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BILL

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO COMMUNICATIONS; AMENDING, REPEALING AND ENACTING
SECTIONS OF THE NEW MEXICO TELECOMMUNICATIONS ACT TO PROVIDE
FOR PUBLIC REGULATION COMMISSION JURISDICTION OVER INCUMBENT
LOCAL EXCHANGE CARRIERS AND THEIR INVESTMENT IN
TELECOMMUNICATIONS AND BROADBAND INFRASTRUCTURE.

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

SECTION 1. Section 63-9A-2 NMSA 1978 (being Laws 1985,
Chapter 242, Section 2, as amended by Laws 2000, Chapter 100,
Section 3 and also by Laws 2000, Chapter 102, Section 3) is
amended to read:

"63-9A-2. PURPOSE.--The legislature declares that it
remains the policy of the state of New Mexico to maintain the
availability of access to telecommunications services at
affordable rates. Furthermore, it is the policy of this state

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1 to have comparable telecommunications service rates, as
2 established by the commission, for comparable markets or market
3 areas. To the extent that it is consistent with maintaining
4 availability of access to service at affordable rates and
5 comparable telecommunications service rates, it is further the
6 policy of this state to encourage competition in the provision
7 of public telecommunications services, thereby allowing access
8 by the public to resulting rapid advances in telecommunications
9 technology. It is the purpose of the New Mexico
10 Telecommunications Act to ~~[permit]~~ extend to all
11 telecommunications consumers and carriers in the state the
12 benefits of the regulatory flexibility previously provided only
13 to incumbent rural telecommunications carriers and to establish
14 a regulatory framework ~~[that will allow]~~ to provide for an
15 orderly transition from a regulated telecommunications industry
16 to a competitive market environment. It is further the intent
17 of the legislature that the encouragement of competition in the
18 provision of public telecommunications services will result in
19 greater investment in the telecommunications and broadband
20 infrastructure in the state, improved service quality and
21 operations and lower prices for such services."

22 SECTION 2. Section 63-9A-3 NMSA 1978 (being Laws 1985,
23 Chapter 242, Section 3, as amended) is amended to read:

24 "63-9A-3. DEFINITIONS.--As used in the New Mexico
25 Telecommunications Act:

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

5 B. "cable television service" means the one-way
6 transmission to subscribers of video programming or other
7 programming service and subscriber interaction, if any, that is
8 required for the selection of such video programming or other
9 programming service;

10 C. "commission" means the public regulation
11 commission;

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

15 E. "competitive telecommunications service
16 provider" includes a competitive carrier that holds a
17 certificate of public convenience and necessity lawfully issued
18 by the commission;

19 ~~[E-]~~ F. "effective competition" means the
20 competition that results from the customers of the service
21 ~~[have]~~ having reasonably available and comparable alternatives
22 to the service, consistent with the standards set forth in
23 Section 63-9A-8 NMSA 1978;

24 ~~[F-]~~ G. "fund" means the state rural universal
25 service fund;

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1 H. "incumbent local exchange carrier" means a
2 person that:

3 (1) was designated as an eligible
4 telecommunications carrier by the state corporation commission
5 in Docket #97-93-TC by order dated October 23, 1997 or that
6 provided local exchange service in New Mexico on February 8,
7 1996; or

8 (2) became a successor or assignee of an
9 incumbent local exchange carrier;

10 I. "incumbent rural telecommunications carrier"
11 means an incumbent local exchange carrier that serves fewer
12 than fifty thousand access lines within the state and has been
13 designated as an eligible telecommunications carrier by the
14 state corporation commission or the public regulation
15 commission;

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

20 ~~[H.]~~ K. "local exchange service" means the
21 transmission of two-way interactive switched voice
22 communications furnished by a telecommunications company within
23 a local exchange area;

24 ~~[I.]~~ L. "message telecommunications service" means
25 telecommunications service between local exchange areas within

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1 the state for which charges are made on a per-unit basis, not
2 including wide-area telecommunications service, or its
3 equivalent, or individually negotiated contracts for
4 telecommunications services;

