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| RMGRR Number | [181](https://www.ercot.com/mktrules/issues/RMGRR181) | RMGRR Title | Alignment of Defined Term Usage and Resolution of Inconsistencies |
| Date of Decision | | October 10, 2024 | |
| Action | | Recommended Approval | |
| Timeline | | Normal | |
| Estimated Impacts | | Cost/Budgetary: None  Project Duration: No project required | |
| Proposed Effective Date | | The first of the month following Public Utility Commission of Texas (PUCT) approval | |
| Priority and Rank Assigned | | Not applicable | |
| Retail Market Guide Sections Requiring Revision | | 2.1, Definitions  5.3, Ad Hoc Retail Market Conference Calls  7.3, Inadvertent Gain/Loss Process  7.3.2.1.2, Breach of Contract  7.3.2.2, Prevention of Inadvertent Gains  7.3.2.4, Gaining CR System Processing Errors  7.3.2.5, Resolution of IAGs  7.3.2.5.1, Reinstatement Date  7.3.2.6, Valid Reject/Unexecutable Reasons  7.3.2.7, Invalid Reject/Unexecutable Reasons  7.3.2.8, Out-of-Sync Condition  7.3.2.9, No Losing Competitive Retailer of Record  7.3.3, Charges Associated with Returning the Customer  7.3.4.2, Inadvertent Order is Pending  7.3.4.4, Transmission and/or Distribution Service Provider Billing  7.3.5, Customer Rescission after Completion of a Switch Transaction  7.3.5.1, Additional Valid Reasons for Rejection of a Rescission-based Issue  7.10.4, Addition or Removal of Switch Hold by Retail Electric Provider of Record Request for 650 Transactions During Extended Unplanned System Outage Affecting the REP and/or TDSP  7.11.1, Transition Process of Competitive Retailer’s Electric Service Identifiers to Provider of Last Resort or Designated Competitive Retailer Pursuant to P.U.C. Subst. R. 25.43, Provider of Last Resort (POLR), or CR Voluntarily Leaving the Market  7.11.1.4.1.2, ERCOT Pre-Launch Responsibilities in a Mass Transition  7.11.1.4.2.2, ERCOT Responsibilities During the Mass Transition  7.11.1.4.2.3, Transmission and/or Distribution Service Provider Responsibilities During the Mass Transition  7.11.2, Acquisition and Transfer of Customers from one Retail Electric Provider to Another  7.11.2.4, Acquisition Transfer Roles/Responsibilities 7.11.2.4.2, ERCOT Responsibilities in an Acquisition Transfer  7.11.5, Transmission and/or Distribution Service Provider Electric Service Identifier Transition Roles and Responsibilities 7.11.6, Transmission and/or Distribution Service Provider Transition Process Narrative  7.16.4.3.1, Timelines Associated with Removal of a Switch Hold for Meter Tampering for Purposes of a Move in  7.16.4.3.2, Steps for Removal of a Switch Hold for Meter Tampering for Purposes of a Move in  7.16.4.3.3, Release of Switch Hold for Meter Tampering Due to Exceeding Specified Timelines  7.17.3.3.1, Timelines Associated with Removal of a Switch Hold for Deferred Payment Plans for Purposes of a Move in  7.17.3.3.2, Steps for Removal of a Switch Hold for Deferred Payment Plans for Purposes of a Move in  7.17.3.3.3, Release of Switch Hold for Payment Plans Due to Exceeding Specified Timelines | |
| Related Documents Requiring Revision/Related Revision Requests | | Nodal Protocol Revision Request (NPRR) 1227, Related to RMGRR181, Alignment of Defined Term Usage and Resolution of Inconsistencies | |
| Revision Description | | This Retail Market Guide Revision Request (RMGRR) aligns defined term usage in the Retail Market Guide with Protocol Section 2.1, Definitions, relocates four definitions from Section 2.1 (‘Decision’, Effective Date’, ‘Gaining Competitive Retailer’, and ‘Losing Competitive Retailer’) to Protocol Section 2.1 since these definitions are used in both the Retail Market Guide and the Nodal Protocols, and removes the no-longer-needed defined term ‘Target Effective Date.’ This RMGRR also aligns greybox language in paragraph (4) of Section 7.3.2.5 with RMGRR170, Inadvertent Gain Process Updates, removes paragraph (1) from Sections 7.11.1 and 7.11.2 due to redundancy, and makes non-substantive clarifying changes to resolve inconsistencies in Sections 7.16.4.3.2, 7.16.4.3.3, 7.17.3.3.2, and 7.17.3.3.3. | |
| Reason for Revision | | [Strategic Plan](https://www.ercot.com/files/docs/2023/08/25/ERCOT-Strategic-Plan-2024-2028.pdf) Objective 1 – Be an industry leader for grid reliability and resilience  [Strategic Plan](https://www.ercot.com/files/docs/2023/08/25/ERCOT-Strategic-Plan-2024-2028.pdf) Objective 2 - Enhance the ERCOT region’s economic competitiveness with respect to trends in wholesale power rates and retail electricity prices to consumers  [Strategic Plan](https://www.ercot.com/files/docs/2023/08/25/ERCOT-Strategic-Plan-2024-2028.pdf) Objective 3 - Advance ERCOT, Inc. as an independent leading industry expert and an employer of choice by fostering innovation, investing in our people, and emphasizing the importance of our mission  General system and/or process improvements  Regulatory requirements  ERCOT Board/PUCT Directive  *(please select ONLY ONE – if more than one apply, please select the ONE that is most relevant)* | |
| Justification of Reason for Revision and Market Impacts | | This RMGRR clarifies language in the Retail Market Guide to enhance consistency, aid readability, and reduce the risk of misinterpretation. The edit to Section 7.3.2.5 replicates a language change made to paragraph (4) in RMGRR170 (which became effective on January 1, 2023) that was unintentionally omitted from corresponding greybox language. This RMGRR causes no impact to the market as it is not a process change. | |
| **RMS Decision** | | On 6/4/24, RMS voted unanimously to recommend approval of RMGRR181 as amended by the 5/28/24 TDTMS comments. All Market Segments participated in the vote.  On 8/6/24, RMS voted unanimously to endorse and forward to TAC the 6/4/24 RMS Report and the 4/30/24 Impact Analysis for RMGRR181. All Market Segments participated in the vote. | |
| **Summary of RMS Discussion** | | On 6/4/24, RMS reviewed RMGRR181 and the 5/28/24 TDTMS comments.  On 8/6/24, RMS reviewed the 4/30/24 Impact Analysis. | |
| **TAC Decision** | | On 8/28/24, TAC voted unanimously to recommend approval of RMGRR181 as recommended by RMS in the 8/6/24 RMS Report. All Market Segments participated in the vote. | |
| **Summary of TAC Discussion** | | On 8/28/24, there was no additional discussion beyond TAC review of the items below. | |
| **TAC Review/Justification of Recommendation** | | Revision Request ties to Reason for Revision as explained in Justification  Impact Analysis reviewed and impacts are justified as explained in Justification  Opinions were reviewed and discussed  Comments were reviewed and discussed (if applicable)  Other: (explain) | |
| **ERCOT Board Decision** | | On 10/10/24, the ERCOT Board voted unanimously to recommend approval of RMGRR181 as recommended by TAC in the 8/28/24 TAC Report. | |

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| **Opinions** | |
| **Credit Review** | Not Applicable |
| **Independent Market Monitor Opinion** | IMM has no opinion on RMGRR181. |
| **ERCOT Opinion** | ERCOT supports approval of RMGRR181. |
| **ERCOT Market Impact Statement** | ERCOT Staff has reviewed RMGRR181 and believes that it provides a positive market impact by offering process improvements by relocating four, shared-use definitions from the Retail Market Guide to the Protocols; and by applying various, non-substantive alignment edits throughout the Retail Market Guide. |

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| **Sponsor** | |
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| **Market Segment** | Not Applicable |

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| **Market Rules Staff Contact** | |
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| **Comments Received** | |
| **Comment Author** | **Comment Summary** |
| TDTMS 052824 | Proposed a corrective, oversight edit to Section 7.3.5 associated with System Change Request (SCR) 817, Related to NPRR1095, MarkeTrak Validation Revisions Aligning with Texas SET V5.0, which was approved at the March 31, 2022 PUCT meeting |

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| Market Rules Notes |

Please note administrative changes have been made below and authored as "ERCOT Market Rules".

Please note the baseline language in the following Section(s) has been updated to reflect the incorporation of the following RMGRR(s) into the Retail Market Guide:

* RMGRR177, Switch Hold Removal Clarification (incorporated 7/1/24)
  + Section 7.16.4.3.2
  + Section 7.17.3.3.2

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| Proposed Guide Language Revision |

**2.1** **DEFINITIONS**

**Inadvertent Gain/Loss (IAG)**

An unauthorized change of a Customer’s Competitive Retailer (CR) when a Customer or a Premise is changed to a CR that is different from the Customer’s expected CR of choice. An IAG is either reported as a gain by the Gaining CR or a loss by the Losing CR.

