



of fifteen members including five state cabinet secretaries (or their designees), members appointed by legislative leaders, a member appointed by the Governor, six members appointed variously by the Secretary of Indian Affairs or tribal leaders, and two other high level state officials (or their designees). NMSA 1978, § 63-9K-3. The CNMA also establishes a “Connect New Mexico Fund” to be overseen by the CNMC. NMSA 1978, § 63-9K-6. The CNMC is also responsible for promulgating a Broadband Knowledge and Digital Equity Analysis and Plan to be incorporated into the State Broadband Plan. NMSA 1978, § 63-9K-5.

4. In addition to enacting the CNMA, House Bill 10 amended the RTA. Some of the changes are for the purpose of coordinating the Commission’s Broadband Program with the CNMC as well as coordinating the program with the Office of Broadband Access and Expansion, described below. House Bill 10 added three requirements for the Commission’s rules governing the Broadband Program. One of these requirements is that the Commission “submit applications for funding to the connect New Mexico council for prioritization and alignment with the statewide broadband plan to ensure digital equity and digital inclusion,” with “statewide broadband plan,” “digital equity,” and “digital inclusion” being terms with special definitions added to the RTA by the CNMA. NMSA 1978, §§ 63-9H-3(G), (H) and (S), 63-9H-6(N)(2).

5. The Broadband Access and Expansion Act (“BAEA”), Sections 63-9J-1 *et seq.*, NMSA 1978, enacted by Senate Bill 93, creates the Office of Broadband Access and Expansion (the “OBAE”) within the New Mexico Department of Information Technology (“NMDoIT”). NMSA 1978, § 63-9J-3. The OBAE is tasked with formulating quality of service standards, creating a publicly accessible state broadband

access map, creating a county-level repository of broadband access information, and, perhaps most significantly, designing, revising, and implementing a three-year Statewide Broadband Plan. *Id.* Through these and other efforts, the OBAE is to act as the central coordinator of broadband access expansion at state, county, and local levels.

6. The third bill, Senate Bill 204, amended the RTA to provide ARS-type payments to carriers comparable to the rural incumbent local exchange carriers (“ILECs”) currently receiving access reduction support (“ARS”) payments that are currently ineligible for ARS payments due to the fact that they were not in existence at the time of the passage of the RTA. NMSA 1978, § 63-9H-6(L)(2) and (3). The Commission is aware of only one carrier that qualifies for support under this bill, Sacred Wind Communications, Inc. (“Sacred Wind”). In 2021, Sacred Wind filed a petition for such support, which the Commission granted in November 2021. [Order Adopting Recommended Decision with Modifications, Docket No. 21-00193-UT.]

7. On October 28, 2021, the Commission issued its Initial Order in this matter, opening this docket for the adoption of amendments to the SRUSF Rule as per the 2021 legislation. In the Initial Order, the Commission directed Staff to file a set of recommendations for amending the SRUSF Rule.

8. On November 17, 2021, Staff filed its Comments, including an SRUSF Rule with Staff’s recommended amendments shown in legislative format.

9. Regarding House Bill 10, Staff recommends that the Commission adopt in the SRUSF Rule the special definitions for “digital equity”, “digital inclusion” and “statewide broadband plan,” that were added to the RTA. Staff further recommends adoption of a special definition of “council,” referring to the CNMA. In addition, Staff

recommends amending the Broadband Program provisions of the rule to reflect the amendment to the RTA increasing the minimum annual amount of funding to be dedicated to the program from \$5 million per year to \$8 million per year.

10. Staff's recommendations further address the requirement in House Bill 10 that the Commission submit Broadband Program applications for funding to the CNMC to prioritize applications according to the statewide broadband plan, to promote the goals of digital equity and digital inclusion, and to ensure that all program awards are consistent with federal universal service programs. Staff recommends incorporating these requirements into the rule "by requiring Broadband Program applicants to explain in their applications how they meet these requirements," and by providing that Staff's annual presentation of applications to the Commission would be made to the CNMA as well. Staff further recommends amending the rule to include a requirement that the Commission, when deciding whether to grant or to deny applications will "work in consultation with the CNMC for prioritization and alignment with the statewide broadband plan."

11. Staff further notes that "the Commission is required to report to the legislature regarding ongoing activity" in the Commission's Broadband Program (citing NMSA 1978, § 63-9H-6(N)). Staff recommends that the Commission adopt a new reporting section, NMAC 17.11.10.18, "Commission Report to the Legislature."

12. Regarding Senate Bill 93, Staff recommends adding a special definition of "broadband office," referring to the OBAE.

13. Regarding Senate Bill 204, Staff recommends adding the special definition of "comparable carrier" that appears in the amended RTA to the special definitions in the

SRUSF Rule. Staff further recommends adding a subsection G to what is currently 17.11.10.19 NMAC describing the calculation of support for comparable carriers.<sup>1</sup>

14. Staff also makes a recommendation “not directly related” to the Commission’s goal of amending the rule to conform to the 2021 legislative changes. The recommendation is to move language currently in the rule at 17.11.10.22(C) NMAC, stating that only carriers holding eligible telecommunications carrier (“ETC”) status as of October 1<sup>st</sup> shall be eligible to receive disbursements from the SRUSF during the year that begins the following January 1<sup>st</sup>, to 17.11.10.31G(1), within the Broadband Program provisions. Staff states that the current location of this requirement in 17.11.10.22(C) NMAC may cause it to be overlooked by non-ETC carriers interested in participating in the Broadband Program.

15. The Commission has jurisdiction over this matter.

16. The Commission finds that this Order should issue to commence the formal rulemaking process for the consideration of and the adoption of amendments to the SRUSF Rule for the purpose of conforming the rule to the above 2021 legislation amending the RTA and enacting the CNMA and the BAEA, and for the purpose of aligning the Commission’s Broadband Program with the requirements and goals of the legislation.

17. The above purposes define the scope of this rulemaking, and all comments and recommendations should pertain to these purposes. The sole exception to this limited

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<sup>1</sup> On December 3, 2021, Staff filed an errata to the Comments, in which Staff modified its recommended language for 17.11.10.20(G), changing a “may” to a “shall” to conform to the amended RTA with regard to ARS-type payments to comparable carriers. The Proposed Order attached hereto as Exhibit A reflects this change (which may be in a different color than the rest of the proposed changes).

scope is that the Commission will consider Staff's recommendation to move the abovementioned language located at 17.11.10.22(C) NMAC to 17.11.10.31G(1) NMAC and will consider comments and recommendations closely related to this recommendation.

18. The Commission finds that the proposed rule recommended by Staff, attached hereto as **Exhibit A**, should be adopted by the Commission and noticed to the public as the Commission's "Proposed Rule," pursuant to Section 14-4-5.2 of the State Rules Act, NMSA 1978, Sections 14-4-1 *et seq.*

19. The Commission finds that the Notice of Proposed Rulemaking (the "NOPR") attached hereto as **Exhibit B** should be issued by the Commission for publication in the New Mexico Register on the earliest practicable publication date, pursuant to Section 14-4-5.2 of the State Rules Act, and for publication in two newspapers of general circulation in the state, pursuant to Section 8-8-15 of the Public Regulation Commission Act, NMSA 1978, Sections 8-8-1 *et seq.*

20. The Commission has the authority to promulgate the Proposed Rule under the N.M. Const. art. XI, § 2, and under NMSA 1978, Sections 8-8-4(B)(10) and 63-9H-6.

**IT IS THEREFORE ORDERED:**

A. A formal rulemaking proceeding is hereby instituted in this docket to consider and to adopt amendments to the Commission's SRUSF Rule, 17.11.10 NMAC, for the limited purposes described in Paragraphs 15 and 16, above.

B. The Commission hereby issues its Proposed Rule attached hereto as **Exhibit A**. The amendments which may eventually be adopted in this proceeding may include all, part, or none of the amendments proposed in **Exhibit A**. The Commission

will also consider any alternative proposed amendments within the abovedescribed scope of this rulemaking proceeding.

C. The Notice of Proposed Rulemaking attached hereto as **Exhibit B** shall be provided to the public pursuant to the State Rules Act, the Public Regulation Commission Act, and any other applicable legal authorities.

D. Any person wishing to comment on the Proposed Rule may do so by submitting written Initial Comments no later than **October 20, 2022**. Any person wishing to respond to Initial Comments may do so by submitting written Response Comments no later than **October 31, 2022**.

E. A public hearing on the Proposed Rule and any proposed alternatives, to be presided over by the Commission or its designee, shall be held beginning at **10:00 a.m. on November 8, 2022**, via the Zoom online platform. Any member of the public who wishes to make a comment at the hearing must contact Laurie Ann Trujillo at (505) 670-4830 or [laurieann.trujillo1@state.nm.us](mailto:laurieann.trujillo1@state.nm.us) by **no later than 12:00 noon on November 4, 2022**, to sign up as a hearing participant. The Commission's Office of General Counsel will email a Zoom invitation to all hearing participants the day before the hearing. The Zoom invitation will include a call-in number for those participants who are unable to access the Zoom platform via computer.

F. The hearing will be held in order to receive oral comments. In the interest of administrative efficiency, only commenters who have not submitted written comments will be allowed to speak. In addition, any commenter may be limited to five minutes to speak, subject to the discretion of the Commission or its designee. The Commission or its designee may also determine that a spokesperson should be designated to speak on

behalf of an organization, a group, or a group of individuals that shares the same message or seeks the same goals, in order to maximize the efficiency of the public comment hearing. No testimony or other evidence will be taken at the hearing as this is a rulemaking proceeding. A court reporter will prepare a transcript of the hearing for filing in this docket.

G. It will be most helpful if written comments suggesting changes or alternatives to the proposed rule discuss the particular reasons for the suggested changes or alternatives and include all suggested rule language necessary to effectuate the changes or alternatives being suggested. It will also be helpful if suggested changes to the proposed rule are provided in a format showing deletions and additions as redlined changes.

H. Staff of the Telecommunications Bureau of the Commission's Utility Division is hereby directed to file Initial and Response Comments.

I. All written comments shall bear the above caption and docket number and shall be filed with the Commission's Records Division by emailing the comments in PDF format to [prc.records@state.nm.us](mailto:prc.records@state.nm.us) or filed otherwise in accordance with the Commission's Rules of Procedure, 1.2.2 NMAC.

