

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 deregulated company that holds a certificate of operating authority or to an exempt carrier under Public Utility Regulatory Act (PURA) §52.154.
- (b) In this section, “historically underutilized business” has the same meaning as in Texas Government Code, §481.191, as it may be amended.
- (c) Every utility shall report its use of historically underutilized businesses (HUBs) to the commission on a form approved by the commission. A utility may submit the report on paper, or on paper and on a diskette (in Lotus 1-2-3 (*utility name.wk*) or Microsoft Excel (*utility name.xl*) format).
 - (1) Each small local exchange company and telephone cooperative utility shall on or before December 30 of each year submit to the commission a comprehensive annual report detailing its use of HUBs for the four quarters ending on September 30 of the year the report is filed, using the Small Utilities HUB Report form.
 - (2) Every utility other than those specified in paragraph (1) of this subsection, shall on or before December 30 of each 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 year the report is filed, using the Large Utilities HUB Report form.
 - (3) Each utility wishing to report indirect HUB procurements or HUB procurements made by a contractor of the utility may use the Supplemental HUB report form.
 - (4) Each utility shall submit a text description of how it determined which of its vendors is 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, shall 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 considered a Texas vendor if its physical location is situated within the boundaries of Texas.
 - (6) Each utility shall also file any other documents it believes appropriate to convey an accurate impression of its use of HUBs.
- (d) This section may not be used 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 cause of action, either public or private.