

RESUME

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

21 Pages

Withheld in their entirety  
pursuant to FOIA Exemption 4  
(5 U.S.C. § 552 (b)(4))



State of New Mexico  
*Office of the Governor*

Bill Richardson  
Governor

March 26, 2010

Mr. Larry Strickling  
Assistant Secretary for Communications and Information  
U.S. Department of Commerce  
1401 Constitution Avenue, NW  
Washington, DC 20230-0001

Re: National Telecommunications Information Administration (NTIA)  
Broadband Technology Opportunities Program  
Grant Application – March 26, 2010, The State of New Mexico

Dear Assistant Secretary Strickling:

As Governor of the State of New Mexico, I write in support of the State of New Mexico Department of Information Technology's (DoIT) Broadband Technology Opportunities Program (BTOP) Round 2 Grant Application for a Comprehensive Community Infrastructure Project. I believe an award of the grant to the State will leverage its Round 1 mapping grant by funding completion of its build out of the state's digital microwave (DMW) infrastructure. The state has funded work on the DMW for three years; due to funding constraints, it has been unable to complete the final third of the towers. Obtaining a BTOP grant will allow completion of this project, thereby completing the infrastructure necessary for the middle mile access by anchor institutions and opening the door to the development of public safety 700 MHz Broadband infrastructure upon the Federal Communications Commission's grant of State of New Mexico's waiver petition.

The state is largely rural with large population centers in the Rio Grande corridor. Citizens of the state outside of the corridor are challenged in their access to broadband opportunities; this is particularly true in vast areas outside the corridor. In times of disaster, communicating with outlying areas is a challenge and the state has the responsibility of proposing the best solutions for its citizens. Through this grant application, I believe we are responding to the needs of all of the citizens of our great state and meeting our challenge as a largely rural state.

Thank you for the opportunity and for your attention to this application from the State of New Mexico.

Sincerely,

A handwritten signature in cursive script that reads "Bill Richardson".

Bill Richardson  
Governor of New Mexico



**BILL RICHARDSON**  
GOVERNOR

**JOHN DENKO JR.**  
CABINET SECRETARY

**NEW MEXICO**  
**DEPARTMENT OF PUBLIC SAFETY**  
POST OFFICE BOX 1628 • SANTA FE, NEW MEXICO 87504-1628

OFFICE OF THE SECRETARY  
**827-3370**

OFFICE OF THE CHIEF  
NEW MEXICO STATE POLICE  
**827-9219**



**FARON W. SEGOTTA**  
DEPUTY SECRETARY—OPERATIONS  
CHIEF—STATE POLICE

**DR. MIKE L. MIER**  
DEPUTY SECRETARY—ADMINISTRATION

March 16, 2010

The Honorable Larry Strickling  
Assistant Secretary of Commerce  
Administrator  
National Telecommunications and Information Administration  
U.S. Department of Commerce  
1401 Constitution Ave. NW  
Washington, D.C. 20230

**Re: National Telecommunications Information Administration (NTIA)  
Broadband Technology Opportunities Program  
Grant Application – March 26, 2010  
The State of New Mexico**

Dear Assistant Secretary Strickling:

As Cabinet Secretary of the New Mexico Department of Public Safety, I am pleased to write this letter in support of the State of New Mexico Department of Information Technology's (SONM DoIT) BTOP CCI Grant Application. As a partner state agency invested in ensuring state and local public safety providers are able to access the most up-to-date technological resources, I believe DoIT's application will expand its service capabilities in the state locations we both serve, our underserved rural constituencies as well as our urban areas.

The SONM DoIT has defined and developed a plan to complete its statewide Digital Microwave (DMW) backbone network and to construct the first portion of a 700 MHz Public Safety network connected for backhaul to the DMW. I believe that this plan is consistent with its 700 MHz waiver application to the Federal Communications Commission. It will enable enhanced delivery of broadband Internet services such as:

- Interoperable Public Safety communications which is critical in our largely rural state
- Expanded Residential Broadband, mainly through private sector partners
- Expanded Business broadband, mainly through private sector partners
- High-definition video/audio distance learning
- Adult education and training opportunities including access to information, research, and online and distance learning through anchor institutions
- Remote area Health care services

ADMINISTRATIVE SERVICES  
**827-9022**

INFORMATION TECHNOLOGY  
**827-9262**

MOTOR TRANSPORTATION  
POLICE DIVISION  
**476-2457**



CALEA  
ACCREDITED LAW ENFORCEMENT AGENCY

SPECIAL INVESTIGATIONS  
**841-8053**

TECHNICAL SUPPORT  
**827-9221**

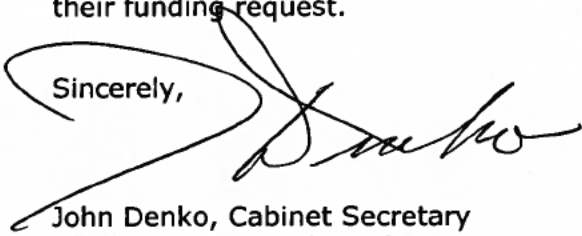
TRAINING AND RECRUITING  
**827-9251**

**The Honorable Larry Strickling**  
**NTIA**  
**March 16, 2010**  
**Page 2**

DPS has several community anchor locations some of which include the State Police Headquarters in Lordsburg, Nara Visa, Santa Fe, among others throughout the state; thus, we are in full support and desire to become a participant in this effort.

We believe that the State of New Mexico grant application has been developed in the true spirit of NTIA's BTOP Grant program. We respectfully request your favorable consideration of their funding request.

Sincerely,

A handwritten signature in black ink, appearing to read "John Denko", written over a large, loopy flourish that extends to the left and underlines the word "Sincerely,".

John Denko, Cabinet Secretary  
Department of Public Safety  
SONM

cc: Marlin Mackey, Cabinet Secretary  
Department of Information Technology



March 17, 2010

The Honorable Larry Strickling  
Assistant Secretary of Commerce Administrator  
National Telecommunications and Information Administration  
U.S. Department of Commerce  
1401 Constitution Ave. NW  
Washington, D.C. 20230

Re: National Telecommunications Information Administration (NTIA)  
Broadband Technology Opportunities Program  
Grant Application – March 26, 2010  
The State of New Mexico

Dear Assistant Secretary Strickling:

As Cabinet Secretary of the New Mexico Higher Education Department (NMHED), I write this letter in support of the State of New Mexico Department of Information Technology's (SONM DoIT) BTOP CCI Grant Application. As a partner state agency invested in providing the most accessible higher education opportunities to citizens of the state, I believe DoIT's plan creates enhanced opportunities for distance learning and improved access to education for citizens of this great state thereby meeting the goals of the Governor and this Department.

The SONM DoIT has defined and developed a plan to complete its statewide Digital Microwave (DMW) backbone network, and then to construct the first portion of a 700 MHz Public Safety network connected for backhaul to the DMW. I believe that this plan is consistent with its 700 MHz waiver application to the Federal Communications Commission; some of our anchor education institutions facilitate public safety broadcasts. The project will enable enhanced delivery of broadband Internet services such as:

- High-definition video/audio distance learning
- Adult education and training opportunities, including access to information, research, and online and distance learning through anchor institutions
- Remote area health care services, particularly important in our largely rural state
- Interoperable public safety communications, which is critical to first responders
- Expanded residential broadband, mainly through private sector partners
- Expanded business broadband, mainly through private sector partners that impact receipt of health services

NMHED has community anchor locations throughout the state including campuses in such diverse locations as New Mexico State University (NMSU)/Carlsbad-School of Nursing, NMSU/Las Cruces, Northern New Mexico College/Espanola, Clovis Community College in Clovis, to name a few; thus, we

2048 GALISTEO  
SANTA FE, NM 87505-2100  
Phone: 505.476.8400  
www.hed.state.nm.us

are in full support of DoIT's application and desire to become a participant in this effort.

We believe that the State of New Mexico grant application has been developed in the true spirit of NTIA's BTOP Grant program. We respectfully request your favorable consideration of DoIT's funding request.

Sincerely,

A handwritten signature in blue ink that reads "Dr. Viola Florez". The signature is written in a cursive style with a large, stylized initial "V".

Dr. Viola Florez  
Cabinet Secretary  
New Mexico Higher Education Department



STATE OF NEW MEXICO  
GENERAL SERVICES DEPARTMENT  
PURCHASING DIVISION

**Price Agreement  
Amendment**

**Awarded Vendor**

See internet for vendor listing

Telephone No. \_\_\_\_\_

Price Agreement Number: 00-000-00-00001

Price Agreement Amendment No.: One


Term: July 1, 2009 - June 30, 2010

**Ship To:**

All State of New Mexico Agencies, Commissions,  
Institutions, Political sub-Divisions and local public bodies  
allowed by law.

**Invoice:**

As Requested

Procurement Specialist: Gerrie Becker 

Telephone No.: (505) 476-3121

Commodity: Telecommunications Services-Local Exchange Telephone Service

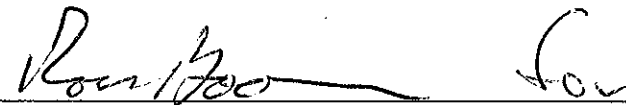
This Price Agreement Amendment is to be attached to the respective Price Agreement and become a part there of.