**5.3 Ad Hoc Retail Market Conference Calls**

Market Participants may request an ad hoc retail market conference call by contacting the chair and/or vice-chair of the Retail Market Subcommittee (RMS). RMS leadership will contact ERCOT Client Services who will announce the call via a Market Notice to the Retail Market Call (RMC) e-mail distribution list. Market Participants interested in receiving ad hoc retail market conference call announcements should subscribe to the RMC distribution list located on the ERCOT website. Topics of discussion for the ad hoc call may include but are not limited to:

(a) Transaction and system processing updates (i.e., processing statistics; slow, late or large volumes);

(b) Outage Notifications (i.e., planned/unplanned system Outages or maintenance updates); and

(c) Any issues affecting more than one Competitive Retailer (CR) or the entire market (i.e., re-bill efforts, synchronization).

**7.3 Inadvertent Gain/Loss Process**

(1) An Inadvertent Gain/Loss (IAG) is defined in Section 2.1, Definitions.

(2) The IAG process shall be used in cases where a Competitive Retailer (CR) is serving a Customer without proper authorization pursuant to P.U.C. Subst. R. 25.474, Selection of Retail Electric Provider. This Section provides guidelines for ensuring that inadvertently gained Electric Service Identifiers (ESI IDs) are returned to the Losing CR in a quick and efficient manner with minimal inconvenience to the Customer as required by P.U.C. Subst. R. 25.495, Unauthorized Change of Retail Electric Provider.

(3) CRs shall submit IAGs to ERCOT as promptly as possible via the MarkeTrak tool.

***7.3.2.1.2 Breach of Contract***

(1) The IAG process shall not be used to resolve an issue in which an authorized enrollment causes a breach of contract (e.g., early termination fee) between the Customer and the Losing CR.

(2) The IAG process shall not be used to resolve an issue in which an authorized enrollment causes a breach of contract (e.g., non-payment) between the Customer and the Gaining CR.

**7.3.2.2 Prevention of Inadvertent Gains**

(1) If the Gaining CR determines that a potential inadvertent gain may be avoided by cancelling a pending switch or move in transaction prior to the scheduled date, the Gaining CR shall cancel the transaction using the 814\_08, Cancel Request.

**7.3.2.4 Gaining CR System Processing Errors**

(1) Should a CR experience a system processing issue resulting in inadvertently gaining greater than 100 ESI IDs, the Gaining CR shall send a timely informational-only Market Notice to all impacted Market Participants, via the MarkeTrak escalation contacts, detailing the cause of the issue, and send immediately following the submission of the IAG MarkeTraks.

**7.3.2.5 Resolution of IAGs**

(1) If the Gaining CR determines that the gain was inadvertent, the CR shall promptly submit an *Inadvertent Gaining* issue in MarkeTrak. (See Section 7.2, Market Synchronization, for more information about MarkeTrak).

(2) The Gaining CR shall not submit a Move-Out Request or a Disconnect for Non-Pay (DNP) on an ESI ID that was gained inadvertently.

(3) The Losing CR shall not submit an *Inadvertent Losing* issue in MarkeTrak until the Gaining CR’s switch or move in transaction has completed.

(4) If the Gaining CR placed a switch hold on an ESI ID that was gained inadvertently via the 650\_01, Service Order Request, the Gaining CR shall request the removal of all switch holds from the ESI ID via a 650\_01 transaction before proceeding towards a resolution of the *Inadvertent Gaining* or *Inadvertent Losing* MarkeTrak issue. However, if a switch hold was placed on the ESI ID by the Transmission and/or Distribution Service Provider (TDSP) due to tampering, the Losing CR may request that the TDSP reinstate the tampering switch hold on the ESI ID in the *Inadvertent Gaining* or *Inadvertent Losing* MarkeTrak issue.

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| ***[RMGRR169: Replace paragraph (4) above with the following upon system implementation of NPRR1095:]***  (4) If the Gaining CR placed a switch hold on an ESI ID that was gained inadvertently via the 650\_01, Service Order Request, the Gaining CR shall request the removal of all switch holds from the ESI ID via a 650\_01 transaction before proceeding towards a resolution of the *Inadvertent Gaining* or *Inadvertent Losing* MarkeTrak issue. However, if a switch hold was placed on the ESI ID by the Transmission and/or Distribution Service Provider (TDSP) due to tampering, the Losing CR may request that the TDSP reinstate the tampering switch hold on the ESI ID. |

(5) After the Losing CR regains the ESI ID, the TDSP will reinstate any critical care designations that have not expired and were previously assigned to the Customer at the ESI ID and submit the 814\_20, ESI ID Maintenance Request.

***7.3.2.5.1 Reinstatement Date***

(1) The Losing CR and the Gaining CR may work together to negotiate a reinstatement date for the Losing CR to take the ESI ID back and note that date in the MarkeTrak issue. However, the Losing CR shall ultimately determine the reinstatement date and note that date in the MarkeTrak issue.

(2) The reinstatement date shall be one day beyond the date of loss (date of loss is the date the Customer started with the Gaining CR) or any subsequent date chosen by the Losing CR for which the Losing CR had authorization to serve the Customer, but no greater than ten days from the date the MarkeTrak issue was submitted. If the reinstatement date in the backdated move in is prior to or equal to the Gaining CR’s start date, ERCOT will reject the backdated move in and resolution of the inadvertent gain will be delayed.

(3) If the reinstatement process is delayed, the reinstatement date shall be no greater than ten days from the date the MarkeTrak issue was submitted.

(4) No later than 12 days after the submittal of the *Inadvertent Gaining* or *Inadvertent Losing* MarkeTrak issue, the Losing CR shall submit an 814\_16, Move In Request, that is backdated by at least one Retail Business Day. The backdated move in shall use the date as populated within the “proposed regain date” field in MarkeTrak as the requested reinstatement date. The Losing CR shall verify that the backdated move in was successfully received and accepted by the TDSP and populate the BGN02 field from that transaction.

(5) If the move in has not been submitted within the required timeline, or the reinstatement date is different than the date noted in the MarkeTrak issue, refer to the escalation process in the MarkeTrak Users Guide.

(6) MarkeTrak issues where all parties have agreed and the MarkeTrak issue remains untouched for 20 days from the date the TDSP selects *Ready to Receive* will be auto closed in the system.

**7.3.2.6 Valid Reject/Unexecutable Reasons**

(1) The Losing CR may reject the return of an inadvertently gained ESI ID from the Gaining CR for one of the following reasons only:

(a) A new transaction has completed in the market, including, but not limited to the following transactions:

(i) The 814\_16, Move In Request; or

(ii) The 814\_01, Switch Request.

(b) Duplicate *Inadvertent Gaining* issue in MarkeTrak for the same Customer on the same ESI ID.

(c) The IAG was inappropriately submitted as described in Section 7.3.2.1, Invalid Use of the IAG Process.

(2) The Gaining CR may reject returning an inadvertently gained ESI ID to the Losing CR for one of the following reasons only:

(a) A new transaction has completed in the market, including, but not limited to the following transactions:

(i) The 814\_16 transaction; or

(ii) The 814\_01 transaction.

(b) Duplicate *Inadvertent Losing* issue in MarkeTrak for the same Customer on the same ESI ID;

(c) The Gaining CR has confirmed with the Customer that the Customer’s CR of choice is the Gaining CR:

(i) Gaining CR has a valid enrollment with the same Customer and provides the Customer name, service address and meter number (if available) in the comments section of the MarkeTrak issue.

(d) In cases of Customer rescission, *Inadvertent Losing* MarkeTrak issue is rejected/unexecuted and a *Rescission* MarkeTrak issue is created.

**7.3.2.7 Invalid Reject/Unexecutable Reasons**

(1) The Losing CR shall not reject the return of an inadvertently gained ESI ID due to:

(a) Inability to contact the Customer;

(b) Past due balances or credit history;

(c) Customer no longer occupies the Premise in question;

(d) Contract expiration or termination;

(e) Pending TX SETs; or

(f) Losing CR serving the Premise under a Continuous Service Agreement (CSA).

**7.3.2.8 Out-of-Sync Condition**

(1) If the Losing CR does not have a record of ever serving the ESI ID involved in the *Inadvertent Gaining* MarkeTrak issue, the Losing CR shall update the MarkeTrak issue with this information. ERCOT and the Losing CR will work together to resolve the out-of-sync issue. TDSP corrections necessary to reestablish the ESI ID with the Losing CR may result in a TDSP invoice for a minimum of a one day charge which includes any applicable TDSP service charges according to the TDSP tariffs. For system logic rules, see Section 11, Solution to Stacking.

**7.3.2.9** **No Losing Competitive Retailer of Record**

(1) If it is determined that the Losing CR is no longer active in the market, then it is recommended that the Gaining CR make reasonable attempts to contact the Customer to resolve the issue and request that ERCOT close the MarkeTrak issue. If the Gaining CR is unable to contact the Customer, they may consider following the rules established in P.U.C. Subst. R. 25.488, Procedures for a Premise with No Service Agreement.

***7.3.3 Charges Associated with Returning the Customer***

(1) The affected CRs and TDSP shall take all actions necessary to correctly bill all charges, so that the end result is that the CR that served the ESI ID without proper authorization shall pay all transmission, distribution and discretionary charges associated with returning the ESI ID to the Losing CR, or CR of choice in the case of a move in. Each CR shall be responsible for all non-bypassable TDSP charges and wholesale consumption costs for the periods that the CR bills the Customer.

