

PROJECT NO. 38047

RULEMAKING RELATING TO 9-1-1 § PUBLIC UTILITY COMMISSION
§
§ OF TEXAS

PROPOSAL FOR PUBLICATION OF AMENDMENTS TO §§26.5, 26.272, 26.431, 26.433, AND 26.435 AS APPROVED AT THE APRIL 30, 2010 OPEN MEETING

The Public Utility Commission of Texas (commission) proposes 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. The amendments will update and clarify the responsibilities of certificated telecommunications utilities relative to 9-1-1 services. Project Number 38047 is assigned to this proceeding.

James Kelsaw, Senior Utility Analyst, Infrastructure and Reliability Division, has determined that for each year of the first five-year period the amendments are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the amendments.

Mr. Kelsaw has determined that for each year of the first five years the amendments are in effect the public benefit anticipated as a result of enforcing the amendments will be greater clarity regarding the current and anticipated future 9-1-1 emergency service provisioning environment.

There will be no adverse economic effect on small businesses or micro-businesses as a result of enforcing the amendments. Therefore, no regulatory flexibility analysis is required. There is no anticipated economic cost to persons who are required to comply with the amendments as proposed.

Mr. Kelsaw has also determined that for each year of the first five years the amendments are in effect there should be no effect on a local economy, and therefore no local employment impact statement is required under Administrative Procedure Act (APA), Texas Government Code §2001.022.

The commission staff will conduct a public hearing on this rulemaking, if requested pursuant to the Administrative Procedure Act, Texas Government Code §2001.029, at the commission's offices located in the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701 on Wednesday, June 16, 2010. The request for a public hearing must be received within 30 days after publication.

Comments on the amendments may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326. Sixteen copies of comments are required to be filed pursuant to §22.71(c) of this title. Initial comments may be filed within 30 days after publication, and reply comments may be submitted within 45 days after publication. Comments should be organized in a manner consistent with the organization of the amended rules. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the amendments.

The commission will consider the costs and benefits in deciding whether to adopt the amendments. All comments should refer to Project Number 38047.

The amendments are proposed 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) - (6) (No change.)

(7) Alternate 9-1-1 routing -- The routing of 9-1-1 calls to a designated alternate location if all 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)~~(8) **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 caller's telephone number, the address or other description of the location of the caller, and supplementary emergency services information that is automatically displayed at the public safety answering point.

~~(11)~~(9) **Automatic number identification (ANI)** -- The ~~automatic transmission by the local switching system of the originating~~ 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 ~~9-1-1911~~ system.

~~(12)(40)~~ **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)(41)~~ **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)(42)~~ **Basic network services (BNS)** -- Those services identified in Public Utility Regulatory Act PURA §58.051.

~~(15)(43)~~ **Baud** -- Unit of signaling speed reflecting the number of discrete conditions or signal elements transmitted per second.

~~(16)(44)~~ **Bellcore** -- Bell Communications Research, Inc.

~~(17)(45)~~ **Billing agent** -- Any entity that submits charges to a billing telecommunications utility on behalf of itself or any service provider.

~~(18)(46)~~ **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)~~~~(17)~~ **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)~~~~(18)~~ **Bit Rate** -- The rate at which data bits are transmitted over a communications path, normally expressed in bits per second.

~~(21)~~~~(19)~~ **Bona fide request** -- A written request to an incumbent local exchange company (ILEC) from a certificated telecommunications utility 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)~~~~(20)~~ **Business service** -- A telecommunications service provided a customer where the use is primarily of a business, professional, institutional or otherwise occupational nature.

~~(23)~~~~(21)~~ **Busy hour** -- The clock hour each day during which the greatest usage occurs.

~~(24)~~~~(22)~~ **Busy season** -- That period of the year during which the greatest volume of traffic is handled in a switching office.

~~(25)~~~~(23)~~ **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)~~~~(24)~~ **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)~~~~(25)~~ **Call transferring** -- Handing off a call from one operator service provider (OSP) to another OSP.

~~(28)~~~~(26)~~ **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)~~~~(27)~~ **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)~~~~(28)~~ **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)~~~~(29)~~ **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)~~~~(30)~~ **Capitalization** -- Long-term debt plus total equity.

~~(33)~~~~(31)~~ **Carrier of choice** -- An option that allows an individual to choose an interexchange carrier for long distance calls made through Telecommunications Relay Service.

~~(34)~~~~(32)~~ **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)~~~~(33)~~ **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)~~~~(34)~~ **Census block group (CBG)** -- A United States Census Bureau geographic designation that generally contains between 250 and 550 housing units.

~~(37)~~~~(35)~~ **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)~~~~(36)~~ **Certificated telecommunications utility** -- A telecommunications utility that has been granted either a certificate of convenience and necessity (CCN), a certificate of operating authority (COA), or a service provider certificate of operating authority (SPCOA).

~~(39)~~~~(37)~~ **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) -- The Federal Communication Commission's designation for any carrier or licensee whose wireless network is interconnected with the public switched telephone network or is operated for profit and available to the public.

(41)(38) Commission -- The Public Utility Commission of Texas.

(42) Commission on State Emergency Communications (CSEC) -- The state commission formerly known as the Advisory Commission on State Emergency Communications, with the responsibilities and authority as specified in Texas Health and Safety Code, Chapter 771.

(43)(39) 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)~~**(40) Competitive services (CS)** -- Those services as defined in Public Utility Regulatory Act~~PURA~~ §58.151, and any other service the commission subsequently categorizes as a competitive service.

~~(45)~~**(41) Completed call** -- Aa call that is answered by the called party.

