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July 6, 2010

BY ELECTRONIC FILING

James J. McNulty
Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

**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-20092135500**

Dear Secretary McNulty:

Attached for electronic filing in the referenced docket please find the Retail Energy Supply Association's Motion for Leave to File Comments Out of Time. The comments are attached as Exhibit A to the Motion. I have also included a draft Order for the Commission's convenience.

Copies of this filing are being served per the attached certificate of service. If you have any questions, please contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Brian Greene', is shown within a light blue rectangular box.

Brian R. Greene

BRG/ps
Enclosure

SG00073741

c: Certificate of Service

sg

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CERTIFICATE OF SERVICE

I certify that on July 6, 2010, I served a true copy of the attached Retail Energy Supply Association's Motion for Leave to File Comments Out of Time upon parties of record in this proceeding in accordance with requirements of 52 Pa. Code § 1.54 (relating to service by a participant), by e-mail and first class mail, to the persons listed below:

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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 :

MOTION FOR LEAVE TO FILE COMMENTS OUT-OF-TIME

The Retail Energy Supply Association (“RESA”),¹ by counsel, requests that it be allowed to file comments out of time and, in support thereof, states as follows:

1. On June 21, 2010, the Pennsylvania Public Utility Commission entered an Opinion and Order (“June 21 Order”) approving the Joint Petition for Settlement of All Issues in the above-captioned matter. In the Order, the Commission requested that parties comment on whether Duquesne Light Company (“Duquesne”) should be required to provide customer lists in the same manner as PPL Electric Utilities Corporation (“PPL”) provides them, consistent with the Commission’s October 22, 2009 Opinion and Order regarding PPL.² The Commission also requested that commenting parties address “whether residential customers should be able to restrict the release of their service addresses, as opposed to billing addresses, for privacy reasons.”³ The Commission afforded parties an opportunity to submit comments on these issues within 10 days of the date of entry of the Opinion and Order, or by July 1, 2010.

¹ RESA’s members include ConEdison *Solutions*; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; Energy Plus Holdings, 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.

² *PPL Electric Utilities Corporation Retail Markets*, Docket No. M-2009-2104271 (Oct. 22, 2009).

³ *Id.*

2. Three parties submitted comments – Duquesne, the Office of Consumer Counsel (“OCA”), and the Duquesne Industrial Intervenors (“DII”).

3. With this motion, RESA requests leave to file out-of-time the comments attached as Exhibit A. In calculating the due date for the comments, undersigned counsel mistakenly counted 10 business days instead of 10 calendar days.

4. While RESA apologizes for any inconvenience its calendar recording error may have caused the Commission, the late filing will not prejudice any party. In fashioning its comments, RESA has attempted to address only the issues as presented by the Commission, and not to respond to other parties’ comments.

5. Duquesne, OCA, and DII have authorized undersigned counsel to represent that they do not oppose the granting of this motion.

6. Pursuant to 52 Pa. Code § 5.103(b), parties may file a responsive pleading within 20 days of the date of service of this motion.

WHEREFORE, RESA requests that the Commission grant its motion for leave to file out-of-time the comments attached as Exhibit A hereto, and that Exhibit A be accepted as of July 6, 2010, with no further action from RESA.

Respectfully submitted,

RETAIL ENERGY SUPPLY ASSOCIATION

By Counsel



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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 RETAIL ENERGY SUPPLY ASSOCIATION

On June 21, 2010, the Pennsylvania Public Utility Commission entered an Opinion and Order (“June 21 Order”) approving the Joint Petition for Settlement of All Issues in the above-captioned matter. In the Order, the PUC requested that parties comment on whether Duquesne Light Company (“Duquesne”) should be required to provide customer lists in the same manner as PPL Electric Utilities Corporation (“PPL”) provides them, consistent with the Commission’s October 22, 2009 Opinion and Order regarding PPL.¹ The Commission stated that, “[i]f such a requirement is adopted, it is our contemplation that Duquesne Light shall permit customers to opt out of providing historical billing data and telephone numbers, consistent with our customer privacy and protection rules.”² The Commission also requested that commenting parties address “whether residential customers should be able to restrict the release of their service addresses, as opposed to billing addresses, for privacy reasons.”³

¹ PPL Electric Utilities Corporation Retail Markets, Docket No. M-2009-2104271 (Order entered Oct. 22, 2009).

