

ATTACHMENT A

Texas PUC Substantive Rules Pertaining to 911/E911

§26.272. Interconnection.

- (a) **Purpose.** The purpose of this section is to ensure that all providers of telecommunications services which are certificated to provide local exchange service, basic local telecommunications service, or switched access service within the state interconnect and maintain interoperable networks such that the benefits of local exchange competition are realized as envisioned under the provisions of the Public Utility Regulatory Act (PURA). The commission finds that interconnection is necessary to achieve competition in the local exchange market and is, therefore, in the public interest.
- (b) **Definition.** The term "customer" when used in this section, shall mean an end-user customer.
- (c) **Application and Exceptions.**
- (1) **Application.** This section applies to all certificated telecommunications utilities (CTUs) providing local exchange service.
 - (2) **Exceptions.** Except as herein provided, all CTUs providing local exchange service must comply with the requirements of this section.
 - (A) Holders of a service provider certificate of operating authority (SPCOA).
 - (i) The holder of an SPCOA that does not provide dial tone and only resells the telephone services of another CTU shall be subject only to the requirements of subsections (e)(1)(B)(ii) and (e)(1)(D)(i)-(vii) of this section and subsection (i)(1) -(3) of this section.
 - (ii) The underlying CTU providing service to the holder of an SPCOA referenced in subparagraph (A)(i) of this paragraph shall comply with the requirements of this section with respect to the customers of the SPCOA holder.
 - (B) Small incumbent local exchange companies (ILECs).
 - (i) This section shall apply to small ILECs to the extent required by 47 United States Code §251(f) (1996).
 - (ii) Notwithstanding the requirement in clause (i) of this subparagraph, small ILECs shall terminate traffic of a CTU which originates and terminates within the small ILEC's extended local calling service (ELCS) or extended area service (EAS) calling scope, where the small ILEC has an ELCS or EAS arrangement with another dominant certificated telecommunications utility (DCTU). The termination of this traffic shall be at rates, terms, and conditions as described in subsection (d)(4)(A) of this section.
 - (C) Rural telephone companies.
 - (i) This section shall also apply to rural telephone companies as defined in 47 United States Code §153 (1996) to the extent required by 47 United States Code §251(f) (1996).
 - (ii) Rural telephone companies shall terminate traffic of a CTU which originates and terminates within the rural telephone company's ELCS or EAS calling scope, where the rural telephone company has an ELCS or EAS arrangement with another DCTU. The termination of this traffic shall be at rates, terms, and conditions as described in subsection (d)(4)(A) of this section.
 - (D) Small CTUs.
 - (i) A small CTU may petition for a suspension or modification of the application of this section pursuant to 47 United States Code §251(f)(2) (1996).

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- (ii) Small CTUs shall terminate traffic of a CTU which originates and terminates within the small CTU's ELCS or EAS calling scope, where the small CTU has an ELCS or EAS arrangement with another DCTU. The termination of this traffic shall be at rates, terms, and conditions as described in subsection (d)(4)(A) of this section.

(d) Principles of interconnection.**(1) General principles.**

- (A) Interconnection between CTUs shall be established in a manner that is seamless, interoperable, technically and economically efficient, and transparent to the customer.
- (B) Interconnection between CTUs shall utilize nationally accepted telecommunications industry standards and/or mutually acceptable standards for construction, operation, testing and maintenance of networks, such that the integrity of the networks is not impaired.
- (C) A CTU may not unreasonably:
 - (i) discriminate against another CTU by refusing access to the local exchange;
 - (ii) refuse or delay interconnections to another CTU;
 - (iii) degrade the quality of access provided to another CTU;
 - (iv) impair the speed, quality, or efficiency of lines used by another CTU;
 - (v) fail to fully disclose in a timely manner, on request, all available information necessary for the design of equipment that will meet the specifications of the local exchange network; or
 - (vi) refuse or delay access by any person to another CTU.
- (D) Interconnecting CTUs shall negotiate rates, terms, and conditions for facilities, services, or any other interconnection arrangements required pursuant to this section.
- (E) This section should not be construed to allow an interconnecting CTU access to another CTU's network proprietary information or customer proprietary network information, customer-specific as defined in §26.5 of this title (relating to Definitions) unless otherwise permitted in this section.

(2) Technical interconnection principles. Interconnecting CTUs shall make a good-faith effort to accommodate each other's technical requests, provided that the technical requests are consistent with national industry standards and are in compliance with §23.61 of this title (relating to Telephone Utilities) and implementation of the requests would not cause unreasonable inefficiencies, unreasonable costs, or other detriment to the network of the CTU receiving the requests.

- (A) Interconnecting CTUs shall ensure that customers of CTUs shall not have to dial additional digits or incur dialing delays that exceed industry standards in order to complete local calls as a result of interconnection.
- (B) Interconnecting CTUs shall provide each other non-discriminatory access to signaling systems, databases, facilities, and information as required to ensure interoperability of networks and efficient, timely provision of services to customers.
- (C) Interconnecting CTUs shall provide each other Common Channel Signaling System Seven (SS7) connectivity where technically available.
- (D) Interconnecting CTUs shall be permitted a minimum of one point of interconnection in each exchange area or group of contiguous exchange areas

within a single local access and transport area (LATA), as requested by the interconnecting CTU, and may negotiate

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with the other CTU for additional interconnection points. Interconnecting CTUs shall agree to construct and/or lease and maintain the facilities necessary to connect their networks, either by having one CTU provide the entire facility or by sharing the construction and maintenance of the facilities necessary to connect their networks. The financial responsibility for construction and maintenance of such facilities shall be borne by the party who constructs and maintains the facility, unless the parties involved agree to other financial arrangements. Each interconnecting CTU shall be responsible for delivering its originating traffic to the mutually-agreed-upon point of interconnection or points of interconnection. Nothing herein precludes a CTU from recovering the costs of construction and maintenance of facilities if such facilities are used by other CTUs.

