

PROJECT NO. 26091

TEXAS LEGAL SERVICES'	§	PUBLIC UTILITY COMMISSION
REQUEST FOR RULE TO PROTECT	§	
CUSTOMERS FROM POLR	§	OF TEXAS
TRANSFER (SEVERED FROM	§	
PROJECT NO. 25360)	§	

ORDER DENYING PETITION

On June 3, 2002, Texas Legal Services Center (TLSC) petitioned the Commission to consider developing an emergency rule to protect customers this summer by moving them to the affiliated retail electric provider (AREP) rather than the POLR “to prevent massive customer confusion about POLR services and termination procedures and to save lives.”¹ A subsequent filing by TLSC on July 8, 2002 indicates that TLSC’s request was limited in scope to residential customers.

TLSC’s request was docketed as a petition for rulemaking subject to the provisions of the Texas Government Code, Chapter 2001, Subchapter B and PUC PROC. R. 22.281. Consistent with PUC PROC. R. 22.281(a)(1), notice of TLSC’s Request was published for comment in the *Texas Register* on June 28, 2002 with a comment deadline of July 12, 2002.

Comments on TLSC’s proposal were received from American Electric Power Company, Inc. (AEP); National Fuel Funds Network (NFFN); Reliant Resources, Inc. (Reliant); Texas Association of Community Action Agencies (TACAA); and TXU Energy Retail Company (TXU).

¹ TLSC’s Request, page 1.

NFFN and TACAA commented in favor of TLSC's proposal while AEP and TXU were opposed. Reliant took no position as to whether an emergency rule was appropriate but commented on specific implementation issues.

After considering TLSC's request, applicable law, and comments received, the Commission has determined that TLSC's request fails to meet the legal standard for adoption of an emergency rule because TLSC has not demonstrated an imminent threat to public health, safety, or welfare as required for an emergency rulemaking under TEX. GOV'T. CODE ANN. §2001.034(a)(1). Therefore, TLSC's petition is DENIED.

SIGNED AT AUSTIN, TEXAS, the 29 day of July , 2002.

PUBLIC UTILITY COMMISSION OF TEXAS

REBECCA KLEIN, CHAIRMAN

BRETT A. PERLMAN, COMMISSIONER