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Max Yzaguirre  
Chairman

Brett A. Perlman  
Commissioner

Rebecca Klein  
Commissioner

W. Lane Lanford  
Executive Director



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*Public Utility Commission of Texas*

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, D.C. 20554

Cheryl Parrino  
Chief Executive Officer  
Universal Service Administrative Company  
2120 L. Street, NW Suite 600  
Washington, D.C. 20037

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PUBLIC UTILITY COMMISSION

RE: **Federal-State Joint Board on Universal Service, CC Docket No. 96-45 /**  
**Addition of ETC Designates**

August 29, 2001

Dear Ms. Salas and Ms. Parrino:

Pursuant to Section 214(e)(2) of the Communications Act of 1934, as amended (the "Act") and 47 C.F.R. sections 54.201 – 54.203, the Texas Public Utility Commission (TPUC) has designated the following carriers as competitive eligible telecommunications carriers (ETCs) since it last updated your records on March 30, 2001:

NII Communications, LTD

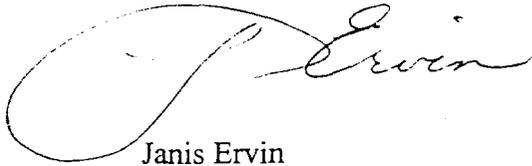
FEC Communications, L.L.P

Attached are the TPUC *Orders* granting ETC status to the above companies. These carriers are in addition to those provided in our letters of December 18, 1997 to Mr. John Ricker, May 19, 2000 to Ms. Christine L. Boreyko, and March 30, 2001 to Ms. Magalie Roman Salas and Ms. Cheryl Parrino.

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If you require any additional information please call Janis Ervin at (512)-936-7372.

Sincerely,

A handwritten signature in cursive script, appearing to read "J Ervin". The signature is written in black ink and is positioned to the left of the typed name.

Janis Ervin  
Senior Utilities Analyst  
Telecommunications Division  
Texas Public Utility Commission

cc: Pamela Whittington – Director, Policy Development Division  
Meena Thomas – Director, Policy Analysis, Telecommunications Division  
Jennifer Fagan – Attorney, Legal Division

(laug2001FCCETC)

DOCKET NO. 24265

APPLICATION OF NII  
COMMUNICATIONS, LTD. FOR  
DESIGNATION AS AN ELIGIBLE  
TELECOMMUNICATIONS PROVIDER  
(ETP) PURSUANT TO P.U.C.  
SUBSTANTIVE RULE 26.417 AND  
ELIGIBLE TELECOMMUNICATIONS  
CARRIER (ETC) PURSUANT TO P.U.C.  
SUBSTANTIVE RULE 26.418

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PUBLIC UTILITY COMMISSION  
OF TEXAS

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ORDER NO. 4  
NOTICE OF APPROVAL FOR DESIGNATION AS  
AN ELIGIBLE TELECOMMUNICATIONS CARRIER (ETC) AND  
ELIGIBLE TELECOMMUNICATIONS PROVIDER (ETP)

*Procedural History*

On June 15, 2001, nii communications, Ltd. (NII or the Company) filed an application for designation as an eligible telecommunications carrier (ETC) pursuant to P.U.C. SUBST. R. 26.418, and as an eligible telecommunications provider (ETP) pursuant to § 214(e) of the Federal Telecommunications Act (FTA)<sup>1</sup> and P.U.C. SUBST. R. 26.417. Under FTA § 214(e), a common carrier designated as an ETC in accordance with that subsection shall be eligible to receive federal universal service support under FTA § 254. ETC designation is the responsibility of the state Commission. NII is requesting ETP/ETC designation in order to be eligible to receive federal and state universal service funding to assist it in providing universal services in Texas. NII seeks ETP/ETC designation for eighty-one (81) local exchanges within the service territory of Southwestern Bell Telephone Company (SWBT) located in the state of Texas (Attachment A). NII holds Service Provider Certificate of Operating Authority No. 60240. On July 26, 2001, Applicant provided supplemental information as Attachment E in support of the application.

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<sup>1</sup> Telecommunications Act of 1996 § 3, 47 U.S.C.A. § 254 (West 1991 & Supp. 2001) (FTA).

