

**PROJECT NO. 37291**

<b>RULEMAKING RELATING TO</b>	<b>§</b>	<b>PUBLIC UTILITY COMMISSION</b>
<b>METER TAMPERING AND</b>	<b>§</b>	
<b>DISCONNECTION AND</b>	<b>§</b>	<b>OF TEXAS</b>
<b>RECONNECTION OF SERVICE FOR</b>	<b>§</b>	
<b>CUSTOMERS WITH ADVANCED</b>	<b>§</b>	
<b>METERS</b>	<b>§</b>	

**PROPOSAL FOR PUBLICATION OF REPEAL OF §25.125 AND §25.126;  
NEW §§25.125, 25.126, AND 25.132; AND AMENDMENTS TO §25.214  
AS APPROVED AT THE DECEMBER 17, 2009 OPEN MEETING**

The Public Utility Commission of Texas (commission) proposes the repeal of §25.125 relating to Adjustments Due to Meter Errors and §25.126 relating to Meter Tampering; new §25.125 relating to Adjustments Due to Meter Errors, Meter Tampering, or Theft in Areas Where Customer Choice Is Not Available, §25.126 relating to Adjustments Due to Meter Errors, Meter Tampering or Theft in Areas in Which Customer Choice is Available, and §25.132 relating to Definitions; and amendments to §25.214 relating to Terms and Conditions of Retail Delivery Service Provided by Investor Owned Transmission and Distribution Utilities. The proposed repeals and new rules will provide a deterrent to electricity theft, meter diversion, and unjust enrichment through the authorization of the disconnection of electric service at the premises where such activities have occurred; prevent a switch or move-in to accounts that might be used to circumvent the disconnection at locations where tampering has occurred; require special notice by the transmission and distribution utility (TDU) to both the retail customer and retail electric provider (REP) if it detects electricity theft, meter tampering, or diversion; and allow the market to begin taking advantage of the Advanced Metering Systems (AMS) being deployed by TDUs through more timely disconnection and reconnection of customers. Sections 25.125,

25.126, and 25.132 are competition rules subject to judicial review as specified in Public Utility Regulatory Act (PURA) §39.001(e). Project Number 37291 is assigned to this proceeding.

The commission is seeking comments on the proposed new rules, amendments, and repeals listed above, as well as comments on the following questions, which may result in changes to the proposed or amended rules:

(1) Should the proposed rules provide TDUs the right or obligation to issue REPs back-billings in excess of six months for a limited number of extraordinary cases of meter tampering or diversion (such as wiring to bypass a meter that is buried or hidden behind or beneath walls, floors or other structures, or cases of businesses that consume electricity for years with no reported usage) and, if so, what types of cases should qualify, what processes should be required before such back-billing is permitted or required, how many cases should be allowed, and should the burden of proof be different than proposed in new §25.125(e) and §25.126(f)?

(2) For a customer whose premises has a switch-hold placed on it pursuant to new §25.126(g) and whose term rate contract expires during the duration of the switch-hold, what guidelines or limitations, if any, should be placed on the electric rates or plans offered to or imposed on the customer during the remainder of the switch-hold?

(3) Given the proposed language for placing a switch-hold for ESI IDs once tampering is discovered for attempted switches and move-ins, should the rule also address move-outs? If so, how?

(4) In what ways can the TDUs enhance the prevention of electricity theft, tampering, or diversion with the deployment of advanced metering systems (AMS)?

(5) Should the rule address a switch-hold in the case of a mass transition due to a provider of last resort (POLR) event? If so, how?

(6) Should the notice from the TDU to the customer described in §25.126(e) be different in the situation where the tampering predated the current occupant? If so, how?

(7) Should the time period in which the customer can receive a credit for inaccurate meter readings referenced in §25.125(b)(3) and §25.126(b)(3) be changed to 24 months or different time period?

Christine Wright, Senior Market Analyst, Competitive Markets Division, has determined that for each year of the first five-year period the new rules and amended rule are in effect there will be no fiscal implications for state or local government as a result of enforcing or administering the new rules and amended rule.

