

Self-Evaluation Report



***Office of Public Utility Counsel
September 2021***

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ATTACHMENTS (provided electronically):

- OPUC_ANNUAL_REPORTS
- OPUC_BUDGET_REPORTS
- OPUC_CUSTOMER_SATISFACTION_SURVEY
- OPUC_EMPLOYEE_MANUAL
- OPUC_PERFORMANCE_REPORTS
- OPUC_STRATEGIC_PLAN
- PURA_STATUTES
- SAO_AUDIT_REPORT
- FEBRUARY 2021 SEVERE WINTER WEATHER EVENT

**OFFICE OF PUBLIC UTILITY COUNSEL
Self-Evaluation Report**

I. Agency Contact Information

A. Please fill in the following chart.

**Office of Public Utility Counsel
Exhibit 1: Agency Contacts**

	Name	Address	Telephone & Fax Numbers	Email Address
Agency Head	Dogood A. Chris Ekoh	1701 N. Congress Ave., Ste. 9-180, Austin TX 78701	512-936-7506 (phone) 512-936-7525 (fax)	chris.ekoh@opuc.texas.gov
Agency Sunset Liaison	Janalee Paiz	1701 N. Congress Ave., Ste 9-180, Austin TX 78701	512-936-7515 (phone) 512-936-7525 (fax)	Janalee.paiz@opuc.texas.gov

Table 1 Exhibit 1 Agency Contacts

II. Key Functions and Performance

Provide the following information about the overall operations of your agency. More detailed information about individual programs will be requested in Section VII.

A. Provide an overview of your agency’s mission, objectives, and key functions.

Background

In 1983, the Office of Public Utility Counsel (OPUC or the agency) was created as part of the 68th Legislature’s Sunset Review of the Public Utility Commission of Texas (PUCT) after concerns were raised that residential and small commercial consumers were not being adequately represented in utility proceedings at the PUCT. For approximately the first 15 years, OPUC concentrated its efforts primarily on consumer representation in utility proceedings at the PUCT, State Office of Administrative Hearings (SOAH), and state and federal courts. During the past 20 to 25 years, since the restructuring of both the electric, telecommunications, and water and wastewater industries, OPUC has continued its consumer representation in contested cases to effectively advocate for residential and small commercial consumers at the PUCT, SOAH and in state and federal projects, including rulemakings and other proceedings. OPUC also disseminates information to consumers regarding their available protections and OPUC’s functions and efforts in ensuring those protections. At the Electric Reliability Council of Texas (ERCOT), in the past 22 years, OPUC has been a consistent advocate for residential and small commercial consumers by serving on the Board of Directors and various committees.

There are 29 million people in Texasⁱ, all of whom use electricity, telecommunication, water and wastewater services.

Mission

OPUC was created in 1983 as part of the 68th Legislature's Sunset Review of the PUCT. The Legislature created OPUC to represent the interests of residential and small commercial consumers, as a class, in utility proceedings in Texas. Pursuant to its current statutory mission, OPUC represents residential and small commercial consumers, as a class, in the electric, water, wastewater, and telecommunications cases, rulemakings and other projects before the PUCT, SOAH, and in state and federal courts in Texas.

Objectives

Pursuant to and consistent with its most current legislative appropriation, OPUC has the following goals, objectives, and strategies to accomplish its mission and to bring value to the Texas regulatory and market processes on behalf of residential and small commercial consumers:

Goal/Objective/Strategy:

1. Goal: Equitable Utility Rates for Residential and Small Commercial Consumers
 - Objective: To Protect Consumers and Ensure Reasonable Rates
 - Strategy: Participate in Major Utility Cases and Rulemakings
2. Goal: Protect Consumer Interests in Utility Markets
 - Objective: Promote Utility Choices and Consumer Protection Policies
 - Strategy: Participate in Major Utility Projects Affecting Consumers

Key Functions

- (1) Advocating on behalf of residential and small commercial consumers, as a class, in utility proceedings before the PUCT, SOAH, and state courts;
- (2) Participating in rulemaking and other policy projects before the PUCT to protect the interests of residential and small commercial consumers;
- (3) Representing consumers in stakeholder and board governance processes at ERCOT and Texas Reliability Entity (Texas RE); and
- (4) Maintaining a prompt and efficient process to address and resolve utility-related consumer inquiries and complaints.

B. Do your key functions continue to serve a clear and ongoing objective? Explain why each of these functions is still needed?

Advocating on behalf of residential and small commercial consumers, as a class, in utility proceedings before the PUCT, SOAH, and state courts

In contested case proceedings at the PUCT, SOAH, and appeals of PUCT decisions in state court, OPUC provides legal representation and technical expertise to represent, protect, and promote consumer interests, which includes ensuring that consumers pay just and reasonable utility rates. In rulemaking and policy projects at the PUCT, OPUC provides policy, regulatory, legal, and technical expertise to represent, protect, and promote consumer interests, which includes ensuring adequate customer protection safeguards.

In 2015 and 2017, the Texas Legislature passed legislation requiring electric utilities operating outside and inside of the ERCOT region to file a rate case at the PUCT every four years. As a result of this legislation, the PUCT promulgated 16 Texas Administrative Code (TAC) § 25.246 and § 25.247 in 2016 and 2018 to implement a rate review schedule for non-ERCOT and ERCOT electric utilities. As a result of this new PUCT rate review process, OPUC has been involved, and will continue to be involved in litigating more comprehensive electric utility base rate cases at the PUCT, since both ERCOT and non-ERCOT electric utilities will be filing base rate cases more frequently at the PUCT.

Representing consumers in stakeholder and board governance processes at the Electric Reliability Council of Texas and Texas Reliability Entity

OPUC is an active participant in the ERCOT stakeholder and board governance processes. ERCOT is the Independent System Operator (ISO) for ninety percent (90%) of the state's electric grid. OPUC's Chief Executive and Public Counsel serves as an *ex-officio* voting member of the ERCOT Board of Directors (ERCOT Board). OPUC also has dedicated staff that represents residential consumer interests as a voting member in the ERCOT stakeholder process at the Technical Advisory Committee (TAC), Wholesale Market Subcommittee, Retail Market Subcommittee, Reliability and Operations Subcommittee, Protocol Revision Subcommittee, and as a non-voting attendee at many other ERCOT stakeholder meetings. There is also a representative that is appointed by OPUC's Chief Executive and Public Counsel to represent residential and small commercial consumer interests at ERCOT's TAC.

Maintaining a prompt and efficient process to address and resolve utility-related consumer inquiries and complaints

In accordance with its statutory obligations in PURA 13.005, OPUC maintains a process to promptly and efficiently address and resolve utility-related consumer inquiries and complaints. OPUC works collaboratively with individual consumers, the PUCT's Customer Protection Division, and industry stakeholders to address and resolve consumer concerns, including assisting consumers with filing and tracking complaints at the PUCT and directing consumers to bill payment assistance resources. OPUC maintains a dedicated telephone hotline and email access

to assist residential and small commercial consumers in times of utility emergencies and forced outages relating to weather and other events.

C. What, if any, functions does your agency perform that are no longer serving a clear and ongoing purpose? Which agency functions could be eliminated?

OPUC continues to perform its statutory mission and has not identified a service, statute, rule, or regulation that is resulting in inefficient or ineffective agency functions at this time.

D. Does your agency's enabling law continue to correctly reflect your mission, objectives, and approach to performing your functions?

Yes, the agency's enabling statute correctly reflects OPUC's mission, objectives, and approach to performing agency functions.

E. Have you previously recommended changes to the Legislature to improve your agency's operations? If so, briefly explain the recommended changes, whether or not they were adopted, and if adopted, when.

During the negotiations resulting in the enrolled version of SB 3 (87th Legislature), OPUC proposed greater information sharing that would include OPUC in communications that affect residential customers during a disaster. This initiative passed as House Amendment 10 by Representative Anchia and in Conference Committee resulted in OPUC's membership on the Texas Energy Reliability Council (TERC) under § 418.301, Government Code. Further, OPUC was also tasked to participate in providing broadband access to small commercial and residential consumers by the 87th Legislature under HB 3853. This will require a new full-time equivalent as OPUC's mandate does not currently include broadband.

F. Do any of your agency's functions overlap or duplicate those of another local, state, or federal agency? Explain if, and why, each of your key functions is most appropriately placed within your agency. How do you ensure against duplication with other related agencies?

No. OPUC's functions are not duplicated by another state or federal agency. OPUC is statutorily authorized to specifically represent residential and small commercial ratepayers in electric, telecommunications, water and wastewater cases, projects and appeals. No other state agency exclusively represents residential and small commercial consumers in regulatory proceedings before the PUCT or state courts, and no other state agency exclusively represents these interests in market processes before the PUCT, ERCOT or other entities. OPUC's advocacy on behalf of residential and small commercial consumers is distinct and very different from that of either the PUCT, which weighs the public interest as a whole, or the Office of the Attorney General (OAG), which represents state agencies in matters before regulatory bodies and the courts. OPUC participates on behalf of residential and small commercial consumers in a variety of forums including the Texas Legislature, ERCOT, and the Texas Reliability Entity.

G. In general, how do other states carry out similar functions?

Most states have a consumer advocate function separate from the regulatory agency. Washington, D.C. and 15 other states have a statutorily authorized, independent utility consumer advocacy agency (Arizona, California, Colorado, Connecticut, Florida, Indiana, Maine, Maryland, Missouri, New Jersey, Ohio, Texas, Vermont, West Virginia, and Wisconsin); 17 states house their utility consumer advocate within their Office of Attorney General (Alabama, Alaska, Arkansas, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Mississippi, Nevada, New Mexico, North Carolina, Oklahoma, Pennsylvania, Tennessee, Virginia, and Washington); 6 states have a consumer advocacy office or representative housed in separate state agency (Delaware, Hawaii, Kansas, New York, South Carolina, and Utah); 2 states have a non-profit consumer advocacy entity (Illinois and Oregon); 1 state has its consumer advocacy as part of the Legislative branch (Montana); 7 states have no specific Consumer Protection Division (Georgia, Idaho, Louisiana, Nebraska, North Dakota, Rhode Island and South Dakota); and 2 states have their Consumer Protection Division within their Public Utility Commission (New Hampshire and Wyoming).

H. What key obstacles impair your agency's ability to achieve its objectives?

OPUC does not perceive any key obstacles that impair its ability to achieve its objectives and key functions. OPUC's legal, technical, and professional expertise continues to bring value to regulatory and market processes on behalf of residential and small commercial consumers. That same proficiency applies to the agency's commitment to apply those resources to inform, assist, and protect consumers.

I. Discuss any changes that could impact your agency's key functions in the near future (e.g., changes in federal law or outstanding court cases).

OPUC is currently not aware of any federal law or court cases that would impact the agency's key functions and operations. However, OPUC would like to participate in more water and wastewater utility cases on behalf of residential and small commercial consumers. Because of budgetary constraints, OPUC presently participates in all Class A and most Class B water and wastewater ratemaking proceedings before the PUCT and SOAH. OPUC would like to extend its level of participation to include certain Class C water and wastewater utility cases. Class C rate filings apply to water and wastewater utilities with 500 to 2,299 taps or connections. Texas Water Code § 13.002(4-c). Because of the number of residents at the upper end of the Class C spectrum that are likely to be affected, OPUC would like to be able to participate in some of these cases given adequate attorney manpower resources and the monetary means to retain outside experts to litigate the cases.

Additionally, one of the stated statutory duties of OPUC is to "represent an individual residential or small commercial consumer with respect to the consumer's disputed complaint concerning utility services that is unresolved before the commission." Texas Utilities Code § 13.003(a)(7). This is one area where OPUC's involvement in targeted individual complaints may be beneficial to residential and small commercial consumers. OPUC has been very selective in its representation to achieve its statutory goal by representing residential and small commercial consumers as a class to maximize efficiencies at the least cost. However, OPUC's representation

may be equally deserving in individual complaints before the PUCT involving residential and small commercial consumers. This is one area OPUC intends to improve on barring budgetary and staffing constraints in the near future.

