



**IN THE SUPREME COURT OF THE STATE OF NEW MEXICO**

**March 11, 2024**

**NO. S-1-SC-39432**

**SOUTHWESTERN PUBLIC  
SERVICE COMPANY,**

Appellant,

and

**EL PASO ELECTRIC COMPANY,  
PUBLIC SERVICE COMPANY OF  
NEW MEXICO,**

Intervenors-Appellants,

v.

**NEW MEXICO PUBLIC  
REGULATION COMMISSION,**

Appellee,

and

**COALITION FOR COMMUNITY  
SOLAR ACCESS, RENEWABLE  
ENERGY INDUSTRIES ASSOCIATION  
OF NEW MEXICO, CITY OF  
LAS CRUCES, NEW ENERGY ECONOMY,  
and COALITION OF SUSTAINABLE  
COMMUNITES NEW MEXICO,**

Intervenors-Appellees.

1 In the Matter of the Commission's  
2 Adoption of Rules Pursuant to the  
3 Community Solar Act, NMPRC  
4 Case No. 21-00112-UT  
5

6 **CONSOLIDATED WITH**  
7 **NO. S-1-SC-39558**  
8

9 **SOUTHWESTERN PUBLIC**  
10 **SERVICE COMPANY,**

11 Appellant,

12 v.

13 **NEW MEXICO PUBLIC**  
14 **REGULATION COMMISSION,**

15 Appellee,  
16

17 In the Matter of the Commission's  
18 Adoption of Rules Pursuant to the  
19 Community Solar Act, NMPRC  
20 Case No. 21-00112-UT  
21

22 AND  
23

24 **NO. S-1-SC-39611**

25 **SOUTHWESTERN PUBLIC**  
26 **SERVICE COMPANY,**

27 Appellant,

28 v.

29 **NEW MEXICO PUBLIC**  
30 **REGULATION COMMISSION,**

1 Appellee,  
2  
3 In the Matter of Implementation  
4 and Administration of the Community  
5 Solar Program, Case No. 22-00020-UT,  
6  
7 In the Matter of the Compliance  
8 Filing of Southwestern Public Service  
9 Company Pursuant to 17.9.573.9  
10 NMAC, Case No. 22-00240-UT,  
11  
12 In the Matter of the Application of El Paso  
13 Electric Company for Approval  
14 of Tariffs Necessary for  
15 Implementation of the New Mexico  
16 Community Solar Program and  
17 Accounting Order, Case No. 22-00243-UT.

18 AND

19 **NO. S-1-SC-39678**

20 **SOUTHWESTERN PUBLIC**  
21 **SERVICE COMPANY,**

22 Appellant,

23 v.

24 **NEW MEXICO PUBLIC**  
25 **REGULATION COMMISSION,**

26 Appellee,  
27

28 In the Matter of Implementation  
29 and Administration of the Community  
30 Solar Program, Case No. 22-00020-UT,  
31

32 In the Matter of the Compliance  
33 Filing of Southwestern Public Service

1 Company Pursuant to 17.9.573.9  
2 NMAC, Case No. 22-00240-UT,  
3  
4 In the Matter of the Application of El  
5 Paso Electric Company for Approval  
6 of Tariffs Necessary for  
7 Implementation of the New Mexico  
8 Community Solar Program and  
9 Accounting Order, Case No. 22-00243-UT.

10 **ORDER**

11 WHEREAS, this matter came on for consideration by the Court upon the  
12 Court's own motion following oral argument presented by the parties on March 11,  
13 2024;

14 WHEREAS, the parties have represented to the Court that the uncertainty  
15 created by this appeal has frustrated attempts to implement the Community Solar  
16 Program because of the possibility that the Community Solar Rule may be vacated  
17 and annulled;

18 WHEREAS, the Court has reviewed the briefing and arguments of the  
19 parties and the record of the proceedings below and has determined that the Public  
20 Regulation Commission should be affirmed without further delay to  
21 the implementation of the Community Solar Program;

22 WHEREAS, the Court having considered the foregoing and being  
23 sufficiently advised; Chief Justice C. Shannon Bacon, Justice Michael E. Vigil,  
24 Justice David K. Thomson, Justice Julie J. Vargas, and Justice Briana H. Zamora

1 concurring;

2 NOW, THEREFORE, IT IS ORDERED that the orders of the Public  
3 Regulation Commission at issue in this consolidated appeal are AFFIRMED and  
4 the Community Solar Rule is upheld;

5 IT IS FURTHER ORDERED that an opinion shall follow setting forth the  
6 Court's reasoning.

7 IT IS SO ORDERED.



WITNESS, the Honorable C. Shannon Bacon, Chief Justice of the Supreme Court of the State of New Mexico, and the seal of said Court this 11th day of March, 2024.

Elizabeth A. Garcia, Clerk of Court  
Supreme Court of New Mexico

I CERTIFY AND ATTEST:  
A true copy was served on all parties  
or their counsel of record on date filed.

8 Lysette Romero Cordova  
Chief Deputy Clerk of the Supreme Court  
of the State of New Mexico

By

Chief Deputy Clerk of Court