



Four Penn Center  
1600 John F Kennedy Blvd.  
Philadelphia, PA 19103  
215-587-1000 Main  
215-587-1444 Fax  
www.postschell.com

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David B. MacGregor

dmacgregor@postschell.com  
215-587-1197 Direct  
215-320-4879 Fax  
File #: 2507/140056

September 23, 2009

BY HAND

James J. McNulty  
Secretary  
PA Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
PO Box 3265  
Harrisburg, PA 17105-3265

**RE: Petition of PPL Electric Utilities Corporation for Clarification, or in the Alternative Amendment, of The Pennsylvania Public Utility Commission's Retail Markets Order at Docket No. M-2009-2104271**  
**Docket No. M-2009-2104271**

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Dear Secretary McNulty:

Enclosed for filing on behalf of PPL Electric Utilities Corporation ("PPL Electric" or the "Company") please find PPL Electric's Petition for Clarification, or in the Alternative Amendment, of The Pennsylvania Public Utility Commission's ("Commission") Retail Markets Order at Docket No. M-2009-2104271.

As explained in the Petition, the Company is updating its customer list to provide to electric generation suppliers ("EGSs"). There is an apparent conflict between: (1) the Commission's electric choice regulations at 52 Pa. Code § 54.8, and (2) the Commission's Order entered May 18, 1999 at Docket No. M-00991230 regarding *Procedures Applicable to Electric Distribution Companies and Electric Generation Suppliers During the Transition to Full Retail Choice*; the Commission's Customer Information Disclosure regulations for Natural Gas Distribution Companies; and information on the Commission's website, regarding what information customers can restrict utilities from providing to suppliers. Therefore, PPL Electric seeks clarification regarding the Commission's customer information disclosure requirements in order to avoid potential controversy and customer confusion.

Due to the limited amount of time until the Company's generation rate caps expire, the Company requests expedited consideration of this Petition to provide the Company with as much time as

possible to complete the required mailings to customers and issue the customer lists to EGSs. Specifically, the Company requests that the Commission establish a deadline of October 2, 2009, for responses to the Petition and address this matter at its Public Meeting Scheduled for October 8, 2009.

PPL Electric will be represented in this proceeding by the following counsel:

Paul E. Russell (I.D. #21643)  
Associate General Counsel  
PPL Services Corporation  
Two North Ninth Street  
Allentown, PA 18101  
Phone: 610-774-4254  
Fax: 610-774-6726  
E-mail: perussell@pplweb.com

David B. MacGregor (I.D. #28804)  
Post & Schell, P.C.  
Four Penn Center  
1600 John F. Kennedy Boulevard  
Philadelphia, PA 19103-2808  
Phone: 215-587-1197  
Fax: 215-320-4879  
E-mail: dmacgregor@postschell.com

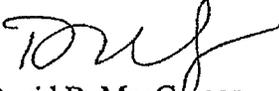
Anthony D. Kanagy (ID #85522)  
Post & Schell, P.C.  
17 North Second Street  
12th Floor  
Harrisburg, PA 17101-1601  
Phone: 717-612-6034  
Fax: 717-731-1985  
E-mail: akanagy@postschell.com

PPL Electric's attorneys are authorized to receive all notices and communications regarding this Application.

If you have any questions regarding this matter, please contact Paul E. Russell at 610-774-4254 or the undersigned at the contact information provided above.

September 23, 2009  
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Respectfully Submitted,



David B. MacGregor

DBM/skr

Enclosures

cc: Honorable James H. Cawley  
Honorable Tyrone J. Christy  
Honorable Kim Pizzingrilli  
Honorable Wayne E. Gardner  
Honorable Robert F. Powelson  
Bohdan R. Pankiw  
Tom Charles  
Certificate of Service

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the following persons, in the manner indicated, in accordance with the requirements of § 1.54 (relating to service by a participant).

### VIA E-MAIL AND OVERNIGHT MAIL

James A. Mullins  
Tanya J. McCloskey  
Office of Consumer Advocate  
555 Walnut Street  
Forum Place, 5th Floor  
Harrisburg, PA 17101-1923

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

Allison C. Kaster  
Office of Trial Staff  
Commonwealth Keystone Building  
400 North Street, 2nd Floor West  
PO Box 3265  
Harrisburg, PA 17105-3265

Pamela C. Polacek  
Shelby A. Linton-Keddie  
McNees Wallace & Nurick LLC  
100 Pine Street  
P.O. Box 1166  
Harrisburg, PA 17108-1166