- (E) Interconnecting CTUs shall establish joint procedures for troubleshooting the portions of their networks that are jointly used. Each CTU shall be responsible for maintaining and monitoring its own network such that the overall integrity of the interconnected network is maintained with service quality that is consistent with industry standards and is in compliance with §23.61 of this title.
 - (F) If a CTU has sufficient facilities in place, it shall provide intermediate transport arrangements between other interconnecting CTUs, upon request. A CTU providing intermediate transport shall not negotiate termination on behalf of another CTU, unless the terminating CTU agrees to such an arrangement. Upon request, DCTUs within major metropolitan areas will contact other CTUs and arrange meetings, within 15 days of such request, in an effort to facilitate negotiations and provide a forum for discussion of network efficiencies and inter-company billing arrangements.
 - (G) Each interconnecting CTU shall be responsible for ensuring that traffic is properly routed to the connected CTU and jurisdictionally identified by percent usage factors or in a manner agreed upon by the interconnecting CTUs.
 - (H) Interconnecting CTUs shall allow each other non-discriminatory access to all facility rights-of-way, conduits, pole attachments, building entrance facilities, and other pathways, provided that the requesting CTU has obtained all required authorizations from the property owner and/or appropriate governmental authority.
 - (I) Interconnecting CTUs shall provide each other physical interconnection in a non-discriminatory manner. Physical collocation for the transmission of local exchange traffic shall be provided to a CTU upon request, unless the CTU from which collocation is sought demonstrates that technical or space limitations make physical collocation impractical. Virtual collocation for the transmission of local exchange traffic shall be implemented at the option of the CTU requesting the interconnection.
 - (J) Each interconnecting CTU shall be responsible for contacting the North American Numbering Plan (NANP) administrator for its own NXX codes and for initiating NXX assignment requests.
- (3) **Principles regarding billing arrangements.**
- (A) Interconnecting CTUs shall cooperatively provide each other with both answer and disconnect supervision as well as accurate and timely exchange of information on billing records to facilitate billing to customers, to determine intercompany settlements for local and non-local traffic, and to

validate the jurisdictional nature of traffic, as necessary. Such billing records shall be provided in accordance with national industry standards. For billing interexchange carriers for jointly provided switched access services, such billing records shall include meet point billing records, interexchange carrier billing

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name, interexchange carrier billing address, and Carrier Identification Codes (CICs). If exchange of CIC codes is not technically feasible, interconnecting CTUs shall negotiate a mutually acceptable settlement process for billing interexchange carriers for jointly provided switched access services.

- (B) CTUs shall enter into mutual billing and collection arrangements that are comparable to those existing between and/or among DCTUs, to ensure acceptance of each other's non-proprietary calling cards and operator-assisted calls.
 - (C) Upon a customer's selection of a CTU for his or her local exchange service, that CTU shall provide notification to the primary interexchange carrier (IXC) through the Customer Account Record Exchange (CARE) database, or comparable means if CARE is unavailable, of all information necessary for billing that customer. At a minimum, this information should include the name and contact person for the new CTU and the customer's name, telephone number, and billing number. In the event a customer's local exchange service is disconnected at the option of the customer or the CTU, the disconnecting CTU shall provide notification to the primary IXC of such disconnection.
 - (D) All CTUs shall cooperate with interexchange carriers to ensure that customers are properly billed for interexchange carrier services.
- (4) **Principles regarding interconnection rates, terms, and conditions.**
- (A) Criteria for setting interconnection rates, terms, and conditions. Interconnection rates, terms, and conditions shall not be unreasonably preferential, discriminatory, or prejudicial, and shall be non-discriminatory. The following criteria shall be used to establish interconnection rates, terms, and conditions.
 - (i) Local traffic of a CTU which originates and terminates within the mandatory single or multiexchange local calling area available under the basic local exchange rate of a single DCTU shall be terminated by the CTU at local interconnection rates. The local interconnection rates under this subclause also apply with respect to mandatory EAS traffic originated and terminated within the local calling area of a DCTU if such traffic is between exchanges served by that single DCTU.
 - (ii) If a non-dominant certificated telecommunications utility (NCTU) offers, on a mandatory basis, the same minimum ELCS calling scope that a DCTU offers under its ELCS arrangement, a NCTU shall receive arrangements for its ELCS traffic that are not less favorable than the DCTU provides for terminating mandatory ELCS traffic.
 - (iii) With respect to local traffic originated and terminated within the local calling area of a DCTU but between exchanges of two or more DCTUs governed by mandatory EAS arrangements, DCTUs shall terminate local traffic of NCTUs at rates, terms, and conditions that are not less favorable than those between DCTUs for similar mandatory EAS traffic for the affected area. A NCTU and a DCTU may agree to terms and conditions that are different from those that exist between DCTUs for similar mandatory EAS traffic. The rates applicable to the NCTU for such traffic shall reflect the difference in costs to the DCTU caused by the different terms and conditions.

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- (iv) With respect to traffic that originates and terminates within an optional flat rate calling area, whether between exchanges of one DCTU or between exchanges of two or more DCTUs, DCTUs shall terminate such traffic of NCTUs at rates, terms, and conditions that are not less favorable than those between DCTUs for similar traffic. A NCTU and a DCTU may agree to terms and conditions that are different from those that exist between DCTUs for similar optional EAS traffic. The rates applicable to the NCTU for such traffic shall reflect the difference in costs to the DCTU caused by the different terms and conditions.
- (v) A DCTU with more than one million access lines and a NCTU shall negotiate new EAS arrangements in accordance with the following requirements.
 - (I) For traffic between an exchange and a contiguous metropolitan exchange local calling area, as defined in §26.5 of this title (relating to Definitions), the DCTU shall negotiate with a NCTU for termination of such traffic if the NCTU includes such traffic as part of its customers' local calling area. These interconnection arrangements shall be not less favorable than the arrangements between DCTUs for similar EAS traffic.
 - (II) For traffic that does not originate or terminate within a metropolitan exchange local calling area, the DCTU shall negotiate with a NCTU for the termination of traffic between the contiguous service areas of the DCTU and the NCTU if the NCTU includes such traffic as part of its customers' local calling area and such traffic originates in an exchange served by the DCTU. These interconnection arrangements shall be not less favorable than the arrangements between DCTUs for similar EAS traffic.
 - (III) A NCTU shall have the same obligation to negotiate similar EAS interconnection arrangements with respect to traffic between its service area and a contiguous exchange of the DCTU if the DCTU includes such traffic as part of its customers' local calling area.
- (vi) NCTUs are not precluded from establishing their own local calling areas or prices for purposes of retail telephone service offerings.
- (B) Establishment of rates, terms, and conditions.
 - (i) CTUs involved in interconnection negotiations shall ensure that all reasonable negotiation opportunities are completed prior to the termination of the first commercial call. The date upon which the first commercial call between CTUs is terminated signifies the beginning of a nine-month period in which each CTU shall reciprocally terminate the other CTU's traffic at no charge, in the absence of mutually negotiated interconnection rates. Reciprocal interconnection rates, terms, and conditions shall be established pursuant to the compulsory arbitration process in subsection (g) of this section. In establishing these initial rates and three years from termination of the first commercial call, no cost studies shall be required from a new CTU.
 - (ii) An ILEC may adopt the tariffed interconnection rates approved for a larger ILEC or interconnection rates of a larger ILEC resulting from negotiations without providing the commission any additional cost justification for the adopted rates. If an ILEC adopts the tariffed

interconnection rates approved for a larger ILEC, it

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shall file tariffs referencing the appropriate larger ILEC's rates. If an ILEC adopts the interconnection rates of a larger ILEC, the new CTU may adopt those rates as its own rates by filing tariffs referencing the appropriate larger ILEC's rates. If an ILEC chooses to file its own interconnection tariff, the new CTU must also file its own interconnection tariff.

