

PROJECT NO. 24639

RULEMAKING TO IMPLEMENT	§	PUBLIC UTILITY COMMISSION
ENFORCEMENT PROCEDURES	§	
RELATING TO QUARTERLY	§	OF TEXAS
ACCESS LINE REPORTS	§	
	§	

**PROPOSAL FOR PUBLICATION OF NEW §26.468
AS APPROVED AT THE APRIL 18, 2002 OPEN MEETING**

The Public Utility Commission of Texas (commission) proposes new §26.468, relating to Procedures for Standardized Access Line Reports and Enforcement Relating to Quarterly Reporting. The proposed new rule will ensure that quarterly access line reporting pursuant to §26.467 of this title (relating to Rates, Allocation, Compensation, Adjustments, and Reporting) will be performed in a uniform and timely manner. Further, it applies the commission's already-existing enforcement procedures for failure to comply with quarterly reporting requirements. Project Number 24639 has been assigned to this proceeding.

Mr. Charles Johnson, Director, Legal Division and Mr. Elango Rajagopal, Senior Policy Analyst, Telecommunications Division have 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.

Mr. Johnson and Mr. Rajagopal have 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 new system that facilitates the filing of quarterly access line counts in a standardized

manner. It is anticipated that the system will assist certificated telecommunications providers (CTPs) to comply with reporting requirements in a timely and efficient manner. Further, the system permits any Texas city real-time web-based access to quarterly reports of line counts filed by CTPs operating in that city. The ability to obtain line count information over the Internet is expected to reduce administrative burdens on municipal governments. 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.

Mr. Johnson and Mr. Rajagopal have also determined that for each year of the first five years the proposed section is 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 new section (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 20 days after publication. Reply comments may be submitted within 30 days after publication. Comments should be organized in a manner consistent with the organization of the proposed rule. 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 24639.

This new section is proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (Vernon 1998, Supplement 2002) (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. This proposed rule is also authorized by Local Government Code §283.055 and §283.058, which requires CTPs to file a quarterly access line report and gives jurisdiction to the commission over municipalities and CTPs to enforce legal requirements in a competitively neutral and non-discriminatory manner.

Cross Reference to Statutes: Public Utility Regulatory Act §14.002, Local Government Code §283.055 and §283.058.

§26.468. Procedures for Standardized Access Line Reports and Enforcement Relating to Quarterly Reporting.

- (a) **Purpose.** This section standardizes access line reports and implements enforcement procedures relating to quarterly reporting.
- (b) **Application.** The section applies to all certificated telecommunications providers (CTPs) operating in municipalities in the State of Texas.
- (c) **Definition.** The following words and terms, when used in this section, shall have the following meaning unless the context clearly indicates otherwise:
- (1) **Certificated telecommunications provider (CTP)** — As defined under Local Government Code §283.002.
 - (2) **Municipal Access Line Reporting System (M.A.R.S.)** — An Internet Web application designed for the reporting of quarterly access line counts.
- (d) **Reporting procedures.** All CTPs shall electronically file the Quarterly Access Line Reports using the M.A.R.S. as required under §26.467 of this title (relating to Rates, Allocation, Compensation, Adjustments, and Reporting).

- (e) **Failure to comply.** Failure to comply with subsection (d) of this section is subject to administrative penalties pursuant to §22.246 of this title (relating to Administrative Penalties). In applying the administrative penalties, the commission shall take into consideration factors which include, but are not limited to:
- (1) failure to report;
 - (2) inaccurate reporting;
 - (3) impact of inaccurate or delayed reporting on municipalities;
 - (4) history of previous violations; and
 - (5) the number of days the report was filed late.

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 19th DAY OF APRIL 2002 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
RHONDA G. DEMPSEY**