

**Minutes of the
Pennsylvania Public Utility Commission's
Consumer Advisory Council**

Meeting of March 26, 2013

P.O. Box 3265
Harrisburg, PA 17105-3265

www.puc.pa.gov

Call to Order and Introductions

Acting Chairman Harry Geller called the meeting to order at 10 a.m. in the Executive Chambers of the Public Utility Commission.

Harry Geller said he had some revisions that are in the minutes. The Council approved the revised January 22, 2013, minutes.

Attendance

The following members of the Council were present:

Robert Christianson, Vice Chairman (telephone)	Harry Geller
Pedro Anes (telephone)	Rick Hicks (telephone)
Lillian Carpenter (telephone)	Tina Serafini (telephone)
Cindy Datig (telephone)	George Silvestri (telephone)
John Detman	Lee Tolbert (telephone)
	Joe Toner (telephone)

The following members of the Council were unable to be present:

Tim Hennessey, Chairman	Michael Bannon
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Public Utility Commission Staff Present:

Matt Totino, Vice Chairman Coleman's Office
Teri Mathias, Commissioner Gardner's Office
Shelby Linton-Keddie, Commissioner Witmer's Office
RaChelle Coleman, Commissioner Witmer's Office
Tom Charles, Office of Communications
Lori Shumberger, Office of Communications
David Hixson, Office of Communications
David Loucks, Bureau of Investigation and Enforcement
Joe Witmer, Law Bureau

Guests Present:

Donna Clark, Energy Association
Will Groff, C.E. Groff & P.M.S.A.
Gina Myers, Buchanan Ingersoll & Rooney PC
Marybeth Smialek, FirstEnergy
Heather Yoder, Office of Consumer Advocate

Limousine Company Regulations Update

Dave Loucks from the PUC Bureau of Investigation and Enforcement (I&E) was invited to give a presentation on limousine age requirements.

Dave Loucks passed out a copy of the PA Code 52, Chapter 29.333, vehicle and equipment requirements and regulations.

Dave Loucks said Chapter 29.333(e) covers vehicle ages. This requirement has been in effect since August 2007. A vehicle cannot be operated or used if it is eight model years or older.

Joe Toner said this seems arbitrary for limousine services. Most companies use Lincoln Town Cars, and, with this ruling, the companies have to sell them and move onto other cars. Why is this only for the limousine service and not required for other types of vehicles? Dave Loucks said this requirement also applies to taxis.

Dave Loucks said most taxis companies are regulated by the city they operate in, and the limousine companies are regulated by the PUC.

Joe Toner said other states limousine companies are coming into Pennsylvania and buying these cars and using them in their states.

Dave Loucks said the regulation was more for the taxi companies, but also included the limousine companies. Joe Toner said the small limousine companies cannot afford this regulation.

Dave Loucks said there is an exemption in the regulation allowing the company to apply for a waiver and submit a request to continue to use the vehicle. The PUC would then go out and inspect the car. If the car would pass, the company could use the car for another year.

Joe Toner asked why no other vehicles are required to do this, such as a concrete truck or a moving truck. Dave Loucks said taxis and limousines carry more people than a large truck. Joe Toner said if a truck goes out of control, it can cause more damage than a limousine.

Lee Tolbert asked if there is any way to get this requirement reviewed and changed. If a vehicle passes a yearly inspection, it should be allowed to continue to be used regardless of the age. Dave Loucks said this regulation was to protect consumers. At this time the PUC is currently discussing this topic and may be changed from age to mileage limit.

Lee Tolbert asked why not use an inspection limit and not an age limit. Joe Toner agreed with the suggested inspection requirement.

Harry Geller suggested the Council take time to review the code and come back at a later date with suggestions.

Joe Toner still questioned why other PUC regulated trucks are not required to follow the same regulations. Since this is a regulation and not legislation, the PUC could change this. Something must be done to help the smaller limousine companies. Should we get something in writing now?

Joe Toner made a motion asking the Commission to reconsider its regulation (52 PA Code Section 29.333) on vehicle and equipment requirements, related to (e) vehicle age. The Council recommends that the Commission remove the requirement that a vehicle may not be operated if it is more than eight model years old and replaced by a requirement that the vehicles pass state inspection. Lee Tolbert seconded the motion. The motion passed.

Dave Loucks said the Philadelphia Parking Authority holds the certifications for all taxis and limousines within the city limits. They also have the eight-year age limit on the taxis and limousines. If the Philadelphia taxis or limousines travel outside the city limits, they must apply for the PUC certification.

Joe Toner asked, if the PUC changed their regulation, would this also change the Philadelphia Parking Authority's regulations. Dave Loucks said no.

Lee Tolbert asked why the Philadelphia Parking Authority is in charge of taxis and limousines. Joe Witmer said it was a legislative decision, and any solutions would need to go before the legislation for change.

The Council thanked Dave Loucks for coming and asked to be informed of future updates.

PAPowerSwitch Statewide Consumer Education

Dave Hixson from the PUC Office of Communications was invited to give a presentation on the PA PowerSwitch Statewide Consumer Education Campaign. In the packets is a section of the Final Order of the Retail Markets Investigation on the PA PowerSwitch Statewide Consumer Education Campaign.

Dave Hixson said the PAPowerSwitch Statewide Consumer Education Campaign starts on page 100 of the Final Order. There will be a statewide campaign for the amount of \$2 million to be spent over two or three years. The campaign will be funded by the EDCs and suppliers.

Dave Hixson said the main focus of the campaign is to promote education, and the secondary focus is to educate consumers on default services and other issues.