Craig R. Burgraff  
Todd S. Stewart  
Hawke McKeon & Sniscak LLP  
100 North 10<sup>th</sup> Street  
P.O. Box 1778  
Harrisburg, PA 17105

Eric Joseph Epstein  
4100 Hillsdale Road  
Harrisburg, PA 17112

Brian J. Knipe  
Buchanan Ingersol & Rooney, PC  
17 North 2nd Street  
Harrisburg, PA 17101

Thomas T. Niesen  
Charles E. Thomas, III  
Thomas, Long, Niesen & Kennard  
212 Locust Street, Suite 500  
PO Box 9500  
Harrisburg, PA 17108-9500

Kevin Moody  
Carl R. Shultz  
Deanne O'Dell  
Eckert Seamans Cherin & Mellott, LLC  
213 Market Street, 8th Floor  
PO Box 1248  
Harrisburg, PA 17108

Christopher A. Lewis  
Melanie J. Tambolas  
Blank Rome LLP  
One Logan Square  
Philadelphia, PA 19103

Divesh Gupta  
Constellation NewEnergy Inc.  
Candler Building  
111 Market Place, 7<sup>th</sup> Floor  
Baltimore, MD 21202

Frank Richards  
Richards Energy Group, Inc.  
3901 Nolt Road, Building #1  
Landisville, PA 17538

Jesse Dillon  
PP&L EnergyPlus Co., LLC  
PPL EnergyPlus LLC  
Two North Ninth Street  
Allentown, PA 18101-1179

Scott H. DeBroff, Esq.  
Rhoads & Sinon LLP  
One South Market Square  
P.O. Box 1146  
Harrisburg, PA 17108-1146

Gary Jack  
Duquesne Light Company  
411 Seventh Avenue Mail Drop 8-2  
Pittsburgh, PA 15219

Anthony E. Gay  
Assistant General Counsel  
Exelon Business Services Company  
2301 Market Street, S23-1  
Philadelphia, PA 19103

Linda Evers  
FirstEnergy Service Company  
2800 Pottsville Pike  
Reading, PA 19612-6001

John K. Baillie  
Citizens for Pennsylvania's Future  
425 Sixth Avenue, Suite 2770  
Pittsburgh, PA 15219

Mark A. Baird  
Director, Regulatory Affairs  
RRI Energy  
1000 Main Street  
Houston, TX 77002

Glen R. Thomas, Esquire  
The P3 Group  
c/o GT Power Group LLC  
1060 First Avenue  
Suite 400  
King of Prussia, PA 19406

Kathy J. Kolich  
FirstEnergy Corp  
76 South Main Street  
Akron, OH 44308

Jennifer Petrisek  
Senior Counsel  
Strategic Energy  
Two Gateway Center  
Pittsburgh, PA 15222-1458

**AND BY OVERNIGHT MAIL TO:**

Amerada Hess Corporation  
1 Hess Plaza  
Woodbridge, NJ 07095-0961

Dominion Retail Inc.  
Dominion Retail, Inc. d/b/a  
Dominion Peoples Plus  
501 Martindale Street, Suite 400  
Pittsburgh, PA 15212-5817

Direct Energy Business LLC  
Two Gateway Center, 9<sup>th</sup> Floor  
Pittsburgh, PA 15222-1402

Exelon Energy  
Joyce Walsh  
847 Topaz Drive  
West Chester, PA 19382

Allegheny Energy Supply Co. LLC  
800 Cabin Hill Drive  
Greensburg, PA 15601

David Fein  
Constellation Energy Group Inc.  
550 West Washington Blvd., Suite 300  
Chicago, IL 60661

Affiliated Power Purchasers Inc.  
t/a APPI  
224 Phillip Morris Dr., Suite 402  
Salisbury, MD 21804-2001

Consolidated Edison Solutions  
701 Westchester Ave., Suite 300E  
White Plains, NY 10604-3002

Energy Cooperative Assoc-Phila.  
1528 Walnut Street  
Floor 21  
Philadelphia, PA 19102-3614

Shipleigh Energy Company  
550 East King Street  
P.O. Box 946  
York, PA 17405

UGI Energy Services, Inc.  
One Meridian Blvd., Suite 2C01  
Wyomissing, PA 19610

FirstEnergy Solutions Corp.  
341 White Pond Drive  
Akron, OH 44320

Pepco Energy Services, Inc.  
t/a PowerChoice  
1300 N. 17<sup>th</sup> Street, #1600  
Arlington, VA 22209

Worley & Obetz, Inc.  
t/a Advanced Energy  
P.O. Box 429 85, White Oak Road  
Manheim, PA 17545

