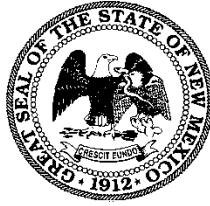


NEW MEXICO PUBLIC REGULATION COMMISSION

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October 1, 2021

TO: Representative Debra M. Sariñana
Chair of Science, Technology and Telecommunications Committee
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VIA EMAIL ONLY

Greetings,

It is my privilege to deliver, on behalf of the New Mexico Public Regulation Commission (the "Commission"), the attached report and recommendations of the Commission to the Legislature concerning the State Rural Universal Service Fund (the "SRUSF"). This report is made pursuant to Section 63-9H-6(Q) of the Rural Telecommunications Act of New Mexico (the "RTA") (NMSA 1978, Sections 63-9H-1), as amended by House Bill 10 in this year's regular session of the Legislature. The amended RTA requires that, "[b]y October 1 of each year," the Commission make a report to the Legislature "regarding the status of the fund." NMSA 1978, §63-9H-6(Q).

Pursuant to the amended reporting requirements, the attached report includes relevant data relating to the SRUSF's Broadband Program and relating to "the progress toward digital equity and digital inclusion in rural areas of the state." *Id.* The report includes a spreadsheet listing every Broadband Program award made by the Commission during the three full years of the program so far, which table states the service area in which each funded project is located or is to be located, the amount of the award, and the name of the broadband carrier that received the award. *Id.* Finally, the report includes the recommendations of the Commission with regard to the RTA's \$30 million annual cap on the SRUSF and with regard to auditing the use of SRUSF funds by the rural incumbent local exchange carriers and evaluating the success of projects funded by the Broadband Program in meeting their stated goals.

Sincerely,

/s/ Cynthia B. Hall, electronically signed
Cynthia B. Hall, District 1 Commissioner
New Mexico Public Regulation Commission

cc:

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**SECOND REPORT OF THE NEW MEXICO PUBLIC REGULATION COMMISSION
TO THE NEW MEXICO LEGISLATURE CONCERNING THE STATE RURAL
UNIVERSAL SERVICE FUND**

The New Mexico Public Regulation Commission (the “Commission”), pursuant to Section 63-9H-6(Q) of the Rural Telecommunications Act of New Mexico, Sections 63-9H-1 *et seq.*, NMSA 1978 (the “RTA”), provides this report to the Legislature concerning the State Rural Universal Service Fund (the “SRUSF”).

The specific reporting requirements provided in Section 63-9H-6(Q), as amended this year, are:

(Q) 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 the progress toward digital equity and digital inclusion in rural areas of the state;
- (2) recommendations for changes to the structure, size and purposes of the fund and whether the cap on the fund provided for in Subsection P of this section 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.

The Commission was initially required to report to the Legislature on the status of the SRUSF by December 31, 2019, pursuant to the RTA as amended in 2017. NMSA 1978, § 63-9H-6(P) (2017). The Commission submitted that report to the Legislature in December 2019. [See **Exhibit A**, Notice of Transmittal (of the report to the Science, Technology, and Telecommunications Committee), Dec. 20, 2019, Commission Docket No. 19-00046-UT.]

Exhibit A (the “Initial Report”) includes a detailed description of the actions taken by the Commission to implement the Broadband Program pursuant to the 2017 amendments to the RTA directing the Commission to do so. [See Ex. A - Initial Report, Section II, “Actions Taken by Commission in Response to SB 308,” p 2.] In this current report, the Commission has picked up where the Initial Report left off and has tried to avoid any unnecessary repetition of material included in the Initial Report.

Section I of this report addresses the current status and relevant recent history of the SRUSF, with regard to (1) the administration and financial health of the SRUSF, (2) the funding obligations of the SRUSF, and (3) the Broadband Program in particular. Section II provides the Commission’s recommendations to the Legislature. Section III addresses the 2021 legislation that pertains to the SRUSF and the Broadband Program more specifically. Section IV addresses current and future “progress toward digital equity and digital inclusion in rural areas of the state.” Finally, Section V identifies “the service areas that received funding awards from the broadband program and the amounts of those awards.”

I. Status of the SRUSF

A. Financial Health and Administration of the SRUSF

The SRUSF is financially stable and continues to operate effectively from a financial standpoint. The SRUSF continues to be funded by a per-communication connection surcharge, pursuant to the RTA. NMSA 1978, § 63-9H-6(P). The current per-connection surcharge is \$1.08. Recent past surcharges are as follows: \$1.17 for calendar year 2018, \$1.24 for 2019, and \$0.88 for 2020.

The current “Fund Administrator” is VantagePoint Solutions, formerly GVNW Consulting. NMSA 1978, § 63-9H-6(G) (directing the Commission to “select a neutral, third-party administrator”). On a monthly basis, the Fund Administrator collects revenue from all telecom carriers that have communication connections in the state (which the carriers pass on to their customers through the aforementioned surcharge on each bill) and disburses amounts to the carriers that are entitled to payments from the SRUSF.¹

The Fund Administrator annually projects the next year’s fund size, which is the sum of the obligations of the SRUSF for that year, and divides this by the projected number of communication connections to determine the projected per-connection surcharge that will suffice to fund the obligations. This is, of course, a simplified picture of the calculation as the Fund Administrator also takes into account, among other things not mentioned here, any available bank balances of the SRUSF to determine what portion, if any, of the obligations may be funded by drawing down such balances.

As part of the process of assuring the ability of the SRUSF to meet its obligations while minimizing the size of the surcharge, the Fund Administrator is required to provide annual updates as to the financial status of the SRUSF to the Commission. The Fund Administrator also provides updates to the SRUSF Advisory Board when it meets on a monthly basis.

A recent monthly update provides a snapshot of the SRUSF’s finances. In July 2021, the fund had a total balance in its accounts of \$16,651,197.83. Collections from contributing carriers for the month were \$2,520,152.15, reflecting the levying of the \$1.08 surcharge upon approximately 2,332,474 communication connections.

¹ The surcharge provides the revenue to fund all obligations of the SRUSF, which obligations, for 2021, are shown in the “2021 Fund Size Summary” table below.

B. Funding Obligations of the SRUSF

The projected funding obligations of the SRUSF for 2021 are listed in the table below and described thereafter.

Access Reduction Support	\$16,415,745	50.18%
Need-Based Support	\$0	0.00%
LITAP	\$420,000	1.28%
True-Ups (60 Months)	\$1,819,802	5.56%
Broadband	\$13,844,000	42.32%
Administrative Fees	\$138,332	0.42%
Legal Fees	\$50,000	0.15%
Audit Fees	\$25,000	0.08%
Total	\$32,712,879³	100.00%

Access Reduction Support (“ARS”) payments to rural incumbent local exchange carriers (“ILECs”) are calculated according to the formula in the RTA. NMSA 1978, § 63-9H-6(K). The ARS payments were originally formulated to reimburse the rural ILECs for revenue lost when the RTA required them to substantially reduce the access charges that they charged other carriers to

² The figures in this table are drawn from the projections for 2021 made by the Fund Administrator and adopted by the Commission in its Order Setting 2021 Per-Connection Surcharge, issued on November 18, 2020, in Commission Docket No. 20-00153-UT.

