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Arthur C. D'Andrea  
Chairman



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Greg Abbott  
Governor

Thomas J. Gleeson  
Executive Director

## *Public Utility Commission of Texas*

TO: Stephen Journeay  
Commission Counsel

All Parties of Record

FROM: Isaac Ta *I. T.*  
Administrative Law Judge

RE: **Docket No. 51363** – *Joint Application of Texas Statewide Telephone Cooperative, Inc. and the Texas Telephone Association for Administrative Approval of an Intrastate Access Services Tariff*

DATE: April 21, 2021

**Because of the COVID-19 state of disaster, the Commission has moved to a work at home environment and is working to maintain operations as normally as possible. However, all known challenges have not yet been overcome and the dates provided in this notice are subject to change.**

Enclosed is the Proposed Order in the above-referenced case. By copy of this memo, the parties to this proceeding are being served with the Proposed Order.

Please place this docket on an open meeting agenda for the Commissioners' consideration. Please notify me and the parties of the open meeting date. The parties must file corrections or exceptions to the Proposed Order on or before May 5, 2021.

**If a party proposes a correction or exception, the party must fully explain the correction or exception and must provide a citation to the record to support the correction or exception.**

**If there are no corrections or exceptions, no response is necessary.**

/taw

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## TARIFF CONTROL NO. 51363

JOINT APPLICATION OF THE	§	PUBLIC UTILITY COMMISSION
INCUMBENT LOCAL EXCHANGE	§	
CARRIER MEMBERS OF TEXAS	§	OF TEXAS
STATEWIDE TELEPHONE	§	
COOPERATIVE, INC. AND THE	§	
TEXAS TELEPHONE ASSOCIATION	§	
FOR ADMINISTRATIVE APPROVAL	§	
OF AN INTRASTATE ACCESS		
SERVICES TARIFF		

### PROPOSED ORDER

This Order addresses the application of the incumbent local exchange carrier members of Texas Statewide Telephone Cooperative, Inc. (TSTCI) and the Texas Telephone Association (TTA) for approval of a generic Texas intrastate access tariff (generic tariff). In coordination with Commission Staff, TSTCI and TTA submitted a revised proposed generic tariff in conformity with the July 20, 2020 Order on Certified Issues in Docket Nos. 50667<sup>1</sup> and 50863.<sup>2</sup> The Commission approves the application and proposed tariff sheets.

#### I. Findings of Fact

The Commission makes the following findings of fact.

##### Applicants

1. TSTCI and TTA are trade groups representing various companies in the telecommunications industry, including telecommunications providers and companies that provide products and services to those providers.
2. TSTCI and TTA are not regulated entities and do not provide any type of telecommunications service.

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<sup>1</sup> *Application of Texas Telephone Association for Administrative Approval of Access Service Tariff Under 16 TAC § 26.207*, Docket No. 50667, Order on Certified Issues (July 31, 2020).

<sup>2</sup> *Application of Texas Statewide Telephone Cooperative, Inc. for Administrative Revisions to Its Intrastate Access Service Tariff*, Docket No. 50853, Order on Certified Issues (July 31, 2020).

3. TSTCI and TTA's members include a number of small and rural incumbent local exchange companies that provide service in Texas.

**Application**

4. On September 24, 2020, the incumbent local exchange carrier members of TSTCI and TTA filed the joint application at issue in this proceeding in which they seek approval of the generic tariff.
5. On December 4, 2020, the incumbent local exchange carrier members of TSTCI and TTA filed a revised, digitized copy of the generic tariff.
6. On February 16, 2021, the incumbent local exchange carrier members of TSTCI and TTA filed additional revisions to the generic tariff, specifically revising Original Page 2-30, Section 2.4.1(E)(3), and Original Page 2-52, Section 2.4.8.
7. On April 5, 2021, the incumbent local exchange carrier members of TSTCI and TTA filed the final version of the generic tariff as an attachment to their response to Order No. 11.

**Notice**

8. Notice of the application appeared in the December 4, 2020 issue of the *Texas Register*.

**Evidentiary Record**

9. On March 15, 2021, the parties filed a joint motion to admit evidence.
10. On March 29, 2021, the parties filed a letter clarifying the evidence sought to be admitted.
11. In Order No. 10 filed on March 29, 2021, the ALJ admitted the following evidence into the record of this proceeding: (a) applicants' application and accompanying tariff sheets filed on September 24, 2020; (b) applicants' letter and revised proposed notice filed on November 12, 2020; (c) Commission Staff's recommendation on the application, notice, and proposed procedural schedule filed on November 12, 2020; (d) *Texas Register* acknowledgment of receipt, confirming notice would be published in the December 4, 2020 issue of the *Texas Register*, filed on November 19, 2020; (e) applicants' response to Order No. 3 and accompanying tariff sheets filed on December 4, 2020; (f) Commission Staff's recommendation on final disposition filed on February 5, 2021; (g) applicants' response to Order No. 7 filed on February 16, 2021; and (h) Commission Staff's supplemental recommendation on final disposition filed on March 1, 2021.

12. On April 20, 2021, the parties filed a supplemental motion to admit evidence.
13. In Order No. 13 filed on April 20, 2021, the ALJ admitted the following evidence into the record of this proceeding: (a) the parties' joint letter clarification in response to Order No. 9 filed on March 29, 2021; (b) applicants' response to Order No. 11 and the accompanying final version of the generic tariff; and (c) the applicants' response to Order No. 12 filed on April 20, 2021.

**Informal Disposition**

12. More than 15 days have passed since the completion of notice provided in this docket.
13. No person filed a protest or motion to intervene.
14. The incumbent local exchange carrier members of TSTCI and TTA and Commission Staff are the only parties to this proceeding.
15. No party requested a hearing and no hearing is needed.
16. Commission Staff recommended that the application be approved.
17. This decision is not adverse to any party.

**II. Conclusions of Law**

The Commission makes the following conclusions of law.

1. The Commission has authority over this matter under PURA<sup>3</sup> §§ 52.002 and 52.251.
2. The final version of the generic tariff attached to TSTCI and TTA's April 5, 2021 response to Order No. 11 meets all tariff filing requirements for a tariff for rates for intrastate access services under PURA § 52.251 and 16 Texas Administrative Code (TAC) §§ 26.5(241), 26.205, 26.207, and 26.208.
3. The final version of the generic tariff attached to TSTCI and TTA's April 5, 2021 response to Order No. 11 complies with the requirements of the Commission's Order on Certified Issues filed in Docket Nos. 50667 and 50853.
4. Adequate notice of this proceeding was provided in accordance with 16 TAC §§ 22.55 and 26.208.

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<sup>3</sup> Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66.016.

### III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

1. The Commission approves the final version of the generic tariff attached to TSTCI and TTA's April 5, 2021 response to Order No. 11, effective July 1, 2020.
2. Within ten days of the date of this Order, the parties must file a clean copy of the final version of the generic tariff, with the approved effective date, with Central Records to be marked *Approved* and kept in the Commission tariff book.
3. The Commission denies all other motions, and any other requests for general or special relief if not expressly granted.

Signed at Austin, Texas the \_\_\_\_\_ day of \_\_\_\_\_ 2021.

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**ARTHUR C. D'ANDREA, CHAIRMAN**