# Your Rights As A Customer

This document summarizes Your Rights as a Customer and is based on customer protection rules adopted by the Public Utility Commission of Texas (PUCT). These rules apply to all retail electric providers (REPs) and the provider of last resort (POLR), unless otherwise noted or waived by the customer as allowed under PUCT rules. You may view the PUCT's rules at http://www.puc.texas.gov/agency/rulesnlaws/default.aspx. Contact information is located within this document.

## OBTAINING AND CANCELING SERVICE

**Unauthorized Change of Service Provider or "Slamming":** A REP must obtain your verifiable authorization before switching your electric service. If you believe your electric service has been switched without your authorization, you should request that the REP provide you with a copy of your authorization and verification. The REP must submit this to you within 5 business days of your request. If you are not satisfied with this response, you may also file a complaint with the PUCT at the address provided below. Upon receipt of a complaint filed with the PUCT, the REP must respond within 15 days of receipt of the complaint, providing all documentation relied upon by the REP related to the authorization to switch, and the corrective actions taken to date, if any.

If a REP is serving your account without proper authorization, the REP must work with other market participants to take all actions necessary to return you to your original REP as quickly as possible. Your original REP has the right to bill you at the price disclosed in your terms of service document and Electricity Facts Label (EFL) from either: 1) the date you are returned to your original REP, or 2) any prior date chosen by your original REP for which that REP had the authorization to serve you. The REP that served you without proper authorization shall, within 5 days from the date that your service is returned to your original REP, refund all charges paid for the time period the original REP ultimately bills you. In addition, the REP that served you without your authorization is responsible for paying all charges associated with returning your service to your REP of choice. For periods that the unauthorized REP served you that are not billed to you by your original REP, the REP that served you without your authorization may bill you but at a rate no higher than the rate you would have been charged by your original REP.

**Right of Rescission:** When requesting a switch in service providers, you may rescind your contract with the new REP without any penalty or fee within 3 federal business days (includes Saturday) after you receive your Terms of Service document. For details on how to rescind your service, please see your Terms of Service document. This right of rescission does not apply to applicants requesting a move-in or to customers whose REP transfers the customers to the POLR. If you do not rescind your request for service within this 3 federal business day period, you will be responsible for all service rendered to you at the enrollment address. If you do not rescind the contract within this 3 federal business day period, you retain the right to select another REP and may do so by contacting that REP, although you will be responsible for any charges incurred to switch your service. See your Terms of Service document for details regarding canceling or terminating your contract.

## BILLING ISSUES

**Unauthorized Charges or "Cramming":** Before any new charges for non-energy-related products or services are included on your electric bill, your REP must inform you of the product or service, all associated charges, how these charges will appear on your electric bill and obtain your consent to accept the product or service. Your REP must provide you with a toll-free telephone number and address that you may use to resolve any billing dispute or to ask questions about your bill. If you believe your electric bill includes unauthorized charges, you may contact your REP to dispute such charges and may file a complaint with the PUCT. Your REP will not seek to terminate your electric service for non-payment of an unauthorized charge or file an unfavorable credit report against you for disputed unpaid charges that are alleged to be unauthorized, unless the dispute is ultimately resolved against you.

If the charges are determined to be unauthorized, your REP will cease charging you for the unauthorized service or product, remove the unauthorized charge from your bill and refund or credit all money you paid for any unauthorized charge within 45 days. If charges are not refunded or credited within 3 billing cycles, interest shall be paid to you at an annual rate established by the PUCT on the amount of any unauthorized charge until it is refunded/credited. You may request all billing records under the REP's control related to any unauthorized charges within 15 business days after the date the unauthorized charge is removed from your bill. Your REP will not rebill you for any charges determined to be unauthorized.

**Deferred Payment Plans and Other Payment Arrangements:** If you cannot pay your bill, please call your REP immediately. Your REP may offer you a short-term payment arrangement that allows you to pay your bill after your due date but before your next bill is due. In addition, you may qualify for a "deferred payment plan" and/or a level or average payment plan. A deferred payment plan allows a customer to pay an outstanding bill in installments beyond the due date of the next bill. A level or average payment plan allows a customer to pay about the same amount for the electric service portion of their bill each month. A REP shall offer level or average payment plans to customers who are not currently delinquent in payment to the REP, even if the customer is delinquent in payment.

