



**new energy economy**

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## **Supreme Court Breathes Life into New Energy Economy's Petition PNM No Longer Holds Clean Energy Future Hostage**

In a unanimous decision, the New Mexico Supreme Court gave the green light for New Energy Economy's Petition to cap greenhouse gas pollution to proceed. The Supreme Court dismissed a frivolous lawsuit filed by Public Service Company of New Mexico (PNM), other utilities, conservative legislators, and the oil and gas industry that challenged the NM Environmental Improvement Board's (EIB) authority to hear New Energy Economy's Petition. **"This is a victory for the health of New Mexico: for our right to flourish economically, as well as, the right to protect our environment and physical well-being. Our democracy is back on track,"** enthusiastically exclaimed Mariel Nanasi, Senior Policy Advisor for New Energy Economy. New Energy Economy is represented by the New Mexico Environmental Law Center and all were elated that the opponents' obstructionist tactics were finally dismissed.

The Justices overruled Judge Shoobridge and reinstated the Petition before the Environmental Improvement Board. They based their decision on a "separation of powers issue": a Judge cannot interfere with an "ongoing, uncompleted agency process," ruled Chief Justice Daniels.

"PNM and other big industry interests wanted to hold New Mexico hostage – New Energy Economy is fighting to put in place an environmental policy that will stimulate the economy. New Mexico is poised to create new jobs once we limit carbon pollution." said New Energy Economy Senior Policy Advisor Mariel Nanasi.

### The legal battle

The public testified in March at a hearing to cap greenhouse gas pollution before the EIB. 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.

However, on January 13, 2010, PNM and other industry groups and four state legislators filed a lawsuit in oil and gas country to stop the EIB from even hearing the Petition, arguing that the EIB had no authority to even consider the Petition. On April 13th, Lea County District Judge William Shoobridge adopted all of PNM's arguments and ordered the EIB to halt consideration of the Petition. On May 14<sup>th</sup>, New Energy Economy filed a Writ to the NM Supreme Court to overturn the local judge's decision to enjoin the administrative proceeding - before the EIB could hear all the evidence and decide anything.

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 Nanasi.

“The Supreme Court essentially decided that a district court has no power to interfere with a state agency’s ongoing administrative proceeding. PNM’s lawsuit, to stop the EIB from even considering our regulatory proposal, was vacated. Essentially the democratic process prevailed and the Petition to cap carbon pollution will proceed. We look forward to hearings this summer,” 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 – was boosted by the decision of the Supreme Court,” states Dr. John Fogarty, a physician and President of New Energy Economy.