

**YOUR RIGHTS AS A CUSTOMER**

This document sets out "Your Rights as a Customer" ("YRAC") for the purchase of electricity between Penstar Power, L.L.C. Certificate No. 10087. This document summarizes Your Rights as a Customer, and is based on customer protection rules adopted by the Public Utility Commission of Texas ("PUCT"). These rules apply to retail electric providers (REPs), including those affiliated with the utility and the Provider of Last Resort ("POLR"), unless otherwise noted. You may view the PUCT's rules at <http://www.puc.state.tx.us/agency/ruleslaws/subrules/electric/Electric.aspx>.

**Unauthorized Charges-"Cramming"**

You have the right to only be charged for services that you have authorized and the right to dispute any unauthorized charge or charges. Before we place a charge on your bill for a particular product or service, we will inform you about that product or service including all associated charges, and obtain your authorization to place those charges on your bill. If you believe that your bill includes a charge or charges for a product or service that you have not authorized, please contact Penstar Power at 1-800-427-4663.

**Critical Care Residential and Chronic Condition Residential Customers**

You may qualify as a Chronic Condition Residential Customer if you or another permanent resident of your home has been diagnosed by a physician as having a serious medical condition which requires an electric-powered medical device or electric heating or cooling to prevent the impairment of a major life function through a significant deterioration or exacerbation of the person's medical condition. If that serious medical condition is diagnosed or re-diagnosed by a physician as a life-long condition, the designation is effective under this section for the shorter of one year or until such time as the person with the medical condition no longer resides in the home. Otherwise, the designation or re-designation is effective for 90 days. Critical Care Residential Customer who has a person permanently residing in his or her home who has been diagnosed by a physician as being dependent upon an electric-powered medical device to sustain life. The designation or re-designation is effective for two years under this section. Critical Care Residential Customer or Chronic Condition Residential Customer designation pursuant to this section does not relieve a customer of the obligation to pay the REP for services provided, and a customer's service may be disconnected pursuant to §25.483 (g) of the PUCT rules.

**Language**

You have the right to designate receipt of the following documents and information in English, Spanish, or the language used in the marketing of service: Terms of Service documents, Electricity Facts Label, customer bills and bill notices, information on the availability of new electric services, discount programs, and promotions, access to customer service, including the restoration of electric service and response to billing inquiries.

**Special Services**

Penstar Power may offer special services for hearing-impaired customers, customers with disabilities or if you have a critical need for electric service to maintain life support systems. If you have a disability or require special assistance regarding your electric account, contact Penstar Power about these special services.

**Meter Reading and Testing**

If you feel your meter is not operating properly, please contact Penstar Power and we will notify your TDSP on your behalf to request a meter test. You have the right to have your meter tested once every four years at no cost to you. If you request your meter to be tested more than once every four years and the meter is determined to be functioning properly you may be charged a fee for the additional meter test(s). The charges will be based on the

TDSP tariffs. After the TDSP has been completed the meter test they will advise you of the date the test was conducted, who performed the test, the test results and (if applicable) the date when the meter was removed. If you would like to read your own meter, please contact Penstar Power or your TDSP for instructions on how to read your meter.

### **Do Not Call List**

Customers who do not want to receive telemarketing calls may add their name, address, and telephone number to the statewide electric "Do Not Call List." You may register for the "Do Not Call List" in three ways: via internet, phone or mail. Online registration at [www.texasnocall.com](http://www.texasnocall.com) is free. You may register via the phone at 1-866-896-6225 or mail in your application or request your application to Texas No call, P.O. Box 313, E. Walpole, MA 02032. There is a registration charge of \$2.25 for each residential and wireless number and \$2.55 for each business number. Telephone registration must be paid via MasterCard or Visa. Mailed applications may be paid by personal checks made to "Texas No Call", money order or credit card. The Statewide "Do Not Call" and "Electric No Call" lists are updated and published for telemarketers on a quarterly basis to include new numbers. Within 60 days of the date your number appears on the published list, you should stop receiving telemarketing calls.

