

PROJECT NO. 23236

**RULEMAKING TO AMEND §26.102 § PUBLIC UTILITY COMMISSION
AND §26.107 AND RELATED FORMS §
REGARDING PAY TELEPHONE § OF TEXAS
SERVICE PROVIDERS §
§**

**PROPOSAL FOR PUBLICATION AS APPROVED AT THE
JULY 12, 2001 OPEN MEETING**

The Public Utility Commission of Texas (commission) proposes amendments to §26.102 relating to Registration of Pay Telephone Service Providers and §26.107 relating to Registration of Interexchange Carriers, Prepaid Calling Services Companies, and Other Nondominant Telecommunications Carriers. The revisions are necessary to remove language inadvertently inserted into §26.107(f)(2) and to move the language to §26.102(f)(2). These amendments are proposed under Project Number 23236.

§26.102(f)(2)

Subsection (f)(2) refers to the revocation or suspension of registration for pay telephone service providers if the commission finds the registrant is repeatedly in violation of PURA or commission rules. Language allowing the commission to direct all CTUs to disconnect the registrant is inserted in this subsection and removed from §26.107(f)(2).

Betsy Tyson, Network Analyst, Telecommunications Division and Mark Gladney, Attorney, Legal Division, have 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. Tyson and Mr. Gladney have 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 section will be more accurate rules. There will be no effect on small businesses or micro-businesses as a result of enforcing these sections. There is no anticipated economic cost to persons who are required to comply with the sections as proposed.

Ms. Tyson and Mr. Gladney have also determined that for each year of the first five years the proposed sections are in effect there should be no effect on the local economy, and therefore no local employment impact statement is required under Administrative Procedures 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 sections. The commission will consider the costs and benefits in deciding whether to adopt the sections. All comments should refer to Project Number 23236.

These amendments are proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (Vernon 1998 & Supplement 2001) (PURA) which provides the commission with authority to make and enforce rules reasonably required in the exercise of its power and jurisdiction and specifically PURA §55.173, which provides that a Pay Telephone Service Provider must register with the commission.

Cross Reference to Statutes: Public Utility Regulatory Act, §14.002; Chapter 15, Subchapter B; Chapter 17, Subchapter B, and Chapter 55, Subchapter H.

§26.102. Registration of Pay Telephone Service Providers.

(a) – (e) (No change.)

(f) **Compliance enforcement.**

(1) (No change.)

(2) **Revocation or suspension.** If the commission finds that a registrant is repeatedly in violation of PURA or commission rules, the commission may suspend or revoke a registration pursuant to PURA, Chapter 17 or PURA §55.180 and shall direct all CTUs to discontinue provision of pay telephone access service to the PTS provider.

(3) (No change.)

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

(a) – (e) (No change.)

(f) **Compliance enforcement.**

(1) (No change.)

(2) **Revocation or suspension.** If the commission finds that a registrant is repeatedly in violation of PURA or commission rules, the commission may suspend or revoke a registration pursuant to PURA Chapter 17 ~~and shall direct all CTUs to discontinue provision of pay telephone access service to the PTS provider.~~

(3) (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 16th DAY OF JULY, 2001 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
RHONDA G. DEMPSEY**