Jack Rich, Incorporated  
t/a Anthracite Power & Light Co.  
617 Altamont Boulevard  
Frackville, PA 17931

Provident Energy Consulting LLC  
107 Chesley Drive, Suite 2  
Media, PA 19063

Energy Management Resources  
20 West 9<sup>th</sup> Street  
Kansas City, MO 64105

On-Demand Energy, Inc.  
P.O. Box 869  
300 Corporate Drive, Suite 50  
Moon Township, PA 15108

Coral Power, LLC  
909 Fannin, Suite 700  
Houston, TX 77010

Commerce Energy, Inc.  
600 Anton Blvd.  
Suite 2000  
Costa Mesa, CA 92626

Unitil Resources Inc.  
t/a Usource  
6 Liberty Lane West  
Hampton, NH 03842-1720

Sempra Energy Solutions  
401 West A Street  
Suite 500  
San Diego, CA 92101

Duquesne Light Energy LLC  
875 Greentree Road  
Suite 440  
Pittsburgh, PA 15220

Community Energy, Inc.  
150 Strafford Avenue, Suite 110  
Wayne, PA 19087

Reliant Energy Solutions East  
1000 Main Street  
Houston, TX 77002

Suez Energy Resources NA, Inc.  
3 Barker Avenue  
White Plains, NY 10601

South Jersey Energy Co.  
#1 South Jersey Plaza  
Route 54  
Folsom, NJ 08037

Washington Gas Energy Services  
13865 Sunrise Valley Drive  
Suite 200  
Herndon, VA 20171-4661

EnergyWindow, Inc.  
1965 57<sup>th</sup> Ct. N.  
Suite 202  
Boulder, CO 80301-2826

Michael Messer, Vice President  
Linde Energy Services Inc.  
BOC Energy Services Inc.  
1011 East Market Street  
Bethlehem, PA 18017

Coexprise Inc.  
6000 Brooktree Road, Suite 200  
Wexford, PA 15090-9273

MXEnergy Electric, Inc.  
595 Summer Street, Suite 300  
Stamford, CT 06901

Energy Savers, Inc.  
306 McKnight Park Drive  
Pittsburgh, PA 15237-6534

Premier Power Solutions, LLC  
289 Nutt Road  
Grove City, PA 16127

American Powernet Management LP  
867 Berkshire Blvd., Suite 101  
Wyomissing, PA 19610

Liberty Power Delaware LLC  
Suite 410  
800 West Cypress Creek Road  
Fort Lauderdale, FL 33309

Liberty Power Holdings, LLC  
Suite 410  
800 West Cypress Creek Road  
Fort Lauderdale, FL 33309

MRDB Holdings, LP  
12700 Park Central Drive  
Suite 200  
Dallas, TX 75251

GEXA Energy Pennsylvania, LLC  
GEXA Energy Pennsylvania, LLC  
20 Greenway Plaza  
Suite 600  
Houston, TX 77046

Taylor Consulting and Contracting LLC  
625 Main Street  
Avoca, PA 18509-1956

Keystone Energy Consulting  
Keystone Energy Consulting LLC  
200 Brush Run Road  
Suite C  
Greensburg, PA 15601

National Utility Service Inc.  
National Utility Service, Inc.  
One Maynard Drive  
P.O. Box 712  
Park Ridge, NJ 07656-0712

Citizens Elect of Lewisburg  
P.O. Box 551  
1775 Industrial Blvd.  
Lewisburg, PA 17837-0551

Duncannon Borough  
428 N. High Street  
Duncannon, PA 17020

Pike County Light & Power Co.  
4 Irving Place  
New York, NY 10003

Safe Harbor Water Power Corp.  
1 Powerhouse road  
Conestoga, PA 17516-9651

Schuylkill Haven Borough  
12 W. Main Street  
Schuylkill Haven, PA 17972

Wellsboro Electric Co.  
P.O. Box 138  
33 Austin Street  
Wellsboro, PA 16901

Citizen Power  
c/o Theodore S. Robinson, Esq.  
2121 Murray Avenue  
Pittsburgh, PA 15217

Garrett Johnston  
Trilliant Inc.  
206 Highlands Drive  
Woodstock, GA 30188

John L. Munsch, Esq.  
West Penn Power  
d/b/a Allegheny Energy  
800 Cabin Hill Drive  
Greensburg, PA 15601

Tim Enwall  
Tendril Networks  
5395 Pearl Parkway  
Suite 100  
Boulder, CO 80301