~~(46)~~**(42) 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)~~**(43) Consumer good or service** --

- (A) Real~~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) Aa cemetery lot;
- (C) Aa time-share estate; or
- (D) Aa service related to real or personal property.

~~(48)~~**(44) 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)~~~~(45)~~ **Cooperative** -- An incumbent local exchange company that is a cooperative corporation.

~~(50)~~~~(46)~~ **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)~~~~(47)~~ **Corporate name** -- Has the meaning assigned by Texas Business Corporation Act, Article §2.05.

~~(52)~~~~(48)~~ **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)~~~~(49)~~ **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)~~~~(50)~~ **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)~~~~(51)~~ **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)~~~~(52)~~ **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)~~~~(53)~~ **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)~~~~(54)~~ **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)~~~~(55)~~ **dBrn** -- A unit used to express noise power relative to one Pico watt (-90 dBm).

~~(60)~~~~(56)~~ **dBrnC** -- Noise power in dBrn, measured with C-message weighting.

~~(61)~~~~(57)~~ **dBrnCO** -- Noise power in dBrnC referred to or measured at a zero transmission level point.

~~(62)~~~~(58)~~ **D-Channel** -- The integrated-services-digital-network out-of-band signaling channel.

~~(63)~~~~(59)~~ **Dedicated signaling transport** -- Transmission of out-of-band signaling information between an access customer's common channel signaling network and a certificated telecommunications utility's signaling transport point on facilities dedicated to the use of a single customer.

~~(64)~~ **Dedicated 9-1-1 trunk** -- A single purpose telephone circuit, or Internet Protocol (IP) equivalent, that originates at a certificated telecommunications utility's (CTU's) switching office or point of presence and connects to a port of termination at an E9-1-1 selective router, tandem, IP-based system, or next generation 9-1-1 system, as described to the CTU by the appropriate 9-1-1 administrative entity in its service arrangement requirements for each applicable

rate center. A 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 PSAP when the incoming 9-1-1 call cannot be selectively routed due to an automatic number identification ANI failure or other cause.

(66)(60) **Depreciation expenses** -- The charges based on the depreciation accrual rates designed to spread the cost recovery of the property over its economic life.

(67)(61) **Direct-trunked transport** -- Transmission of traffic between the serving wire center and another certificated telecommunications utility's office, without intermediate switching. It is charged on a flat-rate basis.

(68)(62) **Disconnection of telephone service** -- The event after which a customer's telephone number is deleted from the central office switch and databases.

(69)(63) **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)(64) **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)(65) **Distribution lines** -- Those lines from which the end user may be provided direct service.

(72)(66) **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)(67)~~ **Dominant certificated telecommunications utility (DCTU)** -- A certificated telecommunications utility 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)(68)~~ **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)(69)~~ **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 Education Code, §61.003(13); the Texas Education Agency, its successors and assigns; regional education service centers established and operated pursuant to the Education Code, Chapter 8; and the Texas Higher Education Coordinating Board, its successors and assigns.

~~(76)(70)~~ **Electing local exchange company (LEC)** -- A certificated telecommunications utility electing to be regulated under the terms of the Public Utility Regulatory Act, Chapter 58.

~~(77)(71)~~ **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~~Substantive Rules Applicable to Electric Service Providers~~), 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)~~~~(72)~~ **Element** -- Unbundled network elements, including: interconnection, physical-collocation, and virtual-collocation elements.

~~(79)~~~~(73)~~ **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)(74)~~ **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)(75)~~ **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)(76)~~ **Enhanced service provider** -- A company that offers computer-based services over transmission facilities to provide the customer with value-added telephone services.

~~(85)(77)~~ **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)(78)~~ **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)(79)~~ **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)(80)~~ **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)(81)~~ **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)(82)~~ **Extended area service (EAS)** -- A telephone switching and trunking arrangement which provides for optional calling service by dominant certificated telecommunications utilities 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)(83)~~ **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~~~~Scope~~ 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)(84)~~ **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)(85)~~ **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)~~~~(86)~~ **Foreign exchange (FX)** -- ~~Exchange~~~~exchange~~ service furnished by means of a circuit connecting a customer's station to a primary serving office of another exchange.

~~(96)~~~~(87)~~ **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)~~~~(88)~~ **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)~~~~(89)~~ **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)~~~~(90)~~ **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 dominant certificated telephone utility (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)~~~~(91)~~ **Geographic scope** -- The geographic area in which the holder of a Certificate of Operating Authority or of a Service Provider Certificate of Operating Authority is authorized to provide service.

~~(101)~~~~(92)~~ **Grade of service** -- The number of customers a line is designated to serve.

~~(102)~~~~(93)~~ **Hearing** -- Any proceeding at which evidence is taken on the merits of the matters at issue, not including prehearing conferences.

~~(103)~~~~(94)~~ **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)~~~~(95)~~ **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)~~~~(96)~~ **High cost assistance (HCA)** -- A program administered by the commission in accordance with the provisions of §26.403 of this title ~~(relating to Texas High Cost Universal Service Plan (THCUSP))~~.

~~(106)~~~~(97)~~ **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)~~~~(98)~~ **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)~~~~(99)~~ **Incumbent local exchange company (ILEC)** -- A local exchange company that had a certificate of convenience and necessity on September 1, 1995.

~~(109)~~~~(100)~~ **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~~PURA~~ Chapters 52, 58, or 59.