Ms. Wright has determined that for each year of the first five years the new rules and amended rule in effect the public benefit anticipated as a result of enforcing the rules will be greater clarity regarding the timeline for reconnection for both premises with and without provisioned advance meters with remote disconnection and reconnection capabilities; and decreased electricity theft

and related costs. The decrease in electricity theft and related costs will result in lower costs to electric utilities (including TDUs), REPs and their customers over time. There will be no adverse economic effect on small businesses or micro-businesses as a result of enforcing the new rules and amended rule. Therefore, no regulatory flexibility analysis is required. There may be economic costs to persons who are required to comply with the new rules and amended rule. For example, electric utilities will have some increased costs of detecting, documenting, and reporting theft, tampering, and diversion required by these rules; electric utilities and REPs will have small increased costs associated with back-billing and collecting additional amounts allowed under these rules; and TDUs and REPs will face small increased costs to implement switch-blocking provisions required by the proposed rules. These costs are the result of increasing enforcement of meter theft, tampering, and diversion, and are likely to vary from business to business, and are difficult to ascertain. However, it is believed that the benefits accruing from implementing the new rules and amended rule, which include increasing collections related to electricity theft, tampering, and diversion, will substantially outweigh these costs.

Ms. Wright has also determined that for each year of the first five years the new rules and amended rule are 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, at the commission's

offices located in the William B. Travis Building, 1701 North Congress Avenue, Austin, Texas 78701 on Thursday, January 28, 2010, at 10:00 a.m. The request for a public hearing must be received by Friday, January 22, 2010 (21 days after publication).

Initial comments on the new rules and 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 Friday, January 22, 2010 (21 days after publication). Reply comments may be submitted by February 1, 2010 (31 days after publication). Sixteen copies of comments on the new rules and 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 new rules and amendment. The commission invites specific comments regarding the costs associated with, and benefits that will be gained by, implementation of the new rules and amendment. The commission will consider the costs and benefits in deciding whether to adopt the new rules and amendment. All comments should refer to Project Number 37291.

The repeal, new rules, and amendment are proposed under the Public Utility Regulatory Act, Texas Utilities Code Annotated §14.002 (Vernon 2007 and Supp. 2009) (PURA), which provides the commission with the authority to make and enforce rules reasonably required in the exercise of its powers and jurisdiction; and specifically §14.001, which provides the commission 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; §14.003, which authorizes the commission to require reports from public utilities; §17.004(a)(7) and (b), which provide that a

buyer of retail electric service is entitled to accuracy of metering and that the commission may adopt and enforce rules relating to termination of service; §38.002, which provides the commission the authority to adopt standards for measuring the furnishing of electric service and for ensuring the accuracy of equipment used to measure service; §39.101, which authorizes the commission to adopt and enforce rules that ensure retail electric customer protections and which requires the commission to ensure that its customer protection rules provide at least the same level of customer protection against potential abuses and the same quality of service that existed on December 31, 1999; and §39.101(e), which provides the commission with the authority to adopt and enforce rules relating to termination of service.

Cross Reference to Statutes: Public Utility Regulatory Act §§14.001, 14.002, 14.003, 17.004(a)(7) and (b), 38.002, and 39.101(e).

**§25.125. Adjustments Due to Meter Errors. (REPEAL)****§25.126. Meter Tampering. (REPEAL)****§25.125. Adjustments Due to Meter Errors, Meter Tampering, or Theft in Areas Where Customer Choice Is Not Available.**

