

PROJECT NO. 38047

**RULEMAKING
RELATING TO 9-1-1**

**§ PUBLIC UTILITY COMMISSION
§
§ OF TEXAS**

**ORDER ADOPTING AMENDMENTS TO §§26.5, 26.272, 26.431, 26.433, AND 26.435
AS APPROVED AT THE OCTOBER 14, 2010 OPEN MEETING**

The Public Utility Commission of Texas (commission) adopts amendments to §26.5 relating to Definitions, §26.272 relating to Interconnection, §26.431 relating to Monitoring of Certain 911 Fees, §26.433 relating to Roles and Responsibilities of 9-1-1 Service Providers, and §26.435 relating to Cost Recovery Methods for 9-1-1 Dedicated Transport with changes to the proposed text as published in the May 14, 2010, issue of the *Texas Register* (35 TexReg 3716). The amendments update and clarify the responsibilities of certificated telecommunications utilities relative to 9-1-1 services. These amendments are adopted under Project Number 38047.

The commission received initial comments on the amendments from Intrado, Inc. (Intrado); the Texas Commission on State Emergency Communications and the Texas 9-1-1 Alliance (9-1-1 entities); GTE Southwest Incorporated d/b/a Verizon Southwest, Verizon Wireless Texas, LLC, Bell Atlantic Communications, Inc., MCI Communications services, Inc., d/b/a Verizon Business services, and MCImetro Access Transmission Services LLC d/b/a Verizon Access Transmission Services (collectively Verizon); and Southwestern Bell telephone Company d/b/a AT&T Texas (AT&T). The commission received reply comments on the amendments from AT&T and the 9-1-1 entities.

A public hearing on the amendments was held on July 27, 2010. All commenters were represented at the public hearing and supported certain revisions to the proposed amendments (Consensus Revisions). The commission appreciates the efforts of the commenters in developing the Consensus Revisions with commission staff. The commission incorporates the Consensus Revisions into the amendments with some minor changes.

General Comments

The 9-1-1 entities stated that they support the commission's efforts to update the existing 9-1-1 rules, as necessitated by an ever-evolving technological landscape for the delivery of communications services. The 9-1-1 entities further stated that the rules appropriately recognize that the 9-1-1 entities are the "first point" of authority for 9-1-1 deployment and resolution of 9-1-1 service issues. The 9-1-1 entities further stated that the rules appropriately recognize and clearly maintain the commission's stated policies on regulatory competition and public interest oversight and that the commission's approach is consistent with stated Congressional intent. The 9-1-1 entities stated that the proposed amendments should be adopted with a few non-substantive changes to reflect technology and market conditions associated with 9-1-1 emergency communications and that they agreed with most of the initial comments filed by Intrado and AT&T, and submitted that most of their suggestions were non-substantive in that they merely clarified the intent of the rules. The 9-1-1 entities also stated that they disagreed with Verizon's comments except on the issue of parity, that certificated telecommunications utilities (CTUs) should be treated comparably and that there should be protection from material changes in the 9-1-1 network (*e.g.*, local access and transport area (LATA) boundary changes from current configurations). The 9-1-1 entities stated that 9-1-1 service is transitioning from a regulated to a

quasi-competitive environment that may never truly reach full deregulation because of the special potential bottleneck relationship that a 9-1-1 network services provider and/or 9-1-1 database management services provider may have in the emergency communications environment. The 9-1-1 entities stated that as recently recognized by Congress in the Net 9-1-1 Act and in the Federal Communications Commission's (FCC's) rules, 9-1-1 emergency communications are different than other local telecommunications services because 9-1-1 emergency communications must have some regulations, as there remains a compelling need for interconnection, access, and interoperability from all types of carriers and public safety authorities. The 9-1-1 entities further stated that because they and the commission have authority and responsibility for different aspects of 9-1-1 service, it is imperative that these obligations be harmonized and provide checks and balances consistent with protecting the public interest and public safety. Further, the 9-1-1 entities stated that private interests and commercial agreements among private parties under any reasoned reading of statutory construction or the public interest should not hinder, constrain, or abridge the statutory responsibility of 9-1-1 administrative entities. The 9-1-1 entities stated that they had been in discussions with AT&T, Intrado, and Verizon with the hope of submitting consensus changes addressing a majority, if not all, of the comments filed in this proceeding.

Verizon stated that the amendments to the rules were confusing and unwarranted and should be rejected in favor of the original rule language. Verizon stated that the meaning of "appropriate CTU" is no longer clear. Verizon stated that the approval process prior to provision of local exchange telephone service is ambiguous. Verizon stated that the proposed rule language effectively grants 9-1-1 entities unilateral power to dictate 9-1-1 service migration despite the

fact that carriers bear the responsibility to deploy the facilities that provide 9-1-1 service. Verizon stated that the new rule subsections could require carriers to redeploy trunks every time a change is made to the entity managing the system.

Verizon stated that problems have arisen around the country where 9-1-1 entities negotiate with other database and routing providers without including the carriers responsible for deployment. Verizon stated that these circumstances can result in significant additional costs on carriers to install trunks, sometimes to distant locations. Verizon stated that the new rules may also impact a carrier's involvement in or even advance notice of code exhaust efforts.

Verizon stated that the FCC requires carriers to deploy facilities up to the input to the local incumbent local exchange carriers' (ILECs') selective router, and further provides that the carrier is responsible for those costs. Verizon stated that the proposed rule language eliminates a carriers' obligation to negotiate in good faith for points of termination and places unilateral discretion in the hands of the 9-1-1 entity.

AT&T stated that it generally supports the commission's efforts to update the rules to address technological changes in the telecommunications industry, including the move toward Next Generation E9-1-1 (NG9-1-1) services and to clarify roles and responsibilities of 9-1-1 service providers. However, AT&T stated that some of the amendments were confusing - creating questions that could potentially lead to legal disputes over the interpretation of the proposed changes. AT&T stated that the confusion results from the commission's attempt to address both competition and next generation solutions, because the existing rules did not contemplate

competition in the provision of 9-1-1 services. AT&T stated that because the proposed rules do not account for the architectural differences in the delivery of 9-1-1 calls as between the traditional circuit switched network and an Internet Protocol (IP)-based network, the amendments could be not only confusing but could possibly create disparate treatment between ILECs and competitive local exchange carriers (CLEC) and as between CTUs and other unregulated 9-1-1 network service providers.

AT&T stated that since the filing of its initial comments, it has engaged in discussions with the 9-1-1 entities, and understand that the 9-1-1 entities have spoken with Verizon and Intrado, in hopes of reaching agreement on proposed language that would alleviate the concerns raised by AT&T in its comments.

Commission Response

The amendments are necessary to address competition and changes in technology in the provision of 9-1-1 service. The amendments are intended to provide rules for 9-1-1 service that are technologically and competitively neutral. The amendments reflect that a 9-1-1 administrative entity may choose to purchase 9-1-1 network services from a provider other than an ILEC. In addition, the amendments reflect that CLECs often provide access to 9-1-1 service for their end-user customers through a wholesale CLEC that aggregates the 9-1-1 traffic of more than one CLEC.

Use of the Term “IP-Based”

Intrado stated that since the term “IP-based” can mean any use of the Internet, every reference to the term throughout the amendments should be preceded by the words “securely managed” to create a distinction between the best-efforts public Internet and a next generation 9-1-1 network that relies on IP-protocol.

Commission Response

The commission agrees with Intrado that “9-1-1 network services” that are “IP-based” need to be of the highest quality, which is implied with the descriptive words “securely managed.” “9-1-1 network services” will not be “best effort” IP-based services, which have no higher quality of service expectations than the public Internet. Consistent with the Consensus Revisions, the commission has made revisions to reflect this intention, but does not believe that it needs to make this distinction every time the term “IP-based” is used in the commission’s rules.

§26.5(10) Automatic location identification (ALI)

AT&T stated that the term “or other description of the location” be deleted from the definition of automatic location identification (ALI). AT&T stated that this type of “descriptive” or “supplement” information is not included in the master street address guide (MSAG); could potentially remain on a customer’s record even after they moved to a new address; and could be more appropriately maintained by the public safety answering point (PSAP) itself. AT&T recommended that the commission adopt the definition for ALI used by the National Emergency

Number Association (NENA). The 9-1-1 entities stated that they agree with AT&T's clarifying definitions and terms from NENA standards.

Commission Response

The commission agrees with AT&T and the 9-1-1 entities and revises the provision consistent with the Consensus Revisions.

§26.5(40) Commercial mobile radio service (CMRS)

Intrado stated that the commission's rules should incorporate the FCC's definition of commercial mobile radio service (CMRS) as set forth in 47 C.F.R. §20.3.

Commission Response

The commission agrees with Intrado and revises the provision consistent with the Consensus Revisions.

§26.5(64) Dedicated 9-1-1 trunk

AT&T stated that the proposed amendments were particularly problematic because they limit a CTU's ability to recover its cost of providing 9-1-1 access if there are significant network architecture changes. AT&T stated that in an IP or NG9-1-1 solution, CTUs may be hauling calls across the state to a limited number of selective routers, and because a CTU might not have facilities in all locations in the state, it may be purchasing facilities at special access rates while only being reimbursed \$165 non-recurring and \$39 per month for the trunk and the entire transport facility. AT&T stated that due to the large number of switches it has and its embedded

base of customers, the order of magnitude of the problem would be greater for AT&T than other CTUs. AT&T recommended clarifying that the current definition of 9-1-1 dedicated trunks is limited to the traditional time-division-multiplexed (TDM) network. Alternatively, if the commission intended the one definition to encompass both TDM and IP network configuration, AT&T recommended that the transport component referred to in the last sentence of the definition be removed. AT&T also stated that the problem is that this definition provides the basis for a CTU's cost recovery as provided in §26.433(c) and that use of the term "trunk" is misleading because trunks and facilities are not the same thing, a distinction that becomes more significant in the IP world where the term "trunk" does not apply.

Commission Response

The commission agrees with AT&T and adopts the Consensus Revisions, which incorporate the two concepts of direct trunking and indirect trunking into the single definition of 9-1-1 dedicated trunk.

§26.5(114) Interconnection

AT&T stated that the word "local" should be inserted on the fourth and fifth line so that "basic telecommunications service" reads "basic local telecommunications service" to be consistent with the language of §26.403 relating to Texas High Cost Universal Service Plan (THCUSP).

Commission Response

The commission agrees and revises the provision consistent with the Consensus Revisions.

§26.5(117) Internet Protocol (IP)

AT&T stated that the commission should adopt the NENA definition for IP because the proposed definition is not completely accurate. AT&T stated that some of the functions listed in the proposed definition can be performed by circuit switched networks. AT&T stated that adoption of the NENA definition will provide consistency across the industry and will eliminate confusion and potential disagreements among 9-1-1 stakeholders. The 9-1-1 entities stated that they agree with AT&T's clarifying definitions and terms from NENA standards.

Commission Response

The commission adopts the definition of Internet Protocol provided in the Consensus Revisions.

§26.5(129) Local exchange carrier (LEC)

AT&T stated that the last sentence of the definition is now incorrect because it reads as follows: "local exchange company is also referred to as a local exchange carrier," yet the definition has been changed to say "carrier" instead of "company." AT&T proposed changing the sentence to read as follows: "[a] local exchange carrier is also referred to as a local exchange company."

Commission Response

The commission has revised this definition consistent with the Consensus Revisions.

§26.5(147) Next-generation 9-1-1 system (NG9-1-1 system)

Intrado stated that the proposed definition of NG9-1-1 system lacks two important characteristics, that it is secure and that it is capable of coexisting with legacy 9-1-1 systems. AT&T recommended that the commission adopt the NENA definition for NG9-1-1 system. AT&T stated that adopting the NENA definition will provide consistency across the industry and will eliminate confusion and potential disagreement among 9-1-1 stakeholders. The 9-1-1 entities stated that they agree with AT&T's clarifying definitions and terms from NENA standards. The 9-1-1 entities stated that instead of the descriptive term "coexist" they recommended use of the descriptive term "interoperating" to make it clear that there is no continuous requirement that legacy 9-1-1 networks "exist" in the future.

Commission Response

The commission agrees with Intrado, AT&T, and the 9-1-1 entities and revises the provision consistent with the Consensus Revisions.

§26.153 Definition of North American Numbering Plan (NANP)

AT&T recommended adoption of the NENA definition of NANP. AT&T stated that it did not have any particular objection to the proposed definition, but stated that the NENA definition is clear and adoption would provide consistency across the industry and eliminate confusion and potential disagreements among 9-1-1 stakeholders. The 9-1-1 entities stated that they agree with AT&T's clarifying definitions and terms from NENA standards.

Commission Response

The commission agrees with AT&T and the 9-1-1 entities and revises this rule consistent with the Consensus Revisions.

§26.5(155) NXX

AT&T stated that the definition of NXX in the proposed rule is incorrect. AT&T stated that the reference to a “local exchange” should be to a “rate center.” AT&T recommended adoption of the NENA definition of NXX to provide consistency across the industry and eliminate confusion and potential disagreements among 9-1-1 stakeholders. The 9-1-1 entities stated that they agree with AT&T’s clarifying definitions and terms from NENA standards.

Commission Response

The commission agrees with AT&T and the 9-1-1 entities and revises the rule consistent with the Consensus Revisions.

§26.5(161) P.01 grade of service

AT&T stated that it believes the reference to the “company’s average busy hour” is confusing and recommends adopting the NENA definition. AT&T stated that the NENA definition is more accurate - the measure of blocked calls on the facility being graded. Additionally, AT&T stated that adoption of the NENA definition would provide consistency across the industry and eliminate confusion and potential disagreements among 9-1-1 stakeholders. The 9-1-1 entities stated that they agree with AT&T’s clarifying definitions and terms from NENA standards.

Commission Response

The commission agrees with AT&T and the 9-1-1 entities and revises the provision consistent with the Consensus Revisions.

§26.5(270) 911 or 9-1-1 service and §26.5(278) 9-1-1 service

Intrado stated that §26.5 has two definitions for “911 service” and stated that both definitions are too narrow. Intrado stated that in a next generation environment, in light of the potential devices that may be used to initiate 9-1-1 requests for help, it is more appropriate to refer to access to 9-1-1 emergency services as “requests for assistance” or RFAs, rather than calls, but then stated that the commission should retain the definition that refers to Texas Health and Safety Code §771.001(6). The 9-1-1 entities also stated that there is no need for two definitions of 9-1-1 service, and stated that both definitions are too narrow in light of future potential devices and that it may literally be more accurate to use the term “Requests for Assistance.” The 9-1-1 entities agreed with Intrado that §26.5(270) should be deleted and §26.5(278) should be maintained.

Commission Response

The commission agrees with Intrado and the 9-1-1 entities. The commission has deleted proposed §26.5(270) and revised §26.5(278), consistent with the Consensus Revisions.

§26.5(273) 9-1-1 database services

AT&T requested that the last sentence in the definition be clarified because it is confusing. AT&T stated that it is not clear whether the definition is intended to refer to the “9-1-1 database” or the “9-1-1 database manager.” Additionally, AT&T stated that “. . . exchange information with other management service provider databases for CMRS or nomadic VoIP . . .” is also confusing because it is not clear what kind of information is to be exchanged. Similarly, AT&T stated that the phrase “to include or exclude other functions” is not clear. AT&T recommended replacing it with “and other functions.” The 9-1-1 entities agreed with AT&T’s recommendation.

Commission Response

The commission agrees with AT&T and the 9-1-1 entities and revises the provision consistent with the Consensus Revisions.

§26.5(274) 9-1-1 network services

AT&T recommended modifications to clarify and more accurately describe the functions provided.

Commission Response

The commission agrees with AT&T and revises the provision consistent with the Consensus Revisions.

§26.5(275) 9-1-1 network services provider

Intrado stated that providers of any component of 9-1-1 network service should be required to be a CTU. AT&T strongly recommended that the commission modify the proposed definition to require that a 9-1-1 network service provider be a CTU. AT&T noted that the current definition contains this requirement and recommended that the commission keep it. AT&T stated that it is unclear why the commission would require 9-1-1 database management service providers to obtain a certificate, but not 9-1-1 network service providers. AT&T stated that due to the critical nature of 9-1-1 services, it is of paramount importance that the 9-1-1 network service provider be capable of providing reliable and redundant service and that it have the technical expertise to not only maintain such service but that it have the expertise to quickly trouble shoot problems and restore 9-1-1 service should it be disrupted. Additionally, AT&T stated that 9-1-1 network service providers should be held to the same service quality standards and oversight as other CTUs and for that reason the commission should have jurisdiction over such providers.

The 9-1-1 entities stated that they agreed with AT&T and Intrado; providers of 9-1-1 network services must be a CTU. The 9-1-1 entities stated that the provision of 9-1-1 emergency service is a basic part of local telecommunications and interconnection services under the Federal Telecommunications Act of 1996, the Public Utility Regulatory Act (PURA), the Texas Health and Safety Code Chapter 771, and the commission's responsibilities associated with competition and the public interest.

Commission Response

The commission agrees with Intrado, AT&T, and the 9-1-1 entities and revises the provision consistent with the Consensus Revisions.

§26.272(e)(1)(B) E9-1-1 services

AT&T stated that the proposed rule is confusing and not consistent with the manner in which these services are provided. AT&T recommended that the first sentence list the features individually, *e.g.* “ANI, ALI, selective routing.” AT&T stated that the term “enhanced 9-1-1 features” is not defined. AT&T proposed new language. The 9-1-1 entities specifically agreed with AT&T that deleting “and/or” can be read as complicating and restricting ANI, ALI, and/or SR service combinations that can be offered and provided in many bundled and unbundled contexts.

Commission Response

The commission agrees with AT&T and the 911 entities and revises the provision consistent with the Consensus Revisions.

§26.272(e)(1)(B)(i)(I)

Verizon stated that the proposed provision is confusing and unwarranted and should be rejected in favor of retaining the original language. Verizon went on to state that it was unclear from the proposed language what meaning is attached to the term “appropriate CTU.”

AT&T stated that it agreed with the proposed provision as long as AT&T is absolved from any obligation that it may have for the establishment of 9-1-1 trunks pursuant to interconnection agreements or commercial agreements. AT&T stated that where the terms of a party's interconnection agreement differ from the 9-1-1 network architecture established by the appropriate 9-1-1 administrative entity, the parties to the agreement will need to amend the respective interconnection agreement. AT&T stated that for example all of the T2A successor agreements contain language requiring that AT&T provide 9-1-1 trunks from the CLEC end office to the selective router. This means that any deviation from this requirement will require the affected parties to agree to amend their respective interconnection agreements and to submit such amendment to the commission for approval.

The 9-1-1 entities stated that because of AT&T's liability concerns, the rule must address the authority of 9-1-1 administrative entities to choose their 9-1-1 service arrangements and to remove legacy network elements that are not being used and are not needed in the provisioning of 9-1-1 service. The 9-1-1 entities stated that this clarification is especially important so that 9-1-1 administrative entities can avoid having CTUs charge them for such unused and unnecessary components. The 9-1-1 administrative entities also stated that §26.272(e)(1)(B)(vi) protects CTUs from any potential abuse by 9-1-1 administrative entities because a 9-1-1 administrative entity's determination and approval of what is "unnecessary" is subject to the authority of the commission.

Commission Response

The commission understands that based on the old rule language, some ILECs refused to activate interconnection for local calling purposes until after a CLEC's interconnection for access to 9-1-1 service was activated and tested. Additionally, the commission understands that in many cases, CLECs have ordered and provisioned dedicated 9-1-1 trunks and the 9-1-1 entities have paid for dedicated 9-1-1 trunks that the CLEC does not actually use to provide 9-1-1 service to its customers. Therefore, the commission has determined that the provision needs to be revised to clarify that the 9-1-1 network service provider is not responsible for another CTU's provisioning of or failure to provision access to 9-1-1 service properly. Instead, it is the responsibility of each CTU to get the appropriate 9-1-1 administrative entity's approval of its 9-1-1 service arrangement, and it is the appropriate 9-1-1 administrative entity's responsibility for assuring that each 9-1-1 service arrangement it approves meets all state and federal requirements.

