

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of NRG Energy, Inc. for	:	
Implementation of Electric Generation	:	Docket No. P-2016-2579249
Supplier Consolidated Billing	:	
	:	

**Comments
of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania**

Before the Commission is the Petition of NRG Energy, Inc. (NRG), which seeks Commission approval for an incomplete, legally unsound, and factually fraught proposal to allow electric generation suppliers (EGSs) to perform the billing and credit activities for customers who receive electric generation service from EGSs. The Coalition for Affordable Energy Services and Energy Efficiency in Pennsylvania filed a separate Petition to Intervene and Answer, which goes to great lengths to respond – paragraph by paragraph – to NRG’s pleadings. CAUSE-PA incorporates each of the 75 paragraphs of that Answer here, in its entirety, pursuant to 52 Pa. Code § 5.407 (records of other proceedings).¹ CAUSE-PA nonetheless files these brief Comments pursuant to the Notice published on December 24, 2016 in the Pennsylvania Bulletin, which provided for the filing of Comments and Reply Comments in addition to an Answer.² Taken together, the Comments and Answer constitute CAUSE-PA’s response to NRG’s request.

¹ Pursuant to 52 Pa. Code § 5.407, CAUSE-PA is not attaching a copy of its Answer as an exhibit, but will, upon request, supply copies of the document to any party who requests it. CAUSE-PA’s Answer is also available on the Commission’s website at the captioned docket number.

² 46 Pa. B. 8154.

Rather than restate the nearly 40 pages of objections to NRG's Petition raised in its Answer, CAUSE-PA provides a breakdown of its most pressing concerns, and points to the applicable paragraphs in its Answer which speak to the issues in further detail:

NRG's Plan Undermines the Electric Generation Customer Choice and Competition Act³

- NRG's proposal for SCB contradicts explicit provisions of the Choice Act, and undermines its stated purpose.

CAUSE-PA Answer, paragraphs 27, 31, 37, 38, 46, 54.⁴

NRG's Plan Is Harmful to Consumers, Particularly Low Income Households

- NRG's proposal for SCB fails to set forth any plan for compliance with Title 66, Chapter 14 of the Pennsylvania Consolidated Statutes or Title 52, Chapter 56 of the Pennsylvania Code, which set forth critical consumer protections that will be impacted by SCB - including but not limited to customer complaint handling, service quality, collections and billing standards, terminations, universal service and conservation programming, reporting obligations, and Commission oversight.

CAUSE-PA Answer, paragraphs 10, 13, 15, 18, 26, 37, 42, 52, 55, 65, 67.⁵

- NRG's proposal fails to address integration of statutorily mandated universal service and energy efficiency programs that ensure access and affordability for low income consumers.

CAUSE-PA Answer, paragraphs 15, 18, 37⁶

- NRG's proposal fails to address integration of the federal Low Income Home Energy Assistance Program (LIHEAP), and the Department of Human Services' explicit prohibition on the receipt of LIHEAP grants by generation suppliers.

CAUSE-PA Answer, paragraph 18.⁷

³ 66 Pa. C.S. §§ 2801 *et seq.*

⁴ 66 Pa. C.S. §§ 2807(c) & (d), 2802 (10) & (17), 2804(9).

⁵ 66 Pa. C.S. Ch. 14; 52 Pa. Code §§ Ch. 56; 52 Pa. Code § 69.265.

⁶ 66 Pa. C.S. §§ 2802(10), 2804(9); 52 Pa. Code § 69.265; 52 Pa. Code §§ 54.71 *et seq.*

⁷ Commonwealth of Pennsylvania, Dep't of Human Services, Low-Income Home Energy Assistance Program, Fiscal Year 2017 Final State Plan, Attachment B-3, § 601.3, *available at* http://dhs.pa.gov/cs/groups/webcontent/documents/document/c_241596.pdf.

NRG's Plan is Procedurally Inadequate and Lacks Any Factual Basis

- NRG's proposal rests on pure speculation and unsupported assertions about the need for SCB, and fails to set forth any evidence to justify a costly and anti-consumer shift to billing and collections standards and procedures.

CAUSE-PA Answer, paragraphs 9, 12, 13, 14, 15, 23, 25, 26, 46, 48, 50, 51, 52, 60, 65.

- NRG's proposed procedural process for consideration of SCB is inadequate to resolve critical issues of material fact.

CAUSE-PA Answer, paragraphs 9, 14, 15, 16, 17.

NRG Misrepresents the Commission's Prior Findings with Regard to SCB

- NRG's Petition erroneously relies on decades-old informal proceedings, settlements, and technical orders – which had little to no public input – with which to base its assertions that the Commission has somehow preapproved SCB.

CAUSE-PA Answer, paragraphs 10, 42, 67.

- NRG's Petition misconstrues, and in some cases misrepresents, the Commission's earlier findings with respect to SCB.

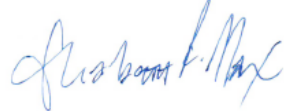
CAUSE-PA Answer, paragraphs 1, 4-7, 9, 13.

CAUSE-PA respectfully asserts that, based on the lack of legal or factual support for NRG's Petition, the Commission must reject the Petition on the pleadings. Notwithstanding this assertion, if the Commission believes it is nonetheless prudent to proceed with consideration of NRG's proposal, the Commission must refer this matter to the Office of Administrative Law Judge to hear evidence, consider testimony, and review briefings on applicable law from all interested parties. Contrary to NRG's assertions that hearings are unnecessary and that there are no factual disputes, which were rebutted in CAUSE-PA's Answer and summarized briefly above, a hearing is critical to resolve the numerous issues of material fact in dispute. Without resolution of the underlying factual disputes, the Commission cannot make substantiated findings with respect to

whether SCB is squarely in the public interest, is aligned with the law, and furthers policies which benefit the public.⁸

Respectfully submitted,

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⁸ Chester Water Auth. v. Pa. PUC, 822 A.2d 146, 152 (Pa. Commw. Ct. 2003) (holding that “[w]here issues of material fact are raised ... due process concerns require a hearing.”).