5 ~~[J. "mid-size carrier" means a telecommunications~~
6 ~~company with more than fifty thousand but less than three~~
7 ~~hundred seventy-five thousand access lines in the state;~~

8 ~~K.]~~ M. "noncompetitive telecommunications service"
9 means a service that has not been determined to be subject to
10 effective competition pursuant to Section 63-9A-8 NMSA 1978;

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

23 ~~[M.]~~ O. "public telecommunications service" means
24 the transmission of signs, signals, writings, images, sounds,
25 messages, data or other information of any nature by wire,

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1 radio, lightwaves or other electromagnetic means originating
2 and terminating in this state regardless of actual call
3 routing. "Public telecommunications service" does not include
4 the provision of terminal equipment used to originate or
5 terminate such service; private telecommunications service;
6 broadcast transmissions by radio, television and satellite
7 broadcast stations regulated by the federal communications
8 commission; radio common carrier services, including mobile
9 telephone service and radio paging; or one-way cable television
10 service; [~~and~~

11 ~~N.]~~ P. "telecommunications company" means a person
12 that provides public telecommunications service;

13 Q. "wire center" means a facility in which local
14 exchange access lines converge and are connected to a switching
15 device that provides access to the public switched network and
16 includes remote switching units and host switching units; and

17 R. "wire center serving area" means the geographic
18 area of a local exchange area served by a single wire center."

19 **SECTION 3.** Section 63-9A-5 NMSA 1978 (being Laws 1985,
20 Chapter 242, Section 5) is amended to read:

21 "63-9A-5. REGULATION BY COMMISSION.--

22 A. Except as otherwise provided in the New Mexico
23 Telecommunications Act, each public telecommunications service
24 is declared to be affected with the public interest and, as
25 such, subject to the provisions of that act, including the

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1 regulation thereof as [~~hereinafter~~] provided in that act.

2 B. The commission has exclusive jurisdiction to
3 regulate incumbent local exchange carriers that serve more than
4 fifty thousand access lines within the state only in the manner
5 and to the extent authorized by the New Mexico
6 Telecommunications Act, and Subsection B of Section 63-7-1.1
7 NMSA 1978 does not apply; provided, however, that the
8 jurisdiction includes the regulation of wholesale rates,
9 including access charges and interconnection agreements
10 consistent with federal law and its enforcement and
11 determinations of participation in low-income telephone service
12 assistance programs pursuant to the Low Income Telephone
13 Service Assistance Act. The New Mexico Telecommunications Act
14 expressly preserves and does not diminish or expand:

15 (1) the rights and obligations of any entity,
16 including the commission, established pursuant to federal law,
17 including 47 U.S.C. Sections 251 and 252, or established
18 pursuant to any state law, rule, procedure, regulation or order
19 related to interconnection, intercarrier compensation,
20 intercarrier complaints, wholesale right and obligations or any
21 wholesale rate or schedule that is filed with and maintained by
22 the commission;

23 (2) the rights and obligations of any
24 competitive telecommunications service provider holding a
25 certificate of public convenience and necessity, or the rights

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1 and obligations of any competitive local exchange carrier to
2 obtain such a certificate;

3 (3) the authority of the commission to resolve
4 consumer complaints regarding basic local exchange service;
5 provided, however, that the commission's authority to resolve
6 such complaints shall be limited to resolving issues of
7 consumer protection and shall not include the authority to
8 determine or fix rates, provider of last resort obligations or
9 service quality standards except as expressly set forth in the
10 New Mexico Telecommunications Act;

11 (4) the authority of the commission to establish
12 reasonable quality of service standards; provided, however,
13 that the enforcement of such standards shall be limited to the
14 commission's fining authority set forth in Section 63-7-23 NMSA
15 1978 and the authority to seek an injunction set forth in
16 Section 63-9-19 NMSA 1978;

17 (5) the rights and obligations of any entity,
18 including the commission, regarding the fund;

19 (6) the rights and obligations of any entity,
20 including the commission, regarding access to emergency service
21 to the extent consistent with the Enhanced 911 Act; or

22 (7) the rights and obligations of any entity,
23 including the commission, regarding the administration of
24 slamming and cramming rules, telecommunications relay service
25 and numbering resources to the extent permitted by and

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1 consistent with federal law.

