

CHAPTER 26. SUBSTANTIVE RULES APPLICABLE TO TELECOMMUNICATIONS SERVICE PROVIDERS.

Subchapter J. COSTS, RATES AND TARIFFS.

§26.207. Form and Filing of Tariffs.

- (a) **Application.** Unless the context clearly indicates otherwise, in this section the term "utility" insofar as it relates to telecommunications utilities, shall refer to dominant carriers.
- (b) **Purpose.** The purpose of this section is to establish procedures and standards for the form, filing and review of dominant certificated telecommunications utilities' (DCTUs) tariffs.
- (c) **Effective tariff.** No utility shall directly or indirectly demand, charge, or collect any rate or charge, or impose any classifications, practices, rules, or regulations different from those prescribed in its effective tariff filed with the commission.
- (d) **Requirements as to size, form, identification and filing of tariffs.**
 - (1) Every public utility shall file with the commission filing clerk five copies of its tariff containing schedules of all its rates, tolls, charges, rules, and regulations pertaining to all of its utility service when it applies for a certificate of convenience and necessity to operate as a public utility. It shall also file five copies of each subsequent revision. Each revision shall be accompanied by a cover page which contains a list of pages being revised, a statement describing each change, its effect if it is a change in an existing rate, and a statement as to impact on rates of the change by customer class, if any. If a proposed tariff revision constitutes an increase in existing rates of a particular customer class or classes, then the commission may require that notice be given.
 - (2) All tariffs shall be in loose-leaf form of size 8 1/2 inches by 11 inches and shall be plainly printed or reproduced on paper of good quality. The front page of the tariff shall contain the name of the utility and location of its principal office and the type of service rendered (telephone, electric, etc.).
 - (3) Each rate schedule must clearly state the territory, city, county, or exchange wherein said schedule is applicable.
 - (4) Tariff sheets are to be numbered consecutively per schedule. Each sheet shall show an effective date, a revision number, section number, sheet number, name of the utility, the name of the tariff, and title of the section in a consistent manner. Sheets issued under new numbers are to be designated as original sheets. Sheets being revised should show the number of the revision, and the sheet numbers shall be the same.
 - (5) Any telecommunications utility, after a declaration by the commission that it is a dominant carrier, shall file tariffs complying with the above requirements. These tariffs shall be filed within the time specified in the commission order finding the telecommunications utility a dominant carrier, or within 60 days in the absence of such a specification.
- (e) **Composition of tariffs.** The tariff shall contain sections setting forth:
 - (1) a table of contents;
 - (2) a preliminary statement containing a brief description of the utility's operations;
 - (3) a list of the cities, exchanges, and counties in which service is provided;
 - (4) the rate schedules; and
 - (5) the service rules and regulations, including forms of the service agreements.
- (f) **Tariff filings in response to commission orders.** Tariff filings made in response to an order issued by the commission shall include a transmittal letter stating that the tariffs attached are in compliance with the order, giving the docket number, date of the order, a list of tariff sheets filed, and any other necessary information. The tariff sheets shall comply with all other rules in this chapter and shall

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include only changes ordered. The effective date and/or wording of the tariffs shall comply with the provisions of the order.

- (g) **Symbols for changes.** Each proposed tariff sheet shall contain notations in the right-hand margin indicating each change made on these sheets. Notations to be used are: (C) to denote a change in regulations; (D) to denote discontinued rates or regulations; (E) to denote the correction of an error made during a revision (the revision which resulted in the error must be one connected to some material contained in the tariff prior to the revision); (I) to denote a rate increase; (N) to denote a new rate or regulation; (R) to denote a rate reduction; and (T) to denote a change in text, but no change in rate or regulation. In addition to symbols for changes, each changed provision in the tariff shall contain a vertical line in the right-hand margin of the page which clearly shows the exact number of lines being changed.
- (h) **Availability of tariffs.** Each utility shall make available to the public at each of its business offices or designated sales offices within Texas all of its tariffs currently on file with the commission, and its employees shall lend assistance to persons seeking information on its tariffs and afford inquirers an opportunity to examine any tariff upon request. The utility also shall provide copies of any portion of its tariffs at a reasonable cost.
- (i) **Effective date of tariff change.** No jurisdictional tariff change may take effect prior to 35 days after filing without commission approval. The requested date will be assumed to be 35 days after filing unless a different date is requested in the application. The commission may suspend the effective date of the tariff change for 120 days after the requested effective date and may extend that suspension another 30 days if required for final determination. In the case of an actual hearing on the merits of a case that exceeds 15 days, the suspension date is extended two days for each one day of actual hearing in excess of 15 actual hearing days.