² June 21 Order at 6.

³ Id.

The Retail Energy Supply Association (“RESA”)⁴ fully supports requiring Duquesne to publish a customer list in the same manner as the Commission directed for PPL. Duquesne’s commitment to provide the information on an opt-out basis, which is set forth in Paragraph 26(g) of the Settlement, contributed to RESA’s decision to support the Settlement. In this proceeding, RESA has reiterated its long-held view that access to customer-related information is critical because such information will allow EGSs to more effectively identify customers, communicate with and educate customers about available products, and to design products that satisfy customers’ individual desires and budgets.⁵ The ability to connect directly with customers and to tailor desirable products is especially important in a service territory such as Duquesne’s, where one EGS serves most of the shopping customers. The information to be provided to EGSs, set forth in Paragraph 26(g), will encourage and assist EGSs to enter the Duquesne service territory and should assist EGSs already making offers in the territory to reach more customers and to expand their current offerings.

Duquesne’s commitment to provide the information in Paragraph 26(g) is, however, “subject to the Commission’s customer privacy and protection rules,” which includes 52 Pa. Code § 54.8(a). As the Commission noted in the PPL Order, Section 54.8(a)(2) allows a customer to restrict the release of its historical billing data by

⁴ RESA’s members include ConEdison *Solutions*; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; Energy Plus Holdings, 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.

⁵ See RESA’s Statement in Support of Joint Petition for Settlement at p. 6. A copy of RESA’s comments is attached to the Commission’s June 21, 2010 Opinion and Order at Appendix K (p. 199 of 214).

notifying Duquesne that it does not want such data released.⁶ Consistent with the Settlement in this proceeding, the PPL Order, and § 54.8(a), RESA supports an opt-out process wherein a customer could choose to opt out of having its information contained in the list.

RESA does not object to a residential customer being allowed to restrict the release of his or her service address, as opposed to billing address, for privacy reasons. Moreover, a residential customer's billing address is, most of the time, the same as its service address, so it is not clear why affording a residential customer the ability to restrict release of his or her service address, as opposed to billing address, would be necessary or would attain the stated goal of protecting a customer's privacy interest.

In implementing the customer list provisions of the Settlement, the Commission should require Duquesne to reset all customer release preferences from the outset, *e.g.*, when Duquesne reissues the release notices. In other words, when Duquesne sends out the notice informing customers of their ability to restrict their information, Duquesne should default all customers to the "release all" status. All customers should begin the notice and opt-out process with a blank slate.

Finally, RESA requests that Duquesne provide all parties with the opportunity to comment on the customer notices and other customer list related materials before such notices and materials are sent to customers.

In sum, RESA supports requiring Duquesne to publish a customer list in the same manner as the Commission directed for PPL. RESA also does not object to a residential customer being allowed to restrict the release of his or her service address. That said,

⁶ The PPL Order also addressed whether the utility should be required to release telephone numbers to EGSs. The Settlement in this case, however, does not include telephone numbers in the listing of information to be provided to EGSs. See Settlement at ¶ 26(g).

there is no stated need to require Duquesne to expand the opt-out process implemented for PPL, and doing so might create more confusion to customers and additional cost to the utility. Moreover, as stated above, it is not clear that restriction of the service address, as opposed to the billing address, would advance the goal of privacy protection because for most residential customers the two addresses are the same. Finally, RESA suggests that Duquesne begin the opt-out process with a blank slate, as described above, and allow the parties to this proceeding to review and comments on notices and materials relating to the customer lists.

Respectfully submitted,

RETAIL ENERGY SUPPLY ASSOCIATION

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