~~(110)~~~~(101)~~ **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)~~~~(102)~~ **Integrated services digital network (ISDN)** -- ~~A~~~~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)~~~~(103)~~ **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)~~~~(104)~~ **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)~~~~(105)~~ **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 relating to Texas High Cost Universal Service Plan (THCUSP)~~§24.32 of this title (Relating to Universal Service)~~ or integrated services digital network (ISDN) as defined in this section and/or extended area service/extended local calling service traffic of a certificated telephone utility (CTU) using the local access lines of another CTU, as described in ~~section~~ §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)~~(106)~~ **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)~~(107)~~ **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 certificated telecommunications utility (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)** -- Part of the Transmission Control Protocol/Internet Protocol (TCP/IP) family of protocols that describe software that tracks Internet addresses of nodes, routes outgoing messages, and recognizes incoming messages.

(118)~~(408)~~ **Interoffice trunks** -- Those communications circuits which connect central offices.

(119)~~(409)~~ **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)~~(410)~~ **Intrastate** -- Refers to communications which both originate and terminate within Texas state boundaries.

(121)~~(411)~~ **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.

[\(122\)](#)~~(112)~~ **License** -- The whole or part of any commission permit, certificate, approval, registration, or similar form of permission required by law.

[\(123\)](#)~~(113)~~ **Licensing** -- The commission process respecting the granting, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license.

[\(124\)](#)~~(114)~~ **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.

[\(125\)](#)~~(115)~~ **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.

[\(126\)](#)~~(116)~~ **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.

[\(127\)](#)~~(117)~~ **Local call** -- A call within the certificated telephone utility's toll-free calling area including calls which are made toll-free through a mandatory extended area service (EAS) or expanded local calling (ELC) proceeding.

[\(128\)](#)~~(118)~~ **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)(119)~~ **Local exchange carriercompany (LEC)** -- A telecommunications utility that has been granted either a certificate of convenience and necessity or a certificate of operating authority 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)(120)~~ **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)~~~~(121)~~ **Local message** -- A completed call between customer access lines located within the same local calling area.

~~(132)~~~~(122)~~ **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)~~~~(123)~~ **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)~~~~(124)~~ **Local telecommunications traffic** --

- (A) Telecommunications traffic between a dominant certificated telecommunications utility (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 extended area service (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)(125)~~ **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)(126)~~ **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)(127)~~ **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)(128)~~ **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)(129)~~ **Meet point billing** -- An access billing arrangement for services to access customers when local transport is jointly provided by more than one certificated telecommunications utility.

~~(141)(130)~~ **Message** -- A completed customer telephone call.

~~(142)~~~~(131)~~ **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)~~~~(132)~~ **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)~~~~(133)~~ **Municipality** -- A city, incorporated village, or town, existing, created, or organized under the general, home rule, or special laws of the state.

~~(145)~~~~(134)~~ **National integrated services digital network (ISDN)** -- ~~The~~the standards and services promulgated for integrated services digital network by Bellcore.

~~(146)~~~~(135)~~ **Negotiating party** -- A certificated telecommunications utility (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 comprised of managed Internet Protocol-based networks and elements that augment present-day](#)

E9-1-1 features and functions and add new capabilities. NG9-1-1 systems are designed to provide access to emergency services from all sources, and to provide multimedia data capabilities for public safety answering points and other emergency service organizations.

~~(148)(136)~~ **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)(137)~~ **Nonbasic services** -- Those services identified in Public Utility Regulatory ActPURA §58.151, including any service reclassified by the commission pursuant to Public Utility Regulatory ActPURA §58.024.

~~(150)(138)~~ **Non-discriminatory** -- Type of treatment that is not less favorable than that an interconnecting certificated telecommunications utility (CTU) provides to itself or its affiliates or other CTUs.

~~(151)(139)~~ **Non-dominant certificated telecommunications utility (NCTU)** -- A certificated telecommunications utility (CTU) that is not a dominant certificated telecommunications utility (DCTU) and has been granted a certificate of convenience and necessity (CCN) (after September 1, 1995, in an area already certificated to a DCTU), a certificate of operating authority (COA), or a service

provider certificate of operating authority (SPCOA) to provide local exchange service.

(152)~~(140)~~ **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)** -- The method of identifying telephone numbers and the associated trunking in the public telephone network of North America, called World Numbering Zone 1 by the International Telecommunication Union, Telecommunication Standardization Sector (ITU-T). The NANP has three ways of identifying phone numbers: a three-digit area code (numbering plan area), a three-digit exchange or central office code (NXX), and a four digit subscriber code.

(154) **Numbering plan area (NPA)** -- The first three digits of a ten-digit North American Numbering Plan local telephone number uniquely identifying a Numbering Plan area.

(155) NXX -- The first three digits of a seven-digit North American Numbering Plan local telephone number uniquely identifying a local exchange within a numbering plan area.

(156)~~(141)~~ **Open network architecture** -- The overall design of an incumbent local exchange company's (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)~~(142)~~ **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)~~(143)~~ **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)~~(144)~~ **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)~~(145)~~ **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 100 will be blocked during the company's average busy hour, the company's busiest hour of the day on average.

(162)~~(146)~~ **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)~~(147)~~ **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)~~(148)~~ **Pay telephone access service (PTAS)** -- A service offered by a certificated telecommunications utility 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)(149)~~ **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)(150)~~ **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)(151)~~ **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)(152)~~ **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 certificated telecommunications utility (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)(153)~~ **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)(154)~~ **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)(155)~~ **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 dominant certificated telecommunications utility (DCTU);
- (B) if applicable, mandatory services, including extended area service, extended metropolitan service, or expanded local calling service;
- (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)~~~~(156)~~ **Premises** -- A tract of land or real estate including buildings and other appurtenances thereon.

