

TEXAS ELECTRICITY CONSUMERS, BEWARE OF REP FEES

**A REPORT ON FEES CHARGED BY RETAIL ELECTRIC PROVIDERS
IN THE ONCOR SERVICE AREA USING AGREEMENTS POSTED
BY RETAIL ELECTRIC PROVIDERS
ON THE POWER TO CHOOSE WEBSITE
MAY 30, JUNE 5, AND JULY 30, 2013**

BY:

Carol Biedrzycki
Executive Director
Texas Ratepayers' Organization to Save Energy
815 Brazos St., Suite 1100
Austin, Texas 78701
(512) 472-5233

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The purpose of this report is to provide information for consumers in Texas about fees, sometimes very high fees, charged by retail electric providers (REPs). Fees can make a big difference in what a consumer pays for electricity. When choosing a REP, fees should be carefully studied along with the electricity price a REP is offering.

The tables in this report speak for themselves. They demonstrate, at a given point in time, the vast differences in fees being charged by different retailers in the Texas electricity market.

Before you choose a REP check the terms of service agreement. Always check, even if you are looking to switch REPs based on the experience of a friend. The terms of service for new customers can change at any time. For example, since the research was completed for APNA Energy on May 30th the company raised its minimum usage fee from \$15.00 to \$20.00. The charts in this report should only be used for guidance, not to make a final decision about an electricity plan.

I. BACKGROUND

Many REPS charge residential consumers fees for not using enough electricity and for routine transactions such as mailing a disconnection notice and taking a credit card payment over the telephone. The fees are becoming more common and should be stopped because:

- There is no cost justification for charging the fees.
- The customers hit the hardest by fees are those who can least afford them.
- Many of the REP fees are buried in the terms of service (TOS) linked to the Power to Choose website¹ making it extremely difficult for a consumer to research them.
- The minimum usage fee that charges a customer for electricity the customer never uses or provides a credit to high usage customers discourages energy conservation.

¹ There are REPs providing service to residential consumers that do not post their products on the PUC website. The terms of service of these REPs are not included in this study.

- Adding fees to the bills of low-income consumers increases the likelihood that the consumer will not be able to afford essential power.
- The fees cancel out the claimed benefits of advanced meters that are supposed to help consumers save money by being more energy efficient and lower the costs of disconnection and reconnection.

II. MORE REPS ARE CHARGING MORE FEES AND MOST OF THOSE FEES ARE HIGHER THAN THEY WERE TWO YEARS AGO.

The following table is a summary and comparison of fees charged by retail electric providers (REPs) in the Oncor service area. The fees are representative of fees being charged everywhere electricity is deregulated in Texas.

The fees were researched from the electricity facts labels (EFL) and terms of service (TOS) posted by REPs on May 30, June 5 and July 30, 2013 for a fixed price product. The table notes and summarizes the following:

- **Disclosure Source** – This column indicates whether the REP provides the information about added fees on the Electricity Facts Label (EFL) or in the Terms of Service agreement (TOS). The EFL includes a space for disclosing fees. Some REPs disclose the fees only in the EFL. Many use the EFL and/or one or more sections of the TOS to disclose fees.
- **Contract Termination Fee** – The amount a customer is charged if a 12 month contract is voluntarily ended by the customer prior to the expiration date.
- **Minimum Usage** – A minimum usage fee refers to a fee added to a bill if the customer's kWh use for the month is below a certain amount. Also included in this category are discounts given to customers whose kWh usage exceeds a certain amount.
- **Not Sufficient Funds (NSF)** – The not sufficient funds fee represents charges for returned checks and rejected debit, credit card and electronic payments.
- **Disconnect Reconnect** – Most REPs charge fees in addition to the fees charged by the transmission and distribution utilities (TDU) that are related to disconnection and reconnection. The number shown on the table represents the total amount a customer who is disconnected will be charged to reconnect service in addition to the charges from the TDU. Depending on the REP, the

totals may include charges for sending a disconnection notice, and ordering the disconnection and reconnection.

- **Payment Processsing** – A fee charged by the REP for accepting certain forms of payment from the consumer. This may include fees for making credit and debit card payments over the phone to the customer service center and charges for payments made over the Internet.
- **Late Payment** – The late payment is the fee charged on bills paid after the due date which is 16 days after the bill is issued. The late fee is set by Public Utility Commission rule. A REP may charge 5% of the balance owed once.

