

**Joseph M. Maestas**  
**Democratic Candidate, Public Regulation Commission, Dist. No. 3**  
**PRC questionnaire, Sierra Club of New Mexico**  
**(April 9, 2008)**

**1. Why would you like to be endorsed by the Sierra Club?**

I would be most appreciative and honored to be endorsed by the Sierra Club because of its history, legacy, and effective advocacy for preserving and protecting our human and natural environment. The Sierra Club represents our collective conscience and innate desire to protect our environment and insure that future generations can benefit from the splendor of the millions of acres of high quality wildlife and wilderness that have been protected with the help of the Sierra Club.

Also, the constituency of the Sierra Club at 1.3 million strong is truly the envy of any national, membership-based organization. Being endorsed by an organization representing such an extensive, national membership is awesome. As someone who has spent their entire career in public policy, an endorsement from an organization that clearly devotes a majority of its resources towards influencing public policy is also great.

However, being a municipal elected official, the aspect I like the most about the Sierra Club is its proactive nature of encouraging and facilitating action locally to make changes globally. I have been a part of grass roots movement that has brought about major positive changes in my community. That is why I very closely identify with the Sierra Club's vision and mission. I live my life like I govern as an elected official. I am always aware of our environment and constantly work to preserve and protect it.

I am a part of implementing a new direction here at home. I am working towards a common goal of ushering in a clean energy economy in New Mexico. I've begun to build a coalition of academia, experts, Federal officials, and elected officials to participate in and support our efforts such as our Solar Energy Research Park and Academy located at the Northern New Mexico College. I have advocated for a new post-nuclear, post-carbon paradigm in the context of the future of our nation's nuclear weapons complex whereby Federal energy laboratories will phase in a major emphasis on renewable energy investment for development and deployment leading us to lasting peace and energy independence.

Our work here in New Mexico will show the world that, handled properly, our 97% clear days can provide America with clean energy, sun-powered energy that does not rely on transportation, fertilizers, combustion, chemicals or other harmful elements to deliver its benefits. We will create the new paradigm here, in New Mexico, and do our part to drastically reduce the use of fossil fuels by creating new technologies and jobs right here at home.

**2. What are your environmental achievements, experience, or affiliations as a government official and as a private citizen?**

My professional career includes over 23 years of experience with the U.S. Department of Transportation, Federal Highway Administration. I have the knowledge and understanding of existing Federal laws, regulations, and principles, especially the National Environmental Policy Act (NEPA). I also know how the Federal legislative and rulemaking processes work which, collectively, enables me to effectively interpret and implement current laws and regulations. Although I have worked at all levels of the Federal government (headquarters, region, division, Federal Lands, and Federal-Aid), most of my experience has been administering Federal programs at the State field level – the most important level within the Federal government where frequent and direct communication and cooperation occurs with many customers, partners, and community groups. My experience includes working in Washington, DC in domestic and international technology transfer as well as research implementation.

My most recent experience as a Planning and Program Management Engineer for the last ten years, I was responsible for and directly managed the program areas of statewide and metropolitan transportation planning; research, technology applications and transfer, intelligent transportation systems (ITS), environmental assessment and mitigation; pavements, information management, safety, and public involvement. I lead and supervised a team of four qualified specialists that assisted me in implementing these program areas. My team included an environmental specialist, a pavement engineer, and a safety engineer, and a research and technology engineer.

Being responsible for transportation planning for the entire State of New Mexico gave me an opportunity to work with a broad array of agencies, individuals, organizations, and community groups. They included planning organizations, Federal agencies, State agencies, State Transportation Commission, State and Federal legislators, local governments, councils of government, industry representatives, and community organizations. The primary planning organizations that I worked with are regional planning organizations (RPOs) and metropolitan planning organizations.

I have the training and experience in implementing the National Environmental Policy Act (NEPA) in the context of the Federal Aid Highway Program. My experience entails substantial classroom training in comprehensively assessing the social, economic, and environmental impacts associated with transportation improvements per NEPA Federal regulations. The training includes a comprehensive course in NEPA implementation, highway noise analysis, environmental justice, and environmental streamlining that calls for integrating the planning and NEPA processes to reduce the overall project development timeline. I served as a certified National Highway Institute instructor while teaching an Environmental Justice training course throughout the country.

My NEPA experience in implementing NEPA also entails working with multiple State and Federal permitting and environmental clearance agencies involved in assessing impacts of viable alternatives. Once a preferred alternative is selected among the viable alternatives including the “do-nothing” alternative, a plan to mitigate impacts of the

proposed alternative is developed that minimizes overall impacts. The mitigation plan addresses reducing such impacts through design, construction, and post-construction measures.

