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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)
_____)**

**ORDER SETTING STATE RURAL UNIVERSAL SERVICE FUND SIZE AND
PER-COMMUNICATION CONNECTION CHARGE FOR 2019**

THIS MATTER comes before the New Mexico Public Regulation Commission (the “Commission”) upon the Recommendation for a 2019 Per-Connection Charge to Fund the State Rural Universal Service Fund (the “2019 Recommendation”), filed by the Fund Administrator, GVNW Consulting (“GVNW”), on November 30, 2018.

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 of \$1.17 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. On August 22, 2018, the Commission commenced this docket by issuing an Initial Order which, among other things, requested information from the rural incumbent local exchange carriers needed for the calculation of the 2019 SRUSF fund size and allowed GVNW more time to provide its recommendation for 2019 in light of the fact that a proceeding to switch from a percentage-of-interstate-revenue surcharge to a per-communication connection surcharge was underway.

7. On November 30, 2018, GVNW filed the 2019 Recommendation. In the 2019 Recommendation, GVNW notes that the projected number of communication

connections prior to implementation of the per-communication connection charge was higher than the total of the numbers reported to GVNW once the “transition period” of actual implementation began in October 2018. Thus, GVNW’s alternative recommendations for per-communication connection surcharges for 2019 are somewhat higher than the approximate \$1.17 initially projected by GVNW to continue to be adequate from 2018 to 2019. As shown in the 2019 Recommendation, GVNW recommends any of the following charges, within the Commission’s discretion: \$1.24, \$1.25, \$1.26, and \$1.30.

8. As described in the Recommendation, the per-communication connection charge options vary based upon the potential for the Commission to collect less than the full annual \$5 million to be awarded to Broadband Program recipients under Commission Rule 17.11.10.31 NMAC. 2018 was the first year in which the Commission made such awards. The awards will begin to be paid out in 2019. However, in 2019 as well as any other year of payouts under the Broadband Program, payments will be staggered as the total amount is not needed at the beginning of each winning carrier’s projects. Thus, the Commission may choose a lower surcharge than would be required if the Commission artificially assumed that the entire \$5 million must be available starting on January 1st of each year.

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

10. In order to minimize the burden of the SRUSF on New Mexico ratepayers, the Commission sets the 2019 per-connection surcharge at \$1.24 per communication connection. As stated by GVNW in the 2019 Recommendation, “the minimum surcharge

rate should not be lower than \$1.24 per connection, in order to ensure that the SRUSF doesn't experience a shortfall during the 2019 and 2020 plan years.”

IT IS THEREFORE ORDERED:

A. The Commission adopts and approves a projected State Rural Universal Service Fund size of \$29,211,663.36, and a per-communication connection charge of \$1.24 for 2019.

B. This Order is effective immediately.

C. 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.

D. This docket is now closed.

ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this 5th
day of December 2018.

NEW MEXICO PUBLIC REGULATION COMMISSION

EXCUSED

SANDY JONES, CHAIRMAN

VOTED YES

CYNTHIA B. HALL, VICE CHAIR

Voted No

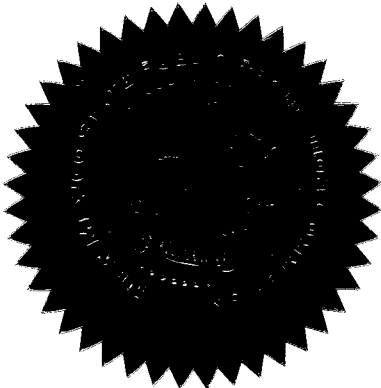
PATRICK H. LYONS, COMMISSIONER

Valerie Espinoza

VALERIE ESPINOZA, COMMISSIONER

VOTED YES

LYNDA LOVEJOY, COMMISSIONER



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)
_____)**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the foregoing **Order Setting State Rural Universal Service Fund Size and Per-Communication Connection Charge for 2019** issued by the New Mexico Public Regulation on December 5, 2018 was sent via email and first-class mail on December 5, 2018, to the following parties:

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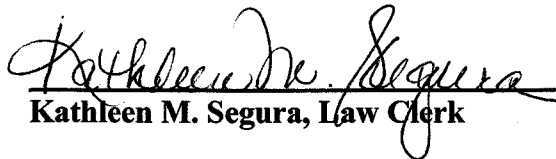
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VIA FIRST-CLASS MAIL

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DATED this 5th day of December 2018.

NEW MEXICO PUBLIC REGULATION COMMISSION



Kathleen M. Segura, Law Clerk