2 C. For incumbent local exchange carriers that serve
3 more than fifty thousand access lines within the state, the
4 commission shall adopt relaxed regulations that provide for:

5 (1) reduced filing requirements for applicants
6 in rate increase proceedings under the New Mexico
7 Telecommunications Act; and

8 (2) expedited consideration in all proceedings
9 initiated pursuant to the New Mexico Telecommunications Act in
10 order to reduce the cost and burden for incumbent local
11 exchange carriers and other applicants.

12 D. The regulatory requirements and the commission's
13 regulation of competitive local exchange carriers, competitive
14 access providers and interexchange carriers shall be no greater
15 than, and no more extensive than, that of incumbent local
16 exchange carriers that serve more than fifty thousand access
17 lines.

18 E. The provisions of the New Mexico
19 Telecommunications Act do not apply to an incumbent local
20 exchange carrier that serves fewer than fifty thousand access
21 lines within the state and has been designated as an eligible
22 telecommunications carrier by the commission."

23 SECTION 4. Section 63-9A-8 NMSA 1978 (being Laws 1985,
24 Chapter 242, Section 8, as amended) is amended to read:

25 "63-9A-8. REGULATION OF RATES AND CHARGES--EFFECTIVE

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1 COMPETITION.--

2 A. In accordance with the policy established in the
3 New Mexico Telecommunications Act, the commission shall, by its
4 own motion or upon petition by any interested party, hold
5 hearings to determine if any public telecommunications service
6 is subject to effective competition in the relevant market
7 area. When the commission has made a determination that a
8 service or part of a service is subject to effective
9 competition, the commission shall, consistent with the purposes
10 of the New Mexico Telecommunications Act, modify, reduce or
11 eliminate rules, regulations and other requirements applicable
12 to the provision of such service, including the fixing and
13 determining of specific rates, tariffs or fares for the
14 service. The commission's action may include the detariffing
15 of service or the establishment of minimum rates ~~[which]~~ that
16 will cover the costs for the service. Such modification shall
17 be consistent with the maintenance of the availability of
18 access to local exchange service at affordable rates and
19 comparable message ~~[telecommunication]~~ telecommunications
20 service rates, as established by the commission, for comparable
21 markets or market areas, except that volume discounts or other
22 discounts based on reasonable business purposes shall be
23 permitted. Upon petition or request of an affected
24 telecommunications company, the commission, upon a finding that
25 the requirements of Subsection [G] B of this section are met,

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1 shall modify the same or similar retail regulatory requirements
2 for those providers of comparable public telecommunications
3 services in the same relevant markets so that there shall be
4 parity of retail regulatory standards and requirements for all
5 such providers; however, this subsection shall not be construed
6 to allow the adoption of any new regulatory requirements or
7 standards for providers of comparable telecommunications
8 services.

9 B. In determining whether a service is subject to
10 effective competition, the commission shall consider the
11 following on a wire-center-serving-area basis for each wire
12 center serving area and service for which a determination of
13 effective competition is requested and shall determine
14 separately residential and business services in each wire
15 center serving area:

16 (1) the extent to which services are reasonably
17 available from alternate providers [~~in the relevant market~~
18 ~~area~~];

19 (2) the ability of alternate providers to make
20 functionally equivalent or substitute services readily
21 available at competitive rates, terms and conditions; [~~and~~]

22 (3) existing economic [~~or~~], technological,
23 regulatory or other barriers to market entry or exit;

24 (4) the number of alternate providers offering
25 the same or reasonably comparable services;

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1 (5) the presence of at least two facilities-
2 based competitors, including all facilities-based providers of
3 wireless or voice over internet protocol services, that are
4 operating in all or part of the wire center serving area for
5 which a determination of effective competition is requested and
6 that are unaffiliated with the petitioning provider and provide
7 the same or reasonably comparable service of the type for which
8 the finding of effective competition is sought;

9 (6) the ability of the petitioning provider to
10 affect prices or deter competition; and

11 (7) other factors that the commission deems
12 appropriate.