- (a) **Applicability.** This section applies to an electric utility in an area in which customer choice is not available.
- (b) **Back-billing and meter tampering charges.** If any meter is found not to be in compliance with the accuracy standards required by §25.121(e) of this title (relating to Meter Requirements), readings for the time the meter was in service since last tested shall be corrected only as allowed below, and adjusted bills shall be rendered, except that previous readings shall not be corrected for any period in which the current customer was not the customer. The utility shall also bill the customer for any tampering, meter repair, or restoration charges due to meter tampering, if the current customer was the customer when the meter tampering began. Back-billing under this subsection shall not exceed a period of:
- (1) three months, if the utility discovers a non-compliant meter that has not been affected by meter tampering and the back-billing would result in additional electricity charges to the customer;
  - (2) six months, if the utility discovers a non-compliant meter that has been affected by meter tampering and the back-billing would result in additional charges and/or fees to the customer; or
  - (3) twelve months, if the utility discovers a non-compliant meter or has provided incorrect meter readings and the back-billing would result in a credit to the customer.
- (c) **Calculation of charges.** The charge for any period in which the meter was not in compliance with the accuracy standard shall be based on an estimate of consumption under conditions similar to the conditions when the meter was not registering accurately, during a prior or subsequent period for that location or a similar location, to the extent such information is available.

(d) **Electric utility responsibilities concerning metering accuracy.** An electric utility shall undertake all reasonable efforts to minimize losses associated with inaccurate meters, by carrying out a program to promptly detect and investigate circumstances in which a meter is not accurately recording and reporting consumption and to detect and deter meter tampering. The utility shall take the steps necessary to mitigate the adverse impacts of inaccurate meters on the metering and billing of electricity consumption. The utility shall identify and collect information relating to meter tampering. Once meter tampering is discovered, the utility shall restore normal meter registration and reading within three business days. If the tampering involves a bypass of the meter, and the utility cannot eliminate the bypass, the utility shall, within this period, disconnect service to the premises. The utility shall document any meter tampering and retain the following information for each case of tampering, and promptly make it available to the customer upon request:

- (1) Photographs of the premises including a general photograph of the residence/business (showing address number if available), a wide shot photograph of the meter against the wall or where attached to the premises, and close-ups of the meter and/or diversion evidence (prior to removing the meter cover if tampering is obvious and after removing the meter cover if the damage is inside the meter), and any other relevant evidence that can be photographed;
- (2) A description of the detection and investigation methodology employed by the utility;
- (3) Documentation of the methodology or rationale used by the utility to determine the date or approximate date upon which the meter ceased accurately registering consumption at the premises and the detailed calculation and methodology for estimating consumption subject to back-billing;
- (4) The affected meter and metering equipment that the utility removed from the premises and any object used to tamper with or bypass the meter;
- (5) Any other reliable and credible information that supports its conclusion that the meter was tampered with;
- (6) A sworn affidavit from an employee or other representative of the utility attesting to the veracity of the information; and

- (7) Videotape footage of the premises and the meter, and fingerprints if available, for tampering in excess of 15,000 kilowatt-hours in back-billing.
- (e) **Burden of proof.** If a customer challenges the utility's allegation of meter tampering or the imposition of charges based on any such allegation in a contested case proceeding before the commission, the utility bears the burden of proof that meter tampering occurred.
- (f) **Additional requirements.** The electric utility is responsible for the following:
  - (1) The utility shall maintain a dedicated staff responsible for monitoring suspicious activity related to meter tampering in its service territory. This dedicated staff shall remain after deployment of advanced metering systems (AMS).
  - (2) The utility shall set up a process for the public to report meter tampering. The utility shall also include a customer hotline on its website, prominently displayed on its front page.
  - (3) The utility shall engage in a customer information campaign to educate customers on the safety hazards associated with meter tampering.
  - (4) By April 1 of each calendar year, each electric utility shall file with the commission a report detailing the following for the previous calendar year concerning meter tampering:
    - (A) Total number of customers for which meter tampering was determined by the utility;
    - (B) The number of customers back-billed and the average of the following charges per customer:
      - (i) utility delivery charges; and
      - (ii) meter tampering, repair, and restoration charges; and
    - (C) Total number of cases referred to law enforcement for prosecution that included photographs, a descriptive incident report, affidavit, and notification to law enforcement of the availability of physical evidence in the case.