- (C) Public disclosure of interconnection rates, terms, and conditions. Interconnection rates, terms, and/or conditions shall be made publicly available as provided in subsection (h) of this section.

(e) **Minimum interconnection arrangements.**

- (1) Pursuant to mutual agreements, interconnecting CTUs shall provide each other non-discriminatory access to ancillary services such as repair services, E-911, operator services, white pages telephone directory listing, publication and distribution, and directory assistance. The following minimum terms and conditions shall apply:

(A) Repair services. For purposes of this section, a CTU shall be required to provide repair services for its own facilities regardless of whether such facilities are used by the CTU for retail purposes, or provided by the CTU for resale purposes, or whether the facilities are ordered by another CTU for purposes of collocation.

(B) E-911 services. E-911 services include Automatic Number Identification (ANI), ANI and Automatic Location Identification (ALI), ANI and/or ALI and selective routing, and/or any other combination of enhanced 9-1-1 features required by the Regional Planning Commission or the 9-1-1 emergency communication district responsible for the geographic area involved. This requirement is in accordance with Health and Safety Code, Chapter 771, and the applicable regional plan approved by the Commission on State Emergency Communications or by the emergency communication district, defined in Health and Safety Code, §771.001(2), responsible for the geographic area involved or other local authority responsible for the geographic area involved.

(i) As a prerequisite to providing local exchange telephone service to any customer and thereafter, a CTU must meet the following requirements.

(I) The CTU is responsible for ordering or provisioning the trunk groups necessary to provide E-911 services.

(II) The CTU is responsible for enabling all its customers to dial the three digits 9, 1, 1, and only these numbers, to access 9-1-1 service.

(III) The CTU is responsible for providing the telephone number of the 9-1-1 calling customer to the appropriate CTU's E-911 tandems or appropriate 9-1-1 Public Safety Answering Point, as applicable. This number must include both the numbering plan area (NPA) code, or numbering plan digit (NPD), as appropriate and necessary, and the local telephone number of the 9-1-1 calling customer, that can be used to successfully complete a return call to the customer. ANI represents this capability.

(IV) The CTU is responsible for selectively routing a 9-1-1 customer call, as well as interconnecting traffic on its network, to the appropriate CTU's E-911 tandems or appropriate 9-1-1 Public

Safety Answering Point, as applicable, based on the ANI and/or location of the calling party. The appropriate CTU and/or appropriate 9-1-1 entity, as applicable, shall provide routing information to the CTU for routing purposes.

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- (V) The CTU is responsible for providing appropriate information describing the location from which a CTU customer is placing a 9-1-1 call. This information shall consist of the calling customer name, physical location, appropriate emergency service providers, and other similar data. For purposes of this subclause, appropriate or other similar data shall be determined by the Regional Planning Commission responsible for the geographic area involved, in accordance with Health and Safety Code, Chapter 771, and the applicable regional plan approved by the Commission on State Emergency Communications or by the emergency communication district, defined in Health and Safety Code, §771.001(2), responsible for the geographic area involved or other local authority responsible for the geographic area involved.
- (ii) Each interconnecting CTU is responsible for providing to the local authority and the appropriate CTU, accurate and timely current information for all published, nonpublished, and nonlisted information associated with its customers for the purposes of emergency or E-911 services.
- (I) For purposes of this clause, the appropriate CTU refers to the CTU designated by the local authority for purposes of maintaining the 9-1-1 database.
- (II) For purposes of this clause, the information is considered timely if within 24 hours of receipt of the information, it is delivered by the CTU to the appropriate CTU and the local authority, and/or placed into the database by the appropriate CTU.
- (III) For purposes of this clause, the information sent by a CTU to the appropriate CTU or the information used by the appropriate CTU shall be maintained in a fashion to ensure that it is accurate at a percentage as close to 100% as possible. "Accurate" means a record that correctly routes a 9-1-1 call, and/or provides correct location information relating to the origination of such call. "Percentage" means the total number of accurate records in that database divided by the total number of records in that database. In determining the accuracy of records, a CTU shall not be held responsible for erroneous information provided to it by a customer or another CTU.
- (IV) Interconnecting CTUs shall execute confidentiality agreements with each other, as necessary, to prevent the unauthorized disclosure of non-published/non-listed numbers. Interconnecting CTUs shall be allowed access to the ALI database by the appropriate CTU for verification purposes. The local 9-1-1 entity shall provide non-discriminatory access to the Master Street Address Guide.
- (iii) Each CTU is responsible for developing a 9-1-1 disaster recovery, service restoration plan with input from the applicable Regional Planning Commission or emergency communication district and the Commission on State Emergency Communications. This plan shall identify the actions to be taken in the event of a network-based 9-1-1 service failure. The goal of such actions shall be the efficient and timely restoration of the 9-1-1 service. CTUs shall notify the

applicable Regional Planning Commission or emergency communications district of any changes in CTU network based services and other services that may require changes to the plan.

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- (iv) Interconnecting CTUs shall provide each other and the appropriate 9-1-1 entity notification of scheduled outages for 9-1-1 trunks at least 48 hours prior to such outages. In the event of unscheduled outages for 9-1-1 trunks, interconnecting CTUs shall provide each other and the appropriate 9-1-1 entity immediate notification of such outages.
 - (v) Each NCTU's rates for 9-1-1 service to a Public Safety Answering Point shall be presumed to be reasonable if they do not exceed the rates charged by the ILEC for similar service.
- (C) Operator services. Interconnecting CTUs shall negotiate to ensure the interoperability of operator services between networks, including but not limited to the ability of operators on each network to perform such operator functions as reverse billing, line verification, call screening, and call interrupt.
- (D) White pages telephone directory and directory assistance. Interconnecting CTUs shall negotiate to ensure provision of white pages telephone directory and directory assistance services.
- (i) The telephone numbers and other appropriate information of the customers of NCTUs shall be included on a non-discriminatory basis in the DCTU's white pages directory associated with the geographic area covered by the white pages telephone directory published by the DCTUs. Similarly, any white pages telephone directory provided by a NCTU to its customers shall have corresponding DCTU listings available on a non-discriminatory basis. The entries of NCTU customers in the DCTU white pages telephone directory shall be interspersed in correct alphabetical sequence among the entries of the DCTU customers and shall be no different in style, size, or format than the entries of the DCTU customers, unless requested otherwise by the NCTU. The CTU or its affiliate publishing a white pages telephone directory on behalf of the CTU shall not directly charge the customer of another CTU located in the geographic areas covered by the white pages telephone directory for white pages listings or directory.
 - (ii) Listings of all customers located within the local calling area of a NCTU, but not located within the local calling area of the DCTU publishing the white pages telephone directory, shall be included in a separate section of the DCTU's white pages telephone directory at the option of the NCTU.
 - (iii) CTUs shall provide directory listings and related updates to the CTU or its affiliate publishing a white pages telephone directory on behalf of the CTU or to any CTU providing directory assistance, in a timely manner to ensure inclusion in the annual white page listings and provision of directory assistance service that complies with §23.61 of this title. The CTU or its affiliate publishing a white pages telephone directory on behalf of the CTU shall be responsible for providing all other CTUs with timely information regarding deadlines associated with its published white pages telephone directory.
 - (iv) CTUs shall, upon request, provide accurate and current subscriber listings (name, address, telephone number) and updates in a readily usable format and in a timely manner, on a non-discriminatory basis, to publishers of yellow pages telephone directory. CTUs shall not

provide listings of subscribers desiring non-listed status for publication purposes.