J. Aside from additional staff or funding, what are your agency's biggest opportunities for improvement in the future? For example, are there other programs or duties the agency could take on to better carry out its mission?

OPUC anticipates additional involvement in future contested cases and customer service-related issues. Customer service-related issues will continue to grow and become more complex in instances of unexpected outages due to weather emergencies. During Winter Storm Uri, OPUC was one of a few state agencies that stayed the course in answering customers' calls and directing them to other state and local agencies, stakeholders, and pointed contact persons within utilities where they can obtain relief. OPUC is committed to new, improved, and innovative ways to personalize its key functions of informing, assisting, and protecting consumers, and expanding its customer service.

K. Overall, how does the agency measure its effectiveness in carrying out its objectives?

In order to track its effectiveness in contested cases, OPUC will take the amount of revenue requested by the applicant, remove the amount actually awarded by the Commission, and multiply the resulting amount by the electric industry's percentage of revenue derived from Residential and Small Commercial Consumers.

Ex: Utility A requests \$100 million. The Commission awards \$90 million, for a \$10 million reduction. Residential and Small Commercial consumers are calculated to make up 78% (example percentage only) of electric industry revenues. OPUC claims a \$7.8 million impact.

This method allows OPUC to track reductions in the revenue requirements that would have likely been borne by residential and small commercial consumers. This is also a conservative estimate of OPUC's impact, because it does not track OPUC's effectiveness regarding the allocation portion of rate proceedings where OPUC typically competes with the large industrial consumers regarding how to divide a utility's resulting revenue requirement.

In the following chart, provide information regarding your agency’s key performance measures, including outcome, input, efficiency, and explanatory measures. *See Exhibit 2 Example.* Please provide both key and non-key performance measures set by the Legislative Budget Board as well as any other performance measures or indicators tracked by the agency. Also, please provide information regarding the methodology used to collect and report the data.

**Office of Public Utility Counsel
Exhibit 2: Performance Measures — Fiscal Year 2020**

Key Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Number of Utility Cases in Which OPUC Participates.	N/A	OPUC uses a manual count of all utility cases in which OPUC actually participates.	30	31	103.33%
Percentage of OPUC Utility Cases that are Competition Related.	N/A	OPUC determines the number of total utility cases in which it participates. OPUC divides this number into the number of utility competition cases in which OPUC actually participates.	40%	6.5%	16.25%

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Key Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Average Cost Per Utility Case in Which OPUC Participates.	N/A	OPUC calculates the hourly rate for each attorney and technical staff and multiplies that hourly rate by the individual time spent on each case. The sum of all attorney and technical staff time is then divided by the total number of utility cases in which OPUC participates. Outside expert witness contracts are included in this calculation.	\$23,302	\$18,846.47	80.88%
Number of Utility Projects in Which OPUC Participates	N/A	OPUC uses a manual count of all utility projects in which OPUC actually participates.	26	26	100%

Table 2 Exhibit 2 Performance Measures

**See Exhibit 3*

L. Please list all key datasets your agency maintains and briefly explain why the agency collects them and what the data is used for. Is the agency required by any other state or federal law to collect or maintain these datasets? Please note any “high-value data” the agency collects as defined by Texas Government Code, Section 2054.1265. In addition, please note whether your agency posts those high-value datasets on publicly available websites as required by statute, and in what format.

OPUC does not collect, maintain, or post any key datasets.

**Office of Public Utility Counsel
Exhibit 3: Key Datasets**

Dataset Reference Number	Dataset Name	Description of Data	Data Maintained By	Hyperlink (if publicly available)	Legal Prohibition to Disclosure Y/N
(Number)	(Text)	(Text)	(Agency or 3rd Party [please identify])	(Hyperlink)	(Y or N)
(Number)	(Text)	(Text)	(Agency or 3rd Party [please identify])	(Hyperlink)	(Y or N)

Table 3 Exhibit 3 Key Datasets

III. History and Major Events

Office of Public Utility Counsel

TEXAS TIMELINE

Prior to OPUC Creation

1942 Texas electric utilities informally organized to create Texas Interconnected System (TIS) to meet wartime demand for electricity.

1970 TIS forms the Electric Reliability Council of Texas (ERCOT), to comply with North American Reliability Council (NERC) requirements.

1975 The 64th Texas Legislature creates the Public Utility Commission. Texas becomes the last state in the U.S. to establish a utility commission to provide for statewide comprehensive regulation of electric and telecommunications utilities.

- The Legislature establishes the PUCT to oversee statewide issues not addressed by regulation at the local level.
- The main issues for the PUCT include fuel diversification and increased rates for electricity. PUCT is to regulate rates of telephone utilities statewide, electric utilities in unincorporated areas, but not municipally-owned utilities (MOUs) or municipal utility districts (MUDs).
- The PUCT has regulatory jurisdiction over telephone, electric, water, and wastewater utilities.
- Four basic activities of the PUCT include certification, rate-setting, monitoring regulated utilities for compliance with statutes and PUCT rules, orders and service standards, and assisting consumers in resolving complaints against regulated utilities.

1976 PUCT begins operation following the mandates of the Public Utility Regulatory Act (PURA).

- Prior to this date, municipalities held the jurisdictional rights of rate regulation.
- PURA shifts final regulatory powers to the PUCT while keeping original jurisdiction at the municipal level.

1979 The 66th Texas Legislature amends water and wastewater utilities laws.

1981 TIS members transfer all electric operating functions to ERCOT, and ERCOT becomes the central operating coordinator for Texas.

- The ERCOT grid covers 75% of Texas and serves 85% of Texas load. ERCOT is one of three North American grid interconnections, and four parts of Texas are outside of the ERCOT grid, the Panhandle, El Paso area and two areas of East Texas.

OPUC Creation

1983 The Sunset Advisory Commission and 68th Legislature conduct their first Sunset review of the PUCT.

- The Legislature finds that, while utilities and large businesses had a strong voice in PUCT rate-setting hearings, residential and small commercial ratepayers were virtually unrepresented and such representation needed to be strengthened.

The 68th Legislature creates the Office of Public Utility Counsel, through the PUCT's sunset bill, as an independent state agency to represent the interests of residential and small commercial customers in utility proceedings. OPUC is entitled to access to records gathered by the PUCT and discovery of any nonprivileged matter relevant to the subject matter of a proceeding or petition before the PUCT.

OPUC's original purpose and responsibilities include:

- Assessing the effect of utility rate changes and other regulatory actions, relating to electric, telecommunications, water and sewer, on residential customers in Texas;
- Appearing or intervening, as a matter of right, on behalf of residential and small commercial customers, as a class, in any proceeding before the PUCT, including an alternative dispute resolution;
- Initiating or intervening, as a matter of right, or otherwise appearing in a judicial proceeding that involves an action taken by an administrative agency in which the Chief Executive and Public Counsel is authorized to appear or in which the Chief Executive and Public Counsel determines that residential electricity or small commercial electricity customers need representation;
- Representing an individual residential or small commercial customer with respect to their disputed complaint concerning utility services unresolved before the PUCT; and
- Recommending legislation to the Legislature OPUC determines would positively affect the interests of residential and small commercial customers.

The 68th Legislature enacts the new Gas Utility Regulatory Act (GURA), through the sunset process, transferring the Texas Railroad Commission's authority from PURA to GURA and removing gas utility regulation from PURA to GURA. PURA, which provides for oversight and regulation of electric, telecommunications, water and wastewater utilities, applies solely to the PUCT.

After OPUC Creation

1985 The 69th Legislature removes the regulation of retail water and sewer rates from the PUCT under PURA, and places those provisions in the Water Utility Regulatory Act (WURA) with water and sewer jurisdiction transferred to the Texas Water Commission, now the Texas Commission on Environmental Quality (TCEQ).

- Thus, advocacy for residential and small commercial customers in water and sewer ratemakings is removed from OPUC.

1986 ERCOT opens its first office and hires four full-time employees.

1987 The 70th Legislature allows competitive rate offerings by telecommunications local exchange companies (LECs) and allows small LECs to request rate changes on an expedited basis.

1993 The Sunset Advisory Commission and 73rd Legislature conduct their second sunset review of the PUCT, and first review of OPUC, continuing both agencies, without change, subject to further sunset review in 1995.

1995 The Sunset Advisory Commission and 74th Legislature conclude sunset review of OPUC and PUCT, continuing both for six years, until September 1, 2001.

The 74th Legislature amends PURA to deregulate wholesale generation market, thus encouraging competition in the wholesale energy market by allowing flexible pricing for wholesale and some retail rates, requiring comparable transmission access and pricing, and requiring integrated resource planning.

- PUC begins process of expanding ERCOT's responsibilities to enable wholesale competition and facilitate efficient use of the power grid by all market participants.

The 74th Legislature requires the State Office of Administrative Hearings to establish a Utility Division to perform contested case hearings for the PUCT as prescribed by PURA and other applicable law.

The 74th Legislature encourages local competition for telecommunications services by removing barriers to entry, creating new certificates, lessening regulation of small local exchange companies and cooperatives, provided incentive regulation for certain companies willing to make infrastructure commitments, and maintained commitments for universal service.

1996 ERCOT, with PUCT endorsement, becomes the first independent system operator in the United States.

1997 The 75th Legislature expands OPUC's statutory authority, under Subchapter B of GURA, to allow OPUC to appear or intervene on behalf of residential customers, as a class, in gas utility appeals before the Texas Railroad Commission, only at the request of a municipality. OPUC is entitled to the following:

- to initiate or intervene as a matter of right or otherwise appear in a judicial proceeding that involves an action taken by the Texas Railroad Commission in a proceeding in which OPUC was a party;
- the same access as a party, other than the Texas Railroad Commission Staff, to records gathered by the Commission;
- discovery of any nonprivileged matter relevant to the subject matter of a proceeding or petition before the Texas Railroad Commission;
- representation of an individual residential consumer with respect to the consumer's disputed complaint concerning utility services unresolved before the Commission; and
- may recommend legislation to the Legislature that the office determines would positively affect the interests of residential consumers.

The 75th Legislature eliminates price caps on optional telecommunications services, reduces access charges, prohibits disconnection of basic service for non-payment of long-distance service, requires automatic enrollment of lifeline service and allows the bundling of services for marketing.

1999 The 76th Legislature continues OPUC and PUCT for an additional five years, until September 1, 2005.

OPUC's Public Counsel is designated as an ex-officio, non-voting member of the ERCOT Board of Directors.

The 76th Legislature enacts Senate Bill (SB) 7 which restructures the retail electric market by promoting competition for retail service and regulating transmission and distribution service, implements consumer safeguards, and requires automatic enrollment for eligible low-income customers. SB 7 provides for the following:

- Utilities must unbundle into three categories: generation, regulated transmission and distribution, and retail electric providers, using separate or affiliated companies;
- Municipally owned utilities and electric cooperatives are not affected by the law, unless they choose to open their territories to competition;
- Utilities are limited to owning and controlling no more than 20 percent of installed generation capacity in ERCOT;
- Generators are required to reduce nitrogen oxide and sulfur dioxide emissions from "grandfathered" power plants over a two-year period;
- Customer choice pilot projects may be used to allow the PUCT to evaluate the ability of a region and utility to implement retail electric choice;

- PUCT may delay competition and set new rates in any area of the state where it determines a power region is unable to offer fair competition and reliable service to customers by January 1, 2002;
- ERCOT is defined as the ISO, responsible for coordinating the actions of market participants and ensuring system reliability;
- ERCOT is assigned the following responsibilities: ensuring open access to transmission and distribution systems; ensuring reliability; ensuring timely conveyance of information needed to support customer choice; and ensuring accurate accounting for electricity production and delivery;
- ERCOT is named as central registration agent for retail choice.
- ERCOT is required to perform its responsibilities consistent with Texas legislation, NERC guidelines, PUCT rules, ERCOT Protocols and Guides, and ERCOT rules; and
- ERCOT's Board of Directors membership consists of a 14-member hybrid board with six stakeholder members selected by market participant segment (IOUs, municipal utilities, electric cooperatives, independent REPs, independent generators, and independent power marketers), three consumer members (industrial, commercial and residential), three unaffiliated members, the Chief Executive and Public Counsel, the ERCOT CEO and the PUCT Chair as an ex-officio, non-voting member.