(2) If the Gaining CR sends a move out or DNP (in violation of Section 7.3.2.5, Resolution of IAGs), and in order for the TDSP to reverse fees associated with the inadvertent gain, the Losing CR should file a MarkeTrak issue under the *Redirect Fees* subtype within three Retail Business Days following receipt of the 810\_02, TDSP Invoice, containing discretionary fees as a result of the inadvertent gain. The Losing CR shall item link any existing related *Inadvertent Gaining* or *Inadvertent Losing* issues, if applicable. If the Gaining CR agrees that an inadvertent gain has occurred, including agreement within a related inadvertent gain issue, then the Gaining CR shall agree to the Losing CR’s *Redirect Fees* MarkeTrak issue and shall not dispute any of the valid TDSP fees associated with returning the ESI ID to the Losing CR.

(3) The Losing CR shall not submit a priority 814\_16, Move In Request, if the Customer currently has power.

**7.3.4.2 Inadvertent Order is Pending**

(1) If the inadvertent order is pending, TDSPs will respond with the following statement:

*Since the inadvertent transaction is still pending, an attempt should be made by the Gaining CR to cancel the transaction, provided that the Gaining CR agrees to do so. If so, please submit an 814\_08, Cancel Request, transaction prior to the date the inadvertent transaction is scheduled to complete. Otherwise, the inadvertent gain will follow the standard inadvertent process.*

**7.3.4.4 Transmission and/or Distribution Service Provider Billing**

(1) Once a backdated move in has been accepted by the TDSP, the TDSP shall invoice all transmission, distribution and discretionary charges associated with returning the Customer to the Losing CR, or CR of choice in the case of a move in, to the Gaining CR. The TDSP shall be responsible for invoicing all non-bypassable TDSP charges to the CRs in accordance with the periods that they each served the Customer.

(2) Any disputes regarding TDSP charges shall be filed in accordance with Section 7.8, Formal Invoice Dispute Process for Competitive Retailers and Transmission and/or Distribution Service Providers.

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| ***[RMGRR169: Replace Section 7.3.4.4 above with the following upon system implementation of NPRR1095:]***  **7.3.4.2 Transmission and/or Distribution Service Provider Billing**  (1) Once a backdated move in transaction has been accepted by the TDSP, the TDSP shall invoice all transmission, distribution and discretionary charges associated with returning the Customer to the Losing CR, or CR of choice in the case of a move in, to the Gaining CR. The TDSP shall be responsible for invoicing all non-bypassable TDSP charges to the CRs in accordance with the periods that they each served the Customer.  (2) Any disputes regarding TDSP charges shall be filed in accordance with Section 7.8, Formal Invoice Dispute Process for Competitive Retailers and Transmission and/or Distribution Service Providers. |

7.3.5 Customer Rescission after Completion of a Switch Transaction

(1) The time period allowed for a Customer to rescind a switch transaction may extend beyond the completion date of a switch. If a Customer requests to cancel a switch for the purpose of rescission, the CR scheduled to gain the Premise shall attempt to cancel the transaction by following the steps outlined in Section 7.3.2.2, Prevention of Inadvertent Gains, regarding cancellation of the pending 814\_01, Switch Request.

(a) If the TDSP is unable to cancel the switch, or the Customer waits until after the switch is complete to exercise the rescission, but the Customer is still rescinding the agreement within the timelines specified in P.U.C. Subst. R. 25.474, Selection of Retail Electric Provider, the Gaining CR shall file a MarkeTrak issue, subtype *Customer Rescission*, to initiate reinstatement of the Customer to the previous CR.

(b) Upon receiving the Customer Rescission MarkeTrak issue, the Losing CR shall agree to the Customer Rescission MarkeTrak issue within two Business Days unless a valid reason for rejecting a rescission-based issue under Section 7.3.5.1, Additional Valid Reasons for Rejection of a Rescission-based Issue, is met.

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| ***[RMGRR169: Replace item (b) above with the following upon system implementation of NPRR1095:]***  (b) Upon receiving the *Customer Rescission* MarkeTrak issue, the Losing CR shall agree to the Customer *Rescission* MarkeTrak issue within two Business Days. |

(2) The TDSP shall not assess any fees related to Customer reinstatement in cases of a valid Customer rescission, provided the submit date of the MarkeTrak issue falls on or before the 25th day following the established First Available Switch Date (FASD) of the 814\_03, Enrollment Notification Request, per the timeline specified in Protocol Section 15.1.1, Submission of a Switch Request. Once this time frame has expired, the Gaining CR will no longer be able to submit an issue under the subtype *Customer Rescission* and must use the *Inadvertent Gaining* subtype to return the Premise. The Gaining CR will incur all TDSP charges normally associated with the return of a Premise through that subtype.

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| ***[RMGRR181: Replace paragraph (2) above with the following upon system implementation of NPRR1095:]***  (2) The TDSP shall not assess any fees related to Customer reinstatement in cases of a valid Customer rescission, provided the submit date of the MarkeTrak issue falls on or before the 15th day following the established First Available Switch Date (FASD) of the 814\_03, Enrollment Notification Request, per the timeline specified in Protocol Section 15.1.1, Submission of a Switch Request. Once this time frame has expired, the Gaining CR will no longer be able to submit an issue under the subtype Customer Rescission and must use the Inadvertent Gaining subtype to return the Premise. The Gaining CR will incur all TDSP charges normally associated with the return of a Premise through that subtype. |

(3) Within two Business Days of the TDSP updating the *Customer Rescission* MarkeTrak issue status to *Ready to Receive*, the Losing CR shall submit the backdated 814\_16, Move In Request, to reinstate the Customer for one day beyond the original date of loss. The option to reinstate the Customer for any date beyond that as outlined in Section 7.3.2.5.1, Reinstatement Date, is not applicable for rescissions received within the timelines specified in this scenario.

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| ***[RMGRR169: Replace paragraph (3) above with the following upon system implementation of NPRR1095:]***  (3) Within two Business Days of CR agreement to the *Customer Rescission* MarkeTrak issue, the Losing CR shall submit the backdated 814\_16, Move In Request, with the Customer Rescission indicator “CR” found in the BGN07 field, to reinstate the Customer for one day beyond the original date of loss. The option to reinstate the Customer for any date beyond that as outlined in Section 7.3.2.5.1, Reinstatement Date, is not applicable for rescissions received within the timelines specified in this scenario. |

(4) The rules and guidelines set forth in previous sections regarding valid/invalid reject reasons, back-dated transactions over 150 days, pending order notification and third party transactions/leapfrog scenarios shall apply to rescission-based reinstatement.

(5) Only those enrollments initiated by an 814\_01 transaction, and eligible for Customer rescission as defined in P.U.C. Subst. R. 25.474, may be returned through the process outlined in this Section. Only the Gaining CR may initiate the process of returning the Customer to the Losing CR by filing a MarkeTrak issue upon being contacted by the Customer exercising rescission. If a Gaining CR attempts to submit a *Customer Rescission* issue in MarkeTrak only to discover an *Inadvertent Losing* issue has been submitted by the Losing CR for the same transaction, the Gaining CR shall mark the *Inadvertent Losing* issue unexecutable and proceed with submission of anew issue under the *Customer Rescission* subtype.

**7.3.5.1Additional Valid Reasons for Rejection of a Rescission-based Issue**

(1) The TDSP may return an issue to the submitting CR due to the Gaining CR requesting, and the TDSP completing, a move out transaction for the inadvertently gained ESI ID.

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| ***[RMGRR169: Delete Section 7.3.5.1 above upon system implementation of NPRR1095.]*** |

***7.10.4 Addition or Removal of Switch Hold by Retail Electric Provider of Record Request for 650 Transactions During Extended Unplanned System Outage Affecting the REP and/or TDSP***

(1) In the event that an extended unplanned system outage prevents sending/receiving 650 TX SETs, the market may decide via an ad hoc retail market conference call, as described in Section 7.10, Emergency Operating Procedures for Extended Unplanned System Outages, that a manual workaround process to add or remove switch holds may be used.

(a) For a REP system issue, the REP will need to contact TDSPs to arrange for use of an agreed upon workaround.

(b) For a TDSP system issue, the TDSP is responsible for sending a Market Notice and coordinating with ERCOT to facilitate a retail market conference call as described in Section 7.10.

***7.11.1 Transition Process of Competitive Retailer’s Electric Service Identifiers to Provider of Last Resort or Designated Competitive Retailer Pursuant to P.U.C. Subst. R. 25.43,*** ***Provider of Last Resort (POLR), or CR Voluntarily Leaving the Market***

(1) Each opt-in Municipally Owned Utility (MOU) or opt-in Electric Cooperative (EC) without an affiliated POLR that has not delegated authority to designate POLRs to the Public Utility Commission of Texas (PUCT), as applicable to opt-in ECs, must provide its initial POLR allocation methodology to ERCOT no later than 30 days prior to the Customer Choice opt-in date using Section 9, Appendices, Appendix J7, Mass Transition Allocation Methodology. Should the opt-in MOU or opt-in EC determine the allocation methodology must be changed at any time, such updates must be provided to ERCOT no later than 30 days prior to its Mass Transition Effective Date or at a time prior to the initiation of a Mass Transition as defined in Section 7.11.1.1, Mass Transition Initiation. All updates to the allocation methodology must be provided using Appendix J7. Confirmation of all allocation methodologies must be submitted to ERCOT prior to January 1st of each odd numbered year using Section 9, Appendix J8, Attestation to Confirm Mass Transition Allocation Methodology.

