

**NOTICE OF PROPOSED RULEMAKING
DOCKET NO. 20-00158-UT**

The New Mexico Public Regulation Commission (the “Commission”) hereby gives notice of its initiation of a proposed rulemaking to amend rule **17.9.572 NMAC: “Renewable Energy for Electric Utilities.”**

Summary of the full text of the proposed rule and short explanation of its purpose: The Commission intends to amend Rule 17.9.572 NMAC to fix grammatical and technical errors that exist in the current rule language. In addition, the Commission proposes to clarify the term “average annual levelized cost” by providing a definition; address the issue relating to renewable energy certificates associated with renewable energy from the public utility’s New Mexico customers’ distributed energy resources that is produced and consumed by customers on-site and behind the meter; address an issue relating to the use of renewable energy rate riders for costs associated with complying with this Rule; and address issues relating to a public utility’s application for a financial or other incentive to produce or to acquire renewable energy.

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, the New Mexico Public Regulation Commission Act, NMSA 1978, Sections 8-8-15 (2001) and 8-8-4 (1998); the Public Utility Act, Section 62-31 et seq., including Section 62-6-4 (2003); and the Renewable Energy Act, NMSA 1978, Section 62-16-1 et seq.

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 Rules may do so by submitting written initial comments no later than **July 15, 2022**. Any person wishing to respond to initial comments may do so by submitting written response comments no later than **August 5, 2022**. Any person wishing to reply to response comments maybe do so by submitting written reply comments no later than **August 19, 2022**.

Comments can be electronically filed by sending them in PDF format to prc.records@state.nm.us. Comments must refer to Docket No. 20-00158-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 September 2, 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 Rules and any additional issues to be addressed in formal comment process, to be presided over by the Commission or its designee, shall be held beginning at **1:00 p.m. on August 11, 2022**. Any member of the public who wishes to make a comment at the hearing shall contact Isaac Sullivan-Leshin at (505) 670-4830 or isaac.sullivan-leshin@state.nm.us by no later than 5:00 p.m. on August 10, 2022, to sign up as a hearing participant. The Commission’s Office of General Counsel shall email a Zoom invitation to all hearing participants on August 11, 2022. The invitation shall include a call-in number for those participants who are unable to access the hearing 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. 20-00158-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.