

**Minutes of the
Pennsylvania Public Utility Commission's
Consumer Advisory Council**

Meeting of July 24, 2007

P.O. Box 3265

www.puc.state.pa.us

Harrisburg, PA 17105-3265

Call to Order and Introductions

Joe Capozzolo called the meeting to order at 10 a.m. in the Executive Chambers of the Public Utility Commission. The Council approved the May 22, 2007, minutes.

Attendance

The following members of the Council were present:

Rick Hicks, Chairman	Cheryl McAbee (Telephone)
Robert Christianson, Vice Chairman	Dr. Dan Paul
Joe Capozzolo	Linda Roth
Cindy Datig (Telephone)	Howard Shakespeare (Telephone)
John Detman	Lee Tolbert
Harry Geller	

The following members of the Council were unable to be present:

Tom Leach	Joe Minott
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Public Utility Commission Staff present:

Wayne Scott, Law Bureau
Tom Charles, Office of Communications
Dan Mallinson, Office of Communications
Lori Shumberger, Office of Communications
Lynn Williams, Office of Communications
Dan Mumford, Bureau of Consumer Services

Guests Present:

Susan Henry, Office of Consumer Advocate
Sarah Dohn, Greenlee Partners
Lexei Woolf, Greenlee Partners
Chai-Wen-Lee, PA Utility Law Project
Joseph Palnerson, PA Utility Law Project
Bernadette Foisy, PECO
Jennifer Walker, PECO

Council Membership – Tom Charles

Tom Charles stated the Commission made its appointments in June. The Commission also ratified Lt. Gov. Catherine Baker Knoll's reappointment of Howard Shakespeare. Rick Hicks and Cheryl McAbee will be considered as members until they are renominated or replaced. That gives the Council a total of 13 members.

The Commission will need to ratify gubernatorial and legislative appointments at a later public meeting. There could be one or two appointments as soon as July 25 public meeting. If there is an appointment, the Council will receive the press release.

Election of Officers

Tom Charles said that at the start of the new term, the Council will need to appoint a new Chairman and Vice Chairman. Joe Capozzolo, at this time, requested not to serve as Chairman for the next two-year term.

Harry Geller said, on behalf of the Council, that Joe Capozzolo did a great job and thanked him for the last two years he served as Chairman. Everyone agreed that he did a great job.

Harry Geller moved to nominate Rick Hicks as Chairman and Robert Christianson as Vice Chairman. Rick Hicks said his attendance has been spotty due to work and he is not sure if he would be able to attend all the meetings due to his work. Also, at this time, the Governor has not reappointed him. Tom Charles said he has talked with the Governor's Office and was informed that until the Governor nominates someone else or reappoints Rick Hicks to the Council, he can continue serving.

Rick Hicks said, with Robert Christianson as his Vice Chairman, he would be honored to be nominated. Robert Christianson said he was honored to be nominated.

Cindy Datig seconded, and the motion passed unanimously.

Joe Capozzolo handed the meeting over to Rick Hicks to chair. Rick Hicks thanked everyone.

Stakeholders Meeting on Statewide Consumer Education for Potential Electric Price Increases – Subcommittee Report & Update

Harry Geller passed out the subcommittee report and a draft outline on the electric rate increase consumer education. Dan Paul and I exchanged comments after the June meeting. Tom Charles said the stakeholder next will meet on Wednesday, Aug. 29, the day after the next Council meeting. Harry Geller said the draft outline can be developed further prior to the next meeting.

Harry Geller went over the six specific messages that his subcommittee proposed to reach the vulnerable audience. The messages will need to stress that electric rate will be rising; special programs

The next section discusses the targeted audience. All residents of the Commonwealth will be affected and should be informed through educational efforts. There must be a priority and a specific emphasis to target the most vulnerable: those who will be most affected by price increases, subject to service loss, and subject to health consequences. Within the vulnerable population there should be specific efforts to target the low-income, minority, elderly and or disabled. Social service providers and to these vulnerable populations should be included as the targeted audience.

The method of communication should be tailored to the targeted audience. Mass-media efforts, particularly radio and weekly newspapers, should be targeted to all. Vulnerable populations should be reached through direct outreach through transportation and meal providers, public health-care workers and community agencies serving those with low incomes.

Harry Geller said the 21st century media is Dan Paul's suggestion. Dan Paul said this technology should be an integrated part of the outreach and particularly aimed at the youth.

