

Deanne M. O'Dell
717.255.3744
dodell@eckertseamans.com

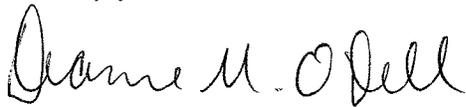
May 17, 2010

Via Electronic FilingRosemary Chiavetta, Secretary
PA Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265Re: Petition of PECO Energy Company for Approval of its Smart Meter Technology and
Installation Plan, Docket No. M-2009-2123944

Dear Secretary Chiavetta:

On behalf of the Retail Energy Supply Association ("RESA") enclosed for filing please find its
Comments along with the electronic filing confirmation page with regard to the above-referenced
matter.

Sincerely yours,



Deanne M. O'Dell, Esq.

DMO/lww

Enclosure

cc: Cert. of Service w/enc.

CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of RESA Comments upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

Via Email and First Class Mail

Hon. Marlane R. Chestnut
Office of Administrative Law Judge
Pennsylvania Public Utility Commission
801 Market Street, Suite 4063
Philadelphia, PA 19107
machestnut@state.pa.us
kniesborel@state.pa.us

Tanya J. McCloskey, Esq.
Jennedy S. Johnson, Esq.
Office of Consumer Advocate
5th Floor, Forum Place Bldg.
555 Walnut Street
Harrisburg, PA 17101-1923
tmccloskey@paoca.org
jjohnson@paoca.org

Richard Kanaskie, Esq.
Carrie B. Wright, Esq.
PA Public Utility Commission
400 North Street, 2nd Floor
PO Box 3265
Harrisburg, PA 17105-3265
rkanaskie@state.pa.us
carwright@state.pa.us

Daniel Asmus, Esq.
Sharon Webb, Esq.
Office of Small Business Advocate
Sutie 1102, Commerce Bldg.
300 North Second Street
Harrisburg, PA 17101
dasmus@state.pa.us
swebb@state.pa.us

Harry S. Geller, Esq.
John Gerhard, Esq.
Julie George, Esq.
Pennsylvania Utility Law Project
118 Locust Street
Harrisburg, PA 17101-1414
hgellerpulp@palegalaid.net
jgerhardpulp@palegalaid.net
jgeorgepulp@palegalaid.net

Romulo Diaz, Esq.
Anthony E. Gay, Esq.
Exelon Business Services Company
2301 Market St., S23-1
PO Box 8699
Philadelphia, PA 19101-8699
Romulo.diaz@exeloncorp.com
Anthony.gay@exeloncorp.com

Charis Mincavage, Esq.
Barry A. Naum, Esq.
McNees Wallace & Nurick LLC
100 Pine Street
PO Box 1166
Harrisburg, PA 17108-1166
cmincavage@mwn.com
bnaum@mwn.com

Kurt E. Klapkowski, Esq.
Commonwealth of Pennsylvania
Dept of Environmental Protection
RCSOB, 9th Floor
400 Market St.
Harrisburg, PA 17101-2301
kklapkowski@state.pa.us

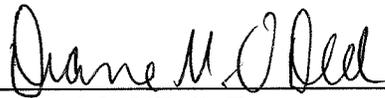
Divesh Gupta, Esq.
Constellation Energy
111 Market Place, Suite 500
Baltimore, MD 21202
Divesh.gupta@constellation.com

Kenneth T. Kristl
Widener Environmental and Natural
Resources, Law Clinic
4601 Concord Pike
Wilmington, DE 19803
ktkristl@widener.edu

Thomas P. Gadsden, Esq.
Kenneth M. Kulak, Esq.
Anthony C. DeCusatis, Esq.
Morgan Lewis & Bockius LLP
1701 Market St.
Philadelphia, PA 19103-2921
tgadsden@morganlewis.com
kkulak@morganlewis.com
adecusatis@morganlewis.com

Christopher A. Lewis, Esq.
Christopher R. Sharp, Esq.
Melanie J. Tambolas, Esq.
Blank Rome LLP
One Logan Square
Philadelphia, PA 19103
lewis@blankrome.com
sharp@blankrome.com
tambolas@blankrome.com

Dated: May 17, 2010



Deanne M. O'Dell, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for :
Approval of its Smart Meter Technology and : Docket No. M-2009-2123944
Installation Plan :

