

**CITY OF TRUTH OR CONSEQUENCES
PUBLIC UTILITY ADVISORY BOARD
TUESDAY, FEBRUARY 22, 2022**

AGENDA

REGULAR MEETING

Regular meeting of the Public Utility Advisory Board of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Tuesday, February 22, 2022 at 3:30 pm.

CALL TO ORDER

ROLL CALL:

George Szigeti, Chairman
Jeff Dornbusch, Vice-Chairman
Ron Pacourek, Member
Gil Avelar, Member
Don Armijo, Member

1. APPROVAL OF AGENDA

2. APPROVAL OF MINUTES:

- a. Regular meeting of Monday, January 10, 2022.

3. COMMENTS FROM THE PUBLIC: (3 Minute rule applies)

4. OLD BUSINESS:

- a. Discussion/Action: Recommendation of Amendments to Ordinance No. 664 – Customer Generated Renewable Energy. George Szigeti, Chairman
- b. Discussion/Action: Utility Forgiveness Program. George Szigeti, Chairman

5. REPORTS FROM THE BOARD

6. REPORTS FROM STAFF

7. ADJOURNMENT

**CITY OF TRUTH OR CONSEQUENCES
PUBLIC UTILITY ADVISORY BOARD
MONDAY, JANUARY 10, 2022**

MINUTES

REGULAR MEETING

Regular meeting of the Public Utility Advisory Board of the City of Truth or Consequences, New Mexico to be held in the City Commission Chambers, 405 W. Third, Truth or Consequences, New Mexico, on Monday, January 6, 2022 at 3:30 pm.

CALL TO ORDER:

The meeting was called to order by Chairman Szigeti.

ROLL CALL:

George Szigeti, Chairman
Jeff Dornbusch, Vice-Chairman
Ron Pacourek, Member
Gil Avelar, Member
Don Armijo, Member

ALSO PRESENT:

Bruce Swingle, City Manager
Bo Easley, Electric Department Head
Ezekiel Alvarez, Water/Wastewater Department Forman
Dawn C. Barclay, Deputy City Clerk

1. APPROVAL OF AGENDA:

Vice-Chairman Dornbusch made a motion to approve the agenda. Member Avelar seconded the motion. Motion carried unanimously.

2. APPROVAL OF MINUTES:

- a. Regular meeting of December 20, 2021.

Member Armijo made a motion to approve the December 20, 2021 minutes. Vice-Chairman Dornbusch seconded the motion. Motion carried unanimously.

3. COMMENTS FROM THE PUBLIC:

Betty Harper of Behalf of James Harper – Ms. Harper presented concerns on behalf of James Harper Jr regarding his utility billing. Ms. Harper's handout is made part of these minutes.

SPECIAL NOTE: Bruce Swingle, City Manager shared with the board the details related to Ms. Harper's claim. Mr. Swingle's comments are noted under the "Comments from the Board" section of these minutes.

Ron Fenn – Presented his opinion based on his submitted handout to the board, which has been made part of these minutes.

Ariel Dougherty – Presented her opinion based on her submitted handout to the board, which has been made part of these minutes.

Jon Blemer – Presented his opinion based on her submitted handout to the board, which has been made part of these minutes.

4. OLD BUSINESS:

- a. Discussion/Action: Recommendation of Amendments to Ordinance No. 664 – Customer Generated Renewable Energy. George Szigeti, Chairman**

Chairman Szigeti started discussions on finalizing Ordinance 664. He began by clearing up some comments he felt needed to be addressed, they were; PRC, Avoided Costs, and Grandfathering.

The board discussed in detail Ordinance 664 that was provided in this meeting's agenda packet.

Chairman Szigeti made a motion to incorporate the following changes into Ordinance No. 664. Once the changes have been reviewed by the City Manager and City Attorney he will then present to the City Commission for approval;

- **Assign new ordinance number.**
- **Add wording "...or regulations in effect at the time of installation." to paragraph 1.b.**
- **Add wording "...constructs a system for the sole purpose of generating electricity to be sold..." to paragraph 1.b.**
- **Add wording "...the total cost of the electricity, including demand charges, transmission costs, and GRT divided by the total number of kilowatt-hours purchased by the electric department..." to paragraph 4.c.**
- **Add new wording "On the first utility billing after the effective date of this ordinance, all existing credits in cogenerating customers' accounts shall be refunded to the customers." as 4.e.**
- **Add wording to repeal Ordinance 664 to the final page of the new Ordinance.**

Vice-Chairman Dornbusch seconded the motion. Roll call vote was taken.

Ron Pacourek, Member – Voted Ney
Don Armijo, Member – Voted Aye
Gil Avelar, Member – Voted Ney
Jeff Dornbusch, Vice-Chairman – Voted Aye
George Szigeti, Chairman – Voted Aye

Motion passed in favor, with a 3 to 2 vote. The revised version will be sent to all board members for review before going to the City Commission.

5. REPORTS FROM THE BOARD:

Vice-Chairman Dornbusch - Stressed his concern for the need of a water utility forgiveness program. He would like to see this topic added back on to the agenda for discussion.

Chairman Szigeti – Expressed a concern to Mr. Harper’s “Public Comment”. He was unclear why the city computer program “Tyler” did not catch Mr. Harper’s excessive bill.

Bruce Swingle, City Manager – Elaborated on the concern the board had to Mr. Harper’s “Public Comment”. He expressed to the board numerous times that the city tried to contact Mr. Harper with phone calls, written correspondence, notices, and a visit to the property, which lead to Mr. Harper accosted city staff members who were there trying to rectify his water leak situation. After all those attempts, keeping in mind during this time there is a continuing water leak. The city was left with no other choice but to shut off the water due to no cooperation from Mr. Harper. Mr. Swingle went on to say that this situation does not meet any criteria for a water forgiveness consideration and the city has exhausted all its efforts trying to help Mr. Harper.

Chairman Szigeti – Confirmed with Mr. Swingle that the city utility office was aware of this anomaly and the city immediately took the proper steps to stop the flooding. Chairman Szigeti stated the scope of this situation is beyond the control of the Public Utility Advisory Board.

