

Underscored material = new
[bracketed material] = delete

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 1225

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

TIMOTHY Z. JENNINGS

AN ACT

RELATING TO TELECOMMUNICATIONS; PROVIDING THAT A TELEPHONE
COMPANY'S CERTIFICATED AREA INCLUDES ANY AREA WITHIN SEVENTY-
FIVE MILES OF CERTAIN MUNICIPALITIES.

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

Section 1. Section 63-9-2 NMSA 1978 (being Laws 1965,
Chapter 292, Section 2, as amended) is amended to read:

"63-9-2. DEFINITIONS. -- As used in the Telephone and
Telegraph Company Certification Act:

A. "commission" means the state corporation
commission;

B. "telephone company" means a company, corporation,
partnership, individual or others, not engaged solely in
interstate business, furnishing mobile telephone service or
radio paging;

Underscored material = new
[bracketed material] = delete

1 C. "public utility telephone service" means making
2 and offering mobile telephone or radio paging service to or for
3 the public generally and being ready, willing and able to
4 furnish such service with adequate equipment; and

5 D. "certificated area" means the geographical area
6 [~~which~~] that a telephone company is authorized to serve,
7 including any area within a seventy-five mile radius of any
8 municipality within the area having a population of fifteen
9 thousand or more at the last federal decennial census, except
10 and to the extent it is part of the certificated area of another
11 telephone company, by a certificate of public convenience and
12 necessity and which is defined on the map as part of the
13 certificate. "

14 Section 2. Section 63-9-6 NMSA 1978 (being Laws 1965,
15 Chapter 292, Section 6) is amended to read:

16 "63-9-6. ISSUANCE OF CERTIFICATE--TERRITORY ON MAP.--

17 A. After conclusion of a hearing on an application
18 for a certificate of convenience and necessity, the commission
19 shall make and file an order containing its findings of fact and
20 decision. The order shall become operative twenty days after
21 issuance, except as the commission may otherwise provide.

22 B. The commission shall grant all certificates as
23 required by Section [~~4 of this act~~] 63-9-3 NMSA 1978 and the New
24 Mexico Telecommunications Act.

25 C. [~~As to all applications other than those based~~

Underscored material = new
[bracketed material] = delete

1 ~~upon Section 4 of this act~~] The commission has the power, after
2 having determined public convenience and necessity, to grant a
3 certificate as applied for or to refuse to grant it or to grant
4 it for the construction or operation of only a portion of the
5 contemplated plant or system or extension [~~thereof~~] or for the
6 partial exercise only of the rights and privilege sought and may
7 attach to the exercise of the rights and privilege granted by a
8 certificate such terms and conditions as in its judgment the
9 public convenience and necessity may require.

10 D. The geographical field or area that a telephone
11 company is authorized and required to serve by a certificate
12 shall be defined on a map [~~which will~~] that shall be part of the
13 certificate. The commission shall prescribe the form of the map
14 to be used. Notwithstanding any other provision of law, the
15 certificated service area shall include any area within a
16 seventy-five mile radius of any municipality within the area
17 having a population of fifteen thousand or more at the last
18 federal decennial census, except and to the extent it is part of
19 the certificated area of another telephone company. "

20 Section 3. Section 63-9-7 NMSA 1978 (being Laws 1965,
21 Chapter 292, Section 7) is amended to read:

22 "63-9-7. DUTY TO EXERCISE AUTHORITY--DISCONTINUANCE. --

23 A. Unless exercised within a period designated by
24 the commission, exclusive of any delay due to the order of any
25 court, authority conferred by a certificate of convenience and

Underscored material = new
[bracketed material] = delete

1 necessity issued by the commission shall be void. The beginning
2 of the construction of a plant or system, in good faith, within
3 the time prescribed by the commission and the prosecution of the
4 same with reasonable diligence in proportion to the magnitude of
5 the undertaking shall constitute an exercise of the authority.

6 B. The holder of a certificate shall render
7 continuous and adequate service to the public and shall not
8 discontinue, reduce or impair service to a certificated area or
9 part of a certificated area, including any area within a
10 seventy-five mile radius of any municipality within the area
11 having a population of fifteen thousand or more at the last
12 federal decennial census, except ordinary discontinuance of
13 service for nonpayment of charges, nonuse and similar reasons in
14 the usual course of business, unless and until there [~~shall~~] has
15 first [~~have~~] been obtained from the commission a certificate
16 that neither the present nor future public convenience and
17 necessity will be adversely affected thereby; except that the
18 commission may, upon appropriate request being made, authorize
19 temporary or emergency discontinuance, reduction or impairment
20 of service without regard to the provisions of this section;
21 provided, however, that nothing in this section shall be
22 construed as requiring a certificate from the commission for any
23 installation, replacement or other changes in plant, operation
24 or equipment [~~which~~] that will not impair the adequacy or
25 quality of service provided. "

. 115681. 1