

**MINUTES OF THE  
REGULAR OPEN MEETING  
NEW MEXICO PUBLIC REGULATION COMMISSION  
February 8, 2011**

**TIME:** 9:30 a. m.

**PLACE:**

**PERA Building  
4<sup>th</sup> Floor Hearing Room  
1120 Paseo de Peralta  
Santa Fé, New Mexico 87501**

A quorum was present as follows:

**Members Present:**

Commission Chairman Patrick H. Lyons  
Commissioner Jason A. Marks  
Commissioner Theresa Becenti-Aguilar  
Commissioner Ben L. Hall

**Members Excused:**

Commission Vice-Chairman Jerome D. Block

**Staff Present**

Johnny Montoya, Acting Chief of Staff  
Robert Hirasuna, General Counsel  
Mary Howells, Associate General Counsel  
Roy Stephenson, Utility Division Director  
Larry Luján, Transportation Division Director  
Reggie Padilla, Utility Division  
Rocke Johnson, Executive Administrator for Chief of Staff  
Charmaine Jackson, Native American Liaison  
Ken Smith, Telecommunications  
Michael Ripperger, Telecommunications Bureau Chief  
Gerald Garner, PIO

**Others Present**

Carl Boaz, Stenographer

**CALL TO ORDER**

The Regular Open Meeting was scheduled at 9:30 a.m., pursuant to proper notice under NMSA 1978, 10-15-1(C), and the Commission's Open Meeting Policy. Commission Chairman Patrick Lyons called the Regular Open meeting to order at 9:30 a.m., in the Fourth Floor Hearing Room, PERA Building, 1120 Paseo de Peralta, Santa Fé, New Mexico.

A copy of the sign-in sheet for the Regular Open Meeting is incorporated herewith to these minutes as Exhibit 1.

A copy of the Agenda for the Regular Open meeting is incorporated herewith to these minutes as Exhibit 2.

## **1. PLEDGE OF ALLEGIANCE**

## **2. INTRODUCTIONS**

There were no introductions

## **3. MISCELLANEOUS ANNOUNCEMENTS**

Commissioner Marks reminded the Commission of the hearing at 1:00 on the Capital Cab tariff rate increase.

## **4. CONSIDERATION AND APPROVAL OF THE AGENDA**

Commissioner Becenti-Aguilar asked to remove the transportation case 9 b which should not be on the agenda.

Mr. Hirasuna clarified that he had erroneously thought this was the issue Commissioner Becenti-Aguilar had brought up but this particular issue was actually raised by Commissioner Block.

Mr. Luján explained that this matter dealt with the issue on who had the authority between Raton and Belen.

Commissioner Becenti-Aguilar understood and withdrew her request to remove it.

**Commissioner Hall moved to approve the agenda as presented. Commissioner Marks seconded the motion and it passed by unanimous voice vote.**

## **5. CONSIDERATION AND APPROVAL OF MINUTES**

- **Minutes of the Regular Open Meeting of January 13, 2011**
- **Minutes of the Regular Open Meeting of January 18, 2011**

Commissioner Marks moved to approve the minutes of January 13, 2011 and January 18, 2011 as presented. Commissioner Becenti-Aguilar seconded the motion and it passed by unanimous voice vote.

## **6. PUBLIC COMMENT**

There were no comments from the public.

## **7. CONSENT ACTION ITEMS**

### **A. Utility Division Cases**

11-00032-UT      IN THE MATTER OF THE PETITION BY NEW MEXICO-AMERICAN WATER COMPANY, INC. FOR APPROVAL OF A DEEPWELL COST RECOVERY SURCHARGE. NEW MEXICO-AMERICAN WATER COMPANY, INC., PETITIONER.  
(Robert Hirasuna)      Order

Commissioner Marks moved to approve Case 11-00032-UT. Commissioner Becenti-Aguilar seconded the motion and it passed by unanimous voice vote. So Ordered.