~~(173)~~~~(157)~~ **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)~~~~(158)~~ **Primary interexchange carrier (PIC)** -- The provider chosen by a customer to carry that customer's toll calls.

~~(175)~~~~(159)~~ **Primary interexchange carrier (PIC) freeze indicator** -- An indicator that the end user has directed the certificated telecommunications utility to make no changes in the end user's PIC.

~~(176)~~~~(160)~~ **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)~~~~(161)~~ **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)~~~~(162)~~ **Print translations** -- The temporary storage of a message in an operator's screen during the actual process of relaying a conversation.

~~(179)~~~~(163)~~ **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)~~~~(164)~~ **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)~~~~(165)~~ **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)~~~~(166)~~ **Promotional rate** -- A temporary tariff, fare, toll, rental or other compensation charged by a certificated telecommunications utility (DCTU) 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)(167)~~ **Provider of pay telephone service** -- The entity that purchases pay telephone access service (PTAS) from a certificated telecommunications utility (CTU) and registers with the Public Utility Commission as a provider of pay telephone service (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)(168)~~ **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)(169)~~ **Public Utility Regulatory Act (PURA)** -- The enabling statute for the Public Utility Commission of Texas, located in the Texas Utilities Code Annotated, §§11.001 - ~~66.016-64.158~~, (Vernon ~~2007~~1998, Supplement ~~2009~~2000).

~~(187)(170)~~ **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)(171)~~ **Qualifying services** --

- (A) residential flat rate basic local exchange service;
- (B) residential local exchange access service; and
- (C) residential local area calling usage.

~~(189)(172)~~ **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)(173)~~ **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)(174)~~ **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)(175)~~ **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)(176)~~ **Regulatory authority** -- In accordance with the context where it is found, either the commission or the governing body of a municipality.

~~(195)(177)~~ **Relay Texas Advisory Committee (RTAC)** -- The committee authorized by the Public Utility Regulatory Act, §56.110 and 1997 Texas General Laws Chapter 149.

~~(196)(178)~~ **Relay Texas** -- The name by which telecommunications relay service in Texas is known.

~~(197)~~~~(179)~~ **Relay Texas administrator** -- The individual employed by the commission to oversee the administration of statewide telecommunications relay service.

~~(198)~~~~(180)~~ **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)~~~~(181)~~ **Residual charge** -- The per-minute charge designed to account for historical contribution to joint and common costs made by switched transport services.

~~(200)~~~~(182)~~ **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)~~~~(183)~~ **Return-on-assets** -- After-tax net operating income divided by total assets.

~~(202)~~~~(184)~~ **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)~~~~(185)~~ **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)~~~~(186)~~ **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)~~~~(187)~~ **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)~~~~(188)~~ **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 311 answering point for serving the location from which the call originates.

~~(207)~~ **Selective transfer** -- 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)~~~~(189)~~ **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)~~~~(190)~~ **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)~~~~(191)~~ **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)~~~~(192)~~ **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)~~~~(193)~~ **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 incumbent local exchange company (ILEC) or by a certificate of operating authority (COA) holder or by a service provider certificate of operating authority (SPCOA) holder.

~~(214)~~~~(194)~~ **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)~~~~(195)~~ **Serving wire center (SWC)** -- The certificated telecommunications utility designated central office which serves the access customer's point of demarcation.

~~(216)~~~~(196)~~ **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)~~~~(197)~~ **Small certificated telecommunications utility (CTU)** -- A CTU with fewer than 2.0% of the nation's subscriber lines installed in the aggregate nationwide.

~~(218)~~~~(198)~~ **Small local exchange company (SLEC)** -- Any incumbent certificated telecommunications utility 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)~~~~(199)~~ **Small incumbent local exchange company (Small ILEC)** -- An incumbent local exchange company that is a cooperative corporation or has, together with all affiliated incumbent local exchange companies, fewer than 31,000 access lines in service in Texas.

~~(220)~~~~(200)~~ **Spanish speaking person** -- ~~A~~~~a~~ person who speaks any dialect of the Spanish language exclusively or as their primary language.

~~(221)~~~~(201)~~ **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)(202)~~ **Specialized Telecommunications Assistance Program (STAP)** -- The program described in ~~Substantive Rule~~ §26.415 of this title (relating to Specialized Telecommunications Assistance Program ~~(STAP)~~).

~~(223)(203)~~ **Specialized Telecommunications Assistance Program (STAP) voucher** -- A voucher issued by the Texas ~~Department of Assistive and Rehabilitative Services~~ Commission for the Deaf and Hard of Hearing 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)(204)~~ **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)(205)~~ **Station** -- A telephone instrument or other terminal device.

~~(226)(206)~~ **Study area** -- An incumbent local exchange company's (ILEC's) existing service area in a given state.

~~(227)(207)~~ **Supplemental services** -- Telecommunications features or services offered by a certificated telecommunications utility for which analogous services or products may be available to the customer from a source other than a dominant certificated telecommunications utility. Supplemental services shall not be construed to include optional extended area calling plans that a dominant certificated telecommunications utility 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)(208)~~ **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)(209)~~ **Switched access** -- Access service that is provided by certificated telecommunications utilities (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)(210)~~ **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)(211)~~ **Switched access minutes** -- The measured or assumed duration of time that a certificated telecommunications utility's network facilities are used by access customers. Access minutes are measured for the purpose of calculating access charges applicable to access customers.

~~(232)~~~~(212)~~ **Switched transport** -- Transmission between a certificated telecommunications utility's central office (including tandem-switching offices) and an interexchange carrier's point of presence.

~~(233)~~~~(213)~~ **Tandem-switched transport** -- Transmission of traffic between the serving wire center and another certificated telecommunications utility office that is switched at a tandem switch and charged on a usage basis.

