

PUBLIC UTILITY COMMISSION OF TEXAS



Project No. 45540

POLR Eligibility Determination for the Retail Electric Market

FILING REQUIREMENTS

INFORMATION RELATED TO THE DETERMINATION OF ELIGIBILITY TO SERVE AS PROVIDER OF LAST RESORT PURSUANT TO 16 Tex. Admin. Code § 25.43(h) (TAC)

APPLIES TO ALL RETAIL ELECTRIC PROVIDERS PARTICIPATING IN THE
COMPETITIVE RETAIL ELECTRIC MARKET

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DEFINITION OF TERMS AND ACRONYMS

ERCOT	Electric Reliability Council of Texas
ESI ID	Electric Service Identifier
LSP	Large Service Provider (a REP designated to provide POLR service)
POLR	Provider of Last Resort
PUC/PUCT/Commission	Public Utility Commission of Texas
PURA	Public Utility Regulatory Act
REP	Retail Electric Provider
TAC	Texas Administrative Code
TDU	Transmission and Distribution Utility

GENERAL INSTRUCTIONS

Application. This filing contains instructions and a form that shall be used to fulfill the reporting requirements of 16 TAC § 25.43(h) which requires all retail electric providers (REPs) to provide information to the Commission necessary to determine a REP's eligibility to serve as a Provider of Last Resort (POLR). This form applies to all REPs as defined in Public Utility Regulatory Act, Tex. Util. Code Ann. § 31.002(17) (West 2007 & Supp. 2014) (PURA) and 16 TAC § 25.5 of this title (relating to Definitions)

Filing requirements. Each entity shall file with the filing clerk of Central Records at the Commission offices in Austin, Texas, four copies of the printed report and any attachments in accordance with 16 TAC § 22.71. Entities shall also file the required electronic filings consistent with the Commission's electronic filing standards set out in 16 TAC § 22.72(h). REPs that did not serve customers during the period covered by the report may file a letter stating such in lieu of filing the report.

Filing dates. The form shall be filed on or before July 10th of every even-numbered year or sooner if so ordered.

POLR ineligibility. Any REP that wishes to affirm that it is ineligible for selection to provide POLR service should attach a letter describing the ineligibility and an affidavit attesting to the circumstances that led to ineligibility. Although 16 TAC § 25.43(h)(2)(F) disallows Option 2 REPs from eligibility to be designated as a POLR provider, Option 2 REPs must provide the completed form with all of the data but are not required to attach a letter and affidavit.

Report attestation. All reports or letters regarding ineligibility submitted to the Commission shall be attested to by an owner, partner, officer, or manager of the reporting entity under whose direction the report or letter is prepared.

Complete answers. In preparing the report, all instructions should be followed and each question should be answered fully and accurately. The expression "none" or "not applicable" will be given as the answer to any particular inquiry only where the expression truly and completely states the fact. Where a numeric response is required, insert the numeric value "0" as appropriate. All data provided in response to questions or schedules should be rounded to the whole unit.

Reference to prior reports. References to reports of previous periods or to reports by other parties will not be accepted in lieu of information requested in this report.

Confidentiality. The reporting entity may allege that some information requested within the requirements is proprietary and confidential and shall file such information in accordance with 16 TAC § 22.71. A reporting entity must file as confidential any information relating specifically to any other entity, unless the Commission has determined that such information is not competitively sensitive or the disclosing entity has given the reporting entity express written permission to release such information publicly.

Public information. The Commission will produce a POLR eligibility report using the information collected in this project. The report will contain the names of those REPs eligible for selection serve as a POLR and will be public information. The Commission may provide the report to any interested entity and post the report on the Commission’s Internet website.

ESI ID AND USAGE DATA

***** PLEASE NOTE:** There are seven TDU service areas (Oncor, TNMP, AEP Texas North, AEP Texas Central, Sharyland – McAllen, and Sharyland Utilities). The data is to be reported separately for each TDU service area. The paragraph numbers of the instructions below correspond to the line numbers on the form.

1. **Number of ESI IDs for Each Customer Class and TDU Service Area for the REP.** The REP shall provide a count of ESI IDs served by that REP as of March 31st of the current year for each customer class and TDU service area as listed on the form. **Customer classes are defined in 16 TAC § 25.43(c).** If the number of ESI IDs served on March 31st is sufficiently greater than current customer counts, which would render the REP ineligible to serve as a POLR, the REP shall provide March 31st data on the form, and the most recent available count of ESI IDs should be provided in an attached document. A zero should be entered for any customer class and TDU service area combination the REP did not serve on March 31st.
2. **Total Number of ESI IDs for Each Customer Class and TDU Service Area for the Total Market.** The REP shall provide a count of ESI IDs served by all REPs for each customer class by TDU service area as of March 31st of the current year, as provided to the REP from ERCOT under 16 TAC § 25.43(h)(1). Generally, ERCOT Client Services will send a market notice by June 1st that will provide this information.
3. **ESI ID Market Share for Each Customer Class and TDU Service Area for the REP.** The REP shall provide the percentage of ESI IDs for each customer class and TDU service area served by the REP. This percentage shall be calculated as the number of ESI IDs in each customer class and TDU service area from line number 1 divided by the number of ESI IDs in each customer class and TDU service area from line number 2 and should be stated as a percentage. The form on the spreadsheet has a formula that should calculate the market share based on the information entered by the REP in line numbers 1 and 2.
4. **Energy in Megawatt-Hour (MWhs) for Each Customer Class and TDU Service Area for the REP.** The REP shall provide the total energy in MWhs for retail sales served by the REP during the 12-month period from April 1 of the previous year through March 31st of the current year for each customer class and TDU service area. A zero should be entered for any customer class and TDU service area combination that the REP did not serve during the entirety of the reported year. Please be sure to check that you are reporting in MWhs and not kWhs.
5. **Total Energy in MWhs for Each Customer Class and TDU Service Area for the Total Market.** The REP shall provide the total energy in MWhs served by all REPs for each customer class and TDU service area during the 12-month period from April 1 of the

previous year through March 31st of the current year, as provided by ERCOT under 16 TAC § 25.43(h)(1). Generally, ERCOT Client Services will send a market notice by June 1st that will provide this information.

