PROJECT NO. 27244

RULEMAKING TO AMEND P.U.C. SUBSTANTIVE RULE 25.214 AND PRO-FORMA RETAIL DELIVERY TARIFF	**§ § § §**	**PUBLIC UTILITY COMMISSION OF TEXAS**

ORDER ADOPTING AMENDMENTS TO §25.214 AS APPROVED AT THE NOVEMBER 5, 2003 OPEN MEETING

The Public Utility Commission of Texas (commission) adopts an amendment to §25.214, relating to Terms and Conditions of Retail Delivery Service Provided by Investor Owned Transmission and Distribution Utilities, with changes to the proposed text as published in the September 5, 2003 issue of the *Texas Register* (28 TexReg 7537). The amendment implements PURA §39.107(a) and §25.311 of this title (relating to Competitive Metering Services) by detailing procedures and responsibilities associated with competitive ownership of electricity meters and customer access to data. This amendment is adopted under Project Number 27244.

The commission received comments on the proposed amendment from Appliance-Lab, LLC (AppLab); CenterPoint Energy, Inc. (CenterPoint); Competitive Metering Coalition (collectively, EC Power, TriEagle Energy, Utility Choice Electric, and Viterra Energy Services) (CMC); Good Company Associates (Good Company); Governmental Aggregation Project (GAP); Reliant Resources, Inc. (RRI); Transmission and Distribution Utilities (collectively, AEP Texas Central Company, AEP Texas North Company, AEP Southwestern Electric Power Company, CenterPoint Energy Houston Electric, LLC, Entergy Gulf States, Inc., Oncor Electric Delivery Company and Texas-New Mexico Power Company) (TDUs); TXU Energy Retail Company (TXU Energy); and Wal-Mart Stores, Inc. (Wal-Mart).

The commission posed five questions for comment in addition to taking comment on proposed rule language.

1. *Should a Retail Customer have the ability to contact the Transmission and Distribution Utility (TDU) directly for the installation of a competitive Meter or should the Retail Customer be required to apply for installation of a competitive Meter through its Competitive Retailer (CR)? What are the implications of the two scenarios on: (a) TDUs providing a competitive service; and (b) a customers' ability to take advantage of competitive metering? Should the ability of the customer to contact the TDU directly depend on the CR's Designation of Contact for Service Requests under Appendix A of the pro-forma Tariff or upon the CR's participation in Competitive Metering?*

The TDUs, AppLab, TXU Energy, and Good Company were in favor of allowing the customer the option to go directly to the TDU for the installation of a competitive Meter. Good Company stated that customers should be free to acquire a competitively owned Meter without going through their Retail Electric Providers (REPs). Good Company stated that the REP should be notified if a customer decides to change to a competitively owned Meter but should have no control over the decision. One reason the REP should not have control over whether the customer has a competitive Meter installed is that a customer might be installing a competitive Meter for the purpose of learning about its energy usage and then shopping for a better commodity rate or rate plan based on that usage data. Good Company commented that when

ownership is the only service competitively available then concerns about the TDUs providing a competitive service are negligible.

AppLab expressed concern that instituting the CR as the sole initiator would create an unfair advantage for the CR, as the CR can offer competitive metering services and can use its privilege as the sole initiator to its advantage for offering its services or use anti-competitive practices that affect other service providers. RRI disagreed that this creates an unfair advantage for the CR, as in a competitive market, the Retail Customer has the ability to choose between Meter suppliers and CRs and the relationship does not alter the customer's ability to shop the market and purchase a competitive Meter from an independent supplier.

The TDUs commented that giving the Retail Customer the option of contacting either the TDU or the Retail Customer's CR for installation strikes the appropriate balance between Retail Customers, CRs, TDUs, and Meter Owners and is consistent with the current Tariff. Allowing the Retail Customer to directly contact the TDU does not place the TDU in the position of providing a competitive service, because the TDU is only providing the installation, not selling the actual Meter.

TXU Energy agreed that the customer should have the right to contact the utility directly to request installation but stated that focusing on the request to install or remove a competitive Meter overlooks a significant related issue, which is who should be charged for the installation/removal. TXU Energy recalled that when the Tariff for retail delivery service was

first adopted the commission established two broad categories of service; construction services and non-construction services. The commission recognized a need for a Retail Customer to have direct interaction with the wires utility about specific facilities related issues and, therefore, the customer was given the right to contact the TDU directly and to be invoiced directly by the TDU. If the CR or customer agent requests these services on behalf of the customer, the entity requesting the service is charged for the service. The same approach was followed when pulse metering was instituted. Therefore, TXU Energy believes the installation and removal of a competitive Meter should be handled in the same manner; the entity that requests the service should be billed for the service. However, if the commission permits Retail Customers to request installation and removal of a competitive Meter directly from the TDU but does not expressly classify such services as construction services, the result will be inconsistencies, confusion and uncertainty for the CRs, Retail Customers and TDU because other services are treated in that manner under the Tariff. This would pose significant verification difficulties for the CR who could be receiving invoices for the installation without any knowledge that the Retail Customer had requested those services from the TDU.

RRI and CMC commented that the CR's designation for making service requests should govern whether the customer could contact the TDU directly for the installation of a competitive Meter. RRI opined that, if the customer perceives any impact on its ability to participate in competitive metering due to a CR's option choice for making service requests, the customer has the ability to switch CRs. RRI added that as a customer's billing agent, the CR must receive the competitive Meter service credit from the TDU. The TDUs disagreed that the question of who requests

installation of a competitive Meter should be governed by whether the CR has chosen either Option 1, 2, or 3 under the standard form Delivery Service Agreement in Appendix A of the Tariff because it puts the CR in a role that §25.311 contemplates is the role of the customer.

CMC agreed with RRI and noted that the current structure of relationships in the Competitive Retail Electric Market was designed to place the Retail Customer relationship with the CR in essentially all matters, unless the CR chose otherwise. This established relationship should be kept intact and the competitive metering rules should not open new channels of communication between the TDU and the Retail Customer. The CR has a relationship with the customer; therefore it is the CR who should coordinate the actual installation of the competitive Meter rather than the TDU. Additionally, CMC stated that the rules should allow flexibility for either the customer, or a third-party Meter Owner, to make the contact with the TDU to request the installation of a competitive Meter in limited instances where the CR has chosen that method to handle service requests. In addition, CMC added, because of the interconnection of facilities, there must be a business relationship between the Meter Owner and the TDU. In light of this, if the customer is the Meter Owner, CMC stated the customer should have the ability to make the contact with the TDU directly. A third-party Meter Owner should only be allowed to make the contact for installation if they can present an authorization either from the CR or the customer. If the CR is the authorized agent then they should be able to make contact with the TDU without necessitating extra steps by the customer. In all cases, CMC concluded, the CR should be notified of the Meter installation because they will ultimately be responsible for payments for settlement on that Meter.