Relating to OPUC, SB 7 amends PURA Chapter 13, by adding language relating to the following:

- allowing OPUC to participate in alternative dispute resolutions at the PUCT or other administrative agency;
- allowing OPUC to initiate or intervene in a judicial proceeding in which the Chief Executive and Public Counsel determines that residential or small commercial electricity consumers are in need of representation; and
- providing certain post-employment restrictions for the Chief Executive and Public Counsel.

The 76th Legislature also enacts legislation relating to the following:

- increased flexibility for ILECs in pricing and packaging telecommunications services;
- greater customer protections for both electric and telecommunications services; and
- a requirement that the PUCT and Texas Commission for the Deaf and Hard-of-Hearing establish a financial assistance program that will allow certain individuals who are deaf, deaf-blind, hard-of-hearing and speech disabled that is functionally equivalent to that enjoyed by individuals without a hearing or speech disability.

2000 ERCOT sponsors a stakeholder process to address how ERCOT's organization will administer its responsibilities to support the competitive retail and wholesale electricity markets while maintaining the reliability of electric services.

2001 The 77th Legislature enacts legislation relating to the following:

- delays retail electric competition in the Texas Panhandle region, served by Southwestern Public Service Company (SPS) until after January 1, 2007;
- requires the PUCT, acting with other agencies, to administer a grant program encouraging emissions reduction promoting clean air guidelines, in accordance with the Federal Clean Air Act; and
- establishes the Texas Telemarketing Disclosure and Privacy Act to protect consumers from unwanted telemarketing calls.
- The PUCT issues an order delaying retail competition in East Texas.
- Texas electric choice pilot program begins in June.
- Ten control areas in ERCOT region consolidate into a single control area.

2002 The Texas retail electric market opens, and retail competition begins within ERCOT enabling customer choice for 6.1 million electric customers on January 1.

- A six percent reduction from 1999 electric rates is mandated for residential and small commercial customers (<1MW), remaining in effect until 2005 or until affiliated retail electric providers (REPs) lose 40 percent of its customers to competition.
- As of July 2002, more than 40 companies are certified as retail electric providers (REPs).

2003 The PUCT orders ERCOT to develop a nodal wholesale market design to improve price signals, improve dispatch efficiencies, and provides for the assignment of all congestion costs to market participants whose activities result in congestion.

- An original completion date was set for December 2008, but ERCOT announced in May 2008 that the target date would not be met.
- The PUCT maintains responsibility for ERCOT oversight in developing and implementing the nodal market design, as well as dealing with issues that arise with operation of the current zonal market.

The 78th Legislature enacts legislation relating to the following:

- Providing for certain privacy protections for consumer information on the Texas no-call list;

- Requiring telecommunications providers discounts, or other forms of flexible pricing, not be preferential, prejudicial, or discriminatory; and
- Authorizing the PUCT to name a provider of last resort to provide telecommunications to customers whose telecommunications provider goes out of business.

2004 Nueces Electric Cooperative becomes the first electric cooperative to opt to participate in the Texas competitive electricity market and enrolls its first customer on September 1.

2005 The Sunset Advisory Commission and 79th Legislature conclude sunset review of OPUC and PUCT, continuing both for six years, until September 1, 2011.

OPUC's Sunset bill, SB 409 (79R), specifies the following, including across-the-board recommendations:

- OPUC must develop and implement a policy to encourage the use of alternative dispute resolution procedures to assist in the resolution of internal disputes under OPUC's jurisdiction;
- OPUC must maintain a complaint system;
- the Chief Executive and Public Counsel must implement a technology policy to improve OPUC's ability to perform its functions and ensuring the public is able to interact with OPUC on the Internet;
- the State Auditor must coordinate with the Legislative Budget Board to conduct a management audit and evaluate OPUC's performance to determine the accuracy of OPUC's impact and estimation of savings to residential and small commercial customers attributable to its participation in proceedings (expiring September 1, 2006);
- adds additional grounds for removal for the Chief Executive and Public Counsel;
- provides for conflict-of-interest provisions for the Chief Executive and Public Counsel and OPUC staff;
- requires OPUC to prepare an annual report for distribution to the standing legislative committees with OPUC jurisdiction, the House Appropriations Committee, the Senate Finance Committee and the Sunset Advisory Commission, including a list of the types of activities conducted by OPUC and time spent on each, the number of hours billed by OPUC for representing residential or small commercial customers in proceedings, the number of staff positions and type of work performed by each position, and the office's rate of success in representing consumers in appealing PUCT decision; and
- requires OPUC to conduct an annual stakeholder meeting to assist OPUC in developing a plan of priorities and to give the public an opportunity to comment on OPUC's functions and effectiveness.

OPUC's Public Counsel is designated as an ex-officio, voting member of the ERCOT Board of Directors representing residential and small commercial interests.

The PUC's Sunset bill codifies Sunset's recommendations for the following:

- granting PUCT oversight authority over ERCOT's operations and finances;
- modifying the structure of the ERCOT Board of Directors;
- requiring ERCOT to fund and support an independent market monitor selected by the PUC; and
- requiring ERCOT to establish an Independent Market Monitor under rules adopted by the PUC.

The 79th Legislature further enacts the following:

- a transition to retail electric competition plan for the Southeast Texas region, served by Entergy Gulf States, Inc. (now Entergy Texas, Inc.);
- an allowance for the PUCT to establish a non-bypassable surcharge for utilities to recover reasonable and necessary costs incurred in deploying advanced metering and meter information networks;
- a prohibition against the use of credit scoring and credit history in the denial of residential retail electric or telecommunications service;
- enforcement authority to the PUCT over violations of the state and federal telemarketing no-call lists; and
- further deregulation of the telecommunications market.

By September, one-fourth of Texas residential customers have switched to a competitive retail electric provider.

The Texas Nodal Team submits draft nodal protocols to the PUCT.

2006 PUCT approves stakeholder-developed protocols for the nodal market with a projected nodal implementation date of January 1, 2009.

2007 The 80th Legislature encourages the rapid deployment of advanced meter systems to allow customers to better manage energy use, control costs, and to facilitate demand response initiatives.

2008 Chief Executive and Public Counsel, Don Ballard, is appointed and organizes OPUC into two functional areas of practice, Litigation and Market Representation.

- The Litigation function which handles contested matters before PUCT and other jurisdictional entities (State and Federal Courts, FERC, FCC, etc.). Major regulatory matters include rate and fuel reconciliation cases, energy efficiency cost recovery factors cases, advanced metering applications, surcharge and hurricane cost recovery proceedings; and
- The Market Representation and Communications function, which handles non-contested matters, rulemakings, and projects before the PUCT, FCC and FERC, advocates for residential customers as a member of the ERCOT Board of Directors and other ERCOT committees, and outreaches to customers. Market projects include customer disclosure and retail electric provider rules, advanced metering matters, common terms on utility bills, agency annual meetings and reports, and public communication and education.

2009 Advanced metering deployment begins in parts of Texas.

ERCOT projects December 2010 as the new nodal “go-live” date.

The 81st Legislature enacts legislation providing for the following:

- free, Internet broadcasting of PUCT and ERCOT meetings;
- requiring REPs to add the PUCT’s website, www.powertochoose.com, to customer’s electric bills;
- requiring common terms to be utilized by electric and telecommunications providers on customers’ bills;
- allowing for certain utilities to securitize and recover storm costs due to hurricanes;
- allowing for delay of retail electric competition in Entergy Texas, Inc.’s service territory; and
- allowing for delay of retail electric competition in Southwestern Electric Power Company’s service area.

2013 The 83rd Legislature passes SB 567, which transfers the regulation of water utility rates from the TCEQ to the PUCT, and grants OPUC the statutory responsibility to advocate for residential and small commercial consumers in water rate proceedings, resulting in more case work and increased participation in rulemaking projects.

2015 The 84th Legislature passes HB 1535, which requires non-ERCOT electric utilities to file a rate case at the PUCT on a regular schedule. Ultimately, the PUCT promulgated rules establishing a rate filing schedule of every four years. This marks a significant change as some electric utilities have not come in for a rate case in ten or more years prior to HB 1535 and the PUCT rules implementing it.

2017 The 85th Legislature passes SB 735, which requires electric utilities operating in ERCOT to file a rate case at the PUCT every 4 years.

2019 The 86th Legislature passes HB 1397 to allow non-ERCOT electric utilities to file a generation cost recovery rider to recover the non-ERCOT utility's reasonable and necessary power generation investments, before the utility placed the power generation investment in service, without having to file a full rate case. The PUCT would have authority to grant or reject the rider based on whether the investment was prudent and necessary and whether the proposed rates were just and reasonable. In addition, the 86th Legislature strengthened cybersecurity including passage of SB 936 and SB 475, which establishes the Texas Electric Grid Security Council to facilitate the creation, aggregation, coordination, and dissemination of best security practices for the electric industry and requires ERCOT to retain and maintain the non-classified information compiled by the council.

2021 The 87th Legislature passes SB 3, which includes multiple regulatory provisions directing the PUCT and ERCOT to improve the reliability of the electric grid and direct the state to better prepare and respond to weather emergencies and power outages, including through the weatherization of energy generation and supply infrastructure. SB 3 creates the Texas Energy Reliability Council (TERC) to oversee energy reliability of water, natural gas, and electricity infrastructure during a disaster or emergency, including the Chief Executive and Public Counsel of OPUC as a member.

The 87th Legislature passes SB 2, restructuring the ERCOT Board of Directors to be made up of the Chairman of the PUCT and the Chief Executive and Public Counsel of OPUC, along with nine additional members, who must be unaffiliated to market participants and selected by a committee appointed by the Governor, Lieutenant Governor, and Speaker of the House. Other key pieces of passed legislation that will have an impact on the residential and small commercial consumers that OPUC represents following Winter Storm Uri include HB 16 (relating to the regulation of certain retail electric products), HB 1510 (relating to the response and resilience of certain electricity service providers to major weather-related events or other natural disasters; granting authority to issue bonds), HB 3853 (relating to middle mile broadband service provided by an electric utility), and HB 4492 (relating to financing certain costs associated with electric markets; granting authority to issue bonds; authorizing fees).

FEDERAL TIMELINE

Prior to OPUC Creation

1920 The U.S. Congress enacts the Federal Water Power Act creating the Federal Power Commission (FPC). The FPC becomes the licensing authority for hydroelectric projects in the U.S.

1934 The U.S. Congress enacts the Communications Act of 1934 replacing the Federal Radio Commission with the Federal Communications Commission (FCC) and transferring the regulation of interstate telephone services from the Interstate Commerce Commission to the FCC.

1935 The Federal Water Power Act is renamed the Federal Power Act (FPA). The FPC's jurisdiction is expanded to include regulation of all interstate electricity transmission and sales for resale of electric energy in interstate commerce. The FPA creates and empowers the Federal Power Commission (FPC), the Federal Energy Regulatory Commission's (FERC's) predecessor.

The U.S. Congress enacts the Public Utility Holding Company Act of 1935 (PUHCA 1935). It is enacted for three primary reasons: (1) to limit the size of holding companies; (2) to discourage noncontiguous holding companies; and (3) to prevent holding company abuses. This marks the beginning of federal regulation of the electric utility industry.

1968 FPC recommends formation of a council on power coordination made up of representatives from each of the nation's regional coordinating organizations, and the National Electric Reliability Council (NERC) is established by the electric utility industry, formalizing nine regional planning coordination guides.

1970 The Texas Interconnected System, a group of interconnected Texas utilities, forms the Electric Reliability Council of Texas (ERCOT) to comply with NERC requirements.