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- (v) White pages telephone directories shall be distributed to all customers located within the geographic area covered by the white pages telephone directory on non-discriminatory terms and conditions by the CTU or its affiliate publishing the white pages telephone directory.
 - (vi) A CTU or its affiliate that publishes a white pages telephone directory on behalf of the CTU shall provide a single page per CTU in the information section of the white pages telephone directory, for the CTU to convey critical customer contact information regarding emergency services, billing and service information, repair services and other pertinent information. The CTU's pages shall be arranged in alphabetical order. Additional access to the information section of the white pages telephone directory shall be subject to negotiations.
 - (vii) CTUs must provide information that identifies customers desiring non-listed and/or non-published telephone numbers and/or non-published addresses to the CTU or its affiliate publishing a white pages telephone directory on behalf of the CTU and to the CTU maintaining the directory assistance database. The CTU or its affiliate publishing a white pages telephone directory on behalf of the CTU shall not divulge such non-listed and/or non-published telephone numbers or addresses and the CTU maintaining the directory assistance database shall not divulge such non-published telephone numbers or addresses.
 - (viii) CTUs shall provide each other non-discriminatory access to directory assistance databases.
- (2) At a minimum, interconnecting CTUs shall negotiate to ensure the following:
- (A) Non-discriminatory access to databases such as 800 and Line Information Data Base (LIDB) where technically feasible, to ensure interoperability between networks and the efficient, timely provision of service to customers;
 - (B) non-discriminatory access to Telecommunications Relay Service;
 - (C) Common Channel Signaling interconnection including transmission of privacy indicator where technically available;
 - (D) non-discriminatory access to all signaling protocols and all elements of signaling protocols used in routing local and interexchange traffic, including signaling protocols used to query call processing databases, where technically feasible;
 - (E) number portability and the inclusion of the NCTU's NXX code(s) in the Local Exchange Routing Guide and related systems;
 - (F) non-discriminatory handling, including billing, of mass announcement/audiotext calls including, but not limited to, 900 and 976 calls;
 - (G) provision of intercept services for a specific telephone number in the event a customer discontinues service with one CTU, initiates service with another CTU, and the customer's telephone number changes;
 - (H) cooperative engineering, operations, maintenance and billing practices and procedures; and
 - (I) non-discriminatory access to Advanced Intelligent Network (AIN), where technically available.

(f) **Negotiations.**

- (1) CTUs and other negotiating parties shall engage in good-faith negotiations and cooperative planning as necessary to achieve mutually agreeable interconnection arrangements.
- (2) Before terminating its first commercial telephone call, each CTU requesting interconnection shall negotiate with each CTU or other negotiating party that is necessary to complete all telephone calls, including local service calls and EAS or ELCS calls, made by or placed to the customers of the requesting CTU. Upon request, DCTUs within major metropolitan calling areas will contact other CTUs and arrange meetings, within 15 days of such request, in an effort to facilitate negotiations and provide a forum for discussions of network efficiencies and intercompany billing arrangements.
- (3) Unless the negotiating parties establish a mutually agreeable date, negotiations are deemed to begin on the date when the CTU or other negotiating party from which interconnection is being requested receives the request for interconnection from the CTU seeking interconnection. The request shall:
 - (A) be in writing and hand-delivered; sent by certified mail or by facsimile;
 - (B) identify the initial specific issues to be resolved, the specific underlying facts, and the requesting CTU's proposed resolution of each issue;
 - (C) provide any other material necessary to support the request, included as appendices; and
 - (D) provide the identity of the person authorized to negotiate for the requesting CTU.
- (4) The requesting CTU may identify additional issues for negotiation without causing an alteration of the date on which negotiations are deemed to begin.
- (5) The CTU or negotiating party from which interconnection is sought shall respond to the interconnection request no later than 14 working days from the date the request is received. The response shall:
 - (A) be in writing and hand-delivered; sent by certified mail or by facsimile;
 - (B) respond specifically to the requesting party's proposed resolution of each initial issue identified by the requesting party, identify the specific underlying facts upon which the response is based and, if the response is not in agreement with the requesting party's proposed resolution of each issue, the responding party's proposed resolution of each issue;
 - (C) provide any other material necessary to support the response, included as appendices; and
 - (D) provide the identity of the person authorized to negotiate for the responding party.
- (6) At any point during the negotiations required under this subsection, any CTU or negotiating party may request the commission designee(s) to participate in the negotiations and to mediate any differences arising in the course of the negotiation.
- (7) Interconnecting CTUs may, by written agreement, accelerate the requirements of this subsection with respect to a particular interconnection agreement except that the requirements of subsection (g)(1)(A) of this subsection shall not be accelerated.
- (8) Any disputes arising under or pertaining to negotiated interconnection agreements may be resolved pursuant to Chapter 22, Subchapter Q, of this title (relating to Post-Interconnection Agreement Dispute Resolution).

(g) **Compulsory arbitration process.**

- (1) A negotiating CTU that is unable to reach mutually agreeable terms, rates, and/or conditions for interconnection with any CTU or negotiating party may petition the commission to arbitrate any unresolved issues. In order to initiate the arbitration procedure, a negotiating CTU:

