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June 21, 2021

Via Electronic Filing

Rosemary Chiavetta, Secretary
PA Public Utility Commission
400 North Street
Harrisburg, PA 17120

Re: Supplier Door-to-Door and In-Person Marketing Moratorium Proclamation of Disaster
Emergency-COVID-19; Docket No. M-2020-3019254

Dear Secretary Chiavetta:

On behalf of TLP Software, enclosed for electronic filing please find Comments to the Tentative Order issued on May 6, 2021, in the above-captioned matter. Copies have been served in accordance with the attached Certificate of Service.

Sincerely,

/s/ Natara Feller

Natara Feller

NF/bc

Enclosure

cc: Cert. of Service w/enc.



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CERTIFICATE OF SERVICE

I hereby certify that this day I served a copy of TLP Software's Comments upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. CodeSection 1.54.

Via Electronic Mail

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/s/ Natara Feller
Natara Feller, Esq.

Dated: June 21, 2021

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Supplier Door-to-Door and)
In-Person Marketing Moratorium,)
Proclamation of Disaster Emergency)
– COVID 19)

Docket No. M-2020-3019254

**COMMENTS OF TLP SOFTWARE IN RESPONSE TO THE
TENTATIVE ORDER**

TLP Software submits these comments in response to the request of the Pennsylvania Public Utility Commission (“PAPUC” or “Commission”) for comments from interested stakeholders on door-to-door marketing and recordkeeping practices as it considers rescinding the prohibition banning Electric Generation Suppliers (“EGS”) and Natural Gas Suppliers (“NGS”) (collectively, “Suppliers”) from engaging in door-to-door, public-event, and in-person marketing currently in effect under the Emergency Order¹ issued on March 16, 2020.²

TLP urges the Commission to immediately lift the ban prohibiting door-to-door marketing and respectfully submits that no additional practices or requirements are needed to protect public health and safety if the Commission modifies or lifts the current ban on door-to-door marketing. TLP also urges the Commission to revisit these rules in the near term and consider revising the rules to reflect technological advances in tracking agents and enabling the creation of novel digital records that enhance agent accountability. Indeed, the rules governing the verification process for door-to-door enrollments under Rule 111.7 were developed through a rulemaking process initiated

¹ *Emergency Order Establishing Supplier Door-to-Door and In-Person Marketing Moratorium*, Docket No. M-2020-3019254, dated March 16, 2020 (“Emergency Order”).

² *Supplier Door-to-Door and In-Person Marketing Moratorium, Proclamation of Disaster Emergency – COVID-19, Tentative Order*, issued May 6, 2021, under Docket No. M-2020-3019254 (“Tentative Order”).

in 2011.³ Such measures are reasonable and appropriate, will strengthen customer protection safeguards, ensure supplier compliance with marketing practices, and overall improve customer enrollment verification records.

In recognition of the substantial drop in new COVID-19 cases in Pennsylvania, and the high percentage of adults who have received their first vaccination, capacity restrictions and almost all other mandates to limit transmission of COVID-19 were lifted on Memorial Day.⁴ TLP urges the PAPUC to similarly lift the ban on marketing door-to-door. Door-to-door marketing representatives will (and are required to) follow federal, state, and local safety rules that proved effective measures to minimize exposure to COVID-19. Delaying reinstatement of door-to-door marketing activities compounds the economic impact that the business community has already suffered without providing any material benefit (nor increased protection) to prospective customers and agents.

As the Commission reviews current door-to-door marketing and recordkeeping rules, TLP offers the following suggestions to strengthen those rules to improve monitoring, oversight, and record-keeping practices of Suppliers.

First, TLP recommends that the PAPUC update current recordkeeping rules to require retention of agent GPS positions, captured no less frequently than at five-minute intervals, during all times they are engaged in door-to-door sales activity. Such measures will enhance customer protections and address gaps in oversight commonly raised by consumer advocacy groups.

³ *Rulemaking Re: Marketing and Sales Practices for the Retail Residential Energy Market, Proposed Rulemaking Order*, issued February 10, 2011, under Docket No. L-2010-2208332.

⁴ Face-covering mandates remain in effect. *Wolf Administration to Lift Mitigation Orders on Memorial Day, Masking Order Once 70% of Pennsylvania Adults Fully Vaccinated*, issued May 4, 2021, by the Pennsylvania Government, <https://www.media.pa.gov/pages/Health-details.aspx?newsid=1437> (last checked June 9, 2021).

The PAPUC rules governing the verification process for door-to-door enrollments under Rule 111.7 were developed through a rulemaking process initiated in 2011.⁵ Current rules requiring practices to protect customers against aggressive sales tactics, which ensure that customers solicited through the door-to-door sales channel understand and agree to the terms of the customer agreement are based on technological capabilities that were available in 2011. Over the last ten years, technologies have evolved significantly, and we urge the PAPUC to consider revisions to its rules that incorporate these advances. For example, location-tracking technology enables suppliers to monitor agent GPS positions in real time and maintain mappable position histories, thus making it possible to hold agents accountable for following door-to-door marketing rules and to easily determine which agents may have violated such rules should a complaint be received. Indeed, many suppliers already use this technology for such purposes, and TLP proposes that PAPUC adopt a rule requiring it for all.

Second, TLP recommends adoption of a rule requiring Suppliers' door-to-door representatives to take a "safety selfie"—which is a time and GPS-stamped digital photograph of themselves during the enrollment process that clearly shows them wearing supplier-branded clothing, with their ID badge visible, as well as any personal protective equipment mandated by local rules and the Pennsylvania Department of Health. A safety selfie is an efficient, low-cost, and effective mechanism that will clearly demonstrate whether representatives are following longstanding marketing regulations to wear supplier-branded clothing and whether they are complying with PPE mandates. The addition of this step to the sales process will enhance the authenticity of customer enrollments by ensuring they are being conducted only by credentialed agents, minimizing an agent's ability to falsely portray themselves as representing the local utility.

⁵ *Rulemaking Re: Marketing and Sales Practices for the Retail Residential Energy Market, Proposed Rulemaking Order*, issued February 10, 2011, under Docket No. L-2010-2208332.

TLP appreciates the opportunity to submit comments in this proceeding and respectfully requests that the Commission consider its recommendations.

Respectfully submitted,

/s/ Natara G. Feller

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Dated: June 21, 2021