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HOUSE BILL 65

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

INTRODUCED BY

Bob Wooley

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 UTILITY AND GENERATION AND TRANSMISSION COOPERATIVE.--

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, each public utility or  
12 generation and transmission cooperative shall build, own and  
13 maintain its respective interconnection facilities and its  
14 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."

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