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July 13, 2011

VIA ELECTRONIC FILING AND OVERNIGHT COURIER

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

***Re: Interim Guidelines for Eligible Customer Lists
Docket No. M-2010-2183412***

Dear Secretary Chiavetta:

Pursuant to the Commission's Order entered June 13, 2011 in the above-captioned proceeding, enclosed herewith for filing are the Comments of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company.

Please contact me if you have any questions regarding this matter.

Very truly yours,



Tori L. Giesler

dIm
Enclosures

c: As Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**COMMENTS OF METROPOLITAN EDISON COMPANY,
PENNSYLVANIA ELECTRIC COMPANY, PENNSYLVANIA POWER
COMPANY AND WEST PENN POWER COMPANY**

I. INTRODUCTION

By tentative order entered June 13, 2011 (“June 13 Order”) in the above-captioned matter, the Pennsylvania Public Utility Commission (“Commission”) provided notice of its intent to reconsider its Opinion and Order entered on November 12, 2010 (“November 12 Order”) regarding Eligible Customer Lists (“ECLs”). The June 13 Order also reconsiders determinations of the earlier PPL Electric Utilities Corporation (“PPL Electric”) and Duquesne Light Company (“Duquesne”) orders¹ that address ECL issues. The Commission directed that comments be submitted within thirty (30) days of entry of the June 13 Order, and that reply comments be submitted within forty-five (45) days of entry of the June 13 Order.²

Metropolitan Edison Company (“Met-Ed”), Pennsylvania Electric Company (“Penelec”), Pennsylvania Power Company (“Penn Power”) and West Penn Power Company (“West Penn”) (collectively, “the Companies”) respectfully submit the following comments for reconsideration of the Commission’s determination of ECL parameters as set forth in the November 12 Order.

¹ *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.

² June 13 Order at Ordering Paragraph 2.

II. COMMENTS

The Commission emphasized in its June 13 Order that its Secretarial Letter issued on February 15, 2011³ does not affect other portions of the November 12 Order that were not the subject of customer privacy issues raised by the Office of Consumer Advocate and the Pennsylvania Coalition Against Domestic Violence. For purposes of these comments, the Companies limit their input to the issues associated with the release of customer information held by an electric distribution company (“EDC”) on ECLs. The Companies do not have specific comments with regard to the earlier PPL Electric and Duquesne orders and maintain that those are matters for the respective EDCs concerned.

In its November 12 Order, the Commission instructed all EDCs to ensure that customers who are victims of domestic violence or are similarly endangered should have the unfettered ability to restrict all of their customer information from the ECL, and that EDCs should enable this kind of restriction to the extent that it is not already in place. With regard to those customers who are not victims of domestic violence or similarly endangered, the order effectively rescinded the Commission’s May 18, 1999 Order,⁴ which prohibited the release of telephone numbers generally and permitted customers to restrict the release of all customer information. The November 12 Order clarified that a customer may only restrict the release of their service address, historical billing data and telephone number, and that such restriction would occur through a customer opting out of inclusion on an ECL, rather than an “opt-in” process where affirmative customer action is required to release customer information. The Commission further directed that all EDCs establish, at a minimum, a fifteen (15) business day waiting period

³ The February 15, 2011 Secretarial Letter maintained a stay and *status quo* imposed by the appeal to the Commonwealth Court in *Petition for Review*, Office of Consumer Advocate, No. 2641 CD 2010 and *Petition for Review*, Pennsylvania Coalition Against Domestic Violence, No. 2712 CD 2010.

⁴ *Procedures Applicable to Electric Distribution Companies and Electric Generation Suppliers During Transition to Full Retail Choice*, Docket No. M-00991230, Final Order (May 18, 1999) (“May 18 Order”).

before releasing customer information after providing the customer notice set forth in 52 Pa. Code § 54.8.

The Companies agree with the position that customers who are victims of domestic violence or are similarly endangered should have the ability to restrict all of their customer information from the ECL. However, it would be very difficult, if not impossible, for the Companies to be aware of, or to track and monitor, a customer's status as a victim of domestic violence or other dangerous situation, nor should responsibility for such a task be placed upon an EDC. An EDC cannot, and should not, police customer claims of domestic violence or endangerment, and it is questionable whether the collection of such data is necessary and prudent in the provision of a regulated service. The Companies' current practice, consistent with the Commission's May 18 Order, is to restrict the release of all data of any customer, victim of domestic violence or otherwise, when a customer affirmatively opts-out of inclusion on the ECL.

The Companies recognize that there may be privacy and treatment of confidential information issues associated with EDCs releasing customer data for the ECL. While an EDC's maintenance of customer confidentiality may be a reasonable expectation held by all customers, the Commission may choose to balance any privacy issues concerning the extent to which all customers should be permitted to restrict their customer data with the possibility that an inclusive ECL may help foster retail electric competition in the Commonwealth. As pointed out above, the Companies' practice has been to restrict all customer data for any customer who opts-off the ECL, consistent with the Commission's May 18 Order. Therefore, a Commission decision to begin treating customer data differently at this time would cause significant programming changes that will take substantial time and financial resources to implement and should be accounted for when making a determination on this issue.

With regard to an “opt-out” versus “opt-in” process for purposes of restricting the release of customer data, the Companies support an opt-out process whereby a customer informs an EDC that they do not wish to be included on the ECL. Therefore, customer information should be made available on the ECL if the customer elects to take no action rather than requiring a customer to “opt-in” to include their specific data on the ECL.

Although the Companies understand that the Commission desires to establish uniformity in the type of customer information provided by EDCs in ECLs, it should be stressed that such uniformity may involve significant programming changes. To the extent that programming changes are required, as mentioned earlier in these comments, an acceleration of the implementation schedule may serve to increase programming costs and cause greater strain on programming resources. Therefore, to the extent that programming changes are required by any EDC operating in the Commonwealth as a result of the outcome of this process, the Companies propose that the EDC be afforded the flexibility to implement the ECL change (including the fifteen business day waiting period before releasing customer information after providing the customer notice) according to a timetable that results in the least cost to the EDC. The implementation schedule and cost recovery should be included in the EDC’s next default service filing. Also, it is critical that any changes ordered by the Commission should not alter any existing or pending default service plans.

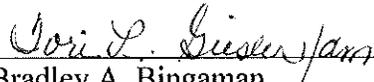
III. CONCLUSION

Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company appreciate the opportunity to provide comments

regarding customer privacy concerns and a customer's ability to restrict the release of customer data held by an EDC.

Respectfully submitted,

Dated: July 13, 2011


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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Interim Guidelines for Eligible Customer : **Docket No. M-2010-2183412**
Lists :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

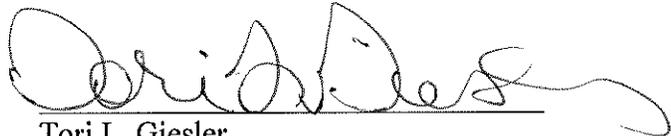
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