



BEFORE THE NEW MEXICO PUBLIC REGULATION COMMISSION

**IN THE MATTER OF NOTICE OF INQUIRY)
INTO BILLING AND MARKETING PRACTICES)
FOR TELEPHONE LOCAL EXCHANGE SERVICES)
("TRUTH IN BILLING"))**

Case No. 08-00006-UT

**ATTORNEY GENERAL'S MOTION FOR FURTHER
INVESTIGATION AND RULEMAKING**

Comes Now, New Mexico Attorney General Gary King, through undersigned counsel, and hereby respectfully Moves that the New Mexico Public Regulation Commission immediately open a Notice of Further Inquiry and Rulemaking into billing systems and associated business practices of "incumbent local exchange carriers" (ILECs) for the purposes of determining whether they serve the public interest, convenience and necessity, and if they are adequate to support the operations of a modern telecommunications network, the economic enterprise of small New Mexico businesses, and effective competition in New Mexico's telecommunications industry. The grounds for such Motion are set out in detail in the Attorney General's Preliminary Report on Billing and Business Practices of Phone Companies.

Specifically, the Attorney General urges the Commission to conduct hearings throughout the state to obtain from large-scale ILEC customers offering public telecommunications first-hand accounts of any difficulties they may have encountered with ILEC billings or associated business practices. The Commission should publicize this investigation, so that it may hear from a broad cross section of New Mexicans impacted by ILEC billing systems.

The Attorney General respectfully urges the Commission to require the state's two largest ILECs (Qwest and Windstream) to make a report on how the capital expenditures it claims it has made have benefited large-scale customers who also offer telecommunications services, especially with respect to billing for services and how such disputes are resolved. Additionally, Qwest and Windstream should be required to identify all problems it is encountering with its billing systems and explain what measures, if any, they are taking to alleviate these problems.

The Commission should examine its own substantive regulations and processes for handling billing complaints between large-scale customers and the ILEC. Are problems resolved in a timely manner? Are there ways by which the process might be improved?

The Commission should seek comment and testimony about the impact that ILEC billing systems have on competition and economic development. Commission issued bench requests and subpoenas of key ILEC personal involved in billing issues are essential. This will forestall lengthy and ultimately unproductive discovery disputes among interested parties.

The Attorney General urges the Commission to allow sworn testimony, subject to cross-examination, if parties wishing to participate choose to file such testimony. Such a process will assure that a sufficient factual predicate exists for any future Commission action that is warranted.

Wherefore the Attorney General respectfully requests that the Public Regulation Commission initiate the inquiry and rulemaking as detailed above.

Respectfully Submitted,

OFFICE OF THE NEW MEXICO ATTORNEY GENERAL

GARY K. KING
Attorney General

A handwritten signature in cursive script that reads "Brian Harris". The signature is written in black ink and is positioned above a horizontal line.

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DATED this 16th day of May, 2008.