



Filing Receipt

Received - 2022-05-19 02:31:46 PM
Control Number - 52405
ItemNumber - 12

PROJECT NO. 52405

REVIEW OF CERTAIN WATER	§	PUBLIC UTILITY COMMISSION
CUSTOMER PROTECTION RULES	§	
	§	OF TEXAS

**OFFICE OF PUBLIC UTILITY COUNSEL'S INITIAL COMMENTS
ON COMMISSION'S PROPOSAL FOR PUBLICATION**

The Office of Public Utility Counsel ("OPUC") respectfully submits these initial comments on the Proposal for Publication approved by the Public Utility Commission of Texas ("Commission") on April 21, 2022. The Commission's Proposal for Publication ("Proposal") proposes new 16 Texas Administrative Code ("TAC") § 24.173, relating to Late Fees and Disconnections for Nonpayment During an Extreme Weather Emergency and § 24.364, relating to Civil Penalties for Late Fees and Disconnections for Nonpayment During an Extreme Weather Emergency. OPUC appreciates the Commission's efforts to implement new 16 TAC § 24.173 and new 16 TAC § 24.364 and makes the following recommendations:

- 1) Support new 16 TAC § 24.173 with additional language added to require notice provided to customers of the availability of a payment schedule in the event of an extreme weather emergency.

I. COMMENTS ON NEW 16 TAC § 24.173

OPUC supports the proposed rule's limitation of the applicability of the late fees and disconnections for nonpayment during an extreme weather emergency to retail public utilities, their affiliates, and affected districts and counties that provide retail water and sewer utility services.¹ Additionally, OPUC supports the proposed rule's language regarding prohibited actions² and enforcement.³ However, OPUC believes that the entities described in proposed § 24.173(a) should be required to provide notice to customers of the consumers' right to request a

¹ Proposal for Publication at 6-11; proposed new 16 TAC § 24.173(a).

² Proposal for Publication at 6-11; proposed new 16 TAC § 24.173(c).

³ Proposal for Publication at 8-11; proposed new 16 TAC § 24.173(e).

payment schedule upon occurrence of an extreme weather emergency. If consumers are not proactively made aware of this right, OPUC is concerned that many will fail to take advantage of the offered protections. OPUC recommends providing notice language with bills statements and on the Company's website. For example, the link could be placed under any or all of the following: a Payment Options tab, a Service Assistance tab, a Storm Center tab, or a FAQs tab, where it is easily accessible. Accordingly, OPUC recommends that the Commission insert the following proposed language in § 24.173(d):

(d)(4) Notice – An entity described herein is required to provide and maintain notice to customers of the availability of a payment schedule in the occurrence of an extreme weather emergency in a conspicuous place as a link on their website and on customer statements. The Notice should be available in English and Spanish.

II. COMMENTS ON NEW 16 TAC § 24.364

OPUC supports the proposed rule's classification system to be used to impose civil penalties for violation of § 24.173. At this time, OPUC has no further comments on proposed new 16 TAC § 24.364.⁴

III. RESPONSE TO CHAIRMAN LAKE'S QUESTION

Should the entities described in proposed paragraph 24.173(a) be required to provide notice to customers of their right to request a payment schedule upon the occurrence of an extreme weather emergency? If so, how and when should the covered entities notify customers of this right?

Yes. OPUC believes that the entities described in proposed § 24.173(a) should be required to provide notice to customers of their right to request a payment schedule upon occurrence of an extreme weather emergency. OPUC recommends providing notice language with bills statements and on the entity's website. For example, the link could be placed under any or all of the following: a Payment Options tab, a Service Assistance tab, a Storm Center tab, or a FAQs tab, where it is

⁴ Proposal for Publication at 9-11; proposed new 16 TAC § 24.364(a).

easily accessible. Accordingly, OPUC recommends that the Commission insert the following proposed language in § 24.173(d):

(d)(4) Notice – An entity described herein is required, at all times, to provide notice to customers of the availability of a payment schedule in the occurrence of an extreme weather emergency in a conspicuous place as a link on their website and on customer statements. The Notice should be available in English and Spanish.

If customers do not know that they have the right to request a payment plan, or the associated deadlines, then customers will not benefit from the rule and remain subject to disconnection and unnecessary hardship at the discretion of the entity. OPUC's proposed modification would protect the rights of customers and ensure that all customers would be given the opportunity to benefit from this new proposed rule, ultimately reducing the number of disconnections due to the lack of customer knowledge of the availability of the payment plan option. Moreover, it is prudent that the notice information be placed in an easily accessible and conspicuous place for customers to easily find and access for their benefit.

IV. CONCLUSION

OPUC appreciates the opportunity to provide comments on the Commission's proposed rules and looks forward to working with the Commission and other stakeholders in this project. OPUC supports the Commission's new proposed rules as drafted with the recommendation of the above additional language.

Date: May 19, 2022

Respectfully submitted,

Chris Ekoh
Interim Chief Executive and Public Counsel
State Bar No. 06507015



Renee Wiersema
Assistant Public Counsel
State Bar No. 24094361
Zachary Stephenson
Senior Assistant Public Counsel
State Bar No. 24073402
1701 N. Congress Avenue, Suite 9-180
P.O. Box 12397
Austin, Texas 78711-2397
(512) 936-7500 (Telephone)
(512) 936-7525 (Facsimile)
renee.wiersema@opuc.texas.gov (Service)
zachary.stephenson@opuc.texas.gov (Service)
opuc_eservice@opuc.texas.gov (Service)

ATTORNEYS FOR THE
OFFICE OF PUBLIC UTILITY COUNSEL