



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG, PENNSYLVANIA 17120

Office of Competitive Market Oversight (OCMO)

Summary of September 14, 2023 CHARGE Event

1) The New PAPowerSwitch.com and PAGasSwitch.com:

Cyndi Page, with the Office of Communications previewed our new shopping websites and highlighted what suppliers need to know and do during the transition to the new websites:

Highlights of the new websites include:

- Updated the look and feel of the website.
- Streamlined the site removing outdated information and consolidating other information.
- Refreshed pages and updated the information and materials.
- Expanded the information on renewables.
- Enhanced the consumer experience – the major change being that users will be guided through their options up-front, to see only what they are interested in.

Things suppliers need to know about the transition:

THE FREEZE PERIOD:

- Preceding the “go live” of the new website, nothing on the current website can be updated during a freeze period (expected to be one-two weeks).
- Offers on the website should be honored during the freeze period.
- If you cannot commit to honoring the offers during the freeze period – YOU MUST REMOVE THOSE OFFERS BEFORE THE FREEZE PERIOD.
- Likewise, if you have a new product you want to offer, you will not be able to add it to the website during the freeze period. You must add it before the start of the freeze period.

- We will alert everyone via email when we know the dates of the freeze period.

MIGRATION OF OFFERS:

- Offers on the current website will automatically migrate to the new website.
- If you do not want your offers to migrate, you must remove them before the start of the freeze period.
- Once the new site goes live – please check your offers on the website to ensure everything migrated properly. **Let us know immediately if there is a problem.**

RE-ESTABLISHING YOUR ACCOUNT:

- Once the new site goes live – you must re-establish your PAMPowerSwitch account.
- Details (who to contact and how, etc.) will be provided as we approach the date.

WHAT ABOUT PAGASSWITCH.COM?:

- We are first changing PAMPowerSwitch. Once that is completed, PAGasSwitch is next.
- Changes and procedures will be similar.
- We will let everyone know as we approach the date.

TIME OF USE (TOU):

- We recently created a new TOU section. Currently, it includes utility/Act 129 TOU products. We want to include supplier offers – and are interested in hearing from suppliers that have TOU offers that they want to post.

INFORMATION ON RENEWABLES:

As noted above, we have added information on the website about renewable energy; what it is; etc. This reflects the continued strong consumer interest in renewables. We also want to broaden the consumer education information on the website so that it is not “all about price.” We also want to talk about other products, renewables, TOU, etc.

A “missing piece” is guidance on just what a consumer is purchasing when they buy a renewable product... how does that work, RECs, etc. If any supplier has some advice, language, etc. on how to explain renewable energy purchasing, without getting too technical and keeping it as “plain-language” as possible – please contact OCMO.

ONCE WE KNOW THE “GO-LIVE” DATES AND THE PRECEDING “FREEZE PERIOD” ... WE WILL ALERT EVERYONE VIA EMAIL.

Also... a few usual reminders about the websites:

- Suppliers and Utilities: Keep your pricing current
- Suppliers: Honor your posted prices
- Utilities: Keep your past prices up-to-date
- Please keep your account reps/contacts up-to-date
- You are allowed to have more than 1 account rep. You may want to have a generic email account that several people can use to log in to update offers

Any questions about the Commission’s websites can be directed to the webmaster: Cyndi Page at CYPAGE@pa.gov.

2) PUC Formal Document Processing. Secretary Rosemary Chiavetta presented the following information:

KEEPING CONTACT INFORMATION UPDATED:

- It is a supplier’s responsibility to file any name changes, changes in its current contact information or the structure of its company with the Commission.
- To update contact information – use the form found on our website – instructions are included): <https://www.puc.pa.gov/documents/utility-files/571/company-contact-form-revised-3-14-23-final-approved.xlsx>
- Our physical mailing address:
 - Secretary of the Commission Rosemary Chiavetta
400 North Street, Harrisburg PA 17120
- Failure to maintain current contact information can endanger a supplier’s license. If a supplier fails to respond to the Commission or to a complainant due to a failure to receive a served document, **consequences can include loss of a license.**
- Please designate a specific individual for receiving served documents. Physical mailing/service address/individuals have to be in the U.S.A. Documents cannot be

served to foreign locations (because complaints are served by certified U.S. mail). We serve your current address on record and individual on record.

