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HOUSE BILL 834

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Raymond G. Sanchez

AN ACT

RELATING TO TELECOMMUNICATIONS; ESTABLISHING A BILLING PER-UNIT BASIS FOR MESSAGE TELECOMMUNICATIONS SERVICE; AMENDING AND ENACTING SECTIONS OF THE NEW MEXICO TELECOMMUNICATIONS ACT.

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

Section 1. Section 63-9A-3 NMSA 1978 (being Laws 1985, Chapter 242, Section 3, as amended) is amended to read:

"63-9A-3. DEFINITIONS. --As used in the New Mexico Telecommunications Act:

A. "affordable rates" means local exchange service rates that promote universal service within a local exchange service area, giving consideration to the economic conditions and costs to provide service in such area;

B. "cable television service" means the one-way

underscored material = new
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1 transmission to subscribers of video programming or other
2 programming service and subscriber interaction, if any, that
3 is required for the selection of such video programming or
4 other programming service;

5 C. "commission" means the public regulation
6 commission;

7 D. "competitive telecommunications service" means
8 a service that has been determined to be subject to effective
9 competition pursuant to Section 63-9A-8 NMSA 1978;

10 E. "effective competition" means that the
11 customers of the service have reasonably available and
12 comparable alternatives to the service;

13 F. "fund" means the New Mexico universal service
14 fund;

15 G. "local exchange area" means a geographic area
16 encompassing one or more local communities, as described in
17 maps, tariffs or rate schedules filed with the commission,
18 where local exchange rates apply;

19 H. "local exchange service" means the transmission
20 of two-way interactive switched voice communications furnished
21 by a telecommunications company within a local exchange area;

22 I. "message telecommunications service" means
23 telecommunications service between local exchange areas within
24 the state for which charges are made on [a] the per-unit basis
25 of one-tenth of a minute, not including wide-area

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1 telecommunications service, or its equivalent, or individually
2 negotiated contracts for telecommunications services;

3 J. "noncompetitive telecommunications service"
4 means a service that has not been determined to be subject to
5 effective competition pursuant to Section 63-9A-8 NMSA 1978;

6 K. "private telecommunications service" means a
7 system, including the construction, maintenance or operation
8 thereof, for the provision of telecommunications service, or
9 any portion of that service, by a person for the sole and
10 exclusive use of that person and not for resale, directly or
11 indirectly. For purposes of this definition, the person that
12 may use such service includes any affiliates of the person if
13 at least eighty percent of the assets or voting stock of the
14 affiliates is owned by the person. If any other person uses
15 the telecommunications service, whether for hire or not, the
16 private telecommunications service is a public
17 telecommunications service;

18 L. "public telecommunications service" means the
19 transmission of signs, signals, writings, images, sounds,
20 messages, data or other information of any nature by wire,
21 radio, lightwaves or other electromagnetic means originating
22 and terminating in this state regardless of actual call
23 routing. "Public telecommunications service" does not include
24 the provision of terminal equipment used to originate or
25 terminate such service; private telecommunications service;

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1 broadcast transmissions by radio, television and satellite
2 broadcast stations regulated by the federal communications
3 commission; radio common carrier services, including mobile
4 telephone service and radio paging; or one-way cable
5 television service; and

6 M "telecommunications company" means a person
7 that provides public telecommunications service."

8 Section 2. A new section of the New Mexico
9 Telecommunications Act is enacted to read:

10 "[NEW MATERIAL] INTRASTATE TOLL CHARGES BILLED AT
11 INCREMENT OF ONE-TENTH OF A MINUTE. --A rate for message
12 telecommunications service shall be calculated and charged on
13 the incremental unit of one-tenth of a minute."

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 March 10, 1999
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8 Mr. Speaker:
9

10 Your BUSINESS AND INDUSTRY COMMITTEE, to whom has
11 been referred
12

13 HOUSE BILL 834
14

15 has had it under consideration and reports same with
16 recommendation that it DO PASS.

17 Respectfully submitted,
18

19
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21 _____
22 Fred Luna, Chairman
23
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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

3 HBIC/HB 834

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4 Adopted _____ Not Adopted _____

6 (Chief Clerk)

(Chief Clerk)

8 Date _____

10 The roll call vote was 7 For 0 Against

11 Yes: 7

12 Excused: None

13 Absent: Hobbs, Kissner, Lutz, Mohorovic, J.G. Taylor

15 J: \99BillsWP\H0834

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FORTY- FOURTH LEGISLATURE
FIRST SESSION

March 16, 1999

SENATE FLOOR AMENDMENT number _____ to HOUSE BILL 834

Amendment sponsored by Senator

1. On page 1, line 12, strike "MESSAGE" and insert in lieu thereof "CERTAIN".

2. On page 4, line 11, after the dash insert the subsection designation "A. ".

3. On page 4, line 12, after "service" insert ", including any switched access charge, ".

4. On page 4, line 13, strike the ending quotation mark.

5. On page 4, between lines 13 and 14, insert the following subsection:

"B. A charge for telecommunications service between

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FORTY- FOURTH LEGISLATURE
FIRST SESSION

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local exchange areas within the state and sold as a fixed block
of time shall be calculated on the incremental unit of one-tenth
of a minute. "".

Adopted _____ Not Adopted

(Chief Clerk)

(Chief Clerk)

Date _____