

PROJECT NO. 37070

PUC RULEMAKING TO AMEND § PUBLIC UTILITY COMMISSION
COMMON TERMS USED IN BILLING §
TELECOMMUNICATIONS AND § OF TEXAS
ELECTRIC CUSTOMERS §

ORDER NUNC PRO TUNC

Background. At the November 20, 2009 Open Meeting, the Public Utility Commission of Texas (Commission) considered a proposal for adoption to amend portions of P.U.C. SUBST. R. 25.25 and 25.479. The Commission had before it Commission Staff’s Proposal for Adoption filed November 2, 2009, revised on November 4, 2009 and Commissioner Nelson’s Memorandum filed November 18, 2009.¹ The Memorandum included Attachment A setting out revisions to the text of P.U.C. SUBST. R. 25.479 recommended by Commissioner Nelson. The Commission adopted revisions to 25.25 and 25.479 consistent with their discussion of Commission Staff’s proposal, the Memorandum, and a couple of changes raised by Commission Staff during the discussion.²

The Order was signed by the Commissioners on December 2, 2009 and filed in Central Records on December 7, 2009. After filing in Central Records, it was discovered that the Order contained a typographical error at P.U.C. SUBST. R. 25.479(c)(2) and that the use of certain words needed correction in (c)(3) and (7) to comport with the rule text approved on November 20.

Order Nunc Pro Tunc. The corrections shown in this *Order Nunc Pro Tunc* affect only 25.479 and reflect text that the Commission considered and approved on November 20, 2009. Specifically, on Page 41, in the first sentence of subsection (c)(2), the typographical error “terns” should be replaced with “terms.” On Page 44, in the definition in subsection (c)(3)(B), the use of the word “designed” before the word “period” should be replaced with “designated.” On Page 45, in subsection (c)(7), the use of the word “charge” before the words “that is defined” should be replaced with “concept.” Therefore, the parts of P.U.C. SUBST. R. 25.479(c)(2), (3)(B) and (7) affected are corrected to read as follows:

¹ Although the adopted preamble and rules were filed with the Secretary of State on December 4, 2009, the electronic submission was cancelled before being published in the *Texas Register*. A corrected version of the adopted rules will be submitted to the Secretary of State once this Order is filed.

² Open Meeting Tr. at 62-92 (Nov. 20, 2009).

- (c)
- (2) If a REP separately identifies a charge defined by one of the **terms** in this paragraph on the customer's bill, then the term in this paragraph must be used to identify that charge, and such term and its definition shall be easily located on the REP's website and available to a customer free of charge upon request.
- (3)
- (B) Demand Charge -- A charge based on the rate at which electric energy is delivered to or by a system at a given instant, or averaged over a **designated** period, during the billing cycle.
- (7) To the extent that a REP uses the concepts identified in this paragraph in a customer's bill, it shall use the term set out in this paragraph, and the definitions in this paragraph shall be easily located on the REP's website. A REP may not use a different term for a **concept** that is defined in this paragraph.

ISSUED IN AUSTIN, TEXAS the ____ day of December 2009.

PUBLIC UTILITY COMMISSION OF TEXAS

BARRY T. SMITHERMAN, CHAIRMAN

DONNA L. NELSON, COMMISSIONER

KENNETH W. ANDERSON, JR., COMMISSIONER