I have served as an Espanola City Councilor from 2000-2006. I was elected as Mayor of Espanola in 2006. As a Mayor, the decision making process is much more rapid with more frequent and direct communication with members of the community, county governments, tribal governments, the State and Federal legislative delegations; and city staff. Being the chief elected official of a city of 10,000 population and a government with almost 200 employees and \$42+M budget allows me the opportunity to implement my vision for my community with appropriate goals and objectives. I preside over a governing body and oversee the development and implementation of policy in partnership with executive staff.

My environmental achievements as a City Councilor include the following: 1) Improved urban planning and growth management by obtaining Community Development Block Grant (Federal) funding for updating a comprehensive plan that was almost 30 years old. 2) Reduce traffic congestion, improve air quality, and reduce traffic delay by obtaining Federal funding and upgrading and interconnecting a traffic signal system integrating cutting edge technologies on one of the most heavily traveled rural arterials in the State that bisects my community – State Route 68 (Riverside Dr.). 3) Regulated growth through water availability and permanently reduced per capita water consumption by voting for the imposition of a moratorium on new development that included water use restrictions. 4) Lobbied our Congressional Delegation and formally sponsored an Espanola Governing Body Resolution that helped Congress to pass legislation to preserve the Valle Vidal in Northern New Mexico. 5) Helped create a multi-government regional solid waste authority to streamline the collection, hauling, and storage of solid waste. 6) Helped to obtain Federal funding for additional compressed natural gas equipment (CNG) to fuel city transit vehicles. Espanola was the only city with a transit fleet powered solely by CNG.

My environmental achievements as a Mayor include: 1) Advocated and partnered with our local college, state legislators, and community leaders to establish and fund a Solar Energy Research Park and Academy in Espanola. 2) Completed a \$14M expansion of our wastewater treatment plant to insure that its effluent complies with more stringent water quality standards in the Rio Grande. 3) Fought to have a Superfund Site remediation project funded on the West side of Espanola where a dry cleaner had dumped solvents that contaminated the aquifer creating a massive underground plume. 4) In partnership with the NM Department of Transportation, my city government retro-fitted all traffic signal bulbs with light-emitting diodes (LEDs) to save on monthly electric utility costs. 5) Developed and implemented an executive order titled “Energy Conservation and Efficiency.” Progress to date includes the formation of an executive level “Green Team” to implement the EO and a formal request for an energy audit through the NM Energy, Minerals, and Natural Resources. 6) Publicly advocated for a new post-nuclear, post-carbon paradigm in the context of the future of our nation’s nuclear weapons complex whereby Federal energy laboratories will phase in a major

emphasis on renewable energy development and deployment leading us to lasting peace and energy independence. I was successful in requiring the Federal government to schedule an additional public hearing regarding a Supplemental Programmatic Environmental Impact Statement of a preferred alternative titled as “Complex Transformation” of our nation’s nuclear weapons complex. 7) Joined other local governments in North Central New Mexico to form a regional transit district to consolidate and streamline public transit operations. 8) Committed to join the Sierra Club’s Cool Cities Program.

As President of the New Mexico Municipal League (NMML) from 2005-2007, my environmental achievements are: 1) Working with Mayor Martin Chavez to ratify a NMML resolution endorsing the U.S. Conference of Mayors Climate Protection Agreement, and 2) Enacting new NMML policy statements regarding energy, alternative sources of energy, and natural resources. The NMML is a nonprofit, nonpartisan association whose member cities comprise all of the State's [103 incorporated municipalities](#).

As a member of the Governor’s Blue Ribbon Water Task Force, my environmental achievement was helping to develop the State of New Mexico’s first comprehensive water plan.

### **3. What do you consider are the most important environmental issues facing the citizens of New Mexico?**

Preserving the quality of our water and insuring that our water supply is sustainable are very important environmental issues facing our State. Water conservation, growth management constrained by water availability, remediating contaminated water supplies, water reuse, and new sources of water through harvesting rainwater and putting surface water rights to beneficial use are all very important. The adjudication of water rights, especially aboriginal water rights of tribal governments, is delaying the allocation and use of water rights throughout the State. This is also a very important environmental issue facing NM.

Air quality in Albuquerque and Las Cruces is deteriorating. Increasing levels of carbon monoxide in Albuquerque and ozone in Las Cruces will increasingly degrade the air quality, limit growth, and negatively impact the local economies. The rate of vehicle miles traveled (VMT) is far outpacing the population growth in these cities. Public transportation, mass transit, and expanded emissions testing will help alleviate the air quality issues in our State’s largest cities.

Another very important environmental issue is the challenge to balance the increasing desire to extract natural resources with preserving our environment. Oil, gas, and other interests are constantly trying to seek new supplies to the detriment of undisturbed land.

