

WAIVER OF ELECTRIC AND TELEPHONE SERVICE DEPOSIT FOR VICTIMS OF FAMILY VIOLENCE

Background

The Texas Public Utilities Commission (PUC), which regulates many electric and telephone services across the state, created a waiver of deposit to establish service for survivors of family violence in 2001 through the Commission's rule making process.

All landline telephone companies and many wireless companies accept the Certification Letter for waiver of deposit. There are currently over 50 retail electric providers all of which must comply. While municipal utilities and rural cooperatives are not mandated to accept the Certification Letter, many do so. Applicants should contact their service provider to inquire if the waiver of deposit is accepted.

For individuals establishing utility service with agencies that do not accept the waiver, the individual may sign-up for a fixed rate month to month plan if residing in a competitive area. Individuals may compare plan prices online at: www.powertochoose.org. After comparing offers on the website, the individual should call the selected company to notify them that they are eligible for the waiver.

Certifying Agencies

The *only* requirement to receive the waiver of deposit is that survivors submit the PUC approved Certification Letter to her / his utility or phone company, with a signature from a staff member of a Certifying Entity.

The Certifying Entities that may sign are:

- Family Violence Center
- Treating Medical Personnel
- Law Enforcement Personnel
- Office of Texas District or County Attorney
- Office of the Attorney General
- Texas Equal Access to Justice Foundation Grantee

In signing a waiver, a Certifying Entity staff member is certifying that, to the extent of their knowledge, the waiver applicant has experienced family violence according to the Texas Family Code.

Certification Requirements

The regulations that govern the waiver are broad.

Evidence of Family Violence

The applicant is not required to provide any additional proof or documentation other than her / his statement to substantiate the family violence. For example, an individual does not have to provide a police report, protective order, etc. Further, there is no length of time regarding when the violence occurred, and the abuse or violence did not have to occur in the state of Texas.

Receipt of services

The individual seeking the waiver does not have to be a ‘client’ or recipient of a certifying organization’s services, or have completed an intake. (For family violence programs, providing waiver certification to an individual that is not a current client may be counted as a hotline call.)

Multiple Uses of the Waiver

A survivor may utilize the ability to waive deposit more than once. As we know, a batterer may discover the victim’s new address and continue the abuse, forcing the victim to once again relocate and set up utility services.

Discretion

Agency staff members are not required to sign the Certification Letter, it is discretionary. However, TCFV encourages that entities place minimal requirements around this process so that survivors are able to relocate as quickly as possible and escape a violent situation pursuant to the intent of the waiver.

PUC approved Waiver Form / Certification Letter

Waivers of deposit are available through TCFV’s website at

<http://www.tcfv.org/resources/forms-information>.

Applicants cannot electronically submit the Certification Letter to the service provider.

Relevant Codes

Texas Administrative Code, Public Utility Commission of Texas
[Title 16, Part 2, Chapter 25, Subchapter R, Section 25.478\(a\)\(3\)\(D\)](#)

A residential customer or applicant may be deemed as having established satisfactory credit if the customer or applicant has been determined to be a victim of family violence as defined in the Texas Family Code §71.004, by a family violence center as defined in Texas Human Resources Code §51.002, by treating medical personnel, by law enforcement personnel, by the Office of a Texas District Attorney or County Attorney, by the Office of the Attorney General, or by a grantee of the Texas Equal Access to Justice Foundation. This determination shall be evidenced by submission of a certification letter developed by the Texas Council on Family Violence. The certification letter may be submitted directly by use of a toll-free fax number to the affiliated REP or POLR.

Texas Family Code

[§71.004 FAMILY VIOLENCE](#)

"Family violence" means:(1) an act by a member of a family or household against another member of the family or household that is intended to result in physical harm, bodily injury, assault, or sexual assault or that is a threat that reasonably places the member in fear of imminent physical harm, bodily injury, assault, or sexual assault, but does not include defensive measures to protect oneself;(2) abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or (3) dating violence, as that term is defined by Section 71.0021.injury, assault, or sexual assault, but does not include defensive measures to protect oneself;(2) abuse, as that term is defined by Sections 261.001(1)(C), (E), and (G), by a member of a family or household toward a child of the family or household; or (3) dating violence, as that term is defined by Section 71.0021.