

Sullivan-Leshin, Isaac, PRC

From: Sullivan-Leshin, Isaac, PRC
Sent: Wednesday, November 18, 2020 3:49 PM
To: Records, PRC, PRC
Subject: 20-00153-UT; Filing Submission
Attachments: 20-00153-UT, Order Setting 2021 Per-Connection Charge.pdf

IN THE MATTER OF THE STATE RURAL UNIVERSAL SERVICE FUND 2021)
PER-CONNECTION CHARGE CALCULATION AND FUND SIZE) Case No. 20-00153-UT
_____)

Please file the attached ORDER SETTING 2021 PER-CONNECTION CHARGE into the above captioned case.

Thank you.

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE STATE RURAL UNIVERSAL)
SERVICE FUND 2021 PER-CONNECTION CHARGE) Case No. 20-00153-UT
CALCULATION AND FUND SIZE)**

ORDER SETTING 2021 PER-CONNECTION CHARGE

THIS MATTER comes before the New Mexico Public Regulation Commission ("Commission") upon the Commission's own motion.

THE COMMISSION FINDS AND CONCLUDES:

1. The Rural Telecommunications Act of New Mexico (the "RTA") provides for the establishment and maintenance of a State Rural Universal Service Fund ("SRUSF") and authorizes the Commission to select a Fund Administrator for the SRUSF. NMSA 1978, § 63-9H-6.G (2013). Pursuant to the RTA, the Commission adopted Commission Rule 17.11.10 NMAC, concerning the SRUSF (the "SRUSF Rule").

2. In 2017, the New Mexico Legislature amended the RTA to include, among other things, a new provision stating that, as a mechanism to fund the SRUSF, "[t]he 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." NMSA 1978, § 63-9H-6.B.

3. Pursuant to the Legislature's 2017 amendments to the RTA, the Commission conducted a rulemaking proceeding, Case No. 17-00077-UT, to amend the Commission's SRUSF Rule. In the Commission's Final Order Adopting Rule in Case No. 17-00077-UT, the Commission amended the SRUSF Rule in a number of ways, including by providing that the Commission could use either a surcharge as a percentage of intrastate retail revenue or a per-communication connection fixed dollar surcharge to fund the SRUSF.

4. In Commission Case No. 17-00202-UT, the Commission adopted a per-communication connection fixed dollar surcharge to fund the SRUSF for the remainder of 2018.

5. The SRUSF Rule requires that the Fund Administrator "determine the amount of the fund for the next calendar year and submit its findings to the commission on or before September 1 of each year to enable commission approval on or before October 1 of each year in order to provide carriers with sufficient time to implement any change in the surcharge rate." 17.11.10.19.A NMAC.

6. On June 3, 2020, the Commission promulgated its Order Issuing Notice of Proposed Rulemaking (the "NOPR Order"), in Docket No. 19-00286-UT, *In the Matter of Potential Amendments to State Rural Universal Service Fund Rule 17.11.10 NMAC*. The proposed rule attached to the NOPR Order included proposed changes to portions of the SRUSF Rule that, if adopted, would affect the calculation of the SRUSF fund size and per-connection charge. [See Ex. A. to NOPR Order as reference]

7. On August 5, 2020, the Commission issued its Initial Order opening this docket. In that order, the Commission also vacated the procedural schedule provided in 17.11.10.19.A NMAC, to provide for a "more flexible schedule for this matter."

8. On October 21, 2020, the Commission issued a dispositive order in the Broadband Program application docket, No. 20-00099-UT, which, in combination with the October 29, 2020 filing by Plateau Communications, Inc., of a statement rejecting a reduced award, resulted in a total of \$13,844,583.16 in Broadband Program awards for this application cycle.

9. On November 17, 2020, the Commission issued its Order Adopting Amended State Rural Universal Service Rule, in Docket No. 19-00286-UT. The Commission adopted a final rule which made no changes affecting the computation of the SRUSF for 2021. As part of the order,

the Commission continued the current freeze of the residential benchmark rate at \$18 for the foreseeable future (until any docket is opened and concluded for determination of a residential benchmark rate).

10. The Commission has jurisdiction over the subject matter of this docket.

11. The Commission finds that a per-connection surcharge should be set for 2021 in accordance with the above conditions. Attached as **Exhibit A** hereto, Scenario 3, shows these assumptions and the resulting per-connection surcharge, calculated by the Fund Administrator. The Commission notes that, though the total in Scenario 3 is \$30,174,269.92, this does not reflect a fund size in excess of the \$30-million statutory annual limit on the size of the SRUSF, as this total includes monies collected in past years for projects approved in past years, which monies have yet to be disbursed.