³ This figure – the total amount of funding requirements for the following year – is not the figure used by the Commission to determine whether the RTA’s \$30 million cap on the SRUSF is likely to be exceeded the following year. NMSA 1978, § 63-9H-6(P) (2017). Instead, the Commission considers the amount of revenue that needs to be collected through the surcharge for the following year to fund those requirements – which better reflects the actual burden of the fund upon those paying the surcharge. The Fund Administrator’s projection for the funding needed from the surcharge in 2021 was \$29,994,754, with any additional funding available from the SRUSF’s bank accounts.

complete calls using their “last mile” wires. In 2017, amendments to the RTA added an adjustment based upon the annual percentage change in each rural ILEC’s access line count. As the rural ILECs’ access line counts have been trending downward, indicating loss of voice service customers, the amounts of ARS payments have been declining in recent years.

Low Income Telephone Assistance Program (“LITAP”) payments provide a \$3.50 reduction in the monthly voice service charge for qualifying low-income customers who already receive a discount of \$9.25 from the FCC’s Lifeline program.

“True-Up” payments are due to rural ILECs for ARS underpayments in a recent time period, with the payments spread over five years. The true-up payments resulted from a decision of the New Mexico Supreme Court overturning the Commission’s 2014 decision to place a 3% cap on the surcharge that funded the SRUSF. *NM Exchange Carrier Group v. NM Public Regulation Commission*, 2016-NMSC-015. The Commission had established the cap pursuant to the 2013 amendments to the RTA, which required the Commission “to establish a cap on the surcharge.” NMSA 1978, §63-9H-6(J) (2013). The Court rejected the Commission’s adoption of a cap that required reducing the ARS payments. On remand from the Court, the Commission removed the cap and adopted a schedule to pay the rural ILECs the amounts that had been cut from their payments. That obligation will cease at the end of 2021.⁴

With regard to the projected funding obligation for the Broadband Program for 2021, the Commission uses the total amount awarded to applicants in the application cycle of one year, here

⁴ The completion of the true-up payment schedule will reduce the total annual obligations of the SRUSF in 2022 and beyond by the amount shown in the table. In addition, with regard to the ARS payments, the aforementioned anticipated decrease in rural ILECs’ access line counts is likely to reduce the total annual obligations of the SRUSF in 2022 and beyond. These expected decreases, however, will be at least partially offset by payments to be made to Sacred Wind Communications, Inc., as discussed in Section III, concerning recent relevant legislation.

2020, as the projection for the funding obligation for the following year, here 2021. For any given year, this figure will almost certainly not be equal to the total payments made in the following year to awardees. The latter figure is unpredictable in light of the differing paces at which projects that have been awarded funding in previous application cycles commence, progress, and complete.

The remaining demands upon the fund for 2021 include administrative, legal, and audit fees totaling \$213,332.

C. The Broadband Program

The current Commission is committed to awarding the maximum amount possible in Broadband Program funding each year within the constraints imposed by the RTA. In the Commission's most recent complete application cycle, in 2020, the number of proposed projects totaled 35, and the funding sought by all applicants totaled \$16,132,972.04.⁵ The Commission asked the Fund Administrator to determine how much would be available for Broadband Program funding. To determine this amount, the Fund Administrator subtracted the 2021 projected totals of all other funding obligations of the SRUSF from the \$30 million maximum annual SRUSF size limit imposed by the RTA's cap, arriving at a total of \$13.9 million available for Broadband Program awards. The following description of the Commission's decision process regarding the 2020 application cycle is somewhat detailed as the Commission believes that such detail illuminates the specific issues that have arisen and are likely to continue to arise in the near future with regard to funding limitations and prioritization of projects. These issues inform the Commission's recommendations in this report.

⁵ See Order Granting Majority of Applications, Denying Certain Applications Without Prejudice, and Conditionally Granting Certain Applications, Commission Docket No. 20-00099-UT, *In the Matter of Applications for 2021 Broadband Program Support from the State Rural Universal Service Fund, as per 17.11.10.31 NMAC*.

The Commission first prioritized the proposed projects by prioritizing all projects serving “areas unserved by broadband” over all projects serving “areas underserved by broadband,” as both phrases are defined in the Commission’s “SRUSF Rule,” 17.11.10 NMAC.⁶ At the time, the Broadband Program provisions of the rule required this prioritization among proposed projects, and it was the only prioritization requirement in the rule. Within each of these two categories, the Commission prioritized the proposed projects by those projecting the least cost per customer served by the project to highest cost per customer. These were the only two prioritization criteria applied by the Commission. The Commission made one exception to this prioritization approach, denying without prejudice a project with a cost per customer served that was far higher than that of any other proposed project. As the project would have served an unserved area, and because the Commission did grant a number of applications for proposed projects that were to serve underserved areas, the Commission was required to issue a variance from the provision of the rule requiring prioritization of projects serving unserved areas over those serving underserved areas.

The Commission sought to award the entire \$13.9 million despite the fact that no combination of the projected funding amounts requested would precisely equal this amount. Accordingly, the Commission’s final order included two possible outcomes, conditioned upon whether a particular carrier would accept less than the amount that it had requested for a particular, large project. The order included a requirement that the carrier file a response to the order indicating whether the carrier would accept the reduced amount. If the carrier had accepted the reduced amount, then the total amount awarded in Broadband Program funding would have totaled precisely \$13.9 million. As it happened, the carrier rejected the proposed reduced funding amount,

⁶ *Id.*, Ex. A thereto.

the particular project application was denied without prejudice, and the alternative outcome provided in the order became the operative outcome.

The alternative outcome (i.e., the actual outcome) substituted, in place of the rejected proposal for the particular large project at a reduced amount of funding, two smaller projects that the Commission would otherwise have denied without prejudice based on a third prioritization preference. That third prioritization standard would have been to prioritize projects serving residential customers over those serving business customers in light of the sudden, dramatic increase in the need for home broadband access occasioned by the onset of the COVID-19 pandemic. As a result of the events described above, the fact that there were only the two such proposed projects aimed at business customers, and the resulting granting of awards for those two projects, the order ultimately did not apply this third prioritization standard. The operative outcome of the order resulted in a total amount of \$13,523,958.41 in awarded funding, with the awarded projects being prioritized first according to the unserved/underserved criterion, and then according to lowest/highest cost per customer served, with the one exception to this overall prioritization method being for the abovementioned project with an extraordinarily high cost per customer served.

This detailed description of the 2020 final order illustrates some critical points. First, that multiple prioritization criteria will essentially always come into conflict with each other as no set of proposed projects is likely to happen to fall into the same ranking order under one prioritization standard as it does under another standard. For example, the best project in terms of cost per customer served is unlikely to be the best under a different prioritization standard as well. In the Commission's most recent amendments to the SRUSF Rule, effective this year, the Commission

recognized this fact by retaining the unserved/underserved prioritization criterion but converting it to a nonbinding standard. The Commission has learned through the experience of three complete application cycles that the actual set of proposed projects to be considered in any given year will impact the manner in which general prioritization principles are applied.

The second purpose of providing the above description of the 2020 decision-making process is to illustrate the impact of the \$30 million overall cap imposed by the RTA, specifically with regard to the Broadband Program. The cap resulted in approximately \$2,538,890 in requested funding being denied without prejudice. All of the 2020 applications met the Commission's minimum qualifications for consideration by the Commission, as provided in the Broadband Program provisions of the Commission's SRUSF Rule. Were the \$30 million cap not in place, the Commission almost certainly would have awarded all of the funding requested in all of the applications.