In the event an ILEC is the 9-1-1 network service provider and a CLEC is not connecting directly to the ILEC to provide its end-user customers access to 9-1-1 service, the ILEC can provision and activate the CLEC's voice trunks after it is provided: (1) a written representation by a CLEC that it is providing 9-1-1 service to its end-user customers using an alternative 9-1-1 service arrangement, and (2) written approval of the CLEC's 9-1-1 service arrangement by the appropriate 9-1-1 administrative agency. This process is part of the Consensus Revisions and it addresses the commission's, AT&T's, and Verizon's concerns. The commission revises the provision consistent with the Consensus Revisions.

§26.272(e)(1)(B)(i)(II)

Verizon stated that the proposed provision is unnecessary and confusing. AT&T recommended that the provision continue to include reference to the ability to dial the three digits, 9-1-1, because this is the way in which most customers access 9-1-1 services. The 9-1-1 entities stated that they agree with AT&T.

Commission Response

The commission agrees with Verizon, AT&T, and the 9-1-1 entities and revises the provision consistent with the Consensus Revisions.

§26.272(e)(1)(B)(i)(III)

AT&T recommended that the commission reinsert the term “CTU” in defining the E9-1-1 selective router. AT&T also recommended that the provision be modified to refer to “9-1-1 tandems” and “IP-based 9-1-1 systems.”

Commission Response

The commission revises the provision consistent with the Consensus Revisions.

§26.272(e)(1)(B)(i)(IV)

Verizon stated that the word “specification” should not be substituted for the words “routing information” because they are less clear and less descriptive. AT&T stated that the proposed rule is not completely accurate. AT&T stated that the proposed provision incorrectly removes the reference to routing calls based on ANI and/or ALI. Additionally, AT&T recommended that

the term “CTU” be added in reference to the E9-1-1 selective routers to read, “CTUs E9-1-1 selective routers.” AT&T also recommended that the terms “tandems” and “IP-based systems” be referred to as “9-1-1 tandems” and “IP-based 9-1-1 systems.” AT&T stated that it agrees with Verizon’s comments. The 9-1-1 entities stated that changes to the rules for “readability” should generally be rejected because in the context of 9-1-1 provisioning, there could be unintended consequences.

Commission Response

The commission generally agrees with Verizon, AT&T, and the 9-1-1 entities; changes made just for readability should be kept to a minimum to avoid unintended consequences. However, consistent with §26.272(e)(1)(B)(i)(III), the commission believes that to be clearer and more accurate, §26.272(e)(1)(B)(i)(IV) should refer to the “9-1-1 network service provider” rather than the “appropriate CTU.” Further, the commission keeps the term “specifications” instead of “routing information” because use of the term “specifications” is a more accurate and technology neutral term; therefore it is more consistent with the commission’s objective of incorporating new technologies in its 9-1-1 rules. These revisions are consistent with the Consensus Revisions.

§26.272(e)(1)(B)(i)(V)

Verizon stated that the words “specified by the applicable 9-1-1 administrative entity” should be clarified to require that the ALI specified by the applicable 9-1-1 entity must be agreed to by the CTU. Verizon stated that this change is reasonable given that the CTU bears the responsibility for providing the ALI, and in doing so is limited by the number and make-up of the characters.

Verizon stated that adding the language it suggests ensures agreement that the requested “other similar data” can, in fact, be accommodated by the CTU within any ALI data restrictions that may apply.

AT&T also objected to the proposed language “other similar data specified by the applicable 9-1-1 administrative entity” because it may require a CTU to provide non-standard information that is not maintained in the MSAG. AT&T recommended that this language be deleted or modified to state “specified by the applicable 9-1-1 administrative entity and as agreed to by the CTU.” AT&T stated that it is concerned that non-standard information could potentially remain in a customer’s record even after the customer moved to a new address, and in some cases information required by the 9-1-1 entity may be inaccurate. AT&T clarified that it is only objecting to non-standard requests to provide “descriptive” or supplemental information such as “also known as” information. For example, 1st Street in Austin, Texas is also known as Cesar Chavez Street, and a 9-1-1 administrative entity might ask to keep track of both street names on a customer record. Recording such non-standard information would require AT&T Texas to perform a manual entry, which could remain associated with a particular telephone number even after a customer has moved to another address.

AT&T also stated that nonstandard information would not be included in the customer’s initial order; it would have to be added at a later time and would be extremely labor intensive to keep up with, in many cases requiring issuance of multiple orders on every telephone number on a street. AT&T stated that most PSAPs have call handling equipment that is capable of maintaining telephone number specific information in a local database. The PSAPs’ computer

aided display systems keep track of incidents and address specific information such as “the person at this address has communicable diseases, or stores highly flammable material, etc.” and may provide a more appropriate location for this type of information.

The 9-1-1 entities stated that they do not read the commission’s proposed changes to apply to the type of non-standard and supplemental information examples cited by AT&T, and agreed with using the NENA definition of ALI. The 9-1-1 entities stated that the commission’s 9-1-1 rules should not require non-standard ALI, supplemental information, or customized ALI for each different CTU. Thus, the 9-1-1 entities did not object to further clarifying language incorporating the NENA definition and clarifying that there are no requirements in the 9-1-1 rules for non-standard ALI.

Commission Response

The commission agrees with Verizon, AT&T, and the 9-1-1 entities that the provision should not require CTUs to store or provide non-standard information as part of ALI. The commission revises the provision consistent with the Consensus Revisions to clarify that ALI does not include non-standard information or supplemental data.

§26.272(e)(1)(B)(ii)

Verizon stated that the change from non-published and published to non-listed and listed conflicts with its tariff language and could cause consumer confusion. Verizon requested that the commission include both terms if it must make this change. AT&T stated that it agrees with Verizon and has the same problem with tariff language.

Commission Response

The commission agrees with Verizon and AT&T and revises the provision consistent with the Consensus Revisions to include the terms non-published and non-listed, and published and listed.

§26.272(e)(1)(B)(ii)(I)

AT&T recommended deletion of the requirement that a CTU deliver the information to the appropriate 9-1-1 entity in addition to providing the information to the 9-1-1 database management services provider. AT&T stated that this requirement adds unnecessary work for the CTU and it should be the responsibility of the database provider to provide the information to the 9-1-1 administrative entity with which it contracts.

Commission Response

The commission agrees and revises the provision consistent with the Consensus Revisions.

§26.272(e)(1)(B)(vi) and §26.433(i)

Verizon requested that the rules be deleted in their entirety. Verizon stated that the provisions might eliminate a carrier's ability to negotiate facility deployment or placement matters, or indeed to follow federal law relating to points of termination. Verizon stated that the FCC clearly delineates carrier responsibilities and points of termination relative to 9-1-1. Verizon stated that the provisions ignore federal law and effectively grant 9-1-1 administrative entities unilateral power to dictate 9-1-1 service migration despite the fact that carriers bear the

responsibility to deploy the facilities that provide 9-1-1 service. Moreover, Verizon stated that these subsections would require carriers to redeploy trunks every time a change is made to the entity managing the system.

Verizon also stated that the provisions require flash-cut elimination of current 9-1-1 routing systems in order to migrate to new systems. Verizon stated that circumstances have arisen around the country where these cuts have been negotiated and planned *without including the carrier responsible for deployment*, which has proven very expensive to the carriers in terms of time and money. Verizon stated that if, for example, PSAPs and carriers connecting to selective routers subsequently enter into contracts for different routing *without consulting the carriers involved*, the result is one that imposes significant additional costs on the carriers to install trunks, sometimes to distant locations. Verizon stated that with unilateral decision making on the part of 9-1-1 administrative agencies, carriers have no guarantee of either involvement in, or advance notice of, code relief efforts. Verizon stated that the proposed provisions eliminate the obligation to negotiate in good faith points of termination and places unilateral discretion in the hands of the 9-1-1 entity.

AT&T stated that it does not object in concept with the authority of the 9-1-1 administrative agency to determine if and when it wants to migrate to next generation solutions. But, AT&T stated that it does not believe the proposed provisions are necessary because 9-1-1 administrative entities already have this authority. AT&T stated that it has concerns about the broad reference to the “removal of unnecessary trunks, circuits, databases, or functions” because there may be disagreements about what constitutes “unnecessary.”

The 9-1-1 entities stated that because they and the commission have authority and responsibility for different aspects of 9-1-1 service, it is imperative that these obligations be harmonized and provide checks and balances consistent with protecting the public interest and public safety. Further, the 9-1-1 entities stated that private interests and commercial agreements among private parties under any reasoned reading of statutory construction or the public interest should not hinder, constrain, or abridge the statutory responsibility of 9-1-1 administrative entities. The 9-1-1 entities stated that currently some private company policies, or interconnection or commercial agreements, have resulted in CLECs either voluntarily or involuntarily installing 9-1-1 trunks as part of local interconnection even though the CLEC has represented to the ILEC and the appropriate 9-1-1 administrative entity that such 9-1-1 trunks will not be used in the provision of 9-1-1 service. The 9-1-1 entities stated that such non-use is inconsistent with the 9-1-1 administrative entities' 9-1-1 service agreements, and §26.435 requires reimbursement from the appropriate 9-1-1 administrative agency for those unused dedicated 9-1-1 trunks (assuming other prerequisites in the rule can be demonstrated in such situations).

The 9-1-1 administrative entities also stated that AT&T's comments indicated a need for strong language that resolved its liability concerns related to the dedicated 9-1-1 trunk issue. The 9-1-1 entities stated that impasses have occurred with both AT&T and Verizon - AT&T in the context of providing database information for quality of service purposes, and Verizon in the context of changing of 9-1-1 network service providers. The 9-1-1 entities stated that they agree with including the strong language "subject to the commission's authority and oversight review for 'material' changes." The 9-1-1 entities stated that its proposed changes would enable reasonable

budgeting and planning protections not only for 9-1-1 administrative entities but also for CLECs, wireless carriers, VoIP providers, and telematics providers that must connect and interoperate in the best manner feasible and achievable to provide 9-1-1 service to all end-user customers.

The 9-1-1 entities also stated that Verizon's worries about flash cuts are contrary to 9-1-1 practices, as well as 9-1-1 service agreements in Texas, which provide for 180-day notice of changes in 9-1-1 Service Plan requirements unless necessary on an emergency basis to protect public safety.

Commission Response

In adopting new §26.272(e)(1)(B)(vi) and §26.433(i), the commission is not granting 9-1-1 administrative entities some new authority or unilateral discretion. Instead, it is acknowledging that the provisioning of 9-1-1 service is competitive and will become more competitive, and that 9-1-1 administrative entities have the authority to choose how and with whom they provision 9-1-1 network service in their respective areas. These new provisions also provide needed clarity to CTUs concerning the impact of an administrative entity's choice to migrate its 9-1-1 network service to a new provider or to a newer functionally equivalent IP-based system or NG9-1-1 system that may or may not be provided by an ILEC. When a 9-1-1 administrative entity migrates to a new 9-1-1 network service, with the same or a new provider, or approves a new and different 9-1-1 service arrangement for a CTU, it is possible that some or all trunks between a CTU and a 9-1-1 network service provider might become unnecessary or need to be re-provisioned. In such an event, it is not in the public interest for 9-1-1 administrative entities to continue to

reimburse carriers for dedicated 9-1-1 trunks that are unnecessary. Additionally, it is not in the public interest to permit 9-1-1 administrative agencies to alter their 9-1-1 service arrangements in a manner that materially changes the way in which such service is provisioned today (i.e., within a LATA), which could dramatically impact a CTU's unreimbursed costs, without an opportunity for affected CTUs to ask for additional reimbursement. Therefore, in such an event, affected trunks should be disconnected or re-provisioned following the procedures established in §26.272(e)(1)(B)(i)(I) for the removal of unnecessary trunks or the re-provisioning of trunks, and with the possibility of additional cost recovery for material changes as provided in §26.435(a).

The commission revises §26.272(e)(1)(B)(vi) and §26.433(i) consistent with the Consensus Revisions.

§26.433(a) Purpose and (b) Application

AT&T stated that, as with its discussion of §26.5(275), the commission should require all 9-1-1 network service providers to be CTUs. AT&T stated that the purpose of the rule is to assure the integrity of the state's emergency 9-1-1 system and the rule accomplishes this purpose by establishing certain network interoperability service quality standards. AT&T stated that unless a 9-1-1 network service provider is certificated, it falls outside the jurisdiction of the commission and will not be required to maintain the standards set by the commission nor will they be subject to commission oversight or enforcement should problems arise. AT&T stated that due to the critical nature of 9-1-1 services, it is of paramount importance that 9-1-1 service providers have the expertise to be able to provide reliable and redundant service and to quickly restore 9-1-1

service whenever it is disrupted. AT&T stated that is unsure why the commission would require certification for database management service providers and yet not require certification for providers of 9-1-1 network services. AT&T opined that while database services are critically important, the need for expertise regarding network issues and the potential for disruption of 9-1-1 services is even more critical. AT&T stated that for these reasons, 9-1-1 network service providers should be held to CTU standards. AT&T stated that no matter who is the 9-1-1 network service provider, AT&T end-user customers should be confident that access to 9-1-1 service is available when needed. The 9-1-1 entities stated that it agreed AT&T on this issue; 9-1-1 network service providers must be CTUs.

Commission Response

The issue of requiring 9-1-1 network service providers to be CTUs is addressed below with respect to §26.433(c), 9-1-1 service provider certification requirements.

§26.433(c) 9-1-1 service provider certification requirements

Intrado stated that the commission's rules should require 9-1-1 network service providers and any other operators of elements of the 9-1-1 system to be certificated, including government operators. Intrado stated that this requirement ensures that the public's safety will be entrusted to reliable and competent entities. Intrado stated that the commission's rules should specifically acknowledge that the commission will certify competitive applicants to provide 9-1-1 database management service and/or 9-1-1 service alone.

AT&T stated that this provision is confusing. AT&T stated that paragraph 1 is simply a rewording of the prior rule language and that paragraph 2 is unclear. AT&T stated it was not clear whether the provision is stating that PSAPs and 9-1-1 administrative entities do not require certification as a 9-1-1 service provider or rather that they are not required to be certificated in order to be PSAPs or 9-1-1 administrative entities. AT&T stated that it objects if the intent is to say that PSAPs and 9-1-1 administrative entities do not require certification if they provide 9-1-1 service and reiterated the objections it made for §26.5(275) and §26.433(a) and (b). AT&T stated that if the provision states that 9-1-1 administrative entities are not required to be certificated in order to be PSAPs or 9-1-1 administrative entities, then it is unnecessary.

The 9-1-1 entities stated that they agree with Intrado and AT&T; 9-1-1 network service providers must CTUs.

Commission Response

The commission agrees with Intrado, AT&T and the 9-1-1 entities, the commission's rules should require providers of any element of the 9-1-1 network to be certificated and revises the rule accordingly. The commission also agrees with AT&T, PSAPs and 9-1-1 administrative entities do not require certification by the commission unless acting as a 9-1-1 database management services provider or a 9-1-1 network services provider. This commission adopts the Consensus Revisions.

§26.433(e)(1)(C)

AT&T recommended that the words “tandem” and “IP-based system” be replaced with “9-1-1 tandem” and “IP-based 9-1-1 system.” AT&T also questioned why the requirement for a P.01 grade of service was deleted. AT&T stated that it would seem reasonable to maintain the same level of service from the selective router to the PSAP as from the end office to the selective router and recommended re-inserting this language. The 9-1-1 entities stated that they agree with AT&T.

Commission Response

The commission agrees with AT&T and the 9-1-1 entities, and revises the provision consistent with the Consensus Revisions.

§26.433(f)(1)(E)

AT&T questioned the need for this new provision. AT&T stated that the requirement that all CTUs execute agreements with the respective 9-1-1 entities appears out of place in this subsection. AT&T stated that it believes the more appropriate location for this provision is in §26.435, where it was previously located and was included as a prerequisite to receiving cost recovery reimbursement. AT&T also recommended modifications to the language because it could be read to require the remittance of a fee from the CTU, when the fee is the obligation of the end-user customer, not the CTU. AT&T stated that it is the obligation of the CTU to collect the fee from its customer and then remit it to the 9-1-1 administrative entity. The 9-1-1 entities stated that they agree with AT&T and suggested these requirements be moved to a new subsection (j).

Commission Response

The commission agrees with AT&T and the 9-1-1 entities, and revises the provision consistent with the Consensus Revisions.

§26.433(i) Migration of 9-1-1 service

See comments for §26.272(e)(1)(B)(vi).

26.433(j) 9-1-1 service agreement

The 9-1-1 entities stated that the better location for the requirement that a CTU that provides local exchange service or resold local exchange service execute a separate 911 service agreement with each appropriate 9-1-1 administrative entity and collect and remit required 9-1-1 emergency service fees to the appropriate authorities is best moved from §26.433(f)(1)(E) to a new §26.433(j).

Commission Response

The commission agrees with the 9-1-1 entities. The commission adds new subsection (j) and deletes subsection (f)(1)(E). This change is consistent with the Consensus Revisions.

§26.435 Cost recovery methods for 9-1-1 dedicated trunks

Verizon stated that given the existence of a competitive market that offers numerous dedicated transport options, it questioned the need to retain §26.435. Verizon stated that if this section is retained, “approved by the appropriate 9-1-1 administrative entity” should be removed from

subsection (a), titled Purpose, because the commission is the administrative agency vested with the authority to authorize cost recovery, not the 9-1-1 administrative entity. Verizon also questioned the continued need to set forth recurring and nonrecurring rates in the section. Verizon stated that the non-recurring rates set out in the section have long outlived their usefulness, are far from compensatory, and need to be market based. Verizon stated that it fears that the section unreasonably singles out the ILEC on a total element long run incremental cost (TELRIC) basis. Verizon stated that given the competitive nature of the services offered in the state, there is no need to specify the pricing methodology in a rule. Verizon proposed that §26.435(c)(3)(B) and (C) be deleted and the end of §26.435(c)(3)(D) that states, “the 9-1-1 network services provider shall assess such charges on a TELRIC basis,” be deleted as well.

AT&T stated that it is concerned about the interplay between the definition of “dedicated 9-1-1 trunk” in §26.5(64) and §26.435, the 9-1-1 cost recovery rule. In general, AT&T stated that the proposed changes to the definition of “dedicated 9-1-1 trunk” broaden this definition to include new technologies, but the proposed changes in §26.435 do not modify cost recovery to account for the fact that some newer technology configurations could be much more costly. AT&T also stated that the proposed amendments do not take into consideration the competitive nature of 9-1-1 network service, and that it would be unfair to limit ILECs to cost recovery on a TELRIC basis while other competitor 9-1-1 network service providers could charge market based rates.

AT&T stated that the cost recovery methods set out in this section were written based on the provision of 9-1-1 service by way of the legacy TDM network; therefore, assumptions upon which those cost recovery methods were based may have little or no relation to the manner in

which the next generation networks will be established depending on the extent to which the current network architecture changes. AT&T stated that if carriers are required to carry 9-1-1 calls across LATAs and potentially across the state, and particularly if they are not able to self-provision, the costs will be very different from those costs associated with providing access to 9-1-1 in the legacy telephone network. AT&T stated that it is simply not reasonable to apply the same cost recovery methods to these very different network architecture configurations.

AT&T stated that the commission only permits CTUs to recover \$39 per month for each dedicated 9-1-1 trunk used to provide 9-1-1 access to its customers. AT&T stated that this rate was established years ago and was not necessarily based on the actual cost to provide access to 9-1-1 services. AT&T stated that it is not objecting to retention of the \$39 rate per month for dedicated 9-1-1 time division multiplexed (TDM) trunks, but contended that this requirement must apply only to the traditional TDM network architecture.

AT&T also reiterated its concern about a discriminatory limitation on ILECs to only charge for transport, port usage, and termination at TELRIC rates for components used in the provision of 9-1-1 dedicated trunks. AT&T stated that the proposed limitation has no basis, is discriminatory, and would create a situation where ILECs are subsidizing CLECs' cost of providing 9-1-1 services. In its role as a 9-1-1 network services provider, AT&T is not providing interconnection services requiring the application of TELRIC so there is no legal basis for this requirement. AT&T opined that the TELRIC requirement was originally established because ILECs were the original 9-1-1 network service providers and there was very little, if any, competition. AT&T

stated that since the market for 9-1-1 network services is now competitive, the section should allow for market-established rates.