6. **Energy Market Share for Each Customer Class and TDU Service Area for the REP.** The REP shall provide the percentage of energy in MWhs for each customer class and TDU service area served by the REP. This percentage will be calculated as the energy in MWhs for each customer class and TDU service area served by the REP from line number 4 divided by the energy in MWhs served for each customer class and TDU service area by all REPs from line number 5 and should be stated as a percentage. The form on the spreadsheet has a formula that should calculate the market share based on the information entered by the REP in line numbers 4 and 5.
7. **POLR Eligibility Score for the REP.** The REP shall provide the sum of the percentage of ESI IDs served by the REP as calculated in line number 3 and the percentage of MWhs served by the REP as calculated in line number 6. The form on the spreadsheet has a formula that should sum the percentages from line numbers 3 and 6. If the percentage in this line is less than 1.0, the REP is not eligible to be designated as a POLR provider for that customer class in that TDU service area.
8. **Designation of an LSP Affiliate.** A REP may request that an affiliate of the REP be designated to provide POLR service on behalf of the REP in the event that the REP is designated as an LSP to provide POLR service. Please check each TDU service area where the REP is requesting that an affiliate be designated to provide POLR service on its behalf. NOTE: A separate filing requesting the designation **must** be made in this project containing the additional documentation that must be provided per 16 TAC § 25.43(k). If a REP does not request an affiliate to be designated, then this item should be left blank.
9. **Service for Each Customer Class and TDU Service Area.** The REP shall mark the customer class and TDU service area combinations in which it does **not** serve customers and/or does **not** have an executed delivery service agreement with the service area TDU.
10. **Minimal Service in Each Customer Class and TDU Service Area (Small Non-Residential and Medium Non-Residential Only).** The REP shall mark the customer class and TDU service area combinations, if any, in which the REP does not serve small or medium non-residential customers, except for the low-usage sites of the REP's large non-residential customers, or commonly owned or franchised affiliates of the REP's large non-residential customers **and** the REP wants to opt out of eligibility for POLR status. An affidavit is required stating that that the REP does not serve small and medium non-residential customers, except for low-usage sites of the REP's large non-residential customers, or commonly owned or franchised affiliates of the REP's large non-residential customers. See 16 TAC § 25.43(h)(2)(H).

MISCELLANEOUS STANDARDS OF QUALIFICATION

For each of the following, mark “**Not Qualified**” to indicate that the REP does not meet the indicated standard for POLR qualification, and mark “**Qualified**” to indicate that the REP does meet the standard.

11. **Revocation or Suspension of Certification.** The REP shall indicate whether:
- (a) a proceeding to revoke or suspend the REP’s certification is ongoing,
 - (b) the REP’s certification has been suspended or revoked by the Commission, or
 - (c) the REP’s certification has been deemed suspended under 16 TAC § 25.107(j).

Mark “**Not Qualified**” if any statements above are true, and “**Qualified**” if none of the statements above are true.

12. **Future eligibility.** Mark “**Not Qualified**” if there is reason for the Commission to believe that the REP will not meet the eligibility criteria in 16 TAC § 25.43(h)(2)(C) during the two-year POLR service term beginning on January 1st of the next year following submission of this information. Mark “**Qualified**” if there is no reason to believe that the REP will be ineligible to serve during the two-year POLR service term. If a REP marks “**Not Qualified**”, the REP shall attach a statement describing which requirement will not be met during the POLR term, and under what circumstances this loss of qualified status is expected to occur.
13. **18 Months of REP Service.** Mark “**Not Qualified**” if the REP or its predecessor, including a REP that has assumed responsibility for customers of another REP, will not have served customers for at least 18 months before the beginning of the next POLR service term. Mark “**Qualified**” if the REP will have served customers for at least 18 months before the beginning of the next POLR service term. See 16 TAC § 25.43(h)(2)(D).
14. **Option 2 Certification.** Mark “**Not Qualified**” if the REP is certified as an Option 2 REP under 16 TAC § 25.107. Mark “**Qualified**” if the REP is not certified as an Option 2 REP. See 16 TAC § 25.43(h)(2)(E).
15. **Affiliate Only Service.** Mark “**Not Qualified**” if the REP serves only its own affiliates. Mark “**Qualified**” if the REP serves customers other than its own affiliates. See 16 TAC § 25.43(h)(2)(G).
16. **Financial Standards Compliance.** Mark “**Not Qualified**” if the REP currently does not meet the standards for financial qualification as outlined in 16 TAC § 25.107(f). Please explain in detail how the REP does not meet the standards for financial qualification. Mark “**Qualified**” if the REP meets the financial standards to qualify as a REP. See 16 TAC § 25.43(h)(2)(I).
17. **Technical and Managerial Standards Compliance.** Mark “**Not Qualified**” if the REP currently does not meet the technical and managerial requirements as outlined in 16 TAC § 25.107(g). Please explain in detail how the REP does not meet the technical and managerial requirements. Mark “**Qualified**” if the REP meets the technical and managerial requirements. See 16 TAC § 25.43(h)(2)(I).