



**FOR IMMEDIATE RELEASE**

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**GROUPS CHALLENGE BIG INDUSTRY'S "HOME COURT" DECISION  
IN SUPREME COURT**

*SANTA FE, N.M.*— The New Mexico Environmental Law Center filed a Petition with the New Mexico Supreme Court on Friday, asking the Court to order a Lovington judge to reverse his decision in a greenhouse gas case. The outcome, handed down by Judge William G. W. Shoobridge of Lovington, NM, stopped a greenhouse gas emissions rulemaking by the Environmental Improvement Board (EIB) in April. If allowed to stand, Judge Shoobridge's rulings would cripple administrative agencies in their ability to carry out their appointed responsibilities.

"We are asking the Supreme Court to rule that a district court has no power to interfere with a state agency's ongoing administrative proceeding," said Bruce Frederick, New Mexico Environmental Law Center Staff Attorney and lead counsel representing New Energy Economy, a Santa Fe non-profit. "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."

The filed Petition for Writ of Superintending Control asks the Supreme Court to order Judge Shoobridge to immediately reverse his rulings against the EIB and to immediately dismiss the Complaint against the EIB brought by four state representatives, several New Mexican businesses, industry groups and utilities, including Public Service Company of New Mexico (PNM). The Complaint was apparently filed by the group in Lovington because it is in the middle of New Mexico's biggest oil-producing region and they were seeking a sympathetic forum for their case.

"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, Senior Policy Advisor for New Energy Economy. The group 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.

"What's at stake is the public's right to petition the government for better protection of public health and the environment," states Frederick. "If not overturned, Judge Shoobridge's decision will prevent administrative agencies from performing their public service duties and clog the courts with premature lawsuits."

## **Background**

In December 2008, the New Mexico Environmental Law Center filed a Petition to the EIB on behalf of New Energy Economy. The petition now requests statewide limits on greenhouse gas emissions, calling on oil and gas operators and operators of coal-fired power plants to reduce their greenhouse gas emissions by 3% per year, beginning in 2012. EIB heard public comment on the petition and scheduled scientific and expert testimony to begin in June 2010.

However, on January 13, 2010, industry groups and four state legislators filed a lawsuit in Lea County to stop EIB from hearing the Petition, arguing that EIB had no authority to even consider the Petition. On April 13th, District Judge Shoobridge adopted all of the industry groups' arguments and ordered the EIB to halt consideration of the Petition.

www.nmelc.org

*The mission of the New Mexico Environmental Law Center (NMELC) is to protect New Mexico's natural environment and achieve environmental justice for New Mexico's communities through legal representation, policy advocacy and public education. The New Mexico Environmental Law Center's attorneys have handled over 100 critical cases in low-income and minority communities fighting pollution and environmental degradation. The NMELC charges few, if any, fees to its clients, most of who are from Hispanic and Native American communities. The NMELC celebrated its 20th anniversary in 2008. Membership and gifts help New Mexico communities protect their natural environment and their health from toxic pollution, the degrading effects of growth and liabilities created by irresponsible mining. Contact: Sebia Hawkins, Director of Development 505-989-9022, ext. 27.*

## **INTERVIEWS AND IMAGES ARE AVAILABLE UPON REQUEST**

### **Contacts:**

Bruce Frederick,  
Staff Attorney  
New Mexico Environmental  
Law Center  
bfrederick@nmelc.org  
505-989-9022, ext. 26

Mariel Nanasi  
Senior Policy Advisor  
New Energy Economy  
505-469-4060

Juana Colón  
Communications & Pub Ed  
New Mexico Environmental  
Law Center  
jcolon@nmelc.org  
505-989-9022, ext. 21

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