

TITLE 17 PUBLIC UTILITIES AND UTILITY SERVICES
CHAPTER 11 TELECOMMUNICATIONS
PART 18 INTERCONNECTION FACILITIES AND UNBUNDLED NETWORK ELEMENTS

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

17.11.18.2 SCOPE: This rule applies to all telecommunications carriers authorized by the commission to provide local exchange service in New Mexico.
[17.11.18.2 NMAC - N, 1-1-01]

17.11.18.3 STATUTORY AUTHORITY: NMSA 1978 Sections 8-8-4, 8-8-15 and 63-9A-8.2.
[17.11.18.3 NMAC - N, 1-1-01]

17.11.18.4 DURATION: Permanent.
[17.11.18.4 NMAC - N, 1-1-01]

17.11.18.5 EFFECTIVE DATE: January 1, 2001, unless a later date is cited at the end of a section.
[17.11.18.5 NMAC - N, 1-1-01]

17.11.18.6 OBJECTIVE: The purpose of this rule is to facilitate the provision of local exchange services in New Mexico by prescribing the interconnection via direct or indirect means of all providers of local exchange services and the unbundling of the networks of ILECs, and establishing quality of service standards for wholesale services provided by ILECs. The requirements in this rule are in addition to the requirements in the federal Telecommunication Act of 1996, Pub. L. 104-104 (1996).
[17.11.18.6 NMAC - N, 1-1-01]

17.11.18.7 DEFINITIONS: As used in this rule:

- A. bill-and-keep arrangement means neither of two interconnecting LECs charges the other for the transport and termination of local calls that originate on the other LEC's network;
- 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 local exchange and exchange access service in its service area and is not an ILEC;
- D. element includes an ILEC's UNEs, ILEC-provided collocation and other methods of obtaining interconnection and access to UNEs, and an ILEC's transport and termination of local traffic originated by an interconnecting LEC whenever explicit reciprocal compensation charges are established;
- E. embedded costs means costs an ILEC incurred in the past that are recorded in the ILEC's books of accounts;
- F. forward-looking common costs means economic costs efficiently incurred in providing a group of UNEs or services (which may include all UNEs or services provided by the ILEC) that cannot be attributed directly to individual UNEs or services;
- G. forward-looking cost of capital means the cost of obtaining debt and equity financing in the capital markets;
- H. incumbent local exchange carrier (ILEC) means a person, or an affiliate of a person, that was authorized to provide local exchange and exchange access service in New Mexico on February 8, 1996 or a successor or assignee of such person or affiliate; a telecommunications provider will also be treated as an ILEC if the federal communications commission determines that such provider (or class or category of provider) shall be treated as an ILEC pursuant to 47 U.S.C. Section 251(h)(2);
- I. interconnection means the linking of two networks for the mutual exchange of traffic, but does not include the transport and termination of traffic;
- J. local call means a local exchange service call for which the originating location (defined as the location of the NID serving the originating end user) and the terminating location (defined as the location of the NID serving the terminating end user) are located within the local calling area defined for the originating end user,

including all mandatory emergency alert system (“EAS”) exchanges and any optional EAS exchanges to which the originating end user subscribes;

K. local exchange carrier (LEC) means a provider of local exchange and exchange access service and includes both CLECs and ILECs;

L. network interface device (NID) means the cross-connect device used to connect loop facilities to intra-premises cabling or inside wiring at an end user’s premises;

M. opportunity costs means the revenues the ILEC would have received for the sale of telecommunications services in the absence of competition from telecommunications carriers that purchase UNEs;

N. originating LEC means the LEC that serves the end user who originates a local call;

O. physical collocation has the meaning given in 47 C.F.R. Section 51.5;

P. retailing costs include the costs of marketing, billing, collection and other functions associated with offering retail telecommunications services to subscribers who are not telecommunications carriers;

Q. rural local exchange carrier (rural LEC) has the meaning given in 47 U.S.C. Section 153(37) for “rural telephone company”;

R. terminating LEC means the LEC that serves the end user who receives a local call;

S. total element long run incremental cost (TELRIC) (of a UNE) means the forward-looking cost over the long run of the total quantity of facilities and functions directly attributable to, or reasonably identifiable as incremental to, a UNE, assuming the ILEC’s provision of other UNEs;

T. 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 telecommunications carrier on an unbundled basis, pursuant to Section 251(c)(3) of the Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56 (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;

U. virtual collocation has the meaning given in 47 C.F.R. Section 51.5.

[17.11.18.7 NMAC - N, 1-1-01; A, 08-15-06]

17.11.18.8 INTERCONNECTION OF LOCAL EXCHANGE CARRIERS: All LECs shall interconnect directly or indirectly with the facilities and equipment of other LECs for the seamless provision of local exchange service.

