

PROJECT NO. 30047

PUC RULEMAKING TO AMEND	§	
§ 25.478 RELATING TO THE	§	PUBLIC UTILITY COMMISSION
ESTABLISHMENT OF	§	
SATISFACTORY CREDIT FOR	§	OF TEXAS
VICTIMS OF FAMILY VIOLENCE	§	

**PROPOSAL FOR PUBLICATION OF AMENDMENT TO § 25.478
AS APPROVED AT THE JANUARY 13, 2005, OPEN MEETING**

The Public Utility Commission of Texas (commission) proposes amendments to §25.478, relating to the Establishment of Satisfactory Credit for Victims of Family Violence.

The proposed amendments to §25.478(a)(3)(D), relating to the Establishment of Satisfactory Credit for Victims of Family Violence, adds local law enforcement personnel, the Office of a Texas District Attorney or County Attorney, and the Office of Attorney General as entities authorized to designate a customer as a victim of family violence in order to demonstrate satisfactory credit for electric service. Project Number 30047 has been assigned to this proceeding.

Annette Lown Mass, Staff Attorney, Legal and Enforcement Division, has determined that for each year of the first five-year period the proposed sections are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the sections.

Ms. Mass has also determined that for each year of the first five years the proposed sections are in effect, the public benefit anticipated as a result of enforcing the sections will be time saved

and a more efficient process for victims of family violence to receive electric service without demonstrating satisfactory credit through other means.

Furthermore, there will be no adverse economic effect on small businesses or micro-businesses as a result of enforcing these sections. There will be no economic costs to persons who are required to comply with the proposed sections.

Ms. Mass has determined that for each year of the first five years the proposed sections are in effect there should be no effect on a local economy, and, therefore, no local employment impact statement is required under Administrative Procedure Act §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. The request for a public hearing must be received within 30 days after publication.

The commission seeks comments on the proposed new section from interested persons. Comments on the proposal (16 copies) may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326. The deadline for submission of comments is 31 days after publication of notice. Reply comments are due 45 days after publication of notice. 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 proposed section. The commission will consider the costs and benefits in deciding whether to adopt the section. All comments should be filed in Project Number 30047.

The commission proposes this rule amendment pursuant to the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (Vernon 1998 & Supplement 2005) (PURA), which provides the Public Utility Commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; and specifically pursuant to PURA §39.101, which grants the commission authority to establish various, specific protections for retail customers; PURA §39.102, which provides for retail customer choice; and PURA Chapter 17, Subchapters A, C, and D, which deal, respectively, with general provisions relating to customer protection policy, the retail customer's right to choice, and protection of the retail customer against unauthorized charges.

Cross Reference to Statutes: PURA §§14.002, 39.101, 39.102, and PURA Chapter 17, Subchapters A, C, and D.

§25.478. Credit Requirements and Deposits.

(a) **Credit requirements for residential customers.** A retail electric provider (REP) may require a residential customer or applicant to establish and maintain satisfactory credit as a condition of providing service pursuant to the requirements of this section.

(1) – (2) No change.

(3) A residential customer or applicant seeking to establish service with an affiliated REP or provider of last resort (POLR) can demonstrate satisfactory credit using one of the criteria listed in subparagraphs (A) through (E) of this paragraph. A REP other than an affiliated REP or POLR may establish other criteria by which a customer or applicant can demonstrate satisfactory credit, so long as such criteria are not discriminatory pursuant to §25.471(c) of this title (relating to General Provisions of Customer Protection Rules).

(A) – (C) No change.

(D) A residential customer or applicant may be deemed as having established satisfactory credit if the customer or applicant has been determined to be a victim of family violence as defined in the Texas Family Code §71.004, by a family violence center as defined in Texas Human Resources Code §51.002, by treating medical personnel, by law enforcement personnel, by the Office of a Texas District Attorney or County Attorney, or by the Office of the Attorney General. This determination shall be evidenced by submission of a certification letter developed by the Texas Council on Family Violence. The certification letter may be submitted directly by use of a toll-free fax number to the affiliated REP or POLR.

(E) No change.

(4) – (5) No change.

(b) - (m) No change.

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's authority to adopt.

**ISSUED IN AUSTIN, TEXAS ON THE 14TH DAY OF JANUARY BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
ADRIANA A. GONZALES**