**ADDED FEES CHARGED BY RETAIL ELECTRIC PROVIDERS TO FIXED PRICE RESIDENTIAL CONSUMERS
(based on information posted on powertochoose.org May 30, June 5, and July 30, 2013)**

Types of Fees							
Retail Electric Provider (REP)	Disclosure Source	Contract Termination Fee	Minimum Usage	NSF	Disconnect Reconnect	Payment Processing	Late Payment
4Change Energy*	TOS	20/mo	\$20.00	\$29.95	\$59.85	\$3.95	5%
Ambit Energy*	TOS	\$199.00	\$9.99	\$25.00	\$65.00	\$5.00	5%
Amigo Energy*	TOS	\$125.00	\$19.95	\$25.00	\$42.00	\$2 to 10	5%
APNA Energy*	TOS	\$150.00	\$15.00	\$35.00	\$22.62		5%
AP Gas & Electric*	TOS	\$150.00	\$8.95	\$30.00	\$50.00		5%
Apollo Power & Light LLC*	TOS	\$150.00		\$30.00	\$40.00	\$5.00	5%
Bounce Energy	EFL	\$200.00	\$6.95/\$9.95	\$25.00	\$70.00	\$3.00	5%
Brilliant Energy*	TOS	\$200.00	\$10.99	\$30.00	\$75.00		5%
Champion Energy Services	TOS	\$150.00	\$6.95	\$25.00			5%
Cirro Energy	TOS	\$150.00	\$7.95	\$25.00	\$25.00	\$3.95	5%
Compassion Energy*	EFL	\$150.00	\$9.95	\$30.00	\$25.00	\$5.95	5%
Direct Energy	TOS	\$200.00	\$9.95	\$25.00	\$10.00	NS	5%
Dynowatt	EFL	\$25/mo	\$6.95	\$30.00			5%
ENCOA	TOS	\$150.00	\$14.99	\$25.00	\$25.00		5%
Entrust Energy	EFL	\$150.00		\$25.00	\$60.00		5%
First Choice	TOS	\$150.00		\$25.00	\$10.00		5%
Frontier Utilities*	TOS	\$200.00	\$13.99	\$35.00	\$65.00	\$5.00	5%
Gexa Energy*	TOS	\$150.00	\$9.95	\$25.00	\$30.00	NS	5%
Green Mountain Energy*	TOS	\$200.00		\$25.00	\$65.00	\$5.95	5%
Independence Energy	EFL	\$150.00	\$9.95	\$30.00	\$25.00	\$5.95	5%
Infinite Energy	TOS	\$150.00	\$9.95	\$30.00		\$4.95	5%
Just Energy	EFL	\$150.00	\$9.95	\$25.00	\$45.00	\$4.95	5%
Kona Energy*	TOS	\$100.00	\$9.95	\$25.00	\$22.00		5%
Mission Power*	TOS	\$124.99	\$9.95	\$25.00	\$50.00	\$4.95	5%

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Types of Fees							
Retail Electric Provider (REP)	Disclosure Source	Contract Termination Fee	Minimum Usage	NSF	Disconnect Reconnect	Payment Processing	Late Payment
New Leaf	TOS	\$200.00		\$25.00	\$10.00		5%
Our Energy, LLC	EFL	\$200.00	\$9.95	\$25.00	\$50.00		5%
Pennywise Power	EFL	\$150.00	\$9.95	\$30.00	\$25.00	\$5.95	5%
Potentia Energy*	TOS	\$150.00	\$9.99	\$35.00	\$70.00	\$7.95	5%
Reach Energy *	TOS	\$175.00	\$19.95	\$30.00	\$125.00	\$5.00	5%
Reliant Energy	EFL	\$150.00	\$9.95	\$30.00	\$25.00	\$5.95	5%
Source Power & Gas LLC	EFL	\$150.00	\$9.95	\$25.00	\$25.00		5%
Southwest Power & Light*	EFL	\$175.00	\$9.95	\$40.00	\$46.00		5%
Spark Energy	EFL	\$175.00	\$8.99	\$30.00	\$50.00		5%
Star Tex Power*	TOS	\$150.00	\$9.95	\$40.00	\$40.00		5%
Stream Energy *	TOS	\$250.00	\$9.95	\$25.00	\$50.00		5%
Summer Energy	TOS	\$200.00		\$30.00	\$40.00		5%
Tara Energy	TOS	\$250.00	\$9.95	\$30.00	\$42.00		5%
Texas Power*	TOS	\$150.00	\$13.95	\$30.00	\$70.00		5%
Texpo Energy*	EFL	\$175.00	\$9.95	\$40.00	\$46.00		5%
Tri Eagle	TOS	\$20/mo		\$30.00			5%
True Electric*	TOS	\$195.00	\$9.95	\$25.00	\$50.00	\$4.95	5%
TXU Energy*	TOS	\$150.00	\$9.95	\$30.00	\$40.00	\$3.95	5%
V247 Power*	TOS	\$150.00	\$9.95	\$30.00	\$50.00	\$4.95	5%
YEP*	EFL	\$175.00	\$9.95	\$40.00	\$46.00		5%

