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HOUSE JOINT MEMORIAL 9

50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012

INTRODUCED BY

Ray Begaye

A JOINT MEMORIAL

REQUESTING THE APPROPRIATE INTERIM LEGISLATIVE COMMITTEE TO
CONSIDER REDUCED REGULATION FOR INCUMBENT RURAL
TELECOMMUNICATIONS CARRIERS.

WHEREAS, the legislature has declared in the Rural
Telecommunications Act of New Mexico that it is the policy of
the state of New Mexico to maintain the availability of
telecommunications services for rural customers at affordable
rates and, to the extent that it is consistent with making such
affordable services available for rural customers, it is also
the policy of the state to encourage competition and reduce
regulation in the telecommunications industry so as to allow
access by the public to advances in telecommunications
technology; and

WHEREAS, the legislature has further declared in the Rural

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1 Telecommunications Act of New Mexico that, to accomplish the
2 state's declared goals, it is necessary to provide disparate
3 regulatory treatment between rural telephone carriers and
4 nonrural telephone carriers; and

5 WHEREAS, the legislature has further declared in the Rural
6 Telecommunications Act of New Mexico that disparate regulatory
7 treatment for rural telephone carriers requires "relaxed
8 regulation for rural telephone carriers with the objective of
9 reducing the cost of regulation as well as the regulatory
10 burden, permitting pricing flexibility and expediting required
11 rate approvals"; and

12 WHEREAS, there continue to be rapid and significant
13 advances in telecommunications technology and increased
14 competition in the telecommunications industry, including in
15 rural high-cost areas of New Mexico; and

16 WHEREAS, the federal communications commission recently
17 announced its intention to establish extensive new regulatory
18 policies and mechanisms for the telecommunications industry
19 that may adversely affect the ability of New Mexico's rural
20 telecommunications carriers to make local telecommunications
21 services available at affordable rates for customers in rural
22 high-cost areas of the state; and

23 WHEREAS, the legislature is concerned that, despite prior
24 legislative declarations and provisions, the current
25 regulations and practices of the public regulation commission

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1 do not provide sufficiently relaxed regulation for incumbent
2 rural telecommunications carriers to ensure the widespread
3 availability of local exchange services at affordable rates in
4 the rural high-cost areas of the state. More specifically, the
5 legislature is concerned that the public regulation
6 commission's current regulations and practices do not, among
7 other things, provide an appropriate expedited time limitation
8 for the commission to act on requests by an incumbent rural
9 telecommunications carrier for regulatory relief, do not
10 provide for reasonable limitations on the scope and amount of
11 supporting documentation and other evidence required to obtain
12 regulatory relief to ensure that affordable telecommunications
13 services are available for rural customers and do not otherwise
14 provide for streamlined and expedited proceedings to ensure
15 that there is a reduced regulatory burden and reduced expense
16 for incumbent rural telecommunications carriers seeking
17 regulatory relief from the public regulation commission; and

18 WHEREAS, it is in the public interest for the legislature,
19 the public regulation commission and affected parties to
20 consider the matter of reduced regulation for incumbent rural
21 telecommunications carriers to ensure the widespread
22 availability of affordable rates in rural high-cost areas of
23 the state;

24 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
25 STATE OF NEW MEXICO that the appropriate interim legislative

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1 committee be requested to work with the public regulation
2 commission, the New Mexico attorney general and the
3 telecommunications industry to review and consider the extent
4 to which reduced regulation for incumbent rural
5 telecommunications carriers is required to ensure the
6 widespread availability of local telecommunications services at
7 affordable rates in rural high-cost areas of the state; and

8 BE IT FURTHER RESOLVED that the appropriate interim
9 legislative committee report its findings to the senate
10 leadership, the house leadership and the governor prior to
11 December 2012; and

12 BE IT FURTHER RESOLVED that copies of this memorial be
13 transmitted to the co-chairs of the New Mexico legislative
14 council, the chair of the public regulation commission, the New
15 Mexico attorney general and the governor.

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