

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

Public Meeting held August 4, 2022

Commissioners Present:

Gladys M. Brown-Dutrieuille, Chairman

John F. Coleman, Jr., Vice Chairman

Ralph V. Yanora

Petition of PECO Energy Company to Auto-Enroll  
Residential Customers In Outage Notifications

P-2022-3031585

**ORDER**

**BY THE COMMISSION:**

Before the Pennsylvania Public Utility Commission (Commission) for review and consideration is the Petition of PECO Energy Company (PECO) filed on March 24, 2022 seeking permission to auto-enroll residential customers in outage notifications. Specifically, PECO seeks to auto-enroll its customers in alerts for both planned and emergency service outages through mobile number texts and landline voice. For the reasons stated herein, the Commission grants PECO's Petition.

**BACKGROUND**

On March 24, 2022, PECO filed its Petition to Auto-Enroll Residential Customers in Outage Notifications (Petition) and served this on the Commission's Bureau of Investigation and Enforcement, the Office of Consumer Advocate (OCA), and the Office of Small Business Advocate. PECO indicated in its Petition that the OCA did not object to PECO's Petition, and the OCA filed a letter with the Commission on March 24, 2022

noting that it did not oppose PECO's Petition. No other party filed a response. No hearings were held.

Upon review of the Petition, Commission Staff determined that it needed further information regarding PECO's request for auto-enrollment, and Commission Staff served PECO with a data request on April 14, 2022. PECO subsequently filed its responses to the data request on May 12, 2022.

## **PETITION**

On March 24, 2022, PECO filed its Petition to Auto-Enroll Residential Customers in Outage Notifications pursuant to 52 Pa. Code § 5.41 seeking to obtain authority to auto-enroll its residential customers in outage notifications for emergency and planned service outages. PECO currently provides electric delivery service to approximately 1.6 million customers and natural gas delivery service to more than 511,000 customers in Pennsylvania. PECO's Petition ¶ 1.

PECO's outage notification program includes both planned and emergency outages. Currently, PECO's customers can enroll in the program at PECO.com or through the PECO mobile app. PECO promotes customer awareness of this program through on-hold messaging, customer newsletters, email marketing campaigns, and bill inserts. PECO notes that it experiences the greatest spikes in outage notification enrollments during the months with large storms. PECO's Petition ¶ 3.

PECO currently provides notification of planned outages to its customers through mailed letters, email, text messages, recorded phone messages, or door hanger notices depending upon the customers' enrollment in its outage notification program. PECO's Petition ¶ 4. Residential customers enrolled in notifications receive planned outage scheduling, reminders, rescheduling, and cancellation information via their preferred method – text message, email, and/or recorded phone call. PECO's Petition ¶ 4.

Customers not enrolled receive letters, recorded phone messages, and/or door hanger notices. PECO's Petition ¶ 4.

With respect to emergency outages, PECO currently provides notification to residential customers if they have selected to receive outage alerts at PECO.com or through the PECO mobile app. PECO currently alerts its customers of emergency outages through voice, text, or email outage notifications that have already enrolled in outage notifications. PECO Petition ¶ 5. PECO estimates that 41% of its customers are currently enrolled in outage notifications. PECO Petition ¶ 6.

Through PECO's instant Petition, it seeks to obtain Commission approval to auto-enroll residential customers in outage notification alerts for both planned and emergency outages, as follows:

Mobile Number (Text Alert): customers who have provided PECO with mobile number and who have not previously opted out of SMS/text messages would be auto-enrolled in SMS/text outage alerts.

Landline (Voice Alert): customers who have only provided PECO with a landline number and who have not previously opted out of voice calls would be auto-enrolled in voice call outage alerts.

PECO Petition ¶ 7.

PECO submits that the first notification (i.e., text or voice alert) that a customer would receive is an outage update the next time the customer experiences an emergent outage or is scheduled for a planned outage. PECO Petition ¶ 7. However, PECO would exclude from auto-enrollment customers on the "do not call" list, as well as those who have previously opted out of SMS/text messaging or voice calls. PECO also proposes that its customers will be provided with an opt-out message with each alert as follows:

- i. Text: Text PAUSE for 72hrs or STOP to stop all texts.
- ii. Voice Alert: If we reached this number in error, please press 7. If you no longer want to receive autodialed calls from PECO on this phone number, please press 9.

PECO Petition ¶ 8.