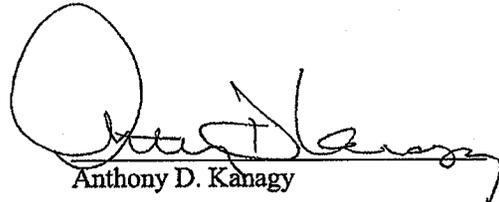
J. Michael Love  
Energy Association of PA  
800 North 3<sup>rd</sup> Street, Suite 301  
Harrisburg, PA 17102

Michael Meath  
Agway Energy Svc. LLC  
3532 James Street, Suite 106  
Syracuse, NY 13206

Craig G. Goodman  
National Energy Marketers Association  
3333 K Street NW  
Suite 110  
Washington, DC 20007

UGI Utilities Inc.  
P.O. Box 12677  
2525 North 12<sup>th</sup> Street  
Reading, PA 19612-2677

Date: September 23, 2009



Anthony D. Kanagy

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PPL Electric Utilities :  
Corporation for Clarification, or in the :  
Alternative Amendment, of The : Docket No. M-2009-2104271  
Pennsylvania Public Utility Commission's :  
Retail Markets Order at Docket No. :  
M-2009-2104271 :

**PETITION OF PPL ELECTRIC UTILITIES CORPORATION FOR  
CLARIFICATION, OR IN THE ALTERNATIVE AMENDMENT, OF  
THE PENNSYLVANIA PUBLIC UTILITY COMMISSION'S  
RETAIL MARKETS ORDER AT DOCKET NO. M-2009-2104271**

**TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:**

**I. INTRODUCTION**

PPL Electric Utilities Corporation ("PPL Electric" or the "Company") hereby petitions the Pennsylvania Public Utility Commission ("Commission") pursuant to 52 Pa. Code § 5.572 for clarification, or in the alternative amendment, of the Commission's Order entered on August 11, 2009, at Docket No. M-2009-2104271 ("Retail Markets Order"). In the Retail Markets Order, the Commission directs PPL Electric to update its customer information data base for electric generation supplies ("EGSs"). By this Petition, the Company seeks clarification regarding the Commission's customer information disclosure requirements in order to avoid potential controversy and customer confusion.

Based upon PPL Electric's review of: (1) the Commission's Electricity Generation Customer Choice regulations at 52 Pa. Code § 54.8; (2) the Commission's Order entered on May 18, 1999, at Docket No. M-00991230, regarding *Procedures Applicable to Electric Distribution Companies and Electric Generation Suppliers During the Transition to Full Retail Choice*

("1999 Choice Order"); (3) the Commission's Customer Information Disclosure regulations for Natural Gas Distribution Companies ("NGDCs"); and (4) information on the Commission's website regarding release of customer information, there is an apparent conflict regarding what information customers can restrict electric distribution companies ("EDCs") from disclosing to EGSs. PPL Electric requests that the Commission clarify its position with regard to this apparent conflict and, if necessary, amend the Retail Markets Order consistent with the Commission's clarification so that PPL Electric can issue the appropriate disclosure form to its customers. This will allow the Company to provide customer information to EGSs as soon as possible so that EGSs can make competitive offers to customers for service upon expiration of the Company's rate caps on January 1, 2010. In support of this Petition, PPL Electric states as follows:

## II. DISCUSSION

### A. Background

1. On May 15, 2009, the Commission issued its Tentative Order at Docket No. M-2009-2104271 regarding *PPL Electric Utilities Corporation Retail Markets* ("Tentative Order"). In the Tentative Order, the Commission identified eight areas where it believed that PPL Electric could improve the conditions for retail competition in its service territory. Tentative Order, p. 3.

2. One of the areas that the Commission identified in the Tentative Order was the Company's customer information data base. In the Tentative Order, the Commission stated that PPL Electric should update its customer information data base so that EGSs have information on customers in the Company's service territory.

3. Before the Company can update its customer information data base, the Company must send information disclosure forms to customers giving them the opportunity to restrict the disclosure of their private information to EGSs. In the Tentative Order, the Commission directed

PPL Electric to send this information disclosure form to customers prior to the expiration of the Company's generation rate cap, which is January 1, 2010. Tentative Order, p. 6.

4. In the Tentative Order, the Commission also stated that parties could file comments in response to the Tentative Order within thirty (30) days of publication in the Pennsylvania Bulletin.

