

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF A COMMISSION)
INVESTIGATION INTO EXPANDING THE) Case No. 15-00048-UT
DEPLOYMENT OF BROADBAND IN NEW)
MEXICO)
_____)

NON-ADJUDICATORY NOTICE OF INQUIRY

NOTICE IS HEREBY GIVEN that the New Mexico Public Regulation Commission (“Commission”), on its own motion, is commencing a non-adjudicatory inquiry into determining the best possible measures, including legislation and Commission rulemakings, that can be taken to facilitate and fund the expanded deployment of broadband across the State of New Mexico.

Being duly informed,

THE COMMISSION FINDS AND CONCLUDES:

1. As recognized by the Federal Communications Commission, high-speed Internet – or broadband – has become increasingly crucial to maintaining economic growth, global competitiveness, and civic life:

Businesses need broadband to attract customers and employees, job-seekers need broadband to find jobs and training, and children need broadband to get a world-class education. Broadband also helps lower the costs and improve the quality of health care, and enables people with disabilities and Americans of all income levels to participate more fully in society. Community anchor institutions, including schools and libraries, cannot achieve their critical purposes without access to robust broadband. Broadband-enabled jobs are critical to our nation’s economic recovery and long-term economic health, particularly in small towns, rural and insular areas, and Tribal lands.¹

¹ In the Matter of Connect America Fund, WC Docket No. 10-90, et al., 26 FCC Rcd. 17663, 27 FCC Rcd. 4040, ¶ 3 (November 18, 2011)

2. Based upon informal comments received from a number of New Mexico citizens and businesses, it appears that many, and very likely most, New Mexicans strongly agree that broadband has become as important, if not more important, than plain old telephone service. Despite the increasing importance of broadband to our daily lives, there are far too many areas of New Mexico that are underserved or unserved by broadband carriers. The underserved areas include those that have Internet access that is too slow to meet the needs of today's businesses and individuals.

3. As a first step toward remedying the lack of adequate broadband service in our State, the Commission has determined that it should form a task force that will be responsible for developing a recommended action plan ("Action Plan") that will include the following:

A. The minimum upload and download broadband speeds that should be made available either across the State or, if deemed appropriate by the Task Force, in each area of the State;

B. A map showing: (i) the areas of the State that currently have available broadband service with at least the minimum upload and download speeds determined by the Task Force, and the type of technology used to provide such Internet service, such as DSL, cable or fixed wireless; and (ii) the areas of the State that currently do not have broadband service with at least the minimum upload and download speeds determine by the Task Force; and (iii) the areas of the State that do not have any broadband services at all.

C. A description of any barriers under existing law that prevent or impede the deployment of broadband service in the State.

D. The identification of possible funding sources that can be used to increase the deployment of broadband services in the State. If the Task Force proposes using the State Rural Universal Service Fund ("USF") as one of the funding sources, the proposal shall not include changing the existing cap on the USF surcharge.

E. The specific Commission actions and possible legislation that should be taken or enacted to ensure the rapid deployment across the State of broadband services that meets the minimum speeds recommended by the Task Force.

4. The members of the Task Force shall be selected by a Steering Committee to be appointed by the Commission in a separate order. The Steering Committee shall include a representative from each of the following types of entities :

A. A telecommunications service provider that has at any time served more than 375,000 access lines in the State;

B. A mid-size carrier;

C. An incumbent rural telecommunications carrier;

D. A Native American-owned telecommunications carrier;

E. A wireless carrier;

F. An ETC wireless company;

G. A commercial developer.

In addition, the Steering Committee shall invite representatives of the New Mexico Department of Information Technology ("DoIT") and the Office of the Attorney General ("AG") to be members of, or advisors to, the Task Force, whichever is deemed appropriate by those entities.

A member of the Commission's Telecommunications Bureau shall also serve as an advisor to the Task Force.