Wal-Mart recommended that the customer be the primary contact with the TDU on metering issues, but that the customer have the right to designate a contact of its choice.

Commission response

In implementing PURA §39.107(a), the commission adopted §25.311 of this title which gives a commercial or industrial customer the ability to choose a Meter Owner. The Meter Owner may be the Retail Customer, a retail electric provider, a TDU or other person authorized by the customer. The commission has previously determined that it is important for every eligible customer to have the choice of a Meter Owner. The commission agrees with Good Company, TDUs, AppLab, and TXU Energy that the best way to ensure that each eligible customer has the choice of a Meter Owner is to allow the customer to apply for a competitive Meter through either its CR or through its TDU; therefore, no changes to the Tariff are required. The commission agrees with TXU Energy that in allowing the customer to request installation or removal of a competitive Meter to the TDU directly, that the commission should classify competitive metering as a construction service so that it is clear that the entity who requests the service from the TDU is responsible for payment. The commission believes the current, as well as the proposed Tariff, already accomplish this in Section 5.11.1 (2). The commission agrees with CMC that the REP should be notified if a customer chooses a Meter through the TDU as the REP is responsible for settlement based on that Meter. Therefore the commission makes changes to the Tariff in Section 5.10.5 to reflect this.

2. *Under §25.311, relating to Competitive Metering Services, Retail Customers have the right to physical access to the Meter for the purpose of collecting data. Should the Tariff provide the parameters for such physical access to ensure data integrity and safety? Should the customer be able to access any other elements, such as programming parameters and passwords, in the process of collecting data? Consistent with the answer to this question, should the definition of "Tampering" be altered?*

Meter access

With the exception of CMC and AppLab, all commenters supported the proposed language in the Tariff regarding Meter access, data integrity, and Tampering. Good Company stated that the current language in §25.311 and in proposed Section 5.10.2 of the Tariff is sufficient during the ownership phase of competitive metering, and enables customer data access without compromising data integrity. Although RRI stated that the customers should be allowed to modify passwords and programming features, RRI also stated that the Tariff should specifically forbid a customer from altering any part of the Meter that would compromise settlement or billing data. RRI stated that as such the Tariff has provided sufficient guidance. Similarly, the TDUs stated that the Tariff should set specific parameters that govern physical access requirements. These parameters should be designed to achieve the legitimate goals of competitive metering providers and customers, while ensuring data integrity. According to the TDUs, the proposed language accomplishes this goal. The TDUs did, however, recommend that

a cross-reference be included in Section 4.8.1 and Section 5.10.2 to clarify the type of access to be allowed.

AppLab stated that competitive metering should permit Retail Customers access to billing and settlement data, as well as extended Meter Data, directly or as part of a third-party arrangement. In order for a customer to audit the billing and settlement data and the extended Meter Data, the customer should be allowed to physically access the Meter – that is, there must be a physical interface or connection to the Meter. AppLab described a number of types of physical meter communication interfaces. In order to properly accommodate physical access, AppLab recommended that the commission develop a rule which addresses each type of interface and clearly defines the rules of conduct by both parties (the TDU and the customer). In addition, AppLab argued that the TDU should not be allowed to charge fees or Tariffs associated with customers who desire to have physical interfaces to competitively owned meters, nor should the TDU be allowed to interfere with or be a party to the customer's physical interface to a competitively owned Meter the customer has purchased.

CMC argued that Retail Customers should have the right to physical access to the Meter for the purpose of collecting data. CMC recognized that access cannot compromise the integrity of the data needed for billing and settlement, but the customer should have access to programming parameters and passwords that enable the customer to affect those aspects of the Meter unrelated to billing and settlement, and system reliability. The timing of access to data afforded to customers should also be the same as the timing afforded to the TDUs and the REPs. Some

types of access to data are performed by adding devices to the Meter without compromising the integrity of the Meter.

TDUs responded that merely prohibiting a customer from altering billing and settlement data, while giving the customer the technical ability to do so is simply not prudent. The prospect of any other devices being attached to any part of the delivery system, especially the Meter, caused the TDUs a great deal of concern. TDUs also stated that this violates §25.311(i)(1) and (2), which prohibits parties from receiving the technical ability to alter billing and settlement parameters. The TDUs did, however, state that they would not object to such a device if it were part of an ERCOT-approved meter list, does not impair the integrity and performance of the Meter, and is installed by the TDU. Nor did the TDUs object to providing customers reading capability through cell phones, land-lines, radios, or similar devices.

Commission response

Section 25.311(d) affirmatively places ownership of data with the customer, and gives the customer the right to access Meter Data, including the right to physical access and the necessary passwords, as long as data integrity is not compromised. Section 5.10.2 affirms the rule language. The language in the rule and the Tariff balances the need for customer's ability to access information while maintaining data integrity. The language does not allow utilities to preclude a customer from accessing the Meter, including the passwords and physical access,

without some showing that the integrity of the system would be compromised. The commission, therefore, finds that the language in the Tariff is sufficient in addressing both issues.

At issue here is, however, in large part the technology itself and the extent to which it can provide the desired access while maintaining data integrity. In other words, data access is driven by technology rather than by standards set forth in a rule. As such, as the technology changes, so may the level of access. Because of the fluid nature of technology, the commission finds that commission rules are not the proper format in which to prescribe the specific types of allowable technologies and standards as suggested by AppLab. Rather, it would be more appropriate that such standards, including codes of conduct, be developed though the Competitive Metering Working Group (COMETWG) at ERCOT. COMETWG should also develop a list of metering-related equipment that meet the standards, much like the list of approved meters.

In reference to CMC's comments regarding the timing of access to data, the commission finds that the rule does not preclude the customer from accessing the information at any time. The commission finds, however, this too is dependent on the type of technology available to the customer, an issue which cannot be addressed in this Tariff.

The commission does agree with the TDUs that there should be a cross-reference between Section 4.8.1 with Section 5.10.2 to clarify the type of access to be allowed, and has changed the language accordingly.

