



**BEATTY & WOZNIAK**  
ENERGY IN THE LAW

# NEWS ALERT

October 8, 2024

## New Mexico Public Regulation Commission Adds 300MW of Capacity to New Mexico's Community Solar Program



Last week, the New Mexico Public Regulation Commission (PRC) adopted amendments to New Mexico's Community Solar Rule (17.9.573 NMAC) that will bring significant developments to the state's solar energy landscape. Importantly, the PRC raised the statewide solar capacity cap from 200 MW to 500 MW, authorizing an additional 300 MW to New Mexico's Community Solar program cap effective November 1, 2024. This increase is allocated across the service territories of three major utilities: Public Service Company of New Mexico (PNM), Southwestern Public Service (SPS), and El Paso Electric (EPE).

### Key Details of the Rule Changes:

1. **Expansion of Capacity:** The cap increase addresses the growing demand for solar projects, particularly community solar programs. Of the new 300 MW:
  - **PNM** will receive **185 MW** (up from 125 MW),
  - **SPS** will receive **70 MW** (up from 45 MW),
  - **EPE** will receive **45 MW** (up from 30 MW).
2. **Timing:** The additional capacity will be open for new project proposals after November 1, 2024, and will not affect the projects already allocated under the initial 200 MW cap.
3. **Annual Review:** The PRC will **review the capacity cap annually**, considering market demand, subscription levels, and the progress of solar project developments.

Copyright © 2024 Beatty & Wozniak, P.C. All Rights Reserved.

This newsletter does not constitute legal advice. The views expressed in this newsletter are the views of the authors and not necessarily the views of the firm. Please consult with legal counsel for specific advice and or information.

[Read our complete legal disclaimer](#)

## Significance of These Changes:

The capacity increase demonstrates New Mexico's commitment to expanding solar power, encourages more investment in solar infrastructure, and aligns with both state renewable energy goals and federal funding opportunities. New Mexico was recently awarded \$156 million under the EPA's Solar for All program, which emphasizes solar access for low-income communities. This increase will enable New Mexico to optimize the benefits of such funding by expanding solar project availability in the years ahead.

Moreover, the allocation of capacity by utility territories ensures that solar developments are distributed equitably across the state, providing more localized benefits and increasing the accessibility of community solar subscriptions.

## Recommendations:

These changes provide opportunities for various groups looking to take advantage of New Mexico's vast renewable energy resources:

1. **For Developers:** The increase encourages early engagement with utilities and project stakeholders to secure positions within the increased capacity availability. As demand for solar projects remains high, early planning will help avoid bottlenecks in the approval process.
2. **For Clients Interested in Community Solar:** Now is an opportune time to explore solar subscription options. The increase in capacity provides more opportunities for individuals and businesses to benefit from solar energy, especially under programs that cater to low-income households.
3. **Monitor Annual Reviews:** The PRC has implemented an annual review process to monitor how stakeholders take advantage of the increased capacity by creating new solar projects throughout the state. These reviews will shape the trajectory of the solar industry in New Mexico over the coming years.

In summary, these amendments are a pivotal step toward advancing renewable energy in New Mexico, particularly benefiting low-income communities and supporting broader state climate goals. Beatty & Wozniak's energy professionals are well-versed in helping project developers achieve their objectives. Please contact our team if you are interested in building your company's solar business.

For more information, please contact [Miguel Suazo](#).