Member Pacourek – Made reference to Ordinance No. 712 reference “Water Rates”. He read part of a description focusing on the use of the words “rates” and “fees”. He felt the words were being used loosely and would like to see the words be used in their proper format.

6. REPORTS FROM STAFF:

Bruce Swingle, City Manager – Informed the board that Jesse Cole, Water/Wastewater Department Head, was sick and was unable to attend the meeting. Attended in his place was Water/Wastewater Forman, Ezekiel Alvarez. Mr. Swingle gave an update on the two water pumps that are located on Morgan Street. These two pumps are beginning to show signs of needing repairs, so two repair kits have been ordered and should be fixed this week.

The Lift Station that is located on North Riverside is continuing to have issues. The city is looking into solutions internally and will provide an update to the board as to their progress.

7. ADJOURNMENT:

There being no further business to come before the Public Utility Advisory Board, Vice-Chairman Dornbusch made a motion to adjourn the meeting. Chairman Szigeti seconded the motion. Motion carried unanimously. The meeting was adjourned.

PASSED AND APPROVED ON THIS 22th DAY OF FEBRUARY 2022.

George Szigeti, Chairman
Public Utility Advisory Board

FINAL NOTICE

Truth or Consequences



Name JAMES HARPER JR

Service Address 1305 S LEAD ST

Account # 4160-23892-00

Amount Due \$ 5,952.89

Our records indicate your utility bill is overdue. Please be advised that a red tag fee has been assessed to your account. If payment is not received by 4 pm on 11/08/2021, utilities will be disconnected. Your attention is greatly appreciated as you will not receive further notices.

November 6, 2021

City of Truth or Consequences
Utilities Billing Department
505 Sims St
Truth or Consequences, NM 87901

RE: James Harper, 1305 Lead St., T or C, NM – Utilities

TO WHOM IT MAY CONCERN:

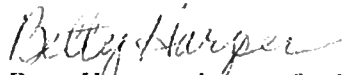
James Harper residing at 1305 Lead Street in T or C was RED TAGGED for nonpayment of his bill for \$5,952.87, Account #4160-23892-00. Correspondence dated August 25, 2021, and September 19, 2021, was sent previously disputing the legitimacy of the inflated bill he received for water usage for the month of March 2021. Once again, without out going into detail, there is simply no way that the water leak that he had that month and was fixed by the following billing cycle, spilled out over \$5,000 worth of water.

As I have told you previously, James is on Social Security Disability. I have attached a copy of his latest award letter from them as proof. He also receives food stamps and I have attached a copy of the latest award letter from Human Services in this regard. As you can see, James pays over half of his current income every month to the City of Truth or Consequences for utilities. He has the Ability Center as his payee who sends you a check every month. They keep \$40 per month for their services out of his check. Do the math and the inescapable conclusion is that James Harper will never be able to pay \$5,952.87, not now, not ever.

I intend to take this matter up at the next City Council meeting because I simply don't know what else can be done to rectify this issue, but in the meantime, please **do not cut off his utilities**. Adding additional charges for _____ and late fees to the bill that he can't pay anyway isn't helping to solve this problem either.

Did I mention that James is disabled? Cutting off his utilities would be a crime or should be anyway.

Until the next City Council meeting, I remain,



Betty Harper, advocate for James Harper



TRUTH OR CONSEQUENCES
505 Sims St
Truth or Consequence, NM 87901

DELINQUENT NOTICE

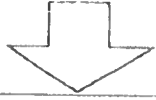
Received on

NOV 01 2021



The Ability Center

JAMES HARPER JR
715 E. IDAHO AVE STE 3E
LAS CRUCES, NM 88001

Account Number	
4160-23892-00	
Due Date	
	Amount Due
	\$5,952.89

There will be a charge on all returned checks.
Please return this portion with your payment.
When paying in person, please bring both portions of this bill.

CUSTOMER ACCOUNT INFORMATION - RETAIN FOR YOUR RECORDS

Name		Service Address		Account Number
JAMES HARPER JR		1305 S LEAD ST		4160-23892-00
Notice Date	Due Date	Cutoff Date	Amount Due	
10/27/2021		11/2/2021	\$5,952.89	

DELINQUENT NOTICE

Dear Customer:

This letter is concerning your past due utility bill.

Our records indicate that the utility bill for 1305 S LEAD ST is past due. We show the last payment as \$221.25 on 10/12/2021.

The past due amount of \$5,952.89 must be paid by 11/02/2021. If full payment is not received, service **WILL BE DISCONNECTED** after red tagging the premises. A \$50.00 fee will automatically be assessed to your next bill.

NOTE: If payment arrangements have been made with our office, PLEASE DISREGARD THIS NOTICE.
Thank you.

DATE DUE: 11/02/21

AMOUNT REQUIRED: \$5,952.89

If service is disconnected, the Full Balance on the account must be paid and reconnect fees will be charged in order to restore service. A new deposit may also be required.

Please give this matter your immediate attention.

Thank you,

Joint Utility Department

FINAL NOTICE

Truth or Consequences

Name JAMES HARRER JR

Service Address 1305 S LEAD ST

Account # 4160-23892-00

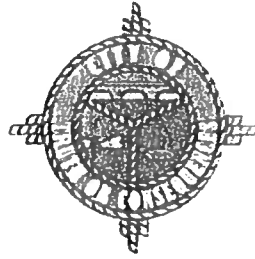
Notice Date 12/14/82

Our records indicate your utility bill is
overdue. Please be advised that a red tag
fee has been assessed to your account. If
payment is not received by 4 pm on
12/13/2021, utilities will be disconnected.
Your attention is greatly appreciated as
you will not receive further notices.

