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New Mexico Register

The official publication for all official notices of rulemaking and filing of proposed, adopted and emergency rules.

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The New Mexico Register

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New Mexico Register

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November 3, 2026

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Notices of Rulemaking and Proposed Rules

ARCHITECTS, BOARD OF EXAMINERS FOR

NOTICE OF PUBLIC HEARING

Public Notice. The New Mexico Board of Examiners for Architects (NMBEA) gives notice that it will conduct a public hearing and regular meeting of the Board on December 4, 2026, at 10:00 am in person at the Toney Anaya Building, Third Floor, Board Conference Room, 2550 Cerrillos Road, Santa Fe, NM 87505. The purpose of the public hearing is to receive public input on the proposed amendment to 16.30.2 NMAC- Organization and Administration, 16.30.3 NMAC- Registration and Renewal, Duplicate Certificates, Seal Specifications and Document Identification, 16.30.4 NMAC- Code of Conduct and 16.30.5 NMAC- Enforcement. The board will hold a regular board meeting following the public hearing.

Purpose. The purpose of the proposed change to 16.30.2.10 NMAC is to correct grammar, The purpose of the proposed change to 16.30.2.13 NMAC is to add the section for clarification of Board responsibility regarding public records and correct minor errors of spelling and grammar. The purpose of the proposed changes to 16.30.3.8 NMAC is to serve to correct minor errors of spelling and grammar and to adjust time frame for exams and clarify fee requirements.. The purpose of the proposed changes to 16.30.3.9 NMAC is to adjust registration standards to correspond with the standards of NCARB as described in the latest editions of the NCARB Certification Guidelines and the NCARB Education Guidelines. The purpose of the proposed changes to 16.30.3.10 NMAC is to adjust time frame for exams and clarify fee requirements and to combine requirements for registration based on current board process. The purpose of the proposed changes to 16.30.3.11 NMAC is to remove fee amounts. The purpose of the proposed changes to 16.30.3.12 NMAC is to correct minor errors in spelling and grammar and remove fee amounts. The purpose of the proposed changes to 16.30.3.14, 16.30.3.15 and 16.30.3.16 NMAC is to remove fee amounts.
The Purpose of proposed changes to 16.30.3.18 and 16.30.3.19 NMAC is to correct minor errors spelling and grammar. The purpose of the proposed changes to 16.30.4.10 is to add wording to clarify requirements of full disclosure. The Purpose of proposed changes to 16.30.5.7 and 16.30.5.12 NMAC is to update to the current agency name. The Purpose of proposed changes to 16.30.5.8 NMAC is to add clarification to timing of report given. The changes will be made by repealing and replacing the rules and updating to current formatting requirements as required by the Commission of Public Records.

The statutory authorization. Section 61-15-4 NMSA 1978 grants the board authority to make rules not inconsistent with law in order to promote the public welfare and protect the citizens of New Mexico.

No technical information serves as a basis for this proposed rule change.

Public comment. Interested parties may provide comment on the proposed amendments of this state rule at the public hearing or may submit written comments to Naomi Baldonado New Mexico Board of Examiners for Architects, P. O. Box 509, Santa Fe, New Mexico 87504, or by electronic mail at naomi.baldonado@bea.nm.gov, or fax to (505) 476-4829. All written comments must be received no later than 5:00 p.m. (MDT) on the day before the date of the public hearing. The public comment period is from November 3, 2026 to December 3, 2026 at 5:00 p.m. (MDT).

Copies of the proposed rules. Copies of proposed rules may be accessed through the New Board of Examiners for Architect's website at https://www.bea.state.nm.us, or may be obtained from Naomi Baldonado by contacting her at
(505) 476-4832 during regular business hours.

Individuals with disabilities who require the above information in an alternative format, or who need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Naomi Baldonado at (505) 476-4832 as soon as possible before the date set for the public hearing. The NMBEA requires at least ten (10) calendar days advance notice to provide any special accommodations requested.

Summary of Proposed Changes. The Board summarizes its proposed changes to its administrative rules as follows:

16.30.2.10 NMAC – Duties of Officers
As a general summary, the proposed changes to 16.30.2.10 NMAC to correct minor errors in spelling and grammar.

16.30.2.13 NMAC– Board Responsibilities
As a general summary, the proposed changes to 16.30.2.13 NMAC is to add a section on public records requests and to serve to correct minor errors in spelling and grammar and to label sections.

16.30.3.8 NMAC– General Qualifications
As a general summary, the proposed changes to 16.30.3.8.11 NMAC serve to change exam time and to clarify application time. it also serves to clarify fees and add on a returned payment fee.

16.30.3.9 NMAC- Registration Through Education, Training, and Examination
As a general summary, the proposed changes to 16.30.3.9 NMAC is to clarify jurisprudence exam time and application time and to adjust registration standards to correspond

with the standards of NCARB as described in the latest editions of the National Council of Architectural Registration Boards ("NCARB") Certification Guidelines and the NCARB Education Guidelines, and to correct minor errors in spelling and grammar.

16.30.3.10 NMAC– Registration Through Reciprocity
As a general summary, the proposed changes to 16.30.2.10 NMAC serve to clarify jurisprudence exam time and application time, to combine requirements in one statement and realign lettering.

16.30.3.11 NMAC– Registration Renewal
As a general summary, the proposed changes to 16.30.3.11 NMAC serve to remove fee amounts and add reference.

16.30.3.12 NMAC– Continuing Education
As a general summary, the proposed changes to 16.30.3.12 NMAC serve to remove dollar amounts and to correct and clarify information and references to rule.

16.30.3.14 NMAC– Renewal of an Expired Certificate
As a general summary, the proposed changes to 16.30.3.14 NMAC serve to remove dollar amounts and add reference.

16.30.3.15 NMAC– Architect Emeritus
As a general summary, the proposed changes to 16.30.3.15 NMAC serve to remove dollar amounts and add reference.

16.30.3.16 NMAC– Duplicate Wall Certificates
As a general summary, the proposed changes to 16.30.3.16 NMAC serve to remove dollar amounts and add reference.

16.30.3.18 NMAC– Individual Seal and Document Identification
As a general summary, the proposed changes to 16.30.3.18 NMAC serve to correct minor errors in spelling and grammar.

16.30.3.19 NMAC– Change of Address
As a general summary, the proposed changes to 16.30.3.19NMAC serve to correct minor errors in spelling and grammar.

16.30.4.10 NMAC- Full Disclosure
As a general summary, the proposed changes to 16.30.4.10 NMAC serve to clarify disclosure of any person.

16.30.5.7 NMAC- Definitions
As a general summary, the proposed changes to 16.30.5.7 NMAC serve to correct current state agency name and reference initials.

16.30.5.8 NMAC Complaints
As a general summary, the proposed changes to 16.30.5.8 serve to correct minor errors in grammar.

16.30.5.12 NMAC Parental Responsibility Act
As a general summary, the proposed changes to 16.30.5.7 NMAC serve to correct current state agency reference initials.

CHILDREN, YOUTH AND FAMILIES DEPARTMENT
PROTECTIVE SERVICES DIVISION

NOTICE OF PROPOSED RULEMAKING

The Children, Youth and Families Department (CYFD) will hold a public hearing on December 3, 2026, from 10 a.m. to noon at the PERA Building located at 1120 Paseo de Peralta, Santa Fe, NM 87505, regarding proposed amendments to 8.10.2 NMAC - Protective Service Intake and 8.10.3 NMAC - Protective Service Investigation. The meeting will additionally be broadcast live via TEAMS, log-in details for the TEAMS meeting will be available on CYFD's website beginning Monday November 2, 2026.

The Purpose of the Rule Hearing is to receive public input on the purposed amendments to both 8.10.2 NMAC and 8.10.3 NMAC. The proposed amendments provide direction to CYFD Intake Workers on screening abuse and neglect allegations related to substance-exposed infants exposed, as well as direction to CYFD Investigation Workers on how to proceed with assessing safety and making a decision on removal from home.

The draft of the rules may be accessed at https://cyfd.nm.gov or by emailing cyfd.policy@cyfd.nm.gov. Interested persons may testify at the hearing or submit written comments no later than 5 p.m. December 3. Written comments will be given the same consideration as verbal comments given at the hearing. Written comments should be emailed to cyfd.policy@cyfd.nm.gov.

If you require this information in an alternative format or require special accommodations to participate in the public hearing, please email cyfd.policy@cyfd.nm.gov. CYFD requests at least 10 days' advance notice to provide requested alternative formats and special accommodations.

EARLY CHILDHOOD EDUCATION AND CARE DEPARTMENT

NOTICE OF RULEMAKING AND PUBLIC RULE HEARING

The New Mexico Early Childhood Education and Care Department (ECECD) hereby gives notice as required under Section 14-4-5.2 NMSA 1978 and 1.24.25.11 NMAC that it proposes to adopt amendments to the following rule regarding SOCIAL SERVICES CHILD CARE ASSISTANCE; REQUIREMENTS FOR CHILD CARE ASSISTANCE PROGRAMS FOR CLIENT AND CHILD CARE PROVIDERS as authorized by the Child Care Assistance Program Act and Subsection A of Section 32A-32-

3 NMSA 1978; the Early Childhood Education and Care Department Act and Subsection E of Section 9-29-6 NMSA 1978; and the Public Health Act, Sections 24-1-1 to 24-1-22 NMSA 1978, Subsection D of Section 24-1-2 NMSA 1978, Subsection I of Section 24-1-3 NMSA 1978, and Section 24-1-5 NMSA 1978.

8.9.3 NMAC - CHILD CARE ASSISTANCE; REQUIREMENTS FOR CHILD CARE ASSISTANCE PROGRAMS

ECECD is also proposing to adopt amendments to CHILD CARE LICENSING; CHILD CARE CENTERS, OUT OF SCHOOL TIME PROGRAMS, FAMILY CHILD CARE HOMES, AND OTHER EARLY CARE AND EDUCATION PROGRAMS as authorized by the Early Childhood Education and Care Department Act and Subsection E of Section 9-29-6 NMSA 1978; Section 3-21-1 NMSA 1978; Section 59A-52-18 NMSA 1978; and the Public Health Act, Sections 24-1-1 to 24-1-22 NMSA 1978, Subsection D of Section 24-1-2 NMSA 1978, Subsection I of Section 24-1-3 NMSA 1978, and Section 24-1-5 NMSA 1978.

8.9.4 NMAC - CHILD CARE LICENSING; CHILD CARE CENTERS, OUT OF SCHOOL TIME PROGRAMS, FAMILY CHILD CARE HOMES, AND OTHER EARLY CARE AND EDUCATION PROGRAMS.

No technical scientific information was consulted in drafting these proposed rules.

Purpose of proposed rules: The purpose of the proposed rulemaking is to amend 8.9.3 NMAC and 8.9.4 NMAC to align them with applicable state and federal requirements.
The proposed amendments to 8.9.3 NMAC will update the child care assistance copayment schedule to provide for a gradual progression in copayments as household income increases. The proposed amendments to 8.9.4 NMAC will align regulatory requirements with Senate Bill 96, which took effect on July 1, 2026. On that date, ECECD adopted an emergency rule amendment to 8.9.4.31 to address a conflict between the state law and existing regulations. Based on community feedback since the implementation of the emergency rule, ECECD is proposing amendments to replace the requirement for written zoning approval with a requirement that licensed home applicants submit proof of zoning designation. In addition, ECECD is proposing to remove the requirement for written approval from the state fire marshal's office or other applicable fire prevention authority and instead mandate that applicants be responsible for knowing and following applicable local rules and ordinances. The proposed amendments clarify requirements for applicants and are necessary for consistency with state law.

Summary of proposed rules: In summary, the proposed amendments to 8.9.3 NMAC will revise the child care assistance copayment schedule to provide for a more gradual progression in copayment responsibility as household income increases. The Child Care Assistance Program Act establishes a sliding scale copayment schedule under which copayments are waived for households with income at or below 600% of the federal poverty level (FPL), shall be three percent or less of annual household income for households with income above 600% but not exceeding 900% FPL, and shall be seven percent or less of annual household income for households with income above 900% FPL. The proposed copayment schedule would provide a gradual progression in copayment responsibility as household income increases, while maintaining the statutory limits on copayments. As outlined in the Child Care Assistance Program Act, the state pays the copayment for families whose income is at or below 600% FPL.

The proposed amendments to 8.9.4 NMAC will require licensed home applicants to provide ECECD with proof of zoning designation for the licensed home location, removes requirements to obtain approval from local or state fire authorities other than ECECD, and will require that applicants be aware of and follow all applicable rules and ordinances related to the operation of their business.

Amended NMAC Sections for 8.9.3: 8.9.3.14.

Amended NMAC Sections for 8.9.4: 8.9.4.31.

Copies of the proposed amended rules may be found at ECECD's website at www.nmececd.org/regulation-changes/ 30 days prior to the public rule hearing.

Notice of public rule hearing:
A public rule hearing will be held on December 3, 2026, from 9:00 a.m. to 11:00 a.m. for proposed amendments to 8.9.3 NMAC and 8.9.4 NMAC. The hearing will take place in Apodaca Hall of the PERA Building at 1120 Paseo de Peralta, Santa Fe, New Mexico 87502, and will also be accessible via virtual web platform (Zoom) and by telephone. The hearing will be conducted in a fair and equitable manner by an ECECD agency representative or hearing officer and will be recorded. Any interested member of the public may attend in person, by Zoom, or by telephone and will be provided a reasonable opportunity to offer public comment on the proposed rules during the hearing, either orally or in writing, including presentation of data, views, or arguments. Members of the public will have two minutes to provide oral comments. To attend by telephone, dial 719-359-4580, Webinar ID: 810 1932 2296; callers will be able to hear the full hearing, and comments made by telephone will be recorded. To attend via the internet, go to https://nmececdorg.zoom.us/j/81019322296 and follow the on-screen instructions using Webinar ID: 810 1932 2296. The hearing will be livestreamed, and

comments may also be submitted via the platform's chat feature.

Notice of acceptance of written public comment: Written public comments, including presentation of data, views, or arguments about the proposed rules, from any interested member of the public may be submitted by email to ECECD-ECS-PublicComment@ECECD.NM.Gov with the subject line "8.9.3 NMAC / 8.9.4 NMAC Public Comment," or by first class mail to PO. Drawer 5619, Santa Fe, New Mexico 87502-5619. Written comments may also be delivered in person at the PERA Building located at 1120 Paseo De Peralta in Santa Fe, New Mexico, on December 3, 2026, between 9:00 a.m. and 11:00 a.m. Written comments will be accepted from the date this notice is published until the conclusion of the public rule hearing on December 3, 2026.

Spanish interpretation will be provided on Zoom and in person. If you are a person with a disability and would like to request accommodations, or a person with limited English proficiency and need interpretation other than Spanish or ASL, please contact the Early Childhood Education and Care Department at ECECD-ECS-PublicComment@ECECD.NM.Gov or call 505-670-8993 at least ten calendar days before the scheduled public rule hearing.

EARLY CHILDHOOD EDUCATION AND CARE DEPARTMENT

NOTICE OF TERMINATION OF RULEMAKING

The Early Childhood Education and Care Department (ECECD) is providing Notice to terminate the rulemaking, noticed on October 20, 2026, regarding the amendments to 8.9.3 NMAC – Child Care Assistance; Requirements for Child Care Assistance Programs (updating the child care assistance copayment schedule) and 8.9.4 NMAC – Child Care Licensing; Child Care Centers, Out Of School Time Programs, Family Child Care Homes, and Other Early Care and Education Programs (aligning zoning requirements). Therefore, pursuant to Subsection C of Section 14-4-5, NMSA 1978, the rulemaking noticed on October 20, 2026, is hereby terminated.

HEALTH CARE AUTHORITY
HEALTH IMPROVEMENT DIVISION

NOTICE OF HEARING

The New Mexico Health Care Authority, through the Division of Health Improvement, is finalizing repeal and replacement of rule 8.369.2 NMAC Regulations Governing Residential Shelter Care Facilities for Children. These regulations apply to public, profit or nonprofit home health agencies providing services as outlined by these regulations, and any facility providing services as outlined by these regulations which by federal regulation must be licensed by the state of New Mexico to obtain or maintain full or partial, permanent or temporary federal funding. Specifically, the changes include: 8.369.2 NMAC Repeal/replace the existing rule to establish new updated rule to comply with NMSA 1978 and NMAC rule requirements. Specifically, updating the scope of children's crisis shelters multi-service homes, new or innovative programs and removing oversight of community homes, updating the statutory authority from the Department of Health to the Health Care Authority, updating and aligning definitions related to residential shelter and mental health services and facilities for children, removing outdated related regulations, laws and codes, and updating associated laws and codes, identifying types of facilities and scope of services, removing outdated licensure procedures, creating general licensing requirements, adding waivers and variances, updating incorrect citations throughout the rule, updating grounds for revocation, suspension, or denial of initial or renewal of license, or the imposition of sanctions, or civil monetary penalties, correcting hearings and appeals, adding a new corrective action section, updating reporting of incidents, adding a new section related to survey or monitoring visits, clarifying reports and records required, clarifying facility rules, adding children's rights language, updating personnel and staffing requirements, updating staff evaluation and development, clarifying direct service staff/child ratio, updating staff records and policies and procedures, clarifying children's rooms, beds, cribs, and highchairs, updating the pets section, updating medical care, updating nutrition, clarifying building requirements, updating fire safety clearances and inspections, fire detection and response systems, and removing all references and regulations governing community homes.

Section 9-8-6 NMSA 1978, authorizes the HCA Secretary to promulgate rules and regulations that may be necessary to carry out the duties of the HCA and its divisions.

This notice of Hearing and the proposed rule changes are available on the HCA website at https://www.hca.nm.gov/dhi-regulations/

Notice Date: November 3, 2026
Hearing Date: December 4, 2026
Proposed Effective Date: December 22, 2026

A public hearing to receive testimony on this proposed rule will be held on December 4, 2026 from 8:00 a.m. to 10:00 a.m. Mountain Time (MT). The hearing will be in hybrid format, and there are three options for attending:

1. Attend in person by coming to the large conference room at the Administrative Services Division (ASD), 1474 Rodeo Rd., Santa Fe, NM 87505.

2. Join via a Teams Link:
Microsoft Teams meeting
Join: https://teams.microsoft.com/meet/264464672413240?p=NmAE4nP3a4NTDOgyzL
Meeting ID: 264 464 672 413 240
Passcode: TV3Y7ds3

3. Or call in (audio only)
Dial in by phone
+1 505-312-4308,,429694091# United States, Albuquerque
(888) 506-1357,,429694091# United States (Toll-free)
Phone conference ID: 429 694 091#

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in any HCA public hearing, program, or service, please contact the American Disabilities Act Coordinator, at Office-505-709-5468, Fax-505-827-6286 or through the New Mexico Relay system, toll free at #711. The Department requests at least 10 working days advance notice to provide requested alternative formats and special accommodations.

Interested persons who do not wish to attend the hearing may submit comments in writing or by leaving a voicemail.
Address written comments to:
Division of Health Improvement
P.O. Box H
Santa Fe, NM 87504

Recorded comments may be left at (505) 476-9093. Interested persons may also address comments via electronic mail to: HCA-DHI-Public-Comment@hca.nm.gov. Written mail, electronic mail and recorded comments must be received no later than 5:00 p.m. on December 3, 2026. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted on the HCA website within three days of the close of the public comment period. The public posting will include the name and any contact information provided by the commenter.

HEALTH CARE AUTHORITY
HEALTH IMPROVEMENT DIVISION

NOTICE OF HEARING

The New Mexico Health Care Authority, through the Division of Health Improvement, is finalizing repeal and replacement of rule 8.369.3 NMAC Certification Requirements for Child and Adolescent Mental Health Services. These regulations apply to public, profit or nonprofit home health agencies providing services as outlined by these regulations, and any facility providing services as outlined by these regulations which by federal regulation must be licensed by the state of New Mexico to obtain or maintain full or partial, permanent or temporary federal funding. Specifically, the changes include the following,: 8.369.3NMAC Repeal/replace the existing rule to establish new updated rule to comply with NMSA 1978 and NMAC rule requirements, correcting statutory authority to include health care code, updating effective date, aligning definitions with health care authority standards including removing outdated definitions and adding and clarifying new definitions, removing outdated regulation and including additional related regulation, updating certification requirements, updating outdated citation and replacing it with the correct health care code, clarifying HCA as the licensing authority, updating sanctions to reflect HCA licensing, clarifying imposition of sanctions, clarifying HCA hearings and appeals process, including waivers and variances processes, updating section title to clarify survey and monitoring visits expectations, clarifying CYFD's background check unit processes, clarifying personnel requirements, updating reporting of incidents and provider expectations, removing unnecessary language, updating documentation requirements, removing day treatment service licensure clarifying day treatment services require certification, updated NMAC citation, removing unnecessary language, clarifying calendar days and language, removing therapeutic hold language, updating personal restraint and seclusion expectations, updating prn orders, clarifying personal restraint in non-accredited residential treatment services, updating documentation notification requirements, clarifying prn medication, self-administration, documentation, and verification of prescription orders and individuals through two unique identifiers, aligning CCSS certification expectations, clarifying day treatment services, clinical supervision and clinical services, updating treatment foster care services expectations, requirements, supervision, correcting outdated accrediting body as well as substance use disorder language, and aligning HCA corrective action expectations.

Section 9-8-6 NMSA 1978, authorizes the HCA Secretary to promulgate rules and regulations that may be necessary to carry out the duties of the HCA and its divisions.

This notice of Hearing and the proposed rule changes are available on the HCA website at https://www.hca.nm.gov/dhi-regulations/

Notice Date: November 3, 2026
Hearing Date: December 4, 2026
Proposed Effective Date: December 22, 2026

A public hearing to receive testimony on this proposed rule will be held on December 4, 2026 from 1:00 p.m. to 3:00 p.m. Mountain Time (MT). The hearing will be in hybrid format, and there are three options for attending:

1. Attend in person by coming to the large conference room at the Administrative Services Division (ASD), 1474 Rodeo Rd., Santa Fe, NM 87505.

2. Join via a Teams Link:
Microsoft Teams meeting
Join: https://teams.microsoft.com/me

et/264464672413240?p=NmAE4nP3a4NTDOgyzL
Meeting ID: 264 464 672 413 240
Passcode: TV3Y7ds3

3. Or call in (audio only)
Dial in by phone
+1 505-312-4308,,429694091# United States, Albuquerque
(888) 506-1357,,429694091# United States (Toll-free)
Phone conference ID: 429 694 091#

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in any HCA public hearing, program, or service, please contact the American Disabilities Act Coordinator, at Office-505-709-5468, Fax-505-827-6286 or through the New Mexico Relay system, toll free at #711. The Department requests at least 10 working days advance notice to provide requested alternative formats and special accommodations.

Interested persons who do not wish to attend the hearing may submit comments in writing or by leaving a voicemail.
Address written comments to:
Division of Health Improvement
P.O. Box H
Santa Fe, NM 87504

Recorded comments may be left at (505) 476-9093. Interested persons may also address comments via electronic mail to: HCA-DHI-Public-Comment@hca.nm.gov. Written mail, electronic mail and recorded comments must be received no later than 5:00 p.m. on December 3, 2026. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted on the HCA website within three days of the close of the public comment period. The public posting will include the name and any contact information provided by the commenter.

HEALTH CARE AUTHORITY
HEALTH IMPROVEMENT DIVISION

NOTICE OF HEARING

The New Mexico Health Care Authority, through the Division of Health Improvement, is finalizing repeal and replacement of rule 8.369.4 NMAC Licensing Requirements for Child and Adolescent Mental Health Facilities. These regulations apply to public, profit or nonprofit residential facilities providing services as outlined by these regulations, and any facility providing services as outlined by these regulations which by federal regulation must be licensed by the state of New Mexico. Specifically, the changes include the following,: 8.369.4 NMAC Repeal/replace the existing rule to establish new updated rule to comply with NMSA 1978 and NMAC rule requirements, clarifying scope and statutory authority, updating and clarifying all definitions, updating related regulations laws and codes, clarifying licensing procedures, updating sections to align with HCA processes including waivers and variances, capacity of facility, grounds for revocation, suspension of license, denial of initial or renewal application, suspension revocation emergency sanctions, hearing and appeals, surveys and monitoring visits, corrective action, and reporting of incidents; adding children's rights language, clarifying staff records and policies and procedures, updating outdoor play area expectations, clarifying transportation expectations and management of pharmaceuticals, updating and clarifying pets, medical care, and nutrition, updating building requirements for residential treatment facilities, clarifying and updating fire safety clearance, inspections, and safety, detection and response.

Section 9-8-6 NMSA 1978, authorizes the HCA Secretary to promulgate rules and regulations that may be necessary to carry out the duties of the HCA and its divisions.

This notice of Hearing and the proposed rule changes are available on the HCA website at https://www.hca.nm.gov/dhi-regulations/

Notice Date: November 3, 2026
Hearing Date: December 4, 2026
Proposed Effective Date: December 22, 2026

A public hearing to receive testimony on this proposed rule will be held on December 4, 2026 from 3:00 p.m. to 5:00 p.m. Mountain Time (MT). The hearing will be in hybrid format, and there are three options for attending:

1. Attend in person by coming to the large conference room at the Administrative Services Division (ASD), 1474 Rodeo Rd., Santa Fe, NM 87505.

2. Join via a Teams Link:
Microsoft Teams meeting
Join: https://teams.microsoft.com/meet/264464672413240?p=NmAE4nP3a4NTDOgyzL
Meeting ID: 264 464 672 413 240
Passcode: TV3Y7ds3

3. Or call in (audio only)
Dial in by phone
+1 505-312-4308,,429694091# United States, Albuquerque
(888) 506-1357,,429694091# United States (Toll-free)
Phone conference ID: 429 694 091#

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in any HCA public hearing, program, or service, please contact the American Disabilities Act Coordinator, at Office-505-709-5468, Fax-505-827-6286 or through the New Mexico Relay system, toll free at #711. The Department requests at least 10 working days advance notice to provide requested alternative formats and special accommodations.

Interested persons who do not wish to attend the hearing may submit comments in writing or by leaving a voicemail.

Address written comments to:
Division of Health Improvement
P.O. Box H
Santa Fe, NM 87504

Recorded comments may be left at (505) 476-9093. Interested persons may also address comments via electronic mail to: HCA-DHI-Public-Comment@hca.nm.gov. Written mail, electronic mail and recorded comments must be received no later than 5:00 p.m. on December 3, 2026. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted on the HCA website within three days of the close of the public comment period. The public posting will include the name and any contact information provided by the commenter.

HEALTH CARE AUTHORITY
HEALTH IMPROVEMENT DIVISION

NOTICE OF HEARING

The New Mexico Health Care Authority, through the Division of Health Improvement, is finalizing repeal and replacement of rule 8.370.22 NMAC Requirements for Home Health Agencies. These regulations apply to public, profit or nonprofit home health agencies providing services as outlined by these regulations, and any facility providing services as outlined by these regulations which by federal regulation must be licensed by the state of New Mexico to obtain or maintain full or partial, permanent or temporary federal funding. Specifically, the changes include: 8.370.22 NMAC Repeal/replace the existing rule to establish new updated rule to comply with NMSA 1978 and NMAC rule requirements. Specifically, reformatting all sections, to include statutory authority, definitions, home health agency and scope of services, initial licensure procedures, licenses, license renewal, non-transferrable restriction of license, grounds for revocation or suspension of license and application, civil monetary penalties, health and age requirements, administrator, personnel, supervision, training, patient and client rights, plan of care, patient/client records, reports and records requirements, staff records, complaints, reporting of incidents, and related regulations and codes.

Section 9-8-6 NMSA 1978, authorizes the HCA Secretary to promulgate rules and regulations that may be necessary to carry out the duties of the HCA and its divisions.

This notice of Hearing and the proposed rule changes are available on the HCA website at https://www.hca.nm.gov/dhi-regulations/

Notice Date: November 3, 2026
Hearing Date: December 4, 2026
Proposed Effective Date: December 22, 2026

A public hearing to receive testimony on this proposed rule will be held on December 4, 2026 from 10:00 a.m. to 12:00 noon Mountain Time (MT). The hearing will be in hybrid format, and there are three options for attending:

1. Attend in person by coming to the large conference room at the Administrative Services Division (ASD), 1474 Rodeo Rd., Santa Fe, NM 87505.

2. Join via a Teams Link:
Microsoft Teams meeting
Join: https://teams.microsoft.com/meet/264464672413240?p=NmAE4nP3a4NTDOgyzL
Meeting ID: 264 464 672 413 240
Passcode: TV3Y7ds3

3. Or call in (audio only)
Dial in by phone
+1 505-312-4308,,429694091# United States, Albuquerque
(888) 506-1357,,429694091# United States (Toll-free)
Phone conference ID: 429 694 091#

If you are a person with a disability and you require this information in an alternative format or require a special accommodation to participate in any HCA public hearing, program, or service, please contact the American Disabilities Act Coordinator, at Office-505-709-5468, Fax-505-827-6286 or through the New Mexico Relay system, toll free at #711. The Department requests at least 10 working days advance notice to provide requested alternative formats and special accommodations.

Interested persons who do not wish to attend the hearing may submit comments in writing or by leaving a voicemail.
Address written comments to:
Division of Health Improvement
P.O. Box H
Santa Fe, NM 87504

Recorded comments may be left at (505) 476-9093. Interested persons may also address comments via electronic mail to: HCA-DHI-Public-Comment@hca.nm.gov. Written mail, electronic mail and recorded comments must be received no later than 5:00 p.m. on December 3, 2026. Written and recorded comments will be given the same consideration as oral testimony made at the public hearing. All written comments received will be posted on the HCA website within three days of the close of the public comment period. The public posting will include the name and any contact information provided by the commenter.

HEALTH CARE AUTHORITY
HEALTH IMPROVEMENT DIVISION

NOTICE OF PUBLIC COMMENT

The United States Department of Health and Human Services requires that the New Mexico Health Care Authority (HCA) meet certain Temporary Assistance for Needy Families (TANF) work participation requirements. To assist in meeting

these requirements, federal regulations (45 CFR 261.40) allow New Mexico to decrease its work participation rate percentage by the number of percentage points that the Federal Fiscal Year 2026 caseload fell in comparison to the Federal Fiscal Year 2015 caseload. This is termed the TANF Caseload Reduction Credit. The total Federal expenditures and Maintenance of Effort (MOE) expenditures that are included in this report are subject to change due to fluctuations during year end budget close out and increases in MOE funding.

The estimated changes and corresponding methodologies are reported in the proposed TANF Caseload Reduction Credit Report which is available on HCA website at https://www.hca.nm.gov/lookingforinformation/income-support-division-registers-2/.

If you do not have internet access, a copy of the register and rules may be requested by contacting Policy and Program Development Bureau at hca-isdrules@hca.nm.gov or calling 505-819-8118.

If you are a person with a disability and you require this information in an alternative format please contact the American Disabilities Act Coordinator, at Office-505-709-5468, Fax 505-827-6286 or through the New Mexico Relay system, toll free at #711. The Authority requests at least a 10-day advance notice to provide the requested alternative formats and special accommodation

The proposed comment period will begin at 8:00 a.m. on November 3, 2026, and end at 4:00 p.m. on December 3, 2026. Individuals wishing to comment on the TANF Caseload Reduction Credit report should contact Health Care Authority Income Support Division,

Individuals may send written comments to: Health Care Authority
Income Support Division
Policy and Program Development Bureau Attn: Monica Pineda
P.O. Box 2348
Santa Fe, NM 87504-2348
Or
via electronic mail to: hca-isdrules@hca.nm.gov Or
via telephone – Monica Pineda at 505-819-8118.

PUBLIC EDUCATION DEPARTMENT

NOTICE OF PROPOSED RULEMAKING

Public Hearing

The New Mexico Public Education Department (PED) gives notice on Tuesday, November 3, 2026, that it will conduct public hearings for the following proposed rulemakings on Thursday, December 3, 2026, and Friday, December 4, 2026. The hearing on Thursday, December 3, 2026, will be via Zoom (https://us02web.zoom.us/j/86086504785) and begin at 9:00 am. The hearing on Friday, December 4, 2026, will be in Mabry Hall, located in the Jerry Apodaca Education Building, 300 Don Gaspar Ave., Santa Fe, New Mexico 87501, and begin at 9:00 am. The public hearings are scheduled until noon and will be extended if necessary.

New rule 6.19.10 NMAC, State Reporting and Data Submission
Repeal of 6.60.9 NMAC, Licensure Requirements, Code of Ethical Responsibility of the Education Profession
Repeal and Replace of 6.64.4 NMAC, Mathematics Endorsement
Repeal and Replace of 6.64.5 NMAC, Science Endorsement
Repeal and Replace of 6.64.10 NMAC, Bilingual Endorsement
New rule 6.68.1 NMAC, Definitions and General Provisions
Repeal and Replace of 6.68.2 NMAC, Administrative Complaints, Reports, and Investigations
Repeal and Replace of 6.68.3 NMAC, Grant or Denial of License Applications
New rule 6.68.4 NMAC, Suspension, Revocation, or Other Disciplinary Action Regarding a Department Issued License
New rule 6.68.5 NMAC, Reserved - Unlicensed Educators & Equitable Relief
New rule 6.68.6 NMAC, Disqualifying Convictions
New rule 6.68.7 NMAC, Code of Ethical Responsibility
New rule 6.68.8 NMAC, Standards of Professional Conduct
New rule 6.68.9 NMAC, Declaratory Rulings

The PED will give a verbal summary statement, on record, at the hearing.

The purpose of the public hearing is to receive public input on the proposed rulemakings. Attendees who wish to provide public comments on the record will be given three minutes to make a statement concerning the proposed rulemaking. To submit written comments, please see the Public Comment section of this notice.

Explanation of Purpose of Rulemaking, Summary of Text, and Statutory Authority

6.19.10 NMAC, State Reporting and Data Submission

Explanation: This rule establishes uniform requirements and timelines for the submission, review, validation, and correction of data required from schools or school districts; to establish procedures for resolving data discrepancies; and to establish consequences for failure to timely submit, review, or correct required data.

Summary: The proposed rule would establish uniform deadlines for schools and school districts to submit, review, and validate required data through the state reporting system. Schools and school districts will be required to submit the necessary data each statutory reporting period, followed by a 10-working-day validation period with the Public

Education Department. The rule establishes procedures for late or inaccurate submissions and authorizes funding consequences, including withholding of funds as permitted by statute.

Statutory Authority: Sections 9-24-8, 22-1-2, 22-2-1, 22-2-2, 22-8-13, 22-8-13.3, 22-8-17, and 22-8-23 NMSA 1978

6.60.9 NMAC, Licensure Requirements, Code of Ethical Responsibility of the Education Profession

Explanation: Repeal 6.60.9 NMAC because its contents are moving to 6.68.7, Code of Ethics for Educators and 6.68.8, Standards of Professional Conduct.

Summary: The proposed repeal of 6.60.9 NMAC would relocate its contents to 6.68.7 NMAC, Code of Ethics for Educators, and 6.68.8 NMAC, Standards of Professional Conduct, consolidating these requirements within the chapter governing educator misconduct and licensure enforcement.

Statutory Authority: N/A

6.64.4 NMAC, Mathematics Endorsement

Explanation: This repeals and replaces the competencies for math teachers to align with the current competencies implemented by the department for mathematics endorsements; including taking six credit hours of mathematics methods courses.

Summary: The proposed rulemaking replaces outdated teacher competencies, last updated in 2001, with specific competencies for math teacher endorsements that align with current national math teaching standards and department practice. It also organizes these competencies into two distinct sections delineating math teachers' required "Content Knowledge and Skills" and "Pedagogical Knowledge for Teaching Mathematics." It also clarifies distinctions between competencies for licensure and those for subject-area endorsement, by removing language related to elementary (K-8) licenses, as the department does not issue endorsements for core subjects on initial elementary teaching licenses. It also clarifies the implementation process for PED-approved preparation programs. The proposed rulemaking also revises the title of Chapter 64 to "School Personnel – Licensure Endorsements" and the Part 4 name to "Mathematics Endorsement."

Statutory Authority: Sections 9-24-8, 22-2-1, 22-2-2, 22-10A-3, and 22-10A-6 NMSA 1978

6.64.5 NMAC, Science Endorsement

Explanation: This repeals and replaces the competencies for science teachers to align with the current competencies implemented by the department for science endorsements.

Summary: The proposed rulemaking replaces outdated teacher competencies, last updated in 2006, with specific competencies for science teacher endorsements that align with current national science teaching standards and department practice. It also organizes these competencies into two distinct sections delineating science teachers' "Content Knowledge and Skills" and "Pedagogical Knowledge for Teaching Science." It also clarifies distinctions between competencies for licensure and those for subject-area endorsement by removing language related to elementary (K-8) licenses as the department does not issue endorsements for core subjects on initial elementary teaching licenses. It also clarifies the implementation process for PED-approved preparation programs. The proposed rulemaking also revises the title of Chapter 64 to "School Personnel – Licensure Endorsements" and the Part 5 name to "Science Endorsement."

Statutory Authority: Sections 9-24-8, 22-2-1, 22-2-2, 22-10A-3, and 22-10A-6 NMSA 1978

6.64.10 NMAC, Bilingual Endorsement

Explanation: This rulemaking repeals and replaces the requirements and competencies for bilingual teaching endorsements to revert requirements to their form that existed before amendments promulgated by the February 10, 2026's rulemaking, with a few minor modifications.

Summary: The proposed rulemaking would revert core licensure requirements for bilingual endorsements and competencies for bilingual education teachers to their previous form before the rule was repealed and replaced in February 2026. The reversion would remove the possibility for teachers to receive a bilingual endorsement in languages other than English and Spanish and reinstate the Prueba de Español para la Certificación Bilingüe as the sole available bilingual licensure exam option. It would remove several defined terms previously added to the required competencies list but would leave in place several minor technical, grammatical, and wording changes made in the February update. The rulemaking would not reinstate the option for educator preparation students to receive a three-year non-renewable internship license in bilingual education, as that type of license is no longer offered by the department.

Statutory Authority: Sections 9-24-8, 22-2-1, 22-2-2, and 22-10A-31 NMSA 1978

Explanation of Rulemaking for Chapter 68:
The proposed rulemakings are part of a broader department project to further effectuate the department's statutory authority and duty to receive educator license applications, grant and issue educator licenses, receive and investigate complaints against educators, where appropriate, take

adverse action against any educator, and to issue declaratory rulings without taking adverse action. These proposed changes also seek to align rule with current practice and law, to incorporate the changes required by HB431 (2019) (1st Session), HB128 (2022) (2nd Session), HB191(2022) (1st Session), HB384 (2023) (1st Session), SB383 (2023) (1st Session), and SB66 (2025) (1st Session), to move New Mexico to the national association of state directors of teacher education and certification's clearinghouse's MCEE 2nd Edition (2023-2024), to incorporate the national association of state directors of teacher education and certification's clearinghouse's model protection of professional boundaries act, to address enhancements requested by stakeholders which absent regulatory promulgation may conflict with current practice and law, including the ability for the department to consider and grant licensure applications while an investigation is pending, the ability for hearing officers to incorporate and advise upon both mitigating and aggravating facts, and to ensure jurisdiction is retained during any investigation. This rule also seeks to clarify and address confusing concepts, terms, and procedures, to establish both the authority to and the procedures for receiving complaints and conducting investigations, and to drive efficiencies and promote due process by amongst other things, capturing all mandatory reporting requirements in a single chapter rather than in various, by including all grounds and cause for adverse action in a single chapter, by defining those convictions which are disqualifying for educator licensure, and decoupling and separating the Model Code of Educator Ethics (MCEE), which are not enforceable against an educator, from the Standards of Professional Conduct which are enforceable against an educator.

6.68.1 NMAC, Definitions and General Provisions

Explanation: This rule defines the applicable terms and general provisions for Title 6, Chapter 68, Complaints, Investigations, Discipline and Hearing Procedures.

Summary: The proposed rule would provide definitions to be used for terms used throughout Title 6, Chapter 68. These terms, exclusive of any subentries, are applicant, application, administrative investigator, administratively close, administrative prosecutor, adverse action, bullying, child abuse and neglect, complaint form, corporal punishment, cyberbullying, educator, educator misconduct, grooming, grounds, governing authority, investigator, licensee, licensure, notice of contemplated action, notice of investigation, party, reporter, school, sexual conduct, sexually explicit, superintendent, unlicensed person, and unsupervised contact with children or students. The rule also provides general provisions applicable to Chapter 68, including establishing the department units responsible for implementing the Chapter, how the chapter should be interpreted and applied, establishing the various ground for adverse action, and directing the units to take all appropriate measures to ensure the widest dissemination of the chapter and any decision and order as a result of the chapter. These mandates on dissemination were previously contained with Title 6, Chapter 60, Part 9, Section 11 which is being repealed.

Statutory Authority: Section 9-24-8 NMSA 1978; Sections 22-1-1.1, 22-1-1.2, and 22-1-2 NMSA 1978; Section 22-2-1 NMSA 1978; Section 22-2-2 NMSA 1978; Section 22-8-42 NMSA 1978; Sections 22-5-4.3 and 22-5-4.12 NMSA 1978, Sections 22-10A-2, 22-10A-3, 22-10A-4, 22-10A-5, 22-10A-5.1, 22-10A-5.2, 22-10A-30, and 22-10A-31 NMSA 1978; Section 22-21-1 NMSA 1978; Sections 22-35-2 and 22-35-3 NMSA 1978; Sections 28-2-4 and 28-2-5 NMSA 1978; the Children's Code, Chapter 32A NMSA 1978; the Parental Responsibility Act, Chapter 40, Article 5A NMSA 1978; and the Uniform Licensing Act, Chapter 61, Article 1 NMSA 1978. The statutory authority cited in this section applies to all parts of Title 6, Chapter 68 NMAC.

6.68.2 NMAC, Administrative Complaints, Reports, and Investigations

Explanation: This rule provides the department's procedures and authority for administrative complaints, required reporting, and investigations into any such matters.

Summary: The proposed rule would establish the duty and authority for the department to conduct educator misconduct investigations, defining when such an investigation should take place, or alternatively, when such investigations should be declined, and what adverse actions may be taken by the department upon conclusion of an investigation. The rule also establishes procedures for such investigations, clarifies the duty and time for mandatory reporting by educators, including superintendents, establishes the responsibility and duty to provide certain information to the department and to cooperate in any investigation, sets out the department's investigative subpoena power, and provides that educators faced with allegations of misconduct, not yet proven or tested by an investigation, may continue to submit applications for and receive further licensure, including endorsement, or advancement. This repeals, replaces, expands upon, and renumerates those provisions that were contained within Title 6, Chapter 68, Part 3, Section 8.

Statutory Authority: In addition to the statutory authority cited in 6.68.1.3 NMAC, the following apply to this part: Sections 22-5-4.4 and 32A-4-3 NMSA 1978.

6.68.3 NMAC, Grant or Denial of License Applications

Explanation: This rule governs the licensure application process of all licenses and certificates issued by the

department, as well as the grant or denial of such applications.

Summary: This rule sets out the procedures for the department licensure application process, including those procedures for denial of a license application. This rule substantively repeals and replaces, and re-enumerates Title 6, Chapter 68, Part 2 (moving from Part 2 to Part 3). The rule provides for how applications may be submitted to the department and when, what requirements the department requires before reviewing an application, establishes that failure to submit an application will result in licensure expiration, provides those circumstances for when a an applicant is not entitled to a hearing, and any procedures thereof, those circumstances when an applicant may be entitled to a hearing and any procedures thereof, including the manner in which an applicant may request a hearing, when an applicant may request a hearing, the manner and procedures for providing a hearing, including appointment of a hearing officer, the rights of an applicant, the respective burdens of proof, and rules of evidence, rights to subpoena or obtain discovery into relevant witnesses, and documents, the post hearing procedures for briefing and preparing proposed findings to the Secretary, and the procedures in which the Sectary shall review, and render a final decision and order. This rule reiterates and restates the law that the secretary is not an appellate reviewer of a hearing officer's findings but rather is ultimately responsible for issuing a final decision and order relative to possible adverse action against an applicant's educator licensure.

Statutory Authority: In addition to the statutory authority cited in 6.68.1.3 NMAC, the following apply to this part: Sections 22-10A-7, 22-10A-8, 22-10A-10, 22-10A-11, 22-10A-11.1 through 22-10A-11.9, 22-10A-12, 22-10A-12.1, 22-10A-13, 22-10A-15, 22-10A-17, 22-10A-17.1, 22-10A-17.2, and 39-3-1.1 NMSA 1978.

6.68.4 NMAC, Suspension, Revocation, or Other Disciplinary Action Regarding a Department Issued License

Explanation: This rule is adopted by the department to govern the procedures for suspension, revocation or other disciplinary actions regarding a license or certificate issued by the department.