**This Amendment is issued to reflect the following effective immediately.**

**Add copy of attached ILEC's to existing Price Agreement.**

**Except as modified by this Amendment, the provisions of the Price Agreement shall remain in full force and effect.**

**Accepted for the State of New Mexico**

  
New Mexico State Purchasing Agent

Date: 07/23/09





## ILEC COMPANIES 2009

Docket/Case or Special Permit NO./FINAL ORDER DATE	COMPANY	CONTACT PERSON(S)	ADDRESS	TELEPHONE FAX NUMBERS	EMAIL
06/15/1987(I)				(505)278-2101	
07/01/1987(E)	BACA VALLEY TELEPHONE CO., INC	PEGGY BRIESH	POB 67, DES MOINES, NM 88418	(505)278-2106F	peggy@bacavalley.com
Doc.No. 98-148-TC 05/19/1998	CENTURY TELEPHONE ENTERPRISES, INC. (of the Southwest)/d/b/a UNIVERSAL TELEPHONE CO. OF THE SW	TED M. HANKINS	POB 4065, MONROE, LA 71211	(318) 388-9416 (318)388-9602F	ted.hankins@centurytel.com
NMSCC 94-863				(520)384-2231 (520)865-2881	
09-11-1995	COPPER VALLEY TELEPHONE CO-OP	KEVIN FEWELL	752 E. MALEY, WILCOX, AZ 85643	(800)421-5711	
11/1981 06/1987	DELL TELEPHONE COOPERATIVE, INC	RICHARD PAGE	610 S. MAIN, DELL CITY, TX	(915)964-2352 (520)964-2402F	
07/01/1987 12/18/1997 05/16/2000	ENMR TELEPHONE CO-OP., INC. D/B/A EASTERN TELECOMMUNICATIONS D/B/A PLATEAU TELECOM., INC.	TOM M. PHELPS, GM STEVE METTS	POB 1947 - NO. PRINCE STREET CLOVIS, NM 88102-1947	(800)432-2369 (505)389-5100 (505)389-5103F	smetts@plateautel.com
06/15/1987(I) 07/01/1987(E)	LA JICARITA RURAL TELEPHONE CO-OP	DAVID LEWIS, CONSULTANT	GVN CONSULTANTS, INC. 1412 SIDNEY BAKER KERVILLE, TX 78028	(830)895-7233 (505)387-2216 (505)387-9010F	dlewis@ktc.com
No. 000449 10/25/1966 91-259-TC 02/19/92	LEACO RURAL TELEPHONE CO-OP.	JOHN SMITH PHILGUNDERMAN	1500 NO. LOVE STREET LOVINGTON, NM 88260	(800)851-0554 (505)398-5352 (505) 433-4709 (505)398-5350F	jsmith@leaconet.com
Case No. 3364 08/15/2000	MESCALERO APACHE TELECOM, INC. C/O BEACON TELECOM ADVISORS	GODFREY ENJADY	2055 ANGLO DRIVE, #201 COLORADO SPRINGS, CO 80918	(505)464-4039 (505)464-9320F	mporeilly@matisp.net
Doc. No. 95-572-TC	NAVAJO COMMUNICATIONS INC	CURT HUTTSELL	4 TRIAD CENTER, STE. 200 SALT LAKE CITY, UT 84180	(801)924-6358 (801)924-6363F	chuttsetl@czn.com
No. 000449 12-18-1987	PANHANDLE TELEPHONE COOPERATIVE, INC.	BOB ROZELL	POB 1188, GUYMON, OK 73942	(580)468-2166 (580)338-2556 (580)338-4225F	rozell@ptsi.net
No. 1067 02/7/1984	PENASCO VALLEY TELEPHONE CO-OP., INC	JOHN METTS CARL WILSON	401 WEST MAIN STREET ARTESIA, NM 88210	(505)748-2510 (505)748-1241	cwilson@pvt.com
	QWEST CORPORATION D/B/A US WEST	DIRECTOR-REG. AFF. MICHAEL HORCASITAS	400 TIJERAS NW, ROOM 510 ALBUQUERQUE, NM 87103	(505)245-8485 (505)245-8855 (505)245-6190F	mhorcas@qwest.com





STATE OF NEW MEXICO  
GENERAL SERVICES DEPARTMENT

GSD/PD 003-C (Rev. 01/09)

**Awarded Vendor**  
See internet for vendor listing

Telephone No. \_\_\_\_\_

**Price Agreement  
Award**

Price Agreement Number: 00-000-00-00001


Payment Terms: Net 30 days

F.O.B.: Destination

Delivery: As Requested

**Ship To:**  
All State of New Mexico Agencies, Commissions,  
Institutions, Political sub-Divisions and local public bodies  
allowed by law.

**Invoice:**  
As requested

Procurement Specialist: Gerrie Becker 

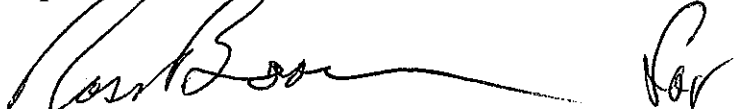
Telephone No.: 505-476-3121

Commodity: **Telecommunications Services-Local Exchange Telephone Service**

Term: **July 1, 2009 thru June 30, 2010**

**This Contract is made subject to the "terms and conditions" shown on the reverse side of this page, and as indicated in this Contract.**

Accepted for the State of New Mexico

  
\_\_\_\_\_  
New Mexico State Purchasing Agent

Date: 06/30/09

Purchasing Division, 1100 St. Francis Drive, PO Box 6850, Santa Fe, NM 87502-6850 (505) 827-0472

CM  


## State of New Mexico General Services Department Purchasing Division

### TERMS AND CONDITIONS UNLESS OTHERWISE SPECIFIED

1. **General:** When the State Purchasing Agent issues a purchase document in response to the Vendor's bid, a binding contract is created.
2. **Variation in Quantity:** No variation in the quantity of any item called for by this order will be accepted unless such variations has been caused by conditions of loading, shipping, packing or allowances in manufacturing process and then only to the extent, if any, specified in this order.
3. **Assignment:**
  - A. Neither the order, nor any interest therein, nor any claim there under, shall be assigned or transferred by the Vendor, except as set forth in subparagraph 3B or as expressly authorized in writing by the state purchasing agent's office. No such assignment or transfer shall relieve the Vendor from the obligations and liabilities under this order.
  - B. Vendor agrees that any and all claims for overcharge resulting from antitrust Violations which are borne by the State as to goods, services, and materials Purchased in connection with this bid are hereby assigned to the State.
4. **State Furnished Property:** State furnished property shall be returned to the State upon request in the same condition as received except for ordinary wear, tear and modifications ordered hereunder.
5. **Discounts:** Prompt payment discounts will not be considered in computing the low bid. Discounts for payment within 20 days will be considered after the award of the contract. Discounted time will be computed from the date of receipt of the merchandise invoice, whichever is later.
6. **Inspection:** Final inspection and acceptance will be made at the destination. Supplies rejected at the destination for non-conformance with specifications shall be removed at the Vendor's risk and expense, promptly after notice of rejection.
7. **Inspection of Plant:** The State Purchasing Agent may inspect, at any reasonable time, the part of the contractor's, or any subcontractor's plant or place of business, which is related to the performance of this contract.
8. **Commercial Warranty:** The Vendor agrees that the supplies or services furnished under this order shall be covered by the most favorable commercial warranties the vender gives for such to any customer for such supplies or services, and that the rights remedies provided herein shall extend to the State and are in addition to and do not limit any rights afforded to the State by any other clause of this order. Vendor agrees not to disclaim warranties of fitness for a particular purpose of Merchantability.
9. **Taxes:** The unit price shall exclude all State taxes.
10. **Packing, Shipping and invoicing:**
  - A. The State's purchasing document number and the Vendor's name, user's name and location shall be shown on each packing and delivery ticket, package, bill of lading and other correspondence in connection with the shipments. The user's count will be accepted by the Vendor as final and conclusive on all shipment not accompanied be a packing ticket.
  - B. The Vendor's invoice shall be submitted in triplicate, duly certified and shall contain the following information: order number, description of supplies or services, quantities, unit price and extended totals. Separate invoices shall be rendered for each and every complete shipment.
  - C. Invoices must be submitted to the using agency and NOT THE STATE PURCHASING AGENT.

11. **Default:** The State reserves the right to cancel all or any part of this order without cost to the State, if the Vendor fails to meet the provisions of this order and, except as otherwise provided herein, to hold the Vendor liable for any excess cost occasioned by the State due to the Vendor's default. The Vendor shall not be liable for any excess costs if failure to perform the order arises out of causes beyond the control and without the fault or negligence of the Vendor, such causes include, but are not restricted to acts of God or the public enemy, acts of the State or Federal Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather and defaults of subcontractors due to any of the above, unless the State shall determine that the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the vendor to meet the required delivery scheduled. The rights of the State provided in this paragraph shall not be exclusive and are in addition to any other rights now being provided by law or under this order.
12. **Non-Collusion:** In signing this bid, the Vendor certifies he/she has not either directly or indirectly, entered into action in restraint of free competitive bidding in connection with this offer submitted to the State Purchasing Agent.
13. **Non-discrimination:** Vendor doing business with the State of New Mexico must be in compliance with the Federal Civil Rights Act of 1964 and Title VII of the Act (Rev.,1979) and the Americans with Disabilities Act of 1990 (Public Law 101-336).
14. **The Procurement Code:** Sections 13-1-28 through 13-1-99 NMSA 1978, imposes civil and criminal penalties for its violation. In addition, the New Mexico criminal statutes impose felony penalties for bribes, gratuities and kickbacks.
15. All bid items are to be NEW and of most current production, unless otherwise specified.
16. **Payment for purchases:** Except as otherwise agreed to: late payment charges maybe assessed against the user state agency in the amount and under the conditions set forth in section 13-14158 NMSA 1978.
17. **Workers' Compensation:** The Contractor agrees to comply with state laws and tales pertaining to workers' compensation benefits for its employees. If the Contractor fails to comply with Workers' Compensation Act and applicable tales when required to do so, this (Agreement) may be terminated by the contracting agency.
18. **Attention:** Failure to complete all information on the bid envelope might necessitate the premature opening of the bid in order to identify the bid file. The bid number should be identified on the outside of the bid envelope.

**IMPLEMENTATION GUIDANCE**  
**EXECUTIVE ORDER 2007-049, Revision 1**  
**December 24, 2007**

**I. SCOPE**

This implementation guidance applies to Executive Order 2007-049 (hereafter "the Executive Order") and applies to all Invitation to Bid (ITB) and Request for Proposal (RFP) based procurements conducted by Executive Branch Agencies for which the ITB or RFP is made available to the general public ("solicited"), through any means, after January 1, 2008.

**II. DEFINITIONS**

The following definitions apply to the language contained in the Executive Order.

**"Contract"** means any agreement for the procurement of items of tangible personal property, services or construction derived from an ITB or RFP.

