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|  | COMMONWEALTH OF PENNSYLVANIA  PENNSYLVANIA PUBLIC UTILITY COMMISSION  P.O. BOX 3265, HARRISBURG, PA 17105-3265 | **IN REPLY PLEASE REFER TO OUR FILE** |

**February 15, 2011**

M-2010-2183412

**TO ALL PARTIES:**

Interim Guidelines

For Eligible Customer Lists

On November 12, 2010, the Commission issued an order at Docket No. M-2010-218412 (the “Guidelines Order”) setting forth interim guidelines designed to produce more uniformity in the type of customer information provided by Electric Distribution Companies (EDCs) in their Eligible Customer Lists (ECL), which are made available to Electric Generation Suppliers (EGSs). The order also set forth the elements of customer information that customer could restrict on an “opt-out” basis.

In the Guidelines Order, the Commission determined, *inter alia*, that customers had only two options regarding the release of their customer information: (1) restrict none (i.e., disclose all customer information authorized for disclosure), and (2) restrict telephone number, billing address and historic usage. The Guidelines Order did not permit customers to restrict any other customer information held by the EDC and authorized for disclosure.

The Guidelines Order was appealed to Commonwealth Court by the Pennsylvania Coalition Against Domestic Violence (PCADV) and the Office of the Consumer Advocate (OCA) at Nos. 2641 and 2712 C.D. 2010. The PCADV also sought a stay or supersedeas of the Guidelines Order, which was granted by Commonwealth Court by order dated January 27, 2011. In particular, the court’s order states that the supersedeas “is granted to the extent that the requested supersedeas will maintain the *status quo*.”

The effect of the stay or supersedeas is to return the release of customer information protocols to the methods and restrictions in effect before the Guidelines Order was issued. This means that customers will have the right to tell the EDC to restrict the release of all of their customer information. This “no disclosure” option will remain in effect pending resolution of the pending appeal. As such, all customers affected by the Guidelines Order shall be permitted to restrict the release of all customer information without being required to state a reason for so doing.

However, the stay or supersedeas does not affect other portions of the Guidelines Order that were not the subject of the PCADV appeal or application for stay, such as the inclusion in the ECL of specific types of customer information for those customers who do not choose to restrict their information, and the frequency of ECL updates. Also, the stay or supersedeas of the Guidelines Order does not affect the customer information protocols contained in the Commission’s previously adopted and not appealed orders in *PPL[[1]](#footnote-1)* and *Duquesne[[2]](#footnote-2)*.

Very truly yours,



Rosemary Chiavetta

Secretary

cc: All Electric Distribution Companies

All Electric Generation Companies

Office of Consumer Advocate

Office of Small Business Advocate

1. *PPL Electric Utilities Corporation Retail Market,* Docket No. M-2009-2104271, Order entered October 22, 2009. [↑](#footnote-ref-1)
2. *Petition of Duquesne Light Company for Approval of Default Service Plan for the Period January 1, 2011 through May 31, 2013*, Docket No. P-2009-2135500, Order entered July 30, 2010. [↑](#footnote-ref-2)