AT&T stated that it agrees with Verizon that the proposed language for §26.435(c)(3) is unreasonably discriminatory. AT&T stated that as it noted in its initial comments, there is no legal basis for this requirement, and as such it is unreasonably discriminatory. AT&T stated that the original rule language that applied TELRIC to all CTUs should be retained. AT&T stated that King County is not applicable because it was applicable to specific wireless service providers in King County.

The 9-1-1 entities stated that they agree with AT&T, that the rules need to be clarified to address and embrace a “materially” different 9-1-1 network architecture that may require separate proceedings or rulemakings in the future. The 9-1-1 entities also stated that current, proposed 9-1-1 network service deployments in Texas do not materially change the current network architecture, and that the “materiality” approach and corresponding caveats in the 9-1-1 rules reasonably address the concerns raised by AT&T and Verizon related to changes to current POIs, LATAs, new long-haul trunking requirements, or new “class-marking” at the 9-1-1 network level. The 9-1-1 entities stated that the materiality and parity approach would also address AT&T’ and Verizon’s issues with the definition of “9-1-1 dedicated trunk” and TELRIC pricing and obviate the need for any other changes that might be speculative. The 9-1-1 entities stated that they agree with AT&T and Verizon on the issues of parity in cost recovery for 9-1-1 network services and that benchmarking to the ILECs rates, as done in other contexts and for other services, might be an appropriate approach for setting a CLECs rates. The 9-1-1 entities

also stated that dedicated 9-1-1 trunks are a general cost of doing business for all carriers; however, the commission's compromise position of equal reimbursement to ILECs and CLECs from Project Number 24305 and Docket Number 22920 should not be revisited at this time absent material changes in circumstances and proposed network architecture.

Commission Response

The commission disagrees with Verizon and declines to delete the language, “approved by the appropriate 9-1-1 administrative entity” in §26.435(a), because it clarifies that a CTU may seek cost recovery only for the dedicated 9-1-1 trunks that are approved by the appropriate 9-1-1 administrative entity. The commission agrees with Verizon, AT&T, and the 9-1-1 entities that the reimbursement rates for dedicated 9-1-1 trunks in §26.435(c)(1) are not compensatory. However, as noted by the 9-1-1 entities, providing access to 9-1-1 has never been nor was it intended to be profitable for telecommunications providers. Instead, it is a cost of doing business. Further, the rates in §26.435(c)(1) were a compromise and provide equal reimbursement to all carriers, and no commenter has stated or provided evidence that under-recovery for the provisioning of dedicated 9-1-1 trunks has become a particularly burdensome problem. Therefore, the commission does not agree that these rates have outlived their usefulness and at this time is not making a change in the reimbursement rates for dedicated 9-1-1 trunks of \$165 for non-recurring charges and \$39 for recurring charges.

The commission agrees with AT&T and the 9-1-1 entities that the proposed rules do not account for possible material changes in the networking or trunking arrangements

necessary for CTUs to provide their end-user customers access to 9-1-1 services. One example provided by AT&T is having fewer selective routers, which could result in not having points of interconnection in each LATA. AT&T claims this change could cause significant increases in a CTU's costs for provisioning dedicated 9-1-1 trunks because a CTU could have to extend a trunk, line, or link a long distance to reach a selective router. However, the commission concludes that it is premature to address this issue. There could be changes in technology that accompany the architectural changes described by AT&T that have the effect of keeping costs down. However, consistent with the Consensus Revisions, the commission revises §26.435(a) to include a process whereby a telecommunications provider can petition the commission for additional cost recovery.

The commission agrees with Verizon, AT&T, and the 9-1-1 entities that ILECs should not be singled out with regard to TELRIC-based charges for facilities provided by them if they are the 9-1-1 network service providers. Therefore, consistent with the Consensus Revisions and the existing section, the commission revises the section to provide that any CTU that is the 9-1-1 network service provider must assess charges on a TELRIC basis.

§26.435(c) 9-1-1/CTU Reimbursement

AT&T stated that it does not object to retaining the rates set out, as long as they only apply to the provision of 9-1-1 access through the traditional TDM network.

Commission Response

The commission agrees with AT&T and revises the provision accordingly. This revision is consistent with the Consensus Revisions.

§26.435(c)(3)(B)

AT&T reiterated its argument that restricting ILEC 9-1-1 network services providers to cost recovery at TELRIC based rates while permitting other carriers to charge market based rates for the same services is unreasonably discriminatory and would create a situation where ILECs were subsidizing CLEC's cost or providing 9-1-1 service to their end users. AT&T stated that it is not providing interconnection services requiring the application of TELRIC, so there is no legal basis for this requirement.

Commission Response

Consistent with AT&T's comments, the Consensus Revisions and the existing provision, the commission revises the provision to provide that any CTU that is the 9-1-1 network service provider must assess charges on a TELRIC basis.

§26.435(c)(3)(C)

AT&T stated that restricting ILEC 9-1-1 network services providers to cost recovery at TELRIC based rates while permitting other carriers to charge market based rates for the same services is unreasonably discriminatory and would create a situation where ILECs were subsidizing CLEC's cost of providing 9-1-1 service to their end users. AT&T stated that it is not providing

interconnection services requiring the application of TELRIC so there is no legal basis for this requirement.

Commission Response

Consistent with AT&T's comments, the Consensus Revisions and the existing provision, the commission revises the provision to provide that any CTU that is the 9-1-1 network service provider must assess charges on a TELRIC basis.

§26.435(c)(3)(D)

AT&T stated that restricting ILECs to cost recovery at TELRIC based rates for providing 9-1-1 network services while permitting other carriers to charge market based rates is unreasonably discriminatory and would create a situation where the ILECs were subsidizing the CLECs cost of providing 9-1-1 service to their end users. AT&T stated that it is not providing interconnection services requiring the application of TELRIC so there is no legal basis for this requirement.

Commission Response

Consistent with AT&T's comments, the Consensus Revisions and the existing provision, the commission revises the provision to provide that any CTU that is the 9-1-1 network service provider must assess charges on a TELRIC basis.

§26.435(c)(8)

AT&T stated that it objects to exempting IP-based systems of next generation 9-1-1 systems from the requirement addressing areas administered by multiple 9-1-1 administrative entities and

would request clarification as to the basis for the exemption. AT&T stated that it is not clear what the network arrangements would be in the case of an IP or next generation solution.

Commission Response

The commission agrees with AT&T and revises the provision accordingly. This revision is consistent with the Consensus Revisions.

§26.435(c)(9)

AT&T stated that this paragraph is confusing and requested clarification.

Commission Response

The commission agrees with AT&T and revises this provision accordingly. This revision is consistent with the Consensus Revisions.

These amendments are adopted under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (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 §60.001, which authorizes the commission to ensure that the rates and rules of an incumbent local exchange carrier are not unreasonably preferential, prejudicial, or discriminatory; and are applied equitably and consistently; PURA §60.122, which grants the commission exclusive jurisdiction to determine rates and terms for interconnection for a holder of a certificate of convenience and necessity, a certificate of operating authority, or a service provider certificate of operating authority; §60.124, which requires each telecommunications

provider to maintain interoperable networks; §64.051, which requires the commission to adopt rules relating to certification, registration, and reporting requirements of a certificated telecommunications utility, all telecommunications utilities that are not dominant carriers, and pay telephone providers; §64.052(3), which permits the commission to adopt and enforce rules for customer service and protection; §64.053, which states the commission may require a telecommunications service provider to submit reports to the commission concerning any matter over which it has authority under PURA Chapter 64; and PURA §60.210 which requires all telecommunications providers to provide access to 911 and E-911 services.

Cross Reference to Statutes: Public Utility Regulatory Act §§14.002, 60.001, 60.122, 60.124, 60.210, 64.051, 64.052(3), and 64.053.

§26.5. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

- (1) **Access customer** -- Any user of access services which are obtained from a certificated telecommunications utility (CTU).
- (2) **Access services** -- CTU services which provide connections for or are related to the origination or termination of intrastate telecommunications services that are generally, but not limited to, interexchange services.
- (3) **Administrative review** -- A process under which an application may be approved without a formal hearing.
- (4) **Affected person** -- means:
 - (A) a public utility affected by an action of a regulatory authority;
 - (B) a person whose utility service or rates are affected by a proceeding before a regulatory authority; or
 - (C) a person who:
 - (i) is a competitor of a public utility with respect to a service performed by the utility; or
 - (ii) wants to enter into competition with a public utility.
- (5) **Affiliate** -- means:
 - (A) a person who directly or indirectly owns or holds at least 5.0% of the voting securities of a public utility;
 - (B) a person in a chain of successive ownership of at least 5.0% of the voting securities of a public utility;

- (C) a corporation that has at least 5.0% of its voting securities owned or controlled, directly or indirectly, by a public utility;
 - (D) a corporation that has at least 5.0% of its voting securities owned or controlled, directly or indirectly, by:
 - (i) a person who directly or indirectly owns or controls at least 5.0% of the voting securities of a public utility; or
 - (ii) a person in a chain of successive ownership of at least 5.0% of the voting securities of a public utility;
 - (E) a person who is an officer or director of a public utility or of a corporation in a chain of successive ownership of at least 5.0% of the voting securities of a public utility; or
 - (F) a person determined to be an affiliate under Public Utility Regulatory Act §11.006.
- (6) **Aggregate customer proprietary network information (CPNI)** -- A configuration of customer proprietary network information that has been collected by a telecommunications utility and organized such that none of the information will identify an individual customer.
- (7) **Alternate 9-1-1 routing** -- The routing of 9-1-1 calls to a designated alternate location if all dedicated 9-1-1 trunks to a primary public safety answering point are busy or out of service.
- (8) **Assumed name** -- Has the meaning assigned by Texas Business and Commerce Code, §36.10.

- (9) **Automatic dial announcing device (ADAD)** -- Any automated equipment used for telephone solicitation or collection that:
- (A) is capable of storing numbers to be called, or has a random or sequential number generator capable of producing numbers to be called; and
 - (B) alone or in conjunction with other equipment, can convey a prerecorded or synthesized voice message to the number called without the use of a live operator.
- (10) **Automatic location identification (ALI)** -- The automatic display at a public safety answering point of a caller's telephone number, the address/location of the telephone number, and supplementary emergency services information for the location from which a call originates.'
- (11) **Automatic number identification (ANI)** -- The telephone number associated with an access line, connection, or station from which a call originates that is automatically transmitted by the local switching system to an interexchange or other communications carrier or to the operator of a 9-1-1 system.
- (12) **Base rate area** -- A specific area within an exchange area, as set forth in the dominant certificated telecommunications utilities' tariffs, maps or descriptions, wherein local exchange service is furnished at uniform rates without extra mileage charges.
- (13) **Basic local telecommunications service** -- Flat rate residential and business local exchange telephone service, including primary directory listings; tone dialing service; access to operator services; access to directory assistance services; access to 911 service where provided by a local authority or dual party relay service; the

ability to report service problems seven days a week; lifeline services; and any other service the commission, after a hearing, determines should be included in basic local telecommunications service.

- (14) **Basic network services (BNS)** -- Those services identified in Public Utility Regulatory Act §58.051.
- (15) **Baud** -- Unit of signaling speed reflecting the number of discrete conditions or signal elements transmitted per second.
- (16) **Bellcore** -- Bell Communications Research, Inc.
- (17) **Billing agent** -- Any entity that submits charges to a billing telecommunications utility on behalf of itself or any service provider.
- (18) **Billing telecommunications utility** -- Any telecommunications provider, as defined in the Public Utility Regulatory Act §51.002 that issues a bill directly to a customer for any telecommunications product or service.
- (19) **Bit Error Ratio (BER)** -- The ratio of the number of bits received in error to the total number of bits transmitted in a given time interval.
- (20) **Bit Rate** -- The rate at which data bits are transmitted over a communications path, normally expressed in bits per second.
- (21) **Bona fide request** -- A written request to an incumbent local exchange company (ILEC) from a CTU or an enhanced service provider, requesting that the ILEC unbundle its network/services to the extent ordered by the Federal Communications Commission. A bona fide request indicates an intent to purchase the service subject to the purchaser being able to obtain acceptable rates, terms, and conditions.

- (22) **Business service** -- A telecommunications service provided a customer where the use is primarily of a business, professional, institutional or otherwise occupational nature.
- (23) **Busy hour** -- The clock hour each day during which the greatest usage occurs.
- (24) **Busy season** -- That period of the year during which the greatest volume of traffic is handled in a switching office.
- (25) **Call aggregator** -- Any person or entity that owns or otherwise controls telephones intended to be utilized by the public, which control is evidenced by the authority to post notices on and/or unblock access at the telephone.
- (26) **Call splashing** -- Call transferring (whether caller-requested or operator service provider-initiated) that results in a call being rated and/or billed from a point different from that where the call originated.
- (27) **Call transferring** -- Handing off a call from one operator service provider (OSP) to another OSP.
- (28) **Caller identification materials (caller ID materials)** -- Any advertisements, educational materials, training materials, audio and video marketing devices, and any information disseminated about caller ID services.
- (29) **Caller identification service (caller ID service)** -- A service offered by a telecommunications provider that provides calling party information to a device capable of displaying the information.
- (30) **Calling area** -- The area within which telecommunications service is furnished to customers under a specific schedule of exchange rates. A "local" calling area may include more than one exchange area.

- (31) **Calling party information** --
- (A) the telephone listing number and/or name of the customer from whose telephone instrument a telephone number is dialed; or
 - (B) other information that may be used to identify the specific originating number or originating location of a wire or electronic communication transmitted by a telephone instrument.
- (32) **Capitalization** -- Long-term debt plus total equity.
- (33) **Carrier of choice** -- An option that allows an individual to choose an interexchange carrier for long distance calls made through Telecommunications Relay Service.
- (34) **Carrier-initiated change** -- A change in the telecommunications utility serving a customer that was initiated by the telecommunications utility to which the customer is changed, whether the switch is made because a customer did or did not respond to direct mail solicitation, telemarketing, or other actions initiated by the carrier.
- (35) **Central office** -- A switching unit in a telecommunications system which provides service to the general public, having the necessary equipment and operating arrangements for terminating and interconnecting customer lines and trunks or trunks only.
- (36) **Census block group (CBG)** -- A United States Census Bureau geographic designation that generally contains between 250 and 550 housing units.
- (37) **Certificated service area** -- The geographic area within which a company has been authorized to provide basic local telecommunications services pursuant to a

certificate of convenience and necessity (CCN), a certificate of operating authority (COA), or a service provider certificate of operating authority (SPCOA) issued by the commission.

- (38) **Certificated telecommunications utility** -- A telecommunications utility that has been granted either a CCN, a COA, or a SPCOA.
- (39) **Class of service or customer class** -- A description of utility service provided to a customer which denotes such characteristics as nature of use (business or residential) or type of rate (flat rate or message rate). Classes may be further subdivided into grades, denoting individual or multiparty line or denoting quality of service.
- (40) **Commercial mobile radio service (CMRS)** --
- (A) As defined in 47 C.F.R. §20.3, a mobile service that is:
 - (i) provided for profit with, *i.e.*, the intent of receiving compensation or monetary gain;
 - (ii) an interconnected service; and
 - (iii) available to the public, or to such classes of eligible users as to be effectively available to a substantial portion of the public; or
 - (B) the functional equivalent of such a mobile service described in subparagraph (A) of this paragraph.
- (41) **Commission** -- The Public Utility Commission of Texas.
- (42) **Commission on State Emergency Communications (CSEC)** -- The state commission with the responsibilities and authority as specified in Texas Health and Safety Code, Chapter 771.

- (43) **Competitive exchange service** -- Any of the following services, when provided on an inter- or intrastate basis within an exchange area: central office based PBX-type services for systems of 75 stations or more; billing and collection services; high speed private line services of 1.544 megabits or greater; customized services; private line and virtual private line services; resold or shared local exchange telephone services if permitted by tariff; dark fiber services; non-voice data transmission service when offered as a separate service and not as a component of basic local telecommunications service; dedicated or virtually dedicated access services; services for which a local exchange company has been granted authority to engage in pricing flexibility pursuant to §26.211 of this title (relating to Rate-Setting Flexibility for Services Subject to Significant Competitive Challenges); any service initially provided within an exchange after October 26, 1992, if first provided by an entity other than the incumbent local exchange company (companies) certificated to provide service within that exchange; and any other service the commission declares is not local exchange telephone service.
- (44) **Competitive services (CS)** -- Those services as defined in Public Utility Regulatory Act §58.151, and any other service the commission subsequently categorizes as a competitive service.
- (45) **Completed call** -- A call that is answered by the called party.
- (46) **Complex service** -- The provision of a circuit requiring special treatment, special equipment, or special engineering design, including but not limited to private lines, WATS, PBX trunks, rotary lines, and special assemblies.
- (47) **Consumer good or service** --

- (A) Real property or tangible or intangible personal property that is normally used for personal, family, or household purposes, including personal property intended to be attached to or installed in any real property;
 - (B) A cemetery lot;
 - (C) A time-share estate; or
 - (D) A service related to real or personal property.
- (48) **Consumer telephone call** -- An unsolicited call made to a residential telephone number to:
- (A) solicit a sale of a consumer good or service;
 - (B) solicit an extension of credit for a consumer good or service; or
 - (C) obtain information that will or may be used to directly solicit a sale of a consumer good or service or to extend credit for the sale.
- (49) **Cooperative** -- An incumbent local exchange company that is a cooperative corporation.
- (50) **Cooperative corporation** --
- (A) An electric cooperative corporation organized and operating under the Electric Cooperative Corporation Act, Texas Utilities Code Annotated, Chapter 161, or a predecessor statute to Chapter 161 and operating under that chapter; or
 - (B) A telephone cooperative corporation organized under the Telephone Cooperative Act, Texas Utilities Code, Chapter 162, or a predecessor statute to Chapter 162 and operating under that chapter.

- (51) **Corporate name** -- Has the meaning assigned by Texas Business Corporation Act, Article §2.05.
- (52) **Corporation** -- A domestic or foreign corporation, joint-stock company, or association, and each lessee, assignee, trustee, receiver or other successor in interest of the corporation, company, or association, that has any of the powers or privileges of a corporation not possessed by an individual or partnership. The term does not include a municipal corporation, except as expressly provided by the Public Utility Regulatory Act.
- (53) **Custom calling-type services** -- Call management services available from a central office switching system including, but not limited to, call forwarding, call waiting, caller ID, or automatic recall.
- (54) **Customer access line** -- A unit of measurement representing a telecommunications circuit or, in the case of ISDN, a telecommunications channel designated for a particular customer. One customer access line shall be counted for each circuit which is capable of generating usage on the line side of the switched network or a private line circuit, regardless of the quantity or ownership of customer premises equipment connected to each circuit. In the case of multiparty lines, each party shall be counted as a separate customer access line.
- (55) **Customer-initiated change** -- A change in the telecommunications utility serving a customer that is initiated by the customer and is not the result of direct mail solicitation, telemarketing, or other actions initiated by the carrier.
- (56) **Customer premises equipment (CPE)** -- Telephone terminal equipment located at a customer's premises. This does not include overvoltage protection

equipment, inside wiring, coin-operated (or pay) telephones, “company-official” equipment, mobile telephone equipment, “911” equipment, equipment necessary for provision of communications for national defense, or multiplexing equipment used to deliver multiple channels to the customer.

- (57) **Customer proprietary network information (CPNI), customer-specific** -- Any information compiled about a customer by a telecommunications utility in the normal course of providing telephone service that identifies the customer by matching such information with the customer’s name, address, or billing telephone number. This information includes, but is not limited to: line type(s), technical characteristics (*e.g.*, rotary service), class of service, current telephone charges, long distance billing record, local service billing record, directory assistance charges, usage data, and calling patterns.
- (58) **Customer trouble report** -- Any oral or written report from a customer or user of telecommunications service received by any telecommunications utility relating to a physical defect, difficulty, or dissatisfaction with the service provided by the telecommunications utility’s facilities. Each telephone or PBX switchboard position reported in trouble shall be counted as a separate report when several items are reported by one customer at the same time, unless the group of troubles so reported is clearly related to a common cause.
- (59) **dBrn** -- A unit used to express noise power relative to one Pico watt (-90 dBm).
- (60) **dBrnC** -- Noise power in dBrn, measured with C-message weighting.
- (61) **dBrnCO** -- Noise power in dBrnC referred to or measured at a zero transmission level point.

