

PLEASE READ  
THIS DOCUMENT CONTAINS IMPORTANT INFORMATION REGARDING

Your Rights as a Customer

*Información sobre “Sus Derechos Como Consumidor” esta disponible en español. Para obtener esta informacion en español llame gratis a 800-427-HOME.*

This document summarizes Your Rights as a Customer (“YRAC”), and is based on customer protection rules adopted by the Public Utility Commission of Texas (“PUCT”). These rules apply to retail electric providers (“REP”), including those affiliated with the utility (Affiliated REP) 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>.

**How do I contact you?** If you have questions or want to exercise your rights under this Terms of Service, please contact us using one of the following methods:

Mailing address: P.O. Box 720997, Dallas, Texas 75372  
Toll-Free Customer Service Telephone Number: **(800) 427-4663**  
Customer Complaint Line: **(866) 254-5632**  
Hours/Days of Operation 8:00 am - 6:00 pm, Central Time, Monday-Friday and Saturday 9 am-2 pm.  
Fax Number: (866) 343-3445  
Website: [www.penstarpower.com](http://www.penstarpower.com)  
Email: [customerservice@penstarpower.com](mailto:customerservice@penstarpower.com)

**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:**

<b>Oncor</b>	<b>888-313-4747</b>
<b>CenterPoint</b>	<b>800-332-7143 or 713-207-2222</b>
<b>TNMP</b>	<b>888-866-7456</b>
<b>AEP</b>	<b>866-223-8508</b>
<b>Sharyland</b>	<b>956-668-9551</b>

**Unauthorized Change of Service Provider or “Slamming”:** 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.

**Unauthorized Charges or “Cramming”:** Before any new charges for non-energy related products or services are included on your electric bill, Penstar Power must inform you of the product or service, all associated charges, and how these charges will be billed before they appear on your electric bill or pre-paid daily account update and obtain your consent for the product or service. If you believe your invoice includes unauthorized charges, you may contact Penstar Power to dispute such charges and may file a complaint with the PUCT. Penstar Power will not seek to terminate or disconnect your electric service for non-payment of an unauthorized charge or file an unfavorable credit report against you for disputed unpaid charges that are alleged to be unauthorized, unless the dispute is ultimately resolved against you. If the charges are determined to be unauthorized, Penstar Power will cease charging you for the unauthorized service or product, remove the unauthorized charge from your invoice, and refund or credit all money you paid for any unauthorized charge within 45 days. If charges are not refunded or credited within three billing cycles, interest shall be paid to you at an annual rate established by the PUCT on the

amount of any unauthorized charge until it is refunded or credited. You may request all billing records under Penstar Power's control related to any unauthorized charge within 15 days after the date the unauthorized charge is removed from your invoice. Penstar Power will not re-bill you for any charges determined to be unauthorized.

**Deferred Payment Plans:** A deferred payment plan is an agreement that requires you to pay a negative current balance over time on a prepaid account. This plan may be established in person, by telephone, online but 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 in five equal monthly installments. Your service may be disconnected if you do not meet the terms of the deferred payment plan or if your current balance falls below the disconnection balance, excluding the remaining deferred amount. You will be provided at least one day's notice that you have not met the terms of the plan. Penstar Power may apply a switch-hold while you are on a deferred payment plan. A copy of the plan will be provided to you. When the requirements of the deferred payment plan have been met a request to remove the switch-hold will be initiated.

**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. A customer who receives 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 PENSTAR POWER for information. Discounted rates may be available through "LITE-UP", the PUCT's rate reduction program. Please contact a LITE-UP Texas Representative toll free at 1-866-454-8387 (866-4-LITEUP) or go to the Public Utility Commission of Texas 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 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/>.

**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:** You have the right to request a meter test. Penstar Power will make this request on your behalf. If a test is performed more than once in a four-year period and the meter is functioning properly, you may be charged a fee for the additional meter test(s) at the rate approved for your TDSP. The TDSP or Penstar Power will advise you of the test results, including the test date, testing person and, if applicable, the removal date of the meter. If needed you may contact us for information on how to read your meter.

**Disconnection or Interruption of Service:** Penstar Power may initiate disconnection of your service when your current balance falls below the disconnection balance, but only if Penstar Power provided you a timely warning; or when you fail to comply with a deferred payment plan, and only if you were provided a timely warning. Your service may be disconnected if your current balance falls below the disconnection balance due to a reversal of a payment found to have insufficient funds available or is otherwise rejected by a bank, credit card company, or other payor.

Penstar Power shall not initiate disconnection of your service for your failure to maintain a current balance above the disconnection balance on a weekend day or during any period which the mechanisms used for

payments specified in the PDS are unavailable. A disconnection will not be initiated during an extreme weather emergency in the county in which your service is provided.

Penstar Power shall not authorize a disconnection of your service for any of the following reasons:

- Delinquency in payment for electric service by a previous occupant of the premises;
- Failure to pay for any charge that is not for electric service regulated by the commission, including competitive energy service, merchandise, or optional services;
- Failure to pay for a different type or class of electric service unless charges for such service were included on that account's bill at the time service was initiated;
- Failure to pay charges resulting from an under-billing, except theft of service, more than six months prior to the current billing;
- Failure to pay disputed charges, except for the amount not under dispute, until a determination as to the accuracy of the charges has been made by the REP or the commission, and the customer has been notified of this determination;
- Failure to pay any disputed charges until PENSTAR POWER or the PUCT determines the accuracy of the charges and you have been notified of this determination
- Failure to pay charges arising from an under-billing due to any faulty metering, unless the meter has been tampered with or unless such under-billing charges are due under §25.126 <http://www.puc.state.tx.us/agency/rulesnlaws/subrules/electric/Electric.aspx>.
- Failure to pay an estimated bill other than a bill rendered pursuant to an approved meter-reading plan, unless the bill is based on an estimated meter read by the TDSP.