## **8. REGULAR ACTION ITEMS**

### **A. Utility Division Cases**

07-00442-UT      IN THE MATTER OF AN INVESTIGATION OF NON-TARIFFED CHARGES OF INSTITUTIONAL OPERATOR SERVICE PROVIDERS.  
(Mary Howells) Order

Ms. Howells provided information regarding this matter to the Commission. She said it was a simple order. The case was heard by the Hearing Examiner (HE) who reported on December 23. She explained that this was a different case than the one that was remanded.

Commissioner Marks asked for her to explain the difference.

Ms. Howells said the case that was remanded had to do with reasonableness of rates. This part was separated out by the Commission after some confusion. It was the enforcement action - processing of charges. It had to do with charges for check fees and setting up prepaid accounts. This was essentially the agreement of the parties. Conversant Technologies and Securus (first known as E&T) and T-Netix agreed with staff that the best thing to do was just as staff and parties had suggested, i.e., to work together to make sure inmates and their families were better informed of the types of charges.

It was a slight problem for IOSP fees because callers didn't always have addresses so sending bill

stuffers was not an option. It appeared everything that should be tariffed had been. Staff and parties had been talking about it two weeks ago with Securus Technologies.

The order didn't fine any parties nor take any remedial action. It merely adopted the agreement as being in the public interest to work on it.

Mr. Hirasuna said an issue E&T raised was that HE issued an order in the case that the telecomm sponsor protested by staff was that the tariff was automatically suspended. The HE then issued an order - which allowed those rates to go into effect subject to refund. That order was never heard by the Commission and it was not entirely clear that the HE had the authority to issue that order. That was an issue to look into further and consider later.

Commissioner Marks noted it appeared from the RD that one fundamental question was if the Commission's authorization extended to prepaid cards.

Ms. Howells said the PRC ruled it had jurisdiction over them. The order was issued on March 5, 2009.

Commissioner Marks asked if the issue in front of HE was whether they could charge them going forward.

Ms. Howells said the issue was whether they were properly tariffed. Part of the testimony was that it had already been tariffed. It was a question of docketing these procedures for an IOSP.

Mr. Hirasuna said the remand to the HE was whether a fine should be assessed without coming to the Commission first. The HE recommended no fines. So the IOSPs have tariffed these charges and fees.

Commissioner Marks asked if the non-permitted fees would be set in the remand. Ms. Howells agreed.

Commissioner Marks concluded that the only issue was trying to notify people on what the fees were. Ms. Howells agreed.

Ms. Howells said the amount of fees was what was considered litigated. How they were charged was the subject of this case. They have not necessarily determined that all of the fees have been tariffed. She didn't believe there was ambiguity over what needed to be tariffed.

Commissioner Marks asked if it was clear that if a prepaid card had a charge to load the card it was a tariff in PRC jurisdiction.

Ms. Howells agreed. Anything that was charged through to the customer was within the Commission's jurisdiction.

Commissioner Marks asked if the amount charged was in negotiation with staff.

Ms. Howells clarified that the final rates were in the other case. The rates could be superseded by Case 00316. This was primarily an enforcement case to make sure all charges were tariffed.

Commissioner Marks clarified that his concern was with the sentence on negotiating with staff which was inconsistent with the rate case.

Ms. Howells said there would not be negotiations on tariffs. 316 would do that. She agreed this one could be phrased better then.

Mr. Hirasuna proposed they could table this to rewrite the order. He agreed with Commissioner Marks. He was unsure what the purpose of this paragraph was.

Ms. Howells agreed Commissioner Marks raised a good point. She could see how one could read it that way.

Commissioner Marks had no problem with the rest of the order except this paragraph. He wanted to be very clear that the PRC was not giving free rein for setting tariffs. If that was cleared up, he favored putting it on the consent cases at the next meeting.