13 C. If, in the wire center serving area for which a
14 determination of effective competition is requested, the
15 incumbent provider for that wire center provides basic local
16 exchange service either separately or bundled to fewer than
17 one-half of the customer locations in which that service is
18 available at the time the petition is filed, effective
19 competition is presumed for all regulated telecommunications
20 services provided by the incumbent provider in that wire center
21 serving area.

22 ~~[G-]~~ D. No provider of public telecommunications
23 service may use current revenues earned or expenses incurred in
24 conjunction with any noncompetitive service to subsidize
25 competitive public telecommunications services. In order to

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1 avoid cross-subsidization of competitive services by
2 noncompetitive telecommunications services, prices or rates
3 charged for a competitive telecommunications service shall
4 cover the cost for the provision of the service consistent with
5 the principles set forth in Subsection G of Section 63-9A-8.1
6 NMSA 1978. In any proceeding held pursuant to this section,
7 the party [~~providing the service~~] claiming that the price for a
8 competitive telecommunications service does not cover the cost
9 of providing that service shall bear the burden of proving that
10 the prices charged for competitive telecommunications services
11 do not cover cost. As part of its examination of and
12 determination on a complaint, the commission may require the
13 carrier against which the complaint is filed to submit a cost
14 study for the service that is the subject of the complaint.

15 ~~[D-]~~ E. The commission may, upon its own motion or on
16 the petition of an interested party and after notice to all
17 interested parties and customers and a hearing, reclassify any
18 service previously determined to be a competitive
19 telecommunications service if after a hearing the commission
20 finds that a service is not subject to effective competition.

21 F. The petitioning provider of a wire center serving
22 area in which service is deregulated pursuant to a
23 determination of effective competition is ineligible for an
24 exemption from the Unfair Practices Act or the Antitrust Act."

25 SECTION 5. Section 63-9A-8.1 NMSA 1978 (being Laws 1998,

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1 Chapter 108, Section 61, as amended) is repealed and a new
2 Section 63-9A-8.1 NMSA 1978 is enacted to read:

3 "63-9A-8.1. [NEW MATERIAL] CHANGE IN RATES.--

4 A. Rates for retail public telecommunications
5 services provided by an incumbent local exchange carrier that
6 serves more than fifty thousand access lines within the state
7 are subject to regulation by the commission only in the manner
8 and to the extent authorized by this section.

9 B. An incumbent local exchange carrier that serves
10 fifty thousand or more access lines within the state shall file
11 tariffs for all retail public telecommunications services,
12 other than residential local exchange service, that shall take
13 effect ten days after notice to its customers and the
14 commission is given. An incumbent local exchange carrier that
15 serves more than fifty thousand access lines within the state
16 shall remain subject to complaint by an interested party as
17 provided in Section 63-9A-11 NMSA 1978.

18 C. An incumbent local exchange carrier that serves
19 fifty thousand or more access lines within the state may, in
20 accordance with this section, increase its rates for
21 residential local exchange service to comply with the
22 requirements of any federal or state law. The procedures of
23 Subsections D, E and F of this section do not apply to
24 increases under this subsection.

25 D. Except as provided in Subsection C of this

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1 section, rates for residential local exchange service may be
2 increased by an incumbent local exchange carrier that serves
3 more than fifty thousand access lines within the state only
4 after sixty days' notice is given to all affected subscribers.

5 The notice of increase shall include:

6 (1) the reasons for the rate increase;
7 (2) a description of the affected service;
8 (3) an explanation of the right of the
9 subscriber to petition the commission for a public hearing on
10 the rate increase;

11 (4) a list of local exchange areas that are
12 affected by the proposed rate increase; and

13 (5) the dates, times and places for the public
14 informational meetings required by this section.

15 E. An incumbent local exchange carrier that serves
16 more than fifty thousand access lines within the state that
17 proposes to increase its rates for residential local exchange
18 service in accordance with Subsection D of this section shall
19 hold at least one public informational meeting in each
20 commission district as established by the Public Regulation
21 Commission Apportionment Act in which there is a local exchange
22 area affected by the rate change.

