

CHAPTER 26. SUBSTANTIVE RULES APPLICABLE TO TELECOMMUNICATIONS PROVIDERS.

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

§26.78. State Agency Utility Account Information.

- (a) **Application.** The requirements of this section shall apply to each certificated telecommunications utility.
- (b) In this section "state agency" shall have the following meaning:
 - (1) any board, commission, department, office, or other agency in the executive branch of state government that is created by the constitution or a statute of the state;
 - (2) an institution of higher education as defined by the Education Code §61.003, other than a public junior college;
 - (3) the legislature or a legislative agency; or
 - (4) the Supreme Court of Texas, the Court of Criminal Appeals of Texas, a court of civil appeals, a state judicial agency, or the State Bar of Texas.
- (c) A utility shall provide the information required in subsections (e) of this section for each state agency account in the prescribed form and medium. The utility shall obtain from the General Services Commission or its designee a copy of the field layouts and electronic format that the utility shall use. The General Services Commission or its designee shall notify the utility of any changes to the field layouts and electronic format with sufficient time for the utility to submit the information required by this subsection in a timely manner. Such form and medium must make the reports easy to compile and analyze in a manner which is not unreasonably costly, and to the extent possible, the General Services Commission or its designee will accommodate the utilities' electronic formats.
- (d) A utility shall retain all billing records for each state agency account for at least four years from the billing date, notwithstanding any other commission rule relating to the retention of billing records that may provide for a shorter retention period.
- (e) Each certificated telecommunications utility in its capacity as local service provider shall:
 - (1) each year file the information for each state agency account required by this subsection within 45 days after the end of the reporting period for the six months ending with the February billing period and for the six months ending with the August billing period.
 - (2) provide in the prescribed form the following information for each state agency account:
 - (A) Utility Name: name of the utility providing service;
 - (B) Account Name: name of the state agency receiving service from the utility;
 - (C) Agency Code Number, if available, or Account Number, if the agency code number is not available, or Telephone Number, if the account number is not available;
 - (D) Account Address: the address of the facility being served by the utility;
 - (E) Service Code: identifying code for each service or product provided (for example, Universal Service Order Code);
 - (F) Service Description: each service code should have a separate description;
 - (G) Quantity: the number of units of each product or service purchased;
 - (H) Unit Rate: the rate charged for each unit of each service or product listed; and
 - (I) Total Price: the total amount charged for each service or product listed; and
 - (3) provide the information required by this subsection to the General Services Commission or its designee by electronic transfer, if feasible, or, otherwise, by diskette. Only in cases of extreme undue hardship will it be permissible for a utility to provide the information in paper documents.

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- (f) Information provided pursuant to this subsection shall be subject to any protections of the Texas Government Code, Public Information Act, Chapter 552. Any request for information required by this section shall be filed with the Office of the Attorney General or its designee.
- (g) The commission, utilities, and the Office of the Attorney General's designee, as well as representatives of interested state agencies, shall continue to evaluate the effectiveness and efficiency of the public monitoring and verification system for state agency customers provided in this section.
- (h) A utility shall make a good faith effort to provide all the information required by this section. It is a violation of this section for any information to be omitted from the report unless a good faith reason exists for less than full compliance. Examples of good faith reasons for not providing a complete report include: technical limitations that cannot be corrected without undue expense, unavailability of the particular information on a utility's billing system or database, information that cannot reasonably be made available in the form requested, waiver by commission order, or written waiver by the Office of the Attorney General or his or her designee. Unless otherwise challenged in a complaint proceeding by the Office of the Attorney General as set forth herein, a utility is presumed to have made a good faith effort to provide the required information and is not required to seek any type of advance waiver. In the event a utility does not provide a complete report, the Office of the Attorney General may file a complaint with the commission. In any such complaint proceeding, the utility shall have the burden of showing the omission was in good faith.