**Commissioner Marks moved to table this case until Thursday. Commissioner Becenti-Aguilar seconded the motion and it passed by unanimous voice vote.**

## **9. DISCUSSION ITEMS**

### **A. Utility Division Cases**

**07-00184-UT      IN THE MATTER OF QWEST CORPORATION'S PERFORMANCE OF THE  
SECOND AMENDED SETTLEMENT AGREEMENT.  
(Margaret Caffey-Moquin)**

Ms. Caffey-Moquin presented information regarding this matter to the Commission. The final review phase under the settlement filed in 07-00265 filed in 2007. Following this was an important statement regarding infrastructure in New Mexico that Qwest employed. This resulted in the requirement of \$270 million for Qwest to invest in their infrastructure. The audit in October made corrections. The Commission granted motions in November. The final review was in discussion with Qwest, staff and interested parties. Now there was a pending motion and closure of the case.

Regarding positions of other parties, staff supported the motion with a couple of special conditions that were not controversial. The AG took no position and the parties didn't oppose it. Two of the parties had been disbanded since then.

In the memo she provided was some background on it. What was before the Commission now was Qwest's motion on the final report. She summarized the expenses in it. Page 5 had a table with details on expenditures.

There were two major categories - first the customer credits. \$10 million of customer credits were to be

distributed. That was ordered in March 2007 and the distribution was completed in July.

According to the motion, the total from both was \$22.06 per line in New Mexico.

The big dollar expenses were infrastructure costs. From February to July, Qwest invested \$241.4 million in capital infrastructure and \$16.3 million in other expenses for total SASA of \$272 million.

Commissioner Hall didn't understand the other total and the Commission discussed how the total was reached.

Ms. Caffey-Moquin said the issue was whether their SASA obligation had been met. The pending motion was unopposed by anyone. On December 10<sup>th</sup> Qwest filed the motion that was before the Commission and asked that PRC declare they met SASA and close this case.

She read the conditions: 1 - open for further examination upon evidence of fraud; 2 - NM Cyberport that Qwest began a third of the way into SASA and became high profile item.

In the August 2008 order, the Commission ordered up to \$7.8 million in the cyber center provided Qwest invested \$2.2 million of non-SASA money. That authorization was subject to the condition that if Qwest closed the center within 5 years, any money spent on the cyber center would be returned to the SASA fund and spent in accord with SASA requirements. She didn't think that would happen.

She stood for questions.

Ms. Loretta Armenta expressed appreciation for the staff involvement and was very proud of the \$255 million in infrastructure over a short period of time. It was over \$1 billion over 10 years.

Commissioner Marks asked if Qwest complied with the requirements on high speed internet.

Ms. Caffey-Moquin said the focus had been on expenditures rather than specific deployment.

Commissioner Marks said the high speed internet required them to confirm the number of living units. He questioned how they could say they met SASA if they didn't verify that requirement.

Ms. Caffey-Moquin referred to page 6 where there was a list of bullet points. Qwest said it exceeded the 83% requirement six months early at 85.3%. And more than half of the rural customers had high speed internet service.

Chairman Lyons asked if those numbers were audited.

Mr. Horcasitas said the auditors confirmed that financial amounts were spent in the SASA categories but the SASA language did not address operational numbers. Qwest actually did 86% and he could sit with staff to share the numbers of deployment in each of the call centers and could prove they had done that.

Commissioner Marks thanked him for clarification on it.

Mr. Horcasitas said there was considerable discussion on what the SASA required.

Ms. Caffey-Moquin added that the language was consistent with expenditures. There was no requirement in here for engineering. The Ernst and Young statement went to expenditures. It was a fine line there. They approved the audit for expenditures.

Mr. Brian Harris (NMAG) said they were concerned with operational compliance and had limited resource. The report Qwest submitted was fairly detailed and they took the statements and used various GPS codes. Using Google maps they determined the facilities were there and felt there was no further reason to investigate. He hoped that reassured the Commission. Commissioner Marks agreed.

Mr. Horcasitas said there was data throughout the quarterly reports that verified Qwest met those requirements.

Mr. Ripperger said the staff had worked with Qwest all along. If there was anything else the Commission might require, they could provide it.