- (62) **D-Channel** -- The integrated-services-digital-network out-of-band signaling channel.
- (63) **Dedicated signaling transport** -- Transmission of out-of-band signaling information between an access customer's common channel signaling network and a CTU's signaling transport point on facilities dedicated to the use of a single customer.
- (64) **Dedicated 9-1-1 trunk** -- Refers to either:
- (A) a single purpose telephone circuit, or Internet Protocol (IP) equivalent, that originates at a CTU's (CTU's) switching office or point of presence and connects to a port of termination at an E9-1-1 selective router, 9-1-1 tandem, IP-based 9-1-1 system, or next generation 9-1-1 system, as described to the CTU by the appropriate 9-1-1 administrative entity or entities in its 9-1-1 service arrangement requirements for each applicable rate center (direct dedicated 9-1-1 trunk); or
 - (B) any other single purpose telephone circuit, or IP equivalent, that is used by a CTU to provide 9-1-1 service consistent with the 9-1-1 administrative entity's or entities' 9-1-1 service arrangement requirements that does not connect directly to a port of termination as described in subparagraph (A) of this paragraph (indirect dedicated 9-1-1 trunk). A direct dedicated 9-1-1 trunk includes transport, port usage, and termination.
- (65) **Default routing** -- The capability to route a 9-1-1 call to a designated public safety answering point when the incoming 9-1-1 call cannot be selectively routed due to an automatic number identification failure or other cause.

- (66) **Depreciation expenses** -- The charges based on the depreciation accrual rates designed to spread the cost recovery of the property over its economic life.
- (67) **Direct-trunked transport** -- Transmission of traffic between the serving wire center and another CTU's office, without intermediate switching. It is charged on a flat-rate basis.
- (68) **Disconnection of telephone service** -- The event after which a customer's telephone number is deleted from the central office switch and databases.
- (69) **Discretionary services (DS)** -- Those services as defined in the Public Utility Regulatory Act §58.101, and any other service the commission subsequently categorizes as a discretionary service.
- (70) **Distance learning** -- Instruction, learning, and training that is transmitted from one site to one or more sites by telecommunications services that are used by an educational institution predominantly for such instruction, learning, or training-- including: video, data, voice, and electronic information.
- (71) **Distribution lines** -- Those lines from which the end user may be provided direct service.
- (72) **Dominant carrier** -- A provider of a communication service provided wholly or partly over a telephone system who the commission determines has sufficient market power in a telecommunications market to control prices for that service in that market in a manner adverse to the public interest. The term includes a provider who provided local exchange telephone service within certificated exchange areas on September 1, 1995, as to that service and as to any other

service for which a competitive alternative is not available in a particular geographic market. In addition with respect to:

- (A) intraLATA long distance message telecommunications service originated by dialing the access code “1-plus,” the term includes a provider of local exchange telephone service in a certificated exchange area for whom the use of that access code for the origination of “1-plus” intraLATA calls in the exchange area is exclusive; and
 - (B) interexchange services, the term does not include an interexchange carrier that is not a certificated local exchange company.
- (73) **Dominant certificated telecommunications utility (DCTU)** -- A CTU that is also a dominant carrier. Unless clearly indicated otherwise, the rules applicable to a DCTU apply specifically to only those services for which the DCTU is dominant.
- (74) **Dual-party relay service** -- A service using oral and printed translations, by either a person or an automated device, between hearing- or speech-impaired individuals who use telecommunications devices for the deaf, computers, or similar automated devices, and others who do not have such equipment.
- (75) **Educational institution** -- Accredited primary or secondary schools owned or operated by state and local government entities or by private entities; institutions of higher education as defined by the Texas Education Code, §61.003(13); the Texas Education Agency, its successors and assigns; regional education service centers established and operated pursuant to the Texas Education Code, Chapter

8; and the Texas Higher Education Coordinating Board, its successors and assigns.

(76) **Electing local exchange company (LEC)** -- A CTU electing to be regulated under the terms of the Public Utility Regulatory Act, Chapter 58.

(77) **Electric utility** -- Except as provided in Chapter 25, Subchapter I, Division 1 of this title (relating to Open- Access Comparable Transmission Service for Electrical Utilities in the Electric Reliability Council of Texas), an electric utility is: A person or river authority that owns or operates for compensation in this state equipment or facilities to produce, generate, transmit, distribute, sell, or furnish electricity in this state. The term includes a lessee, trustee, or receiver of an electric utility and a recreational vehicle park owner who does not comply with Texas Utilities Code, Chapter 184, Subchapter C, with regard to the metered sale of electricity at the recreational vehicle park. The term does not include:

- (A) a municipal corporation;
- (B) a qualifying facility;
- (C) a power generation company;
- (D) an exempt wholesale generator;
- (E) a power marketer;
- (F) a corporation described by Public Utility Regulatory Act §32.053 to the extent the corporation sells electricity exclusively at wholesale and not to the ultimate consumer;
- (G) an electric cooperative;
- (H) a retail electric provider;

- (I) the state of Texas or an agency of the state; or
 - (J) a person not otherwise an electric utility who:
 - (i) furnishes an electric service or commodity only to itself, its employees, or its tenants as an incident of employment or tenancy, if that service or commodity is not resold to or used by others;
 - (ii) owns or operates in this state equipment or facilities to produce, generate, transmit, distribute, sell or furnish electric energy to an electric utility, if the equipment or facilities are used primarily to produce and generate electric energy for consumption by that person; or
 - (iii) owns or operates in this state a recreational vehicle park that provides metered electric service in accordance with Texas Utilities Code, Chapter 184, Subchapter C.
- (78) **Element** -- Unbundled network elements, including: interconnection, physical-collocation, and virtual-collocation elements.
- (79) **Eligible telecommunications provider (ETP) service area** -- The geographic area, determined by the commission, containing high cost rural areas which are eligible for Texas Universal Service Funds support under §26.403 or §26.404 of this title (relating to Texas High Cost Universal Service Plan (THCUSP) and Small and Rural Incumbent Local Exchange Company (ILEC) Universal Service Plan).

- (80) **Embedded customer premises equipment** -- All customer premises equipment owned by a telecommunications utility, including inventory, which was tariffed or subject to the separations process of January 1, 1983.
- (81) **Emergency service number (ESN)** -- A three to five digit number representing a unique combination of emergency service agencies designated to serve a specific range of addresses within a particular geographic area. The ESN facilitates any required selective routing and selective transfer to the appropriate public safety answering point and the dispatching of the proper service agencies.
- (82) **Emergency service zone (ESZ)** -- A geographic area that has common law enforcement, fire, and emergency medical services personnel that respond to 9-1-1 calls.
- (83) **End user choice** -- A system that allows the automatic routing of interexchange, operator-assisted calls to the billed party's chosen carrier without the use of access codes.
- (84) **Enhanced service provider** -- A company that offers computer-based services over transmission facilities to provide the customer with value-added telephone services.
- (85) **Entrance facilities** -- The transmission path between the access customer's (such as an interexchange carrier's) point of demarcation and the serving wire center.
- (86) **Equal access** -- Access which is equal in type, quality and price to Feature Group C, and which has unbundled rates. From an end user's perspective, equal access is characterized by the availability of "1-plus" dialing with the end user's carrier of choice.

- (87) **Exchange area** -- The geographic territory delineated as an exchange area by official commission boundary maps. An exchange area usually embraces a city or town and its environs. There is usually a uniform set of charges for telecommunications service within the exchange area. An exchange area may be served by more than one central office and/or one certificated telephone utility. An exchange area may also be referred to as an exchange.
- (88) **Expenses** -- Costs incurred in the provision of services that are expensed, rather than capitalized, in accordance with the Uniform System of Accounts applicable to the carrier.
- (89) **Experimental service** -- A new service that is proposed to be offered on a temporary basis for a specified period not to exceed one year from the date the service is first provided to any customer.
- (90) **Extended area service (EAS)** -- A telephone switching and trunking arrangement which provides for optional calling service by DCTUs within a local access and transport area and between two contiguous exchanges or between an exchange and a contiguous metropolitan exchange local calling area. For purposes of this definition, a metropolitan exchange local calling area shall include all exchanges having local or mandatory EAS calling throughout all portions of any of the following exchanges: Austin metropolitan exchange, Corpus Christi metropolitan exchange, Dallas metropolitan exchange, Fort Worth metropolitan exchange, Houston metropolitan exchange, San Antonio metropolitan exchange, or Waco metropolitan exchange. EAS is provided at rate increments in addition to local exchange rates, rather than at toll message charges.

- (91) **Extended local calling service (ELCS)** -- Service provided pursuant to §26.219 and §26.221 of this title (relating to Administration of Expanded Local Calling Requests; and Applications to Establish or Increase Expanded Local Calling Service Surcharges).
- (92) **E911 or E9-1-1** -- 9-1-1 service that is capable of providing automatic number identification, automatic location identification, selective routing, and selective transfer.
- (93) **Facilities** -- All the plant and equipment of a public utility, including all tangible and intangible real and personal property without limitation, and any and all means and instrumentalities in any manner owned, operated, leased, licensed, used, controlled, furnished, or supplied for, by, or in connection with the business of any public utility, including any construction work in progress allowed by the commission.
- (94) **Facilities-based provider** -- A telecommunications provider that provides telecommunications services using facilities that it owns or leases or a combination of facilities that it owns and leases, including unbundled network elements.
- (95) **Foreign exchange (FX)** -- Exchange service furnished by means of a circuit connecting a customer's station to a primary serving office of another exchange.
- (96) **Foreign serving office (FSO)** -- Exchange service furnished by means of a circuit connecting a customer's station to a serving office of the same exchange but outside of the serving office area in which the station is located.

- (97) **Forward-looking common costs** -- Economic costs efficiently incurred in providing a group of elements or services that cannot be attributed directly to individual elements or services.
- (98) **Forward-looking economic cost** -- The sum of the total element long-run incremental cost of an element and a reasonable allocation of its forward-looking common costs.
- (99) **Forward-looking economic cost per unit** -- The forward-looking economic cost of the element as defined in this section, divided by a reasonable projection of the sum of the total number of units of the element that the DCTU is likely to provide to requesting telecommunications carriers and the total number of units of the element that the DCTU is likely to use in offering its own services, during a reasonable time period.
- (100) **Geographic scope** -- The geographic area in which the holder of a COA or of a SPCOA is authorized to provide service.
- (101) **Grade of service** -- The number of customers a line is designated to serve.
- (102) **Hearing** -- Any proceeding at which evidence is taken on the merits of the matters at issue, not including prehearing conferences.
- (103) **Hearing carryover** -- A technology that allows an individual who is speech-impaired to hear the other party in a telephone conversation and to use specialized telecommunications devices to send communications through the telecommunications relay service operator.

- (104) **High cost area** -- A geographic area for which the costs established using a forward-looking economic cost methodology exceed the benchmark levels established by the commission.
- (105) **High cost assistance (HCA)** -- A program administered by the commission in accordance with the provisions of §26.403 of this title.
- (106) **Identity** -- The name, address, telephone number, and/or facsimile number of a person, whether natural, partnership, municipal corporation, cooperative corporation, corporation, association, governmental subdivision, or state agency and the relationship of the person to the entity being represented.
- (107) **Impulse noise** -- Any momentary occurrence of the noise on a channel significantly exceeding the normal noise peaks. It is evaluated by counting the number of occurrences that exceed a threshold. This noise degrades voice and data transmission.
- (108) **Incumbent local exchange company (ILEC)** -- A local exchange company that had a CCN on September 1, 1995.
- (109) **Informational notice** -- That notice required to be filed in connection with nonbasic services, new service offerings, and pricing and packaging flexibility pursuant to Public Utility Regulatory Act Chapters 52, 58, or 59.
- (110) **Information sharing program** -- Instruction, learning, and training that is transmitted from one site to one or more sites by telecommunications services that are used by a library predominantly for such instruction, learning, or training, including video, data, voice, and electronic information.

- (111) **Integrated services digital network (ISDN)** -- A digital network architecture that provides a wide variety of communications services, a standard set of user-network messages, and integrated access to the network. Access methods to the ISDN are the Basic Rate Interface (BRI) and the Primary Rate Interface (PRI).
- (112) **Interactive multimedia communications** -- Real-time, two-way, interactive voice, video, and data communications conducted over networks that link geographically dispersed locations. This definition includes interactive communications within or between buildings on the same campus or library site.
- (113) **Intercept service** -- A service arrangement provided by the local exchange carrier whereby calls placed to a disconnected or discontinued telephone number are intercepted and the calling party is informed by an operator or by a recording that the called telephone number has been disconnected, discontinued, changed to another number, or otherwise is not in service.
- (114) **Interconnection** -- Generally means: The point in a network where a customer's transmission facilities interface with the dominant carrier's network under the provisions of this section. More particularly it means: The termination of local traffic including basic telecommunications service as delineated in §26.403 of this title or integrated services digital network (ISDN) as defined in this section and/or EAS/ELCS traffic of a CTU using the local access lines of another CTU, as described in §26.272(d)(4)(A) of this title (relating to Interconnection). Interconnection shall include non-discriminatory access to signaling systems, databases, facilities and information as required to ensure interoperability of networks and efficient, timely provision of services to customers without

permitting access to network proprietary information or customer proprietary network information, as defined in this section, unless otherwise permitted in §26.272 of this title.

- (115) **Interconnector** -- A customer that interfaces with the dominant carrier's network under the provisions of §26.271 of this title (relating to Expanded Interconnection).
- (116) **Interexchange carrier (IXC)** -- A carrier providing any means of transporting intrastate telecommunications messages between local exchanges, but not solely within local exchanges, in the State of Texas. The term may include a CTU or CTU affiliate to the extent that it is providing such service. An entity is not an IXC solely because of:
- (A) the furnishing, or furnishing and maintenance of a private system;
 - (B) the manufacture, distribution, installation, or maintenance of customer premises equipment;
 - (C) the provision of services authorized under the FCC's Public Mobile Radio Service and Rural Radio Service rules; or
 - (D) the provision of shared tenant service.
- (117) **Internet Protocol (IP)** -- A data communication protocol used in communicating data from one computer to another on the Internet or other networks.
- (118) **Interoffice trunks** -- Those communications circuits which connect central offices.

- (119) **IntraLATA equal access** -- The ability of a caller to complete a toll call in a local access and transport area (LATA) using his or her provider of choice by dialing “1” or “0” plus an area code and telephone number.
- (120) **Intrastate** -- Refers to communications which both originate and terminate within Texas state boundaries.
- (121) **Least cost technology** -- The technology or mix of technologies that would be chosen in the long run as the most economically efficient choice. The choice of least cost technologies, however, shall:
- (A) be restricted to technologies that are currently available on the market and for which vendor prices can be obtained;
 - (B) be consistent with the level of output necessary to satisfy current demand levels for all services using the basic network function in question; and
 - (C) be consistent with overall network design and topology requirements.
- (122) **License** -- The whole or part of any commission permit, certificate, approval, registration, or similar form of permission required by law.
- (123) **Licensing** -- The commission process respecting the granting, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license.
- (124) **Lifeline Service** -- A program certified by the Federal Communications Commission to provide for the reduction or waiver of the federal subscriber line charge for residential consumers.
- (125) **Line** -- A circuit or channel extending from a central office to the customer’s location to provide telecommunications service. One line may serve one customer, or all customers served by a multiparty line.

- (126) **Local access and transport area (LATA)** -- A geographic area established for the provision and administration of communications service. It encompasses one or more designated exchanges, which are grouped to serve common social, economic and other purposes. For purposes of these rules, market areas, as used and defined in the Modified Final Judgment and the GTE Final Judgment, are encompassed in the term local access and transport area.
- (127) **Local call** -- A call within the certificated telephone utility's toll-free calling area including calls which are made toll-free through a mandatory EAS or expanded local calling (ELC) proceeding.
- (128) **Local calling area** -- The area within which telecommunications service is furnished to customers under a specific schedule of exchange rates. A local calling area may include more than one exchange area.
- (129) **Local exchange carrier (LEC)** -- A telecommunications utility that has been granted either a certificate of convenience and necessity or a COA to provide local exchange telephone service, basic local telecommunications service, or switched access service within the state. A local exchange company is also referred to as a local exchange carrier.
- (130) **Local exchange telephone service or local exchange service** -- A telecommunications service provided within an exchange to establish connections between customer premises within the exchange, including connections between a customer premises and a long distance provider serving the exchange. The term includes tone dialing service, service connection charges, and directory assistance services offered in connection with basic local telecommunications service and

interconnection with other service providers. The term does not include the following services, whether offered on an intra-exchange or inter-exchange basis:

- (A) central office based PBX-type services for systems of 75 stations or more;
- (B) billing and collection services;
- (C) high-speed private line services of 1.544 megabits or greater;
- (D) customized services;
- (E) private line or virtual private line services;
- (F) resold or shared local exchange telephone services if permitted by tariff;
- (G) dark fiber services;
- (H) non-voice data transmission service offered as a separate service and not as a component of basic local telecommunications service;
- (I) dedicated or virtually dedicated access services;
- (J) a competitive exchange service; or
- (K) any other service the commission determines is not a “local exchange telephone service.”

(131) **Local message** -- A completed call between customer access lines located within the same local calling area.

(132) **Local message charge** -- The charge that applies for a completed telephone call that is made when the calling customer access line and the customer access line to which the connection is established are both within the same local calling area, and a local message charge is applicable.

- (133) **Local service charge** -- The charge for furnishing facilities to enable a customer to send or receive telecommunications within the local calling area. This local calling area may include more than one exchange area.
- (134) **Local telecommunications traffic** --
- (A) Telecommunications traffic between a DCTU and a telecommunications carrier other than a commercial mobile radio service (CMRS) provider that originates and terminates within the mandatory single or multi-exchange local calling area of a DCTU including the mandatory EAS areas served by the DCTU; or
 - (B) Telecommunications traffic between a DCTU and a CMRS provider that, at the beginning of the call, originates and terminates within the same major trading area.
- (135) **Long distance telecommunications service** -- That part of the total communication service rendered by a telecommunications utility which is furnished between customers in different local calling areas in accordance with the rates and regulations specified in the utility's tariff.
- (136) **Long run** -- A time period long enough to be consistent with the assumption that the company is in the planning stage and all of its inputs are variable and avoidable.
- (137) **Long run incremental cost (LRIC)** -- The change in total costs of the company of producing an increment of output in the long run when the company uses least cost technology. The LRIC should exclude any costs that, in the long run, are not brought into existence as a direct result of the increment of output.

- (138) **Mandatory minimum standards** -- The standards established by the Federal Communications Commission, outlining basic mandatory telecommunication relay services.
- (139) **Master street address guide (MSAG)** -- A database maintained by each 9-1-1 administrative entity of street names and house number ranges within their associated communities defining emergency service zones and their associated emergency service numbers to enable proper routing of 9-1-1 calls.
- (140) **Meet point billing** -- An access billing arrangement for services to access customers when local transport is jointly provided by more than one CTU.
- (141) **Message** -- A completed customer telephone call.
- (142) **Message rate service** -- A form of local exchange service under which all originated local messages are measured and charged for in accordance with the utility's tariff.
- (143) **Minor change** -- A change, including the restructuring of rates of existing services, that decreases the rates or revenues of the small local exchange company (SLEC) or that, together with any other rate or proposed or approved tariff changes in the 12 months preceding the date on which the proposed change will take effect, results in an increase of the SLEC's total regulated intrastate gross annual revenues by not more than 5.0%. Further, with regard to a change to a basic local access line rate, a minor change may not, together with any other change to that rate that went into effect during the 12 months preceding the proposed effective date of the proposed change, result in an increase of more than 10%.

- (144) **Municipality** -- A city, incorporated village, or town, existing, created, or organized under the general, home rule, or special laws of the state.
- (145) **National integrated services digital network (ISDN)** -- The standards and services promulgated for integrated services digital network by Bellcore.
- (146) **Negotiating party** -- A CTU or other entity with which a requesting CTU seeks to interconnect in order to complete all telephone calls made by or placed to a customer of the requesting CTU.
- (147) **Next generation 9-1-1 system (NG9-1-1 system)** -- A system of securely managed IP-based 9-1-1 networks and elements that augment and are capable of interoperating with present-day E9-1-1 features and functions and add new capabilities. NG9-1-1 may replace or complement the present E9-1-1 system. NG9-1-1 is designed to provide access to emergency services from all sources, and to provide multimedia data capabilities for public safety answering positions and other emergency service organizations.
- (148) **New service** -- Any service not offered on a tariffed basis prior to the date of the application relating to such service and specifically excludes basic local telecommunications service including local measured service. If a proposed service could serve as an alternative or replacement for a service offered prior to the date of the new-service application and does not provide significant improvements (other than price) over, or significant additional services not available under, a service offered prior to the date of such application, it shall not be considered a new service.

