

By: Turner

H.B. No. 555

A BILL TO BE ENTITLED

AN ACT

relating to safeguards for customers of retail public utilities in the electric power market.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 39.101, Utilities Code, is amended by amending Subsection (h) and adding Subsections (i)-(k) to read as follows:

(h) A retail electric provider, power generation company, aggregator, or other entity that provides retail electric service may not disconnect service to a residential customer ~~[during an extreme weather emergency or]~~ on a weekend day or during any month on or after a day of that month that the heat index reaches 100 degrees Fahrenheit or higher or reaches 40 degrees Fahrenheit or lower. The entity providing service shall defer collection of the full payment of bills that are due during a period described by this subsection ~~[an extreme weather emergency]~~ until after the period ~~[emergency]~~ is over and shall work with customers to establish a pay schedule for deferred bills. ~~[For purposes of this subsection, "extreme weather emergency" means a period when:~~

~~[(1) the previous day's highest temperature did not exceed 32 degrees Fahrenheit and the temperature is predicted to remain at or below that level for the next 24 hours according to the nearest National Weather Service reports; or~~

~~[(2) the National Weather Service issues a heat~~

~~advisory for any county in the relevant service territory, or when such an advisory has been issued on any one of the previous two calendar days.]~~

(i) In accordance with commission rules:

(1) field service personnel of the transmission and distribution utility shall:

(A) accept from a residential customer payment for the customer's past due bills and transfer the payment to the appropriate retail electric provider;

(B) cancel a disconnection procedure if the personnel verify that the customer's payment for past due bills has been made or cannot verify a residential customer's receipt showing the payment has been made that is presented at the time the personnel arrive for conducting the disconnection; and

(C) reconnect service to a residential customer whose service was disconnected for nonpayment not later than the 24th hour after the hour the utility is notified that the customer's debt to the retail electric provider is paid; and

(2) a retail electric provider shall:

(A) implement for electric service to a residential customer whose household income is at or below the federal poverty guideline a special payment plan that provides for such a customer to pay not more than a percentage of household income prescribed by the commission as a flat, reduced rate for service;

(B) allow a residential customer at least 30 days to pay a bill for services;

1 (C) offer to all residential customers,
2 regardless of credit history and payment history, a billing plan
3 that provides for an equal periodic payment for electric services
4 based on previous billings over time and adjustments for fuel
5 costs;

6 (D) accept a security deposit from a residential
7 customer as a means of qualifying for credit, in an amount not to
8 exceed a reasonable estimate of an average monthly charge for the
9 customer;

10 (E) use a residential customer's bill payment
11 history, if any, in determining the customer's qualifications for
12 credit; and

13 (F) notify the appropriate transmission and
14 distribution utility that a customer's debt to the provider has
15 been paid, not later than 24 hours after the provider receives the
16 payment, if the customer's service was disconnected for nonpayment.

17 (j) A retail electric provider may not use credit scoring to
18 determine charges for residential electric service or for any other
19 purpose in relation to residential services other than to evaluate
20 whether a residential customer must qualify for credit by making a
21 security deposit.

22 (k) A retail electric provider shall report to the
23 commission monthly the number of customers the provider has
24 disconnected categorized by the reason for disconnection. A retail
25 electric provider may not disclose the identity of a person whose
26 service was disconnected. The commission shall maintain the
27 reports and make them readily available to the public.

1 SECTION 2. Section 39.902(c), Utilities Code, is amended to
2 read as follows:

3 (c) After the opening of the retail electric market, the
4 commission shall conduct ongoing customer education designed to
5 help customers make informed choices of electric services and
6 retail electric providers. As part of ongoing education, the
7 commission shall ~~[may]~~ provide or make available to customers
8 information concerning ~~[specific]~~ retail electric providers,
9 including all instances of complaints against them and records
10 relating to quality of customer service.

11 SECTION 3. The Public Utility Commission of Texas shall
12 adopt rules under Section 39.101, Utilities Code, as amended by
13 this Act, not later than December 31, 2005.

14 SECTION 4. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2005.