

The Public Utility Commission of Texas (commission) adopts an amendment to §25.4, relating to Statement of Nondiscrimination with changes to the proposed text as published in the September 29, 2000 *Texas Register* (25 TexReg 9794). The amendment is necessary to implement the provisions of the Public Utility Regulatory Act (PURA) §17.004(a)(4) and §64.004(a)(4), which add "income level" and "source of income" as protected categories, and add a prohibition on "unreasonable discrimination on the basis of geographic location." The amendment expands the application of the rule to all electric utilities and retail electric providers. This amendment was adopted under Project Number 21232.

The commission received no comments on the proposed amendment.

The commission amends the proposed rule to replace the term electric service provider with retail electric provider to be consistent with the customer protection rules (§§25.471 - 25.475, 25.477 - 25.485, 25.491, and 25.492 relating to Customer Protection Rules for Retail Electric Service), as adopted. The reference to electric service provider in proposed §25.471(d)(8) of this title (relating to Generic Provisions of Customer Protection Rules) no longer exists.

This amendment is adopted under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (Vernon 1998, Supplement 2001) (PURA) which provides the commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; and

specifically, PURA §17.004(a)(4) and §64.004(a)(4), that require protection from discrimination on the basis of race, color, sex, nationality, religion, marital status, income level, or source of income and from unreasonable discrimination on the basis of geographic location.

Cross Reference to Statutes: Public Utility Regulatory Act §§14.002, 17.004(a)(4), and 64.004(a)(4).

§25.4. Statement of Nondiscrimination.

- (a) No electric utility or retail electric provider shall discriminate on the basis of race, nationality, color, religion, sex, marital status, income level, or source of income.

- (b) No electric utility or retail electric provider shall unreasonably discriminate on the basis of geographic location.

This agency hereby certifies that the rule, as adopted, 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 §25.4 relating to Statement of Nondiscrimination is hereby adopted with changes to the text as proposed.

ISSUED IN AUSTIN, TEXAS ON THE 1st DAY OF FEBRUARY 2001.

PUBLIC UTILITY COMMISSION OF TEXAS

Chairman Pat Wood, III

Commissioner Judy Walsh

Commissioner Brett A. Perlman