- (149) **Nonbasic services** -- Those services identified in Public Utility Regulatory Act §58.151, including any service reclassified by the commission pursuant to Public Utility Regulatory Act §58.024.
- (150) **Non-discriminatory** -- Type of treatment that is not less favorable than that an interconnecting CTU provides to itself or its affiliates or other CTUs.
- (151) **Non-dominant certificated telecommunications utility (NCTU)** -- A CTU that is not a DCTU and has been granted a CCN (after September 1, 1995, in an area already certificated to a DCTU), a COA, or a SPCOA to provide local exchange service.
- (152) **Nondominant carrier** --
- (A) An interexchange telecommunications carrier (including a reseller of interexchange telecommunications services).
 - (B) Any of the following that is not a dominant carrier:
 - (i) a specialized communications common carrier;
 - (ii) any other reseller of communications;
 - (iii) any other communications carrier that conveys, transmits, or receives communications in whole or in part over a telephone system; or
 - (iv) a provider of operator services that is not also a subscriber.
- (153) **North American Numbering Plan (NANP)** -- Use of 10-digit dialing in the format of a 3-digit “NPA” followed by a 3-digit “NXX” and a 4-digit line number, NPA-NXX-XXXX.

- (154) **Numbering plan area (NPA)** -- The first three digits of a ten-digit North American Numbering Plan (NANP) local telephone number uniquely identifying a Numbering Plan area. Generally referred to as the area code of a NANP telephone number.
- (155) **NXX** -- A 3-digit code in which N is any digit 2 through 9 and X is any digit 0 through 9. Typically used in describing the "Exchange Code" fields of a North American Numbering Plan telephone number.
- (156) **Open network architecture** -- The overall design of an ILEC's network facilities and services to permit all users of the network, including the enhanced services operations of an ILEC and its competitors, to interconnect to specific basic network functions on an unbundled and non-discriminatory basis.
- (157) **Operator service** -- Any service using live operator or automated operator functions for the handling of telephone service, such as local collect, toll calling via collect, third number billing, credit card, and calling card services. The transmission of "1-800" and "1-888" numbers, where the called party has arranged to be billed, is not operator service.
- (158) **Operator service provider (OSP)** -- Any person or entity that provides operator services by using either live or automated operator functions. When more than one entity is involved in processing an operator service call, the party setting the rates shall be considered to be the OSP. However, subscribers to customer-owned pay telephone service shall not be deemed to be OSPs.

- (159) **Originating line screening (OLS)** -- A two digit code passed by the local switching system with the automatic number identification (ANI) at the beginning of a call that provides information about the originating line.
- (160) **Out-of-service trouble report** -- An initial customer trouble report in which there is complete interruption of incoming or outgoing local exchange service. On multiple line services a failure of one central office line or a failure in common equipment affecting all lines is considered out of service. If an extension line failure does not result in the complete inability to receive or initiate calls, the report is not considered to be out of service.
- (161) **P.01 grade of service** -- A standard of service quality intended to measure the probability (P), expressed as a decimal fraction, of a telephone call being blocked. P.01 is the grade of service reflecting the probability that one call out of one hundred during the average busy house will be blocked.’’
- (162) **Partial deregulation** -- The ability of a cooperative to offer new services on an optional basis and/or change its rates and tariffs under the provisions of the Public Utility Regulatory Act, §§53.351 - 53.359.
- (163) **Pay-per-call-information services** -- Services that allow a caller to dial a specified 1-900-XXX-XXXX or 976-XXXX number. Such services routinely deliver, for a predetermined (sometimes time-sensitive) fee, a pre-recorded or live message or interactive program. Usually a telecommunications utility will transport the call and bill the end-user on behalf of the information provider.
- (164) **Pay telephone access service (PTAS)** -- A service offered by a CTU which provides a two-way, or optionally, a one-way originating-only business access

line composed of the serving central office line equipment, all outside plant facilities needed to connect the serving central office with the customer premises, and the network interface; this service is sold to pay telephone service providers.

- (165) **Pay telephone service (PTS)** -- A telecommunications service utilizing any coin, coinless, credit card reader, or cordless instrument that can be used by members of the general public, or business patrons, employees, and/or visitors of the premises' owner, provided that the end user pays for local or toll calls from such instrument on a per call basis. Pay per call telephone service provided to inmates of confinement facilities is PTS. For purposes of this section, coinless telephones provided in guest rooms by a hotel/motel are not pay telephones. A telephone that is primarily used by business patrons, employees, and/or visitors of the premises' owner is not a pay telephone if all local calls and "1-800" and "1-888" type calls from such telephone are free to the end user.
- (166) **Per-call blocking** -- A telecommunications service provided by a telecommunications provider that prevents the transmission of calling party information to a called party on a call-by-call basis.
- (167) **Per-line blocking** -- A telecommunications service provided by a telecommunications utility that prevents the transmission of calling party information to a called party on every call, unless the calling party acts affirmatively to release calling party information.
- (168) **Percent interstate usage (PIU)** -- An access customer-specific ratio or ratios determined by dividing interstate access minutes by total access minutes. The specific ratio shall be determined by the CTU unless the CTU's network is

incapable of determining the jurisdiction of the access minutes. A PIU establishes the jurisdiction of switched access usage for determining rates charged to switched access customers and affects the allocation of switched access revenue and costs by CTUs between the interstate and intrastate jurisdictions.

- (169) **Person** -- Any natural person, partnership, municipal corporation, cooperative corporation, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.
- (170) **Pleading** -- A written document submitted by a party, or a person seeking to participate in a proceeding, setting forth allegations of fact, claims, requests for relief, legal argument, and/or other matters relating to a proceeding.
- (171) **Prepaid local telephone service (PLTS)** -- Prepaid local telephone service means:
- (A) voice grade dial tone residential service consisting of flat rate service or local measured service, if chosen by the customer and offered by the DCTU;
 - (B) if applicable, mandatory services, including EAS, extended metropolitan service, or ELCS;
 - (C) tone dialing service;
 - (D) access to 911 service;
 - (E) access to dual party relay service;
 - (F) the ability to report service problems seven days a week;
 - (G) access to business office;
 - (H) primary directory listing;

- (I) toll blocking service; and
 - (J) non-published service and non-listed service at the customer's option.
- (172) **Premises** -- A tract of land or real estate including buildings and other appurtenances thereon.
- (173) **Pricing flexibility** -- Discounts and other forms of pricing flexibility may not be preferential, prejudicial, or discriminatory. Pricing flexibility includes:
- (A) customer specific contracts;
 - (B) volume, term, and discount pricing;
 - (C) zone density pricing;
 - (D) packaging of services; and
 - (E) other promotional pricing flexibility.
- (174) **Primary interexchange carrier (PIC)** -- The provider chosen by a customer to carry that customer's toll calls.
- (175) **Primary interexchange carrier (PIC) freeze indicator** -- An indicator that the end user has directed the CTU to make no changes in the end user's PIC.
- (176) **Primary rate interface (PRI) integrated services digital network (ISDN)** -- One of the access methods to ISDN, the 1.544-Mbps PRI comprises either twenty-three 64 Kbps B-channels and one 64 Kbps D-channel (23B+D) or twenty-four 64 Kbps B-channels (24B) when the associated call signaling is provided by another PRI in the group.
- (177) **Primary service** -- The initial provision of voice grade access between the customer's premises and the switched telecommunications network. This

includes the initial connection to a new customer or the move of an existing customer to a new premises but does not include complex services.

- (178) **Print translations** -- The temporary storage of a message in an operator's screen during the actual process of relaying a conversation.
- (179) **Privacy issue** -- An issue that arises when a telecommunications provider proposes to offer a new telecommunications service or feature that would result in a change in the outflow of information about a customer. The term privacy issue is to be construed broadly. It includes, but is not limited to, changes in the following:
- (A) the type of information about a customer that is released;
 - (B) the customers about whom information is released;
 - (C) the entity or entities to whom the information about a customer is released;
 - (D) the technology used to convey the information;
 - (E) the time at which the information is conveyed; and
 - (F) any other change in the collection, use, storage, or release of information.
- (180) **Private line** -- A transmission path that is dedicated to a customer and that is not connected to a switching facility of a telecommunications utility, except that a dedicated transmission path between switching facilities of interexchange carriers shall be considered a private line.
- (181) **Proceeding** -- A hearing, investigation, inquiry, or other procedure for finding facts or making a decision. The term includes a denial of relief or dismissal of a complaint. It may be rulemaking or non-rulemaking; rate setting or non-rate setting.

- (182) **Promotional rate** -- A temporary tariff, fare, toll, rental or other compensation charged by a certificated telecommunications utility (CTU) to new or new and existing customers and designed to induce customers to test a service. A promotional rate shall incorporate a reduction or a waiver of some rate element in the tariffed rates of the service, or a reduction or waiver of the service's installation charge and/or service connection charges, and shall not incorporate any charge for discontinuance of the service by the customer. Such rates may not be offered for basic local telecommunications service, including local measured service.
- (183) **Provider of pay telephone service** -- The entity that purchases PTAS from a CTU and registers with the Public Utility Commission as a provider of PTS to end users.
- (184) **Public safety answering point (PSAP)** -- A continuously operated communications facility established or authorized by local government authorities that answers 9-1-1 calls originating within a given service area, as further defined in Texas Health and Safety Code Chapters 771 and 772.
- (185) **Public utility or utility** -- A person or river authority that owns or operates for compensation in this state equipment or facilities to convey, transmit, or receive communications over a telephone system as a dominant carrier. The term includes a lessee, trustee, or receiver of any of those entities, or a combination of those entities. The term does not include a municipal corporation. A person is not a public utility solely because the person:
- (A) furnishes or furnishes and maintains a private system;

- (B) manufactures, distributes, installs, or maintains customer premises communications equipment and accessories; or
 - (C) furnishes a telecommunications service or commodity only to itself, its employees, or its tenants as an incident of employment or tenancy, if that service or commodity is not resold to or used by others.
- (186) **Public Utility Regulatory Act (PURA)** -- The enabling statute for the Public Utility Commission of Texas, located in the Texas Utilities Code Annotated, §§11.001 - 66.016, (Vernon 2007, Supplement 2010).
- (187) **Qualifying low-income consumer** -- A consumer that participates in one of the following programs: Medicaid, food stamps, Supplemental Security Income, federal public housing assistance, or Low-Income Home Energy Assistance Program.
- (188) **Qualifying services** --
- (A) residential flat rate basic local exchange service;
 - (B) residential local exchange access service; and
 - (C) residential local area calling usage.
- (189) **Rate** -- Includes:
- (A) any compensation, tariff, charge, fare, toll, rental, or classification that is directly or indirectly demanded, observed, charged, or collected by a public utility for a service, product, or commodity, described in the definition of utility in the Public Utility Regulatory Act §31.002 or §51.002; and

- (B) a rule, practice, or contract affecting the compensation, tariff, charge, fare, toll, rental, or classification.
- (190) **Reciprocal compensation** -- An arrangement between two carriers in which each of the two carriers receives compensation from the other carrier for the transport and termination on each carrier's network facilities of local telecommunications traffic that originates on the network facilities of the other carrier.
- (191) **Reclassification area** -- The geographic area within the electing ILEC's territory, consisting of one or more exchange areas, for which it seeks reclassification of a service.
- (192) **Redirect the call** -- A procedure used by operator service providers (OSPs) that transmits a signal back to the originating telephone instrument that causes the instrument to disconnect the OSP's connection and to redial the digits originally dialed by the caller directly to the local exchange carrier's network.
- (193) **Regional planning commission** -- The meaning established in Texas Health and Safety Code §771.001(10).
- (194) **Regulatory authority** -- In accordance with the context where it is found, either the commission or the governing body of a municipality.
- (195) **Relay Texas Advisory Committee (RTAC)** -- The committee authorized by the Public Utility Regulatory Act, §56.110 and 1997 Texas General Laws Chapter 149.
- (196) **Relay Texas** -- The name by which telecommunications relay service in Texas is known.

- (197) **Relay Texas administrator** -- The individual employed by the commission to oversee the administration of statewide telecommunications relay service.
- (198) **Repeated trouble report** -- A customer trouble report regarding a specific line or circuit occurring within 30 days or one calendar month of a previously cleared trouble report on the same line or circuit.
- (199) **Residual charge** -- The per-minute charge designed to account for historical contribution to joint and common costs made by switched transport services.
- (200) **Retail service** -- A telecommunications service is considered a retail service when it is provided to residential or business end users and the use of the service is other than resale. Each tariffed or contract offering which a customer may purchase to the exclusion of other offerings shall be considered a service. For example: the various mileage bands for standard toll services are rate elements, not services; however, individual optional calling plans that can be purchased individually and which are offered as alternatives to each other are services, not rate elements.
- (201) **Return-on-assets** -- After-tax net operating income divided by total assets.
- (202) **Reversal of partial deregulation** -- The ability of a minimum of 10% of the members of a partially deregulated cooperative to request, in writing, that a vote be conducted to determine whether members prefer to reverse partial deregulation. Ten percent shall be calculated based upon the total number of members of record as of the calendar month preceding receipt of the request from members for reversal of partial deregulation.

- (203) **Rule** -- A statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedure or practice requirements of the commission. The term includes the amendment or repeal of a prior rule but does not include statements concerning only the internal management or organization of the commission and not affecting private rights or procedures.
- (204) **Rulemaking proceeding** -- A proceeding conducted pursuant to the Administrative Procedure Act, Texas Government Code, Chapter 2001, Subchapter B, to adopt, amend, or repeal a commission rule.
- (205) **Rural incumbent local exchange company (ILEC)** -- An ILEC that qualifies as a “rural telephone company” as defined in 47 United States Code §3(37) and/or 47 United States Code §251(f)(2).
- (206) **Selective routing** -- The feature provided with 9-1-1 or 311 service by which 9-1-1 or 311 calls are automatically directed to the appropriate answering point for serving the location from which the call originates.
- (207) **Selective transfer** -- A public safety answering point initiating the routing of a 9-1-1 call to a response agency by operation of one of several buttons typically designated as police, fire, and emergency medical, based on the emergency service number of the caller.
- (208) **Separation** -- The division of plant, revenues, expenses, taxes, and reserves applicable to exchange or local service if these items are used in common to provide public utility service to both local exchange telephone service and other service, such as interstate or intrastate toll service.

- (209) **Service** -- Has its broadest and most inclusive meaning. The term includes any act performed, anything supplied, and any facilities used or supplied by a public utility in the performance of the utility's duties under the Public Utility Regulatory Act to its patrons, employees, other public utilities, and the public. The term also includes the interchange or facilities between two or more public utilities. The term does not include the printing, distribution, or sale of advertising in a telephone directory.
- (210) **Service connection charge** -- A charge designed to recover the costs of non-recurring activities associated with connection of local exchange telephone service.
- (211) **Service order system** -- The system used by a telecommunications provider that, among other functions, tracks customer service requests and billing data.
- (212) **Service provider** -- Any entity that offers a product or service to a customer and that directly or indirectly charges to or collects from a customer's bill an amount for the product or service on a customer's bill received from a billing telecommunications utility.
- (213) **Service provider certificate of operating authority (SPCOA) reseller** -- A holder of a service provider certificate of operating authority that uses only resold telecommunications services provided by an ILEC or by a COA holder or by a SPCOA holder.
- (214) **Service restoral charge** -- A charge applied by the DCTU to restore service to a customer's telephone line after it has been suspended by the DCTU.

- (215) **Serving wire center (SWC)** -- The CTU designated central office which serves the access customer's point of demarcation.
- (216) **Signaling for tandem switching** -- The carrier identification code (CIC) and the OZZ code or equivalent information needed to perform tandem switching functions. The CIC identifies the interexchange carrier and the OZZ digits identify the call type and thus the interexchange carrier trunk to which traffic should be routed.
- (217) **Small certificated telecommunications utility (CTU)** -- A CTU with fewer than 2.0% of the nation's subscriber lines installed in the aggregate nationwide.
- (218) **Small local exchange company (SLEC)** -- Any incumbent CTU as of September 1, 1995, that has fewer than 31,000 access lines in service in this state, including the access lines of all affiliated incumbent local exchange companies within the state, or a telephone cooperative organized pursuant to the Telephone Cooperative Act, Texas Utilities Code Annotated, Chapter 162.
- (219) **Small incumbent local exchange company (Small ILEC)** -- An ILEC that is a cooperative corporation or has, together with all affiliated ILECs, fewer than 31,000 access lines in service in Texas.
- (220) **Spanish speaking person** -- A person who speaks any dialect of the Spanish language exclusively or as their primary language.
- (221) **Special access** -- A transmission path connecting customer designated premises to each other either directly or through a hub or hubs where bridging, multiplexing or network reconfiguration service functions are performed and includes all

exchange access not requiring switching performed by the dominant carrier's end office switches.

- (222) **Specialized Telecommunications Assistance Program (STAP)** -- The program described in §26.415 of this title (relating to Specialized Telecommunications Assistance Program (STAP)).
- (223) **Specialized Telecommunications Assistance Program (STAP) voucher** -- A voucher issued by the Texas Department of Assistive and Rehabilitative Services under the equipment distribution program, in accordance with its rules, that an eligible individual may use to acquire eligible specialized telecommunications devices from a vendor of such equipment.
- (224) **Stand-alone costs** -- The stand-alone costs of an element or service are defined as the forward-looking costs that an efficient entrant would incur in providing only that element or service.
- (225) **Station** -- A telephone instrument or other terminal device.
- (226) **Study area** -- An incumbent local exchange company's (ILEC's) existing service area in a given state.
- (227) **Supplemental services** -- Telecommunications features or services offered by a CTU for which analogous services or products may be available to the customer from a source other than a DCTU. Supplemental services shall not be construed to include optional extended area calling plans that a DCTU may offer pursuant to §26.217 of this title (relating to Administration of Extended Area Service (EAS) Requests), or pursuant to a final order of the commission in a proceeding pursuant to the Public Utility Regulatory Act, Chapter 53.

- (228) **Suspension of service** -- That period during which the customer's telephone line does not have dial tone but the customer's telephone number is not deleted from the central office switch and databases.
- (229) **Switched access** -- Access service that is provided by CTUs to access customers and that requires the use of CTU network switching or common line facilities generally, but not necessarily, for the origination or termination of interexchange calls. Switched access includes all forms of transport provided by the CTU over which switched access traffic is delivered.
- (230) **Switched access demand** -- Switched access minutes of use, or other appropriate measure where not billed on a minute of use basis, for each switched access rate element, normalized for out of period billings. For the purposes of this section, switched access demand shall include minutes of use billed for the local switching rate element.
- (231) **Switched access minutes** -- The measured or assumed duration of time that a CTU's network facilities are used by access customers. Access minutes are measured for the purpose of calculating access charges applicable to access customers.
- (232) **Switched transport** -- Transmission between a CTU's central office (including tandem-switching offices) and an interexchange carrier's point of presence.
- (233) **Tandem-switched transport** -- Transmission of traffic between the serving wire center and another CTU office that is switched at a tandem switch and charged on a usage basis.