PECO contends that auto enrollment in outage notifications will provide tangible customer benefits in emergency situations by:

Providing customers with awareness of a service interruption if they are not at home to detect it;

Eliminating the need for customers to contact PECO to report an outage (as PECO would proactively send the outage alert upon detecting a power failure at the customer's meter); and

Delivering 1) estimated restoration time update alerts and 2) final restoration messaging that explains the reason for the outage.

PECO Petition ¶ 9. PECO anticipates that these notifications will free its Call Center agents to handle more emergent calls and reduce wait time as fewer customers will be calling about outage status. PECO Petition ¶ 9.

PECO also contends that notifications for planned outages will provide a more informed customer experience as compared to the traditional paper letter process. Reminder alerts will help customers prepare for power interruption as the scheduled time draws near and serve as a reminder of the upcoming outage. Additionally, updates on scheduled work could be communicated in a timelier manner since lag time associated with mailings will be eliminated. PECO Petition ¶ 10.

PECO supplemented its Petition in its responses to Commission Staff's data request. PECO clarified that its NGDC and EDC customers are required to provide a phone number which can either be a land line or a cell phone upon starting service. If a customer starts service by calling PECO, the customer is not required to provide an email

address. If a customer starts service online via PECO.com, then an email address is required. PECO Response PUC-I-1.

With respect to whether PECO has any existing “opt in” language for its residential gas and electric customers receiving communication from PECO, PECO asserts that it does not require residential gas and electric customers to initially “opt in” to receiving communications through the methods the residential gas and electric customer provides when they enrolled in PECO’s service. PECO Response PUC-I-2. PECO currently has terms and conditions that explain to residential gas and electric customers the following:

When you voluntarily provide us with a cell phone number on our Site, you are giving us express written consent to use that number for the purpose indicated, or if given with regard to your utility account or other account with us, express written consent to communicate information to you that is closely related to such account, so long as you have not given us instructions to the contrary. You may revoke this consent at any time by any reasonable method. Your consent to be contacted by us is not required in order to receive our Services.

PECO Response PUC-I-3 (emphasis added).

While PECO’s terms and conditions for its residential service indicate that gas and electric customers agree to communication regarding information closely related to such account, PECO does not currently recognize a residential gas and/or electric customer providing a cell phone number for service as an act of opting in to receiving text messages. PECO Response PUC-I-4. PECO further clarified in its responses to the Data Request that PECO’s Petition is seeking auto enrollment for both its gas and electric customers. PECO Response PUC-I-5.

## DISCUSSION

PECO has requested auto-enrollment for its gas and electric customers in two different forms: text messaging and auto voice dial. Each of these notification methods requires an individual analysis. However, before addressing each of these notification methods, we first agree with PECO's observations that service-disruption notifications have many benefits for both its gas and electric customers as well as PECO's gas and electric operations. *See* the benefits PECO discussed *supra*. As we agree that service--disruption notifications are beneficial, we must determine whether the Commission's Policy Statement supports the auto--enrollment of PECO's customers in service-disruption notifications via text messaging and/or auto voice dialer. We will address each of these auto-enrollment requests individually.

On December 15, 2011, the Commission entered a Final Policy Statement Order wherein we declared, *inter alia*, that "[u]tilities should strive to use the best available technology to facilitate the sharing of information, including automated dialing systems, electronic mail and text messaging." *Policy Statement Regarding Utility Service Outage Public Notification Guidelines*, Docket No. M-2008-2065532 at 3 (Order entered December 15, 2011) (*Outage Notification Policy Statement*). Accordingly, the Commission amended its Final Policy Statement at Sections 69.1702 and 69.1902,<sup>1</sup> 52 Pa. Code §§ 69.1702 and 69.1902, in relevant part, to include the following provisions:

(a) *Acceptable methods of public notification*. In the event of a service interruption, the following acceptable methods of

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<sup>1</sup> Section 69.1702 provides the notification guidelines for NGDCs while Section 69.1902 provides notification guidelines for EDCs. As these two sections are identical with respect to the provisions the Commission cites herein, we generally cite to both Sections 69.1702 and 69.1902 in reference to the notification guidelines for PECO's gas and electric customers.

public notification should be considered and utilized as appropriate:

\* \* \*

(3) *Automated dialer system.* Automated dialer system (outbound dialing) notification to affected ratepayers'/occupants' landline or wireless phones. Updates should be provided at regular intervals or if the estimated restoration time changes by more than 2 hours.