In this year's pending application cycle, the Commission will be compelled to deny far more funding requests than were denied in the 2020 cycle. The total amount of funding requested in all applications this year equals \$37,020,771.12. At this time, it is uncertain precisely how much will be available for Broadband Program funding after other funding obligations are satisfied. This uncertainty comes largely as a result of the filing of a petition for ARS-type support by Sacred Wind Communications, Inc., pursuant to the recent legislation described in Section III below. The Commission anticipates that the amount available for Broadband Program funding may be significantly less than the \$13.9 million available in the 2020 application cycle, it may be about the same, or it may be somewhat greater. The Commission anticipates having a precise figure by

mid-November of this year. In any event, the amount available will be far short of the total amount of funding sought.

II. Commission Recommendations for Changes to the Structure, Size, and Purposes of the Fund and Whether the Cap Should Be Modified, Maintained, or Eliminated

The Commission here makes its recommendations as called for in Section 63-9H-6(Q)(2) of the RTA. Before preparing this report, the Commission invited comments and recommendations from any interested persons who wished to provide them. The Commission received several sets of comments including a broad range of recommendations to the Commission for the Commission's recommendations to the Legislature. Comments and recommendations were received from the Office of the New Mexico Attorney General, the Commission's Telecom Bureau Staff, and telecom/broadband carriers. The Commission carefully considered the comments and recommendations, which informed the following two recommendations to the Legislature.

A. Recommendation for Three-Year Increase in Cap to \$40 Million

In light of the substantially increased demand for Broadband Program funding resulting from the COVID-19 pandemic, the Commission recommends that the \$30 million statutory cap be temporarily increased to \$40 million for the calendar years 2022, 2023, and 2024.⁷ As the Legislature is well aware, the pandemic has generated a substantially increased need for residential broadband program access, particularly for educational and work purposes. At this time, the pandemic continues, and it is unclear when or if New Mexico students will physically return to

⁷ As the next Legislative session is scheduled for early 2022, the Commission will go forward this year with projecting a SRUSF fund size and per-connection surcharge for 2022 applying the \$30 million cap. Also, the Commission will apply the \$30 million cap to its determination of the funding available for Broadband Program awards in this year's application cycle. If the Legislature adopts this recommendation in the next session, the Commission may reopen those dockets for reconsideration and adjustment in light of the increased cap.

school and when or if employees will be physically present in workplaces at pre-COVID-19 levels. The Commission views the pandemic as continuing for an uncertain period into the future, and thus, anticipates that there will continue to be an increased demand for Broadband Program funding. In addition, the Commission anticipates that there will continue to be an increased demand for an uncertain period of time as applicants that were denied funding in 2020 and applicants that will be denied funding in this year's application cycle will reapply in the next few years. The Commission believes that the temporary increase recommended here should be sufficient to allow for funding of this urgent need for expansion of broadband access while minimizing the impact of corresponding increases in the surcharge upon New Mexico telecom customers. The Commission provides, as **Exhibit B and Table 2** to this report, a sensitivity analysis, showing an estimate of how each hypothetical \$2 million increase in the cap, up to the recommended \$40 million, would increase the per-connection monthly surcharge funding the SRUSF. The analysis assumes (1) a total communication connection count as projected for 2022 by the Fund Administrator and (2) that the hypothetical funding obligation reaches the level of the cap at each hypothetical increased level of the cap. This analysis is provided for informational purposes to assist the Legislature.

The Commission notes that there are other sources of funding, both federal and state sources, supporting expansion of broadband access, but the Commission's Broadband Program plays a particularly important role in meeting the urgent need arising from the pandemic. The Broadband Program is already in operation and already has a backlog of potential projects proposed by carriers that have identified particular areas needing access. These carriers have already designed projects to meet these needs, and these projects have already been reviewed by

the Commission's Staff and have been found to meet the qualifications for consideration by the Commission. Only the cap has prevented the funding of these projects.

B. Recommendation for Audit and Evaluation Provisions

The Commission's second recommendation is a group of related recommendations that the RTA be amended as follows:

- (1) to include a provision for financial audits regarding the use of ARS funding by the rural ILECs receiving such funding;
- (2) to include a provision for measurement and evaluation of the results achieved by projects that have received Broadband Program funding; and
- (3) to allow the Commission to allocate up to \$75,000 of SRUSF surcharge revenue for these purposes.

With regard to financial audits of the use of ARS funding, the RTA requires the Commission to adopt rules that “enumerate the appropriate uses of fund support and any restrictions on the use of fund support by eligible telecommunications carriers.” NMSA 1978, § 63-9H-6(F). The 2017 amendments to the RTA added a requirement that the Commission's rules “require that an eligible telecommunications carrier receiving support from the fund pursuant to Subsection K, L or M of this section 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.” *Id.* Pursuant to these provisions of the RTA, the Commission's SRUSF Rule requires that ARS support “be used to maintain and support universal service” and that each ARS recipient “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 . . .” 17.11.10.27(A) NMAC.

The Commission's SRUSF Rule requires reporting by the ARS recipients as to the use of the funding. 17.11.10.17(B) NMAC. The Commission's Telecom Bureau Staff reviews these reports, but the Commission has neither the funding nor the staffing to conduct financial audits of the ARS recipients' use of the funds. Currently, the Commission's Telecom Bureau Staff consists of two members handling a large volume of matters. Moreover, the Commission recommends that any audits be conducted by an experienced financial auditing firm, which can design and conduct a fair and effective auditing plan.

With regard to the measurement and evaluation of the results achieved by projects that have received Broadband Program funding, the Commission's SRUSF Rule requires the following:

Within 30 days after project completion, the awardee shall submit a final report in a form accepted by staff 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.

17.11.10.31(H)(2) NMAC. Commission Staff receives and reviews such reports. As with the ARS reporting, though, that is the full extent of the review at this time, due to the Commission's lack of funding and staffing.

The Commission estimates that an allocation of \$75,000 of SRUSF surcharge revenue for these purposes would allow the Commission to contract with an experienced financial auditing firm and an experienced measurement and evaluation firm to ensure that the RTA's purposes with regard to ARS funding and Broadband Program funding are being served. As the RTA does not specifically provide that such functions can be funded from the SRUSF's proceeds, the

Commission recommends the addition of an express provision in the RTA. *See* NMSA 1978, § 63-9H-6.

III. 2021 Broadband/SRUSF Legislation

Two broadband-related bills and one bill otherwise concerning the SRUSF were passed and signed into law in this year’s legislative session – House Bill 10 (enacting the “Connect New Mexico Act” and amending the RTA), Senate Bill 93 (enacting the “Broadband Access and Expansion Act”), and Senate Bill 204 (amending the RTA).

The Connect New Mexico Act (“CNMA”) creates the Connect New Mexico Council (“CNMC”), which is comprised 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). The CNMA also establishes a “Connect New Mexico Fund” to be overseen by the CNMC. The CNMC is also responsible for promulgating a Broadband Knowledge and Digital Equity Analysis and Plan to be incorporated into the State Broadband Plan. According to the website of the New Mexico Department of Information Technology (“NMDoIT”), the 15 members of the CNMC have been selected, as per the statute. The next step appears to be that the CNMC will hold a meeting and elect a chairperson.

In addition to enacting the CNMA, House Bill 10 amended the RTA in the 2021 legislative session. Some of the changes are for the purpose of coordinating the Commission’s Broadband Program with the CNMC as well as 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.