Meter security and programming

AppLab in their comments recognized that there are concerns related to Meter security and Meter programming, particularly as, according to AppLab, the current protection of passwords is not secure. AppLab, in order to address this concern, recommended that it be required that all existing meters that are remotely programmed are done so with data encryption, whether through encryption gateways or by requiring that utilities replace and/or upgrade existing meters to include data encrypted communications.

Commission response

As discussed above in reference to access to data, the commission does not find it appropriate that specific technological criteria or types of technology be prescribed by rule. The commission declines to modify the Tariff in response to this comment.

Third party access

In reply comments, CMC noted that the customer will have the ability to designate a Meter Owner, and thus designate a third party as the entity who should have access to the data collected by the Meter.

Commission response

The commission agrees that a customer may designate a third-party Meter Owner, and thus designate an entity other than itself as the entity that has access to the data collected by the Meter. The commission notes, however, that this entity would merely be an agent of the customer and the customer would continue to be responsible for the Meter and its performance. The commission did not revise the Tariff in response to this comment.

Definition of Tampering

Good Company and RRI supported the proposed revisions to the definition of "Tampering." RRI supported the definition of Tampering as proposed because the definition adequately addresses customer ability to access the Meter while ensuring integrity of the data.

AppLab, however, stated that the definition of Tampering should be modified to protect both the TDU and the competitive Meter Owner's rights, including the right to physical access. AppLab offered an alternative definition that explicitly allows attaching electronic devices designed for the purpose of accessing data onto the Meter. Consistent with comments regarding physical access, CMC also stated that the definition of "Tampering" needed to be modified to reflect these rights and types of access.

In reply, the TDUs reiterated that the definition as proposed by AppLab would give a customer the technical ability to alter billing and settlement parameters, and is, therefore, in violation of §25.311(i)(1).

Commission response

The commission reaffirms its commitment to maintaining the integrity of the system, including the Meter's billing and settlement parameters. Permitting a party other than the TDU to attach a device to the Meter without regard for the potential impact of the device on the Meter's integrity is unacceptable. Attaching a device to the Meter with the customers' permission to facilitate access to data without giving any party the ability to change billing and settlement parameters is acceptable and allowable under this definition. The commission, therefore, makes changes to the definition of Tampering to clarify that it is the billing and settlement parameters that cannot be altered.

3. Should this rule and Tariff apply to customers participating in a pilot project pursuant to the Public Utility Regulatory Act (PURA) §39.104?

RRI stated that customers participating in a pilot under PURA §39.104 would be participating in competition for the first time, and be experiencing the many challenges faced when changing from a regulated to a deregulated market. Therefore, according to RRI, additional competitive options, such as metering should be phased in over time. The TDUs also stated that utilities

should not be required to pilot the competitive Meter market and customer choice at the same time. In addition, the TDU's pointed out that while customer choice pilots may start at anytime, §25.311(a) does not allow competitive metering pilot projects to start before January 1, 2004.

CMC stated that the Tariff should only apply to customers participating in a pilot project to the extent that it is part of the design of a commission approved pilot. In order to avoid customer confusion, CMC further recommended that a statement be included in the Tariff to clarify that these terms of service apply for commission approved pilot projects only to the extent these are designated in the pilot.

Commission response

The commission agrees that entities participating in a retail choice pilot program will be experiencing many challenges when changing from a regulated to a deregulated market. Making metering services competitive while the market is potentially struggling with basic transactions such as communicating Meter Data places an unnecessary and possibly destructive burden on the system. PURA §39.107 establishes a start date for competitive metering services for commercial customers of January 1, 2004. This date is two years after the start of retail competition. Phasing competitive metering services in based on the level of competition and maturity of the market is therefore not only a prudent policy but is also consistent with PURA. The commission makes no revisions to the rule or Tariff regarding these comments.

4. Should this rule and Tariff be modified so that it would also apply to customers participating in a pilot project pursuant to §25.311?

Good Company claimed that Staff has made it clear that pilot projects are eligible to offer competitive metering services to any type of customer, including non-commercial customers. The TDUs responded that any pilot program would have to comply with PURA §39.107(b) which delays competitive metering for residential customers until at least 2005.

Commission response

As stated in the preamble to the Order adopting §25.311, the commission would entertain a pilot project proposal involving service to any type of customer. However, a proposal that seeks to include residential customers should address the concerns raised by commenters in the rulemaking proceeding, and should specify the authority under which the commission may establish a pilot project for competitive metering that includes residential customers (Project Number 26359, Order adopting new §25.311, May 30, 2003). The commission has not revised the language in response to this comment.

Applicability to future competitive metering services pilot projects

CMC, Good Company, RRI, and the TDUs all stated that the current Tariff should not address or be applicable to any future competitive metering services pilot projects. Good Company

recommended that the TDU's role in any pilot project be specific to the pilot, and should not be limited or constrained by the terms of the standard Tariff. Similarly, RRI stated that the Tariff should be updated to reflect the option of implementing a pilot project. RRI further argued that it would be difficult to plan and propose changes to the Tariff until the parameters of the pilot are clearly defined. TDUs stated that the applicability or appropriateness of the Tariff for a pilot would depend on the scope of the pilot project, including the services being piloted and the market participants involved. TDUs recommended that the rules governing a particular pilot should also address the Tariff provisions that would apply to the pilot.

Commission response

The commission agrees that the Tariff should not address any future competitive metering pilot projects. Rather, the pilot proposal should address the extent to which these Tariff provision will be applicable to the pilot. In addition, the pilot proposal should include the terms and conditions for each party to the pilot program. No change was necessitated in response to this comment.

AppLab, on the other hand, stated that the rule should apply to pilot projects, but only those projects that are introduced or initiated after the publication date of the Tariff. According to AppLab, this ensures that the pilot project accurately reflects the market conditions as determined by the rate structures outlined in the Tariff, while not adversely affecting any pilot projects initiated prior to the publication of the Tariff.

Commission response

Consistent with the commission response to earlier comments regarding this issue, the commission agrees that the Tariff provisions developed for a particular project should reflect market conditions. The commission also agrees that this Tariff, if incorporated in a pilot proposal, and §25.214 should only apply to pilot projects initiated after the start date of the Tariff amendments. The commission notes, however, that it is unlikely that any project will start before January 1, 2004.