*See Miscellaneous Fees Table p. 9-10

**SUMMARY OF MINIMUM USAGE FEES
FIXED PRICE RESIDENTIAL ELECTRICITY PLANS IN ONCOR SERVICE AREA
MAY 30, JUNE 5, AND JULY 30, 2013**

REP NAME	MONTHLY MINIMUM USAGE FEE
4Change Energy	\$20.00 credit if usage more than 999 kWh
Ambit Energy	\$9.99 charge if usage less than 999kWh
Amigo Energy	\$19.95 charge if usage less than 1,000 kWh
AP Gas & Electric	\$8.95 charge if usage less than 1,000 kWh
APNA	\$15.00 charge if usage less than 999 kWh
Apollo Power & Light LLC	None
Bounce Energy	\$6.95 base charge if usage greater than 249 kWh and less than 2000 kWh. \$9.95 if usage less than 250 kWh
Brilliant	\$10.99 charge if usage less than 999 kWh
Champion Energy Services	\$6.95 charge if usage less than 800 kWh
Cirro Energy	\$7.95 charge if usage less than 1,000 kWh
Compassion Energy	\$9.95 charge if usage less than 1,000 kWh
Direct Energy	\$9.95 charge if usage falls below 999 kWh
Dynowatt Energy	\$6.95 charge if usage less than 1,000 kWh
ENCOA	\$14.99 charge if usage less than 1,000 kWh *
Entrust Energy	None
First Choice	None
Frontier Utilities	\$13.99 charge if usage less than 1,000 kWh
Gexa	\$9.95 charge if usage less than 1,000 kWh
Green Mountain Energy	None
Independence Energy	\$9.95 charge if usage less than 1,000 kWh
Infinite Energy	\$9.95 waiver if usage more than 1,000 kWh
Just Energy	\$9.95 charge if usage less than 1,000 kWh
Kona Energy	\$9.95 applies if usage is less than or equal to 999 kWh
Mission Power	\$9.95 charge if usage less than 999 kWh
New Leaf	None
Our Energy LLC	\$9.95 charge if usage less than 1,000 kWh
Pennywise Power	\$9.95 charge if usage less than 1,000 kWh
Potentia Energy	\$9.99 credit if usage more than 1,000 kWh
Reach Energy	\$19.95 charge if usage less than 1,000 kWh
Reliant Energy	\$9.95 charge if usage less than 800 kWh
Source Power & Gas	\$9.95 charge if usage less than 1,000 kWh
Southwest Power & Light	\$9.95 credit if usage more than 1,000 kWh
Spark Energy LP	\$8.99 credit if usage more than 1,000 kWh
Star Tex Power	\$9.95 charge if usage is 999 kWh or less
Stream Energy	\$9.95 charge if usage is 699 kWh or less

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FIXED PRICE RESIDENTIAL ELECTRICITY PLANS IN ONCOR SERVICE AREA
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REP NAME	MONTHLY MINIMUM USAGE FEE
Summer Energy	None
Tara Energy	\$9.95 charge if usage less than 1,000 kWh
Texas Power	\$13.95 charge if usage less than 1,000 kWh
Texpo Energy	\$9.95 charge if usage less than 1,000 kWh
TXU Energy	\$9.95 credit if usage more than 500 kWh
V247 Power	\$9.95 charge if usage less than 1,000 kWh
YEP	\$9.95 credit if usage more than 1,000 kWh
Tri Eagle Energy	None

