SENATE BILL 496

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

INTRODUCED BY

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AN ACT

RELATING TO TELECOMMUNICATIONS; LIMITING CERTAIN CELLULAR

TELEPHONE CHARGES; AMENDING A SECTION OF THE NMSA 1978.

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

Section 1. Section 63-9B-4 NMSA 1978 (being Laws 1987,

Chapter 296, Section 4) is amended to read:

"63-9B-4. OPERATION, REGULATION AND TARIFFS.--

A. A cellular service company may provide cellular

telephone services in a certificated area as authorized by law

and the commission, subject to reasonable rules [and

regulations] of the commission or as otherwise provided by

law. The provisions of Section 63-9A-6 NMSA 1978 shall not be

construed to prevent a certificated cellular service company

from providing cellular services in the certificated service

territory of a telecommunications company having an exclusive

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1   right to provide local exchange service.

2   B.   If the commission finds after holding hearings

3   requested by any interested party or by its own motion that

4   more than one cellular service company licensed by the federal

5   communications commission is operating in all or part of a

6   certificated area, [then] the commission may determine that

7   competition in cellular telephone services exists in such

8   area.

9   C.   When the commission has made a determination

10 that cellular telephone services are subject to competition,

11 the commission shall, consistent with the purposes of the

12 Cellular Telephone Services Act, modify, reduce or eliminate

13 rules [regulations] and other requirements applicable to the

14 provision for such service, including the fixing and

15 determining of specific rates, tariffs or fares for the

16 service.   The commission's action may include the detariffing

17 of service or the establishment of minimum rates which will

18 cover the costs for the service.

19   D.   A cellular service company shall, after the first

20 minute of service provided on a cellular telephone call,

21 assess the rates in increments of one-tenth of a minute.

22 Charges shall be rounded to the next higher tenth of a minute

23 as needed. "

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