

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

HOUSE BILL 1129

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Ben Lujan

AN ACT

RELATING TO PUBLIC REGULATION; PROVIDING FOR CABLE TELEVISION SERVICE PROVIDERS TO EXPLAIN CHANGES IN THEIR RATES IN A PUBLIC FORUM; IMPOSING PENALTIES IN CERTAIN SITUATIONS; PROVIDING FOR APPEALS.

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

Section 1. A new section of the New Mexico Telecommunications Act is enacted to read:

"[NEW MATERIAL] CUSTOMER SERVICE--EXPLANATION OF CABLE TELEVISION RATE INCREASES.--

A. The purpose of this section is to provide an opportunity to subscribers and customers of a cable television service to hear from and discuss with a cable operator, as that term is defined in 47 U.S.C. Section 522, as amended, the need and rationale for an increase in cable television service

underscoring material = new  
[bracketed material] = delete

1 rates.

2 B. Within thirty days of the effective date of an  
3 increase in its rates for cable television service, a cable  
4 operator shall deliver a written notice to the commission of  
5 the increase, including in the notice a request that the  
6 commission set a date, time and place for a public meeting  
7 where the cable operator shall explain to and discuss with the  
8 public the need and rationale for the increase. Upon receipt  
9 of the notice, the commission, in consultation with the cable  
10 operator, shall set a date, time and place for the public  
11 meeting and shall give public notice of the meeting that it  
12 deems appropriate.

13 C. If a cable operator does not provide the notice  
14 required in Subsection B of this section, then the commission,  
15 by its own motion or upon the request of an interested party,  
16 shall order the cable operator to appear at a public meeting to  
17 explain to and discuss with the public the need and rationale  
18 for the increase. The order shall state the date, time and  
19 place of the public meeting, and the commission shall give  
20 public notice of the meeting that it deems appropriate.

21 D. The commission may impose civil penalties on a  
22 cable operator who fails, without good cause shown, to comply  
23 with the requirements of Subsections B and C of this section as  
24 follows:

25 (1) if a cable operator fails to provide the

.166546.1

underscored material = new  
[bracketed material] = delete

1 written notice required by Subsection B of this section, the  
2 commission shall impose a penalty of one thousand dollars  
3 (\$1,000) a day for each business day after the effective date  
4 of a rate increase that the cable operator does not deliver a  
5 written notice of the increase to the commission, up to a total  
6 penalty of ten thousand dollars (\$10,000); and

7 (2) if a cable operator fails to attend a  
8 public meeting for which the commission has given public notice  
9 of its date, time and place pursuant to Subsection B or C of  
10 this section, the commission shall impose a penalty of one  
11 thousand dollars (\$1,000) a day for the day of the missed  
12 meeting and for each business day after the date of the meeting  
13 that the cable operator does not contact the commission to  
14 schedule another meeting date, up to a total penalty of ten  
15 thousand dollars (\$10,000).

16 E. The imposition of a civil penalty pursuant to  
17 Subsection D of this section shall be considered a final  
18 decision of the commission denying relief to the cable  
19 operator, and a cable operator may appeal the imposition of  
20 that penalty to the district court pursuant to Section 39-3-1.1  
21 NMSA 1978. The provisions of Sections 63-9A-14 and 63-9A-16  
22 NMSA 1978 do not apply to this section."