

**Sullivan-Leshin, Isaac, PRC**

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**From:** Sullivan-Leshin, Isaac, PRC  
**Sent:** Wednesday, March 25, 2020 3:32 PM  
**To:** Records, PRC, PRC  
**Subject:** 19-00210-UT; Filing Submission  
**Attachments:** 19-00210-UT, Order Authorizing the Fund Administrator to Adjust Payments for Correction of Error.pdf

IN THE MATTER OF THE STATE RURAL UNIVERSAL SERVICE FUND )  
2020 PER-CONNECTION CHARGE CALCULATION AND FUND SIZE ) Case No. 19-00210-UT  
\_\_\_\_\_ )

Please file the attached ORDER AUTHORIZING THE FUND ADMINISTRATOR TO ADJUST PAYMENTS FOR CORRECTION OF ERROR into the above captioned case.

Thank you.

**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF THE STATE RURAL UNIVERSAL )  
SERVICE FUND 2020 PER-CONNECTION CHARGE ) Case No. 19-00210-UT  
CALCULATION AND FUND SIZE )**

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**ORDER AUTHORIZING THE FUND ADMINISTRATOR TO ADJUST PAYMENTS  
FOR CORRECTION OF ERROR**

**THIS MATTER** comes before the New Mexico Public Regulation Commission (the “Commission”) upon the “NM SRUSF MEMO,” attached hereto as **Exhibit A**, submitted to Staff of the Telecommunications Bureau of the Commission (“Staff”), by the Fund Administrator of the State Rural Universal Service Fund (“SRUSF”), GVNW Consulting (“GVNW”), on January 24, 2020.

Whereupon, being duly informed,

**THE COMMISSION FINDS:**

1. On January 24, 2020, GVNW submitted to Staff the NM SRUSF MEMO (the “Memo”). In the Memo, GVNW recommends adjustments to payments to be made in the coming months to the rural incumbent local exchange carriers (the “Rural ILECs”) that receive Access Reduction Support (“ARS”) payments from the SRUSF.

2. As detailed in the Memo, the need for the adjustments arises from an error that occurred during the transition from the former Fund Administrator, Solix, Inc. (“Solix”), to GVNW. At the time, the Rural ILECs were receiving not only their ordinary ARS payments but additional “true-up” payments pursuant to a decision of the New Mexico Supreme Court finding that the Commission had unlawfully reduced ARS payments in the past. The Commission adopted a 36-month period for the true-up payments to be made in the Commission’s August 24, 2016 order in consolidated Docket Nos. 12-00380-UT and 14-00279-UT, as described in more detail in the Memo. [See Exhibit A.]

3. On December 14, 2016, the Commission issued its *Order Setting Surcharge Rate for 2017 and SRUSF Surcharge Cap* in Docket No. 16-00242-UT, in which the Commission replaced the 36-month true-up schedule with a 60-month true-up schedule. The extended schedule was adopted for the purpose of decreasing the 2017 surcharge rate from 5.30% to 5.03%. [See Exhibit A.]

4. On January 4, 2017, the Commission, having received a report from Solix indicating lower than expected revenues in the SRUSF, adopted the recommendation made by Solix to cancel the January 2017 true-up payment due to insufficient funds. Instead, the Commission ordered that the January 2017 true-up payment be spread over the 60-month true-up period adopted in December 2016. [See Exhibit A.]

5. In the Memo, GVNW states that it has recently come to GVNW's attention that the January 2017 payment was not included in the calculation provided by Solix and approved by the Commission in the January 4, 2017 order. GVNW further states that it was not made aware that the January 2017 payment was not included in the 60-month true-up calculations. [See Exhibit A.]

6. Having discovered the error, GVNW has made calculations, attached to the Memo, showing the amounts of overpayment or underpayment to each of the Rural ILECs. GVNW states that five of the fifteen Rural ILECs have been underpaid and are owed a total of \$52,322.50, and the remaining ten have been overpaid in the total amount of \$236,933.03. [See Exhibit A.]

7. GVNW proposes that an immediate payment be made to the five Rural ILECs that were underpaid. For the ten that were overpaid, GVNW proposes that their total monthly

support be reduced by a prorated amount, as shown in the calculations attached to the Memo, over a 23-month period.

8. The Commission has jurisdiction over this matter.

9. The Commission finds that GVNW's proposed solution is reasonable and equitable.

**IT IS THEREFORE ORDERED:**

A. The Commission hereby authorizes GVNW to make the adjustments that GVNW has proposed in the Memo and its attachments, Exhibit A hereto.