**"Contractor"** means an employer contracting with the State of New Mexico, which employer has, had, or anticipates having six (6) or more employees who worked, are working, or are expected to work an average of at least twenty hours per week over a six-month period, with said six month period being at any time during the year prior to seeking the contract(s) with the State, or any time during the term of the contract(s) with the State;

**"Employer"** means any for-profit or not-for-profit business, regardless of location, that employs one or more persons that qualify as a "New Mexico Employee". (See below.) Such definition does not include governmental entities.

**"Expected Annual Value"** means the amount of money that a Contractor can reasonably expect to be paid through the provision of services or goods made pursuant to a contract with the State of New Mexico. Such reasonable expectation shall be based upon, in order of preference, 1) the face value of a contract if such value exists; 2) projections made by the State based on historical data if such data exists; or 3) best estimates made by the State. In the case of a projection or best estimate, the State's projection or best estimate shall be final and accepted by the Contractor.

**"Incremental Plan"** means the phased in requirements set forth in the Executive Order.

**"New Mexico Employee"** means any resident of the State of New Mexico, performing the majority of their work within the State of New Mexico, for any employer regardless of the location of the employer's office or offices.

**"Offer"** means to make available to all New Mexico employees, without unreasonable restriction, enrollment in one or more health coverage plans and to actively seek and encourage participation in order to achieve the goals of the Executive Order. This could include State publicly financed public health coverage programs such as *Insure New Mexico!*

**"Solicited and Awarded"** means an ITB or RFP was made available to the general public, through any means, after January 1, 2008 AND the contract(s) sought as a result of that solicitation was/were awarded after January 1, 2008.

**"Solicitations"** means ITBs and RFPs.

**III. SOLICITATION REQUIREMENTS**

All Invitations to Bid and Requests for Proposals made available to the public through any means after January 1, 2008 must contain the following language:

1. For all contracts solicited and awarded on or after January 1, 2008: If the offeror has, or grows to, six (6) or more employees who work, or who are expected to work, an average of at least 20 hours per week over a six (6) month period during the term of the contract, offeror must agree to:

(a) have in place, and agree to maintain for the term of the contract, health insurance for those employees and offer that health insurance to those employees no later than July 1, 2008 if the expected annual value in the aggregate of any and all contracts between Contractor and the State exceed one million dollars or;

(b) have in place, and agree to maintain for the term of the contract, health insurance for those employees and offer that health insurance to those employees no later than July 1, 2009 if the expected annual value in the aggregate of any and all contracts between Contractor and the State exceed \$500,000 dollars or

(c) have in place, and agree to maintain for the term of the contract, health insurance for those employees and offer that health insurance to those employees no later than July 1, 2010 if the expected annual value in the aggregate of any and all contracts between Contractor and the State exceed \$250,000 dollars.

2. Offeror must agree to maintain a record of the number of employees who have (a) accepted health insurance; (b) declined health insurance due to other health insurance coverage already in place; or (c) declined health insurance for other reasons. These records are subject to review and audit by a representative of the state.

3. Offeror must agree to advise all employees of the availability of State publicly financed health care coverage programs by providing each employee with, as a minimum, the following web site link to additional information: <http://insurenwnewmexico.state.nm.us/>.

4. For Indefinite Quantity, Indefinite Delivery contracts (price agreements without specific limitations on quantity and providing for an indeterminate number of orders to be placed against it); these requirements shall apply the first day of the second month after the offeror reports combined sales (from state and, if applicable, from local public bodies if from a state price agreement) of \$250,000, \$500,000 or \$1,000,000.

5. For Indefinite Quantity, Indefinite Delivery contracts (price agreements without specific limitations on quantity and providing for an indeterminate number of orders to be placed against it), or any other contract that does not contain a specific face value, the Expected Annual Value shall be established by the State based on either projections made by the State based on historical data if such data exists or best estimates made by the State. In the case of such a projection or best estimate, the State's projection or best estimate shall be final and accepted by the Contractor.

#### IV. CONTRACT REQUIREMENTS

All contracts awarded as a result of any Invitations to Bid or Requests for Proposals made available to the public through any means after January 1, 2008, and awarded after January 1, 2008, must contain the following language, renumbered as may be appropriate:

##### “New Mexico Employees Health Coverage”

1. If Contractor has, or grows to, six (6) or more employees who work, or who are expected to work, an average of at least 20 hours per week over a six (6) month period during the term of the contract, Contractor certifies, by signing this agreement, to:

(a) have in place, and agree to maintain for the term of the contract, health insurance for those employees and offer that health insurance to those employees no later than July 1, 2008 if the expected annual value in the aggregate of any and all contracts between Contractor and the State exceed one million dollars or;

(b) have in place, and agree to maintain for the term of the contract, health insurance for those employees and offer that health insurance to those employees no later than July 1, 2009 if the expected annual value in the aggregate of any and all contracts between Contractor and the State exceed \$500,000 dollars or;

(c) have in place, and agree to maintain for the term of the contract, health insurance for those employees and offer that health insurance to those employees no later than July 1, 2010 if the expected annual value in the aggregate of any and all contracts between Contractor and the State exceed \$250,000 dollars.

2. Contractor agrees to maintain a record of the number of employees who have (a) accepted health insurance; (b) declined health insurance due to other health insurance coverage already in place; or (c) declined health insurance for other reasons. These records are subject to review and audit by a representative of the state.
3. Contractor agrees to advise all employees of the availability of State publicly financed health care coverage programs by providing each employee with, as a minimum, the following web site link to additional information: <http://insurenwemexico.state.nm.us/>.
4. For Indefinite Quantity, Indefinite Delivery contracts (price agreements without specific limitations on quantity and providing for an indeterminate number of orders to be placed against it); Contractor agrees these requirements shall apply the first day of the second month after the offeror reports combined sales (from state and, if applicable, from local public bodies if from a state price agreement) of \$250,000, \$500,000 or \$1,000,000, depending on the dollar value threshold in effect at that time.
5. For Indefinite Quantity, Indefinite Delivery contracts (price agreements without specific limitations on quantity and providing for an indeterminate number of orders to be placed against it), or any other contract that does not contain a specific face value, the Contractor agrees the State's projection or best estimate shall be final and accepted by the Contractor.

**V. EFFECTIVE DATE**

This Implementation Guidance shall be effective December 1, 2007.



**State of New Mexico  
General Services Department  
Purchasing Division**

**STATEWIDE  
PRICE AGREEMENT**

**ARTICLE I – STATEMENT OF WORK**

Under the terms and conditions of this Price Agreement all State of New Mexico Agencies, Commissions, Institutions, Political Sub—divisions and Local Bodies allowed by law may issue orders for items and/or services described herein. The terms and conditions of this Price Agreement shall form a part of each other issued hereunder.

The item and/or services to be ordered shall be as listed under **ARTICLE IX - Price Schedule**. All orders issued hereunder will bear both an order number and this Price Agreement number. **It is understood that no guarantee or warranty is made or implied, by either the New Mexico Agent or the user, that any order for any definite quantity will be issued under this Price Agreement.** The contractor is required to accept the order and furnish the items and/or services in accordance with the articles contained hereunder for the quantity of each order.

**ARTICLE 11 – TERM**

The term of this Price Agreement for issuance of orders shall be as indicated in specifications.

**ARTICLE III – SPECIFICATIONS**

Items and/or services furnished hereunder shall conform to the requirements of specifications and/or drawings applicable to items listed under **ARTICLE IX-Price Schedule**. Orders issued against this schedule will show the applicable Price Agreement item(s), number(s), and price(s); however they may not describe the item(s) fully.

**ARTICLE IV – SHIPPING AND BILLING INSTRUCTIONS**

Contractor shall ship in accordance with the instructions of this form. **Shipment shall be made only against specific orders which the user may place with the contractor during the term indicated in ARTICLE II-TERM.** The contractor shall enclose a packing list with each shipment listing the order number, Price Agreement number and the commercial parts number (if any) for each item. Delivery shall be made as indicated on page 1. If vendor is unable to meet stated delivery the State Purchasing Agent must be notified.

**ARTICLE V – TERMINATION**

This Price Agreement may be terminated by either signing party upon written notice to the other at least **thirty (30)** days in advance of the date of termination. Notice of termination of the Price Agreement **SHALL NOT AFFECT ANY OUTSTANDING ORDERS.**

**ARTICLE VI – AMENDMENT**

This Price Agreement may be amended by mutual agreement of the NM State Purchasing Agent and the contractor upon written notice by either party to the other. An amendment to this price Agreement **SHALL NOT AFFECT ANY OUTSTANDING ORDERS** issued prior to the effective date of the amendment as mutually agreed upon, and as published by the NM State Purchasing Agent. Amendments affecting price adjustments and/or extension of contract expiration are not allowed unless specifically provided in the bid and contract documents.

**ARTICLE VII – ISSUANCE OR ORDERS**

**Only written signed orders are valid under this Price Agreement.** Form SPD-001A is approved for state agencies issuing Contract orders under this Price Agreement. Other authorized government entities may utilize Form SPD-001A or forms adapted by them for their own use.

**ARTICLE VIII – PACKING (IF APPLICABLE)**

Packing shall be in conformance with standard commercial practices.