**§25.126. Adjustments Due to Meter Errors, Meter Tampering or Theft in Areas in Which Customer Choice is Available.**

- (a) **Applicability.** This section applies to a transmission and distribution utility (TDU) and retail electric providers (REPs) in an area in which customer choice is available.
- (b) **Back-billing and meter tampering charges.** If any meter is found to be non-compliant with the accuracy standards required by §25.121(e) of this title (relating to Meter Requirements), or if the TDU has provided incorrect meter readings to the REP, then previous meter readings shall be corrected, and adjusted bills shall be rendered. The TDU shall not back-bill for any period in which the current customer was not the customer of record at the time of the tampering, or the current REP was not the REP of record. Back-billing under this subsection shall not exceed a period of:
- (1) three months, if the TDU discovers a non-compliant meter that has not been affected by meter tampering and the back-billing would result in additional electricity charges to the customer;
  - (2) six months, if the TDU discovers a non-compliant meter that has been affected by meter tampering and the back-billing would result in additional charges and/or fees to the customer; or
  - (3) twelve months, if the TDU discovers a non-compliant meter or has provided incorrect meter readings and the back-billing would result in a credit to the customer.
- (c) **Calculation of charges.** The charge for any period in which the meter was not in compliance with the accuracy standard shall be based on an estimate using the standards for calculation as stated in the Tariff for Retail Delivery Service, Section 4.8.1.4, adopted pursuant to §25.214 of this title (relating to Terms and Conditions of Retail Delivery Service Provided by Investor Owned Transmission and Distribution Utilities).
- (d) **TDU responsibilities concerning metering accuracy.** A TDU shall undertake all reasonable efforts to minimize losses associated with inaccurate meters, by carrying out a program to promptly detect and investigate circumstances in which a meter is not accurately recording and reporting consumption and to detect and deter meter tampering. The TDU shall take the steps necessary to mitigate the adverse impacts of inaccurate

meters on the metering and billing of electricity consumption. The TDU shall identify and collect information relating to meter tampering, document the findings, and promptly make it available to the REP and retail customer upon request. Once meter tampering is discovered, the TDU shall restore normal meter registration and reading within three business days. If the tampering involves a bypass of the meter, and the TDU cannot eliminate the bypass, the TDU shall, within this period, disconnect service to the premises.

- (1) The TDU shall, concurrent with the back-billing, supply the REP with the revised estimated meter read resulting from consumption at the premises that the TDU alleges was not previously billed as a result of the meter tampering. The electronic transaction transmitting the estimated meter read to the REP shall clearly denote that the meter read is an estimate and shall state the reason for the estimation.
- (2) The TDU shall also bill the REP for any tampering, meter repair, or restoration charges due to meter tampering, if the current customer was the customer and the current REP was the REP when the meter tampering began. Back-billing as well as charges resulting from meter tampering shall be sent in one transaction by the TDU and shall not be spread over several months.
- (3) Within five business days of a request of the Retail Customer or the Retail Customer's REP, the TDU must provide the customer and the REP with the methodology used to calculate the back-billings.
- (4) The TDU may not invoice the current REP for any under-billed utility charges related to an allegation of meter tampering or for any meter tampering fees, until the TDU has placed a switch-hold pursuant to subsection (g) of this section and collected and prepared the following information in support of an allegation of meter tampering.
  - (A) Photographs of the premises including a general photograph of the residence/business (showing address number if available), a wide shot photograph of the meter against the wall or where attached to the

premises, and close-ups of the meter and/or diversion evidence (prior to removing the meter cover if the tampering is obvious and after removing the meter cover if the damage is inside the meter), and any other relevant evidence that can be photographed;

- (B) A description of the detection and investigation methodology employed by the TDU;
- (C) Documentation of the methodology or rationale used by the TDU to determine the date or approximate date upon which the meter ceased accurately registering consumption at the premises and the detailed calculation and methodology for estimating consumption subject to back-billing;
- (D) The affected meter and metering equipment that the TDU removed from the premises and any object used to tamper with or bypass the meter;
- (E) Any other reliable and credible information that supports its conclusion that the meter was tampered with;
- (F) A sworn affidavit from an employee or other representative of the TDU attesting to the veracity of the information; and
- (G) Videotape footage of the premises and the meter, and fingerprints if available, for tampering in excess of 15,000 kilowatt-hours in back-billing.