5. On July 6, 2009, the Company filed its Comments in response to the Tentative Order. In its Comments, the Company stated that, pursuant to the Settlement of its default service proceeding at Docket No. P-2008-2060309 ("POLR II Settlement"), the Company had agreed to update its customer information data base in the first half of 2010 in accordance with the requirements of 52 Pa. Code § 54.8. The POLR II Settlement was approved by the Commission by Order entered June 30, 2009. The Company further stated that it would update its customer information data base sooner than what had been agreed to in the POLR II Settlement if the parties to the POLR II Settlement agreed to the Company's proposed schedule.<sup>1</sup> PPL Electric Comments, p. 6.

6. On August 11, 2009, the Commission issued its Retail Markets Order. In the Retail Markets Order, the Commission directed the Company to advance the schedule for updating its customer information data base consistent with the schedule proposed in the Company's Comments, provided that the settling parties in the Company's POLR II proceeding agreed to this schedule. The Commission further indicated that POLR II parties should file their response with the Commission no later than fourteen (14) days after entry of the Retail Markets Order.

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<sup>1</sup> In its Comments, the Company proposed to publish customer lists for large industrial and commercial customers by October 31, 2009 and publish customer lists for all other customers by December 31, 2009.

7. On August 25, 2009, the Office of Consumer Advocate filed a letter with the Commission indicating that it did not object to the Company advancing the schedule for updating its customer list.

8. Also on August 25, 2009, Retail Energy Supply Association and Direct Energy Services, LLC filed a letter with the Commission indicating that they agreed that the Company could advance the schedule for updating its customer information data base.

9. On August 26, 2009, Constellation Energy Commodities Group, Inc. and Constellation New Energy, Inc. filed a letter with the Commission indicating that they agreed that the Company could advance the schedule for updating its customer information data base.

10. Pursuant to the Retail Markets Order, the Company is taking steps to update its customer information data base. However, upon further review of customer information disclosure issues, the Company has determined that there is an apparent conflict between: (1) the Commission's electric choice regulations at 52 Pa. Code § 54.8, and (2) the Commission's 1999 Choice Order, *supra*, the Commission customer information disclosure regulations for NGDCs at 52 Pa. Code § 62.78 ("Gas Choice Customer Information Regulations") and the Commission's website regarding disclosure of customer information. This conflict is explained below.

**B. Electric Choice Regulations**

11. The Commission's electric choice regulations were adopted on August 7, 1998 with an effective date of August 8, 1998. Under Section 54.8 of the electric choice regulations, an EDC may not release private customer information to a third party unless the customer has been notified and given an opportunity to restrict the release of private information. 52 Pa. Code § 54.8. Section 54.8 further provides that a customer can specifically restrict the release of: (1) the customer's telephone number, and/or (2) the customer's historical billing data. Section 54.8

does not specifically provide that customers can restrict the release of other information such as their names or addresses.

**C. 1999 Choice Order**

12. Subsequent to the effective date of the electric choice regulations, on May 18, 1999, the Commission issued the 1999 Choice Order.

13. In the 1999 Choice Order, the Commission noted that its customer information disclosure regulations at 52 Pa. Code § 54.8 provide that customers can restrict the release of their telephone numbers to third parties. However, in the 1999 Choice Order, the Commission directed EDCs not to include telephone numbers on customer information lists provided to EGSs. 1999 Choice Order, p. 22. The Commission further ordered that customers should have the opportunity to prevent disclosure of all information to EGSs. 1999 Choice Order, pp. 22-25.

**D. Gas Choice Information Disclosure Regulations**

14. On April 13, 2001, the Commission's Gas Choice Information Disclosure Regulations for NGDCs were adopted, with an effective date of April 14, 2001.

15. Section 62.78 of the Gas Choice Information Disclosure Regulations specifically provides that customers' telephone numbers will not be released to third parties. 52 Pa. Code § 67.78. In addition, this Section provides that customers may restrict the release of all private information, including name, billing address, service address, rate class, rate subclass, account number and historical billing data.

**E. Commission's Website**

16. The Commission's website also addresses the issue of disclosure of customer information. Under the web page titled "What is Electric Choice", the Commission website provides as follows:

EDCs are required to release all customer name, address and usage information to suppliers, unless the customer tells the utility not to release the information. (Note: phone numbers are not given to suppliers).

A copy of this webpage is provided as Attachment 1 hereto.

**F. Proposed Resolution**

17. The 1999 Choice Order, the Gas Choice Information Disclosure Regulations and the Commission's website are all consistent with regard to: (1) prohibiting utilities from disclosing customers' telephone numbers to suppliers, and (2) allowing customers to prevent the disclosure of all private information to suppliers.