A. Interconnection to ILEC networks. Each ILEC shall, upon request, allow any other LEC to interconnect with its network for the purpose of providing local exchange and exchange access services. Rates, terms and conditions for interconnection shall be just, reasonable, nondiscriminatory and in accordance with the requirements of this rule.

B. Quality of interconnection. The interconnection provided by the ILEC must be at least equal in quality to that provided by the ILEC to itself or any subsidiary, affiliate, or other party to which the ILEC provides interconnection.

C. Points of interconnection.

(1) An ILEC shall allow any other LEC to interconnect to its network at any technically feasible point.

(2) The ILEC and the requesting LEC shall negotiate meet points of interconnection. Each party shall be responsible for the costs of constructing facilities to the meet point and neither party may impose a meet point that would require one party to incur significantly greater construction costs to build to the meet point than the other party.

(3) Each LEC shall construct and maintain its facilities at the point of interconnection in accordance with accepted engineering standards and practices in the exchange carrier industry.

(4) Each terminating LEC will make available to each originating LEC all technical references to documents issued by industry standards bodies or equipment manufacturers that define the engineering specifications necessary for the originating LEC’s equipment to interface with the terminating LEC’s interconnection facilities.

D. Joint facilities construction and use. LECs may jointly construct interconnection facilities and apportion the cost and expense between any joint users of those facilities.

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

17.11.18.9 RECIPROCAL COMPENSATION: Interconnecting LECs shall establish reciprocal compensation arrangements for the transport and termination of local calls pursuant to 47 U.S.C. Section 252(d)(2), 47 C.F.R. Section 51.701-717 and the requirements of this section. All local calls, including calls used for voice communications, data communications and connection to the internet or an internet services provider, shall be subject to the reciprocal compensation arrangements.

A. Interconnecting LECs may by mutual agreement establish bill-and-keep arrangements to satisfy their reciprocal compensation obligations or may negotiate explicit rates for reciprocal compensation in accordance with 47 U.S.C. Section 252 and this rule.

B. A LEC that has entered into a bill-and-keep arrangement may, ninety (90) days following the effective date of such agreement, petition the commission to initiate negotiation of explicit reciprocal compensation charges. The commission shall grant such petition if the petitioning party demonstrates that the amount of local traffic handed off from one network to the other, measured on a monthly basis, is out of balance in either direction by more than ten percent (10%) for three consecutive months.

C. If two interconnecting LECs are unable to determine mutually agreeable rates for reciprocal compensation, the commission shall establish explicit reciprocal compensation rates.

(1) The commission shall establish a reciprocal compensation rate structure that is consistent with the costs incurred by LECs for the transport and termination of local calls.

(2) If only one of the interconnecting LECs is an incumbent, then unless paragraph 3 of this subsection applies, the commission shall establish symmetrical reciprocal compensation rates (i.e., the same rates will apply to the transport and termination of traffic originating with either LEC), based on the ILEC's forward-looking economic costs, calculated as prescribed in 17.11.18.15 NMAC.

(3) If only one of the interconnecting LECs is an incumbent, the other LEC may file a cost study with the commission to demonstrate that its forward-looking economic costs for transport and termination of local calls are higher than those of the interconnecting ILEC. If the commission finds that costs for transport and termination of local calls are disparate, the commission shall establish asymmetric rates for reciprocal compensation, based on the forward-looking economic costs for transport and termination of local calls incurred by each LEC.

(4) If both interconnecting LECs are incumbents, or neither is an incumbent, the commission shall establish symmetrical reciprocal compensation rates based on the larger LEC's forward-looking economic costs, calculated as prescribed in 17.11.18.15 NMAC.

[17.11.18.9 NMAC - N, 1-1-01; A, 08-15-06]

17.11.18.10 ACCESS REQUIREMENTS:

A. To rights-of-way.

(1) A LEC shall provide to interconnecting LECs non-discriminatory access to all facility rights-of-way, conduits, ducts, poles and pole attachments, and building entrance facilities under its ownership or control, provided that the LEC requesting access has obtained all required authorizations from third-party property owners and appropriate government authorities.