Summary: This rule sets out the procedures for adverse action against an existing license, including suspension, revocation or other disciplinary action. This rule substantively repeals and replaces, and re-enumerates Title 6, Chapter 68, Part 3 (moving from Part 3 to Part 4). This rules provides for when the department may contemplate adverse action, establishes that applicant is entitled to a hearing, and any procedures thereof, including the manner in which an applicant may request a hearing, when an applicant may request a hearing, the manner and procedures for providing a hearing, including appointment of a hearing officer, the rights of a licensee, the respective burdens of proof, and rules of evidence, rights to subpoena or obtain discovery into relevant witnesses, and documents, the post hearing procedures for briefing and preparing proposed findings to the Secretary, the procedures in which the Sectary shall review, and render a final decision and order, establishing a right to settle or accept a voluntary surrender, and enshrining the right appeal any adverse decision and order. This rule reiterates and restates the law that the secretary is not an appellate reviewer of a hearing officer's findings but rather is ultimately responsible for issuing a final decision and order relative to possible adverse action against a licensee's educator licensure.

Statutory Authority: In addition to the statutory authority cited in 6.68.1.3 NMAC, the following applies to this part: Section 39-3-1.1 NMSA 1978.

6.68.5 NMAC, Reserved - Unlicensed Educators & Equitable Relief

Explanation: This Part is being reserved for further rules to effectuate and clarify Subsection B of Section 22-2-1, NMSA 1978; Subsection A and C of Section 22-2-2 NMSA 1978,;Subsection L-N of Section 61-1-3.1 NMSA 1978; and Sections 61-1-3.2, 61-1-24, and 61-1-25, NMSA 1978.

Summary: Section 61-1-3.2, NMSA 1978, amongst others, provides that unlicensed persons shall be "subject to disciplinary proceedings" by the department. The department wishes to reserve, for future promulgation, rules to further effectuate this provision, and to effectuate others, including those related to equitable relief.

Statutory Authority: N/A

6.68.6 NMAC, Disqualifying Convictions

Explanation: The rule establishes a list of criminal convictions which shall constitute grounds for denial of an application for licensure issued by the department and grounds to suspend or revoke licensure issued by the department.

Summary: Section 28-2-5, NMSA 1979 exempts the department from the requirements of the criminal offender employment act for applicants. Section 61-1-36, NMSA 1978nonetheless provides that the department shall develop a list of the specific criminal convictions that would disqualify an applicant. The department is not exempt from the criminal offender employment act for licensees but Section 28-2-4 NMSA 1978 provides that any criminal conviction that directly relates to education shall be disqualifying. This rule therefore provides a list of

those criminal convictions which are disqualifying for both applicants and licensees, and determines how and in what manner convictions may be used in the evaluation of any applicant or licensee.

Statutory Authority: In addition to the statutory authority cited in 6.68.1.3 NMAC, the following apply to this part: Sections 28-2-4, 28-2-5, 31-29-2, 31-29-9, and 61-1-36 NMSA 1978.

6.68.7 NMAC, Code of Ethical Responsibility

Explanation: The department seeks to make ethical values and ethical leadership an integral part of the day to day activities of schools, and holds all persons within the scope of this rule accountable for adhering to minimal standards of accepted professional conduct and ethical behavior. The department accepts the recommendations of its professional practices and standards council and the ethics subcommittee that a code of ethics and standards of professional conduct applicable to the education profession will infuse the learning environment with choices and values designed to assist in shaping young minds into educated, responsible citizens.

Summary: This rule sets out and reaffirms the department's code of ethical responsibility. This rule repeals, replaces and re-enumerates the prior code of ethical responsibility set out in Title 6, Chapter 60, Part 9, Section 8. This code of ethical responsibility aligns with the model code of educator ethics (MCEE) published by the national association of state directors of teacher education and certification's clearinghouse. Specifically, this moves New Mexico to the MCEE 2nd Edition (2023-2024). Language contained within the rule which previously restricted violations of the standards of professional conduct as grounds for adverse action and which provide that the code of ethical responsibility may not be used as grounds for adverse action have been amended only to the extent it further clarifies this principle.

Statutory Authority: The statutory authority cited in 6.68.1.3 NMAC applies to this part.

6.68.8 NMAC, Standards of Professional Conduct

Explanation: This rule seeks to provide minimum standards of conduct expected for all licensed educators in New Mexico.

Summary: This rule sets out and reaffirms the department's standards of professional conduct violations of which primarily are the cause for any adverse actions including revocation, and which violations comprise possible grounds for discipline as an example of "other good and just cause." This rule repeals and replaces, and re-enumerates the Standards of Professional Conduct set out in Title 6, Chapter 60, Part 9, Section 9, paragraphs B-C. This also reiterates the department finding that adherence to the standards of professional conduct have a significant bearing on an educator's turpitude or the proper performance of their duties. While both the code of ethics and standards of professional conduct are intended to provide a valuable framework of personal ethics to assist educators and administrators in their interaction with colleagues, students and parents, the standards of professional conduct establish minimal standards of acceptable professional conduct applicable to and which all educators are required to comply.
Substantive changes include increasing the standards of conduct from 32 standards to 38 standards, adopting statutory and regulatory prohibitions on improper grade changes, drug, alcohol, firearm, and tobacco use ins schools, improper testing practices, removes conflicting reporting requirements, clarifies what it means to engage in obstruction, and adopts and integrates the national association of state directors of teacher education and certification's clearinghouse's model protection of professional boundaries act (revising the previous 60.9.9(B)(7) NMAC), to include a prohibition on sexual conduct and grooming. Consistent with the model act, the prohibitions on improper contact also extend for two years after a student graduates or leaves a school.

The categories which previously grouped the standards of misconduct into either duty to the student or duty to the profession have been removed as these groupings did not align to either the 1st edition or 2nd edition MCEE and some of these newer standards concerned both a duty to student and a duty to the profession.

Statutory Authority: The statutory authority cited in 6.68.1.3 NMAC applies to this part.

6.68.9 NMAC, Declaratory Rulings

Explanation: This rule applies to administrative declaratory rulings issued by the department and any application thereto. This rule does not apply to declaratory judgments issued by a court of law and any application thereto.

Summary: This rule establishes procedures for seeking and applying administrative declaratory rulings and for department issued declaratory rulings which may be used to clarify the rights relating to licensur but which may not in themselves constitute adverse action against an educator. This allows the department to establish prohibited conduct prior to or after an investigation short of adverse action and to establish the department's position on certain facts or conduct.

Statutory Authority: In addition to the statutory authority cited in 6.68.1.3 NMAC, the following applies to this part: Section 61-1-33 NMSA 1978.

No technical information served as a basis for these proposed rule changes.

Public Comment

Interested parties may provide comments at the public hearing or may submit written comments by mail or e-mail.

Mailing Address
Policy and Legislative Affairs Division
New Mexico Public Education Department
300 Don Gaspar Avenue, Room 121
Santa Fe, New Mexico 87501

E-Mail Address
Rule.Feedback@ped.nm.gov

Written comments must be received no later than 5 p.m. (MDT) on Friday, December 4, 2026. The PED encourages early submission of written comments.

Public Comment Period

The public comment period is from Tuesday, November 3, 2026, to Friday, December 4, 2026, at 5:00 p.m. (MDT). The PED will review all feedback received during the public comment period and issue communication regarding a final decision of the proposed rulemaking at a later date.

Copies of the proposed rule may be obtained from Denise Terrazas at (505) 470-5303 during regular business hours or may be accessed through the PED Policy and Legislative Affairs webpage titled, "Proposed Rules," at http://webnew.ped.state.nm.us/bureaus/policy-innovation-measurement/rule-notification/.

Individuals with disabilities who require the above information in an alternative format or need any form of auxiliary aid to attend or participate in the public hearing are asked to contact Denise Terrazas at (505) 470-5303 as soon as possible before the date set for the public hearing. The PED requires at least 10 calendar days advance notice to provide any special accommodations requested.

PUBLIC SAFETY, DEPARTMENT OF

NOTICE OF PUBLIC HEARING ON PROPOSED PERMANENT RULE AMENDMENT

Public Notice. The New Mexico Department of Public Safety ["DPS"] gives notice that it will hold a public hearing at DPS's Law Enforcement Academy Auditorium, at 4491 Cerrillos Rd, Santa Fe, NM 87507, and via Microsoft Teams, on December 10, 2026, at 1:00 p.m. on the proposed permanent rule amendments to 10.8.2 NMAC, PUBLIC SAFETY AND LAW ENFORCEMENT, WEAPONS AND EXPLOSIVES, CARRYING CONCEALED HANDGUNS. Members of the public may attend at DPS or via Microsoft Teams on a computer, mobile device, or telephone. The videoconference link, Meeting ID, Passcode, and telephone number are:

Join Microsoft Teams Meeting on Your Computer or Mobile App:
https://tinyurl.com/CCU-Rule-Amend
Meeting ID: 295 535 623 360 541 0
Passcode: AC2zr7Zv

Or Call in (Audio Only):
+1 505-312-4308
Phone Conference ID: 197 845 194#

Purpose of the Proposed Permanent Rule Amendment. The purpose of this public hearing is to receive public comment and input on proposed permanent amendments to Sections 7, 9, 12, 15, 16, 19, 21, 22, 26, 27, 29, 30, 31, and 32 of 10.8.2 NMAC. The purposes of the amendments include:
a) *Handguns used to demonstrate competency.* Requiring that handgun competency be demonstrated with a handgun designed to be held and fired with one hand; prohibiting the use of a rifle or a short-barreled rifle, as defined in 18 U.S.C. Section 921(a)(7) and (8), to demonstrate competency or to endorse a category or caliber on a certificate of completion or a license; and adding a definition of "handgun" that adopts Subsection F of Section 29-19-2 NMSA 1978.
b.) *Category and caliber for training-exempt applicants.* Adding Subsection E of 10.8.2.15 NMAC so that current and retired peace officers, military service persons, mounted patrol members, and approved instructors, who are exempt from the firearms training course, establish the category and highest caliber of handgun that Paragraph (4) of Subsection C of Section 29-19-6 NMSA 1978 requires on the license by a firearms qualification record, by a sworn designation on a department-prescribed supplement, or by a scored competency demonstration. Sections 12, 22, 30, 31, and 32 are conformed.
c) *Authorization to obtain health information.* Requiring the department, when the application or a criminal background or court records check indicates that an applicant or licensee may be disqualified under Paragraph (8) or (9) of Subsection A of Section 29-19-4 NMSA 1978, to request in writing a department-prescribed authorization to obtain health information, unless the record establishes the disqualification; limiting the authorization to whether the applicant or licensee has been adjudicated mentally incompetent or committed to a mental institution, or is addicted to alcohol or controlled substances, and excluding general medical history; allowing the applicant or licensee instead to submit other documentation that resolves the indication, with the burden of doing so; and treating a request to an applicant as a deficiency subject to 10.8.2.11 NMAC.
d) *Gender-neutral language.* Replacing the remaining masculine-only pronouns in 10.8.2.16 and 10.8.2.29 NMAC with gender-neutral terms, and making punctuation corrections.
e) *Notice and opportunity to cure.* Requiring written notice of a curable administrative or documentary deficiency and at least 30 days to cure it before a filing is rejected or a license or permit is denied, suspended, or revoked for that deficiency, without deferring

mandatory action on a disqualification under Section 29-19-4 NMSA 1978.

f) *Mandatory action on disqualifications.* Changing "may" to "shall" where the act requires denial, suspension, or revocation, to provide uniform and objective decisions; adding false information on an application or renewal as a ground; and providing for reinstatement when a charge is resolved without conviction, and no other disqualification exists.

g) *Officers, mounted patrol, and military.* Adding definitions of "law enforcement certification" and "mounted patrol"; conforming the definition of "military service person" to Section 29-19-15 NMSA 1978; adding mounted patrol members to 10.8.2.30 NMAC; requiring the same forms and documents of current and retired peace officers and military service persons; and correcting the 10-year and 20-year training exemptions.

h) *Training and fees.* Requiring that the firearms training course be completed within 90 days before the application, setting the refresher course at 22 to 26 months after issuance with the certificate due within 30 days, and clarifying the application fee exemption.

i) *Hearings and instructor permits.* Consolidating the grounds for suspension or revocation of an instructor permit, deleting the hearing stipulation requirement, and correcting cross-references, lettering, and typographical errors in the hearing procedures.

Legal Authority Authorizing the Proposed Permanent Rule Amendment. The proposed permanent rule amendment is promulgated pursuant to Subsection E of Section 9-19-6 NMSA 1978; Section 29-19-12 NMSA 1978 and Sections 29-19-1 through 29-19-15 NMSA 1978; and Sections 30-7-2, 30-7-2.1, and 30-7-2.4 NMSA 1978. No technical information served as a basis for the proposed rule amendment.

Summary of Proposed Amended Rules. Below is a summary of the proposed permanent rule amendments.

10.8.2.7 NMAC DEFINITIONS

- Adds definitions of "handgun," "law enforcement certification," and "mounted patrol."
- Conforms the definition of "military service person" to Section 29-19-15 NMSA 1978.
- Re-letters subsections.

10.8.2.9 NMAC INCOMPLETE FILINGS

- Requires written notice of a curable deficiency and provides not less than 30 days to cure.

10.8.2.12 NMAC OTHER REQUIRED DOCUMENTS FOR A LICENSE

- Requires completion of the firearms training course within 90 days before the application.
- Routes training-exempt applicants to Subsection E of 10.8.2.15 NMAC for category and caliber.
- Clarifies the application fee exemption.
- Requires the department, when the record indicates a possible disqualification under Paragraph (8) or (9) of Subsection A of Section 29-19-4 NMSA 1978, to request a department-prescribed authorization to obtain health information limited to those grounds, and allows the applicant or licensee to submit other documentation that resolves the indication instead.

10.8.2.15 NMAC FIREARMS TRAINING FOR APPLICANTS AND LICENSEES

- Clarifies the training exemptions for current and retired peace officers, including the period of separation from service.
- Sets the refresher course at 22 to 26 months after issuance.
- Requires that competency be demonstrated with a handgun designed to be held and fired with one hand, and not with a rifle or short-barreled rifle.
- Adds Subsection E establishing the category and caliber of handgun for training-exempt applicants.

10.8.2.16 NMAC TERMS AND CONDITIONS OF LICENSE

- Updates to gender-neutral terms.

10.8.2.19 NMAC REPLACEMENT LICENSE

- Corrects punctuation.

10.8.2.21 NMAC DENIAL, SUSPENSION AND REVOCATION OF A LICENSE

- Updates language from discretionary action to a mandatory one where the act requires denial, suspension, or revocation.
- Routes curable deficiencies to the notice-and-cure procedure in 10.8.2.9 NMAC.
- Adds false information on an application or renewal as a ground for denial, suspension, or revocation.
- Provides for reinstatement when a charge is resolved without conviction, and no other disqualification exists.

10.8.2.22 NMAC DEPARTMENT APPROVAL OF INSTRUCTORS AND FIREARMS TRAINING COURSES

- Updates to gender-neutral terms.
- Routes instructor category and caliber determinations to Subsection E of 10.8.2.15 NMAC.

10.8.2.26 NMAC SUSPENSION AND REVOCATION OF AN INSTRUCTOR PERMIT

- Consolidates the grounds for suspension or revocation of an instructor permit.
- Updates language from discretionary action to a mandatory one.
- Corrects the cross-reference to the hearing procedures in 10.8.2.27 NMAC.

10.8.2.27 NMAC HEARING PROCEDURES

- Corrects punctuation and typographical errors.

- Deletes the stipulation subsection and re-letters the following subsections and their cross-references.

10.8.2.29 NMAC RECIPROCITY
- Updates to gender-neutral terms.

10.8.2.30 NMAC CURRENT PEACE OFFICERS OR MOUNTED PATROL OFFICERS
- Adds mounted patrol members.
- Requires the same forms and documents of current peace officers and mounted patrol members as of other applicants.
- Updates language from discretionary action to a mandatory one.
- Separately addresses pending serious administrative allegations and re-letters subsections.
- Addresses separation from a law enforcement agency or mounted patrol.

10.8.2.31 NMAC RETIRED PEACE OFFICERS
- Requires the same forms and documents of retired peace officers as of other applicants.
- Corrects the 10-year training exemption and an internal citation.

10.8.2.32 NMAC MILITARY SERVICE PERSONS
- Requires the same forms and documents of military service persons as of other applicants.
- Corrects the 20-year training exemption and grammar.

Copies of the Rule. The full text of the proposed rule amendment is available free of charge on the DPS website at https://www.dps.nm.gov/public-information/rule-making/ and on the Sunshine Portal at https://statenm.my.salesforce-sites.com/public/SSP_RuleHearingSearchPublic. Copies may also be obtained at all DPS district offices, field offices, ports of entry, and regional offices, or by contacting Herbert Strassberg, Assistant General Counsel, at 505.637.1506 or herbert.strassberg@dps.nm.gov.

Comment on the Rule Amendment. Interested persons may comment on the proposed permanent rule amendment at the hearing, or by submitting written comments to Monique Barreras, DPS Office of Legal Affairs Law Clerk, at 4491 Cerrillos Rd., P.O. Box 1628, Santa Fe, NM 87504-1628, or by email at moniquet.barreras@dps.nm.gov. Written comments must be received by 5:00 p.m. on December 9, 2026. Early submission of written comments is encouraged. Written comments received will be posted on the DPS website. Interested persons may also submit written comments at the public hearing.

Permanent Rule. The proposed amendment will be a permanent rule amendment.

Reasonable Accommodation. Individuals with disabilities who need any form of auxiliary aid to attend or participate in the public hearing, including a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service, are asked to contact Monique Barreras by telephone at 505.660.9270 or by email at moniquet.barreras@dps.nm.gov as soon as possible and no later than November 30, 2026. DPS requires at least ten calendar days' advance notice to provide special accommodations.

REGULATION AND LICENSING DEPARTEMENT
MANUFACTURED HOUSING DIVISION

NOTICE OF PUBLIC HEARING

The Manufactured Housing Division will convene a public hearing for the amendments to the New Mexico Administrative Code to NMAC 14.12.1 - General Provisions and NMAC 14.12.2 - Licensure Requirements. The hearing will be held before a hearing officer, at which time any interested person is invited to submit data, views, or arguments on the proposed changes, either orally or in writing, and to examine witnesses testifying at the hearing. The hearing is scheduled for Wednesday, December 9th, 2026.

The purpose of this public rule hearing is to receive public comments regarding the amendments to NMAC 14.12.1 - General Provisions, and NMAC 14.12.2 - Licensure Requirements.

The statutory authority for this rulemaking is found in the New Mexico Manufactured Housing Act, Subsection D of Section 60-14-4 and Subsection E of Section 60-14-5.

The hearing is scheduled as follows:

An in-person hearing shall be held on Wednesday December 9th, 2026, at the Regulation and Licensing Department, 5500 San Antonio Drive NE, Albuquerque, NM, 87109, Sandia Conference Room, starting at 9:30 a.m. The hearing will remain open until 10:00 a.m. or until participants have an opportunity to make public comments, whichever is longer.

Interested persons may obtain copies of the proposed rule changes by visiting the Manufactured Housing Division website (https://www.rld.nm.gov/manufactured-housing-division) to download the proposed rules or by written request to the Albuquerque MHD Office – Regulation and Licensing Department, 5500 San Antonio Drive NE, Suite F, Albuquerque, NM 87109, attention: Mary Page. You may send written comments to: Manufactured Housing Division – Regulation and Licensing Department, 5500 San Antonio Drive NE, Suite F, Albuquerque, NM 87109, Attention: Public Comments

MHD. Or written comments may be submitted by email at: mary.page@rld.nm.gov. All written comments must be received no later than 5:00 p.m., on December 8th, 2026. You may also review submitted comments by requesting copies from Mary Page at the email address above. Public comments will be posted on the division's website (https://www.rld.nm.gov/manufactured-housing-division). Written comments may also be received by the Committee at the in-person hearing until the hearing is closed. All public comments received shall be admitted into the record during the public hearing.

If you require special accommodation to attend the hearing, please notify MHD by phone, or email, of such needs as soon as possible to ensure adequate accommodation. Telephone: (505) 365-3429 or Email mary.page@rld.nm.gov.

Summary of the Proposed Changes to the Administrative Codes:

14.12.1 – General Provisions: Adds definitions for the terms "HVAC system", "IPIA" (in-plant inspection agency), and "Mobile Home" to the Definitions section. Amends minimum standards for used, pre-owned, or resold manufactured (mobile) homes for the national electrical code and uniform plumbing code.

14.12.2 – Licensure Requirements: Amends requirements for installer and repairman licenses. Adds HVAC systems to the permissions granted to the MHD-3 installation classification and clarifies the scope of the separate licensure provision of Subsection I of Section 8 as work associated with the general construction license.

End of Notices of Rulemaking and Proposed Rules

Adopted Rules

Effective Date and Validity of Rule Filings

Rules published in this issue of the New Mexico Register are effective on the publication date of this issue unless otherwise specified. No rule shall be valid or enforceable until it is filed with the records center and published in the New Mexico Register as provided in the State Rules Act. Unless a later date is otherwise provided by law, the effective date of the rule shall be the date of publication in the New Mexico Register. Section 14-4-5 NMSA 1978.

ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT
FORESTRY DIVISION

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 20 FORESTRY
PART 7 TIMBER GRADING CERTIFICATE PROGRAM

19.20.7.1 ISSUING AGENCY: Energy, Minerals and Natural Resources Department, Forestry Division.
[19.20.7.1 NMAC – N, 11/03/2026]

19.20.7.2 SCOPE: 19.20.7 NMAC applies to sawmill owners and employees of sawmills who apply for or hold a structural timber grading certificate issued pursuant to the Timber Grading Act, Sections 68-6-1 to 68-6-4 NMSA 1978.
[19.20.7.2 NMAC – N, 11/03/2026]

19.20.7.3 STATUTORY AUTHORITY: 19.20.7 NMAC is adopted pursuant to the Timber Grading Act, Paragraph (4) of Subsection A of Section 68-6-3 NMSA 1978, which authorizes the forestry division of the energy, minerals and natural resources department to promulgate rules to carry out the provisions of the Timber Grading Act, including rules for the awarding of certificates, training components of the program, qualification of program instructors, and grounds and processes for the suspension or revocation of certificates.
[19.20.7.3 NMAC – N, 11/03/2026]

19.20.7.4 DURATION: Permanent.
[19.20.7.4 NMAC – N, 11/03/2026]

19.20.7.5 EFFECTIVE DATE: November 03, 2026, unless a later date is cited at the end of a section.
[19.20.7.5 NMAC – N, 11/03/2026]

19.20.7.6 OBJECTIVE: To establish a structural timber grading certificate program for sawmill owners and employees of sawmills in New Mexico, including requirements for certification, training, instructor qualifications, labeling, liability, records retention, and the suspension or revocation of certificates.
[19.20.7.6 NMAC – N, 11/03/2026]

19.20.7.7 DEFINITIONS: As used in 19.20.7 NMAC:

A. "Act" means the Timber Grading Act, Sections 68-6-1 to 68-6-4 NMSA 1978.

B. "Applicant" means a person who has submitted an application to the division for a structural timber grading certificate.

C. "Building inspector" means a person certified by the construction industries division of the regulation and licensing department and certified by one or more trade bureaus to conduct inspections of permitted construction work to ensure that all work performed by a contractor or homeowner complies with applicable building codes.

D. "Certificate" means the document provided to a person after completion of the program that allows that person to engage in timber grading and labeling as a grader.

E. "Division" means the forestry division of the energy, minerals and natural resources department.

F. "Employee" means any individual who performs work for or on behalf of a sawmill, including permanent employees, temporary or seasonal workers, and independent contractors.

G. "Grader" means the owner of a sawmill or a person employed by a sawmill who is certified to inspect, grade, and label structural timber at that sawmill.

H. "Label" means a document that provides information on the grade of structural timber that was milled in-state.

I. "Program" means the structural timber grading certificate program established by the division pursuant to the Act.

J. "Structural timber" means dimensional lumber, structural beams, and vigas milled in-state.

K. "Uniform Licensing Act" means the Uniform Licensing Act, Chapter 61, Article 1 NMSA 1978.
[19.20.7.7 NMAC – N, 11/03/2026]

19.20.7.8 PROGRAM ESTABLISHMENT AND DIVISION RESPONSIBILITIES:

A. The division shall establish and administer the structural timber grading certificate program pursuant to the Act.

B. The division shall:

(1) create a structural timber grading certificate program accessible to sawmill owners and employees of sawmills to provide training on structural timber grading and labeling;

(2) develop a state-specific system to grade and label structural timber based on the system used by the American lumber standard committee;

(3) issue a structural timber grading certificate to a person who completes the program and meets all requirements set forth in 19.20.7 NMAC; and

(4) promulgate rules to carry out the provisions of the Timber Grading Act, including for the:

(a) awarding of certificates;

(b) training components of the program;

(c) qualification of program instructors; and

(d) grounds and processes for the suspension or revocation of certificates.

(5) maintain records in accordance with 19.20.7.14 NMAC and applicable state records retention requirements.

C. The program may be provided by a public post-secondary educational institution. To become an approved provider, the institution shall submit a letter to the state forester requesting approval and identifying the institution's qualifications to effectively deliver the program as defined in 19.20.7 NMAC.

[19.20.7.8 NMAC – N, 11/03/2026]

19.20.7.9 ELIGIBILITY AND APPLICATION FOR CERTIFICATION:

A. To be eligible for a certificate, an applicant shall:

(1) be at least 18 years of age at the time of application;

(2) be the owner of a sawmill or an employee of a sawmill; and

(3) successfully complete all training and examination requirements of the program as set forth in 19.20.7.10 NMAC.

B. Individuals between the ages of 15 and 17 may attend classroom-based training components of the program but shall not take the written or practical examination, shall not receive a certificate, and shall not perform any hands-on activities associated with logging or sawmill operations or any other tasks prohibited by federal or state law.

C. An applicant shall submit a completed application to the division on a form developed by the division. The application shall include:

(1) the applicant's full name, mailing address, telephone number, and electronic mail address;

(2) the name and location of the sawmill at which the applicant is the owner or is employed;

(3) documentation of successful completion of the program; and

(4) payment of the applicable certification fee as set forth in 19.20.7.11 NMAC.

D. The division shall review completed applications and issue a certificate or provide written notification of denial and the reasons for denial. An applicant may appeal a denial in writing to the state forester within 15 days of receipt of the denial notification.

[19.20.7.9 NMAC – N, 11/03/2026]

19.20.7.10 TRAINING AND INSTRUCTOR QUALIFICATIONS:

A. The program shall include training on at minimum the following components:

(1) the state-specific structural timber grading and labeling system developed by the division;

(2) species identification and characteristics of structural timber milled in-state. Species identification may include recognition of species groups consistent with nationally recognized lumber grading systems, provided such groupings are consistent with the Act and this rule.

(3) grading criteria for dimensional lumber, structural beams, and vigas;

(4) moisture content measurement and documentation. Moisture content measurement refers to identification of moisture-content categories consistent with nationally recognized lumber grading systems;

(5) labeling requirements and procedures under the Act and 19.20.7 NMAC;

(6) applicable legal requirements, including requirements for use of graded and labeled timber in residential and commercial construction; and

(7) records retention requirements applicable to graders under 19.20.7.14 NMAC.

B. The program shall include a written examination and shall include a practical examination. An applicant shall pass each examination with a minimum score established by the division before a certificate may be issued.

C. To qualify as a program instructor, an individual shall possess demonstrated expertise in structural timber grading, wood science, or a related field, including a minimum of six months of work experience in lumber grading; preference may be given to individuals holding current or former credentials from an American lumber standard committee-accredited agency. An associate degree in wood science, engineering, or a related academic field may be substituted for the work experience requirement, as determined by the division.

D. The division may approve instructors employed by or contracted through a public post-secondary educational institution or other qualified entity. The division shall maintain and post on the division's website a list of approved instructors and approved program providers.

[19.20.7.10 NMAC – N, 11/03/2026]

19.20.7.11 CERTIFICATION FEES:

A. The division may charge a fee not to exceed two hundred fifty dollars ($250) for the issuance of a certificate, certificate renewal, mid-term examinations, and reinstatement after suspension.

B. The division shall post the current fee schedule on the division's website. Fees shall be paid at the time of application submission and are non-refundable unless the

division determines the application was not accepted for processing.

C. Institutions of higher education providing the training may charge an additional fee at their discretion.

[19.20.7.11 NMAC – N, 11/03/2026]

19.20.7.12 CERTIFICATE REQUIREMENTS AND RENEWAL:

A. A certificate issued by the division shall include:

(1) the name of the certificate recipient;

(2) the date of issuance; and

(3) the expiration date, which shall be five years from the date of issuance.

B. A certificate shall expire five years from the date of issuance. A grader who wishes to renew a certificate shall apply for renewal prior to the expiration date and shall demonstrate continued qualification in a manner determined by the division, which may include completion of a refresher course or examination approved by the division.

C. The division may require a mid-term evaluation, continuing education, and/or skills assessment to ensure grading quality. Requirements shall be posted on the division's website. Failure to meet these requirements shall result in suspension of the certificate until compliance is achieved. The division shall provide notice to the grader at least 30 days prior to any suspension resulting from noncompliance with these requirements.

D. A grader shall not engage in structural timber grading or labeling under the program after the expiration of the grader's certificate unless and until a renewed certificate is issued by the division.

[19.20.7.12 NMAC – N, 11/03/2026]

19.20.7.13 STRUCTURAL TIMBER GRADING LABEL REQUIREMENTS:

A. A grader shall prepare a label for each lot of structural timber that has been graded and shall provide the label to the purchaser of the structural timber. The label shall include:

(1) the name of the grader;

(2) the name and location of the sawmill where the timber was processed;

(3) the name of the timber species;

(4) the quantity and type of structural timber that was graded and labeled;

(5) the location where the timber is to be used. The location where the timber is to be used refers to the destination or invoice number associated with sale, if known at the time of grading;

(6) the date that the timber was cut and processed. The date the timber was cut and processed refers to the calendar year and month the product was manufactured to its final form;

(7) the date on which the timber was graded; and

(8) the moisture content of the timber at the time of grading.

B. A grader shall only grade and label structural timber that the grader has processed at the sawmill the grader owns or is employed by.

C. The end user of structural timber that has been graded and labeled in-state shall provide the label to the building inspector in lieu of a grade stamp. A label issued pursuant to the Act and 19.20.7 NMAC shall be accepted as proof of grading and is equivalent to structural timber grade-stamped by an accredited lumber grading or inspection agency.

(1) For the purpose of this rule, "equivalent" as used under Subsection C of 19.20.7.13 NMAC means structural timber manufactured in accordance with 19.20.7 NMAC may substitute directly for grade-stamped lumber of corresponding grade, size, and species group.

(2) Nothing in this rule limits the authority of a local building official to accept or reject the use of materials under applicable building codes.

D. All grades and sizes shall be in accordance with product- and species-specific requirements recognized in the version of the National Design Specification for Wood Construction adopted under applicable building codes.

E. Structural timber milled in New Mexico shall be graded and labeled in-state by a certified grader at the sawmill where the timber was processed. Timber milled in New Mexico that is graded or labeled outside the state shall not be represented as structural timber under the New Mexico timber grading certificate program. Timber originating from outside New Mexico may be milled, graded, and labeled in-state, by a certified grader at the sawmill where the timber was processed.

F. Structural timber that has been graded and certified in-state under this program may be used in all residential and commercial buildings in New Mexico.

[19.20.7.13 NMAC – N, 11/03/2026]

19.20.7.14 RECORDS RETENTION AND QUALITY CONTROL:

A. The division shall maintain records relating to the program in accordance with the state records retention and disposition schedule, 1.21.2 NMAC, including:

(1) records relating to individual grader certificates including applicable grade(s), size(s), and species for which grader certification applies, which shall be retained for 10 years from the date the individual is no longer certified, pursuant to 1.21.2.667 NMAC;

(2) records relating to the certification of timber grading products, which shall be retained for five years from the date the file is closed, pursuant to 1.21.2.661 NMAC;

(3) records relating to disciplinary proceedings, including suspension or revocation files, which shall be retained for 25 years from the date the file is closed, pursuant to 1.21.2.656 NMAC; and

(4) records relating to any agricultural inspections the division may conduct, which shall be retained for five years from the date the file is closed, pursuant to 1.21.2.071 NMAC.

B. As a condition of certification, a grader shall retain records of all structural timber graded and labeled under the program, including copies of all labels issued, for a minimum of five years from the date of sale. Records shall be made available to the division upon request.

C. The division or its authorized representative may perform unannounced site visits and "check-grading" of labeled inventory to verify the accuracy and adherence to state-specific standards.
[19.20.7.14 NMAC – N, 11/03/2026]

19.20.7.15 LIABILITY DISCLAIMER:

A. The division disclaims liability for any costs or damages incident to inspection, certification, or compliance with the provisions of 19.20.7 NMAC, to the extent permitted by the Tort Claims Act, Sections 41-4-1 to 41-4-27 NMSA 1978.

B. A certificate issued under 19.20.7 NMAC:

(1) signifies that the grader has completed the required training and is authorized to grade and label structural timber under the program;

(2) is not a warranty or guarantee of the structural performance of any graded timber;

(3) does not constitute approval by the division of any specific piece of graded lumber for any specific construction purpose; and

(4) does not shift the responsibility for safe design and construction away from the parties responsible under applicable law.

C. As a condition of certification, each applicant shall acknowledge in writing, on a form provided by the division, that the applicant:

(1) understands that the certificate is not a warranty or guarantee of the structural performance of graded timber;

(2) is responsible for compliance with all applicable laws, codes, and standards; and

(3) agrees to comply with the division's standards and requirements for the program.
[19.20.7.15 NMAC – N, 11/03/2026]

19.20.7.16 SUSPENSION AND REVOCATION OF CERTIFICATES:

A. The division may suspend or revoke a certificate for good cause, including:

(1) fraud, misrepresentation, or material omission in the application for a certificate;

(2) violation of the Act or 19.20.7 NMAC;

(3) grading or labeling structural timber in a manner that does not conform to the state-specific grading and labeling system established under the Act;

(4) grading or labeling structural timber at a sawmill other than the sawmill the grader owns or is employed by;

(5) failure to maintain required records as set forth in 19.20.7.14 NMAC; or

(6) failure to complete the mid-term examination or skills assessment required by Subsection C of 19.20.7.12 NMAC.

B. Procedures for notice, hearing, and final decision for suspension or revocation of a certificate shall be conducted in conformity with the Uniform Licensing Act, Chapter 61, Article 1 NMSA 1978. A final agency decision may be appealed as provided in Section 39-3-1.1 NMSA 1978.

C. Before suspending or revoking a certificate, the division shall provide the grader with written notice of the contemplated action. The notice shall include:

(1) a statement of the grounds for the contemplated suspension or revocation;

(2) the specific facts alleged to support the action;

(3) a statement of the grader's right to request a hearing; and

(4) the deadline and process for requesting a hearing.

D. The division may conduct hearings directly or may elect to use a hearing officer. If a hearing officer is used, the hearing officer shall submit findings of fact and a recommendation to the division. The division shall issue the final decision.

E. The division may enter into a memorandum of agreement with the administrative hearings office to provide hearing officers for the conduct of administrative hearings under 19.20.7 NMAC, pursuant to 22.600.1.28 NMAC.
[19.20.7.16 NMAC – N, 11/03/2026]

HISTORY OF 19.20.7 NMAC:

Pre-NMAC History: None

History of Repealed Material: [RESERVED]

Other History:

PUBLIC REGULATION COMMISSION

TITLE 17 PUBLIC UTILITIES AND UTILITY SERVICES
CHAPTER 9 ELECTRIC SERVICES
PART 575 INTERCONNECTION OF GENERATING FACILITIES WITH A NAMEPLATE RATING UP TO AND INCLUDING 10 MW CONNECTING TO A RURAL ELECTRIC COOPERATIVE'S SYSTEM

17.9.575.1 ISSUING AGENCY: New Mexico public regulation commission.
[17.9.575.1 NMAC - N, 11/3/2026]

17.9.575.2 SCOPE:

A. This rule, and the definitions, standards, procedures and screening processes described herein apply to rural electric cooperatives operating within the state of New Mexico that are subject to the jurisdiction of the New Mexico public regulation commission. These standards and procedures apply to both qualifying and non-qualifying facilities.

B. The standards and procedures described in this rule (17.9.575 NMAC) apply only to the interconnection of generating facilities with a nameplate rated capacity up to and including 10 MW. The standards and procedures described in 17.9.569 NMAC apply to the interconnection of generating facilities with a rated capacity greater than 10 MW and are unchanged by this rule.

C. Interconnection requests are reviewed based on the combined nameplate ratings of systems accounting for their export capacity and energy storage operating mode. For purposes of review screens, only the capacity that is designed to inject electricity to the utility's distribution or transmission system, other than inadvertent exports and fault contribution, will be used.

D. All interconnection contracts between a utility and an interconnection customer existing at the time 17.9.575 NMAC is revised and adopted shall automatically continue in full force and effect. Material modifications to existing facilities or operations require a new interconnection application and agreement and will be subject to review under the current conditions of the electric power system. Any changes made to existing interconnection agreements shall conform to the provisions of 17.9.575 NMAC in effect at the time modification is executed.
[17.9.575.2 NMAC - N, 11/3/2026]

17.9.575.3 STATUTORY AUTHORITY: This rule is adopted under the authority vested in this commission by the New Mexico Public Regulation Commission Act, Section 62-19-1 *et seq.* NMSA 1978, the Public Utility Act, Section 62-3-1 *et seq.* NMSA 1978; the Rural Electric Cooperative Act, Section 62-15-1 *et seq*., the Energy Transition Act, 62-18-1 *et seq.* NMSA 1978; the Grid Modernization Act, Section 62-8-13 NMSA 1978; and the Community Solar Act, Section 62-16B-1 NMSA 1978.
[17.9.575.3 NMAC - Rp, 17.9.575.3 NMAC, 02/14/2023]

17.9.575.4 DURATION: Permanent.
[17.9.575.4 NMAC - N, 11/3/2026]

17.9.575.5 EFFECTIVE DATE: November 3, 2026, unless a later date is cited at the end of a section.
[17.9.575.5 NMAC - N, 11/3/2026]

17.9.575.6 OBJECTIVE: The purpose of this rule is to set forth common interconnection requirements and a common interconnection process based on a standard screening process for utilities and interconnection customers to expeditiously interconnect generating facilities with a rated capacity up to and including 10 MW in a safe and reliable manner.
[17.9.575.6 NMAC - N, 11/3/2026]

17.9.575.7 DEFINITIONS: Terms used in rule 17.9.575 NMAC shall have the following meanings:

A. Definitions beginning with "A":

(1) Applicant means a person or an entity that has filed an application to interconnect a generating facility to an electric power system. An applicant may include:

(a) A customer who applies for interconnection of a generating facility that will offset part or all of the load of a utility customer, the applicant is that customer, whether the customer owns the generating facility or a third party owns the generating facility.

(b) An owner of a generating facility that applies for interconnection of a generating facility that sells electric power to a utility.

(c) A subscriber organization as defined by the Community Solar Act, Subsection M. of Section 62-16B-2 NMSA 1978.

(2) Area network means a section of an electric power system served by multiple transformers interconnected in an electrical network circuit, generally used in large, densely populated metropolitan areas, to provide high reliability of service. Area network has the same meaning as the term "grid network" as defined in IEEE Std 1547.6™. An area network is also referred to as a grid network or a street network.

(3) Auxiliary load means electrical power consumed by any equipment necessary to operate the generator or energy storage system. This is intended for in-front-of-the-meter systems.

B. Definitions beginning with "B": Business day means Monday through Friday, excluding holidays observed by the utility.

C. Definitions beginning with "C":

(1) Certified means equipment has been tested in accordance with the applicable requirements of IEEE Std 1547™-2018 and IEEE Std 1547.1™-2020 by any nationally recognized testing laboratory (NRTL) recognized by the United States occupational safety and health administration to test and certify equipment pursuant to the applicable standard and the equipment has been labeled and is publicly listed by such NRTL at the time of the interconnection application. Equipment installed prior to March 28, 2023 will also be considered certified if it has been tested in accordance with IEEE Std 1547™-2003 and 1547.1™-2005.

(2) Customer options meeting means a meeting designed to review the status of the interconnection application initial review results, or to determine next

steps needed to permit safe and reliable interconnection.

D. Definitions beginning with "D":

(1) Detailed study process means the procedure for evaluating an interconnection application that may include a scoping meeting, feasibility study, system impact study, or facilities study as described in Appendix A-1**.**

(2) Distributed energy resource (DER) means the equipment used by an interconnection customer to generate or store electricity that operates in parallel with the electric distribution system. DER may include, but is not limited to: an electric generator or energy storage system, a prime mover, or combination of technologies capable of injecting power and energy into the electric distribution system, which also includes the interconnection equipment necessary to safely interconnect with the distribution system. DER may not always be interconnected with the bulk power system. DERs may include distributed generation (DG) resources, distributed energy storage, demand response energy efficiency, and electric vehicles and chargers that are connected to the electric distribution power grid. DERs may be capable of exporting active power to an electric power system (EPS). The DER includes the customer's interconnection facilities but shall not include the area EPS operator's interconnection facilities.

(3) Distribution service means delivering energy over the electric power system pursuant to the approved tariffs of the utility other than services directly related to the interconnection of a generating facility under these interconnection procedures.

(4) Distribution system means the utility's facilities and equipment used to transmit electricity to ultimate usage points, known as premises, directly from nearby generators or from interchanges with higher voltage transmission networks which transport bulk power over longer distances. The voltage levels at which distribution systems operate differ among areas.

(5) Distribution upgrade means the additions, modifications, and upgrades to the utility's distribution system at or beyond the point of common coupling to facilitate interconnection of the generating facility and render the service necessary to effect the interconnection customer's operation of on-site generation. Distribution upgrades do not include interconnection facilities.

E. Definitions beginning with "E":

(1) Electric power system (EPS) means the equipment operated and maintained by a utility (may include: independent system operators, transmission owner/ operator, vertically integrated utilities, electric cooperatives, municipals, and distribution companies) to deliver electric service to end-users, including transmission and distribution lines, substations, transformers, spot networks and area networks.

(2) Energy storage system (ESS) means any commercially available, customer-sited system or utility-sited system, including batteries and batteries paired with on-site generation, that is capable of retaining, storing, and delivering electrical energy by chemical, thermal, mechanical, or other means. For the purposes of this rule, an energy storage system can be considered part of a DER or a DER in whole that operates in parallel with the distribution system.

(3) Export capacity means the amount of power that can be transferred from the generating facility to the distribution system. Export capacity is either the nameplate rating, or a lower amount if limited using and acceptable means identified in 17.9.575.12 NMAC.

F. Definitions beginning with "F":

(1) Facilities study means a study that specifies and estimates the cost of the equipment, engineering, procurement, and construction work needed to implement the conclusions of the system impact study.

(2) Fast Track means the process for evaluating an interconnection application utilizing established screens as described in Appendix A-1.

(3) Fault current means the current produced during a short circuit on the electric power system measured in amperes**.**

(4) Feasibility study means a preliminary technical assessment of the proposed interconnection that identifies any potential adverse system impacts that would result from the interconnection of the generating facility.

G. Definitions beginning with "G":

(1) Generating facility means the equipment used by an interconnection customer to generate, store, manage, interconnect and monitor electricity. A generating facility includes the interconnection equipment required to safely interconnect the facility with the distribution system. DERs are generating facilities.

(2) Grid network means area network or street network. For definition, refer to area network

H. Definitions beginning with "H": Host load means the electrical power, less the DER auxiliary load, consumed by the customer at the location where the generating facility is connected.

I. Definitions beginning with "I":

(1) IEEE means the institute of electrical and electronic engineers.

(2) IEEE standards means the standards published by the IEEE, often in collaboration with American National Standards Institute (ANSI), National Institute of Standards and Technology (NIST), UL, International Electrotechnical Commission (IEC), CIGRE, and National Fire Protection Institute (NFPA), available at www.ieee.org.

(3) **Inadvertent export** means the unscheduled export of active power from a generating facility, exceeding a specified magnitude and for a limited duration generally due to fluctuations in-load-following behavior.

(4) **Interconnection agreement** means a standard form agreement between an interconnection customer and a utility that governs the interconnection of a generating facility to a utility's electric delivery system, as well as the ongoing operation of the generating facility after it is interconnected.

(5) **Interconnection application** means the request by an interconnection customer to interconnect a new generating facility, increase the capacity or make a material modification to the operating characteristics of an existing generating facility that is interconnected with the utility's electric power system.

(6) **Interconnection customer** means any person who proposes to interconnect a generating facility with the utility's system.

(7) **Interconnection facilities** means the utility's interconnection facilities and the interconnection customer's interconnection facilities. Collectively, interconnection facilities include all facilities and equipment between the generating facility and the point of common coupling, including any modification, additions or upgrades that are necessary to physically and electrically interconnect the generating facility to the utility's electric power system in a safe and reliable manner. Interconnection facilities are sole use facilities and shall not include distribution upgrades.

(8) **Interconnection upgrade cost sharing** means the allocation of distribution upgrade costs among multiple generator facility projects that utilize the hosting capacity created by a distribution upgrade.

(9) **Interconnection procedures** means the procedures specified in 17.9.575.12 NMAC through 17.9.575.20 NMAC.

J. Definitions beginning with "J": [RESERVED]

K. Definitions beginning with "K": [RESERVED]

L. Definitions beginning with "L":

(1) Limited export means the exporting capability of a DER whose generating capacity is limited by the use of any configuration or operating mode described in 17.9.575.12 NMAC.

