



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG, PENNSYLVANIA 17120

IN REPLY PLEASE
REFER TO OUR FILE
P-2023-3039285

July 14, 2023

Michael Zimmerman
Manager & Assistant General Counsel, Regulatory Law
Duquesne Light Company
411 Seventh Avenue
Mail Drop 15-7
Pittsburgh, PA 15219

RE: Duquesne Light Company Petition for Waiver *Nunc Pro Tunc* of
52 Pa. Code § 54.153(b)(1)(ii)
Docket No. P-2023-3039285

Dear Attorney Zimmerman:

On March 27, 2023, Duquesne Light Company filed a Letter Petition (Petition) seeking a waiver *nunc pro tunc* of certain Pennsylvania Public Utility Commission (Commission) data reporting requirements related to the Customer Service Performance Report. Specifically, this request pertained to a waiver *nunc pro tunc* of busy-out rate data required by 52 Pa. Code § 54.153(b)(1)(ii) (relating to reporting requirements) for the calendar years 2021 and 2022.

In accordance with 52 Pa. Code § 1.54 (relating to service by a party), on March 27, 2023, Duquesne Light Company served the Petition on the Office of Consumer Advocate (OCA), the Office of Small Business Advocate (OSBA), the Commission's Bureau of Investigation and Enforcement (I&E), and the Commission's Bureau of Consumer Services (BCS). Under 52 Pa. Code § 5.61 (relating to answers to complaints, petitions, motions, and preliminary objections), the parties served had the option to file answers to the Petition but did not do so.

For the reasons expressed in this Secretarial Letter, the Commission grants Duquesne Light Company's Petition.

DISCUSSION

The regulations at Subchapter F of 52 Pa. Code, Chapter 54, (relating to reporting requirements for quality of service benchmarks and standards) were effective on July 11, 1998, upon publication at 28 Pa.B. 3283 (July 11, 1998). The purpose of these regulations, which are authorized by the Electricity Generation Customer Choice and Competition Act, at 66 Pa.C.S. § 2807(a) and (d), is to establish a means by which the

Commission can develop uniform measurement and reporting to assure that the customer services of an electric distribution company (EDC) are maintained, at a minimum, at the same level of quality under retail competition.

The customer service reporting requirements include components on telephone access to the EDC, billing frequency, meter reading, and timely response to customer disputes. An EDC is required to report quality of service (QOS) data to the Commission annually by February 1. The EDCs in Pennsylvania, including Duquesne Light Company, began reporting this QOS data in 1999. Section 54.156, 52 Pa. Code § 54.156 (relating to public information), requires the Commission to annually produce a summary report on the customer service performance of each EDC using the statistics collected under the reporting requirements in 52 Pa. Code, Chapter 54, Subchapter F. In 1999, the Commission issued its first Customer Service Performance Report and has issued annual reports every year thereafter.

Section 54.153(b)(1)(ii) requires each EDC to report annually certain telephone access data metrics, including the average busy-out rate for each call center, business office, or both. If the EDC reports data for more than one call center or business office, Section 54.153(b)(1)(ii) requires the EDC to provide the combined busy-out rate for the EDC as a whole. A busy-out rate is defined under 52 Pa. Code § 54.152 (relating to definitions) as the number of calls to an EDC's call center or business office that received a busy signal divided by the number of calls that were received. Duquesne Light Company uses one call center and, apart from the busy-out rate data for 2022, has consistently reported its customer service performance data to the Commission since 1999.

Section 5.43(a) permits a public utility to petition for a waiver of a regulation. 52 Pa. Code § 5.43(a) (relating to petitions for issuance, amendment, repeal or wavier of Commission regulations). Section 5.43(a) establishes the requirements applicable to requests for waivers, as follows:

A petition to the Commission for the issuance, amendment, waiver or repeal of a regulation must set forth clearly and concisely the interest of the petitioner in the subject matter, the specific regulation, amendment, waiver or repeal requested, and cite by appropriate reference the statutory provision or other authority involved. The petition must set forth the purpose of, and the facts claimed to constitute the grounds requiring the regulation, amendment, waiver, or repeal.

The Commission recognizes the ability of Duquesne Light Company to fulfill its regulatory reporting obligations for busy-out rate data in 2021 and 2022 was hindered.

Duquesne Light Company disclosed in its Petition that the 2021 busy-out rate data submitted to the Commission incorrectly reported the number of calls that were forwarded to the host interactive voice response, rather than the calls that received a busy signal. This incorrect data was included in the Commission's 2021 Customer Service Performance Report that was published on the Commission's website on September 30, 2022. Furthermore, Duquesne Light Company also reported in its Petition that the 2022 busy-out rate data is not available. Duquesne Light Company explained in its Petition that human error coupled with system issues by a third-party vendor precipitated the data reporting problems and prevented Duquesne Light Company from recovering accurate busy-out rate data for 2021 and 2022.

Since the Commission relies upon the submission of accurate and valid customer service performance data from the EDCs to fulfill its statutory obligations under the Electricity Generation Customer Choice and Competition Act, and Duquesne Light Company has attested that the reporting of correct and reliable busy-out rate data for the years 2021 and 2022 is not possible, the Commission agrees that a waiver *nunc pro tunc* of Section 54.153(b)(1)(ii) for the years 2021 and 2022 is appropriate. This waiver is issued with the understanding that Duquesne Light Company has implemented process improvements to address the problems that created the busy-out rate data anomalies for 2021 and 2022, as noted in its Petition.

CONCLUSION

Accordingly, consistent with this Secretarial Letter, the Commission grants Duquesne Light Company's request for waiver of the requirements of 52 Pa. Code § 54.153(b)(1)(ii), limited to the years 2021 and 2022. This docket is to be closed with the issuance of this Secretarial Letter.

Please direct any operational questions to Michele Tate, Policy Manager, Bureau of Consumer Services, at mtate@pa.gov, and any legal questions to Louise Fink Smith, Assistant Counsel, Law Bureau, at finksmith@pa.gov, or Stephanie Wilson, Assistant Counsel, Law Bureau, at stepwilson@pa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is fluid and cursive, with the first letter of each name being significantly larger and more decorative.

Rosemary Chiavetta
Secretary

cc: Parties of Record, P-2023-3039285
Louise Fink Smith, Assistant Counsel, Law Bureau
Stephanie Wilson, Assistant Counsel, Law Bureau
Kriss Brown, Deputy Chief Counsel, Law Bureau
Alexis Bechtel, Director, Bureau of Consumer Services
Lori Mohr, Policy Chief, Bureau of Consumer Services
Michele Tate, Policy Manager, Bureau of Consumer Services