PUBLIC REGULATION COMMISSION IN PENDING ADJUDICATIONS OR RULEMAKINGS.

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

SECTION 1. Section 8-8-12 NMSA 1978 (being Laws 1998, Chapter 108, Section 12, as amended) is amended to read:

"8-8-12. UTILITY DIVISION.--

A. The utility division shall serve as staff to the commission in the regulation of electric, natural gas, renewable energy sources, telecommunications and water and wastewater systems as provided by law.

B. The commission shall set minimum educational and experience requirements for the director of the utility division.

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

underscored material = new
[bracketed material] = delete

1 C. Except when the utility division is acting as
2 advisory staff to the commission, the utility division shall
3 represent the public interest in utility matters before the
4 commission and may present testimony and evidence and cross-
5 examine witnesses. In order to represent the public interest
6 in pending adjudications in which the utility division is a
7 party or pending rulemakings in which the utility division will
8 file comments, the utility division shall present to the
9 commission its beliefs on how the commission should, consistent
10 with commission policy and precedent then in effect, fulfill
11 its responsibility to balance the public interest, consumer
12 interest and investor interest.

13 D. The utility division shall perform the functions
14 of the telecommunications department of the former state
15 corporation commission and staff functions [~~not including~~
16 ~~advisory functions~~] of the former New Mexico public utility
17 commission. The utility division shall also serve as advisory
18 staff to the commission in all matters before the commission,
19 except pending adjudications in which the utility division is a
20 party and pending rulemakings, after the record has closed, in
21 which the utility division has filed comments. The utility
22 division shall serve as advisory staff in all pending
23 rulemakings before the record is closed. The commission shall
24 determine the pending adjudications in which the utility
25 division shall be a party and the pending rulemakings in which

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underscored material = new
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1 the utility division shall file comments.

2 E. Utility division staff shall not have ex parte
3 communications with commissioners or a hearing examiner
4 assigned to a utility case, except as expressly permitted
5 pursuant to Section 8-8-17 NMSA 1978."

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