

CHAPTER 26. SUBSTANTIVE RULES APPLICABLE TO TELECOMMUNICATIONS SERVICE PROVIDERS.

SUBCHAPTER A. GENERAL PROVISIONS.

- §26.1. Purpose and Scope of Rules.**
- (a) Mission of the Public Utility Commission of Texas (PUC).
 - (b)
- §26.3. Severability Clause.**
- §26.4. Statement of Nondiscrimination.**
- (a)
 - (b)
 - (c)
- §26.5. Definitions.**
- §26.6. Cost of Copies of Public Information.**
- §26.7. Local Exchange Company Assessment.**
- (a) Amount of assessment.
 - (b) Notice of assessment.
 - (c) Payment of assessment.
- §26.9. Classification System for Violations of Statutes, Rules, and Orders Applicable to Telecommunications Service Providers.**
- (a) Purpose.
 - (b) Classification system.
 - (c) Application of enforcement provisions of other rules.
 - (d) Assessment of administrative penalties.

SUBCHAPTER B. CUSTOMER SERVICE AND PROTECTION.

- §26.21. General Provisions of Customer Service and Protection Rules.**
- (a) Purpose.
 - (b) Prohibition against discrimination.
 - (c) Other prohibitions.
 - (d) Protections.
 - (e) Definitions.
- §26.22. Request for Service.**
- (a) Dominant certificated telecommunications utility (DCTU).
 - (b) Non-dominant certificated telecommunications utility (NCTU).
- §26.23. Refusal of Service.**
- (a) Dominant certificated telecommunications utility (DCTU).
 - (b) Non-dominant certificated telecommunications utility (NCTU).
- §26.24. Credit Requirements and Deposits.**
- (a) Dominant certificated telecommunications utility (DCTU).
 - (b) Non-dominant certificated telecommunications utility (NCTU).
 - (c) NCTU implementation.
- §26.25. Issuance and Format of Bills.**
- (a) Application.
 - (b) Purpose.
 - (c) Frequency of bills and billing detail.
 - (d) Billing information.
 - (e) Bill content requirements.
 - (f) Compliance review of bill formats.
 - (g) Effective date.
- §26.26. Foreign Language Requirements.**
- (a) Notification requirement.
 - (b) Spanish information requirement.
 - (c) Additional information requirement.
 - (d) Non-dominant certificated telecommunications utility (NCTU) implementation.
- §26.27. Bill Payment and Adjustments.**
- (a) Dominant certificated telecommunications utility (DCTU).
 - (b) Non-dominant certificated telecommunications utility (NCTU).

- (c) NCTU implementation.
- §26.28. Suspension or Disconnection of Service.**
 - (a) Dominant certificated telecommunications utility (DCTU).
 - (b) Non-dominant certificated telecommunications utility (NCTU).
 - (c) NCTU implementation.
- §26.29. Prepaid Local Telephone Service (PLTS).**
 - (a) Applicability.
 - (b) Eligible customers.
 - (c) Requirements for notifying customers about PLTS.
 - (d) Subscription to PLTS.
 - (e) Rates, terms, and conditions of PLTS.
 - (f) Return to basic local telecommunications service.
 - (g) Customer education.
 - (h) Toll and usage sensitive blocking capability.
 - (i) Waiver request.
 - (j) Interexchange carrier (IXC) notification.
- §26.30. Complaints.**
 - (a) Complaints to a certificated telecommunications utility (CTU).
 - (b) Complaints to the commission.
- §26.31. Disclosures to Applicants and Customers.**
 - (a) Application
 - (b) Certificated telecommunications utilities (CTU).
 - (c) Dominant certificated telecommunications utility (DCTU).
 - (d) Non-dominant certificated telecommunications utility (NCTU) implementation.
- §26.32. Protection Against Unauthorized Billing Charges (“Cramming”).**
 - (a) Purpose.
 - (b) Application.
 - (c) Definition.
 - (d) Requirements for billing authorized charges.
 - (e) Post-termination billing.
 - (f) Verification requirements.
 - (g) Expiration of consent and verification.
 - (h) Unauthorized charges.
 - (i) Notice of customer rights.
 - (j) Complaints to the commission.

- (k) Compliance and enforcement.

§26.33. Prompt Payment Act.

- (a) Application.
- (b) Time for payment by a governmental entity.
- (c) Disputed bills.
- (d) Interest on overdue payment.
- (e) Notice

§26.34. Telephone Prepaid Calling Services.

- (a) Purpose.
- (b) Application.
- (c) Liability.
- (d) Definitions.
- (e) Billing requirements for prepaid calling services.
- (f) Written disclosure requirements for all prepaid calling services.
- (g) Verbal disclosure requirements for prepaid calling services.
- (h) Registration requirements for prepaid calling services companies.
- (i) Business and technical assistance requirements for prepaid calling services companies.
- (j) Requirements for refund of unused balances.
- (k) Requirements when a prepaid calling services company terminates operations in this state.
- (l) Date of compliance for prepaid calling card services companies.
- (m) Compliance and enforcement.

