

PROJECT NO. 30046

PUC RULEMAKING TO AMEND §26.24	§	PUBLIC UTILITY COMMISSION
RELATING TO THE ESTABLISHMENT	§	
OF SATISFACTORY CREDIT FOR	§	OF TEXAS
VICTIMS OF FAMILY VIOLENCE	§	

**ORDER ADOPTING AMENDMENT TO §26.24
AS APPROVED AT THE MARCH 31, 2005 OPEN MEETING**

The Public Utility Commission of Texas (commission) adopts an amendment to §26.24, relating to Credit Requirements and Deposits with changes to the proposed text as published in the February 4, 2005 issue of the *Texas Register* (30 TexReg 457). The amendment adds local law enforcement personnel, the Office of a Texas District Attorney or County Attorney, the Office of Attorney General, and grantees of the Texas Equal Access to Justice Foundation to the list of entities authorized to designate a customer as a victim of family violence in order to demonstrate satisfactory credit for electric service. This amendment is adopted under Project Number 30046.

The commission received comments on the proposed amendment from Texas Legal Services Center (TLSC) and the Texas Council on Family Violence (TCFV).

TLSC proposed that the rule be expanded to include providers of free civil legal services that are funded by the Texas Equal Access to Justice Foundation as entities authorized to certify a person as a victim of family violence in order to demonstrate satisfactory credit. TCFV supported the proposal.

Commission response

The commission agrees with the proposal submitted by TLSC and makes the appropriate changes.

TLSC also proposed that the rule be expanded to apply to competitive providers as well as dominant certificated telecommunications utility (DCTU). TCFV supported this proposal.

Commission Response

Expanding the scope of the rule to apply to competitive providers was not originally contemplated by this project and therefore the proposed change cannot be made without republication. Rather than delay the adoption of the rule, the commission rejects the proposed change at this time. This issue may be reconsidered in the future.

This amendment is adopted under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (Vernon 1998, Supplement 2005) (PURA) which provides the commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction, and §39.101, which provides the commission with the authority to establish rules governing customer service, including customer deposits.

Cross Reference to Statutes: Public Utility Regulatory Act §14.002 and §39.101.

§26.24. Credit Requirements and Deposits.**(a) Dominant certificated telecommunications utility (DCTU).****(1) Credit requirements for permanent residential applicants.**

(A) (No change.)

(B) A residential applicant can demonstrate satisfactory credit using one of the criteria listed in clauses (i) - (iv) of this subparagraph.

(i) – (iii) (No change.)

(iv) Victim of family violence: The residential applicant has been determined to be a victim of family violence as defined in Texas Family Code §71.004, by a family violence center as defined in Texas Human Resources Code §51.002, by treating medical personnel, by law enforcement personnel, by the Office of a Texas District Attorney or County Attorney, by the Office of the Attorney General, or by a grantee of the Texas Equal Access to Justice Foundation. This determination shall be evidenced by submission of a certification letter developed by the Texas Council on Family Violence.

(C) (No change.)

(2) – (13) (No change.)

(b)-(c) (No change.)

This agency hereby certifies that the adoption has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority. It is therefore ordered by the Public Utility Commission of Texas that §26.24 relating to Credit Requirements and Deposits is hereby adopted with changes to the text as proposed.

ISSUED IN AUSTIN, TEXAS ON THE _____ DAY OF _____ 2005.

PUBLIC UTILITY COMMISSION OF TEXAS

JULIE PARSLEY, COMMISSIONER

PAUL HUDSON, CHAIRMAN

BARRY T. SMITHERMAN, COMMISSIONER