**ARTICLE IX – PRICE SCHEDULE**

Prices as listed in the Price Schedule hereto attached **ARE FIRM.**

STATE OF NEW MEXICO  
GENERAL SERVICES DEPARTMENT  
PURCHASING DIVISION  
PRICE AGREEMENT #: 00-000-00-00001

ITEM	* APPROX*	UNIT *	ARTICLE AND DESCRIPTION	* UNIT PRICE
	* QTY *	*		*

**This Price Agreement is established to provide state agencies with a means for payment of their monthly local telephone services and miscellaneous nonrecurring toll activity. All other forms of long distance telephone services are to be provided directly with the State's long distance services providers under separate price agreements listed on the internet.**

**All payments are to be made to the local telephone services contractor at the address indicated on the invoice. The telephone services rates are approved by and are on file with the New Mexico Public Regulation Commission.**

**The term of this Price Agreement shall be July 1, 2009 through June 30, 2010.**

**001 Local Exchange Telephone Service  
See attached**

**NEW MEXICO PUBLIC REGULATION COMMISSION  
COMPETITIVE LOCAL EXCHANGE TELCOMMUNICATION SERVICES  
YEAR-ENDING 2008**

	COMPANY	BUSINESS CUSTOMERS	RESIDENTIAL CUSTOMERS	WIRELESS CUSTOMERS	ACCESS LINES
1	ACCESS POINT, INC.	3			3
1	ACN COMMUNICATION SRVS.				
2	AMERICAN FIBER	65	5		
3	AT&T	11,734	5,968		17,702
4	BIG RIVER TELEPHONE CO		35		35
	BROADBAND DYNAMICS	57			57
5	BUDGET PREPAY, INC.		102		
6	BULLSEYE TELECOM	219			360
7	COMTEL TELCOM D/B/A EXCEL		124		124
8	CYBER MESA COMPUTER	1,959	756		2,715
9	ERNEST COMM.				
10	FASTTRACK	26			
11	GRANITE TELECOM	949			5,313
	KIT CARSON ELECTRIC COOP		14 VOIP		
12	LA CANADA WIRELESS ASSOC	4	321		325
13	LEACO RURAL TEL. COOP	416	36	3,240	3,692
	LEVEL3	YES (?)			
14	LOS ALAMOS COMM				
15	MATRIX TELECOM, INC.				115
16	MCIMETRO ACCESS TRANSM	605		1,928	8
17	MCLEODUSA	945	145		4,319
18	METROPOLITAN TELECOM	82			493
19	MESCALERO TELECOM	26	37		63
20	MFG SERVICES, INC.	23	20		
21	MITEL NETSOLUTIONS, INC.	9			276
22	ORBITCOM, INC.	8			62
23	PREFERRED LD	964			1109
24	PVT NTWKS	791	1,323		2,114
25	QUANTUMSHIFT COMM.	?			?
26	RECONEX (1-800)	16			16
27	TANGER TELECOM	1 (GSA)			



CASE NO. & FO DATE	COMPANY	TELEPHONE & FAX NUMBERS	COUNSEL/CONSULTANT	DRAWS FROM FEDERAL OR STATE USF	CUSTOMERS IN NM
				YES/NO	YES/NO
3508 4/03/2001	360networks (USA) inc Regulatory Affairs 867 Coal Creek Circle, Ste. 160 Louisville, CO 80027	(877)735-7366 (303)854-5000 (303)854-5100 F	Miller Isar Regulatory Consultants Andrew O. Isar 7901 Skansie Avenue, Ste. 240 Gig Harbor, Washington 98335 (253) 851-6700	NO	NO
3196 2/20/2001	Abovenet Communications, Inc. f/k/a American Fiber Network, Inc. Regulatory Affairs 7905 S. 196th Street Kent WA 98032-1122	(913)338-2658 (972)470-9015	Jill Sandford 360 Hamilton Avenue, 7th FL White Plains, New York 10601 (914) 421-6700 jsandord@above.net	NO	NO
Undocked 04/17/2008	Access Point, Inc. Regulatory Affairs 1100 Crescent Green, Suite 109 Cary, NC	(919) 851-4838 (800) 957-6468		NO	NO
Undocked 04/13/2004	A C N Communications Services, Inc. Regulatory Affairs 1000 Progress Place NE Concord, NC 28025	(704) 370-5541 (704)632-8072	Technologies Management, Inc. Monique Byrnes PO Drawer 200 Winter Park, FL 32790 (407) 740-8575 tmi@tminc.com	NO	YES
3489 4/03/2001	ALLTEL Communications, Inc. d/b/a 360 Communications Company Regulatory Affairs One Allied Drive Little Rock, AR 72203-2177	(800)255-8351 (501)905-8460 (501)905-5489	LEWIS AND ROCA LLP JONTZ DAWE 201 Third Street, NW, 19th FL POB 1027 Albuquerque, New Mexico 87102-1027	NO	NO
3196 02/20/2001	American Fiber Networks, Inc. Regulatory Affairs 9401 Indian Creek Parkway, Ste. 140 Overland Park, KS 66210	(913) 338-2658	Steven Asher, Attorney at Law 301 E. Berger Street Santa Fe, NM 87505 (505) 982-1155 (505) 982-1199F	NO	YES

Undocked 08/14/2008	ATC Outdoor DAS, LLC 400 Regency Forest Drive, Ste. 300 Cary, NC 27518	(919) 466-6665 (919) 466-5564		NO	NO
96-78-TC 9/5/1997	AT&T Communications of the Mtn. States, Inc. Manager – Tariffs and Compliance 2535 E. 40th Avenue Denver, Co 80205+B15	(303) 298-6185 (303) 298-6301F	Letts S. D. Friesen 919 Congress Aven., Ste. 900 Austin, TX 78701 (303) 299-5708 lsfriesen@att.com	NO	YES
Undocked 02/13/2006	AZX Connect, LLC Regulatory Affairs 7575 E Redfield Road, Ste. 137 Scottsdale, AZ 85260	(505) 764-5435	LEWIS AND ROCA LLP JONTZ DAWE 201 Third Street, NW, 19th FL POB 1027 Albuquerque, New Mexico 87102-1027	NO	NO
Undocked 10/03/2007	Baldwin County Internet/DSSI Service, LLC Regulatory Affairs 22645 Canal Road, Suite B. Orange Beach, AL 36561	(251) 224-0800		NO	NO
Undocked 04/17/2008	Bandwidthcom.com Regulatory Affairs 4001 Weston Parkway, Suite 100 Cary, NC 27513	(919) 297-1020 (919) 297-1101		NO	NO
Undocked 08/14/2008	Big River Telephone Company, LLC Regulatory Affairs 24 S Minnesota Avenue Cape Girardeau, MO 63703	(314) 225-2203		NO	NO
Undocked 08/14/2008	Broadband Dynamics, LLC Regulatory Affairs 8757 East Via De Commerico, 1st Floor Scottsdale, AZ 85258	(480) 941-0444 (480) 941-1143F		NO	NO

Undocked 04/02/2009	Broadvox_CLEC, LLC 1228 Euclid Avenue, Suite 390 Cleveland, OH 44115	(216) 373-4623 (216) 373-4812F	Lance J.M. Steinhart, P.C. 1720 Windward Concourse Ste. 250 Alpharetta, Georgia 30005	NO	NO
Undocketed 07/10/2007	Broadweave Networks of New Mexico, LLC Regulatory Affairs 3940 North Traverse Mountain Blvd., Ste. 100 Lehi, Utah 84043	(801) 407-6043 (801) 407-6005		NO	NO
Undocked 05/29/2002	Budget Prepay, Inc. d/b/a Budget Phone, Inc. Regulatory Affairs 1325 Barksdale Blvd., Ste. 200 Bossier City, LA 71111-4600	(318) 671-5000 (318) 671-5024	Lance J.M. Steinhart, P.C. 1720 Windward Concourse Ste. 250 Alpharetta, Georgia 30005	NO	YES
Undocked 09/09/2005	Bullseye Telecom, Inc. Regulatory Affairs 25900 Greenfield Road, Ste. 330 Oak Park, Michigan 48237	(248) 784-2515 (877) 638-2855F	Doug Forster Technologies Management, Inc. 210 N. Park Avenue PO Drawer 200 Winter Park, FL 32790-0200	NO	YES
Undocked 10/16/2003	CAT COMMUNICATIONS INTERNATIONAL 2117 WILLIAMSON ROAD, NE ROANOKE, VA 24012-7927	(888) 477-1224	Debra A. Waller, Paralegal POB 11845 Roanoke, VA 24022-1845	NO	NO
Undocked 04/22/2004	Charter Fiberlink NM - CCO, LLC Regulatory Affairs 12405 Powerscourt Drive St. Louis, Missouri 63131-3674	(314) 543-2567 (314) 965-6640F	Carrier L. Cox, Director of Legal/Reg. Affairs 12405 Powerscourt Drive St. Louis, MO 63131	NO	NO
Undocked 01/12/2005	Comcast Phone of New Mexico, LLC Regulatory Affairs One Comcast Center Philadelphia, Pennsylvania 19103	Beth Choroser (215) 286-7893 (215) 286-5039	John G. Sullivan 1500 Market Street, 34 East Philadelphia, PA 19102	NO	NO

Undocked 04/02/2009	Common Point, LLC 3130 Pleasant Run Springfield, IL 62707	((217) 698-2860 (217) 698-0100		NO	NO
Undocked 05/23/2006	Commpartners, LLC Regulatory Affairs 3291 North Buffalo Drive, Ste. 8 Las Vegas, Nevada 89129	(702) 367-8647	Kristopher E. Twomeny, P.C. 1725 I Street, NW, Ste. 300 Washington, DC 20006	NO	NO
Undocked 05/23/2006	Comtel Telecom Assets LP d/b/a Excel Telecom Telecom Regulatory Affairs 433 E. Las Colinas Blvd. Irving, TX 75039	(972) 910-1453 (866) 717-8997	Melissa Drennan, VP, Litigation & Compliance 2440 Marsh Lane Carrollton, TX 75006	NO	YES
Undocked 05/23/2006	Comtel Telecom Assets LP d/b/a VarTec Telecom Regulatory Affairs 433 E. Las Colinas Blvd. Irving, TX 75039	(972) 910-1453 (866) 717-8997	Melissa Drennan, VP, Litigation & Compliance 2440 Marsh Lane Carrollton, TX 75006	NO	YES
Undocked 12/29/2004	Comtech21, LLC Regulatory Affairs One Barnes Park South Wallingford, CT 06492	(877) 580-6564 (877) 312-5544	NO ATTORNEY ON FILE	NO	NO
Undocked 02/03/2005	Connect Paging, Inc. f/k/a Usurf Communications, Inc. Regulatory Affairs 112 East Seminary Drive #B Ft. Worth, TX 766115	(817) 204-0624	Jennifer L. Gunter Foster Malish & Blair, LLP 1403 West Sixth Street Austin, TX 78703	NO	NO
Undocked 08/12/2003	Covista, Inc. Sandra K. Forquer 4803 Highway 58 Chattanooga, TN 37416	(423) 648-9500	Lance J.M. Steinhart, P.C. 1720 Windward Concourse Ste. 250 Alpharetta, GA 30005	NO	NO



