

Public Utility Commission

Memorandum

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

From: Barksdale English – Director, Division of Compliance & Enforcement
Chris Burch – Director, Consumer Protection Division

Date: October 26, 2023

Re: November 30, 2023 Open Meeting – Project No. 55603 – *2023 Summary of Consumer Complaints and Enforcement Activities*

BACKGROUND

Attached is summary information on enforcement actions and customer complaint data for fiscal year 2023. We intend to present this information for your review at the November 30, 2023 Open Meeting.

As part of its 2010 report on the PUC, the Sunset Advisory Commission adopted a management action recommending that the Commission publish, on a regular basis, more complaint and enforcement data on its website. The Sunset Advisory Commission recommended that the public be given an opportunity to comment on this information.

Staff has requested that any interested person who wants to comment on this information file written comments. Staff also posted the attached information on the PUC Announcements section of the Commission's homepage along with the same notice and request for comments to be filed in Project No. 55603. Staff will consider comments filed regarding this project as it prepares to publish the 2023 Summary of Consumer Complaint and Enforcement Activities.

The 2023 Summary has taken into consideration comments suggested by the public in previous summaries. Staff has made color copies of the 2023 Summary available on the Commission's website. The color version is accessible from the PUC Announcements section of the homepage and by downloading the native file from the filings interchange. Staff also included a notation on the two graphs regarding refunds that the reported refunds and credits includes refunds, credits & courtesy, goodwill and out of service credits.

Pursuant to the Sunset Advisory Commission's recommendation, Staff will continue to publish complaint and enforcement data on an annual basis and to provide the public an opportunity to comment on this data.

DISCUSSION OF THE 2023 SUMMARY

Complaints

As indicated on attached charts, there were a total of 461 telecom complaints and 10,071 electric complaints filed in fiscal year 2023. There were also 2,660 water complaints and 2,039 No-Call complaints filed during this period. Because No-Call complaints are processed differently than other types of complaints, these complaints are tracked separately.

The attached charts include a breakout of complaints by type, as well as information on the percentage of total complaints in which consumers received a refund, and the average amount of the refund provided by month.

Enforcement Actions

In fiscal year 2023, Commission Staff opened 92 investigations and closed 131 investigations. The Commission approved orders imposing a total of \$2,135,806.00 in administrative penalties, \$120,750.00 in bill pay assistance and \$75,742.16 in refunds. Investigations and enforcement actions in fiscal year 2023 involved entities in the wholesale and retail electric sectors, telecom, apartments and water utility industries.

As reflected in the attached charts, the breakdown of docketed cases in fiscal year 2023 was 27% electric retail, 2% electric reporting, 33% electric wholesale, 20% electric service quality, 2% apartments, and 16% water.

The percentage of total penalties assessed in fiscal year 2023 was 18% electric retail, 69% electric wholesale, and 13% electric service quality.

Of the investigations that were opened in fiscal year 2023, 26% were electric retail, 9% were electric reporting, 32% were electric wholesale, 14% were electric service quality, 15% were water, and 4% were apartments.

PROJECT NO. 55603
PUBLIC UTILITY COMMISSION OF TEXAS
PUBLIC NOTICE OF 2023 SUMMARY OF CONSUMER COMPLAINTS
AND ENFORCEMENT ACTIVITIES
AND REQUEST FOR COMMENTS

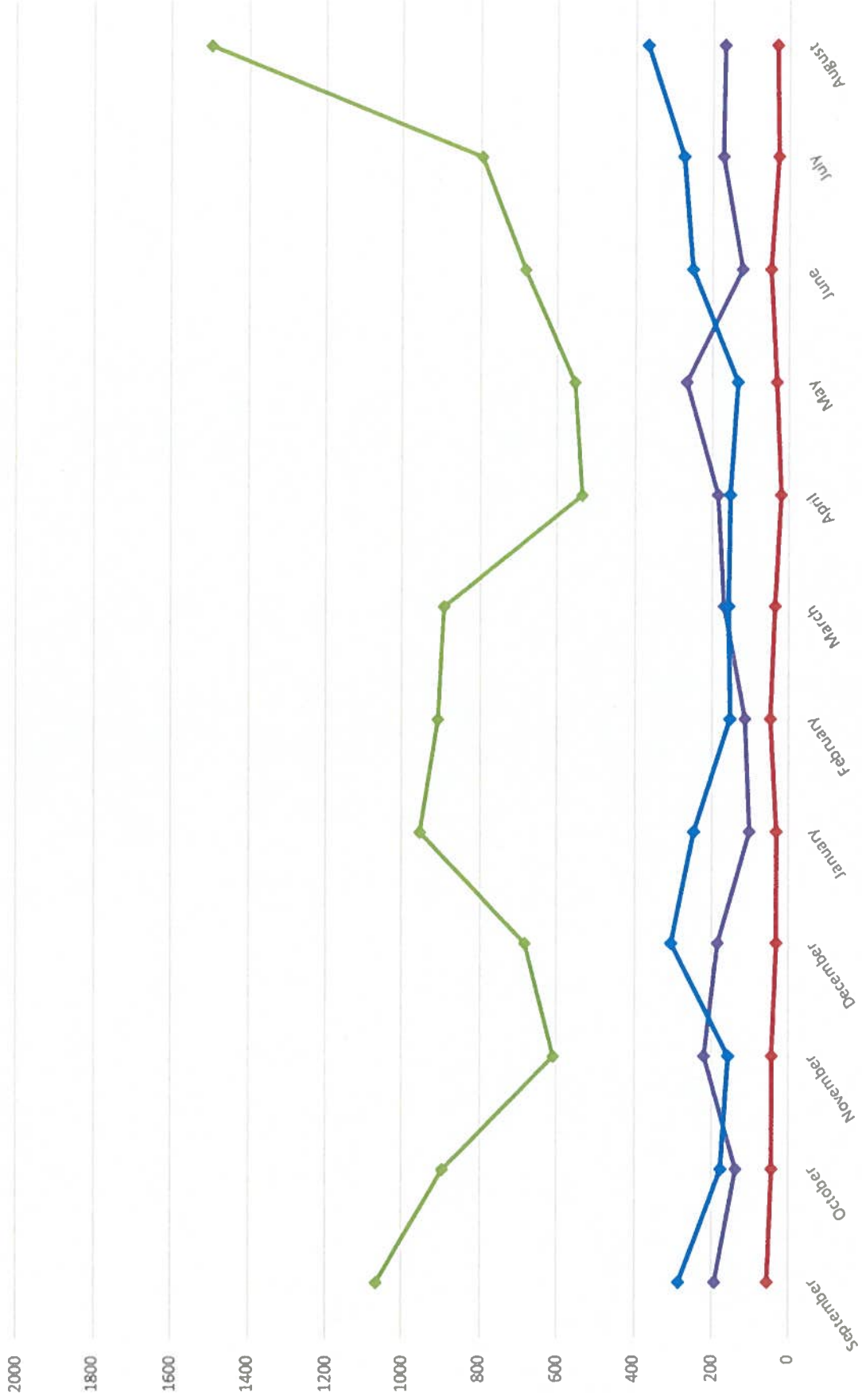
As a part of its 2010 report on the PUC, the Sunset Advisory Commission adopted a management action recommending that the Commission publish, on a regular basis, more complaint and enforcement data on its website. The Sunset Commission also recommended that the public be given an opportunity to comment on this information. Attached is summary information on enforcement actions and consumer complaint data for fiscal year 2023. Staff intends to present this information for the Commissioners' review at the November 30, 2023 Open Meeting. Staff is requesting that any interested person who wants to comment on this information to file written comments in Project 55603 on or before Thursday, November 23, 2023.