The Web, the Internet, fast response systems, blog and chat forums, cell and land phone text, and voice messaging, ipods and YouTube formats should be considered for incorporation into the plan. These programs could be encouraged through participation by schools and libraries. This program could be called "GreenTube."

The "YouTube" is a channel where students actually produce their own television news show at school for school. GreenTube would have all the capacity of YouTube. The start-up cost would be around \$75,000. To help GreenTube to catch on, some portion of money should be used for recognition awards. The information can be downloaded into the student's ipods, or texted to cell phones or other communication formats according to Dan Paul.

Linda Roth said she hadn't volunteered to be on committee. The report is well thought out and would like to offer her support to the committee. Is there any kind of requests in the order that states EDCs or utilities must provide education as well? Tom Charles said all EDC's must submit a specific education plan by Dec. 31, 2007. In the packet is a recap from the last meeting and a draft implementation plan. The updated sections are underlined. At each meeting, the stakeholders will continue to update the draft implementation plan. The Commissioners have expressed their support for the campaign but has not requested the funding yet and will not until next year's budget process.

Linda Roth said prior to her present job, she ran a call center. She now deals with grad and undergrad college students. The GreenTube concept is a very involved program. With blogs and chats rooms, there can be a problem if the site is not monitor. Dan Paul said each school will need to register for the service and be in charge of monitoring their sites. There would be a \$25 registration charge.

Rick Hicks said Linda Roth will be on the committee. Harry Geller stated that Lee Tolbert is involved with the committee and writing of the draft reports. Rick Hicks requested one member to be at the consumer education stakeholder meetings. The Council will need to ratify the draft report. Harry Geller said he would like the Council to review the draft and feel free to submit comments on the draft. A copy of the report will not be given to the stakeholder meeting without the approval of the Council. Tom Charles just read through the report. He will ask Lynn Williams and Dan Mallinson from his office to see if other states have done any such project dealing with YouTube, cell phones, blogs, and text messaging.

Tom Charles stated it's appropriate to discuss this project but the Commission still isn't approved for the money so it may be premature to discuss details. The Commission needs secure funding approval first. Do the schools have someone that monitors the YouTube? The contracted advertising company would be in charge of the project.

Harry Geller said the proposal is more than the technology part. Rick Hicks would like to have a motion to adopt these with the capable to use this as "work in process." Lee Tolbert asked how to target the population that relies on neighborhood newspapers and does not have the electronic technology. Council members have the ability to add to the draft, what could be needed in their areas. Robert Christianson volunteered to be the person that represents the Council at the stakeholder meetings and has the right to modify the draft.

Harry Geller moved to submit the draft document with any updates as a working statement and give Robert Christianson the authority to make necessary modifications as needed. Linda Roth seconded, and the motion passed unanimously.

Cindy Datig said the program will be started after some of the utility rate caps have already expired. Will those companies still have to participate in the education campaign? Tom Charles said yes, they will have to participate in the second phase of the campaign. This phase would present specific information about conservation. All utility companies will have to pay into the plan even if their rate caps have expired.

Cindy Datig said if there is no money, the best made plans will not help. Tom Charles said the next meeting will be dealing with advertising and media professionals to get an idea on the cost of this campaign.

Updates

Under Heat Waves; the PUC issued a press release for heat wave tips on July 9. A copy of the press release is in your packets. PUC heat wave advisories were recommended by the Council.

Regarding the Public Meeting Digest, which Harry Geller expressed interest in continuing, Tom Charles said he met with senior staff in several bureaus to discuss Harry's proposal of continuing the Public Meeting Digest even if it is in a different form. Tom Charles said staff is looking at alternatives. He should have an update or resolution by our next CAC meeting. Harry Geller said it was nice of Tom Charles to call him between meetings with an update. Tom Charles said he understands what Harry is looking for: the reinstatement of the Public Meeting Digest or a return to making that information available in a similar way.

For the New Complaint Form, the Commission has been reviewing the formal complaint form and is creating a new objection and comment form. Tom Charles plans to send the updated forms to the Council, prior to the Commission using the new forms. Lee Tolbert asked if the informal complaint form will be updated and can both forms be advertised, so consumers know about them and what is the difference between the two forms. Tom Charles said that the Office of Communications has consumer educators that go out and talk to consumers and will have someone come and talk about the forms.