1975 Congress enacts the Energy Policy and Conservation Act of 1975 adopting building energy efficiency standards.

1977 Congress reorganizes the FPC creating the Federal Energy Regulatory Commission (FERC), charging it with overseeing the rates, terms, and conditions of wholesale sales and transmission of electric energy in interstate commerce. Generally, FERC has no jurisdiction over wholesale electricity trades in Texas because the state has few connections with the two major interstate grid systems in the U.S., the Eastern and Western Interconnect.

1978 The U.S. Congress enacts the National Energy Act of 1978, which is comprised of five Acts, including the Public Utility Regulatory Policies Act of 1978 (PURPA).

The PURPA opens the door for competition in the U.S. electric supply market by allowing nonutility generators that met certain FERC-set criteria to enter the wholesale market. PURPA provides certain small renewable resource and cogeneration facilities to be qualified facilities (QFs). QFs are allowed to sell electricity directly to their host utilities at the host utility's avoided cost, and interconnection of QFs is required. PURPA also requires the consideration of various conservation and energy efficiency measures.

1981 NERC changes its name to the North American Electric Reliability Council in recognition of Canada's participation.

1983 The U.S. District Court's Modified Final Judgment (MFJ) goes into effect requiring divestiture of Bell Operating Companies from AT&T.

After OPUC Creation

1984 AT&T divests of its twenty-two local phone companies, transferring ownership to seven Regional Bell Operating Companies (RBOCs) as a result of a Modification of Final Judgment resolving an antitrust lawsuit initiated by the U.S. Department of Justice.

1992 The Energy Policy Act of 1992 (EPAct 1992) is enacted. The EPAct 1992 creates a new class of electricity supplier, exempt wholesale generators (EWGs), and exempts EWGs from the PUHCA requirement of a single integrated contiguous electricity holding company, allowing

anyone selling wholesale power to own unregulated generation units. EAct 1992 also requires open transmission access to facilitate more efficient wholesale markets. EAct 1992 promotes conservation, efficiency, and competition in the electric power industry.

1996 FERC adopts Order 888 opening the national transmission system to wholesale suppliers and requiring all regulated utilities, along with unregulated utilities awaiting reciprocity, to provide open access and comparable transmission interconnection and service to generation units not owned by the regulated utilities. The order requires all public utilities that own, control or operate facilities used for transmitting electric energy in interstate commerce to have on file open access non-discriminatory transmission tariffs that contain minimum terms and conditions of non-discriminatory service, and permits public utilities and transmitting utilities to seek recovery of legitimate, prudent and verifiable stranded costs associated with providing open access and FPA Section 211 transmission services. FERC's goal is to remove impediments to competition in the wholesale bulk power marketplace and to bring more efficient, lower cost power to the Nation's electricity consumers.

FERC also adopts Order 889. The order establishes Open Access Same-Time Information System (OASIS) and prescribes standards of conduct for public utilities. The order requires public utilities to create or participate in an OASIS that will provide open access transmission customers with information about available transmission capacity, prices, and other information enabling them to obtain open access non-discriminatory transmission service.

ERCOT is endorsed by the PUCT and becomes the first ISO in the U.S.

The U.S. Congress enacts the Federal Telecommunications Act (FTA) of 1996 amending and repealing portions of the Communications Act of 1934. The FTA opens the telecommunications market to competition and overhauls the nation's telecommunications laws by amending the Communications Act of 1934. The FTA establishes standards for interconnection, resale, and functional unbundling of the network.

1999 FERC adopts Order 2000 encouraging, but not mandating, all privately-owned utilities to voluntarily place their transmission facilities under the control of a broader market entity, for grid operation, called a regional transmission organization (RTO). Currently, FERC oversees and regulates six RTOs or independent system operators (ISOs) in the U.S., and the seventh, the ERCOT, is primarily regulated by the PUCT ISO and RTO characteristics are similar, and in many cases, FERC uses the terms interchangeably; however, RTOs are intended to cover a large region and, in practice, tend to be multistate. Their functions generally include administering electricity transmission, managing and monitoring the competitiveness of wholesale markets for electricity and other services, and planning for long-term reliability.

2002 FERC proposes a Standard Market Design for all RTOs that establish standard procedures for wholesale markets.

2005 The Energy Policy Act of 2005 (EAct 2005) is enacted creating rules for mandatory and enforceable reliability standards for the interstate bulk-power system (BPS) and provides for FERC to certify an Electric Reliability Organization (ERO). FERC is given jurisdiction over all users,

owners and operators in the BPS, including utilities in the ERCOT system, which were not otherwise subject to FERC jurisdiction. The ERO is to be independent from the users, owners and operators of the BPS and draft FERC-approved reliability standards and impose FERC-approved penalties for violations of the reliability standards. The EPAct 2005 amends PURPA, the FPA, and repeals and replaces PUCHA 1935 with the PUHCA 2005.

2006 FERC issues Order 672, the final rule outlining requirements for certification of the ERO.

NERC files an application with FERC to become the ERO, and FERC certifies NERC as the ERO for the U.S. NERC develops and enforces mandatory electric reliability standards under FERC's oversight.

ERCOT applies to NERC to become the Regional Entity for Texas, and in doing so, establishes an independent and functionally separate division, the Texas Regional Entity (Texas RE), in accordance with the ERO rule.

2007 NERC changes its name to the North American Electric Reliability Corporation.

FERC issues Order No. 693 approving NERC's first reliability standards, 83 total, meeting FPA requirements.

FERC approves eight regional entity delegation agreements by which NERC will delegate its authority to monitor and enforce compliance with NERC Reliability Standards in the U.S.

NERC delegates authority to Texas RE. The delegation agreement includes a Compliance Monitoring and Enforcement Program to be used to monitor, assess, and enforce compliance with NERC Reliability Standards.

The Energy Independence and Security Act of 2007 provides for increased energy efficiency and the availability of renewable energy. Three key provisions enacted include the Corporate Average Fuel Economy Standards, the Renewable Fuel Standard, and the appliance and lighting efficiency standards.

2009 The U.S. Congress passes the American Recovery and Reinvestment Act of 2009 making supplemental appropriations for energy efficiency and smart grid technologies.

IV. Policymaking Structure

A. Complete the following chart providing information on your policymaking body members.

Not applicable (N/A). OPUC does not have a policymaking body. All policymaking decisions are made by the Public Counsel who serves as Executive Director of the agency.

B. Describe the primary role and responsibilities of your policymaking body.

N/A

C. How is the chair selected?

N/A

D. List any special circumstances or unique features about your policymaking body or its responsibilities.

N/A

E. In general, how often does your policymaking body meet? How many times did it meet in FY 2019? In FY 2020? Explain if the policymaking body met in-person or virtually during this time.

N/A

F. Please list or discuss all the training the members of the agency's policymaking body receive. How often do members receive this training?

N/A

G. What information is regularly presented to your policymaking body to keep them informed about the agency's operations and performance?

N/A

H. How does your policymaking body obtain input from the public regarding issues under the agency's jurisdiction? How is this input incorporated into the operations of your agency?

While OPUC does not have a policy making body, the Chief Executive and Public Counsel hosts an annual public meeting to receive comments from the public and stakeholders. All relevant comments are evaluated, and the comments and suggestions help inform OPUC in executing its statutory mission of representing residential and small commercial consumers in Texas.

I. If your policymaking body uses subcommittees or advisory committees to carry out its duties, fill in the following chart. See Exhibit 5 Example. For advisory committees, please note the date of creation for the committee, as well as the abolishment date as required by Texas Government Code, Section 2110.008.

N/A

In addition, please attach a copy of any reports filed by your agency under Texas Government Code, Section 2110.007 regarding an assessment of your advisory committees as Attachment 28.

N/A

V. Funding

A. Provide a brief description of your agency’s funding, including information about the most recent five percent budget reduction and any funding related to disaster relief or COVID-19, if applicable.

OPUC’s operations in fiscal year (FY) 2020-21 were funded by appropriations from the General Revenue Fund 0001 and the General Revenue Dedicated Account # 0153 – Water Resource Management. OPUC does not collect or levy any taxes or fees.

The agency met it’s 5% budget cut obligation by reducing the full amount from its appropriated funding for Appropriation Year 2020. The agency did not receive any reimbursement for any Covid 19 related expenses from any disaster related Covid 19 relief fund.

B. List all riders that significantly impact your agency’s budget.

N/A

C. Show your agency’s expenditures by strategy. See Exhibit 6 Example.

**Office of Public Utility Counsel
Exhibit 6: Expenditures by Strategy — Fiscal Year 2020 (Actual)**

Goal / Strategy	Amount Spent	Percent of Total	Contract Expenditures Included in Total Amount
A.1.1 Equitable Utility Rates	\$1,120,756	75%	\$211,226
B.1.1 Consumer Protection	\$366,696	25%	\$66,085
GRAND TOTAL:	\$1,487,452	100%	\$277,311

Table 6 Exhibit 6 Expenditures by Strategy

D. Show your agency’s sources of revenue. Include all local, state, and federal appropriations, all professional and operating fees, and all other sources of revenue collected by the agency, including taxes and fines. See Exhibit 7 Example.

**Office of Public Utility Counsel
Exhibit 7: Sources of Revenue — Fiscal Year 2020 (Actual)**

Source	Amount
N/A	(Number)
TOTAL	(Number)

Table 7 Exhibit 7 Sources of Revenue

E. If you receive funds from multiple federal programs, show the types of federal funding sources. See Exhibit 8 Example.

Office of Public Utility Counsel
Exhibit 8: Federal Funds — Fiscal Year 2020 (Actual)

Type of Fund	State / Federal Match Ratio	State Share	Federal Share	Total Funding
N/A	(Number)	(Number)	(Number)	(Number)
TOTAL		(Number)	(Number)	(Number)

Table 8 Exhibit 8 Federal Funds

F. If applicable, provide detailed information on fees collected by your agency. Please explain how much fee revenue is deposited/returned to the General Revenue Fund and why, if applicable. See Exhibit 9 Example.

Office of Public Utility Counsel
Exhibit 9: Fee Revenue — Fiscal Year 2020

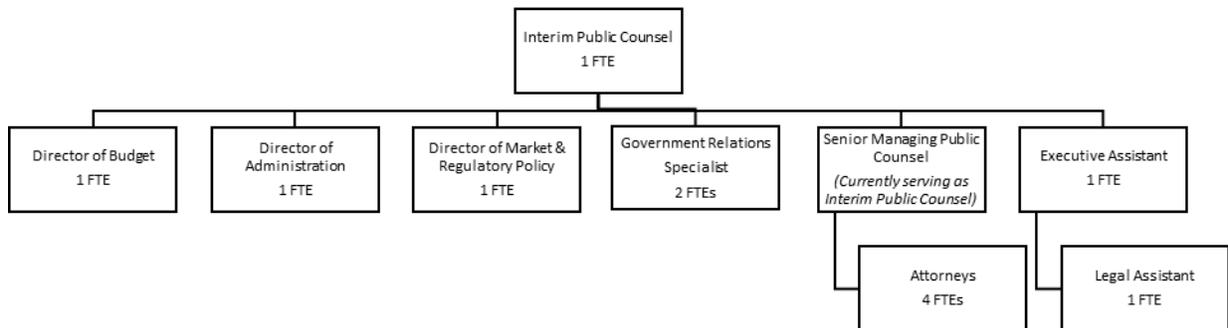
Fee Description/ Program/ Statutory Citation	Current Fee	Fees Set by Statute or Rule?	Statutory Maximum or Minimum	Number of Persons or Entities Paying Fee	Fee Revenue	Where Fee Revenue is Deposited <i>(e.g., General Revenue Fund)</i>
N/A	(Text)	(Text)	(Text)	(Number)	(Number)	(Text)

Table 9 Exhibit 9 Fee Revenue

VI. Organization

A. Provide an organizational chart that includes major programs and divisions, and shows the number of FTEs in each program or division. Detail should include, if possible, department heads with subordinates, and actual FTEs with budgeted FTEs in parenthesis.