J. Commission Rule 1.2.3.7(B) NMAC (Ex Parte Communications), with regard to rulemaking proceedings, draws a distinction between communications occurring before the record has been closed and communications occurring after the record has been closed. It defines only the latter as "ex parte communications." The record closure date shall be **November 11, 2022**.

K. Interested persons are expected to file comments according to the schedule in this Order. Any other filings will generally be considered improper by the Commission unless extraordinary circumstances call for consideration of such filings.

L. Any person with a disability requiring special assistance in order to participate in the hearing should contact Renada Peery-Galon at (505) 467-9116 at least 48 hours prior to the commencement of the hearing.

M. Public notice of this rulemaking shall also be provided, and a rulemaking record maintained, in conformity with the State Rules Act, Sections 14-4-1 *et seq.*

N. Copies of this Order, including exhibits, shall be e-mailed to all persons listed on the attached Certificate of Service if their e-mail addresses are known, and if not known, mailed to such persons via regular mail.

O. Copies of any forthcoming final order adopting a rule shall be provided, along with copies of the rule, to all persons and entities appearing on the Certificate of Service as it exists at the time of issuance of the final order in this docket, to all commenters in this case, and to all individuals requesting such copies. Public notice of such final order shall also be provided in conformity with the State Rules Act, Sections 14-4-1 *et seq.* (amended 2017).

P. This Order is effective immediately.

ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this 17<sup>th</sup>  
day of August 2022.

NEW MEXICO PUBLIC REGULATION COMMISSION

/s/ Cynthia B. Hall, electronically signed  
CYNTHIA B. HALL, COMMISSIONER, DISTRICT 1

/s/ Jefferson L. Byrd, electronically signed  
JEFFERSON L. BYRD, COMMISSIONER, DISTRICT 2

/s/ Joseph M. Maestas, electronically signed  
JOSEPH M. MAESTAS, COMMISSIONER, DISTRICT 3

/s/ Theresa Becenti-Aguilar, electronically signed  
THERESA BECENTI-AGUILAR, COMMISSIONER, DISTRICT 4

/s/ Stephen Fischmann, electronically signed  
STEPHEN FISCHMANN, COMMISSIONER, DISTRICT 5



**EXHIBIT A to Order Issuing NOPR – Proposed Rule**

**TITLE 17 PUBLIC UTILITIES AND UTILITY SERVICES  
CHAPTER 11 TELECOMMUNICATIONS  
PART 10 STATE RURAL UNIVERSAL SERVICE FUND**

**17.11.10.1 ISSUING AGENCY:** New Mexico Public Regulation Commission.  
[17.11.10.1 NMAC - Rp, 17.11.10.1 NMAC, 2/9/2021]

**17.11.10.2 SCOPE:** This rule applies to all entities that provide intrastate retail public telecommunication services and comparable retail alternative services in New Mexico.  
[17.11.10.2 NMAC - Rp, 17.11.10.2 NMAC, 2/9/2021]

**17.11.10.3 STATUTORY AUTHORITY:** Sections 8-8-4 and 63-9H-6, NMSA 1978.  
[17.11.10.3 NMAC - Rp, 17.11.10.3 NMAC, 2/9/2021]

**17.11.10.4 DURATION:** Permanent.  
[17.11.10.4 NMAC - Rp, 17.11.10.4 NMAC, 2/9/2021]

**17.11.10.5 EFFECTIVE DATE:** February 9, 2021, unless a later date is cited at the end of a section.  
[17.11.10.5 NMAC - Rp, 17.11.10.5 NMAC, 2/9/2021]

**17.11.10.6 OBJECTIVE:** The purpose of this rule is to provide procedures for administering and implementing the New Mexico state rural universal service fund to maintain and support universal service provided by telecommunications carriers that have been designated as eligible telecommunications carriers.  
[17.11.10.6 NMAC - Rp, 17.11.10.6 NMAC, 2/9/2021]

**17.11.10.7 DEFINITIONS:** In addition to the definitions contained in Section 63-9H-3, NMSA 1978, as used in this rule:

**A. Definitions beginning with “A”:**

(1) **Access line** means: a dial tone line, or its functional equivalent, that provides local exchange service from a carrier’s switching equipment to a point of termination at the customer’s network interface, and is not limited to wireline or any other technology; for the purposes of this rule, an access line does not include official lines, unbundled network elements/platforms, retail resale, wholesale resale, special access lines and private lines.

(2) **Administrator** means: the person designated by the commission to administer the fund.

(3) **Area underserved by broadband** means a broadband program proposed project area where at least fifty percent of households lack access to fixed and mobile facilities-based broadband service at the minimum broadband transmission speeds of 25.0 Mbps download/3.0 Mbps upload. A household has access to broadband service if the household can subscribe within 10 business days of a request

(4) **Area unserved by broadband** means: a broadband program proposed project area where at least fifty percent of the households lack access to fixed and mobile facilities-based broadband service at the minimum broadband transmission speeds of 10.0 Mbps download/1.0 Mbps upload. A household has access to broadband service if the household can subscribe to that service within 10 business days of a request.

**B. Definitions beginning with “B”:**

(1) **Basic local exchange rate** means: an incumbent local exchange carrier’s tariffed, monthly, flat single-line rate charged to its retail customers for the provision of local exchange service; for the purposes of this rule, the “residential” and “business” basic local exchange rates shall include any commission-mandated subscriber line charges or extended area service charges.

(2) **Broadband Internet Access Service** means: a mass-market retail service by wire, wireless or other technology that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints including any capabilities that are incidental to and enable the operation of the communications service, or a functionally equivalent service, but excluding dial-up internet access service. For purposes of this rule, broadband internet access service means a service transmission speed of 25.0 Mbps download/3.0 Mbps upload.

(3) **Broadband Office** means the office of broadband access and expansion.

**C. Definitions beginning with “C”:**

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(1) **Carrier** means: an entity that provides intrastate retail public telecommunications services or comparable retail alternative services in New Mexico.

(2) **Commercial mobile radio service (CMRS)** means: a designation by the federal communications commission for any carrier or licensee whose wireless network is connected to the public switched telephone network or is operated for profit.

(3) **Commission** means the New Mexico public regulation commission.

(4) **Communication connection** means: a voice-enabled telephone access line, wireless voice connection, unique voice over internet protocol service connection, or other uniquely identifiable functional equivalent as determined by the commission.

(5) **Comparable carrier** means an eligible telecommunications carrier established prior to enactment of the Rural Telecommunications Act of New Mexico that has a similar number of access lines as an eligible telecommunications carrier established after enactment of that act.

(6) **Council** means the Connect New Mexico Council appointed by the New Mexico Department of Information Technology Broadband Director.

(7) **Contributing company** means: any carrier that provides intrastate retail public telecommunications services or comparable retail alternative services in New Mexico.

### D. Definitions beginning with “D”: **[RESERVED]**

(1) **Digital equity** means information technology needed for civic and cultural participation, employment, education, business and economic development, lifelong learning and access to essential services generally available to residents regardless of their racial grouping, socioeconomic status, or cultural identity.

(2) **Digital Inclusion** means access to and the ability to use information technologies.

### E. Definitions beginning with “E”:

(1) **Eligible telecommunications carrier (ETC)** means: a carrier with New Mexico operations that has been designated as eligible to receive disbursements from the fund or from the federal universal service fund, or both, for a designated service area determined by the commission.

(2) **Exempt customer** means: an end-user of telecommunications service that is the state of New Mexico, a county, a municipality or other governmental entity; a public school district; a public institution of higher education; an Indian nation, tribe, or pueblo; a Native American customer who resides on tribal or pueblo land; a private telecommunications network; or a person eligible to receive reduced rates under a low-income telephone assistance plan created by the federal government or the state of New Mexico.

### F. Definitions beginning with “F”:

(1) **FCC** means: the federal communications commission.

(2) **Fund** means: the state of New Mexico universal service fund established pursuant to Section 63-9H-6, NMSA 1978 and this rule.

### G. Definitions beginning with “G”: **[RESERVED]**

### H. Definitions beginning with “H”: **[RESERVED]**

### I. Definitions beginning with “I”:

(1) **Imputed benchmark revenue** means: the difference between the affordability benchmark rates established by the commission pursuant to this rule and the carrier’s basic local exchange residential and business rates as of July 1, 2014, multiplied by the number of basic local exchange residential and business access lines served by the carrier as of December 31 of the year that precedes the year during which the revenue requirement is being determined pursuant to Subparagraph E of 17.11.10.19 NMAC; imputed benchmark revenue shall not be less than zero.

(2) **Interexchange carrier (IXC)** means: an entity that provides intrastate toll services in New Mexico.

(3) **Intrastate retail public telecommunications services** means: services including, but not limited to, all types of local exchange service; non-basic, vertical or discretionary services, also known as advanced features, or premium services, such as, but not limited to, call waiting, call forwarding, and caller identification (ID); listing services; directory assistance services; cellular telephone and paging services; commercial mobile radio services; personal communications services (PCS); both optional and non-optional operator services; wide area telecommunications services (WATS) and WATS-like services; toll-free services; 900 services and other informational services; message telephone services (MTS) or toll; CENTREX, centron and centron-like services; video conferencing and teleconferencing services; the resale of intrastate retail public telecommunications services; payphone services; services that provide telecommunications through a New Mexico telephone number using voice over internet protocol (VOIP) or comparable technologies; any services regulated by the commission; and such other

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services as the commission may by order designate from time to time as equivalent or similar to the services listed above, without regard to the technology used to deliver such services.

(4) **Intrastate retail public telecommunications services revenue** means: the revenue collected from the sale of intrastate telecommunications services to end users; for voice over internet protocol (VOIP) and similar services, the portion of total retail revenues attributable to intrastate retail telecommunications shall be equal to the proportion of calls originating and terminating in New Mexico to all calls originating in New Mexico.

(5) **Intrastate switched access charge** means a charge levied by a carrier for the availability and use of its facilities for origination and termination of intrastate interexchange calls as contained in tariffs approved by the commission.

