

1 SENATE BILL 352

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Stuart Ingle

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10 AN ACT

11 RELATING TO UTILITIES; AMENDING A SECTION OF THE PUBLIC UTILITY
12 ACT TO PROVIDE FOR ECONOMIC DEVELOPMENT RATES WITHOUT A
13 CONDITION OF EXCESS CAPACITY.

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

16 SECTION 1. Section 62-6-26 NMSA 1978 (being Laws 1989,
17 Chapter 5, Section 1, as amended) is amended to read:

18 "62-6-26. ECONOMIC DEVELOPMENT RATES FOR GAS AND ELECTRIC
19 UTILITIES--AUTHORIZATION.--

20 A. The commission may approve or otherwise allow to
21 become effective, as provided in Subsection B of this section,
22 applications from utilities or persons subject to regulation
23 pursuant to Subsection B of Section 62-6-4 NMSA 1978 or filings
24 by cooperative utilities pursuant to Subsection F of Section
25 62-8-7 NMSA 1978, as appropriate, for special rates or tariffs

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

underscored material = new
[bracketed material] = delete

1 in order to prevent the loss of customers, to encourage
2 customers to expand present facilities and operations in New
3 Mexico and to attract new customers where necessary or
4 appropriate to promote economic development in New Mexico. Any
5 such special rates or tariffs shall be designed so as to
6 recover at least the incremental cost of providing service to
7 such customers.

8 B. The commission may approve or otherwise allow to
9 become effective applications from utilities or persons subject
10 to regulation pursuant to Subsection B of Section 62-6-4 NMSA
11 1978 and filings by cooperative utilities pursuant to
12 Subsection F of Section 62-8-7 NMSA 1978 for economic
13 development rates and rates designed to retain load for gas and
14 electric utility customers. For purposes of this section and
15 Section 62-8-6 NMSA 1978, economic development rates and rates
16 designed to retain load are rates set at a level lower than the
17 corresponding service rate for which a customer would otherwise
18 qualify, but in no case lower than the incremental cost of
19 providing service to such customer.

20 ~~[G. Economic development rates shall be approved or~~
21 ~~otherwise allowed to become effective for an electric utility~~
22 ~~or persons subject to regulation pursuant to Subsection B of~~
23 ~~Section 62-6-4 NMSA 1978 or filings by cooperative utilities~~
24 ~~pursuant to Subsection F of Section 62-8-7 NMSA 1978 only when~~
25 ~~the utility or the substantially full requirements supplier of~~

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1 ~~the utility has excess capacity. For purposes of this section,~~
2 ~~"excess capacity" means the amount of electric generating and~~
3 ~~purchased power capacity available to the utility or such~~
4 ~~supplier that is greater than the utility's or such supplier's~~
5 ~~peak load plus a fixed percentage reserve margin set by the~~
6 ~~commission.] "~~