(2) When two interconnecting LECs are unable to negotiate mutually acceptable terms and conditions for access to rights-of-way, the commission shall determine any unresolved matters.

B. To emergency call networks. All LECs shall cooperate to insure the seamless operation of emergency call networks, including 911, E-911 and 0-dialed calls.

(1) An ILEC shall allow LECs to interconnect at its E-911 tandem so that each LEC's customers may place calls to public safety answering points by dialing 911.

(2) A LEC shall not charge another LEC for any service, activity, or facility associated with the provision of 911 or E-911 services other than call transport and termination charges.

C. To telephone numbers. Each interconnecting LEC shall be responsible for contacting the north American numbering plan administrator (NANPA) to obtain its own NXX or NXX-X codes and to initiate NXX or NXX-X assignment requests.

D. To operator services and directory assistance databases. Interconnecting LECs shall make available to each other non-discriminatory access to their databases for operator services and directory assistance.

E. To signaling networks and databases. Interconnecting LECs shall make available to each other:

(1) non-discriminatory access to their signaling systems, databases, facilities and protocols used in the routing of local and interexchange traffic, including signaling protocols used in the query of call processing databases such as 800 database service, alternate billing service (ABS) and line information data base (LIDB); and

(2) the signaling resources and information necessary for interconnecting LECs' routing of local and interexchange traffic.

[17.11.18.10 NMAC - N, 1-1-01; A, 08-15-06]

17.11.18.11 OBLIGATIONS OF ALL LECS:

A. Dialing parity. LECs must provide dialing parity to competing providers of local exchange service and intrastate toll service so that the end users of an interconnecting carrier do not have to dial more digits than the LEC's own end users, or incur dial delays that exceed the LEC's quality of service, in order to complete local calls through the interconnected facilities.

B. Number portability. To the extent technically feasible, LECs shall provide number portability in accordance with the requirements in 47 C.F.R. 51.203.

C. Interoperability of operator services. Interconnecting LECs shall negotiate mutual agreements to ensure the interoperability of non-optional operator services between their networks, including but not limited to the ability of operators on each network to perform such operator functions as completing collect calls, third-party calls, call screening, busy line verification calls and busy line interrupt.

D. Mutual billing and collection agreements.

(1) Interconnecting LECs shall provide each other with answer and disconnect supervision.

Interconnecting LECs shall enter into mutual billing and collection agreements for the accurate and timely exchange of billing records information to support:

(a) billing end users, including the exchange of telephone number information, the use of non-proprietary calling cards and the collect billing of third-party calls to a number served by another LEC;

(b) determining intercompany settlements for local and non-local traffic; and

(c) validating the jurisdictional nature of traffic.

(2) The billing data exchanged shall be provided in accordance with national industry standards.

E. Disclosure of customer proprietary network information. Interconnecting LECs shall not disclose customer-proprietary network information to each other without the express and affirmative consent of the affected end user and shall protect customer-proprietary network information in compliance with 47 U.S.C. Section 702 and applicable federal and state rules.

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

17.11.18.12 INTERCONNECTION OBLIGATIONS OF ILECS:

A. Unbundling of ILEC networks.

(1) At a minimum, ILECs shall unbundle their networks to the extent required by the federal communications commission ("FCC") in 47 C.F.R. Sections 51.307 through 51.321. Nothing in this rule precludes the commission from requiring ILECs to undertake further unbundling of their networks, including further unbundling of network elements pursuant to 17.11.18.8 NMAC through 17.11.18.13 NMAC.

(2) Rates for UNEs shall be based on the ILEC's forward-looking economic costs, calculated as prescribed in 17.11.18.15 NMAC.

B. Collocation. ILECs shall provide for the collocation of equipment necessary for interconnection or access to the ILEC's UNEs, in accordance with 47 C.F.R. Section 51.323 and the requirements of this rule. An ILEC shall offer collocation pursuant to rates, terms and conditions that are just, reasonable, and nondiscriminatory. A LEC may request either physical collocation or virtual collocation from an ILEC, and the ILEC shall provide the requested form of collocation, except that the ILEC may provide virtual collocation if the commission determines that physical collocation is not practical for technical reasons or because of space limitations.

C. Exemptions for certain rural ILECs. An ILEC that qualifies as a rural LEC shall be exempt from the requirements of 47 U.S.C. Section 251(c) and this section until it has received a request for interconnection or purchase of a UNE.

