

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF THE PETITION OF QWEST)	
CORPORATION d/b/a CENTURYLINK QC FOR A)	
DETERMINATION THAT TELECOMMUNICATIONS)	Case No. 11-00340-UT
SERVICES ARE SUBJECT TO EFFECTIVE)	
COMPETITION IN NEW MEXICO)	
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NOTICE OF PROCEEDING

NOTICE is hereby given of the following matters pertaining to the above-captioned case pending before the New Mexico Public Regulation Commission (“Commission”):

On September 9, 2011, Qwest Corporation d/b/a CenturyLink QC (“CenturyLink QC”) filed a Petition for a Determination that Telecommunications Services Are Subject to Effective Competition in New Mexico (“Petition”). The Petition, filed pursuant to NMSA 1978, § 63-9A-8, asks the Commission to find that business and residential telephone and data services and related features are subject to effective competition in all CenturyLink QC exchange areas in New Mexico. The CenturyLink QC exchange areas in New Mexico are Alamogordo, Albuquerque, Angel Fire/Eagle Nest, Anthony, Artesia, Aztec, Bayard, Belen, Bernalillo, Chaparral, Cimarron, Clovis, Estancia, Farmington, Gallup, Grants, Hatch, Laguna-Acoma, La Mesa, Las Cruces, Los Alamos, Los Lunas, Moriarty, Mountainair, Pena Blanca, Penasco, Portales, Questa, Raton, Red River, Roswell, Santa Fe, Santa Teresa, Silver City, Springer, Taos, Tijeras, and Tucumcari. To the extent that the Commission finds effective competition, the Petition asks the Commission to determine, in a second phase, appropriate regulatory changes. CenturyLink QC states that it does not seek deregulation, but intends to request that it be subject to the more relaxed regulatory scheme that applies to competitive local exchange providers in New Mexico.

Under § 63-9A-8(A), the Commission shall, upon petition, hold hearings to determine if any public telecommunications service is subject to effective competition in the relevant market area. When the Commission has made a determination that a service or part of a service is subject to effective competition, the Commission shall “modify, reduce or eliminate rules, regulations and other

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requirements applicable to the provision of such service, including the fixing and determining of specific rates, tariffs or fares for the service.” NMSA 1978, § 63-9A-8(A). The Commission’s action may include the detariffing of service or the establishment of minimum rates which will cover the costs for the service. *Id.* Upon request of an affected telecommunications company and upon a finding that the requirements of § 63-9A-8(C) are met, the Commission “shall modify the same or similar regulatory requirements for those providers of comparable public telecommunications services in the same relevant markets, so that there shall be parity of regulatory standards and requirements for all such providers.” *Id.*

On September 22, 2011, the Commission issued an Order designating the undersigned to preside over this proceeding.

The Hearing Examiner has established, by Order issued in this case on October 11, 2011, the following procedural schedule and requirements for this case:

A. Any person desiring to intervene to become a party to this case must file a motion for leave to intervene pursuant to 1.2.2.23(A) NMAC on or before November 11, 2011.

B. On or before November 22, 2011, CenturyLink QC, Staff, and each Intervenor shall file a brief addressing whether this case should be consolidated with Case No. 11-00305-UT. If a party’s recommendation is that the cases not be consolidated, the party shall (i) explain why the requests for findings of effective competition in the two cases do not raise the same issues and would not involve presentation of much of the same evidence; and (ii) state whether and how the two cases should be coordinated so as to ensure, if a finding of effective competition is made, “parity of regulatory standards and requirements for all . . . providers.” NMSA 1978, § 63-9A-8(A). Briefs shall carry the captions of both cases and be filed in both cases.

C. Response briefs may be filed by December 2, 2011.

D. Deadlines for filing testimony and a hearing date will be set in a future order.

The Commission's Rules of Procedure, 1.2.2 NMAC, shall apply to this case except as modified by order of the Commission or Hearing Examiner. A copy of such Rules may be obtained from the offices of the Commission and are available at the official site of the New Mexico Administrative Code, <http://www.nmcpr.state.nm.us/nmac/>.

The procedural dates and requirements provided herein are subject to further order of the Commission or Hearing Examiner.

Any interested person may appear at the time and place of hearing and make written or oral comment pursuant to 1.2.2.23(F) NMAC without becoming an Intervenor. Interested persons may also send written comments, which shall reference Case No. 11-00340-UT, to the Commission at the following address:

New Mexico Public Regulation Commission
P.E.R.A. Building
P.O. Box 1269
Santa Fe, New Mexico 87504-1269
Telephone: 1-888-427-5772

Comments shall not be considered as evidence in this case.

Any person may examine the Petition and all other pleadings, testimony, exhibits and other documents filed in the public record for this case at the Commission's offices at the address set out above.

Anyone filing pleadings, documents or testimony in this case shall serve copies thereof on all parties of record and Staff by first class U.S. mail and e-mail. Any such filings shall also be sent to the Hearing Examiner via e-mail.

Any person with a disability requiring special assistance in order to participate in this proceeding should contact the Commission at least 24 hours prior to the commencement of the hearing.

Issued at Santa Fe, New Mexico on October 11, 2011.

NEW MEXICO PUBLIC REGULATION COMMISSION

Carolyn R. Glick
Hearing Examiner