- Be careful in maintaining consistency with contact information – avoid providing the Commission with conflicting information.

USE OF VENDORS/CONTRACTORS/CONSULTANTS:

- If you are using a contractor/vendor/consultant to process applications, bonds, etc. please carefully monitor the contractor to ensure there are no problems.
- Please remember that we will usually NOT discuss matters or disclose information to third-party vendors unless we are informed that the third-party is indeed representing you.
- We will not provide copies of licenses to third-parties.
- Keep your license in the safe place. Replacing a lost license requires a sworn affidavit, etc.

E-FILING:

- We strongly encourage all entities to use our free E-Filing service. You can file and receive formal Commission documents electronically using our free E-FILING service. (“E-mail” is NOT e-filing; e-mail can NOT be used to formally file documents with the Commission).
- For more information and to set-up your account, see this weblink:
<https://www.puc.pa.gov/efiling/default.aspx>
- As with all your contact information, please keep your e-filing contacts updated as your personnel change. Please keep internal records of this information.
- Confidential and proprietary information (such as security instruments, financial information, etc.) cannot be e-filed. When filing confidential information – use overnight delivery (using overnight delivery provides you with the ability to track the document). **It is your responsibility to clearly and prominently label the filing CONFIDENTIAL.**

FILING DEADLINE:

- Is 4:30 pm EASTERN time. If you cannot meet the 4:30 pm deadline, we suggest sending the document via overnight delivery. The date/time you deposit the document with the delivery firm will be the FILING DATE, regardless of when the Commission receives the document.
- If you run into a technical glitch, contact our office.

SUBSCRIPTIONS:

You can track specific dockets (even if you are not a party to the docket) using the Commission's subscription service. You will then receive notification of all actions/documents in that proceeding. For instructions on setting-up a subscription, see this weblink:

http://www.puc.pa.gov/Documentation/eFiling_Subscriptions.pdf

For questions and assistance on any of the above, please contact Secretary Chiavetta at: rchiavetta@pa.gov.

3) Bonding, Reporting and Applications: Technical Utility Services (TUS) Deputy Director Darren Gill presented the following:

CHANGES TO THE LICENSE APPLICATION PROCESS:

The major change to the application process is that we are returning to the established process whereby applicants must run their newspaper notices with a docket number. This means that applications must be filed before the publication of newspaper notices. Applicants will then receive a docket number, which they must then include in their newspaper notices – and then send in their proof of publication to the PUC. This is in compliance with 52 PA Code §54.35 (see below) and is intended to facilitate the filing of any protests to the application. This will also eliminate notices being published long before an application is filed.

§ 54.35. Publication of notice of filing.

(a) Notice of filing an application shall be published in newspapers of general circulation covering each county in which the applicant intends to provide service as required by § 5.14(a)(2) (relating to applications requiring notice). Applicants may contact the Commission's Press Secretary to confirm the identity of the newspapers of general circulation in which notice shall be published.

(b) The notice shall be written in plain language and include the name, address and telephone number of the applicant, a description of the proposed services to be provided and the geographic area to be served. The notice shall include the application docket number and a statement that protests related to the technical or financial fitness of the applicant shall be filed within 15 days of the publication date of the notice with the Commission's Secretary, Public Utility Commission, P. O. Box 3265, Harrisburg, PA 17105-3265. The notice in an acceptable electronic format shall be submitted to the Commission's Secretary for posting on the Commission's Internet web site and, if appropriate, on the Commission's electronic bulletin board.

The updated supplier application was added to the PUC website on September 11, 2023, to reflect this procedure. The old application will NOT be accepted for filing after October 11, 2023.

Staff is also currently reviewing the application for other possible revisions and updates. Information on this will be provided at future CHARGE events.

USE OF VENDORS/CONTRACTORS/CONSULTANTS:

Same as with the Secretary, TUS staff will usually NOT discuss matters or disclose information to third parties unless we are informed that the third-party is indeed representing you. This information must be on record with us to ensure that we are indeed discussing your matter with those that are authorized by you to do so.

REPORTING REQUIREMENTS:

Information about quarterly and annual requirements can be found on our website:

[EGS Reporting Requirements2023.doc \(live.com\)](#)

[Electric Forms | PA PUC](#)

Gross receipts reports are very important since they are used to determine the appropriate security level for your company.

