

Pennsylvania Public Utility Commission

Office of Competitive Market Oversight

CHARGE Summary

Monday, January 27, 2020 10:00 am

1) Bonding, Reporting and Applications:

Technical Utility Services Deputy Director Darren Gill presented the following:

KEEPING BONDING AMOUNTS CURRENT AND THE BOND REDUCTION PROCESS:

- Do not wait until the bond expires to file. EGSs are required to file the renewal of their currently approved security **at least** thirty (30) days prior to current security's expiration date.
- 3 most common reasons a bond is rejected:
 - 1) The name on the bond has to **EXACTLY** match the name on the license. This includes commas, apostrophes, LLC, INC, LLP, etc.
 - 2) An original, wet signature must be included (no electronic signatures).
 - 3) A raised seal must be included.
- Failure to keep the bond current will result in the supplier being listed in a public Tentative Order seeking to cancel or suspend the supplier's license for failure to maintain adequate security.

See the information and checklist at this weblink for information on the bond reduction process:

Checklist for Financial Security Reduction Annual Compliance Filing – This checklist contains the basic information and requirements for submitting an Annual Compliance Filing requesting to renew an EGS Supplier's Commission approved Financial Security Reduction. The Annual Compliance Filing is required annually, and it should be filed 90 days before the current financial security expiration or anniversary date.

Additional EGS information resources are available at this weblink:

http://www.puc.pa.gov/consumer_info/electricity/electric_Companies_suppliers/EGS_App_Resources.aspx

ANNUAL SALES REPORTS: These are due in April; are used to calculate annual fees/assessments and bonding levels. See the form and instructions at this weblink:

<http://www.puc.pa.gov/general/onlineforms/pdf/RR-18-EGS.pdf>

UPDATING/REVISING EGS AND NGS APPLICATION PACKAGES: The Bureau of Technical Utility Services will be revising the EGS and NGS application forms currently posted on the Commission's website:

EGS: http://www.puc.pa.gov/general/onlineforms/pdf/EGS_Lic_App.pdf

NGS: http://www.puc.pa.gov/general/onlineforms/pdf/Gas_Lic_App.pdf

We are asking anyone with any advice or suggestions about these forms to contact Darren by the end of February 2020 at dgill@pa.gov or 717-783-5244.

2) PUC Formal Document Processing.

Secretary Rosemary Chiavetta presented the following information:

- It is a supplier's responsibility to file any name changes, changes in its current contact information or the structure of its company with the Commission.
- Mailing address:
 - Secretary of the Commission
Rosemary Chiavetta
400 North Street, Harrisburg PA 17120
- Failure to maintain current contact information can endanger a supplier's license. If a supplier fails to respond to the Commission or to a complainant due to a failure to receive a served document, consequences can include loss of a license.
- Please designate a specific individual for receiving served documents.
- Service address/individuals have to be in the U.S.A. Documents cannot be served to foreign locations (because complaints are served by certified U.S. mail).
- Be careful in maintaining consistency with contact information – avoid providing the Commission with conflicting information.

- If you are using a contractor/vendor to process applications, bonds, etc. please carefully monitor the contractor to ensure there are no problems.

E-FILING:

Send and receive formal Commission documents electronically using our free E-FILING service. (“E-mail” is NOT e-filing; e-mail can NOT be used to formally file documents with the Commission).

For more information and to set-up your account, see this weblink:

<https://www.puc.pa.gov/efiling/default.aspx>

As with all your contact information, please keep your e-filing contacts updated as your personnel change.

Confidential and proprietary information cannot be e-filed. When filing confidential information – it is your responsibility to clearly and prominently label the filing CONFIDENTIAL.

FILING DEADLINE: is 4:30 pm EASTERN time.

If you cannot meet the 4:30 pm deadline, we suggest sending the document via overnight delivery. The date/time you deposit the document with the delivery firm will be the FILING DATE, regardless of when the Commission actually receives the document.

SUBSCRIPTIONS: You can track specific dockets (even if you are not a party to the docket) using the Commission’s subscription service. You will then receive notification of all actions/documents in that proceeding. To instructions on setting-up a subscription, see this weblink: http://www.puc.pa.gov/Documentation/eFiling_Subscriptions.pdf

For questions and assistance on any of the above, please contact Secretary Chiavetta at: rchiavetta@pa.gov.

3) PaPUC websites update:

Cyndi Page from the Commission’s Office of Communications provided an update on PaPowerSwitch.com: www.papowerswitch.com

PaPowerSwitch will soon be updated with new features:

- Faster page-loading.

- New filtering options, including a new SOLAR renewable filter.
- A new comparison feature – compare up to 8 different offers at the same time.

A new users guide will be available since changes will also take place on the backend of the website where account reps update offers.

The new updated website will be launched February 18. This will necessitate a “freeze” on any new input starting February 10. All participating suppliers will need to reset their accounts and establish new passwords. As we approach these dates, we will send emails to the CHARGE group with details and reminders.