18. Given that the 1999 Choice Order, the Gas Choice Information Disclosure Regulations and the disclosure information posted on the Commission's website all post-date the Commission's electric choice regulations and given that they are consistent in their terms, the Company believes that it may be necessary to comply with them when updating the Company's customer information data base.

19. In order to update its customer information data base, the Company proposes to send an information disclosure form to its customers. The proposed information disclosure form will inform customers that the generation rate caps in PPL Electric's service territory will expire on January 1, 2010 and that if customers wish to receive and consider competitive offers they should not opt out of disclosing their customer information to suppliers. PPL Electric proposes to give customers 15 days to opt out, and if the Company does not receive a response within 15 days, customer information will be posted on the Company's customer information data base.

20. Consistent with the 1999 Choice Order, the Gas Choice Information Disclosure Regulations and the Commission's website, the proposed disclosure form will state that customers' telephone numbers will not be released to suppliers.

21. In addition, consistent with the 1999 Choice Order, the Gas Choice Information Disclosure Regulations and the Commission's website, the proposed information disclosure form will give customers the following two options whereby they can:

- (1) Restrict the release of only their historical billing data; or
- (2) Restrict the release of all their private customer information, including name, billing address, service address, rate class, rate subclass, account number and historical billing data.

22. PPL Electric is proposing this approach for the release of customer information recognizing several fundamental concerns identified by the Commission on page 22 of its 1999 Choice Order, where the Commission stated as follows:

Therefore, due to concerns related to customer convenience, as well as unwelcome or untimely telephonic solicitation by marketers, we will not include telephone numbers on the list of items that must be furnished to EGSs by EDCs. While our customer information disclosure regulations at 52 Pa. Code §54.8 provide that customers may restrict the release of their telephone numbers to third parties, we are taking the additional step by this Order of protecting consumers' privacy by concluding the telephone numbers will not be included on the eligibility lists furnished by EDCs to EGSs. Further, we agree with the concerns raised by several commentators about the need for customers to be able to indicate that they do not want any information supplied to EGSs, even if that means that their participation in the competitive market is limited.

PPL Electric believes that its proposed approach strikes a proper balance between EGSs' interest in obtaining customer information and customers' interest in protecting that information.

23. Attachment 2 to this Petition is a draft of the information disclosure form that PPL Electric would send to customers if the Commission accepts the Company's proposed approach regarding these issues. Of course, if the Commission adopts another approach, PPL Electric would modify the attached information disclosure form to reflect the Commission's decision.

The Company requests that the Commission approve the information disclosure form in its final order to eliminate the additional time required for the Company to obtain a separate review by the staff.

24. Given the conflict described above between: (1) the Commission's electric choice regulations, and (2) the 1999 Choice Order, the Gas Choice Information Disclosure Regulations and the Commission's website, the Company does not propose to issue the information disclosure forms to customers until the Commission clarifies the issues discussed herein. This will avoid controversy and avoid potential customer confusion that could occur if the Company notified customers that certain personal information would not be disclosed and the Commission subsequently determined that it should be disclosed.

25. Upon clarification of the issues presented in this Petition, the Company will begin mailing information disclosure forms to customers as soon as it can prepare the appropriate forms that contain the disclosure restrictions that the Commission deems appropriate.

26. PPL Electric requests expedited consideration of this Petition to provide the Company with as much time as possible to complete the required mailings to customers and issue the eligible customer list to EGSs. Specifically, the Company requests that the Commission establish a deadline of October 2, 2009, for responses to the Petition and address this matter at its Public Meeting scheduled for October 8, 2009.

27. After receiving the Commission's order the Company must print the approved information disclosure forms, mail them to all of its 1.4 million retail customers, provide a 15-day time period for customer responses, scan those responses into its computer system and issue the eligible customer lists to EGSs. If the Commission rules on this Petition by October 8, 2009, PPL Electric anticipates that it can issue the eligible customer list for its large commercial and

industrial customers by the end of November 2009, and issue the eligible customer list of all of its other customers by the end of December 2009.

### III. CONCLUSION

WHEREFORE, the foregoing reasons, PPL Electric Utilities Corporation respectfully requests that the Pennsylvania Public Utility Commission clarify or, in the alternative, amend its Order entered on August 11, 2009 at Docket No. M-2009-2104271, authorize the Company to send information disclosure forms to customers that are consistent with the 1999 Choice Order, the Gas Choice Customer Information Disclosure Regulations and the Commission's website, and approve the draft information disclosure form provided in Attachment 2.

