

HOUSE JOINT MEMORIAL 23

**51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

INTRODUCED BY

Luciano "Lucky" Varela

A JOINT MEMORIAL

REQUESTING THE APPROPRIATE INTERIM LEGISLATIVE COMMITTEE TO  
CONSIDER THE APPROPRIATE REGULATION FOR ALL TELECOMMUNICATIONS  
CARRIERS IN NEW MEXICO.

WHEREAS, the legislature declared that the purpose of the  
New Mexico Telecommunications Act is to permit a regulatory  
framework that will allow an orderly transition from a  
regulated telecommunications industry to a competitive market  
environment; and

WHEREAS, the legislature further declared that the  
encouragement of competition in the provision of public  
telecommunications services will result in greater investment  
in the telecommunications infrastructure in the state, improved  
service quality and operations and lower prices for such  
services; and

.190814.1

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

underscored material = new  
[bracketed material] = delete

1           WHEREAS, in the Rural Telecommunications Act of New  
2 Mexico, the legislature declared its intent to maintain the  
3 availability of telecommunications services for rural customers  
4 at affordable rates; and

5           WHEREAS, to the extent that it is consistent with making  
6 such affordable services available for rural customers, it is  
7 also the policy of the state to encourage competition and  
8 reduce regulation in the telecommunications industry so as to  
9 allow access by the public to advances in telecommunications  
10 technology; and

11           WHEREAS, the legislature has declared that disparate  
12 regulatory treatment for rural telephone carriers requires  
13 relaxed regulation to reduce the cost of regulation as well as  
14 the regulatory burden, permitting pricing flexibility and  
15 expediting required rate approvals, all in a manner consistent  
16 with the purpose of an orderly transition from regulation to a  
17 competitive market environment; and

18           WHEREAS, telecommunications companies and mid-size  
19 carriers provide public telecommunications service to urban and  
20 rural areas of New Mexico and are regulated differently than  
21 incumbent rural telecommunications carriers; and

22           WHEREAS, competitive local exchange carriers and wireless  
23 carriers, which directly compete with incumbent  
24 telecommunications companies, mid-size carriers and incumbent  
25 rural telecommunications carriers, are regulated differently or

.190814.1

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

1 are not regulated by the public regulation commission; and  
2 WHEREAS, it is in the public interest for the legislature,  
3 the public regulation commission and affected parties to  
4 consider the matter of state responses to the changes occurring  
5 in the telecommunications industry and the disparate  
6 regulations and regulatory burdens governing competitors that  
7 compete for the same customers as well as the potential to  
8 further streamline regulatory procedures for all  
9 telecommunications carriers to ensure widespread availability  
10 of services at affordable rates in urban and rural New Mexico;

11 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
12 STATE OF NEW MEXICO that the New Mexico legislative council be  
13 requested to direct the appropriate interim legislative  
14 committee to hear testimony and receive recommendations from  
15 the public regulation commission, the attorney general and  
16 representatives of the telecommunications industry, after  
17 cooperative efforts to review and consider the extent to which  
18 changes in statutes and regulations affecting all  
19 telecommunications carriers are needed in order to ensure a  
20 regulatory environment in which all competitors have an equal  
21 opportunity to compete in the marketplace without undue  
22 regulatory burdens; and

23 BE IT FURTHER RESOLVED that the appropriate interim  
24 legislative committee be requested to recommend appropriate  
25 legislation for the second session of the fifty-first

.190814.1

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

1 legislature; and

2 BE IT FURTHER RESOLVED that copies of this memorial be  
3 transmitted to the co-chairs of the New Mexico legislative  
4 council, the chair of the public regulation commission, the  
5 attorney general, the governor and representatives of the  
6 telecommunications industry.

7 - 4 -

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25