**J. Definitions beginning with “J”:** [RESERVED]

**K. Definitions beginning with “K”:** [RESERVED]

**L. Definitions beginning with “L”:** **Local exchange carrier (LEC)** means an entity certificated to provide local exchange service in New Mexico.

**M. Definitions beginning with “M”:** [RESERVED]

**N. Definitions beginning with “N”:** **New Mexico operations** means intrastate retail public telecommunications services and comparable retail alternative services provided in New Mexico.

**O. Definitions beginning with “O”:** [RESERVED]

**P. Definitions beginning with “P”:** [RESERVED]

**Q. Definitions beginning with “Q.”:** [RESERVED]

**R. Definitions beginning with “R”:** **Rural area** means:

(1) any unincorporated area or;

(2) any city, town or incorporated area with a population of 20,000 or less as reflected in the most recent decennial United States census together with any applicable Tribal census.

**S. Definitions beginning with “S”:**

(1) **Service area** means: a geographic area established by the commission in accordance with Section 214(e)(5) of the federal act (47 U.S.C. Section 214(e)(5)).

(2) **State Rural Universal Service Fund (SRUSF)** means: the state of New Mexico universal service fund established pursuant to Section 63-9H-6, NMSA 1978 and this rule.

(3) **Statewide broadband plan** means [a plan for the development and expansion of broadband infrastructure and services throughout the state as developed by the New Mexico office of broadband access and expansion.](#)

**T. Definitions beginning with “T”:** [RESERVED]

**U. Definitions beginning with “U”:** **Universal service** means basic local exchange service and comparable retail alternative services at affordable rates, service pursuant to a low-income telephone assistance plan, and broadband internet access service to unserved and underserved areas of New Mexico as determined by the commission.

**V. Definitions beginning with “V”:** [RESERVED]

**W. Definitions beginning with “W”:** [RESERVED]

**X. Definitions beginning with “X”:** [RESERVED]

**Y. Definitions beginning with “Y”:** [RESERVED]

**Z. Definitions beginning with “Z”:** [RESERVED]

[17.11.10.7 NMAC - Rp, 17.11.10.7 NMAC, 2/9/2021]

**17.11.10.8 REDUCTION OF INTRASTATE SWITCHED ACCESS CHARGES:** The commission may, upon motion of a carrier or the administrator, or upon the commission’s own motion, authorize further intrastate switched access charge reductions for a carrier to correspond to any changes in that carrier’s tariffed interstate switched access service charge rates, elements or structure subsequent to January 1, 2006.

[17.11.10.8 NMAC - Rp, 17.11.10.8 NMAC, 2/9/2021]

**17.11.10.9 AFFORDABILITY BENCHMARK RATES:**

**A.** Effective January 1, 2020, unless changed by the commission in a proceeding pursuant to Subsection B of 17.11.10.09 NMAC, the residential and business affordability benchmark rates to be utilized in determining the level of support available from the fund are as follows:

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(1) the residential benchmark rate for basic local exchange service shall be \$18.00; except that the commission may on its own motion and at any time conduct a review of the residential benchmark rate and change it accordingly, as per Subsection B of 17.11.10.09 NMAC;

(2) the business benchmark rate for basic local exchange service shall be carrier-specific and shall be equal to the business basic exchange rate of each local exchange carrier as of January 1, 2020;

(3) each local exchange carrier shall, on or before May 1 of each year, advise the commission and the administrator in writing of its residential and business basic local exchange rates to be in effect on July 1 of that year and how they were determined;

(4) increases in the residential basic local exchange rates of incumbent rural telecommunications carriers toward the residential benchmark rate established in this section shall be implemented by timely filing of tariff revisions with the commission and shall be effective after 10 days' notice to the carrier's customers and the commission;

**B.** The commission may conduct a proceeding to establish new affordability benchmark rates upon its own motion.

[17.11.10.9 NMAC - Rp, 17.11.10.9 NMAC, 2/9/2021]

**17.11.10.10 SELECTION OF ADMINISTRATOR:** The commission will designate a third-party administrator who will be subject to the supervision and control of the commission for a four-year term. The administrator shall perform services under the terms of a written contract to be entered into between the commission and the administrator. The commission shall procure the services of a subsequent administrator before the expiration of the term of each such contract, or in the event of early termination of such contract, as soon as practicable before or after the early termination.

**A.** Criteria for selection: the commission will issue a request for proposals to select the administrator; the commission shall consider whether the bidder has demonstrated the competence needed to administer the fund and the rate of compensation proposed; the commission shall also consider at a minimum whether the bidder:

(1) is able to be neutral and impartial;

(2) is a member of a trade association that advocates positions before this commission or other state commissions in administrative proceedings related to telecommunications issues;

(3) is an affiliate of any contributing company;

(4) has a substantial financial interest in any entity or affiliate that provides telecommunications services or comparable retail alternative services; and

(5) has a board of directors that includes any member with direct financial interests in entities that contribute to or receive support from the fund in this state or any other state.

**B.** Termination of administrator's contract: the commission may terminate the administrator's contract with the commission before the expiration of the term of the contract upon such notice, and under such conditions, as are set forth in the contract.

[17.11.10.10 NMAC - Rp, 17.11.10.10 NMAC, 2/9/2021]

**17.11.10.11 EXPENDITURE AUTHORIZATION:** The commission shall approve an annual budget for administration of the fund. The reasonable expenses incurred in the administration of the fund, in accordance with the terms of the contract between the commission and the administrator, shall be a cost of the fund and shall be recovered from contributions to the fund.

[17.11.10.11 NMAC - Rp, 17.11.10.11 NMAC, 2/9/2021]

**17.11.10.12 RESPONSIBILITIES OF ADMINISTRATOR:** The administrator shall manage the day-to-day operation of the fund in accordance with this rule, applicable law, and the overall supervision and direction of the commission. The administrator shall:

**A.** Fairly, consistently, and efficiently administer fund collections and disbursements in accordance with commission rules and subject to commission oversight.

**B.** Establish an account or accounts in one or more independent financial institutions and ensuring that the monies deposited in the fund are insured to the maximum extent permitted by law and that they earn a return commensurate with that of state funds held on deposit in banks or other financial institutions.

**C.** Ensure that the fund complies with all necessary requirements for exemption from federal, state and local taxes.

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**D.** Establish procedures, consistent with the commission's procedural rules and law, and with the commission's approval, for protecting the confidentiality of information submitted pursuant to this rule.

**E.** Report to the commission on fund activities at least once each year; the report shall include fund collections and disbursements, administrative expenditure information, budget projections and such other information as the commission may require.

**F.** Prepare an annual proposed budget for administration of the fund and submit it to the commission for review, revision, rejection or approval at such time in advance of the need for commission approval as the commission may direct, or absent such direction, at a reasonable time.

**G.** Propose to the commission uniform procedures, and develop forms, to identify exempt customers, in consultation with contributing companies.

**H.** Create and maintain the databases necessary to administer the program and account for the funds.

**I.** Develop appropriate forms for use in collecting information from contributing companies and ETCs.

**J.** Pay administrative expenses out of the fund in accordance with the budget approved by the commission.

**K.** Petition the commission to institute an enforcement or other action when the administrator finds that it is otherwise unable to collect amounts properly due from a contributing company under these rules, or when it appears to the administrator that any contributing company or ETC carrier is otherwise out of compliance with these rules or applicable law.

**L.** Conduct, not less than once every year, such reviews as are necessary to ensure that each contributing company is making its required contributions to the fund and that support from the fund is used for the purpose of the fund.

**M.** Advise the commission of any anticipated material changes to, or fluctuations in, the collection of fund revenues in a timely manner and make recommendations to the commission on ways to address or correct such changes or fluctuations.

[17.11.10.12 NMAC - Rp, 17.11.10.12 NMAC, 2/9/2021]

**17.11.10.13 DISPUTE RESOLUTION:** The commission may refer any disputed case between the administrator and a contributing company or between contributing companies to alternative dispute resolution if it finds that doing so would encourage the settlement of the dispute.

**A. Mediation:**

(1) if any of the parties or staff makes a request for mediation, the commission may, in its discretion, designate a mediator consistent with Subsection B of 17.1.2.20 NMAC;

(2) the mediator may be a permanent or temporary employee of the commission or another state agency or any other individual who is acceptable to the parties and staff; if the parties request a mediator who is not an employee of the commission, the commission shall not approve the request unless the parties agree in writing to bear as their own the costs of obtaining the mediator's services; the mediator shall not be the hearing examiner who is assigned to the case; the mediator shall have no official, financial, or personal conflict of interest with respect to the issues in controversy, unless such interest is fully disclosed in writing to all parties and staff at the time the mediator is assigned by the commission and unless all parties agree that the mediator may serve; the mediator shall not subsequent to serving as a mediator participate in the proceeding as a hearing examiner, advisory staff, staff counsel or expert witness, or as an attorney, expert witness, or representative of any party to the proceeding;

(3) the mediator may be assigned by the commission at the same time as the commission assigns the case to a hearing examiner; the mediator shall not discuss the mediation conference with any commissioner or hearing examiner hearing the case;

(4) the mediator shall notify the parties and staff by telephone or mail of the time and place of the mediation conference, which will be held at commission offices unless otherwise directed by the mediator; the notice may direct the parties and staff to send the mediator, but not other parties or staff, their settlement positions and other necessary information that could facilitate the mediation conference, including the results of staff's investigation of the complaint;

(5) if the parties are able to reach a settlement of their dispute, in appropriate cases the mediator shall assist the parties in preparing a written agreement to reflect that resolution; if the parties are unable to reach a complete settlement of their dispute, the mediator shall advise the parties that they may request arbitration or file a formal complaint with the commission;

(6) nothing shall preclude the commission from using different mediation procedures.