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- (A) shall file its petition with the commission during the period from the 135th to the 160th day (inclusive) after the date on which its request for negotiation under subsection (f) of this section was received by the other CTU involved in the negotiation;
 - (B) shall provide the identity of each CTU and/or negotiating party with which agreement cannot be reached but whose cooperation is necessary to complete all telephone calls made by or placed to the customers of the requesting CTU;
 - (C) shall provide all relevant documentation concerning the unresolved issues;
 - (D) shall provide all relevant documentation concerning the position of each of the negotiating parties with respect to those issues;
 - (E) shall provide all relevant documentation concerning any other issue discussed and resolved by the negotiating parties; and
 - (F) shall send a copy of the petition and any documentation to the CTU or negotiating party with which agreement cannot be reached, not later than the day on which the commission receives the petition.
- (2) A non-petitioning party to a negotiation under subsection (f) of this section may respond to the other party's petition and provide such additional information as it wishes within 25 days after the commission receives the petition.
 - (3) The compulsory arbitration process shall be completed not later than nine months after the date on which a CTU receives a request for interconnection under subsection (f) of this section.
 - (4) Any disputes arising under or pertaining to arbitrated interconnection agreements may be resolved pursuant to Chapter 22, Subchapter Q, of this title (relating to Post-Interconnection Agreement Dispute Resolution).
- (h) **Filing of rates, terms, and conditions.**
- (1) Rates, terms and conditions resulting from negotiations, compulsory arbitration process, and statements of generally available terms.
 - (A) A CTU from which interconnection is requested shall file any agreement, adopted by negotiation or by compulsory arbitration, with the commission. The commission shall make such agreement available for public inspection and copying within ten days after the agreement is approved by the commission pursuant to subparagraphs (C) and (D) of this paragraph.
 - (B) An ILEC serving greater than five million access lines may prepare and file with the commission, a statement of terms and conditions that it generally offers within the state pursuant to 47 United States Code §252(f) (1996). The commission shall make such statement available for public inspection and copying within ten days after the statement is approved by the commission pursuant to subparagraph (E) of this paragraph.
 - (C) The commission shall reject an agreement (or any portion thereof) adopted by negotiation if it finds that:
 - (i) the agreement (or any portion thereof) discriminates against a telecommunications carrier not a party to the agreement; or
 - (ii) the implementation of such agreement or portion is not consistent with the public interest, convenience, and necessity.
 - (D) The commission shall reject an agreement (or any portion thereof) adopted by compulsory arbitration, under subsection (g) of this section, pursuant to guidelines found in 47 United States Code §252(e)(2)(B) (1996).

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- (E) The commission shall review the statement of generally available terms filed under subparagraph (B) of this paragraph, pursuant to guidelines found in 47 United States Code §252(f) (1996). The submission or approval of a statement under this paragraph shall not relieve an ILEC serving greater than five million access lines of its duty to negotiate the terms and conditions of an agreement pursuant to §47 United States Code §251 (1996).
- (2) **Rates, terms and/or conditions among DCTUs.** Within 15 days of a request from a CTU negotiating interconnection arrangements with a DCTU, a non-redacted version of any agreement reflecting the rates, terms, and conditions between and/or among DCTUs which relate to interconnection arrangements for similar traffic shall be disclosed to the CTU, subject to commission-approved non-disclosure or protective agreement. A non-redacted version of the same agreement shall be disclosed to commission staff at the same time if requested, subject to commission-approved non-disclosure or protective agreement.
- (i) **Customer safeguards.**
- (1) **Requirements for provision of service to customers.** Nothing in this section or in the CTU's tariffs shall be interpreted as precluding a customer of any CTU from purchasing local exchange service from more than one CTU at a time. No CTU shall connect, disconnect, or move any wiring or circuits on the customer's side of the demarcation point without the customer's express authorization as specified in §26.130 of this title, (relating to Selection of Telecommunications Utilities).
- (2) **Requirements for CTUs ceasing operations.** In the event that a CTU ceases its operations, it is the responsibility of the CTU to notify the commission and all of the CTU's customers at least 61 working days in advance that their service will be terminated. The notification shall include a listing of all alternative service providers available to customers in the exchange and shall specify the date on which service will be terminated.
- (3) **Requirements for service installations.** DCTUs that interconnect with NCTUs shall be responsible for meeting the installation of service requirements under §23.61(e)(2) of this title in providing service to the NCTU. NCTUs shall make a good-faith effort to meet the requirements for installation in §23.61(e)(2) of this title, and may negotiate with the DCTU to establish a procedure to meet this goal.
- (A) For those customers for whom the NCTU provides dial tone but not the local loop, 95% of the NCTU's service orders shall be completed in no more than ten working days from request for service, unless a later date is agreed to by the customer.
- (B) For those customers for whom the NCTU does not provide dial tone and resells the telephone services of a DCTU, 95% of the NCTU's service orders shall be completed in no more than seven working days from request for service, unless the customer agrees to a later date.
- (C) For those customers where the NCTU uses facilities other than a DCTUs' resale facilities obtained through PURA §60.041, the NCTU shall complete service orders within 30 calendar days from request of service, unless a later date is agreed to by the customer.
- (D) The DCTU shall not discriminate between its customers and NCTUs if the DCTU is able to install service in less than the time permitted under §23.61(e)(2) of this title.

§26.321. 9-1-1 Calls, "0-" Calls, and End User Choice.

- (a) A contract between an operator service provider (OSP) and a call aggregator for the provision of operator services through telephones that are intended for public use shall require the call aggregator to allow 9-1-1 calls to be outpulsed directly to the public service answering point without requiring a coin or credit card.
- (b) Where end user choice, as defined in §26.5 of this title (relating to Definitions), is not available, a contract between an OSP and a call aggregator for the provision of operator services through telephones that are intended for public use shall require the call aggregator to allow "0-" calls and to directly, without charge to the calling party, route all "0-" calls to an OSP that provides access to emergency services that meet the technical standards set forth in paragraphs (1)-(6) of this subsection. The OSP shall:
 - (1) identify the originating telephone number and the location of the originating telephone, except dominant certificated telecommunications utilities (DCTUs) shall be allowed to identify the location using internal sources such as repair service or business office records if such internal sources are accessible to operators for emergency purposes 24 hours a day;
 - (2) have a complete and current list of all emergency service provider telephone numbers for each NPA-NXX served, including, but not limited to, police or sheriff, fire, and ambulance;
 - (3) be available 24 hours a day, seven days a week, without requiring a coin or credit card;
 - (4) promptly connect the appropriate emergency service provider;
 - (5) stay on the line until such time as the operator determines that the caller has been connected to the proper emergency service provider; and
 - (6) require that the call aggregator make a test call when equipment providing access to the OSP is installed, serviced, or relocated and at least semi-annually from each originating telephone number subscribed to the OSP, in order to verify the originating telephone number and the location of the telephone, unless the OSP receives automatic number identification (ANI), as defined in §26.5 of this title (relating to Definitions) for that telephone number.
- (c) When and where available, use of end user choice is required.
- (d) The requirements of this section shall not apply to telephones located in confinement facilities.
- (e) Nothing in this section shall be deemed to require the initial routing of "0-" calls from pay telephones owned by a local exchange company that provides access to emergency service providers and that meets the requirements enumerated in §26.315 of this title (relating to Requirements for Dominant Certificated Telecommunications Utilities (DCTUs)) to any OSP other than the local exchange company itself.

§26.431. Monitoring of Certain 911 Fees.

