

TITLE 17 PUBLIC UTILITIES AND UTILITY SERVICES
CHAPTER 11 TELECOMMUNICATIONS
PART 17 INFRASTRUCTURE AND HIGH SPEED DATA SERVICES

17.11.17.1 ISSUING AGENCY: New Mexico Public Regulation Commission
[17.11.17.1 NMAC - N, 1-1-01]

17.11.17.2 SCOPE: This rule applies to all incumbent local exchange carriers.

A. Where the commission has approved an alternative form of regulation plan for an ILEC, and a provision in the approved plan is inconsistent with a provision in this rule, the provision in the approved plan shall apply.

B. Where the commission has approved an alternative form of regulation plan for an ILEC, and the approved plan is silent with respect to the subject matter of a provision in this rule, the provision in this rule shall apply.

C. All ILECs, including those operating under an approved alternative form of regulation plan, shall comply with the reporting requirements set forth in this rule.

[17.11.17.2 NMAC - N, 1-1-01]

17.11.17.3 STATUTORY AUTHORITY: NMSA 1978 Sections 8-8-4, 8-8-15, 63-7-1.1, and 63-9A-8.2.

[17.11.17.3 NMAC - N, 1-1-01]

17.11.17.4 DURATION: Permanent.

[17.11.17.4 NMAC - N, 1-1-01]

17.11.17.5 EFFECTIVE DATE: January 1, 2001, unless a later date is cited at the end of a section.

[17.11.17.5 NMAC - N, 1-1-01]

17.11.17.6 OBJECTIVE: The purpose of this rule is to impose requirements on incumbent local exchange carriers to ensure adequate investment in a telecommunications infrastructure in New Mexico capable of providing high-speed data services, and to encourage the competitive supply of high-speed data services, promote the timely provision of local exchange service, and ensure that New Mexico's quality of service standards are upheld. The requirements in this rule are in addition to the requirements in the federal Telecommunications Act of 1996, Pub. L. 104-104 (1996).

[17.11.17.6 NMAC - N, 1-1-01]

17.11.17.7 DEFINITIONS: As used in this rule:

A. basic local exchange service means the customer's voice grade access to the public switched network, dual tone multifrequency (DTMF) signaling or its functional equivalent, and access to emergency services (911 and E-911), operator services, toll services, directory assistance, and toll blocking services for qualifying low income customers;

B. carrier means any person that furnishes telecommunications service to the public subject to the jurisdiction of the commission, regardless of the facilities used and regardless of whether the person relies in part or entirely on another carrier's facilities;

C. competitive local exchange carrier (CLEC) means a carrier that provides competitive local exchange service in its service area and is not an ILEC;

D. high-speed data services means technology that supports data transmission at a minimum rate of 56 kilobits per second in the consumer-to-carrier direction, and at a minimum rate of 200 kilobits per second in the carrier-to-consumer direction;

E. incumbent local exchange carrier (ILEC) means a person, or an affiliate of a person, that was authorized to provide local exchange service in New Mexico on February 8, 1996, or a successor or assignee of the person or affiliate; a carrier will also be treated as an ILEC if the federal communications commission determines that such provider (or class or category of carrier) shall be treated as an ILEC pursuant to 47 U.S.C. Section 251(h)(2);

F. interconnection means the linking of two (2) networks for the mutual exchange of traffic, but does not include the transport and termination of traffic;

G. loop means a transmission facility between a distribution frame (or its equivalent) in a central office and a demarcation point at an end user customer premises;

H. unbundled network element (UNE) means a facility or equipment used in the provision of a telecommunications service that an ILEC must provide to any requesting carrier on an unbundled basis, pursuant to Section 251(c)(3) of the Telecommunications Act of 1996, Pub. L. No. 104-104 (1996). The term includes, but is not limited to, features, functions, and capabilities that are provided by means of such facility or equipment, including but not limited to, subscriber numbers, databases, signaling systems, and information sufficient for billing and collection or used in the transmission, routing, or other provision of a telecommunications service.

[17.11.17.7 NMAC - N, 1-1-01]

17.11.17.8 CAPITAL INVESTMENT:

A. An ILEC's annual investment in telecommunications infrastructure shall be adequate and sufficient to meet and maintain:

- (1) the timely provision of basic local exchange service;
- (2) the requirements for infrastructure upgrades and deployment of high-speed data services set forth in this rule; and
- (3) the quality of service standards adopted by the commission.

B. An ILEC shall meet at least annually with the commission regarding the status of the ILEC's infrastructure investments in New Mexico.

[17.11.17.8 NMAC - N, 1-1-01]

17.11.17.9 DISTRIBUTION PLANT: An ILEC shall develop and implement a plan to upgrade its distribution plant to:

- A.** relieve congestion on routes marked by high line growth;
- B.** meet demand for and enhance the quality of basic local exchange service;
- C.** facilitate the introduction and deployment of high-speed data services; and
- D.** meet the quality of service standards adopted by the commission.

[17.11.17.9 NMAC - N, 1-1-01]

17.11.17.10 INTEROFFICE TRANSMISSION FACILITIES:

A. An ILEC shall develop and implement a plan to deploy and/or upgrade transport facilities on interoffice routes marked by high growth in order to:

- (1) meet demand for and enhance the quality of basic local exchange service;
- (2) facilitate the introduction and deployment of high-speed data services;
- (3) meet the quality of service standards adopted by the commission;
- (4) relieve congestion;
- (5) improve service;
- (6) route traffic more efficiently;
- (7) accommodate growth in traffic; and
- (8) support the services and features offered by the ILEC.