Undocked 09/16/2003	Cyber Mesa Telecom Regulatory Affairs 4200 Rodeo Road Santa Fe, New Mexico 87507-4836	(505) 988-9200 (505) 988-8875	David Mittle 208 Maynard Santa Fe, NM 87501	NO	YES
3059 4/30/2001	DPI TELECONNECT, LLC Manager - Tariffs and Compliance 2997-LBJ Freeway, Ste. 225 Dallas, Texas 75234	(972)488-5500	NO ATTORNEY ON FILE	NO	NO
3036 3/21/2000	DSL Net Communications, Inc. Schula Hobbs 50 Barnes Park North Suite 104 Wallingford, CT 06492	(203)772-1000 (203) 624-3612	Marc Esterman 545 Long Wharf Drive, 5th Floor New Haven, CT 06511	NO	NO
Undocked 01/05/2004	Epic Touch Co. Regulatory Affairs 610 S. Cosmos Street Elkhart, Kansa 67950	(620) 697-2111	James U. Troup McGuire Woods LLP 1050 Connecticut Aveune NW, Ste. 1200 Washington Square, Washington, DC 20036	NO	NO
Undocked 12/29/2003	Ernest Communications, Inc. Regulatory Affairs 5275 Triangle Parkway, Ste. 150 Norcross, Georgia 30092	(770) 242-9069 (770) 448-4115F	Dickstein Shapiro Morin & Oslinsky 2101 L. Street NW Washington, DC 20037-1536	NO	YES
Undocked 08/14/2008	Excelacom Light, LLC Regulatory Affairs 11710 Plaza America Drive, Ste. 1002 Reston, VA 20190	(727) 738-5553 (727) 939-2672F		NO	NO
Undocked 01/29/2009	Extenet Systems, Inc. 3030 Warrenville Road, Ste. 340 Lisle, IL 60532	Anita Taff-Rice (630) 505-3800 (630) 577-1332	Law Office of Anita Taff-Rice 1547 Palos Verdes Mall, #298 Walnut Creek, CA 94597	NO	NO

Undocked 12/22/2003	Fastrack Communications, Inc. Regulatory Affairs, 779 Tech Center Dr., Unit 200 Durango, CO 81303-7809	(970) 247-3366 (970) 247-2426F	Harry Tate 555 S. Camino Del Rio Durango, CO 81302	NO	YES
Undocked 12/07/2004	France Telecom Corporate Soutions, LLC Regulatory Affairs 2300 Corporate Park Drive Mailstop SPO604 Herndon, VA 20171	703) 375-7325	William K. Coulter DLA Piper Rudnick Gray Cary US LLP 1200 Nineteenth Street, NW Washington, DC 20036-2412	NO	NO
Undocked 10/16/2007	Frontier Communications of America Regulatory Affairs POB 708970 Sandy, Utah 84070-8970	(801) 298-0757	William Templeman POB 669 Santa Fe, NM 87504-0669	NO	NO
Undocked 10/16/2007	Global Capacity Group, Inc. Regulatory Affairs 730 N. Post Oak, Suite 400 Houston, Texas 77027	(713) 529-2219 (800) 505-0037	Lance J.M. Steinhart, P.C. 1720 Windward Concourse Ste. 250 Alpharetta, GA 30005	NO	NO
Undocked 05/25/2004	Global Connection Inc. of America Regulatory Affairs 3975 Pleasantdale Road Atlanta, Georgia 30340	(877) 511-3009 (678) 966-8444	Lance J.M. Steinhart, P.C. 1720 Windward Concourse Ste. 250 Alpharetta, GA 30005	NO	NO
Undocked 12/29/2003	Granite Telecommunications, LLC Regulatory Affairs, 100 Newport Avenue Ext. Quincy, Massachusetts 02171	(617) 933-5500 (866) 847-5550F	NO ATTORNEY ON FILE	NO	YES
Undocked 04/17/2008	Greenfield Communications, Inc. Regulatory Affairs 34112 Violet Lantern, Suite C Dana Point, CA 92629	(949) 248-8898 (888) 230-0020	NO ATTORNEY ON FILE	NO	NO

Undocked 09/23/2003	IDT America, Corp. Regulatory Affairs 520 Broad Street Newark, New Jersey 07102	(973) 438-4854		NO	NO
Undocked 04/17/2003	iLoka Inc. d/b/a Microtech-TeI Manager – Tariffs and Compliance 4643 S. Ulster Street, Ste. 1200 Denver, Colorado 80237	(303) 373-4444 (303) 373-1077F	Carl Billek 520 Broad St. Newark, NJ 07102	NO	NO
Undocked 03/20/2007	Impact Telecom, LLC Manager - Tariffs and Compliance 7200 S. Alton Way, Suite B-260 Centennial, CO 80012	(405) 755-8177 (800) 406-4777	Lance J.M. Steinhart, P.C. 1720 Windward Concourse Ste. 250 Alpharetta, GA 30005	NO	NO
Undocked 04/02/2009	iNetworks Group, Inc. 125 S. Wacker Drive, Suite 2510 Chicago, IL 60606	(312) 212-0822 (312) 422-9201	Judith A. Riley 5909 Northwest Expressway, Ste. 403 Oklahoma City, OK 73132	NO	NO
3323 02/20/2001	Integra Telecom of New Mexico, Inc. Manager – Tariffs and Compliance 1200 Minnesota Center 7760 France Avenue Bloomington, Minnesota 55435	Carol Wirbinski (503)453-8119 (503) 453-8221F	Judith A. Riley 5909 Northwest Expressway, Ste. 403 Oklahoma City, OK 73132	NO	NO
2967 6/29/2001	Interactive Networks Corporation d/b/a Western Interactive Manager – Tariffs and Compliance 2005 Highway 180 East, Suite 200 Silver City, New Mexico 88061-3079	(505) 388-2546	NO ATTORNEY ON FILE	NO	NO
Undocked 03/20/2007	Inter-TeI NetSolutions, Inc. Regulatory Affairs 4310 East Cotton Center Blvd., Ste. A-10 Phoenix, Arizona 85040	(602) 253-6004 (602) 254-9634F	Patricia Salazar Ives, Esq. Cuddy Kennedy Albetta & Ives LLP POB 4160 Santa Fe, NM 87502-4160	NO	NO

Undocked 5/11/2001	Intrado Communications, Inc. f/k/a Intrado Inc. f/k/a SCC Communications Corp. Manager – Tariffs and Compliance 1601 Dry Creek Road Longmont, Colorado 80503	(720) 494-5800 (720) 494-6600F	Lance J.M. Steinhart, P.C. 1720 Windward Concourse Ste. 250 Alpharetta, Georgia 30005	NO	NO
3406 2/20/2001	Kit Carson Electric Cooperative Charles Bloomquist, Manager POB 587 118 East Cruz Alta Road Taos, New Mexico 87571	(800)688-6780	David Huberman 1601 Dry Creek Drive Longmont, CO 80503	NO	NO
Undocked 11/7/2001	KMC Data, LLC Manager – Tariffs and Compliance 3 Werner Way, Ste. 300 Round Valley Executive Center Lebanon, NJ 08833	(678)985-6266 (678)985-6213F	NO ATTORNEY ON FILE	NO	NO
Undocket 03/20/2007	La Canada Wireless Association Regulatory Affairs 7 Avendia Vista Grande, #220 Santa Fe, New Mexico 87508-9199	(505) 988-5095	Mikhael Vitenson 1200 Route 22 East, Ste. 2000 Bridgewater, NJ 08807	NO	YES
98-413-TC 3090 12/7/1999	LEACO RURAL TELEPHONE CO-OP 220 W. BROADWAY STREET HOBBS, NM 88240-6004	(505) 370-5010 (505) 433-4729F		NO	YES
98-558-TC 2940 02/202001	Level 3 Communications, LLC Manager – Tariffs and Compliance 1025 Eldorado Blvd. Broomfield, Colorado 80021	(720) 888-2512 (720) 888-5134F	Heidel, Samberson, Newell, Cox & McMahon POB 1599 Lovington, NM 88260	NO	NO
Undocked 01/08/2005	Lightyear Network Solutions, LLC Manager – Tariffs and Compliance 1901 Eastpoint Parkway Louisville, Kentucky 40223	(800) 805-8383	Greg Rogers 1025 Eldorado Blvd. Broomfield, CO 80021	NO	NO

Undocked 05/23/2006	LMDS Holdings, Inc. Manger - Tariffs and Compliance 13865 Sunrise Valley Drive Herndon, VA 20171	(877) 714-6398	Shay Burns Kendricks 195 East Road, Ste. 104-B Los Alamos, NM 87544	NO	NO
Undocked 1/20/2005	Los Alamos Community Network Regulatory Affairs 999 Central Avenue., Ste. 150 Los Alamos, NM 87544	(505) 662-6020 (505) 662-2295 F	Jonathan S. Marashlian The Helein Law Group, P.C. 8180 Greensboro Drive, Ste. 700 McLean, VA 22102	NO	YES
Undocked 08/14/2008	Managed Services, Inc. Regulatory Affairs 672 Spyglass Way Rock Hill, SC 29730	(704) 572-0684 (803) 461-4663		NO	NO
Undocked 05/20/2005	Matrix Telecom, Inc. Regulatory Affairs 7171 Forest Lane, Ste. 700 Dallas, TX 75230	(405) 717-9694	Karly E. Baraga Kelley, Drye & Warren, LL 1200 19th Street, NW, Ste. 500 Washington, DC 20036	NO	NO
Undocked 2/20/2003	MCImetro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services Manager - Tariffs and Compliance 22001 Loudoun County Parkway Ashburn, VA 20147	(888)475-7218	Judith A. Riley 2912 Lakeside Drive Oklahoma City, OK 73107	NO	YES
3168 9/19/2000	McLeodUSA, Telecommunications Services, Inc. Manager - Tariffs and Compliance POB 3177 Cedar Rapids, Iowa 52406-3177	Robin McVeigh (319) 790-6823	Charles Carrathers (972) 718-2415	NO	YES
Undocked 10/28/2003	Megahertz Computer Consulting, Inc. Regulatory Affairs 555 S. Miranda Street Las Cruces, New Mexico 88005	(505) 521-1750	William A. Haas 6400 C. St SW POB 3177 Cedar Rapids, IA 52406-3177	NO	NO