§26.37. Texas No-Call List.

- (a) Purpose.
- (b) Application.
- (c) Definitions.
- (d) Requirement of telemarketers.
- (e) Exemptions.
- (f) No-call database.
- (g) Notice.
- (h) Violations.
- (i) Record retention; Provision of records; Presumptions.
- (j) Evidence.
- (k) Enforcement and penalties.

SUBCHAPTER C. INFRASTRUCTURE AND RELIABILITY.

§26.51. Reliability of Operations of Telecommunications Providers.

- (a) Application.
- (b) Emergency Operations Plan.
- (c) Continuity of Service.
- (d) Record of interruption.
- (e) Report to commission.
- (f) Change in character of service.

§26.52. Emergency Operations.

- (a)
- (b)
- (c)

§26.53. Inspections and Tests.

- (a)
- (b)
- (c)
- (d)

§26.54. Service Objectives and Performance Benchmarks.

- (a)
- (b) One-party line service and voice band data.
- (c)

§26.55. Monitoring of Service.

§26.57. Requirements for a Certificate Holder's Use of an Alternate Technology to Meet its Provider of Last Resort Obligation.

- (a) Purpose.
- (b) Definitions.
- (c) Application of this section.
- (d) Standards for meeting POLR obligations using an alternate technology.
- (e) Application to meet its POLR obligations using an alternate technology.
- (f) Commission processing of application.

SUBCHAPTER D. RECORDS, REPORTS, AND OTHER REQUIRED INFORMATION.

§26.71. General Procedures, Requirements and Penalties.

- (a) Who shall file.
- (b) Initial reporting.
- (c) Maintenance and location of records.
- (d) Report attestation.
- (e) Information omitted from reports.
- (f) Due dates of reports.
- (g) Special and additional reports.
- (h) Penalty for refusal to file on time.

§26.72. Uniform System of Accounts.

- (a)
- (b) Classification.
- (c) System of accounts.
- (d) Other system of accounts.
- (e) Merchandise accounting.
- (f) Accounting period.
- (g) Rules related to capitalization of construction costs.

§26.73. Annual Earnings Report.

- (a)
- (b)
- (c)

§26.74. Reports on Sale of Property and Mergers.

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)

§26.75. Reports on Sale of 50% or More of Stock.

- (a)
- (b)
- (c)

- §26.76. Gross Receipts Assessment Report.**
- §26.78. State Agency Utility Account Information.**
 - (a) Application.
 - (b)
 - (c)
 - (d)
 - (e)
 - (f)
 - (g)
 - (h)
- §26.79. Equal Opportunity Reports.**
 - (a)
 - (b)
 - (c)
 - (d)
 - (e)
 - (f)
 - (g)
- §26.80. Annual Report on Historically Underutilized Businesses.**
 - (a)
 - (b)
 - (c)
 - (d)
 - (e)
- §26.81. Service Quality Reports.**
- §26.85. Report of Workforce Diversity and Other Business Practices.**
 - (a) Purpose.
 - (b) Application.
 - (c) Terminology.
 - (d) Annual progress report of workforce and supplier contracting diversity.
 - (e) Filing requirements.
 - (f) Contents of the report.
 - (g)
 - (h)
 - (i) Waiver.

§26.87. Infrastructure Reports.

§26.89. Nondominant Carriers' Obligations Regarding Information on Rates and Services.

(a)

(b)

(c)

(d)

SUBCHAPTER E. CERTIFICATION, LICENSING AND REGISTRATION.

§26.101. Certificate of Convenience and Necessity.

- (a) Scope and Purpose.
- (b) Certificates of Convenience and Necessity for new service areas and facilities.
- (c) Non-exclusivity of CCN.
- (d) Name of Certification.
- (e) Amending a CCN.
- (f) Sale, transfer, merger.
- (g) Reporting requirements.

§26.102. Registration of Pay Telephone Service Providers (PTS).

- (a) Scope and Purpose.
- (b) Registration Requirement.
- (c) Re-registration.
- (d) Disclosure of location.
- (e) Network access.
- (f) Revocation or suspension.
- (g) Reporting requirements.

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

- (a) Scope and Purpose.
- (b) Registration Requirement.
- (c) Re-Registration.
- (d) Amendments to Registration.
- (e) Required Reports.
- (f) Revocation or Suspension.

§26.111. Certificate of Operating Authority (COA) and Service Provider Certificates of Operating Authority (SPCOA) criteria.

- (a) Scope and Purpose.
- (b) Definitions.
- (c) Ineligibility for certification.
- (d) Application for COA or SPCOA certification.

- (e) Standards for granting certification to COA and SPCOA applicants.
- (f) Financial requirements.
- (g) Technical and managerial requirements.
- (h) Certificate Name.
- (i) Amendment of a COA or SPCOA certificate.
- (j) Non-use of certificates.
- (k) Renewal of certificates.
- (l) Reporting Requirements.
- (m) Standards for discontinuation of service and relinquishment of certification.
- (n) Standards for discontinuing optional services.
- (o) Revocation or suspension.