The Commission issued Order No. 1 in this proceeding which established a procedural schedule, including deadlines for comment, motions to intervene, and published notice in the *Texas Register*. Notice was published in the *Texas Register* on July 6, 2001. NII affirmed delivery of one copy of the application to the Office of Public Utility Counsel on July 9, 2001. Pursuant to P.U.C. SUBST. R. 26.417(f)(2)(A)(i) and 26.418(g)(2)(A)(i), the effective date shall be no earlier than 30 days after the filing date of the application or 30 days after notice is completed, whichever is later. Therefore, the earliest effective date for this proceeding is August 8, 2001.

No objection, comment, or motions to intervene were filed, and no hearing was requested. P.U.C. SUBST. R. 26.417(f)(2)(A) and 23.418(g)(2)(A) provide that applications for ETC/ETP designation may be reviewed administratively.

On July 26, 2001, Commission Staff (Staff) filed a recommendation for approval of ETC and ETP status for NII based on the following:

***Designation as Eligible Telecommunications Carrier***

To qualify for ETC status, a carrier must meet four conditions:<sup>2</sup>

1. The carrier must be a common carrier, as that term is defined by FTA § 3(10).
2. The carrier must offer the following services (requisite services),<sup>3</sup> using its own facilities or a combination of its own facilities and the resale of another carrier's services:<sup>4</sup>
  - (a) voice grade access to the public switched network;
  - (b) local usage;
  - (c) dual tone multi frequency signaling or its functional equivalent;
  - (d) single party service or its functional equivalent;

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<sup>2</sup> 47 C.F.R. § 54.201(b)-(d) (2001).

<sup>3</sup> 47 C.F.R. § 54.101 (2001).

<sup>4</sup> 47 C.F.R. § 54.201 (2001).

- (e) access to emergency services, includes such services as 911 or enhanced 911;
- (f) access to operator services;
- (g) access to interexchange service;
- (h) access to directory assistance; and
- (i) toll limitation for qualifying low income customers.<sup>5</sup>

3. The carrier must advertise the availability of and charges for the requisite services in a media of general distribution.<sup>6</sup>

4. The carrier must provide Lifeline and Link Up support, and may not collect a deposit from a customer receiving such support if the customer also elects toll blocking.<sup>7</sup>

NII meets all of the above criteria. NII will advertise the designated services and provide an annual bill message regarding the services. NII provides the required services through the use of its own facilities. NII has made a commitment to offer Lifeline and Link Up support. NII offers toll-blocking service to qualifying customers. NII will offer the services to all consumers within the Company's proposed ETC service area. NII has not requested any waivers of the FCC requirements.

Southwestern Bell Telephone Company (SWBT) serves the exchanges for which NII requests USF support. FTA § 54.201(c) states:

Upon request and consistent with the public interest, convenience, and necessity, the state commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area

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<sup>5</sup> Pursuant to FTA § 54.400(d), the FCC defines "toll limitation" as either toll blocking or toll control for eligible telecommunications carriers that are incapable of providing both service.

<sup>6</sup> *Id.*

<sup>7</sup> 47 C.F.R. § 54.405 (2001).

designated by the state commission, so long as each additional requesting carrier meets the requirements of paragraph (D) of this section.

SWBT is not a rural carrier. Staff affirms that NII meets all of the established criteria and recommends ETC status be granted.

***Designation as Eligible Telecommunications Provider***

Pursuant to P.U.C. SUBST. R. 26.417, NII requested ETP designation in order to be eligible to receive funds from the Texas Universal Service Fund (TUSF) under the Texas High Cost Universal Service Plan (THCUSP). NII requested ETP designation for the eighty-one (81) exchanges listed in Attachment B of its initial application, and incorporated as Attachment A of this Order. NII meets the definition of local exchange carrier (LEC) as defined in P.U.C. SUBST. R. 26.5.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(II) requires carriers applying for ETP status to show that they have been granted ETC status for federal universal service support pursuant to FTA § 214(e). In Order No. 2 the Commission granted NII's request for waiver of P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(II) to allow simultaneous processing of its ETC and ETP applications.

To qualify for ETP status, a carrier must show that they offer the designated services defined in P.U.C. SUBST. R. 26.403 throughout the THCUSP or small and rural incumbent local exchange carrier service areas for which the carriers seek ETP status. The designated services required for ETP status are:<sup>8</sup>

1. flat rate, single party residential and business local exchange telephone service, including primary directory listings;
2. tone dialing service;
3. access to operator services;
4. access to directory assistance services;

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<sup>8</sup> P.U.C. SUBST. R. 26.403(d)(1) Texas High Cost Universal Service Plan (THCUSP).

