

CHAPTER 26. SUBSTANTIVE RULES APPLICABLE TO TELECOMMUNICATIONS SERVICE PROVIDERS.

Subchapter B. CUSTOMER SERVICE AND PROTECTION.

§26.33. Prompt Payment Act.

- (a) **Application.** This section applies to billing by a certificated telecommunication utility (CTU) to a “governmental entity” as defined in Texas Government Code Chapter 2251, the Prompt Payment Act (PPA). This section controls over other sections of this chapter to the extent that they conflict.
- (b) **Time for payment by a governmental entity.** A payment by a governmental entity shall become overdue as provided in the PPA.
- (c) **Disputed bills.** If there is a billing dispute between a governmental entity and a CTU about any bill for CTU service, the dispute shall be resolved as provided in the PPA.
- (d) **Interest on overdue payment.** Interest on an overdue governmental entity payment shall be calculated by the governmental entity pursuant to the terms of the PPA and remitted to the CTU with the overdue payment. However, pursuant to §26.27(a)(2) of this title (relating to Bill Payment and Adjustments), a governmental entity that is also an agency in any branch of government is not subject to a fee, penalty, interest, or other charge to the state for delinquent payment of a bill from a dominant certificated telecommunications utility.
- (e) **Notice.** A CTU shall provide written notice to all of its non-residential customers of the applicability of the PPA to the CTU’s service to governmental entities. This notice shall be completed within six months of the effective date of this section for existing non-residential customers and, within three months of the effective date of this section, shall be provided to a new customer at or before the time that the terms of service are provided to the customer. A CTU’s failure to provide this notice does not give rise to any independent claim under the PPA, nor does this notice initiate or terminate any party’s rights or obligations under the PPA.
 - (1) The failure of a CTU to provide written notice in accordance with this subsection may be considered in a PPA billing complaint.
 - (2) The failure of a governmental entity to inform the CTU of its status as a governmental entity may be considered in a PPA billing complaint.