

CHAPTER 25. SUBSTANTIVE RULES APPLICABLE TO ELECTRIC SERVICE PROVIDERS.

Subchapter I. TRANSMISSION AND DISTRIBUTION.

Division 2. Transmission and Distribution Applicable to All Electric Utilities.

§25.219. Terms and Conditions of Access by a Competitive Retailer to the Delivery System of a Municipally Owned Utility or Electric Cooperative that Implements Customer Choice after May 1, 2023.

- (a) **Purpose and Application.** This section and the pro-forma access tariff set forth in subsection (c) of this section establish and govern the non-discriminatory terms and conditions of access by competitive retailers to the delivery system of a municipally owned utility or electric cooperative that implements customer choice after May 1, 2023. This section applies to a municipally owned utility or electric cooperative that implements, or is preparing to implement, customer choice after May 1, 2023. For purposes of this section, the date a municipally owned utility or electric cooperative opens its territory to retail competition is the date it implements customer choice. A municipally owned utility or electric cooperative that implements customer choice after May 1, 2023 is not required to comply with §25.215 of this title (relating to Terms and Conditions of Access by a Competitive Retailer to the Delivery System of a Municipally Owned Utility or Electric Cooperative that has Implemented Customer Choice).
- (b) A municipally owned utility or electric cooperative that has implemented customer choice after May 1, 2023 must provide retail delivery service, including delivery service to a retail customer at transmission voltage, to retail customers. Retail delivery service must be provided in accordance with the rates, terms, and conditions set forth in the delivery service tariffs promulgated by the municipally owned utility or electric cooperative.
- (c) **Access tariff.** Not later than the 90th day before the date a municipally owned utility or electric cooperative to which this rule applies implements customer choice, the municipally owned utility or electric cooperative must file with the commission its tariff governing access by competitive retailers to retail customers connected to the delivery system of the municipally owned utility or electric cooperative using the pro-forma access tariff in subsection (d) of this section. A municipally owned utility or an electric cooperative may add to or modify only Chapters 2 and 5 of the access tariff, reflecting individual characteristics and rates. Chapters 1, 3, and 4 of the pro-forma access tariff must be used exactly as written; these Chapters can be changed only through the rulemaking process. The access tariff, however, must contain the name of the municipally owned utility or electric cooperative in lieu of “[Utility]”.
- (d) **Pro-Forma Retail Access Tariff.** Tariff for Retail Access.
[Figure: 16 TAC §25.219\(d\)](#)