The Legislature
of the
State of New Mexico

52nd Legislature, 1st Session

LAWS 2015

CHAPTER 64

HOUSE BILL 263, as amended

Introduced by

REPRESENTATIVE GEORGE DODGE, JR.
CHAPTER 64

AN ACT

RELATING TO UTILITIES; ALLOWING RENEWABLE ENERGY CERTIFICATES TO BE ISSUED FOR THE USE OF THERMAL ENERGY PRODUCED BY GEOTHERMAL ENERGY SOURCES; SETTING STANDARDS FOR MEASUREMENT OF THERMAL ENERGY AND GEOTHERMAL HEAT PUMPS; DEFINING "USEFUL THERMAL ENERGY".

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

SECTION 1. Section 62-15-35 NMSA 1978 (being Laws 2007, Chapter 4, Section 2) is amended to read:

"62-15-35. RENEWABLE ENERGY CERTIFICATES--COMMISSION DUTIES.--The public regulation commission shall establish:

A. a system of renewable energy certificates that can be used by a distribution cooperative to establish compliance with the renewable portfolio standard and that may include certificates that are monitored, accounted for or transferred by or through a regional system or trading program for any region in which a rural electric cooperative is located. The kilowatt-hour value of renewable energy certificates may be varied by renewable energy resource or technology; provided that:

1. each renewable energy certificate shall have a minimum value of one kilowatt-hour for purposes of compliance with the renewable portfolio standard;

2. three thousand four hundred twelve
British thermal units of useful thermal energy is equivalent to one kilowatt-hour for purposes of compliance with the renewable portfolio standard; and

(3) the following equation shall be used to calculate the annual renewable energy certificate value for a geothermal heat pump system: (coefficient of performance of heat pump unit − 1) X (ton rating of heat pump unit/.9) = number of megawatt-hours of renewable energy certificates; and

E. requirements and procedures concerning renewable energy certificates that include the provisions that:

(1) renewable energy certificates:

(a) are owned by the generator of the renewable energy unless: 1) the renewable energy certificates are transferred to the purchaser of the energy through specific agreement with the generator; 2) the generator is a qualifying facility, as defined by the federal Public Utility Regulatory Policies Act of 1978, in which case the renewable energy certificates are owned by the distribution cooperative purchaser of the renewable energy unless retained by the generator through specific agreement with the distribution cooperative purchaser of the energy; or 3) a contract for the purchase of renewable energy is in effect prior to January 1, 2004, in which case the renewable energy certificates are owned by the purchaser of the energy for the term of such
contract;

(b) may be traded, sold or otherwise transferred by their owner to any other party; provided that the transfers and use of the certificate by a distribution cooperative for compliance with the renewable energy portfolio standard shall require the electric or useful thermal energy represented by the certificate to be contracted for delivery or consumed, or generated by an end-use customer of the distribution cooperative in New Mexico unless the commission determines that the distribution cooperative is participating in a national or regional market for exchanging renewable energy certificates;

(c) that are used for the purpose of meeting the renewable portfolio standard shall be registered, beginning January 1, 2008, with a renewable energy generation information system that is designed to create and track ownership of renewable energy certificates and that, through the use of independently audited generation data, verifies the generation and delivery of electricity or useful thermal energy associated with each renewable energy certificate and protects against multiple counting of the same renewable energy certificate;

(d) that are used once by a distribution cooperative to satisfy the renewable portfolio standard and are retired or that are traded, sold or otherwise
transferred by the distribution cooperative shall not be
further used by the distribution cooperative; and

(e) that are not used by a distribution
cooperative to satisfy the renewable portfolio standard or
that are not traded, sold or otherwise transferred by the
distribution cooperative may be carried forward for up to four
years from the date of issuance and, if not used by that time,
shall be retired by the distribution cooperative; and

(2) a distribution cooperative shall be
responsible for demonstrating that a renewable energy
certificate used for compliance with the renewable portfolio
standard is derived from eligible renewable energy resources
and has not been retired, traded, sold or otherwise
transferred to another party."

SECTION 2. Section 62-15-37 NMSA 1978 (being Laws 2007,
Chapter 4, Section 4) is amended to read:

"62-15-37. DEFINITIONS--ENERGY EFFICIENCY--RENEWABLE
ENERGY.--As used in the Rural Electric Cooperative Act:

A. "energy efficiency" means measures, including
energy conservation measures, or programs that target consumer
behavior, equipment or devices to result in a decrease in
consumption of electricity without reducing the amount or
quality of energy services;

B. "renewable energy" means electric or useful
thermal energy:
(1) generated by use of low- or zero-
emissions generation technology with substantial long-term
production potential; and

(2) generated by use of renewable energy
resources that may include:

(a) solar, wind and geothermal
resources;

(b) hydropower facilities brought in
service after July 1, 2007;

(c) fuel cells that are not fossil
fueled; and

(d) biomass resources, such as
agriculture or animal waste, small diameter timber, salt cedar
and other phreatophyte or woody vegetation removed from river
basins or watersheds in New Mexico, landfill gas and
anaerobically digested waste biomass; but

(3) does not include electric energy
generated by use of fossil fuel or nuclear energy; and

C. "useful thermal energy" means renewable energy
delivered from a source that can be metered and that is
delivered in the state to an end user in the form of direct
heat, steam or hot water or other thermal form that is used
for heating, cooling, humidity control, process use or other
valid end-use energy requirements and for which fossil fuel or
electricity would otherwise be consumed."
SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2015.
DON TRIPP, SPEAKER
HOUSE OF REPRESENTATIVES

DENISE RAMONAS, CHIEF CLERK
HOUSE OF REPRESENTATIVES

JOHN A. SANCHEZ, PRESIDENT
SENATE

LENORE M. NARANJO, CHIEF CLERK
SENATE

Approved by me this 7th day of April, 2015

SUSANA MARTINEZ, GOVERNOR
STATE OF NEW MEXICO