

NOTICE OF PROPOSED RULEMAKING
CASE NO. 20-00175-UT

In the matter of potential amendments to NMPRC rule 17.9.570 NMAC, entitled governing cogeneration and small power production.

The New Mexico Public Regulation Commission (the “commission”) gives notice of its initiation of a proposed rulemaking to amend or repeal and replace **17.9.570 NMAC**. The rules which may be adopted as the final rules in this proceeding may include all, part, or none of the language in the proposed rules issued by the commission. The commission may also consider alternative proposals for amending or replacing the current rules.

Concise statement of proposed rule: The proposed amendments to Sections 6, 9 and 11 of 17.9.570 NMAC, are proposed to be adopted for the purpose of to comply with FERC Order 872-A which effective December 30, 2020, revised the federal regulations implementing Public Utility Regulatory Policies Act of 1978 (“PURPA”) to add criteria for the establishment of a legally enforceable obligation and clarifying avoided costs.

Constitutional and statutory authority: New Mexico Constitution, Article XI, Section 2; the New Mexico Public Utility Act, Sections 62-3-1 et seq., NMSA 1978; and the Public Regulation Commission Act, Section 8-8-1 through 8-8-21 NMSA 1978, Paragraph (10) of Subsection B of Section 8-8-4 NMSA 1978.

A copy of the full text of the proposed rules may be obtained from the Rulemaking Proceedings section of the Commission’s website at <http://www.nmprc.state.nm.us> under Case No. 20-00175-UT or by calling Isaac Sullivan-Leshin in the Office of General Counsel at (505) 670-4830.

Written initial comments and written response comments shall be filed by the deadlines below. Currently, due to the COVID-19 pandemic and orders of the governor pertaining thereto, in-person filing of comments is not allowed. Comments can be filed in accordance with the commission’s emergency rule on electronic filing by emailing comments in PDF format to PRC.Records@state.nm.us or can be filed by mailing to the commission’s records bureau at P.O. Box 1269, Santa Fe, NM 87504-1269. For more information on how to file, please contact Melanie Sandoval, the commission’s records bureau chief at melanie.sandoval@state.nm.us or (505) 827-6968. Written initial comments shall be filed no later than **May 10, 2021**. Written response comments shall be filed no later than **May 24, 2021**. Comments shall refer to Case No. 20-00175-UT. All written comments will be posted on the commission’s website within three days of their receipt by the records bureau.

A public hearing will be held on **June 28, 2021** at 2:00 p.m. which shall be accomplished through zoom or another digital platform, see the NMPRC home webpage <http://www.nmprc.state.nm.us> for instructions to connect. The purpose of the hearing is to receive oral comments. Any individual who wants to provide oral comments shall be limited to five minutes to express those comments, subject to the Commission’s discretion. The Commission may also determine that a spokesperson 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.

The record of this case will close on June 30, 2021.

Interested persons should contact the Commission to confirm the date, time, and place of this public hearing because hearings are occasionally rescheduled. If you are an individual with a disability and you require assistance or an auxiliary aid (such as a sign language interpreter) to participate in any aspect of this process, please contact Jim Williamson at (505) 467-9116 at least 48 hours prior to the commencement of the hearing.