

PROJECT NO. 24551

RULEMAKING TO AMEND §25.474 § PUBLIC UTILITY COMMISSION
REGARDING INITIAL RETAIL §
ELECTRIC PROVIDER § OF TEXAS
SELECTION PROCESS §
§

**PROPOSAL FOR PUBLICATION AS APPROVED AT THE AUGUST 23, 2001
OPEN MEETING AND SUBMITTED TO THE TEXAS REGISTER**

The Public Utility Commission of Texas (commission) proposes an amendment to §25.474, relating to Selection or Change of Retail Electric Provider. The proposed amendment to subsection (b) will provide the commission the flexibility to seek a more efficient and effective means to accomplish the commission's customer education goals. Project Number 24551 has been assigned to this proceeding.

When commenting on specific subsections of the proposed rule, parties are encouraged to describe "best practice" examples of regulatory policies, and their rationale, that have been proposed or implemented successfully in other states already undergoing electric industry restructuring, if the parties believe that Texas would benefit from application of the same policies. The commission is only interested in receiving "leading edge" examples, which are specifically related and directly applicable to the Texas statute, rather than broad citations to other state restructuring efforts.

Robert Bartels, Director of Information & Education, Customer Protection 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.

Mr. Bartels 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 provide Texas customers with information regarding electric competition, in an easily obtainable manner. There will be no 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.

Mr. Bartels 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 §2001.022.

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 30 days after publication. Reply comments may be submitted within 45 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 24551.

This amendment is proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (Vernon 1998, Supplement 2001) (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; and PURA §39.101 which grants the commission the authority to establish customer protections.

Cross Reference to Statutes: Public Utility Regulatory Act §§14.002, 39.101, and 39.902.

§25.474. Selection or Change of Retail Electric Provider.

(a) (No change.)

(b) Initial REP selection process.

(1) ~~In~~ ~~Before the start of electric competition and in~~ conjunction with the commission's customer education campaign, the commission ~~may~~shall issue to ~~all~~ customers for whom customer choice will be an option an explanation of the REP selection process ~~and a REP information and selection form~~. The information issued by the commission may include, but is not limited to~~and selection form shall:~~

(A) an explanation of ~~explain~~ retail electric competition;

(B) a list of all REPs qualified to provide electric service to the customer;

~~(C)~~ ~~allow a customer to designate one of the listed REPs as that customer's provider of choice and by whom the customer would like to be contacted to receive additional enrollment information;~~

~~(C)(D)~~ a form that allows ~~allow~~ the customer to select one or more of the listed REPs from which the customer desires to receive information or to be contacted; and

~~(D)(E)~~ information on how a customer may ~~inform customers how they can~~ designate whether the customer~~they~~ would like to be placed on the

statewide Do Not Call List and indicate the fee for such placement.;

and

~~(F) indicate how the customer may return such form to the commission.~~

(2) – (3) (No change.)

(c) – (o) (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 27th DAY OF AUGUST 2001 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
RHONDA G. DEMPSEY**