SUBCHAPTER F. REGULATION OF TELECOMMUNICATIONS SERVICE.

§26.121. Privacy Issues.

- (a) Application.
- (b) Purpose.
- (c) Lost Privacy.
- (d) New services or features.
- (e) Notice of number delivery over 800, 888, and other toll-free prefixes and 900 services.

§26.123. Caller Identification Services.

- (a) Application.
- (b) Caller identification services (“caller ID”).
- (c) Usage of calling party information in other services.

§26.124. Pay-Per-Call Information Services Call Blocking.

- (a) Free blocking.
- (b) Subscription to blocking.
- (c) Mandatory blocking.
- (d) Disconnection.
- (e) Compliance.

§26.125. Automatic Dial Announcing Devices (ADADs).

- (a) Purpose.
- (b) Application.
- (c) Requirements for use of an ADAD.
- (d) Permit to operate an ADAD.
- (e) Exceptions.
- (f) Complaints, investigation, and enforcement.
- (g) Permit suspension/child support enforcement.
- (h) Penalties.

§26.127. Abbreviated Dialing Codes.

- (a) Code assignments.
- (b) Use only as directed.
- (c) Limitations.
- (d) 211 service.
- (e) 311 service.

- (f) 811 service.

§26.128. Telephone Directories.

- (a) Applicability.
- (b) Telephone directory requirements for all providers.
- (c) Private for-profit publisher.
- (d) Additional requirement for telecommunications utilities or affiliates that publish telephone directories.
- (e) Requirements for telecommunications utilities found to be dominant.
- (f) References to other sections relating to directory notification.
- (g) Additional requirements.

§26.129. Standards for Access to Provide Telecommunications Services at Tenant Request.

- (a) Purpose.
- (b) Application.
- (c) Definitions.
- (d) Rights of parties.
- (e) Procedures upon tenant request.
- (f) Requirement to negotiate for 30 days.
- (g) Parameters for installation of telecommunications equipment.
- (h) Parameters for determining reasonable compensation for access.
- (i) Failure to reach negotiated agreement.
- (j) Administrative penalties.

§26.130. Selection of Telecommunications Utilities.

- (a) Purpose and Application.
- (b) Definitions.
- (c) Changes in preferred telecommunications utility.
- (d) Letters of Agency (LOA).
- (e) Notification of alleged unauthorized change.
- (f) Unauthorized changes.
- (g) Notice of customer rights.
- (h) Compliance and enforcement.
- (i) Notice of identity of a customer's telecommunications utility.
- (j) Preferred telecommunications utility freezes.
- (k) Transferring customers from one telecommunications utility to another.
- (l) Complaints to the commission.

- (m) Additional requirements for changes involving certain telecommunications utilities.

§26.131. Competitive Local Exchange Carrier (CLEC)-to-CLEC and CLEC-to-Incumbent Local Exchange Carrier (ILEC) Migration Guidelines.

- (a) Purpose.
- (b) Application.
- (c) Terminology.
- (d) Migration Guidelines.

§26.133. Business and Marketing Code of Conduct for Certificated Telecommunications Utilities (CTUs)

- (a) Purpose.
- (b) Application.
- (c) Communications.
- (d) Corporate advertising and marketing.
- (e) Information sharing and disclosure.
- (f) References to other Chapter 26 substantive rules.
- (g) Adoption and dissemination.
- (h) Investigation and enforcement.

§26.134 Market Test to be Applied in Determining if Markets with Populations Less than 30,000 Should Remain Regulated.

- (a) Purpose.
- (b) Application.
- (c) Market Test Procedures.
- (d) Rural Exemption Waiver.
- (e) Timing.

SUBCHAPTER G. ADVANCED SERVICES.

§26.141. Distance Learning, Information Sharing Programs, and Interactive Multimedia Communications and Private Network Services to Certain Entities.

- (a) Definitions.
- (b) Distance Learning, Information Sharing Programs, and Interactive Multimedia Communications.
- (c) Private Network Services to Certain Entities.

§26.142. Integrated Services Digital Network (ISDN).

- (a) Purpose.
- (b) Application.
- (c) Availability of ISDN.
- (d) ISDN standards and services.
- (e) Costing and pricing of ISDN.
- (f) Requirements for notice and contents of application in compliance with this section.
- (g) Timing of and requirements for each DCTU's compliance with this section.
- (h) Commission processing of application.
- (i) Commission processing of waivers.
- (j) Limitation on filings and postings.

§26.143. Provision of Advanced Services in Rural Areas.

- (a) Purpose.
- (b) Application.
- (c) Definitions.
- (d) Provision of advanced services.
- (e) Requesting competitive response for provision of advanced services.
- (f) Bona Fide Retail Request process.

SUBCHAPTER I. ALTERNATIVE REGULATION.

§26.171. Small Incumbent Local Exchange Company Regulatory Flexibility.

