**PENNSYLVANIA**

**PUBLIC UTILITY COMMISSION**

**Harrisburg, PA 17105-3265**

 Public Meeting held July 15, 2010

Commissioners Present:

 James H. Cawley, Chairman

 Tyrone J. Christy, Vice Chairman, Statement

 John F. Coleman, Jr.

 Wayne Gardner

 Robert F. Powelson

Interim Guidelines M-2010-2183412

For Eligible Customer Lists

**Tentative Order**

**BY THE COMMISSION:**

Before the Commission is a recommendation from the Commission’s Office of Competitive Market Oversight (OCMO) regarding a proposal to provide for more uniformity in the information to be provided by Electric Distribution Companies’ (EDCs) Eligible Customer Lists (ECL), which are made available to Electric Generation Suppliers (EGSs). With this Tentative Order, we issue for public comment these draft interim guidelines for ECLs.

**History of the Proceeding**

 On January 9, 2009, the Pennsylvania Public Utility Commission announced the formation of the OCMO to oversee the development and functioning of the competitive retail natural gas supply market. Since then, OCMO has been handling issues under the leadership of the Director of Operations with the assistance of a group of legal, technical and policy staff members from various Commission bureaus and offices.

 Pursuant to a Secretarial Letter issued on December 10, 2009, the Commission expanded the role of OCMO to serve as the Commission’s electric retail choice ombudsman, as described in the Default Service and Retail Electric Markets Policy Statement at 52 Pa. Code §69.1817. Specifically, OCMO was given responsibility for responding to questions from EGSs and other market participants, monitoring competitive market complaints and facilitating informal dispute resolution between the EDCs and EGSs. In performing these functions, OCMO generally assumes advisory and informal mediation roles.

 In the course of a meeting held by OCMO through the Committee Handling Activities for Retail Growth in Electricity (CHARGE) on April 8, 2010, the issue of creating a uniform ECL was raised. This issue had previously been committed to and discussed by the Commission’s Electronic Data Exchange Working Group (EDEWG). Following the discussion at the April 8 CHARGE meeting, a team was assigned the task of continuing the discussion held by EDEWG and determining which ECL issues could be solved by consensus between the EDCs and EGSs, and which issues would need to be resolved with Commission guidance. This team held two conference calls, on April 16, 2010, and April 22, 2010. Participants in these calls included representatives from Allegheny Power, FirstEnergy Company, PECO Energy Company, PPL Electric Utilities, ConEd Solutions, BlueStar Energy Services, Exelon Energy, IGS Energy, the Retail Electric Supply Association (RESA) and Staff members of OCMO.

 At the conclusion of the conference calls, the team reported back to CHARGE during the teleconference held on April 29, 2010. Various aspects of the ECL were discussed, including which items were found to be consensus items, which were not and the various positions taken on the non-consensus items. At the conclusion of the discussion, Commission Staff stated that it would take the team ECL report and the CHARGE discussion under advisement and prepare a recommendation for the Commission’s consideration.

**Discussion**

The original task of the ECL team was to develop a uniform ECL. However, the team reported to CHARGE that uniformity in terms of format and presentation was not necessary. The primary issue, and the focus of subsequent discussions, was ensuring uniformity in the information provided on the ECLs so that EGSs had consistent access to the data necessary to foster retail competition.

**Consensus Issues**

The frequency with which the ECL should be updated is currently not uniform across the EDCs. The EGSs believe that monthly updates are required to ensure that they have fresh information. Some EDCs currently comply with this standard, while those that currently provide less frequent updates agreed that their systems can be reprogrammed to provide monthly updates of the ECL.

The team was also able to reach consensus on a number of specific elements of the ECL. The following elements were agreed upon as minimum requirements for the ECL:

* Revision Date
* Meter Read Cycle
* Customer Name
* Customer Account Number
* Service Address
* Billing Address
* Utility Rate Class
* Load Profile Group Indicator
* Usage (kWh)(non-Time of Use) Period 1…12 (monthly)

The team was also able to reach consensus that the following items would be required in the ECL to the extent that the information is available:

* Billing Country Code
* Utility Rate Class (additional to main rate class)
* Rate Subclass/Rate Subcode
* On Peak kWh Period 1…12 (monthly)
* Off Peak kWh Period 1…12 (monthly)
* Registered Demand Period 1…12 (monthly)

The team agreed that the following items, which are only applicable to specific EDCs, would be required in their respective ECLs:

* Meter Flag (Master/submeter) (PECO)
* Loss Factor (FirstEnergy)
* Procurement Classification Indicator (for EDCs whose rate codes and procurement classification do not directly map)