B. This Order is effective immediately.

C. Copies of this Order shall be served on all persons listed on the attached Certificate of Service, via e-mail to those whose e-mail addresses are known, and otherwise via regular mail.

ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this 25<sup>th</sup> day of  
March, 2020.

NEW MEXICO PUBLIC REGULATION COMMISSION

/s/ Cynthia B. Hall, electronically signed  
CYNTHIA B. HALL, COMMISSIONER DISTRICT 1

/s/ Jefferson Byrd, electronically signed  
JEFFERSON L. BYRD, COMMISSIONER DISTRICT 2

/s/ Valerie Espinoza, electronically signed  
VALERIE ESPINOZA, COMMISSIONER DISTRICT 3

/s/ Theresa Becenti-Aguilar, electronically signed  
THERESA BECENTI-AGUILAR, COMMISSIONER DISTRICT 4

/s/ Stephen Fischmann, electronically signed  
STEPHEN FISCHMANN, COMMISSIONER DISTRICT 5





## NM SRUSF MEMO

Date: January 24, 2020  
To: Mike Ripperger, Bureau Chief  
From: Judi Ushio, Fund Manager  
RE: 36 Month True-up Payments for December 2016

### **BACKGROUND**

On August 24, 2016, the New Mexico Public Regulation Commission (“Commission”) issued the *Order Modifying Order Issuing Variances and Resetting Surcharge Rate and Surcharge Cap for the Remainder of 2016* in Case Nos. 12-00380-UT and 14-00279-UT. In this Order, the Commission, among other things, adopted a 36-month period for the calculation of FY2015 – 2016 true-up payments to ETCs for underpayments of Access Reduction Support. Payments were made by Solix in accordance with the approved schedule and payment amounts for the October and November 2016 data periods, subsequently paid in November and December 2016.

On December 14, 2016, the Commission issued the *Order Setting SRUSF Surcharge Rate for 2017 and SRUSF Surcharge Cap* in Case No. 16-00242-UT. In this Order, the Commission adopted a 60-month true-up payment schedule, as recommended by NMECG, in order to reduce the 2017 surcharge rate from 5.30% to 5.03%. With this Order, Solix provided updated calculations of monthly FY2015 and 2016 true-up support amounts for ETCs, which spread the previously approved amounts over a 60-month period, with the first two payments made for the October and November 2016 data periods excluded from the calculation.

On January 4, 2017, the Commission issued the *Order Further Modifying Variance Order with Regard to True-Up Payments to be made in January 2017* in Case Nos. 12-00380-UT and 14-00279-UT. In this Order, the Commission canceled the December 2016 true-up payments to ETCs due to be paid in January 2017, which were approved at the 36-month true-up payment amount, due to insufficient funds. The Commission ordered Solix to spread the true-up payment to be made in January 2017 over the 60-month true-up payment period, beginning in February 2017 and concluding in January 2022.

# EXHIBIT A

## **FINDING**

It has recently come to our attention that payment to be made in January 2017 was not included in the 60-month true-up calculation approved by the Commission in the *Order Setting SRUSF Surcharge Rate for 2017 and SRUSF Surcharge Cap* in Case No. 16-00242-UT. Based on research done by GVNW Staff, using the information available, it appears that Solix began payment of the true-up payments scheduled to be made in January 2017 beginning in February 2017 using a prorated amount. This amount appears to vary in early 2017, as funds were available, and then became more consistent for the remainder of 2017. For 2018, it appears that Solix calculated a new monthly payment amount for the December 2016 payment cancelled in January 2017, but GVNW was not provided with this calculation by Solix.

GVNW was not provided the calculations used to determine prorated true-up amounts for 2017 and 2018 by Solix, nor was GVNW made aware that the December 2016 payment to be made in January 2017 was not included in the 60-month true-up calculations. In addition, GVNW was not provided with any financial information indicating that there was a payable due for the December 2016 payment cancelled in January 2017.

When GVNW became the Administrator of the Fund in March 2018, we continued to make the same total monthly payment amounts to each ETC as had been made by Solix in January and February 2018, as we were not aware that the December 2016 true-up payment was being included in the calculation at a prorated amount for each ETC. This resulted in either overpayments or underpayments being made to each ETC during the course of 2018. For 2019, the December 2016 true-up payment was not included in GVNW's 2019 Rate Assessment calculations as we used the information provided to us by Solix. This was the calculation for the 60-month true-up amounts approved in the Commission's December 14, 2016, the Commission issued the *Order Setting SRUSF Surcharge Rate for 2017 and SRUSF Surcharge Cap* in Case No. 16-00242-UT.