- (234) **Tariff** -- The schedule of a utility containing all rates, tolls, and charges stated separately by type or kind of service and the customer class, and the rules and regulations of the utility stated separately by type or kind of service and the customer class.
- (235) **Telecommunications provider** -- As defined in the Public Utility Regulatory Act §51.002(10).
- (236) **Telecommunications relay service (TRS)** -- A service using oral and print translations by either live or automated means between individuals who are hearing-impaired or speech-impaired who use specialized telecommunications devices and others who do not have such devices. Unless specified in the text, this term shall refer to intrastate telecommunications relay service only.
- (237) **Telecommunications relay service (TRS) carrier** -- The telecommunications carrier selected by the commission to provide statewide telecommunications relay service.
- (238) **Telecommunications utility** --
- (A) a public utility;
 - (B) an interexchange telecommunications carrier, including a reseller of interexchange telecommunications services;
 - (C) a specialized communications common carrier;
 - (D) a reseller of communications;
 - (E) a communications carrier who conveys, transmits, or receives communications wholly or partly over a telephone system;

- (F) a provider of operator services as defined by §55.081, unless the provider is a subscriber to customer-owned PTS; and
 - (G) a separated affiliate or an electronic publishing joint venture as defined in the Public Utility Regulatory Act, Chapter 63.
- (239) **Telephones intended to be utilized by the public** -- Telephones that are accessible to the public, including, but not limited to, pay telephones, telephones in guest rooms and common areas of hotels, motels, or other lodging locations, and telephones in hospital patient rooms.
- (240) **Telephone solicitation** -- An unsolicited telephone call.
- (241) **Telephone solicitor** -- A person who makes or causes to be made a consumer telephone call, including a call made by an automatic dialing/announcing device.
- (242) **Test year** -- The most recent 12 months, beginning on the first day of a calendar or fiscal year quarter, for which operating data for a public utility are available.
- (243) **Texas Universal Service Fund (TUSF)** -- The fund authorized by the Public Utility Regulatory Act, §56.021 and 1997 Texas General Laws Chapter 149.
- (244) **Tier 1 local exchange company** -- A local exchange company with annual regulated operating revenues exceeding \$100 million.
- (245) **Title IV-D Agency** -- The office of the attorney general for the state of Texas.
- (246) **Toll blocking** -- A service provided by telecommunications carriers that lets consumers elect not to allow the completion of outgoing toll calls from their telecommunications channel.

- (247) **Toll control** -- A service provided by telecommunications carriers that allows consumers to specify a certain amount of toll usage that may be incurred on their telecommunications channel per month or per billing cycle.
- (248) **Toll limitation** -- Denotes both toll blocking and toll control.
- (249) **Total element long-run incremental cost (TELRIC)** -- The forward-looking cost over the long run of the total quantity of the facilities and functions that are directly attributable to, or reasonably identifiable as incremental to, such element, calculated taking as a given the CTU's provision of other elements.
- (250) **Transport** -- The transmission and/or any necessary tandem and/or switching of local telecommunications traffic from the interconnection point between the two carriers to the terminating carrier's end office switch that directly serves the called party, or equivalent facility provided by a carrier other than a DCTU.
- (251) **Trunk** -- A circuit facility connecting two switching systems.
- (252) **Two-primary interexchange carrier (Two-PIC) equal access** -- A method that allows a telephone subscriber to select one carrier for all 1+ and 0+ interLATA calls and the same or a different carrier for all 1+ and 0+ intraLATA calls.
- (253) **Unauthorized charge** -- Any charge on a customer's telephone bill that was not consented to or verified in compliance with §26.32 of this title (relating to Protection Against Unauthorized Billing Charges ("Cramming")).
- (254) **Unbundling** -- The disaggregation of the ILEC's network/service to make available the individual network functions or features or rate elements used in providing an existing service.

- (255) **Unit cost** -- A cost per unit of output calculated by dividing the total long run incremental cost of production by the total number of units.
- (256) **Usage sensitive blocking** -- Blocking of a customer's access to services which are charged on a usage sensitive basis for completed calls. Such calls shall include, but not be limited to, call return, call trace, and auto redial.
- (257) **Virtual private line** -- Circuits or bandwidths, between fixed locations, that are available on demand and that can be dynamically allocated.
- (258) **Voice carryover** -- A technology that allows an individual who is hearing-impaired to speak directly to the other party in a telephone conversation and to use specialized telecommunications devices to receive communications through the telecommunications relay service operator.
- (259) **Voice over Internet Protocol (VoIP)** -- The technology used to transmit voice communications using Internet Protocol.
- (260) **Volume insensitive costs** -- The costs of providing a basic network function (BNF) that do not vary with the volume of output of the services that use the BNF.
- (261) **Volume sensitive costs** -- The costs of providing a basic network function (BNF) that vary with the volume of output of the services that use the BNF.
- (262) **Wholesale service** -- A telecommunications service is considered a wholesale service when it is provided to a telecommunications utility and the use of the service is to provide a retail service to residence or business end-user customers.

- (263) **Working capital requirements** -- The additional capital required to fund the increased level of accounts receivable necessary to provide telecommunications service.
- (264) **“0-” call** -- A call made by the caller dialing the digit “0” and no other digits within five seconds. A “0-” call may be made after a digit (or digits) to access the local network is (are) dialed.
- (265) **“0+” call** -- A call made by the caller dialing the digit “0” followed by the terminating telephone number. On some automated call equipment, a digit or digits may be dialed between the “0” and the terminating telephone number.
- (266) **311 answering point** -- A communications facility that:
- (A) is operated, at a minimum, during normal business hours;
 - (B) is assigned the responsibility to receive 311 calls and, as appropriate, to dispatch the non-emergency police or other governmental services, or to transfer or relay 311 calls to the governmental entity;
 - (C) is the first point of reception by a governmental entity of a 311 call; and
 - (D) serves the jurisdictions in which it is located or other participating jurisdictions.
- (267) **311 service** -- A telecommunications service provided by a certificated telecommunications provider through which the end user of a public telephone system has the ability to reach non-emergency police and other governmental services by dialing the digits 3-1-1. 311 service must contain the selective routing feature or other equivalent state-of-the-art feature.

- (268) **311 service request** -- A written request from a governmental entity to a CTU requesting the provision of 311 service. A 311 service request must:
- (A) be in writing;
 - (B) contain an outline of the program the governmental entity will pursue to adequately educate the public on the 311 service;
 - (C) contain an outline from the governmental entity for implementation of 311 service;
 - (D) contain a description of the likely source of funding for the 311 service (*i.e.*, from general revenues, special appropriations, etc.); and
 - (E) contain a listing of the specific departments or agencies of the governmental entity that will actually provide the non-emergency police and other governmental services.
- (269) **311 system** -- A system of processing 311 calls.
- (270) **9-1-1 administrative entity** -- A regional planning commission as defined in Texas Health and Safety Code §771.001(10) or an emergency communication district as defined in Texas Health and Safety Code §771.001(3).
- (271) **9-1-1 database management services provider** -- An entity designated by a 9-1-1 administrative entity to provide 9-1-1 database management services that support the provision of 9-1-1 services.
- (272) **9-1-1 database services** -- Services purchased by a 9-1-1 administrative entity that accepts, processes, and validates subscriber record information of telecommunications providers for purposes of selective routing and automatic

location identification, and that may also provide statistical performance measures.

- (273) **9-1-1 network services** -- Services purchased by a 9-1-1 administrative entity that route 9-1-1 calls from an E9-1-1 selective router, 9-1-1 tandem, next generation 9-1-1 system, Internet Protocol-based 9-1-1 system or its equivalent to public safety answering points or a public safety answering point network.
- (274) **9-1-1 network services provider** A CTU designated by the appropriate 9-1-1 administrative entity to provide 9-1-1 network services in a designated area.
- (275) **911 system** -- A system of processing emergency 911 calls, as defined in Texas Health and Safety Code §772.001, as may be subsequently amended.
- (276) **9-1-1 selective routing tandem switch** -- A switch located in a telephone central office that is equipped to accept, process, and route 9-1-1 calls to a predetermined, specific location. Also known as E9-1-1 control office or E9-1-1 selective router.
- (277) **9-1-1 service** -- As defined in Texas Health and Safety Code §771.001(6) and §772.001(6).
- (278) **9-1-1 service agreement** -- A contract addressing the 9-1-1 service arrangements for a local area that the appropriate 9-1-1 administrative entity enters into.
- (279) **9-1-1 service arrangement** -- Each particular arrangement for 9-1-1 emergency service specified by the appropriate 9-1-1 administrative entity for the relevant rate centers within its jurisdictional area and that is subject to a 9-1-1 service agreement.

§26.272. Interconnection.

- (a) **Purpose.** The purpose of this section is to ensure that all providers of telecommunications services which are certificated to provide local exchange service, basic local telecommunications service, or switched access service within the state interconnect and maintain interoperable networks such that the benefits of local exchange competition are realized as envisioned under the provisions of the Public Utility Regulatory Act (PURA). The commission finds that interconnection is necessary to achieve competition in the local exchange market and is, therefore, in the public interest.
- (b) **Definition.** The term “customer” when used in this section, shall mean an end-user customer.
- (c) **Application and Exceptions.**
- (1) **Application.** This section applies to all certificated telecommunications utilities (CTUs) providing local exchange service.
- (2) **Exceptions.** Except as herein provided, all CTUs providing local exchange service must comply with the requirements of this section.
- (A) Holders of a service provider certificate of operating authority (SPCOA).
- (i) The holder of an SPCOA that does not provide dial tone and only resells the telephone services of another CTU shall be subject only to the requirements of subsection (e)(1)(B)(ii) and (D)(i)-(vii) of this section and subsection (i)(1)-(3) of this section.
- (ii) The underlying CTU providing service to the holder of an SPCOA referenced in subparagraph (A)(i) of this paragraph shall comply

with the requirements of this section with respect to the customers of the SPCOA holder.

(B) Small incumbent local exchange companies (ILECs).

(i) This section shall apply to small ILECs to the extent required by 47 United States Code §251(f) (1996).

(ii) Notwithstanding the requirement in clause (i) of this subparagraph, small ILECs shall terminate traffic of a CTU which originates and terminates within the small ILEC's extended local calling service (ELCS) or extended area service (EAS) calling scope, where the small ILEC has an ELCS or EAS arrangement with another DCTU. The termination of this traffic shall be at rates, terms, and conditions as described in subsection (d)(4)(A) of this section.

(C) Rural telephone companies.

(i) This section shall also apply to rural telephone companies as defined in 47 United States Code §153 (1996) to the extent required by 47 United States Code §251(f) (1996).

(ii) Rural telephone companies shall terminate traffic of a CTU which originates and terminates within the rural telephone company's ELCS or EAS calling scope, where the rural telephone company has an ELCS or EAS arrangement with another DCTU. The termination of this traffic shall be at rates, terms, and conditions as described in subsection (d)(4)(A) of this section.

(D) Small CTUs.

- (i) A small CTU may petition for a suspension or modification of the application of this section pursuant to 47 United States Code §251(f)(2) (1996).
- (ii) Small CTUs shall terminate traffic of a CTU which originates and terminates within the small CTU's ELCS or EAS calling scope, where the small CTU has an ELCS or EAS arrangement with another DCTU. The termination of this traffic shall be at rates, terms, and conditions as described in subsection (d)(4)(A) of this section.

(d) **Principles of interconnection.**

(1) **General principles.**

- (A) Interconnection between CTUs shall be established in a manner that is seamless, interoperable, technically and economically efficient, and transparent to the customer.
- (B) Interconnection between CTUs shall utilize nationally accepted telecommunications industry standards and/or mutually acceptable standards for construction, operation, testing and maintenance of networks, such that the integrity of the networks is not impaired.
- (C) A CTU may not unreasonably:
 - (i) discriminate against another CTU by refusing access to the local exchange;
 - (ii) refuse or delay interconnections to another CTU;

- (iii) degrade the quality of access provided to another CTU;
 - (iv) impair the speed, quality, or efficiency of lines used by another CTU;
 - (v) fail to fully disclose in a timely manner, on request, all available information necessary for the design of equipment that will meet the specifications of the local exchange network; or
 - (vi) refuse or delay access by any person to another CTU.
- (D) Interconnecting CTUs shall negotiate rates, terms, and conditions for facilities, services, or any other interconnection arrangements required pursuant to this section.
- (E) This section should not be construed to allow an interconnecting CTU access to another CTU's network proprietary information or customer proprietary network information, customer-specific as defined in §26.5 of this title (relating to Definitions) unless otherwise permitted in this section.
- (2) Technical interconnection principles. Interconnecting CTUs shall make a good-faith effort to accommodate each other's technical requests, provided that the technical requests are consistent with national industry standards and are in compliance with §26.52 of this title (relating to Emergency Operations), §26.53 of this title (relating to Inspections and Tests), §26.54 of this title (relating to Service Objectives and Performance Benchmarks), §26.55 of this title (relating to Monitoring of Service), §26.57 of this title (relating to Requirements for a Certificate Holder's Use of An Alternate Technology to Meet its Provider of Last

Resort Obligation), §26.89 of this title (relating to Information Regarding Rates and Services of Nondominant Carriers), §26.107 of this title (relating to Registration of Interexchange Carriers, Prepaid Calling Services Companies, and Other Nondominant Telecommunications Carriers), §26.128 of this title (relating to Telephone Directories), §26.206 of this title (relating to Depreciation Rates), and implementation of the requests would not cause unreasonable inefficiencies, unreasonable costs, or other detriment to the network of the CTU receiving the requests.

- (A) Interconnecting CTUs shall ensure that customers of CTUs shall not have to dial additional digits or incur dialing delays that exceed industry standards in order to complete local calls as a result of interconnection.
- (B) Interconnecting CTUs shall provide each other non-discriminatory access to signaling systems, databases, facilities, and information as required to ensure interoperability of networks and efficient, timely provision of services to customers.
- (C) Interconnecting CTUs shall provide each other Common Channel Signaling System Seven (SS7) connectivity where technically available.
- (D) Interconnecting CTUs shall be permitted a minimum of one point of interconnection in each exchange area or group of contiguous exchange areas within a single local access and transport area (LATA), as requested by the interconnecting CTU, and may negotiate with the other CTU for additional interconnection points. Interconnecting CTUs shall agree to construct and/or lease and maintain the facilities necessary to connect their

networks, either by having one CTU provide the entire facility or by sharing the construction and maintenance of the facilities necessary to connect their networks. The financial responsibility for construction and maintenance of such facilities shall be borne by the party who constructs and maintains the facility, unless the parties involved agree to other financial arrangements. Each interconnecting CTU shall be responsible for delivering its originating traffic to the mutually-agreed-upon point of interconnection or points of interconnection. Nothing herein precludes a CTU from recovering the costs of construction and maintenance of facilities if such facilities are used by other CTUs.

- (E) Interconnecting CTUs shall establish joint procedures for troubleshooting the portions of their networks that are jointly used. Each CTU shall be responsible for maintaining and monitoring its own network such that the overall integrity of the interconnected network is maintained with service quality that is consistent with industry standards and is in compliance with §26.53 of this title.
- (F) If a CTU has sufficient facilities in place, it shall provide intermediate transport arrangements between other interconnecting CTUs, upon request. A CTU providing intermediate transport shall not negotiate termination on behalf of another CTU, unless the terminating CTU agrees to such an arrangement. Upon request, DCTUs within major metropolitan areas will contact other CTUs and arrange meetings, within 15 days of such request, in an effort to facilitate negotiations and provide a forum for

discussion of network efficiencies and inter-company billing arrangements.

- (G) Each interconnecting CTU shall be responsible for ensuring that traffic is properly routed to the connected CTU and jurisdictionally identified by percent usage factors or in a manner agreed upon by the interconnecting CTUs.
- (H) Interconnecting CTUs shall allow each other non-discriminatory access to all facility rights-of-way, conduits, pole attachments, building entrance facilities, and other pathways, provided that the requesting CTU has obtained all required authorizations from the property owner and/or appropriate governmental authority.
- (I) Interconnecting CTUs shall provide each other physical interconnection in a non-discriminatory manner. Physical collocation for the transmission of local exchange traffic shall be provided to a CTU upon request, unless the CTU from which collocation is sought demonstrates that technical or space limitations make physical collocation impractical. Virtual collocation for the transmission of local exchange traffic shall be implemented at the option of the CTU requesting the interconnection.
- (J) Each interconnecting CTU shall be responsible for contacting the North American Numbering Plan (NANP) administrator for its own NXX codes and for initiating NXX assignment requests.

(3) **Principles regarding billing arrangements.**

- (A) Interconnecting CTUs shall cooperatively provide each other with both answer and disconnect supervision as well as accurate and timely exchange of information on billing records to facilitate billing to customers, to determine intercompany settlements for local and non-local traffic, and to validate the jurisdictional nature of traffic, as necessary. Such billing records shall be provided in accordance with national industry standards. For billing interexchange carriers for jointly provided switched access services, such billing records shall include meet point billing records, interexchange carrier (IXC) billing name, IXC billing address, and Carrier Identification Codes (CICs). If exchange of CIC codes is not technically feasible, interconnecting CTUs shall negotiate a mutually acceptable settlement process for billing IXCs for jointly provided switched access services.
- (B) CTUs shall enter into mutual billing and collection arrangements that are comparable to those existing between and/or among DCTUs, to ensure acceptance of each other's non-proprietary calling cards and operator-assisted calls.
- (C) Upon a customer's selection of a CTU for his or her local exchange service, that CTU shall provide notification to the primary IXC through the Customer Account Record Exchange (CARE) database, or comparable means if CARE is unavailable, of all information necessary for billing that customer. At a minimum, this information should include the name and contact person for the new CTU and the customer's name, telephone

number, and billing number. In the event a customer's local exchange service is disconnected at the option of the customer or the CTU, the disconnecting CTU shall provide notification to the primary IXC of such disconnection.

- (D) All CTUs shall cooperate with IXCs to ensure that customers are properly billed for IXC services.

(4) Principles regarding interconnection rates, terms, and conditions.

- (A) Criteria for setting interconnection rates, terms, and conditions. Interconnection rates, terms, and conditions shall not be unreasonably preferential, discriminatory, or prejudicial, and shall be non-discriminatory. The following criteria shall be used to establish interconnection rates, terms, and conditions.

- (i) Local traffic of a CTU which originates and terminates within the mandatory single or multiexchange local calling area available under the basic local exchange rate of a single DCTU shall be terminated by the CTU at local interconnection rates. The local interconnection rates under this subclause also apply with respect to mandatory EAS traffic originated and terminated within the local calling area of a DCTU if such traffic is between exchanges served by that single DCTU.

- (ii) If a non-dominant certificated telecommunications utility (NCTU) offers, on a mandatory basis, the same minimum ELCS calling scope that a DCTU offers under its ELCS arrangement, a NCTU

shall receive arrangements for its ELCS traffic that are not less favorable than the DCTU provides for terminating mandatory ELCS traffic.

- (iii) With respect to local traffic originated and terminated within the local calling area of a DCTU but between exchanges of two or more DCTUs governed by mandatory EAS arrangements, DCTUs shall terminate local traffic of NCTUs at rates, terms, and conditions that are not less favorable than those between DCTUs for similar mandatory EAS traffic for the affected area. A NCTU and a DCTU may agree to terms and conditions that are different from those that exist between DCTUs for similar mandatory EAS traffic. The rates applicable to the NCTU for such traffic shall reflect the difference in costs to the DCTU caused by the different terms and conditions.
- (iv) With respect to traffic that originates and terminates within an optional flat rate calling area, whether between exchanges of one DCTU or between exchanges of two or more DCTUs, DCTUs shall terminate such traffic of NCTUs at rates, terms, and conditions that are not less favorable than those between DCTUs for similar traffic. A NCTU and a DCTU may agree to terms and conditions that are different from those that exist between DCTUs for similar optional EAS traffic. The rates applicable to the NCTU

for such traffic shall reflect the difference in costs to the DCTU caused by the different terms and conditions.

(v) A DCTU with more than one million access lines and a NCTU shall negotiate new EAS arrangements in accordance with the following requirements.

(I) For traffic between an exchange and a contiguous metropolitan exchange local calling area, as defined in §26.5 of this title, the DCTU shall negotiate with a NCTU for termination of such traffic if the NCTU includes such traffic as part of its customers' local calling area. These interconnection arrangements shall be not less favorable than the arrangements between DCTUs for similar EAS traffic.

(II) For traffic that does not originate or terminate within a metropolitan exchange local calling area, the DCTU shall negotiate with a NCTU for the termination of traffic between the contiguous service areas of the DCTU and the NCTU if the NCTU includes such traffic as part of its customers' local calling area and such traffic originates in an exchange served by the DCTU. These interconnection arrangements shall be not less favorable than the arrangements between DCTUs for similar EAS traffic.