- (a) Purpose and application.
- (b) Definition.
- (c) Filing.
- (d) Notice.
- (e) New service availability.
- (f) Rates and revenues.
- (g) Review.
- (h) Docketing.

§26.172. Voting Procedures for Partial Deregulation or Reversal of Partial Deregulation of Telephone Cooperatives.

- (a) Purpose.
- (b) Definition.
- (c) Balloting.
- (d) Instructions for balloting.
- (e) Tabulation of ballots.
- (f) Retention of Ballots.
- (g) Reporting Requirement.

§26.175. Reclassification of Telecommunications Services for Electing Incumbent Local Exchange Companies (ILECs).

- (a) Purpose.
- (b) Application.
- (c) General standards for reclassification of a service.
- (d) Standards for reclassification of a basic network service as a discretionary service.
- (e) Standards for reclassification of a basic network service or discretionary service as a competitive service.
- (f) Requirements for notice and contents of the application in compliance with this section.
- (g) Commission processing of application.

SUBCHAPTER J. COSTS, RATES AND TARIFFS.

§26.201. Cost of Service.

- (a) Purpose.
- (b) Components of cost of service.
- (c) Allowable expenses.
- (d) Return on invested capital.

§26.203. Rate Policies for Small Local Exchange Companies (SLECs).

- (a)
- (b)
- (c)

§26.205. Rates for Intrastate Access Services.

- (a) General.
- (b) Access services.
- (c) Access rates.
- (d) Administrative provisions.

§26.206. Depreciation Rates.

- (a) General.
- (b) Depreciation rate changes for telecommunications utilities subject to regulation of interstate depreciation rates by the Federal Communications Commission.
- (c) Depreciation rate changes for other dominant carriers.
- (d) Methods for figuring depreciation rates.
- (e) Burden of proof.
- (f) Interim booking.
- (g) Special amortization.
- (h) New depreciation rates.
- (i) Public Utility Regulatory Act (PURA), Chapter 58 companies.

§26.207. Form and Filing of Tariffs.

- (a) Application.
- (b) Purpose.
- (c) Effective tariff.
- (d) Requirements as to size, form, identification and filing of tariffs.
- (e) Composition of tariffs.
- (f) Tariff filings in response to commission orders.

- (g) Symbols for changes.
- (h) Availability of tariffs.
- (i) Effective date of tariff change.

§26.208. General Tariff Procedures.

- (a) Application.
- (b) Purpose.
- (c) Content of public notice.
- (d) Proof of notice.
- (e) Administrative review.
- (f) Approval or denial of applications.
- (g) Review of the applications after docketing.
- (h) Withdrawal of a service.
- (i)

§26.209. New and Experimental Services.

- (a) Application.
- (b) Purpose.
- (c) Filings requesting approval of new and experimental services.
- (d) Modifications and waivers of requirements.
- (e) Requirements for proposed new and experimental services.
- (f) Interim rates.
- (g) Reporting requirements.
- (h) Subsequent review of the service.
- (i) Provisions for SLECs.

§26.210. Promotional Rates for Local Exchange Company Services.

- (a) Application.
- (b) Purpose.
- (c) Filings requesting approval of promotional rates.
- (d) Modification and waivers of requirements.
- (e) Notice of intent to file.
- (f) Requirements for promotional rates.
- (g) Notification to the public of services to be offered at promotional rates.
- (h) Reporting requirements.
- (i) Treatment of revenues and expenses related to promotional rates in subsequent rate cases.
- (j) Subsequent review of the promotional rates.

- (k) Provisions for SLECs.
- §26.211. Rate-Setting Flexibility for Services Subject to Significant Competitive Challenges.**
 - (a) Application.
 - (b) Purpose.
 - (c) Pricing flexibility.
 - (d) Customer-specific contracts.
 - (e) Subsequent review.
 - (f) Severability.
- §26.214. Long Run Incremental Cost (LRIC) Methodology for Services provided by Certain Incumbent Local Exchange Companies (ILECs).**
 - (a) Application.
 - (b) Purpose.
 - (c) LRIC studies.
 - (d) Procedures for review of LRIC studies filed under subsection (c) of this section.
- §26.215. Long Run Incremental Cost Methodology for Dominant Certificated Telecommunications Utility (DCTU) Services.**
 - (a) Application.
 - (b) Purpose.
 - (c) Definitions.
 - (d) General Principles.
 - (e) Identification of basic network functions.
 - (f) LRIC studies for individual BNFs.
 - (g) LRIC studies for tariffed services.
 - (h) Identification of BNFs and groups of services that share significant common costs and calculation of such common costs.
 - (i) LRIC studies for groups of tariffed services that share significant common costs.
 - (j) Requirements for subsequent filings of LRIC studies.
 - (k) Review process for LRIC studies.
 - (l) Notice requirements.
- §26.216. Educational Percentage Discount Rates (E-Rates).**
 - (a) Purpose.
 - (b) Provisions governing intrastate E-Rates.
- §26.217. Administration of Extended Area Service (EAS) Requests.**
 - (a) Purpose.
 - (b) Extended Area Service.