The team was also able to reach consensus on the following items, which would be optional in the ECL, at the discretion of the EDC:

* Revenue Code
* Load Factor
* Fixed Price Election (to be either included in the ECL or provided separately, at the discretion of the EDC)

 One issue that apparently has not been discussed by CHARGE is where a customer, in an effort to extract herself (or himself) from a domestic violence situation, or other dangerous situation, has moved to a new address, and is using a different address (a post office box number or friend’s or relative’s house) to receive mail in an effort to conceal his/her new location. In those circumstances, there should be a mechanism for those customers to restrict access to their service address. We invite comment on this issue, and are directing that a copy of this Tentative Order be served on the Pennsylvania Coalition against Domestic Violence.

 We tentatively adopt all of the consensus items for inclusion in our guidelines for a more uniform ECL, noting our request for comments regarding restriction of the customer’s service address above.

**Non-consensus Issues**

The team was unable to reach consensus on several other elements of the ECL. The lack of consensus was frequently due to requests by the EGSs for information that the EDCs did not want to include voluntarily due to business concerns, privacy issues, technical and data systems issues and other reasons. The following are the non-consensus elements of the ECL:

**Customer Telephone Number** – The EGSs requested that the ECL include customer telephone numbers for all accounts. Some EDCs expressed concern with providing this information due to customer privacy issues. While recognizing the importance of customer privacy concerns, the EGSs stated that this information would be important for marketing purposes.

 We tentatively find that customer telephone numbers should be included on the ECL, except when restricted by customers in accordance with our Regulations at 52 Pa. Code § 54.8.  In this context, we note that most, if not all, EDCs are in the process of refreshing their customer lists and giving their customers opportunities to restrict their information, including telephone numbers.  Once an EDC has completed the customer refresh action, that constitutes sufficient notice under Section 54.8 and non-restricted telephone numbers may then be placed on the ECL.  We encourage all EDCs which do not currently have plans to refresh their customer lists with a current opt-out opportunity to do so within eighteen months.

 Subject to additional comments, we find that this information is important to the marketing efforts of the EGSs and is necessary to reduce barriers to competition.  Our finding here is bolstered by the ability of customers to restrict this information if they choose to do so.  We also emphasize that EGSs are responsible for compliance with the requirements of Pennsylvania’s “do not call” list. *See* 73 P.S. § 2242 (relating to the “do not call” list).

**Old Account Numbers** – Some EGSs expressed that they would like the ECL to include old account numbers when the number had changed. Various EDCs have different procedures regarding how long they maintain this information in their systems and whether they provide it in their ECL. During discussions on this element, some EGS representatives suggested that this field was more relevant to instances of system-wide changes in all account numbers rather than changes to specific accounts. It was suggested that in cases of system-wide account number changes, EDCs could provide one-to-one mapping of accounts, rather than including a field in the ECL.

We will tentatively adopt the approach which would include one-to-one mapping of accounts in the case of system-wide account number changes, rather than including a field in the ECL. Subject to additional comments, we agree with the positions which stated that old account numbers were of questionable use as an ECL item and would not be worth the effort to include them, other than on the rare occasion of a system-wide renumbering by an EDC.

 **Contact Name & Address** – EGSs requested that the ECL include a name, address and phone number for account contacts, specifically in the case of commercial and industrial accounts. The goal of this request is to ensure that EGSs are dealing with a decision maker for the account, rather than a billing or accounting agent, so that the EGSs can market specifically to persons with decision making authority for the account. EDCs expressed concern over providing information of this type. In some cases, the EDCs suggest that they may not have this information available in their data systems. Additionally, EDCs averred that this information may change frequently, so there would be little assurance that the information was timely and accurate.

 We tentatively find that this element should not be included in the ECL. Subject to additional comments, we are persuaded by concerns that EDCs may not have this information available and do not have the means to maintain current information. Conversely, the EGSs will have some contact information which can be used to reach the necessary customer representatives.

 **Rate Mitigation Plan Indicator** – EGSs expressed that they would like fields to indicate whether a customer is enrolled in either a rate mitigation pre-payment plan or a rate mitigation deferral/phase-in plan. These are temporary programs offered by EDCs to ease the transition to higher prices. According to EGSs, these indicators would be useful for customer service purposes. The EDCs suggest that as these are temporary plans and would not apply to EGS charges, such indicators are unnecessary in the ECL.

 We tentatively find that that this element should not be included in the ECL. It appears that these programs are temporary in nature and are not necessary to be included in the ECL.

