

Amend CSSB 408 on page ____, after line ____, to add new section as follows and renumber the remaining sections:

SECTION _____. Utilities Code is amended to create a new section, 39.208.

39.208 Filing Terms of Service.

(a) Application. This section applies to all retail electric providers (REP) but only with respect to each product or service that they offer or provide to any residential customer as well as each product or services that they offer or provide to any commercial customer whose peak demand is 1,000 kilowatts or less. For the purpose of this section, an aggregation group is not considered a single customer.

(b) Effective Terms of Service. No later than 5 days prior to the effective date, a Retail Electric Provider must file each Terms of Service with the commission. No REP shall directly or indirectly demand, charge, or collect any rate or charge, or impose any classifications, practices, rules, or regulations different from those prescribed in the applicable effective Terms of Service filed with the commission. The Terms of Service shall include:

1. itemized prices or rates to be charged to a customer;
2. any required length of service;
3. all material terms and conditions, including, without limitation, exclusions, reservations, limitations, and conditions of the terms of services offered by the REP; and
4. all other items specified by the commission by rule.

A Retail Electric Provider may offer more than one version of Terms of Service to any particular customer class but only if each separate Terms of Service meets all of the requirements of this section. If a Retail Electric Provider offers more than one Terms of Service for a particular customer class, then every similarly situated customer must have the right to choose the Terms of Service that they prefer.

(c) Availability of Terms of Service. Each REP shall make available to the public at each of its business offices, designated sales offices within Texas and posted with the commission, all of its Terms of Service currently on file with the commission, and its

employees shall lend assistance to persons seeking information on its Terms of Service and afford inquirers an opportunity to examine any Terms of Service upon request. The REP also shall make the full text of each Terms of Service available on its website and shall provide copies of any portion of its Terms of Service at a reasonable cost. Any item filed confidentially with the commission shall not satisfy, in whole or in part, the requirements of this section. No portion of a Terms of Service filed under this section shall be considered confidential for any purpose.

(d) Notice. The commission shall require notice in the Texas Register for each Terms of Service filed by a Retail Electric Provider.

(e) Transition period. All Terms of Service to which this section applies which are in effect at any time on or after July 1, 2005, shall be filed with the commission no later than October 1, 2005.

(f) Withdrawal of a service. At least 45 days prior to discontinuing any service or rate, the REP must file a notice of discontinuance of the service or rate with the commission and shall send notice to all customers taking service under the applicable Terms of Service. If that Terms of Service has no current customers, the REP shall provide an affidavit to this effect with a notice of discontinuance of the Terms of Service.

(g) Expiration date. The requirements of this section shall expire on December 31, 2007.