



ALL PUEBLO COUNCIL OF GOVERNORS

Officers:
E. Paul Torres, Chairman
Governor J. Michael Chavarria, Vice Chair
Governor Val Panteah, Sr., Secretary

RESOLUTION

ALL PUEBLO COUNCIL OF GOVERNORS

RESOLUTION NO. APCG 2018-32

SUPPORT FOR RENEWABLE ENERGY LEGISLATION TO BENEFIT THE PUEBLOS, NEW MEXICO, AND PLANET EARTH IN THE 2019 NEW MEXICO LEGISLATIVE SESSION

Acoma

Cochiti

Isleta

Jemez

Laguna

Nambe

Ohkay Owingeh

Picuris

Pojoaque

Sandia

San Felipe

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta Del Sur

Zia

Zuni

WHEREAS, the All Pueblo Council of Governors (“APCG”) is comprised of the Pueblos of Acoma, Cochiti, Isleta, Jemez, Laguna, Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Felipe, San Ildefonso, Sandia, Santa Ana, Santa Clara, Santo Domingo, Taos, Tesuque, Zia, and Zuni, and one pueblo in Texas, Ysleta del Sur, each having sovereign authority to govern their own affairs;

WHEREAS, the purpose of the All Pueblo Council of Governors is to advocate, foster, protect, and encourage the social, cultural & traditional well-being of the Pueblo Nations; and

WHEREAS, each APCG member has the sovereign right to protect its land, air, water, traditional cultural properties and sacred sites now and into the future; and

WHEREAS, climate change poses threats and dangers to the survival of APCG members, even though they contribute the least to greenhouse emissions. In fact, Pueblo members are vital to the many ecosystems in their lands and territories and help enhance the resilience of these ecosystems. In addition, Indigenous Peoples interpret and react to the impacts of climate change in creative ways, drawing on traditional knowledge and other technologies to find solutions that society at large can replicate to counter pending changes; and

WHEREAS, exploration and extraction of fossil fuels, including coal, natural gas, oil and uranium mining, has threatened or directly harmed Puebloan cultural sites as diverse as Chaco Canyon, Zuni Salt Lake, Mt. Taylor and numerous other traditional cultural properties in Sandoval County and throughout our ancestral lands; and

WHEREAS, solar power systems mitigate climate disruption and reduce our collective dependence on fossil fuels, which leads to protection of air quality, land integrity and conservation of water. Solar fields can generate jobs, stabilize energy prices and generate revenue for Pueblo governments and their members; and

WHEREAS, Pueblo lands support high energy electric transmission lines which transmit energy to the State’s largest municipalities and could be used to transmit renewable electric energy from projects on Pueblo lands; and



ALL PUEBLO COUNCIL OF GOVERNORS

Officers:
E. Paul Torres, Chairman
Governor J. Michael Chavarria, Vice Chair
Governor Val Panteah, Sr., Secretary

Acoma

WHEREAS, the National Renewable Energy Laboratory solar radiation maps show that New Mexico's Pueblo lands have excellent energy resources for both photovoltaic and concentrating solar projects. These tremendous renewable energy resources can provide a low cost means of generating electricity for on-Pueblo use and for sale to utilities for use throughout New Mexico; and

Cochiti

Isleta

Jemez

WHEREAS, in 2018, the amount of solar energy provided by the investor owned utility serving 8 of the Pueblos is only 2% and the amount of solar energy used in the State of New Mexico by the rural cooperatives is also extremely low; and

Laguna

Nambe

Ohkay Owingeh

WHEREAS, the fact that utilities prefer to own energy generation and they control the procurement process has restricted development of solar energy on Pueblo lands because the investor owned utilities and the rural cooperatives who serve our communities cannot or will not buy our solar energy; and

Picuris

Pojoaque

WHEREAS, because Pueblo land cannot be transferred to or owned by a utility, if a utility requires that new projects be built on utility owned or controlled land, the Pueblos are effectively precluded from participating in the renewable energy economy; and

Sandia

San Felipe

WHEREAS, the All Pueblo Council of Governors has been informed of the following forms of legislation that would remove some of these barriers and promote renewable energy development on the Pueblos and throughout New Mexico; and

San Ildefonso

COMMUNITY SOLAR GARDENS

Santa Ana

Santa Clara

Santo Domingo

WHEREAS, Community Solar Gardens are larger-scale, solar electric facilities that could be owned by Pueblos, Pueblo/tribal entities, or multiple community members to benefit individual Pueblo members or customers. At present, what is known as rooftop solar, serving a single building or meter, is the only option for a customer to install solar and get the benefits of stabilizing electric costs and contributing to a renewable energy future;

Taos

Tesuque

WHEREAS, new legislation is required to allow Community Solar Gardens within the investor owned utility and rural cooperative service areas; and

Ysleta Del Sur

RENEWABLE PORTFOLIO STANDARD

Zia

WHEREAS, renewable portfolio standards ("RPS") require that utilities secure a certain percentage of their electric power from renewable energy sources; and

Zuni

WHEREAS, New Mexico's renewable energy potential could provide almost 100% of the State's daytime electric energy requirements if the utilities were required to provide that level of renewable energy; and





ALL PUEBLO COUNCIL OF GOVERNORS

Officers:
E. Paul Torres, Chairman
Governor J. Michael Chavarria, Vice Chair
Governor Val Panteah, Sr., Secretary