Interested persons may file comments electronically through the interchange on the commission's website. Comments must be filed by November 9, 2023. Reply comments must be filed by November 23, 2023. All comments should refer to project number 55603.

Questions concerning this notice should be referred to Chris Burch, Director of Consumer Protection, (512) 936-7145. Hearing and speech-impaired individuals with text telephones (TTY) may contact the commission by dialing 7-1-1.

CONSUMER PROTECTION DIVISION

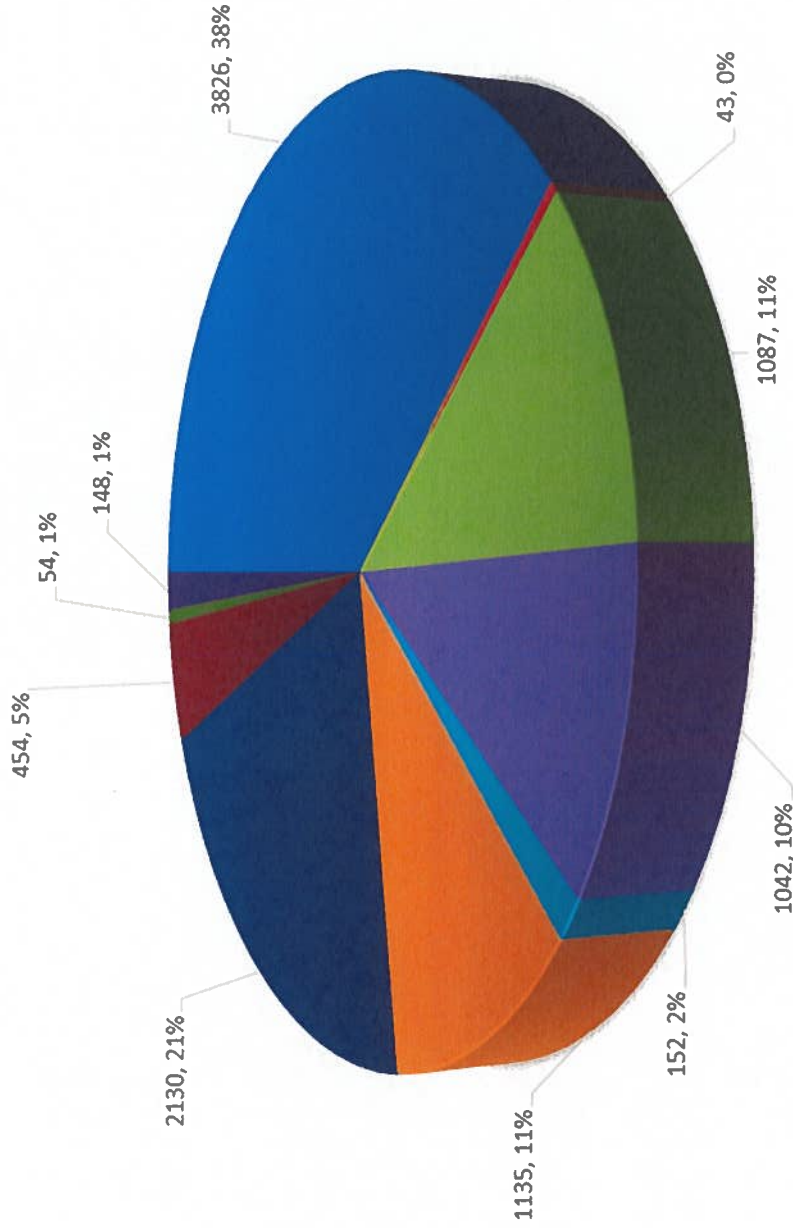
Fiscal Year 2023 Complaints Received



CONSUMER PROTECTION DIVISION

Electric Complaint Categories – FY 2023

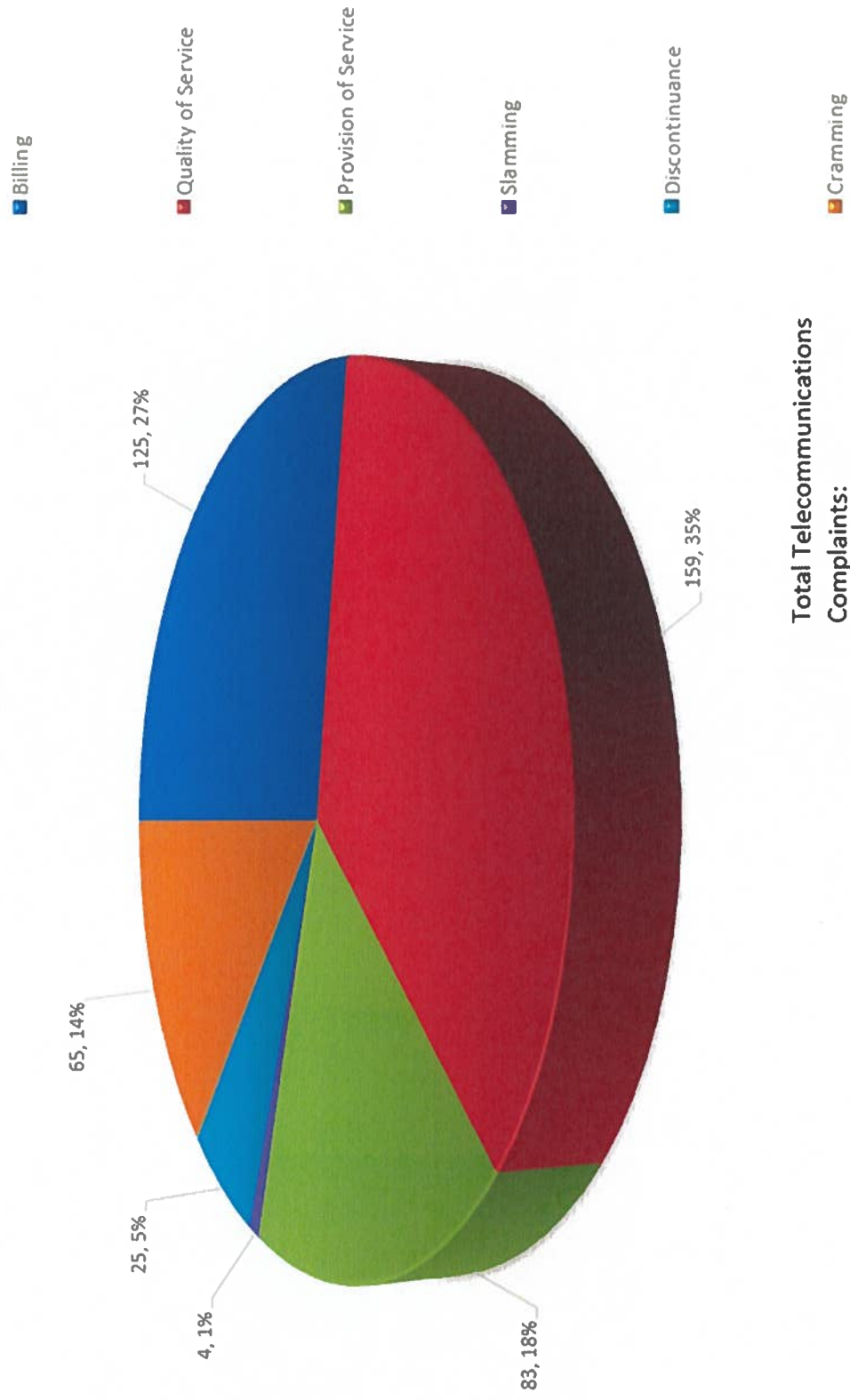
- Billing
- Cramming
- Discontinuance
- Meters
- Power Line Safety and Other Equipment Issues
- Provision of Service
- Quality of Service
- Slamming
- Submetering
- Switch-Hold



