

New Mexico Transmission Siting Information

General Information

The New Mexico Public Regulation Commission (PRC) controls all aspects of siting transmission lines. There are three permits required to build a transmission line greater than or equal to 230kV. New Mexico statute requires a determination of right-of-way as part of its permitting process. Transmission lines having a right of way greater than 100 feet in width, regardless of voltage, in cases other than a fee simple acquisition, must be approved.

The legislature recognizes the need for expansion or construction of transmission lines and, therefore, has declared that the supervision and control of location of new transmission lines in the state is under the control of the PRC. [NMSA 62-9-3](#).

Siting Entities:

- New Mexico Public Regulation Commission (PRC)

Authorizations Needed:

- Certificate of Public Convenience and Necessity
- Location Permit
- Right-of-Way Width Determination

Preemption of Local Siting Authorities:

The final decision of the Commission preempts all local laws and regulations and “shall be conclusive on all questions of siting, land use, aesthetics and any other state or local requirements affecting the siting.” [NMSA 62-9-3\(I\)](#).

General Siting Process:

A utility must apply for permits from local authorities, however, if that application is not approved or is not decided within 240 days by the local authority, the utility can submit a location permit application to the Commission.

Once an application for CPCN is filed the Commission will issue appropriate notice. If not protest is filed within 60 days of the notice, the Commission may forego the hearing. The Commission must issue its order within 9 months of the filing date or grant one 6-month extension for good cause shown. [NMSA 62-9-1](#). An application may submit and application for CPCN to determine need prior to submitting an application for the Location Permit. [NMSA 62-9-3\(C\)](#). If the CPCN and Location Permit applications are filed together both must be issued or denied within 9 months. IF they are filed separately, the Location Permit must be issued within 90 days of the filing of the permit application.

The Commission shall not approve a permit for a project that that violates an existing state, county or municipal land use statutory or administrative regulation “unless the Commission finds that the regulation is unreasonably restrictive and compliance with the regulation is not in the interest of the public convenience and necessity, in which event and to the extent found by the commission the regulation shall be inapplicable and void as to the siting.” [NMSA 62-9-3\(G\)](#).

Finally, if the right-of-way required for the transmission line is more than 100 feet, the utility must seek a Determination of Right-of-Way width. The Commission has six months to issue its denial or approval of the application for a right-of-way determination.

Application Requirements:

The Commission will consider the following environmental concerns when reviewing an application:

- Existing plans of the state, local government and private entities for other developments;
- Fish, wildlife and plant life;
- Noise emission levels and interference with communication signals;
- Proposed availability of the location to the public for recreation, consistent with safety considerations;
- Existing scenic areas, religious, cultural or historic sites. [NMSA 62-9-3\(M\)](#)