~~(234)~~~~(214)~~ **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)~~~~(215)~~ **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)~~~~(216)~~ **Telecommunications relay service (TRS) carrier** -- The telecommunications carrier selected by the commission to provide statewide telecommunications relay service.

~~(238)~~~~(217)~~ **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 pay telephone service; and
- (G) a separated affiliate or an electronic publishing joint venture as defined in the Public Utility Regulatory Act, Chapter 63.

~~(239)~~~~(218)~~ **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)~~~~(219)~~ **Telephone solicitation** -- An unsolicited telephone call.

~~(241)~~~~(220)~~ **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)~~~~(221)~~ **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)~~~~(222)~~ **Texas Universal Service Fund (TUSF)** -- The fund authorized by the Public Utility Regulatory Act, §56.021 and 1997 Texas General Laws Chapter 149.

~~(244)~~~~(223)~~ **Tier 1 local exchange company** -- A local exchange company with annual regulated operating revenues exceeding \$100 million.

~~(245)~~~~(224)~~ **Title IV-D Agency** -- The office of the attorney general for the state of Texas.

~~(246)~~~~(225)~~ **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)~~~~(226)~~ **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)~~~~(227)~~ **Toll limitation** -- Denotes both toll blocking and toll control.

~~(249)~~~~(228)~~ **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 certificated telecommunications utility's (CTU's) provision of other elements.

~~(250)~~~~(229)~~ **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 dominant certificated telecommunications utility.

~~(251)~~~~(230)~~ **Trunk** -- A circuit facility connecting two switching systems.

~~(252)~~~~(231)~~ **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)~~~~(232)~~ **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)~~~~(233)~~ **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)~~~~(234)~~ **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)~~~~(235)~~ **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)~~~~(236)~~ **Virtual private line** -- Circuits or bandwidths, between fixed locations, that are available on demand and that can be dynamically allocated.

~~(258)~~~~(237)~~ **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)~~~~(238)~~ **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)~~~~(239)~~ **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)~~~~(240)~~ **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)~~~~(241)~~ **Working capital requirements** -- The additional capital required to fund the increased level of accounts receivable necessary to provide telecommunications service.

~~(264)~~~~(242)~~ **“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)~~~~(243)~~ **“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)~~~~(244)~~ **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)(245)~~ **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)(246)~~ **311 service request** -- A written request from a governmental entity to a certificated telecommunications utility 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)(247)~~ **311 system** -- A system of processing 311 calls.

~~(270)~~ **911 or 9-1-1 service** -- An emergency reporting system whereby a caller can dial a common number (911) for all emergency services.

- (271) **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).
- (272) **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.
- (273) **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. The 9-1-1 database may also exchange information with other management service provider databases for commercial mobile radio service or nomadic interconnected voice over Internet Protocol or include or exclude other functions as may be requested by the purchasing 9-1-1 administrative entity.
- (274) **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, tandem, next generation 9-1-1 system, or its equivalent, or Internet Protocol-based system ~~next generation to a~~ public safety answering points or a public safety answering point network.
- (275) **9-1-1 network services provider** -- An entity designated by the appropriate 9-1-1 administrative entity to provide 9-1-1 network services in a designated area.
- (276)(248) **911 system** -- A system of processing emergency 911 calls, as defined in Texas Health and Safety Code §772.001, as may be subsequently amended.

- (277) 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 specific location. Also known as E9-1-1 control office or E9-1-1 selective router.
- (278) 9-1-1 service -- As defined in Texas Health and Safety Code §771.001(6).
- (279) 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.
- (280) 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.

§26.272. Interconnection.

(a) - (d) (No change.)

(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, E-9-1-1, operator services, white pages telephone directory listing, publication and distribution, and directory assistance. The following minimum terms and conditions shall apply:

(A) (No change.)

(B) ~~E-9-1-1E-911~~ services. ~~E-9-1-1E-911~~ services include automatic number identification (ANI), ANI and automatic location identification (ALI) ~~Automatic Number Identification (ANI), ANI and Automatic Location Identification (ALI), ANI and/or ALI and~~ selective routing, and/or any other ~~combination of~~ enhanced 9-1-1 features required by the 9-1-1 administrative entity Regional Planning Commission or the 9-1-1 emergency communication district responsible for the geographic area involved. ~~This requirement is in accordance with Health and Safety Code, Chapters 771 and 772., and the applicable regional plan approved by the Commission on State Emergency Communications or by the emergency communication district, defined in Health and Safety Code, §771.001(2), responsible for the geographic area involved or other local authority 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 connecting with the appropriate CTU in the provision of 9-1-1 service either directly or indirectly in a manner approved by the appropriate 9-1-1 administrative entity~~ordering or provisioning the trunk groups necessary to provide E-911 services.~~
- (II) The CTU is responsible for enabling all its customers to ~~dial the three digits 9, 1, 1, and only these numbers, to~~ access 9-1-1 service.
- (III) The CTU is responsible for providing the ANI~~the telephone number of the 9-1-1 calling customer~~ to the appropriate entity operating the CTU's~~E-911 selective routers,~~ tandems, IP-based systems, NG9-1-1 systems, or appropriate PSAPs~~9-1-1 Public Safety Answering Point~~, as applicable. The ANI~~This number~~ must include both the numbering plan area (NPA) code, or numbering plan digit (NPD), a component of the traditional 9-1-1 signaling protocol that identifies 1 of 4 possible area codes, as appropriate, and ~~necessary~~, the local telephone number of the 9-1-1 calling customer that can be used to successfully