(2) Market Participants that wish to transfer Customers for reasons other than P.U.C. Subst. R. 25.43, Provider of Last Resort (POLR), should contact ERCOT Client Relations and the PUCT Staff.

(3) Per Protocol Section 16.1.1, Re-Registration as a Market Participant, any Market Participant that has had its Customers dropped via the Mass Transition process must provide to ERCOT a new Data Universal Numbering System (DUNS) Number (DUNS #) to re-register as a Market Participant with ERCOT.

(4) For the purpose of a Mass Transition and the associated timeline, the following definitions shall apply:

(a) Notification Date - Date on which ERCOT sends the initial Mass Transition Market Notice to affected parties informing them that a Mass Transition will occur as a result of a Market Participant default, also known as the pre-Launch stage in the process.

(b) Calendar Day 0 - Date that ERCOT sends 814\_03, Enrollment Notification Request. This can be on the Notification Date.

(c) Mass Transition Date - Scheduled Meter Read Date (SMRD) will be equal to Calendar Day 0 plus two days and will be the date requested in the 814\_03 transaction from ERCOT to the TDSP. POLRs will be responsible for ESI IDs no earlier than the Mass Transition Date.

(5) The processes described in this Section presume that a Mass Transition Decision to transfer the ESI IDs has already been made by ERCOT as a result of a Market Participant’s default of the Standard Form Market Participant Agreement with ERCOT.

(6) ERCOT may coordinate periodic testing with Market Participants of Mass Transition processes as defined in this Section and Section 11, Solution to Stacking.

**7.11.1.4.1.2 ERCOT Pre-Launch Responsibilities in a Mass Transition**

(1) Identify the defaulting CR;

(2) Identify the appropriate POLR(s) or designated CR;

(3) Identify all of the affected TDSPs and CRs (current, CSA, and pending new CR);

(4) Determine the ESI IDs by designated POLR class associated to the Mass Transition and notify the affected parties according to the following:

(a) If all ESI IDs associated with the Mass Transition will only be allocated among Volunteer Retail Electric Providers (VREPs), then ERCOT will only need to include affected parties in the Mass Transition project; or

(b) If all ESI IDs associated with the Mass Transition will be allocated among Large Service Providers (LSPs) and VREPs, then ERCOT will include affected parties in the Mass Transition project.

(5) Determine the Mass Transition Launch timeline;

(6) Determine the Mass Transition completion date to be no more than five days after ERCOT generates and the TDSP receives the 814\_03, Enrollment Notification Request, with the Mass Transition indicator, for all affected ESI IDs;

(7) Designate the ERCOT Mass Transition project lead;

(8) Schedule and conduct Mass Transition project coordination calls with affected parties;

(9) Complete and disseminate required Mass Transition Market Notices;

(10) Delete or disable CSAs to prevent the Losing CR from becoming the Retail Electric Provider (REP) responsible for an ESI ID (REP of record) on an ongoing basis after the Mass Transition has begun;

(11) Identify Pending TX SETs associated with those affected ESI IDs;

(12) Send a list of ESI IDs targeted to the POLRs or designated CRs where they are expected to become REP of record and to the affected TDSP(s) (see Section 9, Appendices, Appendix F4, ERCOT Template - Electric Service Identifiers for Gaining Competitive Retailer/Transmission and/or Distribution Service Provider Use);

(13) Assign ESI IDs to the POLR(s) as directed by ALA and the POLR rule;

(14) Provide a list of ESI IDs to any CR (both POLR and non-POLR) of any Pending switch transactions with a scheduled date greater than two Business Days after the Mass Transition Date (including in-review and scheduled). See Section 9, Appendices, Appendix F5, ERCOT Template – Electric Service Identifiers for New Competitive Retailer with Pending Transactions; and

(15) Manage the POLR DUNS # list according to the registration by the POLR Entities.

**7.11.1.4.2.2 ERCOT Responsibilities During the Mass Transition**

(1) Schedule and conduct initial and periodic Mass Transition project coordination calls, as needed;

(2) Complete and disseminate Mass Transition Market Notices as needed;

(3) Coordinate dissemination of mandated PUCT communications to impacted Customers;

(4) Provide Customer billing contact information in accordance with Section 7.11.3.3, Submission of Customer Billing Contact Information During a Mass Transition Event;

(5) Create and submit the 814\_03, Enrollment Notification Request, with the Mass Transition indicator for the affected ESI IDs;

(6) Identify and monitor all transitioned ESI IDs to ensure that the first switch following a Mass Transition (if received within 60 days of the effective date provided in the 814\_03 transaction with the Mass Transition indicator) is forwarded to the TDSP with a requested Mass Transition Effective Date equal to the First Available Switch Date (FASD). Identification of the transitioned ESI ID shall terminate either upon the first completed switch, move in, move out, or at the end of the 60 day period, whichever occurs first;

|  |
| --- |
| ***[RMGRR168: Replace paragraph (6) above with the following upon system implementation:]***  (6) Identify and monitor all transitioned ESI IDs to ensure that the first 814\_01, Switch Request, transaction following a Mass Transition (if received within 60 days of the Mass Transition Effective Date provided in the 814\_03 transaction with the Mass Transition indicator) is forwarded by ERCOT with the CR’s requested date to the TDSP for scheduling according to the TDSP tariff timelines. Identification of the transitioned ESI ID by ERCOT shall terminate either upon the first completed switch, move in, move out, or at the end of the 60 day period, whichever occurs first; |

(7) Once ERCOT has received the 814\_04, Enrollment Notification Response, from TDSPs on the affected ESI IDs, forward the 814\_14, Drop Enrollment Request, to the POLRs or designated CRs, and forward the 814\_11, Drop Response, to the defaulting CR;

(8) Work with Market Participants to resolve exceptions in the list of affected ESI IDs;

(9) Maintain the official list of affected ESI IDs;

(10) Work with involved parties to determine specific transactions and processes to be used to resolve exceptions with Pending Transactions;

(11) Monitor the progress of the Mass Transition project and recommend conclusion of project based on successful completion of transition activities; and

(12) Process final and initial meter reads from the TDSP and forward to the appropriate CR.

**7.11.1.4.2.3 Transmission and/or Distribution Service Provider Responsibilities During the Mass Transition**

(1) Participate in initial and periodic Mass Transition project coordination meetings through completion of the transition event;

(2) Provide the SMRDs using the 814\_04, Enrollment Notification Response, to ERCOT for each affected ESI ID;

(3) Identify and monitor all transitioned ESI IDs to ensure that no fee is charged for the first switch received within 60 days of the Mass Transition Effective Date provided in the 814\_03, Enrollment Notification Request, with the Mass Transition indicator. Identification of the transitioned ESI ID shall terminate either upon the first completed switch, move in, move out or at the end of the 60 day period, whichever occurs first;

(4) Provide final and initial meter reads to ERCOT using the appropriate TX SET;

(5) Work with involved parties to determine the process to be used for exception ESI IDs; and

(6) Provide notification in the 814\_04 transaction that the ESI ID previously had a switch hold due to tampering in which the switch hold was removed as a result of the Mass Transition event.

***7.11.2 Acquisition and Transfer of Customers from one Retail Electric Provider to Another***

(1) When feasible, ERCOT shall adhere to the timelines defined within this Section, unless ERCOT Legal authorizes the execution of an Acquisition Transfer on an expedited timeline.

(2) The processes described in this Section presume that an Acquisition Transfer Decision to transfer the ESI IDs has already been made and will be a collaborative effort among PUCT Staff, ERCOT, and Market Participants involved in the acquisition.

(3) The parameters for the Acquisition Transfer process will include:

(a) Acknowledgement from PUCT designee of the following;

(i) The PUCT is aware of the acquisition;

(ii) The CRs involved in the acquisition have worked with the PUCT in accordance with paragraph (b) of P.U.C. Subst. R. 25.493, Acquisition and Transfer of Customers from one Retail Electric Provider to Another; and

(iii) The acquisition does not require advance PUCT approval, unless the transfer is due to abandonment of a REP;

(b) Identification of the Losing CR;

(c) Designation of the Gaining CR(s);

(d) A list of the affected ESI IDs;

(e) The date ERCOT will provide in an 814\_03, Enrollment Notification Request, indicating the Acquisition Transfer Requested Date(s) for each ESI ID. The date the Acquisition Transfer will effectuate for a specific ESI ID is herein referred to as the “Requested Date;”

(f) Any non-date specific transactions will be submitted by ERCOT with FASD and processed as a standard 814\_03 transaction, following the applicable timeline. Any date specific transactions will be submitted by ERCOT as a self-selected 814\_03 transaction, and may be processed on the Requested Date by the TDSP(s).

**7.11.2.4 Acquisition Transfer Roles/Responsibilities**

(1) This Section outlines the various roles and responsibilities of parties involved (Losing CR, Gaining CR, TDSPs, ERCOT, PUCT) in an Acquisition Transfer event once the Acquisition Transfer Decision to transfer ESI IDs has been made and the parameters for the Acquisition Transfer process have been met, and in accordance with Protocol Section 15.1.3.2, Acquisition Transfer Process.

(2) The success of the Acquisition Transfer process is greatly dependent upon the ability and willingness of all parties involved to fully participate in the Acquisition Transfer event by satisfying all of their respective responsibilities throughout the Acquisition Transfer event as outlined below in this Section.

