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**PROJECT NO. 50500**

**PETITION FOR DESIGNATION OF  
ELECTRIC PROVIDERS OF LAST  
RESORT FOR 2021-2022 AND  
SUBMISSION OF LARGE SERVICE  
PROVIDER ELECTRICITY FACTS  
LABELS** §  
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**PUBLIC UTILITY COMMISSION  
OF TEXAS**

**ORDER NO. 1  
ESTABLISHING PROCEDURAL SCHEDULE**

**I. Background**

On March 27, 2020, Commission Staff filed a petition to designate providers of last resort (POLR) service for the 2021-2022 term in accordance with PURA<sup>1</sup> § 39.106 and 16 Texas Administrative Code (TAC) § 25.43. Under 16 TAC § 25.43, all retail electric providers (REPs) that are serving retail customers in transmission and distribution utility service areas are required to provide information to the Commission necessary to establish their eligibility to serve as a POLR for the next term. POLR providers are described in 16 TAC § 25.43 as voluntary retail electric providers (VREPs) and large service providers (LSPs).

**II. Certification Process**

Under 16 TAC § 25.43(h)(1), all REPs are required, to file by July 10th of each even-numbered year, by service area, information on the customer classes they provide service to, and for each customer class, the number of electric service identifiers that the REP serves and the retail sales in megawatt-hours for the annual period ending March 31 of the current year. REPs are also required to provide information on their technical capability and financial ability to provide service to additional customers in a mass transition.

In accordance with 16 TAC § 25.43(i), a REP may submit a request to be designated as a VREP no earlier than June 1st and no later than July 31st of each even-numbered year by submitting the information required for the designation.

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<sup>1</sup> Public Utility Regulatory Act, Tex. Util. Code §§ 11.001-66.016.

Under 16 TAC § 25.43(k), any REP designated as an LSP may request that one of its affiliates provide POLR service on its behalf. Each request shall include the name and certification number of the LSP affiliate, information demonstrating the affiliation between the LSP and the LSP affiliate, and a certified agreement from an officer of the LSP affiliate stating that the LSP affiliate agrees to provide POLR service on behalf of the LSP. The request shall also include an affidavit from an officer of the LSP stating that the LSP will be responsible and indemnify any affected parties for all financial obligations of the LSP affiliate associated with the provisioning of POLR service on behalf of the LSP in the event that the LSP affiliate defaults or otherwise does not fulfill such financial obligations.

### III. Procedural Schedule

To ensure timely designation of POLRs for 2021-2022, the following procedural schedule shall apply to this proceeding:

Initial date a REP may file a request to become VREP	June 1, 2020
Deadline for REPs to file information in order to establish eligibility as POLR <sup>2</sup>	July 10, 2020
Deadline for LSP to file a request for an LSP affiliate be designated to perform POLR services <sup>3</sup>	July 10, 2020
Deadline for REPs to file a request to become a VREP <sup>4</sup>	July 31, 2020
Commission Staff files an initial list of: LSPs eligible to serve as a POLR, LSP affiliates approved to serve as a POLR, and VREPs	August 27, 2020
Deadline for REPs to challenge Commission Staff's eligibility determination for an LSP to serve as a POLR, LSP's affiliate approved to serve as a POLR, and approved VREPs	September 4, 2020
Commission Staff files a recommendation on final disposition	September 18, 2020
Commission Staff files a proposed order with findings of fact, conclusions of law, and ordering paragraphs	September 18, 2020

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<sup>2</sup> 16 TAC § 25.43(h)(1).

<sup>3</sup> *Id.*

<sup>4</sup> 16 TAC § 25.43(i).

Regulatory deadline for Commission to designate LSPs <sup>5</sup>	October 15, 2020
Electricity Facts Labels (EFLs) submitted by LSPs that have the greatest market share in each TDSP area	December 18, 2020
Commission Staff posts LSP EFLs on Commission's website	December 31, 2020

#### IV. Notice

Commission Staff must provide notice of this proceeding to all REPs.

**Signed at Austin, Texas the 28<sup>th</sup> day of April 2020.**

#### PUBLIC UTILITY COMMISSION OF TEXAS



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**STEVEN LEARY**  
**ADMINISTRATIVE LAW JUDGE**

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<sup>5</sup> See 16 TAC § 25.43(j)(2).