D. Procedure for termination of exemption of certain rural ILECs.

(1) A party requesting interconnection or purchase of a UNE from a rural ILEC shall submit a copy of its request to the commission.

(2) The commission shall conduct a hearing for the purpose of determining whether to terminate the rural ILEC's exemption.

(3) In evaluating the request for interconnection or purchase of a UNE, the commission shall consider whether:

(a) the request is technically feasible; in making this determination, the commission may consider evidence brought by the requesting party concerning the provision of interconnection arrangements and UNEs by similarly situated rural ILECs in New Mexico or other states;

(b) the request is unduly economically burdensome to the rural ILEC or its customers; in making this determination, the commission may require the rural ILEC to provide an estimate of the costs of complying with the request and information on its costs and revenues beyond that included in the company's periodic reports to the commission;

(c) granting the request would be consistent with the objectives of universal service and the specific requirements of 47 U.S.C. Section 254 (exclusive of subsections (b)(7) and (c)(1)(D)); in making this determination, the commission may consider the potential benefits to end users from the provision of competitive services in the rural ILEC's service territory, as well as the potential impact of granting the request on the rural ILEC.

(4) The commission shall issue a final ruling on the request within one hundred twenty (120) days of receipt of the request.

(5) If the commission terminates a rural ILEC's exemption, it shall establish a schedule for implementing the request for interconnection or purchase of a UNE.

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

17.11.18.13 WHITE-PAGES TELEPHONE DIRECTORY LISTINGS:

A. Interconnecting LECs shall ensure that all end users in their service territories have access to white-pages telephone directories and directory listing information from directory assistance operators for all listed end users in their service territories. An ILEC or a CLEC satisfies the requirement to provide "access to white-pages telephone directories" if it, or its directory publisher, provides reasonable notice to end users of the option to receive such directories upon request, free of charge, and within a reasonable time of the request.

B. Each ILEC shall be designated the initial white-pages telephone directory provider ("white-pages provider") in its service territory and shall assume the responsibilities set forth in this section. With commission approval, a different LEC may be designated as the white-pages provider for the ILEC's service territory and may assume the responsibilities set forth in this section.

C. The white-pages provider shall cause to be published annually, in a white-pages telephone directory, the name, address, and telephone number for all listed end users within the territory served by the ILEC regardless of whether the end user subscribes to the local exchange service of the ILEC or another LEC. The white-pages provider shall publish all listings in alphabetical sequence by end user name with no distinctions made in the style, size, or format of listings supplied by CLECs and the ILEC.

(1) The white-pages provider shall not include in the white-pages directories or directory assistance databases the telephone numbers of end users who elect not to be published.

(2) The white-pages provider shall not include in the white-pages directories end users who elect not to be directory listed but shall include them in the directory assistance databases.

D. The white-pages provider shall include the same directory listings information in its directory assistance database, and shall provide all interconnecting LECs with access to that database for the purpose of providing directory assistance. The white-pages provider shall update its directory assistance database to include the listing for a new customer of a CLEC within seventy-two (72) hours of receipt of the listing from the CLEC.

E. The white-pages provider shall cause each CLEC to receive sufficient copies of the white-pages telephone directory to enable each CLEC to satisfy its obligations under Subsection A.

F. The white-pages provider shall provide space in the customer guide pages of the white-pages directory to a CLEC for the purpose of notifying customers how to reach the CLEC to request service, contact repair service, dial directory assistance, reach an account representative, request buried cable local service and contact the special needs center for customers with disabilities.

G. The white-pages provider shall provide premium listings in its white-pages telephone directory to the end users of CLECs on the same terms and conditions it offers premium listings to its own customers.

H. The white-pages provider shall provide CLECs a minimum of ninety (90) days' notice of deadlines associated with publication of the white-pages telephone directory. Each CLEC shall be responsible for ensuring it provides the white-pages provider with its directory listings information in a timely and accurate fashion. CLECs shall bear all responsibility for errors or omissions in the directory listings information provided to the white-pages provider.

I. The white-pages provider shall provide accurate and current directory listings information and updates to non-affiliated publishers of yellow-pages advertising directories in a non-discriminatory manner.

[17.11.18.13 NMAC - N, 1-1-01; A, 08-15-06; A, 12-14-12]

17.11.18.14 COSTING AND PRICING STANDARDS:

A. General pricing standard. An ILEC shall offer elements to requesting LECs at rates, terms and conditions that are just, reasonable and nondiscriminatory. An ILEC shall not charge different rates for elements based on the class of customers served by the requesting LEC or the type of service provided by the requesting LEC.

