

CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS.

Subchapter E. CERTIFICATION, LICENSING AND REGISTRATION.

§25.105. Registration by Power Marketers.

- (a) **Applicability.** This section contains the registration and renewal of registration requirements for a power marketer. A person must be registered as a power marketer with the commission in order to participate in the Texas wholesale market as a power marketer. The registration of a person already registered as a power marketer as of the effective date of this section expires on January 1, 2024 unless the person files a new registration in compliance with the requirements of this section.
- (b) **Registration information.** To register as a power marketer, a person must submit the following information in the manner established by the commission.
- (1) The registrant's contact information, including the registrant's:
 - (A) physical and business mailing address;
 - (B) business telephone number; and
 - (C) business e-mail address.
 - (2) The name of the current regulatory contact, and the contact's e-mail address and telephone number.
 - (3) The addresses of any facilities used by the registrant in Texas.
 - (4) A description of the activities the registrant will participate in, and services provided.
 - (5) As applicable, copies of all information filed with the Federal Energy Regulatory Commission (FERC) relating to the registrant's FERC registration to sell electric energy at market-based rates.
 - (6) An affidavit signed by a representative, official, officer, or other authorized person with binding authority over the registrant affirming that the registrant qualifies as a power marketer. The affidavit must also include the following information:
 - (A) the business name of any affiliated entity registered with the commission and the type of commission registration associated with each affiliated entity;
 - (B) whether each affiliate buys or sells electricity at wholesale in Texas; sells electricity at retail in Texas; or is an electric cooperative or municipally owned utility in Texas; and
 - (C) the business name of any affiliated qualified scheduling entity.
- (c) **Update of registration.** A power marketer must update, in a manner established by the commission, its registration within 30 days of a change to information listed under subsection (b) of this section.
- (d) **Renewal of registration.** A power marketer must renew its registration on or before November 1 of each calendar year by submitting, in a manner established by the commission, the information required by subsection (b) of this section or by submitting a statement that the power marketer's registration information on file with the commission is current.
- (1) Commission staff will send one notice to the regulatory contact listed for a power marketer that has not submitted its registration renewal by November 1st. Commission staff's failure to send this notice does not excuse a power marketer from complying with any of the requirements of this section.
 - (2) A power marketer registration that is not renewed by December 31st of each calendar year expires.
 - (3) Commission staff will notify Electric Reliability Council of Texas of a power marketer whose registration has expired.
 - (4) A person may not continue to operate as a power marketer in Texas after its registration has expired.
 - (5) A person whose power marketer registration is expired may apply for a new registration at any time.

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- (e) **Commission list of power marketers.** The commission will maintain a list of power marketers registered in Texas on the commission's website. A power marketer that fails to renew its registration under subsection (d) of this section may be listed as "Expired" on the commission's list of power marketers.