Total Electric Complaints:
10,071

CONSUMER PROTECTION DIVISION

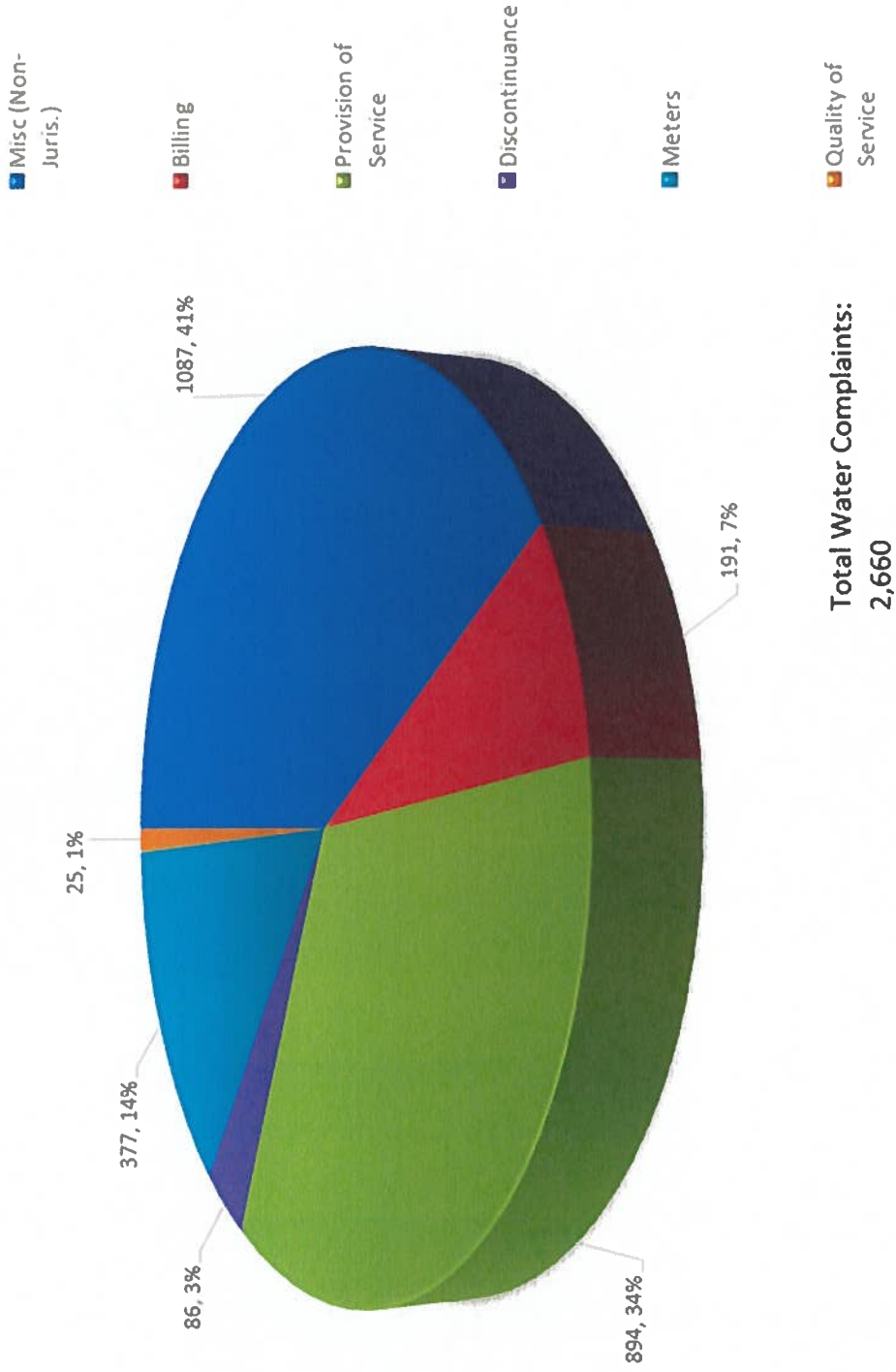
Telecommunications Complaint Categories – FY 2023