Sandra Whitehead
Mayor

Amanda Forrister
Mayor Pro-Tem

Frances Luna
Commissioner



505 Sims St.
Truth or Consequences, New Mexico 87901
P: 575-894-6673 • F: 575-894-6671
www.torcnm.org

Paula B...
Commissioner

Vacant
Commissioner

Bruce Swingle
City Manager

November 19, 2021

James Harper Betty Harper
1305 Lead St.
Truth or Consequences, NM 87901

RE: Utility Services


Dear Mr. and Mrs. Harper:

After receiving your correspondence, dated November 6, concerning utilities and possible red tagging of services at 1305 Lead St. the city examined your account and situation. I made many attempts to contact you at the number you provided (740-0110), to no avail. You are not answering your phone and have not set up voice mail. In addition, I went to the address on November 18, but was unable to make contact with anyone.

In an act of prudence, the city placed a hold on red tagging your utility service to investigate the situation; however, this measure is not for an indefinite period. Please contact the Utility Office immediately or the city will be forced to pursue red tagging procedures. The Utility Business Office is located at 505 Sims Street or call their office at (575) 894-6671.

Your immediate attention to this matter is imperative.

Regards,


Bruce Swingle
City Manager



TRUTH OR CONSEQUENCES
505 Sims St
Truth or Consequence, NM 87901

DELINQUENT NOTICE

Received on

#424

SEP 02 2021



The Ability Center

JAMES HARPER JR
715 E. IDAHO AVE STE 3E
LAS CRUCES, NM 88001

Account Number	
4160-23892-00	
Due Date	Amount Due
	\$5,836.51



There will be a charge on all returned checks.
Please return this portion with your payment.
When paying in person, please bring both portions of this bill.

CUSTOMER ACCOUNT INFORMATION - RETAIN FOR YOUR RECORDS

Name		Service Address		Account Number
JAMES HARPER JR		1305 S LEAD ST		4160-23892-00
	Notice Date	Due Date	Cutoff Date	Amount Due
	8/31/2021		9/7/2021	\$5,836.51

DELINQUENT NOTICE

Dear Customer:

This letter is concerning your past due utility bill.

Our records indicate that the utility bill for 1305 S LEAD ST is past due. We show the last payment as \$250.00 on 08/05/2021.

The past due amount of \$5,836.51 must be paid by 09/07/2021. If full payment is not received, service **WILL BE DISCONNECTED** after red tagging the premises. A \$50.00 fee will automatically be assessed to your next bill.

NOTE: If payment arrangements have been made with our office, PLEASE DISREGARD THIS NOTICE - Thank you.

DATE DUE: 09/07/21

AMOUNT REQUIRED: \$5,836.51

If service is disconnected, the Full Balance on the account must be paid and reconnect fees will be charged in order to restore service. A new deposit may also be required.

Please give this matter your immediate attention.

Thank you,

Joint Utility Department

PLEASE DISREGARD THIS NOTICE IF BILL HAS BEEN PAID

September 19, 2021

City of Truth or Consequences
Utilities Department

Re: 1305 Lead Water Bill

Hello again on behalf of James Harper. After communicating with your department, James was instructed to bring in proof that a water leak was fixed during the month of March, 2021. As I said in the last letter sent in this regard, "Hollywood Dave" fixed the water leak. He works for HUD as a maintenance man. He has been into your office and confirmed that the leak was indeed fixed back in March of 2021 but he did not save receipts for the plumbing parts he purchased to fix the leak.

We were under the impression that an adjustment would be made to the bill which is \$5,836.51 according to the latest delinquent notice he received via his payee, the Ability Center in Las Cruces. However, he continues to receive shut off notices and the balance on his account which was paid in full for the month of February, 2021, went from zero to over \$5,000 in one billing cycle.

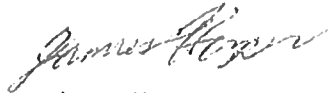
The problem with this is that it is impossible for that much water to have leaked during the month of March and also he is incurring late charges of over \$80 per month for the months the bill isn't paid in full. James is on social security disability and will not ever be able to pay this bill as it stands. Even if he is put on a payment plan, the late charges alone, are more than he can afford to pay on top of a normal utility bill.

Somehow this problem needs to be resolved. If necessary, we will go to the City Council and bring this up at one of their meetings. It would be awful for him if you disconnect his water as he is disabled and has no means of hauling water to his home. Thank you for addressing this problem.

Sincerely,



Betty Harper
Advocate for James



James Harper
1305 Lead St., T or C, NM 87901

TRUTH OR CONSEQUENCES
505 Sims St
Truth or Consequence, NM 87901

DELINQUENT NOTICE



JAMES HARPER JR
1305 S LEAD AVE STE 3E
LAS CRUCES, NM 88001

Account Number	
4160-23892-00	
Due Date	Amount Due
	\$5,801.49



There will be a charge on all returned checks.
Please return this portion with your payment.
When paying in person, please bring both portions of this bill.

CUSTOMER ACCOUNT INFORMATION - RETAIN FOR YOUR RECORDS

Name	Service Address	Account Number
JAMES HARPER JR	1305 S LEAD ST	4160-23892-00
Notice Date	Due Date	Cutoff Date
7/29/2021		8/3/2021
		Amount Due
		\$5,801.49

DELINQUENT NOTICE

Dear Customer,

This letter is concerning your past due utility bill.

Our records indicate that the utility bill for 1305 S LEAD ST is past due. We show the last payment as \$250.00 on 07/09/2021.

The past due amount of \$5,801.49 must be paid by 08/03/2021. If full payment is not received, service **WILL BE DISCONNECTED** after red tagging the premises. A \$50.00 fee will automatically be assessed to your next bill.

NOTE: If payment arrangements have been made with our office, PLEASE DISREGARD THIS NOTICE - Thank you.

DATE DUE: 08/03/21

AMOUNT REQUIRED: \$5,801.49

If service is disconnected, the Full Balance on the account must be paid and reconnect fees will be charged in order to restore service. A new deposit may also be required.

Please give this matter your immediate attention.

Thank you,

Joint Utility Department

Received on

AUG 02 2021

The Ability Center

August 25, 2021

The City of Truth or Consequences
Utilities Department


RE: 1305 Lead St, Truth or Consequences, NM
Utility Bill for \$5,800+ to James Harper

James is on Social Security Disability and his bills are paid by his payee, the Ability Center in Las Cruces, NM. Recently, they sent him a delinquent notice for \$5,801.49 for the utilities at his house on 1305 Lead St. After investigating with the Utilities Department, it was determined that the charges that led to such an exorbitant bill were incurred during the month of March, 2021. The month preceding was a normal bill and the month immediately after March was a normal bill.