Office of Public Utility Counsel Organizational Chart



B. If applicable, fill in the chart below listing field or regional offices. See Exhibit 10 Example.

Office of Public Utility Counsel
Exhibit 10: FTEs by Location — Fiscal Year 2021

Headquarters, Region, or Field Office	Location	Number of Budgeted FTEs FY 2021	Number of Actual FTEs (as of SER submission)
Headquarters	1701 N. Congress Ave., Ste 9-180, Austin TX 78701	20.5	12.0
		TOTAL: 20.5	TOTAL: 12.0

Table 10 Exhibit 10 FTEs by Location

C. What are your agency’s FTE caps for fiscal years 2019–22?

Fiscal Year	2019	2020	2021	2022
FTE Cap	25.5	20.5	20.5	25.5

D. How many temporary or contract employees did your agency have in fiscal year 2020? Please provide a short summary of the purpose of each position, the amount of expenditures per contract employee, and the procurement method of each position.

None.

E. List each of your agency’s key programs or functions, along with expenditures and FTEs by program. See Exhibit 11 Example.

**Office of Public Utility Counsel
Exhibit 11: List of Program FTEs and Expenditures — Fiscal Year 2020**

Program	Actual FTEs FY 2020	Budgeted FTEs FY 2021	Actual Expenditures FY 2020	Budgeted Expenditures FY 2021
A.1.1 Equitable Utility Rates	7.6	16.5	\$1,120,756	\$1,494,172
B.1.1 Consumer Protection	3.2	4.0	\$366,696	\$641,593
TOTAL	10.8	20.5	\$1,487,452	\$2,135,765

[Table 11 Exhibit 11 List of Program FTEs and Expenditures](#)

VII. Guide to Agency Programs

Complete this section for **each** agency program (or each agency function, activity, or service if more appropriate). Copy and paste questions A through P as many times as needed to discuss each program, activity, or function. Contact Sunset staff with any questions about applying this section to your agency.

A. Provide the following information at the beginning of each program description.

Name of Program or Function	Program Operations
Location/Division	1701 N. Congress Avenue, Suite 9-180 Austin, Texas 78711-2397
Contact Name	Janalee Paiz
Actual Expenditures, FY 2020	\$1,487,452
Number of FTEs as of August 31, 2020	12.0

B. What is the objective of this program or function? Describe the major activities performed under this program.

Please refer to Sections II.A. and II.B.

C. What evidence can you provide that shows the effectiveness and efficiency of this program or function? In Exhibit 12, provide a list of statistics and performance measures that best convey the effectiveness and efficiency of this program or function. Also, please provide the calculation or methodology behind each statistic or performance measure. Please refer to, but do not repeat measures listed in Exhibit 2.

Office of Public Utility Counsel
Exhibit 12: Program Statistics and Performance Measures — Fiscal Year 2020

Program Statistics or Performance Measures	Dataset Reference Number* (if applicable)	Calculation (if applicable)	FY 2020 Target	FY 2020 Actual Performance	FY 2020 % of Annual Target
Current Year Bill Savings (in Millions)	N/A	(Number)	\$18 M	\$1,179,758,427	655.4%

Table 12 Exhibit 12 Program Statistics and Performance Measures *See Exhibit 3

D. Describe any important history regarding this program not included in the general agency history section, including how the services or functions have changed from the original intent. If the response to Section III of this report is sufficient, please leave this section blank.

N/A

E. List any qualifications or eligibility requirements for persons or entities affected by this program, such as licensees, consumers, landowners, for example. Provide a statistical breakdown of persons or entities affected.

These programs affect residential and small commercial consumers who purchase electric, telecommunication, and water and wastewater services in Texas. The only qualification or eligibility requirement is that a person is either a Texas residential or small commercial consumer of these utility services. Consumers can be denied utility service if they have failed to pay for previously provided service, and failure to render payments can result in customer utility service disconnections.

F. Describe how your program or function is administered, including a description of the processes involved in the program or function. Include flowcharts, timelines, or other illustrations as necessary to describe agency policies and procedures. Indicate how field/regional services are used, if applicable.

OPUC participates in various activities each year, including utility rate-related contested case proceedings at the PUCT and SOAH, utility rate and consumer-related rulemaking and policy projects at the PUCT, appeals of PUCT decisions in state court, and the stakeholder and board governance processes at ERCOT and Texas RE.

In contested case proceedings at the PUCT and SOAH, and appeals of PUCT decisions in state court, OPUC provides legal representation and technical expertise to represent, protect, and promote consumer interests, which includes ensuring that consumers pay just and reasonable utility rates. In rulemaking and policy projects at the PUCT, OPUC provides policy, regulatory, legal and technical expertise to represent, protect, and promote consumer interests, which includes ensuring adequate customer protection safeguards.

In addition to OPUC's extensive representation of consumers at the PUCT, SOAH, and state courts, the agency is also an active participant in the ERCOT stakeholder and board governance processes. ERCOT is the Independent System Operator for ninety percent (90%) of the state's electric grid. OPUC's Chief Executive and Public Counsel serves as an ex-officio voting member of the ERCOT Board of Directors. OPUC also has dedicated staff that represents residential consumer interests as a voting member in the ERCOT stakeholder process and a representative that is appointed by OPUC's Chief Executive and Public Counsel to represent residential consumer interests at ERCOT's Technical Advisory Committee.

G. Identify all funding sources and amounts for the program or function, including federal grants and pass-through monies. Describe any funding formulas or funding conventions. For state funding sources, please specify (e.g., general revenue, appropriations rider, budget strategy, fees/dues).

For fiscal years 2020 and 2021, OPUC was funded by approximately 77% of the appropriated funding coming from the General Revenue Fund 0001 and 23% from the General Revenue Dedicated Account # 0153 – Water Resource Management Account.

OPUC does not collect or levy any taxes or fees.

H. Identify any programs, internal or external to your agency, that provide identical or similar services or functions to the target population. Describe the similarities and differences.

Please refer to Section II.E.

I. Discuss how the program or function is coordinating its activities to avoid duplication or conflict with the other programs listed in Question H and with the agency's customers. If applicable, briefly discuss any memorandums of understanding (MOUs), interagency agreements, or interagency contracts.

Please refer to Section II.E.

J. If the program or function works with local, regional, or federal units of government, include a brief description of these entities and their relationship to the agency.

Please refer to Section II.E.

K. If contracted expenditures are made through this program please provide

- **a short summary of the general purpose of those contracts overall;**

OPUC utilizes outside consultants and expert witnesses to effectively represent residential and small commercial consumers in contested utility proceedings before PUCT and SOAH, and in rulemakings before the PUCT.

- **the amount of those expenditures in fiscal year 2020;**

OPUC expended a total of \$277,310.50 in FY20.

- **the number of contracts accounting for those expenditures;**

OPUC had a total of 22 expert witness contracts and 1 expert witness consulting contract during FY20.

- **the method used to procure contracts;**

OPUC's expert witness contracts are considered exempt pursuant to Tex. Gov't Code § 2151.005.

- **top five contracts by dollar amount, including contractor and purpose;**

\$55,000	PUC D-50557	NewGen Strategies	Legal Expert Witness
\$55,000	PUC D-50200	NewGen Strategies	Legal Expert Witness
\$48,840	PUC D-49916	Norwood Consulting	Legal Expert Witness
\$37,850	PUC D-49831	MCPM Economics	Legal Expert Witness
\$37,500	PUC D-49887	NewGen Strategies	Legal Expert Witness

- **the methods used to ensure accountability for funding and performance; and**

Legal expert witnesses are required to submit monthly invoices that are reviewed by the lead attorney in the case, the Director of Administration, and the Chief Executive and Public Counsel before payment is made. Each legal expert witness is required to submit a work product that is approved by OPUC.

- **a short description of any current contracting problems.**

OPUC currently has no contracting problems.

L. Provide information on any grants awarded by the program.

N/A

M. Are there any barriers or challenges that impede the program’s performance, including any outdated or ineffective state laws? Explain.

OPUC is currently not aware of any outdated or ineffective state laws that poses a barrier or impediment to the agency’s key functions and operations. However, as stated earlier, OPUC would like to participate in more water and wastewater utility cases on behalf of residential and small commercial consumers. Because of budgetary constraints, OPUC presently participates in all Class A and most Class B water and wastewater ratemaking proceedings before the PUCT and SOAH. OPUC would like to extend its level of participation to include certain Class C water and wastewater utility cases. Class C rate filings apply to water and wastewater utilities with 500 to 2,299 taps or connections. Texas Water Code § 13.002(4-c). Because of the number of residents at the upper end of the Class C spectrum that are likely to be affected, OPUC would like to be able to participate in some of these cases given adequate attorney manpower resources and the monetary means to retain outside experts to litigate the cases.

Additionally, one of the stated statutory duties of OPUC is to “represent an individual residential or small commercial consumer with respect to the consumer's disputed complaint concerning utility services that is unresolved before the commission.” Texas Utilities Code § 13.003(a)(7). This is one area where OPUC’s involvement in targeted individual complaints may be beneficial to residential and small commercial consumers. OPUC has been very selective in its representation to achieve its statutory goal by representing residential and small commercial consumers as a class to maximize efficiencies at the least cost. However, OPUC’s representation may be equally deserving in individual complaints before the PUCT involving residential and small commercial consumers. This is one area OPUC intends to improve on barring budgetary and staffing constraints in the near future.

N. Provide any additional information needed to gain a preliminary understanding of the program or function.

N/A

O. Regulatory programs relate to the licensing, registration, certification, or permitting of a person, business, or other entity. For each regulatory program, if applicable, describe

- why the regulation is needed;
- the scope of, and procedures for, inspections or audits of regulated entities;
- follow-up activities conducted when non-compliance is identified;
- sanctions available to the agency to ensure compliance; and
- procedures for handling consumer/public complaints against regulated entities.

N/A

P. For each regulatory program, if applicable, provide detailed information on complaint investigation and resolution. Please adjust the chart headings as needed to better reflect your agency’s particular programs. Please briefly explain or define terms as used by your agency, such as complaint, grievance, investigation, enforcement action, jurisdictional, etc. If necessary to understand the data, please include a brief description of the methodology supporting each measure. See Exhibit 13 Example.

N/A

**Office of Public Utility Counsel
(Regulatory Program Name)
Exhibit 13: Information on Complaints Against Regulated Persons or Entities
Fiscal Years 2019 and 2020**

	Fiscal Year 2019	Fiscal Year 2020
Total number of regulated persons	(number)	(number)
Total number of regulated entities	(number)	(number)
Total number of entities inspected	(number)	(number)
Total number of complaints received from the public	(number)	(number)
Total number of complaints initiated by agency	(number)	(number)
Number of complaints pending from prior years	(number)	(number)
Number of complaints found to be non-jurisdictional	(number)	(number)
Number of jurisdictional complaints	(number)	(number)
Number of jurisdictional complaints found to be without merit	(number)	(number)
Number of complaints resolved	(number)	(number)
Average number of days for complaint resolution	(number)	(number)

Self-Evaluation Report

	Fiscal Year 2019	Fiscal Year 2020
Complaints resulting in disciplinary action:	(number)	(number)
administrative penalty	(number)	(number)
reprimand	(number)	(number)
probation	(number)	(number)
suspension	(number)	(number)
revocation	(number)	(number)
other	(number)	(number)

Table 13 Exhibit 13 Information on Complaints Against Persons or Entities

VIII. Statutory Authority and Recent Legislation

A. Fill in the following charts, listing citations for all state and federal statutes that grant authority to or otherwise significantly impact your agency. Do not include general state statutes that apply to all agencies, such as the Public Information Act, the Open Meetings Act, or the Administrative Procedure Act. Provide information on Attorney General opinions from FY 2015–2020, or earlier significant Attorney General opinions, that affect your agency’s operations.

**Office of Public Utility Counsel
Exhibit 14: Statutes / Attorney General Opinions**

Statutes

Citation / Title	Authority / Impact on Agency <i>(e.g., “provides authority to license and regulate nursing home administrators”)</i>
Tex. Util. Code Ann. Ch. 13	OPUC’s enabling statute.
Tex. Water Code Ann. Ch. 13	Granting OPUC authority to represent residential and small commercial consumers in water utility rate-related cases and services.
Tex. Util. Code Ann. Ch. 101 § 051 – 054.	Granting OPUC authority to intervene before the Railroad Commission in gas utility cases, at the request of a municipality.