**Total Telecommunications
Complaints:
461**

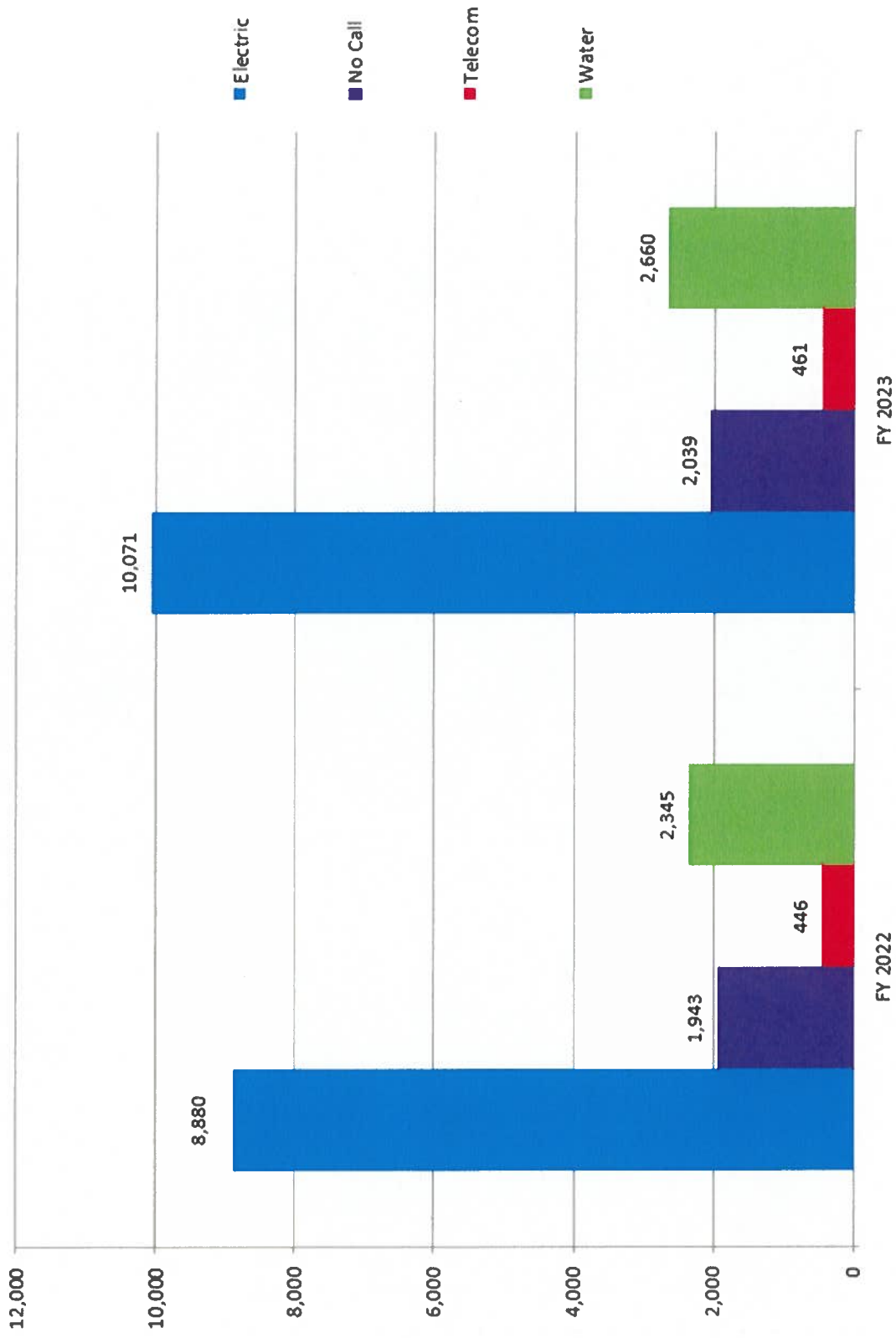
CONSUMER PROTECTION DIVISION

Water Complaint Categories – FY 2023



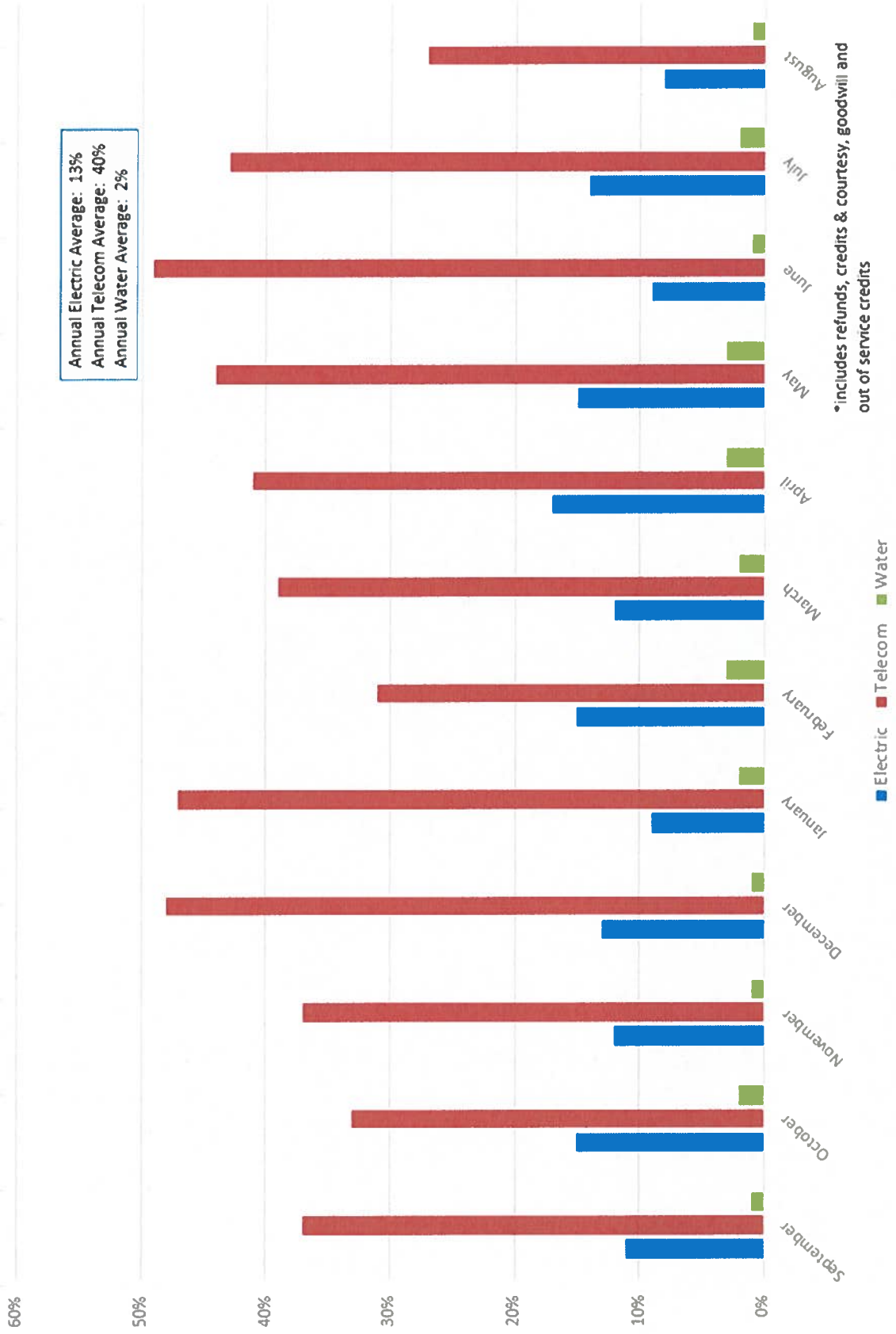
CONSUMER PROTECTION DIVISION

Complaints Received Comparison – FY 2022 and FY 2023