During the month of March, 2021, a water leak was fixed at his home. His roommate, Hollywood Dave who works for HUD as a maintenance man did the repairs to the plumbing leak. There hasn't been any leaks in the plumbing since then. The person I spoke with at the utility department said that water usage during that month was 1,240,000 gals of water which is the equivalent of about 25 swimming pools 60 ft x 30 ft x 6 ft deep. Obviously, there is a mistake because we all know that is impossible for that much water to have leaked all during the billing cycle for March of 2021.

Additionally, he has been charged over \$80 each month that the bill wasn't paid in full for late charges since March, about 5 months or so. Please adjust the bill and take off the late charges, first of all, and get real about his water usage for the month of March, 2021. There must be an explanation for this anomaly that makes sense. Water usage for this month was probably higher due to the leak but certainly not by over a million gallons.

Thank you for your attention to this matter.


Betty Harper writing for James Harper's interests

MEET JAMES HARPER

James lives at 1305 Lead Street in a manufactured home he inherited from his mom when she passed away many years ago. James has a roommate named Dave who works as a maintenance man for the Housing Authority. James lives on his disability check he receives from Social Security each month.

James' utility bills are sent to his payee appointed by the Social Security Administration to help him budget his disability check he receives each month. The Ability Center in Las Cruces is his payee. They pay the utility bill every month to the City of T or C which usually runs between \$200 and \$250 per month.

James' balance owed to the City of T or C at the beginning of March, 2021, was \$0. However, during the month of March he was billed for 1,240,000 gals of water use and sent a bill for \$5,800+.

Coincidentally, a water leak at James residence was fixed during that month so it wouldn't have been surprising to have a higher than normal bill for that month, but there is absolutely no way that he used over a million gals of water. Also, when he was billed for the month of April, 2021, the bill was back to normal, about \$250.

I have written 3 letters to the City about the fact that he has been getting disconnect notices every month and charged \$80 late fees, etc. to no avail.

James' utilities were shut off last Thursday morning. No electricity, no water, and they even took his trash can. He has a freezer half full of rotting meat on his front porch as we speak.

Do you know that a million gals of water is the equivalent of a swimming pool that is 10 feet deep, 267 feet long, and 51 feet wide, or it would be like filling a football field 10 feet deep! James home would have floated away if there was that much water leaked.

This is obviously a mistake that has been made by the City and now James' life is hanging in the balance with no heat or water and rotting groceries on his front porch. For the past 6 nights, the temperature has been below freezing every night.

What does the City plan to do to remedy this situation?

First of all, his utilities should be restored immediately!

Comment of Ron Fenn Jan 10,2022

ORDINANCE NO. 664

This needs to be a new Ordinance that will pertain to new customers following adoption.
AN ORDINANCE OF THE CITY OF TRUTH OR CONSEQUENCES, PROVIDING THAT
THE CODE OF ORDINANCES, CITY OF TRUTH OR CONSEQUENCES, BE AMENDED BY
AMENDING SECTION 14-48 PERTAINING TO THE CUSTOMER GENERATED
RENEWABLE ENERGY PROGRAM: **This Title is confusing.**

Sec. 14-48. Customer generated renewable energy program shall be amended in its entirety to read as follows:

Amending in entirety makes it a new Ordinance

a) CUSTOMER GENERATED RENEWABLE ENERGY PROGRAM

1) Overview

a. The City of Truth or Consequences (City) Customer Generated Renewable Energy Program is available to any City electric customer, residential or commercial, that installs a qualified renewable energy system and has it interconnected to the City's power grid. A Qualifying Facility means a cogeneration or a small power production facility which meets the criteria for qualification contained in 18 C.F.R. Section 292.203, or such other criteria as may be reasonably prescribed by rule by the City. Application is to be made to the Electrical Department Manager. Blank application copies can be obtained from the electrical department or on the City website. All supporting technical, design and support documentation for the interconnection application must be submitted in writing via hard copy or electronic format. Review and approval of system design and size will be per the T or C Electrical Department and permitted through the Planning & Zoning Department and must conform to:

i. The standards and procedures as described in Rule 17.9.568 NMAC and the most recent version of the New Mexico Interconnection Manual as approved by the Public Regulatory Commission. **Up to 10 MW not KW**

ii. Provisions of Sec. 14-33, tampering with meters, of the City of Truth or Consequences, existing municipal code. **???? Why this reference here?**

b. The City reserves the right, but not the duty, to inspect any system to ensure the system complies with all existing regulations. **Whose duty if City failes to inspect?**

c. The City reserves the right to deny interconnection for non-compliant systems. Denial of a customer's interconnection application can be appealed to the City's Electric Department Manager. The appeal must specifically explain the basis of the appeal. If the City's Electric Department Manager denies the appeal, the customer may appeal to the City Manager. If the City Manager denies the appeal, the customer may appeal to the City Commission. In such event, the procedure shall be in accordance with the rules applicable to 14-30 (e) appeals.

2) Applicability

a. This ordinance applies to any customer of the City of Truth or Consequences Electric Department that installs a solar, wind or other renewable energy system to generate electricity for onsite use, with the intent of reducing their electric bill.

Who determines Intent?

b. This ordinance does not apply to any entity that installs a deliberately over-sized system with the intent of selling the overage to the Electric Department or any other entity. **What does apply to this section? Define Deliberately. Solar Rights Act does not impose such limitation**

3) Metering

a. Customers participating in the customer generated renewable energy program will be billed monthly from a bi-directional or net main meter at the specific facility or residence. The monthly bill will reflect a net reading which will show customer usage in excess of customer generation as positive kWh, or customer generation in excess of customer usage as negative kWh. The customer will be billed per existing City of Truth or Consequences municipal code Sec. 14-43 for installation of the net meter by the City and those costs will be billed to the customer on the first billing cycle post net meter installation.

