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File #: 2507/140059

February 24, 2011

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2nd Floor North  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**RE: Interim Guidelines For Eligible Customer Lists, Docket No. M-2010-2183412;  
Irwin A. Popowsky v. Public Utility Commission, Docket No. 2641 CD 2010;  
Pennsylvania Coalition Against Domestic Violence v. Public Utility Commission,  
Docket No. 2712 CD 2010**

Dear Secretary Chiavetta:

By this letter, PPL Electric Utilities Corporation ("PPL Electric") responds to the February 16, 2011 letter filed with the Pennsylvania Public Utility Commission (the "Commission") by the Pennsylvania Coalition Against Domestic Violence ("PCADV") in the above-captioned proceedings. In summary, PCADV requests that the Commission require PPL Electric to change its current practices regarding the release of customer information and permit customers to withhold all information from the competitive market. For the reasons set forth below, the proposal advanced by PCADV should be rejected because it is inconsistent with the Commonwealth Court's Order preserving the "status quo" in this proceeding, it would not preserve the "status quo" as it relates to PPL Electric, it could cause PPL Electric to incur several million dollars in potentially wasteful and unnecessary costs with no mechanism for recovery of these costs, and could cause substantial confusion among PPL Electric's 1.4 million customers. It should be noted that this letter reflects the position of PPL Electric and is not intended to apply to or affect the policies and practices of any other electric distribution company regarding the release of customer information.

PCADV asserts that "to allow all customers to restrict the release of all their information best reflects the agreement reached by the parties at oral argument and maintains the status quo with respect to the state-wide disclosure exemptions, as approved in *Mid-Atlantic Power Supply Association v. Pa. PUC*." This statement is fundamentally wrong in two important respects as it relates to PPL Electric. First, PPL Electric is not a party to the proceeding pending before the Commonwealth Court. It therefore has no knowledge as to what the parties may or may not have agreed to at oral argument. Moreover, any such agreement cannot possibly be binding on PPL

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Electric as it is not a party to the appellate proceeding. In any event, a private agreement among the parties cannot override the plain language of the Court's order. Second, allowing customers to restrict the release of all their information does not preserve the status quo for PPL Electric. PPL Electric's status quo obligations regarding the release of customer information are governed by the Commission final order in *PPL Electric Utilities Corporation Retail Markets*, Docket No. M-2009-2104271 (October 22, 2009) ("*Retail Markets Order*"). This order was entered long after the MAPSA order cited by PCADV and therefore plainly supersedes that order. Moreover, PPL Electric's Retail Markets Order was not appealed and remains a final and valid Commission order with which PPL Electric must comply. Requiring PPL Electric to ignore this order and change its existing procedures regarding the release of customer information plainly does not preserve the status quo as mandated by the Court's order.

PCADV also asserts that allowing all customers to restrict the release of all their information "is further in line with stated preferences of PPL. . ." This is a misleading statement. PPL Electric, in the past, has supported this position, but PCADV fails to even mention that this position was litigated and was specifically rejected by the Commission. *Retail Markets Order*, Slip Op. at pp. 5, 8 (approving PPL Electric's current practices regarding the release of customer information, despite PPLICA's contention that customers should have the right to restrict the release of all account information). To be clear, PPL Electric does not support PCADV's current proposal to require PPL Electric, at this time, to allow customers to restrict all information for several reasons. First, to change its current practice would abrogate the status quo and would be inconsistent with the plain language of the Court's order. Second, it could require PPL Electric to re-solicit all of its 1.4 million customers at a cost of at least \$1.4 million. Additional costs would be incurred to reprogram PPL Electric's computer system. PCADV's proposal provides no avenue for PPL Electric to recover these substantial costs. Third, the changes to the status quo urged by PCADV may turn out to be unnecessary and wasteful. If PPL Electric were to adopt PCADV's proposal now and if the Commission's order is ultimately affirmed, PPL Electric may have to turn around and re-solicit its customers once again at a further cost of at least \$1.4 million dollars and with associated computer reprogramming costs. Fourth, such changes would obviously cause substantial customer confusion and clearly would not be in the public interest as it relates to PPL Electric .

For these reasons, PPL Electric requests that the Commission preserve the status quo and reject PCADV's proposal.

Respectfully Submitted,



David B. MacGregor

*Counsel for PPL Electric Utilities Corporation*

DBM/ctw

cc: 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 52 Pa. Code § 1.54 (relating to service by a participant).

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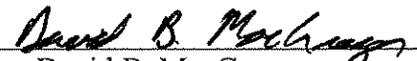
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Date: February 24, 2011

  
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