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### **B. Arbitration:**

(1) a party may request arbitration of any dispute; the party's request shall be in writing to the commission and shall include a concise statement of the grounds for the complaint, the remedy sought, and an acknowledgment that the party has read 17.1.2.22 NMAC and agrees to be bound by its terms;

(2) the commission or its authorized representative shall forward the request for arbitration to the other party together with a copy of Subsection A of 17.1.2.16 NMAC and 1.2.18 NMAC and require that the other party submit a written response within 10 days of the date of the commission's letter forwarding the request;

(3) if the responding party agrees to arbitration of the dispute, he shall include in his response to the complainant's request a concise statement of his position with regard to the merits of the complaint and an acknowledgment that he has read 17.1.2.22 NMAC and agrees to be bound by its terms; if the responding party will not agree to arbitration, he shall so state in the response;

(4) if the responding party either fails to respond to a request for arbitration or does not agree to arbitration, the initiating party retains the right to proceed with a formal complaint;

(5) if both the initiating party and the responding party agree to arbitration, the commission shall designate an arbitrator; the arbitrator may be a permanent or temporary employee of the commission or another state agency or any other individual who is acceptable to the parties to the complaint; the designated arbitrator shall have no official, financial or personal conflict of interest with respect to the issues in controversy, unless such interest is fully disclosed in writing to all parties at the time of the commission's designation and all parties agree that the arbitrator may serve; the parties shall be required to indicate their consent in writing to the designated arbitrator within 10 days of the date of the commission's letter of designation; if the parties request an arbitrator who is not an employee of the commission, the commission shall not approve the request unless the parties agree in writing to bear the costs as their own pursuant to Sections 8-8-4 and 62-13-3 NMSA 1978;

(6) any employee of the commission designated to arbitrate the matter under these provisions shall not participate in a subsequent proceeding on the complaint as a hearing examiner, advisory staff, staff counsel, or expert witness or as an attorney, expert witness, or representative of any party to the proceeding;

(7) the commission may assign docket numbers to arbitration proceedings for purposes of record management but the proceeding remains an informal proceeding;

(8) nothing shall preclude the commission from using different arbitration procedures.

### **C. Arbitration Procedures:**

(1) once designated and approved by the parties, the arbitrator shall proceed to render a decision in the arbitration proceeding within 60 days of the date the responding party agreed to arbitration except for good cause; if the arbitrator at any time determines that it is unlikely that the dispute can be resolved without substantially affecting the interests of other ratepayers or the public, he may so inform the parties and staff and terminate the proceeding without prejudice to the initiating party's right to file a formal complaint;

(2) the arbitrator shall fix a time and place for an informal hearing and shall serve notice of the hearing on both parties and on staff at least 10 days in advance of the hearing; he may issue subpoenas for the attendance of witnesses and for the production of books, records, documents, and other evidence and shall have the power to administer oaths; the parties and staff may offer such evidence and produce such additional evidence as the arbitrator may deem necessary to an understanding and determination of the dispute; the arbitrator shall decide the relevancy and materiality of the evidence offered, and conformity to the New Mexico rules of evidence or to rules of evidence contained in the commission's rules, is not necessary; no stenographic or electronic record will be made of the testimony at hearing unless requested by a party, who shall bear the cost of the record, or by staff;

(3) discovery will be permitted but only with leave of the arbitrator who shall not allow discovery which unduly complicates, burdens, or impedes the expeditious and informal nature of the proceeding;

(4) whenever the arbitrator deems it necessary to make an inspection or investigation in connection with the arbitration, he shall so advise the parties and staff, who may be present at the inspection or investigation; in the event that one or both of the parties or the staff are not present, the arbitrator shall make an oral or written report to the parties and staff and afford them an opportunity to comment;

(5) at the close of or soon after the hearing, the arbitrator will issue a brief written decision; findings of fact and conclusions of law are not necessary; the arbitrator's decision will be binding on the parties and can be implemented by the commission to the extent such implementation is necessary; however, the decision will not be a decision of the commission and shall have no precedential effect;

(6) unless agreed to by all the parties and staff, no statements, admissions, or offers of settlement made during the course of arbitration proceedings shall be admissible as evidence in any formal proceeding nor shall the arbitrator disclose the same voluntarily or through discovery or compulsory process;

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nothing in this section, however, shall preclude the arbitrator from issuing a brief written decision describing his conclusions and the bases for them;

(7) nothing in this rule shall be construed to mean that the commission has waived its review of any decision or that the commission consents to be bound by arbitration.

[17.11.10.13 NMAC - Rp, 17.11.10.13 NMAC, 2/9/2021]

**17.11.10.14 VARIANCES AND WAIVERS:** Any person may petition the commission for variance or waiver of any provision of this rule for good cause shown.

**A. General requirements:**

(1) a contributing company or ETC may petition for an exemption or a variance from any of the requirements of this rule;

(2) such petition may include a motion that the commission stay the affected portion of this rule for the transaction specified in the motion;

(3) petitions for an exemption or a variance and motions for a stay must be supported by an affidavit signed by an officer of the contributing company or ETC or someone with authority to sign for the contributing company or ETC;

(4) the commission may, at its discretion, require an informal conference or formal evidentiary hearing prior to making its determination.

**B. Contents of the petition. A petition for an exemption or variance shall:**

(1) identify the section of this rule for which the exemption or variance is requested;

(2) describe the situation which necessitates the exemption or variance;

(3) describe the effect of complying with this rule on the contributing company or ETC and its customers, or on its competitive affiliates and their customers, if the exemption or variance is not granted;

(4) describe the result the request will have if granted;

(5) state how the exemption or variance will achieve the purposes of this rule and the Rural Telecommunications Act of New Mexico;

(6) state why the proposed alternative is in the public interest and is a better alternative than that provided by this rule;

(7) state why the exemption or variance would have no anticompetitive effect; and

(8) state why the requested exemption or variance would not place an undue burden on the

fund.

[17.11.10.14 NMAC - Rp, 17.11.10.14 NMAC, 2/9/2021]

**17.11.10.15 GENERAL REPORTING REQUIREMENTS:**

**A. Reports require declaration:** all reports filed with the commission or the administrator must be filed with a declaration from the chief financial officer of the entity or the person who prepared the reports on behalf of the entity that the information is correct and the filing is made subject to the penalty of perjury provided for in Section 30-25-1 NMSA 1978.

**B. Time for reporting:** where no date is specified for a report, or when a request is made by the administrator for information necessary for the administration of the fund, the administrator shall specify when the report must be filed.

**C. Reporting forms:** contributing companies and ETCs shall report information in the manner prescribed by the administrator. The administrator shall not require reporting that will be unduly burdensome.

**D. Electronic filing:** the administrator shall accept electronic reporting when practicable.

**E. Confidentiality:** the commission shall have access to all information reported to the administrator. Contributing companies may request that company-specific information required by the reporting requirements of this rule be treated as confidential by so indicating at the time the information is submitted. The commission shall make all decisions regarding disclosure of company-specific information and may request further information or justification from the contributing company to ensure uniformity of confidential treatment of all information submitted by contributing companies. Nothing in this rule shall preclude commission issuance of an umbrella protective order identifying what reported data shall be, or shall not be, deemed confidential. The administrator shall keep confidential all company-specific information obtained from contributing companies for which confidential treatment is requested, shall not use such information except for purposes of administering the fund, and shall not disclose such information in company-specific form unless directed to do so by the commission.

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**F.** The commission may require the administrator to modify any of its report formats to solicit additional information necessary for the administration of the state universal service program, including possible addition of a revenue report or to delete information that is not necessary.  
[17.11.10.15 NMAC - Rp, 17.11.10.15 NMAC, 2/9/2021]

**17.11.10.16 [RESERVED]**  
[17.11.10.16 NMAC - Repealed., 2/9/2021]

**17.11.10.17 REPORTS:** ETCs shall comply with the reporting requirements established by the commission as set forth in 17.11.27 NMAC. In addition, carriers shall report the following information to the administrator in a form prescribed by the administrator, regarding facilities and activities during the preceding calendar year:

**A.** On or before May 1 of each year, contributing companies, including ETCs, shall report the number and type of New Mexico access lines and New Mexico communication connections subscribed to in total and the number of such access lines and communication connections that are exempt from paying the SRUSF surcharge.

**B.** On or before July 1 of each year, ETCs receiving support from the fund (except those receiving only support pursuant to 17.11.11 or 17.11.10.31 NMAC) shall file with the commission a report, in a form approved by the commission, demonstrating that the ETC's payments from the fund were used for the purpose stated in Subsection A of 17.11.10.27 NMAC. If any ETC required to file information with the commission under Subsection B of 17.11.10.17 NMAC fails to comply on or before the applicable reporting deadline, the administrator shall withhold any disbursements otherwise due to the non-compliant ETC until the ETC has complied.  
[17.11.10.17 NMAC - Rp, 17.11.10.17 NMAC, 2/9/2021]

**17.11.10.18 COMMISSION REPORT TO THE LEGISLATURE:** By October 1 of each year, the commission shall make a report to the legislature regarding the status of the fund, including:  
(1) relevant data relating to implementation of the broadband program and ~~expansion of broadband internet access services~~ the progress toward digital equity and digital inclusion in rural areas of the state; The report shall also make:  
(2) recommendations for any changes to the structure, size and purposes of the fund and whether the cap on the fund provided for in Subsection ~~40~~P of NMSA 1978 § 63-9H-6 should be modified, maintained or eliminated; and  
(3) the service areas that received funding awards from the broadband program and the amounts of those awards.

**17.11.10.198 CONTACT PERSONS:** All contributing companies and ETCs shall file with the administrator the name, address, phone number and e-mail address of a contact person and shall keep the information current.  
[17.11.10.18 NMAC - Rp, 17.11.10.18 NMAC, 2/9/2021]

**17.11.10.2049 ANNUAL DETERMINATION OF FUND:**

**A.** The administrator shall determine the amount of the fund for the next calendar year and submit its findings to the commission on or before November 10 of each year to enable commission approval on or before November 20 of each year in order to provide carriers with sufficient time to implement any change in the surcharge rate.

**B.** In the event the commission orders a change in fund support, pursuant to 17.11.10.14 or 17.11.10.25 NMAC of this rule or otherwise, that necessitates a fund amount greater than that which the commission has previously established, the commission may order an adjustment to the amount of the fund, subject to the annual fund cap set forth in Subsection C of 17.11.10.19 NMAC.

**C.** The amount of the fund shall be equal to the sum of each ETC's revenue requirement, calculated pursuant to this section, plus any other fund requirements determined by the commission, including pursuant to 17.11.10.25, 17.11.10.31 or 17.11.11 NMAC, plus projected administrative expenses and a prudent fund balance; provided however, the total amount of the fund shall not exceed a cap of thirty million dollars (\$30,000,000.00) per year.

