

PROJECT NO. 26551

RULEMAKING TO AMEND § PUBLIC UTILITY COMMISSION
REQUIREMENTS FOR MASS §
CUSTOMER LIST § OF TEXAS

**PROPOSAL FOR PUBLICATION OF AMENDMENTS TO §25.472
AS APPROVED AT THE SEPTEMBER 12, 2002 OPEN MEETING**

The Public Utility Commission of Texas (commission) proposes an amendment to §25.472, relating to Privacy of Customer Information. The proposed amendment will amend the requirements for the mass customer list. Project Number 26551 is assigned to this proceeding.

Connie Corona, Director, Electric Policy Analysis, Policy Development Division, has determined that for each year of the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Ms. Corona has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be to clarify the requirements for issuance of a mass customer list by an electric utility and to eliminate the requirement that a mass customer list be issued by a retail electric provider in a market open to retail competition. There will be no adverse economic effect on small businesses or micro-businesses as a result of enforcing this section. There is no anticipated economic cost to persons who are required to comply with the section as proposed.

Ms. Corona has also determined that for each year of the first five years the proposed section is in effect there should be no effect on a local economy, and therefore no local employment impact statement is required under Administrative Procedure Act, Texas Government Code Annotated §2001.022 (Vernon 2000 & Supplement 2002).

The commission staff will conduct a public hearing on this rulemaking under the Administrative Procedure Act, Texas Government Code §2001.029 at the commission's offices, located in the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701, on Thursday, October 31, 2002 at 9:30 a.m. in the Commissioners' Hearing Room.

Comments on the proposed amendment (16 copies) may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, PO Box 13326, Austin, Texas 78711-3326, within 20 days after publication. Comments should be organized in a manner consistent with the organization of the proposed rule. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed section. The commission will consider the costs and benefits in deciding whether to adopt the section. All comments should refer to Project Number 26551.

This amendment is proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (Vernon 1998, Supplement 2002) (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; PURA §39.001, which directs that electric services should be determined by customer choices and the normal forces of competition; PURA §39.101, which grants the commission authority to establish various specific protections for retail customers; and PURA §39.202, which governs the terms of the price-to-beat offering.

Cross Reference to Statutes: PURA §§14.002, 39.001, 39.101, and 39.202.

§25.472. Privacy of Customer Information.**(a) Mass customer lists.**

- (1) **Contents of mass customer list.** A mass customer list shall consist of the name, billing address, rate classification, monthly kilowatt-hour usage for the most recent 12-month period, meter type, and account number or electric service identifier (ESI). All customers eligible for the price to beat pursuant to the Public Utility Regulatory Act §39.202 shall be included on the mass customer list, except a customer who opts not to be included on the list pursuant to paragraph (2) of this subsection.
- (2) Prior to the release of a mass customer list, an electric utility ~~the entity required to release the mass customer list~~ shall issue a mailing to all customers who may be included on the list, ~~but that have not previously received such a mailing from that entity.~~ The mailing shall:
 - (A) explain the issuance of the mass customer list;
 - (B) provide the customer with the option of not being included on the list and allow the customer at least 15 days to exercise that option;
 - (C) inform the customer of the availability of the no call lists ~~statewide Do Not Call List~~ pursuant to §25.484 of this title (relating to Texas Electric No-

Call List~~Do Not Call List~~) and §26.37 of this title (relating to Texas No-Call List), and shall provide the customer with information on how to request placement on the list;

(D) provide ~~a postage paid postcard,~~ a toll free telephone number, and an Internet website address to notify the electric utility ~~entity required to release the list~~ of the customer's desire to be excluded from the mass customer list.

- (3) **Release ~~dated~~dates.** The commission will require the electric utility to release a mass customer list no later than 120 days before the commencement of customer choice. ~~on or before September 1, 2001. Each retail electric provider (REP) shall release a mass customer list on December 31 of each year from 2002 to 2006. A customer that elects, at any time, not to be included on the mass customer list shall have that option honored through December 31, 2006.~~
- (4) The mass customer list shall be issued, at no charge, to all REPs certified by, and aggregators registered with, the commission that will be providing retail electric or aggregation services to residential or small commercial customers.
- (5) A REP shall not use the list for any purpose other than marketing electric service and verifying a customer's authorized selection of a REP prior to submission of the customer's enrollment to the registration agent.

(b) (No change.)

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

**ISSUED IN AUSTIN, TEXAS ON THE 13th DAY OF SEPTEMBER 2002 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
RHONDA G. DEMPSEY**