

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter(s) of)	
Lifeline and Link Up Reform and)	WC Docket No. 11-42
Modernization)	
)	
Lifeline and Link Up)	WC Docket No. 03-109
)	
Federal-State Joint Board on Universal)	CC Docket No. 96-45
Service)	
)	
Advancing Broadband Availability)	WC Docket No. 12-23
Through Digital Literacy Training)	
)	
Petition for Waiver and Clarification of the)	
United States Telecom Association, the)	
Independent Telephone & Telecommunications)	[DA 12-387]
Alliance, the National Telecommunications)	
Cooperative Association, the Organization)	
For The Promotion and Advancement of Small)	
Telecommunications Companies, the Western)	
Telecommunications Alliance, and the Eastern)	
Rural Telecom Association)	

**INITIAL COMMENTS OF THE
NEW MEXICO PUBLIC REGULATION COMMISSION**

The New Mexico Public Regulation Commission (“New Mexico Commission”) respectfully submits these comments in the above captioned dockets in response to the Public Notice released by the Wireline Competition Bureau of the Federal Communications Commission (“FCC”) on March 9, 2012 titled “Comment Sought on US Telecom, *et al.* Petition for Waiver and Clarification of Lifeline Reform Order.”

The New Mexico Commission files these comments in support of the March 9, 2012 Petition by USTA, ITTA, NTCA, OPATCO, WTA, and the Eastern Rural Telecom Association requesting a waiver of the effective date of the implementation of the change in Lifeline rates and disbursements for post-paid Eligible Communications Carriers (filing hereinafter referred to

as the “Petition”). The Petitioners request that the implementation date be extended from April 2, 2012, until October 1, 2012.¹

Like other state regulatory bodies, the New Mexico Commission is making efforts to interpret and incorporate into its own rules and procedures the relevant sections and procedures set out in the FCC’s February 6, 2012 Lifeline Order.² The New Mexico Commission has received feedback from many incumbent local exchange carriers in our state. The feedback from carriers is that they will not have sufficient time to modify their billing systems in order to implement the new Lifeline rates beginning April 2, 2012, or to provide timely notice to customers as required by state statutes, rules and the public interest.³ If the FCC does not delay the implementation date as requested, Eligible Telecommunications Carriers (“ETCs”) may be faced with the problem of being forced to back-bill non-tribal Lifeline customers for the reduction in the FCC lifeline discount or absorbing the difference in the reduced discount until such time as they are able to modify their billing systems. Also, some ETCs will not be able to modify the \$1.00 monthly charge for tribal Lifeline customers to \$0 in a timely manner.⁴

Finally, the New Mexico Commission is particularly concerned about the impact on existing Lifeline customers if they do not receive adequate and timely notice of the FCC changes in their Lifeline rates; in that those changes will likely result in a *de facto* rate increase

¹ March 9, 2012, *Petition for Waiver and Clarification of the United States Telecom Association, The Independent Telephone and Telecommunications Alliance, The National Telecommunications Cooperative Association, the Organization for the Promotion and Advancement of Small Telecommunications Companies, The Western Telecommunications Alliance, and the Eastern Rural Telecom Association*,. WC Docket Nos. 11-42, 03-109, 12-23; CC Docket No. 96-45.

² February 6, 2012, *Report and Order and Further Notice of Proposed Rulemaking*, WC Docket No. 11-42, WC Docket No. 03-109, CC Docket No. 96-45, WC Docket No. 12-23.

³ Notice requirements for rate changes in New Mexico range anywhere from 1-60 days depending on the type of carrier modifying its rates and the service affected.

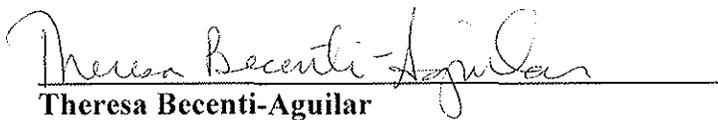
⁴ According to USAC, As of the fourth quarter of 2011, there was total of approximately 65,000 tribal and non-tribal customers in New Mexico.

to non-tribal Lifeline customers, or may result in a delay in the notification to tribal Lifeline customers that their monthly payment of \$1.00 may no longer be required.

The New Mexico Commission would prefer that the FCC avoid this dilemma and grant the additional time as requested by the petitioning parties until the October 1, 2012 date in order to allow ETCs to adjust their billing systems and provide timely notice to customers under New Mexico law and consistent with the public interest.

On Behalf of the Entire New Mexico Public Regulation Commission:

Respectfully Submitted By



Theresa Becenti-Aguilar
District 4 Commissioner

March 20, 2012