



Control Number: 57252



Item Number: 11

DOCKET NO. 57252

**COMPLAINT OF DAVID DIX AGAINST
ENERGY TEXAS**

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§

PUBLIC UTILITY COMMISSION

OF TEXAS

ORDER

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This Order addresses a formal complaint by David Dix against Energy Texas under 16 Texas Administrative Code (TAC) § 22.242. On February 3, 2025, the administrative law judge (ALJ) filed a proposal for decision recommending dismissal with prejudice under 16 TAC § 22.181(d)(2) because the complaint is moot.

The Commission adopts the proposal for decision, including findings of fact and conclusions of law, to the extent provided in this Order. In addition, the Commission makes non-substantive changes for such matters as capitalization, spelling, grammar, punctuation, style, citations, and readability.

I. Findings of Fact

The Commission adopts the following findings of fact.

1. Mr. Dix is an individual.
2. Declaration Energy LLC is a Delaware limited liability company registered with the Texas secretary of state under filing number 803709790.
3. On July 21, 2021, Declaration Energy registered Energy Texas as an assumed name with the Texas secretary of state.
4. Declaration Energy is an option 1 retail electric provider (REP) and holds REP certificate number 10281, which the Commission granted in Docket No. 51144.¹
5. On November 9, 2022, Mr. Dix enrolled in Energy Texas' solar buyback program which included a \$500 early termination fee.

¹ *Application of Declaration Energy LLC for a Retail Electric Provider Certificate*, Docket No. 51144, Notice of Approval (Oct. 28, 2020).

6. On March 24, 2023, Energy Texas notified Mr. Dix, via email, of changes to its solar buyback program effective on May 1, 2023.
7. Energy Texas' March 24, 2023 email to Mr. Dix further advised Mr. Dix that if he ended his enrollment in the solar buyback program before May 1, 2023, Energy Texas would waive the \$500 early termination fee.
8. Mr. Dix did not end his enrollment in the solar buyback program before May 1, 2023.
9. On January 11, 2024, Mr. Dix ended his enrollment in the solar buyback program.
10. On January 15, 2024, Energy Texas generated Mr. Dix's final bill which included an early termination fee of \$500.
11. On October 29, 2024, Mr. Dix filed the formal complaint at issue in this proceeding, alleging that Energy Texas violated its contract terms when Mr. Dix canceled his account with Energy Texas' solar buyback program.
12. Specifically, Mr. Dix alleges that Energy Texas wrongfully imposed the \$500 early termination fee on his account.
13. The only relief Mr. Dix seeks in his complaint is the removal of the \$500 early termination fee from his bill.
14. Before filing his formal complaint, Mr. Dix presented the complaint to the Commission for informal resolution under informal complaint number CP2024010932.
15. On November 18, 2024, Energy Texas filed its response to the complaint. Energy Texas disputes Mr. Dix's claim that it violated contract terms and states that it properly assessed a \$500 early termination fee on Mr. Dix in accordance with the terms of its solar buyback program.
16. Nevertheless, Energy Texas waived Mr. Dix's \$500 early termination fee as a courtesy to Mr. Dix.
17. On December 13, 2024, Commission Staff moved to dismiss the complaint for mootness under 16 TAC § 22.181(d)(2).
18. Commission Staff argues that Mr. Dix's sole claim for relief, removal of the \$500 early termination fee, has been accomplished by Energy Texas' waiver of the fee.

19. In Order No. 2 filed on December 16, 2024, the ALJ set a deadline of January 3, 2025 for responses to the motion to dismiss.
20. No party responded to the motion to dismiss.
21. No hearing was held on the motion to dismiss, and none is necessary because the relevant facts are not disputed by the parties.

II. Conclusions of Law

The Commission adopts the following conclusions of law.

1. The Commission has authority over this matter under PURA² § 17.001.
2. Energy Texas is a REP as defined in PURA § 17.002(6) and 16 TAC § 25.5(114).
3. Mr. Dix is entitled to bring his complaint under 16 TAC § 22.242(a).
4. Under 16 TAC § 22.181(d)(2), the ALJ may recommend to the Commission that it dismiss a proceeding, with or without prejudice, for being moot.
5. Mr. Dix's complaint should be dismissed, under 16 TAC § 22.181(d)(2), because the complaint is moot. Mr. Dix requested that Energy Texas remove the \$500 early termination fee from his account and Energy Texas has waived the \$500 early termination fee.
6. Under 16 TAC § 22.181(c), this proceeding may be dismissed without a hearing because the facts necessary to support the dismissal are uncontested.
7. Under 16 TAC § 22.181(f)(2), dismissal of this proceeding requires preparation of a proposal for decision.
8. The proposal for decision was issued in accordance with Texas Government Code § 2001.062 and 16 TAC § 22.261(a).

III. Ordering Paragraphs

In accordance with these findings of fact and conclusions of law, the Commission issues the following orders.

² Public Utility Regulatory Act, Tex. Util. Code §§ 11.001–66.016.

1. The Commission adopts the proposal for decision, including findings of fact and conclusions of law, to the extent provided in this Order.
2. The Commission dismisses Mr. Dix's complaint, with prejudice, because the complaint is moot.
3. The Commission denies all other motions and any other requests for general or specific relief that are not expressly granted.

Signed at Austin, Texas on the 3rd day of April 2025.

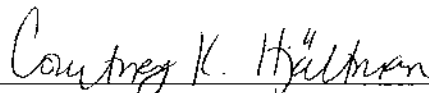
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