

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

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

**§26.89. Nondominant Carriers' Obligations Regarding Information on Rates and Services.**

- (a) **Filing of tariff by nondominant carrier.** A nondominant carrier, including a nondominant carrier holding a certificate of operating authority or a service provider certificate of operating authority may, but is not required to file with the commission the information listed under paragraphs (1)-(3) of this subsection. If filed, such information must be updated and kept current at all times.
- (1) A description of each type of telecommunications service provided;
  - (2) For each service listed in response to paragraph (1) of this subsection, the locations in the state by city in which service is originated or terminated. If a service is provided statewide, the carrier must specify either origination or termination; and
  - (3) A tariff, schedule, or list showing each rate for each service, product, or commodity offered by the nondominant carrier. A tariff must include a cover letter that lists each rule that relates to or affects a rate of the nondominant carrier, or a utility service, product, or commodity furnished by the nondominant carrier.
- (b) **Annual tariff update.** By June 30 of each calendar year, each nondominant carrier that, during the previous 12 months, has not filed changes to the information specified by subsection (a) of this section must file with the commission a letter informing the commission that no changes have occurred. An uncertificated nondominant carrier that fails to file either this letter or the updates specified by subsection (a) of this section during the 12 month period ending on June 30 will no longer be registered with the commission.
- (c) **Filing of nondominant carrier tariff by affiliate or trade association.** An affiliate of a nondominant carrier or trade association may file the information listed under subsection (a)(1)-(3) and (b) of this section on behalf of a nondominant carrier.
- (1) For each filing, the nondominant carrier must authorize the affiliate of the nondominant carrier or trade association, via written affidavit filed with the commission, to file such information on its behalf.
  - (2) The authorization specified by paragraph (1) of this subsection may be included in the filing by the affiliate of the nondominant carrier or trade association.
  - (3) The filing by affiliate of the nondominant carrier or trade association must comply with the requirements of this section and other applicable law.
- (d) **Registration requirement for nondominant carriers.** A nondominant carrier must comply with the registration requirements of §26.107 of this title (relating to Registration of Interexchange Carriers (IXCs), Prepaid Calling Services Companies (PPC), and Other Nondominant Telecommunications Carriers).
- (e) **Exceptions.** A nondominant carrier:
- (1) may, but is not required to, maintain on file with the commission each tariff, price list, or customer service agreement that governs the terms of providing service;
  - (2) may cross-reference its federal tariff in its state tariff if its intrastate switched access rates are the same as its interstate switched access rate;
  - (3) may withdraw a tariff, price list, or customer service agreement not required to be filed or maintained with the commission under this section if the nondominant carrier:
    - (A) files written notice of the withdrawal with the commission; and
    - (B) notifies each of its customers of the withdrawal and posts each current and applicable tariff, price list, or customer service agreement on its Internet website.
  - (4) is not required to obtain advance approval for a filing with the commission or a posting on the nondominant carrier's Internet website that adds, modifies, withdraws, or grandfathers a retail service or the rates, terms, or conditions of such a service;

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- (5) is not subject to any rule or regulatory practice that is not imposed on:
  - (A) a holder of a certificate of convenience and necessity serving the same area; or
  - (B) a deregulated company that:
    - (i) has 500,000 or more access lines in service at the time it becomes a deregulated company; or
    - (ii) serves an area also served by the nondominant telecommunications utility.