The other two requirements are aimed at aligning the Broadband Program generally with the FCC’s broadband and other high-cost project funds. These policies are wise and clearly deserve to be enshrined in the statute, but these amendments were unnecessary as far as the current (and recent past) Commission is concerned. The Broadband Program provisions of the SRUSF Rule had already incorporated such critical features of the FCC’s high-cost project funding as a minimum 25% contribution by the applicant (often referred to as “having skin in the game”) and a three-year maximum period during which each project must be completed. The Commission and its Telecom Bureau Staff generally find that the FCC is a model to follow for the SRUSF as the Commission often encounters “new” problems and issues confronting the SRUSF that the FCC has already addressed with prudent and thoroughly considered solutions.

In addition to the above added requirement for the Commission’s Broadband Program rules, House Bill 10 amended the RTA’s requirements regarding reporting to the Legislature to align the reporting with the goals of the CNMA and the Broadband Access and Expansion Act. These added reporting requirements include “data relevant to the implementation of the broadband program and progress toward digital inclusion and digital equity” and “the service areas that received funding awards from the broadband program and the amounts of those awards.” NMSA 1978, § 63-9H-6(Q). This report is submitted to the Legislature pursuant to these amended provisions.

The Broadband Access and Expansion Act (“BAEA”), enacted by Senate Bill 93, creates the Office of Broadband Access and Expansion (the “OBAE”) within NMDoIT. 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. Through these and other efforts, the OBAE is to act as the central coordinator of broadband access expansion at state, county, and local levels.

The third bill, Senate Bill 204, amends the RTA to provide ARS-type payments to any carriers comparable to the rural ILECs currently receiving 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. The Commission is aware of only one carrier that qualifies for support under this bill, Sacred Wind Communications, Inc. (“Sacred Wind”). Sacred Wind has filed a petition for such support, which is currently pending before a Commission hearing examiner. As per the 120-day limit for consideration of the petition in Senate Bill 204, the Commission’s decision is due on or before November 26, 2021.

IV. Progress Toward Digital Equity and Digital Inclusion in Rural Areas of the State

The RTA, as amended this year by the abovedescribed House Bill 10, defines “digital equity” and “digital inclusion” as follows:

G. "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;

H. "digital inclusion" means access to and the ability to use information technologies.

NMSA 1978, §§ 63-9H-3(G) and (H). The amended RTA requires the Commission to include in its Broadband Program rules a requirement 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.” NMSA 1978, §§ 63-9H-3(O)(2).

As the CNMC has only recently acquired its membership, the Commission has not yet had any contact with the CNMC. The Commission seeks to be proactive in reaching out to the CNMC now and in the near future. With regard to the OBAE, the Commission’s Telecom Bureau Staff have been in contact with the personnel within NMDoIT who have been working on setting up the OBAE for a number of months. The Commission is committed to complying with the amended RTA and committed to working with the CNMC and the OBAE to coordinate efforts and to align the Broadband Program with the eventual statewide plan and any other applicable coordinating laws, regulations, and policies. The Commission plans to commence a rulemaking process by the end of October 2021 to amend the Broadband Program provisions of the Commission’s SRUSF Rule to comply with the amendments to the RTA and to otherwise align procedures and standards with the recent legislation.

V. Service Areas that Received Funding Awards from the Broadband Program and the Amounts of Those Awards

Attached as **Exhibit C and Table 3** to this report is a table providing the information that the Commission is directed to provide in Section 63-9H-6(Q)(3) of the RTA – “the service areas that received funding awards from the broadband program and the amounts of those awards.” The awards are grouped by the year in which the application was granted as well as by applicant. As

“service area” is not defined in the statute, the Commission interprets this term to mean the area served by the project, not the entire “service area” served by the applicant. The Commission provides this information at the county level as this is a reasonably specific description that is broadly recognizable, as opposed to the often abstruse technical project area descriptions.

VI. Conclusion

In conclusion, the SRUSF is meeting the requirements of the RTA, but the Commission must qualify that statement in two ways. The RTA’s \$30 million cap is preventing the Broadband Program from being fully responsive to the urgent broadband access needs generated by the pandemic. Thus, the Commission believes that the cap is temporarily interfering with the Broadband Program’s purposes.

With regard to the use of ARS and Broadband Program funding, the Commission can affirm that the requirements of the RTA are being met as well. However, that affirmation is limited by the fact that it is based upon what is reported to the Commission by the funding recipients. In light of the importance of the RTA’s goals and the burden of the SRUSF surcharge on the public, the Commission recommends independent auditing and evaluation of the use of such funding.

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE COMMISSION'S)
REPORT AND RECOMMENDATIONS TO)
THE LEGISLATURE REGARDING THE)
STATE RURAL UNIVERSAL SERVICE FUND) Case No. 19-00046-UT
PURSUANT TO THE 2017 AMENDMENTS TO)
THE RURAL TELECOMMUNICATIONS ACT)
OF NEW MEXICO)**

NOTICE OF TRANSMITTAL

PLEASE BE ADVISED, a true and correct copy of the following Transmittal Letter and Report of the New Mexico Public Regulation Commission to the New Mexico Legislature Concerning the State Rural Universal Service Fund was transmitted to the Science, Technology and Telecommunications Committee of the New Mexico State Legislature on December 20, 2019 via e-mail and USPS First-Class Mail

DATED this 20th day of December, 2019.

NEW MEXICO PUBLIC REGULATION COMMISSION



Isaac Sullivan-Leshin, Paralegal

EXHIBIT A

NEW MEXICO PUBLIC REGULATION COMMISSION

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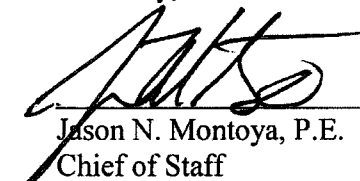
December 19, 2019

TO: Science, Technology and Telecommunications Committee
Mark Edwards, Director
411 State Capitol
490 Old Santa Fe Trail
Santa Fe, NM 87501

Greetings,

It is my privilege to deliver the following report and recommendations of the New Mexico Public Regulation Commission to the Legislature. This report is made pursuant to Senate Bill 308 of the 2017 legislative session, which amended the Rural Telecommunications Act of New Mexico (Sections 63-9H-1 *et seq.* NMSA 1978) with regard to the State Rural Universal Service Fund. Senate Bill 308 requires that the Commission, on or before December 31, 2019, "make a report to the legislature regarding the status of the fund, including relevant data relating to implementation of the broadband program and expansion of broadband internet services in rural areas of the state." NMSA 1978, § 63-9H-6.P (2017). The amended statute requires that the report "shall also make recommendations for any changes to the structure, size and purposes of the fund and whether the cap on the fund . . . should be modified, maintained or eliminated." *Id.*

Sincerely,



Jason N. Montoya, P.E.
Chief of Staff
New Mexico Public Regulation Commission

REPORT OF THE NEW MEXICO PUBLIC REGULATION COMMISSION TO THE NEW MEXICO LEGISLATURE CONCERNING THE STATE RURAL UNIVERSAL SERVICE FUND

The New Mexico Public Regulation Commission (the "Commission"), pursuant to Section 63-9H-6.P of the Rural Telecommunications Act of New Mexico, Sections 63-9H-1 *et seq.*, NMSA 1978 (the "RTA"), provides this report to the Legislature concerning the State Rural Universal Service Fund (the "SRUSF").