Robert Christianson said the utility companies must be made aware of the changes. Tom Charles said the companies will be made aware and the Office of Consumer Advocate (OCA) as well.

Chapter 14/Chapter 56 Update

Dan Mumford from the PUC's Bureau of Consumer Services (BCS) provided an update on Chapter 14. The normal three handouts are in the packets for the month of June. The handouts reflect the year-to-date, and latest termination and reconnection numbers.

Dan Mumford started with reconnections for the June 2006-07 year to date. The numbers have increased by 7 percent. PA American Water has reconnected 56 percent more this year compared to 2006. PA American stated the number is correct. The big picture is the numbers are almost identical to last year.

Joe Capozzolo said that Met-Ed's numbers have increased by half. Dan Mumford said yes, but PECO numbers are down, which balances out the difference. Lee Tolbert stated that PECO has been working hard to make a change.

The formal cases on whether the Commission has the right to give a payment agreement have been postponed again. Dan Mumford said he would keep the Council apprised of the decision.

As of last week, Pennsylvania Statutes are online now. Title 66 is now online and includes Chapter 14. The PUC Web site has a link to PA Statutes. A copy of the Web site link is in your packets.

The Chapter 56 staff is still reading comments. This meeting will be touching on termination of service. This is a very important section with lots of changes.

Question 5 deals with the rulemaking on termination of service. Some of the questions will deal with Chapter 14 authorized grounds for terminations on Page 3. On Page 2, shows Chapter 56 unauthorized termination of service. Chapter 56 does list reasons why the utilities cannot terminate service. A utility cannot terminate for nonpayment leased or purchased merchandise, appliances or special services, if a bill is over four years old, and a bill that is less than \$25. We have asked parties to comment on these issues.

OCA wants to keep sections 56.81 and 56.83 intact. These should stay valid to protect the consumers. The utility companies though these were eliminated.

There appears to be nothing in Chapter 14 that supersedes the dispute regulations in Chapter 56 that would negate any of the rights a consumer has to raise a dispute with a utility. Likewise, the procedures found at §56.94 addressing what is to happen immediately prior to termination appear not to be impacted by Chapter 14.

Question 6 deals with the winter termination procedures. The Commission feels this is of critical importance and of great interest to many parties. Winter-time termination restrictions are based upon the customer's income in relation to the federal poverty level. Chapter 14 is silent on who's responsible to identify the customer's poverty level. Dan Paul asked how a customer would know if they would qualify for under the 250 percent poverty level. Dan Mumford said the notice would list the qualifications and income levels. The consumer groups said the companies should find this information out prior to terminating a customer. Joe Capozzolo asked how a company would know this information. Dan Mumford stated that the companies would have contact with the consumer and should be addressing the question with the customer.

In addition to winter termination, the Commission requires utilities to annually, at the beginning of the winter, survey the heat-related accounts they have terminated and to make a good faith effort to restore service to as many as possible. The utilities are then required to report to the Commission by Dec. 15 of each year on these efforts and the number of heat-related accounts still without service. The Commission is requesting multiple updates for the winter survey. Both consumer groups and utilities seem favorable on this issue.

As a related matter the Commission proposes that utilities report to the PUC any time they become aware of a death following a termination of utility service where it appears that the death may be linked to the lack of utility service. Lee Tolbert asked why the utility companies have a problem with reporting deaths or injuries due to a fire to the Commission. Dan Mumford stated most companies don't want to comment due to liability against the company. Robert Christianson stated all investigations and the information found are kept confidential and whether or not, the company report it, they can still be held liable if it was due to termination. Tom Charles reminded the Council that this issue is due to their request to the Commission, that utility companies should notify the Commission about all deaths or injuries due to fires in homes that have services terminated. Commissioner Pizzingrilli requested this issue to be added to the rulemaking order because of the Council comments.

House Bill 824 Discussion

Tom Charles said the Council spoke about this at the end of the last meeting. Dan Mumford will talk on this issue as well.

Dan Mumford said the Commission is keeping an eye on this. The bill would revise Chapter 14 in many ways and take the legislation back to Chapter 56. One important thing to keep in mind, this is proposed legislation. This could happen and then again it may not happen.

Dan Mumford said the Commission's involvement is minimal. This is proposed legislation and still in the committee stage.