**COMMENTS OF
RETAIL ENERGY SUPPLY ASSOCIATION**

The Retail Energy Supply Association (“RESA”)¹ supports the commitment by PECO Energy Company (“PECO”) to provide consumption data and other customer information to third parties via established Electronic Data Interchange (“EDI”) protocols and data transfer methods. As explained further below, PECO’s current process for providing customer usage data to electric generation suppliers (“EGSs”) is cumbersome, complicated and unreliable. EGSs need timely and reliable access to the usage data of PECO’s current customers so that they can accurately price alternate supply service and make a competitive offer to the customer. Delayed access to this information or receiving information that is not accurate may discourage competitors from coming into the market and could lead to confusion for customers if the EGS is either delayed or inaccurate in the price it offers only due to issues related to the underlying data.

Upgrading to an EDI process well in advance of the expiration of PECO’s generation rate cap (RESA recommends that the process be in place by August 1, 2010) is an important step toward fostering a competitive retail market. Therefore, RESA strongly urges the Commission to direct PECO to implement the EDI processes necessary to provide summary usage data

¹ RESA’s members include ConEd Solutions; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; Exelon Energy Company; GDF SUEZ Energy Resources NA, Inc.; Gexa Energy; Green Mountain Energy Company; Hess Corporation; Integrys Energy Services, Inc.; Just Energy; Liberty Power; PPL EnergyPlus; Sempra Energy Solutions LLC. The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

(regardless of account type) including an indicator to state whether the account is interval, all account attributes, and interval usage (if it is an interval account) by August 1, 2010.

I. BACKGROUND

On April 22, 2010, the Commission approved PECO's smart meter plan, as amended by a Joint Petition for Partial Settlement. In the context of that approval, the Commission, noted PECO's commitment to provide consumption data and other customer information to third parties via established EDI protocols and data transfer methods.² More specifically, the Commission highlighted the fact that PECO did not address how or when it plans on implementing these transactions. Therefore, the Commission invited comments from interested parties addressing the following:

1. The adequacy and timeliness of PECO's current interval usage data processes.
2. Whether PECO should adopt these protocols?
3. How and when PECO should adopt these protocols?

RESA is a trade association of power marketers, independent power producers, and a broad range of companies within the Mid-Atlantic marketplace, each of whom support the electric services industry and seek to develop a more competitive power industry. RESA members are licensed to sell electric energy in the markets of Pennsylvania's major electric distribution companies ("EDCs"), including PECO's service territory. Both through RESA and among its individual members, RESA has been actively engaged in working with PECO to ensure that the appropriate systems are in place and viable in advance of 2011 so that the competitive retail market can fully and properly be realized. PECO has been cooperative in this

² Opinion and Order entered May 6, 2010 at 28.

dialogue and RESA appreciates this opportunity to provide the Commission further input and insight regarding the issue of customer usage data.

II. COMMENTS

A. PECO's Current Process

Currently, there is no EDI process available for EGSs to obtain usage or other important data about an interval account customer. Under PECO's current system, EGSs can submit an EDI request to PECO for customer information, however, actual customer information is only returned if the account in question is a summary metered account. If the account in question is an interval metered account, data is returned through a website and EGSs must either manually retrieve this information from this site, or develop complex "web scraping" applications to retrieve the data. Furthermore, the data that is posted to the website only contains the interval usage information, but omits other necessary information, such as current and future Peak Load Contribution values (for capacity and transmission), rate code, load profile code, meter read cycle information, etc. Additionally, under the current process, no data may be available whatsoever, for certain accounts where a customer has opted to restrict their information from presentation on the PECO customer list.

Since the EDI process is not available or informative regarding interval account customers, the only alternative for EGSs to get usage information is through a manual process. Two of the manual processes available are emailing PECO directly and/or accessing data from PECO's SUCCESS website. There are, however, problems associated with each of these options. Regarding email requests, the response has been erratic and unreliable. RESA expects that as more EGSs enter the market and email PECO for information, the capacity of PECO to respond timely to these requests will necessarily be diminished. Moreover, EGSs have already

experienced delays between one to four weeks in seeking information for customers having more than 50 accounts. Further, there does not appear to be a single file format in the response to the email request. Generally, PECO provides three files each containing different pieces of information and often the combined package of information is incomplete requiring the EGS to follow-up with PECO through further email requests. This process is simply not sustainable in the future as more and more EGSs seek necessary information from PECO and need that information to be timely provided and complete.

