

# PENNSYLVANIA ENERGY MARKETERS COALITION

July 8, 2011

Rosemary Chiavetta, Secretary  
Secretary's Bureau  
Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

Dear Secretary Chiavetta:

Please find enclosed the Supplemental Comments of the Pennsylvania Energy Marketers Coalition in response to the Pennsylvania Public Utility Commission's Notice of Reconsideration on the issue of eligible customer lists (Docket No. M-2010-2183412).

Please do not hesitate to contact me with any questions or concerns regarding our Comments.

Sincerely,



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Enclosures

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Interim Guidelines For )  
Eligible Customer Lists ) Docket No. M-2010-2183412

**SUPPLEMENTAL COMMENTS OF THE  
PENNSYLVANIA ENERGY MARKETERS COALITION**

Pursuant to Docket No. M-2009-2082042<sup>1</sup>, the Pennsylvania Public Utility Commission ("PUC," or "Commission") has been considering the issue of Eligible Customer Lists ("ECLs") over the past several months, and established some interim guidelines providing for uniformity on such lists as prepared and provided by electric distribution companies ("EDCs" or "utilities") for Electric Generation Suppliers ("EGSs"). This issue was initially discussed by Commission Staff, competitive energy suppliers, and utilities in an April 8, 2010 meeting of the Commission's Office of Competitive Market Oversight ("OCMO") Committee Handling Activities for Retail Growth in Electricity ("CHARGE"), and following discussion and consideration resulted in an Order on November 12, 2010 ("Order"). Following entry of the Order, the Office of Consumer Advocate and the Pennsylvania Coalition Against Domestic Violence groups filed separate appeals that contended the Order violated consumers' right of privacy, and as the matter was being considered by the Commonwealth Court, the Commission requested that the Order be returned to the

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<sup>1</sup> See December 10, 2009 Secretarial Letter expanding the role of the PUC's Office of Competitive Market Oversight ("OCMO").

Commission for reconsideration. On June 9, 2011, the Commission filed its Notice of Reconsideration ("Notice"), and is seeking additional Comments.<sup>2</sup>

The Pennsylvania Energy Marketers Coalition ("PEMC")<sup>3</sup> is responding to the reconsideration request by the Commission and hereby provides these additional comments on this matter, and seeks to specifically address the need for an opt-out system of participation in the disclosure of customer information to EGSs.

**UTILITY CUSTOMER LISTS SHOULD BE FULLY AVAILABLE TO ALL EGSs;  
ALL CUSTOMERS SHOULD HAVE THE ABILITY TO OPT-OUT AT ANY TIME  
FOR ANY REASON**

Access to a comprehensive list of eligible customers in each utility area is fundamental to the ability of competitive suppliers to reach all consumers with detailed information and offers that may be of interest. Access to this information helps ensure the right people are contacted with applicable product offerings, that the cost of contact is minimized, and to help ensure that the proper information is validated at the time of enrollment to reduce errors and confusion.

At the same time, we fully understand the concern which some consumers may have about disclosure of information related to their account for personal reasons, and believe that the best way to address these concerns (whether associated with sensitive situations such as domestic violence, or simply due to consumer preference) is to establish an **opt-**

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<sup>2</sup> *Interim Guidelines For Eligible Customer Lists*, Docket No. M-2009-2183412, Order originally entered November 12, 2010, *PPL Electric Utilities Corporation Retail Market*, Docket No. M-2009-2104271, Order entered October 22, 2009, and *Petition of Duquesne Light Company for Approval of Default Service Plan for the Period January 1, 2011 through May 31, 2013*, Docket No. P-2009-2135500, Order entered July 30, 2010.

<sup>3</sup> For purposes of this filing, the Pennsylvania Energy Marketers Coalition ("PEMC") includes Agway Energy Services, LLC, Energy Plus Holdings LLC, Gateway Energy Services Corporation, Interstate Gas Supply, Inc., Pennsylvania Gas & Electric, SouthStar Energy Services LLC, and Vectren Retail, LLC. This group of energy marketers supply electricity, natural gas, and various other energy services to residential and commercial customers across a large number of utility markets throughout several states. They work together collaboratively on non-competitive, regulatory issues to advance competitive markets and consumer choice.

**out** protocol for all customer lists. In this manner, all key customer information is automatically provided to licensed and eligible EGSs unless a consumer affirmatively requests that such information not be provided. This key information should include that list of information originally provided in the November 12, 2010 Order and restated as Appendix A in the June 9, 2011 Order; and at a minimum include customer name, account number, telephone number, service address, billing address, tariff rate class and schedule, rate sub-class and sub-code, meter read cycle, load profile group, monthly consumption, on-peak and off-peak consumption, and monthly peak demand (if applicable.) EGSs must maintain the confidentiality of a consumer's personal information including the name, address and telephone number, and historic payment information, and provide the right of access by the consumer to his own load and billing information.<sup>4</sup>

PEMC agrees with the Commission's previous statement that including the customer's phone number in ECLs is important to the marketing efforts of the EGSs and is necessary to reduce barriers to competition. Furthermore, the inclusion of the customer's phone number is one step the Commission can take to help create a more efficient marketplace in the Commonwealth by lowering the per-customer acquisition costs for EGSs.

As noted in our Comments filed related to this Docket on August 3, 2010, we believe consumers can also exercise their option at any time of being added to Pennsylvania's "do not call" list<sup>5</sup>, which EGSs must comply with as stated by the Commission in the Order. Pursuant to the Pennsylvania Code<sup>6</sup>, consumers can be added to the "do not call" list by contacting utilities' customer service centers or filling out forms on utility web sites.

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<sup>4</sup> 52 Pa. Code §54.43 (d)

<sup>5</sup> Section 2 of the Telemarketer Act, 73 P.S. § 2242, protects consumers from unwanted telephone solicitation calls.

<sup>6</sup> See 52 Pa. Code § 54.8 on privacy of customer information.

## CONCLUSION

PEMC believes the Commission has a very important opportunity to provide more consistency in ECLs, which will help ensure robust electricity competition in the Commonwealth. It is critical that these Interim Guidelines are approached with a continued commitment to empower consumers so that they have the ability to take control of their energy purchases with products that they believe best fit their individual needs. If done right, the new ECLs will give EGSs more tools to provide Commonwealth residents and small businesses more choices for electricity supply and more control of their energy future.

July 8, 2011

Respectfully submitted,

PENNSYLVANIA ENERGY MARKETERS COALITION



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