Table 14 Exhibit 14 Statutes

Attorney General Opinions

Attorney General Opinion No.	Impact on Agency
(Text)	(Text)

Table 15 Exhibit 14 Attorney General Opinions

B. Provide a summary of significant legislation regarding your agency by filling in the charts below or attaching information already available in an agency-developed format. Briefly summarize the key provisions. For bills that did not pass but were significant, briefly explain the key provisions and issues that resulted in failure of the bill to pass (e.g., opposition to a new fee, or high cost of implementation). Place an asterisk next to bills that could have a major impact on the agency. See Exhibit 15 Example.

**Office of Public Utility Counsel
Exhibit 15: 87th Legislative Session**

Legislation Enacted

Bill Number	Author	Summary of Key Provisions
SB 2	Hancock	Changes ERCOT Governance. Requires Governor and legislative leadership to appoint a selection committee to identify board candidates. The board will be composed of the PUCT Chair, OPUC's Public Counsel, ERCOT CEO, and 8 unaffiliated members selected by the selection committee. Requires PUCT approval of ERCOT rules and enforcement measures.
SB 3	Schwertner	Multiple provisions address a number of issues related to weatherization, grid reliability, and disaster response, including: 1) Power Outage Alert system administered by TDEM with guidance from the PUCT; 2) Establishment of the Texas Energy Reliability Council to oversee grid reliability with the Public Counsel of OPUC as a member; 3) Identifying and designating critical natural gas facilities; 4) Weather maintenance requirements for ERCOT generators with PUCT authority to penalize generation facilities \$1 million a day for failing to weatherize; 5) Review of ERCOT Ancillary services; 6) Establishment of the Texas Electricity Supply Chain Security and Mapping Committee; 7) Ensure sufficient dispatchable generation an review of wholesale pricing; 8) Requirements for non-residential Distributed Generation to register with ERCOT and the TDSP; and 9) Protection for water utility customers from late fees and disconnections for nonpayment during an extreme weather event.
SB 415	Hancock	Clarifies ownership or operation of energy storage by a Transmission and Distribution Utility allowing for contractual arrangements between a power generating company and a TDU.
SB 713	Buckingham	Moves the Sunset Date for the PUC, OPUC, and ERCOT up two years from 2025 to 2023.
SB 760	Springer	Requires a solar power facility agreement to provide that the grantee was responsible for removing solar power facilities from the landowner's property.
SB 1202	Hancock	Makes clear that EV charging stations can provide charging services to their customers. Clarifies that they are not and should not be considered electric utilities or retail electric providers (REP).
SB 1281	Hancock	Requires a cost-benefit analysis of consumer benefits as a consideration for granting a CCN for a transmission line in ERCOT proposed for economic reasons. Requires biennial grid reliability assessment from ERCOT.
SB 387	Schwertner	Allows for appeals to the PUCT when a municipality takes over an area and there is a rate change to the customers being taken over by the municipality

Bill Number	Author	Summary of Key Provisions
SB 997	Nichols	The PUCT's jurisdiction over wholesale water and sewer rates requires that such rates/contracts be found by the PUCT to violate the public interest in order to trigger the agency's jurisdiction to set reasonable rates. This bill amends Texas Water Code Chapter 13 to specify that a finding by the PUCT that a water rate is in violation of the public interest is a final ruling for purposes of appeal, and that judicial review of a public interest finding will be de novo.
SB 2154	Schwertner	Increases the number of PUCT Commissioners from 3 to 5.
HB 16	Hernandez	Requires a cost-benefit analysis of consumer benefits as a consideration for granting a CCN for a transmission line in ERCOT proposed for economic reasons. Requires biennial grid reliability assessment from ERCOT.
HB 872	Bernal	Rather than require a consumer to request that their information be categorized as confidential, which is current statute, HB 872 requires that a government-operated utility may not disclose certain customer information unless the consumer specifically requests it. This information includes whether services have been discontinued or are eligible for disconnection by the government-operated utility or collected as part of an advanced metering system for usage, services, and billing, including amounts billed or collected.
HB 1505	Paddie	Establishes the Texas Broadband Pole Replacement Program to speed the deployment of broadband services to individuals in rural areas by reimbursing a portion of eligible pole replacement costs incurred by pole owners or providers of qualifying broadband services.
HB 1510	Metcalf	Provides a mechanism for non-ERCOT TDUs to securitize storm recovery costs related to Winter Storm Uri.
HB 1572	Craddick	Exempts mobile generators (e.g., at a construction site or oil well) from definitions of REP and utility.
HB 2586	Thierry	Requires the PUCT to have an independent audit made of ERCOT each year, to be published on the PUCT website and submitted to the Legislature.
HB 3648	Geren	Requires PUCT and RRC to designate certain gas entities and facilities as critical during an energy emergency - PUCT and RRC granted rulemaking authority.
HB 4492	Paddie	Directs an investment from the Economic Stabilization Fund to cover ERCOT short pay amounts and repay that investment with interest. Provides a mechanism for financing reliability deployment price adder charges and high ancillary services charges from Winter Storm Uri.
HB 837	Lucio	Adds a requirement to the Texas Water Code that the PUCT require a petitioner for the release of land from a CCN to submit a report to the verifying that the award compensation, if applicable, has been paid to the decertified public retail utility. Adds a requirement that the PUCT require by rule a municipality or franchised utility, which has been granted single certification of an incorporated or annexed area to submit a report verifying that the municipality of franchised utility has paid all required adequate and just compensation to the retail public utility, which previously held the CCN.

Bill Number	Author	Summary of Key Provisions
HB 1484	Metcalf	Amends the Water Code to authorize a person who files an applicable application with the PUCT for the purchase or acquisition of certain water or sewer systems to request that the regulatory authority with original jurisdiction over the rates for water or sewer service provided by the person to such a system's customers authorize the person to charge initial rates for the service that are as follows: shown in a tariff filed with a regulatory authority by the person for another water or sewer system; and in force for the other system on the date they apply. The regulatory authority may not require a person who makes such a request to initiate a new rate proceeding to establish the initial rates for service the person will provide to the customers of the purchased or acquired system.
HB 3853	Anderson	Creates a process requiring submission of a plan to the PUCT by electric utilities who choose to elect to install middle mile broadband, which once approved, would have an impact on utility consumer rates.

Table 16 Exhibit 15 Legislation Enacted 87th Leg**Legislation Not Passed**

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
HB 2667	Smithee	Amends the Utilities Code to subject each provider of Voice over Internet Protocol (VoIP) service that has access to the customer base to the uniform charge imposed on certain telecommunications providers to fund the Texas universal service fund (TUSF). With respect to the uniform charge generally, the bill prohibits the PUCT from assessing the charge in a manner that is not technology-neutral or that grants an unreasonable preference based on technology.
HB 425	King, Ken	Broadband providers are made eligible for monetary disbursements from the TUSF to make broadband service rates in rural areas comparable with national averages. The Commission is given jurisdictional authority over broadband providers. Participating broadband providers will have the same uniform charge to be paid as telecom providers; however, the Commission may choose to establish separate charges for broadband and telecom providers.
HB 3650	Lucio	Would move water and sewer ratemaking powers from the PUCT back to the TCEQ. Undetermined whether OPUC would represent residential water consumers in ratemaking cases before the TCEQ, as they have their own Public Interest Counsel.
SB 985	Buckingham	Requires the PUCT to review emergency preparedness plans to determine what updates need to be made and submit its findings to the legislature on an annual basis.
SB 1029	Huffman	Clarifies that a residential on-site solar device is entitled to the prescribed tax exemption regardless of whether the device is purchased or leased. This clarification ensures the equal application of the device exemption and encourages on-site electricity generation and use.
SB 1278	Hancock	Directs the PUCT to direct ERCOT to assign the cost of ancillary services attributable to intermittent resources and procure additional ones that would "firm up" the deliverability of these intermittent resources during peak demand periods. This would be done by requiring the intermittent generation to directly purchase this new "firming" ancillary service from dispatchable generators.

Bill Number	Author	Summary of Key Provisions / Reason Bill Did Not Pass
SB 1282	Hancock	Requires the PUCT to establish a reasonable allowance for capital costs incurred to interconnect generation resources and electric energy storage resources under Utilities Code sec. 35.152(a) with the ERCOT transmission system, which would have to include costs of direct interconnection of the generator to the system and upgrades directly caused by the interconnection. Any costs that exceeded the allowance would have to be borne directly by the generation resource or electric energy storage resource receiving interconnection service through the facilities.

Table 17 Exhibit 15 Legislation Not Passed 87th Leg

IX. Major Issues

ISSUE 1: Should OPUC's statutory authority to represent residential and small commercial customers in electric and telecommunications proceedings before the Public Utility Commission, federal regulatory agencies and courts be expanded to advocate for residential and small commercial consumers of broadband?

The Legislature and Governor of Texas recently placed an added emphasis on access to broadband service, and particularly rural broadband access across the state. With the passage of House Bill 5 in the 87th Legislative Session, the Broadband Development Office was established in the Office of the Comptroller of Public Accounts and tasked with publishing a state broadband plan; creating, annually updating, and publishing a broadband development map to classify areas in Texas as eligible for broadband expansion assistance; and establishing a broadband development program to award grants, loans, and other financial incentives to applicants in areas eligible for assistance. In addition, legislation was passed to establish a Texas Broadband Pole Replacement Program for rural areas and encourage electric utilities to own, construct, maintain, and operate fiber facilities and to lease excess fiber capacity to internet service providers for the provision of middle mile broadband service in underserved areas. These actions will have an impact on residential and small commercial utility consumers.

The costs of broadband projects could impact future rates for electric utility consumers and potentially drive-up costs for transmission and distribution projects, as well as end-use broadband consumers. The PUCT does not currently regulate internet broadband service and OPUC does not have explicit statutory authority to intervene on behalf of consumers of digital broadband internet service. While OPUC can intervene on behalf of residential and small commercial electric utility consumers, there are questions regarding legislative intent. Is it the Legislature's desire to increase rural broadband access through subsidies paid for by residential and small commercial utility consumers or does OPUC have authority to intervene on behalf of these residents? Can OPUC intervene on behalf of consumers of electric utilities that own, construct, maintain, and operate middle mile broadband if these utilities are serving areas of the state that are not identified as underserved by the reports and maps developed by the Comptroller's Broadband Development Office? To what extent should OPUC participate in this process and work with the Broadband Development Office? Additional statutory guidance is likely necessary.

ISSUE 2: Currently the PUCT has jurisdiction over water and wastewater utility rate cases, but legislation has been introduced and changes have been discussed that would transfer this authority back to the TCEQ. How would this impact consumers and affect OPUC's ability to effectively represent the state's residential and small commercial consumers?

In 2011, the Legislature passed Senate Bill 567, which transferred regulation of water utility rates from the TCEQ to the PUCT. As a result of this change, OPUC was tasked and has been significantly involved in litigating water utility rate cases at the PUCT. OPUC's participation in water utility rate cases is critically important for residential consumers because the agency is the only entity statutorily charged with representing residential and small commercial consumers

in water utility rate cases. Should jurisdiction over water rate cases be moved from the PUCT back to the TCEQ, as some legislative efforts have proposed, it is questionable that OPUC would continue to represent residential and small commercial consumers in these rate cases because the TCEQ has its own consumer advocacy counsel, Office of Public Interest Counsel (OPIC).

The transfer of water and wastewater utility rate cases in 2011 from the TCEQ to the PUCT was pushed for and advocated by residential consumers who felt they did not have adequate class representation before the TCEQ. While OPIC assists consumers in cases before the TCEQ, they ultimately fall under the jurisdiction of the TCEQ and must follow the orders of the TCEQ whereas OPUC is an independent agency outside of the PUCT that can appeal PUCT decisions. Should legislation transfer water and wastewater rate cases back to the jurisdiction of the TCEQ, residential consumers would likely have fewer appeal options in rate cases, potentially receive less favorable settlement offers, and possibly face higher utility rates as a result unless an outside, independent agency like OPUC were to have explicit statutory authority to continue to represent these consumers.

