

UTILITIES CODE

TITLE 2. PUBLIC UTILITY REGULATORY ACT

SUBTITLE C. TELECOMMUNICATIONS UTILITIES

CHAPTER 57. DISTANCE LEARNING AND OTHER ADVANCED SERVICES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 57.001. CONFLICT OF PROVISIONS. If this chapter conflicts with another provision of this title, this chapter prevails.

Acts 1997, 75th Leg., ch. 166, Sec. 1, eff. Sept. 1, 1997.

SUBCHAPTER B. DISTANCE LEARNING AND INFORMATION SHARING

Sec. 57.021. DEFINITIONS. In this subchapter:

(1) "Distance learning" means an instruction, learning, or training resource, including video, data, voice, or electronic information, that is:

(A) used by an educational institution predominantly for instruction, learning, or training; and

(B) transmitted from a site to one or more other sites by a telecommunications service.

(2) "Educational institution" includes:

(A) an accredited primary or secondary school;

(B) an institution of higher education as defined by Section 61.003, Education Code;

(C) a private institution of higher education accredited by a recognized accrediting agency as defined by Section 61.003, Education Code;

(D) the Texas Education Agency and its successors and assigns;

(E) a regional education service center established and operated in accordance with Chapter 8, Education Code; or

(F) the Texas Higher Education Coordinating Board and its successors and assigns.

(3) "Library" means:

(A) a public library or regional library system as defined by Section [441.122](#), Government Code; or

(B) a library operated by an institution of higher education or a school district.

Acts 1997, 75th Leg., ch. 166, Sec. 1, eff. Sept. 1, 1997.

Sec. 57.022. REDUCED RATES FOR DISTANCE LEARNING OR INFORMATION SHARING SERVICES. (a) The commission by rule shall require a dominant carrier to file a tariff that includes a reduced rate for a telecommunications service the commission finds is directly related to:

(1) a distance learning activity that is or could be conducted by an educational institution in this state; or

(2) an information sharing program that is or could be conducted by a library in this state.

(b) The commission rules shall specify:

(1) each telecommunications service to which Subsection (a) applies;

(2) the process for an educational institution or library to qualify for a reduced rate;

(3) the date by which a dominant carrier is required to file a tariff;

(4) guidelines and criteria that require the services and reduced rates to further the goals prescribed by Section [57.023](#); and

(5) any other requirement or term that the commission determines to be in the public interest.

(c) The commission is not required to determine the long run incremental cost of providing a service before approving a reduced rate for the service.

(d) Until cost determination rules are developed and the rates established under this section are changed as necessary to ensure proper cost recovery, the reduced rates established by the commission shall be equal to 75 percent of the otherwise applicable rate.

(e) After the commission develops cost determination rules for telecommunications services generally, the commission shall

ensure that a reduced rate approved under this section:

- (1) recovers service-specific long run incremental costs; and
- (2) avoids subsidizing an educational institution or a library.

Acts 1997, 75th Leg., ch. 166, Sec. 1, eff. Sept. 1, 1997.

Sec. 57.023. SERVICE AND RATE REQUIREMENTS. The services and reduced rates must be designed to:

- (1) encourage the development and offering of:
 - (A) distance learning activities by educational institutions; and
 - (B) information sharing programs of libraries;
- (2) meet the:
 - (A) distance learning needs identified by the educational community; and
 - (B) information sharing needs identified by libraries; and
- (3) recover the long run incremental costs of providing the services, to the extent those costs can be identified, to avoid subsidizing an educational institution or a library.

Acts 1997, 75th Leg., ch. 166, Sec. 1, eff. Sept. 1, 1997.

Sec. 57.024. TARIFF FILINGS. A tariff filed by a dominant carrier under Section [57.022](#):

- (1) may concern the implementation of this subchapter only;
- (2) is not a rate change under Subchapter [C](#), Chapter [53](#); and
- (3) does not affect the carrier's other rates or services.

Acts 1997, 75th Leg., ch. 166, Sec. 1, eff. Sept. 1, 1997.

Sec. 57.025. CHANGES IN RATE PROGRAM. (a) An educational institution, library, or dominant carrier may request the commission to:

(1) provide for a reduced rate for a service that:

(A) is directly related to a distance learning activity or an information sharing program; and

(B) is not covered by commission rules;

(2) change a rate;

(3) amend a tariff; or

(4) amend a commission rule.

(b) The commission shall take the action requested under Subsection (a) if the commission determines the action is appropriate.

Acts 1997, 75th Leg., ch. 166, Sec. 1, eff. Sept. 1, 1997.

SUBCHAPTER D. INTERACTIVE MULTIMEDIA COMMUNICATIONS

Sec. 57.071. DEFINITION. In this subchapter, "interactive multimedia communications" means real-time, two-way, interactive voice, video, and data communications conducted over networks that link geographically dispersed locations.

Acts 1997, 75th Leg., ch. 166, Sec. 1, eff. Sept. 1, 1997.

Sec. 57.072. RATES FOR INTERACTIVE MULTIMEDIA COMMUNICATIONS. (a) The commission shall permit a local exchange company that provides an interactive multimedia communications service to establish, using sound ratemaking principles, rates necessary to recover costs associated with providing the service.

(b) A local exchange company may not establish a rate under Subsection (a) that is less than the local exchange company's long run incremental costs of providing the interactive multimedia communications service, unless the commission determines it to be in the public interest to do so.

Acts 1997, 75th Leg., ch. 166, Sec. 1, eff. Sept. 1, 1997.