

The Public Utility Commission of Texas (commission) proposes an amendment to §26.215 relating to Long Run Incremental Cost Methodology for Dominant Certificated Telecommunications Utility (DCTU) Services. The proposed amendment is to correct an error in the rule as published in the August 6, 1999 *Texas Register* (24 TexReg 6066) "Adopted Rules" section. Project Number 20102 has been assigned to this proceeding.

Subsection (j)(1) states that "A DCTU may be required to update the filings required by this section, other than the workplan, for those studies where no significant changes have occurred." At the July 1, 1999 Open Meeting, the Commission adopted the rule striking the word "no". The word "no" should have been deleted from subsection (j)(1) before the rule was submitted to the *Texas Register*. The proposed amendment deletes the word "no".

Paula Mueller, Chief, Office of Regulatory Affairs, has determined that for each year of the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Mueller has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be a rule that accurately states the commission's intent. There will be no effect on small businesses or micro-

businesses as a result of enforcing this section. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Ms. Mueller has also determined that for each year of the first five years the proposed section is in effect there should be no affect on a local economy, and therefore no local employment impact statement is required under Administrative Procedure Act §2001.022.

Comments on the proposed amendment (16 copies) may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, PO 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 section. The commission will consider the costs and benefits in deciding whether to adopt the section. All comments should refer to Project Number 20102.

This amendment is proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (Vernon 1998) (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

Cross Reference to Statutes: Public Utility Regulatory Act §14.002

§26.215. Long Run Incremental Cost Methodology for Dominant Certificated Telecommunications Utility (DCTU) Services.

(a) - (i) (No change.)

(j) **Requirements for subsequent filings of LRIC studies.** The LRIC studies required by this subsection shall be consistent with the principles, instructions and requirements set forth in this section and the workplan approved by the commission and shall be reviewed in accordance with the procedures established in subsection (k) of this section.

(1) **Updated studies.** A DCTU may be required to update the filings required by this section, other than the workplan, for those studies where ~~no~~ significant changes have occurred.

(2) - (4) (No change.)

(k) - (l) (No change.)

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 30th DAY OF AUGUST 1999 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
RHONDA G. DEMPSEY**