

THE PENNSYLVANIA UTILITY LAW PROJECT
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October 21, 2013

Rosemary Chiavetta, Secretary
PA PUC
Commonwealth Keystone Building
Harrisburg, PA17101

RE: Joint Petition of Metropolitan Edison Company,	:	Docket: P-2013-2384967
Pennsylvania Electric Company, Pennsylvania	:	Docket: P-2013-2386061
Power Company and West Penn Power Company	:	Docket: P-2013-2386062
for Waiver of 52 Pa Code § 56.97	:	Docket: P-2013-2386064

Dear Secretary Chiavetta:

Enclosed please find, on behalf of the Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania ("CAUSE-PA"), CAUSE-PA , Answer in the above referenced proceeding. Electronic and hard copies have been sent to the parties consistent with the attached certificate of service.

Should you have any question or concerns about this filing please do not hesitate to contact the undersigned.

Respectfully submitted,



Harry S. Geller, Esquire
Patrick M. Cicero, Esquire
Counsel for CAUSE-PA

CC: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Joint Petition of Metropolitan Edison Company,	:	Docket: P-2013-2384967
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**Answer of the Coalition for Affordable Utility Services
and Energy Efficiency in Pennsylvania**

The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (“CAUSE-PA”), through its counsel at the Pennsylvania Utility Law Project, hereby files this Answer in the captioned proceeding, pursuant to the provisions of the Rules of Practice and Procedure of the Pennsylvania Public Utility Commission (“PUC” or “Commission”), 52 Pa. Code §§ 5.71-5.76, and in support, states as follows:

1. On September 25, 2013 The First Energy Companies (“FE” or “Companies”) filed a joint Petition which requested that the Commission permit the Companies to waive the provisions of 52 Pa. Code § 56.97(a); permit the Companies arrange payment agreements through the Companies’ websites or interactive voice response systems (“IVRs”) for customers facing termination; and expeditiously grant the Companies’ request to waive the regulations on an expedited basis so that the technical modifications may be commenced prior to the end of October, 2013 in order to permit commencement of the system by May, 2014.
2. On October 1, 2013, the Companies filed a revised Joint Petition for Waiver and resubmitted a Petition individually for each company, docketed as above captioned.
3. Each of the resubmitted Petitions seeks expedited review of the company’s request to waive the PUC regulations found at 52 Pa. Code §56.97.

4. In addition to a showing that FE has good cause for a waiver of 52 Pa Code § 56.97 and such waiver is in the public interest, the Companies must also ensure that terms of the Electric Competition Act are complied with in that the electric distribution company shall continue to provide customer service functions consistent with the regulations of the Commission, including meter reading, complaint resolution and collections (66 Pa. C.S. § 2807(d) emphasis added) and that customer services shall, at a minimum, be maintained at the same level of quality under retail competition. 66 Pa. C.S. § 2807(d).

5. CAUSE-PA, is filing a Petition to Intervene in this captioned proceeding concurrently with this Answer.

6. CAUSE-PA has conducted a review of FE's Petition, and opposes FE's request on the grounds that the requested permanent waiver of 52 Pa. Code § 56.97(a) would not be in accord with the public interest, would violate the requirements of the Electric Choice Act and would be in conflict with the purpose, intent and requirements of other provisions of Chapter 56.

7. CAUSE-PA does not support a permanent waiver of §56.97(a) for FE to implement a program to use their website and IVR as a means for customers to enter into payment agreements to avoid termination. The purpose of §56.97 is to afford customers in danger of termination the protection of speaking directly with a person in the form of an authorized company employee to try to achieve a payment agreement in order to avoid termination. A permanent waiver of §56.97 would not be in the public interest.

8. A permanent waiver of §56.97(a) would lower the quality of consumer protections in violation of the Electric Choice and Competition Act §2807(d).

9. Section 56.97 is Unambiguous on the Requirement of Actual Customer-Employee Contact for Ratepayers or Occupants Facing Termination.

10. The regulation describes the information and procedures the employee is required to “fully explain.” Section 56.97(a) states:

- (a) If, after the issuance of the initial termination notice and prior to the actual termination of service, a ratepayer or occupant contacts the utility concerning a proposed termination, an authorized utility employee shall fully explain:
 - (1) The reasons for the proposed termination.
 - (2) All available methods for avoiding a termination, including the following:
 - (i) Tendering payment in full or otherwise eliminating the grounds for termination
 - (ii) Entering a settlement or payment agreement
 - (3) The medical emergency procedures

11. This regulation is a protection for both ratepayers and the occupants of the household; it requires that all the information be made clear to the customer. Interpreting an “authorized utility employee” to include the website or IVR devalues the role a live representative plays in helping customers at risk of termination.

