

1 SENATE JOINT MEMORIAL 4

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

3 INTRODUCED BY

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10 A JOINT MEMORIAL

11 REQUESTING THE NEW MEXICO LEGISLATIVE COUNCIL TO CREATE A
12 TELECOMMUNICATIONS REGULATION TASK FORCE TO DEVELOP
13 RECOMMENDATIONS FOR LEGISLATIVE AND ADMINISTRATIVE ACTIONS TO
14 FOSTER A LEVEL REGULATORY AND COMPETITIVE MARKET ENVIRONMENT
15 FOR TELECOMMUNICATIONS SERVICE PROVIDERS.

16
17 WHEREAS, the New Mexico Telecommunications Act was enacted
18 in 1985 with stated purposes including:

19 A. "to maintain the availability of access to
20 telecommunications services";

21 B. "to encourage competition in the provision of
22 public telecommunications services"; and

23 C. to "allow an orderly transition from a regulated
24 telecommunications industry to a competitive market
25 environment"; and

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1 WHEREAS, the policies articulated in the New Mexico
2 Telecommunications Act were reiterated in 1999 in the purposes
3 of the Rural Telecommunications Act of New Mexico with an
4 additional purpose of establishing "relaxed regulation for
5 rural telephone carriers with the objective of reducing the
6 cost of regulation as well as the regulatory burden"; and

7 WHEREAS, in 2000, the New Mexico legislature reconfirmed
8 its intention to use competition instead of regulation to
9 deliver advanced telecommunications for New Mexico consumers,
10 stating that "the encouragement of competition in the provision
11 of public telecommunications services will result in greater
12 investment in the telecommunications infrastructure in the
13 state, improved service quality and operations and lower prices
14 for such services"; and

15 WHEREAS, the New Mexico legislature passed Senate Bill 53
16 in 2017, amending the New Mexico Telecommunications Act in part
17 to provide for more equal regulation among New Mexico
18 telecommunications providers and to provide for all New Mexico
19 consumers and telecommunications providers the benefits of
20 reduced regulation achieved for consumers and providers under
21 the Rural Telecommunications Act of New Mexico; and

22 WHEREAS, a key purpose of Senate Bill 53 was to accelerate
23 the transition of regulation away from telephone regulation
24 models of the twentieth century and toward a market-driven
25 regulatory scheme that incentivizes investment in broadband

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1 technologies and infrastructure for the benefit of New Mexico
2 consumers and businesses; and

3 WHEREAS, in the nearly three years since the enactment of
4 Senate Bill 53, the public regulation commission has actually
5 increased telephone regulation applicable to one company, thus
6 moving further away from the level regulatory playing field
7 envisioned by the legislation;

8 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
9 STATE OF NEW MEXICO that the legislature maintain its intent to
10 move toward the implementation of a regulatory framework that
11 fosters a competitive market environment for the provision of
12 telecommunications and broadband service throughout New Mexico;
13 and

14 BE IT FURTHER RESOLVED that the New Mexico legislative
15 council be requested to form a "telecommunications regulation
16 task force" to develop recommendations for legislative and
17 administrative actions to ensure equal regulation among
18 telecommunications providers and to foster a competitive
19 telecommunications environment; and

20 BE IT FURTHER RESOLVED that the telecommunications
21 regulation task force be composed of representatives from the
22 legislature, the public regulation commission, the office of
23 the attorney general, the department of information technology
24 and telecommunications service providers; and

25 BE IT FURTHER RESOLVED that the telecommunications

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1 regulation task force give a presentation, including a written
2 report of its findings and recommendations, to the appropriate
3 legislative interim committee by November 1, 2020; and

4 BE IT FURTHER RESOLVED that copies of this memorial be
5 transmitted to the speaker of the house of representatives, the
6 president pro tempore of the senate, the attorney general, the
7 secretary of information technology, the chair of the public
8 regulation commission, the governor, the executive director of
9 the New Mexico exchange carrier group and the New Mexico
10 director of government affairs for CenturyLink.