Respectfully submitted,



David B. Macgregor (ID # 28804)  
Post & Schell, P.C.  
Four Penn Center  
1600 John F. Kennedy Boulevard  
Philadelphia, PA 19103-2808  
Phone: 215-587-1197  
Fax: 215-587-1444  
E-mail: dmacgregor@postschell.com

Paul E. Russell (ID # 21634)  
Associate General Counsel  
PPL Services Corporation  
Office of General Counsel  
Two North Ninth Street  
Allentown, PA 18106  
Phone: 610-774-4254  
Fax: 610-774-6726  
E-mail: perussell@pplweb.com

Anthony D. Kanagy (ID # 85522)  
Post & Schell, P.C.  
17 North Second Street, 12<sup>th</sup> Floor  
Harrisburg, PA 17101-1601  
Phone: 717-612-6034  
Fax: 717-731-1985  
E-mail: akanagy@postschell.com

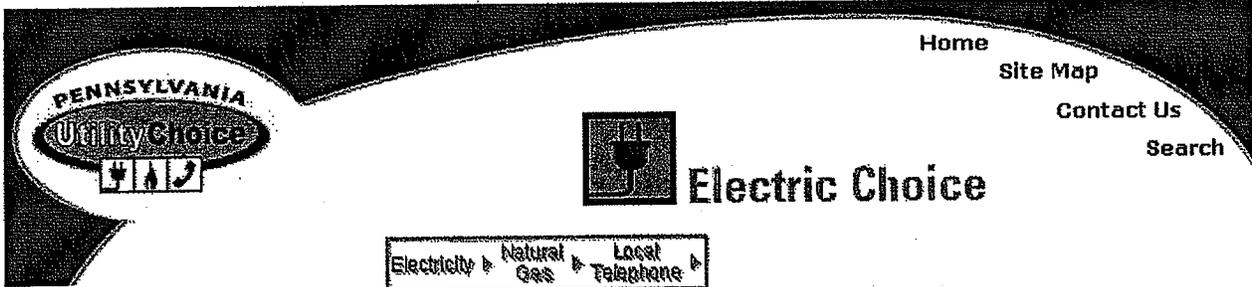
Of Counsel:

Post & Schell, P.C.

Date: September 23, 2009

Attorneys for PPL Electric Utilities Corporation

# Attachment 1



## What is Electric Choice

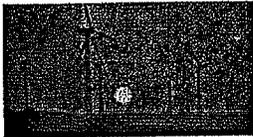
- [What is Electric Choice](#) \* [Home \ Electricity](#)
- [Electricity Diagram](#) \*
- [How to Shop](#) \*
- [Pricing Information](#) \*
- [Low-Income Programs](#) \*
- [Frequently Asked Questions](#) \*
- [List of Suppliers](#) \*
- [Educational Materials](#) \*
- [Consumer Protections](#) \*
- [Glossary of Terms](#) \*
- [Energy Conservation](#) \*
- [Green and Clean](#) \*

### Customer Information Order - Disclosure for Electricity Providers

The Electricity Generation Customer Choice and Competition Act states that "information shall be provided to consumers in a clear and understandable format that allows consumers to compare prices and services uniformly." The Order creates uniform procedures and standards for providing clear and adequate disclosure of customer information in the retail electricity industry.

This Order Requires:

- Suppliers must provide definitions of common terms and use consistent terminology in customer communications, so customers can compare prices and services on a uniform basis.
- Customers must receive written confirmation from suppliers of the terms of their agreements.
- Suppliers must provide written notification of the expiration date of a customer agreement, and whenever it proposes changes to that agreement. Every supplier that provides services must provide customers with a written agreement clearly spelling out the terms of service and the duration of the agreement. Suppliers may change the agreement, but they must notify customers before making any changes.
- Upon request by a customer, suppliers must provide detailed information to customers about the energy sources used for generation, such as coal, nuclear, natural gas, hydroelectric, wind turbines, solar and landfill methane.
- Any special energy characteristics or "branding," such as "made in Pennsylvania" or "environmentally friendly," must be proved. Suppliers may use different marketing approaches to sell their products and services. For example, some suppliers may appeal to customers to purchase energy generated in Pennsylvania, or in some cases they may promote the environmental benefits of using "environmentally friendly" energy such as wind, solar, hydro or landfill methane. Regardless of which "branding" suppliers are using, they are required to provide factual information upon customer inquiry and in the "terms of service" agreement.
- EDCs are required to release all customer name, address and usage information to suppliers, unless the customer tells the utility to not release the information. (Note: phone numbers are not given to suppliers). Contact your local EDC if you want to restrict the release of information to suppliers. However, once a customer has selected a supplier, the customer's historical data and telephone number will be released to the new supplier.



