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**BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY
RESOLUTION NO. 2009-116**

**INTRODUCED BY:
Commissioner Holian**

A RESOLUTION

**URGING THE NEW MEXICO PUBLIC REGULATION COMMISSION TO FIND THAT
THIRD PARTY DEVELOPERS UTILIZING SOLAR POWER SERVICE
AGREEMENTS ARE NOT PUBLIC UTILITIES AND NOT SUBJECT TO
REGULATION BY THE PRC THEREBY ELIMINATING MARKET UNCERTAINTY
FOR RENEWABLE ENERGY.**

**WHEREAS, the Board of County Commissioners has taken various steps to encourage
and support energy conservation and sustainability in the community; and**

**WHEREAS, the Board of County Commissioners recognizes the importance of
renewable energy as an economic initiative as well as crucial to the environment; and**

**WHEREAS, the third-party ownership power purchase agreement (PPA) structure is a
long-term contract between a customer and a third-party solar PV developer; and**

**WHEREAS, the developer builds and owns a PV system on the customer's property and
sells all of the power to the customer; and**

**WHEREAS, this allows the customer to support solar power while avoiding upfront
costs as well as operation and maintenance; and**

**WHEREAS, in today's credit market, solar power service agreements provide an ideal
way to overcome the high up-front capital costs of a solar system and are the preferred means of**

1 financing solar installations, particularly for government entities; and

2 WHEREAS, governmental entities are not able to take advantage of federal and state
3 solar tax credits, and therefore virtually all large scale photovoltaic systems at government
4 facilities in Colorado, California, New Jersey, and Oregon use solar power service agreements to
5 accomplish renewable energy goals; and

6 WHEREAS, the Board of County Commissioners plans to actively engage in solar
7 power service agreements for the purchase of renewable energy; and

8 WHEREAS, the possibility that these agreements will be regulated as public utilities has
9 seriously and negatively affected Santa Fe County's ability to move forward with expanding use
10 of solar energy in New Mexico.

11 NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
12 COMMISSIONERS OF THE SANTA FE COUNTY urges the New Mexico Public Regulation
13 Commission to find that third party developers utilizing solar power service agreements are not
14 public utilities and not subject to regulation by the PRC thereby eliminating market uncertainty
15 for renewable energy.

16 AND BE IT FURTHER RESOLVED that County staff is directed to forward this
17 Resolution to the New Mexico Public Regulation Commission

18 PASSED, APPROVED, and ADOPTED this 14 day of July, 2009.

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21 *Michael Anaya*
22 MICHAEL ANAYA, CFAIR

23 ATTEST:
24 *Valerie Espinoza*
25

26 VALERIE ESPINOZA, SANTA FE COUNTY CLERK



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APPROVED AS TO FORM:



STEPHEN C. ROSS, SANTA FE COUNTY ATTORNEY

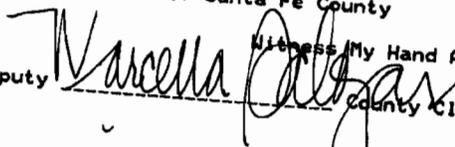
Jp/ca/jpmb/2009 res/solar energy agreements



COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

BCC RESOLUTIONS
PAGES: 3

I Hereby Certify That This Instrument Was Filed for
Record On The 21ST Day Of July, 2009 at 10:09:27 AM
And Was Duly Recorded as Instrument # 1571149
Of The Records Of Santa Fe County

Deputy  Witness My Hand And Seal Of Office
Valerie Espinoza
County Clerk, Santa Fe, N