"Co Gen" meters not Net meters or bi-directional.

4) Rates

a. Residential and small non-residential installations.

i. Definition: This category includes systems of any size supporting a single family home, a single dwelling unit in a multifamily structure with its own electric meter, or any non-residential system with a generating capacity less than or equal to 10 kilowatts. **What defines a residential system over 10KW? NM Solar Act does not Limit.**

ii. Customers will be billed for service in accordance with the rate structure and monthly service charges that the customer would be assigned if the customer had not interconnected a qualifying facility.

iii. Customer kilowatt hour generation will be used to displace a customer's own kilowatt hour consumption.

iv. If electricity supplied by the City exceeds the electricity generated by the customer during a billing period, the customer will be billed for the net energy supplied by the City under the applicable rate.

v. If electricity generated by the customer exceeds the electricity supplied by the City during a billing period, the City will credit the customer on the next billing cycle for the excess kWh generated at the average wholesale cost paid by the electric department.

Currant credit is already recorded in the City's Financial records and is due as recorded to avoid legal problems.

This Issue must wait until the January following its Adoption

vi. Each year, at the January billing, any credit in excess of \$20.00 on the customer's account after current charges are paid shall be refunded to the customer. If the credit amount is less than \$20.00, the credit will be carried over to the next billing cycle.

vii. In the event a customer disconnects from the City's system with a credit for excess production, the City will pay the customer for all credits. This amount will be first deducted from the customers final utility bill and then from any additional fees or fines that the customer owes to the City. Any remaining balance will be reimbursed to the customer by check or electronic transfer.

b. Large non-residential installations. Is this Commercial?

i. Definition: This category includes systems with a generating capacity greater than 10 kilowatts that support a non-residential facility.

ii. Customers will be billed for service in accordance with the rate structure and monthly service charges that the customer would be assigned if the customer had not interconnected a qualifying facility.

iii. Customer kilowatt hour generation will be used to displace a customer's own kilowatt hour consumption.

iv. If electricity supplied by the City exceeds the electricity generated by the customer during a billing period, the customer will be billed for the net energy supplied by the City under the applicable rate.

v. If electricity generated by the customer exceeds the electricity supplied by the City during a billing period, the City will credit the customer on the next billing cycle for the excess kWh generated at the average wholesale cost paid by the electric department.

vi. Each year, at the January billing, any credit in excess of \$20.00 on the customer's account after current charges are paid shall be refunded to the customer. If the credit amount is less than \$20.00, the credit will be carried over to the next billing cycle.

vii. In the event a customer disconnects from the City's system with a credit for excess production, the City will pay the customer for all credits. This amount will be first deducted from the customers final utility bill and then from any additional fees or fines that the customer owes to the City. Any remaining balance will be reimbursed to the customer by check or electronic transfer.

c. The average wholesale cost of electricity shall be calculated annually and is defined as the ~~total number of kilowatt hours purchased by the electric department in a given fiscal year divided by the total cost of the electricity, including demand charges, transmission costs and GRT.~~

Wrong Calculation Needs to be Cost divided by kWh

Does this Customer Fee replace the current Service Charge and for what justification?

d. The monthly Customer Fee for cogenerating customers will be as follows:

Residential:	\$10.00
Small Commercial 1 Phase	\$12.00
Small Commercial 3 Phase	\$14.00
Large Commercial 1 Phase	\$25.25
Large Commercial 3 Phase	\$27.50

There is NO Non-residential category.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS. CITY COMMISSIONERS OF THE CITY OF TRUTH OR CONSEQUENCES:

Section 1. All Ordinances or Resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This Repealer shall not be construed to revive any Ordinance or Resolution or part thereof, heretofore repealed.

Section 2. This Ordinance shall take effect on the _____ day of 2021.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2021.

CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO

BY:

~~Sandra Whitehead~~ Mayor

ATTEST:

Angela A. Torres- City Clerk

Public Comments by **Ariel Dougherty** January 10, 2022
PUBLIC UTILITY ADVISORY BOARD

Gentlemen,

I take considerable time to look over the packet and investigate ways to improve issues, concerns, and ordinances that come before this Board on behalf of us citizens. That my words are reduced, void of any content, except to say "they are attached", when they are not, is egregious. Now, you have just approved the minutes in such a form that belie and stifle the public's right-to-know of citizen's concerns and discussions before this Board.

Last Wednesday I communicated with you all about five concerns that are not adequately addressed in prior versions of the draft of 664. This was with the expectation that the discussion from December about avoided costs had addressed and altered the point about \$20. Now a newer version of the 664 is before you. What happened? We are going backwards. No avoided costs, no net metering.

A huge problem I see in this draft is 1. i. "The Standards and procedures....." both documents referred to only discuss "interconnection". They hold no information or details regarding renewables and net metering a core function in capturing solar, wind, etc. The PRC Interconnection manual is an accompanying document to PRC Rule 579 for Interconnection which covers numerous issues on renewables including net metering and avoided costs. I urge you all read them before you recommend any version of 664.

Most specifically I want to hear you all discuss what I raised in #2 in the email I sent last Wednesday: Will a producer be allowed to roll over excess kwh month by month and by-pass the proposed January pay out – UNCLEAR in how 4) Rates a) vii is written.

If you don't fix these things – especially about grandfathering – expect litigation.



