

PROJECT NO. 39926

RULEMAKING PROCEEDING TO	§	PUBLIC UTILITY COMMISSION
AMEND PUC SUBSTANTIVE RULE	§	
25.483 TO REVIEW RECONNECTION	§	OF TEXAS
OF SERVICE	§	
	§	

**PROPOSAL FOR PUBLICATION OF AMENDMENTS TO §25.483
AS APPROVED AT THE JUNE 28, 2012 OPEN MEETING**

The Public Utility Commission of Texas (commission) proposes amendments to §25.483, relating to Disconnection of Service. The proposed amendments conform §25.483 to amendments made in §25.214, relating to Terms and Conditions of Retail Delivery Service Provided by Investor Owned Transmission and Distribution Utilities, adopted by the commission in Project Number 38674, *Amendments to Customer Protection Rules Relating to Advanced Meters*, with regard to Transmission and Distribution Utility (TDU) deadlines for reconnection of service. The proposed amendments also conform §25.483 to amendments made to §25.497, relating to Critical Load Industrial Customers, Critical Load Public Safety Customers, Critical Care Residential Customers, and Chronic Condition Residential Customers, adopted by the commission in Project Number 40180, *Rulemaking to Amend Substantive Rule §25.497 to Make a Secondary/Emergency Contact Optional*, and the form approved by the commission in Project Number 39622, *Application for Chronic Condition or Critical Care Residential Customer Status*, by changing references from secondary contact to emergency contact. In addition, amendments are proposed to §25.483 that clarify the intent of the rule regarding Retail Electric Provider (REP) timelines for submitting a reconnection request to the TDU. These amendments constitute a competition rule subject to judicial review as specified in Public Utility Regulatory Act §39.001(e). Project Number 39926 is assigned to this proceeding.

Ms. Therese Harris, Policy Analyst, Infrastructure and Reliability Division, has determined that for each year of the first five-year period the proposed amendments are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the amendments.

Ms. Harris has also determined that for each year of the first five years the proposed amendments are in effect the public benefit anticipated as a result of enforcing the amendments will derive from the consistency achieved in the Substantive Rules as a result of conforming §25.483 to amendments adopted in Project Number 38674 that require the TDUs to reconnect service for customers with provisioned advanced meters with remote disconnect/reconnect capability more quickly and to amendments adopted in Project Number 40180 and the form adopted in Project Number 39622 that changed references to emergency contact from secondary contact in both §25.497 and the *Application for Chronic Condition or Critical Care Residential Customer Status* form to better describe the nature of this type of contact information.

No adverse economic effect is anticipated on small businesses or micro-businesses as a result of enforcing these amendments. Therefore, no regulatory flexibility analysis is required. There is no anticipated economic cost to persons who are required to comply with the amendments as proposed.

Ms. Harris has also determined that for each year of the first five years the proposed amendments are 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 §2001.022.

The commission staff will conduct a public hearing on this rulemaking, if requested pursuant to 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 Tuesday, September 4, 2012. The request for a public hearing must be received by Tuesday, August 28, 2012.

Initial comments on the proposed amendments may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, by Monday, August 13, 2012. Sixteen copies of comments to the proposed amendment are required to be filed pursuant to §22.71(c) of this title. Reply comments may be submitted by Monday, August 27, 2012. Comments should be organized in a manner consistent with the organization of the amended rule. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed amendments. The commission will consider the costs and benefits in deciding whether to adopt the amendments. All comments should refer to Project Number 39926.

These amendments are proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.001 (West 2007 and Supp. 2011) (PURA), which gives the commission the general power to regulate and supervise the business of each public utility within its jurisdiction; §14.002, which provides the commission with the authority to make and enforce rules reasonably

required in the exercise of its powers and jurisdiction; and, in particular, §14.005, which gives the commission authority to create criteria for the termination of services to the elderly and disabled; and §17.004(b) and §39.101(e), which grant the commission authority to adopt and enforce rules as necessary or appropriate for carrying out customer protections, including minimum service standards and termination of service.

Cross Reference to Statutes: Public Utility Regulatory Act §§14.001, 14.002, 14.005, 17.004(b), and 39.101(e).

§25.483. Disconnection of Service.

(a) - (f) (No change.)

(g) **Disconnection of Critical Care Residential Customers.** A REP having disconnection authority under the provisions of subsection (b) of this section shall not authorize a disconnection for nonpayment of electric service at a permanent, individually metered dwelling unit of a delinquent Critical Care Residential Customer when that customer establishes that disconnection of service will cause some person at that residence to become seriously ill or more seriously ill.

(1) (No change.)

