

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

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October 23, 2012

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 Permanent Waiver of 52 Pa. Code §56.97(a) to allow Customers to Establish Payment Agreements Online or through an Automated Interactive Voice Response System
Docket No. P-2012-2327036

Dear Secretary Chiavetta:

Enclosed please find the Office of Consumer Advocate's Answer, in the above-captioned proceeding. The OCA respectfully requests that the Public Utility Commission consider this pleading which is filed one day late. 52 Pa. Code § 1.2. Counsel for PPL Electric Utilities Corporation does not object to the late filing.

Copies have been served upon all parties of record as shown on the enclosed Certificate of Service.

Sincerely,

A handwritten signature in cursive script that reads "Barrett Sheridan".

Barrett C. Sheridan
Assistant Consumer Advocate
PA. Attorney ID# 61138

Enclosures

cc: Certificate of Service
Law Bureau
Bureau of Consumer Services

162118

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of PPL Electric Utilities Corporation for a Permanent Waiver of 52 Pa. Code § 56.97(a) to Allow Customers to Establish Payment Agreements Online or through an Automated Interactive Voice Response System	:	:	:	:	:	:	Docket No. P-2012-2327036
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ANSWER OF THE
OFFICE OF CONSUMER ADVOCATE

On September 28, 2012, PPL Electric Utilities Corporation (PPL or Company) filed a petition which requests that the Public Utility Commission (PUC or Commission) grant “a permanent waiver of 52 Pa. Code § 56.97(a) to allow customers the option, in defined circumstances, to establish payment agreements either online or through an automated system to avoid termination of service.”¹ Petition at 1. On September 24, 2010, the Commission granted PPL a two-year waiver of Section 56.97(a) to allow PPL to modify, on a pilot basis, the Company’s website and interactive voice response (IVR) capabilities so customers who had received a termination notice might have alternative ways to contact PPL to resolve the potential termination of service.² PPL developed the content of the website interface and IVR with input

¹ PPL requests that the Commission grant expedited treatment of its Petition or otherwise allow PPL to continue the pilot pending resolution of PPL’s Petition. PPL Petition ¶¶ 47, 48. The OCA agrees that PPL should be allowed to continue the pilot, pending resolution of PPL’s Petition.

² Petition of PPL Electric Utilities Corporation for a Declaratory Order Regarding a Pilot to Expand Website and Interactive Voice Response Capabilities to Allow Customers the Option of Setting Up Payment Agreements or, in

from the Office of Consumer Advocate (OCA), the Pennsylvania Public Utility Law Project (PULP), and the Bureau of Consumer Services. Petition at 3, fn. 1; PPL Pilot Order at 15-16. PPL states that the pilot program has been utilized by a large number of customers to enter into payment agreements and is cost effective. PPL requests that “the Commission grant the Company’s expanded Website and IVR capabilities, as described herein, a permanent waiver from strict compliance with Section 56.97(a).” Petition, ¶ 46.

The OCA has reviewed PPL’s Petition and agrees with PPL’s determination to continue the website and IVR program. The OCA, submits, however, that PPL’s request for a permanent waiver of the regulation should not be granted at this time. Rather, the Commission should grant PPL another temporary waiver with continued reporting requirements consistent with those contained in the Commission’s PPL Pilot Order. Specifically, PPL should continue to provide a periodic comprehensive report and statistical reports detailing customer usage of the program. PPL should also inform the Commission of any problems that arise. PPL Pilot Order at 14. The OCA further submits that PPL should inform the Commission of any substantive changes it may wish to make to the website or IVR programs.

The OCA submits that a grant of a permanent waiver from a provision of Chapter 56 in regard to this program would not be in the public interest at this time. The Commission has shown a general reluctance to grant permanent waivers from its regulations, rules or Orders. See, In re Petition of Full Service Network, L.P., 2012 PUC LEXIS 784, *1-4 (Pa. PUC 2012)(the Commission extended a temporary two year waiver to a five year temporary waiver rather than make the waiver permanent so that it could monitor the operation of the service.); see also, In re Petition of MCImetro Access Transmission Services LLC d/b/a/ Verizon Access

the Alternative, a Two-Year Waiver of 52 Pa. Code § 56.97(a), Docket No. P-2010-2168786 (Sept. 24, 2010) (PPL Pilot Order).

