

# **PUBLIC UTILITY COMMISSION OF TEXAS**



Project No. 35630

POLR Eligibility Determination for the Retail Electric Market

## **FILING REQUIREMENTS INFORMATION RELATED TO THE DETERMINATION OF ELIGIBILITY TO SERVE AS PROVIDER OF LAST RESORT UNDER PUC SUBST. R. 25.43(h)**

**APPLIES TO 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
ESIID	Electric Service Identifier
POLR	Provider of Last Resort
PUC/PUCT/Commission	Public Utility Commission of Texas
PURA	Public Utility Regulatory Act
REP	Retail Electric Provider
TDU	Transmission and Distribution Utility

## GENERAL INSTRUCTIONS

**Application.** This filing contains information and format which shall be used to fulfill the reporting requirements of P.U.C. SUBST. R. 25.43(h), to allow the Commission to obtain information to be used for determination of REP's eligibility to serve as POLR. This form applies to retail electric providers (REPs) as defined in PURA §31.002(17) and §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 P.U.C. PROC. R. §22.71. Entities shall also file the required electronic filings consistent with the Commission's electronic filing standards set out in P.U.C. PROC. R. §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 10<sup>th</sup>, of every even numbered year.

**Explanation.** Any REP which wishes to affirm that it is ineligible for selection to POLR service should attach a letter describing the ineligibility and an affidavit attesting to the circumstances which lead to ineligibility.

**Report attestation.** All reports submitted to the Commission shall be attested to by an owner, partner, officer, or manager of the reporting entity under whose direction the report 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. 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. For such schedules, a statement to that effect shall be included in the location of each schedule within the filing package. Information designated as confidential shall be processed in accordance with Commission policy set forth in P.U.C. PROC. R. §22.71 and P.U.C. SUBST. R. §25.362.

**Public information.** The Commission will produce a POLR eligibility report using the information collected through these reporting requirements. The report will contain the names of those REPs eligible for selection as POLR, as well as the names of those REPs that are to be selected as non-volunteer POLRs, and will be public information. The Commission may provide the report to any interested entity and post the reports on the Commission's Internet website.

## **ESIID AND USAGE DATA**

**Number of ESIIDs in Class and Territory for REP.** The REP shall provide a count of ESIIDs served by that REP on March 31<sup>st</sup> of the current year for each Customer Class and Territory as shown in the form. If the number of ESIIDs served on March 31<sup>st</sup> is sufficiently greater than current customer counts as to render the REP ineligible to serve as POLR, the REP shall provide March 31<sup>st</sup> data on the form, and the most recent available count of ESIIDs

should be provided in an attached document. A zero should be entered for any class and territory combination the REP did not serve on that date.

**Number of ESIIDs in Class and Territory, for Total Market .** The REP shall provide the count of ESIIDs served in the class as provided by ERCOT under PUC SUBST. R. §25.43(h)(1).

**ESIID Market share in Class and Territory for REP.** The REP shall provide the percentage of ESIIDs in each Class and Territory served by the REP. This percentage will be

calculated as the Number of ESIIDs in Class and Territory, REP from (1) divided by the Number of ESIIDs in Class and Territory, ERCOT from (2) and should be stated as a percentage.

**Energy in Megawatt-Hour (MWH) in Class and Territory for REP.** The REP shall provide the total energy in MWHs served by the REP during the 12-month period from April 1 of the previous calendar year to March 31<sup>st</sup> of the current calendar year for each class and territory. A zero should be entered for any class and territory combination that the REP did not serve during the entirety of the reported year.

**Energy in MWH in Class and Territory for Total Market.** The REP shall provide the total energy in MWHs served by all REPs in each class and territory during the 12-month period from April 1 of the prior year to March 31<sup>st</sup> of the current calendar year, as provided by ERCOT under PUC SUBST. R. §25.43(h)(1).

**Energy Market Share in Class and Territory for REP.** The REP shall provide the percentage of energy in MWHs in each class and territory served by the REP. This

percentage will be calculated as the Energy in MWHs in class and territory served by the REP from (4) divided by the Energy in MWHs served in the class and territory by all REPs from (5) and should be stated as a percentage.

**POLR Eligibility Score for REP.** The REP shall provide the sum of the percentage of ESIIDs served by the REP as calculated in (3) and the percentage of MWHs served by the REP as calculated in (6).

**Service in Class and Territory.** The REP shall mark the class and territory combinations in which it does not serve customers and/or is not certified by the TDU to serve customers.

**Minimal Service in Class and Territory (Small non-Residential and Medium non-Residential Only).** The REP shall mark the class and territory combinations, if any, in which the REP serves only low usage sites of large non-residential customers or commonly owned or franchised affiliates of large non-residential customers AND does not wish to be considered in those classes for POLR status. A REP wishing not to be considered for POLR service in that class and territory shall file an affidavit stating that it 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

## 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 meets the standard.

**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 PUC SUBST. R. §25.107(i).

Mark "NOT QUALIFIED" if ANY of the above are true, and "QUALIFIED" if NONE of the above are true.

**Future eligibility.** Mark "NOT QUALIFIED" if there is reason for the Commission to believe that the REP will not meet any one or more of the eligibility criteria in PUC SUBST. R. §25.43(h)(2)(B) during the 2 year POLR service term beginning on January 1<sup>st</sup> of next year. Mark "QUALIFIED" if there is no reason to believe that the REP will be ineligible to serve during the 2 year POLR service term. Attach 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.

**18 Months of REP Service.** Mark "NOT QUALIFIED" if the REP or a predecessor,

including a REP that has assumed responsibility for customers of another REP, will have NOT 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.

**Option 2 Certification.** Mark “NOT QUALIFIED” if the REP is certified as an Option 2 REP under PUC SUBST. R. 25.107. Mark “Qualified” if it is not certified as an Option 2 REP.

**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.

**Financial Standards Compliance.** Mark “NOT QUALIFIED” if the REP currently does NOT meet the standards for financial qualification as laid out in PUC SUBST. R. §25.109(f). Mark “QUALIFIED” if the REP meets the financial standards to qualify as a REP.

**Technical Standards Compliance.** Mark “NOT QUALIFIED” if the REP does not currently meet the technical requirements to serve as POLR in an area. Please explain in detail how REP is not technically qualified to serve.