



**FOR IMMEDIATE RELEASE**

Today, June 29, 2011

**STATE SUPREME COURT WILL HEAR CASE FOR INTERVENTION IN  
INDUSTRY APPEAL OF CARBON CAP RULE**

*SANTA FE, N.M.*— Today, the New Mexico State Supreme Court agreed to hear a case filed by the New Mexico Environmental Law Center (NMELC) on behalf of its client, New Energy Economy. The NMELC filed an emergency petition asking the Supreme Court to review a Court of Appeals’ ruling that barred New Energy Economy (NEE) from participating in an appeal filed by PNM. In its appeal, PNM, the state’s largest source of carbon pollution, is asking the Court of Appeals to invalidate New Mexico’s carbon pollution reduction law; which was adopted by the Environment Improvement Board (EIB) in December of 2010. New Energy Economy and the New Mexico Environmental Law Center led a two-year public process that resulted in the creation of New Mexico’s landmark carbon cap law.

"It is essential that NEE be allowed to participate in the appeal," says Bruce Frederick, NMELC Staff Attorney. Frederick explains that both PNM and the new members of the EIB, all appointed by Governor Martinez, oppose the rule. "So neither party in the appeal has any interest in defending the rule," he says. "We will defend the rule because we provided the hundreds of hours of scientific and economic expert testimony" that persuaded EIB to adopt the rule. "It would be a great injustice if our client was now barred from explaining this testimony to the court on appeal."

"Since PNM is opposed to the carbon reduction law and Governor Martinez’s EIB is as well, it’s only fair that we be given an opportunity to defend the carbon pollution reduction rule," says Mariel Nanasi, Executive Director of New Energy Economy.

The rule requires facilities that emit more than 25,000 metric tons of carbon pollution per year to reduce these emissions by 3 percent per year from 2010 levels starting in 2013. The law has been lauded by national experts for its capacity to improve New Mexico’s energy security by means of predictability, market-based mechanisms and extensive compliance flexibility.

The Supreme Court has ordered that responses to this petition be filed with the court on or before July 11, 2011.

[www.nmelc.org](http://www.nmelc.org)

*The mission of the New Mexico Environmental Law Center 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 20<sup>th</sup> 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.*

*New Energy Economy is a registered 501(c) (3) nonprofit organization established in 2004 to create economic opportunity in New Mexico with less carbon pollution and more clean energy. New Energy Economy works in partnership with diverse allies to encourage job growth, investment and innovation in a more efficient, sustainable and equitable energy sector. New Energy Economy grounds its work in the research and findings of the world's leading scientific and technological authorities. Learn more at [www.newenergyeconomy.org](http://www.newenergyeconomy.org)*

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

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