5. access to 911 service when provided by local authority;
6. dual party relay service;
7. ability to report service problems seven days a week;
8. availability of annual local directory;
9. access to toll service; and
10. lifeline and tel-assistance services.

P.U.C. SUBST. R. 26.417(f)(1)(B)(i)(III) requires the applicant to assume the obligation to provide the services required under Subst. Rule 26.403 to any customer. NII states that it meets and assumes the responsibility to offer the basic services defined in Subst. Rule 26.403 to all customers in its exchanges for which ETP designation is requested. NII offers services through its own facilities and purchased unbundled network elements..

NII shall offer all eligible customers Lifeline, Link Up and Tel-Assistance services consistent with P.U.C. SUBST. R. 26.412 and P.U.C. SUBST. R. 26.413. NII will provide annual customer notice, as well as directory notice provided in SWBT's directories, and advertising the availability of its services at its internet site.

Pursuant to the requirement of P.U.C. SUBST. R. 26.417(c)(1)(B), NII affirms that its tariffed rates for the designated services do not exceed 150% of the incumbent local exchange carrier's rates.

Staff affirms that NII meets all of the established criteria and recommends ETP status for the requested exchanges be granted.

### ***Ordering Paragraph***

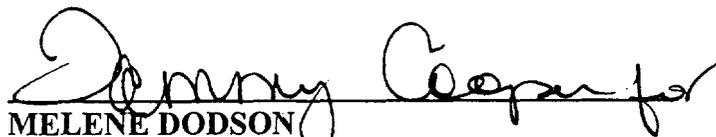
In accordance with Staff's recommendation and for all the reasons stated therein, pursuant to the FTA § 214(e)(2) and P.U.C. SUBST. R. 26.418, NII's application for ETC designation is **APPROVED**, as amended, effective August 8, 2001; pursuant to P.U.C. SUBST. R. 26.417, NII's application for ETP designation is **APPROVED**, as amended, effective

August 8, 2001. NII is granted ETC and ETP status for the eighty-one (81) exchanges listed in Attachment A of this Order.

Applicant is advised that in response to the Federal Communications Commission's (FCC) Fourteenth Report and Order adopting a state certification process, the Commission has initiated a proceeding for certification of all rural carriers and competitive eligible telecommunications carriers seeking high-cost support in the service area of a rural local exchange carrier. This proceeding has been assigned Docket No. 24481 and the deadline for filing an affidavit for certification has been established as August 24, 2001.<sup>9</sup>

SIGNED AT AUSTIN, TEXAS ON THIS THE 16th DAY OF AUGUST 2001.

**PUBLIC UTILITY COMMISSION OF TEXAS**



**MELENE DODSON  
ADMINISTRATIVE LAW JUDGE  
POLICY DEVELOPMENT DIVISION**

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<sup>9</sup> *Designation of Common Carriers as Eligible Telecommunications Carriers (ETC) to Receive Federal Universal Funds Pursuant to the Federal Communications Commission's Fourteenth Report and Order Adopting a State Certification Process, Docket No. 24481 (pending).*