***7.11.2.4.2 ERCOT Responsibilities in an Acquisition Transfer***

(1) When feasible, ERCOT shall adhere to the timelines defined within this Section, unless ERCOT Legal authorizes the execution of an Acquisition Transfer on an expedited timeline. ERCOT reserves the right to initiate the Acquisition Transfer process as directed by ERCOT Legal. All efforts shall be made by ERCOT to provide the greatest possible lead time for the notification e-mail, ESI ID lists, initial conference call and transaction processing.

(2) ERCOT will perform the following actions prior to the initial Acquisition Transfer event conference call, as scheduled by ERCOT in paragraph (3) below:

(a) Prepare a list of the current Transition/Acquisition contact information as designated on the Market Participant’s ERCOT NCI form for all Market Participants involved in the Acquisition Transfer event (e.g., TDSPs, Gaining CR, and Losing CR);

(b) On the same date that ERCOT receives the Losing CR’s file providing the list of ESI IDs involved in the transfer, ERCOT shall forward this same file to the applicable TDSP(s) contacts as soon as possible;

(c) Once ERCOT has communicated the Acquisition Transfer file to the TDSP(s) and prior to ERCOT scheduling the Acquisition Transfer conference call, ERCOT shall allow TDSP(s), at a minimum, one Retail Business Day evaluation period to review the Losing CR’s list of ESI IDs, unless ERCOT Legal authorizes the execution of an Acquisition Transfer on an expedited timeline;

(d) Upon receipt of the TDSP(s) confirmation of switch hold removals to ERCOT, as described in paragraph (2)(b) of Section 7.11.2.4.3, Transmission and/or Distribution Service Provider Responsibilities in an Acquisition Transfer, ERCOT shall schedule the initial Acquisition Transfer event conference call between ERCOT, PUCT, Losing CR, Gaining CR, and applicable TDSP(s) to coordinate the details of the Acquisition Transfer event.

(3) Host the initial Acquisition Transfer event conference call. During the initial Acquisition Transfer event conference call, the following items will be addressed:

(a) Number of ESI IDs involved in Acquisition Transfer (if available), per TDSP:

(i) Number ESI IDs to be transferred using standard 814\_03, Enrollment Notification Request, timelines; and/or

(ii) Number of ESI IDs to be transferred using self-selected 814\_03 transaction timelines.

(b) Estimated time ERCOT will begin submitting the 814\_03 transactions to affected TDSP(s);

(c) Determine the process to be used to resolve exception ESI IDs (i.e. clean up out-of-sync REP of record associations, pending transaction questions, and any exceptions that may not have been included in the list of ESI IDs provided by the Losing CR in the Acquisition Transfer file);

(d) Confirm the accuracy of the Transition/Acquisition contacts (technical, business, and regulatory) for the Market Participants involved in the Acquisition Transfer event; and

(e) Determine schedule and frequency of additional conference calls;

(4) Following the initial Acquisition Transfer event conference call if possible:

(a) Perform a final verification of pending TX SETs immediately prior to submission of the 814\_03 transaction as described in Section 7.11.2.2, Handling Pending Texas Standard Electronic Transactions During an Acquisition Transfer Event;

(b) Create and submit the 814\_03 transaction with the Acquisition Transfer indicator for the affected ESI IDs;

(c) Send the applicable TDSP(s) a list of their ESI IDs for all 814\_03 transactions sent by ERCOT;

(d) Work with involved parties to determine the process to be used for exception ESI IDs, (i.e. clean up out-of-sync REP of record associations, pending transaction questions, and any exceptions that may not have been included in the list of ESI IDs provided in the Acquisition Transfer file described in paragraph (2)(f) of Section 7.11.2.4.1, Losing Competitive Retailer Responsibilities in an Acquisition Transfer event the Losing CR);

(e) Once ERCOT has received the 814\_04, Enrollment Notification Response, from TDSP(s) on the affected ESI IDs, ERCOT will forward the 814\_14, Drop Enrollment Request, to the Gaining CR(s) and the 814\_11, Drop Response, to the Losing CR within one Retail Business Day;

(f) Process final and initial meter reads received from the TDSP(s) and forward to the appropriate CR(s); and

(g) Monitor the progress of the Acquisition Transfer event and recommend conclusion of the Acquisition Transfer event based upon successful completion of required activities.

(5) Schedule and host all Acquisition Transfer event conference calls as needed throughout the specific Acquisition Transfer event.

***7.11.5 Transmission and/or Distribution Service Provider Electric Service Identifier Transition Roles and Responsibilities***

(1) The following are the various roles and responsibilities of parties involved in a transition event and may need to be revised based on the specific circumstances associated with any particular event:

(a) PUCT

(i) Establish or approve transition event Decision parameters including designation of the losing TDSP, gaining TDSP, general population of transitioning ESI IDs and effective date(s);

(ii) Authorize ERCOT to initiate transition process in the market;

(iii) Designate lead individual from PUCT Staff to work with ERCOT project lead and Market Participant team for project coordination purposes;

(iv) Review and approve, as needed, market communications with Customers associated with transition of ESI IDs;

(v) Approve as necessary, exceptions to the application of the recommended market process for completing the transition; and

(vi) Monitor progress of involved parties in completing the transition in accordance with targeted schedules.

(b) ERCOT

(i) Upon PUCT approval, initiate TDSP to TDSP ESI ID transition process;

(ii) Identify parties involved in the transition event, including losing TDSP, gaining TDSP, and all affected CRs, including CSA CRs and CRs with Pending Transactions;

(iii) Designate ERCOT transition project lead;

(iv) Schedule and facilitate initial and ongoing transition coordination meetings and conference calls through completion of the transition event;

(v) Coordinate market Notification of transition event to parties not involved in the transition;

(vi) Review initial list of transitioning ESI IDs for synchronization issues and work with Market Participants to resolve discrepancies and distribute to Market Participants;

(vii) Maintain and distribute the official list of transitioning ESI IDs;

(viii) Work with the TDSPs and CRs to determine the specific transactions and processes to be used to resolve issues surrounding Pending Transactions; and

(ix) Continually monitor the progress of the transition project and recommend conclusion of project based upon successful completion of all transition activities.

(c) TDSPs

(i) Confirm accuracy of the TDSP’s list of Transition/Acquisition contacts (technical, business and regulatory) on file with ERCOT (as designated on the TDSP’s ERCOT registration form or as updated via the NCI form). It is the responsibility of the TDSP to maintain accurate contact information on file with ERCOT. Additions and modifications to Transition/Acquisition contact information must be made by submitting an NCI form, as provided on the ERCOT website, to ERCOT Registration;

(ii) Work with ERCOT and CRs to resolve all discrepancies of transitioning ESI IDs;

(iii) Provide SMRDs for transitioning of ESI IDs;

(iv) Work with involved parties to determine the specific transactions and process to be used to complete the transition plan;

(v) Provide Market Participants with a tentative schedule and ongoing progress reports throughout transition for completion of transition; and

(vi) Participate in initial and ongoing transition project coordination meetings and/or conference calls through completion of the transition event.

(d) Designated CR, includes CSA CR

(i) Confirm accuracy of the Designated CR’s list of Transition/Acquisition contacts (technical, business and regulatory) on file with ERCOT (as designated on the Designated CR’s ERCOT registration form or as updated via the NCI form). It is the responsibility of the Designated CR to maintain accurate contact information on file with ERCOT. Additions and modifications to Transition/Acquisition contact information must be made by submitting an NCI form, as provided on the ERCOT website, to ERCOT Registration;

(ii) Review initial list of transition ESI IDs for accuracy and work with TDSP and ERCOT to resolve discrepancies;

(iii) Notify Customers involved of transition;

(iv) Work with involved parties to resolve issues with Pending Transactions;

(v) Submit transactions associated with transitioning ESI IDs in accordance with ERCOT directives, Protocols, and PUCT regulatory requirements;

(vi) Participate in initial and ongoing transition project coordination meetings and/or conference calls through completion of the transition event; and

(vii) If the gaining TDSP is an MOU/EC TDSP, designated CR must supply Customer billing information to the MOU/EC TDSP, unless otherwise indicated in Section 8.1, Municipally Owned Utility and/or Electric Cooperative Transmission and/or Distribution Service Provider Market.

(e) New CR

(i) Submit transactions associated with transitioning ESI IDs in accordance with ERCOT directives, Protocols, and PUCT regulatory requirements; and

(ii) Work with involved parties to resolve issues with Pending Transactions.

***7.11.6 Transmission and/or Distribution Service Provider Transition Process Narrative***

(1) Decision

(a) The processes described in this Section presume that an Acquisition Transfer Decision to transition the ESI IDs has already been made. The Launch decision provides assurance to the participants that transition actions and resources are required and will be a collaborative effort among representatives from the PUCT Staff, ERCOT and Market Participants involved in the transition;

(b) The parameters for the Mass Transition process will include:

(i) Identification of the losing TDSP;

(ii) Designation of the gaining TDSP;

(iii) A list of the affected ESI IDs;

(iv) Identification of all of the affected CRs (Current, CSA, and pending New CR);

(v) Assessment of wholesale market impacts; and

(vi) Acquisition Transfer Effective Date(s) of the transition.

