

This is an amendment to 17.9.573 NMAC, Sections 3, 11 and 15 effective 10/22/2024.

17.9.573.3 STATUTORY AUTHORITY: Paragraph (10) of Subsection B of Section ~~[8-8-4]~~ 62-19-9 and Section 62-16B-7 NMSA 1978.

[17.9.573.3 NMAC - N, 07/12/2022; A, 10/22/2024]

17.9.573.11 STATEWIDE CAPACITY PROGRAM CAPS:

A. The ~~[initial]~~ statewide capacity program cap, effective November 1, 2024, is ~~[of 200]~~ 300 megawatts alternating current. This cap does not apply to applications and projects that have been processed in the commission's initial application selection process as such applications and projects remain subject to the initial cap of 200 megawatts. The 300-megawatt cap will apply to the first selection process to be conducted after November 1, 2024, and will be in addition to the 200-megawatt cap applied to the initial selection process, resulting in a total cap of 500 megawatts. The 300-megawatt cap is allocated among the service territories of the three qualifying utilities according to addressable market estimations, subject to further refinement, as follows:

- (1) public service company of New Mexico (PNM), ~~[125]~~ 185 MW;
- (2) southwestern public service company (SPS), ~~[45]~~ 70 MW; and
- (3) El Paso electric company (EPE), ~~[30]~~ 45 MW.

B. ~~[If, within one year of the receipt by a utility of the results of an initial request for proposals for community solar facilities, the initial capacity cap allocation for that utility has not been fully committed by contract,] [t]he commission may, at its discretion, [apply the] reallocate the capacity cap among the territories of the utilities to avoid a significant shortfall of the capacity actually used vis-à-vis the capacity cap. [unused capacity to another utility on a showing of the latter utility's sufficient subscriber demand.]~~

C. ~~[On or before April 1, 2024, the commission will commence a review of the results of the initial allocation and subscriber demand for the community solar program and a proceeding to establish a revised annual statewide capacity program cap and allocation to be in effect after November 1, 2024.]~~ The commission will review the cap on an annual basis.

[17.9.573.11 NMAC - N, 07/12/2022; A, 10/22/2024]

17.9.573.15 SPECIAL SUBSCRIBER PROVISIONS:

A Low-income customers who are eligible to meet the thirty percent carve out of Paragraph (3) of Subsection B of Section 62-16B-7 NMSA 1978 may be pre-qualified based on participation in any of the following programs:

- (1) medicaid;
- (2) Supplemental Nutrition Assistance Program (SNAP);
- (3) Low-Income Home Energy Assistance Program (LIHEAP);
- (4) first-time homeowner programs and housing rehabilitation programs;
- (5) living in a low-income/affordable housing facility; or
- (6) state and federal income tax credit programs.

B. An entire multi-family affordable housing project may prequalify its entire load as a low-income subscriber.

C. A customer who does not qualify under subpart A may ~~[provisionally]~~ qualify as a low-income subscriber by signing a self-attestation that the customer's income and household size qualify the customer as a low-income subscriber ~~[until the customer provides sufficient confirming documentation within ninety days of providing the self-attestation].~~

D. Low-income service organizations need only fit the special definition of this term provided in the community solar act, Subsection H of Section 62-16-2 NMSA 1978.

E. For the initial period of the program, the commission shall contract with an experienced service provider to partner with community organizations and to manage an outreach program to attract low-income subscribers to the program.

[17.9.573.15 NMAC - N, 07/12/2022; A, 10/22/2024]