Undocked 11/16/2005	Mescalero Apache Regulatory Affairs POB 229 226 Chiricahua Plaza Mescalero, NM 88340	(505) 464-4039	Gary Aschbacher Megahertz Computer Consulting, Inc. 555 South Miranda Street Las Cruces, NM 88005	NO	NO
Undocked 10/14/2005	Metropolitan Telecommunication of New Mexico, Inc. Regulatory Affairs 44 Wall Street, 6th Fl New York, New York 10005	David Aronow (212) 607-2000	David Cohen, Esq. Cohen & Cohen POB 789 Santa Fe, NM 87501	NO	NO
3361 2/20/2001	MFG Services, Inc. Manager – Tariffs and Compliance POB 1167 Mesilla Park, NM 88047	Anthony Smith (505) 522-2681	Jonathan S. Marashlian The Helein Law Group, P.C. 8180 Greensboro Drive, Ste. 700 McLean, VA 22102	NO	NO
Undocked 10/16/2007	Mobilitie, LLC Regulatory Affairs 500 Newport Center Drive, Suite 830 Newport Beach, California 92660	(949) 999-4541	Peter Gould 900 Gildersleeve Santa Fe, NM 87501	NO	NO
Undocked 08/14/2008	Momentum Telecom, Inc. Regulatory Affairs 2700 Corporate Drive, Ste. 200 Birmingham, AL 35242	(205) 978-4400 (205-978-3402F		NO	NO
3216 10/3/2000	New Edge Network, Inc. D/B/A New Edge Networks Manager – Tariffs and Compliance 3000 Columbia House Blvd., Ste.106 Vancouver, Washington 98661	(360)693-9009 (877)725-EDGE	K.C. Halm Davis, Wright, Tremaine, LLP 1919 Pennsylvania Avenue, NW Washington, D.C. 20006-3485	NO	NO
Undocked 04/17/2008	New Mexico Telecom solutions, LLC Regulatory Affairs 133 La Placita Circle Santa Fe, New Mexico 87505	(505) 795-7795		NO	NO

Undocked 08/14/2008	Newpath Networks, LLC Regulatory Affairs 1300 N. Northlake Way Seattle, WA 98103	(206) 550-3858 (206) 633-2768F		NO	NO
Undocked 05/23/2006	Northstar Telecom, Inc. Regulatory Affairs 1425 Walnut Drive Arlington, Nebraska 68002	(800) 266-3930 (402) 478-4400	Lewis Barr 3000 Columbia House Blvd. #106 Vancouver, WA 98661	NO	NO
Undocked 4/30/2001	NOS Communications, Inc. Manager - Tariffs and Compliance 4380 Boulder Highway Las Vegas, Nevada 89121	(702)547-8000	Lance J.M. Steinhart, P.C. 1720 Windward Concourse Ste. 250 Alpharetta, Georgia 30005	NO	NO
3528 2/20/2001	NTS Communications, Inc. Manager - Tariffs and Compliance 5307 W. Loop 289 Lubbock, Texas 79414-1610	(806)797-0687 (800)658-2150	NO ATTORNEY ON FILE	NO	NO
Undocked 10/16/2007	Neutral Tandem, Inc. d/b/a Neutral Tandem-New Mexico Manager - Tariffs and Compliance One South Wacker Drive, Suite 200 Chicago, Illinois 60606	(312) 384-8000 (312) 346-3276	Dan Wheeler 5307 W. Loop 289 Lubbock, TX 79414-1610	NO	NO
Undocked 02/16/2006	Orbitcom, Inc. Regulatory Affairs 1701 North Louise Avenue Sioux Falls, SD 57107	Brad VanLeur (605) 977-6900	Early, Lennon, Peters, Crocker & Bartosiewicz, PLC 900 Comerica Building Kalamazoo, MI 49007-4752 (269) 381-8844(269) 381-8822	NO	NO
Undocked 05/23/2006	Pacific Centrex Services, Inc. Regulatory Affairs 6855 Tujunga Avenue North Hollywood, CA 91605	(818) 623-2300	NO ATTORNEY ON FILE	NO	NO

3446 4/30/2001	Pac-West Telecomm, Inc. Manager – Tariffs and Compliance 4210 Coronado Avenue Stockton, California 95204	(800)399-1234	Early, Lennon, Peters, Crocker & Bartosiewicz, PLC 900 Comerica Building Kalamazoo, MI 49007-4752 (269) 381-8844(269) 381-8822	NO	NO
Undocked 11/09/2004	Paetec Communications, Inc. Regulatory Affairs One PAETEC Plaza 600 Willowbrook Office Park Fairpoint, NY 14450	(585) 340-2944	Gregory J. Kopta Davis Wright Tremaine LLP 2600 Century Square 1501 Fourth Avenue Seattle, WA 98101-1688	NO	NO
88-86-TC 1/1/1987	Plateau Telecommunications, Inc. d/b/a ENMR - Eastern Telecommunications Manager – Tariffs and Compliance POB 1450 Clovis, New Mexico 88102-	Laura Waller (505)389-4211 (505)389-5245F	Daniel Venuti One PAETEC Plaza 600 Willowbrook Office Park Fairpoint, NY 14450	NO	NO
Undocked 08/14/2008	Pelzer Communications Corporation Regulatory Affairs 11501 Georgia Avenue, Ste. 308 Wheaton, MD 20902	(240) 645-1005 (202) 478-0864	Lance J.M. Steinhart, P.C. 1720 Windward Concourse Ste. 250 Alpharetta, Georgia 30005	NO	NO
Undocked 10/16/2007	PNG Telecommunications, Inc. Regulatory Affairs 100 Commercial Drive Fairfield, Ohio 45014	(513) 645-4932		NO	NO
Undocked 03/29/2005	Preferred Long Distance, Inc. Keith Nussbaum, Regulatory Affairs 16830 Ventura Blvd., Ste. 350 Encino, California 91436	(818) 380-9090 (818) 380-9099F		NO	YES
Undocked	Prime Time Ventures, LLC Jeff Rhoden 210 W8th Street, Ste. 203 Medford, OR 97501	(541) 494-4444	John Clark Goodin MacBride Squeri Scholot & Rnchie, LLP 505 Sansome Street, Ste. 900 San Francisco, CA 94111	NO	NO



98-183-TC 3477 4/3/2001	PVT Networks, Inc. Manager – Tariffs and Compliance 4011 West Main Street Artesia, New Mexico 88210-9566	(505) 748-1241 (505) 746-4142F	NO ATTORNEY ON FILE	NO	YES
3200 4/3/2001	QuantumShift Communications, Inc. f/k/a MVX.COM Communications, Inc. Manager – Tariffs and Compliance 101 Rowland Way, Ste. 300 Novato, California 94945	(888)994-1000 (415)893-7180	William Templeman POB 669 Santa Fe, NM 87504-0669+D26	NO	YES
Undocked 08/31/2004	Qwest Communications Corporation Manager – Tariffs and Compliance 1801 California Stree, Ste. 3800 Denver, CO 80202	(505) 245-8485	Timothy J. Goodwin 1801 California Street, 10th Floor Denver, CO 80202	NO	NO
97-534-TC 12/15/1998	RECONEX, INC. (1-800) f/k/a Sterling International Funding Manager – Tariffs and Compliance 2500 Industrial Avenue Hubbard, OR 97032	(503) 982-8000 1(800)732-6639	George B. Thomson 1801 California St., 10th FL Denver, CO 80202	NO	YES
3273	Reliant Communications Inc. f/k/a HJN Telecom, Inc. Manager – Regulatory Affairs 801 International Pkwy, 5th Floor Lake Mary, FL 32746 03/20/01	Lisa Rogers (407) 562-1890 (407) 562-2001	William E. Braun 2500 Industrial Avenue Hubbard, OR	NO	NO
Undocked 01/29/2008	Sage Telecom, Inc. Regulatory Affairs 805 Central Expressway South, Ste. 100 Allen, TX 75013	(214) 495-4700 (214) 495-4795	Nowalsky Broston & Gothard 3500 Causeway Blvd., Ste. 1442 Metairie, LA 70002		
96-356-TC 09/10/1998	Sprint Communications Co, LP Manager – Tariffs and Compliance MS: KSOPHT0101-Z2400 6391 Sprint Parkway Overland Park, Kansas 66251	(913)762-4936 (888)251-7352	John di Bene 5850 W. Las Positas Blvd. Pleasanton, CA 94588	NO	NO

Undocked 04/17/2008	Sterling Telecom, Inc. Manager - Regulatory and Compliance 242 Beverly Road Huntington Road Station, NY 11746	(866) 425-7143		NO	NO
Undocked 03/20/2007	Telcentrex, LLC Regulatory Affairs 5490 McGinnis Village Place, Suite 114 Alpharetta, Georgia 30005	(888) 835-2368 (404) 978-4404	Mary Jane Rasher c/o AT&T 10005 Gwendelyn Lane Highlands Ranch, CO 80129-6217	NO	NO
3487 4/3/2001	Tularosa Communications, Inc. Manager - Tariffs and Compliance 503 St. Francis Drive Tularosa, New Mexico 88352	(505) 585-9800 (505) 585-8208F	John K. Lines 601 South Harbour Island Blvd., Ste. 220 Tampa, FL 33602	NO	NO
Undocked 05/23/2006	UCN, Inc. Regulatory Affairs 14870 South Pony Express Road Bluffdale, UT 84065		William Templeman POB 669 Santa Fe, NM 87504-0669	NO	NO
96-97-TC 97-10-TC 04/25/1997	Winstar Communications, LLC Box 7153 McLean, VA 22106	(202) 367-7652 (973) 438-4524 (973) 438-1503F	NO ATTORNEY ON FILE	NO	NO
2907 11/07/2000	Wire Plus, Inc. D/B/A TSI, Telephone Services, Inc. Charles E. Bourger, Jr. 4411 Dona Ana Road Las Cruces, New Mexico 88005	(505)525-0200 (800)349-9473	NO ATTORNEY ON FILE	NO	NO
Undocked	XO Communications Services, Inc. Regulatory Affairs 111 East Broadway, Suite 1000 Salt Lake City, UT 84111	(407)740-3008	NO ATTORNEY ON FILE	NO	NO

