



Control Number: 36131



Item Number: 16

Addendum StartPage: 0

PUC PROJECT NO. 36131

**RULEMAKING RELATING TO § PUBLIC UTILITY COMMISSION
DISCONNECTION OF ELECTRIC §
SERVICE AND DEFERRED § OF TEXAS
PAYMENT PLANS**

**INITIAL COMMENTS OF
TEXAS -NEW MEXICO POWER COMPANY**

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TNMP respectfully submits these comments on the rulemaking relating to disconnection of electric service and deferred payment plans. TNMP respectfully submits comments for question Nos. 10 and 11, regarding critical care customers and ill and disabled. Due to the overlap of the response, TNMP jointly answers these questions and also describes its process for critical care customers. Attachment A also provides further documentation of TNMP's critical care process.

- 10. What improvements are needed regarding critical care customers and ill and disabled?**
 - a. Should a standard definition for critical care and ill and disabled across TDUs and REPs be applied?**
 - b. Once deemed critical care, should a customer have to re-apply for critical care status annually?**
 - c. Are there certain medical conditions that should qualify for critical care status automatically, provided a note from a physician is provided on behalf of the customer?**
- 11. How can education efforts be modified regarding the designation of critical care customers?**

TNMP's current critical care designation process for customers is as follows. Upon receipt of the completed Commission-approved critical care form, including the required physician's signature, TNMP approves the customer for critical care status and provides the notification to the REP. TNMP rejects incomplete forms, and also provides this notification to

the REP. However, TNMP does send a courtesy letter to the customer informing him of the acceptance or denial as critical care.

Consistent with Commission rules, the current process requires an annual reapplication by the customer. TNMP notes that in many cases the conditions requiring a customer to obtain critical care status are permanent in nature. Therefore such customers may feel unnecessarily burdened by having to reapply annually.

TNMP acknowledges that some critical care conditions and circumstances may be temporary. Conversely, there may be critical care customers whose critical condition may exist for a lengthy time or in fact be permanent. However, TNMP is concerned that, even if definitions for “temporary critical care status” and “non-temporary critical care status” could be determined, TNMP would be exposed to unnecessary liability in the application of such definitions. The wide variety of situations that might arguably be classified as temporary or non-temporary will necessarily give rise to uncertainty and potential confusion. TNMP does not have a physician on staff to verify the definition of a critical care patient or to verify questionable critical care status. The Company further contends that any process that would require the TDU to actually contest the medical opinion of the customer’s chosen physician only creates potential conflicts of interest and puts the TDU in a field outside of its core functions. Installing a process in which critical customers would be subject to further characterization would only heighten the difficulties involved.

Based on these considerations, TNMP does not oppose a standard definition for critical care status provided it does not expand the liability exposure and administrative burden of the TDU. Similarly, TNMP sees value in a definition of critical care conditions that are automatically qualified. As noted above, TNMP urges that any such automatic qualification be

substantiated by some communication from the customer's physician. TNMP's current process requires receipt of such communication.

If TNMP receives a disconnect order from a REP for a critical care customer, TNMP employs the following process. Per the Retail Market Guide, TNMP immediately rejects the disconnect order and sends a transaction to the REP that it contact TNMP directly. TNMP also requires that an officer of the Company approve the disconnect order. Prior to the disconnection, TNMP sends a technician to the premise before the disconnection actually occurs. The TNMP technician confirms the customer has been notified of the pending disconnect. TNMP also requires that the REP send an ambulance or sheriff to the premise prior to the disconnection. TNMP also notifies Commission Staff of the pending disconnect order at the critical care customer's premise.

TNMP's Tariff for Retail Delivery Service Section 5.3.7.4 indicates when the customer (ie. the REP) shall not disconnect or suspend a Retail Customer's service. Section 5.3.7.4 does not provide a definition of a reasonable time length for a Retail Customer to ameliorate the situation, nor does it provide a definition of a dangerous or life-threatening situation.

Finally, in regard to customer education, TNMP remains a neutral party as it does not interface with the retail customer. Such communications would be most appropriately delivered by the REP as virtually all account-related information is similarly delivered. The retail customer should receive information and education from one principal sources to avoid needless confusion.

CONCLUSION

For the reasons presented above, TNMP offers its initial comments to the project for rulemaking relating to disconnection of electric service and deferred payment plans. If the Commission decides to amend the rule, TNMP urges the Commission to adopt language that removes from the TDUs the duty to depose or contradict a physician's determination of a critical care customer. TNMP believes that a TDU's duty should end upon receipt of a fully-executed, Commission-approved critical care form.

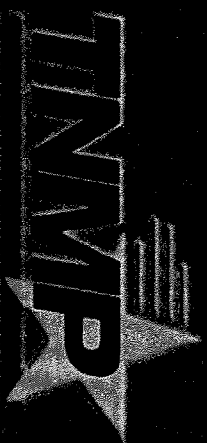
TNMP appreciates the opportunity to provide these comments, and it will be available at the November 20, 2009, workshop to answer any questions that may arise in connection with these comments.

Respectfully submitted,



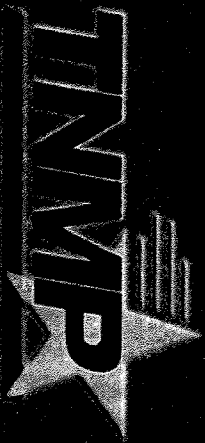
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ATTORNEY FOR TNMP



Critical Care / Load Updates

- Fax signed Critical Care Eligibility Forms to:
 - 972-318-0138
 - Attn: Critical Care Request
- Or e-mail electronic signed form to mrelations@tnmp.com.
- TNMMP will update our CIS system or notify REP and customer of denial within 5 business days.
- Critical care status will be denied if form is not completed properly.
- Call 972-317-5844 x 112 for any questions.



Critical Care Renewal Process

- Potential renewal notifications are sent to REPs 1 month prior to expiration.
- If no update received from REP, TNMMP will send end-use customer a letter before terminating Critical Care status.