

**PROJECT NO. 37007**

<b>RULEMAKING FOR</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>ADMINISTRATIVE CORRECTION TO</b>	<b>§</b>	
<b>SUBST. R. §25.491, RECORD</b>	<b>§</b>	<b>OF TEXAS</b>
<b>RETENTION AND REQUIREMENTS</b>	<b>§</b>	

**PROPOSAL FOR PUBLICATION OF AMENDMENT TO §25.491  
AS APPROVED AT THE JULY 2, 2009 OPEN MEETING**

The Public Utility Commission of Texas (commission) proposes an amendment to §25.491, relating to Record Retention and Reporting Requirements. The amendments remove the June 1 annual report requirement so that the retail electric provider annual report deadline will comply with the new deadlines established in recently revised §25.107, relating to Certification of Retail Electric Providers (REPs) and correct the title to §25.475 and §25.476 consistent with recently adopted rule amendments. The amendment is a competition rule subject to judicial review as specified in Public Utility Regulatory Act (PURA) §39.001(e). Project Number 37007 is assigned to this proceeding.

Janis Ervin, Senior Utility Analyst, Infrastructure and Reliability Division, has determined that for each year of the first five-year period the amendment is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the amendment.

Ms. Ervin has determined that for each year of the first five years the amendment is in effect the public benefit anticipated as a result of enforcing the amendment will be making the reporting requirement schedule consistent with the requirements of §25.107. There will be no adverse

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

Ms. Ervin has also determined that for each year of the first five years the amendment 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 on Thursday, August 6, 2009, at 10:00 a.m. The request for a public hearing must be received within 30 days after publication.

Comments on the 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, within 30 days after publication. Sixteen copies of comments on the amendments 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 amendments. The

commission will consider the costs and benefits in deciding whether to adopt the amendments.

All comments should refer to Project Number 37007.

The amendments are proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (Vernon 2007 and Supp. 2008), 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, §17.004 and §39.101, which direct the commission to implement customer protections for electric customers.

Cross Reference to Statutes: Public Utility Regulatory Act §§14.002, 17.004, and 39.101.

**§25.491. Record Retention and Reporting Requirements.**

(a) - (b) (No change.)

(c) **Annual reports.** ~~▲On June 1 of each year a~~ REP shall report the information required by §25.107 of this title (relating to Certification of Retail Electric Providers (REPs)) to the commission and the Office of Public Utility Counsel (OPUC) and the following additional information on a form approved by the commission for the 12-month period ending December 31 of the prior year:

(1) - (4) (No change.)

(5) The number of complaints received by the REP from residential customers for the following categories by month, by nine-digit zip code and census tract:

(A) (No change.)

(B) Marketing and quality of customer service, which shall include complaints relating to the interfaces between the customer and the REP, such as, but not limited to, call center hold time, responsiveness of customer service representatives, and implementation of §25.472 of this title (relating to Privacy of Customer Information), §25.475 of this title (relating to General Retail Electric Provider Requirements and Information Disclosures to Residential and Small Commercial Customers), §25.473 of this title (relating to Non-English Language Requirements), §25.476 of this title (relating to Renewable and Green Energy Verification~~Labeling of Electricity with Respect to Fuel Mix and Environmental Impact~~), and

§25.484 of this title (relating to Texas Electric No-Call List), and which shall not include issues for which the REP is not responsible, such as, but not limited to, power quality, outages, or technical failures of the registration agent;

(C) – (F) (No change.)

(6) (No change.)

(d) (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 2<sup>nd</sup> DAY OF JULY 2009 BY THE  
PUBLIC UTILITY COMMISSION OF TEXAS  
ADRIANA A. GONZALES**