

# **New Mexico Renewable Energy Transmission Authority**

**Minutes of Board Meeting  
February 7, 2019  
1:30 p.m.**

**Office of the Secretary Conference Room  
Wendell Chino Building – 3<sup>rd</sup> Floor  
1220 South St. Francis Drive  
Santa Fe, New Mexico, 87505**

## **Present**

Bob Busch, Chairman  
Dr. James Miller, Member  
Jonathan Elms, Member (via phone)  
Noah Long, Member  
Louise Martinez, Designee for EMNRD Cabinet Secretary  
Yovanne Lucero, Designee for Tim Eichenberg

## **Absent**

Brian Moore, Member

## **RETA Staff**

Lynn Mostoller – General Counsel, Sutin Thayer & Browne  
Ginny Selvin – Consultant  
Mike D’Antonio – Director of Public Outreach  
Gloria Castillo – Administrative Assistant

### **1. Call to Order and Roll Call**

Chairman Busch called the meeting to order at 1:30 p.m. A quorum was present for the meeting.

### **2. Approval of Agenda**

Chairman Busch requested a motion to amend the Agenda to remove Item No. 7, Update on Sun Zia Southwest Transmission Project, noting that Mr. David Getts will not be making a presentation. Member Long made a motion to accept the agenda as amended. Member Martinez seconded the motion. There being no further discussion, Chairman Busch called for a vote and it passed unanimously.

### **3. Approval of October 23, 2018 Board Meeting Minutes**

Member Martinez made a motion to accept the October 23, 2018 Board Minutes as presented. Member Miller seconded the motion. There being no additional discussion, corrections, additions or updates to the minutes, Chairman Busch called for a vote and it passed 3-0-2 (Members Long and Lucero abstained).

#### **4. Report of the Chairman**

Chairman Busch introduced and welcomed new Board Member Noah Long and Yovanne Lucero, designee for Tim Eichenberg.

Chairman Busch commented on the following:

- SunZia and Western Spirit are moving forward. SunZia is moving on to another review by PRC and both projects continue to work actively to reach Right-of-Way agreements with landowners.
- RETA's request to the Legislature for \$350,000 is progressing. Chair Busch and Mr. D'Antonio met with Senate Majority Leader Peter Wirth and Speaker of the House Brian Egolf on this item.
- RETA continues to work with legislators for support of both the Governor's budget and the Legislative Finance Committee budget in the amount of \$350,000.
- The audit is complete and will be discussed further on the agenda.

#### **5. Legislative Update – Michael D'Antonio**

Michael D'Antonio updated the Board on Legislative activities. He stated that he continues to focus on funding from the Legislature for RETA but is currently keeping a low profile. He also encouraged anyone going to the legislature to let legislators know that RETA needs more funding. He reported on the status of the following bills:

- HB 406 – Requiring Approval by PRC of Transmission Line Location. Mr. D'Antonio noted that this bill has not had its first hearing and all independent transmission companies have opposed this legislation.
- There is also a proposed bill, not yet introduced, that would take away RETA's ability to receive private funding. He commented that any funds from private industry means less funding needed from state government and pointed out that RETA would not be in existence today without private funding due to the last three-years of governor line item vetoes for RETA funding.
- HB 426 – Appropriating \$300,000 for RETA to hire a consultant to study and make recommendations regarding renewable energy transmission and energy storage in the state. Mr. D'Antonio noted that LANL had done such a study. Chairman Busch indicated that the study that LANL did is 9 years old and explained storage in the grid and changes that have occurred since then.
- SB 399 – Wind Energy Production Tax Act which would levy a \$1 per MWh tax on wind energy sold out of state. Mr. D'Antonio noted that RETA is not trying to compete with the oil and gas industry, but is only trying to promote areas like central New Mexico that have world-class wind resources. .
- Several bills are attempting to reconstitute the NMPRC. Member Long commented that SB 489, The Energy Transition Act, had just dropped.

**6. Update on the Western Spirit – Kim Sachtleben**

Ms. Sachtleben updated the Board on the Rio Grande crossing and the Finding of No Significant Impact (FONSI) on it. She noted that last year the Game and Fish Department did an environmental assessment for the river crossing and the project now has one river crossing. She noted that at the present time, land acquisition is what they are concentrating on and developmental activities such as right-of-way and easements. Construction is anticipated to begin by 2020.

Ms. Dodds indicated that they are in a full land acquisition mode and 30 percent of private landowners have signed; 60 percent have given survey permission. She noted that Western Spirit has received applications from the State Land Office for entry and they are working on acquiring state approval for State right-of-way. She concluded that the Western Spirit project is moving forward quite well, and they are working with landowners.

Member Long asked where is the river crossing. Ms. Sachtleben replied that it is a new crossing and there will be no new road, only a line crossing.

**7. Update on the SunZia Southwest Transmission Project**

This item was removed from the agenda.

**8. Status of the 2018 Audit – Ginny Selvin for Brian Moore**

Ms. Selvin briefed the Board on the status of the 2018 Audit, informing them that there were no deficiencies. She noted that the RETA Audit has been accepted by the State Auditor's Office and is now posted on RETA's website.

**9. Review and Consideration of Financial Statements for the Period Ending December 31, 2018**

Ms. Selvin called the Board's attention to the December 31, 2018 financial statements. She noted that RETA has had a substantial increase in activity.

Chairman Busch called for a motion to approve the Financial Statement for the Period ending December 31, 2018. Member Miller made a motion to approve the Financial Statement. Member Long seconded the motion. There being no further discussion, Chairman Busch called for a vote and it passed unanimously.

**10. Public Comment**

Paul Stout, CRELA, raised concern with Senate Bill 399, The Wind Energy Production Tax Credit, and urged the audience to contact Senator Munoz to oppose the bill. He noted that we should not start taxing the exporting of wind energy when it is just getting started.

**11. Closed Session:** Confidential discussion of potential transaction relevant to Western Spirit Project, *see* NMSA § 62-16A-16 (protecting proprietary technical or business information obtained by the authority as confidential); *see also* NMAC § 17.8.2.9 (same);

*cf.* NMSA § 10-15-1(H)(8) (meeting for the discussion of the purchase, acquisition or disposal of real property or water rights by the public body)

Member Long moved for the RETA Board to go into closed session. Member Martinez seconded. There being no further discussion, Chairman Busch called for a vote and it passed unanimously.

Chairman Busch announced that the Board would now go into closed session.

Chairman Busch requested a motion for the Board to get out of its Closed Session. Member Long moved for the Board to get out of closed session. Member Miller seconded the motion. There being no further discussion, Chairman Busch called for a vote and it passed unanimously.

The matters discussed in the closed session were limited to those specified in the motion for closure.

## **12. Next Meeting**

Chairman Busch suggested another closed session in February and asked for Board member availability. A tentative date of February 20, 2019 at 1:30 pm was set. A regular meeting of the Board is scheduled for February 25, 2019 at 1:30 p.m. at the Apodaca Hall.

## **13. Adjournment**

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