

CONSUMER PROTECTION RULES

Pennsylvania Public Utility Commission
November 2010



Customer Information: Electric

ELECTRIC: 52 Pa Code 54.1 – 54.9:

- ▣ 54.1. Purpose.
- ▣ 54.2. Definitions.
- ▣ 54.3. Standards and pricing practices for retail electricity service.
- ▣ 54.4. Bill format for residential and small business customers.
- ▣ 54.5. Disclosure statement for residential and small business customers.
- ▣ 54.6. Request for information about generation supply.
- ▣ 54.7. Marketing/sales activities.
- ▣ 54.8. Privacy of customer information.
- ▣ 54.9. Complaint handling process.

Customer Information: Gas

- ▣ 62.71. Purpose.
- ▣ 62.72. Definitions.
- ▣ 62.73. Standards and pricing practice for retail natural gas service.
- ▣ 62.74. Bill format for residential and small business customers.
- ▣ 62.75. Disclosure statement for residential and small business customers.
- ▣ 62.76. Request for information.
- ▣ 62.77. Marketing/sales activities.
- ▣ 62.78. Privacy of customer information.
- ▣ 62.79. Complaint handling process.
- ▣ 62.80. Common natural gas competition terms.

Customer Information

- ▣ **54.1:** See this provision re : applicability to residential, commercial and industrial customers).
- ▣ **54.2: DEFINITIONS:** includes *Basic Services, Consumer Contract, Generation Charges, Historical Billing Data, Renewable Resource, Small Business Customer, etc.*
- ▣ **54.3: STANDARDS AND PRICING PRACTICES FOR RETAIL ELECTRICITY SERVICE:** Use common terminology, including EDC, in customer communications.
- ▣ **54.4: BILL FORMAT.**

Customer Information

54.5. DISCLOSURE STATEMENT FOR RESIDENTIAL AND SMALL BUSINESS CUSTOMERS:

- ▣ Price: fixed or variable... if variable... conditions of variability and limits on variability.
- ▣ Length of agreement.
- ▣ Special offers, incentives, etc.
- ▣ Cancellation provisions.
- ▣ Penalties, fees, exceptions in a larger print size.
- ▣ 3-day right of rescission.
- ▣ How customer will be billed.
- ▣ Definitions and contact information.

Customer Information

- ▣ Renewal provisions for electric have been superseded by subsequent guidelines (M-2010-2195286), September 23,2010.
- ▣ Residential /small business disclosure statements are reviewed /approved by Commission staff as part of the residential supplier licensing process.

Customer Information

54.6: REQUEST FOR INFORMATION ABOUT GENERATION SUPPLY: have to be able to support marketing claims and provide information to consumers.

54.7: SALES AND MARKETING ACTIVITIES:

- ▣ Advertised prices = contract price = billed price.
- ▣ Show prices for 500, 1000 and 2000 kWh.
- ▣ Marketing materials made available to PUC upon request.

Customer Information

- ▣ **54.8: Privacy of Customer Information :** Eligible customer lists; see M-2010-2183412 from 11/12/10 Public Meeting. Customers can restrict release of phone numbers and usage data. Victims of domestic violence and other endangered customers can restrict the release of all data.
- ▣ **54.9: Complaint Handling Process:** Chapter 56 dispute procedures apply for residential consumers; EDCs and EGSs shall address disputes and give the Commission access to necessary documents.

Renewal Notices: Electric

- ▣ The guidelines for these notices (when to send; what they need to contain, etc.) are in *Guidelines Regarding Advance Notification by an Electric Generation Supplier of Impending Changes Affecting Customer Service* (M-2010-2195286, September 23, 2010)
- ▣ Apply to residential and small business.
- ▣ As a FIXED-TERM contract nears its end...or if the supplier wants to change the terms of a MONTH-TO-MONTH contract, the supplier must send advance notifications to the customer.

Renewal Notices: Electric

- ▣ These guidelines supersede the renewal notice regulation at 54.5(g)(1).
- ▣ 2 notices (either mailed separately or included in the bills).
- ▣ **FIRST NOTICE (Initial Notice):** 52-90 days before the expiration/change. Notice to include: date of change/expiration; general description of change; when to expect the second notice and explanation that the second notice will include customer options.

