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December 14, 2011

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

**Re: Interim Guidelines Regarding Standards For Changing a Customer's Electricity  
Generation Supplier  
Docket No. M-2011-2270442**

Dear Secretary Chiavetta:

In accordance with the November 14, 2011 Tentative Order in the above-captioned matter, enclosed for filing please find the Comments of Washington Gas Energy Services, Inc. on the Interim Guidelines Regarding Standards for Changing a Customer's Electricity Generation Supplier. These Comments were filed electronically through the Pennsylvania Public Utility Commission's e-File system today.

If you have any questions, please do not hesitate to contact me. Thank you.

Best Regards,

STEVENS & LEE

  
Michael A. Gruin

Encl.

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A PROFESSIONAL CORPORATION

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Interim Guidelines Regarding Standards  
For Changing a Customer's Electricity  
Generation Supplier**

**M-2011-2270442**

**COMMENTS OF  
WASHINGTON GAS ENERGY SERVICES, INC.**

Washington Gas Energy Services, Inc. (WGES), a licensed electric generation supplier (EGS) in the Commonwealth of Pennsylvania serving commercial and residential customers on the systems of Pennsylvania Power & Light Company (PPL), the Philadelphia Electric Company (PECO) and First Energy (FE), hereby files these comments in support of the "Interim Guidelines for the Transfer of Customer Accounts" set forth in the Tentative Order issued November 10, 2011 in the above-captioned docket.

**WGES supports elimination of the 10-day waiting period.**

WGES supports the first interim proposed guideline to eliminate the 10-day waiting period before an EDC will enroll an EGS's customer. The conclusion that this elimination obviates the need for an EDC to submit a confirmation letter to the customer initiating the waiting period is imminently sound. In jurisdictions where choice programs started in 2000 (Maryland and the District of Columbia), suppliers' customers were disadvantaged by unnecessary 10 day waiting periods (which customers implicitly treated as contract rescission periods) and confused by utility confirmation letters to customers that appeared to invite customers to cancel their contracts even after applicable statutory waiting periods (e; g. door-to-door contracts). Such practices were particularly unfortunate during the early phases of choice programs when customers were adjusting to selecting from available supplier options. WGES is

pleased that the Commission is proactively proposing to eliminate such unnecessary waiting periods and unneeded utility confirmation letters in the instant guidelines.

WGES further supports Interim Guideline G (disclosure statement requirement that residential and small commercial customers have three business days after signing to rescind a contract), Guideline I (valid written evidence of a customer's consent to an account transfer reflected in a signed document by a customer of record) and Guideline O (requires that EDCs and EGSs treat slamming allegations as disputes that must be investigated and resolved) as effective rules that cover the concerns that the prior 10 day waiting period rule was intended to address.

**WGES supports EDCs switching deadlines that EGSs must meet.**

WGES supports the second interim guideline to accelerate switching times by requiring EDCs to establish switching deadlines by which time suppliers must submit customer account transfer notices to the EDC so the supplier to begin serving the customer at the customer's next immediate meter read date (Guideline F). As provided in Guideline E, an EGS must obtain a customer's individual meter read cycle information (Guideline E), advise the customer in good faith as to the date the account can be transferred and include that start date in the customer contract or disclosure statement (Guideline H). WGES believes, however, that paragraph 3 of Guideline E should be clarified with respect to information about transfer dates that an EGS must provide in "marketing generation service" to a prospective customer. Certainly it is sensible to require that the estimated transfer date be provided in the disclosure statement from the EGS, or as soon as practicable during discussions with a prospective customer. However, it may not be feasible for an EGS and its employees, agents and representatives to provide an estimated transfer date at the time of an initial contact with a prospective customer. As currently drafted,

paragraph 3 of Guideline E could be interpreted to require EGS representatives to inform prospective customer of their estimated transfer date as early as the initial contact with the prospective customer. This paragraph should be clarified to indicate that an EGS should make best efforts to inform a customer of the estimated transfer date as soon as practicable after contact is made, and no later than a date certain, such as the date of the disclosure statement.

### **Feasibility of proposed Interim Guidelines applying to Natural Gas Supplies**

In the Tentative Order the Commission asks for comments on the feasibility of applying the proposed Interim Guidelines to the gas regulations governing customer switching, 52 Pa. Code § 59.91 -- § 59.99, to natural gas distribution companies (NGDCs) and natural gas suppliers (NGSs). WGES, a licensed NGS in Pennsylvania, submits that the 10 day waiting period in the gas supplier regulations and the gas utility confirmation letters should also be eliminated for NGDCs and NGSs as is proposed in the Tentative Order. Similarly, although natural gas metering and electricity metering and attendant billing cycles are inherently different, WGES submits that NGDCs should be required to establish switching deadlines by which time NGSs must submit customer account transfer notices to the NGDC so the NGSs can begin serving the customer at the customer's next immediate meter read date.

### **Customer Education**

The Commission invites comments on educating consumers about the new switching procedures beyond the use of its web site and asking its Office of Communications to review educational materials. WGES agrees that EGSs should include such information in their sales scripts and marketing materials along with realistic enrollment dates and it is logical that EGSs will do so.

**Long Term Proposal (Advanced Metering)**

The Commission indicates that it will not at this time require the use of mid-cycle meter reads as an interim guideline to facilitate customer switches. WGES agrees that such a measure will require modifications of meter and billing systems and the eventual smart meter deployment. Although full deployment of smart meters is not yet in place in Pennsylvania and will not be so for some time, the Commission does indicate that it expects that once smart meters are in place customers will be able to switch suppliers at any point in time and that such switching will be fully integrated into all deployment plans. As a matter of principle, WGES strongly supports this proposal. Furthermore, it would appear that instituting off-cycle switching procedures prior to full deployment would be a working group assignment.

WGES thanks the Commission for the opportunity to present these comments and would be pleased to address any questions the Commission may have.

Respectfully Submitted,

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