### **Customer Contact Information**

You have the right to contact our customer service representatives to ask question about your electric service or charges on your bill, terminate your service and conduct any other business relating to the services which we provide to you. You may submit a complaint in person, by letter, facsimile, email or telephone. Penstar Power, L.L.C., will promptly investigate and advise you of the results within twenty-one days.

Please contact us by using one of the following methods:

Mailing Address:	P.O. Box 720997, Dallas, Texas 75372
Toll Free Customer Service:	(800) 427-HOME
Customer Complaint Line:	(866) 254-5632
Hours/Days of Operation	8:00 am-6:00 pm CST Monday-Friday & Saturday 9:00 am-2:00 pm.
Fax Number:	(866) 343-3445
Website:	<a href="http://www.penstarpower.com">www.penstarpower.com</a>
Email:	<a href="mailto:customerservice@penstarpower.com">customerservice@penstarpower.com</a>

### **Outage Information**

For outages, downed wires, damage to your electric meter and any other emergency, call 24 hours a day, 7 days a week your local transmission and distribution utility. Contact the appropriate number that corresponds to the Transmission and Distribution Service Provider (TDSP) for the service area in which you live:

Oncor	(888) 313-4747
Centerpoint	(800) 332-7143 or (713) 207-2222
TNMP	(888) 886-7456
AEP	(866) 223-8508
Sharyland	(956) 668-9551

Penstar Power is not liable for service interruptions or outages. Any questions relating to your electric distribution lines or meters should be directed to your TDSP listed above.

### **Unauthorized Switch of Service "Slamming"**

You have the right to choose your retail electric provider. A change in your retail electric provider can only be made with your permission. Penstar Power must obtain your verifiable authorization before we switch your electric service. If you believe your service was switched without your authorization, please contact your REP of

choice and request further assistance. The affected REPS, the appropriate TDSP, and the registration agent (ERCOT) will work in accordance with approved market processes to return you to your chosen REP.

### **Deferred Payment Plans**

A deferred payment plan is an agreement between you and Penstar Power which allows you to pay an outstanding balance in installments that extend beyond the due date of the current bill. A deferred payment plan may be established in person, by telephone, or online, but all deferred payment plans shall be confirmed in writing. If you are a residential customer you shall be placed on a deferred payment plan at your request if your balance reflects a negative balance of \$50 or more during an extreme weather emergency and if you make a request within one business day after the weather emergency has ended or during a state of disaster declared by the governor if you are in the area covered by the declaration and the commission directs that deferred payment plans be offered. Penstar Power shall offer a deferred payment plan to a residential customer who has been under billed by \$50 or more for reasons other than theft of service. Penstar Power may offer you a payment plan if you express an inability to pay.

Penstar Power may require that no more than 50% of each payment transaction amount be applied towards the deferred payment plan amount owed or an initial payment will be no greater than 50% of amount due be made with the remaining balance paid in installments. The remaining balance may be paid up to five equal monthly installments. Your service may be disconnected if you do not meet the terms of the plan or if your current balance falls below the disconnection balance, excluding the remaining deferred amount. You must be provided notice that you have not met the plan. Penstar Power may apply a switch-hold while you are on a deferred payment plan. A switch-hold means that you will not be able to buy electricity from other companies until you pay the total deferred balance. If we put a switch-hold on your account, it will be removed after your deferred balance is paid and processed. While a switch-hold applies, if you are disconnected for not paying, you will need to pay Penstar Power to get your electricity turned back on.

### **Other Billing Options**

Level and average payment plans is a billing program which will generate bills that are as level as possible to smooth out the seasonal highs and lows of electricity for customers. A baseline amount is calculated based on the average of your last twelve (12) months of electricity usage. In cases where your residence was previously unoccupied, or inaccurate readings exist in the information we receive from the TDSP, your usage will be normalized. Normalized usage will be based upon seasonally adjusted information from our database of meter readings that match your type of residence. We will "levelize," or adjust your baseline amount every month when we calculate your bill by comparing your current month's usage with your meter's historical usage for the same month the prior year. Your leveled bill amount will vary from month to month, but it will give you a more predictable monthly bill. Penstar Power will reconcile your account on your final bill or if you choose to convert your leveled plan to a non-leveled rate plan.