As an alternative to email requests, suppliers may retrieve data from PECO's SUCCESS website. However, this approach presents significant problems. The most important problem is that the available data is not complete. It does not include the information critical to EGSs when pricing a competitive offer including: rate code, load profile group, meter cycle information and transmission and capacity Peak Load Contribution values. To get this information, the EGS must either cross-reference the customer list (if the customer has not been listed as restricted) or email PECO directly. Another problem regarding PECO's website is that the information is not always available. While the information for some customers is unavailable because it is a restricted account, there have been circumstances where the information related to non-restricted accounts has also not been available requiring the EGS to email PECO directly.

For restricted accounts, PECO will not provide the customer data through EDI or on its website. Instead, PECO requires the EGS to email the request directly. In some cases, PECO has also required the EGS to submit to PECO its Letter of Authorization ("LOA") from the prospective customer before providing the information — a step that adds additional and unnecessary delay to the process of providing a competitive price to a prospective customer.

B. RESA's Recommendations

EGSs need timely access to information about prospective customers so that they can provide competitive offers. Currently, the process to receive this information for interval account customers is labor-intensive (for both EGSs and PECO), unreliable and time consuming. Therefore, RESA recommends the following changes.

First, PECO should implement the an EDI transaction that allows historical level data to be returned to the EGS through normal EDI protocols. The interval data stream should also contain:

- Summary Data
- Rate Class
- Load Profile
- Address
- Meter Read Cycle Information
- Capacity and Transmission Tags (including currently effective tags and future tags if the future values are available).

Thus, for an interval metered account, the EGS should receive both the granular, interval level data, as well as the summary data (the summation of the interval reads). Additionally, a supplier that only wants to receive summary level data should be able to indicate their preference in the proper EDI data request transaction. The ability to request only summary level data for an interval metered account is important because EGSs incur significant data handling costs when receiving interval level data, and interval data may not be necessary in all circumstances.

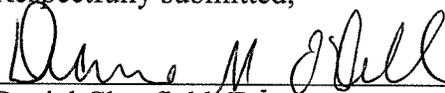
Second, information returned through the EDI process should be available to all EGSs that are properly licensed and registered to operate in PECO's service territory. For restricted accounts, the Commission has been clear that EDCs are required to provide this data – through EDI transactions – upon request from the EGSs who have received permission to access the

information.³ This is an important issue because EGSs are the entities legally required to have proper permission from the prospective customer and their access to information should not be delayed while an EDC “checks” an EGS’s claimed LOA or requires the customer to separately communicate his or her permission to the EDC. In short, the EDC should not act as a gatekeeper for customer data. EGSs requesting data should be assumed to have the proper authorization from the customer. An EGS’s authorization records and processes should be subject to Commission audit, but EGSs should not be required to transmit an LOA to the EDC as a prerequisite before accessing the customer information.

III. CONCLUSION

By adopting RESA’s recommendations regarding PECO’s process to provide critical data to EGSs related to prospective customers, the Commission will enable EGSs to timely provide prospective customers with truly competitive offers based on accurate information. RESA looks forward to working with both the Commission and PECO to implement the recommendations set forth herein and believes that doing so will benefit all consumers by enabling them to select from a multitude of competitive offers.

Respectfully submitted,



Daniel Clearfield, Esquire

Deanne O’Dell, Esquire

Eckert Seamans Cherin & Mellott, LLC

213 Market Street, 8th Fl.

Harrisburg, PA 17108-1248

717 237 6000

Attorneys for the Retail Energy Supply Association

Date: May 17, 2010

³ *PPL Electric Utilities Corporation Retail Markets*, Docket No. M-2009210427 (Order adopted August 6, 2009) at 11; *Joint Petition of Metropolitan Edison Company and Pennsylvania Electric Company for Approval of their Default Service Programs*, Docket Nos. P-2009-2093053 and P-2009-2093054, Order entered November 6, 2009 at 45-46.