5. Should the TDU be required to read and report all Meter Data that a CR needs to bill its customer? What data, if any, should the TDU be required to report for the purpose of CR billing?

The TDUs stated that the TDU should not be required to read or report all the data that the REP needs to bill Retail Customers. The TDUs did emphasize that this did not imply that TDUs stop providing any data that they currently provide. REPs may, however, bill customers based on data different from that which is collected today. TDUs argued that allowing competitive ownership of meters enables participating customers to access any other information recorded by the Meter. The TDUs further argued that requiring TDUs to read and report non-TDU billing data would only serve to shift the associated costs from the beneficiaries of the information to all market participants, and that such cost shifting is not in the public interest.

Good Company stated that during the ownership phase of competitive metering the TDU should continue to read the Meter and pass the necessary billing data to the REP. The customer, or the REP authorized by the customer, may retrieve any additional information for the purpose of energy management or maintaining consumption records. RRI stated that the TDU should be required to read and report the data necessary for the CR to bill its Retail Customer. At minimum, according to RRI, the TDU should provide data recorded in the Meter, including settlement data such as kW, kWh, and power factor.

CMC stated that the TDU should be required to read the Meter and provide the data to the REP within three business days of collecting the information. Should the TDU be unable to collect the data, it should notify the REP and provide any data collected nevertheless. In addition, CMC stated that the REP should be able to collect additional data by means other than the TDU. In the alternative, the TDU, while it retains the responsibility to read the Meter, should be required to provide the additional data at a commission-approved charge. AppLab stated that the TDU should only be required to report ERCOT-required billing data. If the REP wishes to bill the customer based on other parameters, the REP should be allowed to use competitive metering and meter ownership in conjunction with the new rate offering.

The TDUs did not agree with Good Company, CMC, and RRI. According to the TDUs, these parties advocated that the TDUs should be responsible for collecting and sending to REPs any Meter Data that the REPs needed to bill their customers, including data that is beyond the data needed for billing and settlement through the Texas Standard Electronic Transactions (SET), 867

transactions. The TDUs further stated that CMC's suggestion that such data be made available to REPs within three days ignores the existing market process. According to the TDUs, these proposals would require a complete redesign of the Texas SET and ERCOT systems. The TDUs argued that any other data that a REP may want for the purpose of billing a customer should be collected by the REP with the customer's approval. According to the TDUs, competitive metering is being implemented to increase choice, including choice of the types of information and data that will be available though the competitive market. As such, requiring the TDUs to provide alternative types of data would in effect result in TDUs creating and subsidizing competitive products, and the cost of these specialized products would be borne by all customers, rather than by the customers who utilize these products.

In reply comments, CMC interpreted the TDU's position to be that the TDUs should not be responsible for supplying billing data to the REPs that is collected from a competitive Meter. CMC stated that it is imperative that the TDU be required to report all necessary data for TDU and ERCOT billing and settlement of the REP. Should the REP require additional data for billing the customer, the TDU should be required to provide this data until such time as data management and data collection become competitive services. Any data read and collected by the TDU for the affiliated REP must also be available in the same manner if the customer were to be served by another REP. If a customer does not grant the TDU access to collect alternative data, the TDU should not be required to report that data.

Commission response

Until such time as the commission allows for competitive data collection, the TDUs must continue to provide billing and settlement data, and any other data expressly required by commission rules, regardless whether the Meter is utility-owned or competitively owned. At issue, however, is whether the TDUs should be obligated to provide other data in addition to the data used for billing and settlement purposes to the REPs using alternative billing methods. As the TDUs indicate, such data collection will involve additional costs. The commission agrees that customers should not have to subsidize specialized data collection from which they receive no benefit. The commission also finds that the Tariff and rules allow customers to permit third parties to collect data from their meters, including the REPs. Customers can also install, or allow the installation, of meters that provide specialized data. Therefore, REPs, with the customer's permission, may collect such data directly. The commission has revised the language Section 4.8.1 to clarify the TDU's obligations in providing data to the REPs. In reference to the comments by CMC regarding affiliated REPs, the commission notes that under the Code of Conduct rules (§25.272 and §25.273 of this title), the TDU may not favor its affiliated REP over other REPs in providing any service, including metering data. The commission has not made any revisions to the language in response to this CMC's comment.

General

Purpose of competitive metering services

Generally, Good Company stated that consistent with the goal of restructuring, the goal of competitive metering should be to make the market function more efficiently. As such, competitive Meter ownership is only a first step. In order for the market to access the true benefits of competitive metering, the regulatory and economic barriers, such as the 4CP calculation method for transmission charges that make the use of interval data recorders (IDRs) for certain customers uneconomic, must be removed. Good Company recommended an alternate transmission rate for non-large commercial IDR customers. In short, according to Good Company, simply examining the specific Tariffs and discretionary fees associate with metering services will not provide an adequate perspective. CMC also provided general comments regarding the state of competitive metering services market. According to CMC, many of the benefits and cost reductions that can potentially develop as a result of metering technology can do so only if the market is permitted to offer those products and services that are not yet made competitive. CMC did acknowledge that there is a benefit in competitive ownership of meters in that it will alert market participants of the possibilities and encourage them to begin to develop ways to deliver savings via the use of a Meter that is more tailored to the needs of these parties. Similarly, Wal-Mart stated that the intent of competitive metering is to increase customer choice and bring innovation to the marketplace. Wal-Mart did, however, express concern that the Meter credit may be so low as to greatly limit participation. Low metering credits will likely make it economically infeasible to implement competitive metering until other phases of competitive metering services are implemented. Wal-Mart recommended that the commission foster a new

direction that removes both barriers to entry and current stereotypes in Meter ownership and operation.

Commission response

The commission is committed to making as many aspects of metering services as possible competitively available over time. As discussed in §25.311 and its preamble, they will be phased in over time as the commission determines that the infrastructure is available in the market to support such services. COMETWG will assist the commission in making this determination. COMETWG has met regularly to develop the necessary market guides and determine the next steps to be undertaken in developing this market. COMETWG will also bring recommendations to the commission. In reference to the comments by Wal-Mart, the commission notes that this is not the proper forum to discuss the metering credits as they are the subject of contested proceedings. No revisions were necessitated by these comments.

Comments on proposed §25.214

There were no comments on subsections (a)-(c).

