

SENATE JOINT MEMORIAL 4

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

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This document incorporates amendments that have been adopted during the current legislative session. The document is a tool to show the amendments in context and is not to be used for the purpose of amendments.

A JOINT MEMORIAL

REQUESTING THE NEW MEXICO LEGISLATIVE COUNCIL TO CREATE A TELECOMMUNICATIONS REGULATION TASK FORCE TO DEVELOP RECOMMENDATIONS FOR LEGISLATIVE AND ADMINISTRATIVE ACTIONS TO FOSTER A LEVEL REGULATORY AND COMPETITIVE MARKET ENVIRONMENT FOR TELECOMMUNICATIONS SERVICE PROVIDERS.

WHEREAS, the New Mexico Telecommunications Act was enacted in 1985 with stated purposes including:

A. "to maintain the availability of access to telecommunications services";

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B. "to encourage competition in the provision of public telecommunications services"; and

C. to "allow an orderly transition from a regulated telecommunications industry to a competitive market environment"; and

WHEREAS, the policies articulated in the New Mexico Telecommunications Act were reiterated in 1999 in the purposes of the Rural Telecommunications Act of New Mexico with an additional purpose of establishing "relaxed regulation for rural telephone carriers with the objective of reducing the cost of regulation as well as the regulatory burden"; and

WHEREAS, in 2000, the New Mexico legislature reconfirmed its intention to use competition instead of regulation to deliver advanced telecommunications for New Mexico consumers, stating that "the encouragement of competition in the provision of public telecommunications services will result in greater investment in the telecommunications infrastructure in the state, improved service quality and operations and lower prices for such services"; and

WHEREAS, the New Mexico legislature passed Senate Bill 53 in 2017, amending the New Mexico Telecommunications Act in part to provide for more equal regulation among New Mexico telecommunications providers and to provide for all New Mexico consumers and telecommunications providers the benefits of reduced regulation achieved for consumers and providers under

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the Rural Telecommunications Act of New Mexico; and

WHEREAS, a key purpose of Senate Bill 53 was to accelerate the transition of regulation away from telephone regulation models of the twentieth century and toward a market-driven regulatory scheme that incentivizes investment in broadband technologies and infrastructure for the benefit of New Mexico consumers and businesses; and

WHEREAS, in the nearly three years since the enactment of Senate Bill 53, the public regulation commission has actually increased telephone regulation applicable to one company, thus moving further away from the level regulatory playing field envisioned by the legislation;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that the legislature maintain its intent to move toward the implementation of a regulatory framework that fosters a competitive market environment for the provision of telecommunications and broadband service throughout New Mexico; and

BE IT FURTHER RESOLVED that the New Mexico legislative council be requested to form a "telecommunications regulation task force" to develop recommendations for legislative and administrative actions to ensure equal regulation among telecommunications providers and to foster a competitive telecommunications environment; and

BE IT FURTHER RESOLVED that the telecommunications

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regulation task force be composed of representatives from the legislature, the public regulation commission, the office of the attorney general, SRC→the economic development department,←SRC the department of information technology SRC→, communications workers of America local 7037←SRC and telecommunications service providers; and

SRC→BE IT FURTHER RESOLVED that meetings of the telecommunications regulation task force be open to the public, subject to the same notice provisions and exceptions provided in the Open Meetings Act; and←SRC

BE IT FURTHER RESOLVED that the telecommunications regulation task force give a presentation, including a written report of its findings and recommendations, to the appropriate legislative interim committee by November 1, 2020; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the speaker of the house of representatives, the president pro tempore of the senate, the attorney general, SRC→the secretary of economic development,←SRC the secretary of information technology, the chair of the public regulation commission, the governor, SRC→the president of communications workers of America local 7037,←SRC the executive director of the New Mexico exchange carrier group and the New Mexico director of government affairs for CenturyLink.