- (e) **Notification of meter tampering and disconnection of service.** The TDU shall notify the REP within two hours of a determination of meter tampering through a standard market process. The TDU shall also notify the customer within two business days of the determination of meter tampering. In addition, after implementing the switch-hold described in subsection (g) of this section, if the TDU knows that the customer is a tenant, the TDU shall notify the landlord within two business days of the determination of meter tampering if the TDU has contact information for the landlord or can obtain contact information for the landlord through reasonable efforts. The notice to the customer shall be mailed to the premises address assigned to the ESI ID or an address provided by the REP if there is no valid postal premises address assigned to the ESI ID. A standardized electronic notification that includes the same information as the notice

provided to the Retail Customer shall be concurrently provided to the current REP of record providing electric service to the premises where the alleged meter tampering occurred. The notice shall include the following information in the same format as follows:

[TDU Letterhead]

Date: \_\_\_\_\_

Address: \_\_\_\_\_

ESI-ID: \_\_\_\_\_

**NOTICE OF METER TAMPERING, DIVERSION, OR THEFT OF SERVICE**

We have identified electric meter tampering, diversion, or theft of electric service at your home or business.

You will be billed for any applicable charges relating to correcting the condition at the site and up to six months of usage. A bill for these charges will be issued by your retail electric provider (REP). Your REP may bill you for these charges and may authorize disconnection of service if satisfactory payment arrangements cannot be reached. You will not be able to switch your service to another REP until you make satisfactory payment arrangements for these charges.

- (f) **Burden of Proof.** If a Retail Customer challenges the TDU's allegation of meter tampering, or the imposition of charges based on any such allegation, in a contested case proceeding before the commission, the TDU shall bear the burden of proof that meter tampering occurred.
  
- (g) **Switch-hold and disconnection of service.** Upon determination by the TDU that tampering has occurred at a premise, the TDU shall immediately place a switch-hold on the ESI ID, which shall prevent a customer from switching service or submitting a move-in request to another REP. The switch-hold shall remain in effect for the lesser of six

months or the date that the REP notifies the TDU that the customer has satisfied its payment obligations for back-billings due to tampering. The TDU shall create and maintain a secure list of ESI IDs that REPs may access. The list shall not include any customer information other than the ESI ID and date the switch-hold was placed. The list shall be updated daily, and made available through a secure means by the TDU. The TDU may provide this list in a secure format through the web portal developed as part of its AMS deployment.

- (1) The REP via a standard market process shall submit a request to remove the switch-hold once satisfactory payment is received from the Retail Customer for the tampering and related charges.
  - (2) For a customer receiving service under §25.498 of this title (relating to Retail Electric Service Using a Customer Prepayment Device or System), a TDU shall disconnect service within two hours of the REP's request for disconnection.
  - (3) The TDU shall implement a switch-hold pursuant to subsection (g) of this section before back-billing for meter tampering.
- (h) **Move-ins with a valid switch-hold.** If a retail applicant for electric service selects a REP and the selected REP submits a move-in transaction for an ESI ID that has an existing switch-hold as defined in subsection (g) of this section due to meter tampering, the TDU shall notify the selected REP that the move-in transaction is suspended via a standard market process. The selected REP shall use best efforts to promptly determine whether the applicant for electric service is a new occupant not associated with the customer for which the switch-hold was imposed and, if so, obtain adequate evidence to that effect. Adequate evidence may include a copy of a signed lease, an affidavit of a landlord, closing documents, or a certificate of occupancy in the name of the retail applicant for electric service, and shall include a signed statement from the applicant stating that the applicant is a new occupant of the premises and is not associated with the preceding occupant. Upon receipt of such information from the applicant, the selected REP shall notify and provide the information to the TDU using a standard market process; the TDU shall in turn promptly notify the current REP of record and share the information from the selected REP with the current REP of record; and, within 24 hours of receipt of the

