

By: Shapiro

S.B. No. 1852

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the authorized review by municipalities of a  
3 certificated telecommunications provider's business records  
4 regarding payment of right of way fees.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 283.056(c)(3), Local Government Code, is  
7 amended to read as follows:

8 (3) inspection of a provider's business records except  
9 to the extent necessary to conduct an authorized review of the  
10 provider to ensure compliance with the access line reporting  
11 requirements of this chapter if commenced within [~~90~~] 120 days  
12 after the filing of a certificated telecommunications provider's  
13 verified report of access lines; and

14 SECTION 2. Section 283.056, Local Government Code, is  
15 amended by the addition of subsection (g), to read as follows:

16 (g) The Commission shall promulgate rules by no later than  
17 January 1, 2004, to establish uniform procedures for municipalities  
18 to conduct the authorized reviews of a certificated  
19 telecommunications business records authorized in subsection (c)  
20 of this section. Such rules shall, at a minimum, (1) identify the  
21 types of records subject to review; (2) establish rules to ensure  
22 the confidential and proprietary nature of the business records  
23 while allowing the municipalities full access to same; (3) state  
24 that conducting of an authorized review shall not be interpreted as

1 an administrative remedy that must be exhausted before a  
2 municipality may initiate other legal action; (4) impose penalties  
3 for non-compliance with Chapter 283 that is revealed by the review  
4 or for failure to provide complete records during the review  
5 process; (5) require a certificated telecommunications provider  
6 who is shown to be non-compliant with Chapter 283 by the review or  
7 who fails to provide complete records during the review process to  
8 pay all costs of the review, plus interest; and, (6) allow the  
9 Commission to act as mediator of the review if agreed to by the  
10 parties.