Customers are entitled to request and receive at least one load profile annually without cost.

### Licensing

The Public Utility Commission (PUC) must license electric generation suppliers offering service in Pennsylvania. Licensing requirements include:

- The supplier is bonded or is "financially fit;"
- The supplier meets technical and financial guidelines established by the PUC;
- The supplier agrees to uphold consumer protection laws and reliability standards;
- The supplier supports the consumer education requirements.

### Low-Income Programs

The Electric Competition law requires electric distribution companies to continue providing protections and services to assist low-income customers. **Click here** to find Questions & Answers for Customers on Limited Incomes. Consumers can get more information about programs that help utility customers with limited incomes by **clicking here**.

**NOTE:** If you participate in one of these programs, make certain to ask suppliers how you will receive these benefits if you select them as your supplier.

### Registering Complaints

The PUC handles complaints about electric distribution companies and electric generation suppliers related to billing, meter reading, credit and collections. Consumers can register complaints by calling 1-888-782-3228 or by **clicking here**. If you have a complaint about a contractual issue, or deceptive advertising, contact the **Attorney General's Bureau of Consumer Protection**. You can also telephone the Attorney General's Office of Consumer Protection at 717-787-9707.

### Slamming

Slamming is the unauthorized transfer of utility services without the customer's permission. To prevent slamming, and regardless of whether you made an agreement with a supplier on the telephone, or over the Internet, your chosen supplier must send you the agreement in writing in an email, U.S. mail or in-person hand-delivery. You have 3 days to accept or decline the agreement upon its receipt. In addition, when your EDC receives notification of a supplier change, it will send you a confirmation letter. You must respond to the EDC within 10 days if the information is incorrect. During that 10-day period if you notify your EDC you did not want the change of supplier, the supplier change will be cancelled and your account will be restored without penalty.

### Universal Service

Universal Service is a program designed to help low-income customers reduce their energy use or lower their bills. The following programs apply to Universal Service: Customer Assistance Programs (CAPs), the Low-Income Usage Reduction Program (LIURP), Low-Income Home Energy Assistance Program (LIHEAP), CARES and Hardship Funds. When a customer does not choose an alternative supplier or if an alternative supplier declines or cancels service for any reason, the local utility will be obligated to provide power. **Click here** for more information about these programs.

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[What is Utility Choice](#) | [How to Shop](#) | [Pricing Information](#) | [Information Resources](#)  
[Consumer Rights](#) | [Low Income Programs](#)  
**Pennsylvania Public Utility Commission**  
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## Attachment 2



**PPL Electric Utilities**

Date \_\_\_\_\_

Customer name  
Mailing Address Line 1  
Mailing Address Line 2  
Mail City, State zip

Customer No: 9999999999

For Service To: cccccccccccccccc  
cccccccccccccccccc  
cccccccccccccccccc

Dear PPL Electric Utilities Customer:

Pennsylvania's Electric Choice program lets you choose your generation supplier. By doing so, you may be able to save money on your electric bills.

To support electric choice, we're required to provide licensed generation suppliers with customer information, including name, billing address, service address, account number, rate schedule and electric usage information. This makes it easier for suppliers to make you offers.

Your telephone number will not be provided to suppliers. In addition, you can direct us to withhold your electric usage information or all of your information. If you do, you will be responsible for providing this information to third parties from whom you wish to seek offers. Whatever you decide, please note that suppliers who receive your information are required to keep that information confidential.

We will update our privacy release records for your account on November 16, 2009. Unless we hear otherwise from you by November 13, 2009, we will release all of the required information. To withhold just your usage information or all information, complete the attached form below and return it in the enclosed, postage-paid envelope by November 13, 2009. Or, update your status anytime by visiting <https://netapps1.pplweb.com/avrwebinternetv1/> or calling 1-888-225-1495.

Generation prices will increase after more than a decade when rate caps expire December 31, 2009. Shopping for another supplier could help you save money. To learn more, visit [www3.pplweb.com/choice](http://www3.pplweb.com/choice) or [www.pa.state.us/utilitychoice](http://www.pa.state.us/utilitychoice).

*Select one box only.*

**Account Number XXXXXXXXXXXX**

- Please **DO NOT RELEASE** my usage information for this account.
- Please **DO NOT RELEASE** any of my information for this account.

Signature: \_\_\_\_\_

Contact#: \_\_\_\_\_

91234567890