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**HOUSE MEMORIAL 23**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Pauline K. Gubbels**

**A MEMORIAL**

**REQUESTING THAT THE APPROPRIATE INTERIM COMMITTEE STUDY THE JURISDICTION OF THE PUBLIC REGULATION COMMISSION OVER COMMERCIAL MOBILE RADIO SERVICE PROVIDERS AND REQUESTING THAT THE PUBLIC REGULATION COMMISSION REFRAIN FROM ACTION REGARDING THOSE PROVIDERS UNTIL THE INTERIM COMMITTEE MAKES ITS REPORT TO THE LEGISLATURE AND THE LEGISLATURE HAS HAD OPPORTUNITY TO TAKE ACTION.**

**WHEREAS, in utility case number 3437 the public regulation commission promulgated rules relating to the provision of services by commercial mobile radio service providers, also referred to as wireless providers; and**

**WHEREAS, the public regulation commission based its jurisdiction to promulgate those rules on its general authority under Sections 8-8-4 and 8-8-5 NMSA 1978, as well as**

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1 on Section 63-9A-8.2 NMSA 1978, a part of the New Mexico  
2 Telecommunications Act; and

3 WHEREAS, questions have been raised as to the nature and  
4 extent of the public regulation commission's authority  
5 pursuant to state and federal law to regulate wireless  
6 providers; and

7 WHEREAS, wireless services are currently being provided  
8 by numerous competitive carriers throughout New Mexico, and  
9 the degree and extent of competition evident in the wireless  
10 services market may minimize the need for regulatory  
11 oversight; and

12 WHEREAS, it is desirable to clarify the public regulation  
13 commission's jurisdiction pursuant to state law and to ensure  
14 that there is consistency between state and federal laws  
15 relating to the commission's jurisdiction;

16 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
17 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the New Mexico  
18 legislative council be requested to direct the appropriate  
19 interim committee to study the nature and extent of the public  
20 regulation commission's jurisdiction over wireless providers  
21 pursuant to state and federal law and develop recommendations  
22 for clarifying that jurisdiction in a manner consistent with  
23 federal law and with the policy standards contained in the New  
24 Mexico Telecommunications Act; and

25 BE IT FURTHER RESOLVED that the interim committee seek

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1 and accept testimony and written comments from all interested  
2 parties, especially with regard to the issues raised in  
3 utility case number 3437; and

4 BE IT FURTHER RESOLVED that the interim committee report  
5 its findings and recommendations, including proposed  
6 legislation, if any, by December 1, 2001, prior to the second  
7 session of the forty-fifth legislature; and

8 BE IT FURTHER RESOLVED that the public regulation  
9 commission be requested to refrain from further promulgation  
10 of rules relating to the provision of commercial mobile radio  
11 services by wireless providers until the interim committee has  
12 completed its study and submitted its report and the  
13 legislature has had opportunity to act upon the report; and

14 BE IT FURTHER RESOLVED that a copy of this memorial be  
15 transmitted to the New Mexico legislative council and the  
16 public regulation commission.

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