IT IS THEREFORE ORDERED:

A. The Commission hereby adopts a per-connection surcharge of \$1.08 per communication connection for 2021.

B. This Order is effective immediately.

C. Copies of this Order shall be e-mailed to all persons on the attached Certificate of Service if their e-mail addresses are known, and otherwise shall be sent via regular mail.

D. This docket is now closed.

ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this 18th day of
November, 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



EXHIBIT A

	Scenario 1		Scenario 2		Scenario 3		Scenario 4	
	\$18 Rate Floor	\$18 Rate Floor	\$18 Rate Floor	\$18 Rate Floor	\$18 Rate Floor	\$18 Rate Floor	\$20 Rate Floor	\$20 Rate Floor
Revenue Requirement Calculation								
Funding Requirement 2021 ¹	\$ 18,865,046.64	\$ 18,865,046.64	\$ 18,865,046.64	\$ 18,865,046.64	\$ 18,865,046.64	\$ 18,865,046.64	\$ 17,794,401.36	\$ 17,794,401.36
Broadband Projects	5,000,000.00	5,000,000.00	5,000,000.00	5,000,000.00	5,000,000.00	5,000,000.00	5,000,000.00	5,000,000.00
Additional Broadband Funding Available (in Excess of \$5million) ^{2,3}	-	6,100,000.00	6,100,000.00	6,100,000.00	8,844,000.00	8,844,000.00	7,150,000.00	7,150,000.00
Total Funding Requirement 2021	\$ 23,865,046.64	\$ 29,965,046.64	\$ 29,965,046.64	\$ 29,965,046.64	\$ 32,709,046.64	\$ 32,709,046.64	\$ 29,944,401.36	\$ 29,944,401.36
Broadband 2018 - 2020 Funding								
Outstanding 2018 Broadband Award Disbursements	\$ 1,498,785.43	\$ 1,498,785.43	\$ 1,498,785.43	\$ 1,498,785.43	\$ 1,498,785.43	\$ 1,498,785.43	\$ 1,498,785.43	\$ 1,498,785.43
Outstanding 2019 Broadband Award Disbursements	3,871,173.77	3,871,173.77	3,871,173.77	3,871,173.77	3,871,173.77	3,871,173.77	3,871,173.77	3,871,173.77
Unawarded 2020 Broadband Award Disbursements	5,000,000.00	5,000,000.00	5,000,000.00	5,000,000.00	5,000,000.00	5,000,000.00	5,000,000.00	5,000,000.00
Prudent Fund Balance [rounded] ⁴	500,000.00	500,000.00	500,000.00	500,000.00	500,000.00	500,000.00	500,000.00	500,000.00
Projected Fund Cash Balance EOY FY2020	(13,584,251.09)	(13,584,251.09)	(13,584,251.09)	(13,584,251.09)	(13,584,251.09)	(13,584,251.09)	(13,584,251.09)	(13,584,251.09)
Total Funds Required by Surcharge	\$ 21,150,754.75	\$ 27,250,754.75	\$ 27,250,754.75	\$ 27,250,754.75	\$ 29,994,754.75	\$ 29,994,754.75	\$ 27,230,109.47	\$ 27,230,109.47
Surcharge Calculation								
Net Projected Connection Count	27,939,324	27,939,324	27,939,324	27,939,324	27,939,324	27,939,324	27,939,324	27,939,324
Surcharge	\$ 0.76	\$ 0.98	\$ 0.98	\$ 0.98	\$ 1.08	\$ 1.08	\$ 0.98	\$ 0.98
Net Revenue from Surcharge	\$ 21,233,886.24	\$ 27,380,537.52	\$ 27,380,537.52	\$ 27,380,537.52	\$ 30,174,469.92	\$ 30,174,469.92	\$ 27,380,537.52	\$ 27,380,537.52

¹ Funding Requirement 2021 retrieved from 2021 Rate Comparison (Broadband Funding Requirement listed separately).

