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September 10, 2012

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Bldg., 2nd Fl.
400 North Street
Harrisburg, PA 17105-3265

RE: Petition of PECO Energy Company for Approval of Its Default Service
Program; Docket No. P-2012-2283641

Dear Secretary Chiavetta:

Attached are the Exceptions of Green Mountain Energy Company for electronic filing in the above-referenced matter. Copies have been served in accordance with the attached Certificate of Service.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jeffrey J. Norton".

Jeffrey J. Norton

JJN/jls
Enclosure

cc: Certificate of Service (w/enc)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of Green Mountain Energy Company's Exceptions upon the participants listed below in accordance with the requirements of § 1.54 (relating to service by a participant).

VIA EMAIL AND FIRST CLASS MAIL

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Date: September 10, 2012



Jeffrey J. Norton, Esquire

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for : Docket No. P-2012-2283641
Approval of Its Default Service Program :
:

**EXCEPTIONS OF
GREEN MOUNTAIN ENERGY COMPANY**

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I. INTRODUCTION

Green Mountain Energy Company (“GMEC”) is the nation’s longest serving retail provider of clean energy products and a pioneer of the “green power” market in the United States.¹ GMEC has a unique business model, and extensive experience in providing environmentally attractive energy services to large commercial and industrial customers, and government entities.² GMEC offers customers the opportunity to improve and protect the environment by supporting cleaner, renewable sources of energy instead of polluting fossil fuels.³

GMEC’s individual participation in this proceeding⁴ arose from the proposal of PECO Energy Company (“PECO”) to eliminate its Wind Energy Service Rider and, as it did so, to send mailings to its Wind Energy customers (the “Wind Customers”) referring them to other interested electric generation suppliers (“EGSs”) who offered a “green energy” product. As described below, GMEC believed that the manner in which PECO planned to make those referrals would not provide sufficient or appropriate information to consumers so as to allow them to make an informed referral choice; GMEC offered proposals to make the referral process more meaningful to consumers. Specifically, GMEC proposed that:

- (a) The PECO referral mailings include materials from GMEC and other eligible EGSs with information on the supplier and its available products, thus helping Wind Consumers make informed decisions (with any additional costs borne by GMEC and others);
- (b) PECO make two mailings to its Wind Consumers rather than one, with the second, sent near the termination date of PECO’s Wind Energy Service reminding them of the need for prompt action if they wish to continue to receive green energy products; and

¹ GMEC St. No. 1 at 1.

² GMEC St. No. 1 at 2.

³ GMEC St. No. 1 at 2.

⁴ GMEC is a member of the Retail Energy Suppliers Association and is joining in its Brief that will be filed in this proceeding.

(c) that PECO should share any referral materials in advance with the renewable energy suppliers along with providing a webinar or other workshop to explain what PECO intends to do to comply with the final PUC Order with respect to the termination of the Wind Energy Service Rider.

The Hearing Examiner rejected each of these proposals, recommending that “PECO’s proposal for a one-time referral mailing to PECO Wind customers should be adopted without modification.”⁵ That recommendation gave rise to these exceptions.

II. EXCEPTION OF GREEN MOUNTAIN ENERGY COMPANY

A. Exception 1: The Recommended Decision Erred in Rejecting GMEC’s Proposals to Provide Consumers with Useful and Appropriate Information As to Substitute Green Energy Providers (COL #5⁶; ID at 81-83).

Almost undeniably, GMEC’s proposals would enhance the referral process. They would assist PECO’s Wind customers consumers make better choices by providing them, in a convenient and easy-to-use form, with information about the available “green” alternatives. Rather than having to search out information on substitute wind energy providers, PECO’s referral material could easily (and at no cost to PECO), provide that information. Similarly, PECO could easily (and again at no cost to it) send out a second referral letter as the cessation date neared. The benefits seem readily apparent and so easy to accomplish.

The Recommended Decision provides no viable rationale for rejecting these proposals. The Decision does little more in this regard than agree with PECO’s assertions. *See* ID at 82. The full discussion on this issue is as follows:

I agree with PECO that allowing EGSs to insert materials into the referral mailing would be unwieldy and would increase administrative and mailing costs. Neither RESA nor GMEC has shown that current PECO Wind customers will be unable to make a shopping decision upon expiration of the program if furnished the EGS contact information provided in the mailing, coupled with

⁵ Recommended Decision at 83.

⁶ No Conclusion of Law specifically addresses the “referral” issues, but COL #5 seems most applicable.

the information on renewable energy products provided on the Commission-maintained PAPowerSwitch.com website.⁷

The central flaw in that brief discussion is that there would, in fact, be no additional costs, either to PECO or to customers. GMEC's proposal recognized that there would be additional costs incurred in preparing and mailing the referral materials and that PECO could reasonably object an effort to impose those costs on it. The GMEC proposal contemplated that every participating EGS would share equitably in the incremental costs of its proposal. Thus, cost should be no issue at all. However, if there is a concern for the Commission, GMEC would find one mailing (with the inclusion of EGS marketing materials) to be an acceptable alternative.

Describing the process as "unwieldy" seems more a label applied to create a grounds for denial than an accurate description. PECO has substantial experience and expertise in mailings and can assuredly manage this process without meaningful difficulty. PECO, although asserting the process would be "unwieldy"⁸ did nothing more than make a blanket assertion, providing no basis to accept that assertion as true. The number of EGS's who would request to be included and provide information for the mailing is fairly limited. PECO's role would be little more than insuring that the correct inserts went into the envelop – which is a mechanically automated process; it would have no responsibility to print, let alone write or organize, the mailer inserts. PECO St. No. 2-R, p.

The ALJ faulted GMEC (and RESA) for not showing that PECO's Wind customers would "be unable to make a shopping decision" absent adoption of the GMEC proposals. But the goal here should not be to give consumers the barest minimum information that might suffice but to take this opportunity to give them enough information to facilitate and improve the decision making. PECO is required as part of its termination of the Wind Energy Service to

⁷ RD at 82.

⁸ PECO St. No. 2-R, p. 23.

notify customers. Nothing suggests that it acquits that responsibility by providing the bare minimum of useful information, particularly when doing more and better is so easy.

PECO's other (implicit concern appears to be that PECO might be negatively "associated" with EGS marketing materials that later are found to be misleading or otherwise unreasonable. There is no reason to assume that the EGS marketing materials will be problematic; but if that is a concern for the Commission, GMEC would agree that the marketing documents could be submitted to the PUC for review prior to their mailing.

CONCLUSION

For the reasons set forth above, Green Mountain respectfully requests that the Commission reverse the Recommended Decision regarding the issues set forth herein. More specifically, the Commission should adopt Green Mountain's proposed modifications to PECO's referral process as discussed herein.

Respectfully submitted,



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