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| RMGRR Number | [170](https://www.ercot.com/mktrules/issues/RMGRR170) | RMGRR Title | Inadvertent Gain Process Updates |
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| Market Segment | | Independent Retail Electric Provider (IREP) | |

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| Comments |

TXU Energy recommends additional revisions to align the guide language with the proposed changes submitted by the Texas Data Transport and MarkeTrak Systems (TDTMS) Working Group, and a clean-up revision adding a period in new Subsection 7.3.2.3, Rescission Period.

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| Revised Cover Page Language |

None

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| Revised Proposed Guide Language |

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.

2.2 ACRONYMS

**IAG** Inadvertent Gain/Loss

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 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 the Electric Reliability Council of Texas (ERCOT) as promptly as possible via the MarkeTrak tool.

7.3.2 Competitive Retailer’s IAG Process

(1) As soon as a CR discovers or is notified of a potential IAG, the CR shall promptly investigate the matter and provide necessary Customer information in the comments field to effectively resolve the inadvertent gain issue, including, but not limited to the following:

(a) Customer name;

(b) Service address; and

(c) Meter number (if available).

(2) The bulk insert templates shall only be used for the submission of multiple IAGs for the same Customer under the same contract (retail service agreement) such as a large apartment complex or property management company or in cases where system issues occurred only with proper notification as required under Section 7.3.2.4, Gaining CR System Processing Errors.

(3) The CR investigation should include reviewing the ESI ID Service History on the Market Information System (MIS) Certified Area. Refer to Section 2, Inadvertent Gain, in the MarkeTrak Users Guide for more detail.

7.3.2.1 Invalid Use of the IAG Process

7.3.2.1.1 After the Rescission Period

(1) An untimely notice of rescission does not constitute and should not be treated as an inadvertent gain or loss. Any CR receiving an untimely notice of rescission from the Customer shall inform the Customer that they have a right to select another CR and may do so by contacting that CR. The CR shall also inform the Customer that they will be responsible for charges from the CR for services provided until they switch to another CR. The right of rescission is not applicable to a Customer requesting a move in.

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.

***7.3.2.1.3******Service Connected As A Result of Identity Theft***

(1) The IAG process shall not be used to resolve an issue where the service is connected as a result of identity theft.

**7.3.2.3 Rescission Period**

(1) CRs that receive a notice of rescission in a timely manner shall first attempt to cancel the order in question by submitting the appropriate Texas Standard Electronic Transaction (TX SET). If this is not possible due to the order having completed, MarkeTrak shall be utilized to restore the Customer to their previous Retail Electric Provider (REP). The submitting REP for a rescinded switch shall follow the process outlined in the MarkeTrak Users Guide.

**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 ESIs, 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 in error 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.

7.3.2.6 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.

***7.3.2.7.1*** ***Procedures For A Premise with No Service Agreement / No Current Occupant Process***

(1) If a CR finds that a current occupant at a Premise for which the provider is shown as the CR of record in the ERCOT or TDSP system is not the Customer with whom the CR currently has a service agreement for retail electric service or the occupant is a Customer whose prior service agreement is expired or is no longer in effect, the procedures set forth in P.U.C. Subst. R. 25.488, Procedures for a Premise with No Service Agreement shall be followed.

(2) The No Current Occupant process may be used in cases where a CR has regained an inadvertently lost ESI ID for which the customer names differ and the CR does not have a valid service agreement for retail electric service.