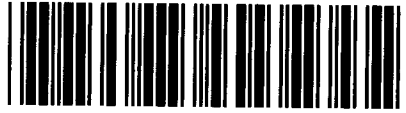




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PROJECT NO. 41613

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PUBLIC UTILITY COMMISSION
REGULATORY SERVICES

RULEMAKING TO IMPLEMENT SB
981, LEGISLATIVE REGULAR
SESSION

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PUBLIC UTILITY COMMISSION
OF TEXAS

COMMENTS OF THE REP COALITION

The REP Coalition¹ respectfully submits these Comments regarding proposed amendments to P.U.C. SUBST. R. 25.471, relating to General Provisions of Customer Protection Rules and P.U.C. SUBST. R. 25.480, relating to Bill Payment and Adjustments, as published in the *Texas Register* on September 27, 2013.²

I. Introduction

During the last regular session, the Legislature enacted Senate Bill 981 (SB 981). Among other things, SB 981 states that a retail electric provider (REP) may establish a bill payment assistance program for “a customer who is a military veteran who a medical doctor certifies has a significantly decreased ability to regulate the individual’s body temperature because of severe burns received in combat.” The bill further directs the Commission to compile and publish a list of these voluntary REP programs on its website. A REP offering a bill assistance program is required to provide the information necessary for the compilation of this published list consistent with the form, manner, and frequency prescribed by the Commission. These provisions in SB 981 are codified in PURA § 39.359. The effective date of SB 981 is September 1, 2013.

The REP Coalition supports the adoption of amendments to P.U.C. SUBST. R. 25.471 and P.U.C. SUBST. R. 25.480 that may serve to encourage REPs to provide voluntary bill assistance programs for the burned veteran customers identified in SB 981. It is important to keep in mind, however, that the population of customers in Texas that meet the definition in SB 981 is relatively small. Some news sources have reported that 250 burned veterans statewide would be

¹ The REP Coalition consists of the following: Alliance for Retail Markets (ARM); Reliant Energy Retail Services, LLC; the Texas Energy Association of Marketers (TEAM); and TXU Energy Retail Company LLC. Members of ARM participating in this proceeding are: Direct Energy, LP and Green Mountain Energy. Members of TEAM participating in this proceeding are: Accent Energy d/b/a IGS Energy, Cirro Energy, Just Energy, Spark Energy, StarTex Power, Stream Energy, TriEagle Energy, and TruSmart Energy.

² The Commission has also proposed to similarly amend P.U.C. SUBST. R. 25.21(c) and P.U.C. SUBST. R. 25.28, but those rules apply only to electric utilities outside the Electric Reliability Council of Texas (ERCOT) power region.

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eligible for assistance under electric utility, municipally-owned utility, electric cooperative, and REP programs operating within the specific parameters of SB 981.³ Consequently, some REPs may desire to include burned veterans as part of other programs that provide assistance to customers. For these reasons, the REP Coalition recommends changes to the proposed amendments to P.U.C. SUBST. R. 25.471 and 25.480 that recognize that burned veterans may be included in voluntary REP bill assistance programs applicable to other customers.

II. Proposed Modifications to P.U.C. SUBST. R. 25.480

General – Definition of Term “Burned Veteran”

While proposed P.U.C. SUBST. R. 25.471(d)(2) defines the term “burned veteran” consistent with SB 981, the REP Coalition notes that this term is not used anywhere in the proposed changes to P.U.C. SUBST. R. 25.480. Rather, “veterans severely burned in combat” is the term used throughout P.U.C. SUBST. R. 25.480. For clarity, the REP Coalition recommends that the phrase “veterans severely burned in combat” be replaced with the defined term.

Subsection (g)(1): Notice

The REP Coalition recommends the deletion of information about “bill payment assistance for veteran severely burned in combat” from the list of applicable payment options and payment assistance programs offered by or available from the REP provided in response to a customer inquiry. Nearly all of the customers contacting a REP to inquire about bill assistance options and programs would not qualify for this particular type of financial aid. The inclusion of this type of bill assistance program in the information provided in a REP’s general response to communications initiated by customers would serve little purpose aside from potential confusion.

