

**PROJECT NO. 24088**

<b>RETAIL ELECTRIC PROVIDER</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>FILINGS PURSUANT TO P.U.C. SUBST.</b>	<b>§</b>	<b>OF TEXAS</b>
<b>R. 25.107</b>	<b>§</b>	

**ORDER NO. 1  
GRANTING GOOD CAUSE EXCEPTION AND  
DIRECTING REPS TO FILE AFFIDAVITS**

This Order grants a good cause exception to the 21-day filing requirement of P.U.C. SUBST. R. 25.107(i)(2)(B) for the purposes of participating in the Texas Electric Choice Pilot Program and directs REPs to file affidavits attesting to their contracts to purchase power and the status of testing with the Independent System Operator (ISO).

P.U.C. SUBST. R. 25.107(i)(2)(B) requires a Retail Electric Provider (REP) to demonstrate that it can meet all technical requirements of the ISO on or before the 21<sup>st</sup> day prior to providing electric service to customers in Texas. P.U.C. SUBST. R. 25.107(g)(9)(A) requires that all entities with whom the REP has a contractual relationship to purchase power are registered with or certified by the ISO and will comply with all system rules and standards established by the ISO. The Commission's Notice of Approval in the individual REP certification dockets requires REPs to file an affidavit attesting to the above information at least 21 days before commencing retail electric service. Because REPs may not complete the testing for certification with the ISO until May 25, 2001, the Commission grants a good cause exception to the 21-day filing requirement in P.U.C. SUBST. R. 25.107(i)(2)(B) for purposes of participating in the Texas Electric Choice Pilot Program.

Further, REPs intending to participate in the Texas Electric Choice Pilot Program on June 1, 2001, shall file affidavits in this project by May 18, 2001, attesting to their contracts to purchase power, describing those portions of the ISO testing process that both the REP and its power producing entity have completed and those areas that may still need testing, and including a statement as to when both entities anticipate completing ISO testing. REPs shall then immediately notify the Commission upon receipt of provisional and/or complete certification by the ISO.

**SIGNED AT AUSTIN, TEXAS the 9th day of May 2001.**

**PUBLIC UTILITY COMMISSION OF TEXAS**

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**PAT WOOD, III, CHAIRMAN**

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**BRETT A. PERLMAN, COMMISSIONER**