**D.** Only carriers holding state ETC status as of October 1 shall be included in the calculation of funding requirements for the subsequent calendar year.

**E.** Except where the commission has established an alternative or additional amount pursuant to 17.11.10.25 or 17.11.10.31 NMAC, the revenue requirement for 2018 and each year thereafter for each ETC that was eligible as of July 1, 2005 and is a local exchange carrier shall be equal to the carrier's 2014 SRUSF revenue requirement adjusted by the annual percentage change in the number of access lines served by the carrier as of December 31 of the prior calendar year compared to the number of access lines served by the carrier as of December

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31, 2014, and then reduced by the carrier's imputed benchmark revenue. For 2021, the access lines used for the comparison to 2014 shall be as of December 31, 2019, adjusted annually thereafter. The SRUSF revenue requirement formula under this section may be stated arithmetically as follows: revenue requirement minus imputed benchmark revenue.

**F.** The revenue requirement for an ETC that became an ETC after July 1, 2005 or that became an ETC prior to July 1, 2005, but is not a local exchange carrier, shall be determined annually by the administrator in conjunction with the administrator's determination of fund size, and shall be in accordance with the support rate determined by the commission pursuant to 17.11.10.23 NMAC.

**G.** For an ETC that is not eligible for funding pursuant to rate rebalancing per NMSA § 63-9H-6(K) that has been previously authorized for support pursuant to NMSA § 63-9H-6(M), that ETC may petition for ongoing funding pursuant to NMSA § 63-9H-6(K) subject to the following:

**1.** the commission shall award an applicant ongoing fund support at no less than the average access line amount of funding support for comparable carriers; provided that an eligible telecommunications carrier receiving fund support pursuant to the subsection shall not offer basic local exchange residential and business services at rate levels lower than the rates for such services charged by any of the comparable carriers used for the determination of the level of support;

**2.** the commission shall act upon a request for ongoing fund support within one hundred twenty days of the filing of the request.

[17.11.10.19 NMAC - Rp, 17.11.10.19 NMAC, 2/9/2021]

### **17.11.10.210 DETERMINATION OF SRUSF SURCHARGE RATE AND CONTRIBUTION:**

**A.** The administrator shall recommend the amount of the SRUSF surcharge rate for the next calendar year, on or before September 1 to enable commission approval on or before October 1, based upon monthly and annual reports filed by ETCs and contributing companies, broadband program grants awarded by the commission, and any other pertinent and reliable information available to the administrator or the commission, and applying the annual fund cap set forth in Subsection C of 17.11.10.19 NMAC.

**B.** The commission shall either set a percentage surcharge rate equal to the annual fund requirement determined by the commission divided by the sum of intrastate retail public telecommunications service revenue, or in the alternative, set a fixed charge applicable to each non-exempt communication connection equal to the annual fund requirement determined by the commission divided by the number of non-exempt communication connections for all contributing carriers in New Mexico. The surcharge rate or fixed charge may be adjusted to account for any material deficit or surplus projected to exist at the start of the fund year, subject to the annual fund cap.

**C.** Each contributing company's monthly contribution shall equal the state rural universal service fund surcharge rate multiplied by its intrastate retail telecommunications revenues or non-exempt communication connections, as determined by the commission, in New Mexico for the month.

**D.** If, for any month the administrator finds that the fund balance is insufficient to meet the total obligations of the fund, (including support pursuant to 17.11.10.19, 17.11.10.25, 17.11.10.31, and 17.11.11 NMAC) plus administrative expenses and maintenance of a prudent fund balance, the administrator shall prorate all payments to each ETC, with the exception of payments pursuant to 17.11.10.31 NMAC and 17.11.11 NMAC. In the event the administrator determines that such a prorated reduction in payments is reasonably likely to occur, the administrator shall immediately notify the commission and the commission will take prompt action to increase contribution requirements, subject to the annual fund cap set forth in Subsection C of 17.11.10.19 NMAC, or otherwise account for the shortfall and will provide for true-up payments for any underpayments occurring if prorated reduced payments are required before the contribution requirements can be increased. If the fund accumulates a surplus beyond what the administrator and the commission believes is prudent under the circumstances, the administrator may, with the commission's approval, decrease contribution requirements so as to lower the fund balance to an appropriate level.

**E.** Each contributing company shall remit its monthly contribution to the administrator on a schedule to be determined by the administrator.

[17.11.10.20 NMAC - Rp, 17.11.10.20 NMAC, 2/9/2021]

### **17.11.10.221 RECOVERY OF CONTRIBUTIONS:**

**A.** A contributing company shall recover the amount of its contributions to the fund from its end-user customers in a manner that is not, either by act or omission, deceptive or misleading. Such recovery shall be made in a fair, equitable and nondiscriminatory manner, and no over-recovery of contributions shall be permitted.

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**B.** A contributing company required to provide service in accordance with commission approved tariffs shall not recover contributions from its end-user customers except as permitted under commission approved modifications to those tariffs.

**C.** The commission may, after notice and hearing, order modifications to a contributor's method of recovering contributions from its end-user customers.  
[17.11.10.21 NMAC - Rp, 17.11.10.21 NMAC, 2/9/2021]

### **17.11.10.232 FUND DISBURSEMENTS:**

**A.** The administrator shall make a monthly disbursement to each ETC eligible to receive such a payment from collected revenues in the fund, on a schedule to be determined by the administrator.

**B.** The amount of each ETC's monthly disbursement shall be one-twelfth of its revenue requirements computed in accordance with 17.11.10.19 NMAC, subject to proration as provided in Subsection E of 17.11.10.20 NMAC.

**C.** Only carriers holding ETC status as of October 1 shall be eligible to receive disbursements from the fund during the year that begins the following January 1.

**D.** The administrator shall not pay, and shall hold in escrow, any disbursements otherwise due to an ETC that is also a contributing company, if that company shall not be in compliance with its contribution requirements.

[17.11.10.22 NMAC - Rp, 17.11.10.22 NMAC, 2/9/2021]

### **17.11.10.243 DESIGNATION OF ETCs:**

**A.** Any carrier operating in New Mexico and designated as a state ETC as of July 1, 2005 and which has not lost that designation is automatically designated as an ETC for the purposes of this rule. If at any subsequent time a carrier loses ETC designation status, it shall no longer be eligible to receive support from the fund.

**B.** Other carriers may file a petition for designation as an ETC in accordance with 17.11.10.24 NMAC.

**C.** On its own motion or in response to a petition, the commission may, after notice and hearing and for good cause shown, modify, suspend, or revoke an ETC designation.

**D.** The commission may, upon request, establish the ETC's amount of amount of an ETC's support from the fund, if any in accordance with the requirements of 17.11.10.25 NMAC.

[17.11.10.23 NMAC - Rp, 17.11.10.23 NMAC, 2/9/2021]

### **17.11.10.254 PETITIONS FOR ETC DESIGNATION AND AMOUNT OF SUPPORT:**

**A.** Any entity seeking designation as a state or federal ETC must file a petition with the commission. In the case of a petition for ETC designation, for state or federal universal service fund the petition shall:

(1) include a description of the proposed service area for which it seeks designation that is consistent with the federal requirements relating to service areas set forth in 47 CFR 54.207;

(2) demonstrate that the entity meets the requirements in Section 214(e) of the federal act (47 U.S.C. Section 214(e)) to be designated as a federal ETC;

(3) for federal USF support, demonstrate how the applicant meets the requirements of 47 CFR 54.101 through 54.203;

(4) demonstrate that the proposed designation is in the public interest;

(5) demonstrate that the proposed ETC is financially and technically competent to provide the supported services for federal or state support;

(6) demonstrate the petitioner's ability to remain functional in emergency situations;

(7) demonstrate that the petitioner will satisfy applicable consumer protection and service quality standards;

(8) demonstrate that granting ETC status to the petitioner in the designated area is likely to result in more customer choice;

(9) address the impact of designation of the petitioner on the size of the state fund or federal USF;

(10) address the unique advantages and disadvantages of the petitioner's service offering;

(11) demonstrate the petitioner's willingness and ability to offer service throughout the designated service area within a reasonable time frame, or time frame required by state or federal law; and

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(12) provide such other information as the commission or the administrator may find appropriate.

**B.** A petition by an ETC for an amount of support shall demonstrate that granting the proposed support is in the public interest and, where required, shall include the information required by 17.11.10.25 NMAC.

**C.** Consideration of the public interest will apply in all ETC designation proceedings. The commission is not required to designate additional ETCs in any service area, if not in the public interest.

**D.** The commission shall, after such notice and hearing as the commission shall prescribe, enter its written order approving or denying a company's petition. An order approving a petition for ETC designation shall specify the service area for which designation is made and an order approving a petition for an amount of support shall state the amount and type of approved state or federal fund support.

**E.** The commission may approve a petition for designation as a federal ETC in conjunction with a petition for designation as a state ETC.

**F.** The commission shall require annual verification from each ETC that it continues to meet the requirements herein for designation as an ETC and for provision of support from the state fund or federal USF. [17.11.10.24 NMAC - Rp, 17.11.10.24 NMAC, 2/9/2021]

### 17.11.10.26~~5~~ PETITION FOR SUPPORT BASED ON NEED:

**A.** An ETC serving in a rural area of the state may petition the commission for support from the fund when such payments are needed to ensure the widespread availability and affordability of universal service in the rural area(s) of the state served by the ETC.

**B.** In addition to establishing need as described in subsection A of this section, a petition for support based on need shall identify the geographic area for which support is requested, and shall demonstrate with particularity how the proposed payments from the fund will be used in a manner consistent with the use of fund support requirements set forth in 17.11.10.27 NMAC.

**C.** In support of the petition, the ETC must make available to the commission such information from the ETC that the commission deems necessary, including but not limited to information relating to the ETC's regulated revenues, expenses, and investments, to determine whether support is needed to ensure the widespread availability and affordability of universal service in the area identified in the petition.

**D.** The commission shall resolve each petition for support based on need with or without a hearing no later than six months following the filing date of the petition, unless the commission finds that a longer time will be required, in which case the commission may extend the period for an additional three months.