#	Wire Center	Exchange	Telco Company Name	Coverage by nii?	Entire Study Area of Telco Covered by nii?
	Code	Locality			
1	ABRYTXGIRS0	Aubrey	Southwestern Bell - TX	Yes	No
2	AGNTXGDARS0	Angleton	Southwestern Bell - TX	Yes	No
3	ALPITXAPDS0	Alpine	Southwestern Bell - TX	Yes	No
4	AMRLTXDIRS0	Amarillo	Southwestern Bell - TX	Yes	No
5	ANNATXWARS0	Anna	Southwestern Bell - TX	Yes	No
6	ASTNTXASRS0	Asherton	Southwestern Bell - TX	Yes	No
7	ATLNTXSWDS0	Atlanta	Southwestern Bell - TX	Yes	No
8	AUSTTXBERS0	Austin	Southwestern Bell - TX	Yes	No
	AUSTTXBERS1	Austin	Southwestern Bell - TX	Yes	No
	AUSTTXCRRS0	Austin	Southwestern Bell - TX	Yes	No
	AUSTTXCRRS1	Austin	Southwestern Bell - TX	Yes	No
9	BNDRTXBDRS0	Bandera	Southwestern Bell - TX	Yes	No
10	BRRGTXHIDS0	Breckenridge	Southwestern Bell - TX	Yes	No
11	CELNTXDURS0	Celina	Southwestern Bell - TX	Yes	No
12	CISCTXHRS0	Cisco	Southwestern Bell - TX	Yes	No
13	CLCYTXCCRS0	Colorado City	Southwestern Bell - TX	Yes	No
14	CLEVTXCLDS0	Cleveland	Southwestern Bell - TX	Yes	No
15	CLMBTXCLRS0	Columbus	Southwestern Bell - TX	Yes	No
16	CMRNTXCMRS0	Cameron	Southwestern Bell - TX	Yes	No
17	CNTRTXCNDS0	Center	Southwestern Bell - TX	Yes	No
18	CRHTXOXDS0	Carthage	Southwestern Bell - TX	Yes	No
19	CSVLTXCTDS0	Castroville	Southwestern Bell - TX	Yes	No
20	CTLLTXCORS0	Cotulla	Southwestern Bell - TX	Yes	No
21	CUERTXCRRLO	Cuero	Southwestern Bell - TX	Yes	No
22	DEVNTXDVDS0	Devine	Southwestern Bell - TX	Yes	No
23	DWVLTXDWRS0	Deweyville	Southwestern Bell - TX	Yes	No
24	EDNATXEDRL0	Edna	Southwestern Bell - TX	Yes	No
25	EDWDTXTWRS0	Edgewood	Southwestern Bell - TX	Yes	No
26	ELGNTXELRS0	Elgin	Southwestern Bell - TX	Yes	No
27	EVDLTXEVR0	Evadale	Southwestern Bell - TX	Yes	No
28	FLDDTXFLRS0	Floydada	Southwestern Bell - TX	Yes	No
29	FNNTTXFNRS0	Fannett	Southwestern Bell - TX	Yes	No
30	FRVLTXSTRS0	Farmersville	Southwestern Bell - TX	Yes	No
31	HERNTXHEDS0	Hearne	Southwestern Bell - TX	Yes	No
32	HLCCTXHCRS0	Hale Center	Southwestern Bell - TX	Yes	No
33	HMLNTXHMR0	Hamlin	Southwestern Bell - TX	Yes	No
34	HMPSTXHMD0	Hempstead	Southwestern Bell - TX	Yes	No
35	HNRTTXBRRS0	Henrietta	Southwestern Bell - TX	Yes	No
36	HONDTXHORS0	Hondo	Southwestern Bell - TX	Yes	No
37	JCBOTXLORS0	Jacksboro	Southwestern Bell - TX	Yes	No
38	JFSNTXMORS0	Jefferson	Southwestern Bell - TX	Yes	No
39	JSPRTXRARS0	Jasper	Southwestern Bell - TX	Yes	No
40	KNDYTXKNRS0	Kenedy	Southwestern Bell - TX	Yes	No
41	KNTZTXKNRS0	Kountze	Southwestern Bell - TX	Yes	No
42	KRCYTXKCRS0	Karnes City	Southwestern Bell - TX	Yes	No
43	LBCKTXNDRS0	Lubbock	Southwestern Bell - TX	Yes	No
44	LBHLTXLHRS0	Liberty Hill	Southwestern Bell - TX	Yes	No
45	LBLLTXLBR0	LaBelle	Southwestern Bell - TX	Yes	No
46	LCKHTXLKDS1	Lockhart	Southwestern Bell - TX	Yes	No