A REP initiating a voluntary bill assistance program specific to burned veterans or including such customers in an existing program will likely take proactive measures to locate and target eligible customers, rather than wait to inform these customers of the program’s existence in a communication initiated by the customer. For example, a REP offering such a program may notify a medical facility treating burned veterans, such as Joint Base San Antonio-Fort Sam

³ See <http://www.mysanantonio.com/news/military/article/Relief-for-burned-vets-sought-for-Texas-other-4425073.php>

Houston, to ensure those individuals were informed about the program's existence. Plus, the Commission website will provide burned veterans a listing of those retailers offering an assistance program. For all these reasons, the REP Coalition recommends the modification of P.U.C. SUBST. R. 25.480(g)(1) to delete the proposed amendment to the subsection:

- (g)(1) **Notice required.** When a customer contacts a REP and indicates inability to pay a bill or a need for assistance with the bill payment, the REP shall inform the customer of all applicable payment options and payment assistance programs that are offered by or available from the REP, such as bill payment assistance, deferred payment plans, disconnection moratoriums for the ill, or low-income energy assistance programs, ~~bill payment assistance for veterans severely burned in combat~~ and of the eligibility requirements and procedure for applying for each.

Subsection (g)(3): Inclusion of Information on Commission Website and in REP Annual Reports

The REP Coalition proposes certain modifications to the reporting requirements proposed in P.U.C. SUBST. R. 25.480(g)(3). Proposed subsection (g)(3)(A) requires a REP to include the number of ESI IDs served under a voluntary bill assistance program for burned veterans, as those customers are defined under proposed P.U.C. SUBST. R. 25.471(d)(2), in its annual report. Additionally, the proposed rule could be interpreted to require the REP to include such data in the information provided to the Commission for purposes of the website posting. The REP Coalition respectfully opposes this reporting requirement, which is not mandated by SB 981.

The reporting requirements currently proposed in subsection (g)(3)(A) could act as a disincentive to REPs to offer voluntary billing assistance programs. The key objective of the rule amendments should be to facilitate voluntary programs for burned veterans. Therefore, the relevant information to report would be whether a REP voluntarily offers a burned veterans bill payment assistance program, not the number of burned veterans who ultimately take advantage of the program. Furthermore, the REP Coalition has concerns that burned veterans receiving assistance would not necessarily desire to have that fact reported to the Commission or possibly published on the Commission's website.

The REP Coalition proposes other minor amendments, including the insertion of the word "voluntary" to describe a REP's bill assistance program for burned veterans, consistent with the intent of SB 981. The REP Coalition also suggests the Commission establish a project

for the receipt of contact information to be reported on the Commission website regarding a REP's voluntary bill payment assistance program for burned veterans. Finally, the REP Coalition proposes a minor amendment to allow the REP to provide a phone number or website, or both, to the Commission in the information provided about its bill assistance program.

Consistent with the discussion above, the REP Coalition proposes to modify P.U.C. SUBST. R. 25.480(g)(3) as follows:

(g)(3) A REP shall provide in a project established by to the commission information on about its voluntary bill payment assistance program for burned veterans severely burned in combat and include that information in its annual report pursuant to §25.107 of this title. The commission will publish such information on the commission website. The voluntary bill payment assistance program may also include customers who are not burned veterans.

~~(A) The annual report shall contain the number of ESI IDs served under this bill payment assistance program during the annual report period.~~

~~(B) Information provided pursuant to this subsection shall include the REP's name, the REP's certification number, and a toll free telephone number and/or website address where customers can obtain additional information on the REP's voluntary bill payment assistance for burned veterans severely burned in combat.~~

III. Conclusion

The REP Coalition appreciates the opportunity to submit these Comments and respectfully requests that the Commission consider them in the adoption of final amendments to the affected rules.

**Respectfully submitted on behalf of
The REP Coalition**

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