**SUMMARY OF MISCELLANEOUS FEES
FIXED PRICE TO RESIDENTIAL ELECTRICITY PLANS IN ONCOR SERVICE AREA
(May 30, June 5, and July 30, 2013)**

REP NAME	MISCELLANEOUS FEES
4 Change Energy	Agent Assist Fee – 4.95 per call, Document Processing Fee 3.95, Summary Bill Fee 4.95, Renewable Energy Selection Fee \$4.95, Move-out Date Change \$9.95, Collections Recovery Fee \$24.95, Inactivity Fee - \$9.95
Ambit Energy	\$100 Expedited Reconnect Fee. \$20.00 Payment Plan Processing Fee. \$2.50 for credit or debit card
Amigo Energy	Credit card auto draft - \$2.00, credit card payment via web \$5.00, any payment over the phone \$10.00, additional copies of mailed or faxed bills \$5.00, one time bank draft fee via web \$5.00
AP Gas & Electric	AP G&E reserves the right to automatically charge a credit card or checking account for any unpaid balance plus a 33% collection fee.
APNA Energy	Priority move in \$34.56; Move out after nonpayment \$15.00.
Apollo Power & Light LLC	Reconnect after tampering \$350. Expedite fee \$20, meter re-read fee \$10.00, agent assisted payment fee \$5.00.
Brilliant Energy	\$75 Express Activation Fee for priority move-in, e-Billing Discount Forfeiture Fee \$6.00, Auto-Pay Discount Forfeiture Fee \$6.
Compassion Energy	\$5.95 for any payment processed by a Compassion Energy Representative
Frontier Utilities	\$25 for a request to change a transaction; document mailing fee of up to \$20; up to \$5 per collection call; up to \$10 to speak with a service representative, "Auto-Plans" – mailing a bill \$5.00, payment taken by other means \$5.00.
Gexa Energy	\$2 service charge per bill or copy.
Green Mountain Energy	\$5 per period for bill copies, \$15 if you make an excessive (5 per month) number of payments on your account, each time they call to remind that payment is past due \$5.00.
Kona Energy	Collection Fees – 35% of past due amount

**SUMMARY OF MISCELLANEOUS FEES
FIXED PRICE TO RESIDENTIAL ELECTRICITY PLANS IN ONCOR SERVICE AREA
(May 30, June 5, and July 30, 2013)**

REP NAME	MISCELLANEOUS FEES
Mission Power	\$75 for priority processing performed at your request. \$1.50 per bank account draft performed by telephone with a customer service representative.
Potentia Energy	Copy of billing records \$3.00 except for the 1 st in a 12 month period. If charges not paid within 5 days of service suspension account may be moved out and assessed \$30 fee.
Reach Energy	Priority Processing Fee \$100; Credit Application Fee \$65; Credit Application Review Fee \$25; Quick Credit Fee \$85, Instant Credit Application Fee \$130.00, Document Processing Fee \$5.00
Star Tex Power	Early Termination Fee of \$100 for 3 mos., \$150 for one year contract, \$250 for two year \$350 for 3 year, collection fee up to 33% of amount collected.
Stream Energy	Stream disconnection could trigger early termination penalty, reconnection fee and security deposit requirement.
Southwest Power & Light	Duplicate Bills, Reference Letters and Disconnect Notices \$6.00, Collections Processing Fee \$20.00, legal fees 25-40% of collections amount.
True Electric	Up to \$75 for priority processing, bank account draft over telephone \$1.50.
Texas Power	Collections Processing Fee \$20.00, up to 33% administrative fee if referred to collection agency.
Texpo Energy	If invoice is paid by any method other than Auto Pay customer is charged an additional 0.5¢ per kWh, collections processing fee \$20.00, legal fees up 20-40% of amount collection amount.
TXU Energy	\$2 fee for processing paper
V247 Power	Move out after Non Payment Fee \$30. Inadvertent Gain Transaction Fee. \$50.00, legal fee for collections
YEP	If you pay by method other than Auto Pay the price per kWh goes up by 0.5¢ per kWh.

III. A SUMMARY OF FEES AND CHANGES FROM 2011 TO 2013

The following summarizes key point about the information reported in the tables with some comparison to a similar report completed in February 2011.

