

(iii) give the appearance of speaking or acting on behalf of any of its competitive affiliates;

(iv) share market analysis reports or other proprietary or non-publicly available reports, with its competitive affiliates;

(v) represent to customers or potential customers that it can offer competitive retail services bundled with its tariffed services; or

(vi) request authorization from its customers to pass on information exclusively to its competitive affiliate.

(B) A utility shall not engage in joint marketing, advertising, or promotional activities of its products or services with those of a competitive affiliate in a manner that favors the affiliate. Such joint marketing, advertising, or promotional activities include, but are not limited to, the following activities:

(i) acting or appearing to act on behalf of a competitive affiliate in any communications and contacts with any existing or potential customers;

(ii) joint sales calls;

(iii) joint proposals, either as requests for proposals or responses to requests for proposals;

(iv) joint promotional communications or correspondence, except that a utility may allow a competitive affiliate access to customer bill advertising inserts according to the terms of a commission-approved tariff so long as access to such inserts is made available on the same terms and conditions to non-affiliates offering similar services as the competitive affiliate that uses bill inserts;

(v) joint presentation at trade shows, conferences, or other marketing events within the State of Texas; and

(vi) providing links from all of the utility's web site and social media platforms as well as those of its competitive affiliate [a utility's Internet web site to a competitive affiliate's Internet web site].

(C) At a customer's unsolicited request, a utility may participate in meetings with a competitive affiliate to discuss technical or operational subjects regarding the utility's provision of transmission or distribution services to the customer, but only in the same manner and to the same extent the utility participates in such meetings with unaffiliated electric or energy services suppliers and their customers. The utility shall not listen to, view, or otherwise participate in any way in a sales discussion between a customer and a competitive affiliate or an unaffiliated electric or energy services supplier.

(2) [(3)] Requests for specific competitive affiliate information. If a customer or potential customer makes an unsolicited request to a utility for information specifically about any of its competitive affiliates, the utility may refer the customer or potential customer to the competitive affiliate for more information. Under this paragraph, the only information that a utility may provide to the customer or potential customer is the competitive affiliate's address and telephone number. The utility shall not transfer the customer directly to the competitive affiliate's customer service office via telephone or provide any other electronic link whereby the customer could contact the competitive affiliate through the utility. When providing the customer or potential customer information about the competitive affiliate, the utility shall not promote its competitive affiliate's products or services, nor shall it offer the customer or potential customer any opinion regarding the service of the competitive affiliate or any other service provider.

(3) [(4)] Requests for general information about products or services offered by competitive affiliates and their competitors. If a customer or potential customer request general information from a

utility about products or services provided by its competitive affiliate or its affiliate's competitors, the utility shall not promote its competitive affiliate or its affiliate's products or services, nor shall the utility offer the customer or potential customer any opinion regarding the service of the competitive affiliate or any other service provider. The utility may direct the customer or potential customer to a telephone directory or to the commission, or provide the customer with a recent list of suppliers developed and maintained by the commission, but the utility may not refer the customer or potential customer to the competitive affiliate except as provided for in paragraph (2) [(3)] of this subsection.

(i) Remedies and enforcement.

(1) - (2) (No change.)

(3) Compliance Audits. No later than one year after the utility has unbundled pursuant to PURA §39.051, or acquires a competitive affiliate, and, at a minimum, every third year thereafter, the utility shall have an audit prepared by independent auditors that verifies that the utility is in compliance with this section. For a utility that has no competitive affiliates, the audit may consist solely of an affidavit stating that the utility has no competitive affiliates. The utility shall file the results of each said audit with the commission within one month of the audit's completion. The cost of the audits shall not be charged to utility ratepayers.

(4) - (8) (No change.)

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Adriana A. Gonzales

Rules Coordinator

Public Utility Commission of Texas

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For further information, please call: (512) 936-7223



PART 9. TEXAS LOTTERY COMMISSION

CHAPTER 401. ADMINISTRATION OF STATE LOTTERY ACT

SUBCHAPTER D. LOTTERY GAME RULES

16 TAC §401.322

Pursuant to the authority set forth in Texas Government Code §466.015(a), the Texas Lottery Commission Executive Director (Executive Director) proposes new 16 TAC §401.322, "Texas Triple Chance" Lottery Game Rule. The purpose of the proposed new rule is to establish and share with the public the details of the game design, matrix, prize level structure and operation of the proposed new lottery draw game.

Kathy Pyka, Controller, has determined that the "Texas Triple Chance" game will result in an estimated \$22.9 million for the first five-year period. The fiscal impact for each year of the first five years the rule is in effect is as follows: FY 2014, \$1.2 million; FY 2015, \$5.2 million; FY 2016, \$5.5 million; FY 2017, \$5.5 million; FY 2018, \$5.5 million. There will be no adverse effect on

small businesses, micro businesses, or local or state employment. There will be no additional economic cost to persons required to comply with the new rule as proposed. Furthermore, an Economic Impact Statement and Regulatory Flexibility Analysis is not required because the new rule will not have an economic effect on small businesses as defined in Texas Government Code §2006.001(2).

