

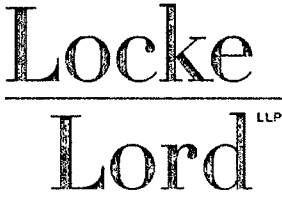


Control Number: 51812



Item Number: 210

Addendum StartPage: 0



RECEIVED
JUN 2 2021 2:00

600 Congress Avenue
Suite 2200
Austin, TX 78701
Telephone 512-305-4700
Fax 512-305-4800
www.lockelord.com

Carrie Collier-Brown
Direct Telephone 512-305-4732
Direct Fax 512-391-4883
Carrie.CollierBrown@lockelord.com

June 2, 2021

Chairman Peter Lake and Commissioner Will McAdams
Public Utility Commission of Texas
1701 N. Congress Avenue, 7th Floor
Austin, Texas 78701

RE: Project No. 51812, *Issues Related to the State of Disaster for the February 2021 Winter Weather Event*, Lifting the DNP Moratorium and REP Customer Assistance

Dear Chairman Lake and Commissioner McAdams:

On June 1, 2021, Commissioner McAdams filed a Memorandum in Project No. 51812 noting that a moratorium on disconnections for non-payment (“DNP”) has been in place since February 2021 and recommending that, with the urgency of the situation passed, there are better resources available to customers to assist with unpaid bills than a Winter Storm Uri-based moratorium. The Alliance for Retail Markets (“ARM”)¹ agrees with Commissioner McAdams’ Memorandum and respectfully requests that the Commission return the competitive market to normal operating conditions by rescinding the exception to 16 Texas Administrative Code (“TAC”) § 25.483(c) to lift the DNP moratorium.

As retail electric providers (“REPs”), the ARM members’ foremost concern is providing retail electric service to their customers. To that end, even once the exception to 16 TAC § 25.483(c) is lifted, there are a variety of resources available to customers and protections in place to ensure that the use of DNPs is minimized. This assistance includes, but is not limited to, the following:

- Deferred Payment Plans (“DPPs”) are a valuable tool to help address repayment terms for customers who express an inability to pay. Under the Commission’s March 26, 2020 Order in Project No. 50664 relating to the impacts of COVID-19, REPs are required to offer DPPs

¹ ARM is an association of retail electric providers (“REPs”) certificated to provide electric service to customers in areas currently subject to retail competition in Texas. The ARM members include: Calpine Retail; Constellation NewEnergy, Inc ; ENGIE Resources LLC; Gexa Energy, LP; the NRG Retail Companies; and the Vistra Retail Companies

210

to all customers upon request. This Order was renewed on July 16, 2020 and remains in effect.

- REPs may offer payment extensions for current bills and past-due amounts.
- REPs work with a variety of community assistance agencies to provide bill payment assistance to customers with past-due bills and, in some instances, future electric service expenses.
- 211 Texas is a free, anonymous social service hotline and website provided by the Texas Health and Human Services Commission that is available 24 hours a day, 7 days a week to connect callers with resources in their local community.
- Many REPs fund payment assistance programs, including Direct Energy's Neighbor to Neighbor program, Reliant's CARE program, and TXU Energy Aid.
- The Texas Department of Housing and Community Affairs ("TDHCA") has been provided with significant COVID-related funding for its Texas Rent Relief Program, which is available for renters living in Texas and covers past due, current, and some future electric service expenses (up to 15 months in total).

The Commission's rules contain a robust framework of customer protections, including requirements in 16 TAC § 25.483 that protect against disconnections for nonpayment in certain situations, such as:

- 25.483(f): Prohibits DNP on holidays, weekends, and the day preceding a holiday or weekend unless the REP is available to take payments, make payment arrangements, and request reconnection and if the transmission and distribution utility is able to reconnect service on those days
- 25.483(j): Prohibits DNP in counties that are subject to an extreme weather emergency, which means:
 - For extreme heat, when the includes a National Weather Service (NWS) issues a heat advisory for a county, or when such advisory has been issued for any one of the proceeding two calendar days in a county; or
 - For extreme cold, when that is currently in effect for that county, that was in effect during the prior two days, or if the peak temperature is at the previous day's highest temperature did not exceed or below 32 degrees Fahrenheit, and the temperature is predicted to remain at or below that level for the next for 24 hours anywhere in the county according to the nearest NWS reports.

June 2, 2021
Page 3

ARM members stand ready to assist those customers that are in need of assistance during this transition. Thank you for your attention to this matter and we are available to answer any questions.

Sincerely,

ALLIANCE FOR RETAIL MARKETS

By: _____
Carrie Collier-Brown