LICENSE CANCELLATION TENTATIVE ORDERS:

Every month the Commission, at a Public Meeting, issues an order tentatively canceling the licenses of suppliers that failed to maintain their security here at the Commission. This order can also include suppliers that fail to provide a bond with the correct language; or failed to file quarterly or annual reports. The tentative order gives any named supplier time to correct the deficiency before the license is finally revoked.

KEEPING BONDING AMOUNTS CURRENT AND THE BOND REDUCTION PROCESS:

- Do not wait until the bond expires to file. EGSs are required to file the renewal of their currently approved security at least thirty (30) days prior to current security's expiration date.
- 3 most common reasons a bond is rejected:
 - 1) The name on the bond has to EXACTLY match the name on the license. This includes capitalization, spaces, punctuation (commas, apostrophes) and especially formatting of LLC, INC, LLP, etc.
 - 2) An original, wet signature must be included (no electronic signatures).

- 3) A raised seal must be included.
- Failure to keep the bond current will result in the supplier being listed in a public Tentative Order seeking to cancel or suspend the supplier's license for failure to maintain adequate security.

See the information and checklist at this weblink for information on the bond reduction process:

https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.puc.pa.gov%2Fmedia%2F1770%2Fchecklist-financial_security_reductions-initial_petition-010422.docx&wdOrigin=BROWSELINK

ALTERNATIVE ENERGY PORTFOLIO STANDARD (AEPS) REQUIREMENTS:

- We encourage suppliers to retire the needed credits on an ongoing basis instead of waiting for the September deadline.
- If a supplier exits the market or files bankruptcy, one of the first things we look at are your AEPS obligations. Any shortfall may require us to pursue payment via your posted security.

ABANDONING A LICENSE:

- We do not “park” licenses. Reporting requirements and fees remain due as long as you are licensed.
- If you want to abandon a license, you must file formally to do so. Again, we have to ensure that AEPS, gross receipt, and fee obligations have been met.
- Failure to formally leave the market may have consequences if the same people/entities apply in the future for a license.

Additional EGS information resources are available at this weblink:

<https://www.puc.pa.gov/electricity/electric-companies-suppliers/supplier-application-resources/>

BANKRUPTCY:

Requirements to inform the Commission of a Bankruptcy:

All Suppliers, both electric and natural gas suppliers are required to provide notice to the Commission of a bankruptcy filing.

Electric Generation Suppliers (EGS):

- Application on Page 2: Change to Information Provided in Application - The Applicant is under a duty to inform the Commission of a material change in the information provided in the application during the pendency of the application, or while the licensee is operating in Pennsylvania. For more information, see 52 Pa. Code § 54.34.
- Section 7 of the Application covers the supplier's financial fitness and requires the supplier to disclose Applicant or parent company financial and credit information and evidence of the supplier's credit rating.
- 52 Pa. Code § 54.34(a) requires Suppliers to inform the Commission of a material change in the information provided in the application during the pendency of the application, or while the licensee is operating in this Commonwealth.

Natural Gas Suppliers (NGSs):

- Application on page 2: Change to Information Provided in Application - The Applicant is under a duty to inform the Commission of a material change in the information provided in the application during the pendency of the application, or while the licensee is operating in Pennsylvania. For more information, see 52 Pa. Code § 62.105.
- Section 7 of the Application covers the supplier's financial fitness and requires the supplier to disclose Applicant or parent company financial and credit information and evidence of the supplier's credit rating.
- 52 Pa. Code § 62.105(a) requires suppliers to inform the Commission of a material change in the information provided in the application during the pendency of the application, or while the licensee is operating in this Commonwealth.

We advise contacting TUS, the Law Bureau and OCMO with bankruptcy information.

Questions on any of the above can be emailed to the TUS in box: pc-puc-tus-energy@pagov.onmicrosoft.com

4) PUC Informal Complaint Process and Marketing: The Commission's Bureau of Consumer Services presented the following information on the informal complaint process:

Katie Liddell of the Commission's Bureau of Consumer Services presented information about the informal complaint process:

The informal complaint process is most typically used by residential and small commercial customers.