Acoma

WHEREAS, twenty-nine states and Washington, D.C., currently have renewable portfolio standards covering 56% of all retail electricity sales in the country. Some of the most ambitious requirements are in California and New York, which require 50 percent of electricity to come from renewable sources by 2030, and Hawaii, which requires 100 percent from renewables by 2045; and

Cochiti

Isleta

WHEREAS, an increase in renewable portfolio standards could act as a hedge against rising electricity rate increases. In the last ten years, the average residential customer served by the investor owned utility for 8 of the Pueblos has seen a 63% increase in their electric bills; and

Jemez

Laguna

WHEREAS, if the utilities are required to have open competition for the generation of electricity – where the utilities do not own the solar farms – a higher RPS could generate revenue and economic opportunities for Pueblos interested in developing solar energy on their lands; and

Nambe

Ohkay Owingeh

Picuris

LOCAL CHOICE ENERGY

Pojoaque

WHEREAS, Local Choice Energy (LCE) is a policy tool that allows a local government, including a Native American tribe, to group the energy needs of its public facilities, residents and businesses together and then to purchase or produce the electricity to meet that aggregated need; and

Sandia

San Felipe

San Ildefonso

WHEREAS, Local Choice Energy leverages the market power of groups purchasing, consumer choice, and local decision-making. It enables Native American tribes to create a functional partnership with existing utilities. The Pueblo or local government could create the electricity (through procurement or development), sell the surplus electricity on the market and receive income from the electric sales. The investor-owned-utility or co-ops would maintain transmission lines and be paid for the use of that transmission consistent with federal regulatory requirements. The APCG was provided with information that LCE has lowered electricity rates and generated revenues that are kept at the local government level.

Santa Ana

Santa Clara

Santo Domingo

Taos

COMPETITIVE RESOURCE PROCUREMENT FOR ELECTRIC UTILITIES

Tesuque

WHEREAS, competitive resource procurement legislation would require utilities to issue competitive requests for proposals (RFPs) for energy that would be reviewed by an independent evaluator. The proposal process must be transparent to regulators, unbiased, and free of conflicts of interest; and

Ysleta Del Sur

Zia

Zuni

WHEREAS, any application by an investor-owned electric utility to get PRC approval of a power purchase agreement (PPA) or Certificate of Convenience would also require testimony from an independent evaluator describing the results of the competitive proposal



ALL PUEBLO COUNCIL OF GOVERNORS

Officers:
E. Paul Torres, Chairman
Governor J. Michael Chavarria, Vice Chair
Governor Val Panteah, Sr., Secretary

Acoma

process as well as the recommendation of the independent evaluator as to which, if any, resource should be selected.

Cochiti

Isleta

NOW, THEREFORE, BE IT RESOLVED THAT the All Pueblo Council of Governors supports legislation such as that described in this Resolution as long as that legislation has the following attributes or principles:

Jemez

1. Community Solar Garden, Renewable Portfolio Standards and Local Choice Energy legislation must apply to both investor owned utilities and rural cooperatives since more than half of our Pueblos are located within the service areas of rural cooperatives.

Laguna

Nambe

Ohkay Owingeh

2. Renewable Portfolio Standards should be raised so that New Mexico utilities are purchasing at least 50% of the states' energy needs from renewable energy by 2030 or as close thereto as possible.

Picuris

Pojoaque

3. The utilities' procurement of renewable energy for replacement energy and for renewable portfolio standards must be competitive and open to participation by Pueblos and independent energy providers with whom Pueblos may partner.

Sandia

San Felipe

4. All renewable energy legislation should ensure that the Public Regulation Commission can implement and oversee consumer protections.

San Ildefonso

Santa Ana

5. The renewable energy legislation should not be used as an automatic justification by any investor owned utility for full cost recovery of underappreciated assets they own as a result of investing in fossil and nuclear fuel sources which would increase the burden on customers/ratepayers.

Santa Clara

Santo Domingo

6. The legislation must recognize the unique governmental, communal and land ownership status of the Pueblos and be structured to allow Pueblos to participate in these renewable energy opportunities.

Taos

Tesuque

Ysleta Del Sur

Zia

Zuni





ALL PUEBLO COUNCIL OF GOVERNORS

Officers:
E. Paul Torres, Chairman
Governor J. Michael Chavarria, Vice Chair
Governor Val Panteah, Sr., Secretary

Acoma

CERTIFICATION

Cochiti

We, the undersigned officials of the All Pueblo Council of Governors hereby certify that the foregoing Resolution No. APCG-2018-32 was considered and adopted at a duly called council meeting held on the 13th day of December, 2018, and at which time a quorum was present and the same was approved by a vote of (13) in favor, (0) against, (0) abstain, and (7) absent.

Isleta

Jemez

ALL PUEBLO COUNCIL OF GOVERNORS

Laguna

Nambe

By:

Ohkay Owingeh

APCG Chairman E. Paul Torres

Picuris

Pojoaque

Sandia

ATTEST:

San Felipe

Governor Val Panteah, Sr., APCG Secretary

San Ildefonso

Santa Ana

Santa Clara

Santo Domingo

Taos

Tesuque

Ysleta Del Sur

Zia

Zuni

