

21-00235-UT; Filing Submission

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To: Records, PRC, PRC <PRC.Records@state.nm.us>

📎 1 attachments (645 KB)

21-00235-UT-12.1.2021-Commission-Order Setting 2022 Fund Size and Per-Communication-Connection Surcharge.pdf;

IN THE MATTER OF THE STATE RURAL UNIVERSAL SERVICE)	
FUND 2022 PER-CONNECTION CHARGE AND FUND SIZE)	Docket No. 21-00235-UT
CALCULATION)	

-
Please file the attached ORDER SETTING 2022 FUND SIZE AND PER-COMMUNICATION-CONNECTION SURCHARGE into the above captioned case.

Thank you.

Isaac Sullivan-Leshin

Paralegal for Office of General Counsel



New Mexico Public Regulation Commission

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BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE STATE RURAL UNIVERSAL)
SERVICE FUND 2022 PER-CONNECTION CHARGE) Docket No. 21-00235-UT
AND FUND SIZE CALCULATION)**

**ORDER SETTING 2022 FUND SIZE AND PER-COMMUNICATION-CONNECTION
SURCHARGE**

THIS MATTER comes before the New Mexico Public Regulation Commission (the “Commission”) upon the findings and recommendations provided by the administrator of State Rural Universal Service Fund (“SRUSF”), VantagePoint Solutions (the “Administrator”).

Whereupon, being duly informed,

THE COMMISSION FINDS AND ORDERS:

1. The Commission’s SRUSF Rule, 17.11.10 NMAC, as amended this year, requires the administrator of the SRUSF to “determine the amount of the fund for the next calendar year and submit its findings to the commission on or before November 10 of each year to enable commission approval on or before November 20 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.

2. On September 17, 2021, the Commission issued, via single-signature order, its Order Issuing Variances from 17.11.10.19(A) and 17.11.10.20(A) NMAC to Extend Deadlines for Fund Administrator’s Findings and Recommendation and for Commission’s Final Order. In that order, the Commission extended to November 29, 2021 the deadline for the Administrator to submit its 2022 fund size findings and per-connection surcharge recommendation to the Commission and extended the Commission’s deadline to act on the findings and recommendation to December 1, 2021.

3. On November 29, 2021, the Administrator provided to the Commission’s Office of General Counsel (“OGC”) the memorandum and spreadsheet attached hereto as **Exhibit A**,

constituting the Administrator's findings and recommendation. OGC filed Exhibit A in this docket on November 30, 2021.

4. As stated in the Administrator's memorandum, the total amount of the projected funding requirement for 2022, based on the obligations of the SRUSF, is \$29,950,039.51.

5. Taking into account the funding obligations of the SRUSF projected for 2022 and the balances available in the SRUSF's bank accounts, the total amount of funding required to be raised by the per-communication-connection surcharge in 2022 is \$25,957,463.08. As further stated in the memorandum, given the number of communication connections reported for the state, the projected per-communication-connection surcharge required to fund that amount is \$0.95 per communication connection per month in 2022. *See* Exhibit A. The Administrator's calculation of the funding need and the resulting surcharge is shown on the spreadsheet included with the memorandum in the column labeled "Scenario 1." *See id.*

6. The Commission has jurisdiction over this matter.

7. The Commission finds that the Administrator's findings and recommendation should be adopted.

IT IS THEREFORE ORDERED:

A. The Commission sets the 2022 SRUSF fund size at \$29,950,039.51, and the 2022 per-communication-connection surcharge at \$0.95 per communication connection per month.

B. This Order is effective immediately.

C. A copy of this Order shall be served upon all persons listed on the attached certificate of service via email, to the extent that email addresses are known, and if not known, then by regular mail.

ISSUED under the Seal of the Commission at Santa Fe, New Mexico, this 1st day of
December, 2021.

NEW MEXICO PUBLIC REGULATION COMMISSION

/s/ Cynthia B. Hall, electronically signed

CYNTHIA B. HALL, COMMISSIONER DISTRICT 1

/s/ Jefferson L. Byrd, electronically signed

JEFFERSON L. BYRD, COMMISSIONER DISTRICT 2



/s/ Joseph M. Maestas, electronically signed

JOSEPH M. MAESTAS, 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

11/29/21

To: New Mexico Public Regulation Commission

From: Dennis C. Smith, Consultant, Vantage Point

Date: November 29, 2021

Re: Case No. 21-00235-UT New Mexico State Rural USF 2022 Surcharge Calculation and Fund Size

Dear Commissioners and Commission Staff,

Vantage Point (VPS) is required under 17.11.10.19 and 17.11.10.20 NMAC to “determine the amount of the fund for [2022] and submit its findings to the [C]ommission on or before September 1 [2021] [. . .]”. On September 17, 2021 the Commission issued a variance from the requirement in 17.11.10.19.A, “[. . .] to extend deadlines for the fund administrator to submit its fund size findings and per-connection surcharge recommendation to the Commission and to extend the deadline for the Commission’s final order in this docket acting upon such findings and recommendation.” The deadline was extended to November 29, 2021.

VPS’ estimate of the 2022 fund size and recommended per-connection surcharge rate are detailed below.