When establishing a deferred payment plan or a level or average payment plan for a customer who is delinquent in payment, the REP may require eligible customers to make an initial payment of no greater than 50% of the delinquent amount due. The REP may require the remaining delinquent amount to be paid by the customer in equal installments over at least five billing cycles, unless the customer agrees to fewer installments. For a bill that becomes due in January or February, (if in the prior month your TDSP notified the PUCT of an extreme weather emergency for the residential customer's county for at least 5 consecutive days during the month,) or July, August, or September, your REP must offer you a deferred payment plan or a level or average payment plan if you:

- Are designated as a Critical Care Residential Customer or a Chronic Condition Residential Customer;
- or Have expressed an inability to pay, unless
  (i) you have been disconnected during the preceding 12 months,
  (ii) you have submitted more than 2 payments during the preceding 12 months that were found to have insufficient funds available, or
  (iii) you have been the REP's customer for less than 3 months, and do not have sufficient credit or a satisfactory history of payment with a previous REP or utility.

However, a REP is not required to offer a payment plan to a customer if the customer is on an existing deferred, level, or average payment plan.

All REPs must offer customers, upon request, deferred payment plans for bills that are due during an extreme weather emergency, as directed by the PUCT during a state of disaster declared by the governor, and to customers who have been underbilled in the amount of $50.00 or more.

A deferred payment plan and a level or average payment plan may include a 5% penalty for late payment; however, the POLR may not charge a late fee. If you establish a deferred payment plan or enroll in a level or average payment plan with a deferred delinquent balance, your REP may put a switch-hold on your account that will be removed after your deferred balance is paid and processed. If you establish a deferred payment plan your REP must confirm the details of the plan in writing. If you do not fulfill the terms of the payment arrangement, deferred payment plan, or level or average payment plan, your REP may disconnect your service as discussed further below. If you are disconnected for not paying while an applicable switch-hold is in place, you will need to remit payment to regain electric services, and you may not obtain services from another provider until you pay the total deferred balance. For additional details on these programs, please see your Terms of Service document or contact your REP for more information.

**Financial and Energy Assistance:** REPs must offer bill payment assistance to customers who express an inability to pay or need assistance with bill payment. REPs must also offer level or average payment plans. An electric customer who receives food stamps, Medicaid, TANF or SSI from the Texas Department of Human Services (TDHS) or whose household income is not more than 150% of the federal poverty guidelines may qualify for energy assistance from the Texas Department of Housing and Community Affairs (TDHCA).

**Meter Reading and Testing:** Please contact your REP for information regarding how to read your meter. You have the right to request a meter test. Your REP may make this request to your Transmission Distribution Service Provider (TDSP) on your behalf. If a test is performed more than once in a four-year period and the meter is determined to be functioning properly, then you may be charged a fee for the additional meter test(s) at the rate approved for your TDSP. The TDSP or REP will advise you of the test result, including the test date, testing person and, if applicable, the removal date of the meter.

## DISCONNECTION OF SERVICE

**Failure to Pay:** For customers who do not pay their electric bill by the due date, their REP may request that the TDSP "disconnect" the electric service, after the expiration of a required 10-day notice period. The REP will provide a 21-day notice for Critical Care Residential Customers and Chronic Condition Residential Customers, which will be sent to the residential customer and the customer's designated secondary contact. Prior to disconnecting a Critical Care Residential Customer or Chronic Condition Residential Customer, the TDSP shall contact the customer and the secondary contact. If the TDSP does not reach the customer and secondary contact by phone, the TDSP shall visit the premises, and, if there is no response, shall leave a door hangar containing the pending disconnection information and how to contact the REP and TDSP.

**Disconnection of Service:** The PUCT has provided that under certain dangerous circumstances (such as unsafe electric line situations) any REP, including the POLR, may authorize your TDSP to disconnect your electric service without prior notice to you. Your REP or TDSP may also, at any time, authorize disconnection of your electric service without prior notice for any of the following reasons:

- where a known dangerous condition exists for as long as the condition exists;
- where service is connected without authority by a person who has not made application for service;
- where service is reconnected without authority after disconnection for nonpayment;
- where there has been tampering with the equipment of the TDSP; or
- where there is evidence of theft of service.

