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| PUC logo | COMMONWEALTH OF PENNSYLVANIA  PENNSYLVANIA PUBLIC UTILITY COMMISSION  P.O. BOX 3265, HARRISBURG, PA 17105-3265 | **IN REPLY PLEASE REFER TO OUR FILE** |

**August 20, 2010**

To: All Jurisdictional Electric Distribution Companies

All Licensed Electric Generation Suppliers

Re: Electric Generation Supplier Access to Restricted Customer Accounts

Docket No.: M-2009-2082042

The Commission, through the Office of Competitive Market Oversight, has become aware of questions as to whether the treatment of licensed Electric Generation Supplier (EGS) access to restricted customer accounts announced in *PPL Electric Utilities Corporation Retail Markets*, Docket No. M-2009-2104271, Order entered August 11, 2009 (*PPL Order*), and *Petition of PECO Energy Company for Approval of Smart Meter Technology Procurement and Installation Plan*, Docket No. M-2009-2123944, Order entered June 3, 2010 (*PECO Order*), apply to all jurisdictional Electric Distribution Companies (EDCs). We are issuing this Secretarial Letter to resolve those questions.

Our treatment of this issue in those two proceedings rests on our interpretation of our regulation at 52 Pa. Code § 54.8 (relating to privacy of customer information) and its operation in the context of EDC/EGS customer information exchange protocols. As such, it is our intent that this regulatory interpretation applies to all jurisdictional EDCs and licensed EGSs.

In the *PPL Order*, we stated that Section 54.8 was intended to operate as follows:

These regulations clearly indicate that they are applicable to both the EDC and EGS. Additionally, it is stated that a customer may restrict either the telephone number or the historical information and that customers shall be permitted to restrict information by so advising the EDC orally, electronically or by returning a signed form. Should a customer give such permission to an EGS to receive historical data by any of these means, it is incumbent upon the EDC to respond to the EGS 867 HU request for this information.

*PPL Order* at 11.

We again addressed EGS access to restricted customer accounts in the *PECO Order*. There, we discussed our treatment of this issue in the *PPL Order* with approval. We stated, “Consistent with our findings regarding the authorization to release historic usage data for PPL, an EGS will not be required to provide documentation to PECO that the EGS has received authorization of a customer to provide historical usage data to the EGS.” *PECO Order* at 13. We reiterated that EGSs are subject to audit by the Commission and the EDC to ensure that the EGS seeking restricted account information did have customer authorization to initiate the request.

Based upon the foregoing, an EGS will not be required to provide prior documentation to EDCs of a customer’s authorization to provide historical usage data to the EGS in connection with either electronic or manual transactions. The authorization process used by EGSs should convey to consumers that EDCs will release the information only to the EGS to whom the authorization was given; and that the EGS will not release the information to others, unless the EGS is a licensed broker who is obtaining this information for purposes of sharing it with other licensed EGSs and makes that intent clear in communications with the consumers. It is incumbent upon the EGS to retain records of the requisite authorization for a minimum of two years to produce for a Commission or EDC audit.

Any questions about this Secretarial Letter should be directed to the Office of Competitive Market Oversight by email at [ra-OCMO@state.pa.us](mailto:ra-OCMO@state.pa.us) or by calling the Director of Operations at 717-783-5331.

Sincerely,

Rosemary Chiavetta

Secretary

cc: Office of Competitive Market Oversight

Office of Consumer Advocate

Office of Small Business Advocate