

CHAPTER 26. SUBSTANTIVE RULES APPLICABLE TO TELECOMMUNICATIONS SERVICE PROVIDERS.

Subchapter R. PROVISIONS RELATING TO MUNICIPAL REGULATION AND RIGHTS-OF-WAY MANAGEMENT.

§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 (MARS)** — An Internet Web application designed for the reporting of quarterly access line counts.
 - (3) **Exemption** — As defined in §26.465(h) of this title (relating to Methodology for Counting Access Lines and Reporting Requirements for Certificated Telecommunications Providers).
 - (A) **Fully exempt CTP** — A CTP claiming exemption that has no access lines to report for any municipalities participating in the fee-per-access line compensation scheme, as required under §26.467 of this title (relating to Rates, Allocation, Compensation, Adjustments and Reporting).
 - (B) **Partially exempt CTP** — A CTP claiming exemption that is also operating in and has access lines to report for other municipalities participating under the fee-per-access-line compensation scheme, as required under §26.467 of this title.
- (d) **Reporting procedures.** All CTPs shall file the Quarterly Access Line Reports as required under §26.467 of this title electronically using the MARS, unless the CTP is fully exempt as defined in subsection (c)(3)(A) of this section.
 - (1) **CTPs with municipal access lines.** CTPs shall file all access lines by municipality pursuant to §26.467(k)(3) of this title.
 - (2) **CTPs with no municipal access lines.** CTPs with no access lines in the State of Texas shall file "Zero Access Lines in Texas."
- (e) **Exemption.**
 - (1) **All exempt CTPs.** Both fully and partially exempt CTPs shall:
 - (A) by August 15, 2002, file a notarized document listing the municipalities in which it is operating under existing municipal franchise agreements; and
 - (B) if the notarized list in subparagraph (A) of this paragraph should change, file an updated notarized list no later than the 45 days from the end of the preceding calendar quarter.
 - (2) **All fully exempt CTPs.** All fully exempt CTPs shall:
 - (A) by August 15, 2002, use the MARS to claim the exemption;
 - (B) subsequently, no later than 45 days from the end of the preceding calendar quarter, use the MARS to renew this exemption; and
 - (C) discontinue renewing this exemption if the CTP should become a partially exempt CTP.

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- (f) **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). Instances of noncompliance include, but are not limited to:
- (1) failure to report;
 - (2) untimely reporting; and
 - (3) inaccurate reporting.
- (g) **Factors to consider in imposing penalties.** Failures to comply, as delineated in subsection (f) of this section, are subject to administrative penalties, procedures, and factors set forth in §22.246 of this title. In assessing the administrative penalties, the commission shall take into consideration additional factors which include, but are not limited to:
- (1) impact of inaccurate or delayed reporting on municipalities;
 - (2) the number of days the report was filed late; and
 - (3) history of previous violations.