§26.219. Administration of Expanded Local Calling Service Requests.

- (a) Purpose.
- (b) Definitions.
- (c) ELCS requests, notice and intervention.
- (d) Initial review of a request for ELCS.
- (e) Exemptions.
- (f) Balloting.
- (g) Calculation of ELCS Fees.
- (h) Docketing.
- (i) Final approval.

§26.221. Applications to Establish or Increase Expanded Local Calling Service Surcharges.

- (a) Purpose.
- (b) Definitions.
- (c) General Principles.
- (d) Confidentiality.
- (e) Filing an application.
- (f) Administrative response to an application.
- (g) Calculation of initial ELCS surcharges.
- (h) Adjustments to ELCS surcharges.
- (i) Duration.

§26.223. Prohibition of Excessive COA/SPCOA Usage Sensitive Intrastate Switched Access Rates.

- (a) Purpose.
- (b) Applicability.
- (c) Requirements for COA/SPCOA usage sensitive intrastate switched access rates.
- (d) Governance of Switched Access Rates under PURA Chapter 65.
- (e) Statewide average composite rates.
- (f) Approval of higher rates.
- (g) Requirement for CCN holders compliance submissions.
- (h) Requirements of COA/SPCOA holders compliance submissions.

§26.224. Requirements Applicable to Basic Network Services for Chapter 58 Electing Companies.

- (a) Application.
- (b) Purpose.
- (c) Basic network services.
- (d) Requirement for changes to terms of a tariff offering.

- (e) Establishment of a long run incremental cost floor.
- (f) Rate increase prior to rate cap expiration.
- (g) Procedure for a rate increase prior to rate cap expiration.
- (h) Rate increase after rate cap expiration
- (i) Rate decrease.
- (j) Proprietary or confidential information.
- (k) Additional notice requirement for an electing company serving more than five million access lines.
- (l) Semi-annual notice for rates or terms of service.

§26.225. Requirements Applicable to Nonbasic Services for Chapter 58 Electing Companies.

- (a) Application.
- (b) Purpose.
- (c) Nonbasic services.
- (d) Substantive requirements.
- (e) New service.

§26.226. Requirements Applicable to Pricing Flexibility for Chapter 58 Electing Companies.

- (a) Application.
- (b) Purpose.
- (c) Pricing flexibility.
- (d) Pricing standards.
- (e) Requirements for customer-specific contracts.

§26.227. Procedures Applicable to Nonbasic Services and Pricing Flexibility for Basic and Nonbasic Services for Chapter 58 Electing Companies.

- (a) Application.
- (b) Purpose.
- (c) Informational notice filing and notice requirements related to pricing flexibility and nonbasic services, including new services.
- (d) Disputes as to sufficiency or appropriateness of informational notice filing.
- (e) Complaints regarding service offerings introduced by informational notice filings.
- (f) Interim relief.
- (g)
- (h)

§26.228. Requirements Applicable to Chapter 52 Companies.

- (a) Application.
- (b) Purpose.

- (c) New services.
- (d) Pricing and packaging flexibility.
- (e) Customer promotional offerings.
- (f) Requirements for customer specific contracts.
- (g) Procedures related to the filing of informational notices and associated tariffs.

§26.229. Requirements Applicable to Chapter 59 Electing Companies.

- (a) Application.
- (b) Purpose.
- (c) New services.
- (d) Pricing and packaging flexibility.
- (e) Customer promotional offerings.
- (f) Requirements for customer specific contracts.
- (g) Procedures related to the filing of informational notices and associated tariffs.
- (h)
- (i)

§26.230. Requirements Applicable to Chapter 65 One-day Informational Notice Filings.

- (a) Application.
- (b) Purpose.
- (c) Pricing standards.
- (d) Procedures related to the filing of one-day informational notices and associated tariffs.
- (e) Notice of deficiencies and disputes as to sufficiency or appropriateness of one-day informational notice filings.
- (f) Complaints.
- (g)
- (h)
- (i)

SUBCHAPTER L. WHOLESALE MARKET PROVISIONS.

§26.271. Expanded Interconnection.

- (a) Applicability.
- (b) Expanded interconnection for special access and private line services.
- (c) Expanded interconnection for switched transport services.
- (d) Waivers.
- (e) Voluntary agreements.
- (f) Bona fide requests.
- (g) Utilization of collocation space.
- (h) Utilization of facilities.
- (i) Reciprocal expanded interconnection.

§26.272. Interconnection.

- (a) Purpose.
- (b) Definition.
- (c) Application and Exceptions.
- (d) Principles of interconnection.
- (e) Minimum interconnection arrangements.
- (f) Negotiations.
- (g) Compulsory arbitration process.
- (h) Filing of rates, terms, and conditions.
- (i) Customer safeguards.

§26.274. Imputation.

