

PROJECT NO. 31926

RULEMAKING PROCEEDING TO	§	PUBLIC UTILITY COMMISSION
AMEND P.U.C. SUBSTANTIVE RULE	§	
25.484, RELATING TO THE ELECTRIC	§	OF TEXAS
NO-CALL LIST	§	

**PROPOSAL FOR PUBLICATION OF AMENDMENT TO §25.484 AS APPROVED AT
THE DECEMBER 15, 2005 OPEN MEETING**

The Public Utility Commission of Texas (commission) proposes an amendment to §25.484, relating to the Electric No-Call List. The proposed amendment reflects an amendment by the 79th Legislature to Public Utility Regulatory Act, Texas Utilities Code Annotated §39.1025 (Vernon 1998, Supplement 2005) (PURA). Specifically, the proposed amendment limits electric no-call registration to nonresidential electric customers on or after May 27, 2005. Project Number 31926 is assigned to this proceeding.

Chris Cowan, Staff Attorney, Legal 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. Cowan 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 enhanced protection of consumers' privacy rights by a curtailment of unsolicited telemarketing or telephone calls. 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. Cowan 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 (APA), 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. The request for a public hearing must be received within 30 days after publication.

Comments on the proposed amendment may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, within 30 days after publication. Sixteen copies of comments to the proposed amendment are required to be filed pursuant to §22.71(c) of this title. 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 31926.

This amendment is proposed under the PURA §14.002, 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 §39.1025, which provides the commission with the authority to operate the no-call database and prohibits the telephone solicitation of an electric

customer who has previously advised the commission that he/she does not want to receive such solicitations.

Cross Reference to Statutes: Public Utility Regulatory Act §14.002 and §39.1025.

§25.484. Electric No-Call List.

(a) – (b) (No change.)

(c) **Definitions.** The following words and terms, when used in this section shall have the following meanings, unless the context clearly indicates otherwise.

(1) – (3) (No change.)

(4) **Electric no-call registrant** -- A person who is either: telephone customer who has registered, by application and payment of accompanying fee, for the electric no-call list.

(A) An electric customer who registered prior to May 27, 2005, by application and payment of accompanying fee, for the electric no-call list; or

(B) A nonresidential electric customer who registered on or after May 27, 2005, by application and payment of accompanying fee, for the electric no-call list.

(5) – (8) (No change.)

(d) – (k) (No change.)

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 15TH DAY OF DECEMBER 2005 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
ADRIANA A. GONZALES**

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