- **Disclosure Source** – Thirty of the 44 REPs disclosed fees in the TOS while 14 disclosed the fees only in the EFL. These numbers are similar to 2011. In 2011, 14 of the 41 REPs listed their fees on the EFL. The remaining 27 referred the customer to the TOS on the EFL.
- **Contract Termination Fee** – All REPS charge a fee for early termination of a fixed price contract. Most REPs charge a flat fee ranging from \$100 at Kona Energy to \$250 at Stream Energy and Tara Energy. Three REPs base the cancellation fee on the number of months remaining in the contract. Dynowatt charges \$25/month, 4Change Energy and Tri-Eagle Energy charge \$20/month.

In 2011, all of the fixed price plans charged a fee for early termination. Three REPs based the cancellation fee on the number of months remaining in the contract. These are Dynowatt \$25/mo., Gateway Power \$12.50/month, and Tri-Eagle Energy \$20/month. The most difficult one to understand was Liberty Power that would charge 7¢ per kWh of power remaining under the contract. All other REPs charged a flat fee ranging from \$49.99 at Mission Power and True Electric to \$299 at Andeler Power.

- **Minimum Usage** –Of the 44 REPs listed, 36 have a minimum usage fee ranging from \$6.95 at Bounce Energy and Champion Services to \$20.00 at 4Change Energy. Eighty-one percent of all REPS are charging a minimum usage fee compared to 36% two year ago in 2011. In 2011, of the 41 REPs, fifteen had a minimum usage fee that ranged from \$3.24 to \$12.95 per month, both at Mega Energy.
- **Not Sufficient Funds (NSF)** –Of the 44 REPS investigated each has a fee for return payments ranging from \$25 to \$50. In 2011 of the 41 REPS investigated each had a fee for NSF ranging from \$10 to \$45.
- **Disconnect Reconnect** –Of the 44 REPs listed, only 4 (Champion Energy Services, Dynowatt, Infinite Energy, and Tri-Eagle Energy) have no disconnection and reconnection fees. Fees charged by the other 40 REPS range from \$10.00 at Direct Energy and First Choice Energy and New Leaf Energy to \$125 at Reach Energy. In 2011, all but 6 of the 41 REPs charged fees related to

disconnection and reconnection. These fees range from \$4.95 for the mailing of a disconnection by First Choice Power to \$100 by Texas Power.

- **Payment Processing** –Of the 44 REPs included in this report, 23 disclose payment processing fees ranging from \$2 to \$10. In 2011, of the 41 REPs, twelve stated a fee would be charged for making payments under particular circumstances. These fees ranged from \$3.00 at Abacus and Bounce Energy to \$19.95 at Tri-Eagle Energy. Nine REPs reference payment processing fees in the TOS but then amount of the fee is not specified (NS).
- **Late Payment** – All REPs charge the maximum 5% late fee as allowed by the rules of the Public Utility Commission (PUC). Some REP charges related to late payment and collection are included in miscellaneous fees below.
- **Miscellaneous Fees** - A separate table showing fees that are not as common to all REPS displays the variety of fees REPs are charging consumers. Some of the most egregious are: 4 Change Energy \$24.95 collections recovery fee; Frontier and Green Mountain charge \$5.00 per collection call; Stream Energy disconnection could trigger the company's \$250 early termination penalty, reconnection fee and security deposit requirement; Ambit Energy \$100 expedited reconnect fee; \$20 payment plan processing fee; Apollo Power & Light \$350 reconnect after tampering fee; \$75.00 priority processing fee at Brilliant, Mission and True Electric; Reach Energy \$130 instant credit application fee, \$100 priority processing fee; Frontier \$25 to change a transaction, up to \$10 to speak to a customer service representative; Green Mountain Energy \$15 if you make more than 5 payments on your account in a month; Texpo and YEP will charge an additional 0.5¢ per kWh if bill is paid by any method other than Auto Pay.

IV. MINIMUM USAGE FEES DISCOURAGE ENERGY CONSERVATION

Many elderly and low-income households live in small spaces and intentionally keep their power consumption low to save money and then they are penalized with a minimum usage fee that can range from \$6.95 to \$20.00 per month. Customers who buy new refrigerators, air conditioner, and water heaters expecting a savings on their electric bills are seeing fees added to their bills because their usage level was lower. Consumers who have their power curtailed during a power shortage or a long-term outage due to an emergency may have the same experience.