 **POLR Indicator** – The EGSs requested that the ECL provide a field indicating whether a customer is currently receiving provider of last resort (POLR) service from the EDC. The EGSs would like this information to allow them to target their marketing efforts to customers who are not already enrolled in a contract with another supplier. While some EDCs already provide this information, those who do not expressed concern with including this on the ECL. Among the issues raised by some EDCs was the accuracy of this information in cases when a customer’s shopping status changes frequently and the ability of EGSs to target customers that are currently shopping.

 We tentatively find that this element should be included in the ECL. Above, we have noted that there is consensus that the ECL will be updated on a monthly basis. Accordingly, it appears that concerns about stale information are largely moot. In addition, we are persuaded that this element will be extremely useful to EGSs as they market customers.

 **Interval Meter Indicator** – The EGSs suggested that ECLs should include an indicator for accounts that have an interval meter. Some EDCs noted that this information is available to EGSs via Electronic Data Interchange (EDI) transactions. However, the EGSs suggested that in many cases the EDI transaction is too cumbersome and ineffective. The EGSs stated that this type of indicator would be far more helpful as an element in the ECL.

 We tentatively find that this element should be included in the ECL. We believe that notation of an interval meter is crucial to the types of services an EGS may be able to provide to these types of customers. Subject to additional comment, we also believe that the fact that this information may be available via EDI transactions does not eliminate the need for it as an element in the ECL.

 **Capacity & Transmission Obligations** – EGSs raised the issue of the Capacity and Transmission Obligations that are calculated and provided to PJM by the EDCs on an annual basis. EGSs would like to see the current values for these calculations as well as the future obligations as soon as they are calculated by the EDCs. Currently, the EDCs only have one field each for the Capacity and Transmission Obligation, in which they provide the most recent values available. The EDCs averred that adding another field to provide both calculations would necessitate reprogramming their ECLs as well as requiring them to draw information from different internal data systems.

 We tentatively find that the inclusion of these fields in the ECL, both current and future obligations when the future obligation calculations become available, is appropriate. We are persuaded that these calculations are an integral piece of EGS pricing for accounts and are best provided in the ECL. Subject to additional comment, we find that the need for this information outweighs the cost of making it available.

**Conclusion**

This matter is being issued as a Tentative Order to provide market participants with the opportunity to comment on these issues. Accordingly, we will direct that this Tentative Order be served on all EDCs, EGSs licensed to provide service in the Commonwealth, the Office of Trial Staff, the Office of Consumer Advocate, the Office of Small Business Advocate and the Pennsylvania Coalition against Domestic Violence. OCMO is directed to electronically serve all persons listed on the CHARGE contact list. Comments to this Tentative Order shall be due within twenty days of the entry date. To the extent that a participant recommends an outcome which differs from the tentative determinations set forth above, the recommendation should be supported by sufficient technical and operational information which would support a contrary finding; **THEREFORE,**

 **IT IS ORDERED:**

 1. That the Interim Guidelines for Eligible Customer Lists as set forth in this Tentative Order are issued for comment.

2. That comments to this Tentative Order are due within twenty days of the entry date of this Tentative Order. Interested parties may submit written comments, an original and 5 copies, to the Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. Comments may also be filed electronically through the Commission e-File System. A copy of the comments shall be submitted to the Office of Competitive Market Oversight at ra-OCMO@state.pa.us. No reply comments will be permitted.

3. That this Tentative Order shall be served on all Electric Distribution Companies, all licensed Electric Generation Suppliers, the Office of Trial Staff, the Office of Consumer Advocate, the Office of Small Business Advocate, the Energy Association of Pennsylvania and the Pennsylvania Coalition against Domestic Violence.

4. That the Office of Competitive Market Oversight shall electronically serve a copy of this Tentative Order on all persons on the contact list for the Committee Handling Activities for Retail Growth in Electricity.

5. That a copy of this Tentative Order shall be posted on the Commission’s website at the Office of Competitive Market Oversight’s web page.

6. That the contact persons for this matter are Kirk House, Office of Special Assistants, 717-772-8495, and Patrick B. Shaughnessy, Bureau of Conservation, Economics and Energy Planning, 717-787-5553.

7. That a final order shall be issued subsequent to the receipt and evaluation of any comments filed in accordance with this Tentative Order.

** BY THE COMMISSION,**

 Rosemary Chiavetta

 Secretary

(SEAL)

ORDER ADOPTED: July 15, 2010

ORDER ENTERED: **July 15, 2010**