- (a) Application.
- (b) Purpose.
- (c) Definition.
- (d) Services for which imputation is required.
- (e) Rates to which imputation is not required.
- (f) Imputation on a service-by-service basis.
- (g) Imputation methodology.
- (h) Imputation study for a new service or a revised rate.
- (i) Timing of imputation studies.
- (j) Confidentiality of data.
- (k) Waiver provisions.

§26.276. Unbundling.

- (a) Purpose.
- (b) Application.
- (c) Unbundling requirements.
- (d) Costing and pricing of services in compliance with this section.
- (e) Basket assignment.
- (f) Filing requirements.
- (g) Requirements for notice and contents of application in compliance with this section.
- (h) Commission processing of application.
- (i) Commission processing of waivers.

§26.283. Infrastructure Sharing.

- (a) Definitions.
- (b) Requirement to share.
- (c) Procedure to request sharing.

SUBCHAPTER M. OPERATOR SERVICES.

§26.311. Information Relating to Operator Services.

- (a) Purpose.
- (b) Application
- (c) Definition.
- (d) Complaints relating to operator services.
- (e) Enforcement.

§26.313. General Requirements Relating to Operator Services.

- (a) Application
- (b) Requirements to provide operator service.
- (c) Requirements before call is completed.
- (d) Requirements for uncompleted call.
- (e) Requirement to provide access to a live operator.
- (f) Call splashing.
- (g) Other requirements.

§26.315. Requirements for Dominant Certificated Telecommunications Utilities (DCTUs).

- (a) Validation information.
- (b) Billing and collection services.
- (c) Validation requirements.
- (d) Request to access another carrier.

§26.317. Information to be Provided at the Telephone Set.

- (a)
- (b)
- (c)
- (d)
- (e)

§26.319. Access to the Operator of a Local Exchange Company (LEC).

- (a)
- (b)

§26.321. 9-1-1 calls, "0-" calls, and End User Choice.

- (a)
- (b)
- (c)

- (d)
- (e)
- (f)

SUBCHAPTER N. PAY TELEPHONE SERVICE.

§26.341. General Information Relating to Pay Telephone Service (PTS).

- (a) Definition.
- (b) Registration.
- (c) Violation of regulations.
- (d) Enforcement.

§26.342. Pay Telephone Service Tariff Provisions.

- (a) Application
- (b) Available upon request.
- (c) Special assembly tariffs.
- (d) Enforcement of tariff requirements.

§26.343. Responsibilities for Pay Telephone Service (PTS) of Certificated Telecommunications Utilities (CTUs) Holding Certificates of Convenience and Necessity (CCNs).

- (a)
- (b)
- (c)
- (d)
- (e)
- (f)
- (g)

§26.344. Pay Telephone Service Requirements.

- (a) Requirements before call is completed.
- (b) E911 or 911 calls, and "0-" calls.
- (c) Access.
- (d) Other.
- (e) Applications for waivers of the requirement for access.

§26.345. Posting Requirements for Pay Telephone Service Providers.

- (a)
- (b)
- (c)
- (d)
- (e)

- (f) Applications for modification of information to be provided at the pay telephone set.

§26.346. Rates and Charges for Pay Telephone Service.

- (a) Rate structure.
- (b) Charges.

§26.347. Fraud Protection for Pay Telephone Service.

- (a)
- (b)
- (c)
- (d)

SUBCHAPTER O. NUMBERING.

§26.375. Reclamation of Codes and Thousand-Blocks and Petitions for Extension of Code and Thousands-Block Activation.

- (a) Purpose.
- (b) Application.
- (c) Definitions.
- (d) Reclamation.
- (e) Reclamation list and thousands-block reclamation list.
- (f) Petition for extension.
- (g) Code holder reporting responsibilities.

SUBCHAPTER P. TEXAS UNIVERSAL SERVICE FUND.

§26.401. Texas Universal Service Fund (TUSF).

- (a) Purpose.
- (b) Programs included in the TUSF.
- (c) Support available to deregulated markets.

§26.402. Transparency and Accountability in the Administration of the Texas Universal Service Fund.

- (a) Purpose.
- (b) Application.
- (c) Reports required for a price cap carrier designated as an ETP and as an ETC that receives federal USF high cost support.
- (d) Reports required for a rate of return carrier, competitive local exchange carrier (CLEC), or wireless carrier designated as an ETP and as an ETC that receives federal USF high cost support.
- (e) Reports made public by the commission.

§26.403. Texas High Cost Universal Service Plan (THCUSP).

- (a) Purpose.
- (b) Application.
- (c) Definitions.
- (d) Service to be supported by the THCUSP.
- (e) Criteria for determining amount of support under THCUSP.
- (f) Support Reduction.
- (g) Reporting requirements.

§26.404. Small and Rural Incumbent Local Exchange Company (ILEC) Universal Service Plan.

- (a) Purpose.
- (b) Application.
- (c) Definitions.
- (d) Service to be supported by the Small and Rural ILEC Universal Service Plan.
- (e) Criteria for determining amount of support under Small and Rural ILEC Universal Service Plan.
- (f) Small and Rural ILEC Universal Service Plan support payments to ETPs.
- (g) Support Reduction.
- (h) Reporting requirements.

