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July 13, 2011

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:

Enclosed for filing on behalf of Washington Gas Energy Services, Inc. is a copy of its Comments in the above-captioned docket, which were filed electronically through the Pennsylvania Public Utility Commission's e-File system today.

If you have any questions, please do not hesitate to contact me. Thank you.

Best Regards,

STEVENS & LEE

  
Michael A. Gruin

Encl.

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A PROFESSIONAL CORPORATION

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**COMMENTS OF  
WASHINGTON GAS ENERGY SERVICES, INC.**

Pursuant to the Notice of Reconsideration entered by the Pennsylvania Public Utility Commission (“Commission”) on June 13, 2011 in this matter, Washington Gas Energy Service, Inc. (“WGES”)<sup>1</sup> hereby files these comments to support and supplement the comments filed this date by the National Marketers Association (“NEM”), of which WGES is a member. As a result of an appeal and subsequent remand, the Commission intends to reconsider the Order it issued on November 12, 2010 in Docket No. M-2010-2183412 regarding uniform, statewide eligible customer list (“ECL”) information provided by Electric Distribution Companies (“EDCs”) to Electric Generation Suppliers (“EGSs”) (hereinafter referred to as the “November 12 Order”), as well as prior orders it issued in Docket Nos. M-2009-2104271 and in P-2009-2135500.

As a licensed EGS, WGES is currently offering electricity service to residential, commercial, industrial, and government customers in Pennsylvania and will begin offering gas service to these customers soon. WGES has been offering electricity and supply service to customers in the mid-Atlantic region for more than 15 years and is serving over 356,000 customers across Pennsylvania, Delaware, the District of Columbia, Maryland, and Virginia. As

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<sup>1</sup> Washington Gas Energy Services, Inc. is a licensed electric generation supplier (EGS) in the Commonwealth of Pennsylvania and first began serving commercial and residential customers in Pennsylvania at the beginning of 2010. WGES has served electricity supply markets since 2000 in Maryland, 2001 in the District of Columbia and 2006 in Delaware

such, WGES is well aware of the importance of eligible customer lists to a functioning competitive electric supply market, and is sensitive to customers' concerns about privacy.

WGES submits that the "opt-out" customer list rule and the minimum elements of a customer list that are set forth in the November 12 Order are sound and should be retained in the final Commission Order on remand. However, as NEM's comments point out, the Order should be modified to reflect an improved procedure to protect the privacy rights of customers. The November 12 Order did not provide a specific procedure for an individual who is a not victim of domestic abuse to opt out of providing personal information in the possession of an EDC to an authorized customer list. WGES believes that this deficiency should be remedied in a way that allows any customer to opt out.

To an individual who is a victim of domestic abuse, the benefits of being on a customer list – receiving ESG offers to save energy including innovative products tailored to usage and environmental ethic – are clearly outweighed by safety concerns. Individuals who are not victims of domestic violence also may have an interest in restricting the release of their personal information. The policy of retail competition is furthered by a customer list rule that is accurate and includes sound procedures to protect all customers' right to privacy, including the right not to be on a list.

Adoption of a Customer List rule is a policy issue. With proper communication to customers of "opt out" rights and with clear procedures for exercising such rights, the overall benefit to all customers of receiving innovative product offerings and savings should minimize, if not eliminate, and outweigh potential abuses. An opt-out approach is a recognized and reasonable approach that protects customers' rights to privacy.

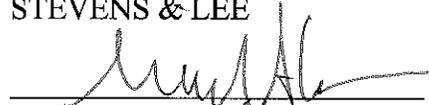
Customer lists are available to licensed suppliers in other jurisdictions, including in Maryland, Delaware and Virginia where WGES operates, and they have been successful based on real market experiences. WGES is not aware that customers' privacy rights have become an issue. With accurate customer lists, ESGs can better target their marketing efforts, reduce their marketing costs and increase the number of competitive offers they can make to customers. Statewide, accurate utility customer lists enable suppliers to avoid targeting customers who do not reside in a particular utility's service territory.

Finally, one particular significant value to ESGs, including WGES, of having access to a customer's historic load data from an authorized customer list is the ability to offer innovative products tailored to the customer's usage that could not be offered with such precision without up-front load data.

WGES thanks the Commission for the opportunity to present these comments and commends the Commission for addressing this important issue. WGES would be pleased to address any questions the Commission may have regarding the above comments.

Respectfully Submitted,

STEVENS & LEE

  
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