

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place  
Harrisburg, Pennsylvania 17101-1923  
(717) 783-5048  
800-684-6560 (in PA only)

IRWINA. POPOWSKY  
Consumer Advocate

FAX (717) 783-7152  
consumer@paoca.org

September 10, 2010

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

RE: Petition of PPL Electric Utilities Corporation for a Declaratory Order Regarding the Release of Certain, Limited Customer Information for Non-Competitive, Academic Purposes or, in the Alternative, a One-Time Limited Waiver of 52 Pa. Code § 54.8

Docket No. P-2010-2194109

Dear Secretary Chiavetta:

Enclosed for filing is the Answer of Office of Consumer Advocate, in the above-referenced proceeding.

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

Respectfully Submitted,

A handwritten signature in cursive script that reads "Candis A. Tunilo".

Candis A. Tunilo  
Assistant Consumer Advocate  
PA Attorney I.D. # 89891

Enclosures

cc: Administrative Law Judge  
Office of Special Assistants

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PPL Electric Utilities Corporation :  
For a Declaratory Order Regarding the Release :  
Of Certain, Limited Customer Information for : Docket No. P-2010-2194109  
Non-competitive, Academic Purposes or, in the :  
Alternative, a One-time Limited Waiver of :  
52 Pa. Code § 54.8 :

---

ANSWER OF THE  
OFFICE OF CONSUMER ADVOCATE

---

I. INTRODUCTION

The Office of Consumer Advocate (OCA) files this Answer pursuant to the Pennsylvania Public Utility Commission's (Commission) regulations at 52 Pa. Code § 5.61(e).

On August 18, 2010, PPL Electric Utilities Corporation (PPL or Company) filed a Petition with the Commission requesting a declaratory order approving a one-time release of limited customer information to The Pennsylvania State University (PSU) for the purpose of conducting an academic study on competitive markets in Pennsylvania following the expiration of the generation rate caps, or in the alternative, a limited one-time waiver of the requirements of 52 Pa. Code § 54.8 so that PPL can release certain, limited customer information to PSU on a one-time, confidential basis.

II. ANSWER

For the reasons set forth below, the OCA supports PPL's request for a limited, one-time waiver of the requirements of 52 Pa. Code § 54.8.

According to PPL's Petition, a group of Electric Generation Suppliers (EGSs)<sup>1</sup> have contracted with PSU to conduct a study of issues related to competitive markets in Pennsylvania after the generation rate caps expire. PPL Petition at ¶ 7. Specifically, the PSU study will analyze the various retail products available to Pennsylvania electric customers and examine the effectiveness of competition following the expiration of generation rate caps. *Id.* at ¶ 19. The group plans to make the results of the study available publicly with the intention of formal publication. *Id.* at ¶¶ 7, 20.

PPL seeks permission for a one-time release of the following Residential and Small Commercial and Industrial (C&I) customer information on a confidential basis in order to provide data necessary for PSU's study:

- Rate Schedule;
- Customer zip codes;
- Historical usage data limited to kWh used beginning January 1, 2009, if available, or usage data from the account start date;
- Meter read dates;
- Whether the customer has switched to an EGS and, if so, the date of the switch;
- and
- Whether the customer is a heating or non-heating customer.

The information will be released to PSU pursuant to a confidentiality agreement, which prohibits PSU from releasing the customer information to any other person or entity, including other EGSs and Electric Distribution Companies (EDCs). PPL Petition at ¶ 21. PPL will *not* provide

---

<sup>1</sup> The contracting EGSs include: Exelon, Constellation, Direct Energy, FirstEnergy, PPL EnergyPlus and RRI. Non-paying members of the initiative include the Commission and PJM Interconnection LLC.

customers' names, addresses, telephone numbers, social security numbers, account numbers or historical billing data for purposes of the study. PPL Petition at ¶ 8.

In its Petition, PPL requests a Declaratory Order from the Commission that its one-time, limited release of information relating to its Residential and Small C&I customers does not violate Section 54.8 of the Commission's regulations, 52 Pa. Code § 54.8. PPL Petition at ¶¶ 23-27. In the alternative, should the Commission conclude that PPL's request fails to meet the requirements of Section 54.8, PPL requests a waiver of the requirement that it must provide customers with the opportunity to restrict the limited release of information to PSU for purposes of the study. *Id.* at ¶ 28.