Undocked 12/12/2006	Ymax Communications Corp. Regulatory Affairs POB 6785 West Palm Beach, FL 33405-6785	(561) 586-3380	Alaine Miller 1633 West Lake Aven N. Ste. 200 Seattle, WAS 98109	NO	NO
98-568-TC 2980 9/5/2000	Yucca Telecommunications Systems Manager – Tariffs and Compliance 201 West Secont Street Portales, New Mexico 88130	(505)982-4461	Sharon Thomas Technologies Management, Inc. 210 N. Park Avenue PO Drawer 200 Winter Park, FL 32790-0200	NO	YES
Undocket 12/12/2006	Zippytech of New Mexico, Inc. Regulatory Affairs 3501 E. Mani Street, Ste. #F-122 Farmington, NM 87402	(970) 385-2500	William Templeman POB 669 Santa Fe, NM 87504-0669	NO	NO

# Bernalillo County Metropolitan Detention Center

*Thaddeus Lucero, County Manager*  
*John P. Dantis, Deputy County Manager*



*Ronald C. Torres, Chief of Corrections*

100 John Dantis Drive SW  
Albuquerque, NM 87151  
Fax: (505) 462-9808

March 23, 2010

The Honorable Larry Strickling  
Assistant Secretary of Commerce  
Administrator  
National Telecommunications and Information Administration  
U.S. Department of Commerce  
1401 Constitution Ave. NW  
Washington, D.C. 20230

Re: National Telecommunications Information Administration (NTIA)  
Broadband Technology Opportunities Program  
Grant Application – March 26, 2010  
The State of New Mexico

Dear Assistant Secretary Strickling:

As Chief of Corrections at the Bernalillo County Metropolitan Detention Center in New Mexico, I write this letter in support of the State of New Mexico Department of Information Technology's (SONM DoIT) BTOP CCI Grant Application. It is essential for public safety first responders in New Mexico to access the type of broadband services contemplated in DoIT's plan.

The SONM DoIT has defined and developed a plan to complete its statewide Digital Microwave (DMW) backbone network, and then to construct the first portion of a 700 MHz Public Safety network connected for backhaul to the DMW thus facilitating communication for public safety first responders in the event of a national emergency. I believe that this plan to provide public safety users 700 MHz broadband services to all parts of the State is consistent with the State's 700 MHz waiver application to the Federal Communications Commission. It will enable enhanced delivery of Interoperable broadband Public Safety communications that is critical to first responders.

We believe that the State of New Mexico application has been developed in the true spirit of NTIA's BTOP program. We respectfully request your favorable consideration of their funding request.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Torres".

Ron Torres  
Chief of Corrections

March 23, 2010

The Honorable Larry Strickling  
Assistant Secretary of Commerce  
Administrator  
National Telecommunications and Information Administration  
U.S. Department of Commerce  
1401 Constitution Ave. NW  
Washington, D.C. 20230

Re: National Telecommunications Information Administration (NTIA)  
Broadband Technology Opportunities Program  
Grant Application – March 26, 2010  
The State of New Mexico

Dear Assistant Secretary Strickling:

As Captain/Radio Communications Officer at the Bernalillo County Metropolitan Detention Center in New Mexico, I write this letter in support of the State of New Mexico Department of Information Technology's (SONM DoIT) BTOP CCI Grant Application. It is essential for public safety first responders in New Mexico to access the type of broadband services contemplated in DoIT's plan.

The SONM DoIT has defined and developed a plan to complete its statewide Digital Microwave (DMW) backbone network, and then to construct the first portion of a 700 MHz Public Safety network connected for backhaul to the DMW thus facilitating communication for public safety first responders in the event of a national emergency. I believe that this plan to provide public safety users 700 MHz broadband services to all parts of the State is consistent with the State's 700 MHz waiver application to the Federal Communications Commission. It will enable enhanced delivery of Interoperable broadband Public Safety communications that is critical to first responders.

We believe that the State of New Mexico application has been developed in the true spirit of NTIA's BTOP program. We respectfully request your favorable consideration of their funding request.

Sincerely,

Roy Hartman, Radio Communications Officer  
Bernalillo County Metropolitan Detention Center





March 17, 2010

The Honorable Larry Strickling  
Assistant Secretary of Commerce Administrator  
National Telecommunications and Information Administration  
U.S. Department of Commerce  
1401 Constitution Ave. NW  
Washington, D.C. 20230

Re: National Telecommunications Information Administration (NTIA)  
Broadband Technology Opportunities Program  
Grant Application – March 26, 2010  
The State of New Mexico

Dear Assistant Secretary Strickling:

As Cabinet Secretary of the New Mexico Higher Education Department (NMHED), I write this letter in support of the State of New Mexico Department of Information Technology's (SONM DoIT) BTOP CCI Grant Application. As a partner state agency invested in providing the most accessible higher education opportunities to citizens of the state, I believe DoIT's plan creates enhanced opportunities for distance learning and improved access to education for citizens of this great state thereby meeting the goals of the Governor and this Department.

The SONM DoIT has defined and developed a plan to complete its statewide Digital Microwave (DMW) backbone network, and then to construct the first portion of a 700 MHz Public Safety network connected for backhaul to the DMW. I believe that this plan is consistent with its 700 MHz waiver application to the Federal Communications Commission; some of our anchor education institutions facilitate public safety broadcasts. The project will enable enhanced delivery of broadband Internet services such as:

- High-definition video/audio distance learning
- Adult education and training opportunities, including access to information, research, and online and distance learning through anchor institutions
- Remote area health care services, particularly important in our largely rural state
- Interoperable public safety communications, which is critical to first responders
- Expanded residential broadband, mainly through private sector partners
- Expanded business broadband, mainly through private sector partners that impact receipt of health services

NMHED has community anchor locations throughout the state including campuses in such diverse locations as New Mexico State University (NMSU)/Carlsbad-School of Nursing, NMSU/Las Cruces, Northern New Mexico College/Espanola, Clovis Community College in Clovis, to name a few; thus, we

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SANTA FE, NM 87505-2100  
Phone: 505.476.8400  
www.hed.state.nm.us

are in full support of DoIT's application and desire to become a participant in this effort.

We believe that the State of New Mexico grant application has been developed in the true spirit of NTIA's BTOP Grant program. We respectfully request your favorable consideration of DoIT's funding request.

Sincerely,

A handwritten signature in blue ink that reads "Dr. Viola Florez". The signature is written in a cursive style with a large initial "V" and "F".

Dr. Viola Florez  
Cabinet Secretary  
New Mexico Higher Education Department



# The Navajo Nation

*DR. JOE SHIRLEY, JR.*  
President

*BEN SHELLY*  
Vice President

March 24, 2010

The Honorable Larry Strickling  
Assistant Secretary of Commerce  
Administrator  
National Telecommunications and Information Administration  
U.S. Department of Commerce  
1401 Constitution Ave. NW  
Washington, D.C. 20230

Re: National Telecommunications Information Administration (NTIA)  
Broadband Technology Opportunities Program  
Grant Application – March 26, 2010  
The State of New Mexico

Dear Assistant Secretary Strickling:

I write this letter on behalf of the Navajo Nation in support of the State of New Mexico Department of Information Technology's (SONM DoIT) BTOP CCI Grant Application. As one of the largest sovereign nations located within the state, we believe DoIT's plan will enhance services to our tribal lands. The Navajo Nation desires to provide the most accessible higher education opportunities to our citizens to further economic opportunities. I believe DoIT's plan creates enhanced economic opportunities to the Navajo Nation which, because of our primarily rural location, we have not often been able to leverage.

The SONM DoIT has defined and developed a plan to complete its statewide Digital Microwave (DMW) backbone network, and then to construct the first portion of a 700 MHz Public Safety network connected for backhaul to the DMW. I believe that this plan is consistent with its 700 MHz waiver application to the Federal Communications Commission. The Navajo Nation will be a partner in DoIT's efforts because the buildout and improvements contemplated will open the doors to more of our citizens receiving enhanced delivery of broadband Internet services such as:

- Interoperable Public Safety communications which is critical to first responders;
- High-definition video/audio distance learning which will allow chapters in remote areas to access education opportunities;
- Adult education and training opportunities including access to information, research, and online and distance learning through some of our anchor institutions as well as those of the state;
- Remote area Health care services, which is particularly important to our largely rural communities;



- Expanded Residential Broadband, mainly through private sector partners who will see expanded customer opportunities;
- Expanded Business broadband, mainly through private sector partners we believe may be developed within our own sovereign nation.

We have community anchor locations in Crownpoint (Diné College and Navajo Technical College), Gallup Indian Medical Center located in the Four Corners area of the state. Thus, we applaud DoIT's intent to include the Navajo Nation and other sovereign nations in its efforts and we are in full support of its application and desire to become a participant in this effort.

We believe that the State of New Mexico grant application has been developed in the true spirit of NTIA's BTOP Grant program. We respectfully request your favorable consideration of their funding request.

