

**PROJECT NO. 30047**

**PUC RULEMAKING TO AMEND §25.478 § PUBLIC UTILITY COMMISSION  
RELATING TO THE ESTABLISHMENT §  
OF SATISFACTORY CREDIT FOR § OF TEXAS  
VICTIMS OF FAMILY VIOLENCE §**

**ORDER ADOPTING AMENDMENT TO §25.478  
AS APPROVED AT THE MARCH 31, 2005 OPEN MEETING**

The Public Utility Commission of Texas (commission) adopts an amendment to §25.478, 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 456). 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 30047.

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

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 supports the proposal. Reliant stated that it is not necessary to further expand the rule to allow legal providers the authority to make the certification.

***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 affiliated retail electric providers and the provider of last resort. 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.

**§25.478. Credit Requirements and Deposits.**

(a) **Credit requirements for residential customers.** A retail electric provider (REP) may require a residential customer or applicant to establish and maintain satisfactory credit as a condition of providing service pursuant to the requirements of this section.

(1) – (2) (No change.)

(3) A residential customer or applicant seeking to establish service with an affiliated REP or provider of last resort (POLR) can demonstrate satisfactory credit using one of the criteria listed in subparagraphs (A) through (E) of this paragraph. A REP other than an affiliated REP or POLR may establish other criteria by which a customer or applicant can demonstrate satisfactory credit, so long as such criteria are not discriminatory pursuant to §25.471(c) of this title (relating to General Provisions of Customer Protection Rules).

(A) – (C) (No change.)

(D) A residential customer or applicant may be deemed as having established satisfactory credit if the customer or applicant has been determined to be a victim of family violence as defined in the 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. The certification letter may be submitted directly by use of a toll-free fax number to the affiliated REP or POLR.

(E) (No change.)

(b) – (m) (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 §25.478 relating to the 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**

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**JULIE PARSLEY, COMMISSIONER**

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**PAUL HUDSON, CHAIRMAN**

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**BARRY T. SMITHERMAN, COMMISSIONER**