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**The New Mexico Public Regulation Commission's Role in Broadband Regulation and Deployment**

(The information provided below does not necessarily reflect the collective opinion of the Commission as a whole, nor the opinion of any single Commissioner.)

- The New Mexico Public Regulation Commission regulates intrastate telecommunications services. Traditional regulation has been over the “non-broadband” public switched telephone network (“PSTN”), operating through time division multiplexing (“TDM”). Broadband is primarily an internet protocol (“IP”) based service.
- The Federal Communications Commission (“FCC”) has determined that broadband is largely interstate in nature, and therefore primarily under FCC jurisdiction.
- The FCC classified broadband as a telecommunications service in its Net Neutrality Order. In doing so, it decided to forbear from broadband rate regulation, among other provisions of Section 202 of Title II the Communications Act of 1934. Net neutrality order upheld by District of Columbia Federal Court of Appeals on June 14, 2016.
- The regulatory conditions on the ground for state Commissions has so far remained unchanged from before the issuance of the FCC’s Net Neutrality Order (April 3, 2015). The NMPRC currently does not assert authority over broadband services.
- The NMPRC does, however, assist with solving informal broadband billing complaints in its Consumer Relations Division with the cooperation of broadband providers. Customers are notified that they have the option of filing a complaint with the FCC to resolve the complaint.
- The NMPRC on a number of occasions expressed its support for the deployment of broadband services in New Mexico, and taken action to further that cause.
- The NMPRC in Case No. 15-00048-UT implemented the New Mexico Broadband Task Force, to provide a report and action plan for suggestions to the NMPRC to stimulate the deployment of broadband in New Mexico (filed with the NMPRC on June 10, 2015).
- The Commission ultimately created a broadband fund as part of the New Mexico State Universal Service Fund in a rulemaking in Case No. 15-00264-UT. That rule is currently on appeal on a number of grounds, including the creation of the broadband fund.
- The Commission also has the responsibility for the annual certification of Eligible Telecommunications Carriers (“ETCs”) for the use of state and federal universal service funds (current Case No. 16-00149-UT) for broadband and PSTN-based funding. The FCC has recently revised its Lifeline program so Lifeline monies may be applied to broadband service, with certification of broadband Lifeline ETCs at the FCC, and not the states as provided for under Section 47 U.S.C. 214(e)(2) (order under appeal by states).