Only one (1) rate scenario exists to meet the NMUSF funding requirements for Access Reduction Support (“ARS”) Recipients plus additional funds allocated to Commission approved Broadband Projects to reach a total 2022 Funding Requirement without exceeding the \$30 million cap.

SCENARIO ONE

Based on a Rate Floor of \$19, the total Funding Requirement estimated from ARS Recipient submissions is \$18,433,153.48. With the addition of the \$8,000,000 required for the funding of Broadband projects, and \$3,516,886.03 in additional Broadband funding, total Broadband funding amounts to \$11,516,886.03. The total Funding Requirement for 2022 is \$29,950,039.51.

Other current funding requirements include the outstanding 2018 Broadband Award Disbursements amount of \$1,217,863.71, outstanding 2019 Broadband Award Disbursements of \$3,231,421.34, and outstanding 2020 Broadband Award Disbursements of \$11,328,415.98.

Adding a prudent fund balance of \$500,000 [or as near as possible in the rate calculation], and taking into account the expected 2021 end of year Fund's Bank Cash Balance of \$20,270,277.46, the total funds required by the Surcharge in 2022 is \$25,957,463.08.

To calculate the 2022 Surcharge, VPS divided the total funds required by the Surcharge by the number of Connections reported, which totals \$.95 [95 cents] per connection.

Regards,

A handwritten signature in black ink, appearing to read "Dennis C. Smith".

Dennis C. Smith
Consultant
Vantage Point

Attachment

cc: T. Becenti Aguilar, Chair, NMPRC
V. Espinoza, Vice-Chair, NMPRC
J. Byrd, NMPRC
S. Fischmann, NMPRC
C. Hall, NMPRC
R. Fisk, NMPRC
J. Ellis, NMPRC
M. Ripperger, NMPRC

Scenario 1 \$19 Rate Floor Maximum Allowable Broadband Funding	
Fully Funds FY 2022 w/ Prudent Fund Balance of \$500,000 & Provides Maximum Broadband Funding	
Revenue Requirement Calculation	
Funding Requirement 2022 ¹	\$ 18,433,153.48
Broadband Projects	8,000,000.00
Additional Broadband Funding Available (in Excess of \$8 million) ^{2,3}	3,516,886.03
Total Funding Requirement 2022	\$ 29,950,039.51
Broadband 2018 - 2021 Funding	
Outstanding 2018 Broadband Award Disbursements	\$ 1,217,863.71
Outstanding 2019 Broadband Award Disbursements	3,231,421.34
Outstanding 2020 Broadband Award Disbursements	11,328,415.98
Prudent Fund Balance [rounded] ⁴	500,000.00
Projected Fund Cash Balance EOY FY2021	(20,270,277.46)
Total Funds Required by Surcharge	\$ 25,957,463.08
Surcharge Calculation	
Net Projected Connection Count	27,532,620
Surcharge	\$ 0.95
Net Revenue from Surcharge	\$ 26,155,989.00

\$19 Rate Floor		
	2022 Monthly	2022 Annual
Connection Projection	2,294,385	27,532,620
Funding Requirement		
Access Reduction	\$ 1,484,218	\$ 17,810,622
LITAP	34,100	409,200
True-Ups (60 Months)	-	-
Admin Fees	11,528	138,332
Legal Fees	4,167	50,000
Audit Fees	2,083	25,000
Need Support	-	-
Sub Total	\$ 1,536,096	\$ 18,433,153
Broadband	666,667	8,000,000
Total Minimum Funding Requirement	\$ 2,202,763	\$ 26,433,153

¹ Funding Requirement 2022 (Broadband Funding Requirement listed separately).

² Additional Broadband Funding in Excess of \$8 million displays additional broadband funding available to be collected/distributed while maintaining under the \$30 million cap for the Fund.

³ Additional Broadband Funding scenarios calculated assuming \$30 million cap relates to Total Funding Requirement allowed.

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

BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF THE STATE RURAL UNIVERSAL)
SERVICE FUND 2022 PER-CONNECTION CHARGE AND) Docket No. 21-00235-UT
FUND SIZE CALCULATION)**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing **Order Setting 2022 Fund Size and Per-Communication-Connection Surcharge** was sent via email to the following parties on the date indicated below:

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Broadwing Communications, LLC.
Brook Landry Villa
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Claro Enterprise Solutions, LLC
CloudCall, Inc. fka Synety, Inc.
Columbus Electric
Comcast OTR1, LLC
Comcast Phone of New Mexico, LLC
Commnet Wireless, LLC
Computer & Network Paramedics, Inc dba G02 Tech
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Eugene Evans-PRC
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Excellus Comms., LLC
Excellus Communications, LLC d/b/a Snapfon
Farmers' Electric Cooperative, Inc.
FastTrack Communications
First Choice Technology, Inc
First Communications, LLC
First Contact Communications, LLC
First Contact Communications, LLC(secondary email)
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Netwolves Network Services LLC
Network Billing Systems, LLC
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Unite Private Networks, LLC
US Mobile LLC
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UVNV, Inc.
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DATED this 1st day of December, 2021.

NEW MEXICO PUBLIC REGULATION COMMISSION

/s/ Isaac Sullivan-Leshin, electronically signed

Isaac Sullivan-Leshin, Paralegal

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