Additionally, your REP may be allowed to seek to have your electric service disconnected for any of the reasons listed below:

- failure to pay a bill owed to the REP or to make a deferred payment arrangement by the date of disconnection stated on the disconnection notice;
- failure to comply with the terms of a deferred payment arrangement or other payment agreement made with the REP;
- using service in a manner that interferes with the service of others or the operation of nonstandard equipment;
- failure to pay a deposit required by the REP; or
- failure of a guarantor to pay the amount guaranteed when the REP has a written agreement, signed by the guarantor, which allows for disconnection of the guarantor's service.

Prior to disconnecting your service, your REP must provide you with a written Disconnect Notice. This notice must be mailed to you separately (or hand-delivered), or sent to you by email, if your REP has offered and you have agreed to receive disconnection notices from the REP by email, no earlier than the first day after the date your bill is due. The disconnection date must be 10 days from the date the notice is issued (or 21 days from the date the notice is issued for a Critical Care Residential Customer or a Chronic Condition Residential Customer) and may not fall on a holiday or weekend (or the day preceding) unless the REP's personnel are available to take payments and service can be reconnected. For Critical Care Residential Customers and Chronic Condition Residential Customers, your REP must send the notice to the residential customer and the customer's designated secondary contact.

Your REP may not authorize disconnection of your electric service for any of the following reasons:

- failure to pay for electric service by a previous occupant of the premise if that occupant is not of the same household;
- failure to pay any charge unrelated to electric service;
- failure to pay a different type or class of electric service not included on the account's bill when service was initiated;
- failure to pay underbilled charges that occurred for more than 6 months (except theft of service);
- failure to pay any disputed charges until your REP or the PUCT determines the accuracy of the charges and you have been notified of this determination;
- failure to pay charges arising from an underbilling due to any faulty metering, unless the meter has been tampered with or unless such underbilling charges are due under PUCT rule 25.126 relating to Adjustments Due to Non-Compliant Meters and Meter Tampering in Area Where Customer Choice Has Been Introduced; (http://www.puc.state.tx.us/agency/rulesnlaws/subrules/electric/25.126/25.126.pdf); or
- failure to pay an estimated bill other than a bill rendered pursuant to an approved meter-reading plan, unless the bill is based on an estimated meter read by the TDSP.

Additionally, your REP may not authorize disconnection of your electric service:

- if the REP receives notification by the final due date stated on the disconnection notice that an energy assistance provider will be forwarding sufficient payment on your account; and you have paid or made payment arrangements to pay any outstanding debt not covered by the energy assistance provider's payment;
- for non-payment during an extreme weather emergency, and upon request, the REP must offer you a deferred payment plan for bills due during the emergency; or
- for non-payment if you are a Critical Care Residential Customer at a permanent, individually metered dwelling unit and you inform the REP, prior to the disconnection date stated on the notice, that disconnection of service will cause some person at that residence to become seriously ill or more seriously ill. However, to obtain this exemption, you must complete all of the following by the disconnection date stated on the notice, including: entering into a deferred payment plan with your REP and having the ill person's attending physician contact the REP and submit a written statement confirming that the customer is a Critical Care Residential Customer. This exemption from disconnection of a Critical Care Residential Customer shall be in effect for 63 days and may be applied for again after the 63 days has expired and the deferred payment plan has been fulfilled.

**Availability of Provider of Last Resort:** If you are notified that you are subject to termination or disconnection of your electric service, you may seek to obtain services from another REP or the POLR. You have the option to request service from the POLR, which offers a standard retail service package. Information about the POLR and other REPs can be obtained from the PUCT or the POLR.

**Restoration of Service:** If your service has been disconnected by your REP for non-payment, you must, before service is reinstated, pay all amounts due to the REP, and reestablish credit, including payment of any applicable deposit. Upon payment of all amounts due and reestablishment of credit your REP or the POLR will notify your TDSP to reconnect your service. If your service was disconnected due to a dangerous situation, your service will be reconnected once you demonstrate to your REP or the POLR that you have corrected the dangerous situation.