	Wire Center Code	Exchange Locality	Telco Company Name	Coverage by nii?	Entire Study Area of Telco Covered by nii?
#47	LCSTTXLCRS0	La Coste	Southwestern Bell - TX	Yes	No
48	LYTLTXLYRS0	Lytle	Southwestern Bell - TX	Yes	No
49	MARNTXMRRS0	Marion	Southwestern Bell - TX	Yes	No
50	MCKNTXTERS0	McKinney	Southwestern Bell - TX	Yes	No
51	MDLTXMLRS0	Medina Lake	Southwestern Bell - TX	Yes	No
52	MDVITXMDRS0	Madisonville	Southwestern Bell - TX	Yes	No
53	MRVLTXMRRS0	Mauriceville	Southwestern Bell - TX	Yes	No
54	MTHSTXMARS0	Mathis	Southwestern Bell - TX	Yes	No
55	OWTNTXTRRS0	Owentown	Southwestern Bell - TX	Yes	No
56	PCRKTXPCDS0	Pipe Creek	Southwestern Bell - TX	Yes	No
57	PRSPTXFIRS0	Prosper	Southwestern Bell - TX	Yes	No
58	PSBGTXUNRS0	Pittsburg	Southwestern Bell - TX	Yes	No
59	QANHTXMORS0	Quanah	Southwestern Bell - TX	Yes	No
60	RCDLTXRDRS1	Rockdale	Southwestern Bell - TX	Yes	No
61	REFGTXRFRS0	Refugio	Southwestern Bell - TX	Yes	No
62	RHNDTXRHRS0	Rio Hondo	Southwestern Bell - TX	Yes	No
63	RNGRTXMIRS0	Ranger	Southwestern Bell - TX	Yes	No
64	SBPSTXSBR1	Sabine Pass	Southwestern Bell - TX	Yes	No
65	SHNRTXSHRL0	Shiner	Southwestern Bell - TX	Yes	No
66	SLCYTXSCRS0	Sullivan City	Southwestern Bell - TX	Yes	No
67	SMFRTXSFRS0	Stamford	Southwestern Bell - TX	Yes	No
68	SMNLTXSMRS0	Seminole	Southwestern Bell - TX	Yes	No
69	SMVLTXSMRS0	Smithville	Southwestern Bell - TX	Yes	No
70	SNANTXJARS0	San Antonio	Southwestern Bell - TX	Yes	No
	SNANTXTHRS0	San Antonio	Southwestern Bell - TX	Yes	No
71	SNDGTXSDRS0	San Diego	Southwestern Bell - TX	Yes	No
72	SNTNTXSNRS0	Stanton	Southwestern Bell - TX	Yes	No
73	TGUETXTERS0	Teague	Southwestern Bell - TX	Yes	No
74	TROYTXTRRS0	Troy	Southwestern Bell - TX	Yes	No
75	VLLDTXVLDS0	Valley Lodge	Southwestern Bell - TX	Yes	No
76	WACOTXCORS0	Waco	Southwestern Bell - TX	Yes	No
	WACOTXEDRS0	Waco	Southwestern Bell - TX	Yes	No
	WACOTXGHR0	Waco	Southwestern Bell - TX	Yes	No
	WACOTXMDRS0	Waco	Southwestern Bell - TX	Yes	No
	WACOTXMTRS0	Waco	Southwestern Bell - TX	Yes	No
	WACOTXSBR0	Waco	Southwestern Bell - TX	Yes	No
77	WDVLTXWDDS0	Woodville	Southwestern Bell - TX	Yes	No
78	WINKTXWKRS0	Wink	Southwestern Bell - TX	Yes	No
79	WLPTTXNORS0	Wills Point	Southwestern Bell - TX	Yes	No
	WLPTTXTRRS0	Wills Point	Southwestern Bell - TX	Yes	No
80	YKUMTXYKRL0	Yoakum	Southwestern Bell - TX	Yes	No
81	ZPTATXZARS0	Zapata	Southwestern Bell - TX	Yes	No

APPLICATION OF FEC COMMUNICATIONS, §  
L.L.P. FOR DESIGNATION AS AN ELIGIBLE §  
TELECOMMUNICATIONS CARRIER (ETC) §  
PURSUANT TO 47 U.S.C. §214(e) AND P.U.C. §  
SUBSTANTIVE RULE 26.418 §

PUBLIC UTILITY COMMISSION  
OF TEXAS

**ORDER NO. 3  
NOTICE OF APPROVAL FOR DESIGNATION AS  
AN ELIGIBLE TELECOMMUNICATIONS CARRIER (ETC)**

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PUBLIC UTILITY COMMISSION  
AUG 14 2001

***Procedural History***

On July 13, 2001, FEC Communications, L.L.P. (FEC or the Company) filed an application for designation as an eligible telecommunications carrier (ETC), pursuant to 47 U.S.C. §214(e) of the Federal Telecommunications Act (FTA 96) and P.U.C. SUBST. R. 26.418. Under 47 U.S.C. §214(e), a common carrier designated as a ETC in accordance with that subsection shall be eligible to receive federal universal service support under 47 U.S.C. § 254. ETC designation is the responsibility of the state Commission. FEC seeks ETC designation for the Caddo Mills, Forney, Josephine, Nevada, Rockwall, Royce City, Terrell and Wylie exchanges in the state of Texas. FEC was granted SPCOA No. 60318 on January 14, 2000, but did not request ETC designation for the exchanges at that time.