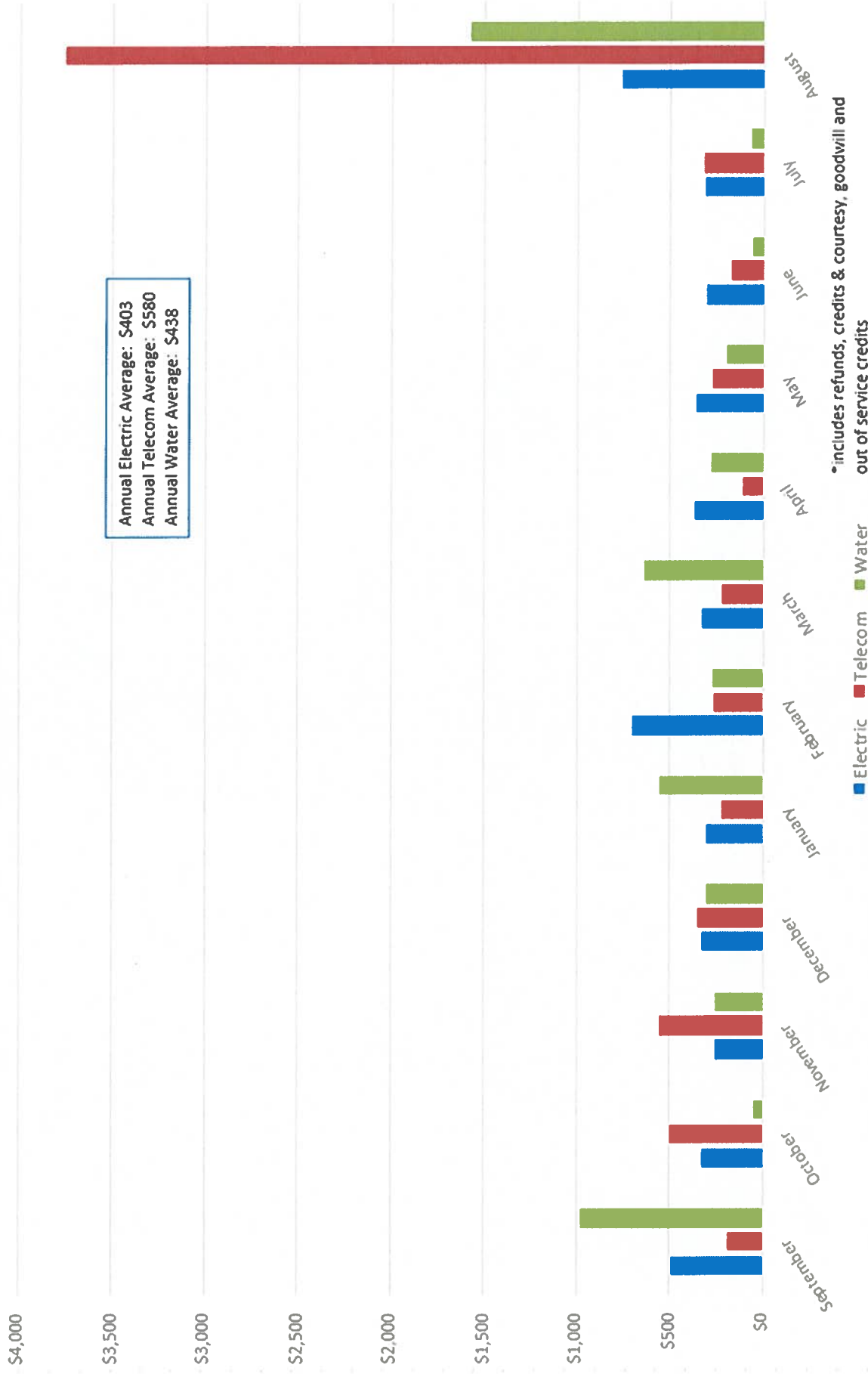
CONSUMER PROTECTION DIVISION

% of Complaints Resulting in Customer Refunds* - FY 2023



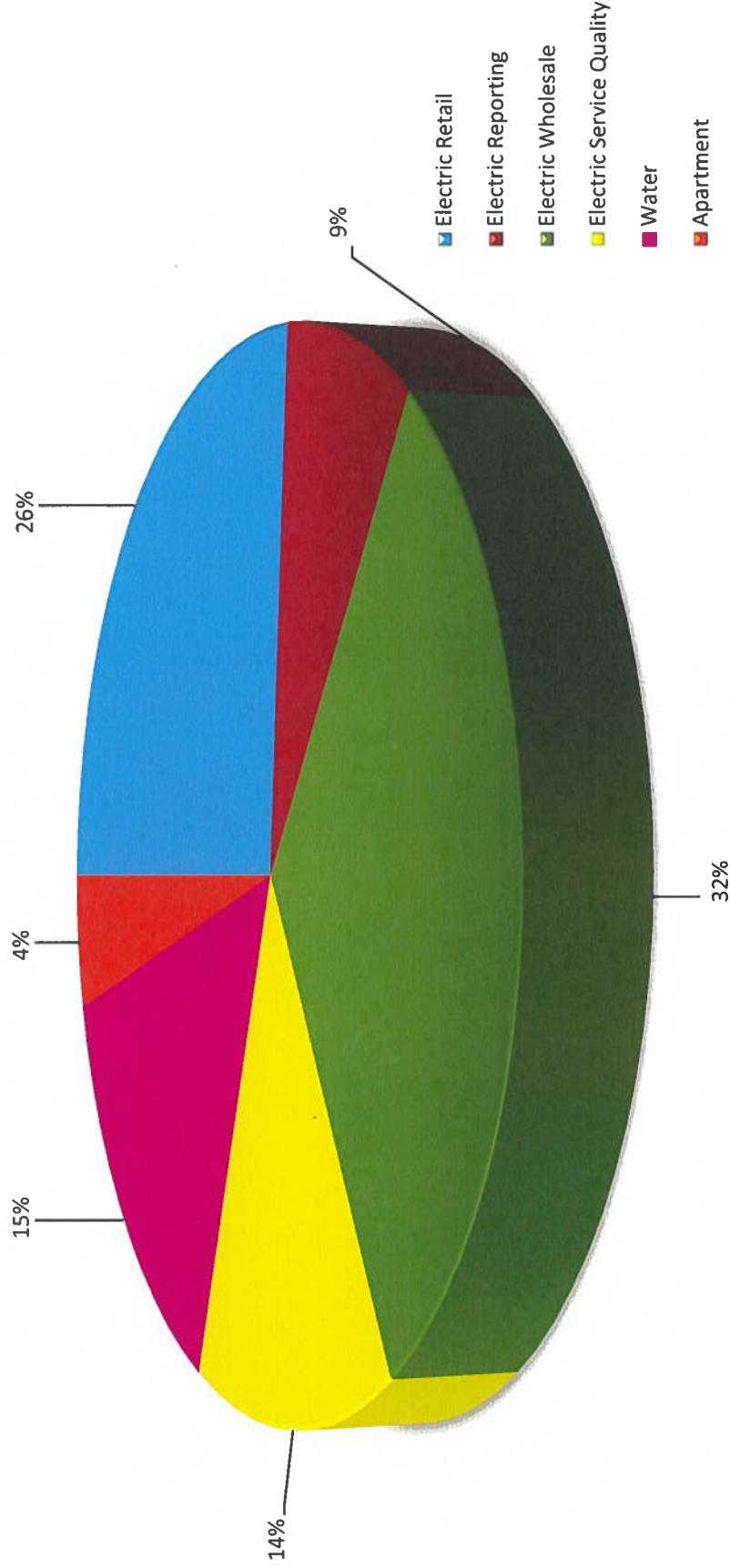
CONSUMER PROTECTION DIVISION

Average Refund* - FY 2023



DIVISION OF COMPLIANCE & ENFORCEMENT ACTIVITY