B. Cost study required. An ILEC shall conduct a cost study using the methodology set forth in 17.11.18.15 NMAC and shall provide supporting documentation in accordance with 17.11.18.16 NMAC to prove to the commission that the rates for each element it offers do not exceed the forward-looking economic cost per unit of providing the element.

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

17.11.18.15 COSTING METHODOLOGY:

A. Formula. The forward-looking economic cost of an element shall be calculated as the sum of:

- (1) the total element long-run incremental cost (TELRIC) of the element; and
- (2) a reasonable allocation of forward-looking common costs.

B. Calculation of TELRIC.

(1) Least cost technology. An ILEC shall calculate TELRIC on the basis of the most economically efficient choice of technology, or mix of technologies, in the long run, provided that such choice shall be:

- (a) restricted to technologies that are currently available on the market and for which vendor prices can be obtained;
- (b) consistent with the level of output necessary to satisfy current demand levels for all services using the UNE in question; and
- (c) consistent with overall network design and topology requirements.

(2) Forward-looking cost of capital. In calculating the TELRIC of an element, an ILEC shall use the forward-looking cost of capital.

(3) Depreciation rates. In calculating forward-looking economic costs of elements, an ILEC shall use depreciation rates for capital assets that reflect changes in the economic value of those assets over time.

C. Reasonable allocation of forward-looking common costs. The commission shall consider an allocation of forward-looking common costs to an element to be reasonable if the ILEC demonstrates that:

(1) the sum of the allocation of forward-looking common costs plus the TELRIC of the element does not exceed the stand-alone costs associated with the element; in this context, stand-alone costs are the total forward-looking costs, including corporate costs, that would be incurred to produce a given element if that element were provided by an efficient firm that produced nothing but the given element; and

(2) the sum of the allocation of forward-looking common costs for all elements and services equals the total forward-looking common costs, exclusive of retailing costs, attributable to operating the ILEC's total network so as to provide all the elements and services offered.

D. Factors that may not be considered. In calculating the forward-looking economic cost of an element, an ILEC shall not consider embedded costs, retailing costs, opportunity costs, revenues associated with elements or telecommunications service offerings other than the element for which a rate is being established.

E. Units. The forward-looking economic cost per unit of an element equals the forward-looking economic cost of the element, calculated as prescribed in 17.11.18.15 NMAC, divided by a reasonable projection of the sum of the total number of units of the element the ILEC is likely to provide to requesting LECs and the total number of units of the element the ILEC is likely to use in offering its own services, during a reasonable measuring period.

(1) For elements an ILEC offers on a flat-rate basis, the number of units shall be the discrete number of UNEs the ILEC uses or provides (e.g., local loops or local switch ports).

(2) For elements an ILEC offers on a usage-sensitive basis, the number of units shall be the unit used to measure usage of the element (e.g., minutes of use or number of call-related database queries).

[17.11.18.15 NMAC - N, 1-1-01; A, 08-15-06]

17.11.18.16 SUPPORTING DOCUMENTATION: When an ILEC files a cost study with the commission in support of its forward-looking economic cost estimates, it must also file a complete set of supporting workpapers and source documents.

A. The workpapers must clearly and logically present all data used in developing the estimate and shall provide a narrative explanation of all formulas or algorithms applied to the data. The workpapers must allow others to replicate the methodology and calculate equivalent or alternative results using equivalent or alternative assumptions.

B. The workpapers must clearly set forth all significant assumptions and identify all source documents used in preparing the cost estimate.

C. The workpapers must be organized so that a person with expertise in analyzing forward-looking cost studies, but otherwise initially unfamiliar with the particular study, will be able to work from the initial investment, expense and demand data to the final cost estimate. The workpapers must clearly identify what each number used in developing the estimate represents.

D. The source of any data relied on in the study should be clearly identified and readily available, if not included with the workpapers.

E. Any figures expressed in terms of dollars per unit must be traceable to the original source documents containing the number of dollars and units from which the figures were calculated.

F. To the extent practicable, an ILEC shall provide all data and workpapers in an electronic file on an electronically-formatted device using commercially available spreadsheet or database software formats. Each electronically-formatted device must contain a "read me" or similar file that describes the contents of each file on the device and provides an explanation of the definitions, formulas, equations and data on the device.

