

New Mexico Renewable Energy Transmission Authority

Minutes of Board Meeting

July 26, 2017

1:30 p.m.

NM State Capitol – Room 318

490 Old Santa Fe Trail

Santa Fe, New Mexico, 87501

Present

Bob Busch, Chairman

Dr. James Miller

Brian Moore (appeared telephonically)

Robert Apodaca

Julie Filatoff (designee for Tim Eichenberg)

Jonathan Elms

Absent

Louise Martinez

RETA Staff

Lynn Mostoller – General Counsel, Sutin Thayer & Browne

Ginny Selvin – Consultant

Angela Gonzales - Consultant

1. Call to Order and Roll Call

Chairman Busch called the meeting to order at 1:35 p.m. A quorum was present for the meeting.

2. Approval of Agenda

Member Elms made a motion to accept the agenda as presented. Member Apodaca seconded the motion. There being no further discussion, Chairman Busch called for a vote and it passed unanimously.

3. Approval of May 3, 2017 Board Meeting Minutes

Member Miller made a motion to approve the Board Meeting Minutes as presented. Member Apodaca seconded the motion. There being no other discussion, corrections, additions or updates to the minutes, Chairman Busch then called for a vote and it passed unanimously.

4. Report of the Chairman

Chairman Busch stated that RETA continues to operate without a staff, but does have an attorney and financial manager as consultants to assist the Board. Chairman Busch informed the Board that there was a need to have a set of written policies that codify the way RETA receives funds from developers and that such a policy will be presented later on the agenda for Members to review and potentially take action on. Chairman Busch

also gave a brief overview of the status of the Western Spirit Project and the potential renewal of RETA's relationship with SunZia, also to be considered by the Members later in the agenda.

5. Update on Western Spirit Project

Mr. Keith Sparks, Director of Development with Clean Line Energy Partners, provided an overview on the Western Spirit Project. Mr. Sparks informed the Board that the Western Spirit Project received a favorable System Impact Study (SIS) from the Public Service Company of New Mexico. Clean Line Energy is now working with the Public Regulation Commission to confirm the results in the SIS. Mr. Sparks informed the Board that California continues to be a robust supporter of renewable energy. Clean Line Energy has been reaching out to NM business to discuss the construction and operation of the transmission line, and continues its outreach with developers, landowners and the military installations.

6. Review and Consideration of Financial Statements for the Period ending June 30, 2017.

Ms. Selvin called the Boards attention to the June 30, 2017, financial statements. Ms. Selvin explained that the expenses continue to consist of same expenses each month which are: legal, accounting and administrative services.

Member Miller made a motion to approve the financial statements for the period ending June 30, 2017. Member Moore seconded the motion. There being no further discussion, Chairman Busch called for a vote and it passed unanimously.

7. Review and Consideration of the Open Meetings Act Resolution for 2017 – Lynn Mostoller

Chairman Busch presented the Open Meetings Act Resolution and explained that it is not a requirement of the Board, but RETA voluntarily adopts the Open Meetings Act annually. Ms. Mostoller discussed that a slight modification had been made from last year's Open Meetings Act Resolution to allow the Board to go into private session to discuss commercial issues that consist of proprietary or technical information that is allowed under RETA's statute.

Member Apodaca made a motion to approve the Open Meetings Act Resolution for 2017. Member Elms seconded the motion. There being no further discussion, Chairman Busch called for a vote and it passed unanimously.

8. Update on the Activities of the Projects Committee – Review and Consideration of the Amended Project Selection Policies.

Member Elms informed the Board that the Projects Committee held a meeting to review the amended Project Selection Policies. A new Section 5 – Developer Contribution Guidelines, was added to the current Project Selection Policies that memorializes how RETA may receive funds from developers. Member Elms informed the Board that the Projects Committee recommends approval of the amended Project Selection Policies to the full Board.

Member Elms made a motion to approve the amended Project Selection Policies. Member Miller seconded the motion. There being no further discussion, Chairman Busch called for a vote and it passed unanimously.

9. Presentation of the Dona Ana Biogas Project by R-Qubed Energy.

Chairman Busch introduced Mr. Keith Hughes and Mr. Kent Foster, with R-Qubed Energy. Mr. Hughes and Mr. Foster gave a comprehensive presentation of the Dona Ana Biogas Project. Ms. Gonzales informed the Board that the presentation will be posted on the RETA website at www.nmreta.com.

10. Review and Consideration of the Memorandum of Understanding for the SunZia Southwest Transmission Project.

Member Elms informed the Board that the Projects Committee had a thorough discussion concerning the SunZia Memorandum of Understanding (MOU) and the Projects Committee recommends approval of the MOU to the full Board. Chairman Busch reminded the Board that SunZia had a prior MOU with RETA that was only cancelled due to RETA's inability to receive state funding. Ms. Mostoller informed the Board that the current MOU is almost identical to the original with slight modifications and updates.

Member Miller moved to approve the Memorandum of Understanding for the SunZia Southwest Transmission Project. Member Apodaca seconded the motion. There being no further discussion, Chairman Busch called for a vote and it passed unanimously.

11. Public Comments

Commissioner Martha Salas, Socorro County, informed the Board that the Socorro County Commission passed a Resolution opposing the current proposed route of the SunZia SW Transmission Project across the Northern Call-Up Area of White Sands Missile Range. Commissioner Salas read the Resolution to the Board and stated that a copy could be obtained on the Socorro County website.

Representative Gail Armstrong, District 49 Valencia, Catron and Socorro Counties, informed the Board that she attended the meeting to get a better understanding of the issues and backs her constituents and their concerns over the SunZia Project.

Mr. Ernest Thompson informed the Board that he is in full support of the comments given by Commissioner Salas.

Mr. Mel Chaney informed the Board that he is in opposition to the Verde Transmission Project.

Mr. Paul Stout, Chairman of the Collation of Renewable Energy Landowners Association (CRELA), stated that CRELA is in full support of the SunZia Transmission Project.

Ms. Robin Dunn, landowner in Lincoln, Socorro and Torrance Counties discussed her concerns of the SunZia Project and her assumption that it will be able to use RETA's eminent domain.

Mr. Oliver Lee inquired if RETA has ever used its eminent domain authorities. Mr. Lee asked if there are any rules or regulations associated with RETA's eminent domain and where he could locate the documents. RETA's counsel responded that RETA's eminent domain rule is a public document available at the library, on-line through the compilation of the New Mexico Annotated Code, and on RETA's website. Chairman Busch responded that RETA, to date, has not exercised eminent domain, and that it would only do so as a last resort.

Mr. Tom Lee expressed his concerns about the SunZia Project and its ability to influence RETA now that SunZia will be subject to developer contributions. Mr. Lee handed in an Inspection of Public Records Act (IPRA) request letter for related documents associated with the SunZia Project.

Mr. Daniel Saiz expressed his concerns of the SunZia Project and its current routing. Mr. Saiz requested that the RETA Board reconsider the approval of its MOU with SunZia.

12. Next Meeting – TBD

13. Adjournment

Chairman Busch requested a motion to adjourn the meeting. Member Elms so moved and Member Apodaca seconded. The Board voted unanimously to adjourn.