I. Overview of SB 308

On April 6, 2017, the Governor signed Senate Bill 308 ("SB 308") into law, amending the RTA, which amendments became effective on June 16, 2017. The title of SB 308 was "An Act Relating to Telecommunications; Amending a Section of the Rural Telecommunications Act of New Mexico to Update State Rural Universal Service Fund Provisions and Establish a Broadband Program Administered by the Public Regulation Commission to Facilitate Expansion of Broadband Service in Rural Areas."

SB 308 made extensive changes to Section 63-9H-6 of the RTA, which concerns the SRUSF. The major changes to this section of the RTA included: (1) redefinition of "universal service"; (2) addition of a fixed amount, per-connection charge option for funding the SRUSF; (3) addition of a requirement that no less than sixty percent of support received by eligible telecommunications carriers ("ETCs") be used to deploy and maintain broadband internet access; (4) reformulation of the methodology for calculating payments to access reduction support recipients; and (5) establishment of a broadband program.

II. Actions Taken by the Commission in Response to SB 308

The Commission undertook a number of actions in response to SB 308. The first was a rulemaking proceeding to conform the Commission's SRUSF Rule, 17.11.10 NMAC, to the amended Section 63-9H-6 of the RTA. The Commission commenced the rulemaking, in Commission Docket No. 17-00077-UT, in April 2017, before the effective date of the amendments. The Commission concluded the rulemaking proceeding, adopting amendments that conformed the SRUSF Rule to the amended RTA, in December 2017, in accordance with the 2018 effective date of the RTA amendments.

Following on the rulemaking proceeding, the Commission opened a proceeding to consider adoption of an alternative method for collecting moneys for the SRUSF. Whereas, prior to SB 308, the only option available for funding the SRUSF was through a surcharge based upon a percentage of intrastate retail public telecommunications service revenue, SB 308 provided the alternative of a fixed charge applicable to each non-exempt "communication connection." NMSA 1978, § 63-9H-6.B. On August 30, 2017, the Commission began the process of requesting information from telecommunications carriers who contribute to the SRUSF with

regard to the consideration and calculation of a potential per-connection charge mechanism. After the collection of information from hundreds of carriers and after holding a formal hearing, the Commission adopted a per-connection surcharge funding mechanism, effective October 2018. The initial per-connection surcharge was \$1.17 per communication connection, which was subsequently raised to \$1.24 in 2018, and has been reduced to \$0.88 for 2019, in light of a balance that has built up in the SRUSF's accounts.

On May 2, 2018, the Commission issued its Order Opening Proceeding for Filing and Consideration of Applications for 2019 Broadband Program Support, commencing the Commission's first Broadband Program application cycle, in Commission Docket No. 18-00103-UT. The Commission received applications from the following four applicants: Smith Bagley, Inc., dba Cellular One of North East Arizona, Valor Telecommunications of Texas, LLC dba Windstream Communications Southwest, E.N.M.R. Telephone Cooperative ("ENMR"), and CenturyLink QC. The total amount requested by all of the applications, combined, was \$6,070,833.75.

The RTA provides that, each year, the Commission shall dedicate a minimum of five million dollars of the SRUSF to the Broadband Program. The Commission's SRUSF Rule, similarly, provides that "at least five million dollars (\$5,000,000) of the fund shall be dedicated annually to the broadband program." 17.11.10.31.B NMAC. For the 2018 application cycle, the Commission decided that, in the interest of minimizing the burden of the SRUSF upon New Mexico ratepayers, the Commission would limit the total amount granted to the 2019 applicants to \$5,000,000. The Commission denied three applications without prejudice, permitting the applicants to reapply for the same or similar projects in future years. After careful review of the applications by Staff of the Telecommunications Bureau of the Commission ("Staff"), the Commission awarded approximately \$5,000,000 in funding for 26 projects in rural areas of the state, including projects for all four of the applicants, in September 2018.

Pursuant to the Commission's Broadband Program rule, 17.11.10.31 NMAC, a subsection of the SRUSF Rule, each awardee "commits to complete construction of its project within three years from the date of the initial disbursement . . ." 17.11.10.31.H(1) NMAC. Thus, the projects from the 2018 application cycle are generally in progress, and most of them are not yet complete. As projects reach their initial, midpoint, and completion stages, awardees request one-third project award payments for disbursement by the Commission. The Commission makes such disbursements after review of disbursement requests by Commission Staff and only where such requests indicate sufficient progress and conformity with the requirements of the Commission's Broadband Program rule.

The Commission commenced its second annual Broadband Program application cycle on May 1, 2019. The Commission received applications from the same four applicants as in the 2018 cycle, with one exception. ENMR did not apply in the second round, but an affiliated

entity, Plateau Telecommunications Incorporated (“Plateau”), did apply. After careful review of the applications by Staff, the Commission awarded all funding requested for all 36 projects in September 2019. The only exception is the application of Plateau as Plateau has not yet been designated an eligible telecommunications carrier (“ETC”) for the purpose of receiving Broadband Program support, which is required by the RTA. NMSA 1978, § 63-9H-6.N (2017). However, as Plateau’s petition for such designation is pending in a separate Commission docket, the Commission granted Plateau’s application conditionally upon the grant of ETC status. In addition, the Commission has determined that ETC designation for purposes of receiving Broadband Program funding should be subject to an expedited, streamlined process.

In October 2019, the Commission opened a rulemaking proceeding to consider amendments to the Commission’s SRUSF Rule, and commenced a series of workshops. The Commission is open to considering amendments in various areas of the SRUSF Rule, including but not limited to the Broadband Program subsection of the rule. Among the particular areas being considered for amendment are the Commission’s requirements for Broadband Program applicants, as the Commission is concerned that the total funding requested in the 2019 application cycle was less than \$5,000,000. In addition, the FCC’s recent elimination of the urban rate floor impacts the SRUSF through the SRUSF Rule’s incorporation of affordability benchmark rates. 17.11.10.9 NMAC.

III. The Commission’s Proceeding with Regard to this Report

SB 308 added a requirement to the RTA that the Commission, by December 31, 2019, “make a report to the legislature regarding the status of the fund, including relevant data relating to implementation of the broadband program and expansion of broadband internet services in rural areas of the state.” NMSA 1978, § 63-9H-6.P (2017). The amended RTA further requires that the report “shall also make recommendations for any changes to the structure, size and purposes of the fund and whether the cap on the fund . . . should be modified, maintained or eliminated.” *Id.*

Accordingly, the Commission opened a proceeding, in February 2019, in which to gather information and recommendations from Staff and interested persons and in which to prepare this report. The Commission first called for a round of initial and response comments from Staff and interested persons concerning evaluation of the \$30 million SRUSF cap instituted by SB 308. The Commission received comments from Staff, the New Mexico Exchange Carrier Group (“NMECG”), Time Warner Cable Information Services (“TWC”), CTIA – The Wireless Association (“CTIA”), TracFone Wireless, Inc. (“TracFone”), and Smith Bagley, Inc. (“SBI”).

NMECG, which represents most of the rural incumbent local exchange carriers (the “Rural ILECs”) that receive the majority of the SRUSF’s funding, concludes that the SRUSF “as currently structured, capped, funded and administered . . . is more stable and efficient that it has

been for several years and is operating in a manner fully consistent with the purposes and mandates of the RTA.”

TWC, which is not a recipient of SRUSF funding, concludes that it “is not aware of any evidence that would indicate that the current SRUSF cap of thirty million dollars is inadequate, and recommends that the fund be maintained at its current level.”