notice and information, the current REP of record shall make a determination of whether the switch-hold should be removed. If adequate evidence is not received, the current REP of record may deny the move-in request, and the switch-hold will remain in effect pursuant to subsection (g) of this section. If adequate evidence is received, the current REP of record shall grant the move-in request, the selected REP shall resubmit the move-in transaction, and the TDU shall complete the move-in.

- (i) **Additional requirements.** The TDU is responsible for the following:
- (1) The TDU shall maintain a dedicated staff responsible for monitoring suspicious activity related to meter tampering in its service territory. This dedicated staff shall remain after deployment of advanced metering systems (AMS).
  - (2) The TDU shall set up a process for REPs and customers to report meter tampering. The TDU shall also include a customer hotline on its website, prominently displayed on its front page.
  - (3) The TDU shall engage in a customer information campaign to educate customers on the safety hazards associated with electricity theft, diversion, and meter tampering.
  - (4) The TDU shall warrant that at the time of a change in REP of record that there is no evidence of electricity theft, diversion, or meter tampering.
  - (5) By April 1 of each calendar year, each TDU shall file with the commission a report detailing the following for the previous calendar year concerning meter tampering:
    - (A) Total number of customers for which meter tampering was determined by the TDU;
    - (B) The number of customers back-billed and the average of the following charges per customer:
      - (i) utility delivery charges; and
      - (ii) meter tampering, repair, and restoration charges.
    - (C) Total number of cases referred to law enforcement for prosecution that included photographs, a descriptive incident report, affidavit, and

notification to law enforcement of the availability of physical evidence in the case.

**§25.132. Definitions.**

For purposes of this subchapter, the following terms have the following meanings unless the context indicates otherwise:

- (1) **Meter tampering** -- Any unauthorized alteration, manipulation, change, or modification of a meter or metering equipment, the diversion or bypass of the meter so that consumption is not properly registered and recorded, interference with or obstruction of meter communications, or alteration of meter data that could adversely affect the integrity of billing data or the electric utility's ability to collect, record, and process the data needed for billing or settlement. Meter tampering includes, but is not limited to, harming or defacing the electric utility's metering facilities, physically or electronically disorienting the meter, attaching objects to the meter, inserting objects into the meter, altering billing or settlement data, construction of electrical pathways that bypass the meter in whole or part, or other electrical or mechanical means of preventing the metering equipment from accurately registering, recording, and reporting accurate consumption information.
- (2) **Meter repair and restoration charges** -- Any fees or charges for replacing a meter, restoring the condition of metering facilities, or removing any device that permits the meter to be bypassed as authorized by the electric utility's tariff.

**§ 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.**

(2) ~~Compliance tariff. Compliance tariffs pursuant to this section must be filed by February 15, 2008.~~

CHAPTER 1: Definitions

PROVISIONED: A meter that has been deployed by the Company pursuant to §25.130 and for which the AMS Load Profile assignment has been successfully loaded at ERCOT using the appropriate TX SET transaction.

**4.3.12.2 DISCONNECTION DUE TO NON-PAYMENT OF COMPETITIVE RETAILER CHARGES; RECONNECTION AFTER DISCONNECTION**

Competitive Retailer may request disconnection for non-payment by Retail Customer or reconnection thereafter as authorized by the Commission's customer protection rules and in accordance with Chapter 6 of the tariff. The execution of a disconnection for non-payment does not relieve the Competitive Retailer of responsibility for any Delivery Services provided to that Point of Delivery.

