

PROJECT NO. 40180

RULEMAKING TO AMEND	§	PUBLIC UTILITY COMMISSION
SUBSTANTIVE RULE 25.497 TO	§	
MAKE A SECONDARY/EMERGENCY	§	OF TEXAS
CONTACT OPTIONAL	§	

**PROPOSAL FOR PUBLICATION OF AMENDMENTS TO §25.497
AS APPROVED AT THE FEBRUARY 23, 2012 OPEN MEETING**

The Public Utility Commission of Texas (commission) proposes amendments to §25.497, relating to Critical Load Industrial Customers, Critical Load Public Safety Customers, Critical Care Residential Customers, and Chronic Condition Residential Customers. The proposed amendments make the inclusion of a secondary contact optional in an application to be designated as a Critical Care Residential Customer and/or Chronic Condition Residential Customer. In addition, the amendments add the term “emergency contact” and make it synonymous with “secondary contact.” The amendments primarily use the term “emergency contact” rather than “secondary contact,” because “emergency contact” better describes the nature of this type of contact person. The amendments retain one reference to “secondary contact,” because that term is used in §25.483, relating to Disconnection of Service. This rulemaking project is limited in scope, and is intended to address only the secondary/emergency contact. This rule is a competition rule subject to judicial review as specified in Public Utility Regulatory Act (PURA) §39.001(e). Project Number 40180 is assigned to this proceeding.

Christine Wright, Senior Policy Analyst, Infrastructure and Reliability Division, has determined that for each year of the first five-year period the proposed amendments are in effect, there will

be no fiscal implications for state or local government as a result of enforcing or administering the amendments.

Ms. Wright has determined that for each year of the first five years the proposed amendments are in effect, the public benefit anticipated as a result of enforcing the amendments will be the avoidance of the possibility that an application to be designated as a Critical Care Residential Customer and/or Chronic Condition Residential Customer will be rejected solely because the applicant is unable or unwilling to include an emergency/secondary contact in the application. There will be no adverse economic effect on small businesses or micro-businesses as a result of enforcing the amendments. Therefore, no regulatory flexibility analysis is required. There is no anticipated economic cost to persons who are required to comply with the amendments as proposed.

Ms. Wright has also determined that for each year of the first five years the proposed amendments 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 (APA), Texas Government Code §2001.022.

The commission staff will conduct a public hearing on this rulemaking, if requested pursuant to the APA, Texas Government Code §2001.029, at the commission's offices located in the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701 on Monday, April 2, 2012, beginning at 9:30 a.m. The request for a public hearing must be received within 20 days after publication.

Comments on the proposed amendments may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, within 20 days after publication. Sixteen copies of comments on the proposed amendments are required to be filed pursuant to §22.71(c) of this title. Comments should be organized in a manner consistent with the organization of the amended rule. All comments should refer to Project Number 40180.

The amendments are proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (West 2007 and Supp. 2011) (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 §14.001, which provides the commission the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by PURA that is necessary and convenient to the exercise of that power and jurisdiction; and §39.101(e), which provides the commission with the authority to adopt and enforce rules relating to the termination of service.

Cross Reference to Statutes: Public Utility Regulatory Act §§14.001, 14.002, and 39.101.

§25.497. Critical Load Industrial Customers, Critical Load Public Safety Customers, Critical Care Residential Customers, and Chronic Condition Residential Customers.

(a) - (d) (No change.)

(e) Procedure for obtaining Critical Care Residential Customer or Chronic Condition Residential Customer designation.

(1) - (3) (No change.)

(4) Reasons that a TDU shall consider a form incomplete for an application for Critical Care Residential Customer or Chronic Condition Residential Customer designation include the omission of the name of the person for whom the protection is sought, contact information—~~(including a secondary contact)~~, physician signature, the designation as a Critical Care Residential Customer or Chronic Condition Residential Customer, and medical board license number of the customer's physician. Any additional mandatory information required for completeness shall be clearly identified on the commission-approved application form. A customer may, but it not required to, include an emergency (secondary) contact in the application.

(5) (No change.)

(6) The TDU shall notify the customer's REP using a standard market transaction and the customer of the final status of the application process, including whether the customer has been designated for Critical Care Residential Customer or Chronic Condition Residential Customer status. The TDU shall also notify the customer of the date a designation, if any, will expire, and whether the customer will receive a renewal notice. The TDU shall provide the ~~emergency~~secondary

contact information (if applicable) to the REP using a standard market transaction.

If the customer switches to a different REP, the TDU shall provide the new REP with information on the customer's status and the emergencysecondary contact information (if applicable) using a standard market transaction.

(7) - (8) (No change.)

(9) The TDU shall mail a renewal notice to a Chronic Condition Residential Customer whose designation was for a period longer than 90 days or a Critical Care Residential Customer, at least 45 days prior to the expiration date of the customer's designation. The renewal notice shall also be mailed to the emergencysecondary contact included on the commission-approved application form. The renewal notice shall include the application form and an explanation of how to reapply for Critical Care Residential Customer or Chronic Condition Residential Customer designation. The renewal notice shall inform the customer that the current designation will expire unless the application form is returned by the expiration date of the existing designation.

(f) - (i) (No change.)

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

**ISSUED IN AUSTIN, TEXAS ON THE 23rd DAY OF FEBRUARY 2012 BY THE
PUBLIC UTILITY COMMISSION OF TEXAS
ADRIANA A. GONZALES**

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