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DOCKET NO. 55959

JOINT PETITION OF TEXAS ENERGY	§	PUBLIC UTILITY COMMISSION
ASSOCIATION FOR MARKETERS	§	
AND ALLIANCE FOR RETAIL	§	OF TEXAS
MARKETS FOR DESIGNATION	§	
UNDER 16 TAC § 25.475(b)(5)	§	

ORDER NO. 4
SPECIFYING NOTICE REQUIREMENTS AND
ESTABLISHING PROCEDURAL SCHEDULE

In Order No. 3 filed on January 8, 2024, the administrative law judge (ALJ) posed a series of questions to the parties regarding notice and solicited responses. Commission Staff, the Office of Public Utility Counsel (OPUC), the Texas Energy Association for Marketers (TEAM), and Alliance for Retail Markets (ARM) filed responses.

OPUC agrees with the ALJ's questions raised in Order No. 3—that publication in the *Texas Register* alone is insufficient to provide notice to fixed rate product customers, that TEAM and ARM should provide notice by publication, and that each retail electric provider (REP) that is a member of TEAM or ARM should be required to give notice by mail to customers of fixed rate products. Commission Staff agrees with these propositions, but would go further, by requiring all REPs (as opposed to only REPs who are members of TEAM or ARM) to provide notice to customers of fixed rate products. Commission Staff also recommends that TEAM and ARM publish notice on their social media platforms and websites. As to the question of the Market Notice, Commission Staff explains that it has obtained the voluntary assistance of the Electric Reliability Council of Texas, Inc. (ERCOT) to post the Market Notice.

According to TEAM and ARM, the parties are collectively working on the text of an agreed Market Notice for posting by ERCOT. As to notice to customers, TEAM and ARM continue to maintain that only publication in the *Texas Register* is warranted.

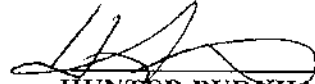
Having read and considered the arguments of the parties, the ALJ orders that notice be provided as follows:

- Notice will be published one time in the *Texas Register*. By March 1, 2024, the parties must file the agreed upon text of the notice. The Commission's Docket Management office will then cause the notice to be published in the *Texas Register*.
- The parties must work cooperatively with ERCOT to ensure that ERCOT will publish the Market Notice to all load serving entities (LSEs) and qualified scheduling entities (QSEs)—using the form filed by TEAM and ARM on January 24, 2024—by March 1, 2024.
- TEAM and ARM must publish notice of the application at least once a week for two consecutive weeks in a newspaper of general circulation in each county in which a fixed rate product affected by the petition is offered. Such publication must be completed by March 8, 2024.
- TEAM and ARM must identify, by February 16, 2024, all of their member retail electric providers (REPs) that offer a fixed rate product affected by the petition.
- TEAM and ARM must post and maintain notice of the application on any websites they may have, commencing by March 1, 2024.
- Each REP that is a member of TEAM or ARM and that offers a fixed rate product affected by the petition must post and maintain notice of the application on its website, commencing by March 1, 2024.
- TEAM and ARM must provide proof of notice, including the notice required of their REP members, by March 22, 2024.
- By April 5, 2024, Commission Staff must file a recommendation on the sufficiency of notice and propose a schedule for further processing.

In this interim order, the ALJ has purposefully selected compliance dates far into the future in order to give any party sufficient time to appeal this Order under 16 Texas Administrative Code § 22.123, should they wish to do so.

Signed at Austin, Texas on the 26th day of January 2024.

PUBLIC UTILITY COMMISSION OF TEXAS

A handwritten signature in black ink, appearing to read 'HB', is written over a horizontal line.

**HUNTER BURKHALTER
CHIEF ADMINISTRATIVE LAW JUDGE**