Ariel Dougherty films <arielcamera@gmail.com>

Renewable Ordinance 664 Still Needs More Fine Tuning

Ariel Dougherty films <arielcamera@gmail.com>

Wed, Jan 5, 2022 at 10:32 AM

To: Don Armijo <chanoystoner@yahoo.com>, George Szigeti <szigdog@gmail.com>, Gil Avelar <gavelartorc@gmail.com>, Jeff Dornbusch <jd5cats@gmail.com>, Ron Pacourek <ronpacourek@gmail.com>

Cc: "Barclay, Dawn" <dbarclay@torcnm.org>, Chuck Wentworth - Sentinel <ChuckW57@gmail.com>, "Easley, Bo" <beasley@torcnm.org>, "Gardner, Tammy" <tgardner@torcnm.org>, John Masterson <john@torc.beer>, "Swingle, Bruce" <bswingle@torcnm.org>, "Torres, Angela" <aatorres@torcnm.org>, Traci Alvarez <talvarez@torcnm.org>, "Ariel Dougherty (arielcamera@gmail.com)" <arielcamera@gmail.com>, Kathleen Sloan <kathleen.sloan@gmail.com>, "Fuentes, Priscilla" <PriscillaFuentes@torcnm.org>, environmentalhandprint@gmail.com, Ron Fenn <fenwron234@gmail.com>, Chris Sisney <csisney@earthlink.net>, Rick Dumlak <rdumlak@gmail.com>, Molly Hammer <emhammer@gmail.com>, Jim DesJardins <jiridesjardins1@gmail.com>, Jesus Escalera <Jesus.Escalera@merakisolutions.com>

Dear George and members of the Public Utility Advisory Board, and other interested parties,

Happy New Year.

Over a number of months as 2021 closed, progress was made on the Renewable Ordinance 664. PUAB has successfully addressed two issues raised about abatement and procurement. I am especially pleased, that at the last meeting you solved one of these issues by recognizing the importance of net metering, settling on "avoided cost" (an industry standard) as the way to address any potential payout on excess renewable production.

However, there are a number of key issues which have not been adequately addressed. I urge you to take them up before final approval of revisions on Ordinance 664, and sending it to the Commission for consideration.

1) Grandfather Clause

The most glaring of them is the absence of a grandfather clause. There are now some 75 renewable producers already approved via the existing version of the ordinance. As discussion went at the last meeting with the Utility Office Manager there seemed to be some kind of abstract idea of settling out with all those producers as the new ordinance might go into effect. But there exists NO rule that governs such an idea. It is not customary, or legal, to invoke a new set of rules on those approved under a different set of rules.

2) Carry Over of Net Metering credits

Some producers might want to retain their net metering credits over time, beyond any twelve month period, or permanently. It is unclear to me that this is an available option given the discussion around an annual payment period and process. Further, keeping over production solely as net metering credits puts absolutely no extra burden of time, effort or financial figuring on the utility staff whatsoever.

In fact, I would urge that this be the standard. And that, instead, should any producer want an annual payout, that should be the exception or alternative. I suggest a producer who desires a payout, should make a request in writing two months prior to the annual payout time. This gives the utility personnel time to prepare. Again, I urge this time to be the end of March.

3) This should also include a rewrite of the section currently called "metering" which I urge be called "Net Metering" where net metering should be more fully and adequately explained.

4) Under 2) Applicability a. (in most recent publicly available draft version of 664)

I recommend the first sentence of this section be struck altogether.

It defines *Infrastructure Goal 6: Promote the use of renewable resources to improve energy efficiency*, outlined on page 83 of the most recent City Comprehensive Plan (2014).

5) NM Community Solar Act – now in effect

No mention or accounting for this new act are considered under this ordinance. As T or C has a 27% poverty rate this should be accounted for and addressed in such an ordinance, especially as the Comprehensive Plan calls for *"resources to improve energy efficiency."*

1/7/22, 12:16 PM

Gmail - Renewable Ordinance 664 Still Needs More Fine Tuning

I hope these, and maybe other omissions I have failed to account for, can be adequately addressed prior to this Advisory Board's approval of a full revision of 664. I have suggested, or tired, over a number of months now to suggest that a workshop be convened and that we all can properly hash out these issues in a open back and forth discussion.

Such a workshop might produce a fuller, more adequate ordinance, and in a faster time frame.

Best, Ariel Dougherty

ArielCamera@gmail.com 575 – 740 - 5868

p.s. NEXT TorC PUAB meeting is this coming **MONDAY, January 10**, at 3:30 in the Commission Chambers between 3rd and 4th streets, in the 400 block.

ARIEL dougherty ArielCamera@gmail.com 575-740-5868 @MediaEquity

1/10/22, 12:31 PM

Gmail - 664 and tomorrow's PUAB meeting.



Ariel Dougherty films <arielcamera@gmail.com>

664 and tomorrow's PUAB meeting.

Ariel Dougherty films <arielcamera@gmail.com>
To: George Szigeti <szigdog@gmail.com>

Sun, Jan 9, 2022 at 8:32 PM

Greetings, George --

The current draft of 664 is disappointing. What happened to "avoided costs" that was the heart of the discussion at the last meeting and agreed upon for the way to account for net metering and any payout -- which only need to be calculated once a year.

Who wrote this version of the Ordinance?

Best, Ariel Dougherty

ARIEL dougherty ArielCamera@gmail.com 575-740-5868

SOCIETAL BENEFITS OF SOLAR ENERGY

Prepared by Jon Biemer, 515 Kopra, 971 803-2850

Revised 1-10-22 noon

Solar electric systems have societal benefits in addition to the benefits to the system owner and the city. This is quantified here for solar systems in Truth or Consequences, NM.

Background: Indirect Benefits of Solar

From a city's perspective the Net Benefits of a residential or commercial solar electric system include may be calculated as

$$\text{Net Benefit} = \text{Reduced power purchases} + \text{Reduced demand charge} - \text{Lost revenue} + \text{Indirect benefits} + \text{Reduced operating cost}$$

Quantification of the first three terms of this equation were the subject of my testimony on December 20, 2021.¹ They directly affect the operating budget of the City of Truth or Consequences (T or C).

Indirect benefits include: (a) reducing societal cost for carbon emissions from fossil generation (75% of power production in New Mexico), (b) keeping money in the community instead of buying power from elsewhere, (c) increase T or C energy security (local power reduces dependence on central power plants and transmission lines), (d) attract and retain residents in T or C, and (e) individual and commercial benefits. Here I focus on the first of these benefits which can be quantified using documented sources.

