

AN ACT

RELATING TO TELECOMMUNICATIONS; ESTABLISHING A BILLING PER-UNIT BASIS FOR CERTAIN TELECOMMUNICATIONS SERVICE; AMENDING AND ENACTING SECTIONS OF THE NEW MEXICO TELECOMMUNICATIONS ACT.

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

Section 1. Section 63-9A-3 NMSA 1978 (being Laws 1985, Chapter 242, Section 3, as amended) is amended to read:

"63-9A-3. DEFINITIONS.--As used in the New Mexico Telecommunications Act:

A. "affordable rates" means local exchange service rates that promote universal service within a local exchange service area, giving consideration to the economic conditions and costs to provide service in such area;

B. "cable television service" means the one-way transmission to subscribers of video programming or other programming service and subscriber interaction, if any, that is required for the selection of such video programming or other programming service;

C. "commission" means the public regulation commission;

D. "competitive telecommunications service" means a service that has been determined to be subject to effective competition pursuant to Section 63-9A-8 NMSA 1978;

E. "effective competition" means that the customers of the service have reasonably available and comparable alternatives to the service;

F. "fund" means the New Mexico universal service fund;

G. "local exchange area" means a geographic area encompassing one or more local communities, as described in maps, tariffs or rate schedules filed with the commission, where local exchange rates apply;

H. "local exchange service" means the transmission of two-way interactive switched voice communications furnished by a telecommunications company within a local exchange area;

I. "message telecommunications service" means telecommunications service between local exchange areas within the state for which charges are made on the per-unit basis of one-tenth of a minute, not including wide-area telecommunications service, or its equivalent, or individually negotiated contracts for telecommunications services;

J. "noncompetitive telecommunications service" means a service that has not been determined to be subject to effective competition pursuant to Section 63-9A-8 NMSA 1978;

K. "private telecommunications service" means a system, including the construction, maintenance or operation

thereof, for the provision of telecommunications service, or any portion of that service, by a person for the sole and exclusive use of that person and not for resale, directly or indirectly. For purposes of this definition, the person that may use such service includes any affiliates of the person if at least eighty percent of the assets or voting stock of the affiliates is owned by the person. If any other person uses the telecommunications service, whether for hire or not, the private telecommunications service is a public telecommunications service;

L. "public telecommunications service" means the transmission of signs, signals, writings, images, sounds, messages, data or other information of any nature by wire, radio, lightwaves or other electromagnetic means originating and terminating in this state regardless of actual call routing. "Public telecommunications service" does not include the provision of terminal equipment used to originate or terminate such service; private telecommunications service; broadcast transmissions by radio, television and satellite broadcast stations regulated by the federal communications commission; radio common carrier services, including mobile telephone service and radio paging; or one-way cable television service; and

M. "telecommunications company" means a person that provides public telecommunications service."

Section 2. A new section of the New Mexico Telecommunications Act is enacted to read:

"INTRASTATE TOLL CHARGES BILLED AT INCREMENT OF ONE-TENTH OF A MINUTE.--

A. A rate for message telecommunications service, including any switched access charge, shall be calculated and charged on the incremental unit of one-tenth of a minute.

B. A charge for telecommunications service between local exchange areas within the state and sold as a fixed block of time shall be calculated on the incremental unit of one-tenth of a minute." _____