Energy conservation is a goal established by the Texas Legislature. In the Oncor service area residential consumers pay \$2.19 per month for advanced metering

systems that they are expected to use to reduce their electricity usage. Another monthly surcharge called the Energy Efficiency Cost Recovery Factor (EECRF) is \$1.23. In the Oncor service areas these two fees amount to \$3.42. Consumers are paying \$3.42 a month to be more energy efficient. If they succeed then they can be charged from \$6.95 to \$20.00 per month for not using enough.

It is contrary to the achievement of the State's energy efficiency goal to charge consumers a fee for not using enough electricity. It sends the wrong signal by penalizing the consumer for saving electricity. Even worse, the fee hits the pocketbooks of low-income, elderly and disabled people the hardest. The lowest income families are already spending 42% of household income on utilities while the average energy burden for all Texas households is 3.79%.²

V. REP FEES FOR DISCONNECTION AND RECONNECTION

Oncor Electric Delivery, and other the transmission and distribution utilities (TDUs) in Texas are responsible for disconnecting a customer's service for nonpayment and reconnecting the customer's service when the debt is cured. The REPs order the service from the TDU. The TDUs charge the REPs for individual services using a discretionary service fee schedule approved by the PUC. Oncor currently charges REPs \$5.00 for disconnection and reconnection of a customer's service. The REP is billed for those charges that are then passed through to the consumer. The REP's however, are adding anywhere from \$10.00 to \$125.00 to Oncor's \$5.00 fee. The extra dollars you pay depend on which REP you choose.

There are many low-income, elderly and disabled consumers that are often unable to pay because of a lack of income. On any given day consumers experience job losses, medical emergencies and other unfortunate circumstances that affect their ability to pay. Electricity is essential for health, safety and comfort and there should be controls in place to facilitate access to a continuous supply of power. Added fees for disconnection notices, disconnection orders and reconnection orders are critical barriers to those trying to keep the lights on in their homes. Having to pay extra may make it impossible.

² Austin Energy Distributed Energy Services market Research & Product Division, RESIDENTIAL ELECTRICITY BURDEN, Austin Energy, November 5, 2010 p 8-9.

VI. REP FEES FOR PROCESSING PAYMENTS

Many REPs will charge customers a fee for taking payments at their own service center or on line. Calling in a payment on a debit or credit card could cost you from \$2 to \$10 more. It all depends on the REP you choose. Some REPs even charge for payments made over the Internet.

VII. REP FEES SHOULD BE ELIMINATED

Like airlines, retail electric providers (REPs) in Texas are charging fees for services that are a part of doing business. According to the Bureau of Transportation Statistics, the nation's 15 largest airlines collected a combined \$3.5 billion in bag fees in 2012, up 3.8% from 2011.³ Unlike airlines, information about the revenue and profit of REPs is considered competitively sensitive and is not publicly reported. Therefore, we have no idea how much REPs have collected in the past or how much they are collecting now.

Consumers should compare all the aspects of their electric service and choose the best deals. Examining the fine print in the terms of service agreements requires hours and days. It would be ideal for consumers if REPs included all their costs in the rates charged to all customers. This way consumers shopping for power could readily compare the cost of the products. Customer service is an important aspect of a business and should not be a profit center.

Needed Reforms

Action should be taken by the Public Utility Commission (PUC) and if necessary the Texas Legislature to prohibit the charging of fees to consumers by REPs. Disclosure has been required for years and it is not working. REPs keep creating new fees to add to bills and consumers find it impossible to keep track of the fees when comparing offers. There are no market forces to keep the fees in check.

To enable consumers to more thoroughly review offers by REPs the following changes should be made in the pricing and disclosure of information to residential consumers.

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http://www.rita.dot.gov/bts/sites/rita.dot.gov.bts/files/subject_areas/airline_information/baggage_fees/html/2012.html

1. Maintain a comparative chart of prices and fees and other terms of service, much like the tables in this report, on the Power to Choose website.
2. Prohibit the charging of minimum usage fees to encourage consumers to save electricity and benefit from lower electricity bills.
3. Prohibit a REP from charging fees for customer services required by the rules of the PUC.
4. Require each REP to provide a standard offer product presented in a standard format for easy comparison by the consumer.
5. Require all REPs to post a product plan on the Power to Choose website.
6. Require REPs to publicly disclose and the PUC to report total revenue from residential electricity sales, late fees and other fees.