Renewal Notices: Electric

SECOND NOTICE (Options Notice): at least 45 days prior to the change/expiration. Includes:

- ▣ What the supplier is offering or changing.
- ▣ Customer options (may include accepting offer, returning to EDC default service or selecting a new supplier).
- ▣ EDC's price to compare (may be an estimate).
- ▣ Date by which the customer must act.
- ▣ Information on the PUC's and OCA's shopping website.

Renewal Notices

WHAT HAPPENS IF THE CUSTOMER FAILS TO RESPOND TO THE NOTICES?

- ▣ Per the Guidelines, if a supplier is offering new contract terms, the supplier can impose the new contract terms as long as the new contract is month-to-month and there is no cancellation penalty. The customer may cancel at any time.

Switching Rules (Electric):

- ▣ 57.171. Definitions.
- ▣ 57.172. Customer contacts with the EDC.
- ▣ 57.173. Customer contacts with EGSs.
- ▣ 57.174. Time frame requirement.
- ▣ 57.175. Persons authorized to act on behalf of a customer.
- ▣ 57.176. Valid written authorization.
- ▣ 57.177. Customer dispute procedures.
- ▣ 57.178. Default service provider.
- ▣ 57.179. Record maintenance.

Switching Rules (Gas):

- ▣ 59.91. Definitions.
- ▣ 59.92. Customer contacts with the NGDC.
- ▣ 59.93. Customer contacts with NGSs.
- ▣ 59.94. Time frame requirement.
- ▣ 59.95. Persons authorized to act on behalf of a customer.
- ▣ 59.96. Valid written authorization.
- ▣ 59.97. Customer Dispute Procedures.
- ▣ 59.98. Provider of last resort.
- ▣ 59.99. Record maintenance.

Switching Rules: Electric

- ▣ **Apply to all customers.**
- ▣ **57.171: Definitions.**
- ▣ **57.172: Customer contacts with the EDC:**
Customers must contact the EGS to obtain supply.
- ▣ **57.173: Customer contacts with EGSs:** The EGS, “upon receiving direct oral confirmation or written authorization from the customer to change the EGS” ... notify the EDC of the customer’s EGS selection “by end of next business day” (note: the Commission has waived this timeframe in cases where service is to start on a date in the distant future per the terms of the disclosure statement).

Switching Rules

- ▣ The EDC, by the end of the next business day, sends a 10-day confirmation letter to customer.

The 10-day CONFIRMATION letter:

- ▣ Informs the customer that his or her service will be switched by a given date unless the customer notifies the EDC otherwise.
- ▣ Is intended to stop an unauthorized switch and is NOT intended to create a second “rescission” opportunity for the customer.

Switching Rules

- ▣ **57.174: Time frame requirement:** EDC shall make the change “...at the beginning of the first feasible billing period...” EDCs have rules (16-day rule, etc.) that may be in their supplier coordination tariffs or agreements.
- ▣ **57.175: Persons authorized to act on behalf of a customer:** customers can provide the EDC with a list of people authorized to initiate a change of supplier.

Switching Rules

- ▣ **57.176: Valid Written Authorization:** suppliers cannot use contests entries, cancelled checks, etc., to switch a customer. Enrollment form has to be solely an “enrollment form.”
- ▣ **57.177: Customer Dispute Procedures:** EDCs and EGSs must consider all slamming allegations as DISPUTES and must follow Chapter 56 dispute rules. This includes referring the customer to the PUC.

Slamming : 57.177:

- ▣ (d) If a customer files an informal complaint with the Commission alleging that the customer's EGS was changed without the customer's consent, the Bureau of Consumer Services will issue an informal decision that includes a determination of customer liability for any EGS bills or administrative charges that might otherwise apply, rendered since the change of the EGS.
- ▣ (e) In addition to customer-specific remedies, the Commission may, after investigation and decision, assess fines under 66 Pa.C.S. Chapter 33 (relating to violations and penalties) and initiate proceedings to revoke the license of an EGS that demonstrates a pattern of violating this subchapter. The Commission may order a particular EGS that has a pattern of violating this subchapter to obtain written authorization from every new customer as a condition of providing service in this Commonwealth. Nothing in this subchapter is intended to limit the Commission's authority.

