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September 30, 2026

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VIA EMAIL ONLY

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Dear Honorable Chairs and Members:

It is my privilege to deliver the attached report on behalf of the New Mexico Public Regulation Commission (the "Commission"). This report concerns the State Rural Universal Service Fund (the "SRUSF") and is made pursuant to Section 63-9H-15(D) of the Rural Telecommunications Act of New Mexico (the "RTA").<sup>1</sup> The RTA requires that the Commission issue a report to the Legislature providing information and recommendations as specified in the statute by October 1<sup>st</sup> of each year.

Effective July 1, 2026, the RTA was amended by the passage of Senate Bill 152. The 2026 amendments significantly altered the SRUSF, including substantial modifications to the Broadband Program and the establishment of a new low-income telecommunications assistance program ("LITAP"). The Commission is in the process of developing amendments to the Commission's rules to conform them to the 2026 statutory amendments, with the participation of the Office of Broadband Access and Expansion, the Public Education Department, the Health Care Authority, telecommunications and broadband carriers that anticipate participating in LITAP and the recently modified Broadband Program, and other stakeholders.

The attached report provides information concerning the status and progress of the Broadband Program as well as the Commission's ongoing efforts to implement LITAP in accordance with the 2026 RTA amendments. The report does not include recommendations regarding the structure, size, and purposes of the SRUSF as the effects of the

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<sup>1</sup> NMSA 1978, § 63-9H-1 through -16 (1999, as amended through 2025).

2026 amendments on the SRUSF and its stakeholders have not fully materialized. With greater insight expected over the coming year, the Commission plans to provide well-supported recommendations in its next annual report to the Legislature.

Sincerely,



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**SEVENTH 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”), provides this Seventh Report to the Legislature concerning the State Rural Universal Service Fund (“SRUSF”), pursuant to Section 63-9H-15(D) of the Rural Telecommunications Act of New Mexico<sup>1</sup> (“RTA”).

The RTA, as amended in 2026 by Senate Bill 152, requires the Commission to report, on or before October 1<sup>st</sup> of each year, to “the interim committee that studies economic and rural development, the legislative finance committee, the legislative education study committee and the interim committee that studies technology and telecommunications regarding the status of the broadband program and the low-income telecommunications assistance program.”<sup>2</sup> “The report shall be shared with the office [of broadband access and expansion], the public education department and the health care authority.”<sup>3</sup>

The new reporting requirements in Section 15 of the amended RTA differ significantly from the annual reporting requirements formerly found in Section 6.<sup>4</sup> These changes largely reflect the fact that Senate Bill 152 significantly altered the SRUSF, including substantial modifications to the Broadband Program and the establishment of a new low-income telecommunications assistance program (“LITAP”).<sup>5</sup> Therefore, some of the information that is

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<sup>1</sup> NMSA 1978, §§ 63-9H-1 to -16 (1999, as amended through 2026).

<sup>2</sup> NMSA 1978, § 63-9H-15(D) (2026).

<sup>3</sup> NMSA 1978, § 63-9H-15(D).

<sup>4</sup> Compare NMSA 1978, § 63-9H-15(D) (2026) with § 63-9H-6(R), (S) (2025).

<sup>5</sup> The Commission notes that it has administered its own low-income telephone assistance program since 2010, providing reimbursements from the SRUSF to eligible telecommunications carriers that provide eligible customers with a discount of \$3.50 per month, over and above the customer’s federal Lifeline benefit. The Commission has provided these benefits pursuant to the RTA and the Low Income Telephone Service

called for in the amended RTA is not yet available, particularly information concerning the new LITAP.<sup>6</sup> As described in Section III of this report, the Commission is currently in the process of developing rule amendments to implement LITAP, as required by the amended RTA.<sup>7</sup>

This report is divided into three sections. Section I of this report addresses the reporting requirements concerning LITAP,<sup>8</sup> providing the limited information that the Commission has at this early stage of implementation. Section II addresses the reporting requirements concerning the Broadband Program.<sup>9</sup> Section III addresses the reporting requirements concerning the Commission's collaboration with other agencies to implement LITAP and administer the Broadband Program.<sup>10</sup>

The Commission does not provide recommendations concerning the "structure, size, and purposes of the fund," including the caps established by the 2026 amendments to the RTA.<sup>11</sup> Such recommendations would be premature as there is not yet sufficient information available to evaluate the impacts of the recent amendments.