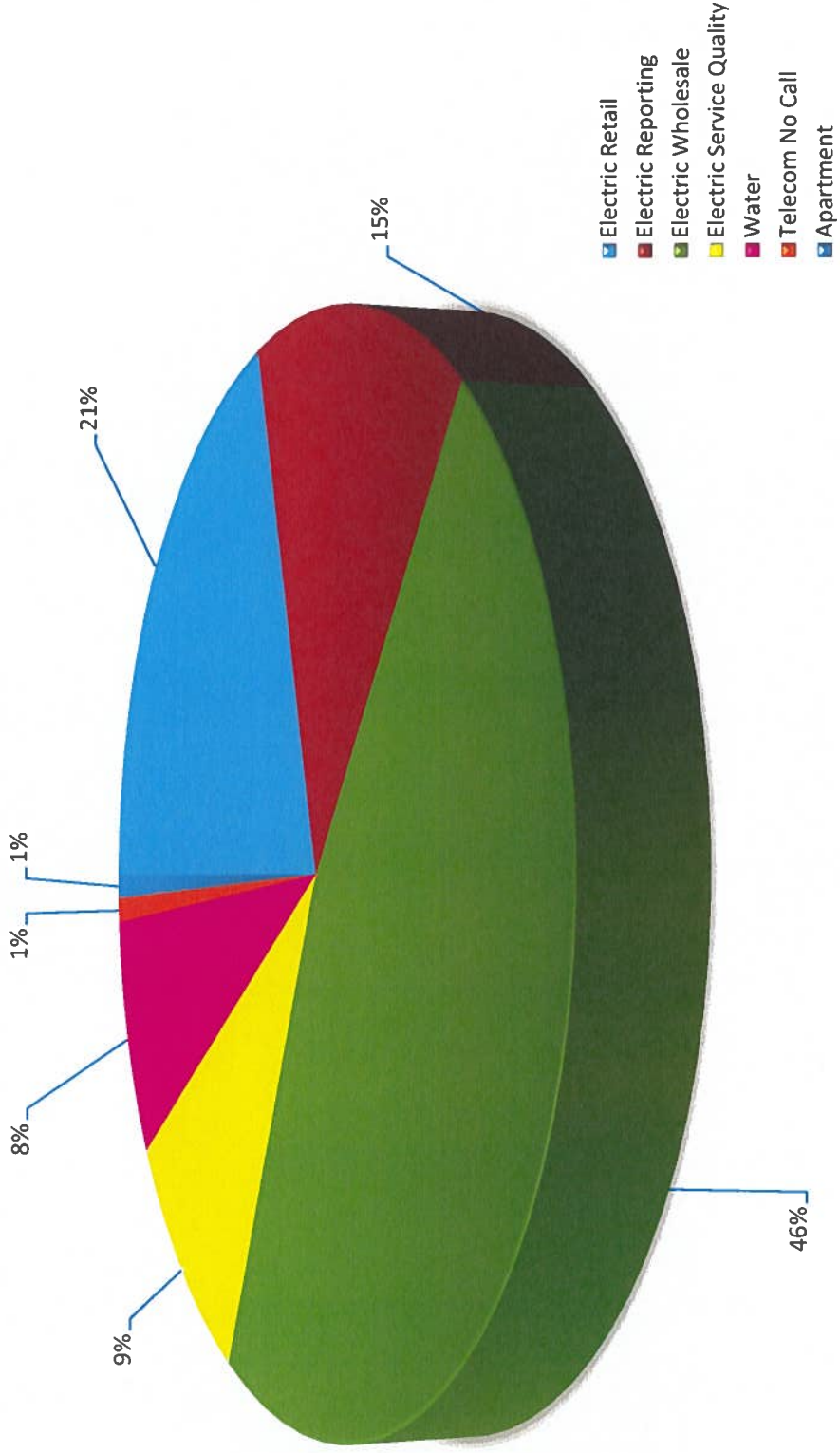
Total Investigations Opened Within Fiscal Year 2023



Total Investigations Opened: 92

DIVISION OF COMPLIANCE & ENFORCEMENT ACTIVITY

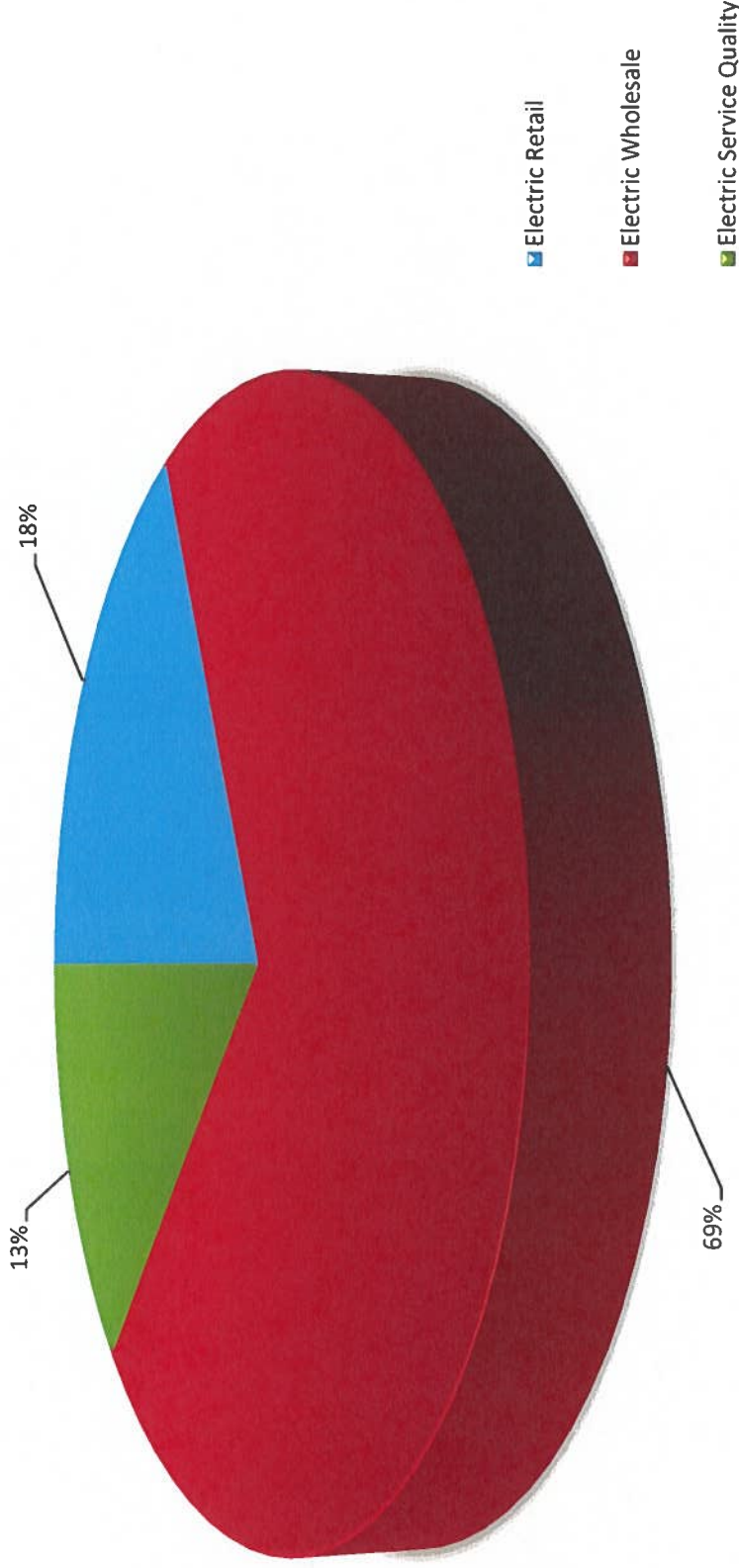
Total Investigations Closed Within Fiscal Year 2023



