

CHRONOLOGY

DATE	ACTION	SUMMARY
12/20/94	Opinion No. 94-26	Proposed no action on HEFPA applicability to residential gas sales by new market entrants. Marketers and utilities asked to come forward with joint proposals, "and that any waivers of the existing rules, requirements, or policies that are necessary to make the programs work should be identified and justified in those proposals. The requested waivers would then be subject to review and approval before the programs could be implemented." Opinion No. 94-26, pp. 57-58.
8/11/95	Rehearing Order	Did not deal with HEFPA. Directed gas companies to file compliance tariffs with the restructuring order on November 9, 1995.
11/9/95	Compliance Tariffs	Compliance filings by gas companies to be effective May 1, 1996. No alteration of HEFPA requirements for marketers proposed.
11/29/95	SAPA Notices of Proposed Rulemaking for Individual Gas Company Compliance Tariffs	SAPA notices did not mention any proposed exemption of marketers from HEFPA, and none had been proposed by the agency or by gas companies.
1/10/96 1/11/96 1/12/96 1/18/96 1/19/96	Meetings of to discuss compliance filings	DPS Staff announced that residential aggregation would not go forward at this time and that nonresidential consumer protection issues will be addressed in a forthcoming Staff discussion paper and therefore should not be raised in these meetings.
2/1/96	Consumer Services Division Discussion Paper, "Consumer Protections in the Emerging Competitive Natural Gas Markets"	Circulated to parties in Case 93-G-0932 Agency proposal to exempt marketers from HEFPA. No SAPA notice.

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2/9/96	Meeting of Active Parties in Case 93-G-0932 Regarding Discussion paper	PULP raised legal objections to staff's recommendation. Parties given five days to respond in writing to "Discussion Paper."
2/14/ 96	PULP Comments Submitted	In written comments PULP raised legal objections and objections to lack of level competitive playing field.
3/28/96	Order Concerning Compliance Filings	Exempted Gas Marketers from HEFPA as proposed in the "Discussion Paper."
4/17/96	SAPA Notice of Adoption Adopts Rules Proposed in 11/29/95 Notice of Proposed Rulemaking	Adopts previously proposed rules with "no change". No mention in SAPA notice of exemption of gas marketers from HEFPA. States that the action taken is adoption of the 3/28/96 <i>Order Concerning Compliance Filings</i> .
5/1/96	Compliance filings by Gas companies to comply with 3/28/96 order	Tariffs require marketers' contracts to inform customers that HEFPA does not apply.
Summer 1996	PSC Consumer Services Division Reviews Marketers' Contracts for compliance with standards in 3/28/96 Order	CSD approves contracts allowing companies to charge unlimited deposits, to deny service without reason, to terminate service on 15 days notice without reason, to impose unstated balancing charges, to arbitrate disputes costing \$500 to complain, instead of statutory complaint handling process of PSC; etc.
Summer 1996	PSC Consumer Services Division conducts "Informed Energy Choices" program	Required gas companies to provide to all customers information prepared by DPS staff regarding reduced customer protection for customers of marketers.
7/26/96	Plaintiffs Commence this Action	
9/13/96	Order on Rehearing	Although no party sought rehearing on HEFPA issue, restates marketers' exemption from HEFPA.
10/2/96	Amended Complaint	Plaintiffs amend complaint to raise SAPA issues.

DATE	ACTION	SUMMARY
10/2/96	SAPA Emergency Proposed Rulemaking to adopt September 13, 1996 Order, effective September 13, 1996.	SAPA notice does not on its face mention exemption of marketers from HEFPA requirements.
10/25/96	Order Clarifying procedure for waiving residential customer dispute resolution rights under HEFPA	Marketers required to obtain written customer waiver of HEFPA dispute resolution rights for arbitration and out of state forums. Requires dispute resolution in state small claims courts. No SAPA notice.