## **I. LITAP**

The amended RTA requires the Commission to provide the following information concerning LITAP:

the number of households receiving assistance from the low-income telecommunications assistance program pursuant to this section;

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Assistance Act, NMSA 1978, §§ 63-9C-1 to -6 (1987, repealed 2026), the latter of which was repealed by Senate Bill 152.

<sup>6</sup> See NMSA 1978, § 63-9H-15(D)(1), (2).

<sup>7</sup> See NMSA 1978, § 63-9H-15(A).

<sup>8</sup> See NMSA 1978, § 63-9H-15(D)(1)-(3).

<sup>9</sup> See NMSA 1978, § 63-9H-15(D)(4)-(6).

<sup>10</sup> See NMSA 1978, § 63-9H-15(D)(8), (9).

<sup>11</sup> See NMSA 1978, § 63-9H-15(D)(7).

the number of households in New Mexico eligible for low-income telecommunications assistance pursuant to this section based on eligible households identified by the public education department, the health care authority and the federal communications commission; and

the estimated cost of providing low-income telecommunications assistance to all eligible households in New Mexico.<sup>12</sup>

Given that the statutory amendments concerning LITAP became effective on July 1, 2026, the Commission has limited, responsive information at this time. The Commission is collecting information concerning anticipated demand for LITAP support for the purposes of projecting the total obligations of the SRUSF in 2027 and setting the level of the per-communication-connection surcharge that will fund such obligations.<sup>13</sup>

On August 14, 2026, the Commission opened its annual docket for setting the next year's SRUSF fund size and surcharge and requested eligible telecommunications carriers ("ETCs") to provide estimates of anticipated 2027 LITAP support needs.<sup>14</sup> The Commission noted that, "[a]s the Commission does not yet know which ETCs will participate in the new LITAP, the Commission should address the relevant inquiries in this Order to ETCs that are most likely to participate, which include ETCs with customers currently receiving LITAP support and/or Lifeline support."<sup>15</sup>

The Commission received responses from 15 ETCs. Most of the responses did not provide household counts but did project the total amount of LITAP anticipated support they will

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<sup>12</sup> NMSA 1978, §§ 63-9H-15(D)(1)-(3).

<sup>13</sup> See NMSA 1978, § 63-9H-6(B) ("The commission may establish the surcharge as a percentage of intrastate retail public telecommunications services revenue or as a fixed amount applicable to each communication connection").

<sup>14</sup> See Commission Docket No. 26-0000157.

<sup>15</sup> Commission Docket No. 26-0000157, Initial Order Requesting Information from Carriers (Aug. 14, 2026) at 4.

request in 2027, being approximately \$15 million.<sup>16</sup> This estimate exceeds the statutory \$10-million cap for the first year of LITAP.<sup>17</sup>

## II. Broadband Program

The amended RTA requires that the Commission provide the following information concerning the Broadband Program:

the service areas that received funding awards from the broadband program, the amounts of those awards and the nature of the awards;

the proposed construction time lines for all new broadband construction; and

a comparison of the annual broadband operation and maintenance funding provided by the commission each year, broken down by individual carrier.

The attached Map 1 shows the service areas that have received funding from the Broadband Program to date. The following table provides the company name, county(ies) served, funding amount, and nature of award for each project awarded Broadband Program support in 2025:<sup>18</sup>

| Company Name       | Project Name                   | County(ies)                    | Total Funds Awarded | Nature of award                        |
|--------------------|--------------------------------|--------------------------------|---------------------|----------------------------------------|
| NM Surf, Inc.      | Upper Goldmine Road – Galisteo | Santa Fe                       | \$1,014,909.38      | New construction                       |
| NM Surf, Inc.      | Madrid - Golden                | Santa Fe                       | \$1,853,770.50      | New construction                       |
| Smith Bagley, Inc. | N/A                            | San Juan<br>Cibola<br>McKinley | \$483,694.00        | Maintenance of existing infrastructure |

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<sup>16</sup> This estimate assumes that the Commission will adopt the funding levels that were recommended by participants in the Commission’s pending rulemaking proceeding, described in Section III, below. These levels are \$30.00 per month for each eligible non-Tribal household and \$70.00 per month for each eligible Tribal household.

