

**NOTICE OF PROPOSED RULEMAKING
DOCKET NO. 21-00128-UT**

The New Mexico Public Regulation Commission (the “commission”) hereby gives notice of its initiation of a proposed rulemaking to adopt a repealed and replaced rule, **17.7.3 NMAC, “Integrated Resource Plans for Electric Utilities.”**

Summary of the full text of the proposed rule and short explanation of its purpose: The commission intends to adopt a repealed and replaced 17.7.3 NMAC to update the integrated resource plan (“IRP”) rule to comply with the following laws that have been enacted and/or amended since the original IRP rule was promulgated in 2007: Public Utility Act, Section 62-3-1 *et seq.* NMSA 1978; the Efficient Use of Energy Act, Section 62-17-1 *et seq.* NMSA 1978; the Renewable Energy Act, Section 62-16-1 *et seq.* NMSA 1978; the Energy Transition Act, 62-18-1 *et seq.* NMSA 1978; and the Grid Modernization Act, Section 62-8-13 NMSA 1978; b) to set forth the commission’s requirements for the preparation, filing, review, and acceptance of integrated resource plans by public utilities supplying electric service in New Mexico in order to identify the most cost-effective portfolio of resources to supply the energy needs of customers; c) to better assist utilities in identifying the most cost-effective portfolio, by establishing fair, robust, competition procurement regulations to ensure selection of the most cost-effective portfolio of resource; d) to ensure that utilities, when proposing resources, prioritize those that best comply with the state’s requirements for reducing greenhouse gas emissions, fostering clean energy development, and grid modernization; e) to ensure that, in considering proposed resources, utilities shall properly prioritize distributed energy resources, demand response, energy efficiency, renewable energy, and flexible generation, including but not limited to low-emission fueled resources, energy storage systems, and transmission and distribution grid improvements; f) to improve transparency for regulators, intervenors, and the public in the planning and procurement process and g) to minimize hastily reviewed last minute regulatory decisions created by current deficiencies in commission planning and procurement processes.

Legal authority authorizing the proposed rule and the adoption of the rule: The commission has the authority to promulgate and adopt the proposed rule under the New Mexico Constitution, Article XI, Sec. 2, under the New Mexico Public Regulation Commission Act, Section 8-8-15 NMSA 1978; Paragraph 10 of Subsection B of 8-8-4 NMSA 1978; the Public Utility Act, Section 62-3-1 *et seq.* NMSA 1978; the Efficient Use of Energy Act, Section 62-17-1 *et seq.* NMSA 1978; the Renewable Energy Act, Section 62-16-1 *et seq.* NMSA 1978; the Energy Transition Act, 62-18-1 *et seq.* NMSA 1978; the Grid Modernization Act, Section 62-8-13 NMSA 1978; and the Community Solar Act, Sections 62-16B-1 and 62-16B-7 NMSA 1978.

How a copy of the full text of the proposed rule can be obtained: A copy of the full text of the proposed rule and instructions for accessing the complete rulemaking record can be obtained from the rulemaking page on the commission’s website at <https://www.nm-prc.org/rulemaking-proceedings/> or by calling Isaac Sullivan-Leshin of the commission’s office of general counsel at (505) 670-4830.

How a person can comment on the proposed rule, where comments will be received and when comments are due:

Any person wishing to comment on the proposed rule may do so by submitting written initial comments no later than **January 10, 2022**. Any person wishing to respond to initial comments may do so by submitting written response comments no later than **February 1, 2022**. Any person wishing to reply to response comments or comments made at the hearing may do so by submitting written reply comments no later than **March 22, 2022**. Comments can be electronically filed by sending them in PDF format to prc.records@state.nm.us. Comments must refer to Docket No. 21-00128-UT. All written comments will be posted on the commission’s website within three days of their receipt by the records bureau.

The record closure date for this proceeding is **April 12, 2022**. From that date through the completion of this proceeding, rulemaking participants will be forbidden from communicating with the commission or its representatives concerning substantive issues in this proceeding.

When and where a public rule hearing will be held and how a person can participate in the hearing: A public hearing on the proposed rule, to be presided over by the commission or its designee, will be held beginning at **1:00 p.m. on March 15, 2022**, via the Zoom online platform. Any person who wishes to make a comment at the hearing must contact Isaac Sullivan-Leshin at (505) 670-4830 or isaac.sullivan-leshin@state.nm.us by no later than **9:30 a.m. on March 15, 2022** to sign up as a hearing participant. The commission's office of general counsel will email a Zoom invitation to all hearing participants the day before the hearing. The Zoom invitation will include a call-in number for those participants who are unable to access the Zoom platform via computer. The hearing will be held in order to receive oral comments. Commenters who have not submitted written comments or responses and commenters who have submitted written comments or responses will be allowed to speak. In addition, any commenter may be limited to five minutes to speak, subject to the discretion of the commission or its designee. The commission or its designee may also determine that a spokesperson should be designated to speak on behalf of an organization, a group, or a group of individuals that shares the same message or seeks the same goals, in order to maximize the efficiency of the public comment hearing. No testimony or other evidence will be taken at the hearing as this is a rulemaking proceeding. A court reporter will prepare a transcript of the hearing for filing the rulemaking docket, Docket No. 21-00128-UT.

Any person with a disability requiring special assistance in order to participate in the hearing should contact Renada Peery-Galon at (505) 467-9116 at least 48 hours prior to the commencement of the hearing.

Technical information that served as a basis for the proposed rule and how the information can be obtained: None.