The Commission issued Order No. 1 in this proceeding which established a procedural schedule, including deadlines for comment, motions to intervene, and published notice in the *Texas Register*. Pursuant to P.U.C. SUBST. R. 26.418(g)(2)(A)(i) the effective date shall be no earlier than 30 days after an application is filed or 30 days after notice is completed, whichever is later. The Applicant requested an effective date of August 27, 2001. The Applicant provided a copy of the application to the Office of Public Utility Counsel at the time of filing. Notice was published in the *Texas Register* on July 27, 2001. No objection, comment, or motions to intervene were filed, and no hearing was requested. P.U.C. SUBST. R. 23.148(g)(2)(A) provides that an application for ETC designation may be reviewed administratively.

***Discussion***

To qualify for ETC status, a carrier must meet four conditions:<sup>1</sup>

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1 47 C.F.R. § 54.201(b)-(d) (2000).

1. The carrier must be a common carrier, as that term is defined by § 3(10) of FTA 96.
2. The carrier must offer the following services (requisite services),<sup>2</sup> using its own facilities or a combination of its own facilities and the resale of another carrier's services:<sup>3</sup>
  - (a) voice grade access to the public switched network;
  - (b) local usage;
  - (c) dual tone multi-frequency signaling or its functional equivalent;
  - (d) single party service or its functional equivalent;
  - (e) access to emergency services, such as 911 or enhanced 911;
  - (f) access to operator services;
  - (g) access to interexchange service;
  - (h) access to directory assistance;
  - (i) toll limitation for qualifying low-income customers.<sup>4</sup>
3. The carrier must advertise the availability of and charges for the requisite services in a media of general distribution.<sup>5</sup>
4. The carrier must provide Lifeline and Link Up support, and may not collect a deposit from a customer receiving such support if the customer also elects toll blocking.<sup>6</sup>

FEC meets all of the above criteria. FEC will advertise the designated services in local newspapers and provide an annual bill message regarding the services. FEC provides the required services through the use of its own facilities and unbundled network elements. FEC offers toll-blocking service to qualifying customers. FEC has made a commitment to offer Lifeline and Link Up services, and has a tariff to this effect on file with the Commission. FEC will offer the services to all consumers within the Company's proposed ETC service area. FEC has not requested any waivers of the FCC requirements. Verizon serves the Caddo Mills, Josephine, Nevada, and Wylie exchanges. Southwestern

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<sup>2</sup> 47 C.F.R. § 54.101 (2000).

<sup>3</sup> 47 C.F.R. § 54.201 (2000).

<sup>4</sup> Pursuant to FTA § 54.400(d), the FCC defines "toll limitation" as either toll blocking or toll control for eligible telecommunications carriers that are incapable of providing both service. The FCC requires telecommunications carriers to offer only one, and not necessarily both, of these services for designation as an ETC.

<sup>5</sup> *Id.*

<sup>6</sup> 47 C.F.R. § 54.401 (2000).

Bell Telephone Company (SWBT) serves the Forney, Rockwall, Royce City, and Terrell exchanges. FTA § 54.201(c) states:

Upon request and consistent with the public interest, convenience, and necessity, the state commission may, in the case of an area served by a rural telephone company, and shall, in the case of all other areas, designate more than one common carrier as an eligible telecommunications carrier for a service area designated by the state commission, so long as each additional requesting carrier meets the requirements of paragraph (D) of this section.

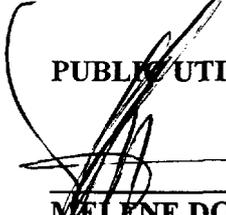
Verizon and SWBT are not rural carriers. FEC meets all of the established criteria established by the FCC for designation as an ETC.

***Recommendation***

On August 14, 2001, the Commission Staff filed a recommendation for approval of this application. Staff affirms that FEC meets all of the established criteria and recommends ETC status be granted.

In accordance with the Commission Staff's recommendation, pursuant to the FTA 96 §214(e)(2) and P.U.C. SUBST. R. 26.418, FEC Communications, L.L.P.'s application for ETC designation is **APPROVED** effective August 27, 2001.

SIGNED AT AUSTIN, TEXAS ON THIS THE 23<sup>rd</sup> DAY OF AUGUST 2001.

  
PUBLIC UTILITY COMMISSION OF TEXAS

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MELENE DODSON  
ADMINISTRATIVE LAW JUDGE  
POLICY DEVELOPMENT DIVISION