TracFone, which has a petition for SRUSF Low-Income Telephone Assistance (“LITAP”) support pending before the Commission, recommends, “the Commission should advise the Legislature to appropriate sufficient funds to the SRUSF to ensure that eligible low-income New Mexico residents receive the LITAP benefits to which they are entitled.” TracFone further advocates that the statutory cap “be modified to ensure that there are sufficient funds for current, as well as anticipated, low-income New Mexico residents to receive LITAP support . . .”

CTIA, which represents wireless companies that largely pay into the SRUSF without receiving benefits from it, concludes that the Commission “presently possesses insufficient information about its Broadband Program to make any recommendations to the Legislature about the cap size or effectiveness.” CTIA notes that “funding broadband projects from the SRUSF is at a nascent stage.” CTIA states that, “[b]ased on the information in its possession, the Commission can only report with certainty to the Legislature that the Fund is stable and the results of broadband funding will not be evident for years to come.” CTIA recommends that the State of New Mexico “achieve its broadband goals through use of general revenues instead of surcharges.”

SBI, citing the Commission’s receipt of over \$6 million in Broadband Program applications in 2018, recommends that “the amount to be awarded for 2020 should be increased significantly.” SBI recommends that “whatever determination the Commission makes regarding the SRUSF cap should include an increase in broadband program support for 2020 and thereafter so that rural New Mexicans can benefit from broadband services as do non-rural citizens.”

In October 2019, the Commission requested additional comments from Staff and interested persons, focusing on the remaining issues for this report, namely, “the status of the fund, including relevant data relating to implementation of the broadband program and expansion of broadband internet services in rural areas of the state.” NMSA 1978, § 63-9H-6.P (2017). The Commission further requested any “recommendations for any changes to the structure, size and purposes of the fund . . .” *Id.* The Commission received comments from Staff, NMECG, CTIA, and SBI.

NMECG reiterates that the SRUSF, “as currently structured and administered, is functioning in a manner consistent with the purposes and mandates of the [RTA] . . .” NMECG notes that, based upon the SRUSF fund administrator’s projections, “it appears there will be

more headroom at the start of 2020 between the projected 2020 obligations of the Fund (\$26.1 million) and the \$30 million cap for the Commission to accommodate other support needs and supplement the Broadband Program if appropriate." NMECG states that "there has been significant expansion of broadband service in rural areas of the State, due, in large part, to successful implementation of [] procedures" by the Commission concerning the Broadband Program as well as the requirement of SB 308 that all SRUSF recipients use at least 60% of the funding they receive to support rural broadband access. NMECG "does not recommend that the Commission pursue any legislative changes to the RTA with respect to the structure, size and purposes of the SRUSF at this time."

CTIA reiterates its previous conclusion that "the Commission possesses insufficient information to make recommendations to the Legislature regarding changes to the SRUSF at this time." CTIA recommends awaiting "objective data drawn from completed projects" in the future. Again, CTIA states its belief that "the best means of addressing any additional broadband funding is through New Mexico's general funds, not through funds extracted from customers in the competitive wireless market." CTIA cites a number of factors as counseling "the Commission against recommending any increases to the SRUSF."

SBI notes that, with regard to the Broadband Program, "SBI has not found the application process set forth in NMAC 17.11.10.31 to be onerous, nor has it found the accountability measures to be difficult." SBI finds that the Broadband Program "is serving its intended purposes and that the relative regulatory burdens associated with applying for funds and meeting program requirements were properly calibrated." SBI states that "the Commission can report that Broadband Fund support has efficiently expanded access to broadband Internet access as the legislature intended, to the benefit of New Mexico's rural citizens. SBI recommends that the Commission report to the Legislature that, with only two years of administering the Broadband Program, "it is too early to make major course corrections." SBI does make some suggestions for potentially freeing up additional funds within the SRUSF to support broadband infrastructure, including increasing the \$30 million cap and repurposing access reduction support payments to Broadband Program use.

Staff "believes the Commission should not recommend to the legislature . . . any adjustments to the structure, size, or purposes of the fund." Staff notes that, to date, the \$30 million cap has been sufficient "to cover the various demands on the fund that fall within the support programs currently in place (need based, access reduction, LITAP, and broadband program). Staff states its belief that "any short-term adjustments to the [SRUSF] can be implemented by the Commission through rulemaking or Commission order."

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IV. The Commission's Recommendations

At this time, the Commission does not recommend that the Legislature undertake any adjustments to the structure, size, or purposes of the fund. As noted by the Commission's Staff and other commenters, there is also no need to raise the \$30 million cap at this time as the cap is sufficient to cover the current demands on the fund as well as increases that might be anticipated in the near future.

The Commission's focus at this time is on increasing participation in the fund, particularly the participation of small, rural carriers, as the Commission does not believe that the fund is currently meeting their needs as well as it could. As noted above, the Commission is considering changes to its SRUSF Rule to increase the number of applications that it receives for Broadband Program support. These changes include potentially decreasing or eliminating the 25% per-project matching amount that the Commission currently requires program awardees to fund from their own pockets. In addition, the Commission believes that it may be necessary for the Commission to conduct outreach to small, rural carriers who simply may lack the resources to design projects and applications for broadband funding though the areas they serve are in need. The Commission may also pursue, in the Legislative budgeting process, additional FTEs for more effective outreach and administration of the Broadband Program.

Sullivan-Leshin, Isaac, PRC

From: Sullivan-Leshin, Isaac, PRC
Sent: Friday, December 20, 2019 10:57 AM
To: 'Mark.Edwards@nmlegis.gov'
Cc: Montoya, Jason N, PRC; Fisk, Russell, PRC
Subject: NMPRC report concerning the State Rural Universal Service Fund
Attachments: Letter to Mark Edwards With PRC SRUSF Report.pdf

Mr. Edwards,

Please find the attached Report of the New Mexico Public Regulation Commission to the New Mexico Legislature Concerning the State Rural Universal Service Fund. Thank you.

Isaac Sullivan-Leshin

Paralegal for Office of General Counsel



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BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE COMMISSION'S)
REPORT AND RECOMMENDATIONS TO)
THE LEGISLATURE REGARDING THE)
STATE RURAL UNIVERSAL SERVICE FUND) Case No. 19-00046-UT
PURSUANT TO THE 2017 AMENDMENTS TO)
THE RURAL TELECOMMUNICATIONS ACT)
OF NEW MEXICO)**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Notice of Transmittal filed on December 20, 2019, was sent via email to the following parties on December 19, 2019:

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France Telecomm. Corporate Solutions LLC
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Reduced Rate Long Distance
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800 Response Information Services LLC
Sierra Communications, Inc.
SBC Long Distance, LLC
Sprint Coms. Co. LP
CenturyLink Public Comms.
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Telrite Corporation
Touchtone Comms., Inc.
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Tularosa Coms., Inc.
inContact, dba UCN, Inc.
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USA Digital Comms., Inc.
Value-Added Comms. Inc.
Verizon Select Services, Inc.
Voicecom Telecom., LLC
WDT World Discount Telecom.
Westel, Inc.
Wholesale Carrier Services
Leaco Rural Telephone Coop(Wireless)
Navajo Comms. Co., Inc.
Roosevelt County Rural Telephone Coop.
Valley Telephone Cooperative
Western New Mexico Tel.Co.
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Spok, Inc.
Frontier Comms. Of America
DeltaCom, LLC
BCN Telecom Inc
Dallas MTA LP
Broadband Dynamics, LLC
Plateau Telecom- NM RSA2
Plateau Telecom., Inc.
Plateau Telecom., RSA 4
Plateau Telecom. Long Distance
Yucca Telecom. Systems (CLEC)
Cyber Mesa Computer Systems Inc
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TW Telecom of New Mexico
Conectado, Inc.
Nationwide Long Distance Svce
American Messaging Services
Virgin Mobile USA, LLC
CCI Network Services, LLC
TerraCom, Inc.
Bandwidth.com CLEC, LLC
TerraCom, Inc.
Zayo Group, LLC
Transtelco, Inc.
Pay Tel Communications Inc.
Network Services Solutions
MJ2IP, LLC/City Hosted Solutions
Commnet Wireless, LLC
Ting, Inc.
Ready Wireless, LLC
Tanager Telecoms. NM LLC
UVNV, Inc.
MetroPCS Texas LLC
Cricket Wireless, LLC
TWC Digital Phone LLC
Digium Cloud Services, LLC
Conterra Ultra Broadband
Jive Communications, Inc.
NetFortis Acquisition Co., Inc.
S-Net Communications, Inc.
Pulsar360, Inc.
Thinking Phone Networks, Inc.
Valley Connections LLC
IDS Metrocom LLC
Metro Optical Solutions, Inc.
Stream Coms., LLC
Magna5 fka X5 OPCO LLC
MegaPath Cloud Co., LLC
Peerless Network, Inc.
Integrated Services, Inc
West Safety Coms., Inc. (Intrado)
Windstream Southwest Long Distance, LP
Airus, Inc.
Nextiva, Inc.
DSI-ITI, LLC
TracFone Wireless, Inc.
WiMacTel, Inc.
Vonage America, Inc
Netwolves Network Services LLC
TeleQuality Coms., Inc.
Crexendo Business Solutions
Flat Wireless, LLC
Greenfly Networks Inc dba Clearfly
Communications MFG Services, Inc.
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Ionex Comms. North, Inc.
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Legacy Long Distance Intl' Inc.
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Network Service Billing, Inc.
NetworkIP, LLC
EarthLink Business, LLC
NobelTel, LLC
NOS Communications, Inc.
NOSY A Limited Partnership
NTS Communications, Inc.
OneLink Comm., Inc. RM
Working Assets Funding Service
XO Coms. Services, Inc.
X2Comm, Inc.
Yucca Coms. Systems L D
ANPI Business, LLC
Alltel Comms. of the SW
Holdings, Inc.
Smith Bagley/Cellular One NE AZ
PVT Wireless Limited Partnership Northern New Mexico, LP
T-Mobile West LLC
CommNet Cellular Inc.
New Mexico RSA No. 5 LP
New Mexico RSA 6-1 Partnership
Verizon Wireless (VA W) LLC
Sprint Spectrum LP (Sprint PCS)
Qwest Corporation
MCI Communications Services
MCimetro Access Trans. Services
Tularosa Basin Telephone Co.
Penasco Valley Telephone Coop.
New Cingular Wireless PCS
Dell Telephone Cooperative, Inc.
PVT Networks, Inc
LaJicarita Rural Telephone Coop.
Mescalero Apache Telcom, Inc
Baca Valley Telephone Company
Centurytel of the Southwest- NM
Big River Telephone Company
ENMR Telephone Coop., Inc
Leaco Rural Telephone (CLEC)
AT&T Corp.
Spectrotel, Inc.
BT Comms. Sales, LLC
Telmate, LLC
Q Link Wireless
iCore Networks, Inc.
nexVortex, Inc.
VoIP Street, Inc. N oIP Innovations
Intermedia Voice Services, Inc.
Truphone, Inc.
Velocity, Greatest Phone Co.
Axia Technology Partners, LLC
CTC Communications Corp
Callcatchers Inc/Freedom Voice
Windstream NuVox, Inc.
Aptix, Inc.
Global Crossing Telecom, Inc
Puretalk Holdings, LLC
IDT America Corp
Chit Chat Mobile LLC
Voice Runner, Inc.
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Stratus Networks, Inc.
Consumer Cellular Inc
KDDI America Inc
First Communications, LLC
New Horizons Comms. Corp.
Leaco Rural Telephone Coop ILEC Division
Comcast Phone of New Mexico
Cause Based Commerce, Inc
Granite Telecommunications
OnStarLLC
i-wireless, LLC
GreatCall, Inc
Norstar Telecom., LLC
Sage Telecom, Inc
Broadview Networks, Inc
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First Choice Technology, Inc
Transworld Network, Corp.
Kajeet, Inc
Network Innovations, Inc.
iNetworks Group, Inc
IP Networked Services
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Alliance Global Networks LLC
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Long Distance Consolidated Billing Co.
Skype Comm US Corporation
CampusTVS, Inc.
Dialpad, Inc.
Momentum Telecom, Inc.
IDS Baja Broadband
PanTerra Networks, Inc.
RingCentral, Inc.
Barking Dog Comms. LLC
Plintron Technologies USA LLC
CloudCall, Inc.
iCommerce Services, Inc. dba Gymphone
Distributed Computing, Inc. dba Ten4pbx.com
Star2Star Comms., LLC
Blue Ocean Technologies
Local Access, LLC
SimpleVoIP, LLC
2Talk, LLC
Affiliated Technology Solutions
Alliant Technologies, LLC
Sangoma U.S., Inc.
Earthlink, LLC
STSMedia, Inc. dba
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Excellus Comms., LLC
MagicJack SMB, Inc.
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DATED this 20th day of December, 2019.

NEW MEXICO PUBLIC REGULATION COMMISSION



Isaac Sullivan-Leshin, Paralegal

TABLE 2 - Analysis of the Sensitivity of the Surcharge to Cap Increases up to \$40 Million

	Effect on Surcharge of Raising Cap by \$2 Million Increments up to \$40 Million					
	\$30 million	\$32 million	\$34 million	\$36 million	\$38 million	\$40 million
Revenue Requirement Calculation						
Total Funding Requirement 2022	\$ 30,000,000.00	\$ 32,000,000.00	\$ 34,000,000.00	\$ 36,000,000.00	\$ 38,000,000.00	\$ 40,000,000.00
Surcharge	\$ 0.94	\$ 1.01	\$ 1.09	\$ 1.16	\$ 1.23	\$ 1.31