Harry Geller said the legislation was proposed by Rep. Preston who is the Chairman of the House Consumer Affairs Committee. Some of the issues proposed are to change security deposit from two months to one month and to change the payment range from 250 percent to 150 percent. Lee Tolbert asked if the Commission has the chance to make suggestions for the changes to Chapter 14. Harry Geller said no. Only legislators can make these changes.

Dan Mumford said the Commission will still proceed with the Chapter 56 rulemaking. Harry Geller asked if the Commission is still on track for the third part of this year. Dan Mumford said yes.

Rick Hicks asked to be kept informed at future meetings. Tom Charles said staff will continue to update the Council on this bill.

InfoMAP and Electronic Filing Update

Harry Geller passed out an InfoMAP and Electronic Filing handout. The Council had a presentation at last meeting on this issue. He suggested at that meeting that the Council may want to comment on this. The handout is a draft copy of some comments on the issue for electronic filing.

The proposal rulemaking order requires that an individual register to use the electronic filing system. Once a consumer registers, they must continue to conduct all business electronically. There should be a choice for the consumers to continue to file electronically or go back to paper filing. Many low-income customers do not have a computer in their homes. Many users may go to the library, a church or a local nonprofit center to use a communal computer. The InfoMAP should offer infrequent users an opportunity to file a complaint without becoming a registered user or without defaulting to receipt of electronic service.

Another issue is all electronic documents filed with the Commission are filed in PDF format. The software to create a PDF is not on most computers due to the cost. This will dissuade low-income users and non profit agencies from filing electronically. The Commission should allow the use of other universal software programs as well.

An electronic signature will be required when it is filed on the Commission's electronic filing system. A low-income customer or infrequent user may not be aware that electronic verifications are required. There should be plain language describing what verification is and what it entails.

The tutoring for individuals on the use of the system should be available to all users and should be user friendly to insure that everyone has the ability to use the electronic filing.

The complaint system should allow an individual to file an informal or formal complaint directly from the Commission Website. Copies of complaints should continue to be available online at the Commission Website.

Please review the draft comments and let me know if there are any other issues that should be addressed. If the Council agrees to adopt these issues, they will need to be filed by Aug. 9, at the Commission.

Lee Tolbert agreed that the issue is a valid project for the Council and would like to adopt the draft comments.

Rick Hicks asked if other Council members would like to participate in drafting the comments. Robert Christianson said he would be willing to help.

Harry Geller moved to submit the comments, unless hearing objections or edits from other Council members, to the Commission. Robert Christianson and Harry Geller will finalize the comments and send them to Council members for a final approval by email. Rick Hicks gave both Robert Christianson and Harry Geller authorization to attend and represent the Council at the stakeholders meetings. Linda Roth seconded, and the motion passed unanimously.

Tom Charles asked Harry Geller for an electronic copy of both drafts. Harry Geller said he would forward the drafts.

August 28 Meeting

Tom Charles said the Aug. 28 Council meeting is one day before the stakeholder meeting. As mentioned at last meeting, the Council normally would miss one summer meeting. Joe Capozzolo said the Council missed the February meeting due to weather. Dan Paul suggests canceling the August meeting. The Council still doesn't have full membership.

Harry Geller mentioned having the electronic subcommittee talk to the Council prior to the next stakeholders meeting. Rick Hicks said he would rather have August Council meeting due to the stakeholders meeting. Rick Hicks said to keep the schedule meeting and let Lori Shumberger know who will be or will not be attending the next meeting. If there aren't enough members able to attend, then the meeting will be canceled.

Other Council Priorities

Rick Hicks asked what should be discussed at the August meeting. Harry Geller suggested discussing the Council's priorities with the new Council members. Robert Christianson asked Harry Geller to come up with a list of priority issues from past meetings.

Harry Geller asked Tom Charles to express the Council's invitation to Commissioner Christy to visit the September meeting and introduced his staff. Robert Christianson mentioned that Commissioner Christy's bio is not on the PUC Website yet.

Rick Hicks again thanked Joe Capozzolo for the great job he did as Chairman for the Council. Everyone agreed and gave Joe Capozzolo a round of applause.

Future Agenda Items

- Chapter 14 and Chapter 56 Updates;
- House Bill 824;
- Stakeholders Meetings on Consumer Education for Potential Electric Price Increases Update;
- InfoMAP and Electronic Filing; and
- Council Priorities.

The next meeting for the CAC will be held at 10 a.m. on Aug. 28, 2007, in the Executive Chambers of the Commonwealth Keystone Building.

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