

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 under §25.474 of this title (relating to Selection of Retail Electric Provider), the REP, registration agent, and transmission and distribution utility (TDU) must follow the procedures set forth in this subsection.
- (1) Either the original REP or switching REP must 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 must 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 must 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 under §25.474 of this title in order to effectuate the provision of this section.
 - (4) The affected REPs, the registration agent, and the TDU must 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 must 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 under §25.480 of this title (relating to Bill Payment and Adjustments) 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 must 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 will 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 must 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 must 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 must 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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- (b) **Customer complaints, record retention and enforcement.**
- (1) A customer may file a complaint with the commission, under §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, a REP must:
 - (A) respond to the commission within 15 calendar days after receiving the complaint from the commission. For complaints submitted to the commission before September 1, 2023, the deadline is 21 days after the complaint is received from the commission. The response to the complaint must 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.