§26.405. Financial Need for Continued Support.

- (a) Purpose.
- (b) Application.
- (c) Definitions.
- (d) Determination of financial need.
- (e) Criteria for determining amount of continued support.
- (f) Proceeding to Determine Financial Need and Amount of Support.
- (g) De-averaging of the support received by ILEC ETPs from SRILEC USP.
- (h) Reporting requirements.
- (i) Additional Financial Assistance.
- (j) Service to be supported.

§26.406. Implementation of the Public Utility Regulatory Act §56.025.

- (a) Purpose.
- (b) Applicability.
- (c) Requirements of the ILEC.
- (d) Commission processing of the application.
- (e) Reporting requirements.

§26.407. Small and Rural Incumbent Local Exchange Company Universal Service Plan Support Adjustments.

- (a) Purpose.
- (b) Application.
- (c) Definitions.
- (d) Notification to the commission that a small ILEC seeks to participate in this section.
- (e) Annual report of a requesting small ILEC.
- (f) Commission staff's review of annual reports.
- (g) Treatment of small ILECs based on rate of return categories.
- (h) Contested case procedures.
- (i) Confidentiality of information.
- (j) Commission adjustment of the small ILEC's revenue requirement and Small and Rural Incumbent Local Exchange Company Universal Service Plan support.
- (k) Miscellaneous items.
- (l) Treatment of federal income tax expense.

§26.408. Additional Financial Assistance (AFA).

- (a) Purpose.

- (b) Application.
 - (c) Establishment of AFA need.
 - (d) Reporting requirements.
- §26.410. Universal Service Fund Reimbursement for Certain IntraLATA Service.**
- (a) Purpose.
 - (b) Applicability.
 - (c) Reimbursement.
 - (d) Reporting requirements.
- §26.412. Lifeline Service Program.**
- (a) Scope and Purpose.
 - (b) Applicability.
 - (c) Definitions.
 - (d) Customer Eligibility Requirements.
 - (e) Lifeline Service Program.
 - (f) Lifeline support and recovery of support amounts.
 - (g) Obligations of the customer and the Lifeline provider.
- §26.413. Link Up for Tribal Lands.**
- (a) Scope and Purpose.
 - (b) Applicability.
 - (c) Definitions.
 - (d) Link Up for Tribal Lands.
 - (e) Obligations of the customer.
 - (f) Obligations of the participating telecommunications carrier.
- §26.414. Telecommunications Relay Service (TRS).**
- (a) Purpose.
 - (b) Provision of TRS.
 - (c) Contract for the TRS carrier.
 - (d) Special features for TRS.
 - (e) Advisory Committee.
- §26.415. Specialized Telecommunications Assistance Program (STAP).**
- (a) Purpose.
 - (b) Program responsibilities.
 - (c) Program administration.

§26.417. Designation as Eligible Telecommunications Providers to Receive Texas Universal Service Funds (TUSF).

- (a) Purpose.
- (b) Requirements for establishing ETP service areas.
- (c) Criteria for designation of ETPs.
- (d) Designation of more than one ETP.
- (e) Proceedings to designate telecommunications providers as ETPs.
- (f) Requirements for application for ETP designation and commission processing of application.
- (g) Relinquishment of ETP designation.
- (h) Auction procedure for replacing the sole ETP in an area.
- (i) Requirements for annual affidavit of compliance to receive TUSF support.

§26.418. Designation of Common Carriers as Eligible Telecommunications Carriers to Receive Federal Universal Service Funds.

- (a) Purpose.
- (b) Applicability.
- (c) Service areas.
- (d) Criteria for determination of ETCs.
- (e) Criteria for determination of receipt of federal universal service support.
- (f) Designation of more than one ETC.
- (g) Proceedings to designate ETCs.
- (h) Application requirements and commission processing of applications.
- (i) Designation of ETC for unserved areas.
- (j) Relinquishment of ETC designation.
- (k) Rural and non-rural carriers' requirements for annual certification to receive FUSF support.
- (l) Disaggregation of rural carriers' FUSF support.

§26.419. Telecommunication Resale Providers Designation as Eligible Telecommunications Providers to Receive Texas Universal Service Funds (TUSF) for Lifeline Service.

- (a) Scope and Purpose.
- (b) Requirements for establishing ETP service areas.
- (c) Criteria for designation of ETPs.
- (d) Requirements for application for Resale ETP designation and commission processing of application.
- (e) Relinquishment of ETP designation.
- (f) Relinquishment for non-compliance.

(g) Requirements for annual affidavit of compliance to receive TUSF support.

§26.420. Administration of Texas Universal Service Fund (TUSF).

- (a) Purpose.
- (b) Programs included in the TUSF.
- (c) Responsibilities of the commission.
- (d) TUSF administrator.
- (e) Determination of the amount needed to fund the TUSF.
- (f) Assessments for the TUSF.
- (g) Disbursements from the TUSF to ETPs, ILECs, other entities and agencies.
- (h) True-up.
- (i) Sale or transfer of exchanges.
- (j) Proprietary information.

