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HOUSE JOINT MEMORIAL 57  
**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**  
INTRODUCED BY  
Patricia A. Lundstrom

A JOINT MEMORIAL  
SUPPORTING THE USE OF THE STATE RURAL UNIVERSAL SERVICE FUND  
FOR THE FIRST YEAR OF OPERATION OF AN INCUMBENT LOCAL  
TELECOMMUNICATIONS COMPANY WHILE WAITING FOR FEDERAL RURAL  
SUPPORT.

WHEREAS, it is in the public interest that all New Mexico  
households have access to basic and advanced telecommunications  
services for personal and homeland security and for health,  
education and economic development purposes; and

WHEREAS, in excess of sixty percent of Navajo households  
do not have access to the most basic telecommunications service  
due to the cost of copper and fiber optic systems in remote  
areas within the state as well as due to difficulties in  
acquiring right-of-way permits on tribal and federal bureau of  
Indian affairs lands; and

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1           WHEREAS, Sacred Wind communications, incorporated, a  
2 telecommunications company headquartered in New Mexico, is  
3 negotiating the acquisition of other telecommunications  
4 companies' facilities and customers on the Navajo Nation  
5 reservation and on federal bureau of Indian affairs allotment  
6 lands and has designed fixed wireless local loop radio systems  
7 to reach hundreds more Navajo homes, thereby overcoming many  
8 cost and right-of-way issues encountered by traditional  
9 landline companies; and

10           WHEREAS, the federal communications commission makes  
11 available universal service funding for rural  
12 telecommunications companies that serve remote rural areas  
13 where the cost of providing telecommunications services is  
14 inordinately high, but requires pursuant to Federal  
15 Communications Commission Rule 54-305 that a telecommunications  
16 company be operational for one year before becoming eligible  
17 for federal communications commission support; and

18           WHEREAS, a New Mexico successor telecommunications company  
19 dedicated to serving the Navajo people will not have the  
20 resources to operate at a loss and pay salaries for one year  
21 when its costs of service far exceed its income from low-income  
22 families; and

23           WHEREAS, the public regulation commission manages a state  
24 rural universal service fund whose purpose is to "maintain and  
25 support at affordable rates those public telecommunications

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1 services as are determined by the commission"; and

2 WHEREAS, the state rural universal service fund has not  
3 been used by any rural telecommunications carrier for over a  
4 dozen years and now holds a balance of over two million dollars  
5 (\$2,000,000); and

6 WHEREAS, the state rural universal service fund can be  
7 used to cover in part the high operational costs of Sacred Wind  
8 communications, incorporated, until it receives federal  
9 communications commission support after its first year;

10 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
11 STATE OF NEW MEXICO that the public regulation commission be  
12 requested to consider the use of state rural universal service  
13 funds to support the first year of a successor  
14 telecommunications company that is established to serve high-  
15 cost tribal communities as an incumbent provider of basic local  
16 exchange services; and

17 BE IT FURTHER RESOLVED that copies of this memorial be  
18 transmitted to the members of the public regulation commission,  
19 the Navajo Nation telecommunications regulatory commission, the  
20 president of the Navajo Nation, the Navajo Nation eastern  
21 agency and Shiprock agency, the Navajo eastern regional office  
22 of the federal bureau of Indian affairs and the office of the  
23 New Mexico attorney general.