Comments on subsection (d)(Tariff for Retail Delivery Service)

Chapter 1: Definitions

The TDUs proposed to modify the term "Billing Meter" to replace the specific reference to §25.311 with a more general reference for consistency. The TDUs proposed this to ensure that when the commission's substantive rules change resulting in section number changes, the Tariff references will still be accurate. CMC commented that the proposed changes are overly broad and that there will be revisions to this Tariff as other metering services become competitive and any changes in rule numeration could be addressed then.

Commission response

The commission agrees with CMC that the changes proposed by the TDUs are overly broad and that there is value in having specificity where possible. The commission also does not anticipate that the rule numbers will change and agrees that there will be opportunities to correct them in the unlikely event the number was to change. Therefore, the commission makes no change to the Tariff to reflect the TDUs' proposed change.

TXU Energy proposed a change to the definition of "Construction Service" to clarify that it is the delivery system facilities that are at issue whether or not the Meter is owned by the TDU or whether it is a competitive Meter.

Commission response

The commission agrees and amends the Tariff accordingly.

The TDUs proposed to add a definition for the term "Metering Equipment," differing from the term "Meter." AppLab expressed concern about this, specifically if IDRs are considered "Metering Equipment" owned by the TDUs, whether they would be subject to this Tariff. AppLab commented that if the commission chooses to separate these two, it should carefully review each instance where Meter and Metering Equipment are used to see if separating them has any unintended consequences. AppLab suggested that it becomes unclear when you separate the two.

Commission response

The commission agrees with the TDUs that there is a need for a definition of other Metering Equipment such as transformation equipment that is owned by the TDU and adds the definition to the Tariff. However, the commission agrees with AppLab that there could be confusion about what constitutes Metering Equipment with this proposed definition and clarifies the definition to exclude communication and storage equipment necessary for access to data.

The TDUs proposed to modify the term "Meter Owner" to replace the specific reference to §25.311 with a more general reference for consistency. The TDUs proposed this to ensure that

when the commission's substantive rules change with resulting number changes, the Tariff references will still be accurate. CMC commented that the proposed changes are overly broad and that there will be revisions to this Tariff as other metering services become competitive and any changes in rule numeration could be addressed then. The TDUs also proposed to change this definition to state that that the Meter Owner shall be the TDU if the customer does not choose to designate a Meter Owner. The TDUs proposed this change to avoid the implication that a customer's decision not to exercise the right to choose a Meter Owner constitutes a failure of a duty or obligation.

Commission response

The commission disagrees with the proposed change to eliminate a rule reference and agrees with CMC. The commission makes no adjustments to the definition for that purpose. The commission agrees with the TDUs that not choosing to participate in competitive metering does not constitute a failure on the part of the customer and amends that part of the definition to indicate that if a customer chooses not to participate in competitive metering that the TDU will continue to provide and own the Meter. However, the commission would note that when a competitive Meter is installed the TDU ceases to be the Meter Owner, and in the event that the customer does not designate a "Meter Owner," the Meter Owner should be the customer.

The TDUs suggested the term "Meter Reading" be modified to refer to the Meter rather than metering equipment since it is the Meter that actually records the data. The TDUs also

recommended a change to collect rather than determine the information recorded by the Meter as they believe it more accurately reflects what is happening when the Meter is read.

Commission response

The commission agrees that it is the Meter that is recording the information rather than the metering equipment and makes changes accordingly. The commission disagrees with the change proposed by the TDUs to replace the word "determines" with "collect." There are times when Meter Data is unavailable and as part of the Meter Reading process it is the TDUs responsibility to estimate the data, or make determinations based on missing data and the commission does not intend to eliminate that responsibility, therefore, the commission declines to make that change.

The TDUs proposed to alter the definition of "Retail Customer's Electrical Installation" to reflect that the Meter and Metering Equipment may both be on the Retail Customer's point of delivery, and yet neither are part of the customer's electrical installation.

Commission response

The commission agrees that Metering Equipment should also be included in this definition and makes changes to the Tariff to reflect this.

The TDUs recommended several changes to the definition of "Tampering." They proposed a change to ensure that Tampering included disrupting the storage or communications functions of the Meter and refers to Meter Data rather than billing data. The TDUs were concerned that the Tampering definition continue to apply to damage not only to meters but to other company facilities such as distribution lines, transformers, and substations.

CMC proposed to limit the definition of "Tampering" in a situation where an object is attached to the Meter so that the object compromises the ability of the TDU to perform its necessary functions. CMC also proposed that altering Meter Data should be considered Tampering only if it is data used for TDU or CR billing and settlement. CMC proposed that Tampering not include reasonable and timely access by the customer or customer's agent to any and all customer data or signals based on customer data.

AppLab proposed an intent standard be added to protect against situations where there is inadvertent disruption of the communications with the Meter. AppLab proposed to add a new term "interference" to address this problem which would require the TDU to make recommendations to the customer to correct the interference.

Commission response

The commission finds that disrupting the storage or communication functions of the Meter, as well as auxiliary functions directly related to billing and settlement data collection, would affect

the Company's ability to read the data and is, therefore, addressed in the definition. In reference to CMC's comments, and consistent with the response to Preamble Question Number 2, the commission finds that there is nothing in the rule that precludes the customer to attach a device to the Meter, if such device does not result in Tampering. In addition, the definition of Tampering does not relate to all forms of alteration or actions, rather it focuses on the ability to "adversely affect the integrity" of a function. In reference to AppLab's comment, the term "Tampering" does imply improper intent rather than an action resulting in an inadvertent consequence. The commission further notes that it is the responsibility of the customer and its agent to assure that the installed technology does not interfere with the TDU's functions. The commission has not made any revisions in response to this comment.

RRI recommended a definition of "Communications Channel" be added consistent with its recommendation for Section 4.7.2.1. The TDUs argued that this was unnecessary and would be addressed in the agreement filed with the TDUs in each of their Tariff filings.

Commission response

The commission agrees that such a definition for "Communication Channel" is unnecessary. In addition, consistent with the commission discussion regarding physical access, such a definition may become subject to the state of the technology and may impact customer access. The commission declines to make the change.

Section 4.3.6, Selection of Rate Schedules

In initial comments, TDUs recommended a modification to refer to both changes in the Company's facilities and the Meter, since changes in either one could potentially require a different billing methodology.

Commission response

The commission agrees that a change to the Meter could require a different billing methodology and agrees that it is appropriate for the methodology to become effective in the next full billing cycle. Therefore, the commission makes changes to the Tariff requested by the TDUs.

