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PUBLIC UTILITY COMMISSION
FILING CLERK

PETITION OF THE HONORABLE §
SYLVESTER TURNER, TEXAS §
RATEPAYERS ORGANIZATION TO §
SAVE ELECTRICITY, TEXAS LEGAL §
SERVICES CENTER, AND OFFICE OF §
PUBLIC UTILITY COUNSEL TO §
ADOPT AN EMERGENCY RULE TO §
SUSPEND DISCONNECTION OF §
ELECTRIC UTILITY SERVICES DUE §
TO EXTREME AND PERSISTENT §
HEAT CONDITIONS AND RECORD §
HIGH ELECTRICITY PRICES §

PUBLIC UTILITY COMMISSION
OF TEXAS

COMMENTS OF AARP

AARP appreciates the opportunity to file these comments in response to the petition filed by the Honorable Sylvester Turner, Texas Ratepayers Organization to Save Energy, Texas Legal Services Center, and the Office of Public Utility Counsel (collectively, "Petitioners").

Petitioners have requested the Public Utility Commission (PUC) adopt on an emergency basis new rules that prohibit the disconnection of electricity service through September 30, 2008. AARP agrees that an emergency rule is needed to protect the health and welfare of electricity ratepayers in Texas. AARP has a direct interest in the outcome of this proceeding because the Center for Disease Control identifies those 65 years of age and older as one of the groups more prone to heat stress than younger people for several reasons:

- Elderly people do not adjust as well as young people to sudden changes in temperature.

- They are more likely to have a chronic medical condition that upsets normal body responses to heat.
- They are more likely to take prescription medicines that impair the body's ability to regulate its temperature or that inhibit perspiration.

A. Current Protections Are Inadequate

As the Petition documents, the combination of high temperatures and high rates has created extremely high electricity bills for many Texans. Under current PUC rules those unable to pay these extremely high electricity bills face disconnection during dangerously hot conditions. PUC Subst. Rules §25.29 and §25.483 only prohibit electricity disconnections on days when local National Weather Service (NWS) offices issue a “heat advisory,” or when such advisory has been issued on any one of the preceding two calendar days.

Comments filed the Office of Public Utility Counsel in Docket 32874 (2006 Petition for Emergency Rulemaking on Disconnections) found that heat advisories were not reliably issued by all local NWS offices. In fact these comments found that heat index values exceeded 110 degrees in some areas and no heat advisories were issued.¹

Even when local NWS offices do issue heat advisories, they often wait until temperatures are dangerously high. According to the Brownsville NWS office, it doesn't issue a heat advisory until it projects the local heat index to reach or exceed 111 degrees

¹ Office of Public Utility Counsel, Project 32874. Comments filed. 07/13/06
http://interchange.puc.state.tx.us/WebApp/Interchange/Documents/32874_14_518214.PDF

for two consecutive days, the corresponding value for the Corpus Christi NWS office is 110 degrees and Houston NWS is 108 degrees.²

Sunstroke, heat cramps and heat exhaustion are all possible at heat index values of 95-105 degrees. At heat index values above 105 degrees, sunstroke, heat cramps and heat exhaustion are all likely and heat stroke is possible.³ Clearly the current rule is inadequate to protect the health and welfare of ratepayers during periods of extreme heat.

B. Voluntary Programs Don't Reach All Ratepayers And Results Are Unverified

Since the programs are voluntary and there are no reporting requirements, the reach and overall success of voluntary summer disconnection moratoriums by any retail electricity providers cannot be verified. Further, retail electric providers offering a summer moratorium only represent a portion of the overall deregulated electric market.

C. Public Reporting On Summer Disconnection Moratoriums Is Essential

AARP supports the proposed language in this Petition and further suggests that it include a provision that requires companies to report to the PUC: the number of ratepayers who avoid disconnection by using the moratorium, the average unpaid amount per customer when the moratorium is invoked, the amount of retail electric provider debt accrued as a result of the moratorium and a comparison of that figure to "normal" arrearages experienced during non-moratorium months, and the percent of moratorium

² Personal communication

³ National Weather Service Office website - <http://www.crh.noaa.gov/pub/heat.php>

debt that ratepayers pay back over the next 12 months. Making this information publicly available will help determine and verify the reach and success of summer disconnection moratoriums.

Respectfully submitted,

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AARP Texas