² Additional Broadband Funding in Excess of \$5 million displays additional broadband funding available to be

³ Additional Broadband Funding scenarios calculated assuming \$30 million cap relates to either total Funding Requirement

⁴ Prudent Fund Balance target is \$500,000 or greater, as allowable as a function of Surcharge, Net Projected Connection

Scenario 5		Scenario 6		Scenario 7		\$18 Rate Floor		
\$20 Rate Floor	\$22 Rate Floor	\$20 Rate Floor	\$22 Rate Floor	\$22 Rate Floor		2020 Monthly	2020 Annual	
Fully Funds FY 2021 w/ Prudent Fund Balance of \$500,000, Decreases Support to Fund Recipients, & Creates Additional Broadband Funding	Fully Funds FY 2021 w/ Prudent Fund Balance of \$500,000, Decreases Support to Fund Recipients, & Creates Additional Broadband Funding	Fully Funds FY 2021 w/ Prudent Fund Balance of \$500,000, Decreases Support to Fund Recipients, & Creates Additional Broadband Funding	Fully Funds FY 2021 w/ Prudent Fund Balance of \$500,000, Decreases Support to Fund Recipients, & Creates Additional Broadband Funding	Connection Projection			27,939,324	
\$ 17,794,401.36	\$ 16,706,085.36	\$ 16,706,085.36	\$ 16,706,085.36	Funding Requirement	Monthly	Annual		
5,000,000.00	5,000,000.00	5,000,000.00	5,000,000.00	Access Reduction	\$ 1,367,979	\$ 16,415,745		
9,800,000.00	8,300,000.00	8,300,000.00	8,844,000.00	Need Support	-	-		
\$ 32,594,401.36	\$ 30,006,085.36	\$ 30,550,085.36		LITAP	35,000	420,000		
				Broadband	416,667	5,000,000		
				True-Ups (60 Months)	151,650	1,819,802		
\$ 1,498,785.43	\$ 1,498,785.43	\$ 1,498,785.43	\$ 1,498,785.43	Admin Fees	11,208	134,500		
3,871,173.77	3,871,173.77	3,871,173.77	3,871,173.77					
5,000,000.00	5,000,000.00	5,000,000.00	5,000,000.00	Legal Fees	4,167	50,000		
500,000.00	500,000.00	500,000.00	500,000.00	Audit Fees	2,083	25,000		
(13,584,251.09)	(13,584,251.09)	(13,584,251.09)	(13,584,251.09)					
\$ 29,880,109.47	\$ 27,291,793.47	\$ 27,291,793.47	\$ 27,835,793.47	Sub Total	\$ 1,988,754	\$ 23,865,047		
27,939,324	27,939,324	27,939,324	27,939,324					
\$ 1.07	\$ 0.98	\$ 1.00	\$ 1.00					
\$ 29,895,076.68	\$ 27,380,537.52	\$ 27,380,537.52	\$ 27,939,324.00					

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE STATE RURAL UNIVERSAL)
SERVICE FUND 2021 PER-CONNECTION CHARGE) Case No. 20-00153-UT
CALCULATION AND FUND SIZE)**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the **Order Setting 2021 Per-Connection Charge** issued by the New Mexico Public Regulation Commission on November 18th, 2020 was sent via email to the following parties:

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iLOKA, Inc./New Cloud Ntwrks
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Western Interactive Networks
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Mite! NetSolutions, Inc
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LCR Telecom. LLC
Legacy Long Distance Intl' Inc.
Mescalero Apache Telecom. Long Distance
Matrix Telecom, LLC
McGraw Communications, Inc.
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NetworkIP, LLC
EarthLink Business, LLC
NobelTel, LLC
NOS Communications, Inc.
NOSY A Limited Partnership
NTS Communications, Inc.
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
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.
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
Apptix, Inc.
Puretalk Holdings, LLC
IDT America Corp
Chit Chat Mobile LLC
Voice Runner. Inc.
GC Pivotal, LLC
365 Wireless, LLC
Flash Wireless, LLC
Mobilitie, LLC
EnTelegent Solutions, Inc.
Cebridge Acquisition LP
First Contact Comm., LLC
Go Solo Tech. of Florida One
YMax Communications
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Sacred Wind Comms., Inc
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Granite Telecommunications
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i-wireless, LLC
GreatCall, Inc
Norstar Telecom., LLC
First Choice Technology, Inc
Transworld Network, Corp.
Kajeet, Inc
Network Innovations, Inc.
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Interface Security Systems,LLC
Dialpad, Inc.
Momentum Telecom, Inc.
PanTerra Networks, Inc.
RingCentral, Inc.
Barking Dog Comms. LLC
Plintron Technologies USA LLC
iCommerce Services, Inc. db Gymphone
Distributed Computing, Inc. dba Ten4pbx.com
Star2Star Comms., LLC
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DATED this 18th day of November, 2020.

NEW MEXICO PUBLIC REGULATION COMMISSION

/s/ Isaac Sullivan-Leshin, electronically signed

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