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New Energy Economy Takes the Fight to Cap Global Warming Pollution to New Mexico's Supreme Court

Today New Energy Economy filed a writ in New Mexico's Supreme Court challenging a "Home Court" ruling about capping global warming emissions. Judge William Shoobridge, from Lea County, had halted the case by granting a preliminary injunction filed by Public Service Company of New Mexico (PNM), other utilities, conservative legislators, and the oil and gas industry that prevented the NM Environmental Improvement Board (EIB) from even considering New Energy Economy's rulemaking Petition. **"We have been delayed, but not deterred: our right to flourish economically, as well as, the right to protect our environment, jobs and well-being has been stalled, but we believe the Supreme Court will reinstate our Petition and we will be on track again to make our case"** enthusiastically exclaimed Mariel Nanasi, Senior Policy Advisor, New Energy Economy. New Energy Economy is represented by the New Mexico Environmental Law Center and all were elated to be filing in the state Supreme Court to challenge opponents' obstructionist tactics.

New Energy Economy wants the EIB to proceed in accordance with its express legislative authority to hold public hearings for the purpose of considering regulating air pollution and protecting public welfare. "The ultimate takeaway is we were in the middle of a hearing to cap dangerous global warming pollution and further transition to a renewable energy economy. PNM and Wall Street industry want to halt progress and quash a healthy outlook for our kids. New Energy Economy is fighting to put in place an environmental policy that will stimulate the economy and secure our future," said Mariel Nanasi.

"We are asking the Supreme Court to essentially decide that a district court has no power to interfere with a state agency's ongoing administrative proceeding. If the district court's decision is allowed to stand, then PNM, and anyone else, will be able to file 'home court advantage' lawsuits to stop state agencies from even considering regulatory proposals that they oppose. It will also effectively prevent administrative agencies from performing their public service duties and clog the courts with premature lawsuits," said Bruce Frederick, attorney with the New Mexico Environmental Law Center, representing New Energy Economy.

"By acting now to transition to clean energy technologies, we can reduce air pollution and revitalize local communities. The health of our economy – and of many New Mexicans – could depend on the legal decision the Supreme Court makes," states Dr. John Fogarty, a physician and President of New Energy Economy.

[Background on the Petition](#)

New Energy Economy filed a Petition with the EIB asking the Board to set a cap on global warming emissions. New Energy Economy's Petition would require fossil fuel industries to reduce greenhouse gas (GHG) emissions based on a theory that GHG emissions constitute "air pollution" and threaten the health of people and natural resources, under the Air Quality Control Act. Further, the Petition requests that the EIB impose a cap on GHG emissions pursuant to its authority to abate and prevent nuisances¹ under the Environmental Improvement Act. Urgent strong EIB regulations are needed to protect public welfare. "The battle of a lifetime is underway—to cap carbon, to stop global warming, and to put Americans back to work rebuilding our clean energy economy. The green jobs sector is the fastest growing sector in New Mexico and entrepreneurs and investors are calling for a clear policy signal from government that investment in research and development are promising for clean technology," says Mariel Nanasi, senior policy advisor with New Energy Economy.

The public testified in March at a hearing and there will be further testimony from scientific experts, as well as continued public input set for June 21st. At the March hearing, New Mexicans from all walks of life and from diverse areas of the state expressed their concerns about further climate change inaction.

¹ On September 21, 2009, the 2nd Circuit Court of Appeals reinstated a case filed by eight states, New York City and three land trusts against fossil-fueled-fired-power plants claiming that their carbon dioxide emissions significantly contributed to global warming and caused a public nuisance, threatening human health and natural resources, under federal and state nuisance law.