- Is “informal” (no hearing, no transcripts, lawyers are not needed, etc.).
- Usually initiated by the consumer calling our hotline (1-800-692-7380) or through the Commission’s website.
- The BCS interviewer will enter a complaint into our internal complaint tracking system and the company will be notified (electronically, or by fax, or by email). To participate in our electronic notification system (web-based data exchange) contact: RA-PCPUC_BCS_TRAQU@pa.gov .
- Utilities and suppliers are expected to respond to the complaint as soon as possible; no longer than 30 days (see 52 Pa Code 56.163).
- Response should be in writing (electronic, email, fax, etc.).
- Response should include information re:
 - Supplier contacts (if any) with the complainant before and after the filing of the complaint.
 - Explain what occurred, what was said, etc.
 - Provide any supporting evidence and documentation relevant to the customer’s allegations (audio files, signed enrollment forms, disclosures, TPVs, marketing materials, billing history, etc.).
 - If complaint involves billing/payment – an account statement should be provided.
 - The company’s “final position” on the matter and information supporting that position.
- The company has two primary objectives when responding to informal complaints:
 1. Provide the BCS investigator with enough information to consider the matter and to work with the parties to resolve the dispute.
 2. If allegations are made by the complainant – demonstrate compliance with the applicable rules.
- Responding to BCS that “we will contact the customer” is not a sufficient response. While you are certainly free, and encouraged, to contact and work with the customer – we still need the above-noted information.

Possible informal resolutions to a complaint include:

- Informal settlement.
- Provide the customer with information sufficient to satisfy their concerns.
- Binding informal decision (can be appealed to the formal process).
- Referral to another agency or the formal complaint process, especially if it is a matter that the BCS cannot address informally.
- The company and complainant will be notified of the outcome and closing of the informal complaint.

We encourage all utilities and suppliers to be pro-active when a problem occurs. Please reach out to us so that we are prepared in case we get any consumer calls or complaints.

Questions about the informal complaint process can be addressed to: Michele Tate at mtate@pa.gov or 717-787-5155 or Katie Liddell at kliddell@pa.gov or 717-783-5232.

DOOR TO DOOR MARKETING:

- Suppliers engaged in door-to-door residential marketing are reminded of the Commission's regulations at 52 Pa Code Chapter 111:
<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/052/chapter111/chap111toc.html&d=>
- Suppliers are advised to contact local authorities to let them know who you are and what you are doing (some municipalities have permit ordinances that require this). Local ordinances supersede PUC Chapter 111 regulations.
- All door-to-door agents must have criminal background checks (including the "Megan's Law") performed prior to being on the street. See 52 Pa. Code § 111.4 – available at this weblink:
<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/052/chapter111/s111.4.html&d=reduce>
- 52 Pa Code § 111.14 requires suppliers to notify the Commission and the local utility of door-to-door operations. Notices to the Commission should be directed to our door-to-door inbox: RA-PCDOORTODOOR@pa.gov. The notices should include geographic location (municipalities) and dates of operations. These notifications should be done monthly (or more frequently – but should not be beyond a month). Questions about these notices can be directed to Katie Liddell in the Bureau of Consumer Services at kliddell@pa.gov or 717-783-5232.
- § 111.9 is very specific as to how an agent is to introduce themselves to a potential customer: (d) When engaging in door-to-door sales or marketing activities, an agent shall comply with the following: (1) After greeting the customer, the agent shall immediately identify himself by name, the supplier the agent represents and the reason for the visit. The agent shall state that he is not working for and is independent of the local distribution company or another supplier. (2) The agent shall offer a business card or other material that lists the agent's name, identification number and title, and the supplier's name and contact information, including telephone number. This information does not need to be preprinted on the material. When the information is handwritten, it shall be printed and legible.

<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/052/cha-pter111/s111.9.html&d=reduce>

- A similar rule also applies to telemarketing – see § 111.10:
<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/052/cha-pter111/s111.10.html&d=reduce>
- We occasionally receive reports of agents misrepresenting themselves as being affiliated or “working with” the local utility. We also receive reports of the use of opening statements like “May I see your bill? I am here to check your bill to make sure you are receiving the discount/rebate you are entitled to.” Such statements are inappropriate and possibly contrary to the above-mentioned regulations.
- We urge all suppliers, when using vendors to perform door-to-door and/or telemarketing, to closely monitor the vendor and to have quality assurance mechanisms in place.