Dave Hixson said Communications has met with the National Energy Marketers Association and the Retail Energy Supply Association. We have asked them to

volunteer contributions to the campaign. We have also met with the Energy Association to discuss the future participation from the electric companies.

According to the Feb. 14 Final Order, the education campaign also will inform consumers of "typical" contract terms and conditions. The Commission Communications to contact the Commonwealth's statutory advocates, the Pennsylvania Utility Law Project (PULP) and the Commission's Consumer Advisory Council to identify possible issues and concerns with supplier contracts. Meetings have been held with these entities and will continue throughout 2013 in preparation for development of the campaign. These discussions may lead to educational information currently available on PAPowerSwitch.com being represented differently; additional educational materials; and a broader partnership -- among the Commission, other agencies such as the Attorney General, the suppliers and utilities, and the advocates -- such as the recent press releases on door-to-door and telephone marketing. Another issue raised is whether this campaign can provide education to hard-to-reach minority communities in Philadelphia and other areas.

Dave Hixson said they were developing some of the issues for the campaign and selecting a vendor. There will be several more meetings to develop this campaign.

George Silvestri said he receives a phone call daily from Dominion Peoples. How can he get this to stop? Harry Geller asked if he is concerned about telemarketing. George Silvestri said yes. Harry Geller asked if the CHARGE group is still handling issues such as telephone soliciting. Tom Charles said yes, and there is a press release that the PUC released with the Attorney General's office on door-to-door and telephone solicitors.

Harry Geller said with telemarketers, they must follow the "Do Not Call" policies. Dave Hixson said suppliers must follow the same policies. Harry Geller said to call the Attorney General's Office and get on the "Do Not Call" list. Dave Hixson said to call the PUC's customer services bureau and report the supplier.

Lillian Carpenter asked who will pay for this campaign and will it be passed onto the customers. Tom Charles said he is hoping that most will be coming from the suppliers but the electric companies could pass their costs back onto the customers.

Joe Witmer said telemarketers must follow the Federal Communications Commission (FCC) rules. If the supplier continues to call, report them to the FCC at fcc.gov.

Tina Serafini said she will ask for the supplier's name, and inform them that she is on the "Do Not Call" list and will report them if they call again.

Joe Witmer said there are some businesses that are exempt from the "Do Not Call" list.

Harry Geller asked the Council if a subcommittee should be started to submit comments on the PAPowerSwitch Statewide Consumer Education Campaign on marketing, suppliers contracts and consumers rights. The Council agreed that

comments should be done. Harry Geller said he would draft comments and provide a copy to the Council at the next meeting. Please send all comments via email to him.

Tom Charles said PULP was going to review the PUC's PAPowerSwitch.com website and give suggestion on some of the subjects and topic placements. Harry Geller said he would update the Council on the suggestions made.

CAC Appointment and Upcoming Elections

Tom Charles said that Communications is working with Legislative Affairs and the Law Bureau on a recommendation for the Commissioners on who to appoint to the CAC as the current members' terms expire on June 30.

Letters have been sent to the Governor, Lieutenant Governor, and Majority and Minority Chairs of the PUC's House and Senate oversight committees to seek their appointments or reappointments.

On June 13, the Commissioners will vote on a C-motion to make or ratify these appointments. If you are a sitting Council member and do not wish to be considered for reappointment, please see Tom Charles or Lori Shumberger.

The members for 2013-15 will convene this summer to elect a Chairman and Vice Chairman.

2-1-1 Funding Update

Rick Hicks said there hasn't been much since the last update on the Southwest 2-1-1 fund.

Rick Hicks said there have been a lot of meetings. There was a meeting with DollarEnergy, PULP and one with PUC. When they met with the PUC, there was a discussion to outline what the Southwest 2-1-1 organizations are proposing and where they are in the process of preparing a petition. Rick said questions asked in meetings led to changes in their draft petition.

Two new counties, Beaver and Indiana, have joined the participating Southwestern counties. Of the region's 11 counties, only Mercer and Washington so far are not involved.

Rick Hicks said the current proposal no longer would shift funds from existing universal service funds, but would request new universal service funds. The contribution limit would differ based on the utility.

The pilot petition's requested amount has changed to \$250,000 per utility per year for up to three years

There will be a petition filed soon by the United Way of Allegheny County and 2-1-1 Southwest asking the PUC to approve the participation of the region's electric and natural gas utilities, and authorizing them to file tariffs indicating their specific contributions. There will be a comment period and anyone can submit comments.

Rick Hicks said United Way is only working with Southwest regions. If this petition gets approved, it would only be a pilot program.

Harry Geller asked what responsibilities would the program need to report. The Universal Service plans requires reviews and proficiency reports to the PUC. Would this still be required? Rick Hicks said the program would provide all reports and reviews the PUC requires.

Harry Geller asked if the plan is to file the petition soon. Rick Hicks said yes, that is correct.

Tom Charles asked Rick Hicks to attend the next meeting and give another update. Rick Hicks said he should be able to.

Future Agenda Items

A request was made to get a Chapter 14 update. Tom Charles said he would work on getting someone to an upcoming meeting.

George Silvestri asked if someone could come and give a list of priorities the Commissioners are working on. Harry Geller asked who would be able to give this report. Tom Charles said he would work with the Law Bureau.

Future Meeting Topics Include:

- 2-1-1 Funding Update
- Chapter 14 Progress Update
- Legislative Update
- Limousine Company Regulations
- Marcellus Shale Update
- Resale of Utilities
- Smart Meters Update

The next meeting for the CAC will be held at 10 a.m. on May 28, 2013, in the Executive Chambers of the Commonwealth Keystone Building.

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