

**NOTICE OF PROPOSED RULEMAKING
DOCKET NO. 24-00094-UT**

The New Mexico Public Regulation Commission (the “Commission”) hereby gives notice of its initiation of a rulemaking proceeding to amend a rule within the New Mexico Administrative Code, 17.9.573 NMAC (the “Community Solar Rule”).

Summary of the full text of the proposed rule and short explanation of its purpose: The Commission is considering amending the Commission’s community solar rule, 17.9.573 NMAC. The Commission initially adopted the Community Solar Rule, pursuant to the Community Solar Act, Sections 62-16B-1 *et seq.*, NMSA 1978.

Now, the Commission proposes amendments and will consider amendments proposed by commenters in this docket, limited to Section 17.9.573.11 NMAC, “statewide program capacity caps.” The Commission will consider comments and proposals relevant to the community solar program cap, including but not limited to whether the cap should be adjusted in this proceeding and if so, to what level; what the Commission should consider when considering resetting the cap or reallocating the cap among the qualifying utilities; and when the Commission should review the cap and its allocation.

The Commission also proposes amendments to Section 17.9.573.3 NMAC, “statutory authority,” to update a statutory citation, as well as amendments to Section 17.9.573.15 NMAC, “special subscriber provisions,” concerning low-income subscriber qualification procedures.

Legal authority for amending the rule: The Commission has the authority to amend the community solar rule, pursuant to the New Mexico Constitution, Article XI, Sec. 2 and pursuant to Paragraph (10) of Subsection B of Section 62-19-9 and Section 62-16B-7 NMSA 1978.

How copies of the proposed rule can be obtained: Copies of the proposed rule, as well as 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 LaurieAnn Santillanes of the commission’s office of general counsel at (505) 670-4830.

How a person can comment on the proposed rule amendments, where comments will be received, and when comments are due: Any person wishing to comment on the proposed rule amendments or to propose rule amendments may do so by submitting written initial comments no later than **September 16, 2024**. Any person wishing to respond to initial comments may do so by submitting written response comments no later than **September 18, 2024**. Comments can be electronically filed by sending them in pdf format to prc.records@prc.nm.gov. Comments must refer to docket no. 24-00094-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 **September 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 comment hearing on the proposed amendments to the Community Solar Rule and any proposed alternatives to the proposed amendments, to be presided over by the Commission or its designee, shall be held beginning at **10:00 a.m. on September 18, 2024**, with participation allowed in person in the Commission’s second floor open meeting room at the offices of the Commission, located in the Bokum Building, at 142 West Palace Avenue, Santa Fe, NM 87501, or via the Zoom online platform. Any member of the public who wishes to make a comment at the hearing must contact Patrick Rodriguez at (505) 490-7910 or via email at public.comment@prc.nm.gov, by no later than **12:00 noon on September 17, 2024**, to sign up as a hearing participant.

All persons participating via the Zoom platform will receive an invitation the day before the hearing. The Zoom invitation will include a call-in number for those participants who are unable to access the Zoom platform via

computer. The hearing will be held in order to receive oral comments. In the interest of administrative efficiency, only commenters who have not submitted written comments will be allowed to speak. In addition, any commenter may be limited to five minutes to speak, subject to the discretion of the commission or its designee. No testimony or other evidence will be taken at the hearing as this is a rulemaking proceeding. A court reporter will prepare a transcript of the hearing for filing in the rulemaking docket, docket no. 24-00094-UT.

Persons with disabilities: 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.

Instructions on how to access the complete rulemaking record, reports, and other items filed in the Commission's e-docket system can be found at <https://www.nm-prc.org/rulemaking-proceedings/>.