ISSUE 3: How can critical grid information for consumers best be relayed and shared during a weather or energy emergency between ERCOT, TDEM, the PUCT, and OPUC? What barriers exist that prevent communication of critical information from ERCOT to OPUC?

Power outages such as those experienced during Winter Storm Uri in February of 2021 disproportionately impact residential consumers and low-income consumers (See Attachment: February 2021 Severe Winter Weather Event). Many of these consumers found themselves without electricity for many consecutive hours, if not days, during freezing temperatures, as ERCOT requested load shedding in order to protect the grid. OPUC used all the tools at its disposal to communicate accurate and timely information to residential consumers during this crisis, but that information had to be gathered piecemeal by the agency through various media reports and contacts with various individuals near the decision-making process. There was no coordinated effort by ERCOT or the PUCT to provide information or updates that included the Chief Executive and Public Counsel in their assessment of the grid or the length of potential outages for some consumers.

ERCOT protocols should provide a chain of command and procedures to ensure reliable and accurate information about grid conditions is available to the Chief Executive and Public Counsel (also an ERCOT Board Member) in real time. As a result, OPUC would be able to relay this information to residential consumers through outreach efforts including traditional press media, press conferences and press releases, and social media. OPUC should have the same access to grid information affecting residential consumers as legislative offices, PUCT Commissioners, and other ERCOT Board members. Participation as a member of the Texas Energy Reliability Council as established by SB 3 will likely alleviate some of these issues.

ISSUE 4: How can ERCOT better manage the reliability and affordability concerns of the residential and small commercial consumers it serves and how can the Chief Executive and Public Counsel best represent these consumers as an ERCOT Board Member?

OPUC believes, in the simplest of terms, that ERCOT must recognize that increasing the reliability of the grid comes at a cost that will inevitably trickle down to every user of the grid, and ERCOT must find the most cost-effective ways to increase reliability because Texas consumers will have to pay for these changes. Further, as the agency tasked with representing Texas residential and small commercial electricity consumers, it is vital that OPUC be involved as an ERCOT Board Member to communicate the concerns of Texans who cannot represent their own market interests.

X. Other Contacts

A. Fill in the following charts with updated information on people with an interest in your agency, and be sure to include the most recent email address.

**Office of Public Utility Counsel
Exhibit 16: Contacts**

INTEREST GROUPS			
(Groups affected by agency actions or that represent others served by or affected by agency actions)			
Group or Association Name/Contact Person	Address	Telephone	E-mail Address
AARP Tim Morstad	1905 Aldrich, Suite 210 Austin, Texas 78723	512-480-2436	TMorstad@aarp.org
Alliance for Retail Markets (ARM) Carrie Collier Brown	701 Brazos, Suite 970 Austin, Texas 78701	512-479-9995	Carrie.collierbrown@lockelord.com
American Electric Power (AEP) Pablo Vegas	539 N. Carancahua Corpus Christi, Texas 78478	361-881-5321	pvegas@aep.com
Association of Electric Companies of Texas (AECT) J.P. Urban	1005 Congress, Suite 600 Austin, Texas 78701	512-474-6725	Jp@aect.net
CenterPoint Energy Mickey Moon	1005 Congress Ave, Ste. 650 Austin, TX 78701 P.O. Box 4567 Houston, TX 77210	512-397-3001 512-397-3032 713-207-1502 713-207-7347	Mickey.moon@centerpointenergy.com
El Paso Electric (EPE) Judith Parsons	123 W. Mills El Paso, TX 79901	512-391-1571	Judith.parsons@epectric.com
Entergy Texas, Inc. (ETI) Erika Garcia	919 Congress Avenue, Suite 840 Austin, TX 78701	512-487-3998	Egarcia6@entergy.com
ERCOT Brad Jones	7620 Metro Center Dr. Austin, TX 78744	512-225-7000	Bradley.jones@ercot.com

Self-Evaluation Report

Gulf Coast Power Association (GCPA) Kim Casey	Navigant Consulting 98 San Jacinto, Suite 900 Austin, TX 78701	512-472-3400	kcasey@gulfcoastpower.org
Gexa Energy Steve Crawford	20 Greenway Plaza Suite 600 Houston, Texas 77046	713-401-5723	Steve.crawford@neteraenergy.com
Green Mountain Energy Matthew Hutchinson	3815 Capital of Texas Highway South, Suite 100 Austin, TX 78704	512-691-6120	Matthew.hutchinson@greenmountain.com
Lower Colorado River Authority (LCRA) Emily Jolly	P.O. Box 220 Austin, TX 78767	512-473-4033	Emily.jolly@lcra.org
NRG Texas	1001 Congress Ave., Suite 360 Austin, TX 78701	713-537-3000	Jessical.oney@nrg.com
NFIB	400 West 15 th St., #804 Austin, TX 78701	512-476-9847	John.mccord@nisb.org
Oncor	1005 Congress Ave, Ste 700 Austin, Texas 78701	512-349-6430	lizjones@oncor.com
Public Citizen Texas	1303 San Antonio Street Austin, Texas 78701	713-702-8063	ashelly@citizen.org
Reliant	1005 Congress Ave, Ste 1000 Austin, Texas 78701	512-494-3001	Kristina.rollins@nrg.com
Southwestern Public Service (SPS)	816 Congress Avenue, Suite 1650 Austin, TX 78701	512-478-9229	Jeremiah.w.cunningham@xcelenergy.com
Southwestern Electric Power Company (SWEPCO)	400 West 15 th Street, Suite 1520 Austin, TX 78701	512-481-4545	gthughes@aep.com
Tenaska Power Generation	1701 East Lamar Blvd., Suite 100 Arlington, TX 76006	817-462-1500	bcox@tnsk.com
Texas Competitive Power Advocates (TCPA) Michele Gregg Richmond	1001 Congress Avenue Austin, TX 78701	512-320-9918	michele@competitivepower.org
Texas Electric Cooperatives (TEC) Julia Harvey	1122 Colorado St., 24th Floor Austin, TX 78701	512-454-0311	jharvey@texas-ec.org

Texas Legal Services Center (TLSC)	1920 E Riverside Dr Ste. 120 Austin, TX 78741	512-637-6753	kmiller@tlsc.org
Texas Energy Assoc. of Marketers (TEAM) Cathy Webking	303 Colorado Street Ste. 1540 Austin, TX 78701	512-495-6300	cwebking@scottdoug.com
Texas Industrial Energy Consumers (TIEC) Katie Coleman	303 Colorado St., Ste. 2750	737-261-8625	kcoleman@omm.com
Texas Municipal Power Agency (TMPA)	2751 Nash Street, Suite 130 Bryan, Texas 77820	512-322-5830	ltownsend@lglawfirm.com
Texas-New Mexico Power Company (TNMP)	225 E. John Carpenter Frwy, #1500 Irving, Texas 75062-2282	469-484-8577	Scott.seamster@pnmresources.com
Texas Public Power Association (TPPA) Taylor Kilroy	P.O Box 82768 Austin, TX 78708	512-472-5965	tkilroy@tpa.com
Texas Ratepayers Organization to Save Energy (TX ROSE)	815 Brazos Street, Ste 1100 Austin, Texas 78701-2509	512-472-5233	sharrush@mail.utexas.edu
Texas Telephone Association (TTA)	1001 Congress Avenue, Ste 450 Austin, Texas 78701	512-472-1186	donley@namanhowell.com
TXU Energy	1001 Congress Avenue, Ste 450 Austin, Texas 78701 6555 Sierra Blvd., 3 rd Floor Irving, TX 75039	512-349-6449	John.munn@txu.com

Interagency, State, or National Associations

(that serve as an information clearinghouse or regularly interact with your agency)

Group or Association Name/Contact Person	Address	Telephone	Email Address
Public Utility Commission of Texas (PUCT) Mike Hoke	1701 N. Congress Ave. Austin TX 78701	512-936-7000	mike.hoke@puc.texas.gov
ERCOT Lindsey Hughes	7620 Metro Center Drive Austin, Texas 78744	512-225-7040	Lindsey.hughes@ercot.com
National Association of State Utility Consumer Advocates (NASUCA) David Springe	8380 Colesville Road, Ste 101 Silver Spring, MD 20910	301- 589-6313	david.springe@nasuca.org
National Association of Regulatory Utility Commissioners (NARUC)	1101 Vermont Ave. NW, Ste 200 Washington, D.C. 20005	202-898-2208	www.naruc.org

Table 19 Exhibit 16 Interagency, State, and National Association

Liaisons at Other State Agencies

(with which your agency maintains an ongoing relationship, e.g., the agency's assigned analyst at the Legislative Budget Board, or attorney at the Attorney General's office)

Agency Name / Relationship/ Contact Person	Address	Telephone	Email Address
Governor's Office Ryland Ramos Sarah Hicks Courtney Hjaltman	1100 San Jacinto Austin, Texas 78701	512-463-2000	Ryland.ramos@gov.texas.gov Sarah.hicks@gov.texas.gov Courtney.hjaltman@gov.texas.gov
Legislative Budget Board (LBB) Dushyanth Reddivari	1501 Congress Ave #5, Austin, TX 78701	512-463-9349	Dushyanth.reddivari@lbb.texas.gov
Public Utility Commission (PUCT) Thomas Gleeson, Chris Burch, Andrew Barlow, Mike Hoke	1701 N. Congress Avenue 7th Floor Austin, TX 78701	512-936-7000	Thomas.gleeson@puc.texas.gov Chris.burch@puc.texas.gov Andrew.Barlow@puc.texas.gov Mike.hoke@puc.texas.gov
Office of Attorney General (OAG) Caroline Riggs	300 W 15th St, Austin, TX 78701	512-463-2100	Caroline.riggs@oag.texas.gov

Agency Name / Relationship/ Contact Person	Address	Telephone	Email Address
Texas Dept. of Housing and Community Affairs (TDHCA) Colin Nickells	221 E 11th St, Austin, TX 78701	512-475-3800	Colin.nickells@tdhca.state.tx.us
Lieutenant Governor's Office Lauren Fleming, Debra Mamula Steven Aranyi	1400 Congress Ave, Austin, TX 78701	512-463-0001	Lauren.Fleming@ltgov.texas.gov Debra.Mamula@ltgov.texas.gov Steven.aranyi@ltgov.texas.gov
Speaker's Office Jay Dyer	1100 Congress Ave, Austin, TX 78701	512-658-0017	Jay.Dyer@speaker.texas.gov

Table 20 Exhibit 16 Liaisons at Other State Agencies

XI. Additional Information

A. Texas Government Code, Section 325.0075 requires agencies under review to submit a report about their reporting requirements to Sunset with the same due date as the SER. Include a list of each agency-specific report that the agency is required by statute to prepare and an evaluation of the need for each report based on whether factors or conditions have changed since the statutory requirement was put in place. Please do not include general reporting requirements applicable to all agencies, reports that have an expiration date, routine notifications or notices, posting requirements, federally mandated reports, or reports required by G.A.A. rider. If the list is longer than one page, please include it as an attachment. See Exhibit 17 Example.

Office of Public Utility Counsel
Exhibit 17: Evaluation of Agency Reporting Requirements

Report Title	Legal Authority	Due Date and Frequency	Recipient	Description	Is the Report Still Needed? Why?
OPUC's Annual Report	PURA § 13.063	Annually	Senate Business and Commerce Committee, Senate Water and Rural Affairs Committee, Senate Finance Committee, House State Affairs Committee, House Natural Resources Committee, House Appropriations Committee	This report provides an overview of our agency's representation of residential and small commercial consumers in the electric, water, wastewater, and telecommunications utility industries during the past fiscal year.	Yes

Table 21 Exhibit 17 Agency Reporting Requirements

Note: If more than one page of space is needed, please provide this chart as an attachment, and feel free to convert it to landscape orientation or transfer it to an Excel file.