Slamming : Zero Tolerance:

In *Pennsylvania Public Utility Commission v. Total Gas & Electric Inc.*, (September 26, 2001; M-00011529), the Commission declared that:

The Commission does not trivialize allegations of unauthorized enrollment of customers, or “slamming”, and seeks to deter such conduct by instituting firm retaliatory measures for violations of the Commission’s regulations with respect to enrollment of customers.

- ▣ “Misrepresentation” can = “SLAMMING.”

Chapter 56: Residential Standards

▣ 66.2809: Requirements for electric generation suppliers:

...In regulating the service of electric generation suppliers, the commission shall impose requirements necessary to ensure that the present quality of service provided by electric utilities does not deteriorate, including assuring that adequate reserve margins of electric supply are maintained and assuring that 52 Pa. Code Ch. 56 (relating to standards and billing practices for residential utility service) are maintained.

Chapter 56: Residential Standards

Statutory requirements for licensing electric generation suppliers at 66 Pa. C.S. § 2809 (b) & (e) include compliance with Commission regulations at Chapter 56:

- ▣ A license shall be issued to any qualified applicant . . . if it is found that the applicant is fit, willing and able to perform properly the service proposed and to conform to the provisions of [Title 66] and the lawful orders and regulations of the commission, including the commission's regulations regarding standards and billing practices

Chapter 56: Residential Standards

EGS Licensing Regulations:

§ 54.37. Approval.

- (a) A license will be issued, authorizing the whole or any part of service requested, if the Commission finds that:
 - (1) The applicant is fit, willing and able to properly perform the service proposed in conformance with applicable provisions of the code and the lawful Commission orders and regulations, specifically including Chapter 56 (relating to Standards and Billing Practices for Residential Utility Service).

Chapter 56: Residential Standards

HOWEVER... only sections of Chapter 56 that apply to a supplier's operations are APPLICABLE.

EXAMPLE: Sections 56.81 - 56.118 relate to TERMINATION OF SERVICE. Since suppliers do not “terminate” service (the physical cessation of service without the consent of the customer), these sections do NOT apply to suppliers.

Chapter 56: Residential Standards

EXAMPLES OF SECTIONS THAT MAY APPLY:

- ▣ 56.11: Billing frequency.
- ▣ 56.14: Make-up bills.
- ▣ 56.15: Billing information.
- ▣ 56.21: Payment.
- ▣ 56.22: Late payment charges.
- ▣ 56.140 – 181: Dispute procedures.

56.140 – 181: Residential Dispute procedures.

56.151 – 152:

- ▣ Investigate the customer's dispute using methods reasonable under the circumstances.
- ▣ Provide complainant with information that is sufficient for the customer to arrive at an informed judgment on the disputed matter.
- ▣ Inform the customer of his or her right to contact the PUC (Bureau of Consumer Services to file an informal complaint) and provide the customer with the correct contact information.
- ▣ Do all of this within 30 days.

Budget Billing

- ▣ By Commission order entered June 18, 1998, suppliers serving residential customers must be able to provide budget billing.
- ▣ See 52 Pa. Code 56.12(7).
- ▣ Suppliers can request waivers from this requirement. BlueStar (P-2010-2164782) and EnergyPlus (P-2010-2158189) currently have temporary waivers.
- ▣ EDCs report that they can calculate a unified budget amount that includes supplier and EDC charges for POR customers... so this should not be much of an issue going forward?

Operational Changes

Interim Guidelines Regarding Notification by an Electric Generation Supplier of Operational Changes Affecting Customer Service and Contracts, entered August 13, 1998 at M-00960890F.0013.

- ▣ Addresses what is to occur if EGS changes business plan; assigns customers to another supplier, exits the market, etc.
- ▣ Important point: Notice(s) must be provided to both customers and the Commission.

