

CHAPTER 26. SUBSTANTIVE RULES APPLICABLE TO TELECOMMUNICATIONS SERVICE PROVIDERS.

Subchapter J. COSTS, RATES AND TARIFFS.

§26.207. Form and Filing of Tariffs

- (a) **Application.** Unless the context clearly indicates otherwise, in this section the term “utility” or “public utility” refers to a dominant carrier.
- (b) **Purpose.** This section establishes standards for the form, filing and review of a dominant certificated telecommunications utility’s (DCTU’s) tariff.
- (c) **Effective tariff.** A utility is prohibited from directly or indirectly demanding, charging, or collecting any rate or charge, or imposing any classifications, practices, rules, or regulations different from those prescribed in its currently effective tariff filed with and approved by the commission.
- (d) **Tariff required.**
 - (1) A public utility, or an affiliate of the public utility or a trade association on behalf of the public utility, must file with the commission a tariff showing each rate that is subject to the commission’s jurisdiction and is in effect for a utility service, product, or commodity offered by the utility. A current or proposed tariff must:
 - (A) include a cover letter that lists each rule that relates to or affects a rate of the utility, or a utility service, product, or commodity furnished by the utility;
 - (B) be filed prior to or concurrently with an application for certification, including a certificate amendment, under §26.111 (relating to Certificate of Operating Authority (COA) and Service Provider Certificate of Operating Authority (SPCOA) Criteria); and
 - (C) as applicable, comply with the requirements of this section and §26.208 of this title (relating to General Tariff Procedures), §26.209 of this title (relating to New and Experimental Services), or §26.211 of this title (relating to Rate-Setting Flexibility for Services Subject to Significant Competitive Challenges).
 - (2) A public utility must also file each subsequent tariff revision with the commission. Each revision must be accompanied by a cover page which contains a list of pages being revised, a statement describing each change, the effect of the change if it revises an existing rate, and a statement describing the impact on rates of the change for each customer class, if any. If a proposed tariff revision constitutes an increase in existing rates of a particular customer class, then the commission may require that notice be given.
 - (3) A telecommunications utility, upon the issuance of a commission order determining that the telecommunications utility is a dominant carrier, must file a tariff complying with the requirements of this subsection. Such a tariff must be filed within the time specified in the commission order, or within 60 days in the absence of such a specification.
- (e) **Filing of public utility tariff by affiliate or trade association.** An affiliate of a public utility or trade association may file a tariff or tariff revision under this section or other applicable law, on behalf of a public utility.
 - (1) For each filing, the public utility must authorize the affiliate of the nondominant carrier or trade association, via written affidavit filed with the commission, to file such information on its behalf.
 - (2) The authorization specified by paragraph (1) of this subsection may be included in the filing by the affiliate of the public utility or trade association.
 - (3) The filing by affiliate of the public utility or trade association must comply with the requirements of this section and other applicable law.

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- (f) **Tariff filing requirements.**
- (1) The front page of the tariff must include the name of the utility and location of its principal office and the type of service rendered.
 - (2) Each rate schedule must clearly state the territory, city, county, or exchange where the rate schedule applies.
 - (3) Tariff sheets must be numbered consecutively per schedule. Each sheet must show an effective date, a revision number, section number, sheet number, name of the utility, the name of the tariff, and title of the section in a consistent manner. Sheets issued under new numbers must be designated as original sheets. Sheets being revised must show the number of the revision, and the sheet numbers must be the same.
- (g) **Composition of tariffs.** A tariff must contain sections setting forth:
- (1) a table of contents;
 - (2) a preliminary statement containing a brief description of the utility's operations;
 - (3) a list of the cities, exchanges, and counties in which service is provided;
 - (4) the rate schedules; and
 - (5) the service rules and regulations, including forms of the service agreements.
- (h) **Tariff filings in response to commission orders.** A tariff filed in response to a commission order must include a transmittal letter affirming that the tariff is in compliance with the order, provide the control number, date of the order, a list of tariff sheets filed, and any other necessary information. The tariff sheets must comply with all other rules of this title and must include only the changes ordered. The effective date or wording of the tariffs must comply with the provisions of the order.
- (i) **Symbols for changes.** Each proposed tariff sheet must contain notations in the right-hand margin indicating each change made. Notations to be used are: (C) to denote a change in regulations; (D) to denote discontinued rates or regulations; (E) to denote the correction of an error made during a revision, such as the revision which resulted in the error must be one connected to some material contained in the tariff prior to the revision; (I) to denote a rate increase; (N) to denote a new rate or regulation; (R) to denote a rate reduction; and (T) to denote a change in text, but no change in rate or regulation. Each changed provision in the tariff must contain a vertical line in the right-hand margin of the page which clearly shows the exact number of lines being changed.
- (j) **Availability of tariffs.** Each utility must make available to the public electronically and at each of its business offices or designated sales offices within Texas, each tariff that is currently on file with the commission. The utility must assist persons seeking information on its tariffs and permit such persons the opportunity to examine any tariff upon request. The utility must also provide copies of each of its tariffs at a reasonable cost.