

Tribal Consultation in New Mexico's Community Solar Act (Senate Bill 84)

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SENATE MEMORIAL 63

COMMUNITY SOLAR ACT NEW MEXICO

- ▶ Created a process for a working group of stakeholders on community solar
- ▶ Composition: representatives from EMNRD, PRC, State Land Office; utility companies; rural electric cooperatives; renewable energy industry representatives; environmental organizations; **Native American nations, tribes and pueblos**; low-income service providers; local governments, cities, counties; and interested community members from throughout the state.

TRIBAL COMMUNITY SOLAR TASK FORCE

- ▶ ***Goals & Objectives:***

- ▶ Served as a subgroup of the state facilitated working group of SM 63
- ▶ Developed Tribal consultation and outreach processes to develop firm policy recommendations for the SM 63 Working Group and interim legislative committees
- ▶ Continually prepared for and debriefed from larger SM 63 Working Group Meetings
- ▶ Composed of designated Tribal representatives and Tribal members across New Mexico who have capacity to take responsibility of the education and policy details of community solar

The first community solar bill in the country to recognize Tribal provisions.

COLLABORATIVE PROCESS

- ▶ ***The Community Solar Act incorporates the principles supported by APCG Resolution No. APCG 2020-06 “Support for Community Solar Legislation That Benefits Pueblo Nations”***
 1. Recognizes Tribal Nations’ sovereignty status which holds that Tribal Nations are not subject to state power on Indian lands, and state legislative, regulatory, taxation and
 2. Judicial authorities, and others, do not extend to Tribal Nations or tribal members on tribal land;
 3. Includes rural electric distribution cooperatives to provide interconnection and retail electric service to community solar development on the lands of Indian Nations, Tribes, and Pueblos;
 4. Recognizes the unique governmental, communal, and land ownership status of Tribal Nations and structures the community solar program so that Tribes can participate in renewable energy opportunities

The first community solar bill in the country with Tribal provisions.

KEY FEATURES OF SENATE BILL 84

- ▶ 200 MW statewide capacity cap until November 1, 2024, after which the Public Regulation Commission (PRC) will review
- ▶ 5 MW facility cap
- ▶ All facilities located in the same service utility as the qualifying utility
- ▶ Minimum of 10 subscribers per facility
- ▶ 40% Anchor tenant carve-out per facility
- ▶ 30% Low-income carve-out per facility
- ▶ Opt-in for rural electric cooperatives
- ▶ Public Regulation Commission rule making process will be completed by April 1, 2022 with a comprehensive review after November 1, 2024
- ▶ Includes provisions for “Native Community Solar Projects” to enable tribal community solar development

“NATIVE COMMUNITY SOLAR PROJECTS” TO ENABLE TRIBAL SOLA

- ▶ **Facility, subscriber, and subscription size limitations**

- ▶ *This means that Tribal projects can be larger than 5 MW without constraint on the number of subscribers or size of subscriptions.*

- ▶ **Anchor tenant limitations**

- ▶ *This means that Tribal projects are not limited 40% anchor tenant carve-out per facility and can serve any variety of customers upon discretion.*

- ▶ **Annual capacity cap**

- ▶ *This means that Tribal projects are not included in the 200 MW cap on the program.*

- ▶ **Subscription-based models**

- ▶ *This means that Tribes and Tribal entities are not limited by subscription-based models and cause use other financial models, such as virtual and aggregate net-metering.*

- ▶ **Transferring Renewable Energy Credits (RECs) to the utilities**

- ▶ *This means that Tribes and Tribal entities are able to keep and sell the RECs generated from their community solar facilities.*

THANK YOU