The OCA does not object to PPL's request for a one-time waiver of the requirements in Section 54.8 that it must provide customers with the opportunity to restrict the release of their information. The OCA's support of this one-time waiver request is based on the limited release of information, without customer-specific identifiers, only for the purposes of the PSU study. In particular, the OCA submits that granting a waiver in this circumstance can be found in the public interest because the information that will be released to PSU is very limited and will *not* include customers' names, addresses, telephone numbers, social security numbers, account numbers or historical billing data. Additionally, PSU must maintain the confidentiality of the information that is provided and must return or destroy the information at the end of the study.

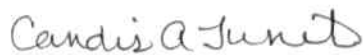
In the absence of such a waiver, the OCA agrees that there may be some uncertainty regarding the applicability of Section 54.8 given that it must be read in conjunction with the Commission's 1999 Order following the passage of the regulation, which authorized customers to prevent the release of all of their information. See Procedures Applicable to Electric Distribution Companies and Electric Generation Suppliers During Transition To Full Retail

Choice, Docket M-00991230, Final Order (May 18, 1999), affirmed sub nom Mid-Atlantic Power Supply Association v. Pa. P.U.C., 746 A.2d 1196 (Pa. Cmwlth. 2000). That issue need not, and should not be reached in this case. Granting PPL's alternative request of a one-time waiver of Section 54.8 will adequately address this situation.

### III. CONCLUSION

The OCA submits that the Commission should grant PPL a limited, one-time waiver of the requirement in Section 54.8 that PPL must provide customers with the opportunity to restrict the release of customer information, since such release is only to PSU for purposes of the study.

Respectfully Submitted,



---

Candis A. Tunilo  
Assistant Consumer Advocate  
PA Attorney I.D. # 89891  
E-Mail: CTunilo@paoca.org

Tanya J. McCloskey  
Senior Assistant Consumer Advocate  
PA Attorney I.D. # 50044  
E-Mail: TMcCloskey@paoca.org

Counsel for:  
Irwin A. Popowsky  
Consumer Advocate

Office of Consumer Advocate  
555 Walnut Street  
5th Floor, Forum Place  
Harrisburg, PA 17101-1923  
(717) 783-5048

Dated: September 10, 2010  
133423

CERTIFICATE OF SERVICE

Petition of PPL Electric Utilities Corporation :  
for a Declaratory Order Regarding the :  
Release of Certain, Limited Customer : Docket No. P-2010-2194109  
Information for Non-Competitive, Academic :  
Purposes or, in the Alternative, a One-Time :  
Limited Waiver of 52 Pa. Code § 54.8 :

I hereby certify that I have this day served a true copy of the foregoing document, Answer 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 10<sup>th</sup> day of September 2010.

SERVICE BY E-MAIL and INTEROFFICE MAIL

Johnnie E. Simms, Esquire  
Office of Trial Staff  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

SERVICE BY E-MAIL and FIRST CLASS MAIL

Paul E. Russell  
Associate General Counsel  
PPL Services Corporation  
Two North Ninth Street  
Allentown, PA 18101  
Counsel for: *PPL Electric Utilities Corporation*

David B. MacGregor, Esquire  
Post & Schell, P.C.  
Four Penn Center  
1600 John F. Kennedy Boulevard  
Philadelphia, PA 19103-2808  
Counsel for: *PPL Electric Utilities Corporation*

Michael W. Hassell, Esquire  
Christopher T. Wright, Esquire  
Post & Schell, P.C.  
12<sup>th</sup> Floor  
17 North Second Street  
Harrisburg, PA 17101-1601  
Counsel for: *PPL Electric Utilities Corporation*

William R. Lloyd, Jr.  
Small Business Advocate  
Office of Small Business Advocate  
Commerce Building, Suite 1102  
300 North Second Street  
Harrisburg, PA 17101  
Counsel for: *Office of Small Business Advocate*

Service by First Class Mail

Wayne L. Mowery, Jr.  
Shareholder/Partner  
McQuaide Blasko  
811 University Drive  
State College, PA 16801  
Counsel for: *The Pennsylvania State University*

*Candis A Tunilo*

---

Candis A. Tunilo  
Assistant Consumer Advocate  
PA Attorney I.D. # 89891  
E-Mail: CTunilo@paoca.org  
Tanya J. McCloskey  
Senior Assistant Consumer Advocate  
PA Attorney I.D. # 50044  
E-Mail: TMcCloskey@paoca.org

Counsel for  
Office of Consumer Advocate  
555 Walnut Street  
5th Floor, Forum Place  
Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Fax: (717) 783-7152

00133244.docx