

**CHAPTER 26. SUBSTANTIVE RULES APPLICABLE TO TELECOMMUNICATIONS SERVICE PROVIDERS.**

**Subchapter D. RECORDS, REPORTS, AND OTHER REQUIRED INFORMATION.**

**§26.80. Annual Report on Historically Underutilized Businesses.**

- (a) This section does not apply to a company that holds a certificate of operating authority, a company that holds a service provider certificate of operating authority, a registered interexchange carrier, or an exempt carrier that meets the criteria of Public Utility Regulatory Act (PURA) §52.154.
- (b) In this section, “historically underutilized business” has the same meaning as defined by Title 10, Subtitle D, Chapter 2161 of the Texas Government Code.
- (c) Every utility must report its use of historically underutilized businesses (HUBs) to the commission on the form prescribed by the commission. A utility may submit the report physically or digitally in Microsoft Excel format.
  - (1) Each small local exchange company and telephone cooperative utility must, on or before December 30 of each calendar year, submit to the commission a comprehensive annual report detailing its use of HUBs for the four quarters ending on September 30 of the calendar year the report is filed, using the form prescribed by the commission.
  - (2) Every utility other than those specified in paragraph (1) of this subsection, must, on or before December 30 of each calendar year, submit to the commission a comprehensive annual report detailing its use of HUBs for the four prior quarters ending on September 30 of the calendar year the report is filed, using the form prescribed by the commission.
  - (3) Each utility that reports indirect HUB procurements or HUB procurements made by a contractor of the utility report such procurements separately on the form prescribed by the commission .
  - (4) Each utility must submit a text description of how it determined which of its vendors meets the criteria for a HUB.
  - (5) Each utility that has more than 1,000 customers in a state other than Texas or that purchases more than 10% of its goods and services from vendors not located in Texas must separately report, by total and category, all utility purchases, all utility purchases from Texas vendors, and all utility purchases from Texas HUB vendors. A vendor is a Texas vendor if the vendor is physically located within the boundaries of Texas.
  - (6) Each utility must also file any other information necessary to accurately assess the utility’s use of HUBs.
- (d) A utility is prohibited from utilizing information gathered to comply with this section to discriminate against any citizen on the basis of race, nationality, color, religion, sex, or marital status.
- (e) This section does not create a new private or public cause of action