Reducing Societal Cost

The societal benefit of reducing carbon dioxide emissions is currently established at \$51 per ton.^{2 3} This number is set by the U.S. Interagency Working Group on Social Cost of Greenhouse Gases and reflects the many effects of greenhouse gases including sea level rise and violent storms. The national average of emissions from power generation is 0.85 lbs of carbon dioxide per kWh.⁴ The societal value of energy saved by solar systems in T or C are:

For a typical 5 kW residential solar system in T or C:

$$\text{Societal Value (residential)} = 8760 \text{ kWh/yr} \times 0.85 \text{ lbs/kWh} \times \text{ton}/2000 \text{ lbs} \times \$51/\text{ton} = \$1216^5$$

¹ "Calculations regarding Truth or Consequences Solar Ordinance," Jon Biemer, December 20, 2021.

² "Stanford Explainer: Social Cost of Carbon," Isabella Backman, *Stanford News*, June 7, 2021, <https://news.stanford.edu/2021/06/07/professors-explain-social-cost-carbon/>.

³ "Technical Support Documentation: Social Costs of Carbon, Methane, and Nitrous Oxide, Interim Estimates Under Executive Order 13390, February 2021," Interagency Working Group on Social Cost of Greenhouse Gases, United States Government, https://www.whitehouse.gov/wp-content/uploads/2021/02/TechnicalSupportDocument_SocialCostofCarbonMethaneNitrousOxide.pdf. (The \$51 figure will like be raised in a follow-on report to be issued in January or February of 2022.)

⁴ "How Much Carbon Dioxide is Produced per Kilowatt-hour of U.S. Electricity Generated, U.S. Energy Information Agency, accessed January 10, 2020, <https://www.eia.gov/tools/faqs/faq.php?id=74&t=11>.

⁵ "Residential Solar Systems Cost and Savings in Arizona in 2021," *SolarReviews*, updated August 9, 2021, <https://www.solarreviews.com/blog/average-residential-solar-panels-cost-and-savings-arizona>. (Suggests that the energy production of a 5kW solar system in Arizona is 8760 kwh.)

For a Walmart-scale solar electric system:

$$\text{Societal Value (Walmart)} = 2,200,000 \text{ kWh/yr} \times 0.85 \text{ lbs/kWh} \times \text{ton}/2000 \text{ lbs} \times \$51/\text{ton} = \$47,685/\text{yr}^6$$

Conclusion

While tracking individual, commercial and municipal impact of solar electric systems, it is also important to acknowledge that *each system has significant quantifiable societal benefits*. Individuals with solar electric systems contribute \$1200 per year in terms of societal impact. A large solar system, such as Walmart's, generates nearly \$50,000 in annual societal impacts. It is appropriate for T or C to facilitate such acts of social responsibility.

⁶ "Walmart Supercenter," Affordable Solar, accessed January 9, 2022, <https://affordable-solar.com/utility-industrial/portfolio/walmart-supercenter/>. (Source of estimated 2,200,000 kWh/year energy production.)

ORDINANCE NO. ###

AN ORDINANCE OF THE CITY OF TRUTH OR CONSEQUENCES, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF TRUTH OR CONSEQUENCES, BE AMENDED BY AMENDING SECTION 14-48 PERTAINING TO THE CUSTOMER GENERATED RENEWABLE ENERGY PROGRAM:

Sec. 14-48. Customer generated renewable energy program shall be amended in its entirety to read as follows:

a) CUSTOMER GENERATED RENEWABLE ENERGY PROGRAM

1) Overview

a. The City of Truth or Consequences (City) Customer Generated Renewable Energy Program is available to any City electric customer, residential or commercial, that installs a qualified renewable energy system and has it interconnected to the City's power grid. A Qualifying Facility means a cogeneration or a small power production facility which meets the criteria for qualification contained in 18 C.F.R. Section 292.203, or such other criteria as may be reasonably prescribed by rule by the City. Application is to be made to the Electrical Department Manager. Blank application copies can be obtained from the electrical department or on the City website. All supporting technical, design and support documentation for the interconnection application must be submitted in writing via hard copy or electronic format. Review and approval of system design and size will be per the T or C Electrical Department and permitted through the Planning & Zoning Department and must conform to:

i. The standards and procedures as described in Rule 17.9.568 NMAC and the most recent version of the New Mexico Interconnection Manual as approved by the Public Regulatory Commission.

ii. Provisions of Sec. 14-33, tampering with meters, of the City of Truth or Consequences, existing municipal code.

b. The City reserves the right, but not the duty, to inspect any system to ensure the system complies with all existing regulations, or regulations in effect at the time of installation.

c. The City reserves the right to deny interconnection for non-compliant systems. Denial of a customer's interconnection application can be appealed to the City's Electric Department Manager. The appeal must specifically explain the basis of the appeal. If the City's Electric Department Manager denies the appeal, the customer may appeal to the City Manager. If the City Manager denies the appeal, the customer may appeal to the City Commission. In such event, the procedure shall be in accordance with the rules applicable to 14-30 (e) appeals.

2) Applicability

- a. This ordinance applies to any customer of the City of Truth or Consequences Electric Department that installs a solar, wind or other renewable energy system to generate electricity for onsite use, with the intent of reducing their electric bill.
- b. This ordinance does not apply to any entity that constructs a system for the sole purpose of generating electricity to be sold to the Electric Department or any other entity.

3) Metering

- a. Customers participating in the customer generated renewable energy program will be billed monthly from a bi-directional or net main meter at the specific facility or residence. The monthly bill will reflect a net reading which will show customer usage in excess of customer generation as positive kWh, or customer generation in excess of customer usage as negative kWh. The customer will be billed per existing City of Truth or Consequences municipal code Sec. 14-43 for installation of the net meter by the City and those costs will be billed to the customer on the first billing cycle post net meter installation.

4) Rates

- a. Residential and small non-residential installations.

- i. Definition: This category includes systems of any size supporting a single family home, a single dwelling unit in a multifamily structure with its own electric meter, or any non-residential system with a generating capacity less than or equal to 10 kilowatts.

- ii. Customers will be billed for service in accordance with the rate structure and monthly service charges that the customer would be assigned if the customer had not interconnected a qualifying facility.

- iii. Customer kilowatt hour generation will be used to displace a customer's own kilowatt hour consumption.