12. FE’s Petition is vague and lacks sufficient detail to determine the protections and process it will use to ensure that the waiver will result in the same or equally diligent process and criteria for establishing payment agreements as a Customer Service Representative.

13. Section 56.97 requires that the utility, *through its employees, shall exercise good faith and fair judgment* in attempting to enter a reasonable settlement of payment or otherwise equitably to resolve the matter. Factors to be taken into account when attempting to enter into a reasonable settlement or payment agreement include the size of the unpaid balance, the ability of the ratepayer to pay, the payment history of the ratepayer and the length of time over

which the bill accumulated. If a settlement or payment agreement is not established, the company shall further explain the following: (emphasis added)

- (1) The right of the ratepayer to file a dispute with the utility and, thereafter, an informal complaint with the Commission.
- (2) The procedures for resolving disputes and informal complaints, including the address and telephone number of the Commission: Public Utility Commission, Box 3265, Harrisburg, Pennsylvania, 17105-3265, (800) 692-7380.
- (3) The duty of the ratepayer to pay any portion of a bill which the ratepayer does not honestly dispute.

14. When read as a whole, §56.97 cannot be interpreted to substitute a website or an interactive voice response system for a customer representative. “Good faith” and “fair judgment” are uniquely human traits that cannot be simulated via a web or voice interface. Section 56.97 is worded so customers at risk of termination are given every opportunity to both understand their situation and their options and to enter into an agreement that is “reasonable” and “equitably” resolved; achieved through human interaction, not through automated response.

15. CAUSE-PA supports the expansion of communication methods for customers in general, but in expanding those methods of communication, customers in vulnerable positions and facing potential loss of service should not have their available regulatory protections diminished and certainly FE customers should not be subject to a permanent loss of those protections summarily without full hearing and clearer examination of the effect.

16. FE’s request for a permanent waiver of §56.97 is without merit and the Commission should deny their Petition.

17. The protections afforded by actual personal contact are valuable and not a hardship to FE.

18. . The phrase “authorized utility employee” utilized in 56.97 is a unique one and is not found anywhere else in Chapter 56. Its distinction makes clear the goal to provide comprehensive support to help customers avoid termination of essential utility service. The FE Petition for a permanent waiver would strip that requirement away permanently asserts that granting the waiver will benefit customers.

19. Waiver of 52 Pa. Code §56.97(a) Would Violate the Electric Choice and Competition Act §2807(d) Prohibition on Decreasing the Quality of Consumer Protections and Services. In addition to the specific protections afforded customers at risk of termination by §56.97, the Electric Choice and Competition Act provides a more general one in §2807(d).

§2807. Duties of electric distribution companies
(d) Consumer protections and customer service. — The electric distribution company shall continue to provide customer service functions consistent with the regulations of the commission, including meter reading, complaint resolution and collections. Customer services shall, at a minimum, be maintained at the same level of quality under retail competition.

66 Pa.C.S. § 2807(d).

20. The quality of the consumer protection afforded under §56.97 would potentially be substantially lowered if FE were granted the permanent waiver it seeks. The regulations use specific language, “employee,” “fully explain,” “good faith,” “good judgment,” to describe the methods the utility is required to use when contacted by a customer facing termination. This language mandates person-to-person communication. The customer can ask questions and explain his particular circumstances. The utility employee can help explain what protections or programs may best serve the customer or what other methods they might use to avoid termination. Without greater detail and a test trial pilot period it is impossible to assure that the quality level would stay the same if a customer were dealing with a website or IVR.

CONCLUSION

WHEREFORE, CAUSE-PA respectfully requests that the Public Utility Commission refer this matter to the Office of Administrative Law Judge for hearings. In the event that the Commission determines that hearings are not needed, CAUSE-PA requests that it deny FE's request of a permanent waiver of Section 56.97(a).

In the alternative, CAUSE requests that FE be required to file a more detailed plan for a limited duration pilot project and meet with all parties and affected stakeholders to assure that the protections envisioned in Section 56.97 are not diminished.

Respectfully submitted,

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Certificate of Service

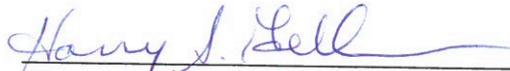
I hereby certify that I have this day served copies of the foregoing document via Email and US Postal Service by First Class mail upon the parties as set forth below.

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