Transmission Services, 2012 Pa. PUC LEXIS 628, *1 (Pa. PUC 2012)(The Commission declined to grant a permanent waiver of a tariff requirement even though the waiver request was uncontested, granting instead an extension of the temporary waiver for an additional four years). In those cases where a permanent waiver was granted, the Commission found that there was a unique circumstance that permitted it. See, UGI Utilities, Inc. – Electric Division v. Pa PUC, 2010 Pa PUC LEXIS 1316, *11 (Pa. PUC 2010)(The Commission granted a permanent waiver of a supplier diversity rule upon a showing that it was harming default service RFP participants more than the protection that was afforded.) ; see also, In re Petition of Duquesne Light Co. for Permanent Waiver of EDI 508 Obligation for POR Customers, 2011 Pa. PUC LEXIS 1345, *7 (Pa. PUC 2011)(The Commission granted a permanent waiver of an Electronic Data Exchange requirement to avoid a costly administrative requirement for as long as the identified program was in place and did not change.).

While the OCA does not object to a continuation of the temporary waiver for this program, subject to the conditions set forth herein, a permanent waiver of this provision of Chapter 56 would not be in the public interest at this time. As PPL notes in its Petition, this program, directed at customers who are in arrears or facing termination, continues to grow. As there are now more users of the program, it will be imperative to continue Commission oversight so as to ensure that the protections afforded essential service through Chapter 56 are met. Moreover, the current waiver is directly linked to the particular content and structure of PPL's pilot website and IVR communications. PPL Pilot Order at 15. Grant of an additional temporary waiver tied to how PPL currently provides necessary information through its website and IVR to consumers facing termination would better allow for future revisions and improvements, subject

to Commission oversight.³ In addition, the grant of a temporary waiver would allow for the continuation of reporting requirements to provide data to guide whether changes in the program are needed and to better assess whether problems are encountered as use of the system expands.

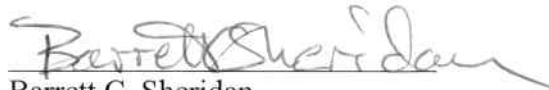
The OCA submits that the benefits of the program identified by PPL may be obtained from grant of a further extension of the temporary waiver. Grant of another temporary waiver allows the program to continue in a way that benefits PPL's customers and provides PPL with the flexibility to revise or update the website and/or IVR communications, subject to Commission oversight.

The OCA recommends that the Commission grant an additional temporary waiver and require PPL to continue to monitor the effectiveness of the website and IVR communications and provide reports. The OCA does not object to a temporary waiver of longer than two years to allow the program to further expand in its use by customers. PPL should continue to provide a comprehensive report on the effectiveness of the program and provide the periodic statistical reports. The OCA submits that the frequency of these reports could be reduced with the statistical reports provided annually and the comprehensive report provided near the end of the additional waiver period. PPL should also be directed to inform the Commission, BCS and interested parties if it intends to make any substantive changes to the website or IVR programs so that these changes can be reviewed for compliance with Chapter 56.

³ The OCA would also note that at the time that PPL requested and the Commission granted the original waiver request, the Commission was in the process of conducting a rulemaking to amend the provisions of Chapter 56. As the Commission stated in the PPL Pilot Order, Section 56.97(a) was not raised in the rulemaking proceeding for consideration of amendment by any party to the proceeding. PPL Pilot Order at 2. In the Revised Final Rulemaking Order entered June 13, 2011 no changes were made to Section 56.97(a). See Rulemaking to Amend the Provisions of 52 Pa.Code, Chapter 56 to Comply with the Provisions of 66 Pa.C.S., Chapter 14; General Review of Regulations, Docket No. L-00060182, Revised Final Rulemaking Order (June 13, 2011), 41 Pa.B. 5473 (Oct. 8, 2011). Under these circumstances, a permanent waiver of the regulation does not seem to be in order.

WHEREFORE, The Office of Consumer Advocate respectfully submits that the Commission should continue the waiver of Section 56.97(a) on a temporary basis to allow PPL to offer its customers who are facing potential termination of service access to PPL's website and IVR as alternatives to direct contact with an PPL CSR. Additionally, the Commission should require PPL to continue to provide reports as a condition of the waiver, as described above.

Respectfully Submitted,



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Dated: October 23, 2012
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CERTIFICATE OF SERVICE

Re: Petition of PPL Electric Utilities Corporation for a Permanent Waiver of 52 Pa. Code § 56.97(a) to allow Customers to Establish Payment Agreements Online or through an Automated Interactive Voice Response System
Docket No. P-2012-2327036

I hereby certify that I have this day served a true copy of the foregoing document, the Office of Consumer Advocate's Answer, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 23rd day of October, 2012.

SERVICE BY INTER-OFFICE MAIL

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