B. Does the agency's statute use "person-first respectful language" as required by Texas Government Code, Section 325.0123? Please explain and include any statutory provisions that prohibit these changes.

N/A

C. Please describe how your agency receives and investigates complaints about the agency and its operations.

OPUC's COMPLAINT POLICY AND PROCEDURES

Policy

State law requires the agency to maintain a system to promptly and efficiently act on complaints that the agency has the authority to resolve. *See*, PURA § 13.005. The office shall maintain information about parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation of the complaint, and its disposition. The agency's policy and procedures on complaints shall be made available. Parties to the complaint shall be periodically notified of the status of the complaint until final resolution.

Procedures

Any employee of the agency receiving or initiating a complaint against the Office of Public Utility Counsel shall forward the complaint including contact information of the complainant to the Chief Executive and Public Counsel, the Deputy Public Counsel, or the Business Manager. The Chief Executive and Public Counsel will direct a review or investigation be conducted to determine the facts of the complaint. The Chief Executive and Public Counsel will receive, process, and resolve complaints in a fair and prompt manner, thus ensuring that the complaint will be heard, problems will be discussed, and corrective action will be taken, if necessary. The parties will be initially notified of the status of the complaint and periodically thereafter until the complaint is resolved. The agency will maintain information about the parties to the complaint, the subject matter of the complaint, a summary of the results of the review or investigation, and its disposition consistent with the agency's retention schedule.

ALTERNATIVE DISPUTE RESOLUTION

The agency encourages the use of Alternative Dispute Resolution (ADR), where appropriate, for complaints that the agency has the authority to resolve, including but not limited to, internal employee grievances, inter-agency conflicts, contract disputes, and actual or potential contested matters. A complainant who has a complaint that the agency has the authority to resolve (this specifically excludes complaints regarding electric and telecommunications service by consumers) may request the agency participate in ADR. Use of ADR should comply with following policy and procedures:

1. Any resolution reached as a result of ADR procedure should be through voluntary agreement of the parties.
2. ADR procedures should be consistent with the Government Dispute Resolution Act (GDRA), Tex. Gov't Code, Ch. 2009; Alternative Dispute Resolution Procedure (ADRP), Tex. Civil Prac. & Rem. Code, Ch. 154; and the Administrative Procedure Act (APA), Tex. Govt. Code, Ch. 2001.
3. ADR procedures are intended to supplement and not limit other dispute resolution procedures available for use by a governmental body. GDRA § 2009.052(a)
4. ADR processes may not be applied in a manner that denies a person a right granted under state or federal law, including a right to an administrative or judicial hearing. GDRA §2009.052(b).
5. The agency may appoint a governmental officer or employee or a private individual as an impartial third-party in an ADR procedure. GDRA § 2009.053.
6. Impartial third-parties: (1) must be qualified as required by the ADRP § 154.052, but are not subject to any specific credentialing requirement in the State of Texas; (2) are subject to the standards and duties described in the ADRP § 154.053; (3) have the qualified immunity described in the ADRP § 154.055; (4) must maintain confidentiality as described in the ADRP § 154.073 and the GDRA §2009.054; and (5) may not be required to testify in proceedings relating to or arising out of the matter in dispute. GDRA § 2009.054(d).
7. The parties have the right to object to the person appointed to serve as the third-party neutral. The participants must trust the neutrality and impartiality of this person to enable the process to succeed. GDRA § 2009.053
8. Agencies may require participation in mediation but may not require that the participants reach an agreement. No one may dictate the terms of the agreement reached by the participants as long as the resolution is legal and complies with any rules set up for the process.
9. Oral and written communications between the parties, and between the parties and the mediator, related to the ADR process are confidential and may not be disclosed unless all parties consent to the disclosure. This also includes any description of the conduct and demeanor of participants. GDRA § 2009.054; ADRP §§ 154.053, 154.073.
10. A final written agreement to which a governmental body is a signatory is subject to required disclosure, is excepted from disclosure, or is confidential, as provided by the ADRP § 154.073 and other laws, including the Public Information Act, Tex. Gov't Code, Ch. 552; and GDRA § 2009.054(d).
11. An impartial third-party may not be required to testify in any proceeding relating to or arising out of the matter in dispute. GDRA § 2009.054(d).

Fill in the following chart detailing information on complaints received about your agency and its operations. Do not include complaints received about people or entities you regulate.

N/A

**Office of Public Utility Counsel
Exhibit 18: Complaints Against the Agency — Fiscal Years 2019 and 2020**

	Fiscal Year 2019	Fiscal Year 2020
Number of complaints received	0	0
Number of complaints resolved	0	0
Number of complaints dropped / found to be without merit	0	0
Number of complaints pending from prior years	0	0
Average time period for resolution of a complaint	N/A	N/A

Table 22 Exhibit 18 Complaints Against the Agency

D. Fill in the following charts detailing your agency’s Historically Underutilized Business (HUB) purchases. See Exhibit 19 Example. Sunset is required by law to review and report this information to the Legislature.

**Office of Public Utility Counsel
Exhibit 19: Purchases from HUBs**

Fiscal Year 2018

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal*	Statewide Goal
Heavy Construction	\$0	\$0)	0.0%	0.0%	11.2%
Building Construction	\$0	\$0	0.0%	0.0%	21.1%
Special Trade	\$0	\$0	0.0%	0.0%	32.9%
Professional Services	\$0	\$0	0.0%	0.0%	23.7%
Other Services	\$34,596	\$1,070	3.1%	26.0%	26.0%
Commodities	\$24,536	\$3,356	13.7%	21.1%	21.1%
TOTAL	\$59,132	\$4,426	7.5%		

Table 23 Exhibit 19 HUB Purchases for FY 2018

* If your goals are agency specific-goals and not statewide goals, please provide the goal percentages and describe the method used to determine those goals. (TAC Title 34, Part 1, Chapter 20, Rule 20.284)

The Heavy Construction, Building Construction, Special Trade or Professional Services procurement categories are not applicable to agency operations since the agency did not have any strategies or programs related to these functions.

Fiscal Year 2019

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Heavy Construction	\$0	\$0	\$0	0.0%	11.2%
Building Construction	\$0	\$0	\$0	0.0%	21.1%
Special Trade	\$0	\$0	\$0	0.0%	32.9%
Professional Services	\$0	(number)\$0	\$0	0.0%	23.7%
Other Services	\$239,792	\$44,307	18.5%	26.0%	26.0%
Commodities	\$35,364	\$16,139	45.6%	21.1%	21.1%
TOTAL	\$275,126	\$60,446	22.0%		

Table 24 Exhibit 19 HUB Purchases for FY 2019

Fiscal Year 2020

Category	Total \$ Spent	Total HUB \$ Spent	Percent	Agency Specific Goal	Statewide Goal
Heavy Construction	\$0	\$0	0%	0.0%	11.2%
Building Construction	\$0	\$0	0%	0.0%	21.1%
Special Trade	\$0	\$0	0%	0.0%	32.9%
Professional Services	\$0	\$0	0%	0.0%	23.7%
Other Services	\$44,581	\$11,920	26.2%	26.0%	26.0%
Commodities	\$61,854	\$43,696	70.6%	21.1%	21.1%
TOTAL	\$107,315	\$55,617	51.83%		

Table 25 Exhibit 19 HUB Purchases for FY 2020

E. Does your agency have a HUB policy? How does your agency address performance shortfalls related to the policy? (Texas Government Code, Section 2161.003; TAC Title 34, Part 1, Rule 20.286c)

OPUC shall make a good faith effort to utilize HUB’s in contracts in the procurement process using the CPA’s Directory.

F. For agencies with contracts valued at \$100,000 or more: Does your agency follow a HUB subcontracting plan to solicit bids, proposals, offers, or other applicable expressions of interest for subcontracting opportunities available for contracts of \$100,000 or more? (Texas Government Code, Section 2161.252; TAC Title 34, Part 1, Rule 20.285)

OPUC encourages bids from both HUB vendors and non-HUB vendors. Non-HUB vendors are required to submit a subcontracting plan if the contract value is over \$100,000.

G. For agencies with biennial appropriations exceeding \$10 million, answer the following HUB questions.

N/A

- 1. Do you have a HUB coordinator? If yes, provide name and contact information. (Texas Government Code, Section 2161.062; TAC Title 34, Part 1, Rule 20.296)**
- 2. Has your agency designed a program of HUB forums in which businesses are invited to deliver presentations that demonstrate their capability to do business with your agency? (Texas Government Code, Section 2161.066; TAC Title 34, Part 1, Rule 20.297)**
- 3. Has your agency developed a mentor-protégé program to foster long-term relationships between prime contractors and HUBs and to increase the ability of HUBs to contract with the state or to receive subcontracts under a state contract? (Texas Government Code, Section 2161.065; TAC Title 34, Part 1, Rule 20.298)**

H. Fill in the charts below detailing your agency’s Equal Employment Opportunity (EEO) statistics. See Exhibit 20 Example. Sunset is required by law to review and report this information to the Legislature. Please use only the categories provided below. For example, some agencies use the classification “paraprofessionals,” which is not tracked by the state civilian workforce. Please reclassify all employees within the appropriate categories below.

**Office of Public Utility Counsel
Exhibit 20: Equal Employment Opportunity Statistics**

1. Officials / Administration

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2018	1	0%	8.1%	0%	22.4%	100%	38.8%
2019	1	0%	8.1%	100%	22.4%	50%	38.8%
2020	1	0%	8.1%	100%	22.4%	100%	38.8%

Table 26 Exhibit 20 EEO Statistics for Officials/Administration

2. Professional

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2018	13	0%	10.9%	23%	20.3%	69%	54.5%
2019	16	0%	10.9%	12.5%	20.3%	68.8%	54.5%
2020	11	9%	10.9%	27.3%	20.3%	36.4%	54.5%

Table 27 Exhibit 20 EEO Statistics for Professionals

3. Technical

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2018	0	N/A	14.4%	N/A	29.2%	N/A	55.2%
2019	0	N/A	14.4%	N/A	29.2%	N/A	55.2%
2020	0	N/A	14.4%	N/A	29.2%	N/A	55.2%

Table 28 Exhibit 20 EEO Statistics for Technical

4. Administrative Support

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2018	2	0%	14.3%	100%	36.4%	100%	71.6%
2019	2	0%	14.3%	100%	36.4%	100%	71.6%
2020	2	0%	14.3%	100%	36.4%	100%	71.6%

Table 29 Exhibit 20 EEO Statistics for Administrative Support

5. Service / Maintenance

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2018	0	N/A	13.2%	N/A	52.4%	N/A	52.0%
2019	0	N/A	13.2%	N/A	52.4%	N/A	52.0%
2020	0	N/A	13.2%	N/A	52.4%	N/A	52.0%

Table 30 Exhibit 20 EEO Statistics for Service and Maintenance

6. Skilled Craft

Year	Total Number of Positions	Percent African-American	Statewide Civilian Workforce Percent	Percent Hispanic	Statewide Civilian Workforce Percent	Percent Female	Statewide Civilian Workforce Percent
2018	0	N/A	10.2%	N/A	51.5%	N/A	12.0%
2019	0	N/A	10.2%	N/A	51.5%	N/A	12.0%
2020	0	N/A	10.2%	N/A	51.5%	N/A	12.0%

Table 31 Exhibit 20 EEO Statistics for Skilled Craft

I. Does your agency have an equal employment opportunity policy? How does your agency address performance shortfalls related to the policy?

Yes. The Office of Public Utility Counsel is committed to equal employment opportunity and shall comply fully with the nondiscrimination provisions of all state and federal laws and regulations by ensuring that no person shall be excluded from consideration for recruitment, selection, appointment, training, promotion, retention, or any other personnel action, or be denied any benefits or participation in any educational programs or activities which it operates on the grounds of race, color, religion, national origin, marital status, sex, sexual orientation, disability, age, or veteran status.

XII. Agency Comments

Provide any additional information needed to gain a preliminary understanding of your agency. See Sections II and IX above.

ⁱ See Texas QuickFacts from the US Census Bureau at <http://quickfacts.census.gov/qfd/states/48000.html>