The Legislature
of the
State of New Mexico

52nd Legislature, 1st Session

LAWS 2015

CHAPTER 71

SENATE BILL 249, as amended

Introduced by

SENATOR STUART INGLE
SENATOR WILLIAM F. BURT
SENATOR PHIL A. GRIEGO
SENATOR PAT WOODS
CHAPTE R 71

AN ACT

RELATING TO UTILITIES; ALLOWING RENEWABLE ENERGY CERTIFICATES TO BE ISSUED FOR THE USE OF THERMAL ENERGY PRODUCED BY GEO THERMAL 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

B. 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 generator of the renewable energy unless the contract specifically states otherwise;
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.
John A. Sanchez, President
Senate

Lenore M. Naranjo, Chief Clerk
Senate

Don L. Tripp, Speaker
House of Representatives

Denise Ramonás, Chief Clerk
House of Representatives

Approved by me this 7th day of April, 2015

Governor Susana Martinez
State of New Mexico