G. An ILEC shall provide an index or detailed table of contents of the workpapers and source documents.

[17.11.18.16 NMAC - N, 1-1-01; A, 08-15-06]

17.11.18.17 NEGOTIATION OF INTERCONNECTION AGREEMENTS: Interconnecting LECs shall engage in good-faith negotiations and cooperative planning to achieve mutually agreeable interconnection arrangements pursuant to 47 U.S.C. Section 252 and the procedures set forth in this rule. An ILEC may negotiate and enter into a binding agreement for interconnection with a requesting LEC pursuant to 47 U.S.C. Section 252(a)(1), without regard to the requirements set forth in 17.11.18.8 NMAC through 17.11.18.16 NMAC.

A. Unless the negotiating parties establish a mutually agreeable date, negotiations shall be deemed to begin on the date an ILEC receives a request for interconnection from a LEC.

B. A request for interconnection shall:

(1) be in writing and be hand-delivered or sent by certified mail or facsimile;

(2) identify the initial specific issues to be resolved, the specific underlying facts and the requesting LEC's proposed resolution of each issue;

(3) include as appendices any other material necessary to support the request; and

(4) identify the person authorized to negotiate for the requesting LEC.

C. The requesting LEC may identify additional issues for negotiation without causing an alteration of the date on which negotiations are deemed to begin.

D. The ILEC from which interconnection is sought shall respond to the interconnection request no later than fourteen (14) business days from the date the request is received. The response shall:

(1) be in writing and be hand-delivered or sent by certified mail or facsimile;

(2) respond specifically to the requesting LEC's proposed resolution of each initial issue, identify the specific underlying facts upon which the response is based and, if the response is not in agreement with the requesting LEC's proposed resolution of each issue, state the responding LEC's proposed resolution of each issue;

(3) include as appendices any other material necessary to support the response; and

(4) identify the person authorized to negotiate for the responding LEC.

E. At any point during the negotiations required by this section, a LEC may request the commission to participate in the negotiations and mediate differences arising in the course of the negotiations.

[17.11.18.17 NMAC - N, 1-1-01; A, 08-15-06]

17.11.18.18 SUBMITTAL OF AGREEMENTS TO THE COMMISSION:

A. Within sixty days of the execution of a negotiated agreement, the negotiating parties shall submit the agreement to the commission for approval.

B. A carrier submitting a negotiated interconnection agreement (or amendment to a negotiated agreement) to the commission pursuant to 47 U.S.C. Section 252(e) shall submit the original and two copies of the agreement accompanied by an original and two copies of an advice notice on the form prescribed by the commission in 17.11.18.24 NMAC or a substantially similar form. Each carrier shall sequentially number advice notices filed during each calendar year. A carrier may submit more than one agreement or amendment under a single advice notice provided that all agreements and amendments so submitted involve the same parties and are filed simultaneously.

C. The submitting carrier shall serve copies of the advice notice on the New Mexico Attorney General and shall, within five business days after filing, either:

(1) publish the advice notice once in a newspaper of general circulation in the State of New Mexico; or

(2) post and maintain the advice notice to the carrier's internet website until thirty (30) days after the subject agreement is approved or deemed approved, in which case the advice notice shall also provide the website address.

D. Within thirty (30) days after the date the advice notice is filed, any person, including the commission's telecommunications bureau staff, believing that the commission should reject an agreement filed in accordance with these procedures, or any portion thereof, may file an original and two copies of a request for rejection of the agreement or portion thereof with the Commission's Utility Division, Marian Hall, 224 East Palace Avenue, Santa Fe, New Mexico 87501. A request for rejection must state with particularity the basis for rejecting the agreement or portion thereof pursuant to 47 U.S.C. Section 252, including any violations of the standards set out in 47 U.S.C. Section 252(e)(2)(A). When it is filed with the commission, a request for rejection must be served on the contracting parties at their addresses listed in the advice notice and the New Mexico Attorney General by the person making the request. Within thirteen (13) days after the request is filed, the parties to the agreement or any other interested person may file a reply to the request.

E. Upon receipt of a request for rejection, the matter will be automatically assigned a case number and assigned on a rotating basis to a hearing examiner employed by the commission who shall preside over the proceedings and take all actions necessary and convenient thereto within the limits of the hearing examiner's authority unless otherwise ordered by the commission. The hearing examiner shall then determine whether a hearing should be held.