Commissioner Marks thought they should just go ahead and close this case then. Ms. Caffey-Moquin agreed. She agreed to have the final order for action on Thursday.

**06-00026-UT      IN THE MATTER OF THE IMPLEMENTATION OF THE STATE UNIVERSAL  
SERVICE FUND.  
(Mike Ripperger, Robert Hirasuna)**

Mr. Ripperger reported on this matter. There was some movement with the RUSF Advisory Board to take certain actions regarding membership on the board. He offered to briefly go over the reason for the fund and the function of the board.

He provided a handout on advisory board functions.

Chairman Lyons shared a letter asking to replace Mr. Hudson with Mr. Charlie Ferrell.

Mr. Ripperger explained that Curt Hudson was the chairman of the Advisory Board and was lost to Frontier. The carriers gave unanimous support to Charles Farrell.

Commissioner Becenti-Aguilar asked if there were other recommendations.

Mr. Ripperger confirmed he had asked Mr. Farrell to secure consent from all carriers.

Mr. Jeff Albright, representing many of the wireless carriers and Vice Chair on RUSF Advisory Board, reported that the Advisory Board had no objection to this replacement. They discussed it at the last meeting. He believed Mr. Farrell would be a good replacement.

Commissioner Marks thought they could put this on consent for Thursday.

Mr. Hirasuna said staff also had some removal of members to consider.

Mr. Ripperger agreed that staff wanted to bring that to the Commisison. One of them was the Tribal representative on the Board. The Board had asked him to convey that those who had not attended should be replaced.

Mr. Albright said these persons had almost no participation in over a year.

Chairman Lyons asked Commissioner Becenti-Aguilar to help with that.

Commissioner Becenti-Aguilar said she would work closely with Mr. Ripperger and Mr. Albright and provide recommendations on Thursday.

Chairman Lyons hoped they would get four names by Thursday.

## **B. Transportation Division Cases**

**Undocketed        NEW MEXICO DEPARTMENT OF TRANSPORTATION AND PUBLIC  
REGULATION COMMISSION AUTHORITY REGARDING RAILROAD  
CROSSINGS.  
(Bob Parker)**

Mr. Parker gave some background. On February 11, 2010, the Commission issued a NOPR and proposed a rule that, among other things, had procedures for creating and/or closing Railroad crossings. Six hearings were held around the state. By law, the rule had to be out by August and was on track here. The problem was that NMDOT also claimed authority over some crossings including for the Rail Runner that DOT operated. Although statutory authority was a stretch, they beat the PRC to the punch on issuing rules. The Commission had a much stronger argument for jurisdiction over these crossings. So the Commission needed to decide what to do about their rules.

Commissioner Marks thought it was not the Commission's problem - it was the railroad's problem. Either they would agree with both or blow off the DOT. Nothing would stop the PRC from publishing its rules.

Mr. Parker agreed.

Commissioner Marks pointed out that if the railroads thought they were over-regulated then they could complain.

Mr. Luján said staff did promulgate rules that complied with federal regulations. The DOT claimed they had authority from Belen to Raton because they bought the tracks. He agreed the PRC had jurisdiction by statute and by federal law but didn't want to get into a fight. His staff just wanted clarity on jurisdiction. The PRC staff disagreed with them at the DOT hearings. So the Commission needed to figure it out.



Commissioner Marks asked if he was talking about safety of the crossing. Mr. Luján agreed.

Chairman Lyons asked if he wanted the Commission to vote to challenge DOT. Mr. Luján agreed.

Commissioner Marks thought the PRC didn't have jurisdiction over another state agency.

Mr. Parker said as a common carrier, the Commission did. He thought they should continue to finalize the rules.

Chairman Lyons asked Mr. Parker if he had sent a letter to DOT regarding the federal jurisdiction.

Mr. Parker said Commissioner King sent the letter but they didn't respond to it.

Commissioner Becenti-Aguilar said Ms. Jackson visited with two pueblos on January 6 and their leaders identified problems with Rail Runner crossings. She said Ms. Jackson wanted to take some action and she advised Ms. Jackson to bring it to the Commission. She felt there would be more issues further down the road.