(2) Line section means that portion of a utility's electric power system connected to a customer that is bounded by automatic sectionalizing devices or the end of the distribution line.

M. Definitions beginning with "M":

(1) Material modification means a modification to machine data, equipment configuration or to the interconnection site of the DER at any time after receiving notification by the utility of a complete interconnection application that has a material impact on the cost, timing, or design of any interconnection facilities or distribution upgrades, or a material impact on the cost, timing, or design of any interconnection application with a later queue priority date or material impact on the safety or reliability of the electric power system. A change to the point of interconnection would require either a new interconnection application or a change in queue position. A material modification does not include, for example;

(a) a change of ownership of a generating facility:

(b) a change or replacement of generating equipment that is a like-kind substitution in size, ratings, impedances, efficiencies, or capabilities of the equipment specified in the original interconnection application; or

(c) a reduction in the output of the generating facility of ten percent or less. Replacement of existing inverters with new inverters that conform to new standards after March 28, 2023, will not be considered a material modification, so long as the generating facilities output or export status does not change as a result.

(2) Minimum load means the lowest measured circuit/substation load regardless of time of day.

(3) Minor modification means any modification to a utility's electric power system that involves limited work or low costs. Minor modifications include, but are not limited to, activities like changing the fuse in a fuse holder cut-out or changing the settings on a circuit recloser.

N. Definitions beginning with "N":

(1) Nameplate rating means the sum total of maximum rated power output of a DER's constituent generating units or ESS, as identified on the manufacturer's nameplate, regardless of whether it is limited by any approved means.

(2) Network system means a collection of secondary networks, or combinations of such networks on a primary network feeder or primary network feeders that supply them. This may also consist of primary feeders networked to supply connected loads.

(3) Network transformer means a transformer designed for use in a vault to feed a variable capacity system of interconnected secondaries.

(4) Non-export or non-exporting means when the DER is sized and designed using any of the methods described in 17.9.575.12 NMAC, such that the output is used for host load only and no electrical energy (except for any inadvertent export) is transferred from the generating facility to the distribution system.

O. Definitions beginning with "O": Operating

mode means the mode of DER operational characteristics that determines the performance during normal and abnormal conditions. For example, an operating modes can include "export only," "import only," and "no exchange."

P. Definitions beginning with "P":

(1) Parallel operation means the simultaneous operation of a generating facility with power delivered or received by the electric power system while interconnected. Parallel operation includes only those generating facilities that are interconnected with the electric power system for more than 60 cycles (one second).

(2) Parties means the applicant and the utility in a particular interconnection agreement. "Either party" refers to either the applicant or the utility.

(3) Person means, for purposes of this rule, an individual, firm, partnership, company, rural electric cooperative organized under Laws 1937, Chapter 100 or the rural electric cooperative act, corporation or lessee, trustee or receiver appointed by any court.

(4) Point of interconnection means the point where the interconnection facilities connect with the electric distribution system. Point of interconnection has the same meaning as the term "point of common coupling" as defined in IEEE 1547-2018.

(5) Power control system (PCS) means systems or devices which electronically limit or control steady state currents to a programmable limit.

(6) Primary network feeder means a feeder that supplies energy to a network system or the combination of a network system and other radial loads. Dedicated primary network feeders are feeders that supply only network transformers for the secondary network.

(7) Power conversion unit (PCU) means an inverter or AC generator, not including the energy source.

(8) Premise means a piece of land or real estate including buildings and other appurtenances thereon.

(9) Protective function means the equipment, hardware, or software in a generating facility (whether discrete or integrated with other functions) for the purpose of protecting against conditions that, if left uncorrected, could result in harm to personnel, damage to equipment, loss of safety or reliability, or operation outside pre-established parameters required by the interconnection agreement.

Q. Definitions beginning with "Q": [RESERVED]

R. Definitions beginning with "R":

(1) Rated capacity means the total AC nameplate rating of the power conversion unit(s) at the point of common coupling.

(2) Reference point of applicability (RPA) means the location where the interconnection and interoperability performance requirements, as specified by IEEE 1547-2018, apply.

(3) Relevant minimum load means the lowest measured circuit or substation load coincident with the generating facility's production. For solar-only facilities this shall be the daytime minimum load.

S. Definitions beginning with "S":

(1) Secondary network means an AC distribution system where the secondaries of the distribution transformers are connected to a common network for supplying electricity directly to consumers.

(2) Simplified process means the procedure for evaluating an interconnection application for a small certified inverter-based DER described in Appendix A-1.

(3) Small utility means a utility that serves fewer than 50,000 customers.

(4) Supplemental review means additional engineering evaluation to determine if a generating facility can be interconnected following the (simplified or fast track) process without the need for detailed study as described in Appendix A-1.

(5) System emergency means a condition on a utility system that is likely to result in imminent significant disruption of service to customers or is imminently likely to endanger life or property.

(6) System impact study means a study that identifies and details the electric system impacts that would result if the proposed generating facility were interconnected without project modifications or electric system modifications, focusing on the adverse system impacts preliminarily identified in the feasibility study (if conducted), or to study potential impacts, including but not limited to those identified in the scoping meeting. A system impact study shall evaluate the impact of the proposed interconnection on the safety and reliability of the electric power system.

T. Definitions beginning with "T": Technical interconnection and interoperability requirements (TIIR) documents are public documents, often utility specific, which include requirements for interconnection, interoperability, capabilities, and their utilization (settings), and grid integration (e.g., protection coordination, telemetry).

U. Definitions beginning with "U":

(1) UL means the company by that name which has established technical standards for safe operations of electrical devices, previously known as underwriter's laboratory.

(2) UL 1741 CRD for PCS means the certification requirement decision for power control systems for the standard titled "inverters, converters, controllers and interconnection system equipment for use with distributed energy resources". (March 8, 2019), Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook IL 60062-2096.

(3) **Unintentional island** means an unplanned island per IEEE 1547-2018.

(4) **Utility** means a rural electric cooperative, as that term is used in the Rural Electric Cooperative Act, NMSA 1978, §§ 62-15-1 *et seq*.

V. Definitions beginning with "V": [RESERVED]

W. Definitions beginning with "W": [RESERVED]

X. Definitions beginning with "X": [RESERVED]

Y. Definitions beginning with "Y": [RESERVED]

Z. Definitions beginning with "Z": [RESERVED]

[17.9.575.7 NMAC - N, 11/3/2026]

17.9.575.8 APPLICABILITY: All generating facilities that operate in parallel with the utility electric power system are required to have an interconnection review and an interconnection agreement to ensure safety, system reliability, and operational compatibility. These interconnection procedures are applicable to all state-jurisdictional interconnections of generating facilities with a rated capacity up to and including 10 megawatts (MW). Generating facilities with a rated capacity greater than 10 megawatts (MW) shall be conducted pursuant to 17.9.569 NMAC. Neither these procedures nor the requirements included hereunder apply to generating facilities interconnected or approved for interconnection prior to the effective date of these procedures.

[17.9.575.8 NMAC - N, 11/3/2026]

17.9.575.9 LIBERAL CONSTRUCTION: If any part or application of this rule is held invalid, the remainder of its parts and any other applications of the rule shall not be affected.

[17.9.575.9 NMAC - N, 11/3/2026]

17.9.575.10 APPLICABLE CODES AND STANDARDS:

A. The interconnection customer shall install, operate, and maintain the generating facility and the interconnection equipment in a safe manner in accordance with the rules for safety and reliability set forth in the latest editions of the national electrical code, other applicable local, state, and federal electrical codes, and prudent electrical practices.

B. In order to qualify for any interconnection procedures, each generating facility generator shall be in conformance with the following codes and standards (or their successors) as applicable, unless otherwise provided by law:

(1) IEEE Std 1547™, IEEE standard for interconnection and interoperability of distributed energy resources with associated electric power systems interfaces, as amended by IEEE 1547a™-2020, including use of IEEE 1547.1™-2020 testing protocols to establish conformity;

(2) IEEE Std 1547.1™-.2020™, standard conformance test procedures for equipment interconnecting distributed energy resources with electric power systems and associated interfaces;

(3) ANSI C84.1-2020, electric power systems and equipment - voltage ratings (60 Hertz);

(4) IEEE Std 1547.2™-2008™, application guide for IEEE 1547 standard for interconnecting distributed resources with electric power systems;

(5) IEEE Std 1547.6™-2011™, IEEE recommended practice for interconnecting distributed resources with electric power systems distribution secondary networks;

(6) IEEE Std 1547.7™-2013™, IEEE guide for conducting distribution impact studies for distributed resource interconnection;

(7) IEEE C62,92.6™-2017 IEEE Guide for Application of Neutral Grounding in Electrical Utility Systems, Part VI - Systems Supplied by Current Regulated Sources;

(8) UL 1741, Edition 3, September 28, 2021 Inverters, Converters, Controllers and Interconnection System Equipment for Use with Distributed Energy Resources;

(9) NFPA 70, current version, National Electrical Code, including any NM or local modifications;

(10) IEEE C2, current version, National Electrical Safety Code, including any NM or local modifications;

(11) UL 1741 Certification Requirement Decision for Power Control Systems, March 8, 2019, Inverters, Converters, Controllers and Interconnection System Equipment for Use With Distributed Energy Resources.

C. The interconnection equipment shall be considered certified for interconnected operation if the equipment package has been tested and listed by a nationally recognized testing and certification laboratory (NRTL) for continuous interactive operation with a utility grid.

[17.9.575.10 NMAC - N, 11/3/2026]

17.9.575.11 IEEE 1547-2018 ADOPTION*:*

A. Beginning on March 28, 2023 (or another date set by commission order), generating facilities shall be required to comply with IEEE 1547-2018, and shall conform with the following minimum requirements.

(1) Abnormal performance requirements: Category III ride through capabilities must be supported for inverter-based generating facilities. Rotating generating facilities must meet category I ride-through capabilities.

(2) Normal performance requirements: Inverter-based generating facilities shall meet reactive power requirements with category B. Rotating generating facilities must meet category A.

B. Each utility shall post its preferred default settings in their public facing Technical Interconnection and Interoperability Requirements (TIIR) document. As

applicable the following shall be identified in the TIIR documents:

(1) voltage and frequency trip settings;

(2) frequency droop settings;

(3) activated reactive power control function and default settings;

(4) voltage active power (volt-watt) mode activation and default settings;

(5) communication protocols and ports requirements.

[17.9.575.11 NMAC - N, 11/3/2026]

17.9.575.12 DETERMINATION OF EXPORT CAPACITY STATUS:

A. Export controls: If a DER uses any configuration or operating mode in subsection C to limit the export of electrical power across the point of interconnection, then the export capacity shall be only the amount of power capable of being exported (not including any inadvertent export). To prevent impacts on system safety and reliability, any inadvertent export from a DER must comply with the limits identified in this section. The export capacity specified by the interconnection customer in the interconnection application will be documented as the maximum allowed export capacity of the DER in the interconnection agreement.

B. An interconnection application proposing to use a configuration or operating mode to limit the export of electrical power across the point of interconnection shall include proposed control or protection settings.

C. Acceptable export control methods:

(1) Export control methods for non-exporting DER:

(a) Reverse power protection (Device 32R): To limit export of power across the point of interconnection, a reverse power protective function is implemented using a utility grade protective relay. The default setting for this protective function shall be one tenth percent (export) of the service transformer's nominal base nameplate rating, with a maximum two second time delay to limit inadvertent export.

(b) Minimum power protection (Device 32F): To limit export of power across the point of interconnection, a minimum import protective function is implemented utilizing a utility grade protective relay. The default setting for this protective function shall be five percent (import) of the generating unit's total nameplate capacity, with a maximum two second time delay to limit inadvertent export.

(c) Relative distributed energy resource rating: This option requires the DER facility's nameplate capacity to be no greater than fifty percent of the interconnection customer's verifiable minimum host load during DER operating hours over the past 12 months. This option is not available for interconnections to area networks or spot networks.

(2) Export control methods for limited export DER:

(a) Directional power protection (Device 32): To limit export of power across the point of interconnection, a directional power protective function is implemented using a utility grade protective relay. The default setting for this protective function shall be the export capacity value, with a maximum 2.0 second time delay to limit inadvertent export.

(b) Configured power rating: A reduced output power rating utilizing the power rating configuration setting may be used to ensure the DER does not generate power beyond a certain value lower than the nameplate capacity. The configuration setting corresponds to the active or apparent power ratings in Table 28 of IEEE Std 1547-2018, as described in subclause 10.4. A local DER communication interface is not required to utilize the configuration setting if it can be set by other certified means. The reduced power rating may be indicated by means of a nameplate rating replacement or, a supplemental adhesive de-rating tag to indicate the reduced power output capacity. The customer must also provide a signed attestation confirming the reduced power output capacity. This method must be certified to IEEE 1547.1-2020. Use of a configured power rating not applied to individual power conversion unit(s) shall require evaluation under mutually agreed-upon means.

(3) Export control methods for non-exporting DER or limited export DER:

(a) Certified power control systems: DER facilities may use certified power control systems to limit export. DER facilities utilizing this option must use a power control system and inverter certified per UL 1741 by a nationally recognized testing laboratory (NRTL) with a maximum open loop response time of no more than 30 seconds. NRTL testing to the UL power control system certification requirements decision shall be accepted until similar test procedures for power control systems are included in a standard. This option is not available for interconnections to area networks or spot networks.

(b) Agreed-upon means: DER facilities may be designed with other control systems or protective functions to limit export and inadvertent export if mutual agreement is reached with the distribution provider. The limits may be based on technical limitations of the interconnection customer's equipment or the electric distribution system equipment. To ensure inadvertent export remains within mutually agreed-upon limits, the interconnection customer may use an uncertified power control system, an internal transfer relay, energy management system, or other customer facility hardware or software if approved by the distribution provider.

[17.9.575.12 NMAC - N, 11/3/2026]

17.9.575.13 INTERCONNECTION APPLICATION: An interconnection customer shall submit its interconnection application to the utility using Appendix B-1 or B-2 as applicable, together with the fees specified in 17.9.575.19 NMAC.

A. The utility shall record the date and time on the face of the interconnection application upon receipt by the utility. The original date and time recorded by the utility on the interconnection-application at the time of its original submission shall be accepted as the date and time on which the interconnection application was received for the purposes of any timetable established in this rule or in Appendix A-1. Following submission of the interconnection application, the parties will follow the procedures and time requirements described in Appendix A-1.

B. The utility shall place interconnection applications in the order they are received. The order of each interconnection application will be used to determine the cost responsibility for the upgrades necessary to accommodate the interconnection. At the utility's option, interconnection applications may be studied serially or in clusters for the purpose of the system impact study.

[17.9.575.13 NMAC - N, 11/3/2026]

17.9.575.14 INTERCONNECTION AGREEMENT:

A. For simplified process interconnection projects, the applicant will sign a form interconnection agreement at the time it submits its interconnection application, and the utility will return a counter-signed interconnection agreement.

B. For fast track and detailed study interconnection projects: after receiving an interconnection agreement from the utility, the applicant shall have 30 business days or another mutually agreeable timeframe to sign and return the interconnection agreement. If the applicant does not sign the interconnection agreement within 30 business days, the interconnection application shall be deemed withdrawn. After the interconnection agreement is signed by the parties, the interconnection of the generating facility shall proceed under the provisions of the interconnection agreement.

C. Nothing in this rule shall preclude a utility from establishing reasonable operational requirements for DER interconnection, including limitations on export capability, through the interconnection agreement process, provided such requirements are applied on a non-discriminatory basis to all functionally equivalent DER technologies.

[17.9.575.14 NMAC - N, 11/3/2026]

17.9.575.15 OPTIONAL PRE-APPLICATION REPORT: Potential applicants may request this optional report for a specific site to get information about system conditions at their proposed point of interconnection without submitting a full interconnection application.

A. Costs of pre-application reports: The utility may collect from the applicant the reasonable cost incurred to perform or obtain necessary expertise from consultants to produce a pre-application report. The utility shall provide a good faith estimate of the costs of such consultants to an applicant within 10 business days of the date the interconnection applicant submits their request for a pre-application report.

B. Time frames for pre-application reports: Pre-application reports should be completed in 20 business days for system sizes up to one MW, and 30 business days for system sizes greater than one MW, from the receipt of the completed request form and payment of the fee. If it can be documented that a utility cannot meet this deadline due to circumstances beyond their control, then the utility will be given more time but must notify the applicant.

C. Length of time for accuracy of information: Due to the dynamic nature of the electric power system, accuracy cannot be guaranteed past the time of completion of a report. The pre-application report shall be non-binding on the utility and shall not confer any rights to the interconnection customer. The provided information does not guarantee that an interconnection may be completed.

D. Potential applicants shall provide the following information to the utility to expedite its pre-application review:

(1) project contact information including name, address, phone number, and email address;

(2) project location (street address with nearby cross streets, and town/city);

(3) meter number, pole number, or other equivalent information (such as latitude and longitude coordinates) identifying the potential point of interconnection, if available;

(4) generator type (i.e., solar, wind, combined heat and power) and whether energy storage will be collocated with the generation;

(5) nameplate capacity (in alternating current kW);

(6) single or three phase generator configuration;

(7) stand-alone generator with no on-site load (yes or no?); and

(8) whether new service is requested. If there is existing service, include the customer account number, site minimum and maximum existing or proposed maximum loads in kW and specify if the amount of any anticipated additional load is expected to change.

E. The pre-application report shall be completed by the utility per the schedule in Subsection B of this section and include the following information, if available:

(1) Total capacity (MW) of substation/area bus or bank and circuit likely to serve

proposed site. If substation or circuit planned capacity limits are less than the total capacity the utility shall indicate the planned capacity limits.

(2) Aggregate existing export capacity (MW) interconnected to the substation/area bus or bank and circuit likely to serve proposed site.

(3) Aggregate queued export capacity (MW) proposing to interconnect to the substation/area bus or bank and circuit likely to serve proposed site.

(4) Available capacity (MW) of substation/area bus or bank and circuit likely to serve proposed site. Available capacity is the total capacity less the sum of existing and queued export capacity, accounting for all load served by existing and queued generators.

(5) Whether the proposed generating facility is located on an area, spot or radial network.

(6) Nominal distribution circuit voltage at the proposed site.

(7) Approximate circuit distance between the proposed site and the substation.

(8) Relevant line section(s) and substation actual or estimated peak load and minimum load data, when available.

(9) Manufacturer model number/type and rating of protective devices and number and type of voltage regulating devices between the proposed site and the substation/area.

(10) Whether or not three-phase power is available at the site or distance from three-phase service.

(11) Limiting conductor rating from proposed point of interconnection to distribution substation.

(12) Based on proposed point of interconnection, existing or known constraints such as, but not limited to, electrical dependencies at that location, short circuit interrupting capacity issues, power quality or stability issues on the circuit, capacity constraints, or secondary networks.

(13) Any other information the utility deems relevant to the interconnection application.

F. The pre-application report need only include pre-existing data. A pre-application report request does not obligate the utility to conduct a study or other analysis of the proposed project if that data is not available. If the utility cannot complete all or some of a pre-application report due to lack of available data, the utility will provide the potential applicant with a pre-application report that includes the information that is available and identify the information that is unavailable.

G. Notwithstanding any of the provisions of this section, the utility shall, in good faith, provide pre-application report data that represents the best available information at the time of reporting. [17.9.575.15 NMAC - N, 11/3/2026]

17.9.575.16 PERMISSION TO OPERATE:

A. The interconnection customer may not commence operations until its interconnection application is deemed complete and the utility has issued a permission to operate (PTO). The interconnection customer shall provide the utility with at least 10 business days' notice of the anticipated start date of the generating facility. Within 10 business days of receiving the notice of the anticipated start date of the generating facility, the utility may conduct an inspection of the generating facility at a time mutually agreeable to the parties. The inspection may include verification that the facility complies with applicable codes and standards, the terms of the interconnection agreement, and may include a witness test. The utility may also schedule appropriate metering replacement or programming if necessary. If the generating facility passes the inspection, the utility shall provide written notice of the passage within three business days. If a Generating Facility initially fails a utility inspection, the utility shall offer to redo the inspection at the applicant's expense at a time mutually agreeable to the parties. If the utility determines that the generating facility fails the inspection, the utility must provide the applicant with a written explanation detailing the reasons for the failure and any standards violated. If the utility determines no inspection is necessary, it shall notify the applicant within three business days of receiving the notice of the anticipated start date. For simplified process and fast track generating facilities, utility approval for interconnection (i.e. permission to operate) shall normally be processed not later than 10 business days following the utility's receipt of:

(1) a completed net energy metering interconnection application, if appropriate, including all supporting documents and required payments;

(2) a completed signed interconnection agreement, if appropriate; and

(3) evidence of the applicant's final electric inspection clearance from the governmental authority having jurisdiction over the generating facility. If the 10-day period cannot be met, the utility shall-notify the applicant.

B. A generating facility that has not been approved for parallel operation within one year of execution of the interconnection agreement is subject to withdrawal by utility; however, the utility may not deem the interconnection application withdrawn if:

(1) applicant provides reasonable evidence that the interconnection application is still active; or

(2) the delay is at no fault of applicant. [17.9.575.16 NMAC - N, 11/3/2026]

17.9.575.17 APPLICATION REVIEW PROCESS: The utility shall utilize the interconnection screening process and the screen criteria described in Appendix A-1.

A. There are four interconnection review paths:

(1) Simplified interconnection: For certified

inverter-based generating facilities with a power rating of 25 kilowatts (kW) or less on radial or network systems under certain conditions.

(2) Fast track with or without supplemental review: For certified generating facilities that pass certain specified screens and likely would have a power rating of less than 1.0 megawatts (MW).

(3) Full interconnection study: For generating facilities that have a power rating of 1.0 megawatt (MW) or less that do not qualify for the simplified or fast track processes.

(4) Case specific review process: for generating facilities with a rated capacity greater than 1.0 megawatt (MW), which shall be reviewed pursuant to the process set forth in 17.9.569 NMAC for larger facilities.

B. Application submittal: The interconnection applicant shall submit an interconnection application (see Appendices B-1 or B-2, as appropriate) to the utility, together with the applicable processing fee identified in 17.9.575.20 NMAC. The application shall be date and time-stamped upon receipt for the purposes of any timetable in these procedures.

C. Completeness review: Utility shall notify the interconnection applicant, via email or other means, that the interconnection application has been received within three business days of receipt of the interconnection application. Within 10 business days of receipt, the utility shall notify the applicant whether the interconnection application is deemed complete and valid. If the application is incomplete, the utility shall provide the applicant with a list of all information that the applicant must provide to complete the application. The applicant must provide the requested information within 10 business days, or the application will be deemed withdrawn.

D. Interconnection queue position and posting: The utility shall assign the interconnection application a queue position based on when it is received under Subsection A of 17.9.575.13 NMAC.

(1) The utility shall maintain a single queue,

(2) The queue position of each interconnection application will be used to determine the cost responsibility for the upgrades necessary to accommodate the interconnection.

(3) The queue shall be publicly available on the utility's website and be updated at least monthly.

(4) If an application fails the screening process under the simplified or fast track process, but the applicant decides to continue with review (including supplemental review) under another level, the applicant shall retain its original queue position.

(5) If an interconnection application fails the screening process under the simplified or fast track process, but the applicant decides to continue with review (including supplemental review) under another level, the applicant shall retain its original queue position.

E. Modifications to generating facility:

(1) At any time after an interconnection application is deemed complete or an interconnection agreement has been signed, if the applicant wishes to make modifications to the planned generating facility it shall submit to the utility, in writing, all proposed modifications to any information provided in the interconnection application or in the interconnection agreement. Any modification to machine data, equipment configuration, or to the interconnection site of the generating facility not agreed to in writing by the utility and the interconnection customer may be deemed a withdrawal of the interconnection application.

(2) Within 10 business days of receipt of a proposed modification, the utility shall notify the applicant whether a proposed modification to either an interconnection application or an existing generating facility constitutes a material modification.

(a) If the utility determines the proposed modification is a material modification, then the utility shall notify the interconnection customer in writing that the customer may:

(i) withdraw the proposed modification; or

(ii) proceed with a new interconnection application for such modification. The interconnection customer shall provide its determination in writing to the utility within 10 business days after being provided the material modification determination results. If the interconnection customer does not provide its determination, the proposed modification shall be deemed withdrawn.

(b) If the proposed modification is determined not to be a material modification, then the utility shall notify the interconnection customer in writing that the modification has been accepted and that the customer shall retain its eligibility for interconnection, including its place in the interconnection queue. Existing generating facilities may make the modification without requiring a new interconnection application.

(3) Any dispute as to the utility's determination that a modification constitutes a material modification shall proceed in accordance with the dispute resolution provisions in 17.9.575.26 NMAC.

(4) Any modification to machine data, equipment configuration, or to the interconnection site of the generating facility not agreed to in writing by the utility and the interconnection customer may be deemed a withdrawal of the interconnection application and may require submission of a new interconnection application, unless proper notifications of each party by the other as described in Paragraphs (1) and (2) of Subsection E of 17.9.575.13 NMAC.

F. Site Control: Documentation of site control must be submitted with the interconnection request. Site control may be demonstrated by:

(1) ownership of, or a leasehold interest in, or a right to develop a site for the purpose of constructing a generating facility;

(2) a fully executed option to purchase or acquire a leasehold site for such purpose; or

(3) a fully executed agreement demonstrating exclusivity or other business relationship between the interconnection applicant and the entity having the authority to grant the applicant the right to possess or occupy a site for such purpose.

[17.9.575.17 NMAC - N, 11/3/2026]

17.9.575.18 INTERCONNECTION APPLICATION REVIEW FLOW CHART: [RESERVED]

[17.9.575.18 NMAC - N, 11/3/2026]

17.9.575.19 GENERAL PROVISIONS APPLICABLE TO INTERCONNECTION APPLICATIONS:

A. An applicant shall pay the following application fee to the utility at the time it delivers its interconnection application to the utility:

(1) $150.00 if the proposed generating facilities will have a nameplate rating less than or equal to 25 kW;

(2) $300.00 if the proposed generating facilities will have a nameplate rating greater than 25 kW and less than or equal to 100 kW; or

(3) $300.00 + $1.00 per kW if the proposed generating facilities will have a nameplate rating greater than 100 kW;

(4) if the proposed generating facility is non-export only, it shall pay $150.00, if it has a nameplate rating below 100kW, or $300 if the nameplate rating is greater than 100 kW.

B. In addition to the fees authorized by this rule, a small utility may collect from the applicant the reasonable costs incurred to obtain necessary expertise from consultants to review interconnection applications for generating facilities with rated capacities greater than 10 kW. A small utility shall provide a good faith estimate of the costs of such consultants to an applicant within 10 business days of the date the interconnection application is delivered to the utility.

C. Commissioning tests of the interconnection customer's installed equipment shall be performed pursuant to applicable codes and standards, including IEEE 1547.1 "IEEE standard conformance test procedures for equipment interconnecting distributed energy resources with electric power systems." A utility must be given at least five business days written notice of the tests, or as otherwise mutually agreed to by the parties, and may be present to witness the commissioning tests. An interconnection customer shall reimburse a utility for its costs associated with witnessing commissioning tests performed except that a utility may not charge a fee in addition to the interconnection application fee for the cost of witnessing commissioning tests for inverter-based generating facilities that have nameplate capacities that are less than or equal to 25 kW.

D. If an interconnection customer requests an increase in capacity for an existing generating facility, the interconnection application shall be evaluated on the basis of the new total capacity of the generating facility. If an interconnection customer requests interconnection of a generating facility that includes multiple energy production devices at a site for which the interconnection customer seeks a single point of common coupling, the interconnection application shall be evaluated on the basis of the aggregate capacity of the multiple devices.

E. Confidential information shall remain confidential unless otherwise ordered by the commission. Confidential information shall mean any confidential and proprietary information provided by one party to the other party that is clearly marked or otherwise designated "confidential".

[17.9.575.19 NMAC - N, 11/3/2026]

17.9.575.20 GENERAL PROVISIONS APPLICABLE TO UTILITIES:

A. A utility shall interconnect any interconnection customer that meets the interconnection criteria set forth in this rule. A utility shall make reasonable efforts to keep the applicant informed of the status and progress.

B. Utilities shall reasonably endeavor to aid and assist interconnection customers to ensure that a proposed generating facility's interconnection design, operation, and maintenance are appropriate for connection to the utility's system. This may include consultations with the applicant and its engineer and other representatives.

C. Utilities shall make reasonable efforts to meet all time frames provided for in this rule unless a utility and an applicant agree to a different schedule. If a utility cannot meet a deadline provided herein, it shall notify the applicant in writing within one business day, explain the reason for its inability to meet the deadline, and provide an estimated time by which it will complete its activity. The utility shall keep the applicant updated of any changes in the expected completion date.

D. Utilities shall use the same reasonable efforts in processing and analyzing interconnection applications from all interconnection customers, whether the generating facility is owned or operated by the utility, its subsidiaries or affiliates, or others.

E. Utilities shall maintain records for three years of each interconnection application received, the times required to complete each interconnection

application approval or disapproval, and justification for the utility's disapproval of any interconnection application. Other reporting requirements are specified in 17.9.575.23 NMAC.

F. Utilities shall maintain current, clear, and concise information regarding this rule including the name, telephone number, and email address of contact persons. The information shall be easily accessible on the utility's website beginning within one month of the effective date of this rule, or the information may be provided in bill inserts or separate mailings sent no later than one month after the effective date of this rule and no less often than once each year thereafter. Each utility shall maintain a copy of this rule at its principal office and make the same available for public inspection and copying during regular business hours.

G. A small utility that uses a consultant to review a proposal to interconnect a generating facility with the small utility's system may extend each of the time deadlines for review of the fast track process by a period not to exceed 20 business days provided that the small utility shall make a good faith effort to complete the review sooner.

H. Compliance with this interconnection process does not constitute a request for, nor provision of any transmission delivery service, or any local distribution delivery service. Interconnection under this rule does not constitute an agreement by the utility to purchase or pay for any energy, inadvertently or intentionally exported.

[17.9.575.20 NMAC - N, 11/3/2026]

17.9.575.21 GENERAL PROVISIONS APPLICABLE TO INTERCONNECTION CUSTOMERS:

A. The cost of utility system modifications shall be borne by the interconnection customer unless otherwise agreed by the parties.

B. An interconnection customer shall have thirty (30) business days (or other mutually agreeable period) following receipt of an interconnection agreement to execute the agreement and return it to the utility. If the interconnection customer does not execute the interconnection agreement and return it to the utility within the applicable period, the interconnection application shall be deemed withdrawn. After all parties execute an interconnection agreement, interconnection of the generating facility shall proceed

C. An interconnection customer is responsible for the prudent maintenance and upkeep of its interconnection equipment.

D. Upon the petition of a utility, for good cause shown, the commission may require a customer with a generating facility with a rated capacity of 250 kW or less to obtain general liability insurance prior to connecting with a public utility. A utility may require that an applicant proposing to connect a generating facility with a rated capacity greater than 250 kW provide proof of insurance with reasonable limits not to exceed $1,000,000.00 or other reasonable evidence of financial responsibility.

[17.9.575.21 NMAC - N, 11/3/2026]

17.9.575.22 EXTENSIONS:

A. The applicant may request in writing the extension of one timeline set by these rules. The requested extension may be for up to one-half of the time originally allotted (e.g., a 10-business-day extension for a 20-business-day timeframe). The utility shall not unreasonably refuse this request.

B. If further timeline extensions are necessary, the applicant may request an extension, and the utility shall grant the extension so long as it does not unreasonably delay the processing of later queued interconnection applications.

[17.9.575.22 NMAC - N, 11/3/2026]

17.9.575.23 DISPUTE RESOLUTION:

A. Each party agrees to attempt to resolve all disputes arising hereunder promptly, equitably and in a good faith manner.

B. In the event of a dispute, either party shall provide the other party with a written notice of dispute. Such notice shall describe in detail the nature of the dispute. The non-disputing party shall acknowledge the notice within three business days of its receipt and identify a representative with the authority to make decisions for the non-disputing party with respect to the dispute.

C. If the dispute has not been resolved in eight business days for timeline related disputes or 20 business days for all other disputes after the receipt of the notice, the parties may, upon mutual agreement:

(1) continue negotiations for an additional 10 business days; or

(2) seek resolution through the assistance of a dispute resolution service. The dispute resolution service will assist the parties in either resolving the dispute or in selecting an appropriate dispute resolution venue (e.g., mediation, settlement judge, early neutral evaluation, or qualified technical expert(s)) to assist the parties in resolving their dispute. Each party will be responsible for one-half of any costs paid to neutral third-parties.

D. For any technical disputes, both parties shall have a qualified technical representative present in the attempts to resolve the dispute.

E. If the dispute remains unresolved after 30 business days, either party may petition the commission to handle the dispute as a formal complaint or may exercise whatever rights and remedies it may have in equity or law.

F. If the dispute remains unresolved after 90 business days, a formal complaint to the commission has not been submitted, and the dispute is causing delays to other projects in the queue, the utility may adjust the queue position of the disputing project. The disputing party shall be responsible for any additional study costs that may result from the change in queue position.

[17.9.575.23 NMAC - N, 11/3/2026]

17.9.575.24 NON-REPORTING REQUIREMENTS: For each request for a pre-application report or interconnection application-received, the utility shall collect and retain the following data, at a minimum, consistent with their data records and retention practices:

A. facility capacity;

B. DER type (technology);

C. number of pre-application reports requested and processed;

D. date of interconnection application submittal;

E. date interconnection application deemed complete;

F. interconnection fees and study costs assessed to the customer;

G. interconnection facility and distribution upgrade costs assessed to the customer;

H. number of times outside consultants were utilized and the range of fees assessed to the customer for the consultant's services. [17.9.575.24 NMAC - N, 11/3/2026]

17.9.575.25 SAFETY PROVISIONS:

A. A DER project that operates outside of its approved export status or operational limits may be disconnected by the utility following notification of violation and a 30-day cure period.

B. An interconnection customer shall separate from the utility system in the event of any one or more of the following conditions:

(1) a fault on the generating facility's system; or

(2) a generating facility contribution to a utility system emergency; or

(3) abnormal frequency or voltage conditions on the utility's system; or

(4) any occurrence or condition that will endanger utility employees or customers; or

(5) a generating facility condition that would otherwise interfere with a utility's ability to provide safe and reliable electric service to other customers; or

(6) the sudden loss of the system power.

C. The utility may temporarily disconnect the generating facility upon the following conditions:

(1) for scheduled outages per notice requirements in the utility's tariff or commission rules;

(2) for unscheduled outages or emergency conditions pursuant to Subsection B of 17.9.575.29 NMAC;

(3) if the generating facility does not operate in the manner consistent with these terms and conditions;

(4) the utility shall inform the customer in advance of any scheduled disconnection, or as is reasonable after an unscheduled disconnection.

D. A visible-open, load break disconnect switch between the generating facility and the utility system that is visibly marked "generating facility generation disconnect" and is accessible to and lockable by the utility is required for all generating facilities except for those generating facilities with a maximum capacity rating of 10 kW or less that use a certified inverter including a self-contained renewable energy certificate (REC) meter and either:

(1) a utility accessible AC load break disconnect; or

(2) a utility accessible DC load break disconnect where there is no other source of generated or stored energy connected to the system.

E. Interconnection customers shall post a permanent and weatherproof one-line electrical diagram of the generating facility located at the point of service connection to the utility. Generating facilities where the disconnect switch is not located in close proximity to the utility meter must post a permanent and weatherproof map showing the location of all major equipment including the utility meter point, the generating facility generation disconnect, and the generating facility generation breaker. Non-residential generating facilities larger than 10 kW shall include with or attached to the map the names and current telephone numbers of at least two persons authorized to provide access to the generating facility and who have authority to make decisions regarding the generating facility interconnection and operation.

F. If the generating facility interconnection equipment package is not certified or if a certified equipment package has been modified, the generating facility interconnection equipment package shall be reviewed and approved by a professional electrical engineer, registered in the state of New Mexico. [17.9.575.25 NMAC - N, 11/3/2026]

17.9.575.26 COST SHARING FOR INTERCONNECTION UPGRADES:

A. The cost of utility system modifications required pursuant to the fast track process or the full interconnection study process shall be borne by the applicant unless otherwise agreed to by the parties or following a determination by the commission that some or all of the costs constitute system benefits eligible for cost-sharing options:

(1) The commission may determine on a case-by-case basis whether the cost of distribution system upgrades necessary to interconnect one or more generating facilities may be eligible for some form of cost sharing:

(a) among several developers using the same distribution facilities;

(b) among all ratepayers of the qualifying utility via rate base adjustments; or

(c) among ratepayers of the same rate class as subscribers to the community solar facility via a rate rider for that class.

(2) In making such a determination that there are public benefits to such a cost-sharing mechanism, the commission shall

employ the same analysis as provided for cost-sharing or rate basing grid modernization projects as defined by Section 62-8-13 NMSA 1978 (Grid Modernization Act 2019, HB 233) to make a finding that the approved expenditures are:

(a) reasonably expected to improve the public utility's electrical system efficiency, reliability, resilience and security; maintain reasonable operations, maintenance and ratepayer costs; and meet energy demands through a flexible, diversified and distributed energy portfolio;

(b) reasonably expected to increase access to, and use of, clean and renewable energy, with consideration given to increasing access to low-income subscribers and subscribers in underserved communities;

(c) designed to contribute to the reduction of air pollution, including greenhouse gases;

(3) Expenditures approved for such cost sharing of necessary interconnection upgrades shall not be considered a "subsidization" subject to the three percent limitations spelled out in this rule or in the Community Solar Act.

[17.9.575.26 NMAC - N, 11/3/2026]

17.9.575.27 VARIANCES: A party may file a request for a variance from the requirements of this rule. Such application shall describe the reasons for the variance; set out the effect of complying with this rule on the parties and the utility's customers if the variance is not granted; identify the section(s) of this rule for which the variance is requested; describe the expected result which the request will have if granted; and state how the variance will aid in achieving the purposes of this rule. The commission may grant a request for a procedural variance through an order issued by the chairman, a commissioner or a designated hearing examiner. Other variances shall be presented to the commission as a body for determination.

[17.9.575.27 NMAC - N, 11/3/2026]

17.9.575.28 APPENDICES:

A. Appendix A-1 - Interconnection Manual.

B. Interconnection Applications:

(1) Appendix B-1 - Simplified Interconnection Application.

(2) Appendix B-2 - Standard Interconnection Application.

C. Interconnection Agreements:

(1) Appendix C-1 - Simplified Interconnection Agreement.

(2) Appendix C-2 - Standard Interconnection Agreement.

[17.9.575.28 NMAC - N, 11/3/2026]

History of 17.9.575 NMAC: [RESERVED]

PUBLIC REGULATION COMMISSION

17.9.575 NMAC Appendices

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APPENDIX A-1

THE NEW MEXICO INTERCONNECTION MANUAL

To be Used in Conjunction with New Mexico Public Regulation Commission Rule 17.9.575 NMAC, Interconnection of Generating Facilities with a Rated Capacity Up to and Including 10 MW Connecting to a Rural Electric Cooperative's System

OUTLINE

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1. OVERVIEW

1.1 Objective:

The purpose of 17.9.575 NMAC and this Manual is to set forth common interconnection requirements and a common interconnection process based on a common screening process for Rural Electric Cooperatives (referred to as "rural electric cooperatives" or "utilities" throughout this manual) and Interconnection Customers to expeditiously interconnect Generating Facilities in a safe and reliable manner.

1.2 Applicability:

The interconnection standards and procedures described in this Manual apply to Generating Facilities with a Rated Capacity up to and **including** 10 MW. The interconnection standards and procedures described in 17.9.569 NMAC apply only to Generating Facilities with a Rated Capacity greater than 10 MW. The Parties shall use the procedures and forms described in this Manual and 17.9.575 NMAC for interconnections of Generating Facilities with rated capacities up to and including 10 MW unless the Parties mutually agree to use a different procedure or form. consistent with the Public Utility Act.

1.3 Definitions:

Capitalized terms used in this Manual shall have the meanings specified in Section 12.

2 GENERAL REVIEW OF THE PROCESS:

2.1 Review Process:

This review process allows for rapid approval for the interconnection of those Generating Facilities that do not require an interconnection study. The review process includes a screening by the Utility to determine if a Supplemental Review is required. The general guidelines for the interconnection review process are shown in **Table 1.**

Table 1 - General Guidelines for the Interconnection Process

Interconnection Review Process*	Application Type	Likely DG System Size
Simplified Interconnection Process	Simplified Application (See Appendix B-1)	0 ≤ 25kW
Fast Track Process with or without Supplemental Review		>25 kW & ≤ 1.0 MW
Full Interconnection Study Process	Standard Application (See Appendix B-2)	>1.0 MW
Case Specific Study Process	Standard Application (See Appendix B-2)	>1 MW
	Standard Application (See Appendix B-2)	

***These guidelines are provided to indicate the review process that most applications will follow. The technical requirements in the screening process will determine which review process must be followed. Neither the type of application nor the system size will guarantee a specific interconnection review process.**

2.2 Description of General Review Path:

The Utility shall utilize the interconnection screening process shown in Figure 1 that results in four general review paths for proposed interconnection of Generating Facilities:

A. Simplified Interconnection - For Certified Inverter-based Generating Facilities with a power rating of 25 kilowatts (kW) or less on radial or Network Systems under certain conditions;

B. Fast Track with or without Supplemental Review - For certified Generating Facilities that pass certain specified screens and likely would have a power rating of 1.0 megawatts (MW) or less, or

C. Full Interconnection Study - For Generating Facilities that have a power rating of 1.0 megawatts (MW) or less and do not qualify for the Simplified or Fast Track process.

D. Case Specific Review Process: For Generating Facilities with a Rated Capacity greater than 1.0 megawatts (MW), which shall be conducted pursuant to 17.9.569 NMAC.

2.3 Determinations for Further Review:

Failure to pass any screen of the review process means only that further review and/or studies are required before the Generating Facility can be approved to interconnect to the utility's Distribution System. It does not mean that the Generating Facility cannot be interconnected.

2.4 Review Process Determination:

These guidelines are provided to indicate the review process that most applications will follow. The technical requirements in the screening process will determine which review process must be followed. Neither the type of application submitted nor the size of the Generating Facility will guarantee a specific interconnection review process.

2.5 Supplemental Review:

Supplemental Review is not a Full Interconnection Study. Supplemental Review is a process wherein the Utility further reviews an Interconnection Application that fails one or more of the initial review screens. Under some circumstances, Supplemental Review may be unnecessary. See section 6 of this Manual.

3 UTILITY REVIEW FLOW CHART:

The flow charts provided in Figure 1 and 2 are illustrations of the review process to be used by the Utility to evaluate Interconnection Applications. Detail about the screens is described in Section 6, Screening Criteria.

