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SENATE BILL

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

William P. Soules

AN ACT

RELATING TO RENEWABLE ENERGY; ELIMINATING A REQUIREMENT THAT A RENEWABLE ENERGY DISTRIBUTED GENERATION FACILITY BE SIZED TO SUPPLY NO MORE THAN ONE HUNDRED TWENTY PERCENT OF THE HOST'S AVERAGE ANNUAL ELECTRICITY CONSUMPTION.

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

SECTION 1. Section 62-13-13.1 NMSA 1978 (being Laws 2010, Chapter 102, Section 1 and Laws 2010, Chapter 103, Section 1) is amended to read:

"62-13-13.1. RENEWABLE ENERGY DISTRIBUTED GENERATION FACILITIES--OWNERS AND OPERATORS NOT PUBLIC UTILITIES.--

A. Notwithstanding any other provision of the Public Utility Act to the contrary, a person not otherwise a public utility shall not be deemed to be a public utility subject to the jurisdiction, control or regulation of the

.223556.1

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

1 commission and the provisions of the Public Utility Act solely
2 because the person owns or controls all or any part of any
3 renewable energy distributed generation facility that:

4 (1) is located on the host's site;

5 (2) produces electric energy used at the
6 host's site and sold to the host or the host's tenants or
7 employees located at the host's site; and

8 (3) shares a common point of connection with
9 the electric utility serving the area and the host or the
10 host's tenants and employees served by the renewable energy
11 distributed generation facility.

12 B. Nothing contained in this section shall be
13 interpreted to prohibit the sale of energy produced by the
14 renewable energy distributed generation facility to the
15 electric utility serving the area in which the renewable energy
16 distributed generation facility is located.

17 C. As used in this section:

18 (1) "host" means the customer of a public
19 utility who uses the electric energy produced by a renewable
20 energy distributed generation facility and occupies the site
21 upon which the renewable energy distributed generation facility
22 is located;

23 (2) "renewable energy distributed generation
24 facility" means a facility that produces electric energy by the
25 use of renewable energy ~~[and that is sized to supply no more~~

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

1 ~~than one hundred twenty percent of the average annual~~
2 ~~consumption of electricity by the host at the site of the~~
3 ~~renewable energy distributed generation facility in accordance~~
4 ~~with applicable interconnection rules]; and~~

5 (3) "site" means all the contiguous property
6 owned or leased by the host, without regard to interruptions in
7 contiguity caused by easements, public thoroughfares,
8 transportation rights of way or utility rights of way."

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