

The Public Utility Commission of Texas (commission) proposes an amendment to §26.125, relating to Automatic Dial Announcing Devices (ADAD). The proposed amendment will implement a provision of House Bill 450, Act of May 26, 1999, 76th Legislature, Regular Session, Chapter 667, 1999 Texas Session Law Service, 3239 (Vernon) (to be codified as an amendment to Public Utility Regulatory Act (PURA), Texas Utilities Code Annotated §55.126), which requires the reduction in the amount of time an ADAD must disconnect from a called person after a call is terminated by either party from 30 seconds to five seconds. Project Number 21422 has been assigned to this proceeding.

Denise E. Taylor, Senior Enforcement Investigator, Office of Customer Protection, has determined that for each year of the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Taylor has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be greater protection of the public interest, a reduction in the number of public complaints concerning the use of ADADs, and an increase in compliance with the ADAD provisions of PURA by ADAD operators. There will be no effect on small businesses or micro-

businesses as a result of enforcing this section. There is an anticipated economic cost to persons who are required to comply with the section as proposed which cannot be quantified at this time.

Ms. Taylor has also determined that for each year of the first five years the proposed section is in effect there should be no affect on a local economy, and therefore no local employment impact statement is required under Administrative Procedure Act §2001.022.

Comments on the proposed amendment (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. Reply comments may be submitted within 45 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 21422.

This amendment is proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (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, and specifically, PURA §55.126, as amended by House Bill 450, which reduces the time an automated dial announcing device has to disconnect from 30 seconds to five

seconds after the call is terminated; PURA §55.134 which grants the commission authority to investigate complaints relating to the use of an automated dial announcing device; PURA §55.135, which grants the commission authority to revoke a person's permit for failure to comply with the requirements of operating an automated dial announcing device; and PURA §55.137, which grants the commission authority to impose an administrative penalty against a person who owns or operates an automated dial announcing device in violation of a commission rule or order.

Cross Reference to Statutes: Public Utility Regulatory Act §§14.002, 55.126, 55.134, 55.135, and 55.137.

§26.125. Automatic Dial Announcing Devices (ADAD).

- (a) (No change.)
- (b) **Requirements for use of an automatic dial announcing device.** A person who operates an ADAD to make a telephone call in which the device plays a recorded message when a connection is completed to a telephone number must comply with the following requirements.
 - (1)-(4) (No change.)
 - (5) The device must disconnect from the called person's line no later than five30 seconds after the call is terminated by either party or, if the device cannot disconnect within that period, a live operator must introduce the call and receive the oral consent of the called person before beginning the message. In addition, the device must comply with the line seizure requirements in 47 Code of Federal Regulations §68.318(c)(2).
 - (6)-(9) (No change.)
- (c)-(h) (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 27th DAY OF OCTOBER, 1999 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
RHONDA G. DEMPSEY**