(c) The transition of the designated ESI ID population may encompass more than one Acquisition Transfer Effective Date. However, individual ESI IDs will have only one Acquisition Transfer Effective Date. If conditions permit, then the individual Acquisition Transfer Effective Date should be aligned with a regular SMRD.

(2) Launch

(a) After the PUCT has approved the transition of ESI IDs, ERCOT will issue periodic Notifications to the affected CRs:

(i) Indicating that they are affected by an approved TDSP territory transition;

(ii) Stating that they are certified according to ERCOT processes to serve in the gaining TDSP territory;

(iii) Indicating that the gaining TDSP may have additional requirements before the CR can continue to serve the Load in the gaining TDSP’s certified territory;

(iv) Describing what transactions are required; and

(v) Describing when the CR is required to submit transactions;

(b) The losing TDSP will provide a file capable of being converted to a CSV file with a final set of ESI IDs that are targeted for the transition to the gaining TDSP and all affected CRs;

(c) ERCOT will confirm that its record of ESI ID ownership is consistent with the losing TDSP’s and identify any ESI IDs for which there are Pending Transactions; and

(d) When discrepancies exist, ERCOT, the TDSP, and the appropriate CR(s) will resolve the discrepancies to ensure that the correct population of ESI IDs is transitioned.

(3) Requirements

(a) Gaining TDSP will change the ESI IDs for the Premises acquired. When a partial TDSP transition event takes place, such partial TDSP transition requires the gaining TDSP to create new and unique ESI IDs for all ESI IDs involved in the transition;

(b) Transition of equipment and Customers will occur by the transition date agreed upon by both the losing and gaining TDSP;

(c) Issues with transferring equipment may delay the transition. The subsequent dates will be a part of the PUCT final approval;

(d) When applicable, the 814\_20, ESI ID Maintenance Request, will be sent by the gaining TDSP and must process prior to any relationship activity taking place on the ESI ID to account for the one day difference between ERCOT’s Siebel and Lodestar systems;

(e) When creating a new ESI ID(s), the process is:

(i) Upon completion of the move out for the existing CR, the losing TDSP is responsible for deactivation and retirement of the old ESI ID; and

(ii) The Gaining TDSP is responsible for new ESI ID setup and activation. All actions are performed utilizing the appropriate transactions. Note: Transition of CR within ERCOT’s system must occur simultaneously to prevent the old and new ESI IDs from being active or de-energized at the same time for the same Premise.

(f) Out-of-sync conditions between ERCOT and the TDSP will be resolved through current market synchronization processes;

(g) Losing TDSP will maintain the historical information for the time period it owned the ESI ID according to present record retention rules for TDSPs;

(h) Losing TDSP will maintain ability to perform cancel/rebills for the time period it owned the ESI ID;

(i) Throughout the transition period, the gaining MOU/EC TDSP must identify those affected ESI IDs involved in the transition between competitive and non-competitive Load in its certificated service territory for the purpose of Settlement at ERCOT;

(j) The gaining MOU/EC TDSP must confirm that the Service Address is also the billing address, utilizing current CR-provided information on each affected ESI ID, unless otherwise indicated in Section 8.1, Municipally Owned Utility and/or Electric Cooperative Transmission and/or Distribution Service Provider Market;

(k) The gaining TDSP and CR will determine how to communicate any fees to the retail Customer;

(l) All Pending Transactions with effective dates before the transition date will be completed by the losing TDSP before the transition date; and

(m) Move out date for the losing TDSP’s ESI ID will have the same effective date as the move in effective date for the gaining TDSP when creating a new ESI ID.

***7.16.4.3.1 Timelines Associated with Removal of a Switch Hold for Meter Tampering for Purposes of a Move in***

(1) P.U.C. Subst. R. 25.126, Adjustments Due to Non-Compliant Meters and Meter Tampering in Areas Where Customer Choice Has Been Introduced, mandates that within four Business Hours of the request to remove the switch hold, the TDSP determines whether or not the switch hold should be removed and this determination is accomplished by utilizing MarkeTrak.

(2) During processing of the MarkeTrak issue, the issue will be assigned and reassigned to all parties at specific points within the workflow.

(3) Each Market Participant involved, Gaining CR (requesting CR), Losing CR (REP of record) and TDSP is responsible for monitoring the MarkeTrak issue throughout the process, removal of the switch hold if applicable, and completing the steps within the timelines described in Section 7.16.4.3.2, Steps for Removal of a Switch Hold for Meter Tampering for Purposes of a Move in.

(4) Removal of a switch hold by the TDSP, as referred to within Section 7.16.4.4, Removal of Switch Hold for Meter Tampering by Retail Electric Provider of Record Request During Emergency Events, shall be interpreted to mean the removal of all switch holds (CR and/or TDSP-initiated) which may be applied to the ESI ID.

(5) For adding or removing switch holds during an extended unplanned system outage, refer to Section 7.10.4, Addition or Removal of Switch Hold by Retail Electric Provider of Record Request for 650 Transactions During Extended Unplanned System Outage Affecting the CR and/or TDSP.

***7.16.4.3.2 Steps for Removal of a Switch Hold for Meter Tampering for Purposes of a Move in***

(1) Switch Hold Removal Step 1 – Gaining CR

(a) Once the Gaining CR determines that the Customer requesting the move in is neither the Customer nor associated with the Customer subject to the switch hold, the Gaining CR shall obtain the documentation listed in items (i) and (ii) below from the Customer to remove the switch hold. For move ins associated with a Continuous Service Agreement (CSA), only documentation in item (iii) below is required.

(i) A signed statement as set forth in Section 9, Appendices, Appendix J2, New Occupant Statement, or Appendix J3, Declaración De Nuevo Ocupante (New Occupant Statement – Spanish), from the applicant stating that the applicant is a new occupant of the Premise(s) and is not associated with the preceding occupant. All fields must be completed to be considered a valid submission; and

(ii) The name(s) on the New Occupant Statement shall appear at least one time on any of the following document(s), and may be rejected if the name(s) cannot be reconciled:

1. One of the following bills, in the new occupant’s name, dated within the last two months from a different Premise address (cell phone invoices are not accepted):
   1. Natural Gas/Propane;
   2. Water/Sewer;
   3. Electricity; or
   4. Cable/Internet.

(B) Relevant portions of current, signed lease agreement showing the following pertinent information:

1. Full Premise address;
2. Tenant and landlord/property manager names;
3. Occupant names (if provided);

(4) Authorized signature pages with both the tenant and the landlord/property manager; and

(5) Effective lease dates.

(a) The commencement date of the effective lease agreement must be after the switch hold was applied to the Premise for the new occupant requesting the move in.

(b) Any expired lease agreements, or any lease agreement not signed by all responsible parties are not acceptable.

The gaining CR requesting removal of a switch hold shall review all documentation and, if all requirements are met, may proceed with MarkeTrak request.

(C) Notarized affidavit of landlord (see Section 9, Appendices, Appendix J6, Sample – Affidavit of Landlord);

(D) Closing documents indicating transfer of ownership occurred subsequent to the date the switch hold applied to Premise:

(1) Closing Statement with buyer/seller signatures; or

(2) Deed that has been filed with the county clerk, indicating street name and house number;

(E) Certificate of occupancy indicating new occupant being subsequent to the date of the switch hold applied to the Premise;

(F) Other comparable documentation in the name of the new retail applicant for electric service.

(iii) A CSA Statement as set forth in Section 9, Appendices, Appendix J4, Continuous Service Agreement (English), or Appendix J5, Declaración de Acuerdo deServicio Continuo (Continuous Service Agreement Statement – Spanish), from the current CSA REP of record stating that the Premise is vacant and has an active CSA.

(b) Gaining CR shall create a MarkeTrak issue using the subtype of *Switch Hold Removal,* attach all required documentation and assign the issue to the TDSP.

(2) Switch Hold Removal Step 2 – TDSP

(a) The TDSP shall reply within one Business Hour of becoming the responsible Market Participant of the MarkeTrak issue with one of the responses below:

(i) The TDSP may reject the issue. If the issue is rejected, any further request to have the switch hold removed must be submitted in the form of a new MarkeTrak issue. All timelines will be reset upon submittal of a new MarkeTrak issue as outlined starting with Switch Hold Removal Step 1 in paragraph (1) above. Reasons for which the TDSP may reject the issue are as follows:

(A) Inadequate documentation upon submission of the MarkeTrak issue;

(1) Name(s) on New Occupant Statement does not appear on any documentation submitted under paragraph (1)(a)(ii) above;

(B) Reasonable determination that the Gaining CR’s Customer is associated with the Customer who resided at the location when meter tampering occurred, including the reason for this determination and all relevant internal documentation;

(C) Current REP of record is the submitter of the MarkeTrak issue; or

(D) No switch hold is currently applied to the ESI ID.

(ii) The TDSP may accept the issue and shall:

(A) Transition the MarkeTrak issue to the current REP of record; or

(B) Proceed to Switch Hold Removal Step 4 in paragraph (4) below if there is no REP of record; and

(C) Assign the issue back to the Gaining CR.

