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Public Utility Commission of Texas


Memorandum

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PUBLIC UTILITY COMMISSION
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To: Interested Parties

From: Brian Lloyd, Executive Director 

Date: September 5, 2017

Re: **Project 47552**, Issues Related to the Disaster Resulting From Hurricane Harvey, Governors' Disaster Proclamation

In recognition of the widespread damage and flooding caused by Hurricane Harvey, the PUCT understands that Retail Electric Providers (REPs), particularly those with significant operations in the Houston and Corpus Christi areas, may experience resource constraints due to increased call volume and reduced staffing. The PUCT believes REPs and utilities should prioritize customer assistance and dedicated focus on customers displaced or impacted by Hurricane Harvey. PUCT will utilize enforcement discretion where appropriate to facilitate this priority.

Retail Electric Rules

16 TAC § 25.472(b) requires REPs to provide a requested residential billing history to an energy assistance agency by the end of the next business day. In light of the fact that REPs may see an increase in such requests, have in many cases suspended disconnection requests, the *Order to Assist Implementation of the Governor's Proclamations Related to the Disaster Caused by Hurricane Harvey* ("Order") issued by the Commission on August 31, 2017 directs Retail Electric Providers to offer deferred payment plans to affected customers upon request, and REPs are required to notify customers of this benefit, the PUCT will utilize enforcement discretion to the extent that REPs use best efforts to provide these billing histories as soon as possible.

16 TAC § 25.479(c), requires REPs to include on the customer's bill whether the bill was issued based on estimated usage. In light of ongoing efforts among Staff and stakeholders to discuss meter estimation protocols, the PUCT will utilize enforcement discretion where this requirement is infeasible or detracts from providing as accurate of bills as possible.

16 TAC § 25.485(d) and (e), requires a retail electric provider to respond to a complaint submitted by a customer or applicant, or an informal complaint at the Commission within 21 days after the complaint was received by the retail electric provider. The PUCT will utilize enforcement discretion where a retail electric provider provides notice to the Commission Customer Protection Division that they are experiencing resource constraints with respect to complaint processing, provided that the REP complies with the prohibitions on collection activities and disconnection during the pendency of the complaint.

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16 TAC § 25.491(b) and (d) requires retail electric providers to produce records to the Commission within 15 days. The PUCT will utilize enforcement discretion where this requirement is infeasible unless the PUCT Staff indicates that the matter for which records are being requested is an emergency.

Water and Sewer Rules

16 TAC § 24.81(a)(3)-(6) requires a water or sewer utility to maintain certain records at particular places and have those records available for inspection. The PUCT will utilize enforcement discretion where, due to the effects of Hurricane Harvey, maintaining these records at office locations or maintaining normal business hours is not feasible.

16 TAC § 24.81(b) requires a utility to make an initial response to the Commission within 15 days of receipt of a complaint from the Commission. The PUCT will utilize enforcement discretion when compliance with this requirement is not feasible.

16 TAC § 24.81(d) requires a utility to maintain an office in the county or immediate area (within 20 miles) of a portion of its utility service area. The PUCT will utilize enforcement discretion when compliance with this requirement is not feasible.

16 TAC § 24.124(d) requires submetered utility service to be calculated monthly using specific information, including submeter readings. The PUCT will utilize enforcement discretion when compliance with this rule is not feasible.

Telecom Rules

16 TAC § 26.30(a) requires a CTU to investigate and advise complainants of the result of an initial investigation within 21 days of the receipt of a complaint. 16 TAC § 26.30(b) further requires a CTU to investigate and advise the Commission in writing of a complaint within 21 days of the Commission forwarding the complaint to the CTU. The PUCT will utilize enforcement discretion when compliance with this requirement is not feasible.

This enforcement discretion will apply through September 29, 2017, and may be extended based on conditions in the state at that time.