23 F. The commission shall review residential local
24 exchange service rates increased by an incumbent local exchange
25 carrier that serves more than fifty thousand access lines

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1 within the state only upon written protest signed by at least
2 one hundred affected subscribers or upon the commission staff's
3 own motion for good cause. The protest shall specifically set
4 forth the particular rate or charge as to which review is
5 requested, the reasons for the requested review and the relief
6 that the protesting persons desire. If a proper protest is
7 presented to the commission within sixty days after the date
8 that notice of the rate change was sent to affected subscribers
9 of an incumbent local exchange carrier that is not an incumbent
10 rural telecommunications carrier, the commission may accept and
11 file the complaint and, upon proper notice, suspend the rates
12 at issue during the pendency of the proceedings and reinstate
13 the rates previously in effect and shall hold and complete a
14 hearing thereon within ninety days after filing to determine if
15 the rates as proposed are fair, just and reasonable. The
16 commission may, within sixty days after close of the hearing,
17 enter an order adjusting the rates at issue, except that the
18 commission shall not set any rate below the intrastate cost of
19 providing the service. In the order, the commission may order
20 a refund of amounts collected in excess of the rates and
21 charges as approved at the hearing, which may be paid as a
22 credit against billings for future services. If the complaint
23 is denied, the commission shall enter an order denying the
24 complaint within sixty days after the close of the hearing and
25 the rates shall be deemed approved. For the purposes of this

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1 section, "cost" includes a reasonable amount of joint and
2 common costs incurred by the incumbent local exchange carrier
3 that serves more than fifty thousand access lines within the
4 state in its operations and may include other accounting
5 adjustments authorized by the commission.

6 G. Rates for local exchange, vertical and
7 long-distance service to retail residential and business
8 end-user customers charged by incumbent local exchange carriers
9 that serve more than fifty thousand access lines may be reduced
10 to a level equal to, but not below, the intrastate cost. The
11 rate for a service, excluding basic service, must cover the
12 cost of the service, including the imputed rate of wholesale
13 service elements as may be required by the commission. The
14 cost of long-distance service shall also include any
15 interexchange access rates charged to another
16 telecommunications carrier for the service. In determining
17 whether a rate for a service covers the cost of the service,
18 the commission shall consider the amount of time that customers
19 are likely to retain the service.

20 H. An incumbent local exchange carrier that serves
21 more than fifty thousand access lines within the state may
22 offer or discontinue offering retail special incentives,
23 discounts, packaged offerings, temporary rate waivers or other
24 promotions or it may offer individual contracts."

25 SECTION 6. Section 63-9A-9 NMSA 1978 (being Laws 1985,

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1 Chapter 242, Section 9, as amended) is amended to read:

2 "63-9A-9. REGULATION OF INDIVIDUAL CONTRACTS TO
3 FACILITATE COMPETITION.--

4 A. In accordance with the provisions of this section,
5 the commission shall regulate the rates, charges and service
6 conditions for individual contracts for public
7 telecommunications services in a manner [~~which~~] that
8 facilitates effective competition and shall authorize the
9 provision of all or any portion of a public telecommunications
10 service under stated or negotiated terms to any person or
11 entity that has acquired or is preparing to acquire, through
12 construction, lease or any other form of acquisition, similar
13 public telecommunications services from an alternate source.

14 B. At any time, the provider of public
15 telecommunications services may file a verified application
16 with the commission for authorization to provide a public
17 telecommunications service on an individual contract basis.
18 The application shall describe the telecommunications services
19 to be offered, the party to be served and the parties offering
20 the service, together with such other information and in such
21 form as the commission may prescribe. Such additional
22 information shall be reasonably related to the determination of
23 the existence of a competitive offer. A determination of
24 effective competition pursuant to Section 63-9A-8 NMSA 1978
25 shall not be necessary to file an application or to have an

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1 application granted by the commission pursuant to this section.

