

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

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

**§26.73. Annual Earnings Report.**

- (a) Each utility shall file with the commission, on commission-prescribed forms available on the commission's website, an earnings report providing the information required to enable the commission to properly monitor public utilities within the state. A deregulated or transitioning company is not required to file an earnings report with the commission unless the company is receiving support from the Texas High Cost Universal Service Plan.
- (1) Each utility shall report information related to the most recent calendar year as specified in the instructions to the report.
  - (2) Each utility shall file three copies of the commission-prescribed earnings report and shall electronically transmit one copy of the report no later than May 15th of each year.
  - (3) A utility with a rate proceeding pending before the commission on the due date of the annual earnings report, pursuant to the Public Utility Regulatory Act (PURA), Chapter 53, in which a rate filing package is required, or who had a final order issued in such a proceeding within the previous 12 months, is exempt from filing the report.
- (b) In addition to the utilities required to file under subsection (a) of this section, a telecommunications provider shall file with the commission the provider's annual earnings report if the provider:
- (1) Is not a local exchange company subject to a total support reduction plan under §26.403 of this title (relating to the Texas High Cost Universal Service Plan) or that has made an election under PURA §56.023(1);
  - (2) Serves greater than 31,000 access lines; and
  - (3) Receives support under a plan established under PURA §56.021(1).
- (c) A report filed under this section is confidential and not subject to disclosure under the Texas Government Code, Public Information Act, Chapter 552.