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DOCKET NO. 50667

APPLICATION OF TEXAS
TELEPHONE ASSOCIATION FOR
ADMINISTRATIVE APPROVAL OF
ACCESS SERVICE TARIFF UNDER
16 TAC § 26.207

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PUBLIC UTILITY COMMISSION
OF TEXAS



ORDER NO. 2
CERTIFYING AN ISSUE TO THE COMMISSION

On March 16, 2020, the Texas Telephone Association (TTA) filed an application seeking approval of a proposed tariff, to be issued in TTA's name, under which its members would provide intrastate access services.

In Order No. 1 filed on April 29, 2020, the administrative law judge (ALJ) identified issues that he believed required consideration before further processing of the application. The ALJ requested briefing on the following issues:

1. Under the Commission's rules, "*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."¹ Does TTA's application comply with the Commission's rules,² which appears to require each public utility to file a tariff or tariff revision on an individual basis?
2. Does any statute or rule authorize a representative to file on behalf of multiple certificate of convenience and necessity (CCN) holders a proposed tariff that is applicable to multiple CCN holders?
3. Under PURA³ § 52.251(a), "A public utility shall file with the commission a tariff showing each rate that is: (1) subject to the commission's jurisdiction; and (2) in effect for a utility service, product, or commodity *offered by the utility*."⁴ Does TTA's requested tariff comply with state law if it contains rates for services,

¹ 16 Texas Administrative Code (TAC) § 26.207(d)(1) (emphasis added).

² *Id.*

³ Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66.016.

⁴ Emphasis added.

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products, or commodities that are not uniformly applicable to all of the CCN holders listed in the tariff?

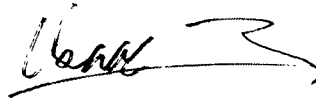
4. Does any statute or rule authorize the Commission to issue a tariff to be held by a representative, in the representative's name, on behalf of multiple CCN holders who would then charge various different rates for services, products, or commodities on an individual basis?

On May 11, 2020, TTA, joined by Commission Staff, filed a brief in response to Order No. 1. After considering the arguments presented in TTA's brief, the ALJ believes the questions are appropriate issues for certification to the Commission under 16 TAC § 22.127(b)(3). Accordingly, under 16 TAC § 22.127(a), the ALJ certifies to the Commission the questions posed above.

If any party wishes to file additional briefing on the certified issues, it must do so by June 2, 2020.

Signed at Austin, Texas the 19th day of May 2020.

PUBLIC UTILITY COMMISSION OF TEXAS



ISAAC TA
ADMINISTRATIVE LAW JUDGE