§26.421. Designation of Eligible Telecommunications Providers to Provide Service to Uncertificated Areas.

- (a) Purpose.
- (b) Definitions.
- (c) Application.
- (d) Petition for service.
- (e) Completeness of petition.
- (f) Responding to notice of completeness.
- (g) Evidentiary hearing.
- (h) Commission decision.
- (i) Commission order.
- (j) Cost recovery.
- (k) Submission of actual costs.
- (l) Cap on TUSF reimbursements.

§26.422. Subsequent Petitions for Service in Uncertificated Areas.

- (a)
- (b)
- (c)

§26.423. High Cost Universal Service Plan for Uncertificated Areas where an Eligible Telecommunications Provider (ETP) Volunteers to Provide Basic Local Telecommunications Service.

- (a) Purpose.
- (b) Definitions.
- (c) Application.

- (d) Service to be supported by the High Cost Universal Service Plan for Uncertificated areas where an ETP volunteers to provide basic local telecommunications service.
- (e) Support for uncertificated areas where an ETP volunteers to provide service.
- (f) Reporting requirements.
- (g) Initial support provided pursuant to this section.

§26.424. Audio Newspaper Assistance Program.

- (a) Purpose.
- (b) Definitions.
- (c) Requirements Audio Newspaper Program (ANP) Provider Must Meet.
- (d) Reporting Requirements.
- (e) Eligibility and Registration.

SUBCHAPTER Q. 9-1-1 ISSUES.

§26.433. Roles and Responsibilities of 9-1-1 Service Providers.

- (a) Purpose.
- (b) Definitions.
- (c) 9-1-1 service provider certification requirements.
- (d) Requirement to prepare plan and reporting and notification requirements.
- (e) Network interoperability and service quality requirements.
- (f) Database integrity.
- (g) Cost recovery.
- (h) Unbundling.

§26.435. Cost Recovery Methods for 9-1-1 Dedicated Transport.

- (a) Purpose.
- (b) Application.
- (c) Definitions.
- (d) Reimbursable costs.
- (e) Reimbursement prerequisites.

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

§26.461. Access Line Categories.

- (a) Purpose.
- (b) Application.
- (c) Definitions.
- (d) Access line categories.

§26.463. Calculation and Reporting of a Municipality's Base Amount.

- (a) Purpose.
- (b) Application.
- (c) Definitions.
- (d) Determination of a municipality's base amount.
- (e) Valuation of additional in-kind compensation.
- (f) Base amount for eligible municipalities.
- (g) Base amount for litigating municipality.
- (h) Books and records.
- (i) Reporting procedures and requirements.
- (j) Reporting for additional in-kind compensation.
- (k) Allocation of Base Amount.
- (l) Late, insufficient, or incorrect filing.
- (m) Report attestation.

**§26.465. Methodology for Counting Access Lines and Reporting Requirements for
Certificated Telecommunications Providers.**

- (a) Purpose.
- (b) Application.
- (c) Definitions.
- (d) Methodology for counting access lines.
- (e) Lines to be counted.
- (f) Lines not to be counted.
- (g) Reporting procedures and requirements.
- (h) Exemption.
- (i) Maintenance and location of records.
- (j) Proprietary or confidential information.
- (k) Report attestation.

(l) Reporting of access lines that have been provided by means of resold services or unbundled facilities to another CTP.

(m) Commission review of the definition of access line.

§26.467. Rates, Allocation, Compensation, Adjustments and Reporting.

(a) Purpose.

(b) Application.

(c) Rate determination.

(d) Estimating a 1998 access line count.

(e) Default allocation.

(f) Initial rates.

(g) Updated rates.

(h) Revised rates.

(i) Resolution of municipal allocations.

(j) Consumer price index (CPI) adjustment to commission-established rates.

(k) CTP implementation of commission-established rates.

(l) Alternate reporting and compensation arrangements.

(m) Pass-through.

(n) Compensation from customers of lifeline or other low-income assistance programs.

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

(a) Purpose.

(b) Application.

(c) Definition.

(d) Reporting procedures.

(e) Exemption.

(f) Failure to comply.

(g) Factors to consider in imposing penalties.

§26.469. Municipal Authorized Review of a Certificated Telecommunication Provider's Business Records.

(a) Purpose.

(b) Application.

(c) Municipal Authorized Review Procedural Guidelines.

(d) Commission Resolution of Disputed Issues.

- APPENDIX I** **CROSS REFERENCE: LOCATION OF RULE SECTION IN CHAPTER 23 TO NEW LOCATION IN CHAPTER 25 OR CHAPTER 26.**
- APPENDIX II** **COMMONLY USED ACRONYMS.**
- APPENDIX III** **RECORDS, REPORTS, AND OTHER INFORMATION THAT MAY BE REQUIRED.**