

The Public Utility Commission of Texas (commission) proposes amendments to §26.102 relating to Registration of Pay Telephone Service Providers and §26.107 relating to Registration of Interexchange Carriers, Prepaid Calling Services Companies, and Other Nondominant Telecommunications Carriers. The proposed amendments will clarify and simplify the registration process for pay telephone service providers and annually update required information. Project Number 23236 has been assigned to this proceeding.

The commission is also considering revisions to the *Texas Pay Telephone Service Provider Application* form and is accepting comments on the proposed form. The revised form that is under consideration may be obtained from the commission's Central Records Division or through the Project Number 23236 web page at:
<http://www.puc.state.tx.us/rules/rulemake/23236/23236.cfm>

Betsy Tyson, Network Analyst, Telecommunications Division and Mark Gladney, Attorney, Legal Division, have determined that for each year of the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Ms. Tyson and Mr. Gladney have determined that for each year of the first five years the proposed sections are in effect the public benefit anticipated as a result of enforcing the sections will be more accurate information on this industry, increased protection of customers in a competitive environment, and increased enforcement. There will be no effect on small businesses or micro-businesses as a result of enforcing these sections. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Ms. Tyson and Mr. Gladney have also determined that for each year of the first five years the proposed sections are in effect there should be no effect on a local economy, and therefore no local employment impact statement is required under Administrative Procedure Act §2001.022.

Comments on the proposed amendments and form (16 copies) may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, within 30 days after publication. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed sections. The commission will consider the costs and benefits in deciding whether to adopt the section. All comments should refer to Project Number 23236.

These amendments are proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (Vernon 1998, Supplement 2001) (PURA), which provides the Public Utility

Commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction and specifically PURA §55.173, which provides that a Pay Telephone Service Provider must register with the commission.

Cross Reference to Statutes: Public Utility Regulatory Act, §14.002; Chapter 15, Subchapter B; Chapter 17, Subchapter B; and Chapter 55, Subchapter H.

§26.102. Registration of Pay Telephone Service Providers.

- (a) **Process.** All pay telephone service (PTS) providers must register with the commission, using commission-prescribed forms, in order to do business in the state of Texas. ~~Registration requires disclosure of the physical location of each of the registrant's pay telephones; the registrant must update this information for any phone with a change in status. Information related to the physical location of pay telephones shall be confidential unless the Attorney General issues a letter opinion, or a court of competent jurisdiction rules otherwise. Updated filings shall be made with the commission within 45 days after the periods ending December 31 and June 30 of each calendar year.~~ The commission shall provide each registrant with proof of registration within 30 days from the date the application is received, unless the application remains incomplete of filing.
- (b) **Application form.** ~~The application form shall request information deemed necessary by the commission in order to analyze this segment of the telecommunications market, monitor technological changes and advances, encourage a competitive environment, and protect the public interest.~~
- (c) **Disclosure of location.** ~~Registration requires disclosure of the location, by county, of each of the registrant's pay telephones. Each certificated telecommunications utility (CTU) shall maintain a list of the physical location of all pay telephones the CTU connects to the~~

network and shall provide the physical location of a pay telephone under investigation by the commission upon request by the commission. Information related to the physical location of pay telephones shall be confidential unless the Attorney General issues a letter opinion or a court of competent jurisdiction rules otherwise. All confidential information shall be provided to the commission pursuant to §22.71(d) of this title (relating to Filing of Pleadings, Documents and Other Materials).

(d) Updates. All PTS providers shall annually refile a registration form with the commission no later than July 31 of each calendar year.

(e)(b) Network Access. ~~CTUs~~ ~~Certificated telecommunications utilities (CTU)~~ shall not provide pay telephone access service (PTAS) to a ~~provider~~ ~~person~~ required to be registered under this section, unless that ~~provider~~ ~~presents~~ ~~person~~ ~~provides~~ a commission-supplied proof of registration.

(f) Compliance enforcement.

(1) Administrative penalties. If the commission finds that a registrant has violated any provision of this section, the commission shall notify the registrant by certified mail to take corrective action. If the registrant has not corrected the violation within ten working days from receipt of the notification letter a hearing pursuant to

this section may be scheduled, as necessary, and the registrant may be subject to administrative penalties and other enforcement actions pursuant to Public Utility Regulatory Act (PURA), Chapter 15 and §22.246 of this title (relating to Administrative Penalties).

- (2) **Revocation or suspension.** If the commission finds that a registrant is repeatedly in violation of PURA or commission rules, the commission may suspend or revoke a registration pursuant to PURA, Chapter 17 or PURA §55.180
- (3) **Enforcement.** The commission shall coordinate its enforcement efforts regarding the prosecution of fraudulent, misleading, deceptive, and anticompetitive business practices with the Office of the Attorney General in order to ensure consistent treatment of specific alleged violations.

§26.107. Registration of Interexchange Carriers, Prepaid Calling Services Companies, and Other Nondominant Telecommunications Carriers.

(a) **Application.** This section applies to the registration of persons and entities who provide intralata and interlata long distance telecommunications services, prepaid calling services companies pursuant to §26.34 of this title (relating to Telephone Prepaid Calling Services), ~~pay telephone service providers pursuant to §26.102 of this title (relating to Registration of Pay Telephone Service Providers),~~ and other telecommunications services that do not require certification as established in the Public Utility Regulatory Act (PURA), Chapter 54, Subchapter C; except as noted in PURA §51.002(10) (relating to Definitions).

(b) - (e) (No change.)

(f) **Compliance enforcement.**

(1) **Administrative penalties.** If the commission finds that a registrant has violated any provision of this section, the commission shall order the registrant to take corrective action, as necessary, and the registrant may be subject to administrative penalties and other enforcement actions pursuant to PURA, Chapter 15 and §22.246, of this title (relating to Administrative Penalties).

(2) (No change.)

- (3) **Enforcement.** The commission shall coordinate its enforcement efforts regarding the prosecution of fraudulent, misleading, deceptive, and anticompetitive business practices with the Office of the Attorney General in order to ensure consistent treatment of specific alleged violations.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

**ISSUED IN AUSTIN, TEXAS ON THE 16th DAY OF FEBRUARY 2001 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
RHONDA G. DEMPSEY**