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HOUSE BILL 715

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

John A. Heaton

AN ACT

RELATING TO TELECOMMUNICATIONS; AMENDING THE RURAL
TELECOMMUNICATIONS ACT OF NEW MEXICO TO EXPAND THE DEFINITION
OF "INCUMBENT RURAL TELECOMMUNICATIONS CARRIER".

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

Section 1. Section 63-9H-3 NMSA 1978 (being Laws 1999,
Chapter 295, Section 3) is amended to read:

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

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

B. "basic service" means service that is provided
to a rural end-user customer that is consistent with the

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1 federal act;

2 C. "cable service" means the transmission to
3 subscribers of video programming or other programming service
4 and subscriber interaction, if any, that is required for the
5 selection or use of the video programming or other programming
6 service;

7 D. "commission" means the public regulation
8 commission;

9 E. "eligible telecommunications carrier" means an
10 eligible telecommunications carrier as defined in the federal
11 act;

12 F. "federal act" means the federal
13 Telecommunications Act of 1996;

14 G. "fund" means the state rural universal service
15 fund;

16 H. "incumbent local exchange carrier" means a
17 person that:

18 (1) was designated as an eligible
19 telecommunications carrier by the state corporation commission
20 in Docket #97-93-TC by order dated October 23, 1997, or that
21 provided local exchange service in this state on February 8,
22 1996; or

23 (2) became a successor or assignee of an
24 incumbent local exchange carrier;

25 I. "incumbent rural telecommunications carrier"

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1 means [a] an incumbent local exchange carrier that [serves
2 ~~fewer than fifty thousand access lines within the state and~~
3 was designated as an eligible telecommunications carrier by the
4 state corporation commission on or before November 1, 1997,
5 including any successor in interest thereto and that:

6 (1) provides local exchange service to fewer
7 than fifty thousand access lines;

8 (2) provides local exchange service to any
9 local exchange carrier study area with fewer than one hundred
10 thousand access lines; or

11 (3) has less than fifteen percent of its
12 access lines in communities with a population of more than
13 fifty thousand;

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

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

21 L. "long distance service" means telecommunications
22 service between local exchange areas that originate and
23 terminate within the state;

24 M "private telecommunications service" means a
25 system, including its construction, maintenance or operation,

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1 for the provision of tele~~com~~munications service, or any portion
2 of that service, by a person for the sole and exclusive use of
3 that person and not for resale, directly or indirectly. For
4 purposes of this definition, the person that may use the
5 service includes any affiliates of the person if at least
6 eighty percent of the assets or voting stock of the affiliates
7 is owned by the person. If any other person uses the
8 tele~~com~~munications service, whether for hire or not, the
9 private tele~~com~~munications service is a public
10 tele~~com~~munications service;

11 N. "public tele~~com~~munications service" means the
12 transmission of signs, signals, writings, images, sounds,
13 messages, data or other information of any nature by wire,
14 radio, lightwaves or other electrom~~ag~~netic means originating
15 and termin~~at~~ing in this state regardless of actual call
16 routing. "Public tele~~com~~munications service" does not include
17 the provision of terminal equipment used to originate or
18 termin~~at~~e the service; private tele~~com~~munications service;
19 broadcast transmissions by radio, television and satellite
20 broadcast stations regulated by the federal ~~com~~munications
21 ~~com~~mission; radio ~~com~~mon carrier services, including mobile
22 telephone service and radio paging; or cable service; [~~and~~]

23 0. "study area" means a study area as defined in Part
24 36 of the rules of the federal ~~com~~munications ~~com~~mission and as
25 referenced in Section 214(e)(5) of the federal act; and

. 145180. 1

1 ~~[θ-]~~ P. "telecommunications carrier" means a person
2 that provides public telecommunications service. "

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