<sup>17</sup> See NMSA 1978, § 63-9H-16(C)(1) (2026).

<sup>18</sup> See Commission Docket No. 25-00029-UT, Order Granting Broadband Applications (Oct. 2, 2025). Applications for Broadband Program funding received in 2026 are currently pending in Docket No. 26-0000085.

With respect to new broadband construction, 17.11.10 NMAC, the Commission's rule concerning the SRUSF, requires each applicant to commit to completing construction of new projects within three years of the order granting the award for the project.<sup>19</sup> Aligned with that requirement, NMSurf, Inc., has indicated that it expects to complete construction of the projects for which it was awarded funding in 2025, by October 3, 2028.

2025 was the first year the Commission granted an award for operations and maintenance. As shown in the table above, Smith Bagley, Inc., was awarded \$483,694.00 in support to maintain the operations of eleven projects across three counties.

In 2026, the Commission received 12 applications from six carriers, requesting a total of \$7,887,148.39 in Broadband Program funding.<sup>20</sup> The applications, which include requests for new construction funding as well as requests for operation and maintenance funding, are currently pending before the Commission.

### **III. Collaboration with other agencies**

The amended RTA requires the Commission to provide the following information concerning the Commission's collaboration with other agencies:

details regarding collaboration with the office of broadband access and expansion in the implementation and operation of the broadband program; and

details regarding collaboration with the public education department and the health care authority in the implementation and operation of the low-income telecommunications assistance program.<sup>21</sup>

Each year, prior to the Commission's consideration of Broadband Program applications, the Commission's Telecommunications Bureau Staff ("Staff") coordinates with the Office of

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<sup>19</sup> 17.11.10.31(H)(1) NMAC.

<sup>20</sup> See Commission Docket No. 26-0000085.

<sup>21</sup> NMSA 1978, § 63-9H-15(D)(8), (9).

Broadband Access and Expansion (“OBAE”). Staff provides propagation maps and other relevant project files for OBAE’s review. This coordination is intended to identify any potential overlap with existing coverage areas or other conflicts with OBAE’s current or planned funding initiatives. If OBAE identifies a potential conflict, Staff communicates the issue to the affected carrier, which generally results in the carrier withdrawing the project from consideration. Once all identified conflicts have been resolved, the remaining projects are presented to the Commission for consideration.

The Commission collaborates with the Public Education Department (“PED”) and the Health Care Authority (“HCA”) on the implementation of LITAP. PED and HCA also contributed to the Commission’s rulemaking concerning the 2026 amendments to the RTA.

The amended RTA requires the Commission to “promulgate rules to implement a low-income telecommunications assistance program to ensure affordable access to telecommunications services to eligible low-income households in New Mexico,” by January 1, 2027.<sup>22</sup> On April 24, 2026, the Commission commenced a rulemaking proceeding,<sup>23</sup> inviting stakeholders to confer with Commission Staff. Workshops were held, and Staff collaborated with stakeholders including OBAE, PED, HCA, and other interested persons. The workshop process resulted in a jointly proposed set of amendments to the two Commission rules relevant to the amendments to the RTA: 17.11.10 NMAC, “State Rural Universal Service Fund,” and 17.11.11 NMAC, “Lifeline and Linkup Benefits.” The Commission issued its Order Issuing Notice of

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<sup>22</sup> NMSA 1978, § 63-9H-15(A).

<sup>23</sup> See Commission Docket No. 25-00065-UT.

Proposed Rulemaking on July 17, 2026, commencing the formal, comment-and-hearing portion of the rulemaking proceeding, pursuant to the State Rules Act<sup>24</sup>.