FIGURE 1: UTILITY REVIEW PROCESS FOR INTERCONNECTION

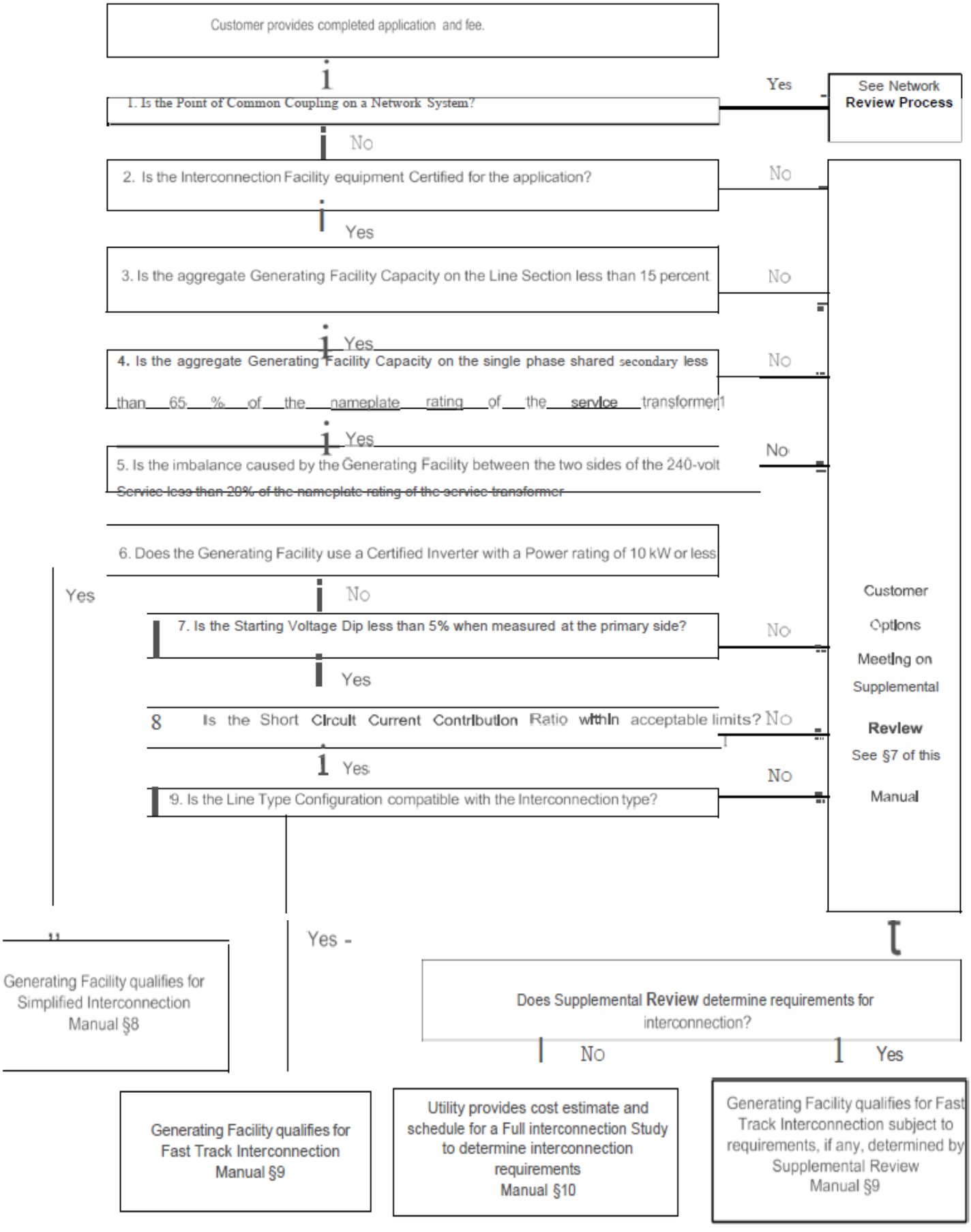
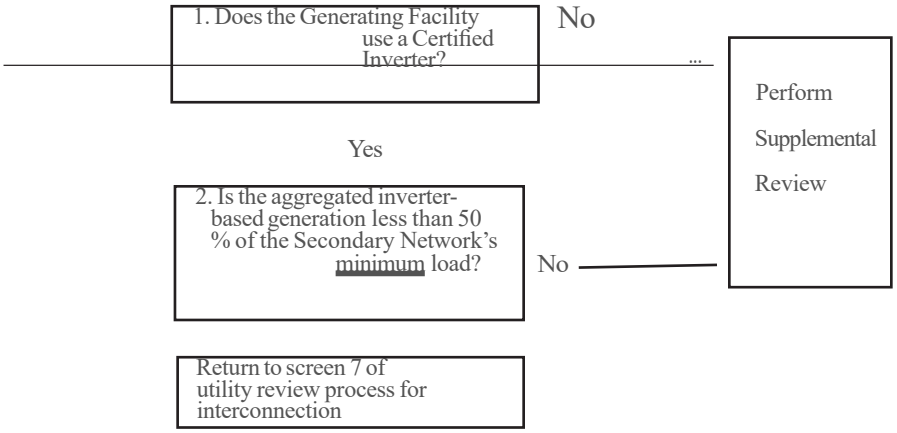


Figure 2: Utility Review Process for Interconnection to Network Systems



Screens 4 and *5* apply only to single-phase interconnections.

4. SCREEN CRITERIA:

Utilities shall use the following screen criteria, as applicable, to evaluate Interconnection Applications.

Screen 1: Is the Point of Common Coupling on a Network System?

If Yes, the Utility will review the proposed interconnection to a Network System as shown in the flowchart in Figure 2.
If No, continue to next screen.

The significance of Screen I: Special considerations must be given to Generating Facilities proposed to be installed on networked Distribution Systems because of the design and operational aspects of network protectors. There are no such considerations for radial Distribution Systems

Screen 2: Is the Interconnection Facility equipment certified for the application?

If Yes, continue to next screen.
If No, the Generating Facility or Interconnection Facilities do not qualify for Simplified Interconnection. Perform Supplemental Review.

Screen 3: Is the aggregate Generating Facility capacity on the Line Section less than 15% of Line Section peak load?

If Yes, continue to next screen.
If No, the Generating Facility does not qualify for Simplified Interconnection. Perform Supplemental Review to determine cumulative impact on Line Section.

A. For interconnection of a proposed Generating Facility to a distribution circuit, the "aggregate Generation Facility capacity" includes the proposed Generating Facility but excludes generation that does not run in parallel with the utility for greater than 10 minutes.
B. For interconnection of a proposed Generating Facility to a distribution circuit, the "aggregate Generation Facility capacity", including the proposed Generating Facility, on the Line Section shall not exceed 15% of the Line Section's annual peak load as most recently measured at the substation or calculated for the Line Section.
C. For Highly Seasonal Circuits only, the "aggregate Generation Facility capacity", including the proposed Generating Facility, on the Line Section shall not exceed 15% of two times the Minimum Daytime Loading.

The significance of Screen 3:
1. Low penetration of Generating Facility installations will have a minimal impact on the operation and load restoration efforts of the utility's Distribution System.

2. The operating requirements for a high penetration of Generating Facilities may be different since the impact on utility's Distribution System will no longer be minimal and, therefore, require additional study or controls.

3. `In Line Sections that are not highly seasonal, there will be minimal impact on the operation and load restoration efforts of the utility's Distribution System when aggregate Generating Facility capacity is less than 15%. For penetration in excess of I 5%, the impact on the utility's Distribution System operating requirements may no longer be minimal, and therefore, may require additional study.

4. Highly Seasonal Circuits include those with heavy irrigation loads in the summer or snowmaking loads in the winter. In Highly Seasonal Circuits, the 15% of Line Section annual peak load criterion could result in aggregate Generating Facility capacity exceeding load on the Line Section at times. Therefore, a lower threshold is applied for Highly Seasonal Circuits.

5. Aggregate Generating Facility capacity does not include generators that rarely run in parallel with the utility's Distribution System, such as back-up and emergency generators, because those generators have minimal impact on the Distribution System.

Screen 4: For single phase interconnections only -- Is the aggregate generation capacity on the Shared Secondary, including the proposed Generating Facility, less than 65 % of the nameplate rating of the service transformer?

If Yes, continue to next screen.

If No, the Generating Facility does not qualify for Simplified Interconnection. Perform Supplemental Review.

If the proposed Generating Facility is to be interconnected on a single-phase Shared Secondary, the aggregate Generating Facility capacity on the Shared Secondary, including the proposed Generating Facility, shall not exceed 65% of the transformer nameplate rating.

Screen 5: For single phase interconnections only - Is the imbalance between the two sides of the 240 volt service less than 20 % of the nameplate rating of the service transformer?

If Yes, continue to next screen.

If No, the Generating Facility does not qualify for Simplified Interconnection. Perform Supplemental Review.

If the proposed Generating Facility is single-phase and is to be interconnected on a center tap of a 120/240 volt service, its addition shall not create an imbalance between the two sides of the 240 volt service of more than 20% of the nameplate rating of the service transformer.

Screen 6: Does the Facility use a Certified Inverter with a capacity rating of 25 kW or less?

If Yes, the Generating Facility qualifies for Simplified Interconnection. Skip remaining screens. If No, continue to next screen.

Screen 7: Is the starting voltage dip less than 5% and have the flicker requirements of IEEE 519 been met?

If Yes, continue to next screen.

If No, perform Supplemental Review.

The Generating Facility must conform with two tests to pass Screen 7.

I. The first test is for starting voltage dip. The Utility has two options for determining whether the starting voltage dip is acceptable. The option to be used is at the Utility's discretion:

a. Option I: The Utility may determine that the Generating Facility's starting in-rush current is equal to or Jess than the continuous ampere rating of the Interconnection Customer's service equipment.

b. Option 2: The Utility may determine the impedances of the service distribution transformer (if present) and the secondary conductors to the Interconnection Customer's service equipment and perform a voltage dip calculation. Alternatively, the Utility may use tables or nomographs to determine the voltage dip. Voltage dips caused by starting a Generating Facility must be less than 5%, when measured at the primary side (high side) of a dedicated distribution transformer serving the Generating Facility, for primary interconnections. The 5% voltage dip limit applies to the distribution transformer low side if the low side is shared with other customers and to the high side if the transformer is dedicated to the Interconnection Customer.

II. The second test is conformance with the relationship between voltage fluctuation and starting frequency presented in the table for flicker requirements in IEEE 519.

The significance of Screen 7:

1. This Screen addresses potential voltage fluctuation problems that may be caused by Generating Facilities that start by motoring or large induction generators.

2. When starting, the Generating Facility should have minimal impact on the service voltage to other utility customers.

3. Properly designed inverter-based Generating Facilities should conform with the requirements of this screen.

Screen 8: Is the Short Circuit Current Contribution Ratio within acceptable limits?

If Yes, continue to next screen.

If No, Perform Supplemental Review.

Screen 8 consists of two criteria; both of which must be met when applicable:

1. When measured at the primary side (high side) of a dedicated distribution transformer serving a Generating Facility, the sum of the Short Circuit Current Contribution Ratios of all Generating Facilities connected to utility's Distribution System circuit that serves the Generating Facility must be less than or equal to 0.1, and

2. When measured at the secondary side (low side) of a shared distribution transformer, the short circuit current contribution of the proposed Generating Facility must be less than or equal to 2.5% of the interrupting rating of the Generating Facility's service equipment. Total fault current cannot exceed interrupting capability of service equipment.

The significance of Screen 8: If the Generating Facility passes this screen, it should have minimal impact on the utility Distribution System's short circuit duty, fault detection sensitivity, relay coordination or fuse-saving schemes.

Screen 9: Is the Line Type Configuration compatible with the interconnection type?

If Yes, the Generating Facility qualifies for Fast Track Interconnection. If No, Perform Supplemental Review.

The purpose of Screen 9 is to identify the primary distribution line configuration that will serve the Generating Facility. Based on the type of interconnection to be used for the Generating Facility, the utility will determine from Table 2 if the proposed Generating Facility passes the screen.

Table 2

Primary Distribution line Type Configuration	Type of interconnection to be made to primary distribution line	Results/criteria
Three-phase, three wire	Any type	Pass screen
Three-phase, four Wire	Single phase, line-to-neutral	Pass screen
Three-phase. four wire (For any line that has such a section OR mixed three wire and four wire)	All others	To pass, aggregate GF Nameplate Rating must be less than or equal to 10% of Line Section peak load

The significance of Screen 9: If the primary distribution line serving the Generating Facility is of a "three-wire" configuration, or if the Generating Facility's distribution transformer is single-phase and connected in a line-to-neutral configuration, then there is no concern about over-voltages to the utility's, or other customers' equipment caused by loss of system neutral grounding during the operating time of the non-islanding protective function.

5. NETWORK SCREENING PROCESS:

Notwithstanding Network Screens 1-2 below, each Utility may incorporate into its interconnection standards, any change in interconnection guidelines related to Network Systems pursuant to standards developed under IEEE 1547 and subparts when applicable for interconnections to Network Systems. To the extent the new IEEE standards or guides conflict with the interconnection standards set forth in this Section 6, the new standards or guides shall apply.

Network Screen 1: **Does the Generating Facility use a Certified Inverter?**

If Yes, continue to next screen.
If No, the Generating Facility does not qualify for Simplified Interconnection. Perform Supplemental Review.

Network Screen 2: **Is the aggregated inverter-based generation less than 50% of the Secondary Network's minimum load?**

If Yes, the Generating Facility qualifies for Fast Track Process.
If No, the Generating Facility does not qualify for Fast Track Process. Perform Supplemental Review.

The significance of Network Screen 2: For interconnection of a proposed Generating Facility to the load side of network protectors, the proposed Generating Facility must utilize an inverter-based equipment package and, together with the aggregated other inverter-based generation, shall not exceed 50% of the Secondary Network's minimum load

6. CUSTOMER OPTIONS MEETING AND SUPPLEMENTAL REVIEW:

6.1 Customer Options Meeting:

Within **ten (10) Business Days** of the Utility's completion of its initial review, the Utility shall offer to convene a Customer Options Meeting with the Utility to review possible Interconnection Customer facility modifications or the screen analysis and related results to determine what further steps are needed to permit the Generating Facility to be connected safely and reliably. At the time of notification of the Utility's determination, or at the Customer Options Meeting, the Utility shall:

A. Offer to perform facility modifications or minor modifications to the Utility's electric System (e.g., changing meters, fuses, relay settings) and provide a non-binding good faith estimate of the limited cost to make such modifications to the Utility's electric System and offer to continue the screening process; or

B. Offer to perform a Supplemental Review if the Utility concludes that the Supplemental Review might determine that the Generating Facility could continue to qualify for interconnection pursuant to the Fast Track Process, and provide a non-binding good faith estimate of the costs and time of such review; or

C. Offer to continue evaluating the Interconnection Application under the Full Interconnection Study Process.

6.2 Supplemental Review:

A. If the Interconnection Customer agrees to a Supplemental **Review,** as described in this Section, the Interconnection Customer shall agree in writing within fifteen (15) Business Days of the offer, and submit a deposit for the estimated costs provided by the utility. The Interconnection Customer shall be responsible for the Utility's actual costs for conducting the Supplemental Review. The Interconnection Customer shall pay any review costs that exceed the deposit within twenty (20) Business Days of receipt of the invoice or resolution of any dispute. If the deposit exceeds the invoiced costs, the Utility will return such excess within twenty (20) Business Days of the invoice without interest. Within **ten (10) Business Days** following receipt of the deposit for a Supplemental Review, the Utility will complete the Supplemental Review. A Small Utility that uses a consultant to review an Interconnection Application may extend each of the time deadlines for review of the Fast Track Process by a period not to exceed **twenty (20) Business Days** provided that the Small Utility shall make a good faith effort to complete the review sooner.

B. If the Generating Facility can be interconnected safely and reliably, the Utility shall forward an executable interconnection agreement to the Interconnection Customer within **five (S) Business Days.**

1. If Interconnection Customer facility modifications are required to allow the Generating Facility to be interconnected consistent with safety, reliability, and power quality standards under this Manual, the Utility shall forward an executable interconnection agreement to the Interconnection Customer within five (5) **Business Days** after confirmation that the Interconnection Customer has agreed to make the

necessary changes at the Interconnection Customer's cost.

2. If minor modifications to the Utility's electric System are required to allow the Generating Facility to be interconnected consistent with safety, reliability, and power quality standards under the Fast Track Process, the Utility shall forward an executable interconnection agreement to the Interconnection Customer **within ten** (10) **Business Days** that requires the Interconnection Customer to pay the costs of such System modifications prior to interconnection.

C. If the Utility cannot determine within **ten (10) Business Days** that the Generating Facility can be interconnected safely and reliably, the Utility shall, if the Interconnection Customer agrees, continue to evaluate the Interconnection Application using the Full Interconnection Study Process.

7. SIMPLIFIED INTERCONNECTION-25 KW INVERTER PROCESS:

7.1 Availability:

The Simplified Interconnection process is available to an Interconnection Customer proposing to interconnect its Generating Facility to a non-Network System using a Certified Inverter that is 25 kW or smaller. The application process uses an all-in-one document that includes a simplified Interconnection Application, simplified procedures, and a brief set of terms and conditions.

7.2 Interconnection Application:

The Interconnection Customer completes the applicable Interconnection Application set forth in the Appendices to 17.9.575 and submits it to the Utility.

7.3 Contact Information:

The Interconnection Customer must provide its contact information. If another Person is responsible for interfacing with the Utility, that contact information must be provided on the Application.

7.4 Notification of Receipt:

The Utility acknowledges to the Interconnection Customer receipt of the Interconnection Application within **three** (3) **Business Days** of receipt.

7.5 Notification of Application Status:

The Utility evaluates the Interconnection Application for completeness and notifies the Customer within **ten (10) Business Days** of receipt that the Interconnection Application is or is not complete and, if not, advises the Interconnection Customer what material is missing.

7.6 Initial Review:

Within **fifteen (15) Business Days** of receipt of a complete Interconnection Application, the Utility shall conduct an initial review, which shall include the following criteria:

A. Applicable Screens: Screens 1 through 6. For interconnections to a Utility's Network System, the proposed Generating Facilities must also pass the Network Screening Process in Section 6, above.

B. No construction of facilities by the Utility on its own system shall be required to accommodate the Generating Facility.

7.7 Completed Application:

Unless the Utility determines and demonstrates that the Generating Facility cannot be interconnected safely and reliably, the Utility will provide the Interconnection Customer the completed Interconnection Application in the form of Appendix B - 1 , subject to the terms and conditions for simplified interconnections provided in 17.9.575.17.

7.8 Testing and Certification of Completion:

A. Customer may proceed with operational testing not to exceed two hours.

B. Upon completion, the Interconnection Customer provides written notice of completion to the Utility. Prior to parallel operation, the Utility may inspect the Generating Facility for compliance with standards, which may include a witness test, and may schedule appropriate metering replacement, if necessary. If the inspection is not satisfactory, the Utility has the right to disconnect the Generating Facility. The Utility is obligated to complete the inspection within **ten (10) Business Days** of the receipt of the notice of completion.

C. Within five (5) Business Days of the Utility's completion of inspection and testing or the Utility's waiver of the right to inspect and test, the Utility notifies the Interconnection Customer in writing, which may be delivered by fax or e-mail, that interconnection of the Generating Facility is authorized.

8. FAST TRACK PROCESS:

8.1 Availability:

The Fast Track Process is available to an Interconnection Customer if the Generating Facility is generally no larger than 1.0 MW and if the Interconnection Customer's proposed Generating Facility meets the codes, standards, and certification requirements of this Manual.

8.2 Notification of Receipt:

A Utility will acknowledge to the Interconnection Customer receipt of the Interconnection Application within **three (3) Business Days** of receipt.

8.3 Initial Review:

Within fifteen (15) Business Days after the Utility notifies the Interconnection Customer that it has received a complete Interconnection Application, the Utility shall perform an initial review using the screens set forth below and shall notify the Interconnection Customer of the results. A Small Utility that uses a consultant to review an Interconnection Application may extend each of the time deadlines for review of the Fast Track Process by a period not to exceed **twenty** (20) **Business Days** provided that the Small Utility shall make a good faith effort to complete the review sooner.

8.4 Applicable Screens:

All Screens 1-9. For interconnections to a Utility's Network System, the proposed Generating Facilities must also pass the network screening criteria.

A. If the proposed interconnection passes the screens, the Interconnection Application shall be approved and the Utility will provide the Interconnection Customer an executable interconnection agreement in the form of Appendix C-2 within five (5) **Business Days** after the determination.

B. If the proposed interconnection fails the screens, but the utility determines that the Generating Facility may nevertheless be interconnected the Utility wi11 provide the Interconnection Customer an executable interconnection agreement in the form of Appendix C-2 within **five (5) Business Days** after the determination.

C. If the proposed interconnection fails the screens, but the Utility does not or cannot determine from the initial review that the Generating Facility may nevertheless be interconnected consistent with safety, reliability, and power quality standards unless the Interconnection Customer is willing to consider minor modifications or further study, the utility shall provide the Interconnection Customer with the opportunity to attend a Customer Options Meeting.

D. The Utility shall notify the Interconnection Customer and provide copies of the data and analyses underlying its conclusion within five (5) **Business Days,** if the Utility makes any of the following determinations:

1. The Interconnection Application cannot be approved without minor modifications at minimal cost

2. The Interconnection Application cannot be approved without a Supplemental Review or other additional studies or actions by the Utility, or The Interconnection Application may result in a significant cost to address safety, reliability, or power quality problems.

9. FULL INTERCONNECTION STUDY:

9.1 Availability:

The Full Interconnection Study process shall be used for an Interconnection Customer proposing to interconnect its Generating Facility with the Utility's System if the Generating Facility is not larger than 10 MW and (1) does not include a Certified Equipment Package, or (2) includes a Certified Equipment Package but did not pass the Fast Track Process or the Simplified Interconnection 10 kW Inverter Process. A Full Interconnection Study shall provide an in-depth engineering review of the interconnection addressing all aspects of generator performance and grid interaction and take into account the unique circumstances that require the Full Interconnection Study

9.2 Notification of Receipt:

The Utility shall notify the Interconnection Customer of the receipt of the Interconnection Application or the transfer from the Simplified or Fast Track interconnection procedures within **three (3) Business Days.**

9.3 Notification of Application Status:

The Utility shall evaluate the Interconnection Application and notify the Interconnection Customer within **ten (10) Business Days** of receipt that the Interconnection Application is complete or incomplete. If the Interconnection Application is incomplete, the Utility shall provide notice to the Interconnection Customer and a written list that describes all information that must be provided to complete the Interconnection Application. When the Interconnection Application is complete, the Utility shall assign a queue position based on the date of receipt of the completed Interconnection Application.

9.4 Scoping Meeting:

The Utility will conduct an initial review that includes a scoping meeting with the Interconnection Customer, if applicable, within **ten (10) Business Days** of determination that an Interconnection Application is complete. At the scoping meeting the Utility shall provide pertinent information such as: the available fault current at the proposed location, the existing peak loading on the lines in the general vicinity of the proposed Generation Facility, and the configuration of the distribution lines at the proposed Point of Common Coupling. By mutual agreement of the Parties, the Feasibility Study, Impact Study or Facilities Study may be waived.

9.5 Feasibility Study:

At the Interconnection Customer's request and within five (5) **Business Days** of the scoping meeting, the Utility will provide a good faith estimate of the cost and time to undertake a Feasibility Study that provides a preliminary review of the potential impacts on the Distribution System from the proposed interconnection and a proposed Feasibility Study agreement. The Feasibility Study will provide a preliminary review of short circuit currents, including contribution from the proposed Generation Facility, and coordination and potential overloading of distribution circuit protection devices. If the Interconnection Customer agrees to the Feasibility Study, the Interconnection Customer shall provide an executed agreement and a deposit for the estimated costs provided by the Utility.

9.6 Impact Study:

If the Feasibility Study determines that an Impact Study is not required, the Impact Study may be waived by mutual agreement. If an Impact Study is required, within **ten (10) Business Days** of the completion of the Feasibility Study, the Utility shall provide to the Interconnection Customer an Impact Study agreement, including a cost estimate for the Impact Study. Once the Interconnection Customer executes the Impact Study agreement and pays a deposit pursuant to the good faith estimate contained therewith, the Utility shall conduct the Impact Study.

9.7 Interconnection Equipment:

For Generating Facilities that use certified interconnection equipment, no review of the interconnection equipment is required.

9.8 Utility System Modifications:

A. If the Utility determines that the Utility's electric System modifications required to accommodate the proposed interconnection are not substantial, the Impact Study will identify the scope and cost of the modifications as defined in the Impact Study results and no Facilities Study shall be required.

B. If the Utility determines that the System modifications to the utility's electric System are substantial, the results of the Impact Study will provide a good faith estimate for the modification costs (within ± 25 percent). The detailed costs of, and the electric System modifications necessary to interconnect the proposed Generating Facility shall be identified in a Facilities Study to be completed by the Utility.

9.9 Facilities Study:

A Facilities Study agreement, with a good faith estimate of the cost of completing the Facilities Study, shall be submitted to the Interconnection Customer for approval. Once the Interconnection Customer executes the Facilities Study agreement and pays pursuant to the terms thereof, the Utility shall conduct the Facilities Study.

9.10 Interconnection Agreement:

Within **five (5) Business Days** of completion of the Impact Study and/or Facilities Study, the Utility shall send the Interconnection Customer an executable interconnection agreement including a quote for any required electric System modifications. Within **thirty (30) Business Days** of the receipt of an interconnection agreement, the Interconnection Customer shall execute and return the interconnection agreement.

9.11 Interconnection Milestones:

The Facilities Study shall indicate the milestones for completion of the Interconnection Customer's installation of its Generation Facility and the Utility's completion of any electric System modifications, and the milestones from the Facilities Study (if any) shall be incorporated into the interconnection agreement.

9.12 Generating Facility Installation Compliance:

The Utility shall inspect the completed Generating Facility installation for compliance with requirements and attend any required commissioning tests pursuant to IEEE Standard 1547. l. Provided that any required commissioning tests are satisfactory, the Utility shall notify the Interconnection Customer in writing that operation of the Generating
Facility. The Interconnection Customer shall notify the Utility if there is any anticipated change in the proposed date of initial interconnected operations of the Generating Facility.

10. OPERATING REQUIREMENTS:

10.1 Power Quality:

Power quality, including but not limited to harmonic limits and flicker requirements, shall be consistent with recommendations in IEEE 1547.

10.2 Disconnection:

If the Utility determines that any equipment connected to the Utility's System is problematic or unsafe, the Utility may disconnect the Generating Facility from the Utility's System and provide the Interconnection Customer with written justification for its determination.

DEFINITIONS:

Business Day means Monday through Friday, excluding holidays observed by the Utility.

Certified Equipment Package means equipment has been tested in accordance with the applicable requirements of IEEE Std 1547™-2018 and IEEE Std 1547.1™-2020 by any nationally recognized testing laboratory (NRTL) recognized by the United States occupational safety and health administration to test and certify equipment pursuant to the applicable standard and the equipment has been labeled and is publicly listed by such NRTL at the time of the interconnection application. Equipment installed prior to March 28, 2023 will also be considered certified if it has been tested in accordance with IEEE

Std 1547™-2003 and 1547.1™-2005.

Certified Inverter means an inverter that has been tested and listed by a nationally recognized testing and certification laboratory {NRTL) for continuous interactive operation with a utility grid and meets the definition

for certification under Order 2006, issued by the Federal Energy Regulatory Commission on May 12, 2005, in Docket No. RM02-12-000.

Distribution System means the Utility's facilities and equipment used to transmit electricity to ultimate usage points such as homes and industries directly from nearby generators or from interchanges with higher voltage transmission networks which transport bulk power over longer distances. The voltage levels at which Distribution Systems operate differ among areas.

Distribution Upgrades means the additions, modifications, and upgrades to the Utility's Distribution System at or beyond the Point of Common Coupling to facilitate interconnection of the Generating Facility and render the service necessary to effect the Interconnection Customer's operation of on-site generation. Distribution Upgrades do not include Interconnection Facilities.

Facility Study means the facilities study that specifies and estimates the cost of the equipment, engineering, procurement, and construction work (including overheads) needed to implement the conclusions of the System Impact Study.

Feasibility Study means the study that identifies any potential adverse System impacts that would result from the interconnection of the Generating Facility.

Generating Facility means the Interconnection Customer's device for the production of electricity identified in the Interconnection Application, including all generators, electrical wires, equipment, and other facilities owned or provided by the Interconnection Customer for the purpose of producing electric power.

Grid Network means a Secondary Network system with geographically separated network units where the network- side terminals of the network protectors are interconnected by low-voltage cables that span the distance between sites. The low-voltage cable circuits of Grid Networks are typically highly meshed and supplied by numerous network units. Grid Network is also commonly referred to as area network or street network.

Highly Seasonal Circuit means a circuit with a ratio of annual peak load to off-season peak load greater than six (6).

Impact Study means a System impact study that identifies and details the electric System impacts that would result if the proposed Generating Facility were interconnected without project modifications or electric System modifications, focusing on the adverse System impacts identified in the Feasibility Study, or to study potential impacts, including but not limited to those identified in the scoping meeting. A System Impact Study shall evaluate the impact of the proposed interconnection on the reliability of the electric System.

Interconnection Application means the request by an Interconnection Customer to interconnect a new Generating Facility, or to increase the capacity or make a material modification to the operating characteristics of an existing Generating Facility that is interconnected with the Utility's System.

Interconnection Costs means the reasonable costs of connection, switching, metering, transmission, distribution, safety provisions, and administration incurred by the Utility which are directly related to the installation and maintenance of the physical facilities necessary to permit interconnected operations with a Generating facility to the extent such costs are in excess of the corresponding costs which the Utility would have incurred if it had not engaged in interconnected operations but instead generated an equivalent amount of power itself or purchased an equivalent amount of power from other sources. Interconnection costs do not include any costs included in the calculation of avoided costs pursuant to 17.9.570 NMAC.

Interconnection Customer means any person that proposes to interconnect its Generating Facility with the Utility's System.

Interconnection Facilities means the Utility's Interconnection Facilities and the Interconnection Customer's Interconnection Facilities. Collectively, Interconnection Facilities include all facilities and equipment between the Generating Facility and the Point of Common Coupling, including any modification, additions or upgrades that are necessary to physically and electrically interconnect the Generating Facility to the Utility's System. Interconnection Facilities are sole use facilities and shall not include Distribution Upgrades.

Line Section means that portion of a Utility's System connected to a customer bounded by automatic sectionalizing devices or the end of the distribution line.

Minimum Daytime Loading means the lowest daily peak in the year on the Line Section.

Network System means a collection of Spot Networks, Secondary Networks, or combinations of such networks on a Primary Network Feeder or Primary Network Feeders that supply them. This may also consist of primary feeders networked ("tied together") to supply connected loads.

Network Transformer means a transformer designed for use in a vault to feed a variable capacity system of interconnected secondaries.

Party means the Utility and the Interconnection Customer separately or in combination.

Person for purposes of this Manual means an individual, firm, partnership, company, rural electric cooperative organized under Laws 1937, Chapter 100 or the Rural Electric Cooperative Act, corporation or lessee, trustee or receiver appointed by any court.

Point of Common Coupling means the point where the Interconnection Facilities connect with the Utility's System.

Power Conversion Unit (PCU) means an inverter or AC generator, not including the energy source.

Primary Network Feeder means a feeder that supplies energy to a Network System or the combination of a Network System and other radial loads. Dedicated Primary Network Feeders are feeders that supply only Network Transformers for the Grid Network, the Spot Network, or both. Non-dedicated Primary Network Feeders, sometimes called combination feeders, are feeders that supply both Network Transformers and non-network load.

Qualifying Facility means a cogeneration facility or a small power production facility which meets the criteria for qualification contained in 18 C.F.R. Section 292.203.

Rated Capacity. means the total AC nameplate rating of the Power Conversion Unit(s) at the Point of Common Coupling.

Secondary Network means the low-voltage circuits supplied by the network units (the Network Transformer and its associated network protector).

Secondary Network System means an AC power Distribution System in which Customers are served from three- phase, four-wire low-voltage circuits supplied by two or more Network Transformers whose low-voltage terminals are connected to the low-voltage circuits through network protectors. The Secondary Network system has two or more high-voltage primary feeders, with each primary feeder typically supplying multiple Network Transformers, depending on network size and design. The Secondary Network system includes automatic protective devices intended to isolate faulted primary feeders, Network Transformers, or low-voltage cable sections while maintaining service to the customers served from the low-voltage circuits.

Shared Secondary means any connection on the secondary side of a distribution transformer that serves more than one customer.

Short Circuit Current Contribution Ratio means the ratio of the Generating Facility's short circuit contribution to the short circuit contribution provided through the Utility's Distribution System for a three-phase fault at the high voltage side of the distribution transformer connecting the Generating Facility to the Utility's System.

Small Utility means a Utility that serves less than 50,000 customers.

Spot Network means a Secondary Network system consisting of two or more network units at a single site. The low-voltage network side terminals of these network units are connected together with bus or cable. The resulting interconnection structure is commonly referred to as the "paralleling bus" or "collector bus." In Spot Networks, the paralleling bus does not have low-voltage ties to adjacent or nearby Secondary Network systems. Such Spot Networks are sometimes called

isolated spot networks to emphasize that there are no low-voltage connections to network units at other sites.

Study Process means the procedure for evaluating an Interconnection Application that includes the Full Interconnection Study scoping meeting, Feasibility Study, System Impact Study, and Facilities Study.

System means the facilities owned, controlled, or operated by the Utility that are used to provide

electric service under a Utility's tariff.

System Emergency means a condition on a Utility's System that is likely to result in imminent significant disruption of service to customers or is imminently likely to endanger life or property.

Upgrade means the required additions and modifications to the Utility's System at or beyond the Point of Common Coupling. Upgrades do not include Interconnection Facilities.

Utility means a rural electric cooperative, as that term is used in the Rural Electric Cooperative Act, NMSA 1978, §§ 62-15-1 *et seq*.

Appendix B-1

Simplified Interconnection Application Certified Inverter-Based Generating Facilities With an Export Capacity up to and including 25 kWAC and a Nameplate Rating not exceeding 50 kW

This Application is considered complete when it provides all applicable and correct information required below. Additional information to evaluate the Application may be required.

Processing Fee

A fee of $150 must accompany this Application.

Interconnection

Customer

Name:
Contact Person:

Address:

City: State: Zip:

Telephone (Day): (Evening):

Fax: E-Mail Address:

Engineering Firm (If Applicable):
Contact Person:

Address:

City: State: Zip:

Telephone:

Fax: E-Mail Address:

Contact (if different from Interconnection

Customer) Name: Address:
City: State: Zip:

Telephone (Day):

(Evening): Fax:

E-Mail Address:

Owner of the facility (include % ownership by any electric utility):

Generating Facility

Information: Location (if

different from above):

Electric Service Company:

Account Number:

Inverter Information:

Inverter Manufacturer:___ Model

Nameplate Rating: (kW) (kVA) (AC

Volts)

Export Capacity Value (in kW) (if

Export Capacity is less than Nameplate

Rating, denote export controls below):

Single Phase_____Three Phase_____

Prime Mover: Photovoltaic, Reciprocating Engine, Fuel Cell, Turbine, Storage Batteries,

Other (describe) Energy Source: Solar, Wind, Hydro, Diesel, Natural Gas, Fuel Oil, Other

(describe)

Is the equipment UL1741 Listed? Yes_____ No

If Yes, attach manufacturer's cut-sheet showing UL1741 listing

Estimated Installation Date:_____Estimated In-Service Date: _____

Limited Export and Non-Export Controls Information

Manufacturer: _____

Model Number: _____

Limited Export or Non-Export? ___Limited Export ___Non-Export

Control Type: ____Reverse Power Protection ___Minimum Power Protection

____Relative Distributed Energy Resource Rating _____ Configured Power Rating

_____ Export Control using mutually agreed-upon means

_____ Power Control System _____

_____Directional Power Protection

Control Power Setting: _____

Control Power Time Delay (if any): _____

Power Control System Open-Loop Response Time: Maximum _____ Average _____

When grid-connected, will the PCS employ any of the following? [Select all that apply]

- ☐ Unrestricted mode
- ☐ Export only mode
- ☐ Import only mode
- ☐ No exchange mode
- ☐ Export-limiting from all sources
- ☐ Export limiting from ESS
- ☐ Import limiting to ESS

Battery Storage Facility Information (If Applicable)

Do the batteries share an inverter with a renewable energy system? ☐ Yes ☐ No

Does the applicant intend to have the batteries charged by the distribution grid? ☐ Yes ☐ No

System Manufacturer: _____

Model:

Battery System Charge/Discharge Rating (kW AC): _____

Maximum Battery System Charge/Discharge Rate (kW AC per second):

Battery Energy Capacity (kWh): _____

Battery Operational Information

Backup – allows for partial or whole home transition to off-grid during a grid outage ☐ Yes ☐ No

Solar Self-Powered – the battery will charge from the renewable energy source during normal operation and discharge to serve loads behind your meter ☐ Yes ☐ No

Solar Non-Export – limits the export of energy to the grid to zero for both the battery and solar inverter, even if the battery

system is fully charged and there is excess renewable source energy ☐ Yes ☐ No

Time-Based Control (sometimes called time-of-use or TOU mode) – the battery charges during off-peak hours and discharges to serve onsite loads during on-peak hours. ☐ Yes ☐ No

Describe any other intended operation of the battery:_____

Reference Point of Applicability (RPA) Designation

Where is the desired RPA location? [Check one]

- ☐ Point of DER connection (PoC)
- ☐ Point of interconnection / point of common coupling (PCC)
- ☐ Another point between PoC and PCC
- ☐ Different RPAs for different DER units

Is the RPA location the same as above for detection of abnormal voltage, faults and open-phase conditions?

- ☐ Yes
- ☐ No (detection location must be denoted in the one-line diagram) Why does this DER fit the chosen RPA? [Check all that apply]
  - ☐ Zero-sequence continuity between PCC and PoC is maintained
  - ☐ The DER aggregate Nameplate Rating is less than 500 kVA
  - ☐ Annual average load demand is greater than 10% of the aggregate DER Nameplate Rating, and it is not capable of, or is prevented from, exporting more than 500 kVA for longer than 30 seconds.

General Information

Enclose copy of site electrical one-line diagram showing the configuration of all Generating Facility equipment, Reference Point of Applicability, current and potential circuits, and protection and control schemes.

Enclose copy of any site documentation that indicates the precise physical location of the proposed Generating Facility (e.g., USGS topographic map or other diagram or documentation).

Enclose a copy of specification sheets for all applicable interface and control equipment, e.g., inverters, energy storage system, gateway, plant controller, automatic transfer switch and power control system. Are specification sheets enclosed?

___Yes_____No

The Simplified Process is available only for inverter-based Generating Facilities that have a nameplate rating that does not exceed 50 kilowatts (kW) and an export capacity that does not exceed 25 kilowatts (kW) and that meet the codes, standards, and certification requirements of Title 17.9.575.12, or the QRU has reviewed the design or tested the proposed Generating Facility and is satisfied that it is safe to operate.

List components of the Generating Facility equipment package that are

currently certified: Equipment Type Certifying Entity

1.

2.

3.

4.

5.

Interconnection Customer Signature

I hereby certify that, to the best of my knowledge, the information provided in this Application is true. I agree to abide by the Terms and Conditions for Interconnecting an Inverter-Based Generating Facility with a nameplate rating that does not exceed 50 kilowatts (kW) and an export capacity that does not exceed 25 kilowatts (kW) and return the notice of completion when the Generating Facility has been installed.

Signed:_____

Title:_____

Date:_____

Utility Signature

The undersigned Utility agrees to abide by the Terms and Conditions and that optional paragraph 6.0 Indemnification ÿ applies ÿ does not apply.

Signed:_____

Title:_____

Date:_____

Appendix B-2
Standard Interconnection Application

A Customer-Generator applicant ("Applicant") hereby makes application to _____ (Utility) to install and operate a generating facility interconnected with the utility system.

Written applications should be submitted by mail, e-mail or fax to [*insert utility name*], as follows:

[*Utility*]:_____
[*Utility's address*]: _____
Fax Number: _____
E-Mail Address: _____
[*Utility*] Contact Name: _____
[*Utility*] Contact Title: _____

An application is a Complete Application when it provides all applicable information required below. (Additional information to evaluate a request for interconnection may be required and will be so requested from the Interconnection Applicant by Utility after the application is deemed complete).

SECTION 1. APPLICANT INFORMATION

Legal Name of Interconnecting Applicant (or, if an Individual, Individual's Name)

Name:_____

Mailing Address: _____

City:_____; State:__; Zip Code: _____ Facility Location (if different from above):

Telephone (Daytime): _____
Telephone (Evening): _____
Fax Number:_____
E-Mail Address: _____

Utility_____

(Existing Account Number, if generator to be interconnected on the Customer side of a utility revenue meter)_____

Type of Interconnect Service Applied for (choose one):_____Network Resource, _____ Energy Only,_____Load Response (no export)_____Net metering

SECTION 2. GENERATOR QUALIFICATIONS

Data apply only to the Generating Facility, not the Interconnection Facilities.

Energy Source:

- ☐ Solar
- ☐ Wind
- ☐ Hydro
- ☐ Hydro type (e.g. Run-of-River)
- ☐ Diesel

- ☐ Natural Gas
- ☐ Fuel Oil
- ☐ Other (state type);_____

Prime Mover:

- ☐ Fuel Cell
- ☐ Recip Engine
- ☐ Gas Turbine
- ☐ Steam Turbine
- ☐ MicroTurbine
- ☐ PV
- ☐ Storage Batteries
- ☐ Other (state type);_____

Type of Generator:_____Synchronous_____Induction_____Inverter

Generator Nameplate Rating:_____kW (Typical); Generator Nameplate kVA:

Number of Units:_____

Total Export Capacity: _____ kW __ kVA

Interconnection Customer or Customer-Site Load:
kW (if none, so state)

Typical Reactive Load (if known): _____

List components of the Generating Facility Equipment Package that are currently certified: Equipment Type Certifying Entity

1.
2.
3.
4.
5.

Is the prime mover compatible with the certified protective relay package?
_____Yes_____No

Generator (or energy storage or solar collector)
Manufacturer, Model Name & Number:
Version Number:
Nameplate Output Power Rating in kW:
(Summer)_____; (Winter) _____
Nameplate Output Power Rating in kVA:
(Summer)_____; (Winter) _____

Individual Generator Power Factor
Rated Power Factor: Leading:_____Lagging:

Total Number of Generators to be interconnected pursuant to this Interconnection Application: ; Elevation:_____;_____Single phase;_____
Three phase

Inverter Manufacturer, Model Name & Number (if used):
_____

List of adjustable set points for the protective equipment or software:

Note: A completed Power Systems Load Flow data sheet must be supplied with the Interconnection Application.

Generating Facility Characteristic Data (for inverter-based machines):

Max design fault contribution current:
Instantaneous or RMS? Harmonics Characteristics:
Start-up requirements:

Generating Facility Characteristic Data (for rotating machines):

RPM Frequency: _____
(*) Neutral Grounding Resistor (If Applicable): _____

Synchronous Generators:

Direct Axis Synchronous Reactance, Xd:_____
P.U. Direct Axis Transient Reactance, X' d:_____
_____
P.U.
Direct Axis Subtransient Reactance, X" d:_____
P.U. Negative Sequence Reactance, X2:_____P.U.
Zero Sequence Reactance, X0:_____
_____
P.U. KVA Base: _____

Field Volts: _____
Field Amperes: _____
_____

Induction Generators:

Motoring Power (kW): _____
I2t or K (Heating Time Constant): _____
Rotor Resistance, Rr: _____
Stator Resistance, Rs: _____
_____
Stator Reactance, Xs: _____
_____
Rotor Reactance, Xr: _____

Magnetizing Reactance, Xm: _____
Short Circuit Reactance, Xd": _____
_____
Exciting Current: _____
Temperature
Rise: _____

Frame Size: _____

Design Letter: _____
Reactive Power Required In Vars (No Load): ____ Reactive
Power Required In Vars (Full Load): _____
Total Rotating Inertia, H:_____Per Unit on
kVA Base

Note: Please contact the Utility prior to submitting the Interconnection Application to determine if the specified information above is required.

Excitation and Governor System Data for Synchronous Generators Only:

Provide appropriate IEEE model block diagram of excitation system, governor system and power system stabilizer (PSS) in accordance with the regional reliability council criteria. A PSS may be determined to be required by applicable studies. A copy of the manufacturer's block diagram may not be substituted.

SECTION 3. INTERCONNECTION FACILITIES INFORMATION

Will a transformer be used between the generator and the Point of Common Coupling?
___Yes____No

Transformer Data (If Applicable, for Interconnection Customer-Owned Transformer):

Is the transformer:_____single phase_____three phase? Size:_____
kVA Transformer Impedance:_____percent on_kVA Base
If Three Phase:
Transformer Primary:_____Volts_____Delta_____Wye_____
Wye Grounded Transformer Secondary:_____Volts_____Delta_____
Wye_____Wye Grounded Transformer Tertiary:____
Volts_____Delta_____Wye_____Wye Grounded

Transformer Fuse Data (If Applicable, for Interconnection Customer-Owned Fuse): (Attach copy of fuse manufacturer's Minimum Melt and Total Clearing Time-Current Curves)

Manufacturer:_____Type:_____

Size:_____Speed: _____

Interconnecting Circuit Breaker (if applicable):

Manufacturer:_____Type: _____
Load Rating (Amps): __ (Cycles):
Interrupting Rating (Amps):_____ Trip Speed: _____

Interconnection Protective Relays (If Applicable):

If Microprocessor-Controlled:
List of Functions and Adjustable Setpoints for the protective equipment or software: Setpoint Function Minimum Maximum

1.
2.
3.
4.
5.
6.

If Discrete Components:
(Enclose Copy of any Proposed Time-Overcurrent Coordination Curves)

Manufacturer:
Type: Style/Catalog No.:Proposed Setting:

Manufacturer:	Type:	Style/Catalog No.:	Proposed Setting:
Manufacturer:	Type:	Style/Catalog No.:	Proposed Setting:
Manufacturer:	Type:	Style/Catalog No.:	Proposed Setting:
Manufacturer:	Type:	Style/Catalog No.:	Proposed Setting:

Current Transformer Data (If Applicable):
(Enclose Copy of Manufacturer's Excitation and Ratio Correction Curves)

Manufacturer: Type: Accuracy Class: Proposed Ratio Connection: _
Manufacturer:
Type: Accuracy Class: Proposed Ratio Connection: _____

Potential Transformer
Data (If Applicable):
Manufacturer:
Type: Accuracy Class: Proposed Ratio Connection: __
Manufacturer:
Type: Accuracy Class: Proposed Ratio Connection: _____

Limited Export and Non-Export Controls Information

Manufacturer: _____

Model Number:

Limited Export or Non-Export? Limited Export Non-Export

Control Type:

_____ Reverse Power Protection

_____ Relative Distributed Energy Resource Rating

_____ Power Control System

_____ Directional Power Protection

_____ Minimum Power Protection

_____ Configured Power Rating

_____ Export Control using mutually agreed-upon means

Control Power Setting: _____
Control Power Time Delay (if any): _____

Power Control System Open-Loop Response Time: Maximum _____ Average _____

When grid-connected, will the PCS employ any of the following? [Select all that apply]

- ☐ Unrestricted mode
- ☐ Export only mode
- ☐ Import only mode
- ☐ No exchange mode
- ☐ Export-limiting from all sources
- ☐ Export limiting from ESS
- ☐ Import limiting to ESS

Battery Storage Facility Information (If Applicable)

Do the batteries share an inverter with a renewable energy system? ☐ Yes ☐ No

Does the applicant intend to have the batteries charged by the distribution grid? ☐ Yes ☐ No

System Manufacturer:

Model: _____

Battery System Charge/Discharge Rating (kW AC):

Maximum Battery System Charge/Discharge Rate (kW AC per second): _____
Battery Energy Capacity (kWh): _____

Battery Operational Information

Backup – allows for partial or whole home transition to off-grid during a grid outage ☐ Yes ☐ No

Solar Self-Powered – the battery will charge from the renewable energy source during normal operation and discharge to serve loads behind your meter ☐ Yes ☐ No

Solar Non-Export – limits the export of energy to the grid to zero for both the battery and solar inverter, even if the battery system is fully charged and there is excess renewable source energy ☐ Yes ☐ No

Time-Based Control (sometimes called time-of-use or TOU mode) – the battery charges during off-peak hours and discharges to serve onsite loads during on-peak hours. ☐ Yes ☐ No

Describe any other intended operation of the battery:

_____

Reference Point of Applicability (RPA) Designation

Where is the desired RPA location? [Check one]

- ☐ Point of DER connection (PoC)
- ☐ Point of interconnection / point of common coupling (PCC)
- ☐ Another point between PoC and PCC
- ☐ Different RPAs for different DER units

Is the RPA location the same as above for detection of abnormal voltage, faults and open-phase conditions?