- complete a return call to the customer. ~~ANI represents this capability.~~
- (IV) The CTU is responsible for ~~selectively~~ routing a 9-1-1 customer call, as well as interconnecting traffic on its network, to the appropriate ~~CTU's~~ E-911 ~~selective routers, tandems, IP-based systems, NG9-1-1 systems, or PSAPs appropriate 9-1-1 Public Safety Answering Point,~~ as applicable, based on the ~~ALANI and/or location of the calling party.~~ The appropriate ~~CTU and/or appropriate~~ 9-1-1 ~~administrative~~ entity, as applicable, shall provide ~~specifications~~ routing information to the CTU for routing purposes.
- (V) The CTU is responsible for providing ~~the ALI for each of its customers. The ALI~~ appropriate information describing ~~the location from which a CTU customer is placing a 9-1-1 call. This information~~ shall consist of the calling customer name, physical location, appropriate emergency service providers, and other similar data ~~specified by the applicable 9-1-1 administrative entity. For purposes of this subclause, appropriate or other similar data shall be determined by the Regional Planning Commission responsible for the geographic area involved, in accordance with Health and Safety Code, Chapter 771, and the applicable regional plan~~

~~approved by the Commission on State Emergency Communications or by the emergency communication district, defined in Health and Safety Code, §771.001(2), responsible for the geographic area involved or other local authority responsible for the geographic area involved.~~

- (ii) Each ~~interconnecting~~ CTU ~~shall timely provide~~~~is responsible for providing~~ to the ~~appropriate 911 administrative entity~~~~local authority~~ and the ~~appropriate 9-1-1 database management services provider~~~~appropriate CTU~~, 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, the appropriate CTU refers to the CTU designated by the local authority for purposes of maintaining the 9-1-1 database.~~

~~(I)(H)~~ For purposes of this clause, ~~a CTU timely provides the information if, the information is considered timely if~~ within 24 hours of receipt ~~of the information~~, it ~~delivers the information to the appropriate~~~~is delivered by the CTU to~~ ~~9-1-1 database management services provider~~~~the appropriate CTU~~ and the ~~appropriate 911 administrative entity~~~~local authority~~, ~~or if the CTU is the appropriate 9-1-1 database management services provider, it places the~~

information in the 9-1-1 database~~and/or placed into the database by the appropriate CTU.~~

~~(II)~~(III) For purposes of this clause, the information sent by a CTU to the 9-1-1 database management services provider~~appropriate CTU~~ ~~and/or~~ the information used by the 9-1-1 database management services provider~~appropriate CTU~~ 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/or~~ 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)~~(IV) Interconnecting CTUs shall execute confidentiality agreements with each other, as necessary, to prevent the unauthorized disclosure of unpublished/unlisted~~non-published/non-listed~~ numbers. Interconnecting CTUs shall be allowed access to the ALI database or its equivalent by the appropriate 9-1-1 database management services provider~~CTU~~ for verification purposes. The appropriate~~local~~ 9-1-1 administrative entity shall provide non-discriminatory access to the master street address guide~~Master Street Address Guide~~.

- (iii) Each CTU is responsible for developing a 9-1-1 disaster recovery⁵ service restoration plan with input from the appropriate 9-1-1 administrative entities~~applicable Regional Planning Commission or emergency communication district and the Commission on State Emergency Communications~~. 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 ~~the~~ 9-1-1 service. Each CTU~~s~~ shall notify the appropriate 9-1-1 administrative entities~~applicable Regional Planning Commission or emergency communications district~~ of any changes in CTU 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 notification of scheduled outages for 9-1-1 trunks at least 48 hours prior to such outages. In the event of unscheduled outages for 9-1-1 trunks, interconnecting CTUs shall provide each other and the appropriate 9-1-1 administrative entity immediate notification of such outages.
- (v) Each NCTU's rates for 9-1-1 service to a public safety answering point~~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 systems or NG9-1-1 systems or the 9-1-1 administrative entity's authority to require the removal of unnecessary trunks, circuits, databases, or functions.

(C) - (D) (No change.)

(2) (No change.)

(f) - (i) (No change.)

§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 ~~Advisory~~ Commission on State Emergency Communications (~~CSECA~~~~CSEC~~) establishes and the allocation of the revenues from such fees pursuant to Texas Health and Safety Code ~~(1998)~~ §§771.071, 771.072, and 771.0725 ~~and 771.076~~.

~~(b) **Definitions.** The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.~~

~~(1) **9-1-1 Service**—The meaning established in Texas Health ~~and~~ Safety Code ~~(1998)~~ §771.001(6).~~

~~(2) **Regional Planning Commission**—The meaning established in Texas Health ~~and~~ Safety Code ~~(1998)~~ §771.001(10).~~

~~(b) **CSEC**~~ ~~(e) **ACSEC**~~ **shall:**

(1) provide documentation to the commission regarding the rate for the fees authorized in Texas Health and Safety Code ~~(1998)~~ §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 ~~CSECA~~~~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~~~~CSEC~~ provides its documentation to the commission.

