

CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS

Subchapter R. CUSTOMER PROTECTION RULES FOR RETAIL ELECTRIC SERVICE.

§25.495. Unauthorized Change of Retail Electric Provider.

- (a) **Process for resolving unauthorized change of retail electric provider (REP).** If a REP is serving a customer without proper authorization pursuant to §25.474 of this title (relating to Selection of Retail Electric Provider), the REP, registration agent, and transmission and distribution utility (TDU) shall follow the procedures set forth in this subsection.
- (1) Either the original REP or switching REP shall notify the registration agent of the unauthorized change of REP as promptly as possible, using the process approved by the registration agent.
 - (2) As promptly as possible following receipt of notice by the REP, the registration agent shall facilitate the prompt return of the customer to the original REP, or REP of choice in the case of a move-in.
 - (3) The affected REPs, the registration agent, and the TDU shall take all actions necessary to return the customer to the customer's original REP, or REP of choice in the case of a move-in, as quickly as possible. The original REP does not need to obtain an additional authorization from the customer pursuant to §25.474 of this title in order to effectuate the provision of this section.
 - (4) The affected REPs, the registration agent, and the TDU shall take all actions necessary to bill correctly all charges, so that the end result is that:
 - (A) the REP that served the customer without proper authorization shall pay all transmission and distribution charges associated with returning the customer to its original REP, or REP of choice in the case of a move-in;
 - (B) the original REP has the right to bill the customer pursuant to §25.480 of this title (relating to Bill Payment and Adjustment) at the price disclosed in its terms of service from either:
 - (i) the date the customer is returned to the original REP; or
 - (ii) any prior date chosen by the original REP for which the original REP had the authorization to serve the customer.
 - (C) the REP that served the customer without proper authorization shall refund all charges paid by the customer for the time period for which the original REP ultimately bills the customer within five business days after the customer is returned to the original REP, or REP of choice in the case of a move-in;
 - (D) the customer shall pay no more than the price at which the customer would have been billed had the unauthorized switch or move-in not occurred;
 - (E) the TDU has the right to seek collection of non-bypassable charges from the REP that ultimately bills the customer under subparagraph (B) of this paragraph; and
 - (F) the REP that ultimately bills the customer under subparagraph (B) of this paragraph is responsible for non-bypassable charges and wholesale consumption for the customer.
 - (5) The original REP shall provide the customer all benefits or gifts associated with the service that would have been awarded had the unauthorized switch or move-in not occurred, upon receiving payment for service provided during the unauthorized change;
 - (6) The affected REPs shall communicate with the customer as appropriate throughout the process of returning the customer to the original REP or REP of choice and resolving any associated billing issues.
 - (7) In a circumstance where paragraph (4) of this subsection is not applicable or its requirements cannot be effectuated, the market participants involved shall work together in good faith to rectify the unauthorized switch or move-in in a manner that affords the customer and market participants involved a level of protection comparable to that required in this subsection.

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§25.495 continued

- (b) **Customer complaints, record retention and enforcement.**
- (1) Customers may file a complaint with the commission, pursuant to §25.485 of this title (relating to Customer Access and Complaint Handling), against a REP for an alleged failure to comply with the provisions of this section.
 - (2) Upon receipt of a customer complaint, each REP shall:
 - (A) respond to the commission within 21 calendar days after receiving the complaint and in the response to the complaint provide to the commission all documentation relied upon by the REP and related to the:
 - (i) authorization and verification to switch the customer's service; and
 - (ii) corrective actions taken to date, if any.
 - (B) cease any collection activity related to the alleged unauthorized switch or move-in until the complaint has been resolved by the commission.
- (c) This section is effective June 1, 2004.