- iv. If electricity supplied by the City exceeds the electricity generated by the customer during a billing period, the customer will be billed for the net energy supplied by the City under the applicable rate.

- v. If electricity generated by the customer exceeds the electricity supplied by the City during a billing period, the City will credit the customer for the excess kWh generated at the average wholesale cost paid by the electric department. This credit will be first applied against the monthly Customer Fee. Any remaining credit will be carried over to the next billing period.

- vi. Each year, at the January billing, any credit in excess of \$20.00 on the customer's account after current charges are paid shall be refunded to the customer. If the credit amount

is less than \$20.00, the credit will be carried over to the next billing cycle.

vii. In the event a customer disconnects from the City's system with a credit for excess production, the City will pay the customer for all credits. This amount will be first deducted from the customers final utility bill and then from any additional fees or fines that the customer owes to the City. Any remaining balance will be reimbursed to the customer by check or electronic transfer.

b. Large non-residential installations.

i. Definition: This category includes systems with a generating capacity greater than 10 kilowatts that support a non-residential facility.

ii. Customers will be billed for service in accordance with the rate structure and monthly service charges that the customer would be assigned if the customer had not interconnected a qualifying facility.

iii. Customer kilowatt hour generation will be used to displace a customer's own kilowatt hour consumption.

iv. If electricity supplied by the City exceeds the electricity generated by the customer during a billing period, the customer will be billed for the net energy supplied by the City under the applicable rate.

v. If electricity generated by the customer exceeds the electricity supplied by the City during a billing period, the City will credit the customer for the excess kWh generated at the average wholesale cost paid by the electric department. This credit will be first applied against the monthly Customer Fee. Any remaining credit will be carried over to the next billing period.

vi. Each year, at the January billing, any credit in excess of \$20.00 on the customer's account after current charges are paid shall be refunded to the customer. If the credit amount is less than \$20.00, the credit will be carried over to the next billing cycle.

vii. In the event a customer disconnects from the City's system with a credit for excess production, the City will pay the customer for all credits. This amount will be first deducted from the customers final utility bill and then from any additional fees or fines that the customer owes to the City. Any remaining balance will be reimbursed to the customer by check or electronic transfer.

c. The average wholesale cost of electricity shall be calculated annually and is defined as the total cost of the electricity, including demand charges, transmission costs and GRT divided by the total number of kilowatt hours purchased by the electric department in a given fiscal year.

d. The monthly Customer Fee for cogenerating customers will be as follows:

Residential: \$10.00
Small Commercial 1 Phase \$12.00
Small Commercial 3 Phase \$14.00
Large Commercial 1 Phase \$25.25
Large Commercial 3 Phase \$27.50

e. On the first utility billing after the effective date of this ordinance, all existing credits in cogenerating customers' accounts shall be refunded to the customers.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS. CITY COMMISSIONERS OF THE CITY OF TRUTH OR CONSEQUENCES:

Section 1. All Ordinances or Resolutions, or parts thereof, in particular Ordinance 664, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This Repealer shall not be construed to revive any Ordinance or Resolution or part thereof, heretofore repealed.

Section 2. This Ordinance shall take effect on the _____ day of _____, 2022.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2022.

CITY OF TRUTH OR CONSEQUENCES, NEW MEXICO

BY: _____
#####

ATTEST: _____
Angela A. Torres- City Clerk

CITY OF TRUTH OR CONSEQUENCES

RESOLUTION NO.....

**A RESOLUTION SETTING PROCEDURES AND CONDITIONS FOR A CATASTROPHIC
UTILITY FAILURE RELIEF PROGRAM**

WHEREAS, the City of Truth or Consequences owns and operates the Water, Wastewater, Electric and Solid Waste Utilities and is responsible for setting their rates and charges; and

WHEREAS, there occasionally occur catastrophic failures of a utility customers systems, particularly the water system, in which large volumes of water are lost, causing the customer to be charged a utility bill far in excess of their normal bill; and

WHEREAS, this large utility bill can place a financial hardship on the utility customer.

NOW THEREFORE, BE IT RESOLVED by the governing body of the City of Truth or Consequences:

1. A portion of this greater-than-normal utility bill can be forgiven by the Utility Office if the following conditions are met:

- A. The utility failure was not the result of an action or activity of the utility customer, nor by their failure to properly maintain the system.
- B. The utility customer promptly notified the utility department to shut off the water and took action to repair the break.
- C. The utility fault is documented. Dated photographs, a written statement from a licensed contractor, or visual confirmation by an employee of the Water Department are considered sufficient documentation.
- D. Repairs are made by a licensed contractor, normally a plumber, or if the repair is made by the homeowner, the repair must be inspected and approved by the Water Department.
- E. The resulting total monthly usage is more than 30,000 gallons.
- F. The utility customer asks the utility office, in writing, for the utility relief within 30 calendar days of receipt of the utility bill showing the overage, and the person making the request is the same as the name on the utility bill.
- G. The utility customer cannot request such utility relief more than once in a calendar year or more than twice in 5 years.

2. The amount of the bill to be forgiven is 75% of the difference between the charge for that water bill and the customer's average monthly water bill.

3. If the failure is in the water system and occurs during the months when the water usage is used to calculate the sewer bill, the monthly bills showing the excessive water usage will not be used in that calculation.

4. This resolution applies to all Residential customers and to Commercial customers with an average consumption of 10,000 gallons per month or less.

PASSED, ADOPTED AND APPROVED this __ day of _____, 2022

Assume 5k gal/month average			
Average bill = \$24.92			
	bill	bill – ave	75% off
			50% off
5k =	\$24.92		
10k =	\$40.36		
20k =	\$74.76	\$49.84	\$37.38
30k =	\$111.61	\$86.69	\$46.59
40k =	\$152.51	\$127.59	\$56.82
70k =	\$275.21	\$250.29	\$87.49
100k =	\$397.91	\$372.99	\$118.17
200k =	\$806.91	\$781.99	\$220.42
500k =	\$2,033.91	\$2,008.99	\$527.17