EXHIBIT B

TABLE 3 - AWARD AMOUNT AND SERVICE AREA FOR EACH PROJECT GRANTED BROADBAND PROGRAM FUNDING

<u>Applicant</u>	<u>Project</u>	<u>Awarded Year of the Grant</u>	<u>Service Area/County</u>	<u>Total Amount of Award</u>
Winstream Communications	Cuba Exchange	2018	Sandoval	\$13,339.40
	Española Exchange (Site 1)	2018	Rio Arriba/Santa Fe	\$37,152.32
	Española Exchange (Site 2)	2018	Rio Arriba/Santa Fe	\$41,073.66
	Española Exchange (Site 3)	2018	Rio Arriba/Santa Fe	\$43,967.80
	San Ysidro Exchange (Site 1)	2018	Doña Ana	\$13,339.40
	San Ysidro Exchange (Site 2)	2018	Doña Ana	\$13,339.40
CenturyLink	Angel Fire Exchange: X 1 Eagle Nest	2018	Colfax	\$59,504.40
	Angel Fire Exchange: X 1 Lakeview Park Dr.	2018	Colfax	\$32,801.80
	Angel Fire Exchange: X 1 Mammoth Mountain Rd.	2018	Colfax	\$44,182.02
	Angel Fire Exchange: X 11 Halo Pines Terrace.	2018	Colfax	\$40,537.37
	Angel Fire Exchange: X 13 Country Club Rd.	2018	Colfax	\$45,520.87
	Angel Fire Exchange: X 2901 Hwy 434.	2018	Colfax	\$15,991.81
	Angel Fire Exchange: X 3 South Angel Fire Rd.	2018	Colfax	\$47,677.90
	Laguna Acoma Exchange: X 38.2 E to. Mesita.	2018	Cibola	\$9,558.39
	Las Vegas Exchange: X 1 Industrial Park.	2018	San Miguel	\$15,991.81
	Santa Teresa Exchange: X 16 Casad Rd.	2018	Doña Ana	\$17,107.52
	Tucumcari Exchange: X 107 W Charles Ave.	2018	Quay	\$44,628.30
	Tucumcari Exchange: X 619 College.	2018	Quay	\$48,719.23
Eastern New Mexico Rural Telephone Cooperative	Anton Chico / San Augustin	2018	Guadalupe	\$199,175.11
	Clayton / Pasamonte	2018	Union	\$589,662.82
	Logan / Weeks	2018	Quay	\$916,399.50
	Trementina / TRM-8	2018	San Miguel	\$914,122.46
	Vaughn / Gallinas Mountain	2018	Guadalupe	\$244,705.89
Smith Bagley, Inc.	Becenti - Lake Valley	2018	McKinley	\$619,832.54
	Eastern Agencies - 4G/LTE Upgrade	2018	McKinley, San Juan, and Sandoval	\$584,680.32
	McKinley - Cibola - 4G/LTE Upgrade	2018	McKinley, Cibola	\$347,009.83
			TOTAL AMOUNT AWARDED IN 2018	\$5,000,021.84
Winstream Communications	Cuba Exchange	2019	Sandoval	\$24,000.00
	Española Exchange	2019	Rio Arriba	\$45,769.00
	Capitan Exchange	2019	Lincoln	\$77,147.00
	Chama Exchange	2019	Rio Arriba	\$224,088.00
	Chimayo Exchange	2019	Rio Arriba	\$99,111.00
	Abiquiu Exchange	2019	Rio Arriba	\$24,000.00
	Dulce Exchange	2019	Rio Arriba	\$13,875.00
	Gallina Exchange	2019	Rio Arriba	\$20,250.00
	Jemez Springs Exchange	2019	Sandoval	\$307,268.00
	San Ysidro Exchange	2019	Doña Ana	\$54,057.00
	Tierra Amarilla Exchange	2019	Rio Arriba	\$64,253.00
	Eunice Exchange	2019	Lea	\$145,866.00
	Hobbs Exchange	2019	Lea	\$402,035.00
	Jal Exchange	2019	Lea	\$159,644.00

CenturyLink	Aztec Main Exchange: 32.1 CR 2755	2019	San Juan	\$50,475.00
	Aztec Main Exchange: 121 H RD.	2019	San Juan	\$28,725.00
	Aztec Main Exchange: 201 NLP RD.	2019	San Juan	\$26,925.00
	Chaparral Exchange: 937 B DR.	2019	Doña Ana	\$52,125.00
	Deming Exchange 92.5 RL11	2019	Luna	\$48,750.00
	Hatch Exchange: 23.8 HWY 140	2019	Doña Ana	\$37,500.00
	Hatch Exchange:25 HWY 140	2019	Doña Ana	\$41,625.00
	Portales Exchange: 351 SR RD S	2019	Roosevelt	\$42,000.00
	Tucumcari Exchange: 8.2 WTB	2019	Quay	\$70,875.00
	Tucumcari Exchange: 20.5 RL 106	2019	Quay	\$125,625.75
Tucumcari Exchange: 3001 S 1	2019	Quay	\$48,750.00	
Plateau Telecommunications Inc.	Moriarty South Zone 1	2019	Torrance	\$274,709.27
	Edgewood North Zone 1	2019	Santa Fe	\$244,717.30
	Edgewood Square H Community	2019	Santa Fe	\$401,627.09
Smith Bagley, Inc.	Bisti	2019	San Juan	\$374,399.00
	Mariano Lake	2019	McKinley	\$344,997.00
	Fence Lake	2019	Cibola	\$334,749.00
	Pinedale	2019	McKinley	\$342,749.00
TOTAL AMOUNT AWARDED IN 2019				\$4,552,686.41
Smith Bagley, Inc.	Crownpoint Group LTE Carrier Upgrades	2020	McKinley	\$681,722.00
	Ramah & Pine Hill LTE Carrier Upgrades	2020	McKinley	\$342,642.00
	Torreón Group LTE Carrier Upgrades	2020	Torrance	\$604,704.00
	Vanderwagen Group LTE Carrier Upgrades	2020	McKinley	\$527,063.00
	Zuni Group LTE Carrier Upgrades Project	2020	McKinley	\$474,363.00
	Burnham 4G/LTE Overlay Project	2020	San Juan	\$212,799.00
	Standing Rock LTE Overlay Project	2020	McKinley	\$171,821.00
	Beclabito Tower Build Project	2020	San Juan	\$438,321.00
	Casamero Lake Tower Build Project	2020	McKinley	\$439,917.00
	Little Water Tower Build Project	2020	San Juan	\$448,667.00
	Star Lake Tower Build Project	2020	McKinley	\$443,712.00
	White Rock Chapter Tower Build Project	2020	Los Alamos	\$434,911.00
	Torreón – Tinian Fiber Build Project	2020	Torrance	\$769,920.00
	Windstream Communications	Tierra Amarilla Project	2020	Rio Arriba
Veldarde Project		2020	Rio Arriba	\$10,984.00
CenturyLink	Aztec Main Exchange: X 3 RL46D19	2020	San Juan	\$276,375.00
	Aztec Main Exchange: X 40.9 Road 4990	2020	San Juan	\$55,499.00
	Aztec Main Exchange: X 50.9 Sullivan Rd	2020	San Juan	\$60,098.00
	Santa Teresa Exchange: X 86 KOOGLE RD	2020	Doña Ana	\$108,375.00
Plateau Telecommunications Inc.	Edgewood 2020 Trail Area Project	2020	Santa Fe	\$575,190.75
Baca ValleyTelephone Co.Inc. / Sierra Comm.	Turf Drive Area Project	2020	Colfax	\$61,089.78
	TO Ranch to Raton Project	2020	Colfax	\$131,679.06
	Anderson Project	2020	Colfax	\$70,137.84
Continental Divide Electric Cooperative, Inc. (CDEC)	Zuni Fiber Project	2020	McKinley	\$3,235,233.00
Kit Carson Electric Coop., Inc.	Taos and Picuris Pueblos Project	2020	Taos	\$634,687.50
NTUA Wireless, LLC	Tohatchi Broadband Project	2020	McKinley	\$579,506.48
Dell Telephone Coop., Inc.	Timberon Last Mile Upgrade and Expansion	2020	Otero	\$561,000.00
Roosevelt County Rural Telephone Coop. Inc.	HWY 202 Project	2020	Roosevelt	\$1,166,438.00
TOTAL AMOUNT AWARDED IN 2020				\$13,523,958.41