**E.** Companies reporting the use of funds granted by the commission under this section shall provide, on a semi-annual basis, the following:

(1) Specific details of projects for which fund support is used; itemized by the categories of capital expenditures (CapEx) and the related operations expenditures (OpEx).

(a) Project descriptions will explain the objectives or intended goal of the project. Such as increased capacity or efficiency, redundancy, expansion of network or services.

(b) Project prioritizations of buildout plans in technical terms that include locations, maps as applicable, milestones and benchmarks to measure performance and assure compliance. The description shall also provide project status, spending plans and metrics.

(c) Narratives of the projects that explain the current and ongoing status of completion or ready for service dates (RFS), and other pertinent facts (i.e., project delays, permit status, surveys, right of ways issues) for reporting purposes. The term ready for service ("RFS") means a description of projects where construction is complete and the project is operational.

(2) The period for the reporting of project details shall be semi-annual, at a minimum, to continue for the period that funds are awarded.

(3) Semi-annual financial reporting on a project specific or company-wide basis, depending if the award is specific to network improvements and projects, or for the financial stability of the ETC receiving the award.

[17.11.10.26 NMAC - Rp, 17.11.10.26 NMAC, 2/9/2021]

### 17.11.10.27~~6~~ COMPLIANCE WITH CONTRIBUTION REQUIREMENTS:

**A.** If the administrator finds that a contributing company has not contributed the amount required by this rule, the administrator shall notify the contributing company in writing. The administrator shall request the company to pay the deficiency in its contribution.

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**B.** The contributing company shall pay the requested amount within 21 days of the date of the notice or seek dispute resolution as provided in this rule.

**C.** If attempts by the administrator to collect the total requested amount from a contributing company or to resolve a dispute are unsuccessful, the administrator shall notify the commission in writing.

**D.** Upon request by the administrator, a complaint filed by an interested party, or on its own motion, the commission, after providing notice and an opportunity for a hearing in accordance with 17.1.2 NMAC, may issue an order requiring a contributing company to pay any arrearage in contributions that the commission finds to exist and may also impose interest, a fine or other appropriate administrative penalties or requirements or bonding to assure future compliance with contribution requirements. In the event that a contributing company fails or refuses to comply with a commission order issued pursuant to this provision, the commission may petition the appropriate district court for appropriate injunctive relief and for enforcement of the commission's order.

**E.** The commission may take the same types of action set forth in Subsection D of 17.11.10.26 NMAC in the event that it finds, after a proceeding of the type specified in Subsection D of 17.11.10.26 NMAC, that a contributing company or an ETC has, in any other way, violated any provision of this rule or of the rural telecommunications act of New Mexico, Sections 63-9H-1 NMSA 1978 *et seq.*  
[17.11.10.26 NMAC - Rp, 17.11.10.26 NMAC, 2/9/2021]

### **17.11.10.287 USE OF FUND SUPPORT:**

**A.** An ETC shall use fund support in a manner consistent with the rural telecommunications act, Sections 63-9H-1 NMSA 1978 *et seq.*, Section 254 of the federal telecommunications act (47 U.S.C. 254), and commission rules and orders. Fund support must be used to maintain and support universal service; provided, however, that each ETC receiving support pursuant to 17.11.10.19 or 17.11.10.25 NMAC must expend no less than sixty percent of the support it receives to deploy and maintain broadband internet access services in rural areas of the state, Subsection F of Section 63-9H-6 NMSA 1978.

**B.** If the commission finds, in a proceeding on its own motion or on the motion of the administrator or an interested party, that an ETC has used fund support for purposes other than to preserve and advance universal service or that the ETC has failed to satisfy the sixty percent minimum expenditure requirement referenced in Subsection A of 17.11.10.27 NMAC, the commission may impose an appropriate administrative remedy, which may include, but need not be limited to, ordering the ETC to refund amounts paid to it from the fund and withholding future payments.

[17.11.10.27 NMAC - Rp, 17.11.10.27 NMAC, 2/9/2021]

### **17.11.10.298 ACCESS TO BOOKS, RECORDS AND PROPERTY:**

**A.** The administrator or the commission shall have access to the books of account, records and property of all contributing companies and ETCs to the extent necessary to verify information reported or required to be reported pursuant to this rule. The administrator or commission may direct a contributing company or ETC to send copies of records to the administrator or commission or may inspect records at the offices of the contributing company or ETC, at the administrator's or commission's discretion.

**B.** In the normal course of business, the administrator will give at least three days' notice of its plans to inspect records in the offices of a contributing company or ETC. The administrator may apply to the commission to procure a subpoena in order to inspect records without notice.

[17.11.10.28 NMAC - Rp, 17.11.10.28 NMAC, 2/9/2021]

**17.11.10.3029 REVIEW AND AUDIT OF ADMINISTRATOR AND FUND:** The administrator shall provide the commission with a financial statement of the fund and the administration of the fund on an annual basis by May 1. The commission shall engage a qualified independent auditor to audit each such financial statement and to submit a written opinion to the commission.

[17.11.10.29 NMAC - Rp, 17.11.10.29 NMAC, 2/9/2021]

### **17.11.10.310 ADVISORY BOARD:**

**A.** The commission shall establish and appoint an advisory board composed of representatives from participating contributing companies and ETCs, the attorney general, the commission staff, and any representative(s) of one or more consumer groups or organizations that the commission may choose to appoint. The members shall include no more than one representative from each of the following types of telecommunications carriers and entities providing comparable intrastate retail services: incumbent rural telecommunications carriers; incumbent local exchange carriers other than incumbent rural telecommunications carriers; competitive local exchange carriers

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not ETC-designated; ETC-designated competitive local exchange carriers; commercial mobile radio service providers not-ETC-designated; and ETC-designated commercial mobile radio service providers. Any other type of telecommunications carriers or providers of comparable intrastate retail service may petition the commission for representation by no more than one member of that type of carrier or service provider on the advisory board, which the commission may grant by order. The commission shall resolve any dispute among the carriers or service providers of each type as to who shall be the member of the advisory board. The members representing participating contributors shall each be appointed for a term of three years. Members of the board may be reappointed to subsequent terms with the approval of the commission. Expenses incurred by a member in connection with participation on the advisory board shall not be reimbursed from the fund.

**B.** The advisory board shall meet periodically with the administrator and shall provide advice and consultation to the administrator as provided under this rule. Where deemed necessary by the advisory board, it shall make recommendations to the commission or the administrator, or both, relating to potential matters related to administration of the fund. Should the members of the advisory board not agree on a recommendation to the commission or administrator on any particular matter, the advisory board may provide a majority recommendation as well as a minority recommendation as to the resolution of any such identified issue. In addition, any member of the advisory board may, with advance written notice to the other members of the advisory board, provide individual recommendations or other information to the commission and the administrator that it deems appropriate. The advisory board is intended to be a forum within which to build consensus on matters relating to the administration of the fund, while not deterring any interested party from communicating its concerns relating to the administration of the fund to the advisory board, or, subject to advance written notice to the other members of the advisory board, directly to the commission.

**C.** The advisory board members shall elect a chair, vice-chair, and secretary to serve on the board for two years, subject to additional terms as elected from within the board. For the purpose of conducting business, a majority of the board members present at any meeting shall constitute a quorum.  
[17.11.10.30 NMAC - Rp, 17.11.10.30 NMAC, 2/9/2021]

### **17.11.10.324 BROADBAND PROGRAM:**

**A.** It is the goal of the commission that New Mexico consumers have access to high-quality broadband service from both wireline and mobile broadband providers. Pursuant to Subsection N of Section 63-9H-6, NMSA 1978, ETCs may separately apply to the commission for grants to fund the construction and maintenance of facilities that are capable of providing broadband internet access service to areas unserved or underserved by broadband in the state. Applications must be primarily for coverage of the construction costs of new facilities, but such applications may include a request for maintenance costs of those facilities as well. Each grant that is awarded will provide up to seventy five percent of the budgeted project cost, with the ETC applying the remainder from its own funds. Projects receiving any source of third-party funding other than potential loan funds, FCC high-cost fund legacy support or connect America fund support (including mobility fund support) will not be eligible. Each applicant shall provide a detailed description in their application of the origin and type of funding provided for the carrier match, and a certification that those monies are not duplicative of other purposes or projects other than SRUSF broadband program projects. In evaluating applications, the commission shall seek to avoid duplication of service using the same technology. Awards of support under this section shall be consistent with federal universal service support programs and be based on the best use of the fund for rural areas of the state. For purposes of administering the broadband program, the commission may find that a broadband program proposed project area is a rural area, notwithstanding the definition of rural area in Subsection U of Section 17.11.10.7 NMAC, if it determines that:

- (1) the area otherwise has the characteristics of a rural area;
- (2) the area is unserved or underserved by broadband, and;
- (c) the public interest requires that the area be classified as rural.

**B.** Funding of the broadband program. Beginning in 2018, and each year thereafter, at least ~~eight~~ **five** million dollars (\$~~8~~**5**,000,000.00) of the fund shall be dedicated annually to the broadband program. The amount of funding allocated to the broadband program shall not be subject to proration under Subsection E of 17.11.10.20 NMAC. To the extent a year's broadband program funding is not exhausted by grants awarded during that year, the funds will rollover to the following year.

**C.** Applicants for broadband program grants may request that company-specific information contained within an application be treated as confidential. The commission shall make all decisions regarding disclosure of company-specific information and may request further information or justification from the contributing company to ensure uniformity of confidential treatment of all information submitted by contributing

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companies. Nothing in this rule shall preclude commission issuance of an umbrella protective order identifying what reported data shall be, or shall not be, deemed confidential. The commission staff or a third-party contractor, shall keep confidential all company-specific information obtained from applicants for broadband program grants for which confidential treatment is requested, shall not use such information except for purposes of analyzing the applications, and shall not disclose such information in company-specific form unless directed to do so by the commission.