The Commission’s website (www.puc.pa.gov.) will also be updated and relaunched soon (no date available at this time, but as we approach the date, we will send emails to the CHARGE group).

Any questions about the Commission’s websites can be directed to the webmaster: Cyndi Page at CYPAGE@pa.gov.

4) PUC Informal Complaint Process:

Michele Tate of the PUC’s Bureau of Consumer Services presented the following information on the informal complaint process:

- The informal complaint process is most typically used by residential and small commercial customers.
- Is “informal” (no hearing, no transcripts, lawyers are not needed, etc.).
- Usually initiated by the consumer calling our hotline (1-800-692-7380).
- The BCS interviewer will enter a complaint into our internal complaint tracking system and the company will be notified (electronically, or by fax, or by email).
- To participate in our electronic notification system (web-based data exchange) contact: RA-PCPUC_BCS_TRAQU@pa.gov .
- Utilities and suppliers are expected to respond to the complaint as soon as possible; no longer than 30 days (see 52 Pa Code 56.163).
- Response should be in writing (electronic, email, fax, etc.).
- Response should include information re:
 - Supplier contacts (if any) with the complainant before and after the filing of the complaint.
 - Explain what occurred, what was said, etc.

- Provide any supporting evidence and documentation relevant to the customer’s allegations (audio files, signed enrollment forms, disclosures, TPVs, marketing materials, etc.).
 - If complaint involves billing/payment – an account statement should be provided.
 - The company’s “final position” on the matter.
- The company has two primary objectives when responding to informal complaints:
 1. Provide the BCS investigator with enough information to consider the matter and to work with the parties to resolve the dispute.
 2. If allegations are made by the complainant – demonstrate compliance with the applicable rules.
- Possible informal resolutions include:
 - Informal settlement.
 - Provide the customer with information sufficient to satisfy their concerns.
 - Binding informal decision (can be appealed to the formal process).
 - Referral to another agency or the formal complaint process, BCS can no longer address informally.
 - The company and complainant will be notified of the outcome and closing of the informal complaint.
- We encourage all utilities and suppliers to be pro-active when a problem occurs. Please reach out to us so that we are prepared in case we get any consumer calls or complaints.
- Questions about the informal complaint process can be addressed to: Michele Tate at mtate@pa.gov.

5) Marketing reminders:

Annette Falcone of the PUC’s Bureau of Consumer Services provided the following information:

Suppliers engaged in door-to-door residential marketing are reminded of the Commission’s regulations at 52 Pa Code Chapter 111:

<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/052/chapter111/chap111toc.html&d=>

- Suppliers are advised to contact local authorities to let them know who you are and what you are doing (some municipalities have permit ordinances that require this). Local ordinances supersede PUC Chapter 111 regulations.
- All door-to-door agents must have criminal background checks (including the “Megan’s Law”) performed prior to being on the street. See 52 Pa. Code § 111.4 – available at this weblink:
<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/052/cha%20pter111/s111.4.html&d=reduce>
- 52 Pa Code § 111.14 requires suppliers to notify the Commission and the local utility of door-to-door operations. Notices to the Commission should be directed to our door-to-door inbox: RA-PCDOORTODOOR@pa.gov. The notices should include geographic location (municipalities) and dates of operations. Questions about these notices can be directed to Annette Falcone in the Bureau of Consumer Services at anfalcone@pa.gov.
- § 111.9 is very specific as to how an agent is to introduce themselves to a potential customer:
(d) When engaging in door-to-door sales or marketing activities, an agent shall comply with the following: (1) After greeting the customer, the agent shall immediately identify himself by name, the supplier the agent represents and the reason for the visit. The agent shall state that he is not working for and is independent of the local distribution company or another supplier. (2) The agent shall offer a business card or other material that lists the agent’s name, identification number and title, and the supplier’s name and contact information, including telephone number. This information does not need to be preprinted on the material. When the information is handwritten, it shall be printed and legible.
<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/052/cha%20pter111/s111.9.html&d=reduce>
 A similar rule also applies to telemarketing – see § 111.10:
<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/052/cha%20pter111/s111.10.html&d=reduce>
- We occasionally receive reports of agents misrepresenting themselves as being affiliated or “working with” the local utility. We also receive reports of the use of opening statements like “May I see your bill? I am here to check your bill to make sure you are receiving the discount/rebate you are entitled to.” Such statements are inappropriate and possibly contrary to the above-mentioned regulations.

- We urge all suppliers, when using vendors to perform door-to-door and/or telemarketing, to closely monitor the vendor and to have quality assurance mechanisms in place.
- We ask any supplier who is considering door-to-door marketing for the first time to reach out to us for a briefing on the door-to-door marketing rules.