- ☐ Yes
- ☐ No (detection location must be denoted in the one-line diagram) Why does this DER fit the chosen RPA? [Check all that apply]
  - ☐ Zero-sequence continuity between PCC and PoC is maintained
  - ☐ The DER aggregate Nameplate Rating is less than 500 kVA
  - ☐ Annual average load demand is greater than 10% of the aggregate DER Nameplate Rating, and it is not capable of, or is prevented from, exporting more than 500 kVA for longer than 30 seconds.

SECTION 4. GENERAL INFORMATION

Enclose copy of site electrical one-line diagram showing the configuration of all Generating Facility equipment, Reference Point of Applicability, current and potential circuits, and protection and control schemes.

This one-line diagram must be signed and stamped by a licensed Professional Engineer if the Generating Facility is larger than 50 kW. Is One-Line Diagram Enclosed?

_____Yes_____No

Enclose copy of any site documentation that indicates the precise physical location of the proposed Generating Facility (e.g., USGS topographic map or other diagram or documentation).

Proposed location of protective interface equipment on property (include address if different from the Interconnection Customer's address)

Enclose copy of any site documentation that describes and details the operation of the protection and control schemes. Is Available Documentation Enclosed?

___Yes_____No

Enclose copies of schematic drawings for all protection and control circuits, relay current circuits, relay potential circuits, and alarm/monitoring circuits (if applicable). Are Schematic Drawings Enclosed?

___Yes_____No

Enclose a copy of specification sheets for all applicable interface and control equipment, e.g., inverters, energy storage system, gateway, plant controller, automatic transfer switch and power control system.

Are specification sheets enclosed?

___Yes_____No

SECTION 5. APPLICANT SIGNATURE

I hereby certify that, to the best of my knowledge, all the information provided in the Interconnection Application is true and correct. I also agree to install a Warning Label provided by (utility) on or near my service meter location. Generating systems must be compliant with IEEE, NEC, ANSI, and UL standards, where applicable. By signing below, the Applicant also certifies that the installed generating equipment meets the appropriate preceding requirement(s) and can supply documentation that confirms compliance.

Signature of Applicant: ___ Date: _____

SECTION 6. INFORMATION REQUIRED PRIOR TO PHYSICAL INTERCONNECTION

(Not required as part of the application, unless available at time of application.)

Installing Electrician:_____Firm:_____

License No.: _____

Mailing Address: _____

City:_____State:_____Zip Code: _____

Telephone:_____

Installation Date: _____

Interconnection Date: _____

Signed (Inspector – if required): _____

Date: _____

(In lieu of signature of Inspector, a copy of the final inspection certificate may be attached)

Appendix C-1

SIMPLIFIED INTERCONNECTION AGREEMENT FOR QUALIFYING FACILITIES 25 Kw or less

Simplified Interconnection
The following are the Terms and Conditions for Generating Facilities with a rated capacity up to and including 25 kW.

_____(Customer) and _____
(Utility), referred to collectively as parties and individually as party, agree as follows:

1.0 Construction of the Facility

The Interconnection Customer may proceed to construct the Generating Facility when the Utility approves the Interconnection application (the "Application") and returns it to the customer.

2.0 Qualifying Facility 25kW or Less

Customer's electric service account number _____
_____ Type of generating facility
(solar, wind, etc.) _____
_____ Rated generating capacity
_____ (kW)
Customer and facility address _____

Facility will be ready for operation on or about
(date) Operating option:
Customer has elected to operate its Qualifying Facility in parallel with Utility's system. Customer understands that if this Agreement is accepted, connection and operation of Customer's Qualifying Facility must meet at all times all applicable safety and performance standards, including those established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, Underwriters Laboratories, and all additional safety and performance standards of Utility or adopted by the commission pursuant to this rule that are necessary to protect public safety and system reliability.

Customer shall be subject to the terms and conditions set forth in 17 NMAC, Chapter 9, Part 575, a copy of which is attached to this agreement. Customer herby acknowledges that Customer has read 17, NMAC Chapter 9, Part 570.

3.0 Credit for Net Energy

Credit for net energy shall be in accordance with 17 NMAC, Chapter 9, Part 570.

4.0 Interconnection and Operation

The customer may operate Generating Facility and interconnect with the utility's electric system once all of the following have occurred:

4.1 Upon completing construction, the Customer will cause the Generating Facility to be inspected or otherwise certified by the appropriate local electrical wiring inspector with jurisdiction, and

4.2 The Customer returns the Certificate of Completion to the Utility, and

4.3 The Utility has completed its inspection of the Generating Facility. All inspections must be conducted by the utility, at its own expense, within ten business days after receipt of the Certificate of Completion and shall take place at a time agreeable to the Parties. The Utility shall provide a written statement that the Generating Facility has passed inspection or shall notify the Customer of what steps it must take to pass inspection as soon as practicable after the inspection takes place.

4.4 The utility has the right to disconnect the Generating Facility in the event of improper installation or failure to return the Certificate of Completion.

Customer shall provide a clearly understandable sketch or one-line diagram showing the Qualifying Facility, the interconnection equipment, breaker panel(s), disconnect switches and metering, to be attached to this Agreement.

5.0 Maintenance and Permits

Customer shall maintain the Generating Facility and interconnection facilities in a safe and prudent manner and in conformance with all applicable laws and regulations including, but not limited to, Utility's interconnection requirements as set out in Appendix A-1 to this Agreement.

Customer shall obtain any governmental authorizations and permits required for the construction and operation of the electric Generating Facility and interconnection facilities.

6.0 Indemnification

The Customer shall indemnify and hold harmless the Utility against all damages, expenses and other obligations to third parties attributable to the negligence, strict liability or intentional acts of the Customer. The Utility shall indemnify and hold harmless the Customer against all damages, expenses and other obligations to third parties attributable to the negligence, strict liability or intentional acts of the Utility. The terms "Utility" and "Customer", for purposes of this indemnification provision, include their officers, directors, trustees, managers, members, employees, representatives, affiliates, successors and assigns.

Nothing is this Agreement shall be construed to create any duty to, any standard of care with reference to or any liability to any person not a party to this Agreement. Neither Utility, its officers, agents, nor employee shall be liable for claims, demands, costs, losses, causes of action, or any other liability of any nature or kind, arising out of the engineering design, construction, ownership, maintenance or operation of, or making of replacements, additions or betterment to, Customer's facilities by Customer or any other person or entity.

Neither Utility, its officers, agents nor employees shall be liable for damages to the electrical generating equipment caused by an electrical disturbance on the Utility system or on the system of another, whether or not the electrical disturbance results from the negligence of Utility.

7.0 Insurance

All Generating Facilities with a rated capacity of 25 kW or less are strongly urged to obtain liability insurance to cover risks, liabilities, and consequences which may arise as a result of interconnection with the Utility System.

8.0 Limitation of Liability

Except in the event of acts of willful misconduct, each Party's liability to the other Party for failure to perform it obligations under this Agreement, shall be limited to the amount of direct damage actually incurred. Neither Party shall be liable to the other Party for any punitive, incidental, indirect, special, or consequential damages of any kind whatsoever, including for loss of business opportunity or profits, regardless of whether such damages were foreseen.

Notwithstanding any other provision in this Agreement, with respect to Utility's provision of electric service to any customer including the Interconnection Customer, the Utility's liability to such customer shall be limited as set forth in the Utility's tariffs and terms and conditions for electric service, and shall not be affected by the terms of this Agreement.

9.0 Governing Law

This agreement shall be interpreted, governed, and construed under the laws of the state of New Mexico as if executed and to be performed wholly within the state of New Mexico.

10.0 Amendment, Modifications or Waiver

Any amendments or modifications to this Agreement shall be in writing and agreed to by both parties. The failure of any party at any time or times to require performance of any provision hereof shall in no manner affect the right at a later time to enforce the same. No waiver by any party of the breach of any term or covenant contained in this Agreement, whether by contract or otherwise, shall be deemed to be construed as a further or continuing waiver of any such breach or a

waiver of the breach of any other terms or covenant unless such waiver is in writing.

11.0 Termination

The agreement to interconnect may be terminated under the following conditions:

11.1 **By the Customer**: By providing written notice to the Utility.

11.2 **By the Utility**: If the Generating Facility fails to operate for any consecutive 12 month period or the Customer fails to remedy a violation of these Terms and Conditions.

11.3 **Permanent Disconnection**: In the event this Agreement is terminated, the Utility shall have the right to disconnect its facilities or direct customer to disconnect its Generating Facility.

11.4 **Survival Rights**: This Agreement shall continue in effect after termination to the extent necessary to allow or require either Party to fulfill rights or obligations that arose under the Agreement.

12.0 Notices

All written notices shall be directed as follows:

Attention:
Chris Martinez
Columbus Electric
Cooperative
P.O. Box 631
Deming, NM 88031

Attention: (Customer)
Name: _____
Address:
City: _____

Customer notices to Utility pursuant to Section 11 of this Agreement shall refer to the Customer's electric service account number set forth in Section 2 of this Agreement.

13.0 Term of Agreement

This Agreement shall be in effect when signed by the Customer and Utility and shall remain in effect thereafter month to month unless terminated by either party.

14.0 Assignment

This Agreement and all provisions hereof shall inure to and be binding upon the respective parties hereto, their personal representatives, heirs, successors, and assigns. Customer shall not assign this Agreement or any part hereof without the prior written consent of Utility, and such unauthorized assignment may result in the termination of this Agreement in accordance with Section 14.

15.0 Appendices

The Agreement includes the following attachments incorporated herein by reference:

- Utility's Interconnection Standards for Qualifying Facilities 25 kW or less.
- Customer's written request to Utility of Intent to interconnect Qualifying Facility.
- Customer's sketch or one line diagram and site drawing and generation and protection equipment specifications.
- Utility's written authorization to interconnect.

IN WITNESS WHEREOF, the parties have caused two originals of this agreement to be executed by their duly authorized representatives. This agreement is effective as of the last date set forth below.

CUSTOMER

By: _____

Name: _____

Title: _____

Date: _____

UTILITY

By: _____

Name: _____

Title: _____

Date: _____

Appendix C-2

Standard Interconnection Agreement

Generating Facilities With a Rated Capacity No Greater than 10 MW and Not Qualified for Simplified Interconnection

This Generating Facility Interconnection Agreement ("Agreement") is entered into by and between _____ ("Utility") and _____ ("Interconnection Customer"). The Interconnection Customer and the Utility are sometimes referred to in this Agreement jointly as "Parties" or individually as a "Party".

In consideration of the mutual promises and obligations stated in this Agreement and its appendices, the Parties agree as follows:

I. SCOPE AND PURPOSE

A. This Agreement is intended to provide for the Interconnection Customer to interconnect and operate the Generating Facility in parallel with the Utility's System. Appendix A provides a one-line diagram of the Generating Facility and the Point of Common Coupling. Appendix B provides a description of the Generating Facility and its location.

B. This Agreement contains the terms and conditions under which the Interconnection Customer may interconnect the Generating Facility to the Utility. This Agreement does not authorize the Interconnection Customer to export power or constitute an agreement to purchased or wheel the Interconnection Customer's power. Other services that the Interconnection Customer may require from the Utility, or others, may be covered under separate agreements.

C. This Agreement allows for the occasional and inadvertent export of energy to the Utility, though it does not constitute an agreement by the Utility to purchase or pay for any energy, inadvertently or intentionally exported.

D. This Agreement does not constitute a request for, nor the provision of any transmission delivery service or any local distribution delivery service.

E. The technical requirements for interconnection are provided in New Mexico Administrative Code 17.9.575 and are incorporated and made part of this Agreement by this reference.

II. DEFINITIONS

"Agreement" means this Generating Facility Interconnection Agreement and its appendices. **"Business Day"** means Monday through Friday, excluding holidays observed by the Utility. **"Commission"** means the New Mexico Public Regulation Commission.

"Generating Facility" means the Interconnection Customer's device for the production of electricity identified in the Interconnection Application, including all generators, electrical wires, equipment, and other facilities owned or provided by the Interconnection Customer for the purpose of producing electric power.

"Generator" means any device producing electrical energy, including rotating generators driven by wind, steam turbines, internal combustion engines, hydraulic turbines, solar panels, fuel cells, or any other electric producing device, including energy storage technologies.

"Interconnection Application" means the request by an Interconnection Customer to interconnect a new Generating Facility, or to increase the capacity or make a material modification to the operating characteristics of an existing Generating Facility that is interconnected with the Utility's System.

"Interconnection Customer" is the person or entity so defined in the first paragraph of this Agreement.

"Interconnection Facilities" means the Utility's Interconnection Facilities and the Interconnection Customer's Interconnection Facilities. Collectively, Interconnection Facilities include all facilities and equipment between the Generating Facility and the Point of Common Coupling, including any modification, additions or upgrades that are necessary to physically and electrically interconnect the Generating Facility to the Utility's System. Interconnection Facilities are sole use facilities and shall not include Distribution Upgrades.

"Nameplate rating" means the sum total of maximum rated power output of a DER's constituent generating units and/or ESS, as identified on the manufacturer's nameplate, regardless of whether it is limited by any approved means.

"Point of Common Coupling" means the point where the Interconnection Facilities connect with the Utility's System.

"System" means the facilities owned, controlled, or operated by the Utility that are used to provide electric service under a Utility's tariff.

"System Emergency" means a condition on the Utility's System that is likely to result in imminent significant disruption of service to customers or is imminently likely to endanger life or property.

"Upgrade" means the required additions and modifications to the Utility's System at or beyond the Point of Common Coupling. Upgrades do not include Interconnection Facilities.

"Utility" is the entity so defined in the first paragraph of this Agreement.

III. GENERATING FACILITY DESCRIPTION

A. A single-line diagram of the Generating Facility is attached to and made part of this Agreement as Appendix A. The single line diagram shows the general arrangement of how the Generating Facility is interconnected with the Utility's System and shows all major equipment, including visual isolation equipment, Point of Common Coupling, ownership of equipment and meter location(s).

B. A description of the Generating Facility is attached to and made a part of this Agreement as Appendix B. Appendix B is standard form that provides the engineering and operating information about the Generating Facility, including the Generating Facility's Nameplate Rating, Export Capacity and scheduled operational (on-line) date.

IV. RESPONSIBILITIES OF THE PARTIES

A. The Parties shall perform all obligations of this Agreement in accordance with all applicable laws and regulations.

B. The Interconnection Customer shall design, construct, operate and maintain the Generating Facility in accordance with the equipment manufacturers' recommended maintenance schedules, and applicable laws and regulations, including local building codes and other applicable ordinances.

C. Interconnection of the Generating Facility in no way effects the Utility's obligation to serve the Utility's customer at whose location the Generating Facility is sited pursuant to the tariffs applicable to the customer's class of service.

D. The Interconnection Customer is responsible for the actual costs to interconnect and test the Generating Facility with the Utility to the extent required by the Manual. Estimates of these costs are outlined in Appendix C. While estimates, for budgeting purposes, have been provided in Appendix C, the actual costs are still the responsibility of the Interconnection Customer, even if they exceed the estimated amount(s). All costs, for which the Interconnection Customer is responsible, must be reasonable under the circumstances of the design and construction.

E. The Interconnection Customer shall grant to the Utility, at no expense to the

Utility, all easements and rights-of-way necessary for the Utility to install, operate, maintain, replace, and remove the Utility's Interconnection Facilities and Upgrades, including, but not limited to, adequate and continuous access rights to property owned or controlled by the Interconnection Customer. If any part of the Interconnection Facilities or Upgrades is to be installed on property owned by any person who is not a party to this Agreement, the Interconnection Customer shall, at no expense to the Utility, obtain from the owner of the property all such necessary easements and rights-of-way for the Utility. The Utility has no obligation to commence procurement, installation or construction of the Utility's Interconnection Facilities or Upgrades until the Interconnection Customer has provided all documents the Utility deems necessary to enable the Utility to obtain and record such easements and rights-of-way.

F. Upgrades:

1) The Utility shall design, construct, operate and maintain the Upgrades outlined in Appendix C in a good and workmanlike manner, and in accordance with standard design and engineering practices, and applicable laws and regulations, including local building codes and other applicable ordinances.

2) Once installed, the Upgrades shall be owned and operated by the Utility and all costs associated with the operating and maintenance of the Upgrades, after the Generating Facility is operational, shall be the responsibility of the Utility, unless otherwise agreed.

3) The Interconnection Customer grants permission for the Utility to begin construction and to procure the necessary facilities and equipment to complete the installation of the Upgrades, as outlined in Appendix C. The Interconnection Customer may, for any reason, cancel or modify the Generating Facility project, so that any or all of the Upgrades are not required to be installed. If for any reason, the Generating Facility project is canceled or modified, so that any or all of the Upgrades are not required, the Interconnection Customer shall be responsible for all costs incurred by the Utility, including, but not limited to the additional costs to remove and/or complete the installation of the Upgrades. The Interconnection Customer shall provide written notice to the Utility of cancellation or modification. Upon receipt of a cancellation or modification notice, the Utility shall take reasonable steps to minimize additional costs to the Interconnection Customer, where reasonably possible.

G. Payments:

1) The Interconnection Customer shall provide for the payment of its obligations under this Agreement in one of the following ways:

i) The Interconnection Customer may pay the Utility the costs identified in Appendix C at the time the Parties execute this Agreement; or

ii) The Interconnection Customer may pay the Utility in accordance with Section IV.G(2) if, at the time the Parties execute this Agreement, the Interconnection Customer provides reasonably adequate assurance of its creditworthiness to the Utility. Reasonably adequate assurance may be satisfied by evidence of the Interconnection Customer's creditworthiness, or a letter of credit in an amount sufficient to cover the costs identified in Appendix C, or a guaranty from another entity accompanied by evidence of that entity's creditworthiness.

2) If the Interconnection Customer provides for assurance of

creditworthiness in accordance with Section IV.G(1)(ii), the Utility will invoice the Interconnection Customer monthly for all amounts expended and all amounts for which the Utility has become obligated since the execution of this Agreement or the prior monthly invoice. The Interconnection Customer will pay each such invoice within 20 days.

V. TERM AND TERMINATION

A. This Agreement becomes effective when the Interconnection Customer and the Utility have both signed this Agreement. The Agreement shall continue in full force and effect until the earliest date that one of the following events occurs:

1) The Parties agree in writing to terminate the Agreement;

2) The Interconnection Customer terminates this Agreement by written notice to the Utility prior to the completion of the final acceptance testing of the Generating Facility by the Utility;

3) The Utility terminates this Agreement after 30 days written notice to the Interconnection Customer if the Interconnection Customer has failed to comply with the payment or creditworthiness terms of Section IV.G and has not taken appropriate corrective action;

4) The Utility terminates this Agreement after three days written notice to the Interconnection Customer if the Interconnection Customer does not obtain and deliver the easements and rights-of-way described in Section IV.E to the Utility within 90 days of the Utility's request for such easements and rights-of-way;

5) Once the Generating Facility is operational, the Interconnection Customer terminates this Agreement after 30 days written notice to the Utility, unless otherwise agreed; or,

6) The Utility terminates this Agreement after 30 days written notice to the Interconnection Customer if the Interconnection Customer fails to:

i) take all corrective actions specified in the Utility's written notice that the Generating Facility is out of compliance with the terms of this Agreement within the time frame set forth in such notice, provided that the terms and timeframes stated by the Utility conform to this Agreement; or

ii) to complete construction of the Generating Facility within 24 months of the date of this Agreement or as otherwise agreed.

B. Upon termination of this Agreement the Utility may disconnected the Generating Facility from the Utility's System. The termination of this Agreement shall not relieve either Party of its liabilities and obligations, owed or continuing, at the time of the termination.

VI. OPERATIONAL ISSUES

A. Costs: Each Party will, at its own cost and expense, operate, maintain, repair and inspect, and shall be fully responsible for, the facilities which it now or hereafter may own, unless otherwise specified.

B. Right of Access: At all times, the Utility's personnel shall have access to the disconnect switch of the Generating Facility for any reasonable purpose in connection with the performance of the obligations imposed on it by this Agreement, to meet its obligation to operate the Utility safely and to provide service to its customers. If necessary for the purposes of this Agreement, the Interconnection Customer shall allow the Utility access to the Utility's equipment

and facilities located on the premises.

C. Cooperation and Coordination: Both the Utility and the Interconnection Customer shall communicate and coordinate their operations, so that the normal operation of the Utility does not unduly effect or interfere with the normal operation of the Generating Facility and the Generating Facility does not unduly effect or interfere with the normal operation of the Utility. Under abnormal operations of either the Generating Facility or the Utility system, the responsible Party shall provide timely communication to the other Party to allow mitigation of any potentially negative effects of the abnormal operation of their system.

D. Disconnection of Unit: The Utility may disconnect the Generating Facility as reasonably necessary for the following reasons: termination of this Agreement; non-compliance with this Agreement; System Emergency, and routine maintenance, repairs and modifications to the Utility's System. When reasonably possible the Utility shall provide prior notice to the Interconnection Customer explaining the reason for the disconnection. If prior notice is not reasonably possible the Utility shall after the fact, provide information to the Interconnection Customer as to why the disconnection was required. The Utility shall expend reasonable effort to reconnect the Generating Facility in a timely manner and to mitigate damages and losses to the Interconnection Customer.

E. Modifications to the Generating Facility: The Interconnection Customer shall notify the Utility in writing of any proposed modifications to the Generating Facility that could affect the Utility's System, providing twenty (20) Business Days notice or as many days notice as is reasonably possible. The notice shall provide all information needed by the Utility as part of the review described in this paragraph. Modifications that could affect the Utility's System include any change affecting the Generating Facility's Rated Capacity or Export Capacity and any modification of Interconnection Facilities, which include without limitation: protective systems, generation control systems, transfer switches/breakers, voltage transformers and current transformers. When reasonably possible the Interconnection Customer agrees not to make any material modifications to the Generating Facility until the Utility has approved the modifications, in writing, which approval shall not be unreasonably withheld. The Utility shall not take longer than ten (10) Business Days to review and respond to the proposed modifications after the receipt of the information required to review the modifications, and if the Utility fails to respond within ten (10) Business Days, the modification(s) shall be considered to be approved by the Utility. When it is not reasonably possible for the Interconnection Customer to provide prior written notice of modifications, the Interconnection Customer shall provide written notice to the Utility as soon as reasonably possible after the modifications have been made.

VII. PERMITS AND APPROVALS:

The Interconnection Customer shall obtain all environmental and other permits lawfully required by governmental authorities prior to the construction of the Generating Facility. The Interconnection Customer shall also maintain these applicable permits and compliance with these permits during the term of this Agreement.

VIII. INDEMNIFICATION AND LIMITATION OFLIABILITY

A) The Interconnection Customer shall indemnify and hold harmless the Utility against all damages, expenses and other obligations to third parties attributable to the negligence, strict liability or intentional acts of the Interconnection Customer. The Utility shall indemnify and hold harmless the Interconnection Customer against all damages, expenses and other obligations to third parties attributable to the negligence, strict liability or intentional acts of the Utility. The terms "Utility" and "Interconnection Customer," for purposes of this

indemnification provision, include their officers, directors, trustees, managers, members, employees, representatives, affiliates, successors and assigns.

B) Except in the event of acts of willful misconduct, each Party's liability to the other Party for failure to perform its obligations under this Agreement, shall be limited to the amount of direct damage actually incurred. Neither Party shall be liable to the other Party for any punitive, incidental, indirect, special, or consequential damages of any kind whatsoever, including for loss of business opportunity or profits, regardless of whether such damages were foreseen.

C) Notwithstanding any other provision in this Agreement, with respect to Utility's provision of electric service to any customer including the Interconnection Customer, the Utility's liability to such customer shall be limited as set forth in the Utility's tariffs and terms and conditions for electric service, and shall not be affected by the terms of this Agreement.

IX. DISPUTE RESOLUTION

A) Each party agrees to attempt to resolve all disputes arising hereunder promptly, equitably and in a good faith manner.

B) In the event of a dispute, either party shall provide the other party with a written notice of dispute. Such notice shall describe in detail the nature of the dispute. The non-disputing party shall acknowledge the notice within three business days of its receipt and identify a representative with the authority to make decisions for the non-disputing party with respect to the dispute.

C) If the dispute has not been resolved in eight business days for timeline related disputes or 20 business days for all other disputes after the receipt of the notice, the parties may, upon mutual agreement, seek resolution through the assistance of a dispute resolution service. The dispute resolution service will assist the parties in either resolving the dispute or in selecting an appropriate dispute resolution venue (e.g., mediation, settlement judge, early neutral evaluation, or qualified technical expert(s)) to assist the parties in resolving their dispute. Each party will be responsible for one-half of any costs paid to neutral third-parties.

D) For any technical disputes, both parties shall have a qualified technical representative present in the attempts to resolve the dispute.

E) If the dispute remains unresolved after 30 business days, either party may petition the commission to handle the dispute as a formal complaint or may exercise whatever rights and remedies it may have in equity or law.

X. INSURANCE

[*This Section shall either state that "the Interconnection Customer is not required to maintain insurance unless so ordered by the Commission for good cause upon the petition of a Utility" or, for Generating Facilities with Rated Capacity greater than 250 kW, the Utility may include the following provisions:*

A) The Interconnection Customer shall maintain, during the term of the Agreement, general liability insurance from a qualified insurance agency with a B+ or better rating by "Best" and with a combined single limit of not more than one million dollars ($1,000,000). Such general liability insurance shall include coverage against claims for damages resulting from (i) bodily injury, including wrongful death; and (ii) property damage arising out of the Interconnection Customer's ownership and/or operation of the Generating Facility under this Agreement.

B) The general liability insurance required by Section IX.A shall, by endorsement to the policy or policies, (a) include the Utility as an additional insured; (b) contain a severability of interest clause or cross-liability clause; (c) provide that the Utility shall not by reason of its inclusion as an additional insured incur liability to the insurance carrier for the payment of premium for such insurance; and (d) provide for thirty (30) calendar days written notice to the Utility prior to cancellation, termination, alteration, or material change of such insurance.

C) The Interconnection Customer shall furnish the insurance certificates and endorsements required by Sections IX.A and IX.B to the Utility prior to the initial operation of the Generating Facility. Thereafter, the Utility shall have the right to periodically inspect or obtain a copy of the original policy or policies of insurance.

E) The general liability insurance required by Section IX.A shall state that coverage provided is primary and is not excess to or contributing with any insurance or self-insurance maintained by the Utility.

F) The Interconnection Customer may elect to self-insure rather than complying with Sections IX.A through IX.D if:

1) The Interconnection Customer provides to the Utility, at least thirty (30) days prior to the date of initial operation, a plan reasonably acceptable to the Utility to self-insure to a level of coverage equivalent to that required under Section IX.A; and,

2) The Interconnection Customer agrees to immediately obtain the coverage required under Section IX.A if the Interconnection Customer fails to comply with its self-insurance plan.

G) Failure of the Interconnection Customer or Utility to enforce the minimum levels of insurance does not relieve the Interconnection Customer from maintaining such levels of insurance or relieve the Interconnection Customer of any liability.

H) All insurance certificates, statements of self-insurance, endorsements, cancellations, terminations, alterations, and material changes of such insurance shall be issued and submitted to the following address:

[Utility]
Attention: Manager of Generation Insurance

]

XI. MISCELLANEOUS

A) Force Majeure: Force majeure shall mean any cause

beyond the control of the Party affected, including, but not limited to, failure of or threat of failure of facilities, flood, earthquake, tornado, storm, fire, lightning, epidemic, war, riot, civil disturbance or disobedience, [labor dispute,] labor or material shortage, sabotage, restraint by court order or public authority, and action or non-action by or failure to obtain the necessary authorizations or approvals from any governmental agency or authority, which by exercise of due diligence such Party could not reasonably have been expected to avoid and which by exercise of due diligence, it shall be unable to overcome. If either Party, because of force majeure, is

rendered wholly or partly unable to perform its obligations under this Agreement, except for the obligation to make payments of money, that Party shall be excused from whatever performance is affected by the force majeure to the extent so affected, provided that:

1) the nonperforming Party, within a reasonable time after the occurrence of the force majeure, gives the other Party written notice describing the particulars of the occurrence;

2) the suspension of performance is of no greater scope and of no longer duration than is required by the force majeure; and

3) the nonperforming Party uses its best efforts to remedy its inability to perform. [This subparagraph shall not require the settlement of any strike, walkout, lockout or other labor dispute on terms which, in the sole judgment of the party involved in the dispute, are contrary to its interest. It is understood and agreed that the settlement of strikes, walkouts, lockouts or other labor disputes shall be entirely within the discretion of the Party involved in the disputes.]

B) Notices: Any written notice, demand, or request required or authorized in connection with this Agreement shall be deemed properly given if delivered in person, sent by first class mail with postage prepaid, or sent by electronic mail as specified below:

1) To the Utility:

Email: _____

2) To the Interconnection Customer:

Email: _____

3) A Party may change its address for notices at any

time by providing the other Party written notice of the change, in accordance with this Section.

4) The Parties may also designate operating representatives to conduct the daily communications, which may be necessary or convenient for the administration of this Agreement. Such designations, including names, addresses, phone numbers and electronic mail addresses may be communicated or revised by one Party's notice to the other Party.

C) Assignment: The Interconnection Customer shall not assign its rights nor delegate its duties under this Agreement without the Utility's written consent. Any assignment or delegation the Interconnection Customer makes without the Utility's written consent shall not be valid. The Utility shall not unreasonably withhold its consent to the Generating Entities assignment of this Agreement.

D) Non-waiver: None of the provisions of this Agreement shall be considered waived by a Party unless such waiver is given in writing. The failure of a Party to insist in any one or more instances upon strict performance of any of the provisions of this Agreement or to take advantage of any of its rights hereunder shall not be construed as a waiver of any such provisions or the relinquishment of any such rights for the future, but the same shall continue and remain in full force and effect.

E Governing Law and Inclusion of Utility's Tariffs and Rules:

1) This Agreement shall be interpreted, governed and construed under the laws of the State of New Mexico as if executed and to be performed wholly within the State of New Mexico without giving effect to choice of law provisions that might apply to the law of a different jurisdiction.

2) The interconnection and services provided under this Agreement shall at all times be subject to the terms and conditions set forth in the tariff schedules and Commission rules applicable to the electric service provided by the Utility, which tariff schedules and Commission rules are hereby incorporated into this Agreement by this reference.

3) Notwithstanding any other provisions of this Agreement, the Utility shall have the right to unilaterally file with the Commission, pursuant to the Commission's rules and regulations, an application for change in rates, charges, classification, service, tariff or rule or any agreement relating thereto.

F) Amendment and Modification: This Agreement can only be amended or modified by a writing signed by both Parties.

G) Entire Agreement: This Agreement, including its Appendices, constitutes the entire Agreement between the Parties with regard to the interconnection of the Generating Facility of the Parties at the Point(s) of Common Coupling expressly provided for in this Agreement and supersedes all prior agreements or understandings, whether verbal or written. It is expressly acknowledged that the Parties may have other agreements covering other services not

expressly provided for herein, which agreements are unaffected by this Agreement. Each Party also represents that in entering into this Agreement, it has not relied on the promise, inducement, representation, warranty, agreement or other statement not set forth in this Agreement or in the incorporated attachments and appendices.

H) Confidential Information: Except as otherwise agreed or provided herein, each Party shall hold in confidence and shall not disclose confidential information, to any person (except employees, officers, representatives and agents, who agree to be bound by this section). Confidential information shall be clearly marked as such on each page or otherwise affirmatively identified. If a court, government agency or entity with the right, power, and authority to do so, requests or requires either Party, by subpoena, oral disposition, interrogatories, requests for production of documents, administrative order, or otherwise, to disclose confidential information, that Party shall provide the other Party with prompt notice of such request(s) or requirements(s) so that the other Party may seek an appropriate protective order or waive compliance with the terms of this Agreement. In the absence of a protective order or waiver the Party shall disclose such confidential information which, in the opinion of its counsel, the party is legally compelled to disclose. Each Party will use reasonable efforts to obtain

reliable assurance that confidential treatment will be accorded any confidential information so furnished.

I) Non-warranty: Neither by inspection, if any, or non-rejection, nor in any other way, does the Utility give any warranty, expressed or implied, as to the adequacy, safety, or other characteristics of any structures, equipment, wires, appliances or devices owned, installed or maintained by the Interconnection Customer or leased by the Interconnection Customer from third parties, including without limitation the Generating Facility and any structures, equipment, wires, appliances or devices appurtenant thereto.

J) No Partnership: This Agreement shall not be interpreted or construed to create an association, joint venture, agency relationship, or partnership between the Parties or to impose any partnership obligation or partnership liability upon either Party. Neither Party shall have any right, power or authority to enter into any agreement or undertaking for, or act on behalf of, or to act as or be an agent or representative of, or to otherwise bind, the other Party.

XII. SIGNATURES

IN WITNESS WHEREOF, the Parties hereto have caused two originals of this Agreement to be executed by their duly authorized representatives. This Agreement is effective as of the last date set forth below.

Interconnection Customer

By:

Name:

_____

Title:

_____

Date:

_____

Utility

By:

_____

Name:

_____

Title:

_____

Date:

###

End of 17.9.575 NMAC
APPENDICES

PUBLIC REGULATION COMMISSION

PUBLIC REGULATION COMMISSION

This is an amendment to 17.9.568 NMAC, Sections 2 and 7, effective 11/3/2026.

17.9.568.2 SCOPE:

A. This rule, and the definitions, standards, procedures and screening processes described herein apply to every [~~electric utility including rural electric cooperatives and~~] investor-owned [~~utilities~~] utility operating within the state of New Mexico that [~~are~~] is subject to the jurisdiction of the New Mexico public regulation commission. These standards and procedures apply to both qualifying and non-qualifying facilities.

B. The standards and procedures described in this rule (17.9.568 NMAC) apply only to the interconnection of generating facilities with a nameplate rated capacity up to and including 10 MW. The standards and procedures described in 17.9.569 NMAC apply to the interconnection of generating facilities with a rated capacity greater than 10 MW and are unchanged by this rule.

C. Interconnection requests are reviewed based on the combined nameplate ratings of systems accounting for their export capacity and energy storage operating mode. For purposes of review screens, only the capacity that is designed to inject electricity to the utility's distribution or transmission system, other than inadvertent exports and fault contribution, will be used.

D. All interconnection contracts between a utility and an interconnection customer existing at the time 17.9.568 NMAC is revised and adopted shall automatically continue in full force and effect. Material modifications to existing facilities or operations require a new interconnection application and agreement and will be subject to review under the current conditions of the electric power system. Any changes made to existing interconnection agreements shall conform to the provisions of 17.9.568 NMAC in effect at the time modification is executed.

[17.9.568.2 NMAC - Rp, 17.9.568.2 NMAC, 02/14/2023, A, 11/3/2026]

17.9.568.7 DEFINITIONS:

Terms used in rule 17.9.568 NMAC shall have the following meanings:

A. Definitions beginning with "A":

(1) Applicant means a person or an entity that has filed an application to interconnect a generating facility to an electric power system. An applicant may include:

(a) A customer who applies for interconnection of a generating facility that will offset part or all of the load of a utility customer, the applicant is that customer, whether the customer owns the generating facility or a third party owns the generating facility.

(b) An owner of a generating facility that applies for interconnection of a generating facility that sells electric power to a utility.

(c) A subscriber organization as defined by the Community Solar Act, Subsection M. of Section 62-16B-2 NMSA 1978.

(2) Area network means a section of an electric power system served by multiple transformers interconnected in an electrical network circuit, generally used in large, densely populated metropolitan areas, to provide high reliability of service. Area network has the same meaning as the term "grid network" as defined in IEEE Std 1547.6™. An area network is also referred to as a grid network or a street network.

(3) Auxiliary load means electrical power consumed by any equipment necessary to operate the generator or energy storage system. This is intended for in-front-of-the-meter systems.

B. Definitions beginning with "B": Business day means Monday through Friday, excluding holidays observed by the utility.

C. Definitions beginning with "C":

(1) Certified means equipment has been tested in accordance with the applicable requirements of IEEE Std 1547™-2018 and IEEE Std 1547.1™-2020 by any nationally recognized testing laboratory (NRTL) recognized by the United States occupational safety and health administration to test and certify equipment pursuant to the applicable standard and the equipment has been labeled and is publicly listed by such NRTL at the time of the interconnection application. Equipment installed prior to March 28, 2023 will also be considered certified if it has been tested in accordance with IEEE Std 1547™-2003 and 1547.1™-2005.

(2) Customer options meeting means a meeting designed to review the status of the interconnection application initial review results, or to determine next steps needed to permit safe and reliable interconnection.

D. Definitions beginning with "D":

(1) Detailed study process means the procedure for evaluating an interconnection application that may include a scoping meeting, feasibility study, system impact study, or facilities study as described in 17.9.568.18 NMAC**.**

(2) Distributed energy resource (DER) means the equipment used by an interconnection customer to generate or store electricity that operates in parallel with the electric distribution system. DER may include, but is not limited to: an electric generator or energy storage system, a prime mover, or combination of technologies capable of injecting power and energy into the electric distribution system, which also includes the interconnection equipment necessary to safely interconnect with the distribution system. DER may not always be interconnected with the bulk power system. DERs may

include distributed generation (DG) resources, distributed energy storage, demand response energy efficiency, and electric vehicles and chargers that are connected to the electric distribution power grid. DERs may be capable of exporting active power to an electric power system (EPS). The DER includes the customer's interconnection facilities but shall not include the area EPS operator's interconnection facilities.

(3) **Distribution service** means delivering energy over the electric power system pursuant to the approved tariffs of the utility other than services directly related to the interconnection of a generating facility under these interconnection procedures.

(4) **Distribution system** means the utility's facilities and equipment used to transmit electricity to ultimate usage points, known as premises, directly from nearby generators or from interchanges with higher voltage transmission networks which transport bulk power over longer distances. The voltage levels at which distribution systems operate differ among areas.

(5) **Distribution upgrade** means the additions, modifications, and upgrades to the utility's distribution system at or beyond the point of common coupling to facilitate interconnection of the generating facility and render the service necessary to effect the interconnection customer's operation of on-site generation. Distribution upgrades do not include interconnection facilities.

E. Definitions beginning with "E":

(1) Electric power system (EPS) means the equipment operated and maintained by a utility (may include: independent system operators, transmission owner/operator, vertically integrated utilities, electric cooperatives, municipals, and distribution companies) to deliver electric service to end-users, including transmission and distribution lines, substations, transformers, spot networks and area networks.

(2) Energy storage system (ESS) means any commercially available, customer-sited system or utility-sited system, including batteries and batteries paired with on-site generation, that is capable of retaining, storing, and delivering electrical energy by chemical, thermal, mechanical, or other means. For the purposes of this rule, an energy storage system can be considered part of a DER or a DER in whole that operates in parallel with the distribution system.

(3) Export capacity means the amount of power that can be transferred from the generating facility to the distribution system. Export capacity is either the nameplate rating, or a lower amount if limited using and acceptable means identified in 17.9.568.12 NMAC.

F. Definitions beginning with "F":

(1) Facilities study means a study that specifies and estimates the cost of the equipment, engineering, procurement, and construction work needed to implement the conclusions of the system impact study.

(2) Fast Track means the process for evaluating an interconnection application utilizing established screens as described in 17.9.568.16 NMAC.

(3) Fault current means the current produced during a short circuit on the electric power system measured in amperes**.**

(4) Feasibility study means a preliminary technical assessment of the proposed interconnection that identifies any potential adverse system impacts that would result from the interconnection of the generating facility.

G. Definitions beginning with "G":

(1) **Generating facility** means the equipment used by an interconnection customer to generate, store, manage, interconnect and monitor electricity. A generating facility includes the interconnection equipment required to safely interconnect the facility with the distribution system. DERs are generating facilities.

(2) Grid network Grid network is also commonly referred to as area network or street network. For definition, refer to "Area Network".

H. Definitions beginning with "H": Host load means the electrical power, less the DER auxiliary load, consumed by the customer at the location where the generating facility is connected.

I. Definitions beginning with "I":

(1) IEEE means the institute of electrical and electronic engineers.

(2) IEEE standards means the standards published by the IEEE, often in collaboration with American National Standards Institute (ANSI), National Institute of Standards and Technology (NIST), UL, International Electrotechnical Commission (IEC), CIGRE, and National Fire Protection Institute (NFPA), available at www.ieee.org.

(3) **Inadvertent export** means the unscheduled export of active power from a generating facility, exceeding a specified magnitude and for a limited duration generally due to fluctuations in-load-following behavior.

(4) **Interconnection agreement** means a standard form agreement between an interconnection customer and a utility that governs the interconnection of a generating facility to a utility's electric delivery system, as well as the ongoing operation of the generating facility after it is interconnected.

(5) **Interconnection application** means the request by an interconnection customer to interconnect a new generating facility, increase the capacity or make a material modification to the operating characteristics of an existing generating facility that is interconnected with the utility's electric power system.

(6) **Interconnection customer** means any person who proposes to interconnect a generating facility with the utility's system.

(7) **Interconnection facilities** means the utility's interconnection facilities and the interconnection customer's interconnection facilities. Collectively, interconnection facilities include all facilities and equipment between the generating facility and the point of common coupling, including any modification, additions or upgrades that are necessary to physically and electrically interconnect the generating facility to the utility's electric power system in a safe and reliable manner. Interconnection facilities are sole use facilities and shall not include distribution upgrades.

(8) **Interconnection upgrade cost sharing** means the allocation of distribution upgrade costs among multiple generator facility projects that utilize the hosting capacity created by a distribution upgrade.

(9) **Interconnection procedures** means the procedures specified in 17.9.568.12 NMAC through 17.9.568.23 NMAC.

J. Definitions beginning with "J": [RESERVED]

K. Definitions beginning with "K": [RESERVED]

L. Definitions beginning with "L":

(1) Limited export means the exporting capability of a DER whose generating capacity is limited by the use of any configuration or operating mode described in 17.9.568.12 NMAC.

(2) Line section means that portion of a utility's electric power system connected to a customer that is bounded by automatic sectionalizing devices or the end of the distribution line.

M. Definitions beginning with "M":

(1) Material modification means a modification to machine data, equipment configuration or to the interconnection site of the DER at any time after receiving notification by the utility of a complete interconnection application that has a material impact on the cost, timing, or design of any interconnection facilities or distribution upgrades, or a material impact on the cost, timing, or design of any interconnection application with a later queue priority date or material impact on the safety or reliability of the electric power system. A change to the point of interconnection would require either a new interconnection application or a change in queue position. A material modification does not include, for example;

(a) a change of ownership of a generating facility:

(b) a change or replacement of generating equipment that is a like-kind substitution in size, ratings, impedances, efficiencies, or capabilities of the equipment specified in the original interconnection application; or

(c) a reduction in the output of the generating facility of ten percent or less. Replacement of existing inverters with new inverters that conform to new standards after March 28, 2023, will not be considered a material modification, so long as the generating facilities output or export status does not change as a result.

(2) Minimum load means the lowest measured circuit/substation load regardless of time of day.

(3) Minor modification means any modification to a utility's electric power system that involves limited work or low costs. Minor modifications include, but are not limited to, activities like changing the fuse in a fuse holder cut-out or changing the settings on a circuit recloser.

N. Definitions beginning with "N":

(1) Nameplate rating means the sum total of maximum rated power output of a DER's constituent generating units or ESS, as identified on the manufacturer's nameplate, regardless of whether it is limited by any approved means.

(2) Network system means a collection of secondary networks, or combinations of such networks on a primary network feeder or primary network feeders that supply them. This may also consist of primary feeders networked to supply connected loads.

(3) Network transformer means a transformer designed for use in a vault to feed a variable capacity system of interconnected secondaries.

(4) Non-export or non-exporting means when the DER is sized and designed using any of the methods described in 17.9.568.12 NMAC, such that the output is used for host load only and no electrical energy (except for any inadvertent export) is transferred from the generating facility to the distribution system.

