

CHAPTER 26. SUBSTANTIVE RULES APPLICABLE TO TELECOMMUNICATIONS SERVICE PROVIDERS.

Subchapter F. REGULATION OF TELECOMMUNICATIONS SERVICE.

§26.128. Telephone Directories.

- (a) **Application.** The provisions of this section applies to all telephone directory providers to the extent outlined by this section. This section does not apply to a deregulated company holding a certificate of operating authority, or to an exempt carrier that meets the criteria of Public Utility Regulatory Act (PURA) §52.154. For purposes of this section, the term “a private for-profit publisher” means a publisher, other than a telecommunications utility or its affiliate, of a telephone directory that contains residential listings and is distributed to the public at minimal or no cost.
- (b) **Telephone directory requirements for all providers.** A private, for-profit publisher, and a telecommunications utility or affiliate of a telecommunications utility that publishes a residential telephone directory must comply with the following requirements:
- (1) A telephone directory must contain a listing of each toll-free and local telephone number for each of the following:
 - (A) state agencies;
 - (B) state public services; and
 - (C) elected state officials who represent all or part of the geographical area for which the directory contains listings.
 - (2) The directory must include the information required in paragraph (1) of this subsection from the most current edition of the Capitol Complex Telephone System Directory prepared and issued by the Department of Information Resources and those modifications to the Capitol Complex Telephone System Directory that are available upon request from the Department of Information Resources.
 - (3) All publishers must contact the Department of Information Resources in writing to determine which issue of the Capitol Complex Telephone System Directory is most current and to obtain the modifications referred to in paragraph (2) of this subsection. The Department of Information Resources will respond within 30 days of receiving the request.
 - (4) The listings required by paragraph (1) of this subsection:
 - (A) may be located at the front of the directory or, if not located at the front of the directory, must be referenced clearly on the inside page of the cover or on the first page following the cover before the main listing of residential and business telephone numbers;
 - (B) must be labeled “GOVERNMENT OFFICES - STATE” in 24 point type;
 - (C) must be bordered or shaded in such a way, on the three unbound sides with a border, that will distinguish the state listings from the other listings;
 - (D) must be included in the directory at no cost to the agency or official;
 - (E) must comply with the categorization developed by the Records Management Interagency Coordinating Council. The categorization must be available upon request from the Department of Information Resources. The listings must be arranged in the following manner:
 - (i) alphabetically by subject matter of state agencies; or
 - (ii) alphabetically by agency and public service name;
 - (F) must include the telephone number for state of Texas government information: (512) 463-4630.
- (c) **Private for-profit publisher.** Any private for-profit publisher that publishes a residential telephone directory must include in the directory a prominently displayed toll-free number and Internet mail address, established by the commission, through which a person may order a form to request to be placed on the Texas no-call list in order to avoid unwanted telemarketing calls.