Codes of Conduct

ELECTRIC:

▣ 54.43

▣ 54.122

GAS:

▣ 62.114

▣ 62.141

Pa Code: www.pacode.com

Pensylvania Code - Windows Internet Explorer

http://www.pacode.com/secure/data/052/052toc.html

File Edit View Favorites Tools Help

Pensylvania Code

The Pennsylvania
CODE BROWSE SEARCH HOME

TITLE 52

PUBLIC UTILITIES

PART I. [Public Utility Commission](#)

Subpart A. [General Provisions](#)

Chapter 1. [Rules of Administrative Practice and Procedure](#) ([View pdf](#))

Chapter 3. [Special Provisions](#) ([View pdf](#))

Chapter 5. [Formal Proceedings](#) ([View pdf](#))

Subpart B. [Carriers of Passengers or Property](#)

Chapter 21. [General Provisions](#) ([View pdf](#))

Chapter 23. [Tariffs for Common Carriers](#) ([View pdf](#))

Chapter 27. [Air Transportation](#) ([View pdf](#))

Chapter 29. [Motor Carriers of Passengers](#) ([View pdf](#))

Chapter 30. [Medallion Program](#) ([View pdf](#))

Internet 100%

Start [Taskbar Icons] 12:30 PM

http://www.puc.state.pa.us/

The screenshot shows a Windows Internet Explorer browser window displaying the Pennsylvania Public Utility Commission website. The browser's address bar shows the URL <http://www.puc.state.pa.us/>. The website's header features the PUC logo and the title "Pennsylvania Public Utility Commission". Below the header is a navigation menu with tabs for "Electricity", "Natural Gas", "Telecommunications", "Water/Wastewater", and "Transportation".

The main content area is divided into several sections:

- Left Sidebar:** A vertical list of links including "Search Public Documents", "eFiling", "Daily Actions & Hearings", "Obtain/File Information", "Online Forms", "Publication & Reports", "Regulatory Information", "Career Opportunities", and "Consumer".
- Central Content:** A large image of a gas burner with a blue flame. To its right, a text block states: "The Pennsylvania Public Utility Commission balances the needs of consumers and utilities to ensure safe and reliable utility service at reasonable rates; protect the public interest; educate consumers to make independent and informed utility choices; further economic development; and foster new technologies and competitive markets in an environmentally sound manner."
- Highlights and Hot Topics:** A section with three items: "Announcements" (with a megaphone icon), "Press Releases" (with a document icon), and "Prepare Now for Winter" (with a snowflake icon).
- Meet the Commis:** A section with two items: "Natural Gas Competitive Market Oversight" (with a water drop icon) and "Telephone Tips for Consumers" (with a telephone handset icon). Below these is a photo of several men in suits.
- Water Conservation Measures:** A section with a water tap icon and the text "Water Conservation Measures".

The browser's taskbar at the bottom shows the Start button, several application icons, and the system tray with the time 12:32 PM.

http://www.puc.state.pa.us/electric/electric_suppliers.aspx

Suppliers

- [Licensed Suppliers](#) - List of suppliers licensed by the PUC to serve in Pennsylvania.
- [License Application Package \(PDF\) \(DOC\)](#) - The application to become a licensed supplier in Pennsylvania.
- [Essential Contact Information Form](#) - A blank form that electric suppliers submit to give the PUC contact information.
- [Electronic Data Exchange](#) - Information on the Electric Data Exchange Working Group.
- **Default Service Auctions for 2010** - The remaining default service auctions for 2010 are listed below. The days identified on when the auction will occur and when the Commission has to make its decision. Each company has its own method/procedure of providing details of the approved auction results.

| Company | Date |
|------------------------------|--------------------------|
| PPL - Bids Due | Tuesday, July 20, 2010 |
| Duquesne Light - Bids Due | Wednesday, July 21, 2010 |
| PUC - PPL Decision Due | Thursday, July 22, 2010 |
| UGI - Bids Due/Report to PUC | Thursday, July 22, 2010 |

OCMO / CHARGE

http://www.puc.state.pa.us/electric/electric_CompetitiveMarketOversight.aspx

The screenshot shows a Windows Internet Explorer browser window with the address bar containing the URL http://www.puc.state.pa.us/electric/electric_CompetitiveMarketOversight.aspx. The page title is "Competitive Market Oversight - Windows Internet Explorer". The browser interface includes a menu bar (File, Edit, View, Favorites, Tools, Help), a search box, and a toolbar with icons for home, print, and page settings.