Section 4.3.8.2, Noticed Suspension not Related to Emergencies or Necessary Interruptions

The TDUs recommended that the phrase "unauthorized reconnection" be modified to read "unauthorized connection or reconnection." Specifically, the TDUs noted that with the advent of competitive metering, the Tariff should recognize that the unauthorized connection of a Meter could result in suspension of Delivery Service. The TDUs also noted that the commission had made this same change in Section 5.3.7.2. The TDUs also suggested changing the word "equipment" to the defined term "Metering Equipment" to clarify the equipment to which the section refers.

Commission response

The commission agrees with both changes suggested by the TDUs and amends the Tariff accordingly.

In Item (4), the TDUs suggested that the Item refer to the word "Meter" since a Retail Customer must provide reasonable access to the Meter, even if it is a Non-Company Owned Meter, as well as the Company's facilities located on the Customer's premises. The TDUs noted that this same change was made in Section 5.3.7.2.

Commission response

The commission agrees with the change proposed by the TDUs and amends the Tariff as suggested.

Section 4.4.4, Billing Cycle

The TDUs suggested that the second paragraph of the section should be modified to refer to the Company's, not the Retail Customer's "remote Meter Reading capability." The TDUs believe that this is an error in the current Tariff that should be corrected in the current rulemaking since it is the Company, not the Retail Customer, that must be able to read the Meter for purposes of billing the CR. AppLab stated that the Meter Owner needs to know the Meter Reading schedule.

Commission response

The commission agrees that the Company must be able to read the Meter for the purpose of billing the REP, regardless who owns the remote reading capability. The commission finds, however, that the Company has the obligation to read the Meter regardless of ownership or type of metering technology, and that this is implicit in the Tariff. The commission, therefore, finds that no change is necessary. AppLab did not justify its statement to a sufficient degree for the commission to entertain such a revision.

Section 4.7.1, Measurement

The TDUs suggested that in this section, comments to Preamble Question Number 5 should be implemented. The TDUs suggested that the commission delete the words in the second paragraph, "billing by a CR," because the TDU should not be required to provide all data used for billing by a CR. The TDUs also recommended that the first paragraph should refer to measurements obtained from "Meters and *Metering Equipment*."

Commission response

The commission notes that this issue is addressed in Preamble Question Number 5. The commission disagrees that measurements are made from the Metering Equipment and declines to

make the TDUs' suggested change. The commission disagrees that RRI's requested change clarifies anything and declines to amend the Tariff.

The TDUs also recommended changing the commission's reference to §25.311 to a more generic reference of "competitive metering rules," or alternately, to the term "Applicable Legal Authorities" for the same reason as stated in the TDUs' discussion of the term "Meter or Billing Meter." CMC argued against this change because "Applicable Legal Authorities" is overly broad. CMC stated that the language suggested by the TDUs could be interpreted to allow ERCOT Protocols to usurp areas that should only be addressed by the commission. CMC noted that these rules will need to be revisited as additional phases of competitive metering are implemented and thus it should not be difficult to ensure that rule references are accurate when other changes are made.

Commission response

The commission agrees with CMC that the changes proposed by the TDUs are overly broad and that there is value in having specificity where possible. The commission also does not anticipate that the rule numbers will change and agrees that there will be opportunities to correct them in the unlikely event the number was to change. Therefore, the commission makes no change to the Tariff to reflect the TDUs' proposed change.

The TDUs also suggested deleting the first sentence in the second paragraph because it is redundant, and removing the capitalization of the word "Settlement" in the second sentence of the second paragraph because it is not a defined term in the Tariff.

Commission response

The commission agrees with the proposed clarification and amends the Tariff accordingly.

CMC requested that a requirement be inserted to require TDUs to perform "timely" instead of "monthly" Meter reads and that the TDU supply data used for billing by a CR unless the CR has expressly waived consent. TDUs encouraged the commission to reject the vague "timely" standard as it has nothing to do with competitive metering and is beyond the scope of this rulemaking. TDUs also stated that Meter Reading and billing is a market standard.

Commission response

The commission agrees with the TDUs' determination that the length of time for Meter reads is really not within the scope of this project. The requirement for the TDU to supply all data for CR billing is addressed in Preamble Question Number 5.

Section 4.7.2, Meter Reading

RRI proposed that where an existing communications channel has been established for Meter Reading purposes, the CR should be granted read-only access without additional charge. Additionally, if a CR or customer is able to negotiate a more favorable communications rate, RRI stated that it should be allowed to do so and that savings should be passed back to the CR or customer. The TDUs argued that these rates have been determined in rate cases and are inappropriate for a rulemaking proceeding. The TDUs recommended that the issue be addressed in the compliance Tariff proceedings related to competitive metering credits (see Tariff Control Numbers 28556, 28559, 28560, 28562, and 28563) where rate schedules and discretionary charges can be considered.

Commission response

The commission agrees that the proposal by RRI has rate implications and should be considered in the forum where the Tariffs are being considered, and is, therefore, outside the scope of this rulemaking.

Section 4.7.4, Meter Testing

TDUs commented that the proposed added language would have the effect of changing a Tariff provision that was neutral on billing for Meter tests, to one that basically provides for a free

Meter test for every customer, every four years. TDUs stated that this conflicts with §25.311, which governs charges for testing of Non-Company Owned Billing Meters, and which allows TDUs to charge for Meter tests, and also conflicts with existing TDU rate schedules which provide for charging for Meter tests, if the Meter is found to be accurate. TDUs also noted that the language, while making sense when applied to bundled utilities, is not appropriate for a TDU since the bundled utility receives the request for a Meter test directly from its customer. Thus, bundled utility personnel are trained to handle a customer's problem to assess whether a test is likely to help with the customer's concerns. The TDUs asserted that, as a result, in a large percentage of cases, the issue is resolved without a Meter test. The TDUs finally noted that if the TDU is required to perform a Meter test upon receipt of an electronic transaction with no chance to assess whether a Meter test is actually needed, or if there is another way to resolve the customer's concerns, that the number of unnecessary Meter tests and the total number of tests performed will skyrocket. Accordingly, the TDUs asserted that financial responsibility for unnecessary testing sends the appropriate signal in the current market structure.

The TDUs also indicated that the proposed amendment creates an incentive to abuse the process established for cycle Meter reads in situations where there is not a problem with the Meter, but rather because a cycle Meter read is desired. Under the proposed amendments, the TDUs asserted that a person requesting a Meter read would get it free even though there may not be a problem present.