When built, the work with the tribes might not have happened as it should. The dialogue did not take place. The PRC wanted to be an agency that championed good communication so she supported Mr. Luján on these issues. The tribes wanted to talk with a government agency and did not know who.

Commissioner Hall thought the Commission should tell them to cease and desist and let our Transportation Director do his job. They should let the governor know too.

Mr. Luján thought maybe they needed to sit with the DOT attorneys and work it out. He did state at the public hearing that the PRC had statutory authority. They were claiming they were not a common carrier. But they were.

Chairman Lyons asked if the PRC had authority over Amtrak.

Mr. Luján said the PRC did on crossings and safety.

Chairman Lyons suggested they send a couple of people over to attempt a dialogue on it. He asked if that had been tried already.

Mr. Gutierrez said staff asked them in the letter not to adopt the rules but they did. The letter was July 13, 2010 and they adopted the rules on Dec 1, 2010.

Chairman Lyons understood and asked staff to report back to the Commission.

## **10. COMMUNICATIONS WITH GENERAL COUNSEL, ROBERT HIRASUNA**

Mr. Hirasuna said with the possibility of a snowstorm tomorrow morning he would like to post the

agenda by the end of today just in case. They could always issue an amended agenda if needed.

Chairman Lyons agreed.

Mr. Hirasuna said the administrative office of the District Attorney issued a notification about the IOSP notification form that the carriers had jurisdiction and he could put it on Thursday's agenda. Chairman Lyons agreed.

## **11. COMMUNICATIONS WITH ACTING CHIEF OF STAFF, JOHNNY MONTOKA**

- **Legislative Matters**

Mr. Montoya provided an update on the gas outage. Taos was about 57% relit, Española was 71% relit so 2,700 still had no service. He handed out a summary of their work activity and what was pending. He clarified that the NMGC master meter operators had a problem. The procedures should be instituted with multi-meter operators. Everyone in the Utility Division who was certified went to help in Española and the Fire Marshal had deployed three people to help with it. They were working quickly to get them all relit.

The updates were on the NMGC web site so it might be lower than this report.

Commissioner Becenti-Aguilar had heard there was a NMGC press conference this morning and asked if there was any information on it.

Mr. Montoya said there wasn't anything yet.

Commissioner Becenti-Aguilar noted there was a scam in Española with people charging \$100 to relight people's home.

Mr. Montoya clarified that all NMGC relighters had identification and charged nothing to relight. He asked that the Commission relay the message to their constituents that there was no priority plan but please refer them to him and he would get NMGS to prioritize them.

Commissioner Hall asked if the media had announced there was no charge.

Commissioner Marks said it was announced yesterday across the street but he would ask them to put it on their web site.

Commissioner Hall said somebody needed to get on CID for issuing red tags. This was an emergency and they should keep their noses out of it.

Mr. Stephenson said they were working with HSD to assist those who had gotten red tags.

Superintendent Franchini presented on SB 208. He said it related to health insurance to provide better

transparency on premium rate increases. The hearing of this bill provided new levels of responsibility by the Insurance Division to report. The fourth rewrite came out yesterday and that only added that appeals could go to the New Mexico Supreme Court.

On page 13 it made sure rates were reasonable and based on an actuarial basis.

He reported that the medical loss ratio was passed last year. That was the gist of the changes on this bill. The important thing was instead of going to District Court grievances would go to the PRC.

He said Senator Feldman did a review. Without grievance it could be done in 60 days. With a grievance it would go to PRC and hearing and could take six months. Then an appeal could go to the Supreme Court.

He thought the bill had merit. There was an easier way to do it but he thought the PRC should support this bill.

Chairman Lyons asked if it was a committee bill. Superintendent Franchini agreed.

Superintendent Franchini noted that Papen's bill gave the PRC the same authority for Life & Health as with Property & Casualty.

Mr. Hirasuna referred to page 21 under appeal provisions and wanted to talk with the Insurance Division on a substitute.