Michael Anger, Lottery Operations Director, has determined that for each year of the first five years the "Texas Triple Chance" rule will be in effect, the public benefit anticipated is additional revenue for the Foundation School Fund, additional commissions for retailers, and a wider variety of lottery game offerings and features for players.

The Executive Director requests comments on the proposed new rule from any interested person. Comments on the proposed new rule may be submitted to Deanne Rienstra, Assistant General Counsel, by mail at Texas Lottery Commission, P.O. Box 16630, Austin, Texas 78761-6630; by facsimile at (512) 344-5189; or by email at legal.input@lottery.state.tx.us. The Commission will hold a public hearing on this proposal at 10:30 a.m. on Wednesday, January 8, 2014, at 611 E. 6th Street, Austin, Texas 78701. Comments must be received within 30 days after publication of this proposal in order to be considered.

The new rule is proposed under Texas Government Code §466.015(a), which authorizes the Executive Director to propose rules to be adopted by the Commission, and authorizes the Commission to adopt rules governing the operation of the lottery; and under the authority of Texas Government Code §467.102, which provides the Commission with the authority to adopt rules for the enforcement and administration of the laws under the Commission's jurisdiction.

This proposal is intended to implement Texas Government Code, Chapter 466.

§401.322. "Texas Triple Chance" Lottery Game.

(a) "Texas Triple Chance." The executive director is authorized to conduct a game known as "Texas Triple Chance." The executive director may issue further directives for the conduct of "Texas Triple Chance" that are consistent with this rule. In the case of conflict, this rule takes precedence over §401.304 of this title (relating to On-Line Game Rules (General)).

(b) Definitions. When used in this rule, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise.

(1) Chance--One of three sets of 7 numbers from 1 through 55 included in a play for the opportunity to win a prize in "Texas Triple Chance." There are three Chances in each play of "Texas Triple Chance."

(2) Play--The three separate Chances, each representing an opportunity to win a prize in "Texas Triple Chance," and the purchase of a ticket evidencing same. The first Chance consists of 7 numbers either chosen by the player or by Quick Pick allowing a random number generator operated by the terminal to select the numbers. The remaining two Chances consist of two sets of 7 numbers always automatically selected by Quick Pick.

(3) Playboard--A field of 55 numbers on a playslip for use in selecting numbers for a "Texas Triple Chance" play. There are five playboards on each playslip. Each playboard will generate one play of three Chances (three sets of 7 numbers).

(4) Playslip--An optically readable card issued by the commission for use in selecting numbers for one or more "Texas Triple Chance" plays.

(c) Object of the Game. The object of the game is to match 3 or more numbers in a single Chance to the 10 numbers drawn in the drawing to win a prize.

(d) How the Game is Played. For each play, the player gets three sets of 7 numbers, or three Chances to win. Each set is selected from a field of 55 (numbered 1-55). The player may choose the first 7 numbers (the first Chance), or select a Quick Pick. The second and third Chances are always selected using Quick Pick numbers and automatically printed on the player's ticket at the time of purchase. Since the second and third Chances are randomly generated Quick Pick numbers, any of the three Chances in a play may include duplicate numbers. Each Chance is an opportunity to win, and a player can win up to three times in each play. If the player matches all 7 numbers in any one Chance to the numbers drawn in the drawing, the player wins the top prize. If more than one Chance has been sold in which a player has matched all 7 numbers, each player possessing a ticket containing such a Chance(s) shall win the top prize, subject to subsection (h) of this section.

(e) Plays and tickets.

(1) A ticket may be sold only by an on-line retailer and only at the location listed on the retailer's license. A ticket sold by a person other than an on-line retailer is not valid.

(2) The price of an individual play is \$2.

(3) A player may complete up to five playboards on a single playslip.

(4) A player may use a single playslip to purchase the same play(s) for up to 12 consecutive drawings, to begin with the next drawing after the purchase.

(5) A person may select numbers for a play as follows:

(A) For the first Chance, the set of 7 numbers may be selected by using a playslip, or by selecting a Quick Pick and allowing a random number generator operated by the terminal to select numbers; or by requesting a retailer to manually enter numbers.

(B) For the second and third Chances, numbers will always be automatically selected using Quick Pick.

(6) Playslips must be completed manually. A ticket generated from a playslip that was not completed manually is not valid.

(7) An on-line retailer may accept a request to manually enter selections for the first Chance or to make Quick Pick selections only if the request is made in person. A retailer shall not accept telephone or mail-in or other requests not made in person to manually enter selected numbers.

(8) An on-line retailer shall issue a ticket as evidence of one or more plays. A ticket must show the numbers selected for each play, the number of plays and the draw date(s) for which the plays were purchased, the cost of the ticket and the security and transaction serial numbers. Tickets must be printed on official Texas Lottery paper stock.

