

LEGAL UPDATES

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From Elected to Appointed: Commissioners Begin Terms on the New Mexico Public Regulation Commission

In November 2022, Husch Blackwell informed its clients that the New Mexico Public Regulation Commission (PRC) would change from an elected body comprised of five commissioners to an appointed body comprised of three commissioners. On January 1, 2023, that change became effective.

Governor Michelle Lujan Grisham was tasked with appointing three commissioners from the fifteen nominees selected by the Nominating Committee. The three, new PRC commissioners are Gabriel Aguilera, James Ellison, Jr. and Patrick O’Connell.

James Ellison, Jr.:

Listed his party affiliation as “decline to state” meaning he does not identify with a political party

Two-year appointment

Bachelor of Arts in Physics and Political Science (Clemson University); Master of Science in Technology and Policy, Master of Science in Mechanical Engineering (Massachusetts Institute of Technology); Master of Science in Management (Stanford University)

Almost three decades of experience in electric utilities and power markets

Gabriel Aguilera (D):

Four-year appointment

Bachelor of Business Administration in Economics, Bachelor of Business Administration in Finance (New Mexico State University); Master of Business Administration (University of Maryland)

Worked at FERC since 2007; Served as Senior Policy Advisor for the Commission's Office of Energy Market Regulation

Patrick O'Connell (D):

Six-year appointment

Bachelor of Science in Civil Engineering (University of New Mexico); New Mexico Registered Professional Engineer

Nearly three decades of experience working in water, gas and electric utilities

Notably, an initial appointee, Brian Moore, submitted a letter of resignation to Governor Lujan Grisham that stated he did not meet the statutory educational qualifications for appointment. The statutory educational requirements provide that all commissioners must hold at least a bachelor's degree in a relevant field. Moore's application indicated he studied at the University of Denver; however, he did not graduate.

The new commissioners are expected to help Governor Lujan Grisham deliver her energy priorities for New Mexico. Specifically, it is believed that the proposed merger by PNM Resources and Avangrid, which was rejected by the former PRC commissioners, may be approved under the new commissioners. Approval of the merger could increase electricity production from renewable energy across the state of New Mexico.

Relatedly, green hydrogen may become an important part of the economy in New Mexico, which is a part of the Western Interstate Hydrogen Hub (WISHH), and has been encouraged to submit a full application for the Department of Energy's Regional Clean Hydrogen Hubs proposal. Additionally, a New Mexico state representative will soon introduce a bill for public incentives to attract investments in hydrogen production and distribution.

There should be ample opportunities for renewable project development in New Mexico in the months and years ahead. Husch Blackwell will continue to monitor developments in New Mexico's energy industry.

Contact us

If you have any questions or would like addition information about the changing New Mexico energy industry, please contact Husch Blackwell's team of energy attorneys and professionals.