TXU Energy stated that the proposed Tariff conflicts with §25.311 and existing commission-approved TDU rate schedules which permit TDUs to charge CRs for Meter tests. If the commission decides to go ahead with the Tariff as published, TXU Energy recommended that the commission also allow the CR to be able to pass along the cost of the test to the Retail Customer. Currently the CR is charged by the TDU for each Meter test but is unable to pass those charges along to the Retail Customer. TXU stated that there is no public policy justification for this one-sided outcome.

Commission response

The purpose of Meter testing is not only to ascertain that the meters perform within acceptable parameters, but also to encourage proper maintenance of the meters. In addition, allowing customers to test meters at no cost at reasonable intervals gives customers trust in the market place. In fact, the increase in Meter test requests in the wake of deregulation and fuel factor increases is an indication that customers need this service to provide assurance that system reliability is as high as it was prior to deregulation. As in past, instances when customer requests for Meter testing spiked after changes in customers' bills, this current spike may normalize to previous levels once customers feel more comfortable with the new market. Should there be a continuing, dramatic change in the number Meter tests requested by customers, this should be revisited in the context of the TDU's transmission Tariff. The commission also finds that the change is not inconsistent with §25.311, because the Tariff language pertains to a customer's right to request a Meter test, whereas the §25.311 relates to the REP requesting a Meter test of

competitively owned meters. The commission therefore declines to make the change requested by the TDUs at this time.

Finally, the TDUs asserted that the proposed change is outside the scope of a rulemaking to amend the Tariff to implement competitive metering. The TDUs stated that the proposed change is not needed to implement competitive metering and in fact conflicts with the competitive metering rule. The TDUs also stated that the proposed rule affects Meter testing for all customers, including residential, even though they are not affected by competitive metering. The TDUs thus asserted that these issues were not noticed and have not been discussed in the rulemaking, and that any such Tariff should only be considered when the commission has had an opportunity to fully consider the issues raised and the rate implications involved. The TDUs therefore recommend that existing Tariff language be retained.

Commission response

The commission disagrees that the proposed change was not properly noticed and is outside the scope of this rulemaking. The change merely makes the Tariff consistent with the applicable commission rules. In addition, the change was in the strawman made available to the parties prior to publication of this rule, and was included in the rule language as published for comment in the *Texas Register*.

The TDUs also suggested replacing the reference to §25.124 of this title (relating to Meter Testing) with the defined term "Applicable Legal Authorities" in the first sentence and capitalizing the term "Meter" in the second paragraph since it is defined. The TDUs also proposed changing the last line of the final paragraph so as to reference the Protocols of the Independent Organization (i.e., ERCOT) pursuant to which the CR will be notified that the Meter has been replaced as a result of the Meter test. The TDUs indicated that this would be consistent with other references in the Tariff to the Protocols of the Independent Organization.

Commission response

Consistent with prior commission discussions regarding this issue, the commission declines to make the proposed revision.

AppLab commented that there is an apparent conflict between Section 4.7.4 and §25.311 in terms of who should be notified if a Meter fails to test within accuracy standards. Section 4.7.4 stated that the CR should be notified and §25.311 stated that the customer and the Meter Owner should be notified.

Commission response

The commission disagrees with AppLab and determines that these two provisions are not in conflict. Chapter 4 of this Tariff defines the relationship between the TDU and CR; therefore

TDU responsibilities to the Meter Owner and customer would be misplaced if inserted in Chapter 4. Thus, the commission makes no changes to the Tariff.

Section 4.8, Data Exchange

CMC proposed additional language to reflect that the customer owns all the data collected by the Meter serving the customer and has an absolute right to access all data from the Meter including any signals based on data collected by the Meter in a timely manner. TDUs stated that this provision was unnecessarily duplicative of the broad provisions in §25.311. TDUs commented that the specific additional requirements that are to be imposed on the TDUs are sufficiently spelled out elsewhere in the proposed Tariff amendments and CMCs language should not be adopted.

Commission response

As discussed in response to Preamble Question Number 5, the commission finds that the TDU's obligation in data collection for the REP is limited to data collected for purpose for billing and settlement, and any other data expressly required by commission rule. The commission declines to make the revisions.

Section 4.8.1, Data from Meter Reading

The TDUs noted that it is in this section (in addition to Section 4.7.1) that comments made to Preamble Question Number 5 should be implemented. The TDUs recommended deletion of the first paragraph phrase, "and any Meter Data required for CR to bill the Retail Customer" because the TDU should not be required to make available to a CR any Meter Data that may be required by the CR for its billing to Retail Customers.

The TDUs also recommended the following changes: (a) to replace the phrase "in a timely manner" with the Applicable Legal Authorities that govern timelines in order to avoid disputes over what constitutes "timely manner." The TDUs noted that, as commission rules or ERCOT Protocols are changed or adopted to address this subject, the TDUs will remain bound to comply with whatever time requirements those rules or Protocols mandate; (b) to add a cross-reference to Section 5.10.2 for clarification since this subject is also addressed in that section; (c) to amend the second paragraph by referring to the service agreement in Section 6.3 of the Tariff that is required before installation of a Non-Company Owned Meter, and that provides for authorization of CR access to the Meter; and (d) to reword and incorporate in the last paragraph, a reference to the definition of "advanced metering" as that term is defined in §25.341, so as to avoid any confusion concerning "advanced meter customers" since the commission likely intends that this phrase refers to customers who use advanced metering. CMC proposed that the TDU not be required to send data to a CR who has expressly waived receipt.

Commission response

With the exception of the TDU comment regarding the meaning of the phrase "advanced meter customer," the commission has addressed these issues in the response to Preamble Question Number 5. In addition, the changes proposed by the parties are dealt with in the responses to the specific comments related to the proposed revisions. The commission has not made any additional revisions in response to these comments. The commission does, however, agree that the meaning of "advanced meter customer" needs to be more clearly delineated and adopts the TDUs' proposed language.

GAP proposed to expand the web-portal data to standard meter customers also. TDUs argued that this proposal has to do with existing standard meters, not competitive metering, and is therefore, outside the scope of this rulemaking.

Commission response

The commission agrees with the TDUs that this is outside the scope of this rulemaking proceeding and declines to make the suggested changes to the rule.