### **Financial and Energy Assistance**

Penstar Power will advise you about payment assistance programs when you express an inability to pay or need assistance with the bill payment. If you receive food stamps, Medicaid, AFDC or SSI from the Texas Department of Human Services (TDHS) or whose household income is not more than 125% of the federal poverty guidelines may qualify for energy assistance. Contact us for information. Discounted rates may be available through "LITE-UP", the PUCT's rate reduction program. You may contact "LITE-UP" at 1-866-454--8387 or go to the Texas Public Utility website at <http://www.puc.state.tx.us/consumer/lowincome/Default.aspx>. There may be energy efficiency programs available for low income and other residential customers. To find out more information contact the Texas Department of Housing and Community Affairs at <http://www.tdhca.state.tx.us/> and the State Energy Conservation Office at <http://www.seco.cpa.state.tx.us/energy-efficiency/>.

## **Service Protections**

Penstar Power will not disconnect your electric service or terminate this Agreement with you for: (i) delinquency of payment by a previous occupant; (ii) failure to pay charges not related to electric service; (iii) failure to pay for a different class of electric service; (iv) failure to pay an under billing, other than for theft of service, that is more than six (6) months old; (v) failure to pay for a disputed charge until a determination as to the accuracy is made; (vi) failure to pay an under billing due to a faulty metering, unless there has been meter tampering; or (vii) failure to pay estimated bills as requested when actual meter read data is not available. Penstar Power will not disconnect or terminate your service during an extreme weather event or holiday or weekend. Additionally we will not disconnect or terminate your service if we receive proper notification prior to the disconnection date that an energy assistance provider will be forwarding sufficient payment on your account. If disconnection of electric service would cause some person residing at your residence to become seriously ill please contact us for assistance.

## **Disconnection and Termination of Service**

You do not have the right to receive electric service without payment. Penstar Power has the right to disconnect your service and terminate this Agreement with you if you fail to pay for the service provided to you. Before Penstar Power can disconnect or terminate your service you have the right to receive or be provided a disconnection and/or a termination notice which will provide you the reason your service is being disconnected and/or terminated. This notice will also provide you with the steps you will need to take to avoid the disconnection of service.

## **Disputes with Penstar Power**

You may submit a complaint in person, by letter, facsimile, email or telephone. Penstar Power, L.L.C., will promptly investigate and advise you of the results within twenty-one days. If you are not satisfied with the results of the investigation you may request a supervisory review. Penstar Power must advise you of the supervisory review within ten (10) business days of your request. If you are dissatisfied with the results of the investigation or supervisory review, you may file a complaint with the PUCT and the Office of the Attorney General, Consumer Protection Division. For a complaint involving a disputed bill, Penstar Power, may not initiate collection activities or disconnection activities or report the delinquency to the credit reporting agencies with the respect to the disputed portion of the bill. However after proper notice, Penstar Power may send a disconnect notice for non-payment of any undisputed portion of the bill. You may contact the PUCT at Public Utility Commission of Texas, Consumer Protection Division, PO Box 13326, Austin, Texas 78711-3326, (512) 936-7120 or (888) 782-8477, (fax) (512) 936-7003, TTY (512) 936-7136 and Relay Texas (toll free) (800) 735-2989. The PUCT email address is [customer@puc.state.tx.us](mailto:customer@puc.state.tx.us) and the internet web site is <http://www.puc.state.tx.us/>.

## **Customer Information and Privacy Rights**

We will not release your proprietary customer information except as authorized under law. Penstar Power will not provide or sell this information to any other entities without first obtaining your consent. In special circumstances the PUCT has authorized the release of proprietary customer information to law enforcement agencies, energy assistance agencies, collection and credit reporting agencies, your TDSP, the registration agent, the Office of the Public Utility Counsel, the PUCT and agents, vendors, partners or affiliates of Penstar Power engaged to perform services or functions on behalf of Penstar Power.