(3) Switch Hold Removal Step 3 – Losing CR

(a) The Losing CR shall take the following action within one and a half Business Hours of having been assigned the issue by the TDSP:

(i) Review all documentation provided by the Gaining CR; and

(ii) Transition the issue as indicated below:

(A) If the Losing CR agrees that Gaining CR’s Customer is not associated with the Losing CR’s Customer, the Losing CR shall select the “Agree” transition within MarkeTrak; or

(B) If the Losing CR has information that indicates that the Gaining CR’s Customer and the Losing CR’s Customer are associated, the Losing CR shall choose the “Disagree” transition within MarkeTrak. Additionally, the Losing CR must state reasons for disagreement and attach documents that support the Losing CR’s position.

(b) If the Losing CR has not chosen the “Agree” or “Disagree” transition within one and a half Business Hours of receipt, therefore remaining the responsible Market Participant within the MarkeTrak issue, the Losing CR is considered to agree with the Gaining CR’s removal of the switch hold request.

(i) The Gaining CR may use the “Time Limit Exceeded” transition to request a final decision from the TDSP if there is no response from the Losing CR by the end of the allotted time. The Gaining CR shall only use this transition when the Losing CR has been the responsible Market Participant of the MarkeTrak issue in excess of their allotted time. The TDSP will become the responsible Market Participant if this transition is used by the Gaining CR.

(4) Switch Hold Removal Step 4 – TDSP

(a) The TDSP shall have the remaining time between the assignment of the issue and the end of the four Business Hours timeframe to respond with a decision, but no less than one and a half Business Hours.

(b) The TDSP shall review all comments and documentation received, but retains the discretion to determine the final status of the switch hold. Upon completion of the review, the TDSP shall take one of the following actions:

(i) Disapprove the removal of the switch hold during the final review period if the TDSP has internal information that indicates the requesting CR’s Customer is associated with the Losing CR’s Customer regardless of documentation provided. The TDSP shall place comments in the issue notifying parties of the reason for disapproval and attach all relevant internal documentation;

(ii) Approve the removal of the switch hold upon verification that the Losing CR failed to respond within one and a half Business Hours of receipt using the “State Change History” as the sole indicator if the Gaining CR transitions the MarkeTrak issue to the TDSP requesting a final decision due to the Losing CR’s failure to respond to the issue within the allotted timeframe. The TDSP shall remove the switch hold to allow completion of a move in request and place comments in the issue notifying parties of the decision to remove the switch hold;

(iii) Review the MarkeTrak issue received with comments from both CRs and if it is determined that the TDSP has no internal information that indicates the Gaining CR’s Customer is associated with the Losing CR’s Customer, the TDSP shall:

(A) If there is agreement among both CRs that the switch hold should be removed, the TDSP will remove the switch hold and assign the issue back to the Gaining CR, notifying parties of the removal of the switch hold, through comments; or

(B) If there is disagreement, the TDSP will evaluate all information provided by both CRs and assign the issue back to the Gaining CR with the final decision to approve or deny the request to remove the switch hold, through comments. If the decision is to approve the request to remove the switch hold, the TDSP shall remove the switch hold prior to assigning the issue back to the Gaining CR.

(iv) Disapprove the removal of the switch hold and notify parties, through comments, of the reason for disapproval if the TDSP receives the MarkeTrak issue from the Gaining CR for a final decision and the “State Change History” indicates that the Losing CR was not provided the full one and a half Business Hours allocated under Switch Hold Removal Step 3 in paragraph (3) above; or

(v) Disapprove the removal of the switch hold and notify parties, through comments, of the reason for disapproval if the TDSP does not receive the full one and a half Business Hours for review and the allotted time was inadequate for a final decision to be made.

(5) Switch Hold Removal Step 5 – All Market Participants Involved

(a) If at any time, the TDSP becomes aware that the MarkeTrak issue was not resolved within the four Business Hour timeframe, the TDSP shall make a decision on whether or not to remove the switch hold based upon the existing activity within the MarkeTrak issue. The TDSP shall place comments in the MarkeTrak issue containing the final decision and transition the issue if possible.

(b) If at any time, the Gaining CR becomes aware that the MarkeTrak issue was not resolved within the four Business Hour timeframe, the Gaining CR shall notify the TDSP, via the MarkeTrak e-mail function and request a final decision.

(c) If at any time, the Losing CR becomes aware that the MarkeTrak issue was not resolved within the four Business Hour timeframe, the Losing CR shall notify the TDSP, via the MarkeTrak e-mail function and request a final decision.

***7.16.4.3.3 Release of Switch Hold for Meter Tampering Due to Exceeding Specified Timelines***

(1) In accordance with P.U.C. Subst. R. 25.126, Adjustments Due to Non-Compliant Meters and Meter Tampering in Areas Where Customer Choice Has Been Introduced, the TDSP must make a determination on the request to remove the switch hold within four Business Hours of submission of the MarkeTrak issue, regardless of the progression of the MarkeTrak issue.

(2) In the event that the switch hold is released and a Move-In Request is submitted by the Gaining CR, the Losing CR may file a MarkeTrak issue to have the ESI ID returned if the loss was due to the expiration of the four Business Hour time frame in which the Losing CR and TDSP were not each allotted their full one and a half Business Hours to review the information due to the Gaining CR’s failure to transition the MarkeTrak issue within its specified time frame. The Losing CR has until the end of the following Retail Business Day after the Gaining CR’s submission of a Move-In Request to file an issue seeking reinstatement or retention of the ESI ID due to a prematurely removed switch hold. If an *Inadvertent Losing* MarkeTrak issue is not filed within this time frame, the Losing CR is considered to have forfeited any claim to the ESI ID, and/or switch hold. The process to have the ESI ID reinstated or retained is as follows:

(a) The Losing CR creates a MarkeTrak issue using the *Inadvertent Losing* subtype.

(i) Create a link in the current issue to the original MarkeTrak issue by using “Item Link”; and

(ii) Populate the issue with the following comment, verbatim: “TDSP return ESI ID per RMG Section 7.16.4.3.3 and restore switch hold upon reinstatement.”

(b) The Gaining CR shall make all attempts to cancel the pending move in if it has not yet effectuated, or if unable to cancel, shall agree to the return of the ESI ID if it has effectuated.

(c) The TDSP shall restore the switch hold on the ESI ID upon successful reinstatement or retention of the ESI ID by the Losing CR.

(3) The Losing CR shall not use the switch hold removal process to regain an ESI ID in which the Losing CR either failed to transition the original MarkeTrak issue within the one Business Hour allotted or used an incorrect transition to reassign the issue to the Gaining CR.

(4) If during the period in which the switch hold was removed, a third CR, not involved in the original MarkeTrak issue, submits an 814\_01, Switch Request, or 814\_16, Move In Request, for the ESI ID, the third CR is permitted to keep the ESI ID and the MarkeTrak issue shall be closed by the submitter of the “Inadvertent Losing” MarkeTrak issue.

***7.17.3.3.1 Timelines Associated with Removal of a Switch Hold for Deferred Payment Plans for Purposes of a Move in***

(1) P.U.C. Subst. R. 25.480, Bill Payment and Adjustments, mandates that within four Business Hours of the request to remove the switch hold, the TDSP determines whether or not the switch hold should be removed and this determination is accomplished by utilizing MarkeTrak. During processing of the MarkeTrak issue, the issue will be assigned and reassigned to all parties at specific points within the workflow. Each Market Participant involved, Gaining CR (requesting CR), Losing CR (REP of record) and TDSP is responsible for monitoring the MarkeTrak issue throughout the process, removal of the switch hold if applicable, and completing the steps within the timelines described in Section 7.17.3.3.2, Steps for Removal of a Switch Hold for Deferred Payment Plans for Purposes of a Move in. Removal of a switch hold by the TDSP, as referred to within Section 7.17.3.3, Removal of a Switch Hold for Deferred Payment Plans for Purposes of a Move in, shall be interpreted to mean the removal of all switch holds (CR and/or TDSP-initiated) which may be applied to the ESI ID.

***7.17.3.3.2 Steps for Removal of a Switch Hold for Deferred Payment Plans for Purposes of a Move in***

(1) Switch Hold Removal Step 1 – Gaining CR

(a) Once the Gaining CR determines that the Customer requesting the move in is neither the Customer nor associated with the Customer subject to the switch hold, the Gaining CR shall obtain the documentation listed in items (i) and (ii) below from the Customer to remove the switch hold. For move ins associated with a Continuous Service Agreement (CSA), only documentation in item (iii) below is required.

(i) A signed statement as set forth in Section 9, Appendices, Appendix J2, New Occupant Statement, or Appendix J3, Declaración De Nuevo Ocupante (New Occupant Statement – Spanish), from the applicant stating that the applicant is a new occupant of the Premise(s) and is not associated with the preceding occupant. All fields must be completed to be considered a valid submission; and

(ii) The name(s) on the New Occupant Statement shall appear at least one time on any of the following document(s) and may be rejected if the name(s) cannot be reconciled:

1. One of the following bills, in the new occupant’s name, dated within the last two months from a different Premise address (cell phone invoices are not accepted):
   1. Natural Gas/Propane;
   2. Water/Sewer;
   3. Electricity; or
   4. Cable/Internet.

(B) Relevant portions of current, signed lease agreement showing the following pertinent information:

1. Full Premise address;
2. Tenant and landlord/property manager names;
3. Occupant names (if provided);

(4) Authorized signature pages with both the tenant and the landlord/property manager; and

(5) Effective lease dates.

(a) The commencement date of the effective lease agreement must be after the switch hold was applied to the Premise for the new occupant requesting the move in.