AppLab commented that regardless of whether the Independent Organization is reading the Meter independently from the TDU, the TDU has included these services as part of its rate and

should provide the services to all Retail Customers and the provision "unless provided by the Independent Organization" should be removed from Section 4.8.1.

Commission response

The commission determines that this is outside the scope of this rulemaking and declines to change the rule in accordance with this suggestion.

Section 5.4.6, Retail Customer's Duty Regarding Company's Facilities on Retail Customer's Premises

The TDUs suggested for consistency the phrase "use of the Meter" should be changed to "access to Meter Data" and the defined term "Meter" should be capitalized.

Commission response

The commission disagrees with this change because a customer may use a meter for other purposes, such as energy management, besides data gathering only. The commission does agree that the term "meter," as a defined term in the Tariff, should be capitalized and amends the Tariff accordingly.

Section 5.10.2, Retail Customer's Rights and Responsibilities

The TDUs proposed changes to reflect comments addressed in Preamble Question Number 2. AppLab commented that this wording allows the TDU to narrowly interpret what types of physical access are allowed in its service territory.

Commission response

The commission has addressed this in response to Preamble Question Number 2.

Section 5.10.2.1, Requirements, and Section 5.10.3, Metering of Retail Customer's Installation in Multi-Metered Buildings

The TDUs requested that the reference to the term "Company's Meter" be changed to read "Meter" consistent with other parts of the Tariff.

Commission response

The commission agrees with this change and amends the Tariff accordingly.

Section 5.10.5, Non-Company Owned Meters

RRI suggested language to allow the Retail Customer or the customer's designated agent to request removal of a competitively owned Meter.

Commission response

The commission agrees that the customer or customer's designated agent should also be allowed to request removal of a Meter and amends the rule accordingly. The commission also amends this section to make clarifying changes.

CMC proposed that meters not be removed upon de-energization of the Meter unless a specific request has been made for removal by the customer, CR, the customer's designated agent, or the Meter Owner. CMC proposed that the Meter removal may be performed if a request is made to energize the Meter and there is not an agreement in place with the Meter Owner at the time that energization is being performed. The TDUs disagreed with CMC's proposed language as they conclude that it is equivalent to Meter slamming; if one Retail Customer makes a decision for a competitive Meter and then vacates the premise, the TDUs argued that the next Retail Customer to occupy the premise should not be "slammed" with a competitive Meter. According to the TDUs, if a customer elects competitive metering then the customer will have an agreement with the TDU governing the Meter and under which circumstances the Meter will be removed.

Commission response

The commission agrees with CMC that the Meter should not be removed immediately on de-energization since the new customer may want to utilize the competitive Meter left with the property and should not have to incur the costs of re-installing the Meter. The commission disagrees with the TDUs that this practice constitutes Meter slamming. In the CMC proposal, if a new customer calls to have the site energized and has not entered into the agreement for competitive metering then a TDU Meter would be installed upon energizing the site; therefore, the customer has never been energized with a competitive Meter and there is no harm to the customer. The commission amends the Tariff to reflect the changes submitted by CMC.

All comments, including any not specifically referenced herein, were fully considered by the commission. In adopting this section, the commission makes other minor modifications for the purpose of clarifying its intent.

This amendment is adopted under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (Vernon 1998, Supplement 2003) (PURA) which provides the commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; and specifically, PURA §39.203 which grants the commission authority to establish reasonable and comparable terms and conditions for open access on distribution facilities for all retail electric utilities offering customer choice, and comparable rates for open access for all retail electric utilities offering customer choice; and PURA §39.107 which requires

that metering services provided to commercial and industrial customers be provided on a competitive basis beginning on January 1, 2004.

Cross Reference to Statutes: Public Utility Regulatory Act §§14.002, 14.052, 39.107, and 39.203.

§25.214. Terms and Conditions of Retail Delivery Service Provided by Investor Owned Transmission and Distribution Utilities.

(a) **Purpose.** The purpose of this section is to implement Public Utility Regulatory Act (PURA) §39.203 as it relates to the establishment of non-discriminatory terms and conditions of retail delivery service, including delivery service to a Retail Customer at transmission voltage, provided by a transmission and distribution utility (TDU). A TDU shall provide retail delivery service in accordance with the terms and conditions set forth in this section to those Retail Customers participating in the pilot project pursuant to PURA §39.104 on and after June 1, 2001, and to all Retail Customers on and after January 1, 2002. By clearly stating these terms and conditions, this section seeks to facilitate competition in the sale of electricity to Retail Customers and to ensure reliability of the delivery systems, customer safeguards, and services.

(b) **Application**. This section, which includes the pro-forma tariff set forth in subsection (d) of this section, governs the terms and conditions of retail delivery service by all TDUs in Texas. The terms and conditions contained herein do not apply to the provision of transmission service by non-ERCOT utilities to retail customers.

(c) **Tariff.** Each TDU in Texas shall file with the commission a tariff to govern its retail delivery service using the pro-forma tariff in subsection (d) of this section. TDUs may add to or modify only Chapters 2 and 6 of the tariff, reflecting individual utility

characteristics and rates, in accordance with commission rules and procedures to change a tariff. Chapters 1, 3, 4, and 5 of the pro-forma tariff shall be used exactly as written. These chapters can be changed only through the rulemaking process. If any provision in Chapter 2 or 6 conflicts with another provision of Chapters 1, 3, 4, and 5, the provision found in Chapters 1, 3, 4, and 5 shall apply, unless otherwise specified in Chapters 1, 3, 4, and 5.

(d) **Pro-forma Retail Delivery Tariff.**

(1) **Tariff for Retail Delivery Service.**

Figure: 16 TAC §25.214(d)(1)

(2) **Compliance tariff.** Compliance tariffs pursuant to this section must be filed by December 1, 2003 to be effective January 1, 2004.

This agency hereby certifies that the rule, as adopted, has been reviewed by legal counsel and found to be a valid exercise of the agency's legal authority. It is therefore ordered by the Public Utility Commission of Texas that §25.214, relating to Terms and Conditions of Retail Delivery Service Provided by Investor Owned Transmission and Distribution Utilities, is hereby adopted with changes to the text as proposed.

ISSUED IN AUSTIN, TEXAS ON THE 6th DAY OF NOVEMBER 2003.

PUBLIC UTILITY COMMISSION OF TEXAS

_____

Rebecca Klein, Chairman

_____

Julie Parsley, Commissioner

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Paul Hudson, Commissioner