

The Public Utility Commission of Texas (commission) proposes an amendment to §22.33 relating to Tariff Filings and §22.305 relating to Compulsory Arbitration. The proposed amendments will replace references to repealed sections in Chapter 23 with the correct references in Chapter 25 and/or Chapter 26. Project Number 22470 is assigned to this proceeding.

Ms. Rhonda Dempsey, Rules Coordinator, Office of Regulatory Affairs, has determined that for each year of the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Ms. Dempsey has determined that for each year of the first five years the proposed sections are in effect the public benefit anticipated as a result of enforcing the sections will be correct citations to other commission rules. There will be no effect on small businesses or micro-businesses as a result of enforcing the sections. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Ms. Dempsey has also determined that for each year of the first five years the proposed sections are 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 amendments (16 copies) may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, within 30 days after publication. 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 22470.

This amendment is proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 and §14.052 (Vernon 1998) (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, including rules of practice and procedure.

Cross Reference to Statutes: Public Utility Regulatory Act §14.002 and §14.052.

§22.33. Tariff Filings.

- (a) **Applicability and classification.** This section shall apply to undocketed applications by utilities to change their tariffs. Such tariff filings shall be classified as "electric tariff filings," "regular telephone tariff filings," or "special telephone tariff filings." Electric tariff filings shall be those applications filed pursuant to §25.241 of this title (relating to Form and Filing of Tariffs).~~and Regular~~ regular telephone tariff filings shall be those applications filed pursuant to §26.207~~§23.24~~ of this title (relating to Form and Filing of Tariffs) and §26.208 of this title (relating to General Tariff Provisions). Special telephone tariff filings shall be those applications filed by telecommunications utilities pursuant to §26.212 of this title (relating to Procedures Applicable to Chapter 58-Electing Incumbent Local Exchange Companies (ILECs))~~§23.25 of this title (relating to Procedures Applicable to PURA Chapter 58-Electing Incumbent Local Exchange Carriers)~~, §26.209~~§23.26~~ of this title (relating to New and Experimental Services), §26.211~~§23.27~~ of this title (relating to Rate-Setting Flexibility for Services Subject to Significant Competitive Challenges, and §26.210 of this title (relating to Promotional Rates for Local Exchange Company Services)~~§23.28 of this title (relating to Promotional Rates for LEC Services)~~ or PURA, §§53.251, 53.252, 53.301 - 53.308 or 55.004. This section shall apply unless it is inconsistent with Chapters ~~23~~, 25 or 26 of this title, or PURA.

(b) - (f) (No change.)

§22.305. Compulsory Arbitration.

(a) **Request for arbitration.** Any party to negotiations concerning a request for interconnection, services or network elements pursuant to §251 of the FTA96 may request arbitration by the commission by filing with the commission's filing clerk 13 copies of a request for arbitration. The request must be received by the commission during the period from the 135th to the 160th day (inclusive) after the date the LEC received the request for negotiation from the other negotiating party. The request for arbitration shall include:

(1) - (4) (No change.)

(5) if the request concerns a request for interconnection under ~~§26.272~~~~§23.97~~ of this title (relating to Interconnection), the material required by ~~§26.272(g)~~~~§23.97(g)~~ of this title; and

(6) (No change.)

(b) - (t) (No change.)

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 6th DAY OF JUNE 2000 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
RHONDA G. DEMPSEY**