

HOUSE FLOOR SUBSTITUTE FOR
HOUSE JOINT MEMORIAL 9

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

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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underscored material = new
[bracketed material] = delete

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 the public
24 regulation commission's current regulations and practices do
25 not provide an appropriate expedited time limitation for the

1 commission to act on requests by an incumbent rural
2 telecommunications carrier for relief; and that the resources
3 needed to successfully conclude a commission case with complex,
4 formal evidentiary procedures can be a barrier to small
5 carriers with limited resources, thus threatening the ability
6 to ensure that affordable telecommunications services are
7 available for rural customers; and

8 WHEREAS, it is in the public interest for the legislature,
9 the public regulation commission and affected parties to
10 consider the matter of state responses to the changes occurring
11 at the federal level, as well as the potential to further
12 streamline regulatory procedures for incumbent rural
13 telecommunications carriers to ensure the widespread
14 availability of affordable rates in rural high-cost areas of
15 the state;

16 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
17 STATE OF NEW MEXICO that the appropriate interim legislative
18 committee be requested to work with the public regulation
19 commission, the New Mexico attorney general and the
20 telecommunications industry to review and consider the extent
21 to which changes in statutes and regulation affecting incumbent
22 rural telecommunications carriers are needed in order to ensure
23 the widespread availability of local telecommunications
24 services at affordable rates in rural high-cost areas of the
25 state; and

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1 BE IT FURTHER RESOLVED that the appropriate interim
2 legislative committee report its findings to the senate
3 leadership, the house leadership and the governor prior to
4 December 2012; and

5 BE IT FURTHER RESOLVED that copies of this memorial be
6 transmitted to the co-chairs of the New Mexico legislative
7 council, the chair of the public regulation commission, the New
8 Mexico attorney general and the governor.