O. Definitions beginning with "O": Operating mode means the mode of DER operational characteristics that determines the performance during normal and abnormal conditions. For example, an operating modes can include "export only," "import only," and "no exchange."

P. Definitions beginning with "P":

(1) Parallel Operation means the simultaneous operation of a generating facility with power delivered or received by the electric power system while interconnected. Parallel operation includes only those generating facilities that are interconnected with the electric power system for more than 60 cycles (one second).

(2) Parties means the applicant and the utility in a particular interconnection agreement. "Either party" refers to either the applicant or the utility.

(3) Person means, for purposes of this rule, an individual, firm, partnership, company, rural electric cooperative organized under Laws 1937, Chapter 100 or the rural electric cooperative act, corporation or lessee, trustee or receiver appointed by any court.

(4) Point of interconnection means the point where the interconnection facilities connect with the electric distribution system. Point of interconnection has the same meaning as the term "point of common coupling" as defined in IEEE 1547-2018.

(5) Power control system (PCS) means systems or devices which electronically limit or control steady state currents to a programmable limit.

(6) Primary network feeder means a feeder that supplies energy to a network system or the combination of a network system and other radial loads. Dedicated primary network feeders are feeders that supply only network transformers for the secondary network.

(7) Power conversion unit (PCU) means an inverter or AC generator, not including the energy source.

(8) Premise means a piece of land or real estate including buildings and other appurtenances thereon.

(9) Protective function means the equipment, hardware, or software in a generating facility (whether discrete or integrated with other functions) for the purpose of protecting against conditions that, if left uncorrected, could result in harm to personnel, damage to equipment, loss of safety or reliability, or operation outside pre-established parameters required by the interconnection agreement.

Q. Definitions beginning with "Q.": [RESERVED]

R. Definitions beginning with "R":

(1) Rated capacity means the total AC nameplate rating of the power conversion unit(s) at the point of common coupling.

(2) Reference point of applicability (RPA) means the location where the interconnection and interoperability performance requirements, as specified by IEEE 1547-2018, apply.

(3) Relevant minimum load means the lowest measured circuit or substation load coincident with the generating facility's production. For solar-only facilities this shall be the daytime minimum load.

S. Definitions beginning with "S":

(1) Secondary network means an AC distribution system where the secondaries of the distribution transformers are connected to a common network for supplying electricity directly to consumers.

(2) Simplified process means the procedure for evaluating an interconnection application for a small certified inverter-based DER described in 17.9.568.15 NMAC.

(3) Small utility means a utility that serves fewer than 50,000 customers.

(4) Supplemental review means additional engineering evaluation to determine if a generating facility can be interconnected following the (simplified or fast track) process without the need for detailed study as described in 7.9.568.17 NMAC.

(5) System emergency means a condition on a utility system that is likely to result in imminent significant disruption of service to customers or is imminently likely to endanger life or property.

(6) System impact study means a study that identifies and details the electric system impacts that would result if the proposed generating facility were interconnected without project modifications or electric system modifications, focusing on the adverse system impacts preliminarily identified in the feasibility study (if conducted), or to study potential impacts, including but not limited to those identified in the scoping meeting. A system impact study shall evaluate the impact of the proposed interconnection on the safety and reliability of the electric power system.

T. Definitions beginning with "T": Technical Interconnection and Interoperability Requirements (TIIR) documents are public documents, often utility specific, which include requirements for interconnection, interoperability, capabilities, and their utilization (settings), and grid integration (e.g., protection coordination, telemetry).

U. Definitions beginning with "U":

(1) UL means the company by that name which has established technical standards for safe operations of electrical devices, previously known as underwriter's laboratory.

(2) UL 1741 CRD for PCS means the certification requirement decision for power control systems for the standard titled "inverters, converters, controllers and interconnection system equipment for use with distributed energy resources". (March 8, 2019), Underwriters Laboratories Inc., 333 Pfingsten Road, Northbrook IL 60062-2096.

(3) Unintentional island means an unplanned island per IEEE 1547-2018.

(4) Utility means a utility or public utility, as defined in Subsection G of Section 62-3-3 NMSA 1978, serving electric customers subject to the jurisdiction of the commission, excepting rural electric cooperatives.

V. Definitions beginning with "V": [RESERVED]

W. Definitions beginning with "W": [RESERVED]

X. Definitions beginning with "X": [RESERVED]

Y. Definitions beginning with "Y": [RESERVED]

Z. Definitions beginning with "Z": [RESERVED]

[17.9.568.7 NMAC - Rp, 17.9.568.7 NMAC, 02/14/2023, A, 11/3/2026]

PUBLIC SAFETY, DEPARTMENT OF
LAW ENFORCEMENT STANDARDS AND TRAINING COUNCIL

The New Mexico Law Enforcement Standards and Training Council approved at its September 29-30, 2026 meeting to repeal the below rules, effective November 3, 2026:

10.29.2 NMAC, Financial, filed 10/01/1997; 10.29.3 NMAC, Course Accreditation Procedures/Guidelines, filed 10/01/1997; 10.29.4 NMAC, Instructor Certification and Advanced Certifications, filed 06/27/2017; 10.29.5 NMAC, Regional/Satellite Police Officer Basic Academies, filed 10/01/1997; 10.29.7 NMAC, In Service Training Requirements, filed 07/10/2018; 10.29.8 NMAC, Officer Transition Training Program, filed 11/30/2009; 10.29.9 NMAC, Police Officer, filed 11/15/2016; and, 10.29.10 NMAC, Public Safety Telecommunicator, filed 06/27/2017, effective 06/27/2017.

PUBLIC SAFETY, DEPARTMENT OF
LAW ENFORCEMENT STANDARDS AND TRAINING COUNCIL

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING
PART 1 GENERAL PROVISIONS

10.28.1.1 ISSUING AGENCY: New Mexico Law Enforcement Standards and Training Council, 4491 Cerrillos Road, Santa Fe, New Mexico 87507.
[10.28.1.1 NMAC - N, 11/3/2026

10.28.1.2 SCOPE: All police officers, public safety telecommunicators, and law enforcement agencies in the state of New Mexico.
[10.28.1.2 NMAC - N, 11/3/2026]

10.28.1.3 STATUTORY AUTHORITY: Subsection E of Section 29-7-4 NMSA 1978, Section 29-7-2 NMSA 1978, Section 29-7-3 NMSA 1978, Section 29-7-4 NMSA 1978, Section 29-7-4.1 NMSA 1978, Section 29-7-4.2 NMSA 1978, Section 29-7-4.3 NMSA 1978, Section 29-7-4.4 NMSA 1978, Section 29-7-5 NMSA 1978, Section 29-7-5.1 NMSA 1978, Section 29-7-6 NMSA 1978, Section 29-7-6.1 NMSA 1978, Section 29-7-7 NMSA 1978, Section 29-7-7.1 NMSA 1978, Section 29-7-7.2 NMSA 1978, Section 29-7-7.3 NMSA 1978, Section 29-7-7.4 NMSA 1978, Section 29-7-7.5 NMSA 1978, Section 29-7-7.6 NMSA 1978, Section 29-7-7.7 NMSA 1978, Section 29-7-12 NMSA 1978, Section 29-7-14 NMSA 1978, Section 29-7C-4 NMSA 1978, Section 29-7C-5 NMSA 1978; Section 29-7C-7 NMSA 1978.
[10.28.1.3 NMAC - N, 11/3/2026]

10.28.1.4 DURATION: Permanent.
[10.28.1.4 NMAC - N, 11/3/2026]

10.28.1.5 EFFECTIVE DATE: November 3, 2026, unless a later date is cited at the end of a section.
[10.28.1.5 NMAC - N, 11/3/2026]

10.28.1.6 OBJECTIVE: The objective of Part 1 is to establish procedures and policies for conducting meetings of the New Mexico law enforcement standards and training council.
[10.28.1.6 NMAC - N, 11/3/2026]

10.28.1.7 DEFINITIONS: [RESERVED]
[10.28.1.7 NMAC - N,11/3/2026]

10.28.1.8 REGULATIONS, POLICIES AND PROCEDURES FOR CONDUCTING THE BUSINESS OF THE LAW ENFORCEMENT STANDARDS AND TRAINING COUNCIL:

A. Duties of council members:

(1) The council shall annually elect the council chair at the first Council meeting of each calendar year. The chair shall preside at all meetings and shall be charged with the responsibility of preserving order and decorum and enforcing these regulations. The chair shall execute all of those duties commonly performed by a presiding officer.

(2) The council shall elect a vice-chair at the first council meeting of each calendar year. The vice-chair shall act in the capacity of the chair in the absence or unavailability of the chair.

B. Director: The director shall implement the training standards and requirements developed and adopted by the council; and is the chief executive officer of the academy pursuant to Subsection A and Subsection D of Section 29-7-5 NMSA 1978. The director shall be under the supervision and direction of the secretary of public safety and shall fulfill the other functions established in Section 29-7-5 NMSA 1978.

(1) The director, or designee, provides administrative services to the council. The director, or designee, represents the council in administrative matters and is subject to the direction of the council through its official proceedings. The director, or designee, is responsible for the review and certification of the minutes of the council. The director, or designee, implements the training standards and requirements developed and adopted by the council.

(2) Because the director is subject to the direction of the council, the director may not hold the position of council chair or vice-chair.

(3) The council may direct the director to implement, carry out, or finalize a particular policy or agreement. When the council has so directed, the director is authorized to sign on behalf of the council those contracts and other documents that are customarily signed by the chair of the council.

(4) The director supervises the operation of

the academy as its chief executive officer. The director shall perform all duties delegated to the director by law and those customarily exercised by the chief executive officer of a state agency.

(5) The director ensures that regional satellite academies adhere to the training standards established by the council.

(6) The director evaluates basic law enforcement training programs, basic public safety telecommunicator training programs, certification by waiver programs, and in-service programs on a regular basis to ensure that they comply with standards set by the council, in addition to state and federal law.

(7) The director shall accredit advanced training classes and ensure compliance whenever a specific curriculum for a class is established as a statewide standard by the council.

(8) The director is responsible for maintaining training records for all officers and public safety telecommunicators who complete basic law enforcement or public safety telecommunicator training, as well as certification-by-waiver programs. The director is responsible for maintaining training records for officers and public safety telecommunicators who successfully complete accredited advanced training and in-service classes.

C. Meetings: Regular meetings of the council will be held at least four times a year at a time and place to be designated by the chair:

(1) A majority of the council members currently serving shall constitute a quorum for the transaction of business at any regular or emergency meeting. The transaction of the council's business shall be by the vote of the majority of its members present at the meeting. All members of the council, including the chair and those serving ex officio, have the same duties and responsibilities as any other member.

(2) If a number of council members less than a quorum shall assemble for any meeting, they may postpone or adjourn the meeting until such time as a quorum can be obtained and notice again given in accordance with the rules herein set forth.

(3) If, prior to the commencement of a regular or emergency meeting, the director has received notice that the majority of the members of the council will not be able to attend the meeting, the director may cancel the meeting and is instructed to attempt to give notice of cancellation of the meeting to all council members.

(4) All meetings of the council shall be open to the public, except that the council may exclude the public for the portion of the meeting as authorized by the New Mexico Open Meetings Act.

(5) The council may request that persons having business before the council, in addition to providing written information for the council to review, appear personally before the council to discuss their item of business.

(6) All meetings of the council that are open to the public shall allow for a portion of the meeting time to be designated for public comment. The council shall receive comments from those attending in person or virtually. Members may ask questions for clarification but may not engage in substantive discussion or take formal action unless noticed in the meeting agenda. Comments will be taken under advisement and may be placed on the agenda of a future public meeting for discussion or action at the discretion of the council.

(7) The order of business of the council at regular meetings shall be as follows:

(a) Roll call;

(b) Approval of agenda;

(c) Approval of minutes;

(d) Old business;

(e) New business;

(f) Designation of place of next meeting; and

(g) Adjournment.

(8) The chair shall prepare an agenda for each meeting.

(9) The agenda for an emergency meeting shall specify the items of business to be considered by the council at that meeting. No business other than that specifically stated on the agenda for that emergency meeting shall be considered. The subject matter to be considered at any emergency meeting shall be included in that notice given by the director to the members of the council as required in these regulations and the New Mexico Open Meetings Act.

(10) All meetings shall be called to order and the business of the meeting conducted by the chair of the council, or in his absence, the vice-chair. Should both officers of the council be absent from the meeting, if a quorum is present, the council shall designate one of its members to assume the responsibilities of the chair for that meeting.

(11) In the event a question as to the proper method of procedure arises in any meeting, the chair is vested with authority to resolve such questions, and the decisions shall be final.

(12) The chair shall send to all council members prior to the regular meeting date a copy of the agenda for the regularly scheduled meeting and any documents or other items of information that may assist the council members in preparing for the upcoming meeting.

(13) The minutes of each council meeting shall comply with the requirements of the Open Meetings Act. The director or the staff is directed to compile the minutes of the meeting from stenographic notes of the meeting, a tape recording, a video recording, or any combination thereof. The approved minutes of a meeting shall constitute the official record of business transacted at the meeting.

The approved minutes of the council meeting shall be preserved physically or electronically and shall be available for public inspection during normal working hours.

D. Request for consideration as a meeting agenda item:

(1) All persons desiring to place before the council any item for discussion or time of business for the council's consideration may do so by submitting a request in writing to the chair as early as possible, and no later than 10 days in advance of the regular meeting. The request shall contain:

(a) A request that the item of business be placed on the agenda of the next regularly scheduled meeting;

(b) A description of the subject matter of the item of business, any supporting documentation, and any presentation material;

(c) The action that the requester desires the council to take on the item of business; and

(d) The reason why the petitioner feels the action proposed by the petitioner is appropriate.

(2) The chair has the discretion to place any requested item on the agenda. The decision as to whether or not to place a requested item on the agenda, the method of presentation allowed, and the amount of time allowed to present on the item may be decided by the chair, and that decision is final.

(3) The chair may choose to treat the request as a request for rule clarification.

E. Regulations: The council may alter and amend these regulations from time to time as it deems necessary. Changes to the regulations shall comply with requirements under the State Rules Act, Chapter 14, Article 4, NMSA 1978.

F. Rule clarification

(1) The council is empowered to develop and promulgate statewide training requirements, curricula, methods, and professional development programs for law enforcement officers and public safety telecommunicators; and to adopt, publish, and file all rules necessary for the implementation and enforcement of such training, pursuant to Subsection B of Section 29-7-3 NMSA 1978 and Subsection E of Section 29-7-4 NMSA 1978.

(2) The Standards and Training Council shall be responsible for reviewing and clarifying the New Mexico Administrative Code (NMAC) and state statutes related to law enforcement and public safety telecommunicator training in Chapter 29 NMSA 1978.

(3) When the director, the academy, or any affected party within the scope of this rule requires clarification regarding the application of a statute or a provision in Title 10, Chapter 28 NMAC to a particular fact pattern, the party may submit a written request for clarification to the chair through the director or designee. The director, or designee, shall forward the written request to the chair without unreasonable delay.

(4) The chair, the vice-chair, and the director, or designee, together may render a preliminary clarification, convene the NMAC working group to handle the preliminary clarification, or consult with the New Mexico department of justice attorney assigned to support the standards and training council, as needed, to assist with the preliminary clarification.

(5) The preliminary clarification issued in writing by the chair, vice chair, or NMAC working group shall serve as the controlling standard until such time as the council convenes to discuss the issue.

(6) All preliminary clarifications of NMAC shall be reported to the council at the next regularly scheduled council meeting for a final decision. The council may ratify, overrule, revise the clarification, or direct the NMAC working group to make recommendations for revisions to NMAC.

G. Miscellaneous:

(1) In computing any period of time prescribed or allowed by these regulations, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday or Sunday or legal holiday, in which even the period runs until the end of the next day which is not a Saturday, Sunday, or legal holiday. For purposes of this rule, a legal holiday shall include any day in which state offices are closed for any consecutive period of three hours or more between 8:00 a.m. and 5:00 p.m.

(2) The academy will maintain a database of all certified law enforcement officers and public safety telecommunicators that will reflect a valid mailing address for each individual. It will be incumbent on each certified individual to provide the academy a current and valid mailing address for the purpose of council communications, notices of hearing, notices of action, and other official means of notification listed within the scope of this rule. Each certified law enforcement officer and public safety telecommunicator will provide notice of change of address in writing by use of the LEA 82A form within 30 days of any change of address. If an address change is due to termination, resignation, or retirement of a certified individual from a New Mexico public safety agency, the agency may provide a valid mailing address for the individual on the LEA-82 form. Reporting and notification to the academy of valid mailing address information is a requirement of certification maintenance and is the sole responsibility of the certified individual.

H. Open Meetings Act Requirements:

(1) Pursuant to Subsection D of Section 10-15-1 NMSA 1978 of the Open Meeting Act, the council will determine annually what constitutes reasonable notice of its public meetings, which shall be done in the form of a

resolution adopted annually pursuant to the Open Meetings Act and these rules.

(2) Notice:

(a) Regular meetings of the council shall ordinarily be held at least quarterly at a time and place designated in the notice. The agenda will be available from the director whose office is located at 4491 Cerrillos Road, Santa Fe, New Mexico. Notice of regular meetings will be given 10 days in advance of the meeting date.

(b) Special meetings of the council may be called by the chair with notice of at least 72 hours.

(c) Emergency meetings of the council are meetings called under circumstances that demand immediate action by the council. Although the council would avoid emergency meetings whenever possible, such circumstances may occasionally arise. Emergency meetings of the council may be called by the chair upon notice of at least 24 hours, unless shorter notice is necessary as authorized by the Open Meetings Act.

(3) Closed meetings: The council may close a meeting to the public if the subject matter of such discussion or action is subject to a listed exemption of the Open Meeting Act. If any council meeting is closed, such closure shall comply with the specific requirements described in the Open Meetings Act.
[10.28.1.8 NMAC - N,11/3/2026]

History of 10.28.1 NMAC: [RESERVED]

PUBLIC SAFETY, DEPARTMENT OF
LAW ENFORCEMENT STANDARDS AND TRAINING COUNCIL

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING
PART 2 DEFINITIONS

10.28.2.1 ISSUING AGENCY: New Mexico Law Enforcement Standards and Training Council, 4491 Cerrillos Road, Santa Fe, New Mexico 87507.
[10.28.2.1 NMAC - N, 11/3/2026]

10.28.2.2 SCOPE: All police officers, public safety telecommunicators, and law enforcement agencies in the state of New Mexico.
[10.28.2.2 NMAC - N, 11/3/2026]

10.28.2.3 STATUTORY AUTHORITY: Paragraph (1) of Subsection E of Section 29-7-4, NMSA 1978
[10.28.2.3 NMAC - N, 11/3/2026]2

10.28.2.4 DURATION: Permanent
[10.28.2.4 NMAC - N, 11/3/2026]

10.28.2.5 EFFECTIVE DATE: November 3, 2026, unless a later date is cited at the end of a section.
[10.28.2.5 NMAC - N, 11/3/2026]

10.28.2.6 OBJECTIVE: This part provides definitions for terms used in the rules in addition to those definitions in the Act for the New Mexico law enforcement standards and training council.
[10.28.2.6 NMAC - N, 11/3/2026]

10.28.2.7 DEFINITIONS:

A. "Absence" means a break in employment with a public safety agency as a full-time certified public safety telecommunicator.

B. "Academy" means the New Mexico law enforcement academy, which provides accredited basic, in-service, advanced, and certification-by-waiver training programs. The "academy" also refers to the entity responsible for the implementation and enforcement of rules established by the council, pursuant to Subsection A of Section 29-7-3 NMSA 1978 and Subsection E of Section 29-7-4 NMSA 1978.

C. "Accredited" refers to training that is recognized by the director as meeting required standards set by the law enforcement standards and training council. Accredited advanced training courses may be counted toward a law enforcement officer's or public safety telecommunicator's in-service training requirements.

D. "Advanced police training" or **"advanced training"** is police officer training beyond the basic law enforcement training program level and does not include mandated in-service training courses.

E. "Advanced public safety telecommunicator training" or **"advanced training"** is public safety telecommunicator training beyond the basic public safety telecommunicator training program level and does not include mandated in-service training courses.

F. "Agency" means a law enforcement or public safety agency recognized by the New Mexico law enforcement academy.

G. "Board" means the law enforcement certification board.

H. "Credentialed instructor" means meeting the training standards established by statute and rules as determined by the New Mexico law enforcement standards and training council to teach law enforcement officers and public safety telecommunicators in New Mexico. A credential is distinct from a certification or commission and may be issued to qualifying individuals regardless of current employment status or in-service training compliance. A credentialed instructor may be a state-certified law enforcement officer or public safety telecommunicator, including officers employed by a law enforcement agency, reserve police officers, or a duly elected sheriff. A credentialed instructor may also be a police administrator or other employee who works for a public agency within the criminal justice system. A currently employed, former, or retired law enforcement officer or public safety telecommunicator may be a credentialed instructor as long as that individual's state certification is not currently suspended or revoked by the law enforcement certification board.

I. "Council" means the law enforcement standards and training council.

J. "Director" means the director of the New Mexico law enforcement academy.

K "General instructor" means a credentialed general instructor who is authorized to teach generalized topics of instruction which would not otherwise require a specialized, technical, high-risk or master instructor credential.

L. "High-risk specializations" are topics that involve significant danger or risk of injury when learning, training, practicing or applying the skills in the course of one's duties.

M. "ICS" means incident command system.

N. "Instructor course" is any accredited advanced police or public safety telecommunicator training intended to further the individual's knowledge, skills, and abilities, beyond a basic level, for an instructor credential in the respective field.

O. "Master course" is any advanced police or public safety telecommunicator training intended to further the individual's knowledge, skills, and abilities beyond an instructor course. A master course allows an instructor to apply to the academy for a master instructor credential.

P. "Master instructor" is a credentialed instructor authorized to train instructor-level or train-the-trainer courses.

Q. "NHTSA" means the national highway traffic safety administration.

R. "Professional lecturer" means someone who is credentialed to teach law enforcement or public safety telecommunicators, but who is not an instructor as defined in 10.28.2.7 NMAC and who has subject matter expertise, academic credentials, licensing, or professional experience.

S. "Public safety agency" means a unit of state or local government, a special purpose district or a business that provides emergency medical services.

T. "Public safety telecommunicator" means an employee of a public safety agency who receives calls or dispatches the appropriate personnel or equipment in response to calls for police, fire or medical services, and makes decisions affecting the life, health, or welfare of the public or public safety agency employees.

U. "Regional satellite academy" (also known as "satellite academy") means an accredited regional law enforcement training facility that provides accredited basic, in-service, advanced, and certification-by-waiver training programs.

V. "Senior master instructor" is a master instructor who has achieved the highest level of teaching credential. A senior master instructor is authorized to teach a master instructor course.

W. "Separation" means a break in employment with a public safety agency as a full-time certified public safety telecommunicator or law enforcement officer after being employed for a minimum period of five years and having left the public safety agency in good standing.

X. "Specialized" means an instructor who has an additional credential that allows that instructor to teach specialized topics that require advanced training, experience, and skills beyond those that are taught in a basic law enforcement training program, a certification-by-waiver program, or a standard in-service curriculum. Specialized topics may also be designated as high-risk or technical specializations.

Y. "Sponsored" means that an agency attests that an applicant meets the qualifications and eligibility for training and certification.

Z. "Standardized statewide curriculum" means a course of instruction that is taught using the same council-approved curriculum throughout the state.

AA. "Technical specializations" are duties that require a level of expertise, certification, or licensure as established by the courts or a state or federal regulatory body. Technical topics do not involve a significant danger or risk of injury when learning, training, practicing or applying the skills in the course of one's duties.

BB. "Working group" means a subcommittee of the council or board that can review, develop, and refine matters within the authority of the council or board. It may include non-members who are subject-matter experts and a number of members that do not constitute a quorum.

[10.28.2.6 NMAC - N, 11/3/2026]

History of 10.28.2 NMAC: [RESERVED]

PUBLIC SAFETY, DEPARTMENT OF
LAW ENFORCEMENT STANDARDS AND TRAINING COUNCIL

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING
PART 3 FACILITIES

10.28.3.1 ISSUING AGENCY: New Mexico Law Enforcement Standards and Training Council, 4491 Cerrillos Road, Santa Fe, New Mexico 87505.

[10.28.3.1 NMAC - N, 11/3/2026]

10.28.3.2 SCOPE: All persons, agencies, public bodies, and institutions that request or receive training, facility use, equipment use, lodging, personnel services, or other services from the New Mexico law enforcement academy.

[10.28.3.2 NMAC - N, 11/3/2026]

10.28.3.3 STATUTORY AUTHORITY: Paragraph (1) of

Subsection E of Section 29-7-4 NMSA 1978
[10.28.3.3 NMAC - N, 11/3/2026]

10.28.3.4 DURATION: Permanent
[10.28.3.4 NMAC - N, 11/3/2026]

10.28.3.5 EFFECTIVE DATE: November 3, 2026, unless a later date is cited at the end of a section.
[10.28.3.5 NMAC - N, 11/3/2026]

10.28.3.6 OBJECTIVE: The purpose of part 3 is to establish guidelines for use of academy facilities, fees for use of facilities and services offered by the academy and procedures for their collection.
[10.28.3.6 NMAC - N, 11/3/2026]

10.28.3.7 DEFINITIONS: [RESERVED]
[10.28.3.7 NMAC - N, 11/3/2026]

10.28.3.8 USE OF FACILITIES

A. This section implements the provisions of Section 29-7-12 NMSA 1978 governing charges for training programs and the use of academy facilities, personnel, and equipment.

B. The following guidelines are established for use in connection with handling requests for the use of the academy, including but not limited to equipment and facilities for:

(1) Official state agencies and institutions for official purposes;

(2) Official county, city, or municipal agencies for official purposes and specifically to include the New Mexico municipal league and association of counties;

(3) The New Mexico sheriffs' and police officers' association;

(4) The New Mexico mounted patrol;

(5) The law enforcement standards and training council;

(6) The law enforcement certification board;

(7) Regional satellite academies;

(8) Other law enforcement-related associations or activities; and

(9) Other groups, agencies, and activities at the discretion of the director.

C. "Local public bodies" in this section refer to all political subdivisions of the state and their agencies, instrumentalities, and institutions, pursuant to Subsection E of Section 29-7-12 NMSA 1978.
[10.28.3.8 NMAC - N, 11/3/2026]

10.28.3.9 CHARGES

A. Basic law enforcement and public safety telecommunicator training programs.

(1) The academy shall not charge local public bodies or New Mexico Indian tribes or pueblos for any expenses associated with providing basic training programs.

(2) The academy may charge state agencies and institutions and federal agencies for the cost of providing basic training programs.

(3) The academy shall charge civilian participants for the cost of providing basic law enforcement training programs.

(4) Charges authorized by this subsection shall be established in the tuition and fee schedule promulgated by the council and shall not exceed the actual cost of providing the training program.

B. Advanced training programs, In-service, and Certification-By-Waiver.

(1) The academy may charge state agencies and institutions, local public bodies, New Mexico Indian tribes and pueblos, and federal agencies for the cost of providing these programs.

(2) The academy shall charge civilian participants for the cost of providing these programs.

(3) Charges authorized by this subsection shall be established in the tuition and fee schedule promulgated by the council and shall not exceed the actual cost of providing the training program.

C. Facilities, Personnel and Equipment.

(1) The academy may charge for the rental or other use of academy facilities, personnel, equipment, lodging, classrooms, training venues, ranges, driving tracks, or other academy resources.

(2) All charges shall be established in the tuition and fee schedule promulgated by the council.

(3) Charges shall not exceed the actual cost of the facility, personnel, equipment, or service provided.

D. Tuition and fee schedule.

(1) Charges may be assessed for the use of academy facilities, personnel, equipment, lodging, or related services in accordance with the tuition and fee schedule promulgated by the council.

(2) The director shall administer charges in accordance with the tuition and fee schedule approved by the council.

(3) Charges may be periodically revised by the council to reflect actual costs incurred by the academy.

(4) Charges shall not exceed the actual cost incurred by the academy. The academy shall provide current fee schedules and cost estimates upon request.

(5) Requests shall be made in writing to the director or designee. All requests are subject to availability.

(6) Any organization requesting services that are not utilized will be obligated to pay for all services requested unless written notification of cancellation is made at least five days prior to the date of services, unless otherwise contracted.

(7) The director or designee may cancel

the use of training center facilities 15 days prior to the scheduled date if circumstances warrant such cancellation, unless otherwise contracted.

(8) Money received by the academy for activities specified in this section shall be deposited in the law enforcement training and recruiting fund created pursuant to Subsection D of Section 29-7-12 NMSA 1978, which is administered by the Department of Public Safety and appropriated to the academy to offset operational costs.

[10.28.3.9 NMAC - N, 11/3/2026]

10.28.3.10 ACCOUNTS AND COLLECTIONS:

A. The department of public safety will submit invoices to each agency whose personnel have attended all or part of a basic or specialized training course. The notices of payment due will be mailed no later than seven days after the training course terminates.

B. If payment is not received within 30 days from the date of the invoice, the department of public safety will send a second notice by certified return-receipt mail to delinquent agencies.

C. If payment is still not received after 15 days from the mailing of the second notice, said debts will be referred to the proper authorities for collection. The academy may also refuse to accept or certify further personnel from such departments until all debts to the department of public safety are paid in full.

D. Payment in advance from continually delinquent agencies or departments or from those who have been referred for collection may be required at the discretion of the director.

[10.28.3.10 NMAC - N, 11/3/2026]

History of 10.28.3 NMAC: [RESERVED]

PUBLIC SAFETY, DEPARTMENT OF
LAW ENFORCEMENT STANDARDS AND TRAINING COUNCIL

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING
PART 4 REGIONAL SATELLITE ACADEMIES

10.28.4.1 ISSUING AGENCY: New Mexico Law Enforcement Standards and Training Council, 4491 Cerrillos Road, Santa Fe, New Mexico 87507.

[10.28.4.1 NMAC - N, 11/3/2026]

10.28.4.2 SCOPE: All law enforcement agencies and any other entities that operate a police academy or public safety telecommunicator academy in New Mexico. The scope of these rules also includes all training conducted by the academy.

[10.28.4.2 NMAC - N, 11/3/2026]

10.28.4.3 STATUTORY AUTHORITY: Paragraph (1) of Subsection E of Section 29-7-4 NMSA 1978

[10.28.4.3 NMAC - N, 11/3/2026]

10.28.4.4 DURATION: Permanent

[10.28.4.4 NMAC - N, 11/3/2026]

10.28.4.5 EFFECTIVE DATE: November 3, 2026, unless a later date is cited at the end of a section.

[10.28.4.5 NMAC - N, 11/3/2026]

10.28.4.6 OBJECTIVE: The purpose of Part 4 is to establish procedures for the implementation of a satellite academy program, also known as a regional satellite law enforcement training facility; to define the required content for such programs and to implement evaluation procedures to be utilized by the New Mexico law enforcement standards and training council.

[10.28.4.6 NMAC - N, 11/3/2026]

10.28.4.7 DEFINITIONS: [RESERVED]

[10.28.4.7 NMAC - N, 11/3/2026]

10.28.4.8 APPLICATION AND APPROVAL:

A. The New Mexico law enforcement standards and training council shall determine the maximum number of satellite academies that may be certified at any given time.

B. The academy shall conduct an administrative assessment to evaluate any proposal for a new regional satellite academy. The academy's formal accreditation process for a new regional satellite academy shall include an assessment of the proposed new regional satellite academy's ability to administer, manage, and sustain a training program that meets or exceeds the minimum training standards established by the council.

C. When the academy determines that the proposed new regional satellite academy's facilities, instructors, program management, and curriculum meet or exceed the standards and expectations established by the council, the director or designee shall present the proposal to the council for a vote to approve or deny the creation of a new regional satellite academy. The New Mexico law enforcement standards and training council shall evaluate the impact and need for an additional academy prior to approving a new regional satellite academy.

D. A council-approved satellite academy may not be sold, purchased, or transferred without council approval.

E. These procedures must be adhered to by all basic law enforcement, certification by waiver, and public safety telecommunicator academies for the training program to be approved for accreditation in accordance with the Law Enforcement Training Act.

[10.28.4.8 NMAC - N, 11/3/2026]

10.28.4.9 PROGRAM IMPLEMENTATION:

A. A satellite academy

must undergo an accreditation process to ensure that the facilities, instructors, program management, and curriculum meet or exceed the standards and expectations established by the New Mexico law enforcement standards and training council.

B. Initial accreditation will involve a detailed review to ensure that the satellite academy is equipped with the requisite facilities, staffing, infrastructure, and resources to operate a program that is comparable to the academy.

C. An accredited satellite academy will renew its accreditation every three years. A renewal will automatically be processed by the New Mexico law enforcement standards and training council, provided the academy has delivered at least three basic training programs during the previous three calendar years. If an academy has not done so, the director will review the academy's status and performance and make a recommendation to the council for re-accreditation. The director will publish a compliance manual for satellite academy accreditation.

D. For basic law enforcement training and certification by waiver academies, comparable training facilities for the below-listed proficiency areas must be available or contracted for by the requesting agency or instructor and approved by the director.

(1) Comparable driving track facility;

(2) Comparable firearms range facility; and

(3) Comparable obstacle/agility course facility.

E. Upon receipt of this information, a thorough evaluation will be made, and notification will be sent to the agency or institution advising of the director's decision. If the program is not accredited, the agency or institution will be notified, and recommendations will be provided, advising them of the program's deficiencies. Once these deficiencies have been corrected, the program will be examined again, and a notification will be sent regarding the final disposition.

F. Once accreditation is granted, the agency or institution can conduct the program with the assurance that the program is comparable to or exceeds the minimum standards of training as established by the New Mexico Law Enforcement Standards and Training Council.

G. There is no minimum or maximum number of students. However, an appropriate instructor-to-student ratio must be maintained. A low certification percentage, as determined by the New Mexico law enforcement standards and training council, may be grounds for non-renewal of academy accreditation.

H. The New Mexico law enforcement standards and training council will establish minimum guidelines for instructor and student conduct.

[10.28.4.9 NMAC - N, 11/3/2026]

10.28.4.10 PROGRAM REPORTING:

A. At least 45 days prior to the start date of a basic law enforcement training program, basic public safety telecommunicator training program, certification-by-waiver program, police training program, or public safety telecommunicator and satellite academy directors shall submit the following information for review and accreditation:

(1) Start date and estimated graduation date,

(2) Class schedule,

(3) Accreditation worksheet,

(4) An electronic copy of any additional classes, including lesson plans and handouts, as well as supplemental curriculum not included in the basic law enforcement training program, basic public safety telecommunicator training program, or certification-by-waiver program authorized by the council. This submission does not need to include the standard curriculum established by the council, only what will be taught beyond that standard curriculum.

(5) List of credentialed instructors and their assigned classes. Specialized high-risk topics that must be taught by instructors who are credentialed to teach those specialized topics. If a specialized instructor is required for a particular class, that specialized instructor must supervise any credentialed general instructors who assist in teaching that class.

B. No less than two weeks prior to the start date, a roster of students' full names, dates of birth, social security numbers, phone number, home address, email, and agency, and the complete application package for each student, including any required physical fitness assessment, psychological testing reports, and medical examination reports, shall be submitted to the academy, giving the academy time to ensure that the application packet is complete for accurate record keeping, unless the academy grants an exception for a particular applicant.

C. There is no minimum or maximum number of students. However, an appropriate instructor-to-student ratio must be maintained.

D. The New Mexico law enforcement standards and training council will establish minimum guidelines for instructor and student conduct.

E. The New Mexico law enforcement standards and training council will determine which academies are authorized to conduct basic law enforcement training, certification by waiver of previous training, and public safety telecommunicator training programs.

[10.28.4.10 NMAC - N, 11/3/2026]

10.28.4.11 PROGRAM COMPLETION: Upon completion of the training program, the regional satellite academy must provide the following information to the director prior to administration of the law

enforcement officer certification examination (LEOCE) or public safety telecommunicator certification examination (TCE).

A. Final student roster of graduating students, including any changes of address or other changes of personal status from what was originally submitted.

B. Final class schedule: with any changes to dates, times, and length of instruction;

C. Final list of instructors;

D. Test scores: Scores for each graded test, including any graded practical assessments, emergency vehicle operations scores, and firearms qualification scores, showing that the applicant met the standards for training as established by the council for the basic law enforcement training program, the basic public safety telecommunicator training program, or the certification by waiver program.

[10.28.4.11 NMAC - N, 11/3/2026]

10.28.4.12 LAW ENFORCEMENT OFFICER CERTIFICATION EXAMINATION (LEOCE)

A. Only students who graduate from the academy, an accredited regional satellite academy, or an accredited certification by waiver program will be eligible for the LEOCE.

(1) Students will be allowed two opportunities in which to pass the LEOCE within one year from the date of completion of the satellite program.

(2) Students who fail the exam two times must attend the academic portion of the certification by waiver of the previous training program prior to taking the exam a third time.

(3) Students who fail the test three times will be required to attend either the entire academy or an entire regional satellite academy again.

B. If a student does not secure a law enforcement position within one year from the date of passing the LEOCE, they will be required to attend an accredited certification-by-waiver program to obtain their certification.

C. Students who pass the LEOCE will be provided with a letter from the director with their test score.

D. The director shall submit an affidavit to the board attesting that the applicant graduated from the academy, an accredited regional satellite academy, or an accredited certification-by-waiver program; passed the LEOCE; and shall include any concerns the director has regarding whether the applicant meets the qualifications for certification under Section 29-7-6 NMSA 1978.

[10.28.4.12 NMAC - N, 11/3/2026]

10.28.4.13 PROGRAM MONITORING AND EVALUATION

A. The director or designee has the authority to visit the regional training program at any time to monitor and evaluate the training conducted to ensure that the program meets the established minimum standards of training.

B. The director or designee will investigate any reported information concerning the operation of the satellite academy and the delivery of training programs. At any time that information on program deficiency is verified, the director can request decertification of the satellite program through the New Mexico law enforcement standards and training council.

(1) The decertification procedures will require a written report on program deficiencies to the director of the satellite program, allowing for correction of noted deficiencies.

(2) If the corrections are not made to the director's satisfaction, decertification will be recommended to the New Mexico law enforcement standards and training council.

(3) All efforts will be made by the director and the satellite program director to resolve program deficiencies prior to initiation of any decertification proceedings.

(4) The satellite program director may appear before the New Mexico law enforcement standards and training council to defend against any program certification recommendations. Any decisions rendered by the council shall be final.

[10.28.4.13 NMAC - N, 11/3/2026]

History of 10.28.4 NMAC: [RESERVED]

PUBLIC SAFETY, DEPARTMENT OF
LAW ENFORCEMENT STANDARDS AND TRAINING COUNCIL

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING
PART 5 QUALIFICATIONS FOR ADMISSION TO THE ACADEMY

10.28.5.1 ISSUING AGENCY: New Mexico Law Enforcement Standards and Training Council, 4491 Cerrillos Road, Santa Fe, New Mexico 87507

[10.28.5.1 NMAC - N, 11/3/2026]

10.28.5.2 SCOPE: All law enforcement agencies and any other entities that operate a police academy in New Mexico. The scope of these rules also includes all training conducted by the academy.

[10.28.5.2 NMAC - N, 11/3/2026]

10.28.5.3 STATUTORY AUTHORITY: Paragraph 1 of Subsection E of Section 29-7-4 NMSA 1978

[10.28.5.3 NMAC - N, 11/3/2026]

10.28.5.4 DURATION: Permanent.

[10.28.5.4 NMAC - N, 11/3/2026]

10.28.5.5 EFFECTIVE DATE: November 3, 2026, unless a later date is cited at the end of a section.
[10.28.5.5 NMAC - N, 11/3/2026]

10.28.5.6 OBJECTIVE: The purpose of Part 5 is to establish qualifications for admission to the academy or a regional satellite academy.
[10.28.5.6 NMAC - N, 11/3/2026]

10.28.5.7 DEFINITIONS: [RESERVED]
[10.28.5.7 NMAC - N, 11/3/2026]

10.28.5.8 QUALIFICATIONS FOR ADMISSION TO AN ACADEMY:

A. Qualifications for police officer admission: Applicants may be rejected for admission to the academy or a regional satellite academy if, after investigation, it is determined that the applicant does not meet the following criteria:

(1) Is a citizen of the United States or has been authorized to work by the United States citizenship and immigration services, and has reached the age of majority;

(2) Holds a United States high school diploma or its equivalent;

(3) Holds a valid driver's license;

(4) Has not been convicted of or pleaded guilty to or entered a plea of nolo contendere to any felony charge, or within the three-year period immediately preceding their application, to any violation of any federal law or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances or other crime involving moral turpitude and has not been released or discharged under dishonorable conditions from any of the armed forces of the United States;

(5) After examination by a licensed physician, is free from any physical condition which might adversely affect their performance as police officers to prohibit them from successfully completing the prescribed basic law enforcement training required by the Law Enforcement Training Act;

(6) Is found, after examination by a certified psychologist, to be free of any emotional, cognitive, or mental condition which might adversely affect their performance as police officers or prohibit them from successfully completing prescribed basic law enforcement training required by the Law Enforcement Training Act;

(7) Is of good moral character;

(8) Has met any other requirements for certification prescribed by the board pursuant to regulations adopted by the board.

B. Status: For applicants to the academy, the director shall apprise applicants of their status and any deficiencies therein, in writing, as soon as possible. For applicants to a regional satellite academy, the regional satellite academy director shall inform applicants of their status and any deficiencies in writing as soon as possible. An applicant who disagrees with a decision regarding admission to the academy or a regional satellite academy, for reasons other than failing to pass a medical or psychological screening, may send a written request to the chair for consideration as a Meeting Agenda Item.

C. The director or satellite academy director reserves the right to dismiss an applicant who is not capable of participating in all aspects of the basic law enforcement training program.
[10.28.5.8 NMAC - N, 11/3/2026]

10.28.5.9 FINGERPRINT CLEARANCE FOR ADMISSION:

A. All New Mexico police officer and public safety telecommunicator applicants for certification must receive a fingerprint clearance from the department of public safety technical and emergency support division and the federal bureau of investigation.

(1) No applicant is allowed to be a certified police officer in New Mexico if the applicant has been convicted of, pled guilty to, or entered a plea of nolo contendere to any felony charge or, within the three-year period immediately preceding their application, to any violation of any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances, or other crime involving moral turpitude, and has not been released or discharged under dishonorable conditions from any of the armed forces of the United States, pursuant to Section 29-7-6 NMSA 1978.

(2) No applicant is allowed to be a certified public safety telecommunicator in New Mexico if the applicant has been convicted of, pled guilty to, or entered a plea of nolo contendere to any felony charge or, within the three-year period immediately preceding their application, to any violation of any federal or state law or local ordinance relating to aggravated assault, theft, or other crime involving moral turpitude, and has not been released or discharged under dishonorable conditions from any of the armed forces of the United States, pursuant to Section 29-7-6 NMSA 1978.

B. IDEMIA: Effective Monday, May 1, 2023, IDEMIA is the new fingerprint-supported background check provider.

C. Applicant registration/appointment scheduling: All applicants who require fingerprinting service must first register via the IDEMIA scheduling website by using the agency ORI, or applicant-type-specific ORI, and fingerprint reason. The website will collect all necessary personal data and allow appointment scheduling at one of the IdentGO® centers throughout the state of New Mexico. The link to the website is: https://www.nm.state.identgo.com .

D. Once registration is complete, the applicant will receive a Service Summary detailing their appointment time and the items they need to take to their appointment. For applicants who provide an e-mail address as their method of contact, this information is also e-mailed to the applicant at the personal e-mail address provided during registration.

E. LEA-5 Form: Once fingerprinting is completed, a LEA-5 Form (Fingerprint Affidavit) will be completed and submitted with the applicant's packet for admission to an academy.

[10.28.5.9 NMAC - N, 11/3/2026]

10.28.5.10 BASIC TRAINING; PSYCHOLOGICAL EXAMINATION:

A. Procedure:

(1) Prior to admission to training as a law enforcement officer in the state of New Mexico, it shall be necessary for each applicant to be examined by a licensed/certified psychologist who shall certify the individual's emotional and mental condition on a form prescribed by the director and entitled "mental examination certification".

(2) Private firms that administer psychological examinations for law enforcement officers shall be acceptable if, however, a qualified representative as stated in Paragraph (1) of Subsection A of 10.28.5.10 NMAC completes the appropriate form as prescribed by the director.

(3) The applicant shall also prepare and submit a form prescribed by the director and entitled "Psychological Statement of Applicant".

(4) False or incorrect statements in either form are grounds for denial of admission to an academy.

(5) Evaluations cannot be more than one year prior to the start date of the academy.

(6) The psychological evaluation/written report will be required to be attached to the LEA-4 form.

(7) The applicant shall not hold the privilege of obtaining the evaluation; evaluations are the property of the referring agency and shall be held in the strictest confidence. A self-sponsored applicant may hold the privilege of obtaining the evaluation; however, the original report must still be sent directly to the academy upon completion by the psychologist.

(8) If any information concerning psychological screening/evaluation is provided to the director for admission to the academy, the regional satellite academy director for admission to a regional satellite academy, or the person evaluating the applicant's suitability is found to be false or not truthful, the applicant may be refused enrollment.