(b) Any expired lease agreements, or any lease agreement not signed by all responsible parties are not acceptable.

The gaining CR requesting removal of a switch hold shall review all documentation and, if all requirements are met, may proceed with MarkeTrak request.

(C) Notarized affidavit of landlord (see Section 9, Appendices, Appendix J6, Sample – Affidavit of Landlord);

(D) Closing documents indicating transfer of ownership occurred subsequent to the date the switch hold applied to Premise:

(1) Closing Statement with buyer/seller signatures; or

(2) Deed that has been filed with the county clerk, indicating   
 street name and house number;

(E) Certificate of occupancy indicating new occupant being subsequent to the date of the switch hold applied to the Premise;

(F) Other comparable documentation in the name of the new retail applicant for electric service.

(iii) A CSA Statement as set forth in Section 9, Appendices, Appendix J4, Continuous Service Agreement (English), or Appendix J5, Declaración de Acuerdo deServicio Continuo (Continuous Service Agreement Statement – Spanish), from the current CSA REP of record stating that the Premise is vacant and has an active CSA.

(b) Gaining CR shall create a MarkeTrak issue using the subtype of *Switch Hold Removal,* attach all required documentation and assign the issue to the TDSP.

(2) Switch Hold Removal Step 2 – TDSP

(a) The TDSP shall reply within one Business Hour of becoming the responsible Market Participant of the MarkeTrak issue with one of the responses below:

(i) The TDSP may reject the issue. If the issue is rejected, any further request to have the switch hold removed must be submitted in the form of a new MarkeTrak issue. All timelines will be reset upon submittal of a new MarkeTrak issue as outlined starting with Switch Hold Removal Step 1 in paragraph (1) above. Reasons for which the TDSP may reject the issue are as follows:

(A) Inadequate documentation upon submission of the MarkeTrak issue;

(1) Name(s) on New Occupant Statement does not appear on any documentation submitted under paragraph (1)(a)(ii) above;

(B) Reasonable determination that the Gaining CR’s Customer is associated with the Customer who resided at the location when placement of the switch hold occurred, including the reason for this determination and all relevant internal documentation;

(C) Current REP of record is the submitter of the MarkeTrak issue; or

(D) No switch hold is currently applied to the ESI ID.

(ii) The TDSP may accept the issue and shall:

(A) Transition the MarkeTrak issue to the current REP of record; or

(B) Proceed to Switch Hold Removal Step 4 in paragraph (4) below if there is no REP of record; and

(C) Assign the issue back to the Gaining CR.

(3) Switch Hold Removal Step 3 – Losing CR

(a) The Losing CR shall take the following action within one and a half Business Hours of having been assigned the issue by the TDSP:

(i) Review all documentation provided by the Gaining CR; and

(ii) Transition the issue as indicated below:

(A) If the Losing CR agrees that Gaining CR’s Customer is not associated with the Losing CR’s Customer, the Losing CR shall select the “Agree” transition within MarkeTrak; or

(B) If the Losing CR has information that indicates that the Gaining CR’s Customer and the Losing CR’s Customer are associated, the Losing CR shall choose the “Disagree” transition within MarkeTrak. Additionally, the Losing CR must state reasons for disagreement and attach documents that support the Losing CR’s position.

(b) If the Losing CR has not chosen the “Agree” or “Disagree” transition within one and a half Business Hours of receipt, therefore remaining the responsible Market Participant within the MarkeTrak issue, the Losing CR is considered to agree with the Gaining CR’s removal of the switch hold request.

(i) The Gaining CR may use the “Time Limit Exceeded” transition to request a final decision from the TDSP if there was no response from the Losing CR by the end of their allotted time. The Gaining CR shall only use this transition when the Losing CR has been the responsible Market Participant of the MarkeTrak issue in excess of their allotted time. The TDSP will become the responsible Market Participant if this transition is used by the Gaining CR.

(4) Switch Hold Removal Step 4 – TDSP

(a) The TDSP shall have the remaining time between the assignment of the issue and the end of the four Business Hours timeframe to respond with a decision, but no less than one and a half Business Hours.

(b) The TDSP shall review all comments and documentation received, but retains the discretion to determine the final status of the switch hold. Upon completion of the review, the TDSP shall take one of the following actions:

(i) Disapprove the removal of the switch hold during the final review period if the TDSP has internal information that indicates the requesting CR’s Customer is associated with the Losing CR’s Customer regardless of documentation provided. The TDSP shall place comments in the issue notifying parties of the reason for disapproval and attach all relevant internal documentation;

(ii) Approve the removal of the switch hold upon verification that the Losing CR failed to respond within one and a half Business Hours of receipt using the “State Change History” as the sole indicator if the Gaining CR transitions the MarkeTrak issue to the TDSP requesting a final decision due to the Losing CR’s failure to respond to the issue within the allotted time frame. The TDSP shall remove the switch hold to allow completion of a move in request and place comments in the issue notifying parties of the decision to remove the switch hold;

(iii) Review the MarkeTrak issue received with comments from both CRs and if it is determined that the TDSP has no internal information that indicates the Gaining CR’s Customer is associated with the Losing CR’s Customer, the TDSP shall:

(A) If there is agreement among both CRs that the switch hold should be removed, the TDSP will remove the switch hold and assign the issue back to the Gaining CR, notifying parties of the removal of the switch hold, through comments; or

(B) If there is disagreement, the TDSP will evaluate all information provided by both CRs and assign the issue back to the Gaining CR with the final decision to approve or deny the request to remove the switch hold through comments. If the decision is to approve the request to remove the switch hold, the TDSP shall remove the switch hold prior to assigning the issue back to the Gaining CR.

(iv) Disapprove the removal of the switch hold and notify parties, through comments, of the reason for disapproval if the TDSP receives the MarkeTrak issue from the Gaining CR for a final decision and the “State Change History” indicates that the Losing CR was not provided the full one and a half Business Hours allocated under Switch Hold Removal Step 3 in paragraph (3) above; or

(v) Disapprove the removal of the switch hold and notify parties, through comments, of the reason for disapproval if the TDSP does not receive the full one and a half Business Hours for review and the allotted time was inadequate for a final decision to be made.

(5) Switch Hold Removal Step 5 – All Market Participants Involved

(a) If at any time, the TDSP becomes aware that the MarkeTrak issue was not resolved within the four Business Hour time frame, the TDSP shall make a decision on whether or not to remove the switch hold based upon the existing activity within the MarkeTrak issue. The TDSP shall place comments in the MarkeTrak issue containing the final decision and transition the issue if possible.

(b) If at any time, the Gaining CR becomes aware that the MarkeTrak issue was not resolved within the four Business Hour time frame, the Gaining CR shall notify the TDSP, via the MarkeTrak e-mail function and request a final decision.

(c) If at any time, the Losing CR becomes aware that the MarkeTrak issue was not resolved within the four Business Hour time frame, the Losing CR shall notify the TDSP, via the MarkeTrak e-mail function and request a final decision.

***7.17.3.3.3 Release of Switch Hold for Payment Plans Due to Exceeding Specified Timelines***

(1) In accordance with P.U.C. Subst. R. 25.480, Bill Payment and Adjustments, the TDSP must make a determination on the request to remove the switch hold within four Business Hours of submission of the MarkeTrak issue, regardless of the progression of the MarkeTrak issue.

(2) In the event that the switch hold is released and a Move-In Request is submitted by the Gaining CR, the Losing CR may file a MarkeTrak issue to have the ESI ID returned if the loss was due to the expiration of the four Business Hour time frame in which the Losing CR and TDSP were not each allotted their full one and a half Business Hours to review the information due to the Gaining CR’s failure to transition the MarkeTrak issue within its specified time frame. The Losing CR has until the end of the following Retail Business Day after the Gaining CR’s submission of a Move-In Request to file an issue seeking reinstatement or retention of the ESI ID due to a prematurely removed switch hold. If an *Inadvertent Losing* MarkeTrak issue is not filed within this time frame, the Losing CR is considered to have forfeited any claim to the ESI ID, and/or switch hold. The process to have the ESI ID reinstated or retained is as follows:

(a) The Losing CR creates a MarkeTrak issue using the *Inadvertent Losing* subtype.

(i) Create a link in the current issue to the original MarkeTrak issue by using “Item Link”; and

(ii) Populate the issue with the following comment, verbatim: “TDSP return ESI ID per RMG Section 7.17.3.3.3 and restore switch hold upon reinstatement.”

(b) The Gaining CR shall make all attempts to cancel the pending move in if it has not yet effectuated, or if unable to cancel, shall agree to the return of the ESI ID if it has effectuated.

(c) The TDSP shall restore the switch hold on the ESI ID upon successful reinstatement or retention of the ESI ID by the Losing CR.

(3) The Losing CR shall not use the switch hold removal process to regain an ESI ID in which the Losing CR either failed to transition the original MarkeTrak issue within the one Business Hour allotted or used an incorrect transition to reassign the issue to the Gaining CR.

(4) If during the period in which the switch hold was removed, a third CR, not involved in the original MarkeTrak issue, submits an 814\_01, Switch Request, or 814\_16, Move In Request, for the ESI ID, the third CR is permitted to keep the ESI ID and the MarkeTrak issue shall be closed by the submitter of the “Inadvertent Losing” MarkeTrak issue.