

# REVIEW OF AGENCY RULES

This section contains notices of state agency rules review as directed by the Texas Government Code, §2001.039. Included here are (1) notices of *plan to review*; (2)

notices of *intention to review*, which invite public comment to specified rules; and (3) notices of *readoption*, which summarize public comment to specified rules. The complete text of an agency's *plan to review* is available after it is filed with the Secretary of State on the Secretary of State's web site (<http://www.sos.state.tx.us/texreg>). The complete text of an agency's rule being reviewed and considered for *readoption* is available in the *Texas Administrative Code* on the web site (<http://www.sos.state.tx.us/tac>).

For questions about the content and subject matter of rules, please contact the state agency that is reviewing the rules. Questions about the web site and printed copies of these notices may be directed to the *Texas Register* office.

## Proposed Rule Reviews

Public Utility Commission of Texas

### Title 16, Part 2

The Public Utility Commission of Texas (commission) publishes this notice of intention to review Chapter 28, Substantive Rules Applicable to Cable and Video Service Providers pursuant to Texas Government Code §2001.039, Agency Review of Existing Rules. The text of the rule section will not be published. The text of the rule may be found in the Texas Administrative Code, Title 16, Economic Regulation, Part 2, or through the commission's website at [www.puc.state.tx.us](http://www.puc.state.tx.us). Project No. 42077, *Agency Review of Chapter 28 - Substantive Rules Applicable to Cable and Video Service Providers, Pursuant to Texas Government Code §2001.039*, is assigned to this proceeding.

Texas Government Code §2001.039 requires that each state agency review and readopt, readopt with amendments, or repeal the rules adopted by that agency pursuant to the Texas Government Code, Chapter 2001, Subchapter B, Rulemaking. As required by §2001.039(e), this review is to assess whether the reason for adopting or readopting the rule continues to exist. The commission requests specific comments from interested persons on whether the reasons for adopting the section in Chapter 28 continue to exist.

The rule in Chapter 28 was adopted pursuant to the provisions in Public Utility Regulatory Act (PURA), Chapter 66, §§66.001 - 66.004. Section 28.6 was adopted to establish the certification criteria for a State-Issued Certificate of Franchise Authority (CFA) to provide cable and/or video services in the state and to set forth certain reporting requirements of CFA holders as well.

If it is determined during this review that the section of Chapter 28 needs to be repealed or amended, the repeal or amendment will be initiated under a separate proceeding; thus, this notice of intention to review Chapter 28 has no effect on the section as it currently exists.

Adriana Gonzales, Commission Advising and Docket Management Division, has determined that this review has no fiscal implications for state or local government; no adverse effect on small businesses or micro-businesses; and no effect on a local economy. There may be economic costs to persons who are required to comply with §28.6. These costs are likely to vary from business to business, and are difficult to ascertain. However, it is believed that the benefits accruing from implementation of the proposed section will outweigh these costs. The public benefit is orderly processing of applications for certificates of franchise authority.

Comments on the review of Chapter 28 (16 copies) may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326 within

30 days after publication. All comments should refer to Project Number 42077.

The rule subject to this review is proposed for publication under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (Vernon 2013) (PURA), which provides the Public Utility Commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; and Texas Government Code §2001.039 (Vernon 2008, Supplement 2013) which requires each state agency to review its rules every four years.

Cross Reference to Statutes: Public Utility Regulatory Act §14.002 and Chapter 66, §§66.001 - 66.004.

Subchapter B. Provisions Relating to Application for a State-Issued Certificate of Franchise Authority.

§28.6. State-Issued Certificate of Franchise Authority (CFA) Certification Criteria.

TRD-201306051

Adriana A. Gonzales

Rules Coordinator

Public Utility Commission of Texas

Filed: December 19, 2013

## Adopted Rule Reviews

Teacher Retirement System of Texas

### Title 34, Part 3

Under §2001.039 of the Texas Government Code, the Board of Trustees of the Teacher Retirement System of Texas (board) has reviewed the rules in the Texas Administrative Code, Title 34, Part 3, Chapter 53, §§53.1 - 53.20, concerning Certification by Companies Offering Qualified Investment Products (the 403(b) program). The proposed notice of review was published in the July 5, 2013, issue of the *Texas Register* (38 TexReg 4391). No public comments were received.

The rules in Chapter 53 relate to the administration of TRS' 403(b) program, under which an eligible company may certify to TRS that it offers qualified investment products that meet the requirements of section 403(b) of the Internal Revenue Code of 1986 and comply with applicable federal and state insurance and securities laws, regulations, and rules. Eligible companies may also register their qualified investment products with TRS. To offer qualified investment products to employees of a school district or an open-enrollment charter school, eligible companies must certify to and register the products with TRS under Article 6228a-5 of the Revised Civil Statutes and TRS' rules in Chapter 53.

The board determined at its December 12-13, 2013 meeting that the reasons for adopting the rules in Chapter 53 without changes continue to exist because state law under Article 6228a-5 of the Texas Revised Civil Statutes continues to require TRS to administer the 403(b) program and to adopt rules as necessary to do so.

As a result of the four-year statutory review of the 403(b) program rules, the board readopts without changes the following sections of Chapter 53:

- §53.1, relating to Definitions;
- §53.2, relating to Applicability;
- §53.3, relating to Maximum Fees, Costs, and Penalties;
- §53.4, relating to Qualifications for Certification by Companies Offering Qualified Investment Products that are Annuity Contracts;
- §53.5, relating to Qualifications for Certification by Companies Offering Qualified Investment Products Other than Annuity Contracts;
- §53.6, relating to Procedure for Certification;
- §53.7, relating to Certification Fee;
- §53.8, relating to List of Certified Companies;
- §53.9, relating to Notice to Potential Purchaser;
- §53.11, relating to Coordination with Regulatory and Enforcement Agencies;

- §53.12, relating to Company Notification of Non-compliance;
- §53.13, relating to Suspension or Revocation of Certification;
- §53.14, relating to Re-certification;
- §53.15, relating to Product Registration Requirement;
- §53.16, relating to Procedure for Product Registration;
- §53.17, relating to Product Registration Fee;
- §53.18, relating to List of Registered Products;
- §53.19, relating to Proceedings to Suspend or Revoke Certification or Registration; and
- §53.20, relating to Administrative Service Providers.

This concludes the review of Chapter 53.

TRD-201306033  
Brian K. Guthrie  
Executive Director  
Teacher Retirement System of Texas  
Filed: December 18, 2013

