

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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IRWINA. POPOWSKY
Consumer Advocate

July 1, 2010

Rosemary Chiavetta
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

RE: 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

Dear Secretary Chiavetta:

Enclosed for filing are the Comments of the Office of Consumer Advocate, in the above-referenced proceeding.

Copies have been served as indicated on the Certificate of Service.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Jennedy S. Johnson".

Jennedy S. Johnson
Assistant Consumer Advocate
PA Attorney I.D. # 203098
E-Mail: jjohnson@paoca.org

Enclosures

cc: Honorable John H. Corbett, Jr.
Office of Special Assistance

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Duquesne Light Company	:	
for Approval of Default Service Plan	:	Docket No. P-2009-2135500
for the Period January 1, 2011	:	
through May 31, 2013	:	

COMMENTS OF THE
OFFICE OF CONSUMER ADVOCATE
REGARDING THE PROVISION OF
A CUSTOMER LIST

On June 21, 2010, the Pennsylvania Public Utility Commission (PUC or Commission) entered an Opinion and Order approving the Settlement reached in the proceeding addressing Duquesne Light Company's (Duquesne or Company) Petition for Approval of its Default Service Plan, Docket No. P-2009-2135500. In that Order, the Commission requested Comments addressing whether the Company should be required to provide a customer list similar to the one that was mandated in the Commission's October 22, 2009 Opinion and Order in PPL Electric Utilities Retail Markets, Docket No. M-2009-2104271 (PPL Order). The OCA files these Comments in response to the Commission's Order.

I. PPL ORDER

In the PPL Order, the Commission required PPL to update its customer information list and provide it to the Electric Generation Suppliers (EGSs). Specifically, PPL was ordered to update its customer Release of Information (ROI) database through a one-time mailing to customers and to release, for each customer account, the following information not

less than 30 days before the rate cap expired: customer name, account number, rate class and sub-class, service addresses and billing address. PPL Order at 8. Customers could restrict the release of all historical billing data consistent with 52 Pa.Code Section 54.8(a)(2). Id.

The Commission specifically noted its concern with respect to the release of customer telephone numbers, especially with respect to Pennsylvania's Do Not Call List and sought an opinion from the Attorney General regarding this issue. PPL Order at 9. On February 8, 2010, the Attorney General issued an Opinion Letter (Opinion Letter) to Chairman Cawley addressing the interrelation of the Telemarketer Registration Act (which created the Do Not Call List) and the Electricity Generation Customer Choice and Competition Act. 40 Pa.B. 1278. In the Opinion Letter, Attorney General Corbett stated that EGSs are subject to all of the requirements of the Telemarketer Act and may not contact a customer registered with the Do Not Call List even if the customer did not "opt-out" of the ROI database. Opinion Letter at 3. The letter specifically states:

The protection of the do-not-call list is defeated if general consent to the release of information given by a consumer to one individual or business operates as a general consent to receive telephone solicitations from any number of other individuals or businesses.

Id.

II. COMMENTS

The OCA does not object to an updating of the customer list, if Duquesne's list has not already been updated, as long as appropriate consumer protections are in place. Specifically, the OCA agrees with the Commission that Duquesne should give customers notice and an opportunity to instruct the Company to restrict disclosure of all private customer account information or restrict disclosure of only historic usage data. The OCA agrees that Duquesne should provide this notice to customers quickly and allow customers to opt out by notifying the Company what information they do not want disclosed to EGSs.

As the Commission noted in the PPL Order, Section 54.8 of the Commission's Electric Generation Customer Choice regulations provides that an electric distribution company (EDC) such as Duquesne may not release private customer information to a third party unless the customer has been notified and given an opportunity to tell the EDC to restrict the release of private information. The OCA supports the use of a disclosure notice (similar to the one used by PPL) to instruct customers that they may, through the use of the negative check-off boxes or otherwise, tell Duquesne to restrict disclosure of either their usage data or all information. This approach is consistent with the advice provided by the Commission to consumers through the PUC's Utility Choice website, which states "EDCs are required to release all customer name, address and usage information to suppliers, *unless the customer tells the utility not to release the information.*" The OCA submits that it is important that customers retain the ability to control disclosure of all of their private information, including their name, address, rate group, and load data or historic usage information.

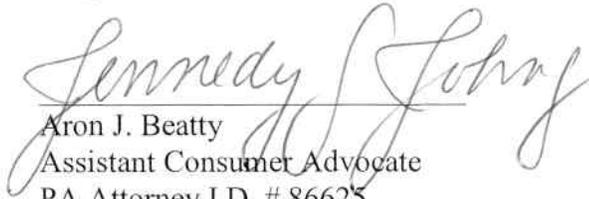
The OCA specifically requests that, if the Commission does decide to apply the mandates of the PPL Order to Duquesne, it also require the Company to circulate a draft disclosure form to the parties for their comment. The OCA recommends the use of a disclosure form that will inform customers that their telephone numbers will not be released to generation suppliers and that will allow customers to direct Duquesne to not release historical usage information or to not release any information for a specific account. The form should allow the customer to return the completed form by mail or contact Duquesne by telephone (and through the Company's website, if possible) to inform Duquesne of the customer's preference regarding release of private information.

In the Duquesne Opinion and Order, the Commission specifically requested comment on whether residential customers should be able to restrict the release of their service addresses, as opposed to billing addresses. The OCA views the restriction of all historic billing data to include *both* a customer's service address and billing address. Indeed, for many residential customers, the service address and billing address are the same. For privacy reasons, residential customers should be able to restrict both of these addresses.

III. CONCLUSION

The OCA supports the Commission's application of the standards in the PPL Order to Duquesne. The OCA respectfully requests the Commission uphold the prohibition on the release of telephone numbers and require Duquesne to circulate a draft disclosure notice to the parties addressing issues discussed above.

Respectfully Submitted,



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CERTIFICATE OF SERVICE

Petition of Duquesne Light Company :
for Approval of Default Service Plan : Docket No. P-2009-2135500
for the Period January 1, 2011 :
through May 31, 2013 :

I hereby certify that I have this day served a true copy of the foregoing document, the Comments of the Office of Consumer Advocate, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 1st day of July 2010.

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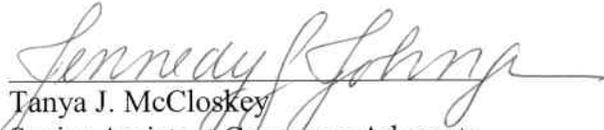
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