

NEW MEXICO PUBLIC REGULATION COMMISSION
NOTICE OF PROPOSED RULEMAKING - CASE NO. 17-00077-UT

The New Mexico Public Regulation Commission (“NMPRC” or “Commission”) gives notice of its initiation of a proposed rulemaking to repeal and replace **Rule 17.11.10 NMAC, concerning the State Rural Universal Service Fund (the “SRUSF”)**.

Summary of the full text of the proposed rule and short explanation of purpose: The Commission is considering amendments to 17.11.10 NMAC in response to the passage of Senate Bill 308 during the 2017 New Mexico Legislative session. Senate Bill 308 made extensive changes to NMSA 1978, Section 63-9H-6, of the New Mexico Rural Telecommunications Act (the “RTA”), which concerns the SRUSF. The major changes to this section of the RTA accomplished the following: (1) redefinition of “universal service”; (2) addition of a fixed amount, per-connection charge option for funding the SRUSF; (3) addition of a requirement that no less than sixty percent of support received by eligible telecommunications carriers be used to deploy and maintain broadband internet access; (4) reformulation of the methodology for calculating payments to access reduction support recipients; and (5) establishment of a broadband program. The Commission’s proposed rule includes proposed amendments to conform 17.11.10 NMAC to the changes to the RTA and recent regulatory changes by the Federal Communications Commission (“FCC”). The Commission may consider alternative proposals for amending 17.11.10 NMAC to conform to the amended RTA and FCC regulatory changes as well as proposals for improving 17.11.10 NMAC unrelated to the amendments to the RTA or regulatory changes by the FCC.

Constitutional and Statutory Authority: New Mexico Constitution, Article XI, Sec. 2; NMSA 1978, Sections 8-8-4(B)(10) (1998), 8-8-15 (1999, amended 2001), 63-9H-4 (1999, amended 2013) and 63-9H-6 (1999, amended 2017).

A copy of the full text of the proposed rule may be obtained from the Proposed Rulemaking & Case Notices section of the Commission’s website at <http://www.nmprc.state.nm.us> under Case No. 17-00077-UT or by calling the Commission’s Records Management Bureau at (505) 827-6968.

Written Initial Comments and written Response Comments shall be filed by the deadlines below with the NMPRC’s Records Management Bureau at P.O. Box 1269, Santa Fe, NM 87504-1269 or by hand delivery to the NMPRC Records Management Bureau at 1120 Paseo de Peralta, Room 406, Santa Fe, NM 87501, as follows: Written Initial Comments not later than **October 13, 2017** and written Response Comments not later than **October 23, 2017**. Comments shall refer to Case No. 17-00077-UT.

A public hearing will be held on **November 1, 2017, beginning at 1:30 p.m.** at the offices of the Commission located in the 4th Floor Hearing Room at 1120 Paseo de Peralta, Santa Fe, NM 87501. The purpose of the hearing is to give interested persons an opportunity to give oral comments. The Commission may limit the time for each comment to five minutes. The record of this case will close on **November 13, 2017**.

Any person with a disability requiring special assistance in order to participate in the hearing should contact Kathleen Segura at (505) 827-4501 at least 48 hours prior to the commencement of the hearing.