\* \* \*

(5) *Electronic mail and other emerging technology.* Electronic mail and text message notification to affected customers who have opted to receive notice through use of these methods. The use of emerging technology such as social media is strongly encouraged.

52 Pa. Code §§ 69.1702 and 69.1902.

***a. Text Message Auto-Enrollment***

The Commission notes that its Policy Statement regarding an NGDC's and EDC's communication with its customers via text messaging is acceptable if the NGDC's and EDC's customer opts-in for this method of communication. The respective Policy Statements provide in relevant part:

(5) *Electronic mail and other emerging technology.* Electronic mail and text message notification to affected customers who have opted to receive notice through use of these methods. The use of emerging technology such as social media is strongly encouraged.

52 Pa. Code §§ 69.1702(a)(5) and 69.1902(a)(5) (emphasis added).

As the language in the Commission's Policy Statement indicates that gas and electric customers should opt-in to receive text messages from their NGDC or EDC, it is incumbent on the Commission to determine whether it can be inferred from PECO's gas and electric customers subscription for service if they opted in to receive text message

notifications regarding service disruptions. Based upon PECO's Petition and its responses to Staff's subsequent Data Request, the Commission finds that PECO's customers voluntarily opt-in to receive service-disruption notifications via text messages when they register for PECO's service and provide their cell-phone number for the purpose of communication. The language in the Policy Statement directs that an NGDC and EDC may communicate via text messaging with its respective customers if the customer "opts in" for such communication. The Commission recognizes that PECO's terms of service in this instance operate as a customer's opt-in determination. PECO's relevant terms of service a customer agrees to when starting service via PECO's website informs the customer that:

When you voluntarily provide us with a cell phone number on our Site, you are giving us express written consent to use that number for the purpose indicated, or if given with regard to your utility account or other account with us, express written consent to communicate information to you that is closely related to such account, so long as you have not given us instructions to the contrary.

PECO's Response PUC-I-3 (emphasis added).

While text messaging is not expressly identified in PECO's terms of service agreement, it can reasonably be inferred that when a customer provides a cell-phone number to PECO when starting service, the customer is consenting to all forms of communication that a cell-phone is capable of receiving. We do not recognize PECO's use of the term "communicate information" in its terms of service to be strictly limited to voice calls. As such, we will recognize the submission of a customer's cell-phone number with their request for service as opting-in to receive SMS text messaging. Going forward, beginning in the last quarter of this year, PECO's call center agents will proactively enroll customers in outage notifications for all start-of-service calls. Therefore, we grant PECO's request to auto-enroll customers in service-disruption

notifications via text messages if the customers have not otherwise communicated to PECO to refrain from such communication.

***b. Landline Voice Alert Auto-Enrollment***

With respect to PECO's request for auto-enrolling its gas and electric customers in landline voice alert notifications regarding service interruptions, the Commission also grants this request. The Commission's Policy Statement clearly provides for NGDCs and EDCs notifying their customers of service interruption via an automated-dialer system. The NGDC and EDC Notification Policy Statements provide in relevant part:

*(3) Automated dialer system.* Automated dialer system (outbound dialing) notification to affected ratepayers'/occupants' landline or wireless phones. Updates should be provided at regular intervals or if the estimated restoration time changes by more than 2 hours.

52 Pa. Code §§ 69.1702(a)(3) and 69.1902(a)(3).

Unlike the Commission's NGDC and EDC Policy Statement regarding text messaging service disruptions, there is no language regarding customer opt-in for an NGDC or EDC to communicate with its customer via automated dialer. As such, no further analysis of PECO's terms of service is needed, and PECO's request to auto enroll its gas and electric customers in automated voice dial service-disruption notifications is granted.

## CONCLUSION

For the reasons set forth herein, the Commission finds that auto-enrollment of PECO's residential gas and electric customers in outage notifications for service disruptions benefits PECO's gas and electric customers as well as PECO's NGDC and EDC operations. As the Commission's Policy Statements clearly provide for service-disruption notifications via text messaging and automated voice dialing, the Commission hereby grants PECO's Petition to Auto--Enroll Residential gas and electric Customers in Outage Notifications as described in its Petition.

**THEREFORE,**

### IT IS ORDERED:

1. That the Petition of PECO Energy Company to Auto-Enroll Residential Gas and Electric Customers in Outage Notifications is hereby granted.
2. That the proceeding at Docket No. P-2022-3031585 shall be marked closed.

**BY THE COMMISSION**



Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: August 4, 2022

ORDER ENTERED: August 4, 2022