For premises without a provisioned advanced meter, for premises with a provisioned advanced meter without remote disconnect/connect capabilities, and for premises with a provisioned advanced meter that Company cannot successfully communicate with at the time Company attempts to execute the request by using Company's advanced metering system, standard

~~Standard~~ reconnect requests received by Company ~~by prior to~~ 2:00 PM CPT on a Business Day shall be reconnected that day. For such premises, standard reconnect requests received by Company after 2:00 PM CPT on a Business Day shall be reconnected that day, if possible, but no later than the close of Company's next field operational day.

For premises with a provisioned advanced meter with remote disconnect/connect capabilities and for which the Company can successfully communicate with that provisioned advanced meter at the time Company attempts to execute the request by using Company's advanced metering system, standard reconnect requests received by Company from 8:00 AM CPT to 7:00 PM CPT on a Business Day shall be reconnected within 2 hours of receipt of a request.

For premises with a provisioned advanced meter with remote disconnect/connect capabilities where the Competitive Retailer provides prepaid service under § 25.498, standard reconnect requests received by the Company from 8:00 AM CPT to 7:00 PM CPT on a Business Day shall be reconnected within 1 hour of receipt of request.

For all premises, standard ~~Standard~~ reconnect requests received by Company after 7:00 PM CPT prior to ~~5:00 PM CPT~~ on a Business Day shall be reconnected that day if possible, but no later than the close of Company's next field operational day. Standard reconnect requests received by Company after 7:00 PM CPT ~~5:00 PM CPT~~ or on a day that is not a Business Day ~~may shall~~ be considered received at 8:00 AM CPT on the next Business Day.

#### **4.7.5 INVOICE ADJUSTMENT DUE TO METER INACCURACY, METER TAMPERING OR THEFT**

If any Meter is determined to be non-compliant with the accuracy standards prescribed by Commission rules, Company shall render an adjusted bill pursuant to Commission rules. ~~outside of the accuracy standards established by the ANSI, unless bypassed or Tampered with, proper correction will be made of previous measurement data readings from the time the Meter was in service since last tested, but not exceeding 150 days from the current date except in the case of an overbilling. Meter Readings shall be corrected, adjusted, and corrected invoices rendered.~~

~~In situations where the limitation on backbilling or application of interest is not applicable as a result of the exception for Tampering or theft of service, Company shall provide reasonable documentation, including photographs, if available, to the Competitive Retailer upon request.~~

~~If a Meter is determined not to register for any period, unless bypassed or Tampered with, Company will invoice Retail Customer's Competitive Retailer for the Delivery Charges associated with the amount of Electric Power and Energy delivered, but not Metered, for a period not to exceed 150 days from the current date) based on amounts used under similar conditions during a period preceding or subsequent thereto, or during corresponding periods in previous years.~~

### **Chapter 6: Standard Discretionary Service Charges**

#### **6.1 RATE SCHEDULES**

##### **6.1.2 DISCRETIONARY CHARGES**

###### **6.1.2.1 STANDARD DISCRETIONARY SERVICES**

#### **Disconnect/Reconnect for Non-Pay Charges**

#### **Disconnect for Non-Pay (DNP)**

Applicable to requests from Competitive Retailer to de-energize service to Retail Customer due to Retail Customer's failure to pay charges billed by its Competitive Retailer or Company.

For premises without a provisioned advanced meter and for premises with a provisioned advanced meter without remote disconnect/connect capabilities, if the DNP is requested by the Competitive Retailer, the request shall be completed within three Business Days of the requested date, provided Company receives the request at least two Business Days ~~before~~ prior to the requested date. Notices received after 5:00 PM CPT, or on a day that is not a Business Day, will be considered received on the next Business Day. ~~Company shall not disconnect a premise before the requested date.~~

For premises with a provisioned advanced meter with remote disconnect/connect capabilities and for which that Company can successfully communicate with that provisioned advanced meter at the time Company attempts to execute the request by using Company's advanced metering system, if the DNP is requested by the Competitive Retailer, the request shall be completed by 5:00 PM CPT on the requested date provided Company receives the request no later than 2:00 PM CPT on the requested date and provided that the requested date is a Business Day. Requests received after 2:00 PM CPT on the requested date, or on a day that is not a Business Day, will be completed no later than 5:00 PM CPT on the next Business Day. If Company cannot successfully communicate with the provisioned advanced meter at the time Company attempts to execute the request by using Company's advanced metering system, the request shall be completed within three Business Days of the requested date.