5. Anyone wishing to serve as a member on the Task Force should file a written statement of interest in this docket by no later than April 1, 2015, setting forth their name, telephone number, email and mailing address and the name and type of company they would represent. The Commission will forward any statements of interest to the Steering Committee shortly after its members are appointed by the Commission. Any member of the Task Force can also be a member of the Steering Committee.

6. In light of the matters to be considered in this proceeding, the Commission finds that this proceeding should be treated as a non-adjudicatory notice of inquiry for the purposes of NMSA 1978, § 8-8-17 and 1.2.3.1 through 1.2.3.11 NMAC (Ex Parte Communications).

IT IS THEREFORE ORDERED:

A. The members of the Task Force shall convene their first meeting by no later than 10 days after their last member is selected by the Steering Committee.

B. The Task Force shall provide the Action Plan described in this Order to the Commission by no later than May 26, 2015. The recommendations set forth in the Action Plan shall reflect, to the maximum extent practicable, a consensus of the Task Force members.

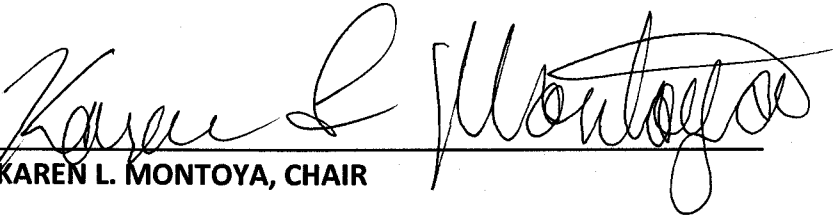
C. This Order is effective immediately.

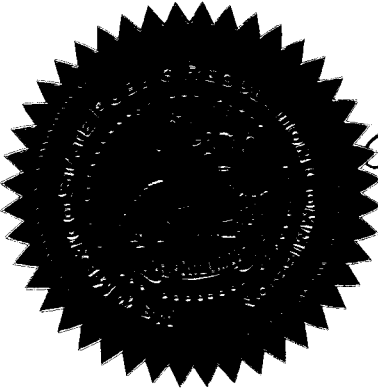
D. Copies of this Notice shall be emailed to all persons listed on the attached Certificate of Service whose email addresses are known, or by regular mail if their email addresses are not known.

ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this 18th day of

March , 2015.

NEW MEXICO PUBLIC REGULATION COMMISSION



KAREN L. MONTOYA, CHAIR




LYNDA M. LOVEJOY, VICE CHAIR


VALERIE ESPINOZA, COMMISSIONER


PATRICK H. LYONS, COMMISSIONER


SANDY JONES, COMMISSIONER

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

IN THE MATTER OF A COMMISSION)
INVESTIGATION INTO EXPANDING THE)
DEPLOYMENT OF BROADBAND IN NEW) Case No. 15-00048-UT
MEXICO)
_____)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the **Non-Adjudicatory Notice of Inquiry** issued March 18, 2015, was emailed to the following:

Johnny Montoya	Johnny.Montoya@centurylink.com;
Sharon Webber	Sharon.webber@windstream.com;
Charles Ferrell	charlieferrell@tularosa.net;
Godfrey Enjady	genjady@matinetworks.net;
Joyce Masamitsu	Joyce.Masamitsu@verizonwireless.com;
Michael Bagley	Michael.Bagley1@VerizonWireless.com;
Tim Shaffery	tshaffery@cellularoneaz.com;
Michael Castillo	mcastillo@gcrms.com;
Cholla Khoury	Ckhoury@nmag.gov
George Clarke-DoIT	George.clarke@state.nm.us;
Mike Ripperger-PRC	Mike.ripperger@state.nm.us;
Michael Smith-PRC	MichaelC.Smith@state.nm.us;

DATED this 18th day of March, 2015.

NEW MEXICO PUBLIC REGULATION COMMISSION

Cecilia Rios

Cecilia Rios, Law Clerk