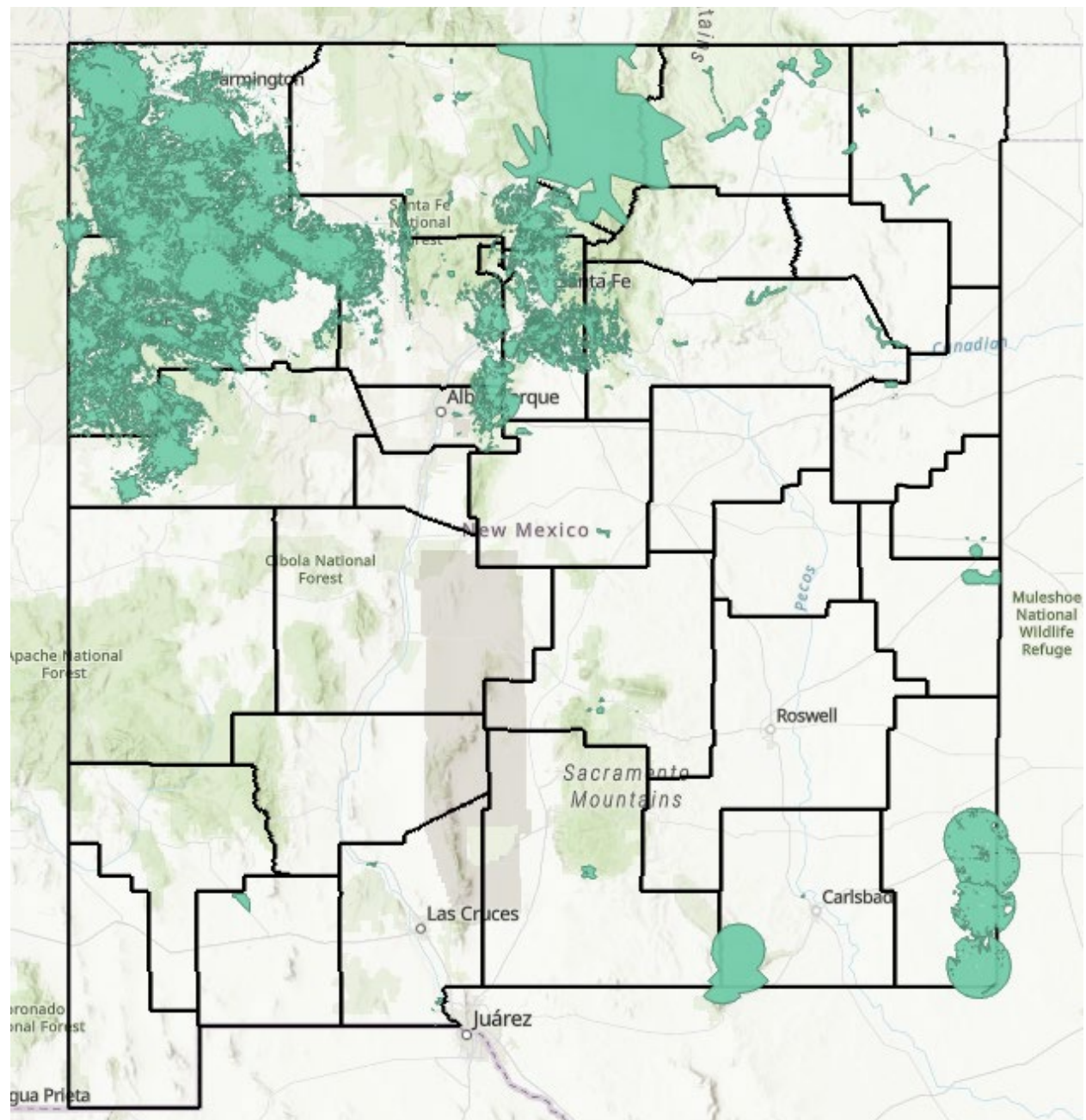
#### **IV. Conclusion**

In conclusion, the Commission is working to ensure timely implementation of LITAP, in collaboration with OBAE, PED, HCA, and other stakeholders. The Commission continues to administer the Broadband Program in conformity with the RTA, including modifications to the program as provided in the 2026 amendments to the RTA. After gaining experience with the implementation and administration of LITAP, as well as the modifications to the Broadband Program, the Commission will be able to provide helpful recommendations to the Legislature in next year's report and will report actual numbers that are not yet available to the Commission.

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<sup>24</sup> NMSA 1978, §§ 14-4-1 to -11 (1967, as amended through 2017).

**MAP 1: Coverage Areas of PRC Broadband Program Projects**



Connect New Mexico Publicly Funded Projects for NM Broadband, last visited Aug. 26, 2026.  
<https://experience.arcgis.com/experience/fa07c9e3b6e348b9b7b3279353fa810a>

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