

## CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS.

### Subchapter R. CUSTOMER PROTECTION RULES FOR RETAIL ELECTRIC SERVICE.

#### §25.497. Critical Care Customers.

- (a) **Definitions.** The following words and terms, when used in this section, shall have the following meanings unless the context indicates otherwise.
- (1) **Critical load public safety customer** – A customer for whom electric service is considered crucial for the protection or maintenance of public safety, as defined in §25.52 of this title (relating to Reliability and Continuity of Service) is a “critical load public safety customer.” Such customer shall qualify as a “critical load” under §25.52(c)(1) of this title and qualify for notification of interruptions or suspensions of service, as provided in Sections 4.2.5, 5.2.5, and 5.3.7.4 of the transmission and distribution utility’s (TDU) tariff for retail electric delivery service. In order to be eligible for this status, the customer must have a determination of eligibility pending with or approved by the TDU. The customer shall notify the retail electric provider (REP) that the customer may qualify. The REP shall convey any such notice to the TDU. Pursuant to a process determined collaboratively between the TDU and REP, eligibility will be determined through a collaborative process between the customer, REP and TDU.
  - (2) **Critical care industrial customer** – An industrial customer, for whom an interruption or suspension of electric service will create a dangerous or life-threatening condition on the retail customer’s premises, is a “critical care industrial customer.” Such customer shall qualify for notification of interruptions or suspensions of service, as provided in Sections 4.2.5, 5.2.5, and 5.3.7.4 of the TDU’s tariff for retail electric delivery service. In order to be eligible for this status, the customer must have a determination of eligibility pending with or approved by the TDU. The customer shall notify the REP that the customer may qualify. The REP shall convey any such notice to the TDU. Eligibility will be determined through a collaborative process between the customer, REP, and TDU.
  - (3) **Critical care residential customer** – A residential customer for whom an interruption or suspension of electric service will create a dangerous or life-threatening condition is a “critical care residential customer.” Such customer shall qualify as a “critical load” under §25.52(c)(1) of this title and for notification of interruptions or suspensions of service, as provided in Sections 4.2.5, 5.2.5, and 5.3.7.4 of the TDU’s tariff for retail electric delivery service. In order to be eligible for this status, the customer must have the commission standardized Critical Care Eligibility Determination Form pending with or approved by the TDU. The customer shall notify the REP that the customer may qualify. The REP shall convey any such notice to the TDU. Eligibility will be determined by the TDU, pursuant to the procedures described in subsection (b) of this section.
- (b) **Procedure for qualifying critical care residential customers.**
- (1) A REP shall advise customers of their rights relating to critical care designation in the terms of service documents.
  - (2) Upon a customer’s request, the REP shall provide to the customer the commission’s standardized Critical Care Eligibility Determination Form via the method of transmittal agreed to by the customer.
  - (3) The customer shall then return the completed form to the REP.
  - (4) After the REP receives the form, it shall evaluate the form for completeness, and if the form is complete, the REP shall then forward the form to the appropriate TDU. If the form is incomplete, the REP shall notify the customer and return the form to the customer, informing the customer of what information is needed to complete the form.

**CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS.**

**Subchapter R. CUSTOMER PROTECTION RULES FOR RETAIL ELECTRIC SERVICE.**

**§25.497(b) continued**

- (5) A customer shall be considered “qualified” when the TDU receives the completed Critical Care Eligibility Determination Form, but the TDU shall remove the “qualified” designation should the customer ultimately not qualify after evaluation of the information by the TDU.
  - (6) If the TDU needs additional information from the customer, the TDU shall notify the REP before contacting the customer to request such information.
  - (7) The evaluation and qualification process shall not take longer than one month from the date the TDU receives the Critical Care Eligibility Determination Form.
  - (8) The TDU shall first notify the customer’s REP and then the customer of its ultimate determination.
  - (9) A customer may appeal the eligibility determination directly to the TDU. The TDU may set guidelines for the appeals process. A TDU shall first notify the customer’s REP and then the customer of any change in qualification based on the appeal. A TDU shall inform a customer of the customer’s option to file a complaint with the commission pursuant to §25.485 of this title if the customer is dissatisfied with the results of the appeal.
  - (10) Qualification is valid for one year from date qualification was granted. If a TDU renews all customers once a year, regardless of qualification date, a renewal shall not be required for customers qualified less than one year.
  - (11) The TDU is responsible for notifying the customer’s current REP of record 60 days prior to the annual expiration date of the qualification, so the REP can begin the renewal process.
  - (12) To commence renewal, the REP shall provide the customer with the commission standardized Critical Care Eligibility Determination Form and shall inform the customer that, unless renewed by the date specified by the TDU, the customer’s critical care designation will expire. The renewal process shall be the same as the initial qualification process.
- (c) **Effect of critical care status on payment obligations.** Qualification under this section does not relieve the customer of the obligation to pay the REP or the TDU for services rendered. However, a critical care residential customer may qualify for deferral of disconnection by following the procedures set forth in §25.483(g) of this title (relating to Disconnection of Service) or Section 5.3.7.4(1)(D) of the TDU’s tariff for retail electric delivery service, or may contact the REP regarding other forms of payment assistance, such as the one-time bill payment assistance program provided by §25.455 of this title (relating to One-Time Bill Payment Assistance Program).