

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE STATE RURAL)
UNIVERSAL SERVICE FUND 2019 PER-)
CONNECTION CHARGE CALCULATION) **Case No. 18-00252-UT**
AND FUND SIZE)
_____)

INITIAL ORDER

THIS MATTER comes before the New Mexico Public Regulation Commission (the “Commission”) upon the Commission’s own motion.

Whereupon, being duly informed,

THE COMMISSION FINDS AND CONCLUDES:

1. The Rural Telecommunications Act of New Mexico (the “RTA”) provides for the establishment and maintenance of a State Rural Universal Service Fund (“SRUSF”) and authorizes the Commission to select a Fund Administrator for the SRUSF. NMSA 1978, § 63-9H-6.G (2013). Pursuant to the RTA, the Commission adopted Commission Rule 17.11.10 NMAC, concerning the SRUSF (the “SRUSF Rule”).

2. In 2017, the New Mexico Legislature amended the RTA to include, among other things, a new provision stating that, as a mechanism to fund the SRUSF, “[t]he commission may establish the surcharge as a percentage of intrastate retail public telecommunications services revenue or as a fixed amount applicable to each communication connection.” NMSA 1978, § 63-9H-6.B.

3. Pursuant to the Legislature’s 2017 amendments to the RTA, the Commission conducted a rulemaking proceeding, Case No. 17-00077-UT, to amend the

Commission's SRUSF Rule. In the Commission's Final Order Adopting Rule in Case No. 17-00077-UT, the Commission amended the SRUSF Rule in a number of ways, including by providing that the Commission could use either a surcharge as a percentage of intrastate retail revenue or a per-communication connection fixed dollar surcharge to fund the SRUSF.

4. In Commission Case No. 17-00202-UT, the Commission adopted a per-communication connection fixed dollar surcharge to fund the SRUSF for the remainder of 2018.

5. The SRUSF Rule requires that the Fund Administrator "determine the amount of the fund for the next calendar year and submit its findings to the commission on or before September 1 of each year to enable commission approval on or before October 1 of each year in order to provide carriers with sufficient time to implement any change in the surcharge rate." 17.11.10.19.A NMAC.

6. The Commission has jurisdiction over the subject matter of this docket.

7. In light of the Commission's shift to a per-communication connection surcharge and the potential complications that may arise during the 2018 transition period, the Commission finds that the schedule for recommendation and implementation of the 2019 per-communication connection surcharge should not follow subsection 17.11.10.19.A NMAC of the SRUSF Rule. The Commission and the Fund Administrator will benefit from a more flexible schedule for this matter.

8. The Commission further finds that, as an initial step in this matter, it should request information from the rural incumbent local exchange carriers that receive access reduction support payments from the SRUSF, pursuant to 17.11.10.19.E NMAC,

for calculation of such payments pursuant to the amended RTA and the amended Commission SRUSF Rule.

IT IS THEREFORE ORDERED:

A. This docket is hereby opened for the purpose of setting a 2019 per-communication connection surcharge to fund the SRUSF and for receiving information for that purpose.

B. A variance is hereby issued from subsection 17.11.10.19.A NMAC of the Commission's SRUSF Rule.

C. The Commission hereby orders **Baca Valley Telephone Company, Dell Telephone Cooperative, ENMR Telephone Cooperative, La Jicarita Rural Telephone Cooperative, Leaco Rural Telephone Cooperative, Penasco Valley Telephone Cooperative, Roosevelt County Rural Telephone Cooperative, Tularosa Basin Telephone Company, Valley Telephone Cooperative, Western New Mexico Telephone Company, Windstream Communications Southwest, Inc., CenturyTel of the Southwest – New Mexico, Mescalero Apache Telecom, Inc., and Navajo Communications Company, Inc.** to provide the following information to the Commission, by filing it in this docket, with verifying affidavits, and serving it upon the service list attached hereto, on or before **September 5, 2017**:

(1) Please provide your calculation of your imputed benchmark revenue for 2019, pursuant to the SRUSF Rule, 17.11.10 NMAC. Please provide the detail of your calculation, including identification of each component of the calculation. If there are any estimates of figures used in

the calculation, please identify them as estimates and describe how they were estimated; and

(2) Please provide the total number of your access lines in New Mexico (i) as of December 31, 2014, and (ii) as of December 31, 2017. Please use the definition of “Access line” included in the Commission’s SRUSF Rule, at 17.11.10.7(A) NMAC, which is as follows:

“Access line” means a dial tone line, or its functional equivalent, that provides local exchange service from a carrier’s switching equipment to a point of termination at the customer’s network interface, and is not limited to wireline or any other technology; for the purposes of this rule, an access line does not include official lines, unbundled network elements/platforms, retail resale, wholesale resale, special access lines and private lines.

D. This Order is effective immediately.

E. Copies of this Order shall be served on all persons listed on the attached Certificate of Service, via e-mail to those whose e-mail addresses are known, and otherwise via regular mail.

ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this
22nd day of August 2018.

NEW MEXICO PUBLIC REGULATION COMMISSION


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CYNTHIA B. HALL, VICE CHAIR


PATRICK H. LYONS, COMMISSIONER

EXCUSED

VALERIE ESPINOZA, COMMISSIONER


LYNDA LOVEJOY, COMMISSIONER



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**IN THE MATTER OF THE STATE RURAL)
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Case No. 18-00252-UT

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the **Initial Order** issued by the New Mexico Public Regulation Commission on August 22, 2018, was sent via email and first-class mail on August 22, 2018, to the following parties:

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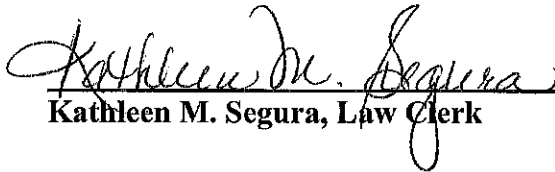
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VIA FIRST-CLASS MAIL

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DATED this 22nd day of August 2018.

NEW MEXICO PUBLIC REGULATION COMMISSION



Kathleen M. Segura, Law Clerk