Additionally, Penstar Power may not request disconnection of your electric service:

- If it receives proper notification prior to the disconnection date that an energy assistance provider will be forwarding sufficient payment on your account;
- During an extreme weather event as specified in 25.483 (i) <http://www.puc.state.tx.us/agency/rulesnlaws/subrules/electric/Electric.aspx>
- On a holiday or weekend, or the day immediately preceding a holiday or weekend, unless the REP's personnel are available on those days to take payments, make payment arrangements with the customer, and request reconnection of service.

The PUCT has provided that, under certain dangerous circumstances (such as unsafe electric line situations), any REP may authorize your TDSP to disconnect your electric service without prior notice to you. Service may also be disconnected without notice where service is connected without authority by a person who has not made application for service; where service is reconnected without authority after disconnection for nonpayment; where there has been tampering with the equipment of the TDSP or where there is evidence of theft of service.

Additionally, Penstar Power may seek to have your electric service disconnected for any of the reasons listed below:

- Failure to maintain a positive prepaid credit balance with Penstar Power or to pay a bill owed to Penstar Power or to make a deferred payment arrangement by the date of disconnection.
- Failure to comply with the terms of a deferred payment agreement made with Penstar Power;
- Violation of Penstar Power's terms and conditions on using service in a manner that interferes with the service of others or the operations of non-standard equipment, if a reasonable attempt has been made to notify the customer and the customer is provided with a reasonable opportunity to remedy the situation;
- Failure to pay a deposit required by Penstar Power or
- Failure of the guarantor to pay the amount guaranteed when Penstar Power has a written agreement, signed by the guarantor, which allows for disconnection of the guarantor's service.

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

Penstar Power will not knowingly provide prepaid service to you if you are critical care residential or chronic condition residential customer. In addition, Penstar Power will not enroll you if you state you are a critical care residential customer or a chronic condition residential customer. If Penstar Power is notified by the TDSP you are critical care residential or chronic condition residential customer and you are

being provided prepaid service we shall work diligently with you to promptly transition you to a postpaid service or another REP in a manner that avoids a service disruption. We shall not charge you a fee for the transition including any early termination fees. If you are not responsive to the transition, Penstar Power shall transfer you to a competitively offered, month to month post paid product at a rate no higher than the rate calculated by the POLR (Provider of Last Resort). We shall provide you notice your service has been transferred to a new product and shall provide you with the new terms of service and electricity facts label.

**Restoration of Service:** Within one hour of you establishing a connection balance or any otherwise satisfactory correction of the reasons for disconnection, Penstar Power shall request that the TDSP reconnect service. Penstar Power's payment mechanism may include a requirement that you verify the payment using a card, code, or other similar method in order to establish a connection balance or current balance above the disconnection balance when payment is made to a third-party processor acting as an agent.

**Availability of Provider of Last Resort (POLR):** If your electric service is disconnected, you may obtain services from another REP or the POLR. The POLR offers a basic, standard retail service package at a fixed, non-discountable rate. Information about the POLR and other REPs can be obtained from the PUCT or the POLR. This information can be found by going to the PUCT site at <http://www.powertochoose.org>.

### **Disputes with Your Provider**

**Complaint Resolution:** Contact Penstar Power if you have comments, questions or complaints. Upon receipt of a complaint, Penstar Power must investigate and notify you of the results within 21 days. If you are dissatisfied with the results of the investigation, you may request a supervisory review. Penstar Power must advise you of the results of the supervisory review within 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 a credit reporting agency with respect to the disputed portion of the bill. If for any reason you are unsatisfied with our response, you may contact the Public Utility Commission of Texas, Customer Protection Division, PO Box 13326, Austin, Texas 78711-3326 512-936-7120 or 888-782-8477. However, after appropriate notice, Penstar Power may send a disconnect notice for non-payment of any undisputed portion of the bill.

### ***Other Protections***

**Do Not Call List:** Consumers may register their name, address, and telephone number to the statewide "Do Not Call List," which will help limit telemarketing calls to your home or business. You may register for the "Do Not Call List" in three ways: online at [www.texasnocall.com](http://www.texasnocall.com), call toll-free 1-866-TXNOCAL (1-866-896-6225), or write Texas No Call, P.O. Box 313, E. Walpole, MA 02032.

**Language Availability:** You may request to receive all key information from Penstar Power in Spanish, or any language in which you were initially solicited. This includes the Terms of Service Agreement, EFL, bills and bill notices, promotions, access to customer assistance information on new electric services, and discount programs. You will receive your termination and disconnection notices, Your Rights as a Customer document in English and Spanish or English and your designated language if you have designated a language other than Spanish and were originally solicited in that language.

**Privacy Rights:** Penstar Power may not disclose or sell any confidential customer information, including: your name, address, account number, type or classification of service, historical electricity usage, expected patterns of use, types of facilities used in providing service, individual contract terms and conditions, price, current charges or billing records. This prohibition does not apply to the release of your information under certain circumstances as required by law, including release to the PUCT, an agent of Penstar Power credit reporting agencies, law enforcement agencies or TDSP. Your information will be shared with other retail REPs or aggregators only with your consent.