



Control Number: 29760



Item Number: 870

Addendum StartPage: 0

PROJECT NO. 29760

**COMPLIANCE FILINGS RELATED § PUBLIC UTILITY COMMISSION
TO DISCONNECTION OF §
ELECTRIC SERVICE PURSUANT § OF TEXAS
TO PUC SUBST. R 25.483(b)(2)(C) §**

**NUECES ELECTRIC COOPERATIVE RETAIL DIVISION COMPLIANCE
AFFIDAVIT REGARDING DISCONNECTION OF RESIDENTIAL AND
SMALL COMMERCIAL CUSTOMERS**

Contact:

**Sarah Fisher
361-387-2581**

April 6, 2006

Table of Contents

	Page
Nueces Electric Cooperative Retail Division Compliance Affidavit.....	2-4

AFFIDAVIT OF JOHN L. SIMS

THE STATE OF TEXAS

§

§

COUNTY OF NUECES

§

Before me, the undersigned notary public, on this day personally appeared

John L. Sims, to me known, who being duly sworn according to law, deposes and says:

1. My name is John L. Sims. I am of legal age and a resident of the State of Texas. I am Executive Manager for Nueces Electric Cooperative, Inc. (NEC).
The facts contained within this affidavit are within my personal knowledge and are true and correct.
2. NEC Retail Division is a cooperative competitive retail electric provider registered with the Public Utility Commission of Texas ("Commission") to provide service in all areas of the state open to retail competition. NEC Retail Division serves as the "affiliate REP" in the Nueces Electric Cooperative (NEC) distribution area. NEC Retail Division serves as a "competitive REP" in other areas of the state where retail electric competition is available.
3. As the affiliate REP, NEC Retail Division has had the right to disconnect customers for non-payment in the NEC territory since it opened to competition on August 18, 2005 accordance with P.U.C. SUBST. R. 25.483, relating to *Disconnection of Service*. Additionally, as the Provider of Last Resort ("POLR"), NEC Retail Division has the right to disconnect in those territories

where it serves as the POLR in accordance with P.U.C. SUBST. R. 25.483, relating to *Disconnection of Service*.

4. Amended P.U.C. SUBST. R. 25.483 (b)(2), relating to Disconnect Authority, grants all REPs the authority to disconnect residential and small commercial customers for non-payment effective June 1, 2004, provided that prior to authorizing disconnections the REPs: 1) test all necessary electronic transactions related to disconnection and reconnection of service; 2) send notice to customers notifying them of the change in disconnect policy; and 3) file an affidavit from an officer of the company affirming that the REP has completed items 1 and 2 above and understands and has trained its personnel on the Commission's rule requirements related to disconnection and reconnection. The instant affidavit completes the requirements necessary for NEC Retail Division to begin disconnecting customers for non-payment for all service areas in which it serves as a competitive REP.
5. NEC Retail Division has adequately tested electronic transactions necessary to perform disconnections and reconnections. On December 12, 2005, NEC Retail Division was notified from ERCOT that it has successfully completed testing the script specific to the Disconnect and Reconnect for Non-Pay in Flight 1005 in TX SET V2.1 business rules with the following TDU business partners: Nueces Electric Cooperative, TXU Electric Delivery Company, Centerpoint Energy Houston Electric LLP, Texas-New Mexico Power Company, AEP Texas Central Company, and AEP Texas North Company.

6. On April 5, 2006, RERS sent a post card notice containing the verbatim language specified in P.U.C. SUBST. R. 25.483(b)(2)(B) to active residential and small commercial customers served by NEC Retail Division outside of the NEC territory.
7. NEC Retail understands the Commission's requirements on disconnection and reconnection and has conducted internal training sessions on the Commission's rule requirements related to disconnection and reconnection for its personnel on April 4, 2006.
8. Effective April 7, 2006, NEC Retail Division will begin disconnecting residential and small commercial customers for non-payment in all territories outside of the Nueces Electric Cooperative territory where it serves as a REP.

Signed on this 6th day of April 2006.

John L. Sims

Affiant: John L. Sims

SWORN TO AND SUBSCRIBED BEFORE ME this 6th day of April

2006 to certify which witness my hand and seal of office.

Lynda Jennings

NOTARY PUBLIC, State of Texas