(9) A playslip, or any document other than a ticket issued as described in paragraph (8) of this subsection, has no monetary value and is not evidence of a play.

(10) It shall be the exclusive responsibility of the player to verify the accuracy of the player's selection(s) and other data printed on the ticket.

(11) An unsigned winning ticket is payable to the holder or bearer of the ticket if the ticket meets all applicable validation requirements. Neither the commission nor its sales agents shall be responsible for lost or stolen tickets.

(12) The executive director may authorize promotions in connection with the "Texas Triple Chance" game. Current promotions will be posted on the commission's web site.

(f) Drawings.

(1) "Texas Triple Chance" drawings will be held daily at 10:12 p.m. Central Time, Monday through Saturday. The executive director may change the drawing schedule if, in the executive director's sole discretion, it is deemed necessary or expedient.

(2) Ten (10) different numbers from 1 through 55 shall be drawn at each "Texas Triple Chance" drawing.

(3) Numbers drawn must be certified by the commission in accordance with the commission's drawing procedures.

(4) The numbers selected in a drawing shall be used to determine all winners for that drawing.

(5) A drawing will not be invalidated based on the financial liability of the lottery.

(g) Announcement of incentive or bonus program. The executive director shall announce each incentive or bonus program prior to its commencement. The announcement shall specify the beginning and ending time, if applicable, of the incentive or bonus program and the value for the award.

(h) Prizes.

(1) The Top Prize.

(A) Each person who holds a valid ticket for a play in which all 7 numbers in a single Chance match any 7 of the 10 numbers drawn in the drawing is entitled to a top prize in the amount of \$100,000; provided that, in any drawing where the number of top prize-winning Chances is greater than ten (10), the top prize shall be paid on a pari-mutuel rather than fixed prize basis and a liability cap of \$1 million will be divided equally by the number of top prize-winning Chances. For purposes of prize calculation with respect to the pari-mutuel prize, the calculation shall be rounded down so that prizes shall be paid in multiples of one dollar. Any part of the top pari-mutuel prize for a drawing that is not paid in prizes (breakage) shall be applied to offset prize expense. All other prizes are in amounts for matching selections as shown in the following chart. All prizes are paid in cash. Figure: 16 TAC §401.322(h)(1)(A)

(B) All payments shall be made upon completion of commission validation procedures.

(C) A claim for any prize of \$600 or more must be presented at a Texas Lottery claim center.

(2) A person may win only one prize per Chance per drawing. A player who holds a valid ticket for a winning play is entitled to the total of the winnings for all of the three Chances in that play, subject to the top prize liability limit. The value of each winning Chance is determined independently of the other Chances in the play.

The agency certifies that legal counsel has reviewed the proposal and found it to be within the state agency's legal authority to adopt.

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Bob Biard

General Counsel

Texas Lottery Commission

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For further information, please call: (512) 344-5012



TITLE 19. EDUCATION

PART 2. TEXAS EDUCATION AGENCY

CHAPTER 53. REGIONAL EDUCATION

SERVICE CENTERS

SUBCHAPTER AA. COMMISSIONER'S RULES

19 TAC §53.1021

The Texas Education Agency (TEA) proposes new §53.1021, concerning regional education service centers. The proposed new section would adopt the Regional Education Service Center Performance Standards and Indicators Manual.

The Texas Education Code (TEC), §8.101, requires the commissioner of education to establish performance standards and indicators for regional education service centers that measure the achievements of the regional education service centers in the areas of student performance, school district and charter school effectiveness and efficiencies, economical and efficient school operations, school district and charter school assistance in core services, and state and federal grant program implementation. In addition, the TEC, §8.103, requires an annual evaluation of each executive director and regional education service center based on fiscal and operations management, external liaison and public image, and the performance standards and indicators set forth in the TEC, §8.101. In accordance with statute, the commissioner has developed the Regional Education Service Center Performance Standards and Indicators Manual.

Agency legal counsel has determined that the commissioner should take formal rulemaking action to place into the *Texas Administrative Code* procedures related to the regional education service center performance standards and indicators. The intent is to update, as needed, 19 TAC §53.1021 to refer to the most recently published Regional Education Service Center Performance Standards and Indicators Manual, which would be updated to remain current with applicable statutes and procedures.

Proposed new 19 TAC §53.1021 would adopt the Regional Education Service Center Performance Standards and Indicators Manual in rule as Figure: 19 TAC §53.1021(b), which would establish performance standards and indicators used in the evaluation of regional education service centers and executive directors. The manual would provide clear expectations to regional education service centers and executive directors for programs, products, and services developed and provided to school districts and charter schools. The manual would also provide clear expectations for ensuring compliance with statutory requirements.

The proposed new section would establish in rule the performance standards and indicators by which regional education service centers will be annually evaluated. The proposed new