B. An ILEC may lease such facilities from other carriers rather than build its own facilities.

[17.11.17.10 NMAC - N, 1-1-01]

17.11.17.11 SWITCHING PLANT:

A. Replace analog switches. An ILEC shall replace all analog central office switches with digital central office equipment by January 1, 2002.

B. Upgrade existing digital switches.

- (1) An ILEC shall upgrade its existing digital switching equipment to:
 - (a) address line congestion;
 - (b) accommodate growth in traffic;
 - (c) support the offering of new features; and
 - (d) support the following CLASS services in all exchanges: caller ID, caller name ID, call waiting, 3-way calling, call forwarding, call return, call blocker, and auto redial.
- (2) By January 1, 2002, an ILEC shall upgrade at least fifty (50) percent of its digital switches in accordance with the requirements of this subsection.
- (3) By January 1, 2003, an ILEC shall upgrade one hundred (100) percent of its digital switches in

accordance with the requirements of this subsection.

C. Specific investments. An ILEC shall make specific investments which shall include, but not be limited to:

- (1) high-capacity line cards;
- (2) upgrades of processors, switch hardware, and switch software to support new features and services; and
- (3) upgrades of other related switching equipment.

[17.11.17.11 NMAC - N, 1-1-01]

17.11.17.12 DEPLOYMENT OF HIGH-SPEED DATA SERVICES: An ILEC shall commit resources and field technicians toward providing high-speed data services in both urban and rural areas of New Mexico.

A. By January 1, 2003, an ILEC shall offer high-speed data services in all exchanges serving 5,000 or more access lines.

B. In all exchanges serving fewer than 5,000 access lines, an ILEC shall provide high-speed data services within eighteen (18) months of a demonstration of demand equal to the smaller of:

- (1) ten (10) percent of the number of access lines in the exchange; or
- (2) seventy-five (75) access lines.

[17.11.17.12 NMAC - N, 1-1-01]

17.11.17.13 LINE SHARING: An ILEC shall provide CLECs with access to UNEs and interconnection arrangements required for the provision of line sharing in compliance with all applicable commission and FCC orders and rules.

[17.11.17.13 NMAC - N, 1-1-01]

17.11.17.14 REPORTING REQUIREMENTS:

A. Initial report. By February 1, 2001, an ILEC shall submit to the commission a report identifying:

- (1) all exchanges and the number of access lines served by each exchange;
- (2) those exchanges in which high-speed data services are currently provided, and the type of high-speed data service deployed;
- (3) the analog switches currently deployed in New Mexico, and a plan for replacing them with digital switches by January 1, 2002; and
- (4) the digital switches currently deployed in New Mexico that require upgrading in accordance with Subsection B of 17.11.17.11 NMAC.

B. Annual reports: An ILEC shall file an annual report with the commission no later than March 31 of each year. The annual report shall include, but not be limited to:

- (1) a list of all exchanges and the number of access lines served by each exchange;
- (2) a description of the general level of capital investment in telecommunications infrastructure made over the prior calendar year;
- (3) a description and quantification of investment in distribution plant made pursuant to 17.11.17.9 NMAC;
- (4) a description and quantification of investment in interoffice transport facilities made pursuant to 17.11.17.10 NMAC;
- (5) a list of analog switches replaced with digital switches pursuant to Subsection A of 17.11.17.11 NMAC;
- (6) a list of digital switches upgraded pursuant to Subsection B of 17.11.17.11 NMAC;
- (7) a description and quantification of investment in and deployment of high-speed data services in exchanges made pursuant to 17.11.17.12 NMAC and the number of requests for high-speed data service in exchanges serving fewer than 5,000 access lines; and
- (8) a description of actions taken in accordance with the line sharing requirements in 17.11.17.13 NMAC.

C. Additional reports. The commission may, at any time, request any additional information it may deem necessary.

D. Confidentiality. An ILEC may request, and the commission may grant, a protective order for portions of these reports pursuant to 17 NMAC 1.2, Utility Division Procedures.

[17.11.17.14 NMAC - N, 1-1-01]

17.11.17.15 EXEMPTION OR VARIANCE:

A. General requirements.

- (1) An ILEC may petition for an exemption or a variance from any of the requirements of this rule.
- (2) Such petition may include a motion that the commission stay the affected portion of this rule for the transaction specified in the motion.
- (3) Petitions for an exemption or a variance and motions for a stay must be supported by an affidavit signed by an officer of the ILEC or someone with authority to sign for the ILEC.
- (4) The commission may, at its discretion, require an informal conference or formal evidentiary hearing prior to making its determination.

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

- (1) identify the section of this rule for which the exemption or variance is requested;
- (2) describe the situation which necessitates the exemption or variance;
- (3) describe the effect of complying with this rule on the ILEC and its customers, and on its competitive affiliates and their customers, if the exemption or variance is not granted;
- (4) describe the result the request will have if granted;
- (5) state how the exemption or variance will achieve the purposes of this rule and the New Mexico Telecommunications Act;
- (6) state why the proposed alternative is in the public interest and is a better alternative than that provided by this rule; and
- (7) state why the exemption or variance would have no anticompetitive effect.

[17.11.17.15 NMAC - N, 1-1-01]

History of 17.11.17 NMAC: [RESERVED]