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- (d) **Additional requirement for telecommunications utilities or affiliates that publish telephone directories.**
- (1) A telecommunications utility or an affiliate of that utility that publishes a business telephone directory that is distributed to the public must publish a listing of each toll-free and local telephone number of each elected official who represents all or part of the geographical area for which the directory contains listings.
 - (2) A telecommunications utility or an affiliate of that utility that publishes and causes to be distributed to the public a residential or business telephone directory must prominently list in the directory the following information: “The Specialized Telecommunications Assistance Program (STAP) provides financial assistance to help Texas residents with disabilities purchase basic specialized equipment or services needed to access the telephone network. For more information, contact the Texas Department of Health and Human Services at (512) 438-4880. Hearing and speech-impaired individuals may contact the Texas Department of Health and Human Services through Relay Texas at 1-800-735-2989 or <https://www.hhs.texas.gov/services/disability/deaf-hard-hearing/stap-services>. This program is open to all individuals who are residents of Texas and have a disability.”
- (e) **Requirements for telecommunications utilities found to be dominant.** This subsection applies to a telecommunications utility found to be dominant as to local exchange telephone service or affiliate of a telecommunications utility that publishes a directory on behalf of the telecommunications utility.
- (1) **Annual publication.** Telephone directories must be published every calendar year. Except for customers who request that information be unlisted, directories must list the names, addresses, and telephone numbers of all customers receiving local phone service, including customers of other certificated telecommunications utilities (CTUs) in the geographic area covered by that directory. Numbers of pay telephones need not be listed.
 - (2) **Distribution.** Upon issuance, a copy of each directory must be distributed at no charge for each customer access line served by the telecommunications utility in the geographic area covered by that directory and, if requested, one extra copy per customer access line must be provided at no charge. Notwithstanding any other law, a telecommunications provider or telecommunications utility may publish on its website a telephone directory or directory listing instead of providing for general distribution to the public of printed directories or listings. A provider or utility that publishes a telephone directory or directory listing electronically must provide a print or digital copy of the directory or listing to a customer on request. If a provider or utility chooses to publish its telephone directory or directory listings electronically, it must notify its customers that the first print or digital copy requested by a customer in each calendar year will be provided at no charge to the customer. A printed or digital copy of each directory must be furnished to the commission. A telecommunications utility must also distribute copies of directories in accordance with any agreement reached with another CTU.
 - (3) **Front cover requirements.** The name of the telecommunications utility, an indication of the area included in the directory, and the month and the year of issue must appear on the front cover. Information pertaining to emergency calls such as for the police and fire departments must appear conspicuously in the front part of the directory pages.
 - (4) **Required instructions.** The directory must contain instructions concerning:
 - (A) placing local and long distance calls on the network of the telecommunications utility for which the directory is issued;
 - (B) calls to the telecommunications utility’s repair and directory assistance services, and locations; and
 - (C) telephone numbers of the business offices of the telecommunications utility as may be appropriate to the area served by the directory.

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- (5) **Customer addresses.** At the customer's election the directory must list either the customer's street address, a post office box number, or no address. A charge may be imposed upon those customers who desire more than one address listing.
- (f) **References to other sections relating to directory notification.** The requirements of this section are in addition to the requirements of the provisions referenced in paragraphs (1)-(4) of this subsection, and other law.
- (1) Section 26.29 of this title (relating to Prepaid Local Telephone Service (PLTS)) concerning consumer education;
 - (2) Section 26.31 of this title (relating to Disclosures to Applicants and Customers) concerning information to customers;
 - (3) Section 26.121 of this title (relating to Privacy Issues) concerning notice of number delivery over 800, 888, and other toll-free prefixes and 900 services;
 - (4) Section 26.130 of this title (relating to Selection of Telecommunications Utilities) concerning notice of customer rights.
- (g) **Additional requirements.** The following requirements apply to telecommunications utilities found to be dominant as to local exchange telephone service or its affiliate that publishes a directory on behalf of such telecommunications utility.
- (1) **Directory assistance.** Each telecommunications utility must list each customer with its directory assistance within 72 hours after service connection, except those numbers excluded from listing in subsection (e)(1) of this section, to facilitate the provision of the requested telephone numbers based on customer names and addresses by the directory assistance operators.
 - (2) **Non-assigned numbers.** All non-assigned telephone numbers in central offices serving more than 300 customer access lines must be intercepted unless otherwise approved by the commission.
 - (3) **Disconnected numbers.** Disconnected residence telephone numbers must not be reassigned for 30 days and disconnected business numbers must not be reassigned, unless requested by the customer, for 30 days or the life of the directory, whichever is longer, unless no other numbers are available to provide service to new customers.
 - (4) **Incorrect listings.** If a customer's number is incorrectly listed in the directory and if the incorrect number is a working number and if the customer to whom the incorrect number is assigned requests, the number of the customer to whom the incorrect number is assigned must be changed at no charge. If the incorrect number is not a working number and is a usable number, the customer's number must be changed to the listed number at no charge if requested.
 - (5) **Changing telephone numbers to a group of customers.** When additions or changes in plant or changes to any other CTU's operations necessitate changing telephone numbers to a group of customers, at least 30 days' written notice must be given to all customers so affected even though the addition or changes may be coincident with a directory issue.