We ask any supplier who is considering door-to-door marketing for the first time to reach out to us for a briefing on the door-to-door marketing rules.

5) Update on Current Commission Proceedings:

OCMO Director Dan Mumford provided updates on the following pending Commission proceedings:

Proposed Policy Statement on Use of Electric Storage to Enhance Grid Reliability and Resilience M-2020-3022877

Next: Publication in the Pennsylvania Bulletin to trigger start of 30 day comment period and then reply comments within 45 days.

<https://www.puc.pa.gov/press-release/2023/puc-seeks-public-comment-on-proposed-policy-statement-on-use-of-electric-storage-to-enhance-grid-reliability-and-resilience>

Working Group to Address Comprehensive Review of Universal Service Program Design M-2023-3038944

The first meeting of this working group will occur on September 21, 2023 at 1:00 p.m. The meeting will be conducted in-person in Hearing Room 1 of the Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA, 17120, and will also allow for remote participation via Microsoft Teams. For additional information, or to indicate your intent to participate in the working group, please email Nathan Froehlich, of the Commission’s Bureau of Consumer Services, at nfroehlich@pa.gov.

<https://www.puc.pa.gov/press-release/2023/puc-forms-working-group-to-address-comprehensive-review-of-universal-service-program-design>

Notice of Proposed Rulemaking on Proposed Changes to Low-Income Usage Reduction Program Regulations L-2016-2557886

Next: Publication in the Pennsylvania Bulletin to trigger start of 45-day comment period and then reply comments within 75 days.

<https://www.puc.pa.gov/press-release/2023/puc-issues-notice-of-proposed-rulemaking-on-proposed-changes-to-low-income-usage-reduction-program-regulations>

Policy Statement on Rate Design for EV Charging P-2022-3030743

PUC's Law Bureau and Bureau of Technical Utility Services preparing a proposed policy statement for consideration.

<https://www.puc.pa.gov/press-release/2023/puc-takes-closer-look-at-rate-design-for-electric-vehicle-charging>

Review of Cybersecurity Regulations L-2022-3034353

Comments to the ANOPR are being reviewed by staff; legal issues raised being researched.

Default Service Plan for Pike County Light and Power P-2023-3039927

Still in litigation.

Upcoming: Default Service Plan filings for PECO, PPL, Duquesne, Wellsboro, Citizens, UGI

Expect filings later this year or early next year. These proceedings are very important in that they not only address how EDCs procure and provide default service, but often address other competitive matters of interest to suppliers such as the Standard Offer Program, Purchase of Receivables, CAP shopping, etc.

Notices will go out to the OCMO-CHARGE email distribution list about the above (when they are filed, published, etc.). See below about how to get on this distribution list.

6) ANNUAL ASSESSMENTS:

- Invoices have gone out – check your mail.
- If you do not receive within the next week or so, contact OCMO. You can also contact our Fiscal Office:
- Amy Zuvich: azuvich@pa.gov

7) REMINDERS:

SUBSCRIPTIONS: To track a PUC formal case, such as a utility rate case, a default service plan proceeding, or a rulemaking: set up an e-filing account on the Commission’s website, and use the SUBSCRIPTION service to be notified of filings on specific dockets:

http://www.puc.pa.gov/Documentation/eFiling_Subscriptions.pdf

<http://www.puc.pa.gov/efiling/default.aspx> 1

(Please note that you do not have to be a party of record in a proceeding to subscribe to that proceeding. Likewise, subscribing to a proceeding does not make you a party of record of that proceeding. Using SUBSCRIPTIONS is a useful way to keep track of developments in the upcoming EDC Default Service Plan proceedings in 2024.)

UTILITY CONTACT INFORMATION: As discussed at last November’s CHARGE meeting, we have collected and posted utility contact information for EGSs and NGSs on our website – on the supplier information webpages:

EGS: <https://www.puc.pa.gov/electricity/electric-companies-suppliers/supplier-application-resources/>

NGS: <https://www.puc.pa.gov/natural-gas/natural-gas-companies-suppliers/licensed-suppliers/>

OCMO-CHARGE email distribution list: We especially urge suppliers to be on this list. We use this list to notify the supplier community of proceedings that may impact them such as default service filings, rate filings, CHARGE meetings, etc. To be added to the OCMO-CHARGE distribution list, please send an email to:

ra-ocmo@pa.gov.