F. Unless the commission acts to approve or reject an agreement, an agreement submitted pursuant to this section shall be deemed approved pursuant to 47 U.S.C. Section 252(e)(4) ninety days (90) after submission. [17.11.18.18 NMAC - N, 1-1-01; 17.11.18.18 NMAC - N, 08-15-06]

17.11.18.19 MEDIATION OF INTERCONNECTION AGREEMENTS: A LEC that is unable to negotiate an interconnection agreement with an ILEC may petition the commission to mediate any unresolved issues. The LEC shall serve a copy of such petition on the parties to the negotiation. The commission may appoint a hearing examiner as a mediator.

A. Within fifteen (15) days of the filing of the petition, each party shall submit to the mediator a written statement summarizing the dispute and providing all relevant documentation concerning the unresolved issues.

B. The mediation proceeding shall be confidential. All documents exchanged and submitted during the mediation, except the parties' initial statements and the final mediated agreement, shall be kept confidential unless the mediating parties agree to the disclosure of any such material.

C. The mediator shall not have the authority to impose a settlement on the parties but shall attempt to help them satisfactorily resolve the dispute. The mediator shall be authorized to make oral and written recommendations of resolution at any point in the mediation proceeding. In the event the mediating parties fail to reach resolution of their differences, the mediator, before terminating the mediation proceeding, shall submit to the parties a final proposed agreement. If a party does not accept the mediator's final proposed agreement, it shall advise the mediator in writing within ten (10) days of the mediator's issuance of the proposed agreement of the specific reasons for its refusal.

D. The mediation proceeding shall be terminated when:

- (1) the parties have executed a mediated agreement;
- (2) one or more of the parties files with the commission a written declaration that the mediation proceeding is terminated; the party must provide a detailed explanation for its decision to terminate the mediation; or
- (3) the mediator files with the commission a written declaration that further efforts at mediation would be futile.

E. If the parties reach a mediated agreement, they shall submit it to the commission for approval. The mediator shall submit a report certifying that, to the best of the mediator's knowledge and belief, the agreement satisfies the standards prescribed in 47 U.S.C. Section 252(e) and all of its subparts.

F. The commission shall approve or reject the mediated agreement in accordance with the standards prescribed in 47 U.S.C. Section 252(e) and all of its subparts within thirty (30) days of its submittal. [17.11.18.19 NMAC - N, 1-1-01; 17.11.18.19 NMAC - Rn, 17.11.18.18 NMAC & A, 08-15-06]

17.11.18.20 ARBITRATION OF INTERCONNECTION AGREEMENTS: A LEC that is unable to negotiate an interconnection agreement with an ILEC may petition the commission to arbitrate any unresolved issues.

- A. To initiate arbitration, a LEC shall:
- (1) file a petition with the commission not less than one hundred thirty-five (135) days nor more than one hundred sixty (160) days after the date on which its request for interconnection was received by the ILEC;
 - (2) provide all relevant documentation concerning the unresolved issues;
 - (3) provide all relevant documentation concerning the position of each party with respect to unresolved issues;
 - (4) provide all relevant documentation concerning any issue discussed and resolved by the parties;
- and
- (5) on the same day it sends the petition to the commission, send a copy of the petition and documentation to the ILEC with which it has been unable to reach an agreement.
- B. The ILEC may, within twenty-five (25) days after it receives the petition, respond to the LEC's petition and provide additional information to the LEC and the commission.
- C. The commission shall resolve all issues presented to it within nine months from the date the ILEC received the request for interconnection.
- D. The commission shall approve or reject the arbitrated agreement in accordance with the standards prescribed in 47 U.S.C. Section 252(e) and all of its subparts within thirty (30) days after its submission by the parties.

[17.11.18.20 NMAC - N, 1-1-01; 17.11.18.20 NMAC - Rn, 17.11.18.19 NMAC; A, 08-15-06]

17.11.18.21 STATEMENT OF GENERALLY AVAILABLE TERMS AND CONDITIONS: An ILEC may, pursuant to 47 U.S.C. Section 252(f), prepare and file with the commission a statement of terms and conditions for interconnection that it generally offers within New Mexico.

- A. The commission shall approve, modify, or reject the statement in accordance with the requirements set forth in 47 U.S.C. Section 252(f), subsections (2)-(4).
- B. The submission or approval of a statement of generally available terms and conditions shall not relieve an ILEC of its duty to negotiate the terms and conditions of an interconnection agreement pursuant to 47 U.S.C. Section 251(c)(1).

