

CHAPTER 26. SUBSTANTIVE RULES APPLICABLE TO TELECOMMUNICATIONS SERVICE PROVIDERS.

Subchapter P. TEXAS UNIVERSAL SERVICE FUND.

§26.401. Texas Universal Service Fund (TUSF).

- (a) **Purpose.** The purpose of the Texas Universal Service Fund (TUSF) is to implement a competitively neutral mechanism that enables all residents of the state to obtain the basic telecommunications services needed to communicate with other residents, businesses, and governmental entities. Because targeted financial support may be needed in order to provide and price basic telecommunications services in a manner to allow accessibility by consumers, the TUSF will assist telecommunications providers in providing basic local telecommunications service at reasonable rates in high cost rural areas. In addition, the TUSF will reimburse qualifying entities for revenues lost as a result of providing Lifeline services to qualifying low-income consumers under the Public Utility Regulatory Act (PURA); reimburse telecommunications carriers providing statewide telecommunications relay access service and qualified vendors providing specialized telecommunications devices and services for the disabled; and reimburse the Texas Health and Human Services Commission, the Texas Department of Housing and Community Affairs, the Texas Department of Assistive and Rehabilitative Services, the Office for Deaf and Hard of Hearing Services, the TUSF administrator, and the Public Utility Commission for costs incurred in implementing the provisions of PURA Chapter 56 (relating to Telecommunications Assistance and Universal Service Fund).
- (b) **Programs included in the TUSF.**
- (1) Section 26.403 of this title (relating to the Texas High Cost Universal Service Plan (THCUSP));
 - (2) Section 26.404 of this title (relating to the Small and Rural Incumbent Local Exchange Company (ILEC) Universal Service Plan);
 - (3) Section 26.406 of this title (relating to the Implementation of the Public Utility Regulatory Act §56.025);
 - (4) Section 26.408 of this title (relating to Additional Financial Assistance (AFA));
 - (5) Section 26.410 of this title (relating to Universal Service Fund Reimbursement for Certain IntraLATA Service);
 - (6) Section 26.412 of this title (relating to Lifeline Service Program);
 - (7) Section 26.414 of this title (relating to Telecommunications Relay Service (TRS));
 - (8) Section 26.415 of this title (relating to Specialized Telecommunications Assistance Program (STAP));
 - (9) Section 26.417 of this title (relating to Designation as Eligible Telecommunications Providers to Receive Texas Universal Service Funds (TUSF));
 - (10) Section 26.418 of this title (relating to Designation of Common Carriers as Eligible Telecommunications Carriers to Receive Federal Universal Service Funds);
 - (11) Section 26.420 of this title (relating to Administration of Texas Universal Service Fund (TUSF));
 - (12) Section 26.421 of this title (relating to Designation of Eligible Telecommunications Providers to Provide Service to Uncertificated Areas);
 - (13) Section 26.422 of this title (relating to Subsequent Petitions for Service to Uncertificated Areas);
 - (14) Section 26.423 of this title (relating to High Cost Universal Service Plan for Uncertificated Areas where an Eligible Telecommunications Provider (ETP) Volunteers to Provide Basic Local Telecommunications Service); and
 - (15) Section 26.424 of this title (relating to Audio Newspaper Assistance Program).

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(c) Support available to deregulated markets.

- (1) An incumbent local exchange company may not receive support from the universal service fund for a deregulated market that has a population of at least 30,000.
- (2) An incumbent local exchange company may receive support from the universal service fund for a deregulated market that has a population of less than 30,000 only if the company demonstrates to the commission that the company needs the support to provide basic local telecommunications service at reasonable rates in the affected market. A company may use evidence from outside the affected market to make the demonstration.
- (3) An incumbent local exchange company may make the demonstration described by paragraph (2) of this subsection in relation to a market before submitting a petition to deregulate the market.