

**PROJECT NO. 41121**

<b>RULEMAKING PROCEEDING TO</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>AMEND P.U.C. SUBST. R. 25.214 AND</b>	<b>§</b>	
<b>PRO-FORMA RETAIL DELIVERY</b>	<b>§</b>	<b>OF TEXAS</b>
<b>TARIFF</b>	<b>§</b>	

**PROPOSAL FOR PUBLICATION OF AMENDMENT TO §25.214  
AS APPROVED AT THE JANUARY 23, 2014 OPEN MEETING**

The Public Utility Commission of Texas (commission) proposes an amendment to §25.214, relating to Terms and Conditions of Retail Delivery Service Provided by Investor Owned Transmission and Distribution Utilities (TDUs). The proposed amendment to the Pro-Forma Retail Delivery Tariff (Retail Tariff) will clarify the terms and conditions and further standardize services provided by all TDUs to the retail market. The amendment includes but is not limited to modifications that refine the definitions, clarify the requirements for market notices, reduce the time to repair security lighting, require TDUs to provide interval data from standard meters on a daily basis and timely replacement of interval data when corrected or revised interval data is available, and improve the organization and layout of Chapter 6. The requirements for non-standard and standard metering service are separated in Chapter 6 as well. Improvements are made to the Retail Tariff by extending the timelines for discretionary services provided to premises with a standard meter in Section 6.1.2. The amendment also conforms the language in other Sections to be consistent with the comprehensive changes in Chapter 6. The amendment includes grammatical and layout changes. This rule is a competition rule subject to judicial review as specified in PURA §39.001(e). Project Number 41121 is assigned to this proceeding.

Neal Frederick, Senior Financial Analyst, Competitive Markets Division, has determined that for each year of the first five-year period the proposed section is in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the section.

Mr. Frederick has determined that for each year of the first five years the proposed section is in effect the public benefit anticipated as a result of enforcing the section will be to enhance customer service for electricity users, which will be achieved through better standardization of delivery service by TDUs to Retail Electric Providers (REPs), and faster completion of certain discretionary services provided to REPs and customers. There may be economic costs to persons required to comply with the section as proposed, but these costs are expected to be minimal. The benefits to customers resulting from adoption of these amendments are expected to outweigh the costs. There will be no adverse economic effect on small businesses or micro-businesses as a result of enforcing this section. Therefore, no regulatory flexibility analysis is required.

Mr. Frederick has also determined that for each year of the first five years the proposed section is in effect there should be no effect on a local economy, and therefore no local employment impact statement is required under Administrative Procedure Act (APA), Texas Government Code §2001.022.

The commission staff will conduct a public hearing on this rulemaking, if requested pursuant to the Administrative Procedure Act, Texas Government Code §2001.029, in the Commissioner's Hearing Room located on the 7<sup>th</sup> floor of the William B. Travis Building, 1701 North Congress

Avenue, Austin, Texas 78701 on March 25, 2014. The request for a public hearing must be received by March 7, 2014.

Comments on the proposed amendment may be submitted to the Filing Clerk, Public Utility Commission of Texas, 1701 North Congress Avenue, P.O. Box 13326, Austin, Texas 78711-3326, by March 7, 2014. Reply comments may be submitted by March 21, 2014. Sixteen copies of comments to the proposed amendment are required to be filed pursuant to §22.71(c) of this title. Comments should be organized in a manner consistent with the organization of the proposed rule(s). The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the proposed section. The commission will consider the costs and benefits in deciding whether to adopt the section. All comments should refer to Project Number 41121.

This amendment is proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (West 2007 and Supp. 2012) (PURA), which provides the Public Utility Commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; and specifically, PURA §14.001, which provides the commission with the general power to regulate and supervise the business of each public utility within its jurisdiction and to do anything specifically designated or implied by PURA that is necessary and convenient to the exercise of that power and jurisdiction; PURA §32.101, which requires an electric utility to file its tariff with each regulatory authority; PURA §38.001, which requires an electric utility to furnish service, instrumentalities, and facilities that are safe, adequate, efficient, and reasonable; PURA §38.002, which grants the commission the authority, on its own motion or

on complaint and after reasonable notice to adopt just and reasonable standards, classifications, rules, or practices an electric utility must follow in furnishing a service; PURA §39.107 , which establishes customer choice in a service area; and PURA §39.203 which grants the commission the authority to establish reasonable and comparable terms and conditions for open access on distribution facilities for all retail electric utilities offering customer choice.

Cross Reference to Statutes: Public Utility Regulatory Act §§14.002, 14.001, 32.101, 38.001, 38.002, 39.107, and 39.203.

**§25.214. Terms and Conditions of Retail Delivery Service Provided by Investor Owned Transmission and Distribution Utilities.**

(a)-(c) (No change.)

**(d) Pro-forma Retail Delivery Tariff.**

**Tariff for Retail Delivery Service**

**Figure: 16 TAC 25.214(d)**

This agency hereby certifies that the proposal has been reviewed by legal counsel and found to be within the agency's legal authority to adopt.

**ISSUED IN AUSTIN, TEXAS ON THE 23 DAY OF JANUARY 2014 BY THE  
PUBLIC UTILITY COMMISSION OF TEXAS  
ADRIANA A. GONZALES**