2 C. The commission shall approve or deny any such
3 application within ten days or such other period as shall be
4 established by the commission, not to exceed sixty days, giving
5 consideration to the requirements of any contract negotiations.
6 If the commission has not acted on any application within the
7 time period established, the application shall be deemed
8 granted. The commission shall deny the application only upon a
9 finding that the application fails to set forth prescribed
10 information or that the subject or comparable services are not
11 being offered to the customer by parties other than the
12 applicant or that the contract fails to cover the costs of the
13 service as defined by Subsection G of Section 63-9A-8.1 NMSA
14 1978.

15 D. [~~Within ten days after the conclusion of~~
16 ~~negotiations~~] The provider of public telecommunications
17 services shall file with the commission the final contract or
18 other evidence of the service to be provided, together with the
19 charges and other conditions of [~~the~~] service, [~~which shall be~~
20 ~~maintained by~~] upon request by the commission. If that
21 contract or evidence is requested, the commission shall
22 maintain it on a confidential basis subject to an appropriate
23 protective order. Any interested party may receive copies of
24 filings made in accordance with this section upon request to
25 the commission and, if applicable, execution of an appropriate

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1 confidentiality agreement."

2 SECTION 7. Section 63-9A-11 NMSA 1978 (being Laws 1985,
3 Chapter 242, Section 11) is amended to read:

4 "63-9A-11. COMPLAINT ALLEGING VIOLATION BY PROVIDER OF
5 TELECOMMUNICATIONS SERVICES.--

6 A. Complaint may be made by any interested party
7 setting forth any act or omission by a provider of
8 telecommunications services alleged to be in violation of any
9 provision of the New Mexico Telecommunications Act or any order
10 or rule of the commission issued pursuant to that act.

11 B. Upon filing of the complaint, the commission shall
12 set the time and place of hearing, if a hearing is required,
13 and at least ten days' notice [~~thereof~~] of the hearing shall be
14 given to the party complained of. Service of notice of the
15 hearing shall be made in any manner giving actual notice.

16 C. All matters upon which complaint may be founded
17 may be joined in one hearing, and a complaint is not defective
18 for misjoinder or nonjoinder of parties or causes either before
19 the commission or on review by the courts. The persons the
20 commission allows to intervene shall be joined and heard, along
21 with the complainant and the party complained of.

22 D. The burden shall be on the party complaining to
23 show a violation of a provision of the New Mexico
24 Telecommunications Act or an order or rule of the commission
25 issued pursuant to that act.

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1 E. After conclusion of the hearing, the commission
2 shall make and file an order containing its findings of fact
3 and decision. A copy of the order shall be served upon the
4 party complained of or [~~his~~] that party's attorney.

5 F. Conduct of the hearings and rendering of decisions
6 shall be governed by the rules of practice and procedure
7 [~~heretofore or hereafter~~] promulgated by the commission."

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

10 "[NEW MATERIAL] COMMISSION REVIEW OF IMPACTS.--The
11 commission shall review the impact of the New Mexico
12 Telecommunications Act on residential and business consumers in
13 urban and rural areas of the state every three years and shall
14 report its findings to the legislature. The commission shall
15 complete its first review by July 31, 2019. As part of its
16 review, the commission shall investigate the impact on rates,
17 service quality, incumbent local exchange company employment,
18 investment in telecommunications infrastructure and the
19 availability and deployment of high-speed data services, and it
20 shall report on those wire centers deemed to have effective
21 competition and on any wire centers no longer subject to
22 carrier of last resort obligations. After July 31, 2021, the
23 commission may regulate basic local exchange service in
24 accordance with the New Mexico Telecommunications Act for a
25 wire center serving an area deregulated in accordance with

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1 Section 63-9A-8 NMSA 1978 if the commission, through a hearing
2 and findings of fact and conclusions of law, finds that re-
3 regulation of basic local exchange service is necessary to
4 protect the public interest."

5 SECTION 9. REPEAL.--Sections 63-9A-5.1, 63-9A-5.2 and
6 63-9A-8.2 NMSA 1978 (being Laws 2004, Chapter 3, Sections 4 and
7 5; and Laws 2000, Chapter 100, Section 4 and Laws 2000, Chapter
8 102, Section 4, as amended) are repealed.