(9) Applicant's failure of psychological examination must be reported to the academy within 30 days.

B. Screening process:

(1) Examiner standard: Pre-employment psychological testing shall be conducted by a licensed/certified psychologist. In the event that the psychologist lacks appropriate training in this area, he/she should seek supervision in accordance with the American Psychological Association's Ethical Standards and Code of Conduct.

(2) Overview of process: At a minimum, the pre-employment psychological testing process shall consist of the following:

(a) psychological testing;

(b) face-to-face interview, either in person or by virtual video, at the discretion of the examiner;

(c) written narrative report;

(d) completed New Mexico LEA-4 form; and

(e) informed consent/release of information form.

(3) Psychological testing: The pre-employment psychological testing shall include, at a minimum, testing across the following areas:

(a) a measure of reading ability such as the Wide Range Achievement Test (WRAT), the Nelson-Denny reading test, or other comprehensive measure that yields a grade-level score;

(b) a measure of psychopathology, such as the Minnesota Multiphasic Personality Inventory Second Revised Version (MMPI-2), the Personality Assessment Inventory (PAI), or the Millon-3; and

(c) a measure of normal personality functioning, such as the 16PF, the LEADER, or the Inwald personality inventory.

(4) Interview: The interview shall be conducted in-person by the licensed/certified psychologist in a face-to-face interview, either in person or by virtual video, at the discretion of the examiner. At a minimum, the interview will cover the following areas:

(a) a brief mental status exam;

(b) gather or review a social history, to include relevant information regarding early development, schooling, military service, job history, and potential problems or issues, such as drug and alcohol use, driving, fighting, domestic violence, and past critical life events;

(c) explore areas of judgment and reliability, such as impulse control, communication, appropriate use of force, social skills, common sense, and credit history; and

(d) any other aspects of personal development (i.e., medical history) that the examiner deems important.

(5) Written report: The report shall incorporate all information gathered in the interview and testing. Any clinically significant elevations in test scores shall be discussed and their impact upon job performance explored. The

examiner should address the ability of the candidate to perform the essential job functions, some of which may be unique to the sponsoring agency. If the candidate is not recommended, the report should enumerate which essential job functions he/she is incapable of performing.

(6) All psychologists performing pre-employment testing must conform to the guidelines of the American Psychological Association regarding storage of records.

C. Rejection of applicant and subsequent psychological evaluation within 12 months:

(1) In the event an applicant receives a psychological rejection a subsequent or additional psychological evaluation may be obtained. This evaluation must be requested within 30 days of the rejection.

(2) Any rejected applicant who does seek a second opinion may reapply to a New Mexico law enforcement agency 12 months from the signature date of the rejection.

(3) It is the responsibility of the licensed psychologist conducting the examination to inform the applicant of the basis for the rejection.

D. Second opinion: If a psychological test is failed, a second psychological opinion may be requested:

(1) The second opinion will be rendered by a New Mexico licensed psychologist chosen by the applicant or hiring agency.

(2) Psychologist will review all test data and other information that was available to the initial psychologist (i.e., background investigation and polygraph results).

(3) The second evaluation, at a minimum, will follow the guidelines for pre-employment evaluations as outlined by the academy. The psychologist may review the original test data and will use, at a minimum, one additional testing instrument for the second evaluation.

(4) Psychologist may request other information from the applicant, the agency, or the academy prior to conducting the evaluation.

(5) The cost of this evaluation will be borne by the agency or the applicant.

(6) If the applicant fails the second evaluation, the applicant may reapply to a New Mexico law enforcement agency 12 months from the signature date of the second opinion.

(7) If the applicant passes the second evaluation, the applicant's name will be removed from the list of failed applicants, and the applicant will be eligible to enroll in an academy or regional satellite academy.

[10.28.5.10 NMAC - N, 11/3/2026]

10.28.5.11 MEDICAL SELECTION GUIDELINES:

A. Authority: An applicant to the academy or a regional satellite academy must be examined by a licensed physician and be found to be free of any physical condition that might adversely affect his/her performance as a police officer or prohibit him/her from successfully completing a prescribed basic law enforcement training course.

B. Guidelines:

(1) Eyes and vision.

(a) Visual acuity - distant vision; uncorrected distant vision should be better than, or equal to, 20/100 (Snellen) binocular, and correctable to better than, or equal to, 20/30 (Snellen) binocular; distant vision correctable to better than, or equal to, 20/30 (Snellen) binocular. Preferred means of correction are soft contact lenses or shatterproof frames and lenses with headband.

(b) Visual acuity - near vision; near vision correctable to better than, or equal to, 20/40 (Snellen) binocular.

(c) Visual acuity - color vision; Correct reading of at least nine or more of the first 13 plates of the Ishihara test (24 plate edition). Recourse testing is available by means of the Farnsworth - Munsell 100-hue test.

(d) Visual acuity - depth perception; depth perception should be sufficient to demonstrate normal stereo depth perception with or without correction to the standard: 100 ARC seconds.

(e) Visual acuity - peripheral vision; Peripheral vision should be normal and not negatively impact a candidate's ability to perform essential tasks.

(f) Glaucoma - if the candidate meets visual acuity guidelines following treatment, then the condition is non-disqualifying.

(g) Strabismus - if the candidate meets visual acuity guidelines following surgery, then the condition is non-disqualifying.

(h) Cataracts, current - if the candidate meets visual acuity guidelines following treatment, the condition is non-disqualifying.

(i) Proliferative retinopathy - if the candidate meets visual acuity guidelines following treatment, the condition is non-disqualifying.

(j) Nystagmus or other extra-ocular movement - if the candidate meets visual acuity guidelines, then the condition is non-disqualifying.

(k) Monocular vision.

(l) Blindness, including night-blindness.

(m) Retinal detachment - if the candidate meets visual acuity guidelines following treatment, then the condition is non-disqualifying.

(n) Chronic keratitis - if the candidate meets visual acuity guidelines following treatment, then the condition is non-disqualifying.

(o) Optic neuritis - if the candidate meets

visual acuity guidelines following treatment, then the condition is non-disqualifying.

(2) Ears and hearing.

(a) Hearing acuity - the *average* hearing level (HL) at the test frequencies, 500, 1000, and 2000 Hz will not exceed 25dB in either ear, and no single hearing level will exceed 30 dB at any of these test frequencies in either ear. Hearing loss at 3000 Hz will not exceed 40 dB HL in either ear. Recourse testing of speech discrimination ability using phonetically balanced word lists in the presence of noise is available.

(b) Acute otitis media, otitis externa, and mastoiditis - if the candidate meets hearing acuity guidelines and the condition is under treatment, then the condition is non-disqualifying.

(c) Any inner/middle/outer ear disorder affecting equilibrium - if the candidate has historically had episodes of vertigo, he or she may require further evaluation.

(3) Nose, throat, and mouth - the conditions which follow are not meant to be exclusive. If the examining physician feels (an) other unstated condition(s) may adversely impact the ability of the candidate to perform the essential tasks of the job, it (they) should be noted for further evaluation.

(a) loss of sense of smell;

(b) aphonia, speech loss or speech defects; or

(c) deformities interfering with the proper fitting of a gas mask.

(4) Peripheral vascular system - the conditions which follow are not meant to be exclusive. If the examining physician feels (an) other unstated condition(s) may adversely impact the ability of the candidate to perform the essential tasks of the job, it (they) should be noted for further evaluation.

(a) Hypertension - resting blood pressure should be less than, or equal to, 140 mmHg systolic and 90mmHg diastolic on three successive readings. (If the candidate has controlled hypertension and is on medication with side effect profiles which do not interfere with performance of essential tasks then the condition may not be disqualifying.)

(b) Varicose veins - if the condition is serious enough to affect the candidate's ability to perform essential tasks, it should be noted.

(c) Venous insufficiency - if the condition is serious enough to affect the candidate's ability to perform essential tasks, it should be noted.

(d) Peripheral vascular diseases - if the condition is serious enough to affect the candidate's ability to perform essential tasks, it should be noted.

(e) Thrombophlebitis - if the condition is serious enough to affect the candidate's ability to perform essential tasks, it should be noted.

(5) Heart and cardiovascular system - the conditions which follow are not meant to be exclusive. If the examining physician feels (an) other unstated condition(s) may adversely impact the ability of the candidate to perform the essential tasks of the job, it (they) should be noted for further evaluation.

(a) Congenital heart disease - if the candidate's functional work capacity is unimpaired, then the condition is non-disqualifying.

(b) Valvular heart disease - if the candidate's functional work capacity is unimpaired, then the condition is non-disqualifying.

(c) Coronary artery disease.

(d) ECG abnormalities (*if associated with organic heart disease)* including, but not limited to:

(i) Wolff-Parkinson-White (WPW) syndrome.

(ii) ST depression.

(iii) right or left bundle branch blocks.

(iv) 3 degree A-V block.

(v) Mobitz type ii A-V blocks.

(vi) Sinoatrial block or sick sinus syndrome.

(vii) Ventricular extrasystoles *(frequent - 20/minute with exercise, 10/minute without exercise).*

(viii) Ventricular tachycardia.

(ix) Atrial fibrillation or flutter.

(x) Symptomatic supraventricular tachycardia.

(e) Angina.

(f) Congestive heart failure.

(g) Cardiomyopathy.

(h) Active pericarditis, endocarditis, and myocarditis.

(6) Respiratory system - The conditions which follow are not meant to be exclusive. If the examining physician feels (an) other unstated condition(s) may adversely impact the ability of the candidate to perform the essential tasks of the job, it (they) should be noted for further evaluation.

(a) Active pulmonary tuberculosis

(b) Chronic bronchitis.

(c) Active asthma - if satisfactorily treated, the condition is not disqualifying.

(d) Chronic obstructive pulmonary disease.

(e) Bronchiectasis and pneumothorax.

(f) Pneumonectomy.

(g) Acute/chronic mycotic diseases - Including, but not limited

to, coccidiodomycosis and histoplasmosis.

(7) Gastrointestinal system - The conditions which follow are not meant to be exclusive. If the examining physician feels (an) other unstated condition(s) may adversely impact the ability of the candidate to perform the essential tasks of the job, it (they) should be noted for further evaluation.

(a) Colitis - Including, but not limited to, Crohn's disease, ulcerative colitis, irritable bowel syndrome (symptomatic or needing medication), bacterial colitis. If satisfactorily treated, the condition is not disqualifying.

(b) Esophageal disorders - including, but not limited to, esophageal stricture, lower esophageal ring and esophageal spasm. If the candidate's condition is controlled, then the condition is non-disqualifying.

(c) Hemorrhoids - If the candidate's condition is controlled, then the condition is non-disqualifying.

(d) Pancreatitis.

(e) Gall bladder disorders.

(f) Active peptic ulcer disease.

(g) Symptomatic inguinal, umbilical, ventral, femoral, or incisional hernias.

(h) Malignant disease of the liver, gall bladder, pancreas, esophagus, stomach, small or large bowel, rectum or anus.

(i) Gastrointestinal bleeding - If the condition is satisfactorily treated, then it is not disqualifying.

(j) Active or chronic hepatitis.

(k) Cirrhosis of the liver.

(8) Genitourinary system - The conditions which follow are not meant to be exclusive. If the examining physician feels (an) other unstated condition(s) may adversely impact the ability of the candidate to perform the essential tasks of the job, it (they) should be noted for further evaluation. People with communicable diseases must be evaluated relevant to their ability to train for and perform essential tasks without posing a direct threat to the health and safety of themselves and others.

(a) Pregnancy - qualification of the candidate is dependent upon the stage of the pregnancy.

(b) Nephrectomy - If a candidate possesses this condition with normal renal functions, then the condition is non-disqualifying.

(c) Acute nephritis.

(d) Nephrotic syndrome.

(e) Acute renal/urinary calculi.

(f) Renal transplant.

(g) Renal failure.

(h) Hydrocele and varicocele (symptomatic).

(i) Malignant diseases of bladder, kidney, ureter, cervix, ovaries, breasts, prostate, etc.

(j) Active venereal diseases.

(k) Urinary tract infection.

(l) Polycystic kidney disease.

(m) Pelvic inflammatory disorders.

(n) Cervicitis.

(o) Endometriosis.

(p) Bartholin gland abscess.

(q) Vaginitis.

(r) Inflammatory disorders - including, but not limited to, prostatitis, orchitis, and epididymitis.

(s) Presence of illicit drugs.

(9) Endocrine and metabolic systems - The conditions which follow are not meant to be exclusive. If the examining physician feels (an) other unstated condition(s) may adversely impact the ability of the candidate to perform the essential tasks of the job, it (they) should be noted for further evaluation.

(a) Untreated thyroid disease.

(b) Diabetes mellitus.

(c) Adrenal dysfunction - including, but not limited to, Addison's disease and Cushing's disease.

(d) Hypoglycemia.

(e) Pituitary dysfunction.

(f) Thyroid tumor.

(10) Skin and collagen diseases - The conditions which follow are not meant to be exclusive. If the examining physician feels (an) other unstated condition(s) may adversely impact the ability of the candidate to perform the essential tasks of the job, it (they) should be noted for further evaluation.

(a) Serious dermatological disorders.

(b) Lupus erythematosus.

(c) Contact allergies (of a serious or relevant nature).

(11) Musculoskeletal system - The conditions which follow are not meant to be exclusive. If the examining physician feels (an) other unstated condition(s) may adversely impact the ability of the candidate to perform the essential tasks of the job, it (they) should be noted for further evaluation.

(a) Disorders that limit motor performance.

(b) Cervical spine or lumbosacral fusion.

(c) Degenerative cervical or lumbar disc disease (if symptomatic).

(d) Extremity amputation.

(e)
Osteomyelitis.

(f)
Loss in motor ability from tendon or nerve injury/surgery.

(g)
Arthritis - if a candidate possesses this condition with no functional impairment, then the condition is non-disqualifying.

(h)
Joint conditions - any condition which negatively impacts the ability of the candidate to perform essential tasks should be noted for further evaluation.

(i)
Coordinated balance.

(j)
Herniated disc (symptomatic).

(k)
Spinal deviations.

(l)
Fracture deformities (symptomatic).

(12)
Hematopoietic and lymphatic systems - The conditions which follow are not meant to be exclusive. If the examining physician feels (an) other unstated condition(s) may adversely impact the ability of the candidate to perform the essential tasks of the job, it (they) should be noted for further evaluation.

(a)
Anemia (all).

(b)
Polycythemia.

(c)
Sickle cell trait - sickle cell trait is a non-disqualifying condition.

(d)
Sickle cell disease.

(e)
Hematopoietic disorders (including malignancies).

(f)
Hemophilia.

(13) Nervous system - The conditions which follow are not meant to be exclusive. If the examining physician feels (an) other unstated condition(s) may adversely impact the ability of the candidate to perform the essential tasks of the job, it (they) should be noted for further evaluation.

(a)
Epilepsy.

(b)
Cerebral palsy.

(c)
Movement disorders.

(d)
Cerebral aneurysms.

(e)
Syncope.

(f)
Progressive neurological diseases - including, but not limited to, multiple sclerosis and Huntington's chorea.

(g)
Peripheral nerve disorder - including, but not limited to, polyneuritis, mononeuritis and neurofibromatosis.

(h)
Narcolepsy.

(i)
Cerebral vascular accident.

(j)
Central nervous system infections.
[10.28.5.11 NMAC - N, 11/3/2026]

History of 10.28.5 NMAC: [RESERVED]

PUBLIC SAFETY, DEPARTMENT OF
LAW ENFORCEMENT STANDARDS AND TRAINING COUNCIL

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING
PART 6 COURSE ACCREDITATION PROCEDURES

10.28.6.1 ISSUING AGENCY: New Mexico Law Enforcement Standards and Training Council, 4491 Cerrillos Road, Santa Fe, New Mexico 87507
[10.28.6.1 NMAC - N, 11/3/2026]

10.28.6.2 SCOPE: All persons, agencies, and organizations, whether public or private, that offer law enforcement training or public safety telecommunicator training and seek accreditation through the academy.
[10.28.6.2 NMAC - N, 11/3/2026]

10.28.6.3 STATUTORY AUTHORITY: Paragraph 1 of Subsection E of Section 29-7-4 NMSA 1978
[10.28.6.3 NMAC - N, 11/3/2026]

10.28.6.4 DURATION: Permanent
[10.28.6.4 NMAC - N, 11/3/2026]

10.28.6.5 EFFECTIVE DATE: November 3, 2026, unless a later date is cited at the end of a section.
[10.28.6.5 NMAC - N, 11/3/2026]

10.28.6.6 OBJECTIVE: The purpose of Part 6 is to establish guidelines for the submission and accreditation of law enforcement and public safety telecommunicator classes through the law enforcement academy.
[10.28.6.6 NMAC - N, 11/3/2026]

10.28.6.7 DEFINITIONS: [RESERVED]
[10.28.6.7 NMAC - N, 11/3/2026]

10.28.6.8 JUSTIFICATION AND AUTHORIZATION: The council will prepare guidelines to be used to evaluate proposed training. Such guidelines shall be updated as necessary by the council.
[10.28.6.8 NMAC - N, 11/3/2026]

10.28.6.9 COURSE ACCREDITATION PROCEDURES

A. The academy shall establish procedures for the submission and accreditation of law enforcement and public safety telecommunicator training classes. Accredited classes may be used to obtain and maintain law enforcement officer and public safety telecommunicator certification.

B. Any class that creates a standardized statewide curriculum shall be approved by the council.

C. When accrediting classes, the academy has the authority to review course materials to ensure that the curriculum includes learning objectives, a detailed lesson plan

describing the specific material the instructor intends to teach, citations to source materials supporting the course content, and alignment with any standardized statewide curriculum established or approved by the council.

D. Course materials, any testing material the instructor intends to use, and instructor information must be submitted to the academy no less than 30 days before the anticipated start of a class. This packet may be submitted by email, by registered mail with a return receipt, or by some other means that documents when the packet was sent to the academy.

E. If the academy denies the accreditation of a class, the academy shall communicate the reason in writing to the individual who submitted the class for accreditation.

F. The academy has 30 days to accredit or deny accreditation.

(1) If the academy has not accredited or provided a written denial of course accreditation within the 30-day period, the class may still be taught with the accreditation number being added retroactively once the class is accredited, as long as the class is taught 30 days or more after the submission date.

(2) If the academy denies an accreditation for a course that has been taught at or beyond the 30-day submission date, the instructor shall communicate in writing with each student within five business days after the class is denied.

(3) If the academy denies an accreditation for a course that has been taught at or beyond the 30-day submission date, and the instructor corrects the identified deficiencies, the course shall be accredited retroactively to the date of submission.

G. Any disagreement with an academy decision regarding course accreditation may be sent to the chair of the council as a request for consideration as a meeting agenda item.

H. The instructor can use any instructional modality, including but not limited to in-person training, online training, or a hybrid of in-person and online training, to teach a class, as long as the modality for teaching a particular class is not specifically required in statute. A course does not have to be reaccredited if the instructor changes the teaching modality during the period that the class is accredited, as long as the curriculum does not change.

I. Classes must be reaccredited every two years.

J. The academy shall make changes to any council-approved statewide curricula when the academy is notified of changes to state or federal law that affect a particular class. The academy shall provide this updated curriculum to instructors upon request. The academy shall notify the council of any and all changes made.
[10.28.6.9 NMAC - N, 11/3/2026]

History of 10.28.6 NMAC: [RESERVED]

PUBLIC SAFETY, DEPARTMENT OF
LAW ENFORCEMENT STANDARDS AND TRAINING COUNCIL

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING
PART 7 INSTRUCTOR CREDENTIALING

10.28.7.1 ISSUING AGENCY: New Mexico Law Enforcement Standards and Training Council, 4491 Cerrillos Road, Santa Fe, New Mexico 87507
[10.28.7.1 NMAC - N, 11/3/2026]

10.28.7.2 SCOPE: All law enforcement agencies in the state of New Mexico, the academy, regional satellite academies, and any person conducting law enforcement or public safety telecommunicator training in New Mexico.
[10.28.7.2 NMAC - N, 11/3/2026]

10.28.7.3 STATUTORY AUTHORITY: Paragraph 1 of subsection E of Section 29-7-4 NMSA 1978
[10.28.7.3 NMAC - N, 11/3/2026]

10.28.7.4 DURATION: Permanent
[10.28.7.4 NMAC - N, 11/3/2026]

10.28.7.5 EFFECTIVE DATE: November 3, 2026, unless a later date is cited at the end of a section.
[10.28.7.5 NMAC - N, 11/3/2026]

10.28.7.6 OBJECTIVE: The purpose of part 7 is to regulate the credentialing of instructors and professional lecturers who intend to teach law enforcement and public safety telecommunicators. Part 7 also includes requirements for advanced police certification beyond state certification.
[10.28.7.6 NMAC - N, 11/3/2026]

10.28.7.7 DEFINITIONS: [RESERVED]
[10.28.7.7 NMAC - N, 11/3/2026]

10.28.7.8 GENERAL INSTRUCTOR:

A. A general instructor may teach all topics in a basic law enforcement training program, certification by waiver program, or standard in-service curriculum, except for emergency vehicle operations, use of force, mechanics of arrest and control, DWI/SFST, and firearms.

B. A general instructor may assist specialized instructors who teach high-risk or technical topics, as long as they are working under the supervision and guidance of that specialized instructor.

C. An instructor who teaches at least one class in a required in-service topic, or a basic law enforcement training program class that covers a required in-service topic, meets the annual or biennium requirement for attending an in-service class in that topic.

D. To qualify for a general instructor credential, an applicant shall complete the instructor credential application and satisfactorily demonstrate to the director a combination of education and experience in criminal justice, as well as proficiency in the instructional process, and meet the following requirements:

(1) Applicants for general instructor must have acquired two years of job-related experience, calculated from the time of certification. Other employees within the criminal justice system who do not fall into the law enforcement or public safety telecommunicator categories must have three years of job-related experience, calculated from the time of hire. The two-year requirement may be waived by the director only upon written request with supporting documentation from the applicant, the agency head, or designee that attests to the applicant's training and experience being comparable to that of someone who has two years of experience in the intended area of instruction.

(2) Completion of an accredited instructor development course of at least 40 hours, or equivalent training as approved by the council.

E. Qualified applicants for a general instructor designation will be issued a credential for a period of four years.

F. A course evaluation will be completed by the students for each class.

G. All instructor credentials will require successful completion of an accredited instructor development refresher class of eight hours or more prior to the instructor applying to renew their instructor credential. An instructor with an expired instructor credential shall take an accredited instructor development refresher course to renew an instructor credential.

(1) To renew a general instructor credential, the applicant shall provide a written explanation demonstrating how they have maintained current knowledge in law enforcement or public safety telecommunications during the preceding four years. The explanation shall include any of the following: actively teaching law enforcement topics or public safety telecommunicator topics; continued employment or practice in the field; attending training related to law enforcement or public safety telecommunications; or engaging in current research related to law enforcement or public safety telecommunications.

(2) A master instructor or senior master instructor in instructor development who teaches either instructor development or the instructor development refresher, at least once during the four-year credential period does not need to attend an instructor development refresher course. To renew a credential, the applicant shall provide a written explanation demonstrating how they have maintained current knowledge in law enforcement or public safety telecommunications during the preceding four years. The explanation shall include any of the following: actively teaching law enforcement topics or public safety telecommunicator topics; continued employment or practice in the field; attending training related to law enforcement or public safety telecommunications; or engaging in current research related to law enforcement or public safety telecommunications.

(3) The master instructor or senior master instructor must be able to produce a roster and course evaluation(s) that show either teaching Instructor Development or Instructor Development Refresher at least once during the four-year credential period to avoid the requirement of attending the instructor development refresher class.

H. All instructor credential applications must be submitted to the academy no less than 30 days before the anticipated start of a class. Applications may be submitted by email, by registered mail with a return receipt, or by some other means that documents when the packet was sent to the academy.

(1) If the academy denies the application, the academy shall communicate the reason in writing to the individual who submitted the application.

(2) The academy has 30 days to issue or deny a credential.

(3) If the academy has not issued a credential or provided a written denial within the 30-day period, the class may still be taught with the instructor's credential being awarded retroactively to the date of submission, if the class is taught 30 days or more after the submission date.

(4) If the academy denies a credential application for a course that has been taught at or beyond the 30-day submission date, the instructor shall communicate in writing with each of the students that the instructor's credential has been denied within five business days of the class being denied.

(5) If the academy denies an instructor credential, and the instructor corrects the identified deficiencies, the credential shall be awarded retroactively to the date of submission.

I. Any disagreement with an academy decision regarding an instructor credential may be sent to the chair of the council as a request for consideration as a meeting agenda item.

[10.28.7.8 NMAC - N, 11/3/2026]

10.28.7.9 PROFESSIONAL LECTURER:

A. The director may give someone a credential as a professional lecturer in their formally recognized profession (e.g., medicine, law, psychology) who, by virtue of formal academic graduate degrees or professional experience, has developed special expertise in a subject area material to the presentation of criminal justice training or educational programs. To be eligible for a credential, an applicant shall:

(1) Be properly licensed or certified by a legally recognized state or national licensing body for the designated profession to actively engage in the designated profession or have retired in good standing. This requirement may be waived by the director upon written request if a license or certification does not exist for that profession;

(2) Have acquired a minimum of one year of practical experience in the designated profession and area of expertise; and

(3) Provide the following to the director for consideration:

(a) specify the professional subject area and training courses in which credential is requested.

(b) describe how both the applicant's academic and professional experience apply to the subject area and training courses for which the credential is requested.

B. Professional lecturer designation will be issued for a period of four years.

(1) A professional lecturer does not need to attend an academy-accredited instructor development class or instructor development refresher class to receive or renew a professional lecturer credential.

(2) To renew a professional lecturer credential, the applicant shall provide a written explanation demonstrating how they have maintained current knowledge of the topic they teach over the preceding four years. The explanation shall include any of the following: actively teaching the topic; continued employment or practice in a field related to the topic; attending training related to the field related to the topic; or engaging in current research within the field related to the topic.

C. A retired law enforcement officer or a retired public safety telecommunicator may choose to apply to be a professional lecturer instead of a credentialed instructor, provided that the officer or public safety telecommunicator meets the requirements to be a professional lecturer, and their certification is not currently suspended or revoked by the board.

D. A course evaluation will be completed by the students for each class.

E. All professional lecturer credential applications must be submitted to the academy no less than 30 days before the anticipated start of a class. Applications may be submitted by email, by registered mail with a return receipt, or by some other means that documents when the packet was sent to the academy.

(1) If the academy denies the application, the academy shall communicate the reason in writing to the individual who submitted the application.

(2) The academy has 30 days to issue or deny issuance of a credential.

(3) If the academy has not issued a credential or provided a written denial within the 30-day period, the class may still be taught with the professional lecturer's credential being awarded retroactively to the date of submission, if the class is taught 30 days or more after the submission date.

(4) If the academy denies a credential application for a course that has been taught at or beyond the 30-day submission date, the professional lecturer shall communicate in writing with each of the students that the professional lecturer's credential has been denied within five business days.

(5) If the academy denies a credential, and the professional lecturer corrects the identified deficiencies, the credential shall be awarded retroactively to the date of submission.

F. Any disagreement with an academy decision regarding a credential may be sent to the chair of the council as a request for consideration as a meeting agenda item.

[10.28.7.9 NMAC - N, 11/3/2026]

10.28.7.10 RECOGNIZED COLLEGE/UNIVERSITY EDUCATORS:

A. The director or satellite academy director may utilize an adjunct, assistant professor, associate professor, or professor who is employed at a New Mexico Higher Education Department (NMHED) recognized college or university.

B. This type of educator is defined as someone who has a master's degree or higher level of education and is employed by the institution to teach at the college level.

C. This type of educator may instruct any general instructor topic or specialized technical topics for which the educator has the training and experience to teach.

D. This classification of educator shall be recognized by the academy as holding a teaching credential equivalent to that of a credentialed instructor or professional lecturer, without the requirement to apply for a teaching credential.

E. The director and satellite academy directors shall follow reporting guidelines for these educators as outlined in 10.28.4.10 NMAC (Program Reporting) and 10.28.4.11 NMAC (Program Completion), consistent with procedures for reporting the use of credentialed instructors and professional lecturers.

[10.28.7.10 NMAC - N, 11/3/2026]

10.28.7.11 SPECIALIZED LAW ENFORCEMENT INSTRUCTOR:

A. To qualify for a specialized law enforcement instructor credential, an applicant shall be required to demonstrate to the director proof of skills, successful experience, and training in the related field for which they will be providing instruction, and must meet the following requirements:

(1) completion of a 40-hour instructor development course and possess the credential as a general instructor.

(2) minimum of two years of experience working in the area of specialization.

(3) Certificates of training in the specialized area may also be provided to the director for consideration as a substitute for the two-year minimum work experience requirement in the specialized field.

B. Instructors attending and completing a national highway traffic safety administration (NHTSA) driving while intoxicated and standardized field sobriety testing (DWI/SFST), or drug recognition expert (DRE) instructor course with the approval of the contract oversight committee of the department of transportation will not be required to attend and complete a 40 hour instructor training/development course, but may receive a limited instructor credential to teach only national highway traffic safety administration (NHTSA) approved courses in driving while intoxicated (DWI), standardized field sobriety testing (SFST) or drug recognition expert (DRE) courses and shall not permit the instructor to teach any other topics of instruction without completing a 40 hour general instructor training/development course.

C. Applicants for credential who have federal training or certifications, or who have training or hold credentials from another state that meets or exceeds the minimum instructor requirements for the state of New Mexico, may be considered by the director upon written request for specialized instructor status upon successful proof of skills and equivalency standards set forth in this section.

D. Qualified applicants for a specialized law enforcement instructor designation will be issued a credential for a period of four years.

E. A course evaluation will be completed by the students for each class.

F. The council shall have the authority to determine which topics are specialized beyond the basic academy curriculum that is common to all New Mexico law enforcement and public safety telecommunicator academies, as well as topics that are high-risk and technical specializations.

G. High-risk and technical specialization subject areas: The following list is a guide to help an applicant determine whether a specialized credential is required. This list is not all-inclusive:

(1) High risk: use of force; explosives; crisis intervention and negotiations; emergency vehicle operations; motorcycle operations; S.W.A.T. related topics; Mechanics of Arrest, Restraint, & Control (MARC); and firearms.

(2) Technical: accident reconstruction, crime scene reconstruction, hazardous materials, drone operations, Intoxilyzer, National Crime Information Center (NCIC).

H. Successful completion of an instructor development refresher class of at least eight hours shall serve as both a general instructor and a specialized instructor refresher when the instructor applies to renew their general and specialized instructor credentials, unless the standards and training council determines that a particular specialized instructor credential requires a specific refresher course to renew that credential.

(1) To renew a specialized instructor, master instructor, or senior master instructor credential in that specialized area, the applicant shall provide a written explanation demonstrating how they have maintained current knowledge in that specialized topic during the preceding four years. The explanation shall include any of the following: actively teaching the specialized topic, continued employment or practice in a field related to the specialized topic, attending training related to the specialized topic, or engaging in current research on the specialized topic.

(2) A specialized instructor update class fulfills the requirement for renewal of a specialized instructor credential.

I. Renewal of a firearms instructor, MARC instructor, or use of force instructor credential shall require successful completion of an accredited specialized instructor update class in that high-risk specialty every four years. The content of the update shall include, at a minimum, any new rules, laws, tactics, techniques, and procedures taught in the academy, ensuring continuity between academy and post-academy training.

(1) A master instructor or senior master instructor in the high-risk topics that require an update, who teaches that high-risk topic, or the update for that high-risk topic, at least once during the four-year credential period, does not need to attend an update class for that same high-risk topic.

(2) The master instructor or senior master instructor must be able to produce a roster and course evaluation(s) that show either teaching the high-risk topic or the high-risk topic update at least once during the four-year credential period to avoid the requirement of attending an update in that particular high-risk topic.

J. All specialized instructor credential applications must be submitted to the academy no less than 30 days before the anticipated start of a class. Applications may be submitted by email, by registered mail with a return receipt, or by some other means that documents when the packet was sent to the academy.

(1) If the academy denies the application, the academy shall communicate the reason in writing to the individual who submitted the application.

(2) The academy has 30 days to issue or deny issuance of a credential.

(3) If the academy has not issued a credential or provided a written denial within the 30-day period, the class may still be taught with the instructor's credential being awarded retroactively to the date of submission, if the class is taught 30 days or more after the submission date.

(4) If the academy denies a credential application for a course that has been taught at or beyond the 30-day submission date, the instructor shall communicate in writing with each of the students that the instructor's credential has been denied within five business days.

(5) If the academy denies an instructor credential, and the instructor corrects the identified deficiencies, the credential shall be awarded retroactively to the date of submission.

K. Any disagreement with an academy decision regarding an instructor credential may be sent to the chair of the council as a request for consideration of a meeting agenda item.

[10.28.7.11 NMAC - N, 11/3/2026]

10.28.7.12 MASTER INSTRUCTOR:

A. To qualify for a master instructor credential, an applicant shall be required to demonstrate to the director proof of skills, successful experience, and training in the related field for which they will be training new instructors, and must meet the requirements in either subsection one or two:

(1) Complete a minimum of two years as a credentialed general instructor, specialized instructor, or professional lecturer in the same subject area as the request for master instructor credential; and must show rosters and student evaluations from at least five training classes as an instructor in the same subject area; and complete an instructor-trainer course, train-the-trainer course or master instructor course (or what other term is used to describe a course that qualifies a person to train instructors) in the same subject area for which the credential is requested; or,

(2) Complete at least one four-year period as a credentialed instructor in the particular subject area; and attend additional advanced training courses in the same subject area for at least half the number of hours as the original instructor-level credential course; and must show rosters and student evaluations from at least 10 training classes as an instructor in the same subject area. Attending refresher training classes in these subject areas does not count as additional advanced training hours that can be counted toward a master instructor credential.

(3) To renew a credential, the applicant shall provide a written explanation demonstrating how they have maintained current knowledge in law enforcement or public safety telecommunications during the preceding four years. The explanation shall include any of the following: actively teaching law enforcement topics or public safety telecommunicator topics; continued employment or practice in the field; attending training related to law enforcement or public safety telecommunications; or engaging in current research related to law enforcement or public safety telecommunications.

B. If specific rosters and course evaluations are not available for individual classes taught within the basic law enforcement training program at the academy, a regional satellite academy, or any certification-by-waiver program, the director or regional satellite academy director responsible for that academy or certification-by-waiver program may provide a letter attesting to the instructor's involvement in teaching the class. In that letter, the director or regional satellite academy director must cite the specific class that the instructor taught or helped to teach, the date(s) of the class, and any positive or negative feedback received from students about that instructor.

C. A master instructor may provide instruction at any level within their credentialed subject area, including basic or academy-level training, advanced or in-service training, and instructor-level courses.

D. A course evaluation will be completed by the students for each class.

E. All master instructor credential applications must be submitted to the academy no less than 30 days before the anticipated start of a class. Applications may be submitted by email, by registered mail with a return receipt, or by some other means that documents when the packet was sent to the academy.

(1) If the academy denies the application, the academy shall communicate the reason in writing to the individual who submitted the application.

(2) The academy has 30 days to issue or deny issuance of a credential.

(3) If the academy has not issued a credential or provided a written denial within the 30-day period, the class may still be taught with the instructor's credential being awarded retroactively to the date of submission, if the class is taught 30 days or more after the submission date.

(4) If the academy denies a credential application for a course that has been taught at or beyond the 30-day submission date, the instructor shall communicate in writing with each of the students that the instructor's credential has been denied within five business days.

(5) If the academy denies an instructor credential, and the instructor corrects the identified deficiencies, the credential shall be awarded retroactively to the date of submission.

F. Any disagreement with an academy decision regarding an instructor credential may be sent to the chair of the council as a request for consideration as a meeting agenda item.

[10.28.7.12 NMAC - N, 11/3/2026]

10.28.7.13 SENIOR MASTER INSTRUCTOR: To qualify for a senior master instructor credential, an applicant shall be required to demonstrate to the director proof of skills, successful experience, and training in the related field for

which they will be training new master instructors, and must meet the following requirements:

A. Complete at least one four-year period as a credentialed master instructor in the same subject area; and provide rosters and student evaluations from at least 10 training classes as the instructor or master instructor in the same subject area.

B To renew a credential, the applicant shall provide a written explanation demonstrating how they have maintained current knowledge in law enforcement or public safety telecommunications during the preceding four years. The explanation shall include any of the following: actively teaching law enforcement topics or public safety telecommunicator topics; continued employment or practice in the field; attending training related to law enforcement or public safety telecommunications; or engaging in current research related to law enforcement or public safety telecommunications.

C. If specific rosters and course evaluations are not available for individual classes taught within the basic law enforcement training program at the academy, a regional satellite academy, or any certification-by-waiver program, the director or regional satellite academy director responsible for that academy or certification-by-waiver program may provide a letter attesting to the instructor's involvement in teaching the class. In that letter, the director or regional satellite academy director must cite the specific class that the instructor taught or helped to teach, the date(s) of the class, and any positive or negative feedback received from students about that instructor.

D. All senior master instructor credential applications must be submitted to the academy no less than 30 days before the anticipated start of a class. Applications may be submitted by email, by registered mail with a return receipt, or by some other means that documents when the packet was sent to the academy.

(1) If the academy denies the application, the academy shall communicate the reason in writing to the individual who submitted the application.

(2) The academy has 30 days to issue or deny issuance of a credential.

(3) If the academy has not issued a credential or provided a written denial within the 30 day period, the class may still be taught with the instructor's credential being awarded retroactively to the date of submission, if the class is taught 30 days or more after the submission date.

(4) If the academy denies a credential application for a course that has been taught at or beyond the 30-day submission date, the instructor shall communicate in writing with each of the students that the instructor's credential has been denied within five business days.

(5) If the academy denies an instructor credential, and the instructor corrects the identified deficiencies, the credential shall be awarded retroactively to the date of submission.

E. Any disagreement with an academy decision regarding an instructor credential may be sent to the chair of the council as a request for consideration as a meeting agenda item.

[10.28.7.13 NMAC - N, 11/3/2026]

10.28.7.14 REVOCATION OF INSTRUCTOR CREDENTIAL:

A. The director may revoke or suspend any instructor's credential on the grounds that the instructor:

(1) failed to meet minimum standards;

(2) lacked the ability to effectively communicate or instruct in the academy setting; or

(3) had their police officer or public safety telecommunicator certification suspended or revoked.

B. The satellite academy director or instructor's employer may request action on an instructor credential by submitting the request to the director in writing and including all supporting documentation. The director may initiate an action for instructors teaching at the academy.

C. The director shall take all necessary steps to review the matter.

(1) The director has 30 days to make a determination regarding the suspension or revocation of the credential.

(2) The director shall communicate the decision in writing to both the requesting agency and the instructor.

D. Any disagreement with the director's decision regarding an instructor credential may be sent to the chair of the council as a request for consideration as a meeting agenda item.

[10.28.7.14 NMAC - N, 11/3/2026]

10.28.7.15 POLICE OFFICER ADVANCED CERTIFICATION:

The academy awards advanced certification credit for approved training beyond the basic level. An applicant must submit a completed application packet containing copies of all training certificates and other supporting documentation. Applications should be submitted only after the required number of hours has been accrued. Individual certificates will not be processed unless they are attached to an application for a specific certification level. Advanced certifications are ranked from intermediate to executive and are only awarded if the criteria for the previous level(s) of certification have been met.

A. Advanced certification criteria and guidelines:

(1) Intermediate (minimum of 200 cumulative hours required): two years' experience, non-probationary status at time of application, and 200 cumulative hours of advanced police training (beyond basic and maintenance training).

(2) Advanced (minimum of 400 cumulative hours required): four years' experience,

non-probationary status at time of application, and 400 cumulative hours of advanced police training or formal education (beyond basic and maintenance training) approved by the director.

(3) First-line supervisor (minimum of 500 cumulative hours required): must have held a rank of corporal or sergeant with one year in rank and completion of a first-line supervisor course (40 hours minimum).

(4) Command (minimum of 700 cumulative hours required): must have held the rank of lieutenant with one year in rank and 100 hours of management training or formal education approved by the director.

(5) Executive (minimum of 800 cumulative hours required): must have held the rank of chief, assistant chief, sheriff, undersheriff, director, or deputy director with one year in rank, or majors and captains who report directly to the department head and have one year in rank; and 200 cumulative hours of management or administrative training or formal education approved by the director.

B. Criteria for cumulative credit calculations:

(1) Certificate criteria: The academy will accept certificates of completion for credit toward an advanced certificate.

(2) College course credit: College courses will receive the credit ratio of 15 advanced certification hours for each credit hour up to a maximum of 400 advanced hours. College course credits apply only to advanced-level certification and above. Official copies of college transcripts are required. Credit hours may be awarded only for college courses related to law enforcement.

(3) Military course credit: Military advanced-level courses related to law enforcement and approved by the director can be used for credit towards advanced level certification and above at an hourly ratio of one-to-one. Training hours and dates must be noted on the training certificate for credit or on an official training transcript.

(4) In-service training: academy-approved in-service training will be accepted based upon the approved course hours. Mandated training required to maintain police officer certification or instructor credential will not be credited towards advanced certifications. In-service training will be accepted only upon providing evidence that a test was administered and passed, or a certificate of completion was issued.

(5) Rank requirements: Certificates at the first-line supervisor level and above require that the prerequisite rank or title was held for a minimum period of at least one year prior to the date of the application. Documentation indicating date(s) of promotion must be included with the application packet. Non-traditional rank designations will be reviewed for equivalency to ranks designated for applicable certificates.

(6) Out-of-state certificates: Only course certificates clearly indicate the hours and dates of training received will be accepted.

[10.28.7.15 NMAC - N, 11/3/2026]

History of 10.28.7 NMAC: [RESERVED]

PUBLIC SAFETY, DEPARTMENT OF
LAW ENFORCEMENT STANDARDS AND TRAINING COUNCIL

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING
PART 8 LAW ENFORCEMENT TRAINING

10.28.8.1 ISSUING AGENCY: New Mexico Law Enforcement Standards and Training Council, 4491 Cerrillos Road, Santa Fe, New Mexico 87507
[10.28.8.1 NMAC - N, 11/3/2026]

10.28.8.2 SCOPE: Applies to all law enforcement-certified police officers in the state of New Mexico, all law enforcement agencies in the state of New Mexico, and all applicants for police officer certification by waiver of basic training and all law enforcement agencies in the state of New Mexico.
[10.28.8.2 NMAC - N, 11/3/2026]

10.28.8.3 STATUTORY AUTHORITY: Paragraph (1) of Subsection E of Section 29-7-4 NMSA 1978
[10.28.8.3 NMAC - N, 11/3/2026]

10.28.8.4 DURATION: Permanent
[10.28.8.4 NMAC - N, 11/3/2026]

10.28.8.5 EFFECTIVE DATE: November 3, 2026, unless a later date is cited at the end of a section.
[10.28.8.5 NMAC - N, 11/3/2026]

10.28.8.6 OBJECTIVE: The purpose of Part 8 is to establish minimum standards of training for police officer certification, establish training requirements and eligibility standards for police officers who seek certification by waiver of basic training under Section 29-7-10 NMSA 1978, and establish in-service training requirements for certified police officers and certified public safety telecommunicators.
[10.28.8.6 NMAC - N, 11/3/2026]

10.28.8.7 DEFINITIONS: [RESERVED]
[10.28.8.7 NMAC - N, 11/3/2026]

10.28.8.8 POLICE OFFICER MINIMUM STANDARDS OF TRAINING:

A. The standards and training council shall approve the minimum standards of training for the academy's basic law enforcement training program and certification-by-waiver program. This curriculum shall be the standard curriculum for

all regional satellite academies and certification-by-waiver programs. The LEOCE shall be based on this standard curriculum. The academy and regional satellite academies may add additional content to the standard curriculum, as long as that content is accredited. The additional content may not replace the standard curriculum unless that part of the curriculum conflicts with state or federal law and has not yet been formally updated by the academy.

B. The academy is responsible for ensuring that curriculum for the basic law enforcement training program and certification-by-waiver program is updated and includes current practices. The council may direct the academy to use outside experts to develop these curricula. The council may direct the academy to use outside experts to update and maintain some or all of these curricula.

C. The basic law enforcement training program shall include current practices in the following topics:

(1) A minimum of 16 hours of training shall be in safe initiation and conduct of high-speed pursuits to Section 29-20-3 NMSA 1978.

(2) A topic of training shall be domestic abuse incident training pursuant to Section 29-7-4.1 NMSA1978**.**

(3) A minimum of two hours of training shall be in the detection, investigation, and reporting of a crime motivated by hate pursuant to Subsection B of Section 31-18B-5 NMSA 1978.

(4) Training in the investigation of driving while intoxicated (DWI), which includes, but is not limited to NHTSA-approved standardized field sobriety testing (SFST) protocols.

(5) A topic of training shall be in ensuring child safety upon arrest pursuant to Section 29-7-7.3 NMSA 1978.

(6) A topic of training shall be child abuse incident training pursuant to Section 29-7-4.2 NMSA 1978**.**

(7) A minimum of 4 hours shall be in missing persons and AMBER alert training pursuant to Section 29-7-7.4 NMSA 1978.