## DISPUTES WITH YOUR PROVIDER

**Complaint Resolution:** Please contact your REP if you have specific comments, questions or complaints. Upon receipt of a complaint, your REP must investigate and notify you of the results within 15 days. If you are dissatisfied with the results of the investigation, you may request a supervisory review, if available. Your REP must advise you of the results of the supervisory review within 10 business days of your request. If you are dissatisfied with the results of the investigation or supervisory review, you may file a complaint with the PUCT or the Office of the Attorney General, Consumer Protection Division. Please include your name and account number, as well as an explanation of the facts and the resolution you desire in your complaint. For a complaint involving a disputed bill, your REP may not initiate collection activities or termination or disconnection activities or report the delinquency to a consumer reporting agency with respect to the disputed portion of the bill. However, after appropriate notice, your REP may disconnect your service for non-payment of any undisputed portion of the bill.

**Budget Power CUSTOMER CARE DEPARTMENT**

Toll-free for residential customers: 1-888-699-0747
Toll-free for commercial customers: 1-888-699-0747
Mon. - Friday. 8:00 am - 5:00 pm CST
Fax: 713-391-8409
E-Mail: care@budgetpowertx.com
Website: www.budgetpowertx.com
**Budget Power, 1717 St. James Place Suite # 400, Houston, TX 77056**

**Public Utility Commission of Texas Customer Protection Division**

P.O. Box 13326, Austin, Texas 78711-3326
Tel: 512-936-7120
Toll-free telephone: 1-888-782-8477
Fax: 512-936-7003
E-mail: customer@puc.state.tx.us
Website: www.puc.state.tx.us

TTY: 800-735-2988

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WE HOPE AND EXPECT TO OFFER SERVICES TO YOUR SATISFACTION. HOWEVER, SHOULD YOU HAVE ISSUES THAT ARE UNRESEOLVED AFTER TALKING WITH US OR AFTER FILING A COMPLAINT WITH THE PUCT, YOU AGREE THAT ANY DISPUTE FILED IN COURT MAY BE FILED IN SMALL CLAIMS COURT OR YOU MAY CHOOSE ARBITRATION. YOU DO AGREE TO WAIVE ANY RIGHT TO A CLASS ACTION SUIT WITH REGARD TO SERVICES UNDER THIS AGREEMENT. IF YOU CHOOSE ARBITRATION FOR ANY OUTSTANDING DISPUTE, THE ARBITRATION WILL BE GOVERNED BY THE RULES UNDER THE FEDERAL ARBITRATION ACT. ALSO, IF YOUR DISPUTE IS LESS THAN $10,000, AND YOU ARE UNABLE TO PAY THE ARBITRATION FEES, WE WILL PAY THE ARBITRATION FEES FOR YOU.

**Reporting Outages** Your REP is responsible for providing you with the telephone number you may use to report outages or other emergencies. For your reference, this contact information is provided in this brochure.

**CenterPoint Energy, Inc:**
Local: 713-207-2222
Toll-free Tel: 1-800-332-7143
Service orders: same
24 hours a day, 7 days a week

**Oncor Electric Delivery**
Toll-free: 1-888-313-4747
Service orders: 1-888-313-6862
24 hours a day, 7 days a week

**Texas-New Mexico Power Co.:**
Toll-free Tel: 1-888-866-7456
Service orders: same
24 hours a day, 7 days a week

**American Electric Power Co. -Texas Central/Texas North:**
Toll-free: 1-866-223-8508
Service orders: 1-877-373-4858
24 hours a day, 7 days a week

## OTHER PROTECTIONS

**Do Not Call List:** The PUCT maintains a "Do Not Call List" of customers who do not want to receive telemarketing calls for electric service. Call toll-free 1-866-TXNOCAL(L) or 1-866-896-6225, or visit the PUCT website at www.puc.state.tx.us to subscribe to the Do Not Call List.

**Language Availability:** You may request to receive information from your REP in Spanish, or any language in which you were initially solicited. This includes the Terms of Service document, EFL, bills and bill notices, information on new electric services, discount programs, promotions, and access to customer assistance. You will receive this Your Rights as a Customer document and disconnection notices in English and Spanish or English and your designated language if you have designated a language other than Spanish and were originally solicited in that language.

**Privacy Rights:** Except as described below, REPs may not release your proprietary customer information to any other person without your consent. This includes your name, address, account number, type or classification of service, historical electricity usage, expected patterns of use, types of facilities used in providing service, individual contract terms and conditions, price, current charges or billing records. This prohibition does not apply to the release of your information under certain circumstances as required by law, including release to the PUCT, an agent of your REP, consumer reporting agencies, law enforcement agencies or your TDSP. A REP may also share this information with a third party for the purpose of marketing such party's products or services to you after you are provided an opportunity to opt-out of the release of your information. In addition, this prohibition does not apply to the release of prior historical usage upon request and authorization of a current customer or applicant of a premise. Industrial and commercial customers may contact their REP or TDSP and designate that their prior historical usage is competitively sensitive in order to prevent the release of this information.