Total Investigations Closed: 131

DIVISION OF COMPLIANCE & ENFORCEMENT ACTIVITY

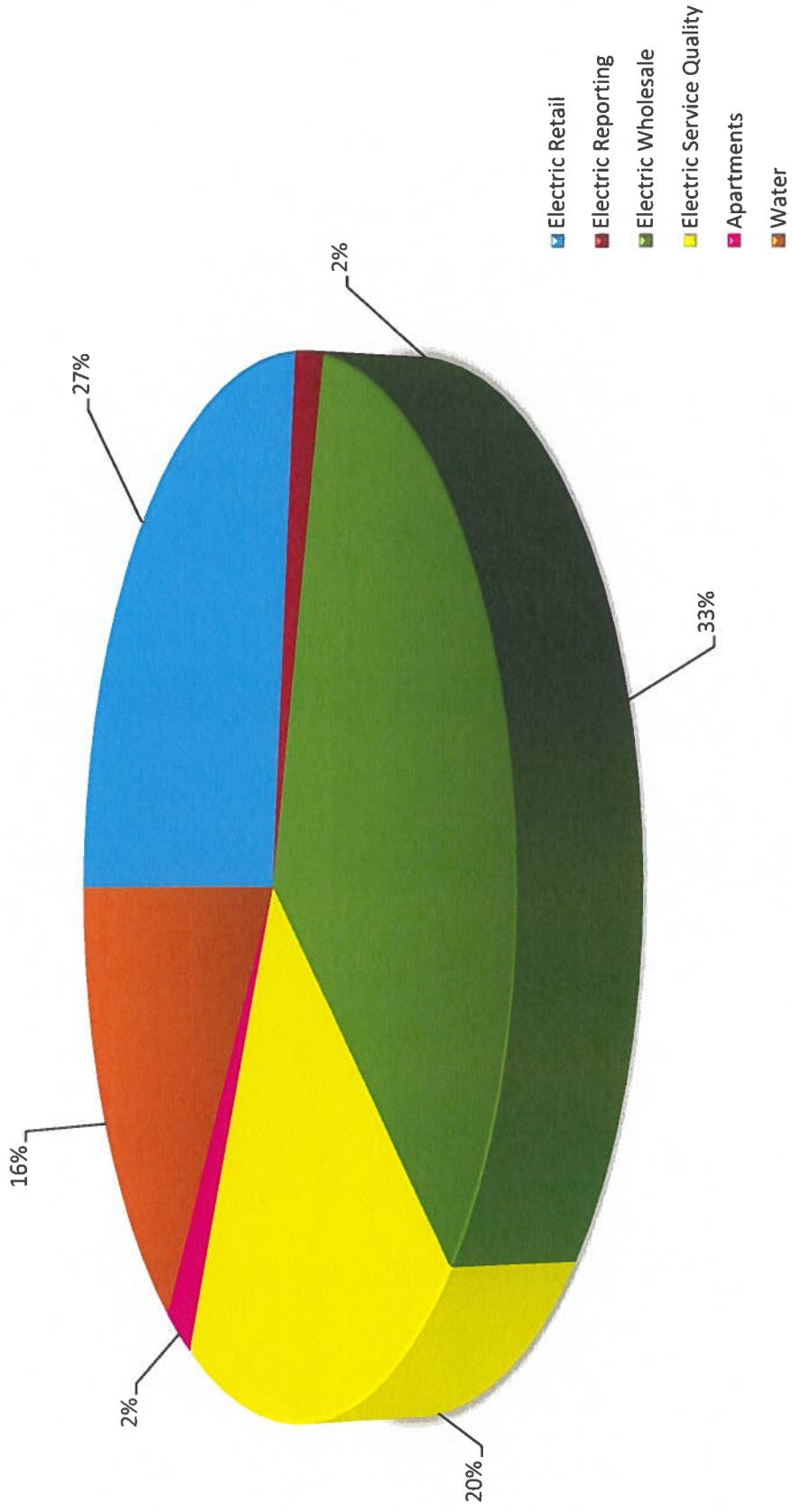
**Docketed Cases that Resulted in Administrative Penalties:
Percentage of Total Penalties Assessed by Violation Type
Fiscal Year 2023**



Total Penalties: \$2,135,806.00

DIVISION OF COMPLIANCE & ENFORCEMENT ACTIVITY

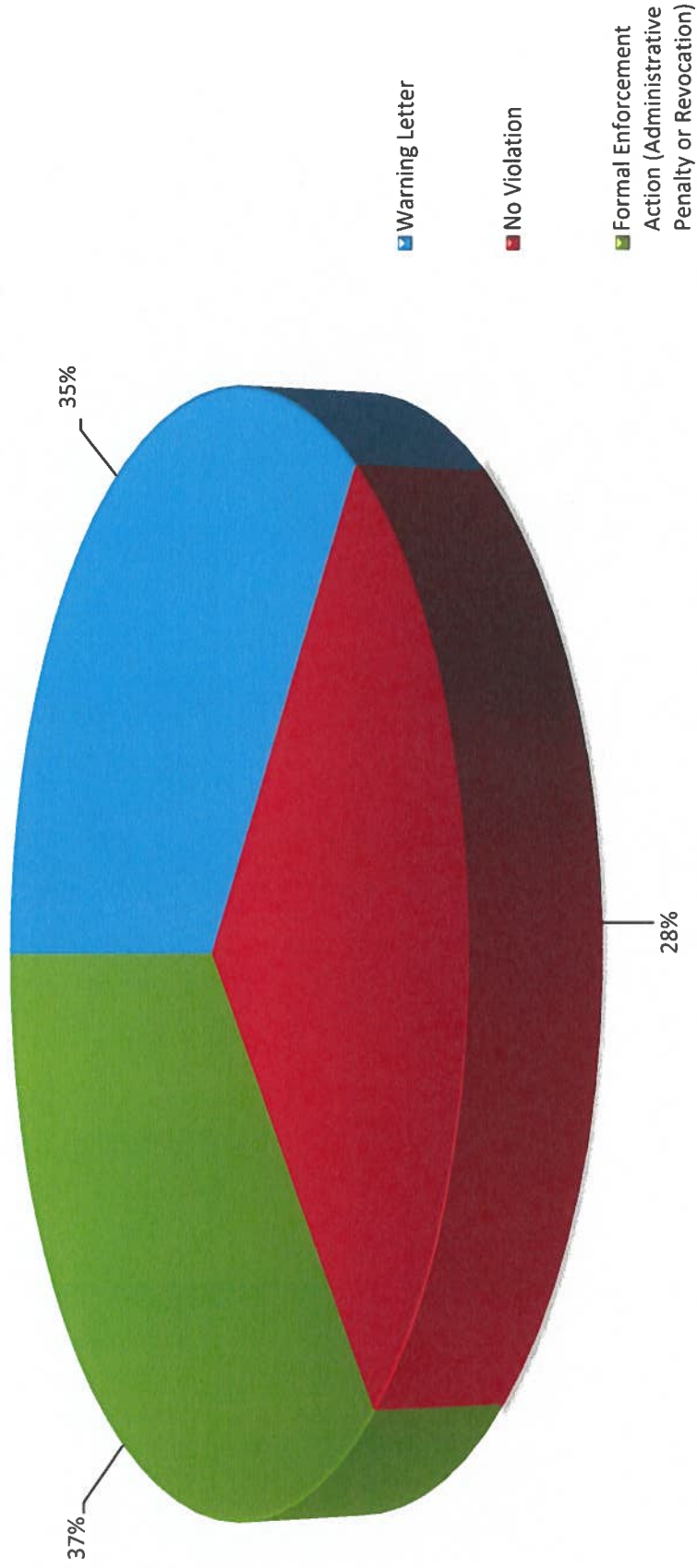
Closed Docketed Cases by Violation Type Fiscal Year 2023



