



July 20, 2023

Interim Chair Kathleen Jackson
Commissioner Will McAdams
Commissioner Lori Cobos
Commissioner Jimmy Glotfelty

Re: Emergency petition to suspend current extreme weather customer disconnection rules and impose moratorium on electric service disconnections for lack of bill payment until September 15, 2023

Dear Chair Jackson and Commissioners:

The Texas Consumer Association and AARP Texas write to request respectfully that the Public Utility Commission immediately suspend the current provisions of Substantive Rule §25.29(i), pertaining to disconnection of electric service during extreme weather. In place of this current disconnection rule, we ask that the Commission impose a total moratorium on all electric service disconnections of residential premises for bill arrearages or lack of payment until on or after September 15, 2023 as a public safety matter. We also ask that the Commission immediately direct the state's transmission and distribution utilities and retail electric providers to report on the number of their current electric accounts disconnected for lack of payment, and update those reports weekly through at least November 2023.

As the Commission is aware, Texas has been experiencing extended heat wave conditions since mid-June, with many days when peak temperatures have exceeded 100°F and broken local heat records. Since August is historically Texas' hottest month, it is reasonable to expect that current high daytime and night-time heat levels – or worse -- could continue for at least another six weeks or longer.

This extended heat has driven electricity use much higher for all customers fortunate enough to have air conditioning, with increased misery for those without. Current Texas average residential electric rates exceed 14 cents/kWh, with an average monthly residential bill of \$203/month. Customer bills will certainly be higher in these hot summer months due to the combination of higher electricity usage and the added costs of ERCOT's efforts to assure reliable grid operations under unprecedented load levels. Customers are now receiving their June electric bills, but it is unlikely that many Texans have budgeted to cover those higher bills.

Many Texans cannot afford to pay current, much less higher electric bills. Although fewer than 15% of Texans meet the technical definition of living in poverty, many more bear disproportionately high energy burdens and face energy bills totaling 8 to 12 percent of their

monthly income. The U.S. Census Bureau reported in March that 44.8% of Texans face energy insecurity, unable to pay their energy bills without reducing their payments for other necessities such as food, medicine or rent. This has two implications – first, that many low-income Texans are setting their thermostats at potentially unsafe high levels to limit their upcoming electric bills, and that millions of Texas households may already be in arrears for electric bill payment or have already been disconnected from electric service.

During a hot Texas summer and heat wave, living in low-quality, inefficient housing with no air conditioning or refrigeration for food and medicine could be a death sentence for seniors, young children, medically vulnerable citizens, and others. Many households face the risk of disconnection month after month, so an electricity disconnection moratorium is a key provision for public health and safety.

The Commission's current disconnection rule for extreme weather is flawed in that it applies on a utility-specific basis and is tied to specific calendar days -- when a NWS heat advisory notice is in place or has been in place for the past two days. This makes it difficult for a customer to determine when a local disconnection ban is in effect and impossible to predict when the ban might be lifted and the power could be shut off. If the disconnection moratorium is tied to a specific end date (such as September 15 or October 1), that will reduce customer uncertainty and stress and enable budget planning for bill repayment.

We do not know how many Texas households are already disconnected from electric service or in arrears on bills because the Texas Commission does not require utilities or retail electric providers to report this information. We therefore ask that the Commission immediately require both distribution utilities and retail electric providers to report this information (with the ability to distinguish between serving utility and REP to avoid double-counting) weekly through at least November (when the last hot season bills will be issued and due). This will enable the Commission and other policymakers to understand the magnitude and risk of summer bill arrearages, utility disconnections and heat-related public morbidity and mortality rates state-wide.

Once this current hot summer has passed and new disconnection data is available, we hope that the Commission will open a rulemaking to reconsider and revise Substantive Rule §25.29(i) to reestablish a standing moratorium on hot summer electric bill service disconnections.

We thank you for your immediate consideration of this emergency request.

Sincerely,



Sandie Haverlah
Texas Consumer Association



Kathy Green
AARP Texas

Cc: Stephen Journeay, Michael Hoke, Thomas Gleeson