

**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. 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 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. 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. 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 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/>.