

**MINUTES OF THE  
REGULAR OPEN MEETING  
NEW MEXICO PUBLIC REGULATION COMMISSION  
September 11, 2012**

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

**PLACE: Socorro City Hall  
111 School of Mines Road  
Socorro, New Mexico**

A quorum was present as follows:

**Members Present:**

Commission Chairman Patrick H. Lyons  
Commissioner Vice Chair Theresa Becenti-Aguilar  
Commissioner Jason A. Marks  
Commissioner Douglas J. Howe [telephonically]

**Members Absent:**

Commissioner Ben L. Hall

**Staff Present**

Matt Lovato, Acting Chief of Staff  
Bob Parker, Chief of Staff for Legal Affairs.  
Sefie Anaya, Pipeline Safety Bureau  
Arthur Bishop, 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 Socorro City Hall Chambers, 111 School of Mines Road, Socorro, 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**

The Mayor of Socorro welcomed the Commission to Socorro and commented that the Fire Academy was important for their community.

Representative Tripp also welcomed the Commission and said they were proud of the Fire Academy here and appreciated the PRC support.

Commissioner Marks said there has been no stronger supporter of the Fire Academy than Representative Tripp at the legislature. The Mayor has been a strong backer of the economy and not just for Socorro. About 4-5 years ago the big challenge facing the Academy was water and the sewer system. The waste water treatment didn't meet regulations and was going to cost a million dollars to replace the system. We worked closely with the City of Socorro to connect to the city system and saved a lot of expense. The city helped pay for it because they wanted to keep the Academy. They stepped up when the PRC needed help and it is rewarding to have that partnership.

## **3. MISCELLANEOUS ANNOUNCEMENTS**

Commissioner Hall is excused.

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

Commissioner Marks moved to approve the agenda as presented. Commissioner Becenti-Aguilar seconded the motion and it passed by unanimous (4-0) voice vote.

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

- Minutes of the Regular Open Meeting of August 2, 2012
- Minutes of the Regular Open Meeting of August 9, 2012

Commissioner Marks moved to approve the minutes of August 2, 2012 and August 9, 2012 as presented. Commissioner Becenti-Aguilar seconded the motion and it passed by unanimous (4-0) voice vote.

## **6. REGULAR ACTION**

### **A. Utility Division**

**05-00272-UT**      **IN THE MATTER OF THE APPLICATION OF SACRED WIND COMMUNICATIONS, INC. FOR CERTIFICATES OF FINANCIAL AND TECHNICAL COMPETENCY, OPERATING AUTHORITY, PUBLIC CONVENIENCE AND NECESSITY AND FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER AND APPROVAL OF INITIAL TARIFFS.**  
(Bob Parker)      Order

**12-00311-UT**      **IN THE MATTER OF COMPLIANCE WITH THE COMMISSION'S FINL ORDER IN CASE NO. 05-00272-UT.**  
(Bob Parker)      Order

Mr. Parker presented information regarding this matter to the Commission. Not all of the old cases are ready to be closed. In 2005 the Commission established a docket for Sacred Wind to file their compliance reports. OGC is planning to close the docket out for convenience and open a new docket to hold the filings.

This first case is a compliance docket and the second order is to close the first docket and use the second for their compliance filings.

**Commissioner Marks moved to adopt the order as presented. Commissioner Becenti-Aguilar seconded the motion and it passed by unanimous (4-0) voice vote.**

**12-00262-UT**      **IN THE MATTER OF OBJECTIONS TO THE PROPOSED TARIFF PROVISIONS OF YMAX COMMUNICATION CORPORATION'S REVISION TO NEW MEXICO PRC TARIFF NO. 2 (SWITCHED ACCESS SERVICES)**  
(Bob Parker)      Order

Mr. Parker presented information regarding this matter to the Commission. In this case, YMAX Communications filed a revision to its tariff for switched access services. The rule says if staff protests the proposed tariff change, the change doesn't go into effect until the Commission feels it is appropriate.

Staff and AT&T both protested this case. So YMAX decided not to go forward and they withdrew their tariff change request. This order would close the case and dismiss it.

**Commissioner Becenti-Aguilar moved to approve the order. Commissioner Marks seconded the motion.**

Commissioner Marks asked what the offending provisions of the tariff were.

Mr. Parker said the second tariff purported to implement the FCC requirement regarding VOIP and terminating intrastate rates per FCC order. Both AT&T and staff felt what was proposed did not comply with FCC requirements.

Commissioner Marks asked if they were trying to change their terminating access charges.

Mr. Parker agreed.

Commissioner Marks asked ordering paragraph C said YMAX will cease all activities.

Mr. Parker didn't think that was occurring.

