FROM: Andrew Barlow, Communications Director
TO: Dave Lieber, Dallas Morning News
SUBJ: A Conversation About Power to Choose

We see and appreciate you, Dave and hope you'll acknowledge the efforts we've been making to improve PowerToChoose.org. Thought you might like to see a recent email response we sent to a hardworking Texan.

"Thank you for your recent email to our commissioners. In the interest of clearly answering the questions you asked, I'll take the liberty of excerpting elements from your email and answering them in sequence in **bold blue type**. I hope you find the answers satisfactory.

EXCERPT: As a long-time Texas resident, I implore you to do what is right for consumers.
ANSWER: Protecting Texas utility consumers is one of the main reasons the PUC exists, so we will continue to pursue that goal, grateful for citizen input like yours.

EXCERPT: The article clearly lays out the problems, and the three very slight changes to help enacted by the (P) UC.
ANSWER: We’d invite you to examine for yourself the changes we’ve made to PowerToChoose.org, including setting a default filter that excludes tiered-rate (aka “bullseye-rate”) plans to give consumers a simplified starting point for their search. We’ve also launched the first step in our enhanced education efforts with a web page linked from the home page of the site that provides step-by-step instructions on using the various helpful filters on PowerToChoose.org at the beginning of the search process as a way to fine tune the results. To reduce "flooding" we've enacted a provision limiting each Retail Electric Provider (REP) to only five plans posted on PowerToChoose.org.
EXCERPT: It also includes the suggestions by Dave Lieber which would actually be helpful to consumers:
1. Apples-to-apples comparison. Add Oncor's 3.5-cent-per-kilowatt-hour rate to all offers so customers know the full price.

ANSWER: Actually, TDU delivery charges are required by law to be included in the average price on the Electricity Facts Label (or EFL) posted with every single plan on Power To Choose. If you find one without it, please bring it to our attention so we can address the issue with the REP. (also, the 3.5 cent number Mr. Lieber references isn’t a precise fee – it happens to be the number that’s reached when combining Oncor’s charges when averaged out at 1,000 kWh)

EXCERPT: 2. - Ban tricks to confuse customers. Credits, minimum fees, penalties for too much or too little usage and more — must stop.

ANSWER: The “tiered rate” filter described above is a key step in relieving customers of the challenge of wading through such complex offerings on the PUC-maintained site. It’s worth noting that the Retail Electric Providers have the freedom, as participants in a competitive market (just like companies selling cellphones, cars and any other consumer product), to make offers intended to attract and keep customers. Taking steps like the ones mentioned above, we’ll continue pursuing ways to help consumers cut through the clutter in their search for affordable electricity.

EXCERPT: 3. - Fake websites that use the keywords "power to choose" to steal customers away from their intended destination should be banned.

ANSWER: We have a legal trademark related to Power to Choose and regularly reach out to companies attempting to leverage versions of it for their own purposes with a request to stop. They consistently comply. Only one time in our records did such a verbal request require a follow-up letter threatening legal action. Plus, banning sites on the Internet is not within the commission’s jurisdiction.

EXCERPT: 4. - Door-to-door electricity salespeople, who will, in many cases, say or do anything to make you switch companies, need oversight.

ANSWER: We regulate the Retail Electric Providers for whom such salespeople work and respond quickly to customer complaints submitted about them or any other violations of the rules. If you have a specific complaint about a salesperson for a REP, please let us know by calling our Complaints Hotline at 888-782-8477.

EXCERPT: You've had years to address the problems. Please step up and serve the citizens of Texas.

ANSWER: Upon closer examination of our efforts, I hope you’ll agree that the PUC has spent the years you mention guiding a competitive electricity market that has benefited customers in the form of lower prices and reliable service. We are honored to serve you and your fellow Texans and will continue to do so, perpetually gathering new information, responding to customer complaints and crafting policies intended to optimize the benefits of the state’s electrical delivery infrastructure.