

A JOINT MEMORIAL

REQUESTING THE APPROPRIATE INTERIM LEGISLATIVE COMMITTEE TO
CONSIDER REDUCED REGULATION FOR INCUMBENT RURAL
TELECOMMUNICATIONS CARRIERS.

WHEREAS, the legislature has declared in the Rural Telecommunications Act of New Mexico that it is the policy of the state of New Mexico to maintain the availability of telecommunications services for rural customers at affordable rates and, to the extent that it is consistent with making such affordable services available for rural customers, it is also the policy of the state to encourage competition and reduce regulation in the telecommunications industry so as to allow access by the public to advances in telecommunications technology; and

WHEREAS, the legislature has further declared in the Rural Telecommunications Act of New Mexico that, to accomplish the state's declared goals, it is necessary to provide disparate regulatory treatment between rural telephone carriers and nonrural telephone carriers; and

WHEREAS, the legislature has further declared in the Rural Telecommunications Act of New Mexico that disparate regulatory treatment for rural telephone carriers requires "relaxed regulation for rural telephone carriers with the objective of reducing the cost of regulation as well as the

regulatory burden, permitting pricing flexibility and expediting required rate approvals"; and

WHEREAS, there continue to be rapid and significant advances in telecommunications technology and increased competition in the telecommunications industry, including in rural high-cost areas of New Mexico; and

WHEREAS, the federal communications commission recently announced its intention to establish extensive new regulatory policies and mechanisms for the telecommunications industry that may adversely affect the ability of New Mexico's rural telecommunications carriers to make local telecommunications services available at affordable rates for customers in rural high-cost areas of the state; and

WHEREAS, the legislature is concerned that the public regulation commission's current regulations and practices do not provide an appropriate expedited time limitation for the commission to act on requests by an incumbent rural telecommunications carrier for relief; and that the resources needed to successfully conclude a commission case with complex, formal evidentiary procedures can be a barrier to small carriers with limited resources, thus threatening the ability to ensure that affordable telecommunications services are available for rural customers; and

WHEREAS, it is in the public interest for the legislature, the public regulation commission and affected

parties to consider the matter of state responses to the changes occurring at the federal level, as well as the potential to further streamline regulatory procedures for incumbent rural telecommunications carriers to ensure the widespread availability of affordable rates in rural high-cost areas of the state;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the appropriate interim legislative committee be requested to work with the public regulation commission, the New Mexico attorney general and the telecommunications industry to review and consider the extent to which changes in statutes and regulation affecting incumbent rural telecommunications carriers are needed in order to ensure the widespread availability of local telecommunications services at affordable rates in rural high-cost areas of the state; and

BE IT FURTHER RESOLVED that the appropriate interim legislative committee report its findings to the senate leadership, the house leadership and the governor prior to December 2012; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the co-chairs of the New Mexico legislative council, the chair of the public regulation commission, the New Mexico attorney general and the governor.