Commissioner Marks said the language didn't make sense because the Commission was not trying to stop all activities but just that they may not use the proposed tariff.

Mr. Parker agreed to amend the language in ordering paragraph C to say that.

**Commissioner Becenti-Aguilar accepted that amendment as friendly and the motion passed by unanimous (4-0) voice vote. So Ordered.**

## **7. PUBLIC COMMENT**

There were no public comments.

## **8. COMMUNICATIONS WITH CHIEF OF STAFF FOR LEGAL AFFAIRS, BOB PARKER**

There were no communications with Chief of Staff for Legal Affairs.

## **9. COMMUNICATIONS WITH ACTING CHIEF OF STAFF, MATTHEW LOVATO**

There were no communications with Acting Chief of Staff.

## **10. COMMUNICATIONS WITH COMMISSIONERS**

Commissioner Marks reported that he and Chairman Lyons attended the Fire Academy this morning and it was one of the most moving tributes he had ever seen in memory of those who died in the tragedy eleven years ago. A good friend of his lost a brother who was planning to retire that morning to turn in his gun and badge. They found his remains ten months later. Extraordinary heroism was displayed. Our country is stronger for it and this is a day we all need to reflect on the first responders, EMT, police and fire fighters. Fire fighters and EMTs are close to our hearts at the PRC. They put their lives on the line every day for our safety. So he joined with others in the tribute.

Commissioner Becenti-Aguilar said it was nice to meet Rep Tripp and the Mayor and be in Socorro. Traveling across the state and meeting in various towns it is important to give tribute to those serving. She knew Navajo people came to Socorro to meet their needs. She appreciated having a nearby community close to Socorro that was high on her priority list and to work closely with Socorro.

## 11. ADJOURNMENT

Commissioner Marks moved to adjourn the meeting. Commissioner Becenti-Aguilar seconded the motion and it passed by unanimous (4-0) voice vote.

The meeting was adjourned at 9:51 a.m.

ATTEST:

  
Carl Boaz, Stenographer

APPROVED: 10/04/2012

  
PATRICK H. LYONS, CHAIRMAN

  
THERESA BECENTI-AGUILAR, VICE CHAIR

TELEPHONICALLY APPROVED

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JASON A. MARKS, COMMISSIONER

  
BEN L. HALL, COMMISSIONER

  
DOUGLAS J. HOWE, COMMISSIONER





**NEW MEXICO PUBLIC REGULATION COMMISSION**

**REGULAR OPEN MEETING**  
**Tuesday, September 11, 2012**  
**9:30 A.M.**  
**SOCORRO CITY HALL**  
**111 SCHOOL OF MINES ROAD**  
**SOCORRO N.M.**

**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 August 2<sup>nd</sup>, 2012.**
  - \* Minutes of the Regular Open Meeting of August 9, 2012**
- 6. REGULAR ACTION**

**B. Utility Division**

<b>05-00272-UT</b> <b>Bob Parker</b>	<b>IN THE MATTER OF THE APPLICATION OF SACRED WIND COMMUNICATIONS, INC. FOR CERTIFICATES OF FINANCIAL AND TECHNICAL COMPETENCY, OPERATING AUTHORITY, PUBLIC CONVENIENCE AND NECESSITY AND FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER AND APPROVAL OF INITIAL TARIFFS.</b>
<b>12-00311- UT</b>	<b>IN THE MATTER OF COMPLIANCE WITH THE COMMISSION'S FINAL ORDER IN CASE NO. 05-00272-UT.</b>  <b>Order</b>

12-00262-UT Bob Parker	IN THE MATTER OF OBJECTIONS TO THE PROPOSED TARIFF PROVISIONS OF YMAX COMMUNICATION CORP.'S REVISION TO NEW MEXICO PRC TARIFF NO. 2 (SWITCHED ACCESS SERVICES)  Order
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7. PUBLIC COMMENT
8. COMMUNICATIONS WITH CHIEF OF STAFF FOR LEGAL AFFAIRS, BOB PARKER
9. COMMUNICATIONS WITH CHIEF OF STAFF, JOHNNY MONTROYA
10. COMMUNICATIONS WITH COMMISSIONERS
11. ADJOURNMENT

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The Commission will make reasonable efforts to post the agenda on the Commission's website 36 hours before the open meeting, but the inability to do so within the 36 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.

Notice is hereby given that the Commission may request that any party answer clarifying questions or provide oral argument with respect to any matter on the agenda. If the Commission makes such a request, any party present at the meeting, either in person or by telephone, shall have an equal opportunity to respond to such questions or argument. In the event a party whose case is on the agenda chooses not to appear, the absence of that party shall not cause such discussion or argument to become ex-parte communications.

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#### 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.