- (a) **Purpose.** The purpose of this section is to implement the commission's statutory requirement to monitor the fees the Advisory Commission on State Emergency Communications (ACSEC) establishes and the allocation of the revenues from such fees pursuant to Texas Health & Safety Code (1998) §§771.071, 771.072, 771.0725 and 771.076.
- (b) **Definitions.** The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.
 - (1) 9-1-1 Service — The meaning established in Texas Health & Safety Code (1998) §771.001(6).
 - (2) Regional Planning Commission — The meaning established in Texas Health & Safety Code (1998) §771.001(10).
- (c) ACSEC shall:
 - (1) provide documentation to the commission regarding the rate for the fees authorized in Texas Health & Safety Code (1998) §771.071 and §771.072, and the allocation of revenue pursuant to §771.072(d) and (e) including, but not limited to, documentation from each regional planning commission or other public agency designated by the regional planning commission to provide 9-1-1 service;
 - (2) complete direct mail notice, no later than the fifteenth day after providing its documentation to the commission, to the municipalities and counties whose 9-1-1 service fees are established by ACSEC; and
 - (3) publish in the *Texas Register* notice of its proposed rates and allocation of revenue, no later than the fifteenth day after ACSEC provides its documentation to the commission.
- (d) Interested parties shall file, no later than 45 days after ACSEC publishes notice in the *Texas Register*, comments on ACSEC's documentation and on the appropriateness of the rates for each fee and the allocation of the revenue from such fees.
- (e) The commission will review the documentation, rates and revenue allocations provided by ACSEC and any comments submitted. If the commission determines that a proposed rate or allocation is not appropriate, it shall provide comments to ACSEC, the governor, and the Legislative Budget Board within 120 days of ACSEC's initial filing. The commission's comments shall explain its concerns, if any.

§26.433. Roles and Responsibilities of 9-1-1 Service Providers.

- (a) **Purpose.** The provisions of this section are intended to assure the integrity of the state's emergency 9-1-1 system in the context of a competitive telecommunications market. In particular this section establishes specific reporting and notification requirements and mandates certain network interoperability, service quality standards and database integrity standards. The requirements in this section are in addition to the applicable interconnection requirements required by §26.272 of this title (relating to Interconnection). This section is not applicable to commercial mobile radio service (CMRS) providers that are not certificated telecommunications utilities (CTUs), or database management service providers offering service exclusively to CMRS providers that are not CTUs in the state of Texas.
- (b) **Definitions.** The following words and terms, used in this section shall have the following meanings, unless the context clearly indicates otherwise:
- (1) **9-1-1 administrative entity** — A regional planning commission as defined in Texas Health & Safety Code Annotated §771.001(10) and an emergency communication district as defined in the Texas Health & Safety Code Annotated §771.001(3).
 - (2) **9-1-1 database services** — Services purchased by the 9-1-1 administrative entity(ies) that accepts, processes, and validates subscriber record information of telecommunications providers for purposes of Selective Routing and Automatic Location Identification, and that may also provide statistical performance measures.
 - (3) **9-1-1 network services** — Services purchased by the 9-1-1 administrative entity(ies) that routes 9-1-1 calls from a 9-1-1 tandem or its equivalent to a public safety answering point(s).
 - (4) **9-1-1 database management services provider** — The entity designated by a 9-1-1 administrative entity to provide 9-1-1 database management services that support the provision of 9-1-1 services.
 - (5) **9-1-1 network services provider** — The CTU designated by the 9-1-1 administrative entity to provide 9-1-1 network services.
 - (6) **Automatic location identification (ALI)** — The automatic display at the public safety answering point (PSAP) of the caller's telephone number, the address/location of the telephone and supplementary emergency services information.
 - (7) **Alternate routing** — The capability of routing 9-1-1 calls to a designated alternate location if all 9-1-1 trunks to a primary PSAP are busy or out of service.
 - (8) **Automatic number identification (ANI)** — The telephone number associated with the access line from which a call originates.
 - (9) **Commercial Mobile Radio Service (CMRS)** — A mobile interconnected service provided for profit and available to the public.
 - (10) **Commission on State Emergency Communications (CSEC)** — The state commission formerly known as the Advisory Commission on State Emergency Communications, with the responsibilities and authority as specified in Texas Health and Safety Code, Chapter 771.
 - (11) **Default routing** — The capability to route a 9-1-1 call to a designated PSAP when the incoming 9-1-1 call cannot be selectively routed due to an ANI failure or other cause.
 - (12) **Emergency service number (ESN)** — A three to five digit number representing a unique combination of emergency service agencies designated to serve a specific range of addresses within a particular geographic area. The ESN facilitates

selective routing and selective transfer, if required, to the appropriate PSAP and the dispatching of the proper service agency(ies).

§26.433(b) continued

- (13) **Emergency service zone (ESZ)** — A geographic area that has common law, fire, and emergency medical services that respond to 9-1-1 calls.
 - (14) **Master street address guide (MSAG)** — A database maintained by each 9-1-1 administrative entity of street names and house number ranges within their associated communities defining ESNs and their associated ESNs to enable proper routing of 9-1-1 calls.
 - (15) **NXX** — A three-digit code, also commonly referred to as exchange or prefix, in which "N" is any digit 2 through 9 and "X" is any digit 0 through 9.
 - (16) **Numbering plan area (NPA)** — Also commonly referred to as an area code. An NPA is the first three digit code in the ten digit numbering format that applies throughout areas served by the North American Numbering Plan number for a particular calling area.
 - (17) **P.01 grade of service** — A standard of service quality intended to measure the probability (P), expressed as a decimal fraction, of a telephone call being blocked. P.01 is the grade of service reflecting the probability that one call out of 100 during the average busy hour will be blocked.
 - (18) **Public safety answering point (PSAP)** — A continuously operated communications facility established or authorized by local governmental authorities that answers 9-1-1 calls originating within a given service area, as further defined in Texas Health and Safety Code Chapters 771 and 772.
 - (19) **Selective routing (SR)** — The routing of a 9-1-1 call to the proper PSAP based upon the location of the caller. Selective routing is controlled by the ESN which is derived from the customer location.
 - (20) **Selective routing tandem switch** — Switch located in a telephone central office that is equipped to accept, process, and route 9-1-1 calls to a specific location.
 - (21) **Service order system** — System used by a telecommunications provider that, among other functions, tracks customer service requests and billing data.
 - (22) **Telecommunications provider** — As defined in PURA §51.002(10).
 - (23) **Wholesale service** — As defined in §26.5 of this title (relating to Definitions).
- (c) **9-1-1 service provider certification requirements.** A 9-1-1 database management services provider must be a certificated telecommunications utility in order to provide a necessary element of 9-1-1 service in the state of Texas.
- (d) **Requirement to prepare plan and reporting and notification requirements.**
- (1) **Network Services Plan.** By September 1, 2000, a 9-1-1 network services provider shall prepare and file with the commission a network services plan. The plan shall be updated upon a change affecting a 9-1-1 administrative entity, a 9-1-1 database management services provider, or a 9-1-1 network services provider, but not more often than quarterly of each year. Material submitted to the commission pursuant to this section believed to contain proprietary or confidential information shall be identified as such, and the commission may enter an appropriate protective order. The network services plan shall include:
 - (A) a description of the network services and infrastructure for equipment and software being used predominantly for the purpose of providing 9-1-1 services, including but not limited to, alternate routing, default routing, central office identification, and selective routing, ESN, and transfer information;
 - (B) a schematic drawing and maps illustrating current 9-1-1 network service arrangements specific to each 9-1-1 administrative entity's jurisdiction for

each applicable rate center, city, and county. The maps shall show the overlay of rate center, county, and city boundaries; and

