

COMMONWEALTH OF PENNSYLVANIA



OFFICE OF CONSUMER ADVOCATE

555 Walnut Street, 5th Floor, Forum Place
Harrisburg, Pennsylvania 17101-1923
(717) 783-5048
800-684-6560

FAX (717) 783-7152
consumer@paoca.org

August 29, 2016

Rosemary Chiavetta, Secretary
PA Public Utility Commission
Commonwealth Keystone Bldg.
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-2016-2560140

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Answer, Notice of Intervention, and Public Statement in the above-referenced proceeding.

Copies have been served per the attached Certificate of Service.

Respectfully submitted,

/s/ Christy M. Appleby
Christy M. Appleby
Assistant Consumer Advocate
PA Attorney I.D. # 85824

Attachment

cc: Office of Administrative Law Judge
Certificate of Service

225379

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 : Docket No. P-2016-2560140
Agreements Online or Through an Automated :
Interactive Voice Response System :

ANSWER
OF THE
OFFICE OF CONSUMER ADVOCATE

On August 5, 2016, PPL Electric Utilities Corporation (PPL or Company) filed a petition which requests the Pennsylvania Public Utility Commission (Commission) grant a permanent waiver of 52 Pa. Code § 56.97(a) “to allow the Company to continue to offer Website and Interactive Voice Response (“IVR”) capabilities to provide customers with the option to make payments and establish payment agreements either online or through an automated system to avoid termination of service.” Petition at 1.¹ PPL’s request for a permanent waiver follows two prior interim waivers granted by the Commission. 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

¹ PPL requests that the Commission grant expedited treatment of its Petition by December 31, 2016 or otherwise allow PPL to continue the Website and IVR program pending resolution of PPL’s Petition. PPL Petition at 45-47. The OCA agrees that PPL should be allowed to continue the program, 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,

On September 28, 2012, PPL filed a petition which requested a permanent waiver of 52 Pa. Code § 56.97(a) to continue the pilot program on a permanent basis. Upon agreement with the OCA, the Company amended its request from a permanent waiver to a four-year waiver. On January 24, 2013, the Commission entered an Order approving the four-year waiver of 52 Pa. Code § 56.97(a).³ PPL requests that the Commission grant a permanent waiver of 52 Pa. Code Section 56.97(a) in order to allow the Company to continue to allow customers the option to establish payments and payment agreements through the Website and IVR systems to avoid termination of service. Petition at ¶ 9.

The OCA has reviewed PPL's Petition and agrees with PPL's determination to continue the website and the IVR program. The OCA submits, however, that PPL's request for a permanent waiver should not be granted. Rather, the Commission should grant PPL another temporary waiver with continued reporting requirements consistent with those contained in the Commission's 2012 Waiver 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. 2012 Waiver Order. 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. The Commission has shown a general reluctance to grant permanent waivers from its regulations, rules or Orders. See, In re Petition of

in the Alternative, a Two-Year Waiver of 52 Pa. Code § 59.97(a), Docket No. P-2010-2168786 (September 24, 2010) (2010 PPL Pilot Order).

³ 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, Order (January 24, 2013) (2012 Waiver Order).

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 service.); see also, In re Petition of MCImetro Access Transmission Services LLC d/b/a Verizon Access 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. 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.⁴ 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 another temporary waiver of four 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. Currently, PPL provides statistical reports annually, and will provide a comprehensive report near the end of current waiver period. The OCA submits that this level of reporting is reasonable. PPL should also be directed to inform the Commission, BCS and interested parties if

⁴ 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.

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.

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,



Christy M. Appleby
Assistant Consumer Advocate
PA Attorney I.D. # 85824
E-Mail: CAppleby@paoca.org

Aron J. Beatty
Senior Assistant Consumer Advocate
PA Attorney I.D. # 86625
E-Mail: ABeatty@paoca.org

Counsel for:
Tanya J. McCloskey
Acting Consumer Advocate

Office of Consumer Advocate
5th Floor, Forum Place
555 Walnut Street
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152
DATE: August 29, 2016
225353.docx

CERTIFICATE OF SERVICE

Petition of PPL Electric Utilities :
Corporation for a Permanent Waiver of 52 :
Pa. Code § 56.97(a) to Allow Customers to : Docket No. P-2016-2560140
Establish Payment Agreements Online or :
through an Automated Interactive Voice :
Response System :

I hereby certify that I have this day served a true copy of the following documents, the Office of Consumer Advocate's Answer, Notice of Intervention and Public Statement, 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 29th day of August 2016.

SERVICE BY HAND DELIVERY and FIRST CLASS MAIL

Bureau of Investigation & Enforcement
400 North Street
Harrisburg, PA 17120

SERVICE BY E-MAIL and FIRST CLASS MAIL

David B. MacGregor, Esquire
Christopher T. Wright, Esquire
Post & Schell PC
17 North Second Street
12th Floor
Harrisburg, PA 17101

Office of Small Business Advocate
Commerce Building, Suite 1102
300 North Second Street
Harrisburg, PA 17101

Paul E. Russell, Esquire
Kimberly A. Klock, Esquire
PPL Electric Utilities Corporation
2 North Ninth Street
Allentown, PA 18101

/s/ Christy M. Appleby

Christy M. Appleby
Assistant Consumer Advocate
PA Attorney I.D. # 85824
E-Mail: CAppleby@paoca.org

Aron J. Beatty
Senior Assistant Consumer Advocate
PA Attorney I.D. # 86625
E-Mail: ABeatty@paoca.org

Counsel for
Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
Phone: (717) 783-5048
Fax: (717) 783-7152
225376