

**PROJECT NO. 39837**

<b>RULEMAKING PROCEEDING TO</b>	<b>§</b>	
<b>AMEND SUBSTANTIVE RULE 26.415,</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>RELATING TO THE SPECIALIZED</b>	<b>§</b>	
<b>TELECOMMUNICATIONS</b>	<b>§</b>	<b>OF TEXAS</b>
<b>ASSISTANCE PROGRAM (STAP)</b>	<b>§</b>	

**PROPOSAL FOR PUBLICATION OF AMENDMENT TO §26.415  
AS APPROVED AT THE OCTOBER 27, 2011 OPEN MEETING**

The Public Utility Commission of Texas (commission) proposes an amendment to §26.415, relating to the Specialized Telecommunications Assistance Program (STAP). The purpose of the amendment is to simplify the process by which vendors and service providers deliver STAP devices and services.

David Smithson, Retail Market Analyst, has determined that for each year of the first five-year period the proposed amendment is in effect there will be no fiscal implications for state and local government as a result of enforcing or administering the amendment.

Mr. Smithson has determined that for each year of the first five years the proposed amendment is in effect the primary anticipated public benefits of the amendments will be a less burdensome delivery process for STAP devices and services. Mr. Smithson has determined that for each year of the first five years the proposed amendment is in effect there will be no economic cost to persons required to comply with the amendment.

Mr. Smithson has determined that for each year of the first five years the amendment 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 (APA), Texas Government Code §2001.022.

Mr. Smithson has determined that there will be no adverse economic effect on small businesses or micro-businesses required to comply with the amendment. Therefore, no regulatory flexibility analysis is required.

The commission staff will conduct a public hearing on this rulemaking, if requested pursuant to the Administrative Procedure Act, Texas Government Code §2001.029, at the commission's offices located in the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701 at 9:00 a.m. on Wednesday, November 30, 2011. The request for a public hearing must be received by 3:00 p.m. on Tuesday, November 29, 2011.

Comments on the amendments may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, by Tuesday, November 29, 2011. Sixteen copies of comments are required to be filed pursuant to §22.71(c) of this title. Comments shall be organized in a manner consistent with the organization of the amended rule. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by implementation of the amendment. The commission will consider the costs and benefits in deciding whether to adopt the amendment. All comments should refer to Project Number 39837.

The amendment is proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (Vernon 2007 and Supp. 2010), which provides authority to the commission to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; and specifically, §56.151, which requires the commission and the Texas Commission for the Deaf and Hard of Hearing to establish the STAP; §56.154(a), which requires the commission to pay the vendor or service provider, using monies from the universal service fund, within 45 days after receiving a voucher issued pursuant to the STAP.

Cross Reference to Statutes: Public Utility Regulatory Act §§14.002, 56.151, and 56.154.

**§26.415. Specialized Telecommunications Assistance Program (STAP).**

(a) - (b)

(c) **Program administration.**

(1)-(3) (No change.)

(4) **Vendor or service provider reimbursement.** A vendor or service provider who exchanges a STAP voucher for the purchase of approved equipment or services in accordance with the requirements of the STAP may request reimbursement by the commission. If all reimbursement requirements are met, the STAP administrator shall approve reimburse to the vendor or service provider in an amount that is the lesser of: the face value of the STAP voucher, the actual retail price of the equipment or service as charged by the vendor or service provider to all STAP and non-STAP customers for the same equipment or service, or 125% of the manufacturer's suggested retail price for the device actually provided to the STAP customer as posted on the manufacturer's web site or provided by the manufacturer upon request.

(A) TUSF disbursements shall be made only upon receipt from the vendor or service provider of:

(i) (No change.)

(ii) The vendor's proof of delivery of the device or service to the voucher recipient. For proof of delivery, the vendor should seek the voucher recipient's signature on the voucher in the space provided thereon. If the vendor is unable to obtain the recipient's

signature on the voucher, other evidence of delivery, such as a postal or private delivery service receipt, may be used for proof of delivery to the recipient. However, evidence of delivery to the voucher recipient must include the signature of the voucher recipient, ~~or the signature of the recipient's parent or guardian, or~~ the signature of a person receiving the delivery at the delivery address who is at least 18 years of age ~~The signature of an authorized agent will not suffice as a substitute for the signature of the recipient or the recipient's parent or guardian.~~

(iii) (No change.)

(B) - (I) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

**ISSUED IN AUSTIN, TEXAS ON THE 27th DAY OF OCTOBER 2011 BY THE  
PUBLIC UTILITY COMMISSION OF TEXAS  
ADRIANA A. GONZALES**