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- (C) a schedule of planned network upgrades and modifications that includes an explanation of the 9-1-1 customer premise equipment implications, if any, related to upgrades and modifications.
- (2) **Database Services Plan.** By September 1, 2000, a 9-1-1 database management services provider shall prepare and file with the commission a database services plan. The plan shall be updated upon a change affecting a 9-1-1 administrative entity, a 9-1-1 database management services provider, or a 9-1-1 network services provider, but not more often than quarterly of each year. Material submitted to the commission pursuant to this section believed to contain proprietary or confidential information shall be identified as such, and the commission may enter an appropriate protective order. The database services plan shall include:
 - (A) a narrative description of the current database services provided, including but not limited to a description of current 9-1-1 database management service arrangements and each NPA/NXX by selective router served by the database management services provider;
 - (B) a schematic drawing and maps of current 9-1-1 database service arrangements specific to the applicable agency's jurisdiction for each applicable rate center, city, and county. The maps shall show the overlay of rate center, county, and city boundaries;
 - (C) a current schedule of planned database management upgrades and modifications, including software upgrades;
 - (D) an explanation of the 9-1-1 customer premises equipment implications, if any, related to any upgrades and modifications referenced in subparagraph (C) of this paragraph; and
 - (E) a description of all database contingency plans for 9-1-1 emergency service.
- (3) **Other notification requirements.** A CTU shall notify all affected 9-1-1 administrative entities at least 30 days prior to activating or using a new NXX in a rate center or upon the commencement of providing local telephone service in any rate center.
- (e) **Network interoperability and service quality requirements.** In order to ensure network interoperability and a consistent level of service quality the following standards shall apply.
 - (1) A CTU operating in the state of Texas shall:
 - (A) Participate, as technically appropriate and necessary, in 9-1-1 network and 9-1-1 database modifications; including, but not limited to, those related to area code relief planning, 9-1-1 tandem reconfiguration, and changes to the 9-1-1 network services or database management services provider.
 - (B) Notify and coordinate changes to the 9-1-1 network and database with, as necessary and appropriate, its wholesale customers, all affected 9-1-1 administrative entities, and CSEC.
 - (C) Provide a P.01 grade of service on the trunk groups required from the end office(s) to the designated selective routing tandem and from the selective routing tandem to the PSAP.
 - (D) Apprise all affected 9-1-1 administrative entities of any failure to meet the P.01 grade of service in writing and correct any degradation within 60 days.
 - (2) A telecommunications provider operating in the state of Texas shall:
 - (A) Provide to all applicable 9-1-1 administrative entities the name, title, address, and telephone number of the telecommunications provider's 9-1-1

contact including but not limited to, a designated contact person to be available at all times to work with the applicable 9-1-1 Administrative Entities, CSEC and the commission to resolve 9-1-1-related emergencies. CSEC shall be notified of any change to a telecommunications provider's designated 9-1-1 contact personnel within five business days.

§26.433(e)(2) continued

- (B) Develop a 9-1-1 disaster recovery and service restoration plan with input from the applicable regional planning commission or emergency communication district, CSEC and the commission.
- (f) **Database integrity.** In order to ensure the consistent quality of database information required for 9-1-1 services, the following standards apply.
- (1) A CTU operating in the state of Texas shall:
- (A) Utilize a copy of the 9-1-1 administrative entity's MSAG or other appropriate governmental source, such as post offices and local governments, to confirm that valid addresses are available for 9-1-1 calls for areas where the 9-1-1 service includes selective routing, or automatic location identification, or both, in order to confirm that valid addresses are available for 9-1-1 calls. This requirement is applicable where the 9-1-1 administrative entity has submitted an MSAG for the service area to the designated 9-1-1 database management services provider. The MSAG must be made available to the CTU at no charge and must be in a mechanized format that is compatible with the CTU's systems. This requirement shall not be construed as a basis for denying installation of basic telephone service, but as a process to minimize entry of erroneous records into the 9-1-1 system.
- (B) Take reasonable and necessary steps to avoid submission of telephone numbers associated with non-dialtone generating service to the 9-1-1 database management services provider.
- (C) Submit corrections to inaccurate subscriber information to the 9-1-1 database management services provider within 72 hours of notification of receipt of the error file from the 9-1-1 database management services provider.
- (D) As applicable, coordinate 9-1-1 database error resolution for resale customers.
- (2) A 9-1-1 database management services provider operating in the state of Texas shall:
- (A) Provide copies of the MSAG(s) for the 9-1-1 administrative entities it serves to any CTU authorized to provide local exchange service within the jurisdiction of those 9-1-1 administrative entities. The 9-1-1 database management services provider shall make all updates to the MSAG electronically available to CTUs within 24 hours of update by the 9-1-1 administrative entity.
- (B) Upon receipt of written confirmation from the appropriate CTU, delete inaccurate subscriber information within 24 hours for deletions of fewer than 100 records. For deletions of 100 records or more, the database management service provider shall delete the records as expeditiously as possible within a maximum time frame of 30 calendar days.
- (g) **Cost recovery.** A CTU may not charge a 9-1-1 administrative entity, through tariffed or non-tariffed charges, for the preparation and transfer of files from the CTU's service order system to be used in the creation of 9-1-1 call routing data and 9-1-1 ALI data.
- (h) **Unbundling.** A dominant CTU that is a 9-1-1 network services provider and a 9-1-1 database management services provider, if it has not already done so prior to the effective date of this rule, must file within 90 days from the effective date of this rule an alternative 9-1-1 tariff that provides 9-1-1 administrative entities the option to purchase any separately offered and priced 9-1-1 service.

§26.435. Cost Recovery Methods for 9-1-1 Dedicated Transport.