Sincerely,

  
Dr. Joe Shirley Jr., President  
**THE NAVAJO NATION**

**Before the  
Federal Communications Commission  
Washington, DC 20554**

**In the Matter of** )  
 )  
**Petition by the State of New Mexico** ) **PS Docket No. 06-229**  
**For Waiver of the Commission’s Rules to** )  
**Deploy a 700 MHz Public Safety** )  
**Interoperable Broadband Network** )  
 )  
**WAIVER – EXPEDITED ACTION REQUESTED** )

To: Public Safety and Homeland Security Bureau

**PETITION FOR EXPEDITED WAIVER**

The State of New Mexico (“SONM”), pursuant to Section 1.925 of the Commission’s rules (47 C.F.R. § 1.925), hereby files this petition for expedited waiver to allow for the early construction and deployment of a statewide interoperable 700 MHz public safety system in the State of New Mexico. The SONM system will be designed to be fully interoperable with the nationwide Shared Wireless Broadband Network. Expeditious grant of this waiver, to allow for a “sub-license” or a long term de facto transfer lease with the Public Safety Broadband Licensee, is in the public interest and will lead to the early deployment of critical broadband public safety communications in the State of New Mexico, that will function as an integral part of the nationwide interoperable public safety broadband system.

**BACKGROUND**

The State of New Mexico, known as “the Land of Enchantment,” is rich in its history and diverse in its culture and geography, with significant Native American and

Hispanic populations. The State encompasses a large geographic area of 121,655 square miles with a population of just under two million. The State's population has grown at a rate of about ten percent since the 2000 census and this trend is expected to continue.

While New Mexico has urban areas including the capital of Santa Fe and Albuquerque, it is one of the least densely populated states in the nation, with fewer than twenty persons per square mile. The State is bordered by Mexico to the South, with some population centers such as Las Cruces located near the Mexican border. The landscape ranges from wide, rose-colored deserts to broken mesas to high, snow-capped mountain peaks. Although the State is known for its arid climate much of New Mexico is covered by heavily forested mountain wilderness, especially in the northern parts of the State. The Sangre de Cristo Mountains, the southernmost part of the Rocky Mountains, run roughly north-south along the east side of the Rio Grand River in the rugged, pastoral north. As part of its natural beauty there are millions of acres of national forests located within the State, including Carson National Forest, Cibola National Forest, Lincoln National Forest, and Santa Fe National Forest.

The vast array of differing topographies with remote wildernesses and very low population density present significant needs and challenges to public safety communications.

**1. EARLY DEPLOYMENT OF A 700 MHZ PUBLIC SAFETY BROADBAND SYSTEM IS NEEDED IN THE STATE OF NEW MEXICO**

The State of New Mexico requires public safety broadband services that are not available currently due to a lack of available public safety spectrum. Innovative, state-of-the-art broadband applications cannot be supported by existing public safety wireless

technologies. These broadband technologies play a vital role in emergency situations such as natural disasters or terrorist attacks.

Because New Mexico is one of the least densely populated states in the nation, commercial providers face significant economic challenges in serving the rural areas of the State. As a result, government involvement is essential to the early buildout and deployment of a 700 MHz broadband public safety system to meet the critical needs of public safety users in urban areas such as Santa Fe and Albuquerque as well as the rural regions.

The State of New Mexico is keenly aware that state-wide coordination amongst Public Safety providers should be the model for effective deployment of the 700MHz broadband frequencies and New Mexico is poised to utilize this asset through a vibrant public-private partnership. Because of the size of the state and the primarily rural demographics, the State of New Mexico has experienced the trauma and disappointment of disparate communication technologies which is a particularly important issue impacting public safety. SONM believes the best way to address the issue is to utilize a singular state-wide broadband technology to enhance the State's primary duty of providing for the common welfare of all New Mexicans, its businesses, and any visitors to the Land of Enchantment. Coordination among the various Public Safety agencies, including Homeland Security, will enhance our ability to facilitate the most effective and responsive deployment of assets in times of crisis and when we are proactively planning for the Public's welfare.

## **2. GRANT OF THE SONM WAIVER IS IN THE PUBLIC INTEREST AND SHOULD BE GRANTED EXPEDITIOUSLY**

Grant of the waiver will allow early deployment of a public safety broadband network within the State of New Mexico to serve the immediate broadband communications needs of the State's public safety users. SONM supports the public-private partnership approach to a nationwide 700 MHz public safety broadband network and will design its system to be interoperable with the nationwide public safety system envisioned by the Commission. Because it is uncertain how much more time will pass before final 700 MHz rules are adopted, a successful D Block auction takes place, and a public-private partnership becomes a reality, grant of the waiver is in the public interest and will best serve the public safety community by allowing early deployment of a state-of-the-art 700 MHz public safety broadband system within the State of New Mexico that will be interoperable with the nationwide Shared Wireless Broadband Network.

In adopting rules for the 700 MHz public safety spectrum, the Commission recognized "the rapidly increasing need of public safety users for broadband communications."<sup>1</sup> To meet these critical public safety needs, the Commission established its goal of "the development of a nationwide interoperable broadband

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<sup>1</sup> *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, WT Docket No. 06-150, Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Emergency Calling Systems, CC Docket No. 94-102, Section 68.4(a) of the Commission's Rules Governing Hearing Aid-Compatible Telephones, WT Docket No. 01-309, Biennial Regulatory Review -- Amendment of Parts 1, 22, 24, 27, and 90 to Streamline and Harmonize Various Rules Affecting Wireless Radio Services, WT Docket 03-264, Former Nextel Communications, Inc. Upper 700 MHz Guard Band Licenses and Revisions to Part 27 of the Commission's Rules, WT Docket No. 06-169, Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band, PS Docket No. 06-229, Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, WT Docket No. 96-86, Declaratory Ruling on Reporting Requirement under Commission's Part 1 Anti-Collusion Rule, WT Docket No. 07-166, Second Report and Order, 22 FCC Rcd 15289 (2007)(Second Report and Order), at ¶3.*

network for public safety users.”<sup>2</sup> A public/private partnership between the D Block Licensee and the Public Safety Broadband Licensee was chosen as the “means for enabling the construction of a nationwide, interoperable broadband public safety network.”<sup>3</sup>

In selecting the public/private partnership approach to achieve its goal for the rapid deployment of broadband technologies the Commission did not anticipate that years later the partnership would still not be off the ground with its eventual operations still in the “idea” stage and years away at best. The well-documented failure of Auction 73 to result in a D Block Licensee has stymied the Commission’s ultimate goal of getting interoperable broadband services to the public safety community as expeditiously as possible. With the mechanism established by the Commission to achieve an interoperable public safety network on hold, the Commission must take immediate and decisive action to meet its public interest obligation of opening access on the 700 MHz public safety spectrum to state-of-the-art broadband technologies.

Rules designed to speed broadband technologies to the public safety community now unnecessarily delay deployment of these same services. Under the current rules, the D Block licensee will have the “exclusive right to build and operate the Shared Wireless Broadband Network.”<sup>4</sup> Early build-out by public safety entities in their own local areas is allowed only in limited circumstances that *require* the participation of a currently non-existent D Block Licensee. These and any other 700 MHz broadband rules that impede

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<sup>2</sup> Second Report and Order, ¶3.

<sup>3</sup> Second Report and Order, ¶13.

<sup>4</sup> 47 C.F.R. § 27.1330 and § 90.143.

the early deployment of a public safety broadband system in the State of New Mexico should be waived under Section 1.925(b)(3) of the rules, 47 C.F.R. ¶1.925(b)(3), because they now serve only to frustrate the Commission's ultimate purpose of deploying a nationwide interoperable public safety broadband system with no countervailing public interest benefit.<sup>5</sup> In fact, the waiver is in the public interest because it *further*s the Commission's underlying policy of bringing state-of-the-art interoperable broadband technology to public service users on the 700 MHz spectrum.<sup>6</sup>

Grant of the waiver will enable SONM to pursue public funding and/or its own public-private partnership within New Mexico to commence construction and early deployment of a public safety broadband system in the State that will be interoperable with the eventual nationwide system. Without access to the 700 MHz public safety spectrum in New Mexico through a "sub license" or long term lease arrangement with the Public Safety Broadband Licensee opportunities to proceed with early deployment will be lost. This waiver is consistent with the recent Congressional mandate that broadband technologies be deployed as rapidly as possible to all areas throughout the United States and to serve the needs of homeland security and public safety.

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<sup>5</sup> Section 1.925(b)(3), 47 C.F.R. § 1.925(b)(3), of the Rules states:

(3)The Commission may grant a request for waiver if it is shown that:

- (i) The underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or
- (ii) In view of the unique or unusual factual circumstances of the instant case, application of the rule(s) would be inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.

<sup>6</sup> See *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969), "'a general rule, deemed valid because its overall objectives are in the public interest, may not be in the 'public interest' if extended to an applicant who proposes a new service that will not undermine the policy served by the rule."

In its recent passage of the American Recovery and Reinvestment Act of 2009,<sup>7</sup> the "stimulus" legislation, Congress charged the Department of Agriculture's Rural Utilities Service ("RUS") and the Department of Commerce's National Telecommunications and Information Administration ("NTIA") with making grants and loans to expand broadband deployment, including deployment for public safety use. A total of \$ 7.2 billion is allocated for these broadband programs. In addition, the Recovery Act specifically requires the Commission to develop a national broadband plan including "a plan for the use of broadband infrastructure and services in advancing . . . public safety and homeland security."<sup>8</sup> In light of this legislation, failure to grant this waiver will thwart the intent of Congress to further the broadband communications needs of the nation's public safety providers.

In light of the critical national security and public safety requirements at stake, SONM urges the Commission to grant the subject waiver expeditiously and allow for a "sub-license" or long term de facto lease arrangement with the Public Safety Broadband Licensee for spectrum in the State of New Mexico. Grant of this waiver is in the public interest and will further the Commission's ultimate goal of deployment of a nationwide interoperable 700 MHz public safety broadband system.

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<sup>7</sup> American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, *123 Stat. 115 (2009)* (Recovery Act)

<sup>8</sup> Recovery Act § 6001(k)(2)(D).



**CONCLUSION**

In view of the foregoing, SONM requests that the Commission grant a waiver of the 700 MHz rules to allow for the early construction and deployment of an interoperable 700 MHz public safety system in the State of New Mexico.

Respectfully Submitted,

STATE OF NEW MEXICO  
OFFICE OF THE GOVERNOR

By: \_\_\_\_\_

  
Brian Condit

STATE OF NEW MEXICO  
Department of Information Technology  
Cabinet Secretary/CIO

By: \_\_\_\_\_

  
Marlin Mackey

Of Counsel:

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Dated: July 10, 2009