**D.** Minimum requirements for eligible projects. The commission will consider projects on a technology-neutral basis. Projects that apply technologies including, without limitation, wireline, mobile wireless, and fixed wireless technologies are all eligible for broadband fund grants. A project must meet the following requirements to be eligible for a grant award:

(1) support broadband internet access service at speeds of at least 25.0 Mbps download/3.0 Mbps upload to all households and businesses in the proposed project area;

(2) support voice grade telephony service to all households and businesses in the proposed project area. For this purpose, a voice over internet protocol (VOIP) based service is acceptable, as well as traditional voice telephony services and mobile voice services; and

(3) Support access to emergency 911 services.

**E.** Contents of grant applications. An application for support from the broadband program shall include, at a minimum:

(1) a proposal to build telecommunications network facilities to service an area where the applicant is designated as a state ETC;

(2) a detailed build plan setting forth a description of the facilities to be deployed, including all costs of constructing facilities;

(3) a map showing where service and coverage will be provided. This requirement can be met by providing;

(a) for a wireline network, a map showing all homes, businesses, and other end user locations passed;

(b) for a wireless network, a coverage map generated using a radio frequency propagation tool generally used in the wireless industry;

(4) an estimate of the number of road miles and square miles to be covered and population and population density of the area covered;

(5) the amount of support requested from the broadband program and the amount of the applicant's financial match, and a description of any type, amount, and purpose of subsidy or financial support the applicant is currently receiving or is scheduled to receive in the area designated in the application;

(6) a description of the technology to be deployed, including data throughput speeds and latency characteristics of the service to be delivered to customers;

(7) a demonstration that the area to be served is an area unserved by broadband or an area underserved by broadband as defined in 17.11.10.7 NMAC. If the area to be served contains served, unserved and underserved areas, the application and map shall identify which portions of the area are served, unserved and which are underserved. Each served, unserved, and underserved area shall be clearly identified through color coding on the map submitted with the application. Each served, unserved, and underserved area shall be clearly identified through individual color coding indicators on all city street grid maps submitted with the applications. Satellite views are not acceptable for the application's requirement for mapping.

(8) a demonstration of the estimated customer subscription rates and revenues from the services to be offered as a result of the proposed construction sufficient to justify support from the broadband program;

(9) a commitment to provide a minimum twenty-five percent match of funds;

(10) if the project is a wireless network deployment, a commitment to allow collocation on reasonable terms by other providers of commercial mobile wireless service or any public safety network and to abide by the FCC's collocation requirements for awardees under the federal universal service program;

(11) sample terms and conditions for the service and proposed prices;

(12) [explain how the proposed deployment will contribute to the enhancement of digital equity and digital inclusion in the proposed service territory;](#)

(13) [explain how the awards of support are consistent with federal universal service support programs;](#)

(14) a certification by an authorized representative affirming that all information set forth in the application is true and correct;

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(153) any other requirements to ensure accountability as the commission may develop and approve in a proceeding to determine the form and contents of grant applications; and

(164) applications and mapping information must also be submitted contemporaneously with the New Mexico department of information technology broadband division.

F. The ETC must make the following commitments and include them in its application:

(1) the broadband service must be offered at reasonably comparable rates for comparable services in urban areas;

(2) the broadband service must be provided for at least seven years following project completion;

(3) the ETC must abide by commission reporting requirements sufficient to monitor the progress of the project deployment and to ensure that all grant funds are being used efficiently and for the purpose intended.

(4) the ETC must commit to respond to commission inquiries regarding service-related complaints and commit to attempt to resolve service-related complaints in a reasonable manner.

G. Procedure for awarding support from the fund:

(1) On or before May 1 of each year, the commission shall open a non-adjudicative, administrative docket and establish a deadline for filing applications for broadband program support for the following calendar year. The telecom bureau, or a third party contractor, shall review and summarize all timely applications. [Only carriers holding ETC status as of October 1 shall be eligible to receive disbursements from the fund during the year that begins the following January 1.](#)

(2) Interested persons may seek intervention in these proceedings, pursuant to 1.2.2.23 NMAC.

(3) On or before September 1, the telecom bureau, shall make a presentation [jointly](#) to the commission [and the Connect New Mexico Council](#) with analysis of the applications for awards. The telecom bureau, or a third-party contractor, may communicate with applicants to request additional information or clarify information presented in the applications in order to prepare its presentation. Such presentations shall be considered by the commission but shall not bind the commission.

(4) At the September 1 presentation, the telecom bureau shall present a summary of projects. The telecom bureau shall provide the following information for each project on a single spreadsheet.

(a) cost per customer served or passed;

(b) type of technology;

(c) whether area is unserved or underserved (or, if area includes both, in what proportions);

(d) download and upload speed of service;

(e) monthly rates that the grantee intends to charge for the service; and

(f) telecom bureau comments on the project.

(5) On or before October 15, the commission, [in consultation with the Connect New Mexico Council for prioritization and alignment with the statewide broadband plan](#), shall issue a decision approving or denying in whole or in part, each application. Selection of projects will prioritize unserved, underserved and served areas, in that order, except insofar as the commission may find that other criteria supersede this prioritization.

(6) On or before November 1, any interested person may file with the commission a request for reconsideration, in whole or in part, of any award of funds. Requests for reconsideration will not be valid after November 1.

(7) On or before December 1, the commission shall dispose of any motions for reconsideration.

H. Conditions for disbursement of awarded funds:

(1) The awardee commits to complete construction of its project within three years from the date of the commission's final order approving an award pursuant to 17.11.10.31 NMAC.

(2) For each awarded project, project reports shall be submitted to staff, consultant(s), and administrator(s) semiannually, during June and December and at the mid-point and completion of the project that provide information regarding the status of the project in a form accepted by staff. Semi-annual reports shall be submitted June 30, and December 31 of the calendar year. The midpoint disbursement report shall describe ETC progress on project milestones at the mid-point of the completion of the project pursuant to Paragraph (1) of Subsection E of 17.11.10.25 NMAC, prior to the release of a mid-point disbursement. The mid-point and final reports may be filed concurrently with the submission of the semi-annual reports, but may not be combined into one report. Within 30 days after project completion, the awardee shall submit a final report in a form accepted by staff

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demonstrating that the project as completed meets the coverage requirements set forth in the application, including a certification from an officer or director that all program requirements have been met.

(3) Prior to the initial disbursement, the ETC must notify the commission in writing that it is prepared to commence the project with regard to project engineering, ordering or delivery of required equipment, labor requirements, and that all permits have been granted to begin construction. The administrator shall disburse one third of the award promptly following receipt of the ETC's written notice that it is prepared to commence the project, one third at the midpoint of the project, and the remaining third upon project completion. The second and third payments may be requested as a single disbursement upon completion and are contingent upon the submission of acceptable project status reports pursuant to Paragraph (2) of Subsection H of 17.11.10.31 NMAC. The commission may, within 30 days after submission of a report, order additional information to be provided, suspend payment by the administrator, or take other action as necessary after notice and hearing.

(4) Any applicant found to have willfully misrepresented information in an application, is found to have used support unlawfully, or fails to meet the commitments set forth in the application, may be subject to refund of award funds or other actions of the commission.

[17.11.10.31 NMAC - Rp, 17.11.10.31 NMAC, 2/9/2021]

### **HISTORY OF 17.11.10 NMAC:**

**Pre-NMAC History:** None.

### **History of Repealed Material:**

17 NMAC 13.10, State Rural Universal Service Fund (filed 11/15/2005) repealed effective 1/1/2015.

17 11.10 NMAC, State Rural Universal Service Fund (filed 1/1/2015) repealed effective 1/29/2016.

17 11.10 NMAC, State Rural Universal Service Fund (filed 1/1/2015) repealed effective 1/1/2017.

17 11.10 NMAC, State Rural Universal Service Fund (filed 12/16/2016) repealed effective 1/1/2018.

17 11.10 NMAC, State Rural Universal Service Fund (filed 12/14/2017) repealed effective 2/9/2021.

### **Other History:**

17 NMAC 13.10, State Rural Universal Service Fund (filed 12/15/1999) was replaced by 17.11.10 NMAC, State Rural Universal Service Fund, effective 1/1/2015.

17.11.10 NMAC, State Rural Universal Service Fund (filed 1/1/2015) was replaced by 17.11.10 NMAC State Rural Universal Service Fund, effective 1/29/2016.

17.11.10 NMAC State Rural Universal Service Fund (filed 1/19/2016) was replaced by 17.11.10 NMAC State Rural Universal Service Fund, effective 1/1/2017.

17.11.10 NMAC State Rural Universal Service Fund (filed 12/16/2016) was replaced by 17.11.10 NMAC State Rural Universal Service Fund, effective 1/1/2018.

17.11.10 NMAC State Rural Universal Service Fund (filed 12/14/2017) was replaced by 17.11.10 NMAC State Rural Universal Service Fund, effective 2/9/2021.

**NOTICE OF PROPOSED RULEMAKING  
DOCKET NO. 21-00258-UT**

The New Mexico Public Regulation Commission (the “commission”) hereby gives notice of its initiation of a proposed rulemaking to consider and potentially to adopt amendments to **17.11.10 NMAC, “State Rural Universal Service Fund.”**

Summary of the full text of the proposed rule and short explanation of its purpose: The commission is considering amending its rule regulating the state rural universal service fund (“SRUSF”). The commission proposes amendments and will consider alternative amendments for the purpose of conforming the rule to three bills adopted in the 2021 legislative session – (1) House Bill 10 - enacting the “Connect New Mexico Act,” NMSA 1978, Sections 63-9K-1 *et seq.* (the “CNMA”), and amending the Rural Telecommunications Act of New Mexico, NMSA 1978, Sections 63-9H-1 *et seq.* (the “RTA”); (2) Senate Bill 93 - enacting the “Broadband Access and Expansion Act,” NMSA 1978, Sections 63-9J-1 *et seq.* (the “BAEA”); and Senate Bill 204 - amending the RTA. The commission further proposes amendments and will consider alternative amendments for the purpose of aligning the commission’s broadband program with the requirements and goals of the 2021 legislation. In addition to amendments serving either or both of these two purposes, the commission will consider a recommendation made by the commission’s telecommunications bureau staff to move language currently located at 17.11.10.22(C) NMAC to 17.11.10.31G(1) NMAC and will consider comments and recommendations closely related to this recommendation.