- (a) **Purpose.** The purpose of this section is to establish uniform cost recovery methods for dedicated trunks used in the provision of 9-1-1 service to end users by certificated telecommunications utilities (CTUs).
- (b) **Application.** This section applies to all CTUs providing local exchange service.
- (c) **Definitions.** The following words and terms when used in this section shall have the following meaning unless the context indicates otherwise:
 - (1) **9-1-1 entity** — A regional planning commission as defined in Texas Health & Safety Code Annotated §771.001(10) and an emergency communication district as defined in the Texas Health & Safety Code Annotated §771.001(3).
 - (2) **9-1-1 Service Agreement** — The contract addressing the 9-1-1 service arrangement(s) for the relevant local area that the 9-1-1 entity and the CTU shall negotiate and execute.
 - (3) **Dedicated trunk** — A 9-1-1 trunk that originates at a CTU switching office or point of presence to a port of termination at a 9-1-1 selective router or tandem, as described to the CTU by the applicable 9-1-1 entity in its service arrangement requirements for each applicable rate center. The dedicated trunk includes transport, port usage, and termination. Each CTU shall be responsible for providing such dedicated trunks from the CTU switching office or point of presence to the 9-1-1 selective router.
 - (4) **Service arrangement** — Each particular arrangement for 9-1-1 emergency service specified by the 9-1-1 entity for the relevant rate center(s) within its jurisdictional area.
- (d) **Reimbursable costs.**
 - (1) **9-1-1/CTU Reimbursement.** Subject to the applicable law regarding payments by the 9-1-1 entity, the 9-1-1 entity shall reimburse a CTU a maximum non-recurring rate of \$165 and recurring rate of \$39 per month as the total compensation for each dedicated trunk unless:
 - (A) the CTU files a petition with the commission and notice of such filing with the affected 9-1-1 entity or entities for the imposition of a different rate no later than June 1 of the calendar year; and
 - (B) the CTU provides evidence to the commission that, based upon certain technology deployment, a different rate should apply; and
 - (C) after appropriate review, including comment from the affected 9-1-1 entity or entities, the commission approves such rate as requested by the CTU.
 - (2) Any commission approved change in rate for compensation for the dedicated trunk(s) shall become effective no earlier than October 1 of the same calendar year.
 - (3) **Inter-CTU Allocation methodology.** Each CTU that originates a 9-1-1 call shall receive a pro rata share of the commission approved recurring rate(s) under paragraphs (1) or (2) of this subsection for 9-1-1 dedicated transport of the call, based upon the transport mileage between the CTU's end office or point of presence (POP) to the point of interconnection and the 9-1-1 network service provider's transport mileage from the point of interconnection to the 9-1-1 selective router or tandem. The transport mileage used to calculate the pro rata share shall not exceed 14 miles from the originating CTU end office or POP to the point of interconnection.

- (A) The points of interconnection for local traffic in existing interconnection agreements are acceptable for the purposes of calculating the pro rata share or reimbursable costs, unless the CTUs mutually agree to different points of interconnection.
- (B) To the extent a CTU provisions its own dedicated trunk(s) from its end office or POP directly to the 9-1-1 selective router or tandem of another 9-1-1 network services provider, the CTU is required to compensate such provider for port usage and termination

§26.435(d)(3)(B) continued

- charges. The 9-1-1 network services provider shall assess such charges on a Total Element Long Run Incremental Cost (TELRIC) basis.
- (C) To the extent a CTU leases dedicated trunk(s) from a 9-1-1 network services provider to the 9-1-1 selective router or tandem from its end office or POP, the CTU is required to compensate such provider for transport, port usage and termination charges. The 9-1-1 network services provider shall assess such charges on a TELRIC basis.
 - (D) To the extent a CTU leases dedicated trunk from a 9-1-1 network services provider extending from its end office or POP to the point of interconnection, the 9-1-1 network services provider shall assess such charges on a TELRIC basis.
 - (E) A CLEC may lease or provision dedicated trunks to the point of interconnection or directly to the 9-1-1 network services provider's 9-1-1 selective router or tandem.
- (4) The number of dedicated trunks needed for 9-1-1 purposes shall be determined by the CTU following industry standards to provide a grade of service of P.01 or greater, but the minimum number of dedicated trunks to each 9-1-1 selective router per service arrangement shall not be less than two.
 - (5) As a prerequisite to receiving compensation for more than the minimum number of dedicated trunks required to meet the P.01 grade of service, the CTU must provide to the 9-1-1 entity, at least 30 days prior to seeking additional compensation, copies of traffic studies, performed using measured call volumes on the individual trunk group, establishing that more than the minimum number of dedicated trunks required to meet the P.01 grade of service are necessary.
 - (6) The traffic study or summary provided in response to paragraph (5) of this subsection shall be provided to the 9-1-1 entity at no cost. Any other traffic studies to evaluate current network performance will be provided to the 9-1-1 entity upon request, and the CTU shall be compensated by the 9-1-1 entity on a time and materials basis at rates that do not exceed the tariff rates approved as reasonable by the commission for the dominant CTU in the rate center.
 - (7) Only the CTU originating the dedicated trunk from the switching office or point of presence to the 9-1-1 selective router can submit charges to the 9-1-1 entity for the maximum reimbursement required in paragraph (1) of this subsection.
 - (8) Where the same dedicated trunks are permitted by the relevant service arrangements to serve areas administered by multiple 9-1-1 entities, a CTU shall contact the 9-1-1 entity serving the largest number of access lines for the area served by the CTU with those dedicated trunks and there shall be a rebuttable presumption that the 9-1-1 entity serving the largest number of access lines is the appropriate 9-1-1 entity to receive the billings for these dedicated trunks. The 9-1-1 entity that is responsible for receiving the billings for dedicated trunks pursuant to this subsection, may seek reimbursement of such expense from other 9-1-1 entities within the affected rate center.
 - (9) The 9-1-1 network services provider as defined in §26.433(b) of this title (relating to Roles and Responsibilities of 9-1-1 Service Providers) shall bill the 9-1-1 entity and shall not bill a CTU for Automatic Local Identification (ALI) and/or selective routing services.
- (e) **Reimbursement prerequisites.** A CTU must comply with each of the following prerequisites before the CTU can obtain reimbursement from the 9-1-1 entity for dedicated trunks:

- (1) Before the CTU initiates the provision of local exchange service in those areas in which the 9-1-1 entity provides 9-1-1 service, the CTU shall execute the 9-1-1 Service Agreement.
- (2) The CTU shall provide verification to the applicable 9-1-1 entity that it is complying with all requirements of §26.433 of this title, including, but not limited to, §26.433(e)(2) of this title, requiring "a designated contact person to be available at all times to work with the applicable" 9-1-1 entity.

§26.435 (e) continued

- (3) A CTU that resells its local exchange service to any CTU that, in turn, provides the resold local exchange service to end users, shall demonstrate to the 9-1-1 entity that the CTU has provided initial notice to its reselling CTUs:
 - (A) that it does not remit the required 9-1-1 emergency service fees on behalf of reselling CTUs; and
 - (B) that, subject to a confidentiality agreement with the 9-1-1 entity, it will release reselling CTUs wholesale billing records to 9-1-1 entities for quality measurement purposes, including, but not limited to, auditing a reselling CTU's collection and remittance of 9-1-1 emergency service fees in accordance with applicable law.
- (4) A CTU that provides resold local exchange service to end users must execute a separate service agreement with each 9-1-1 entity and remit the required 9-1-1 emergency service fee to the 9-1-1 entity pursuant to such service agreement.