**Commissioner Hall moved to support SB 208. Commissioner Marks seconded the motion and it passed by unanimous voice vote.**

Superintendent Franchini gave the statute citations on the catastrophe provisions.

## **12. COMMUNICATIONS WITH COMMISSIONERS**

- **Senate Bill 122: Commissioner Lyons**

Mr. Pat Rogers, attorney in Albuquerque representing Verizon Communications and Verizon Wireless and also a registered lobbyist, presented a request for the Commission to support this bill.

He said SB 122 as amended had a hearing on the House side and passed out of Senate Corporations 6-0. It was a very modest bill to eliminate regulations that Verizon believed were no longer serving any purpose.

The two specific requirements they were speaking of were essentially filing requirements. The substitute addressed business rates only and would eliminate filing rates. Both the original and substitute bill specified that- a company must publicly provide those rates on their web site. There was also a contract filing procedure to be removed just for business entities. Those requirements made sense in the 1970s

when people had to come to Santa Fé to see a rate but no longer with internet service.

Since 1996 when the FCC required the elimination of tariffs for interstate long distance, 29 states had eliminated or waived requirements for CLECs for intrastate exchange or local services. This bill addressed some outmoded requirements.

An FIR on it was a little bit confused about it and explained that de-tariffing or de-filing was not the same as deregulation. It doesn't remove any the Commission's jurisdiction or impact any rules except for these two filings.

The amendment had received endorsement of other industry participants before the Corporations Commission and got a 6-0 vote.

Commissioner Marks asked, if this became law and the Commission got a CLEC applying for certificate in New Mexico and the Commission felt their proposed tariffs were not reasonable, whether the Commission could still reject them on that basis.

Mr. Rogers said that was correct. It removed none of that jurisdiction.

Commissioner Marks clarified that they were not talking about wireless service but Verizon business service. Mr. Rogers agreed.

Commissioner Marks asked if it would require a long term contract or if it could be done on a month-to-month basis.

Mr. Rogers said the individual contracts were fairly rare with Verizon. He didn't know how others did it.

Commissioner Marks asked if someone contracted for an extended time, the company couldn't unilaterally change the tariff. Mr. Rogers agreed. The contract would hold.

Mr. Ripperger said that with a tariff, once filed, the Commission had jurisdiction. You could withdraw a tariff but in the bill it wasn't clear that you filed them. Perhaps the Commission could assert jurisdiction by reviewing the web site but he was not sure.

Commissioner Marks asked if there had ever been a case based on tariff.

Mr. Ripperger said there had not.

Commissioner Marks thought there might be protection for consumers but it hadn't been an issue for years. He thought they should not have regulations where there was no benefit for consumers. The Commission was requiring them to spend money for filing that was not needed.

Commissioner Marks moved to support SB 122 as amended. Commissioner Hall seconded the motion and it passed by unanimous voice vote.

Chairman Lyons said they were working on the budget. House Appropriations adopted a flawed budget

so they would try to work on it.

Commissioner Marks agreed. They cut the General Fund with imaginary money.

Commissioner Marks announced he would be calling in from Nevada on Thursday.

Commissioner Hall thought the budget issue got side tracked with the gas emergency.

### **13. ADJOURNMENT**

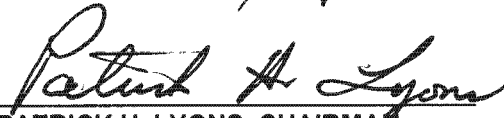
Commissioner Becenti-Aguilar moved to adjourn the meeting. Commissioner Hall seconded the motion and it passed by unanimous voice vote.

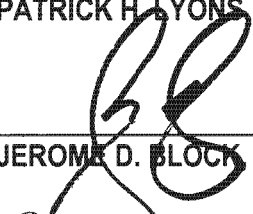
The meeting was adjourned at 11:25 a.m.

