

1 SENATE JOINT MEMORIAL 38

2 **50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

3 INTRODUCED BY

4 Phil A. Griego and Debbie A. Rodella

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10 A JOINT MEMORIAL

11 REQUESTING THAT THE FEDERAL COMMUNICATIONS COMMISSION ADOPT
12 BROADBAND AND UNIVERSAL SERVICE FUND REFORMS THAT PRESERVE
13 REQUIRED STATUTORY MANDATES AND PROMOTE BROADBAND DEPLOYMENT IN
14 ALL HIGH-COST AREAS.

15
16 WHEREAS, the legislature of the state of New Mexico is
17 concerned about the potential adverse impacts that the federal
18 communications commission's proposed broadband and universal
19 service fund reforms may have on investment and economic
20 development in New Mexico; and

21 WHEREAS, New Mexico shares the commission's goals for
22 deploying broadband service to consumers throughout New Mexico
23 and the rest of the nation; and

24 WHEREAS, deployment of broadband service at sufficient
25 speeds in high-cost areas is critical to enabling consumers to

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1 benefit from the continued availability and expansion of
2 broadband connectivity, thus avoiding the looming prospect of a
3 lasting "digital divide"; and

4 WHEREAS, the current federal communications commission's
5 universal service fund support programs have contributed to the
6 deployment of a robust, advanced telecommunications
7 infrastructure in some high-cost areas in New Mexico, with the
8 result that, today, many telecommunications carriers serving
9 high-cost areas have enhanced networks to allow broadband
10 services to be offered to a high percentage of their customers;
11 and

12 WHEREAS, the federal communication commission's reform of
13 universal service fund high-cost support should result in a
14 program that is properly sized and targeted to high-cost rural
15 areas in order to achieve the goal of universal service and
16 avoid adverse impacts on the ongoing operation and maintenance
17 of the modern voice and data networks and services currently
18 provided by telecommunications carriers serving high-cost areas
19 in New Mexico; and

20 WHEREAS, a significant reduction in the amount of support
21 provided to rural carriers under the universal service fund
22 high-cost support program could result in unreasonably large
23 rate increases and elimination of services for customers in
24 rural New Mexico in order to replace the federal universal
25 service fund support that some rural carriers have received for

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1 several decades; and

2 WHEREAS, if the current federal universal service fund
3 support program is eliminated without a workable replacement
4 support program for high-cost rural areas, the reformed
5 universal service fund support program will not meet the
6 statutory requirements of U.S.C. 47.5, 254(b)(3) for comparable
7 service, comparable rates and sufficient, predictable universal
8 service fund support for investment in high-cost areas of the
9 nation; and

10 WHEREAS, the commission's broadband and universal service
11 fund reforms must adequately account for the high cost of
12 operations and maintenance for serving high-cost rural areas in
13 New Mexico for both existing and future voice and broadband
14 networks; and

15 WHEREAS, uncertainty created by the federal communications
16 commission's proposed broadband and universal service fund
17 reforms is likely to have a chilling effect on the availability
18 of capital to fund future rural broadband development;

19 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
20 STATE OF NEW MEXICO that the proposed broadband and universal
21 service fund reforms pending before the federal communications
22 commission be considered in such a manner that addresses
23 required statutory mandates for comparable service, comparable
24 rates and explicit universal service fund support for
25 investment in high-cost areas of the nation and that such

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1 reforms result in the appropriate amount of support being made
2 available to all telecommunications carriers serving high-cost
3 areas consistently; and

4 BE IT FURTHER RESOLVED that copies of this memorial be
5 transmitted to the federal communications commission, to each
6 of the current commissioners of the commission, to the New
7 Mexico congressional delegation and to the public regulation
8 commission.