



## Additional Smart Thermostat Regulations Would Unfairly Target REPs

**AECT Position: Oppose as Filed**

**HB 489 by Anchia**

### Proposal

- HB 489 mandates that the PUC adopt additional rules to regulate how a Retail Electric Provider (REP) or aggregator offering a product or service related to smart thermostats must market, communicate, and contract for the product or service. HB 489 also directs the PUC to adopt rules that would unfairly hold REP smart thermostat offers to a significantly stricter standard than competitors from other industries.

### Discussion

- Many businesses offer products tied to smart thermostats, including home repair stores, heating and air conditioning contractors, cable and telecom companies, home security vendors, demand response providers and many others. As drafted, **only REPs and aggregators would be required to comply with HB 489's additional regulations**, putting REPs at a disadvantage relative to other businesses.
- **General customer protections in the Business and Commerce Code already ensure customers are protected** against deceptive trade practices in the market, including through lack of disclosure with intent to induce customers into a transaction.
- HB 489 modifies PURA and **specifically impacts the market practices of REPs and aggregators** that choose to offer a smart thermostat product. However, it's not appropriate to regulate smart thermostats under PURA.
- **It would be more appropriate and equitable to address concerns regarding smart thermostat service in a way that reflects all the ways these products are sold**, rather than specifically limiting the activities of REPs and aggregators.

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