

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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IRWINA. POPOWSKY  
Consumer Advocate

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August 16, 2011

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

RE: Petition of PPL Electric Utilities  
Corporation for an Extension of Time to  
Conduct Its Next Customer solicitation  
Regarding Release of Customer Information  
to Electric Generation Suppliers  
Docket No. P-2011-2255163

Dear Secretary Chiavetta:

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

Copies have been served as indicated on the 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

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

|  |   |                           |
|--|---|---------------------------|
| Petition of PPL Electric Utilities Corporation for an Extension of Time to Conduct Its Next Customer Solicitation Regarding Release of Customer Information To Electric Generation Suppliers | : |                           |
|  | : |                           |
|  | : | Docket No. P-2011-2255163 |
|  | : |                           |
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ANSWER OF THE  
OFFICE OF CONSUMER ADVOCATE

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On August 2, 2011, PPL Electric Utilities Corporation (PPL or Company) filed a Petition for an Extension of Time to Conduct Its Next Customer Solicitation Regarding Release of Customer Information to Electric Generation Suppliers (Petition) in the above-referenced proceeding. PPL seeks approval for a 120-day extension, until January 1, 2012, of the date of its next solicitation of customers for release of their information on the Eligible Customer List (ECL) or until 120 days after the Pennsylvania Public Utility Commission (Commission) enters a final order in its ECL proceeding at Docket No. M-2010-2183412, whichever is later.

In 2009, the Commission instituted an investigation into PPL's retail markets in preparation for the expiration of the Company's generation rate caps. See PPL Electric Utilities Corporation Retail Markets, Docket No. M-2009-2104271 (PPL Retail Markets Investigation). One of the issues addressed in the PPL Retail Markets Investigation was the Company's provision of its customers' information to Electric Generation Suppliers (EGSs), which required that PPL obtain a customer's consent to the release of personal information. PPL obtained a customer's consent via a solicitation, the first of which occurred in September 2009. According

to the Commission's Order in the PPL Retail Markets Investigation, PPL must conduct these solicitations every two years. As a result, the next solicitation is due to occur in September 2011.

In 2010, the Commission initiated an investigation to establish guidelines for the ECLs in order to provide uniformity in the ECLs that Pennsylvania's Electric Distribution Companies make available to EGSs. See Interim Guidelines for the Eligible Customer List, M-2010-2183412 (ECL Proceeding). On November 12, 2010, the Commission issued an Order regarding the makeup and maintenance of the ECLs (November 12 Order). The November 12 Order was appealed to the Commonwealth Court by the Office of Consumer Advocate (OCA) and the Pennsylvania Coalition Against Domestic Violence. See 2641 C.D. 2010 and 2712 C.D. 2010, respectively. The Commission sought and was granted remand by the Commonwealth Court so that it could reconsider the mandates of its November 12 Order. See Popowsky et al. v. Pa. PUC, 2641 C.D. 2010 and 2712 C.D. 2010 (April 28, 2011) (Opinion Not Reported).

On June 13, 2011, the Commission issued a Notice of Reconsideration in the ECL Proceeding seeking comments from interested parties on the Commission's stated intent to reconsider its November 12 Order. Comments to the Notice of Reconsideration were filed by various interested parties on July 13, 2011, and Reply Comments were filed on July 28, 2011. To date, the Commission has not issued an order pursuant to its Notice of Reconsideration.

Consequently, PPL filed the Petition in this proceeding seeking expedited review of its request for an extension for its upcoming solicitation. PPL states that since the ECL requirements may change in the Commission's soon-to-be-issued ECL order, proceeding with a solicitation now may not be reasonable as a re-solicitation with different requirements may be needed as a result of the final order. According to PPL, such back-to-back solicitations would be

costly<sup>1</sup> and confusing to its customers. Petition at 4. According to PPL, should the Commission substantially revise its ECL rules regarding the ability of customers to restrict the release of some or all of their information, PPL will have to substantially revise its current solicitation strategy and may be required to conduct additional customer education on the topic. Petition at 5. In its Petition, PPL seeks an additional 120 days from the date the Commission issues its order on reconsideration in the ECL Proceeding to complete its next solicitation or until January 1, 2012, whichever is later. Id.

The OCA supports PPL's request for an extension to complete its next solicitation of customers for permission to include their information on the ECL. The OCA submits that it would be costly and inefficient for PPL to conduct its next solicitation prior to the issuance of the Commission's order on reconsideration in the ECL Proceeding. The OCA also submits that expedited review of PPL's Petition is appropriate given the time constraints involved.

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<sup>1</sup> According to PPL, each solicitation costs approximately \$800,000. Petition at 4.

WHEREFORE, the OCA supports the approval of the relief sought in PPL's Petition for an Extension of Time to Conduct Its Next Customer Solicitation Regarding Release of Customer Information to Electric Generation Suppliers and supports the Company's request that its Petition be considered on an expedited basis.

Respectfully Submitted,



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Dated: August 16, 2011  
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CERTIFICATE OF SERVICE

Petition of PPL Electric Utilities :  
Corporation for an Extension of Time to :  
Conduct Its Next Customer Solicitation : Docket No. P-2011-2255163  
Regarding Release of Customer Information :  
to Electric Generation Suppliers :

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 16<sup>th</sup> day of August 2011.

SERVICE BY E-MAIL and INTEROFFICE MAIL

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