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SENATE BILL 123

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

INTRODUCED BY

Roman M. Maes III

AN ACT

RELATING TO TELECOMMUNICATIONS; AMENDING AND ENACTING
SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

Section 1. Section 8-8-6 NMSA 1978 (being Laws 1998,
Chapter 108, Section 6) is amended to read:

"8-8-6. COMMISSION--DIVISIONS.--The commission shall
include the following organizational units:

- A. the administrative services division;
- B. the consumer relations division;
- C. the insurance division;
- D. the legal division;
- E. the telecommunications complaints division;
- [E.] F. the transportation division; and
- [F.] G. the utility division."

Section 2. A new section of the Public Regulation

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

1 Commission Act is enacted to read:

2 "[NEW MATERIAL] TELECOMMUNICATIONS COMPLAINTS

3 DIVISION.--

4 A. The telecommunications complaints division
5 shall:

6 (1) review complaints concerning
7 interconnection between carriers;

8 (2) review alleged violations of the rules
9 governing the provision of public telecommunication services;

10 (3) investigate each complaint on an
11 expedited basis; and

12 (4) recommend actions to the commission.

13 B. Each complaint shall be resolved by the
14 commission within thirty days unless extended for good cause
15 by an order of the commission that states with specificity
16 the reason for and length of the extension."

17 Section 3. Section 63-9A-2 NMSA 1978 (being Laws 1985,
18 Chapter 242, Section 2, as amended) is amended to read:

19 "63-9A-2. PURPOSE.--The legislature declares that it
20 remains the policy of the state of New Mexico to maintain the
21 availability of access to telecommunications services at
22 affordable rates. Furthermore, it is the policy of this
23 state to have comparable message telecommunications service
24 rates, as established by the commission, for comparable
25 markets or market areas. To the extent that it is consistent
with maintaining availability of access to service at
affordable rates and comparable message telecommunications

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1 service rates, it is further the policy of this state to
2 encourage competition in the provision of public
3 telecommunications ~~[industry]~~ services, thereby allowing
4 access by the public to resulting rapid advances in
5 telecommunications technology. ~~[It is the purpose of the New~~
6 ~~Mexico Telecommunications Act to permit a regulatory~~
7 ~~framework that will allow an orderly transition from a~~
8 ~~regulated telecommunications industry to a competitive market~~
9 ~~environment]~~ It is further the intent of the legislature that
10 the encouragement of competition in the provision of public
11 telecommunications services will result in greater investment
12 in the telecommunications infrastructure in the state,
13 improved service quality and operations and lower prices for
14 such services."

15 Section 4. A new section of the New Mexico
16 Telecommunications Act is enacted to read:

17 "[NEW MATERIAL] IDENTIFYING SUBSIDIES--REGULATIONS--
18 PRICE CAPS.--

19 A. No later than October 1, 2000, the commission
20 shall review existing rates for public telecommunications
21 services offered by incumbent local exchange carriers with
22 more than fifty thousand access lines and identify all
23 subsidies that are included in the rates. The commission
24 shall issue rules requiring that the identified subsidies
25 appear on customer bills and establish a schedule whereby
implicit subsidies be eliminated through implementation of
the state rural universal service fund or through revenue-

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1 neutral rate rebalancing. For purposes of this section,
2 "subsidies" means a rate that is priced above the cost of
3 providing a service and that is used to maintain the rate in
4 an area where the cost for the same or another service is
5 higher.

6 B. No later than January 1, 2001, the commission
7 shall issue rules that:

8 (1) establish quality of service standards;

9 (2) ensure adequate investment in the
10 telecommunications infrastructure of the state;

11 (3) promote availability and deployment of
12 high-speed data services;

13 (4) ensure the accessibility of
14 interconnection by competitive local exchange carriers; and

15 (5) establish an expedited regulatory
16 process for considering matters related to telecommunications
17 services that are pending before the commission.

18 C. No later than April 1, 2001, the commission
19 shall eliminate rate of return regulation of
20 telecommunications carriers with more than fifty thousand
21 access lines and implement an alternative form of regulation
22 that establishes reasonable price caps for basic residence
23 and business local exchange services."

24 Section 5. APPROPRIATION.--Five hundred thousand
25 dollars (\$500,000) is appropriated from the general fund to
the public regulation commission for expenditure in fiscal
year 2001 to carry out the provisions of this act. Any

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1 unexpended or unencumbered balance remaining at the end of
2 fiscal year 2001 shall revert to the general fund.

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