### **4. What role can the PRC play in improving the environment in New Mexico?**

The PRC can play a vital role in improving our environment by fully and expeditiously implementing the Renewable Energy Act that prescribes amounts or standards of

renewable energy (solar, wind, geothermal, biomass, hydropower, etc.) resources in the electric energy portfolios of public utilities excluding electric cooperatives and municipalities. The PRC can further improve the environment by opening a docket to provide appropriate performance-based financial or other incentives to encourage public utilities to acquire additional renewable energy supplies that exceed the portfolio standards established in this Act. Since electric cooperatives are exempt from complying with the Renewable Energy Act, the PRC should take the necessary steps to help enact legislation to insure that Tri-State Electric Generation and Transmission Cooperative which provides wholesale electricity to 12 of the State's rural electric cooperatives becomes subject to PRC oversight and the Renewable Energy Act requirements.

The PRC can also play a role in improving our environment by fully and expeditiously implementing the Efficient Use of Energy Act. This Act requires that public utilities, electric cooperatives, and municipalities include cost effective energy efficiency and load management investments in their energy resource portfolios in an overall effort to reduce energy demand and consumption. Independent measurement and verification of program compliance with the Efficient Use of Energy Act are also required of public utilities. Public utilities are required to set a goal of a minimum 5% reduction by January 1, 2020 in total retail sales to customers, adjusted for load growth.

## **ENERGY**

### **5. How can the PRC encourage conservation and renewable sources of energy.**

The PRC can encourage conservation and renewable sources of energy by removing any regulatory barriers that exist and allow recovery of costs for reasonable, incurred expenses of such programs. A mechanism for cost recovery in cost-effective energy efficiency and load management programs is a tariff rider.

As mandated by the Renewable Energy Act, the PRC shall provide appropriate performance-based financial or other incentives to encourage public utilities to acquire renewable energy supplies that exceed the minimum portfolio standards set forth in the Act: 5% by January 1, 2006, 10% by January 1, 2011, 15% by January 1, 2015, etc. The PRC is required to initiate the rulemaking process for this incentive program by June 1, 2008.

Other PRC incentives for public utilities to comply with the Renewable Energy Act requirements by establishing a system of renewable energy certificates that can be monitored, accounted for, or transferred through a regional system or trading program for any region that includes the public utility.

### **6. What rules should the PRC issue to encourage renewable energy and energy efficiency programs?**

As mentioned in Question #4, there are rules in place that mandate, not encourage, renewable energy and energy efficiency programs through the Renewable Energy Act and Efficient Use of Energy Act. However, the PRC ought not to simply leave it up to the public utility company to select the renewable energy source among the options

allowed in the Act (biomass, wind, solar, etc.). The rules should encourage renewable energy source that are cost-effective, least damaging to the environment, and consistent with the area of the State (wind: Eastern NM, solar: Northern NM, etc.). The upcoming rulemaking by the PRC to develop incentives to exceed the mandated minimum sources of renewable energy as mentioned in question #5 will be very important in addressing this question. The rules must be innovative in offering attractive incentives to and maximizing the latitude of public utilities to exceed the established renewable energy portfolio standards.

Electric cooperatives have extremely limited resources and are already struggling to comply with requirements of the Efficient Use of Energy Act. The PRC must determine what is preventing these cooperatives from complying and consider modifying the rules to further encourage electric cooperatives to participate. It is their customer base that is economically disadvantaged and would stand to benefit the most from this program that reduces the burden of utility costs on their consumers.

Lastly, the PRC should develop rules that would allow New Mexico to participate with adjoining states that are a part of the electric market and further encourage coordinated renewable energy and energy efficiency programs. Certainly, having Tri-State Electric Generation and Transmission Cooperative under PRC oversight would insure that it is subject to compliance with both Acts.

#### **7. What is your opinion on utility recovery of stranded costs?**

First, the PRC must strive to accurately identify and estimate stranded costs. To do that, the PRC must specifically identify recoverable costs that are deemed “reasonable” in complying with the renewable energy portfolio standard and consistent with approved procurement plans. That includes reasonable interconnection and transmission costs paid by the public utility in delivering renewable energy in the retail market. By equitably considering and including all reasonable costs that are recoverable, the PRC would minimize utility companies “eating” these stranded costs that would discourage such utilities from exceeding renewable energy portfolio standards and possibly encourage them to pass such costs on to the consumer.

#### **8. Arizona Public Service has just announced a 280 MW concentrating solar plant with energy storage. How do you view concentrating solar's future role in New Mexico's energy supply? What barriers do you see to concentrating solar and do you have ideas as to how they can be overcome?**

I was very impressed to hear of this new solar plant in Arizona Public Service Company's (APS's) energy portfolio. As I understand, this plant's potential retail electric sales would represent approximately 40% of the APS's energy portfolio. If this is true, it will be double New Mexico's minimum renewable energy portfolio standard of 20% by January 1, 2020!