The main content area displays the Pennsylvania Public Utility Commission logo and the title "Pennsylvania Public Utility Commission". Below this is a navigation menu with links for Home, Electricity, Natural Gas, Telecommunications, Water/Wastewater, and Transportation. The "Electricity" link is selected, leading to the "Electric Competitive Market Oversight" page.

The page content includes a sidebar with a list of links: Electric Price Estimates, Prepare Now for Winter, Electric Companies, PA Power Switch, Suppliers, AEPS Web Site, Alternative Energy, Act 129 Information, CSP Registry, Retail Choice Activity Reports, and Electric Competitive Market Oversight. The main content area features a heading "Electric Competitive Market Oversight" and a breadcrumb trail: Home \ Electricity \ Competitive Market Oversight. The text below the heading states: "On Dec. 10, 2009, the Commission announced that the Office of Competitive Market Oversight will serve Commission's electric retail choice ombudsman, as described in the Default Service and Retail Electric Market Statement at 52 Pa. Code §69.1817. In this capacity, the OCMO will oversee the development and function of a competitive retail electric supply market. The OCMO was originally formed in January 2009 to similarly manage the retail natural gas supply market." It also mentions that the OCMO is within the office of the Director of Operations and is responsible for responding to requests from electric generation suppliers. A link for "OCMO@state.pa.us" is provided. Below this is a "Reports" section with a link to "Supplier/EGS Consolidated Billing Report - The final report from CHARGE's EDEWG Sub-Team on Supplier Consolidated Billing. Released September 2010."

The browser's status bar at the bottom shows "Local intranet" and "100%" zoom. The Windows taskbar at the very bottom includes the Start button, several application icons, and the system tray showing the time as 12:34 PM.

Regulatory Information

<http://www.puc.state.pa.us/general/regulatoryinfo.aspx>

Regulatory Information - Windows Internet Explorer

http://www.puc.state.pa.us/general/regulatoryinfo.aspx

File Edit View Favorites Tools Help

Regulatory Information

Pennsylvania Public Utility Commission

Electricity Natural Gas Telecommunications Water/Wastewater Transportation & Safety

Regulatory Information

Home \ Regulatory Information

Public Documents

Orders & Hearings Title 66 of the Public Utility Code is available online at [Unofficial Purdon's Pennsylvania Statutes from West](#). Scroll down to Title 66 Pa. C.S.A. Public Utilities, and select that link.

Information Public utilities are regulated under Title 52 (Public Utilities) of the Pennsylvania Code, available online at [www.pacode.com](#). Select Browse and Title 52 to see the [index](#).

News

Reports & Information Any proposed regulation or changes to existing regulations must go through a lengthy review process. They are printed in the [Pennsylvania Bulletin](#) for public comment and are reviewed by the [Independent Regulatory Review Commission](#), House Consumer Affairs Committee, Senate Consumer Protection and Professional Licensure Committee, Attorney Generals Office, and Governors Budget Office.

Opportunities

Concerns **Chapter 56 Notice of Proposed Rulemaking**

Complaints Information and comments regarding the Notice of Proposed Rulemaking that will revise the PUC's regulations at 52 Pa. Code Chapter 56, to ensure they are consistent with Act 201 of 2004, also known as Chapter 14, can now be found on the PUC's [Consumer Education](#) page.

How

Shopping **The American Recovery & Reinvestment Act**

The American Recovery & Reinvestment Act of 2009. The Commission initiated an investigation regarding the PUC

Local intranet 100%

Start [Taskbar icons] 12:35 PM

Questions?