6) Chapter 111 Residential Supplier Marketing Regulations rulemaking:

We are inviting informal comments on the Chapter 111 supplier residential marketing regulations – see 52 Pa. Code § 111:

<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/052/chapter111/chap111toc.html&d=>

While informal comments may be submitted on any topic related to residential supplier marketing, we are especially interested in obtaining advice and suggestions on the following topic areas:

- Telemarketing rules – see 52 Pa. Code § 111.10; including a possible reporting requirement for telemarketing analogous to the reporting requirement for door-to-door marketing at 52 Pa. Code § 111.14, and potential limitations on caller ID spoofing and robocalls.
- Updating the sales verification procedures at 52 Pa. Code § 111.7 to accommodate new and evolving technologies.
- Quality control and oversight of marketing vendors – see 52 Pa. Code § 111.5.
- Updating rules and guidance on the marketing of renewable energy products – see 52 Pa. Code § 54.6 and 52 Pa. Code § 75.68.
<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/052/chapter54/s54.6.html&d=reduce>
<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/052/chapter75/s75.68.html&d=reduce>
- Rules for direct mail marketing and electronic marketing.

In addition to the above, based upon informal feedback from stakeholders, we wish to invite comment on the following two additional topic areas:

- Any need for guidance regarding residential brokering (such as disclosing how and who compensates the broker for their services; and the broker disclosing any affiliations with other suppliers, etc.).
- Possible reporting requirement regarding EGS marketing a price that is significantly higher than the current utility PTC. Including: what would be the triggering price level (such as a percent of the PTC, i.e. 150%, etc.), possible exceptions (i.e. renewable products), applicable customer classes (residential only, or also small commercial, etc.).

Informal comments should be emailed to the Office of Competitive Market Oversight at: RA-OCMO@pa.gov. As these are informal comments, they should **NOT** be addressed to or submitted to the Commission's Secretary (there is not yet a docket established for this proceeding as it is still in the preliminary, informal stage).

Please email any informal comments by Friday, February 21, 2020.

If any stakeholder needs additional time to email us their comments – that can be arranged by contacting OCMO.

Because these are informal comments, we do not intend to post or share the comments. However, we cannot promise confidentiality because Pennsylvania has a Right-to-Know law. If someone were to file a request under that law, the matter would have to be reviewed by our attorneys and staff and a determination would have to be made as to if the comments are disclosable under the law.

If a stakeholder would like an opportunity to discuss these matters in person or by a conference call – that can be arranged. Any such discussions should ideally be scheduled for some time in February or March. Contact OCMO to arrange a call or meeting.

Upon review of the informal comments, we will likely prepare a Notice of Proposed Rulemaking (NOPR) with specific proposals for formal comment. However, we may consider other possibilities, such as a stakeholder meeting with further informal discussions.

Questions about this proceeding can be directed to Dan Mumford at dmumford@pa.gov or (717) 783-1957.

7) Update on Current Commission Proceedings:

DEFAULT SERVICE INVESTIGATION (M-2019-3007101):

The Commission issued a Secretarial Letter on January 23, 2020 closing the investigation and making various requests of the EDCs and stakeholders as they prepare for upcoming Default Service Plan (DSP) filings and litigation re PPL, PECO and Duquesne Light.

The letter, along with all other documents related to this investigation, are available at this weblink: http://www.puc.pa.gov/about_puc/consolidated_case_view.aspx?Docket=M-2019-3007101

Default Service Plans for PPL, PECO and Duquesne Light expire in 2021. Expect DSP filings in the coming months – we will email CHARGE as they are filed to ensure everyone is aware of the filing and to provide you with the docket numbers.

EGS DISCLOSURE RULEMAKING (L-2017-2628991):

Rulemaking Regarding Electricity Generation Customer Choice, 52 Pa. Code Chapter 54.

The current EGS disclosure regulations are at 52 Pa. Code § 54.5:

<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/052/chapter54/s54.5.html&d=reduce>

Documents related to this proceeding can be found at this weblink:

http://www.puc.pa.gov/about_puc/consolidated_case_view.aspx?Docket=L-2017-2628991

Look for a final rulemaking order at an upcoming Commission public meeting – and we will alert CHARGE when this happens. As we approach implementation of the revised rules, we will likely convene an in-person meeting for all stakeholders here in Harrisburg to review the new rules, and any other current matters.

8) REMINDERS:

- **To track a PUC formal case:** set up an e-filing account on the Commission’s website, and use the SUBSCRIPTION service to be notified of filings on specific dockets:

http://www.puc.pa.gov/Documentation/eFiling_Subscriptions.pdf

<http://www.puc.pa.gov/efiling/default.aspx>

(Please note that you do not have to be a party of record in a proceeding to subscribe to that proceeding. Likewise, subscribing to a proceeding does not make you a party of record of that proceeding.)

- **CHARGE Distribution List:** To be added to the CHARGE distribution list, please send an email to ra-ocmo@pa.gov