- (III) A NCTU shall have the same obligation to negotiate similar EAS interconnection arrangements with respect to traffic between its service area and a contiguous exchange of the DCTU if the DCTU includes such traffic as part of its customers' local calling area.
- (vi) NCTUs are not precluded from establishing their own local calling areas or prices for purposes of retail telephone service offerings.
- (B) Establishment of rates, terms, and conditions.
- (i) CTUs involved in interconnection negotiations shall ensure that all reasonable negotiation opportunities are completed prior to the termination of the first commercial call. The date upon which the first commercial call between CTUs is terminated signifies the beginning of a nine-month period in which each CTU shall reciprocally terminate the other CTU's traffic at no charge, in the absence of mutually negotiated interconnection rates. Reciprocal interconnection rates, terms, and conditions shall be established pursuant to the compulsory arbitration process in subsection (g) of this section. In establishing these initial rates and three years from termination of the first commercial call, no cost studies shall be required from a new CTU.
- (ii) An ILEC may adopt the tariffed interconnection rates approved for a larger ILEC or interconnection rates of a larger ILEC resulting from negotiations without providing the commission any

additional cost justification for the adopted rates. If an ILEC adopts the tariffed interconnection rates approved for a larger ILEC, it shall file tariffs referencing the appropriate larger ILEC's rates. If an ILEC adopts the interconnection rates of a larger ILEC, the new CTU may adopt those rates as its own rates by filing tariffs referencing the appropriate larger ILEC's rates. If an ILEC chooses to file its own interconnection tariff, the new CTU must also file its own interconnection tariff.

- (C) Public disclosure of interconnection rates, terms, and conditions. Interconnection rates, terms, and/or conditions shall be made publicly available as provided in subsection (h) of this section.

(e) **Minimum interconnection arrangements.**

- (1) Pursuant to mutual agreements, interconnecting CTUs shall provide each other non-discriminatory access to ancillary services such as repair services, E9-1-1, operator services, white pages telephone directory listing, publication and distribution, and directory assistance. The following minimum terms and conditions shall apply:
 - (A) Repair services. For purposes of this section, a CTU shall be required to provide repair services for its own facilities regardless of whether such facilities are used by the CTU for retail purposes, or provided by the CTU for resale purposes, or whether the facilities are ordered by another CTU for purposes of collocation.

(B) E-9-1-1 services. E-9-1-1 services include automatic number identification (ANI), ANI and automatic location identification (ALI) selective routing, and/or any combination of 9-1-1 features required by the 9-1-1 administrative entity or entities responsible for the geographic area involved.

(i) As a prerequisite to providing local exchange telephone service to any customer or any other service whereby a customer may dial 9-1-1 and thereafter, a CTU must meet the following requirements.

(I) The CTU is responsible for ordering the dedicated 9-1-1 trunk groups necessary to provide E9-1-1 service as approved by the appropriate 9-1-1 administrative entity or entities in the relevant 9-1-1 service agreement(s), and subject to the written process for documenting “unnecessary dedicated 9-1-1 trunks” in clause (vi)(I) of this subparagraph. Connection with the appropriate CTU in the provision of 9-1-1 service may be either directly or indirectly in a manner approved by the appropriate 9-1-1 administrative entity or entities.

(II) The CTU is responsible for enabling all its customers to dial the three digits 9,1,1 to access 9-1-1 service.

(III) The CTU is responsible for providing the ANI to the appropriate CTU operating the ‘E911 selective routers, 9-1-1 tandems, IP-based 9-1-1 systems, NG9-1-1 systems, or

appropriate PSAPs, as applicable. The ANI must include both the NPA or numbering plan digit (NPD)(a component of the traditional 9-1-1 signaling protocol that identifies 1 of 4 possible NPAs, as appropriate, and the local telephone number of the 9-1-1 calling customer that can be used to successfully complete a return call to the customer.

- (IV) The CTU is responsible for routing a 9-1-1 customer call, as well as interconnecting traffic on its network, to the appropriate 'E911 selective routers, 9-1-1 tandems, IP-based 9-1-1 systems, NG9-1-1 systems, or PSAPs , as applicable, based on the ANI and/or ALI. The appropriate 9-1-1 administrative entity or entities or the 9-1-1 network services provider, as applicable, shall provide specifications to the CTU for routing purposes.
- (V) The CTU is responsible for providing the ALI for each of its customers. The ALI shall consist of the calling customer name, physical location, appropriate emergency service providers, and other similar standard ALI location data specified by the appropriate 9-1-1 administrative entity. For purposes of this subclause, other similar standard ALI data does not include supplemental data not part of the standard ALI location record.

- (ii) Each CTU shall timely provide to the appropriate 911 administrative entity and the appropriate 9-1-1 database management services provider accurate and timely current information for all published, unpublished (nonpublished), and unlisted (nonlisted) information associated with its customers for the purposes of emergency or E-911 services.
- (I) For purposes of this clause, a CTU timely provides the information if, within 24 hours of receipt, it delivers the information to the appropriate 9-1-1 database management services provider, or if the CTU is the appropriate 9-1-1 database management services provider, it places the information in the 9-1-1 database.
- (II) For purposes of this clause, the information sent by a CTU to the 9-1-1 database management services provider and the information used by the 9-1-1 database management services provider shall be maintained in a fashion to ensure that it is accurate at a percentage as close to 100% as possible. "Accurate" means a record that correctly routes a 9-1-1 call and provides correct location information relating to the origination of such call. "Percentage" means the total number of accurate records in that database divided by the total number of records in that database. In determining the accuracy of records, a CTU shall not be

held responsible for erroneous information provided to it by a customer or another CTU.

- (III) Interconnecting CTUs shall execute confidentiality agreements with each other, as necessary, to prevent the unauthorized disclosure of unpublished/unlisted numbers. Interconnecting CTUs shall be allowed access to the ALI database or its equivalent by the appropriate 9-1-1 database management services provider for verification purposes. The appropriate 9-1-1 administrative entity shall provide non-discriminatory access to the master street address guide.
- (iii) Each CTU is responsible for developing a 9-1-1 disaster recovery service restoration plan with input from the appropriate 9-1-1 administrative entities. This plan shall identify the actions to be taken in the event of a network-based 9-1-1 service failure. The goal of such actions shall be the efficient and timely restoration of 9-1-1 service. Each CTU shall notify the appropriate 9-1-1 administrative entity or entities of any changes in the CTU's network-based services and other services that may require changes to the plan.
- (iv) Interconnecting CTUs shall provide each other and the appropriate 9-1-1 administrative entity or entities notification of scheduled outages for direct dedicated 9-1-1 trunks at least 48 hours prior to

such outages. In the event of unscheduled outages for direct dedicated 9-1-1 trunks, interconnecting CTUs shall provide each other and the appropriate 9-1-1 administrative entity or entities immediate notification of such outages.

- (v) Each NCTU's rates for 9-1-1 service to a public safety answering point shall be presumed to be reasonable if they do not exceed the rates charged by the ILEC for similar service.
- (vi) Unless otherwise determined by the commission, nothing in this rule, any interconnection agreement, or any commercial agreement may be interpreted to supersede the appropriate 9-1-1 administrative entity's authority to migrate to newer functionally equivalent IP-based 9-1-1 systems or NG9-1-1 systems or the 9-1-1 administrative entity's authority to require the removal of unnecessary direct dedicated 9-1-1 trunks, circuits, databases, or functions.
 - (I) For purposes of this clause, "unnecessary direct dedicated 9-1-1 trunks" means those dedicated 9-1-1 trunks that generally would be part of a local interconnection arrangement but for: the CTU's warrant in writing that the direct dedicated 9-1-1 trunks are unnecessary and all 9-1-1 traffic from the CTU will be accommodated by another 9-1-1 service arrangement that has been approved by the appropriate 9-1-1 administrative entity or entities; and

written approval from the appropriate 9-1-1 entity or entities accepting the CTU's warrant. A 9-1-1 network services provider or CTU presented with such written documentation from the CTU and the appropriate 9-1-1 administrative entity or entities shall rely on the warrant of the CTU and the appropriate 9-1-1 entities.

- (II) Subclause (I) of this clause is intended to promote and ensure collaboration so that 9-1-1 service architecture and provisioning modernization can proceed expeditiously for the benefit of improvements in the delivery of 9-1-1 emergency services. Subclause (I) of this clause is not intended to require or authorize a 9-1-1 administrative entity's rate center service plan specifications or a 9-1-1 network architecture deviation that causes new, material cost shifting between telecommunications providers or between telecommunications providers and 9-1-1 administrative entities. Examples of such a deviation would be points of interconnection different from current LATA configurations and requiring provisioning of the 9-1-1 network with a similar type deviation that may involve new material burdens on competition or the public interest.
- (C) Operator services. Interconnecting CTUs shall negotiate to ensure the interoperability of operator services between networks, including but not

limited to the ability of operators on each network to perform such operator functions as reverse billing, line verification, call screening, and call interrupt.

(D) White pages telephone directory and directory assistance. Interconnecting CTUs shall negotiate to ensure provision of white pages telephone directory and directory assistance services.

(i) The telephone numbers and other appropriate information of the customers of NCTUs shall be included on a non-discriminatory basis in the DCTU's white pages directory associated with the geographic area covered by the white pages telephone directory published by the DCTUs. Similarly, any white pages telephone directory provided by a NCTU to its customers shall have corresponding DCTU listings available on a non-discriminatory basis. The entries of NCTU customers in the DCTU white pages telephone directory shall be interspersed in correct alphabetical sequence among the entries of the DCTU customers and shall be no different in style, size, or format than the entries of the DCTU customers, unless requested otherwise by the NCTU. The CTU or its affiliate publishing a white pages telephone directory on behalf of the CTU shall not directly charge the customer of another CTU located in the geographic areas covered by the white pages telephone directory for white pages listings or directory.

- (ii) Listings of all customers located within the local calling area of a NCTU, but not located within the local calling area of the DCTU publishing the white pages telephone directory, shall be included in a separate section of the DCTU's white pages telephone directory at the option of the NCTU.
- (iii) CTUs shall provide directory listings and related updates to the CTU or its affiliate publishing a white pages telephone directory on behalf of the CTU or to any CTU providing directory assistance, in a timely manner to ensure inclusion in the annual white page listings and provision of directory assistance service that complies with §26.128 of this title. The CTU or its affiliate publishing a white pages telephone directory on behalf of the CTU shall be responsible for providing all other CTUs with timely information regarding deadlines associated with its published white pages telephone directory.
- (iv) CTUs shall, upon request, provide accurate and current subscriber listings (name, address, telephone number) and updates in a readily usable format and in a timely manner, on a non-discriminatory basis, to publishers of yellow pages telephone directory. CTUs shall not provide listings of subscribers desiring non-listed status for publication purposes.
- (v) White pages telephone directories shall be distributed to all customers located within the geographic area covered by the white

pages telephone directory on non-discriminatory terms and conditions by the CTU or its affiliate publishing the white pages telephone directory.

- (vi) A CTU or its affiliate that publishes a white pages telephone directory on behalf of the CTU shall provide a single page per CTU in the information section of the white pages telephone directory, for the CTU to convey critical customer contact information regarding emergency services, billing and service information, repair services and other pertinent information. The CTU's pages shall be arranged in alphabetical order. Additional access to the information section of the white pages telephone directory shall be subject to negotiations.
- (vii) CTUs must provide information that identifies customers desiring non-listed and/or non-published telephone numbers and/or non-published addresses to the CTU or its affiliate publishing a white pages telephone directory on behalf of the CTU and to the CTU maintaining the directory assistance database. The CTU or its affiliate publishing a white pages telephone directory on behalf of the CTU shall not divulge such non-listed and/or non-published telephone numbers or addresses and the CTU maintaining the directory assistance database shall not divulge such non-published telephone numbers or addresses.

(viii) CTUs shall provide each other non-discriminatory access to directory assistance databases.

- (2) At a minimum, interconnecting CTUs shall negotiate to ensure the following:
- (A) Non-discriminatory access to databases such as 800 and Line Information Data Base (LIDB) where technically feasible, to ensure interoperability between networks and the efficient, timely provision of service to customers;
 - (B) non-discriminatory access to Telecommunications Relay Service;
 - (C) Common Channel Signaling interconnection including transmission of privacy indicator where technically available;
 - (D) non-discriminatory access to all signaling protocols and all elements of signaling protocols used in routing local and interexchange traffic, including signaling protocols used to query call processing databases, where technically feasible;
 - (E) number portability and the inclusion of the NCTU's NXX code(s) in the Local Exchange Routing Guide and related systems;
 - (F) non-discriminatory handling, including billing, of mass announcement/audiotext calls including, but not limited to, 900 and 976 calls;
 - (G) provision of intercept services for a specific telephone number in the event a customer discontinues service with one CTU, initiates service with another CTU, and the customer's telephone number changes;

- (H) cooperative engineering, operations, maintenance and billing practices and procedures; and
- (I) non-discriminatory access to Advanced Intelligent Network (AIN), where technically available.

(f) **Negotiations.**

- (1) CTUs and other negotiating parties shall engage in good-faith negotiations and cooperative planning as necessary to achieve mutually agreeable interconnection arrangements.
- (2) Before terminating its first commercial telephone call, each CTU requesting interconnection shall negotiate with each CTU or other negotiating party that is necessary to complete all telephone calls, including local service calls and EAS or ELCS calls, made by or placed to the customers of the requesting CTU. Upon request, DCTUs within major metropolitan calling areas will contact other CTUs and arrange meetings, within 15 days of such request, in an effort to facilitate negotiations and provide a forum for discussions of network efficiencies and intercompany billing arrangements.
- (3) Unless the negotiating parties establish a mutually agreeable date, negotiations are deemed to begin on the date when the CTU or other negotiating party from which interconnection is being requested receives the request for interconnection from the CTU seeking interconnection. The request shall:
 - (A) be in writing and hand-delivered; sent by certified mail or by facsimile;
 - (B) identify the initial specific issues to be resolved, the specific underlying facts, and the requesting CTU's proposed resolution of each issue;

- (C) provide any other material necessary to support the request, included as appendices; and
 - (D) provide the identity of the person authorized to negotiate for the requesting CTU.
- (4) The requesting CTU may identify additional issues for negotiation without causing an alteration of the date on which negotiations are deemed to begin.
- (5) The CTU or negotiating party from which interconnection is sought shall respond to the interconnection request no later than 14 working days from the date the request is received. The response shall:
 - (A) be in writing and hand-delivered; sent by certified mail or by facsimile;
 - (B) respond specifically to the requesting party's proposed resolution of each initial issue identified by the requesting party, identify the specific underlying facts upon which the response is based and, if the response is not in agreement with the requesting party's proposed resolution of each issue, the responding party's proposed resolution of each issue;
 - (C) provide any other material necessary to support the response, included as appendices; and
 - (D) provide the identity of the person authorized to negotiate for the responding party.
- (6) At any point during the negotiations required under this subsection, any CTU or negotiating party may request the commission designee(s) to participate in the negotiations and to mediate any differences arising in the course of the negotiation.

- (7) Interconnecting CTUs may, by written agreement, accelerate the requirements of this subsection with respect to a particular interconnection agreement except that the requirements of subsection (g)(1)(A) of this section shall not be accelerated.
- (8) Any disputes arising under or pertaining to negotiated interconnection agreements may be resolved pursuant to Chapter 21, Subchapter E, of this title (relating to Post-Interconnection Agreement Dispute Resolution).

(g) **Compulsory arbitration process.**

- (1) A negotiating CTU that is unable to reach mutually agreeable terms, rates, and/or conditions for interconnection with any CTU or negotiating party may petition the commission to arbitrate any unresolved issues. In order to initiate the arbitration procedure, a negotiating CTU:
 - (A) shall file its petition with the commission during the period from the 135th to the 160th day (inclusive) after the date on which its request for negotiation under subsection (f) of this section was received by the other CTU involved in the negotiation;
 - (B) shall provide the identity of each CTU and/or negotiating party with which agreement cannot be reached but whose cooperation is necessary to complete all telephone calls made by or placed to the customers of the requesting CTU;
 - (C) shall provide all relevant documentation concerning the unresolved issues;
 - (D) shall provide all relevant documentation concerning the position of each of the negotiating parties with respect to those issues;

- (E) shall provide all relevant documentation concerning any other issue discussed and resolved by the negotiating parties; and
 - (F) shall send a copy of the petition and any documentation to the CTU or negotiating party with which agreement cannot be reached, not later than the day on which the commission receives the petition.
- (2) A non-petitioning party to a negotiation under subsection (f) of this section may respond to the other party's petition and provide such additional information as it wishes within 25 days after the commission receives the petition.
 - (3) The compulsory arbitration process shall be completed not later than nine months after the date on which a CTU receives a request for interconnection under subsection (f) of this section.
 - (4) Any disputes arising under or pertaining to arbitrated interconnection agreements may be resolved pursuant to Chapter 21, Subchapter E of this title.
- (h) **Filing of rates, terms, and conditions.**
- (1) Rates, terms and conditions resulting from negotiations, compulsory arbitration process, and statements of generally available terms.
 - (A) A CTU from which interconnection is requested shall file any agreement, adopted by negotiation or by compulsory arbitration, with the commission. The commission shall make such agreement available for public inspection and copying within ten days after the agreement is approved by the commission pursuant to subparagraphs (C) and (D) of this paragraph.
 - (B) An ILEC serving greater than five million access lines may prepare and file with the commission, a statement of terms and conditions that it

generally offers within the state pursuant to 47 United States Code §252(f) (1996). The commission shall make such statement available for public inspection and copying within ten days after the statement is approved by the commission pursuant to subparagraph (E) of this paragraph.

(C) The commission shall reject an agreement (or any portion thereof) adopted by negotiation if it finds that:

- (i) the agreement (or any portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
- (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.

(D) The commission shall reject an agreement (or any portion thereof) adopted by compulsory arbitration, under subsection (g) of this section, pursuant to guidelines found in 47 United States Code §252(e)(2)(B) (1996).

(E) The commission shall review the statement of generally available terms filed under subparagraph (B) of this paragraph, pursuant to guidelines found in 47 United States Code §252(f) (1996). The submission or approval of a statement under this paragraph shall not relieve an ILEC serving greater than five million access lines of its duty to negotiate the terms and conditions of an agreement pursuant to 47 United States Code §251 (1996).

(2) **Rates, terms and/or conditions among DCTUs.** Within 15 days of a request from a CTU negotiating interconnection arrangements with a DCTU, a non-redacted version of any agreement reflecting the rates, terms, and conditions

between and/or among DCTUs which relate to interconnection arrangements for similar traffic shall be disclosed to the CTU, subject to commission-approved non-disclosure or protective agreement. A non-redacted version of the same agreement shall be disclosed to commission staff at the same time if requested, subject to commission-approved non-disclosure or protective agreement.

(i) **Customer safeguards.**

- (1) **Requirements for provision of service to customers.** Nothing in this section or in the CTU's tariffs shall be interpreted as precluding a customer of any CTU from purchasing local exchange service from more than one CTU at a time. No CTU shall connect, disconnect, or move any wiring or circuits on the customer's side of the demarcation point without the customer's express authorization as specified in §26.130 of this title, (relating to Selection of Telecommunications Utilities).
- (2) **Requirements for CTUs ceasing operations.** In the event that a CTU ceases its operations, it is the responsibility of the CTU to notify the commission and all of the CTU's customers at least 61 working days in advance that their service will be terminated. The notification shall include a listing of all alternative service providers available to customers in the exchange and shall specify the date on which service will be terminated.
- (3) **Requirements for service installations.** DCTUs that interconnect with NCTUs shall be responsible for meeting the installation of service requirements under §26.54 of this title in providing service to the NCTU. NCTUs shall make a good-

faith effort to meet the requirements for installation in §26.54 of this title, and may negotiate with the DCTU to establish a procedure to meet this goal.

- (A) For those customers for whom the NCTU provides dial tone but not the local loop, 95% of the NCTU's service orders shall be completed in no more than ten working days from request for service, unless a later date is agreed to by the customer.
- (B) For those customers for whom the NCTU does not provide dial tone and resells the telephone services of a DCTU, 95% of the NCTU's service orders shall be completed in no more than seven working days from request for service, unless the customer agrees to a later date.
- (C) For those customers where the NCTU uses facilities other than a DCTUs' resale facilities obtained through Public Utility Regulatory Act §60.041, the NCTU shall complete service orders within 30 calendar days from request of service, unless a later date is agreed to by the customer.
- (D) The DCTU shall not discriminate between its customers and NCTUs if the DCTU is able to install service in less than the time permitted under §26.54 of this title.

§26.431. Monitoring of Certain 911 Fees.