Clearly concentrating solar plants will work very well in New Mexico and are an important component of an overall clean energy strategy. By working with companies

like Abengoa Solar, Acciona Solar, Ausra, BrightSource Energy, Iberdrola, Sener, Solar Millennium and working legislatively to insure the 30% investment tax credit (ITC) actually becomes law, variety of smaller test bed installations can be implemented. Results from these installations and data from other locations in the US and around the world, would determine which of these systems to put into large scale utility systems. The barrier will always be energy storage but these systems will get more and more refined on a worldwide basis, so an eye to retrofitting storage should be anticipated in all designs.

Finding large tracts of cheap land for solar collection in NM is a challenge. Places like Deming that enjoy the most sunshine throughout the year have much potential for solar energy. A lack of government investment is a barrier to establishing a solar energy economy. Federal and State funds are dwindling. I propose the Governor, once again, use permanent fund money to invest in renewable energy. Just as education is important, so too is our need for renewable energy which helps our environment, creates recession-proof jobs, and leads us to energy independence. I am urging a mission change for our science laboratories of Sandia and Los Alamos to begin addressing the technological challenges regarding renewable energy such as solving the technological challenges of effective and efficient energy storage and mobility. Lastly, the need for comprehensive Federal legislation encouraging the investment in renewable energy is long overdue. We need to insure our Congressional delegation members support a clean energy future by supporting the Energy Independence and Security Act. I support the repeal of oil and gas subsidies to pay for these offsets versus allowing the Federal deficit to absorb this renewable energy offsets.

**9. How do you view mandatory versus voluntary renewable energy programs?**

I support mandatory renewable energy programs and the upcoming rules to encourage public utilities to exceed the mandatory renewable energy portfolio standards. If APS can establish their renewable energy portfolio standard with their new solar plant today that is double NM's standard for the year 2020, then surely NM can match if not exceed APS's standards well before the year 2020.

**10. Should there be a System Benefits Fund (a tariff on the ratepayer that can be used for education, renewable energy projects, rural electrical infrastructure, etc.)? If so, what elements should be included and how should it be implemented?**

There should be a System Benefits Fund and directly or indirectly the ratepayer will finance the education, projects and rapid implementation of these technologies. To think otherwise would be avoiding reality. One way this fund could be accepted by the public, would be through an investment strategy. Early adopters could pay into the fund and, as investors, would get a future discount. This creates a pool of funding today and as efficiencies increase and production costs decline, the early adopters would be given a significant repayment that the later adopters would not necessarily enjoy until the early adopters are repaid. Unlike bonds to build bridges or roads, the need for power will continue and, without a doubt, those efficiencies will occur.

Such a tariff or surcharge could be imposed at a more localized level for local projects through utility franchise agreements. This would require a close partnership between the local governments and their respective utility company and/or electric cooperative in clearly planning and articulating the accounting and use of the fund.

## **TRANSPORTATION:**

### **11. What actions can the PRC take to encourage efficient transportation systems by private carriers?**

The PRC could aid private carriers by assisting in right-of-way disputes, elevated monorail creation at the Albuquerque Sunport that connects to the Rail Runner and other public people mover projects. The more public transportation available, the less fossil fuel is required.

The PRC can encourage more commuter rail shuttles that integrate smoothly, through coordinated schedules and routes, with established public transportation operations and systems such as the regional transit districts and Rail Runner. Also, the PRC can partner with large private sector and public employers in urban areas and appropriate local governments to discourage single-occupant vehicle (SOV) travel by encouraging employee shuttles and implementing congestion pricing measures (e.g., high downtown parking prices, prohibited SOV parking, etc.). Shuttle services and multi-modal solutions can be developed by the PRC to alleviate SOV and passenger vehicle travel to large traffic generators such as the Albuquerque Sunport, the Santa Fe Railyard. Also, such shuttle carriers can be encouraged for special events that generate large volumes of traffic congestion. Lastly, the PRC can help create more efficient transportation systems by requiring commercial off-the-shelf intelligent transportation technologies (GPS, mobile data terminals, etc.) to insure efficient operation of these private carriers.

### **12. Are there any ways that the PRC can improve public transportation through its regulation of private transportation?**

Addressed in Question #11.

## **GENERAL/OTHER**

### **13. Do you see environmental impacts from PRC regulations of any of the other industries that the PRC regulates (i.e., pipeline safety, insurance, telecommunications?)**

Social, economic, and environmental impacts associated with right-of-way needed for the installation of utility lines (gas pipelines, fiber optic, etc.) can be substantial. The PRC rules must consider and mitigate such impacts on these areas particularly near preserved public lands and tribal lands. Also, the recent gas pipeline explosion in Carlsbad requires judicious pipeline safety oversight by the PRC to avoid another tragedy.

In conclusion, I respectfully request the Sierra Club's endorsement. Thank you!