[17.11.18.21 NMAC - N, 1-1-01; 17.11.18.21 NMAC - Rn, 17.11.18.20 NMAC, 08-15-06]

17.11.18.22 SUSPENSION OR MODIFICATION OF CERTAIN REQUIREMENTS FOR RURAL LECS:

- A. Interconnection obligations. A rural LEC serving fewer than two percent of the aggregate subscriber lines installed nationwide may file an application with the commission for suspension or modification of the requirements of 47 U.S.C. Section 251, subsections (b) and (c), and 17.11.18.8 NMAC through 17.11.18.13 NMAC applicable to the local exchange service facilities specified in the application.
- B. Costing and pricing requirements. An ILEC that qualifies as a rural LEC may file an application with the commission for suspension or modification of the requirements of 17.11.18.14 NMAC through 17.11.18.16 NMAC.
- C. Standards for approval. Consistent with the public interest, convenience and necessity, the commission may grant the application to the extent and for the duration the commission deems necessary to avoid:
- (1) a significant adverse economic impact on users of telecommunications services generally;
 - (2) imposing a requirement that is unduly economically burdensome; or
 - (3) imposing a requirement that is technically unfeasible.
- D. Timeframe for commission action. The commission shall act upon an application within one hundred eighty (180) days of its receipt. Pending such action, the commission may temporarily suspend or modify the requirement to which the application applies with respect to the provider filing the application.

[17.11.18.22 NMAC - N, 1-1-01; 17.11.18.22 NMAC - Rn, 17.11.18.21 NMAC & A, 08-15-06]

17.11.18.23 QUALITY OF SERVICE STANDARDS APPLICABLE TO ILEC INTERCONNECTION FACILITIES AND UNES: In the event a standard for a specific interconnection facility or UNE is not prescribed in this rule, an ILEC shall meet generally accepted industry standards for that facility or UNE established by the institute of electrical and electronics engineers (IEEE), the American national standards institute (ANSI), Bellcore, or the FCC.

[17.11.18.23 NMAC - N, 1-1-01; 17.11.18.23 - Rn, 17.11.18.22 NMAC, 08-15-06]

17.11.18.24 ADVICE NOTICE FORM:

ADVICE NOTICE

[name of submitting carrier]
[ICA Advice Notice No. yy-yyy, e.g., 05-001]
[name of contracting carrier]

[Insert name of submitting carrier] gives notice to the public and the Commission of the submission of the negotiated interconnection agreement[s] described below pursuant to 47 U.S.C. Section 252(e). Notices, inquiries, protests and comments regarding this submission should be directed to:

[insert contact information for representative of each contracting party]

Description of Agreement[s]

[Insert brief description of agreement with information such as the type of agreement, parties and general purpose, e.g., "Interconnection Agreement between Qwest Corporation and AT&T Communications of the Mountain States, Inc., providing rates, terms and conditions for interconnection, unbundled network elements, ancillary services and resale of telecommunications services."]

[If the agreement amends a previous agreement, identify the agreement that is the subject of the amendment, e.g., "The amendment modifies the interconnection agreement between the parties approved in Case No.____, filed by Qwest Corporation with Advice Notice No. ."]

[If applicable, add a similar description of each additional agreement or amendment between the same parties.]

Within thirty (30) days after the date of the filing of this Advice Notice, any person, including Commission Staff, believing that the Commission should reject the agreement[s] submitted with this Advice Notice or any portions thereof, must file an original and two copies of a request for rejection with the Commission's Utility Division, P.O. Box 1269, Santa Fe, New Mexico 87504. A request for rejection must state with particularity the basis for rejecting the agreement[s] or portions thereof pursuant to 47 U.S.C. Section 252, including any violations of the standards set out in 47 U.S.C. Section 252(e)(2)(A). When it is filed with the Commission, a request for rejection must be served on the contracting parties at their addresses listed above and on the New Mexico Attorney General, Post Office Drawer 1508, Santa Fe, New Mexico 87504-1508, by the person making the request. Within thirteen (13) days after the request is filed, the parties to the agreement or any other interested person may file a reply to the request.

Within five business days after the date of the filing of this Advice Notice, [insert name of submitting carrier] will cause a copy of this Advice Notice to be published in [insert name of newspaper] or post a copy of this Advice Notice to its website at [insert website address].

Respectfully Submitted,

[name of submitting carrier]

By:

[signature of representative of submitting carrier]
[printed name of representative of submitting carrier]
[title of representative of submitting carrier]
[17.11.18.24 NMAC - N, 08-15-06]

History of 17.11.18 NMAC: [RESERVED]