

Issues discussed at REP Forum January 29, 2008

Power to Choose Website

PUCT staff gave an update of the Power to Choose Website. All functionality looks to be restored and new process for uploading product information will be complete within next two weeks with go-live occurring at end of next two weeks.

Issues Raised by Parties:

| 25.471 | General Customer Protection Provisions |
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| Direct Energy | <p>Waiver of rules for commercial customers who have waived their customer protection rights and want to add a residential premise to a commercial account. Seeking staff clarification as to whether this is allowable. Examples: Pastor's quarters, where church pays the bills, University professor housing paid by the university..</p> <p>Constellation added that should such a distinction be made, it should be consistent. For example, student housing should be treated the same as professor housing.</p> |
| TEPA | Existing definition of small commercial is set too low in the customer protection rules. Should be consistent with the PTB standard of less than 1 MW. |
| TEPA | Should aggregated customers lose their customer protections. If customers are individually aggregated by an aggregator and presented as a group to a REP, can the REP require them to waive their customer protection rights? |
| TEPA | Many REPs are not reducing to writing Terms of Service that contain different protections than those provided by the customer protection rules as required. |
| TEPA | PUCT should add definitions for terms commonly in use to price products such as: MCPE, heat rate, fixed, etc. Also, there should be a standardized Force Majeure clause set by the PUCT. REPs should not be able to change a "fixed" price contract through the use of this, or a material change clause. |
| 25.474 | Enrollment Rules |
| Reliant | <p>Streamline the enrollment process so that it is more customer friendly. Specifically, (h)(5)(B)(iii-v) should not be required to be delivered verbatim, rather REPs should have flexibility in rewording to be more customer friendly.</p> <p>Also, (d)(7) should say applicant instead of application in the sentence that requires the REP to advise the applicant of their right to receive the TOS via U.S. mail.</p> <p>Finally, the account access verification requirements state that information be "obtained or confirmed." Prior rule adoption preamble suggests this wording should have been "request or confirm."</p> |
| Direct Energy | Clarify what parts of 25.474 apply to existing customers either changing premises or changing plans. |
| TEPA | PUCT should require REPs to provide information to customers on the specific timelines for switching, for example confirmation of specific starting and ending |

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| | dates of contract in light of meter read dates. |
| Direct Energy | Wording changes to ERCOT postcard to remove intimidation factor, with eventual look at repealing use of postcard altogether. |
| 25.475 | Marketing and Regulatory Documents |
| TXU | Standardize the PUCT expectations for EFL calculations and definitions of “fixed” and “variable.” PUCT should be consistent in application of definitions across the market. Believe rule already calls for EFL to contain meaningful disclosure of what is variable and that most REP disclosures fail to contain any meaningful information. |
| Consumer | Standardize the TOS |
| Reliant | Standardize the EFL disclosure language in (c)(1) – (c)(3). |
| TEPA | Force majeure clauses are too broad and vague and allow REPs to market deceptively. Example “fixed” price really can be changed. Also, concerned that REPs deceptively market unbundled prices while billing all the TDSP pass throughs without adequate disclosure. Also believe that if PUCT believes contracts can be unilaterally modified then better notice requirements should be adopted. |
| Direct Energy | Change rule so that REPs can charge early termination fees if a customer moves out but stays within existing TDSP territory and REP is willing to continue to serve that customer. Also, if rule is not changed, can REPs require proof of move-out from a customer? |
| 25.476 | EFL Calculations |
| Reliant | There appears to be issues with the workbook distributed by ERCOT that can result in erroneous EFLs. |
| 25.479 | Billing |
| Reliant | Rules on how to treat certain estimations should be clarified. Reliant does not believe that the PUCT is requiring REPs to issue estimates in order to produce a monthly bill, in the absence of receive a TDSP estimate. However, it appears that based on “violation” findings by the Customer Protection Division, REPs are in fact required to issue a bill monthly, even if it means they must estimate the bill themselves. Reliant suggests that the TDSP tariff language be adopted that refers to billing cycles of approximately one month. |
| TEPA | Rule should require that bills for commercial customers present both billed demand and actual demand. It is impossible to determine if customer is being billed accurate without both pieces of information. |
| TEPA | With respect to average billing, annual true-ups act as a switch deterrent. PUCT should consider requiring true-ups several months prior to end of contract term so customer has sufficient time to pay off remaining balances in advance of switching. |
| Consumers | Expand the late fee and deposit installment eligibility to include CEAP recipients as well as those receiving assistance from REP bill payment assistance programs. |
| 25.483 | Disconnects |
| Direct Energy | Clarify customer rights at point of disconnect. Example, must a REP offer a customer who has been disconnected and who is eligible for a deferred payment |

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| | plan, such a plan, once they have been disconnected? |
| Reliant | Change language in extreme weather protection to clarify that protections is afforded for those whose disconnect for non payment date comes due during the extreme weather event, as opposed to the current wording of a “bill becoming due.” |
| Consumers | Define “good faith” payment and allow for such payment to be acceptable to prevent disconnect for non-payment. Example, if customer pays \$200 of a \$250 bill, they should not be disconnected. |
| Direct Energy | Commission should consider allowing hard disconnects in those instances where a customer is on a deferred payment plan with a REP, until the customer has made good on such plan. Consumers did not support this idea. |
| Consumers | Rules should be modified to allow a customer to stop a disconnect by presenting a receipt to the TDSP’s agent. |
| 25.485 | Complaints |
| TEPA | Streamline the complaint process (or somehow revamp) so contract disputes do not have to be formal complaints and can be resolved as part of the informal process. |
| 25.490 | Disconnect Moratorium on Move-Out |
| No single party | Should be repealed as it is no longer applicable in the market. |
| General | Issues |
| Direct Energy | There should be a mechanism by which the PUCT can provide guidance to market participants as to the meaning of rules. |
| Consumers | The PUCT should produce a “REP Report Card” that contains # of years in business, complaints per 1000 customers; information on billing assistance provided by the REP. The Report Card should be on the Power to Choose website so consumers can easily access this information. TEPA concurred with these suggestions. |
| Consumers | Rules should prohibit fees in addition to those outlined in TDSP discretionary tariffs. For example REP disconnect/reconnect fees. |
| TEPA | Re-examine rules related to critical care customers as there are more out there than are on the lists. Some REPs are inappropriately directing customers to the PUCT. |
| Advanced Metering | Issues raised by Party: |
| Consumers | Customer protection rules will need to be revised to incorporate business processes in the wake of advanced metering. For example, if reconnects can happen quickly, then REPs should be required to restore service faster than the existing timeframes specify. Also, the time to pay a bill should be lengthened to 30 days as REPs will not have to spend as many days performing disconnect activities. |
| Consumers | Consider capping prepaid prices for advanced meter solutions at the lowest prevailing market price in recognition of the lower cost to serve. |
| Consumers | There will be rules needed to resolve disputes around Home Area Networks as the existing rules are likely insufficient to protect customers. |
| Consumers | PUCT should require, or otherwise guarantee, that a firm rate for a fixed term |

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| | product remain in the marketplace. Consumers are concerned these products will disappear with the advent of advanced meters. |
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