For all premises, Company shall not disconnect a premise before the requested date and shall not disconnect a premise on the Business Day immediately preceding a holiday.

If the DNP is performed by Company due to Retail Customer's non-payment of a charge billed directly by Company to the Retail Customer, or because the Retail Customer has not fulfilled its obligations under a contract entered into between Company and the Retail Customer, these charges shall not be billed to the Competitive Retailer.

At Meter

- |      |                     |        |
|------|---------------------|--------|
| i.   | Standard Disconnect | \$x.xx |
| ii.  | Same Day Disconnect | \$x.xx |
| iii. | Holiday             | \$x.xx |

At Premium Location (i.e., pole, weatherhead, secondary box)

i.	Standard Disconnect	\$x.xx
ii.	Same Day Disconnect	\$x.xx
iii.	Holiday	\$x.xx

~~NOTE: Company shall not disconnect service to a residential customer on a Business Day immediately preceding a holiday.~~

### Reconnect After DNP

Applicable to requests to re-energize service to Retail Customer after Retail Customer has been disconnected for non-payment. Company shall complete reconnection no later than 48 hours from the time the request is received. However, if this requirement results in the reconnection being performed on a day that is not a Business Day, an additional charge for non-Business Day connection will also apply.

Standard Reconnect:

For premises without a provisioned advanced meter, for premises with a provisioned advanced meter without remote disconnect/connect capabilities, and for premises with a provisioned advanced meter for which that Company cannot successfully communicate with that provisioned advanced meter at the time Company attempts to execute the request by using Company's advanced metering system, standard~~Standard~~ reconnect requests received by Company ~~by~~prior to 2:00 PM CPT on a Business Day shall be reconnected that day.

For premises with a provisioned advanced meter with remote disconnect/connect capabilities and for which Company can successfully communicate with that provisioned advanced meter at the time Company attempts to execute the request by using Company's advanced metering system, standard reconnect requests received by Company from 8:00 AM CPT to 7:00 PM CPT on a Business Day shall be reconnected within 2 hours of receipt of request.

For premises with a provisioned advanced meter with remote disconnect/connect capabilities where the Competitive Retailer provides prepaid service under § 25.498, standard reconnect requests received by the Company from 8:00 AM CPT to 7:00 PM CPT on a Business Day shall be reconnected within 1 hour of receipt of request.

For all premises, standard~~Standard~~ reconnect requests received by Company ~~after 7:00 PM CPT~~prior to 5:00 PM CPT on a Business Day shall be reconnected that day if possible, but no later than the close of Company's next field operational day. Standard reconnection requests

received by Company after 5:00 PM CPT or on a day that is not a Business Day ~~may~~ shall be considered received on the next Business Day.

Same Day Reconnect:

Same day reconnect requests received by Company prior to 5:00 PM CPT on a Business Day shall be reconnected no later than the close of Company's field operational day.

At Meter

i.	Standard Reconnect	\$x.xx
ii.	Same Day Reconnect	\$x.xx
iii.	Weekend	\$x.xx
iv.	Holiday	\$x.xx

At Premium Location (i.e., pole, weatherhead, secondary box)

i.	Standard Reconnect	\$x.xx
ii.	Same Day Reconnect	\$x.xx
iii.	Weekend	\$x.xx
iv.	Holiday	\$x.xx

NOTE: In no event shall Company fail to reconnect service within 48 hours after a reconnection request is received.

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 18<sup>th</sup> DAY OF DECEMBER 2009 BY THE  
PUBLIC UTILITY COMMISSION OF TEXAS  
ADRIANA A. GONZALES**