~~(c)(d)~~ Interested parties shall file, not later than 45 days after ~~CSEC~~~~CSEC~~ publishes notice in the *Texas Register*, comments on ~~CSEC's~~~~CSEC's~~ 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)~~from such fees.~~

~~(d)(e)~~ The commission will review the documentation, rates and revenue allocations provided by ~~CSEC~~~~CSEC~~ and any comments submitted. If the commission determines that a proposed rate or allocation is not appropriate, it shall provide comments to ~~CSEC~~~~CSEC~~, the governor, and the Legislative Budget Board within 120 days of ~~CSEC's~~~~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) ~~This section is not applicable to commercial mobile radio service (CMRS) providers that are not certificated telecommunications utilities (CTUs), or database management service providers offering service exclusively to CMRS providers that are not CTUs in the state of Texas.~~
- (b) **Application.** This section applies to all certificated telecommunications utilities (CTUs). ~~**Definitions.** The following words and terms, used in this section shall have the following meanings, unless the context clearly indicates otherwise:~~
- (1) ~~**9-1-1 administrative entity** -- A regional planning commission as defined in Texas Health and Safety Code Annotated §771.001(10) and an emergency communication district as defined in the Texas Health and Safety Code Annotated §771.001(3).~~
- (2) ~~**9-1-1 database services** -- Services purchased by the 9-1-1 administrative entity(ies) 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.~~

- (3) ~~9-1-1 network services~~ --- Services purchased by the 9-1-1 administrative entity(ies) that routes 9-1-1 calls from a 9-1-1 tandem or its equivalent to a public safety answering point(s).
- (4) ~~9-1-1 database management services provider~~ --- The 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.
- (5) ~~9-1-1 network services provider~~ --- The CTU designated by the 9-1-1 administrative entity to provide 9-1-1 network services.
- (6) ~~Automatic location identification (ALI)~~ --- The automatic display at the public safety answering point (PSAP) of the caller's telephone number, the address/location of the telephone and supplementary emergency services information.
- (7) ~~Alternate routing~~ --- The capability of routing 9-1-1 calls to a designated alternate location if all 9-1-1 trunks to a primary PSAP are busy or out of service.
- (8) ~~Automatic number identification (ANI)~~ --- The telephone number associated with the access line from which a call originates.
- (9) ~~Commercial Mobile Radio Service (CMRS)~~ --- A mobile interconnected service provided for profit and available to the public.
- (10) ~~Commission on State Emergency Communications (CSEC)~~ --- The state commission formerly known as the Advisory Commission on State Emergency Communications, with the responsibilities and authority as specified in Texas Health and Safety Code, Chapter 771.

- (11) ~~**Default routing**~~ --- The capability to route a 9-1-1 call to a designated PSAP when the incoming 9-1-1 call cannot be selectively routed due to an ANI failure or other cause.
- (12) ~~**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 selective routing and selective transfer, if required, to the appropriate PSAP and the dispatching of the proper service agency(ies).
- (13) ~~**Emergency service zone (ESZ)**~~ --- A geographic area that has common law, fire, and emergency medical services that respond to 9-1-1 calls.
- (14) ~~**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 ESNs and their associated ESNs to enable proper routing of 9-1-1 calls.
- (15) ~~**NXX**~~ --- A three digit code, also commonly referred to as exchange or prefix, in which "N" is any digit 2 through 9 and "X" is any digit 0 through 9.
- (16) ~~**Numbering plan area (NPA)**~~ --- Also commonly referred to as an area code. An NPA is the first three digit code in the ten digit numbering format that applies throughout areas served by the North American Numbering Plan number for a particular calling area.
- (17) ~~**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 100 during the average busy hour will be blocked.~~

~~(18) **Public safety answering point (PSAP)** --- A continuously operated communications facility established or authorized by local governmental 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.~~

~~(19) **Selective routing (SR)** --- The routing of a 9-1-1 call to the proper PSAP based upon the location of the caller. Selective routing is controlled by the ESN which is derived from the customer location.~~

~~(20) **Selective routing tandem switch** --- Switch located in a telephone central office that is equipped to accept, process, and route 9-1-1 calls to a specific location.~~

~~(21) **Service order system** --- System used by a telecommunications provider that, among other functions, tracks customer service requests and billing data.~~

~~(22) **Telecommunications provider** --- As defined in PURA §51.002(10).~~

~~(23) **Wholesale service** --- As defined in §26.5 of this title (relating to Definitions).~~

(c) **9-1-1 service provider certification requirements.**

~~(1) Only a CTU may be a 9-1-1 database management services provider.~~

~~(2) PSAPs and 9-1-1 administrative entities do not require certification by the commission. A 9-1-1 database management services provider must be a certificated telecommunications utility in order to provide a necessary element of 9-1-1 service in the state of Texas.~~

(d) **Requirement to prepare plan and reporting and notification requirements.**

- (1) **Network Services Plan.** Before providing service~~By September 1, 2000~~, 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, 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 ~~the~~ 9-1-1 customer premises equipment implications, if any, related to upgrades and modifications.
- (2) **Database Services Plan.** Before providing service~~By September 1, 2000~~, 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, a 9-1-1 database management services provider, or [thea](#) 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 [the](#) 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 trunk groups required from the end office(s) to the designated E9-1-1 selective ~~router~~routing tandem, IP-based system, or NG9-1-1 system~~and from the selective routing tandem to the PSAP.~~
- (D) 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(ies)~~applicable 9-1-1 Administrative 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 entities, CSEC,~~regional planning commission or emergency communication district, 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.

Before a CTU provides local exchange service, including resale, it shall execute a 9-1-1 service agreement with the appropriate 9-1-1 administrative entity and remit the required 9-1-1 emergency service fee to the 9-1-1 administrative entity pursuant to such agreement.

- (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 rule, must file within 90 days from the effective date of this rule 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 supersede a 9-1-1 administrative entity's authority to migrate to newer functionally equivalent IP-based systems and/or NG9-1-1 systems, or to require the removal of unnecessary trunks, circuits, databases, or functions.

