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August 16, 2010

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

Re: Interim Guidelines on Marketing and Sales Practices for Electric Generation  
Suppliers and Natural Gas Suppliers, Docket No. M-2010-2185981

Dear Secretary Chiavetta:

On behalf of the Retail Energy Supply Association ("RESA") enclosed please find the original of its Comments along with the electronic filing confirmation with regard to the above-referenced matter.

Very truly yours,



Deanne M. O'Dell, Esq.

DMO/lww  
Enclosure

cc: Office of Competitive Market Oversight (via email only)

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Interim Guidelines on Marketing and Sales :  
Practices for Electric Generation Suppliers : Docket No. M-2010-2185981  
and Natural Gas Suppliers :

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COMMENTS OF  
RETAIL ENERGY SUPPLY ASSOCIATION

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The Retail Energy Supply Association (“RESA”)<sup>1</sup> supports the Interim Guidelines set forth in the Commission’s Tentative Order dated July 16, 2010 at this docket. As explained in the Tentative Order, the Interim Guidelines are intended to establish uniform best practices for the sales and marketing activities of competitive suppliers who serve the residential market. These Interim Guidelines were developed as a result of a collaborative process, lead by the Commission’s Office of Competitive Market Oversight (“OCMO”), involving a diverse group of interested stakeholders. RESA, collectively and through individual members, actively participated in this collaborative process. RESA members understand the critical importance that substantive, practical, fair and workable consumer protection and marketing practices play in creating robust and sustainable competitive retail market that provides value-added products and services to customers. As a result, all members of RESA are committed to undertaking and promoting the following practices:

1. Not engaging in unfair, deceptive or misleading conduct as defined by applicable state and federal statutes and regulations.

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<sup>1</sup> RESA’s members include ConEdison Solutions; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; Energy Plus Holdings, LLC; Exelon Energy Company; GDF SUEZ Energy Resources NA, Inc.; Gexa Energy; Green Mountain Energy Company; Hess Corporation; Integrys Energy Services, Inc.; Just Energy; Liberty Power; PPL EnergyPlus; Sempra Energy Solutions LLC. The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

2. Not making false or misleading representations of competitive products and services, including misrepresenting rates, prices, or level of customer savings.
3. Using plain language, including words and images that facilitate customer understanding of competitive products and services.
4. Providing customers with written information, upon request, or with a link to a website at which information can be obtained, in response to all customer inquiries.
5. Using reasonable efforts to provide accurate and timely information about products, services, and customer 's rights of cancellation.
6. Ensuring that any product or service offering made by a competitive retail electric provider contains information designed to be understood by the customer, including but not limited to providing any written information to customers in the language which is used during a sales call or on-site visit or negotiation of the contract.
7. Ensuring prompt and fair investigations of all customer inquiries and complaints concerning a competitive supplier's service and/or marketing practices.
8. Cooperating fully with the appropriate state public utility commission, state consumer agency and local law enforcement in investigations concerning unfair, deceptive and/or misleading marketing practices prohibited by state law or regulation.

RESA members are committed to applying all of the above principles and practices in: (1) training of marketing representatives; (2) in-person and telephone contact with customers; and, (3) dispute resolution of customer complaints and disputes.

Through the efforts of the Commission and interested stakeholders, consensus was reached on a significant number of issues which cover a wide range of topics and recommend best practices for direct (door-to-door) marketing and telemarketing and sales in Pennsylvania. RESA supports adoption of these consensus items as set forth in the proposed interim guidelines.

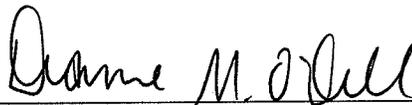
The interested stakeholders, however, were not able to reach consensus regarding three remaining issues. These issues relate to: (1) requiring marketers to physically exit the home

before the verification process takes place (see proposed Guideline D-4); (2) designating 9:00 AM to 7:00 PM as the permitted hours of operation when local ordinance does not have a lesser restriction applicable (see proposed Guideline J-2); and, (3) requiring marketer to contact distribution company prior to initiating marketing or sales activities that may lead to calls to the Commission (see proposed Guideline K-2).

RESA generally supports the proposed resolution of these three non-consensus items and has several members who use door to door marketing. RESA members who use door to door request clarification of the intent of proposed Guideline D-4 to allow a sales agent to remain on the customer's premises during a Third Party Verification but outside of the customer's home. RESA is also aware that members may request clarification in company specific comments. RESA respectfully asks that the Commission take the insight offered by individual members into consideration when finalizing these guidelines. RESA members offer a vast array of real world market experience that can contribute to ensuring that all the goals of the Commission – including developing a competitive market and ensuring consumers are not vulnerable to unscrupulous market participants – are reasonably balanced.

In conclusion, RESA appreciates all the efforts of the Commission staff and other stakeholders involved in this process.

Respectfully submitted,



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Date: August 16, 2010