



800 North Third Street, Suite 205, Harrisburg, Pennsylvania 17102
Telephone (717) 901-0600 • Fax (717) 901-0611 • www.energypa.org

July 13, 2011

Rosemary Chiavetta, Esq.
Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

**COMMENTS OF THE
ENERGY ASSOCIATION OF PENNSYLVANIA
TO NOTICE OF RECONSIDERATION**

Interim Guidelines for Eligible Customer Lists (Docket No. M-2010-2183412);
PPL Electric Utilities Corporation Retail Markets (Docket No. M-2009-2104271);
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, please find an original and five (5) copies of the Energy Association of Pennsylvania's Comments in the above-referenced Docket Number.

Very truly yours,

A handwritten signature in black ink, appearing to read "Donna M.J. Clark", is written over a horizontal line.

Donna M.J. Clark
Vice President & General Counsel

cc: Robert F. Powelson, Chairman (via hand-delivery)
John F. Coleman, Jr., Vice Chairman (via hand-delivery)
James H. Cawley, Commissioner (via hand-delivery)
Pamela A. Witmer, Commissioner (via hand-delivery)
Wayne E. Gardner, Commissioner (via hand-delivery)
Office of Competitive Market Oversight (at ra-OCMO@state.pa.us)

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Interim Guidelines for Eligible Customer Lists	:	Docket No. M-2010-2183412
PPL Electric Utilities Corporation Retail Markets	:	Docket No. M-2009-2104271
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

Comments of the
Energy Association of Pennsylvania to Notice of Reconsideration

Introduction

By an initial order adopted by the Pennsylvania Public Utility Commission (“PUC” or “Commission”) on November 12, 2010, interim guidelines for an Eligible Customer List (“ECL”) were established “to provide more uniformity in the type of customer information provided by Electric Distribution Companies (“EDCs”) ... to Electric Generation Suppliers (“EGSs”).” Notice of Reconsideration at p. 1. The initial order was appealed to Commonwealth Court by the Office of Consumer Advocate (“OCA”) and the Pennsylvania Coalition Against Domestic Violence (“PCADV”) in December 2010. On January 28, 2011, Commonwealth Court granted a stay to maintain the status quo. Thereafter, the Commission sought a remand of the matter back to the agency to reconsider the initial order “and, after notice and opportunity to

be heard, produce a new order that strikes an appropriate and lawful balance between customer privacy rights and the Commission's obligations under chapter 28 of the Public Utility Code." Notice of Reconsideration at p. 5.

Comments

The Energy Association of Pennsylvania ("EAP" or "Association") previously filed comments in this proceeding in August 2010, which generally supported the proposed interim guidelines developed in a stakeholder process initiated through the Office of Competitive Market Oversight ("OCMO"). Those comments, which were filed on behalf of the Association's EDC members, are incorporated herein by reference. Those comments addressed particular technical and implementation issues under the proposed guidelines, rather than the customer privacy issues raised by OCA and PCADV in their separate appeals to Commonwealth Court.

Balancing the needs of consumers with the needs of electric generation suppliers so as to move towards greater competition in the retail electricity generation market is a key role assigned to the Commission under the Electricity Generation Customer Choice and Competition Act. 66 Pa.C.S.A. §§ 2801- 2812. EAP and its members appreciate the difficult policy issues presented to the Commission as it attempts to address real and perceived barriers to retail competition. EAP applauds the instant Commission process which maintains some flexibility by utilizing guidelines developed through a collaborative working group rather than acting first to promulgate regulations. The instant process not only provides flexibility through the use of guidelines but enables stakeholders to adapt practices based on experience and modify administrative procedures in an orderly fashion taking into account individual EDC staffing, IT

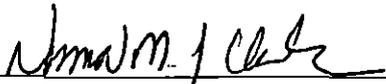
and funding needs. EAP and its EDC members continue to believe that the use of guidelines remains appropriate even here where the OCA and PCADV are raising fundamental concerns regarding customer privacy.

Reviewing the initial order adopted on November 12, it is clear that the Commission addressed the business concerns of the supplier community by encouraging the use of a uniform ECL to allow EGSs to access customer information in order to promote choice to various customer segments. It must be noted that not all jurisdictions which promote retail competition utilize eligible customer lists as a way to provide customer information to suppliers (i.e. New York and New Jersey). It is important for the Commission to determine how much data a customer generally should be permitted to restrict in order to maintain appropriate customer privacy while continuing to address the business concerns of the retail suppliers. A number of the Association's member electric utilities currently provide an option to the customer to withhold all information from disclosure at the customer's election, essentially opt-out of the ECL. Additionally, many EDCs do not include telephone numbers on the ECL. The Commission must decide whether these approaches achieve the appropriate balance sought by the legislature. The use of guidelines is uniquely suited to strike the proper balance.

Conclusion

Considering the competing policy concerns voiced by consumers and the supplier community, EAP respectfully requests the Commission to continue the use of guidelines to achieve the appropriate balance between the immediate privacy concerns raised by OCA and the PCADV and the need for EGSs to access customer information. The Commission must balance the competing concerns of customer privacy and the promotion of retail electric market growth in determining the extent to which all customers should be permitted to restrict the disclosure of their customer data.

Respectfully submitted,



Donna M. J. Clark
Vice President & General Counsel
Energy Association of Pennsylvania
800 N. Third Street, Suite 205
Harrisburg, PA 17102
(717) 901-0631
dclark@energypa.org

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