



Control Number: 50664



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*Public Utility Commission of Texas*

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**Memorandum**



To: Interested Parties

From: John Paul Urban, Executive Director

Date: April 3, 2020

Re: **Project No. 50664, Issues Related to the State of Disaster for Coronavirus Disease 2019**

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In recognition of the widespread public health concerns caused by the spread of COVID-19, reliable utility service for Texans should remain the highest priority. Recognizing that the regulated community should prioritize customer assistance, certain enforcement discretion may be appropriate to facilitate this priority.

**Retail Electric Providers (REPs)**

16 TAC § 25.472(b) insofar as it requires REPs to provide a requested residential billing history to an energy assistance agency by the end of the next business day. REPs may see an increase in such requests and have in many cases suspended disconnection requests. The Commission will utilize enforcement discretion to the extent that REPs use best efforts to provide these billing histories as soon as possible.

16 TAC § 25.485(d) and (e) insofar as they require 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 Commission will utilize enforcement discretion where a REP provides notice to the Customer Protection Division that it is 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.

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

### **Transmission and Distribution Utilities**

16 TAC §§ 25.214(d), 25.483(c), and Sections 6.1.2.1, 6.1.3.1, and 6.1.4.1 of the Tariff for Retail Delivery Service, insofar as they require disconnection for nonpayment within a certain timeframe of the requested date. The Commission will exercise enforcement discretion involving these provisions.

### **Integrated Electric Utilities**

16 TAC § 25.30(c) insofar as it requires an electric utility 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 electric utility. The Commission will utilize enforcement discretion where a utility provides notice to the Customer Protection Division that it is experiencing resource constraints with respect to complaint processing, provided that the utility complies with the prohibitions on collection activities and disconnection during the pendency of the complaint.

### **Water and Sewer Utilities**

16 TAC § 24.15 insofar as it requires water utilities to file certified copies of wholesale water supply contracts within 30 days of executing the contract. Water utilities may be required to quickly find alternative sources of water and suspending this reporting requirement will allow them to focus on the core procurement function. The Commission will utilize enforcement discretion to the extent that utilities use best efforts to provide these contracts as soon as possible

16 TAC § 24.131 insofar as it requires maintenance of records for inspection at a particular place or time. The Commission will utilize enforcement discretion where, due to the effects of COVID-19, maintaining these records at office locations or maintaining normal business hours is not feasible.

16 TAC § 24.153(b) insofar as it requires a utility to make an initial response to the Commission within 15 days of receipt of a complaint from the Commission. The Commission will utilize enforcement discretion where a utility provides notice to the Customer Protection Division that it is experiencing resource constraints with respect to complaint processing, provided that the utility complies with the prohibitions on collection activities and disconnection during the pendency of the complaint.

16 TAC § 24.153(d) insofar as it 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 Commission will utilize enforcement discretion when maintaining an office is not feasible.

### **Telecommunications**

16 TAC § 26.30(a) insofar as it requires a certificated telecommunications utility (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 Commission will utilize enforcement discretion where a CTU provides notice to the Customer Protection Division that it is experiencing resource constraints with respect to complaint processing, provided that the CTU complies with the prohibitions on collection activities and disconnection during the pendency of the complaint.

If a regulated entity experiences specific problems regarding compliance with Commission rule requirements caused by the spread of COVID-19 that are not addressed by this memo, the Commission encourages it to contact the Commission's Oversight and Enforcement Division to discuss enforcement discretion with respect to those requirements.

This enforcement discretion addressed in this letter applies until further notice.

Sincerely,

A handwritten signature in black ink, appearing to read "John Paul Urban", written in a cursive style.

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John Paul Urban