**Special Services:** Your REP may offer special services for hearing-impaired customers and programs for customers with physical disabilities. If you have a physical disability or require special assistance regarding your electric account, please contact your REP to inquire about the process to become qualified for any of these special services.

**Critical Care Residential Customer or Chronic Condition Residential Customer:** You have the right to apply for designation as a "Critical Care Residential Customer" or "Chronic Condition Residential Customer." A Critical Care Residential Customer is a residential customer who has a person permanently residing in his or her home who has been diagnosed by a physician as being dependent upon an electric-powered medical device to sustain life. A Chronic Condition Residential Customer is a residential customer who has a person permanently residing in his or her home who has been diagnosed by a physician as having a serious medical condition that requires an electric-powered medical device or electric heating or cooling to prevent the impairment of a major life function through a significant deterioration or exacerbation of the person's medical condition.

Upon your request, your REP will provide to you a PUCT-approved application form, which you and the patient's physician must complete. The patient's physician must sign and electronically return the application form to your TDSP by facsimile or other electronic means. The TDSP will evaluate the form for completeness. Incomplete forms will be returned to you by the TDSP for completion. The TDSP may verify the physician's identity and signature and may deny an application for designation, if it determines that the identity or signature of the physician is not authentic. The TDSP will notify you and your REP of the final status of the application process, including whether you have been designated for Critical Care Residential Customer or Chronic Condition Residential Customer status. The TDSP will also notify you of the date a designation, if any, will expire, and whether you will receive a renewal notice. If the TDSP does not approve the application, you may file a complaint with the PUCT. If approved, the designation of Critical Care Residential Customer is valid for two years; and the designation of Chronic Condition Residential Customer is valid for 90 days to one year. Your TDSP will send you a renewal form, if applicable, prior to the expiration of your designation.

Designation as a Critical Care Residential Customer or Chronic Condition Residential Customer does not relieve the customer of the obligation to pay the REP or the TDSP for services rendered. However, a Critical Care Residential Customer or Chronic Condition Residential Customer who needs payment assistance is encouraged to contact their REP or TDSP immediately regarding possible deferred payment options or other assistance that may be offered by the REP or TDSP. If you switch REPs, the TDSP is required to provide your new REP with information on your

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**Governmental Entities:** If you are a governmental entity as defined in the Prompt Payment Act (PPA), TEX. GOV'T CODE, Chapter 2251 (http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.2251.htm), it is your responsibility to inform your REP of your status so that the PPA protections can be applied. If you are a governmental entity subject to the PPA, your payment shall become overdue as provided in the PPA and interest on an overdue payment shall be calculated by you pursuant to the terms of the PPA and remitted to your REP with the overdue payment. Billing disputes between a governmental entity, as defined in the PPA, and an aggregator or a REP about any bill for aggregator or REP service, shall be resolved as provided in the PPA.

**TDSP Involuntary Load-Shedding Procedures:**
Each TDSP is required to provide information regarding its procedures for implementing involuntary load-shedding initiated by the Electric Reliability Council of Texas, Inc. (ERCOT), which is the entity responsible for operating Texas's electric grid. When there is not enough generation available to serve the demand for electricity, and all other solutions available to ERCOT have been exhausted, ERCOT will initiate load-shed as an emergency measure to balance supply and demand. ERCOT determines how much power needs to come off the system, and your TDSP is responsible for implementing controlled power outages in its service area to remove the power. You can access information about the procedures your TDSP uses when load-shed has been initiated using the links below.

Oncor: https://www.oncor.com/content/dam/oncorwww/documents/partners/rep/Load%20Shed%20Information.pdf

CenterPoint Energy, Inc.: https://www.centerpointenergy.com/en-us/Documents/CEHE-Load-Shed-Document.pdf

TNMP: https://www.tnmp.com/sites/default/files/2021-12/tnmp-rep-load-shedding.pdf

American Electric Power Co.: https://www.aeptexas.com/outages/load-shed-information

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