(2) The prohibition against service disconnection of a Critical Care Residential Customer provided by this subsection shall last 63 days from the issuance of the bill for electric service or a shorter period agreed upon by the REP and the

customer, ~~emergency (secondary)~~secondary contact listed on the commission-approved application form, or attending physician. If the Critical Care Residential Customer does not accomplish the requirements of paragraph (1) of this subsection:

- (A) The REP shall provide written notice to the Critical Care Residential Customer and the ~~emergency~~secondary contact listed on the commission-approved application form of its intention to disconnect service not later than 21 days prior to the date that service would be disconnected. Such notice shall be a separate mailing or hand delivered notice with a stated date of disconnection with the words “disconnection notice” or similar language prominently displayed. If the REP has offered and the customer has agreed for the customer and/or ~~emergency~~secondary contact to receive disconnection notices from the REP by email, a separate email with the words “disconnection notice” or similar language in the subject line shall be sent in addition to the separate mailing or hand delivered notice. Except as provided in this subsection, the notice shall comply with the requirements of subsections (l) and (m) of this section; and
- (B) Prior to disconnecting a Critical Care Residential Customer, a TDU shall contact the customer and the ~~emergency~~secondary contact listed on the commission-approved application form. If the TDU does not reach the customer and ~~emergency~~secondary contact by phone, the TDU shall visit the premises, and, if there is no response, shall leave a door hanger

containing the pending disconnection information and information on how to contact the REP and TDU.

(3) - (4) (No change.)

- (h) **Disconnection of Chronic Condition Residential Customers.** A REP having disconnection authority under the provisions of subsection (b) of this section shall not authorize a disconnection for nonpayment of electric service at a permanent, individually metered dwelling unit of a delinquent customer when that customer has been designated as a Chronic Condition Residential Customer pursuant to §25.497 of this title (relating to Critical Load Industrial Customers, Critical Load Public Safety Customers, Critical Care Residential Customers, and Chronic Condition Residential Customers), except as provided in this subsection.

The REP shall notify the Chronic Condition Residential Customer and the emergencysecondary contact listed on the commission-approved application form with a written notice of its intention to disconnect service not later than 21 days prior to the date that service would be disconnected. Such notice shall be a separate mailing or hand delivered notice with a stated date of disconnection with the words “disconnection notice” or similar language prominently displayed. If the REP has offered and the customer has agreed for the customer and/or emergencysecondary contact to receive disconnection notices from the REP by email, a separate email with the words “disconnection notice” or similar language in the subject line shall be also be sent in addition to the separate mailing or hand delivered notice. Except as provided in this

subsection, the notice shall comply with the requirements of subsections (l) and (m) of this section.

(i) – (m) (No change.)

(n) **Reconnection of service.** Upon a customer's satisfactory correction of the reasons for disconnection, the REP shall request the TDU, municipally owned utility, or electric cooperative to reconnect the customer's electric service as quickly as possible. The REP shall inform the customer of the ~~approximate~~ reconnection ~~timelines~~time in accordance with this subsection and the reconnection timelines in §25.214 of this title (relating to Terms and Conditions of Retail Delivery Service Provided by Investor Owned Transmission and Distribution Utilities). For premises without a provisioned advanced meter with remote disconnect/reconnect capabilities, if a REP submits a standard reconnect request and the TDU completes the reconnect the same day, the TDU shall not assess a same-day reconnect fee. For such premises, a TDU may assess a same-day reconnect fee only when the customer expressly requests a same-day reconnect. A REP shall send a reconnection request no later than the timelines in this subsection. The TDU shall complete the reconnection in accordance with the timelines in §25.214 of this title. If a REP submits a reconnection order with no priority or same day reconnect request and the TDU completes the reconnect the same day, the TDU shall not assess a priority reconnect fee. A TDU may assess a priority reconnect fee only when the customer expressly requests it. A customer's service shall be reconnected no later than the timelines set forth in paragraphs (1) – (7) of this subsection:

- (1) For payments made ~~before~~between 8:00 a.m. and 12:00 p.m. on a business day, a REP shall send a reconnection request to the TDU no later than 2:00 p.m. on the same day. ~~The TDU shall reconnect service to that customer that day if possible, but no later than the end of the next utility field operational day after the reconnection request was received by the TDU.~~
- (2) For payments made after 12:00 p.m.; but before 5:00 p.m. on a business day, a REP shall send a reconnection request to the TDU by 7:00 p.m. on the same day. ~~The TDU shall reconnect service to that customer the next day if possible, but no later than the end of the next utility field operational day after the reconnection request was received by the TDU.~~
- (3) For payments made after 5:00 p.m.; but before 7:00 p.m. on a business day, a REP shall send a reconnection request to the TDU by 9:00 p.m. on the same day~~The TDU shall reconnect service to that customer as soon as possible, but no later than the end of the next utility field operational day after the reconnection request was received by the TDU.~~
- (4) For payments made after 7:00 p.m.; on a ~~but before 8:00 a.m. on the next~~ business day, a REP shall send a reconnection request to the TDU by 2:00 p.m. on the next business day. ~~The TDU shall reconnect service to that customer no later than the end of the next utility field operational day after the reconnection request was received by the TDU.~~
- (5) For payments made on a weekend day or a holiday, a REP shall send a reconnection request to the TDU by 2:00 p.m. on the first business day after the payment was made. ~~The TDU shall reconnect service to that customer no later~~

~~than the end of the next utility field operational day after the reconnection request was received by the TDU.~~

- (6) In no event shall a REP fail to send a reconnection notice within 48 hours after the customer's satisfactory correction of the reasons for disconnection as specified in the disconnection notice.

~~(7) In no event shall a TDU fail to reconnect service within 48 hours after a reconnection request is received.~~

~~(e) **Effective date.** The effective date of this section is January 1, 2011.~~

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

**ISSUED IN AUSTIN, TEXAS ON THE 28TH DAY OF JUNE 2012 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
ADRIANA A. GONZALES**

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