ATTEST:

  
Carl Boaz, Stenographer

APPROVED: 03/10/2011

  
PATRICK H. LYONS, CHAIRMAN

  
JEROME D. BLOCK, VICE CHAIRMAN

  
THERESA BECENTI-AGUILAR, COMMISSIONER

  
JASON A. MARKS, COMMISSIONER

  
BEN L. HALL, COMMISSIONER

DATE: 02/08/2011



**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**REGULAR OPEN MEETING  
Tuesday, February 8, 2011  
9:30 A.M.**

**PERA Building, 4<sup>th</sup> Floor Hearing Room  
1120 Paseo de Peralta, Santa Fe, NM 87501**

**AGENDA**

- 1. PLEDGE OF ALLEGIANCE**
- 2. INTRODUCTIONS**
- 3. MISCELLANEOUS ANNOUNCEMENTS**
- 4. CONSIDERATION AND APPROVAL OF THE AGENDA**
- 5. CONSIDERATION AND APPROVAL OF MINUTES**
  - **Minutes of the Regular Open Meeting of January 13, 2011**
  - **Minutes of the Regular Open Meeting of January 18, 2011**
- 6. PUBLIC COMMENT**
- 7. CONSENT ACTION ITEMS**

**A. Utility Division Cases**

<b>11-00032-UT Robert Hirasuna</b>	<b>IN THE MATTER OF THE PETITION BY NEW MEXICO-AMERICAN WATER COMPANY, INC. FOR APPROVAL OF A DEEP WELL COST RECOVERY SURCHARGE.</b>  <b>NEW MEXICO-AMERICAN WATER COMPANY, INC., PETITIONER.</b>  <b><u>Order</u></b>
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**8. REGULAR ACTION ITEMS**

**A. Utility Division Cases**

<b>07-00442-UT Mary Howells</b>	<b>IN THE MATTER OF AN INVESTIGATION OF NON-TARIFFED CHARGES OF INSTITUTIONAL OPERATOR SERVICE PROVIDERS.</b>  <u>Order</u>
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**9. DISCUSSION ITEM**

**A. Utility Division Cases**

<b>07-00184-UT Margaret Caffey-Moquin</b>	<b>IN THE MATTER OF QWEST CORPORATION'S PERFORMANCE OF THE SECOND AMENDED SETTLEMENT AGREEMENT.</b>
<b>06-00026-UT Mike Ripperger Robert Hirasuna</b>	<b>IN THE MATTER OF THE IMPLEMENTATION OF THE STATE UNIVERSAL SERVICE FUND.</b>

**B. Transportation Division Cases**

<b>Undocketed Bob Parker</b>	<b>NEW MEXICO DEPARTMENT OF TRANSPORTATION AND PUBLIC REGULATION COMMISSION AUTHORITY REGARDING RAILROAD CROSSINGS.</b>
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**10. COMMUNICATIONS WITH GENERAL COUNSEL, ROBERT HIRASUNA**

**11. COMMUNICATIONS WITH ACTING CHIEF OF STAFF, JOHNNY MONTOYA**

- **Legislative matters**

**12. COMMUNICATIONS WITH COMMISSIONERS**

- **Senate Bill 122: Commissioner Lyons**

**13. ADJOURNMENT**

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The Commission will make reasonable efforts to post the agenda on the Commission's website 24 hours before the open meeting but the inability to do so within the 24 hours prior will not require the Commission to delay the meeting or to refrain from taking action on any agenda item on which it otherwise could act.

At any time during the Open Meeting the Commission may close the meeting to the public to discuss matters not subject to the New Mexico Open Meetings Act. The Commission may revise the order of the agenda items considered at this Open Meeting.

**PERSONS WITH DISABILITIES**

ANY PERSON WITH A DISABILITY REQUIRING SPECIAL ASSISTANCE IN ORDER TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE OFFICE OF DIRECTOR OF ADMINISTRATIVE SERVICES OF THE COMMISSION (827-4084) AS SOON AS POSSIBLE PRIOR TO THE COMMENCEMENT OF THE OPEN MEETING.