Total Docketed Cases: 32

DIVISION OF COMPLIANCE & ENFORCEMENT ACTIVITY

Closed Investigation Results in Fiscal Year 2023



DIVISION OF COMPLIANCE & ENFORCEMENT ACTIVITY

PUC ENFORCEMENT ACTIVITY REPORT FOR CLOSED DOCKETED CASES: FISCAL YEAR 2023

<u>Company</u>	<u>Violation</u>	<u>Docket</u>	<u>Final Order Date</u>	<u>Penalty</u>	<u>Violation Type</u>	<u>Settlement/Contested Case</u>	<u>Certificate Revoked</u>
American Powernet Management LP	Electric	54412	04/24/23	\$14,000.00	Reporting	Agreed Settlement	No
Axon Power & Gas, LLC	Electric	49634	04/06/23	\$0.00	Retail	Withdrawn/Dismissed	No
BT Cooke Solar	Electric	52924	12/15/22	\$150,000.00	Wholesale	Agreed Settlement	No
Bull Creek Wind	Electric	52925	01/26/23	\$100,000.00	Wholesale	Agreed Settlement	No
Chamon Power LLC	Electric	53142	04/27/23	\$100,000.00	Wholesale	Agreed Settlement	No
Chamon Power LLC	Electric	53177	05/12/23	\$0.00	Wholesale	Revocation	Yes
City of Bartlett	Electric	47775	03/29/22	\$25,000.00	Wholesale	Agreed Settlement	No
City of Burnet	Electric	53774	09/15/22	\$5,600.00	Svc. Quality	Agreed Settlement	No
City of Giddings	Electric	53775	10/06/22	\$5,600.00	Svc. Quality	Agreed Settlement	No
City of Hearne	Electric	53819	10/06/22	\$5,600.00	Svc. Quality	Agreed Settlement	No
City of Smithville	Electric	53776	10/06/22	\$10,000.00	Svc. Quality	Agreed Settlement	No
City of Timpson	Electric	53777	11/03/22	\$5,600.00	Svc. Quality	Agreed Settlement	No
Cotton Plains Wind	Electric	52926	02/16/23	\$250,000.00	Wholesale	Agreed Settlement	No
CPS Energy	Electric	54592	04/27/23	\$50,000.00	Wholesale	Agreed Settlement	No
Direct Energy	Electric	54684	04/27/23	\$193,200.00	Retail	Agreed Settlement	No
Ector County	Electric	53077	04/04/22	\$51,206.00	Wholesale	Agreed Settlement	No
Engie Resources, LLC	Electric	54723	05/25/23	\$90,000.00	Retail	Agreed Settlement	No
Entrust	Electric	51867	01/26/23	\$0.00	Retail	Revocation	Yes
Gexa Energy, LP	Electric	54928	06/15/23	\$46,150.00	Retail	Agreed Settlement	No
Gexa Energy, LP	Electric	53492	10/06/22	\$35,000.00	Retail	Agreed Settlement	No
Guadalupe Blanco River Authority	Electric	53818	12/15/22	\$15,000.00	Svc. Quality	Agreed Settlement	No
Horseshoe Lake POA	Water	53224	01/26/23	\$0.00	Water	Revocation	Yes
Isaac Apartments	Apartments	53737	06/15/23	\$0.00	Apartments	Withdrawn/Dismissed	No
J-A-C Electric Cooperative	Electric	53843	12/15/22	\$4,950.00	Svc. Quality	Agreed Settlement	No
L and T Waterworks LLC	Water	53778	11/30/22	\$0.00	Water	Temporary Manager	No
Lago Vista Water System	Water	53744	11/09/22	\$0.00	Water	Withdrawn/Dismissed	No
LCRA	Electric	55012	07/20/23	\$260,000.00	Wholesale	Agreed Settlement	No

DIVISION OF COMPLIANCE & ENFORCEMENT ACTIVITY

LCRA	Electric	55012	07/20/23	\$0.00	Wholesale	Agreed Settlement	No
Lodge Acres Water Supply	Water	53225	01/26/23	\$0.00	Water	Revocation	Yes
LPT, LLC	Electric	53837	12/15/22	\$0.00	Retail	Revocation	Yes
LPT, LLC	Electric	53837	12/15/22	\$0.00	Retail	Revocation	Yes
LPT, LLC.	Electric	53837	12/15/22	\$0.00	Retail	Revocation	Yes
MABDD Inc.	Water	53324	10/06/22	\$0.00	Water	Revocation	Yes
MABDD Inc.	Water	53219	09/15/22	\$0.00	Water	Revocation	Yes
Midway Solar	Electric	52928	07/20/23	\$80,000.00	Wholesale	Agreed Settlement	No
NextEra Energy	Electric	54852	05/25/23	\$10,000.00	Wholesale	Agreed Settlement	No
OCI Alamo I	Electric	55064	07/20/23	\$20,000.00	Wholesale	Agreed Settlement	No
Oncor Electric Delivery	Electric	54394	04/27/23	\$100,000.00	Wholesale	Agreed Settlement	No
Power of Texas Holdings	Electric	51902	01/26/23	\$0.00	Retail	Revocation	Yes
River Timber WS	Water	53220	10/06/22	\$0.00	Water	Revocation	Yes
Senna Hills Utility	Water	53221	09/15/22	\$0.00	Water	Revocation	Yes
Shell Oil Company	Electric	52930	01/26/23	\$200,000.00	Wholesale	Agreed Settlement	No
South Texas Electric Cooperative Inc.	Electric	53691	11/03/22	\$72,000.00	Wholesale	Agreed Settlement	No
Southwestern Electric Power Company	Electric	55116	08/04/23	\$69,000.00	Svc. Quality	Agreed Settlement	No
Texas-New Mexico Power Company	Electric	55107	07/20/23	\$147,000.00	Svc. Quality	Agreed Settlement	No
Titan Gas, LLC; dba Cleansky	Electric	53552	08/25/22	\$15,000.00	Retail	Agreed Settlement	No
V247 Power Corporation	Electric	53610	04/06/23	\$0.00	Retail	Revocation	Yes
Volt Electricity Provider LP	Electric	53791	12/15/22	\$0.00	Retail	Revocation	Yes
Yoakum Municipal Utilities	Electric	53968	12/15/22	\$5,900.00	Svc. Quality	Agreed Settlement	No

Total Closed Docketed Cases: 49

Total Penalties: \$2,135,806.00