Legal authority authorizing the proposed rule and the adoption of the rule: The commission has the authority to promulgate and adopt the proposed rule under the New Mexico Constitution, Article XI, Sec. 2, under Paragraph 10 of Subsection B of Section 8-8-4, NMSA 1978, Section 63-9H-6, NMSA 1978.

How a copy of the full text of the proposed rule can be obtained: A copy of the full text of the proposed rule and instructions for accessing the complete rulemaking record can be obtained from the rulemaking page on the commission’s website at <https://www.nm-prc.org/rulemaking-proceedings/> or by contacting Laurie Ann Trujillo of the commission’s office of general counsel at (505) 670-4830.

How a person can comment on the proposed rule, where comments will be received and when comments are due: Any person wishing to comment on the proposed rule may do so by submitting written initial comments no later than **October 20, 2022**. Any person wishing to respond to initial comments may do so by submitting written response comments no later than **October 31, 2022**. Comments can be electronically filed by sending them in PDF format to [prc.records@state.nm.us](mailto:prc.records@state.nm.us). Comments must refer to Docket No. 21-00258-UT. All written comments will be posted on the commission’s website within three days of their receipt by the records bureau. The record closure date for this proceeding is **November 11, 2022**. From that date through the completion of this proceeding, rulemaking participants will be forbidden from communicating with the commission or its representatives concerning substantive issues in this proceeding.

When and where a public rule hearing will be held and how a person can participate in the hearing: A public hearing on the proposed rule and any proposed alternative amendments to the rule, to be presided over by the commission or its designee, will be held beginning at **10:00 a.m. on November 8, 2022**, via the Zoom online platform. Any person who wishes to make a comment at the hearing must contact Laurie Ann Trujillo at (505) 670-4830 or [laurieann.trujillo1@state.nm.us](mailto:laurieann.trujillo1@state.nm.us) by no later than **12:00 noon on November 4, 2022** to sign up as a hearing participant. The commission’s office of general counsel will email a Zoom invitation to all hearing participants the day before the hearing. The Zoom invitation will include a call-in number for those participants who are unable to access the Zoom platform via computer. The hearing will be held in order to receive oral comments. In the interest of administrative efficiency, only commenters who have not submitted written comments will be allowed to speak. In addition, any commenter may be limited to five minutes to speak, subject to the discretion of the commission or its designee. The commission or its designee may also determine that a spokesperson should be designated to speak on behalf of an organization, a group, or a group of individuals that shares the same message or seeks the same goals, in order to maximize the efficiency of the public comment hearing. No testimony or other evidence will be taken at the hearing as this is a rulemaking proceeding. A court reporter will prepare a transcript of the hearing for filing the rulemaking docket, Docket No. 21-00258-UT. Any person with a disability requiring special assistance in

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order to participate in the hearing should contact Renada Peery-Galon at (505) 467-9116 at least 48 hours prior to the commencement of the hearing.

Instructions on how to access the complete rulemaking record, reports and other items filed in the commission's e-docket system can be found at <https://www.nm-prc.org/rulemaking-proceedings/>.

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF AMENDMENTS TO THE STATE )  
RURAL UNIVERSAL SERVICE FUND RULE, 17.11.10 ) Docket No. 21-00258-UT  
NMAC, TO CONFORM RULE TO 2021 LEGISLATION )**

**CERTIFICATE OF SERVICE**

I **CERTIFY** that on this date I sent to the individuals listed below, via email, a true and correct copy of the **Order Issuing Notice of Proposed Rulemaking**.

2Talk, LLC	<a href="mailto:wayne@2talk.com">wayne@2talk.com</a> ;
365 Wireless, LLC	<a href="mailto:jrabig@fastekteam.com">jrabig@fastekteam.com</a> ;
4Voice, LLC	<a href="mailto:harold@4voice.net">harold@4voice.net</a> ;
800 Response Information Services LLC	<a href="mailto:kimbvt@bacavalley.com">kimbvt@bacavalley.com</a> ;
8x8, Inc.	<a href="mailto:regulatorytax@8x8.com">regulatorytax@8x8.com</a> ;
Access One, Inc.	<a href="mailto:jmay@accessoneinc.com">jmay@accessoneinc.com</a> ;
Access Point, Inc.	<a href="mailto:mark@csilongwood.com">mark@csilongwood.com</a> ;
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Allison Bloom	<a href="mailto:abloom@ldxx.com">abloom@ldxx.com</a> ;
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American Telecommunications Systems	<a href="mailto:bigstore@aol.com">bigstore@aol.com</a> ;
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AT&T Corp.	<a href="mailto:eb4965@att.com">eb4965@att.com</a> ;
Avaya Cloud Inc. fka Zang Inc.	<a href="mailto:jmctierman@avaya.com">jmctierman@avaya.com</a> ;
Avoxi, Inc.	<a href="mailto:none@none.com">none@none.com</a> ;
Axia Technology Partners, LLC	<a href="mailto:jason@axiatp.com">jason@axiatp.com</a> ;
Bandwidth.com, Inc.	<a href="mailto:lffreeman@bandwidth.com">lffreeman@bandwidth.com</a> ;
Barking Dog Comms. LLC	<a href="mailto:gregs@bdc-llc.com">gregs@bdc-llc.com</a> ;

BCN Telecom Inc  
 Big River Telephone Company  
 Bill Templeman  
 Blue Ocean Technologies  
 Bobby Ferris  
 Brad Ellsworth  
 Brandon Porter  
 Brian Gilbert  
 Broadmart Global, Inc.  
 Broadsoft Adaption, Inc.  
 Broadview Networks, Inc  
 Broadwing Communications, LLC.  
 BT Americas Inc.  
 Bullseye Telecom, Inc.  
 Bullseye Telecom., Inc.  
 Business Ntwk Long Distance  
 Business Ntwk Long Distance, Inc  
 Cable One  
 Callcatchers Inc/Freedom Voice  
 Carl Erhart  
 Carla Najjar  
 Carol Clifford  
 Carousel Industries of North America, Inc.  
 Catherine Hannan  
 Cebridge Acquisition LP  
 Cebridge Acquisition LP d/b/a Suddenlink Communications  
 Celco Partnership  
 Central Valley Electric  
 CenturyLink Comms., LLC  
 Centurytel of the Southwest- NM  
 Charles Ferrell  
 Charles Mulcock  
 Charles T. Pinson  
 Charter FCC  
 Cheryl C. Powers  
 Chicago Business VoIP, LLC  
 Cholla Khoury  
 Chris Barron  
 Chuck Moore  
 Cincinnati Bell Any Distance, Inc.  
 Cintex Wireless, LLC  
 Claro Enterprise Solutions, LLC  
 CloudCall, Inc. fka Synety, Inc.  
 Columbus Electric  
 Comcast OTR1, LLC  
 Comcast Phone of New Mexico, LLC  
 Commnet Wireless, LLC  
 Computer & Network Paramedics, Inc dba G02 Tech  
 Comtech 21, LLC  
 Conexon  
 ConnectMe, LLC  
 Consumer Cellular Inc  
 Conterra Ultra Broadband (address permanent fatal errors)  
 Conterra Ultra Broadband, LLC  
 Continental Divide Electric  
 Convergia, Inc.  
 Corina Sandoval  
 Cory Garone  
 Courtney Spears  
 Covoda Comms., Inc.  
 Crexendo Business Solutions  
 Crexendo Business Solutions, Inc  
 Cricket Wireless, LLC (don't have permission to send to this recipient)  
 Crown Castle Fiber LLC  
[contact@nationwideregulatorycompliance.com](mailto:contact@nationwideregulatorycompliance.com);  
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David Robinson  
David Spradlin  
David Ziegler  
Delcom, Inc.  
Denise Barrera  
Denta!Tek, LLC  
Dialpad, Inc.  
Digium Cloud Services, LLC (problem with the recipient's mailbox)  
Dish Wireless LLC  
dishNET Wireline L.L.C.  
Distributed Computing, Inc. dba Ten4pbx.com  
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DP Access, LLC  
DSI-ITI, LLC  
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Glo Tell US Corp. dba V-Tell  
Global Connection Inc. of America  
Global Tel\*Link Corp. (had permanent fatal errors)  
Globalstar USA LLC  
GoDaddy.com,LLC  
Godfrey Enjady  
Google North America Inc. dba Project Fi by Google  
Granite Telecommunications  
Greenfly Networks Inc dba Clearfly  
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GRNLK Corp d/b/a GreenLink Networks  
Hans Muller  
Herve Andrieu  
Holdings, Inc.  
Ian Brumana  
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iCore Networks, Inc.  
IDS Metrocom LLC  
IDT America Corp  
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Inmate Calling Solutions, LLC  
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Intermedia Voice Services, Inc.  
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ISC, Inc. aka Venture Technologies  
iTalk Global Comms., Inc.  
iTalk Global Communications, Inc.  
ITC Global Networks, LLC  
i-wireless, LLC  
J. Hinkle  
Jace Colbert  
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Nadine Varela  
Nathan Duran  
National Directory Assistance  
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Netcom Systems Group, LLC  
Netwolves Network Services LLC  
Network Billing Systems, LLC  
Network Comms. Int'l Corp.  
Network Communications Int'l Corp.  
NetworkIP, LLC  
New Horizons Comms. Corp.  
nexVortex, Inc.  
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NM Surf  
NobelTel, LLC  
Norcell, LLC  
Norstar Telecom., LLC  
Northern Rio Arriba Electric  
NTS Communications, Inc.  
NTT Cloud Communications US Inc.  
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OnStar LLC  
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Peggy Briesh  
Peggy Martinez-Rael  
Penasco Valley Telephone Coop.  
Peter Gould  
Phone.com, Inc.  
Plintron Technologies USA LLC  
PNG Telecom., Inc. (recipient's email system refused to accept a connection from state email system)  
PNG Telecommunications, Inc.  
Puretalk Holdings, Inc.  
PVT  
Q Link Mobile LLC  
Q Link Wireless  
Randy Massey  
Raymond Gifford  
Ready Wireless, LLC  
Reliant Comms., Inc.  
Republic Wireless, Inc.  
Residential Long Distance, Inc  
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DATED this 17<sup>th</sup> of August 2022

**NEW MEXICO PUBLIC REGULATION COMMISSION**

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**Ana C. Kippenbrock, Law Clerk**