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SENATE BILL 638

**47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006**

INTRODUCED BY

Rod Adair

AN ACT

RELATING TO TELECOMMUNICATIONS; PROVIDING CERTAIN SETTLEMENT  
RESTRICTIONS IF CERTAIN ORDERS OF THE PUBLIC REGULATION  
COMMISSION ARE APPEALED; MAKING AN APPROPRIATION; DECLARING AN  
EMERGENCY.

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] SETTLEMENT OF AN APPEALED ORDER--  
RESTRICTIONS--TELECOMMUNICATIONS SETTLEMENT FUND.--

A. If, in a final order of the commission, the  
commission mandates the payment of a fine, the payment of  
refunds or credits to customers, the construction of specific  
infrastructure or the construction of a specific monetary  
amount of infrastructure, upon the filing of a notice of appeal

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1 with the supreme court by a telecommunications company for a  
2 review of the order, the commission shall not compromise the  
3 matter or settle the dispute prior to a final decision by the  
4 supreme court unless:

5 (1) the telecommunications company agrees to  
6 comply fully with the original order; or

7 (2) the telecommunications company and the  
8 commission agree to a monetary payment by the  
9 telecommunications company and either:

10 (a) pursuant to an equitable  
11 distribution procedure adopted by rule of the commission, the  
12 entire amount is refunded or credited to customers of the  
13 telecommunications company; or

14 (b) the amount is deposited into the  
15 telecommunications settlement fund for appropriation by the  
16 legislature to benefit customers of the telecommunications  
17 company.

18 B. The "telecommunications settlement fund" is  
19 created in the state treasury. The fund shall consist of  
20 deposits of payments made by telecommunications companies  
21 pursuant to Subparagraph (b) of Paragraph (2) of Subsection A  
22 of this section. Income from the fund shall be credited to the  
23 fund, and money in the fund shall not revert or be transferred  
24 to any other fund at the end of a fiscal year. Money in the  
25 fund is subject to appropriation by the legislature to benefit

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1 customers of the payor telecommunications company. Upon a  
2 deposit into the fund, the commission shall recommend a plan to  
3 the next regular session of the legislature in which  
4 appropriations from the fund will benefit the customers.  
5 Expenditures from the fund shall be made on warrant of the  
6 secretary of finance and administration on vouchers signed by  
7 the chair of the commission."

8 Section 2. EMERGENCY.--It is necessary for the public  
9 peace, health and safety that this act take effect immediately.

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