- (a) **Purpose.** The purpose of this section is to implement the commission's statutory requirement to monitor the fees the Commission on State Emergency Communications (CSEC) establishes and the allocation of the revenues from such fees pursuant to Texas Health and Safety Code §§771.071, 771.072, and 771.0725.
- (b) CSEC shall:
- (1) provide documentation to the commission regarding the rate for the fees authorized in Texas Health and Safety Code §771.071 and §771.072, and the allocation of revenue pursuant to §771.072(d) and (e) including, but not limited to, documentation from each regional planning commission or other public agency designated by the regional planning commission to provide 9-1-1 service;
 - (2) complete direct mail notice, no later than the fifteenth day after providing its documentation to the commission, to the municipalities and counties whose 9-1-1 service fees are established by CSEC; and
 - (3) publish in the *Texas Register* notice of its proposed rates and allocation of revenue, no later than the fifteenth day after CSEC provides its documentation to the commission.
- (c) Interested parties shall file, not later than 45 days after CSEC publishes notice in the *Texas Register*, comments on CSECs' documentation and on the appropriateness of the rates for each fee and the allocation of the revenue pursuant to Texas Health and Safety Code §771.072(d).
- (d) The commission will review the documentation, rates and revenue allocations provided by CSEC and any comments submitted. If the commission determines that a proposed

rate or allocation is not appropriate, it shall provide comments to CSEC, the governor, and the Legislative Budget Board within 120 days of CSEC's' initial filing. The commission's comments shall explain its concerns, if any.

- (e) The commission may review and make comments regarding a rate or allocation under this section in an informal proceeding. A proceeding in which a rate or allocation is reviewed is not a contested case for purposes of Texas Government Code, Chapter 2001. A review of a rate or allocation is not a rate change for purposes of Texas Utilities Code, Chapter 36 or 53.

§26.433. Roles and Responsibilities of 9-1-1 Service Providers.

- (a) **Purpose.** The provisions of this section are intended to assure the integrity of the state's emergency 9-1-1 system in the context of a competitive and technologically evolving telecommunications market. In particular this section establishes specific reporting and notification requirements and mandates certain minimum network interoperability, service quality standards, and database integrity standards. The requirements in this section are in addition to the applicable interconnection requirements required by §26.272 of this title (relating to Interconnection).
- (b) **Application.** This section applies to all certificated telecommunications utilities (CTUs).
- (c) **9-1-1 service provider certification requirements.**
- (1) Only a CTU may be a 9-1-1 database management services provider.
 - (2) Only a CTU may be a 9-1-1 network services provider.
 - (3) Unless acting as a 9-1-1 database management services provider or 9-1-1 network services provider, PSAPs and 9-1-1 administrative entities do not require certification by the commission.
- (d) **Requirement to prepare plan and reporting and notification requirements.**
- (1) **Network Services Plan.** Before providing service, a 9-1-1 network services provider shall prepare and file with the commission a network services plan. The plan shall be updated upon a change affecting a 9-1-1 administrative entity or entities, a 9-1-1 database management services provider, or the 9-1-1 network services provider, but not more often than quarterly of each year. Material submitted to the commission pursuant to this section believed to contain proprietary or confidential information shall be identified as such, and the

commission may enter an appropriate protective order. The network services plan shall include:

- (A) a description of the network services and infrastructure for equipment and software being used predominantly for the purpose of providing 9-1-1 services, including but not limited to, alternate routing, default routing, central office identification, and selective routing, ESN, and transfer information;
 - (B) a schematic drawing and maps illustrating current 9-1-1 network service arrangements specific to each 9-1-1 administrative entity's jurisdiction for each applicable rate center, city, and county. The maps shall show the overlay of rate center, county, and city boundaries; and
 - (C) a schedule of planned network upgrades and modifications that includes an explanation of 9-1-1 customer premises equipment implications, if any, related to upgrades and modifications.
- (2) **Database Services Plan.** Before providing service, a 9-1-1 database management services provider shall prepare and file with the commission a database services plan. The plan shall be updated upon a change affecting a 9-1-1 administrative entity or entities, a 9-1-1 database management services provider, or the 9-1-1 network services provider, but not more often than quarterly of each year. Material submitted to the commission pursuant to this section believed to contain proprietary or confidential information shall be identified as such, and the commission may enter an appropriate protective order. The database services plan shall include:

- (A) a narrative description of the current database services provided, including but not limited to a description of current 9-1-1 database management service arrangements and each NPA/NXX by selective router served by the database management services provider;
 - (B) a schematic drawing and maps of current 9-1-1 database service arrangements specific to the applicable agency's jurisdiction for each applicable rate center, city, and county. The maps shall show the overlay of rate center, county, and city boundaries;
 - (C) a current schedule of planned database management upgrades and modifications, including software upgrades;
 - (D) an explanation of 9-1-1 customer premises equipment implications, if any, related to any upgrades and modifications referenced in subparagraph (C) of this paragraph; and
 - (E) a description of all database contingency plans for 9-1-1 emergency service.
- (3) **Other notification requirements.** A CTU shall notify all affected 9-1-1 administrative entities at least 30 days prior to activating or using a new NXX in a rate center or upon the commencement of providing local telephone service in any rate center.
- (e) **Network interoperability and service quality requirements.** In order to ensure network interoperability and a consistent level of service quality the following standards shall apply.
- (1) A CTU operating in the state of Texas shall:

- (A) Participate, as technically appropriate and necessary, in 9-1-1 network and 9-1-1 database modifications; including, but not limited to, those related to area code relief planning, 9-1-1 tandem reconfiguration, and changes to the 9-1-1 network services or database management services provider.
 - (B) Notify and coordinate changes to the 9-1-1 network and database with, as necessary and appropriate, its wholesale customers, all affected 9-1-1 administrative entities, and CSEC.
 - (C) Provide a P.01 grade of service, or its equivalent as applicable, on the direct dedicated 9-1-1 trunk groups.
 - (D) The 9-1-1 network services provider shall provide a P.01 grade of service, or its equivalent as applicable, to the PSAP.
 - (E) Apprise all affected 9-1-1 administrative entities of any failure to meet the P.01 grade of service, or its equivalent as applicable, in writing and correct any degradation within 60 days.
- (2) A telecommunications provider operating in the state of Texas shall:
- (A) Provide to all applicable 9-1-1 administrative entities the name, title, address, and telephone number of the telecommunications provider's 9-1-1 contacts including but not limited to, a designated contact person to be available at all times to work with the appropriate 9-1-1 administrative entity or entities, CSEC and the commission to resolve 9-1-1-related emergencies. CSEC shall be notified of any change to a telecommunications provider's designated 9-1-1 contact personnel within five business days.

- (B) Develop a 9-1-1 disaster recovery and service restoration plan with input from the applicable 9-1-1 administrative entity or entities, CSEC, and the commission.
- (f) **Database integrity.** In order to ensure the consistent quality of database information required for fixed-location 9-1-1 services, the following standards apply.
 - (1) A CTU operating in the state of Texas shall:
 - (A) Utilize a copy of the 9-1-1 administrative entity's MSAG or other appropriate governmental source, such as post offices and local governments, to confirm that valid addresses are available for 9-1-1 calls for areas where the 9-1-1 service includes selective routing, or automatic location identification, or both, in order to confirm that valid addresses are available for 9-1-1 calls. This requirement is applicable where the 9-1-1 administrative entity has submitted an MSAG for the service area to the designated 9-1-1 database management services provider. The MSAG must be made available to the CTU at no charge and must be in a mechanized format that is compatible with the CTU's systems. This requirement shall not be construed as a basis for denying installation of basic telephone service, but as a process to minimize entry of erroneous records into the 9-1-1 system.
 - (B) Take reasonable and necessary steps to avoid submission of telephone numbers associated with non-dialtone generating service to the 9-1-1 database management services provider.

- (C) Submit corrections to inaccurate subscriber information to the 9-1-1 database management services provider within 72 hours of notification of receipt of the error file from the 9-1-1 database management services provider.
 - (D) As applicable, coordinate 9-1-1 database error resolution for resale customers.
- (2) A 9-1-1 database management services provider operating in the state of Texas shall:
- (A) Provide copies of the MSAG(s) for the 9-1-1 administrative entities it serves to any CTU authorized to provide local exchange service within the jurisdiction of those 9-1-1 administrative entities. The 9-1-1 database management services provider shall make all updates to the MSAG electronically available to CTUs within 24 hours of update by the 9-1-1 administrative entity.
 - (B) Upon receipt of written confirmation from the appropriate CTU, delete inaccurate subscriber information within 24 hours for deletions of fewer than 100 records. For deletions of 100 records or more, the database management service provider shall delete the records as expeditiously as possible within a maximum time frame of 30 calendar days.
- (g) **Cost recovery.** A CTU may not charge a 9-1-1 administrative entity, through tariffed or non-tariffed charges, for the preparation and transfer of files from the CTU's service order system to be used in the creation of 9-1-1 call routing data and 9-1-1 ALI data.

- (h) **Unbundling.** A dominant CTU that is a 9-1-1 network services provider and a 9-1-1 database management services provider, if it has not already done so prior to the effective date of this section, must file within 90 days from the effective date of this section an alternative 9-1-1 tariff that provides 9-1-1 administrative entities the option to purchase any separately offered and priced 9-1-1 service.
- (i) **Migration of 9-1-1 Service.** Unless otherwise determined by the commission, nothing in this rule, any interconnection agreement, or any commercial agreement may be interpreted to impair a 9-1-1 administrative entity's authority to migrate to newer functionally equivalent IP-based 9-1-1 systems and/or NG9-1-1 systems, or to require the removal of unnecessary direct 9-1-1 dedicated trunks, circuits, databases, or functions.
- (1) For purposes of this subsection, "unnecessary direct dedicated 9-1-1 trunks" means those dedicated 9-1-1 trunks that generally would be part of a local interconnection arrangement but for: the CTU's warrant in writing that the direct dedicated 9-1-1 trunks are unnecessary and all 9-1-1 traffic from the CTU will be accommodated by another 9-1-1 service arrangement that has been approved by the appropriate 9-1-1 administrative entity or entities; and written approval from the appropriate 9-1-1 entity or entities accepting the CTU's warrant. A 9-1-1 network services provider or CTU presented with such written documentation from the CTU and the appropriate 9-1-1 administrative entity or entities shall rely on the warrant of the CTU and the appropriate 9-1-1 entities.
- (2) Paragraph (1) of this subsection is intended to promote and ensure collaboration so that 9-1-1 service architecture and provisioning modernization can proceed expeditiously for the benefit of improvements in the delivery of 9-1-1 emergency

services. Paragraph (1) of this subsection is not intended to require or authorize a 9-1-1 administrative entity's rate center service plan specifications or a 9-1-1 network architecture deviation that causes new, material cost shifting between telecommunications providers or between telecommunications providers and 9-1-1 administrative entities. Examples of such a deviation would be points of interconnection different from current LATA configurations and requiring provisioning of the 9-1-1 network with a similar type deviation that may involve new material burdens on competition or the public interest.

(j) 9-1-1 Service Agreement

- (1) A CTU that provides local exchange service to end users must execute a separate 9-1-1 service agreement with each appropriate 9-1-1 administrative entity and collect and remit required 9-1-1 emergency service fees to the appropriate authority pursuant to such 9-1-1 service agreement.
- (2) A CTU that provides resold local exchange service to end users must execute a separate 9-1-1 service agreement with each appropriate 9-1-1 administrative entity and collect and remit required 9-1-1 emergency service fees to the appropriate authority pursuant to such 9-1-1 service agreement.

§26.435. Cost Recovery Methods for 9-1-1 Dedicated Transport.

- (a) **Purpose.** The purpose of this section is to establish uniform cost recovery methods for direct dedicated 9-1-1 trunks approved by the appropriate 9-1-1 administrative entity or entities and used in the provision of 9-1-1 service to end users by certificated telecommunications utilities (CTUs). The maximum nonrecurring and monthly recurring reimbursable charges in subsection (c)(1) of this section apply only when the points of interconnection are not a material change to the current provisioning of 9-1-1 services or the points of interconnection are within the current local access and transport areas LATAs. In the event that a CTU considers a request by a 9-1-1 administrative entity or entities to be a material change, the CTU within sixty days of receipt of the request may file an application with the commission requesting a revised reimbursement rate. The CTU is not required to begin provisioning until the commission issues its final order on the application, unless the 9-1-1 administrative entity or entities agree to pay the CTU's proposed revised reimbursement rate, subject to true-up once the commission approves a reimbursement rate for the provisioning.
- (b) **Application.** This section applies to all CTUs that are facilities based and providing local exchange service.
- (c) **Reimbursable costs.**
- (1) **9-1-1/CTU Reimbursement.** Subject to the applicable law regarding payments by a 9-1-1 administrative entity, the appropriate 9-1-1 administrative entity or entities shall reimburse a CTU a maximum non-recurring rate of \$165 and recurring rate of \$39 per month as the total compensation for each direct dedicated 9-1-1 trunk unless:

- (A) the CTU files a petition with the commission and notice of such filing with the appropriate 9-1-1 administrative entity or entities for the imposition of a different rate no later than June 1 of the calendar year; and
 - (B) the CTU provides evidence to the commission that, based upon certain technology deployment, a different rate should apply; and
 - (C) after appropriate review, including comment from the appropriate 9-1-1 administrative entity or entities, the commission approves such rate as requested by the CTU.
- (2) Any commission approved change in rate for compensation for direct dedicated 9-1-1 trunk(s) shall become effective no earlier than October 1 of the same calendar year.
- (3) **Inter-CTU Allocation methodology.** Each CTU that originates a 9-1-1 call shall receive a pro rata share of the commission approved recurring rate(s) under paragraph (1) or (2) of this subsection for 9-1-1 dedicated transport of the call, based upon the transport mileage between the CTU's end office or point of presence (POP) to the point of interconnection and the 9-1-1 network service provider's transport mileage from the point of interconnection to the E9-1-1 selective router, 9-1-1 tandem, IP-based 9-1-1 system, or NG9-1-1 system. The transport mileage used to calculate the pro rata share shall not exceed 14 miles from the originating CTU end office or POP to the point of interconnection.
- (A) The points of interconnection for local traffic in existing interconnection agreements are acceptable for the purposes of calculating the pro rata

- share of reimbursable costs, unless the CTUs mutually agree to different points of interconnection.
- (B) To the extent a CTU provisions its own direct dedicated 9-1-1 trunk(s), the CTU is required to compensate such provider for port usage and termination charges. The 9-1-1 network services provider shall assess such charges on a Total Element Long Run Incremental Cost (TELRIC) basis.
 - (C) To the extent a CTU leases direct dedicated 9-1-1 trunk(s) from a 9-1-1 network services provider, the CTU is required to compensate such provider for transport, port usage, and termination charges. The 9-1-1 network services provider shall assess such charges on a TELRIC basis.
 - (D) To the extent a CTU leases from a 9-1-1 network services provider direct dedicated 9-1-1 trunk extending from the CTU's end office or POP to the point of interconnection, the 9-1-1 network services provider shall assess such charges on a TELRIC basis.
 - (E) A competitive local exchange carrier (CLEC) may lease or provision its own direct dedicated 9-1-1 trunks to the point of interconnection or directly to the 9-1-1 network services provider's E9-1-1 selective router, 9-1-1 tandem, IP-9-1-1 based system, or NG9-1-1 system.
 - (F) Nothing in this section is intended to preclude the commission from exercising authority for situations involving CTUs.
- (4) The number of direct dedicated 9-1-1 trunks needed for 9-1-1 purposes shall be determined by the CTU following industry standards to provide a grade of service

of P.01 or greater, or its IP or NG9-1-1 equivalent, but the minimum number of direct dedicated 9-1-1 trunks to each E9-1-1 selective router, 9-1-1 tandem, IP-based 9-1-1 system, or NG9-1-1 system per service arrangement shall not be less than two.

- (5) As a prerequisite to receiving compensation for more than the minimum number of direct dedicated 9-1-1 trunks required to meet the P.01 grade of service, the CTU must provide to the 9-1-1 administrative entity or entities, at least 30 days prior to seeking additional compensation, copies of traffic studies, performed using measured call volumes on the individual trunk group, establishing that more than the minimum number of direct dedicated 9-1-1 trunks required to meet the P.01 grade of service are necessary.
- (6) The traffic study or summary provided in response to paragraph (5) of this subsection shall be provided to the 9-1-1 administrative entity or entities at no cost. Any other traffic studies to evaluate current network performance will be provided to the 9-1-1 administrative entity or entities upon request, and the CTU shall be compensated by the 9-1-1 administrative entity or entities on a time and materials basis at rates that do not exceed the tariff rates approved as reasonable by the commission for the dominant CTU in the rate center.
- (7) Only the CTU originating a direct dedicated 9-1-1 trunk can submit charges to the appropriate 9-1-1 administrative entity or entities for the maximum reimbursement required in paragraph (1) of this subsection. A dedicated 9-1-1 trunk must be approved by the appropriate 9-1-1 administrative entity or entities as necessary prior to connecting to an E9-1-1 selective router, 9-1-1 tandem, IP-

based 9-1-1 system, or NG9-1-1 system. The appropriate 9-1-1 administrative entity or entities may approve dedicated 9-1-1 trunking arrangements that aggregate the 9-1-1 service of multiple CTUs.

- (8) Where the same direct dedicated 9-1-1 trunks are permitted by the relevant service arrangements to serve areas administered by multiple 9-1-1 administrative entities, a CTU shall contact the 9-1-1 administrative entity serving the largest number of access lines for the area served by the CTU with those direct dedicated 9-1-1 trunks and there shall be a rebuttable presumption that the 9-1-1 administrative entity serving the largest number of access lines is the appropriate 9-1-1 administrative entity to receive the billings for these direct dedicated 9-1-1 trunks. The 9-1-1 administrative entity that is responsible for receiving the billings for direct dedicated 9-1-1 trunks pursuant to this subsection, may seek reimbursement of such expense from other 9-1-1 administrative entities within the affected rate center.
- (9) The 9-1-1 network services provider shall bill the appropriate 9-1-1 administrative entity and shall not bill a CTU for ANI, ALI, and/or selective routing services. Billing for additional or other 9-1-1 related services specifically required by a CTU is permitted.
- (d) **Reimbursement prerequisites.** A CTU must comply with each of the following prerequisites before the CTU can obtain reimbursement from the appropriate 9-1-1 administrative entity for direct dedicated 9-1-1 trunks:

- (1) Before the CTU initiates the provision of local exchange service in those areas in which a 9-1-1 administrative entity provides 9-1-1 service, the CTU shall execute a 9-1-1 service agreement with the 9-1-1 administrative entity.
- (2) The CTU shall provide verification to each appropriate 9-1-1 administrative entity that it is complying with all requirements of §26.433 of this title (relating to Roles and Responsibilities of 9-1-1 Service Providers) including, but not limited to, §26.433(e)(2) of this title, requiring “a designated contact person to be available at all times to work with the appropriate” 9-1-1 administrative entity.”
- (3) A CTU that resells its local exchange service to any CTU that, in turn, provides the resold local exchange service to end users, shall demonstrate to the appropriate 9-1-1 administrative entity that the CTU has provided initial notice to its reselling CTUs:
 - (A) that it does not remit the required 9-1-1 emergency service fees on behalf of reselling CTUs; and
 - (B) that, subject to a confidentiality agreement with the appropriate 9-1-1 administrative entity, it will release reselling CTUs wholesale billing records to 9-1-1 administrative entities for quality measurement purposes, including, but not limited to, auditing a reselling CTU’s collection and remittance of 9-1-1 emergency service fees in accordance with applicable law.

This agency hereby certifies that the rules, as adopted, have been reviewed by legal counsel and found to be within the agency's authority to adopt. It is therefore ordered by the Public Utility Commission of Texas that §26.5 relating to Definitions, §26.272 relating to Interconnection, §26.431 relating to Monitoring of Certain 911 Fees, §26.433 relating to Roles and Responsibilities of 9-1-1 Service Providers, and §26.435 relating to Cost Recovery Methods for 9-1-1 Dedicated Transport are hereby amended with changes to the text as proposed.

SIGNED AT AUSTIN, TEXAS this the _____ day of OCTOBER 2010.

PUBLIC UTILITY COMMISSION OF TEXAS

BARRY T. SMITHERMAN, CHAIRMAN

DONNA L. NELSON, COMMISSIONER

KENNETH W. ANDERSON, JR., COMMISSIONER