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HOUSE BILL 44

**44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
2000**

INTRODUCED BY

Rob Burpo

FOR THE

ECONOMIC AND RURAL DEVELOPMENT AND TELECOMMUNICATIONS
COMMITTEE

AN ACT

RELATING TO TELECOMMUNICATIONS; REMOVING THE RETAIL SALE OF
DIGITAL SUBSCRIBER LINE SERVICE FROM PUBLIC REGULATION
COMMISSION JURISDICTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 63-9A-3 NMSA 1978 (being Laws 1985,
Chapter 242, Section 3, as amended) is amended to read:

"63-9A-3. DEFINITIONS.--As used in the New Mexico
Telecommunications Act:

A. "affordable rates" means local exchange service
rates that promote universal service within a local exchange
service area, giving consideration to the economic conditions
and costs to provide service in such area;

B. "cable television service" means the one-way
transmission to subscribers of video programming or other

1 programming service and subscriber interaction, if any, that
2 is required for the selection of such video programming or
3 other programming service;

4 C. "commission" means the public regulation
5 commission;

6 D. "competitive telecommunications service" means
7 a service that has been determined to be subject to effective
8 competition pursuant to Section 63-9A-8 NMSA 1978;

9 E. "effective competition" means that the
10 customers of the service have reasonably available and
11 comparable alternatives to the service;

12 F. "fund" means the New Mexico universal service
13 fund;

14 G. "local exchange area" means a geographic area
15 encompassing one or more local communities, as described in
16 maps, tariffs or rate schedules filed with the commission,
17 where local exchange rates apply;

18 H. "local exchange service" means the transmission
19 of two-way interactive switched voice communications
20 furnished by a telecommunications company within a local
21 exchange area;

22 I. "message telecommunications service" means
23 telecommunications service between local exchange areas
24 within the state for which charges are made on a per-unit
25 basis, not including wide-area telecommunications service, or
its equivalent, or individually negotiated contracts for
telecommunications services;

underscored material = new
~~[bracketed material] = delete~~

1 J. "noncompetitive telecommunications service"
2 means a service that has not been determined to be subject to
3 effective competition pursuant to Section 63-9A-8 NMSA 1978;

4 K. "private telecommunications service" means a
5 system, including the construction, maintenance or operation
6 thereof, for the provision of telecommunications service, or
7 any portion of that service, by a person for the sole and
8 exclusive use of that person and not for resale, directly or
9 indirectly. For purposes of this definition, the person that
10 may use such service includes any affiliates of the person if
11 at least eighty percent of the assets or voting stock of the
12 affiliates is owned by the person. If any other person uses
13 the telecommunications service, whether for hire or not, the
14 private telecommunications service is a public
15 telecommunications service;

16 L. "public telecommunications service" means the
17 transmission of signs, signals, writings, images, sounds,
18 messages, data or other information of any nature by wire,
19 radio, lightwaves or other electromagnetic means originating
20 and terminating in this state regardless of actual call
21 routing. "Public telecommunications service" does not
22 include the provision of terminal equipment used to originate
23 or terminate such service; private telecommunications
24 service; broadcast transmissions by radio, television and
25 satellite broadcast stations regulated by the federal
communications commission; radio common carrier services,
including mobile telephone service and radio paging; the

.130575.1

underscoring material = new
~~[bracketed material] = delete~~

1 retail sale of digital subscriber line service; or one-way
2 cable television service; and

3 M. "telecommunications company" means a person that
4 provides public telecommunications service."

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