§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 dedicated 9-1-1 trunks approved by the appropriate 9-1-1 administrative entity and used in the provision of 9-1-1 service to end users by certificated telecommunications utilities (CTUs).
- (b) **Application.** This section applies to all CTUs that are facilities based and providing local exchange service.
- ~~(c) **Definitions.** The following words and terms when used in this section shall have the following meaning unless the context indicates otherwise:~~
- ~~(1) **9-1-1 entity** --- A regional planning commission as defined in Texas Health and Safety Code Annotated §771.001(10) and an emergency communication district as defined in the Texas Health and Safety Code Annotated §771.001(3).~~
- ~~(2) **9-1-1 Service Agreement** --- The contract addressing the 9-1-1 service arrangement(s) for the relevant local area that the 9-1-1 entity and the CTU shall negotiate and execute.~~
- ~~(3) **Dedicated trunk** --- A 9-1-1 trunk that originates at a CTU switching office or point of presence to a port of termination at a 9-1-1 selective router or tandem, as described to the CTU by the applicable 9-1-1 entity in its service arrangement requirements for each applicable rate center. The dedicated trunk includes transport, port usage, and termination. Each CTU shall be responsible for providing such dedicated trunks from the CTU switching office or point of presence to the 9-1-1 selective router.~~

~~(4) **Service arrangement** -- Each particular arrangement for 9-1-1 emergency service specified by the 9-1-1 entity for the relevant rate center(s) within its jurisdictional area.~~

~~(c)(d)~~ **Reimbursable costs.**

- (1) **9-1-1/CTU Reimbursement.** Subject to the applicable law regarding payments by ~~the~~ 9-1-1 administrative entity, the appropriate 9-1-1 administrative entity shall reimburse a CTU a maximum non-recurring rate of \$165 and recurring rate of \$39 per month as the total compensation for each dedicated 9-1-1 trunk unless:
 - (A) the CTU files a petition with the commission and notice of such filing with the appropriateaffected 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 affected 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 the 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 ~~E9-1-19-1-1~~ selective router ~~or~~ tandem, IP-based 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 or reimbursable costs, unless the CTUs mutually agree to different points of interconnection.
- (B) To the extent a CTU provisions its own dedicated 9-1-1 trunk(s) from its end office or POP directly to the ~~E9-1-19-1-1~~ selective router ~~or~~ tandem, IP-based system or NG9-1-1 system of another 9-1-1 network services provider, the CTU is required to compensate such provider for port usage and termination charges. For instances where the 9-1-1 network services provider is an ILEC, the ~~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 dedicated 9-1-1 trunk(s) from a 9-1-1 network services provider to the ~~E9-1-19-1-1~~ selective router ~~or~~ tandem, IP-based system or NG9-1-1 system from its end office or POP, the CTU is required to compensate such provider for transport, port usage and termination charges. For instances where the 9-1-1 network services provider is an

ILEC, the~~The~~ 9-1-1 network services provider shall assess such charges on a TELRIC basis.

(D) To the extent a CTU leases from an ILEC 9-1-1 network services provider extending a dedicated 9-1-1 trunk ~~from a 9-1-1 network services provider 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)~~CLEC~~ may lease or provision its own dedicated 9-1-1 trunks to the point of interconnection or directly to the 9-1-1 network services provider's E9-1-1~~19-1-1~~ selective router ~~or~~ tandem, IP-based system, or NG9-1-1 system.

(F) Nothing in this section is intended to preclude the commission from exercising authority for situations involving CLECs.

(4) The number of 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 dedicated 9-1-1 trunks to each E9-1-1~~19-1-1~~ selective router tandem, IP-based 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 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, 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 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 at no cost. Any other traffic studies to evaluate current network performance will be provided to the 9-1-1 administrative entity upon request, and the CTU shall be compensated by the 9-1-1 administrative entity 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 the dedicated 9-1-1 trunk from the switching office or point of presence that connects to the ~~E9-1-19-1-1~~ selective router tandem, IP-based system, or NG9-1-1 system can submit charges to the 9-1-1 administrative entity 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 as necessary to connect to an E9-1-1 selective router, tandem, IP-based system, or NG9-1-1 system. The appropriate 9-1-1 administrative entity may approve dedicated 9-1-1 trunking arrangements that aggregate the 9-1-1 service of multiple CTUs.
- (8) Except for IP-based systems or NG9-1-1 systems, where~~Where~~ the same 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 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 dedicated 9-1-1 trunks. The 9-1-1 administrative entity that is responsible for receiving the billings for 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 as defined in ~~§26.5(275)~~~~§26.433(b)~~ of this title (relating to ~~Definitions~~~~Roles and Responsibilities of 9-1-1 Service Providers~~) shall bill the appropriate 9-1-1 administrative entity and shall not bill a CTU for Automatic Local Identification (ALI) and/or selective routing services; provided however, billing for additional or other 9-1-1 related services specifically required by a CTU is permitted.

- (e) **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 dedicated trunks:

- (1) Before the CTU initiates the provision of local exchange service in those areas in which the 9-1-1 entity provides 9-1-1 service, the CTU shall execute the 9-1-1 Service Agreement with the appropriate 9-1-1 administrative entity.
- (2) The CTU shall provide verification to the ~~appropriate~~~~applicable~~ 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.

~~(4) A CTU that provides resold local exchange service to end users must execute a separate service agreement with each 9-1-1 entity and remit the required 9-1-1 emergency service fee to the 9-1-1 entity pursuant to such service agreement.~~

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

**ISSUED IN AUSTIN, TEXAS ON THE 3rd DAY OF MAY 2010 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
ADRIANA A. GONZALES**

q:\cadm\txr-rules management\rules\rulemaking projects\telecom\38047\38047pub.doc