GVNW has drafted calculations, included with this Memo, that illustrate the amount of overpayment or underpayment made to each ETC for the December 2016 true-up payment over the course of 2018. Of the fifteen (15) ETCs, five (5) have been underpaid and are owed additional monies totaling \$52,322.50; the remaining ten (10) ETCs have been overpaid totaling (\$236,933.03). The net result to the Fund is (\$184,610.41).

## **RECOMMENDATION**

GVNW proposes that an immediate payment be made to the five ETCs that were underpaid. For the ten ETCs that were overpaid, GVNW proposes that their total monthly support be reduced by a prorated amount, as illustrated in the included calculation, over a 23-month period, from February 2020 through January 2022.

## NMRUSF 36 Mos True Up Overpayment Calculations

Carrier ID	Company Name	2018 Overpayment Amount <sup>1</sup>	23 Payments <sup>2</sup>
NM000399	Baca Vallley	\$ (305.03)	\$ (13.26)
NM000400	CenturyTel	(21,433.84)	(931.91)
NM000402	ENMR	(24,354.72)	(1,058.90)
NM000394	LaJicarita	(7,449.60)	(323.90)
NM000571	Leaco	(2,667.19)	(115.96)
NM000395	Mescalero Apache	(3,250.80)	(141.34)
NM000388	Penasco Valley	(2,220.99)	(96.56)
NM000387	Tularosa	(4,652.23)	(202.27)
NM000407	Valley	(315.89)	(13.73)
NM000409	Windstream/Valor	(170,282.62)	(7,403.59)
		<b>\$ (236,932.91)</b>	<b>\$ (10,301.42)</b>

<sup>1</sup> 2018 Overpayment Amount calculation as displayed in Memo.

<sup>2</sup> 23 Payments to be deducted from Net Support amounts beginning in February 2020 and ending in January 2022.



**BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION**

**IN THE MATTER OF THE STATE RURAL UNIVERSAL )  
SERVICE FUND 2020 PER CONNECTION SURCHARGE ) Case No. 19-00210-UT  
AND FUND SIZE )**

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing **Order Authorizing the Fund Administrator to Adjust Payments for Correction of Error** issued by the New Mexico Public Regulation Commission on March 25<sup>th</sup>, 2020, was sent via email to the parties indicated below:

Marco E. Gonzales  
Mitchell F. Brecher  
Debra McGuire- Mercer  
John Badal  
Patricia Salazar Ives  
David Lafuria  
Timothy Shaffery  
Jeffrey Albright  
Britney Lloyd  
Rohan Ranaraja  
Amanda Edwards  
Carla Bond  
Michael Tamburino  
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Donna Danielle  
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Plateau Telecom., RSA 4  
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NTS Communications, Inc.  
OneLink Comm., Inc. RM  
Working Assets Funding Service  
XO Corns. 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.  
Apptix, Inc.  
Global Crossing Telecom, Inc  
Puretalk Holdings, LLC  
IDT America Corp  
Chit Chat Mobile LLC  
Voice Runner. Inc.  
GC Pivotal, LLC  
365 Wireless, LLC  
Flash Wireless, LLC  
Broadsoft Adaption, Inc.  
Mobilitie, LLC  
EnTelegent Solutions, Inc.  
Cebridge Acquisition LP

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Cause Based Commerce, Inc  
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Broadview Networks, Inc  
Total Call Mobile, Inc  
First Choice Technology, Inc  
Transworld Network, Corp.  
Kajeet, Inc  
Network Innovations, Inc.  
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Plintron Technologies USA LLC  
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iCommerce Services, Inc. db Gymphone  
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Star2Star Comms., LLC  
Blue Ocean Technologies  
Local Access, LLC  
SimpleVoIP, LLC  
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Affiliated Technology Solutions  
Alliant Technologies, LLC  
Sangoma U.S., Inc.  
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STSMedia, Inc. dba  
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Excellus Comms., LLC  
MagicJack SMB, Inc.  
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**DATED** this 25<sup>th</sup> day of March, 2020.

**NEW MEXICO PUBLIC REGULATION COMMISSION**

*/s/ Isaac Sullivan-Leshin, electronically signed*

**Isaac Sullivan-Leshin, Paralegal**