

**NOTICE OF PROPOSED RULEMAKING
DOCKET NO. 23-00294-UT**

The New Mexico Public Regulation Commission (“Commission”) hereby gives notice of its initiation of a Proposed Rulemaking to adopt a new rule at **17.9.561 NMAC**, entitled “**Carbon Dioxide Emissions Measurement and Compliance.**”

Summary of the full text of the Proposed Rule and short explanation of its purpose: The Commission proposes to adopt a new rule to satisfy and implement Subsection D of Section 62-18-10 NMSA 1978 of the Energy Transition Act (“ETA”). Subsection D requires the Commission to adopt rules to implement the carbon intensity emissions limits set out in the ETA, which limit a qualifying utility’s emissions from generating assets to 400 lbs-CO₂/MWh until 2032 when the stringency increases to 200 lbs-CO₂/MWh. The Proposed Rule would additionally provide procedures for annual reporting and guidance for non-compliance sanctions.

Legal authority authorizing the Proposed Rule and the adoption of the rule: The Commission has jurisdiction over this rulemaking pursuant to Subsection D of Section 62-18-10 NMSA 1978. Additionally, the Commission has jurisdiction to issue this NOPR and to adopt the Proposed Rule as permitted by Subsection B of Section 62-19-9 NMSA 1978: the Commission’s authority to adopt such reasonable administrative, regulatory and procedural rules as may be necessary or appropriate to carry out its powers and duties.

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 contacting Robert Lundin of the Commission’s office at Robert.Lundin@prc.nm.gov.

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 Rule may do so by submitting written initial comments no later than **August 9, 2024** and written response comments no later than **August 23, 2024**.

Comments can be electronically filed by sending them in PDF format to prc.records@state.nm.us. Comments must refer to Docket No. 23-00294-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 August 30, 2024. 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 Rule 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 **10:00 a.m. on August 15, 2024**. Any member of the public who wishes to make a comment at the hearing may contact Patrick Rodriguez via email at public.comment@prc.nm.gov or by phone at (505)490-7910 no later than 12:00 p.m. (noon) on August 14, 2024, to sign up as a hearing participant. The Commission shall email a Zoom invitation to all hearing participants the day before the hearing. The Zoom invitation shall include a call-in number for those participants who are unable to access Zoom’s video-conferencing platform.

The public comment hearing shall be held to receive oral comments. All commenters may be limited in time to speak, subject to the discretion of the Commission or its designee. The Commission or its designee may also determine that a spokesperson shall 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 shall be taken at the public comment hearing. A court reporter shall prepare a transcript of the hearing for filing in this docket.

Any person with a disability requiring special assistance to participate in this proceeding should contact the Commission's Director of the Administrative Services Division at (505) 827-8019 to request such assistance as soon as possible, preferably as soon as the person receives notice of this proceeding to allow consideration of the request and to arrange for a potential reasonable accommodation.

Technical information that served as a basis for the Proposed Rule and how the information can be obtained: N/A