(8) A minimum of 40 hours of training shall be in the interaction with persons with mental impairment training pursuant to Section 29-7-7.5 NMSA 1978.

(9) A topic of training shall be in crisis management and intervention; dealing with individuals who are experiencing mental health issues; methods of de-escalation; peer-to-peer intervention; stress management; racial sensitivity; reality-based situational training; and use of force training that includes the elimination of vascular neck restraints pursuant to Section 29-7-4.4 NMSA 1978, Section 29-7D-2 NMSA 1978, Section 29-7D-3 NMSA 1978, Section 29-7D-4 NMSA 1978, and Section 29-7D-5 NMSA 1978.

(10) A topic of training shall be tourniquet and trauma kit training pursuant to Section 29-7-7.7 NMSA 1978.

(11) A topic of training shall be legal training to include New Mexico state statutes and state and federal case law.

D. Physical fitness entrance and exit examinations

(1) The physical fitness entrance examination shall be administered no earlier than 45 days prior to the start date of the academy.

(2) Fitness standards for basic police officer training academy entrance and exit standards. All entrance times were set by the NMLEA Board on September 3, 2014, with the altitude adjustment adopted by the NMLEA Board on June 8, 2016. Physical fitness testing standards:

>6000' + 40 sec adj.	**Entrance Standard**	**Exit Standard**
1.5 Mile run	15:54	14:15
300 Meter	71.0 sec	64
Sit-ups (1 min)	27	37
Push-ups (1 min)	15	25
<6000'	**Entrance Standard**	**Exit Standard**
1.5 Mile run	15:14	13:45
300 Meter	71.0 sec	64
Sit-ups (1 min)	27	37
Push-ups (1 min)	15	25

*20-minute mandatory rest period between the 1.5-mile run and the 300-meter run.

(3) Sit-ups: The student starts by lying on their back, knees bent, heels flat on the floor, fingers placed behind the ears. The partner holds the feet down firmly. In the up position, the student should bring the elbows to the knees, then return to the floor until the shoulder blades touch the floor. Any resting should be done in the up position. No rocking hips. If fingers become unlaced, adjustment must be made in the up position.

(4) Push-ups: The hands are placed about shoulder-width apart. The administrator or partner places a fist on the floor below the student's chest at the midpoint of the sternum (unless a male is testing a female). Starting from the up position (elbows fully extended), the student must keep the back straight at all times (no swayback or elevated hips) and lower their body to the floor until the chest touches the administrator's fist. The student then returns to the up position. Any resting should be done in the up position. Modified push-ups are no longer optional for female applicants. All applicants are required to perform standard push-ups as described in (a) and (b) above.

D. Exit job-specific agility course standard:

(1) Course #1: officer starts seated in their vehicle, hands on the steering wheel with seatbelt in use and wearing a 10-pound weight belt or vest around the waist to simulate a gun belt. As the timed exercise begins, the officer will:

(a) release seatbelt and open vehicle door;

(b) run 30 feet and open building door;

(c) cross the four-foot threshold, run up two flights of stairs, and pause for 60 seconds. (rise and run of seven inches by 11 inches is standard; eight inches by 10 inches or six inches by 12 inches are acceptable. Standard floor landings are 10 feet high.) If only one floor is available, it is acceptable to run up, run down, run up, and pause for 60 seconds. After 60 seconds, run down the stairs and out the door. There is no restriction on how the officer negotiates the stairs; however, both feet must contact the top and bottom stair.

(d) run 100 feet from the door to a five-foot-high platform, run up steps, ladder, or ramp to the top of the platform, and jump down.

(e) run 37 and one-half feet, turn and reverse touching the ramp, run 25 feet to a six-foot-high wall and scale it. The wall is constructed of unpainted cinder block with a smooth top. If the applicant chooses, they may drag a rigid aid or object 10 feet from the side of the wall and use it to scale the wall. The rigid object will have handles, a flat top, weigh 50 pounds, and be 25 inches tall.

(f) after scaling the wall, run 50 feet to a handcuff/arrest simulator, put arms down, touch ends, and hold for 60 seconds. The arrest simulator is five feet high with 60 pounds of resistance in the right arm and 40 pounds in the left arm.

(g) end exercise. The passing score is three minutes and five seconds.

(2) Course #2: Officer starts from a standing position wearing a 10-pound weight belt or vest around waist to simulate a gun belt. As the timed exercise begins, the officer will:

(a) run 30 feet straight ahead and jump across a four-foot-wide barrier. The barrier is low to the ground (e.g., a ditch or highway divider).

(b) run 12 and one-half feet, and climb, jump, or hurdle over a three-foot-high barrier. The barrier is to resemble a fence or low wall, no more than four inches wide and at least eight feet long, made of metal or wood.

(c) run 12 and one-half feet to the back of a vehicle, equivalent to a full-sized police vehicle and push it 30 feet on a flat surface in the direction of a clear area where a victim extraction will take place. The car is occupied by a dummy (victim) wearing a seatbelt and weighing 190 pounds plus or minus 10 pounds. The dummy must meet standards established by the council.

(d) approach the victim's door; open the door; undo the seatbelt; pull the victim out of the vehicle and drag them 20 feet perpendicular to the direction of the vehicle.

(e) both officer and dummy (victim) must completely cross the finish line to end the exercise.

(f) end exercise. The passing score is 42 seconds.

[10.28.8.8 NMAC - N, 11/3/2026]

10.28.8.9 BASIC TRAINING; STUDENT HANDBOOK, PROCEDURES AND REGULATIONS:

Due to the need to ensure that students attending the academy comply with rules and regulations, the director is hereby instructed to prepare a handbook covering student rules and regulations, policies, and procedures. Such handbooks shall be updated as necessary, and when applicable, changes shall be reported to the standards and training council at its next regularly scheduled meeting.

[10.28.8.9 NMAC - N, 11/3/2026]

10.28.8.10 POLICE OFFICER REGISTRY REPORTING:

A. Reporting requirements:

(1) Employment, termination, or conviction of any felony charge or violation of any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances, or other crime involving moral turpitude of all peace officers in the state of New Mexico must be reported to the academy within 30 days of such action.

(2) Required reporting forms shall be established by the director.

(3) The New Mexico law enforcement standards and training council may notify the department and the state treasurer to withhold the distribution of the law enforcement protection fund to any governmental entity that has failed to submit required reports to the council as provided in Section 29-7-7.2 NMSA 1978 or that employs law enforcement officers who have failed to submit proof of completion of required in-service law enforcement training as required in Section 29-7-7.1 NMSA 1978.

(4) In order to protect the lives and safety of the officer involved, any law enforcement agencies employing undercover officers may indicate, in writing, a desire to protect the officer's identity. If such an indication is made, the officer's name shall not appear in the general office registry. Their name and other information requested shall, however, be furnished to the academy.

B. Registry requirements:

(1) An applicant for training or for certification, or his department, must submit the Agency Employment

Action Form (LEA 82) to the academy within 30 days of the initial hire date for said applicant.

(2) Non-compliance with the 30-day employment action requirement will result in assignment to class after completion of all other requirements herein on a space-available basis only - no special consideration will be given to the applicant, and the applicant must have his/her commission suspended if he/she exceeds one year from the initial hire date.

(3) No applicant shall be admitted to the academy or regional satellite academy after one year of the initial hire date unless the applicant and their chief, sheriff, or agency head certify:

(a) that he was suspended from duty as a law enforcement officer and their commission revoked within one year of their initial hire date; and

(b) that the department will reinstate the officer based on their successful completion of the basic training course and certification by the New Mexico Law Enforcement Certification Board.

(4) The academy or regional satellite academy where the applicant plans to attend shall be notified of any change in the medical or psychological condition of the applicant prior to their admission or certification.

(5) Applicants who falsify any information on their application for admission or certification will not be considered for admission or certification.

[10.28.8.10 NMAC - N, 11/3/2026]

10.28.8.11 BASIC TRAINING; ENTRY LEVEL AND REQUALIFICATION FIREARMS TRAINING:

A. Entry-level handgun standards: The entry-level officer category includes any officer who is newly hired and has not previously received academy-level training. Prior to carrying a handgun on or off duty, all entry-level noncertified officers working in a law enforcement capacity prior to the academy shall receive a minimum of sixteen (16) hours of instruction in the following areas:

(1) Safety

(a) on/off duty

(b) range

(2) Legal aspects

(a) state statutes

(b) use of force policy

(c) departmental policy

(d) civil liability considerations

(3) Mental conditioning and awareness training

(4) Weapons care and cleaning

(a) nomenclature

(b) weapons operation

(c) disassembly/cleaning

(5) Marksmanship fundamentals

(a) stance

(b) grip

(c) sight alignment

(d) sight picture

(e) breath control

(f) trigger control

(g) follow through

(6) Weapon manipulation:

(a) draw and presentation

(b) reloading techniques

(c) aimed pairs

(d) failure drills

(e) malfunction clearance techniques

(f) use of cover

(g) shooting positions

(h) night shooting techniques

(7) Range training and testing

(a) practical (non-shooting skills training)

(b) live-fire manipulation drills (minimum 130 rounds)

(c) decisional shooting (minimum 20 rounds), with a minimum of three scenarios, including shoot/don't shoot scenarios and multiple assailants.

(d) handgun qualification eighty percent or greater (minimum 75 rounds);

(i) 50-round day qualification (see specific course);

(ii) 25-round night qualification (see specific course);

B. Entry-level shotgun/rifle standards: The entry-level officer category includes any officer who is newly hired and has not previously received academy-level training. Prior to carrying a shotgun/rifle, all entry-level noncertified officers working in a law enforcement capacity prior to the academy shall receive a minimum of eight hours of instruction in the following areas, in addition to Entry Level Handgun Standards training above:

(1) Safety

(a) on/off duty

(b) range

(2) Legal aspects

(a) use of force policy

(b) departmental policy

(3) Weapons care and cleaning

(a) nomenclature

(b) weapons operation

(c) disassembly/cleaning

(4) Weapon manipulation

(a) low/high ready

(b) sling positions

(c) reloading techniques

(d) malfunction clearance techniques

(e) shooting positions

(5) Range training and testing

(a) practical (non-shooting skills training)

(b) manipulation drills (minimum 50 rounds)

(c) agency live-fire qualification

C. Minimum standards description: Specific handgun courses of fire designed for daylight and nighttime conditions will be used for qualification.

D. Instructor standards: All firearms training will be conducted by credentialed firearms instructors or credentialed instructors who are supervised by a credentialed firearms instructor.

E. Requalification: All law enforcement officers must participate in requalification firearms training in accordance with the target/scoring methodology described in Subsection G of 10.28.8.11 NMAC.

F. Reporting:

(1) No uncertified police officer will be allowed to carry a weapon while on duty until the entry-level training has been completed and reported to the academy.

(2) Requalification scores of every law enforcement officer in the state of New Mexico shall be reported yearly to the academy by the employing agency for the daytime, and nighttime firearm qualification courses as established in subsections G through K of 10.28.8.11.

G. Target/scoring methodology:

(1) Silhouette dimensions will be no larger than 20 inches wide by 35 inches tall overall. Any target similar in design to the scoring boxes is acceptable for qualification. The target will represent the silhouette of a human with the following scoring zones: A "Coke bottle" shape scoring area - this area is worth two points (worth four points in the low-light night qualification course). A template of the scoring area can be obtained from the academy and drawn onto the agency target.

(2) Any rounds impacting outside the scoring area, even if they are on the silhouette, are not worth any points.

(3) When the course calls for a "head shot," the rounds must hit within the oval-shaped scoring area in the head, with the bottom limit of the "head shot" scoring area established at or above the bottom of the "business card". The "business card" is the square-shaped scoring area within the oval "head shot" scoring area.

H. Ammunition: All firearms training will be with ammunition that is substantially similar to the duty ammunition. Only factory-made new ammunition should be carried on duty.

I. Equipment: Officers will qualify with their duty equipment authorized by the department.

J. Qualification course: Day (50-round course) - A minimum score of eighty percent is required. Please refer to the NMDPS LEA Day Pistol Qualification.

K. Qualification course: Night (25-round course) - A minimum score of eighty percent is required. Low-light conditions would include parking lights from vehicles, naturally existing light, or other light that is just enough to identify a threat. Please refer to the NMDPS LEA Night Pistol Qualification.

[10.28.8.11 NMAC - N, 11/3/2026]

10.28.8.12 BASIC TRAINING; CONTINUATION OF CERTIFICATION AFTER SEPARATION:

A. If a New Mexico certified law enforcement officer leaves the profession, is not employed as a full-time law enforcement officer for a period of time, and applies to return to service, the applicant shall satisfy the following requirements:

(1) Must have graduated from a certified law enforcement academy that was comparable to or exceeds the standards of the programs of the academy.

(2) Separation must have been under honorable conditions. Retirement in lieu of investigation into misconduct will not be considered an honorable separation.

(3) The officer's certification must not be revoked or currently suspended by the board.

(4) Must successfully complete the equivalent of:

(a) If separated for less than six years, those officers will be required to fulfill the annual in-service requirements for the current in-service cycle within 90 days of rehire and the biennium in-service requirements for the current in-service cycle by the end of that in-service training cycle.

(b) If separated for more than six years, they must attend a certification by waiver of the basic training program but are not required to retake the Law Enforcement Officer Certification Examination (LEOCE).

(5) When sponsored by an agency, the officer must complete any other requirements imposed on applicants by that sponsoring agency.

B. A New Mexico certified officer who has retired or separated from a New Mexico law enforcement agency may maintain their certification without being required to attend a certification by waiver program, as long as they complete annual in-service requirements for at least one of the years in the current two-year in-service cycle, and fulfill the biennium

in-service requirements for the current in-service cycle, as established by the council, as long as their certification has not been revoked or is not currently suspended by the board. [10.28.8.12 NMAC - N, 11/3/2026]

10.28.8.13 IN-SERVICE TRAINING FOR LAW ENFORCEMENT OFFICERS:

A. Curriculum development

(1) During the first year of each in-service cycle, which occurs in even-numbered years, the council shall plan the required in-service training topics for the next cycle. In developing these topics, the council shall consult with the courts, corrections, and justice committee of the New Mexico legislature and the office of the governor.

(2) The council shall approve the required in-service topics at its final meeting of the first year of the current cycle.

(3) The academy shall use the first nine months of the second year of the cycle to develop the curriculum for the upcoming in-service cycle. The academy may incorporate the approved topics into existing required in-service courses or create a new required course to cover them. The council may direct the academy to use outside experts to develop the curriculum.

(4) If the council identifies an urgent or critical topic, such as a change in law or an issue affecting the health, welfare, or safety of officers or the public, the council may direct the academy to create a class addressing that topic. The council shall allow the academy a reasonable time to develop and distribute the curriculum. Once developed, the academy may distribute the material to instructors or offer the class as advanced training at any time.

(5) If an urgent or critical topic is identified during the first year of the current cycle, it may be added to the next in-service cycle. If identified in the second year, the academy shall determine whether there is sufficient time to complete curriculum development before the next cycle begins. If not, the topic shall be delivered as an advanced training class and will not be included in the upcoming in-service cycle.

B. In-service law enforcement training consists of a minimum of 40 hours of academic instruction approved by the council for each certified police officer during each 24-month period of employment or service with a state or local law enforcement agency. The first required in-service law enforcement training period shall commence no later than twelve months after graduation from an approved basic law enforcement training program. Each two-year in-service training cycle will begin on the first day of the subsequent even-numbered year and conclude on the final day of the subsequent odd-numbered year.

C. The training shall include, but not be limited to, current practices and updates in the following topics:

(1) A minimum of four hours of training shall be in the safe initiation and conduct of high speed pursuits pursuant to Section 29-20-3 NMSA 1978.

(2) A topic of training shall be in domestic abuse incident training pursuant to Section 29 7-4.1 NMSA1978, annually.

(3) A minimum of two hours of training shall be in the detection, investigation, and reporting of a crime motivated by hate pursuant to Subsection B of Section 31-18B-5 NMSA 1978.

(4) For all officers who may be involved in the arrest of driving while intoxicated (DWI) offenders as a normal part of their duties, four hours of training shall be in NHTSA-approved standardized field sobriety testing (SFST) protocols or successful course completion of the NHTSA-approved 16-hour advanced roadside impaired driving enforcement course.

(5) A topic of training shall be in ensuring child safety upon arrest pursuant to Section 29-7-7.3 NMSA 1978, annually.

(6) Four hours of accredited day and night firearms training on agency-approved weapons systems, including but not limited to duty handgun, backup handgun, shotgun, and rifle. No more than one hour of training shall be classroom lecture. Training shall include day and night training and shall consist of practical exercises using live fire, Simmunitions®, Airsoft®, virtual reality, or other firearms training systems. Qualification testing may not be used as training to meet this requirement.

(7) A topic of training in child abuse incident training pursuant to Section 29-7-4.2 NMSA 1978, annually.

(8) A topic of training shall be in missing persons and AMBER alert training pursuant to Section 29-7-7.4 NMSA 1978, annually.

(9) A minimum of two hours of training shall be in an academy-accredited interaction with persons with mental impairments, pursuant to Section 29-7-7.5 NMSA 1978.

(10) A topic of training shall be in crisis management and intervention; dealing with individuals who are experiencing mental health issues; methods of de-escalation; peer-to-peer intervention; stress management; racial sensitivity; reality-based situational training; and use of force training that includes the elimination of vascular neck restraints pursuant to Section 29-7-4.4 NMSA 1978, Section 29-7D-2 NMSA 1978, Section 29-7D-3 NMSA 1978, Section 29-7D-4 NMSA 1978, and Section 29-7D-5 NMSA 1978, annually.

(11) A topic of training shall be in academy-accredited tourniquet and trauma kit training pursuant to Section 29-7-7.7 NMSA 1978, annually.

(12) A topic of training shall be in legal update training to include changes in New Mexico state statutes and recent state and federal case law.

(13) Remaining training hours shall be in maintenance or advanced areas to meet the agency's specific needs.

D. Training content and accreditation for in-service classes

(1) The council may expand annual or biennium in-service training requirements as necessitated by changes to the law, regulatory changes, or emerging professional standards. This additional training may increase the 40-hour biennium minimum standard for that individual time period.

(2) The academy is responsible for creating a standard in-service curriculum for all required in-service classes to ensure that the curriculum is in line with the standard basic law enforcement training curriculum. This content shall be made available to all agencies three months before the start of the in-service training cycle.

(3) An individual agency may create its own in-service courses that add content to the standard in-service curriculum. These courses must be accredited by the academy.

E. Required training may be received through the following means:

(1) Where scheduling will allow, the academy will assign staff to instruct the course at the academy and regional training sites.

(2) Curriculum developed by the academy will be provided to individual agencies upon request for their own credentialed instructors to present to their officers, provided the instructor is qualified in the subject matter.

(3) Individual agencies or private contractors may develop curriculum for review and accreditation by the academy that meets the criteria established by the council.

(4) The instructor can use any instructional modality, including but not limited to in-person training, online training, or a hybrid of in-person and online training to teach a class, as long as the teaching modality for a particular class is not specifically required by statute.

F. Implementation is to begin on January 1 of the first even-numbered year of a training cycle.

G. Officers obtaining certification within an even-numbered year will be required to obtain one-half of the in-service training requirements. Officers obtaining certification in an odd-numbered year will be required to meet the next two-year in-service training requirement, which will take effect on January 1 of the succeeding even-numbered year. The in-service training requirements are applicable in subsequent two-year cycles (one even-numbered year and the subsequent odd-numbered year constitute a two-year cycle. Officers transferring from one agency to another will carry with them the responsibility for in-service training.
[10.28.8.13 NMAC - N, 11/3/2026]

10.28.8.14 CERTIFICATION BY WAIVER; REQUIREMENTS FOR OFFICERS: [RESERVED]
[10.28.8.14 NMAC - N, 11/3/2026]

10.28.8.15 CERTIFICATION BY WAIVER; REQUIREMENTS FOR NON-NEW MEXICO CERTIFIED POLICE OFFICERS: [RESERVED]
[10.28.8.15 NMAC - N, 11/3/2026]

History of 10.28.8 NMAC: [RESERVED]

PUBLIC SAFETY, DEPARTMENT OF
LAW ENFORCEMENT STANDARDS AND TRAINING COUNCIL

TITLE 10 PUBLIC SAFETY AND LAW ENFORCEMENT
CHAPTER 28 LAW ENFORCEMENT STANDARDS AND TRAINING
PART 9 PUBLIC SAFETY TELECOMMUNICATOR TRAINING

10.28.9.1 ISSUING AGENCY: New Mexico Law Enforcement Standards and Training Council, 4491 Cerrillos Road, Santa Fe, New Mexico 87507
[10.28.9.1 NMAC - N, 11/3/2026]

10.28.9.2 SCOPE: All applicants and certified public safety telecommunicators under the Public Safety Telecommunicator Training Act.
[10.28.9.2 NMAC - N, 11/3/2026]

10.28.9.3 STATUTORY AUTHORITY: Subsection E of Section 29-7-4 NMSA 1978.
[10.28.9.3 NMAC - N, 11/3/2026]

10.28.9.4 DURATION: Permanent
[10.28.9.4 NMAC - N, 11/3/2026]

10.28.9.5 EFFECTIVE DATE: November 3, 2026, unless a later date is cited at the end of a section.
[10.28.9.5 NMAC - N, 11/3/2026]

10.28.9.6 OBJECTIVE: The purpose of Part 9 is to establish all guidelines for admission into academy, minimum training standards, and certification for public safety telecommunicators.
[10.28.9.6 NMAC - N, 11/3/2026]

10.28.9.7 DEFINITIONS: [RESERVED]
[10.28.9.7 NMAC - N, 11/3/2026]

10.28.9.8 QUALIFICATIONS FOR ADMISSION TO THE ACADEMY:

A. Qualifications for public safety telecommunicator admission: Applicants may be rejected for admission to the academy or a regional satellite academy if, after investigation, it is determined that the applicant does not meet the following criteria:

(1) Is a citizen or legal resident of the United States and has reached the age of majority;

(2) Holds a United States high school diploma or its equivalent from an accredited institution;

(3) Has not been convicted of or pleaded guilty to or entered a plea of nolo contendere to any felony charge, or within the three-year period immediately preceding their application, to any violation of any federal law or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances or other crime involving moral turpitude and has not been released or discharged under dishonorable conditions from any of the armed forces of the United States.;

(4) Is found to be of good moral character and has not committed any acts constituting dishonesty or fraud;

(5) Is found not to have committed any other acts which would be grounds for denial, revocation, or suspension of certification.

(6) Has been examined by a certified technician and has no uncorrected hearing loss in either ear greater than 25 dB at 500, 1000, 2000 Hz, and no more than a 20 dB loss in the better ear by audiometry, using American National Standards Institute (ANSI 1969) standards.

B. Status: For applicants to the academy, the director shall apprise applicants of their status and any deficiencies therein, in writing, as soon as possible. For applicants to a regional satellite academy, the regional satellite academy director shall inform the applicants of their status and any deficiencies in writing as soon as possible. If an applicant is denied admission, the written order shall include an explanation of the specific facts and circumstances upon which the decision is based. An applicant who disagrees with a decision regarding admission to the academy or a regional satellite academy, for reasons other than failing to pass a medical screening, may send a written request to the chair for consideration as a Meeting Agenda Item.

[10.28.9.8 NMAC - N, 11/3/2026]

10.28.9.9 PUBLIC SAFETY TELECOMMUNICATOR CERTIFICATION EXAMINATION (TCE);

A. Only students who graduate from the academy, an accredited regional satellite academy, or an accredited certification-by-waiver program will be eligible for the TCE.

(1) Students will be allowed two opportunities in which to pass the TCE within one year from the date of completion of the satellite program.

(2) Students who fail the exam two times must attend the academic portion of the certification by waiver of the previous training program prior to taking the exam a third time.

(3) Students who fail the test three times will be required to attend either the entire academy or an entire regional satellite academy again.

B. If a student does not secure a public safety telecommunicator position within one year from the date of passing the TCE, they will be required to attend an accredited certification by waiver program to obtain their certification.

C. Students who pass the TCE will be provided with a letter from the director with their test score.

D. The director shall submit an affidavit to the board attesting that the applicant graduated from the academy, an accredited regional satellite academy, or an accredited certification-by-waiver program; passed the TCE; and shall include any concerns the director has regarding whether the applicant meets the qualifications for certification under Section 29-7C-3 NMSA 1978.

[10.28.9.9 NMAC - N, 11/3/2026]

10.28.9.10 BASIC TRAINING: Basic training shall include distance-learning training topics and contact training topics that the applicant must complete before they graduate.

A. The Standards and Training Council shall approve the minimum standards of training for the academy. This curriculum shall also be the standard curriculum for all regional satellite academies. The TCE is based on the standard curriculum established by the council.

B. A topic of training shall be crisis management and intervention; dealing with individuals who are experiencing mental health issues; methods of de-escalation; peer-to-peer intervention; stress management; racial sensitivity; reality-based situational training; and high-quality telecommunicator cardiopulmonary resuscitation using the most current nationally recognized emergency cardiovascular care guidelines. Training on high-quality telecommunicator cardiopulmonary resuscitation shall include instruction on out-of-hospital cardiac arrest protocols and compression-only cardiopulmonary resuscitation, pursuant to Section 29-7C-4.1.

C. The academy is responsible for ensuring that the curriculum is updated and includes current practices. The council may direct the academy to use outside experts to develop this curriculum. The council may direct the academy to use outside experts to update and maintain some or all of this curriculum.

[10.28.9.10 NMAC - N, 11/3/2026]

10.28.9.11 IN-SERVICE TRAINING:

A. All New Mexico-certified public safety telecommunicators shall receive a minimum of 20 hours of biennium training (every other year). Each two-year in-service training cycle will begin on the first day of the subsequent even-numbered year and conclude on the final day of the subsequent odd-numbered year.

(1) A topic of training shall be crisis management and intervention; dealing with individuals who are experiencing mental health issues; methods of de-escalation; peer-to-peer intervention; stress management; racial sensitivity;

reality-based situational training; and high-quality telecommunicator cardiopulmonary resuscitation using the most current nationally recognized emergency cardiovascular care guidelines. Training on high-quality telecommunicator cardiopulmonary resuscitation shall include instruction on out-of-hospital cardiac arrest protocols and compression-only cardiopulmonary resuscitation, pursuant to Section 29-7C-4.1 NMSA 1978.

(2) One hour of crisis management, including crisis intervention, confrontation de-escalation practicum, and proper interaction with persons with mental impairments training for each certified telecommunicator during each two-year period, pursuant to Section 29-7C-7 NMSA 1978.

(3) Remaining training hours shall be in maintenance or advanced training areas to meet the agency's specific needs and abilities of the public safety telecommunicator.

B. Training content and accreditation for in-service classes

(1) The council may expand annual or biennium in-service training requirements as necessitated by changes to the law, regulatory changes, or emerging professional standards. This additional training may increase the biennium minimum standard for that individual time period.

(2) The same curriculum-development procedures and timelines established in Subsection A of 10.28.8.13 NMAC for law enforcement in-service training shall also apply to required in-service training for public safety telecommunicators, including consultation requirements, curriculum development periods, and the process for addressing urgent or critical training needs.

(3) The academy is responsible for creating a standard in-service curriculum for all required in-service classes to ensure that the curriculum is in line with the standard basic public safety telecommunicator training curriculum. This content shall be made available to all agencies six months before the start of the in-service training cycle.

(4) An individual agency may create its own in-service courses that add content to the standard in-service curriculum. These courses must be accredited by the academy.

C. Required training may be received through the following means.

(1) Where scheduling will allow, the academy will assign staff to instruct the course at regional training sites.

(2) Curriculum may be developed by the academy and provided to individual agencies for their own credentialed instructors to present to their public safety telecommunicators, provided the instructor is qualified in the subject matter.

(3) Individual agencies or private contractors may develop curriculum for review and accreditation by the academy that meets the criteria established by the council.

(4) The instructor can use any instructional modality, including but not limited to in-person training, online training, or a hybrid of in-person and online training, to teach a class, as long as the modality for teaching a particular class is not specifically required in statute.

D. Implementation is to begin on January 1 of the first even-numbered year of a training cycle.

E. Telecommunicators obtaining certification within an even-numbered year will be required to obtain one-half-of the in-service training requirements. Telecommunicators obtaining certification in an odd-numbered year will be required to meet the next two-year in-service training requirement, which will take effect on January 1 of the succeeding even-numbered year. The in-service training requirements are applicable in subsequent two-year cycles (one even-numbered year and the subsequent odd-numbered year constitute a two-year cycle). Telecommunicators transferring from one agency to another will carry with them the responsibility for in-service training.

[10.28.9.11 NMAC - N, 11/3/2026]

10.28.9.12 CERTIFICATION BY WAIVER TRAINING PROGRAM: [RESERVED]

[10.28.9.12 NMAC - N, 11/3/2026]

10.28.9.13 REQUIREMENTS FOR NON-NEW MEXICO PUBLIC SAFETY TELECOMMUNICATORS: [RESERVED]

[10.28.9.13 NMAC - N, 11/3/2026]

10.28.9.14 TELECOMMUNICATOR ADVANCED CERTIFICATION:

The academy awards advanced certification credit for approved training beyond the basic level. An applicant must submit a completed application packet containing copies of all training certificates and other supporting documentation. Applications should be submitted only after the required number of hours has been accrued. Individual certificates will not be processed if they are not attached to an application for a specific level of certification. Advanced certifications are ranked from intermediate to executive and are only awarded if the criteria for the previous level(s) of certification have been met.

A. Advanced certification criteria and guidelines:

(1) Intermediate (minimum of 200 cumulative hours required): two years' experience, non-probationary status at time of application, and 200 cumulative hours of advanced public safety telecommunicator training (beyond basic and maintenance training).

(2) Advanced (minimum of 400 cumulative hours required): four years' experience, non-probationary status at time of application, and 400 cumulative

hours of advanced public safety telecommunicator training or formal education (beyond basic and maintenance training) approved by the director.

(3) First-line supervisor (minimum of 500 cumulative hours required): must have held the title of shift supervisor, terminal agency coordinator (TAC), or training officer with one year in rank and completion of an academy-approved first-line supervisor course (40 hours minimum).

(4) Command (minimum of 700 cumulative hours required): must have held the rank of deputy director, assistant supervisor, terminal agency coordinator (TAC), 9-1-1 coordinator, or training coordinator with one year in rank and 100 hours of management training or formal education approved by the director.

(5) Executive (minimum of 800 cumulative hours required): must have held the rank of director or deputy director with one year in rank, or held the title or rank of regional manager or manager who reports directly to the department or agency head and have one year in rank; and 200 cumulative hours of management or administrative training or formal education approved by the director.

B. Criteria for cumulative credit calculations:

(1) Certificate criteria: The academy will accept certificates of completion for credit toward an advanced certificate.

(2) College course credit: College courses will receive the credit ratio of 15 advanced certification hours for each credit hour up to a maximum of 400 advanced hours. College course credits apply only to advanced-level certification and above. Official copies of college transcripts are required. Credit hours may be given only for college courses that are law enforcement-related and approved by the director.

(3) Military course credit: Military advanced-level courses related to law enforcement and approved by the director can be used for credit towards advanced level certification and above at an hourly ratio of one-to-one. Training hours and dates must be noted on the training certificate for credit or on an official training transcript.

(4) In-service training: Academy-approved in-service training will be accepted based upon the approved course hours. Mandated training required to maintain public safety telecommunicator certification or instructor certification will not be credited towards advanced certifications. Other in-service training will be accepted only upon provided evidence that a test was administered and passed, or a certificate of completion was issued.

(5) Rank requirements: Certificates at the first-line supervisor level and above require that the prerequisite rank or title was held for a minimum period of at least one year prior to the date of the application. Documentation indicating date(s) of promotion must be included with the application packet. Non-traditional rank designations will be reviewed for equivalency to ranks designated for applicable certificates.

[10.28.9.14 NMAC - N, 11/3/2026]

10.28.9.15 PUBLIC SAFETY TELECOMMUNICATOR REGISTRY REPORTING AND APPLICATIONS FOR ADMISSION/CERTIFICATION

A. Reporting requirements

(1) Employment, termination, resignation, or upon receipt of notice of conviction of any felony charge or violation of any federal or state law or local ordinance relating to aggravated assault, theft, driving while intoxicated, controlled substances, or other crime involving moral turpitude of all public safety telecommunicators in the state of New Mexico must be reported to the academy within 30 days of such action.

(2) A public safety agency that operates within the state shall submit a quarterly report to the director and the board on the status of each telecommunicator. The reporting forms and submittal dates shall be prescribed by the director, pursuant to Subsection A of Section 29-7C-8 NMSA 1978. Required reporting forms shall be established by the director.

(3) The director shall assist the board in maintaining a roster of all certified public safety telecommunicators, pursuant to Subsection B of Section 29-7C-8 NMSA 1978.

B. Application requirements

(1) An applicant for training or for certification, or that applicant's department, must submit the Agency Employment Action Form (LEA 82) to the academy within 30 days of the initial hire date for said applicant.

(2) Non-compliance with the 30-day employment action requirement will result in assignment to class after completion of all other requirements herein on a space-available basis only - no special consideration will be given to the applicant, and the applicant must have his/her commission suspended if he/she exceeds one year from the initial hire date.

(3) No applicant shall be admitted to the academy or regional satellite academy after one year from the initial hire date unless the applicant and the applicant's chief, sheriff, or agency head certify:

(a) the applicant was removed from duty as a public safety telecommunicator; and

(b) the agency will reinstate the public safety telecommunicator based upon the applicant's successful completion of the basic public safety telecommunicator training course and certification by the board.

(4) The academy shall be notified of any change in the medical or psychological condition of

an applicant prior to the applicant's admission. If the application is for a regional satellite academy, that regional satellite academy shall be notified as well.

(5) Applicants who falsify any information on their application for admission will not be considered for admission.
[10.28.9.15 NMAC - N, 11/3/2026]

10.28.9.16 FINGERPRINT CLEARANCE FOR ADMISSION: Fingerprint clearance requirements for public safety telecommunicators shall be governed in the same manner as law enforcement admission to the academy or a regional satellite academy as described in Section 10.28.5.9 NMAC, FINGERPRINT CLEARANCE FOR ADMISSION**.**
[10.28.9.16 NMAC - N, 11/3/2026]

10.28.9.17 RENEWAL OF CERTIFICATION AFTER ABSENCE:

A. If a New Mexico certified public safety telecommunicator leaves the profession, is not employed as a public safety telecommunicator for a period of time, and applies to return to service, the applicant shall satisfy the following requirements.

(1) Applicants must have graduated from a certified public safety telecommunicator training academy that was comparable to or exceeded the standards of the programs of the academy.

(2) Separation must be under honorable conditions.

(3) The public safety telecommunicator's certification must not be revoked or currently suspended by the board.

(4) Complete all other conditions required under the current certification by waiver of basic training.

(5) When sponsored by an agency, complete any other requirements imposed on applicants by that sponsoring agency.

B. In the event a certified public safety telecommunicator in the state of New Mexico leaves their position for any reason and is not employed full-time for a period of more than two years, the public safety telecommunicator will be required to successfully complete the certification by waiver program to renew the public safety telecommunicator's certification.
[10.28.9.17 NMAC - N, 11/3/2026]

10.28.9.18 IN-SERVICE TRAINING FOLLOWING SEPARATION FROM SERVICE: A New Mexico certified public safety telecommunicator who has retired or separated from a New Mexico agency may maintain their certification without being required to attend a certification by waiver program, as long as they complete annual in-service requirements for at least one of the years in the current two-year in-service cycle, and fulfill the biennium in-service requirements for the current in-service cycle, as established by the council, as long as their certification has not been revoked or is not currently suspended by the board.
[10.28.9.18 NMAC - N, 11/3/2026]

History of 10.28.9 NMAC: [RESERVED]

SUPERINTENDENT OF INSURANCE, OFFICE OF

TITLE 13 INSURANCE
CHAPTER 21 PATIENT'S COMPENSATION FUND
PART 6 MALPRACTICE CLAIMS DISBURSEMENT FOR PAST MEDICAL EXPENSES

13.21.6.1 ISSUING AGENCY: Office of Superintendent of Insurance.
[13.21.6.1 NMAC – N, 11/03/2026]

13.21.6.2 SCOPE: This rule applies to any health care provider participating in the patient's compensation fund, the insurer of a qualified health care provider on behalf of such qualified health care provider, or any party seeking payment for a malpractice claim from the patient's compensation fund under the Medical Malpractice Act, Sections 41-1-1 *et seq*., NMSA 1978.
[13.21.6.2 NMAC – N, 11/03/2026]

13.21.6.3 STATUTORY AUTHORITY: State Rules Act, Sections 14-4-1 *et seq*., NMSA 1978, Sections 59A-2-8 and 59A-2-9 NMSA 1978, the Administrative Procedures Act, Sections 12-8-1 *et seq*., NMSA 1978, and the Medical Malpractice Act, Sections 41-1-1 *et seq*., NMSA 1978.
[13.21.6.3 NMAC – N, 11/03/2026]

13.21.6.4 DURATION: Permanent.
[13.21.6.4 NMAC – N, 11/03/2026]

13.21.6.5 EFFECTIVE DATE: This rule is effective November 3, 2026 unless a later date is cited at the end of a section.
[13.21.6.5 NMAC – N, 11/03/2026]

13.21.6.6 OBJECTIVE: Establish the administrative procedures for processing claims for payment of past medical expenses and monetary damages from the patient's compensation fund.
[13.21.6.6 NMAC – N, 11/03/2026]

13.21.6.7 DEFINITIONS: This rule adopts the definitions in Section 41-5-3 NMSA 1978, supplemented as follows:

A. "Claimant" means any individual or entity that has asserted a malpractice claim against a health care provider.

B. "Contribution payment" or **"compensation payment"** means a payment of monetary damages from the fund in accordance with Sections 41-5-6, 41-5-7, and 41-5-25 NMSA 1978 of the Medical Malpractice Act.

C. "Malpractice claim" has the same meaning as defined in Subsection J of Section 41-5-3 NMSA 1978, and includes any cause of action arising in this state against a health care provider for medical treatment, lack of medical treatment or other claimed departure from accepted standards of health care that proximately results in injury to the patient, whether the patient's

claim or cause of action sounds in tort or contract, and includes but is not limited to actions based on battery or wrongful death. "Malpractice claim" does not include a cause of action arising out of the driving, flying or nonmedical acts involved in the operation, use or maintenance of a vehicular or aircraft ambulance.

D. "Patients' compensation fund" or **"fund"** means the patient's compensation fund created in Subsection A of Section 41-5-25 of the Medical Malpractice Act.

E. "Section 111" refers to Section 111 of the Medicare, Medicaid, and State Children's Health Insurance Program Extension Act of 2007, found at 42 USC Section 1395y(b)(8).

F. "Statutory contribution acknowledgement" or **"SCA"** means the administrative form required to obtain payments of compensation from the patient's compensation fund. It is also a form prescribed by the superintendent in furtherance of the superintendent's authority to administer and safeguard the patient's compensation fund.

G. "Superintendent" has the same meaning as defined in Section 59A-1-12 NMSA 1978, the superintendent of insurance or the superintendent's duly authorized representative acting in official capacity.

H. "Third-party administrator" means that business entity that has been engaged by the superintendent to provide administration and operation services as required by Subsection B of Section 41-5-25 NMSA 1978 of the Medical Malpractice Act.
[13.21.6.7 NMAC – N, 11/03/2026]

13.21.6.8 DUTY TO SUBMIT DOCUMENTATION FOR PAST MEDICAL EXPENSES: A qualified health care provider, after providing the notice to the superintendent and the third-party administrator required by Subsection C of Section 41-5-25 NMSA 1978, and before or at the time of any negotiated settlement of a malpractice claim, has a continuing duty to submit unredacted documentation supporting all past medical expenses for which payment may be requested as part of the settlement.

A. The initial notification of a malpractice claim shall be submitted to the superintendent as custodian of the fund, and to the third-party administrator within thirty days of the date of service of a complaint asserting a malpractice claim on the qualified health care provider.

B. No past medical expenses will be paid from the patient's compensation fund unless supported by a copy of the original invoice provided to the superintendent.
[13.21.6.8 NMAC – N, 11/03/2026]

13.21.6.9 PAST MEDICAL EXPENSES: The fund's payment of past medical expenses shall be limited to the value of accrued medical care and related benefits as defined in Subsection P of Section 41-5-3 NMSA 1978, or evidence of the amounts actually necessary to satisfy the bills that have been incurred but not yet satisfied.
[13.21.6.9 NMAC – N, 11/03/2026]

13.21.6.10 SECTION 111 REPORTING REQUIREMENTS: Any qualified health care provider, or its insurer, or any other party requesting payment for a malpractice claim from the patient's compensation fund must provide the superintendent with the information necessary for the superintendent's Section 111 reporting requirements. Failure or refusal to supply the necessary information will result in the denial of the request. The information necessary is at minimum the claimant's medicare health insurance claim number or claimant's social security number.
[13.21.6.10 NMAC – N, 11/03/2026]

13.21.6.11 REQUESTS FOR COMPENSATION. Any qualified health care provider that settles a malpractice claim in which the qualified health care provider or its malpractice liability insurer seeks payment from the fund shall submit to the fund the following:

A. proof of authenticity listed in Subsection H of Section 41-5-25 NMSA 1978;

B. a fully executed statutory contribution acknowledgement form; and

C. the claimant's medicare health insurance claim numbers or social security number.
[13.21.6.11 NMAC – N, 11/03/2026]

13.21.6.12 FUND PAYMENT PROCEDURES:

A. The qualified health care provider, the insurer of a qualified health care provider, or the claimant's attorney or other legal representative, requesting a contribution payment from the fund shall submit a request for compensation in electronic form, to the following email address: pcf@osi.nm.gov.

B. Form of payment:

(1) Contribution payments shall be made by check, or an automated clearing house (ACH) payment, payable to the trust account of the claimant's attorney or other legal representative (or to such other person or persons as may be specified in the court-approved settlement).

(2) Checks shall be sent by first class mail, postage prepaid, to the last known address of claimant's attorney or other legal representative (or to such other person or persons as may be specified in the court-approved settlement or certification of settlement, if applicable).

(3) Contribution payments are subject to and payable in accordance with the manual of model accounting practices issued by the financial control division of the New Mexico department of finance and administration.

C. The use of the statutory contribution acknowledgment is required by the superintendent when issuing payments from the patient's compensation fund. The statutory

contribution acknowledgment for is hereby incorporated by reference in this rule.

D. Any qualified health care provider requesting that the fund pay any portion of its damages pursuant to a final judgment or settlement, as well as any claimant receiving funds from the fund shall, as a condition of such payment, be deemed to have agreed to the following, that:

(1) Any and all claims or liens, that could be brought or made by or through plaintiff or any other person subrogated to plaintiff's rights, including any attorney liens, centers for medicare and medicaid services liens, hospital liens, or claims for distribution from any other party or statutory beneficiary, shall be paid by the plaintiff(s) from the settlement proceeds, that plaintiff(s) accept sole responsibility for such payment(s), and that the plaintiff(s) indemnify the superintendent, on behalf of the fund, for any such claims and hold the superintendent harmless for the same.

(2) Upon request of the superintendent, either party shall provide the superintendent with any information or documentation within that party's reasonable control that the superintendent determines to be necessary for the administration or protection of the fund, including information required to complete any necessary reporting, and shall provide a copy of a New Mexico Substitute W9 for any party receiving payment from the fund. The superintendent reserves the right to seek recovery of any interest, penalties and/or damages assessed against the PCF or superintendent resulting from the failure of a party to provide the necessary information requested by the superintendent.

(3) The superintendent, on behalf of the fund, shall be considered an express third-party beneficiary of any release of claims or release of liability, or any indemnification provisions contained in the parties' settlement agreement.

[13.21.6.12 NMAC – N, 11/03/2026]

13.21.6.13 CONFIDENTIALITY OF SETTLEMENT AGREEMENTS: Settlement agreements, all medical records, and any personally identifiable information submitted pursuant to this rule shall be deemed confidential and will be maintained as confidential by the superintendent pursuant to Subsection B of Section 59A-2-12 NMSA 1978.

[13.21.6.13 NMAC – N, 11/03/2026]

13.21.6.14 NONCOMPLIANCE: In addition to any other form of penalty that may be applicable, noncompliance with the requirements prescribed by these rules shall be deemed adequate and sufficient legal grounds for a denial of a payment request for compensation from the fund.

[13.21.6.14 NMAC – N, 11/03/2026]

History of 13.21.6 NMAC:
[RESERVED]

End of Adopted Rules

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Submittal Deadlines and Publication Dates

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Issue 1	January 2	January 13
Issue 2	January 15	January 27
Issue 3	January 29	February 10
Issue 4	February 12	February 24
Issue 5	February 26	March 10
Issue 6	March 12	March 24
Issue 7	March 26	April 7
Issue 8	April 9	April 21
Issue 9	April 23	May 5
Issue 10	May 7	May 19
Issue 11	May 21	June 10
Issue 12	June 11	June 23
Issue 13	June 25	July 14
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Issue 16	August 13	August 25
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Issue 20	October 8	October 20
Issue 21	October 22	November 3
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