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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

**VIA HAND DELIVERY**

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

**PPL Electric Utilities Corporate Retail Markets; Docket No. M-2009-2104271**

**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**

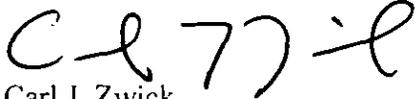
Dear Secretary Chiavetta:

Please find enclosed for filing with the Pennsylvania Public Utility Commission ("PUC" or "Commission") the original and five (5) copies of the Comments of Citizens' Electric Company of Lewisburg, PA, and Wellsboro Electric Company in the above-referenced proceedings.

As shown by the attached Certificate of Service, all parties to these proceedings are being duly served. Please date stamp an extra copy of this transmittal letter and Comments, and kindly return it for our filing purposes. Thank you.

Very truly yours,

McNEES WALLACE & NURICK LLC

By   
Carl J. Zwick

Counsel to Citizens' Electric Company of Lewisburg, PA, and  
Wellsboro Electric Company

CJZ/sds

Enclosures

c: Certificate of Service

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Interim Guidelines For Eligible Customer Lists	:	Docket No. M-2010-2183412
PPL Electric Utilities Corporation Retail Markets	:	Docket No. M-2009-2104271
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

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**COMMENTS OF CITIZENS' ELECTRIC COMPANY OF LEWISBURG, PA  
AND WELLSBORO ELECTRIC COMPANY**

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On November 12, 2010, the Pennsylvania Public Utility Commission (“PUC” or “Commission”) issued an Order (“November 12 Order”) establishing interim guidelines designed to produce greater uniformity in the type of customer information provided by Electric Distribution Companies (“EDCs”) in their Eligible Customer Lists (“ECLs”) to be made available to Electric Generation Suppliers (“EGSs”) licensed to market to consumers in Pennsylvania.<sup>1</sup> The Commission acted upon a recommendation from its Office of Competitive Market Oversight (“OCMO”) pursuant to discussions held by stake-holder committees in 2010. November 12 Order at 2-3. The November 12 Order followed the PUC’s July 15, 2010, Tentative Order, in which the Commission proposed adoption of specific elements to be included in a uniform, statewide ECL, and called for comments on such elements.

The Commission addressed two issues raised by commenters concerning the release of customer information. First, the PUC stated that victims of domestic violence or similarly

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<sup>1</sup> See *Interim Guidelines for Eligible Customer Lists*, M-2010-2183412, at 18.

endangered customers “should have the unfettered ability to restrict all of their customer information.” November 12 Order at 7. Second, the Commission addressed consumer protections available to the general public, providing guidance that a customer may restrict the release of its telephone number, address, and historic billing data. November 12 Order at 8. In doing so, the Commission relied on its finding in *Petition of Duquesne Light Company for Approval of Default Service Plan for the Period January 1, 2011 through May 31, 2013*<sup>2</sup>, in which it found that “[c]ustomers may restrict the release of all historical billing data consistent with 52 Pa. Code §54.8(a)(2).”<sup>3</sup> November 12 Order at 7-8. The Commission also delineated a minimum list of customer information and data points to be included in the ECL, including customer account number, customer name, customer 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.<sup>4</sup>

On December 29, 2010, the Pennsylvania Coalition Against Domestic Violence (“PCADV”) filed an Application for Supersedeas with the Commonwealth Court, seeking to stay the November 12 Order due to concerns about the right of customers to safeguard their information.<sup>5</sup> The Office of Consumer Advocate (“OCA”) supported the request for a stay, due to similar privacy concerns.<sup>6</sup> The Commonwealth Court granted the request for a stay on January 28, 2011. On March 8, 2011, the Commission asked the Court to remand jurisdiction back to the PUC, so that it could reconsider its determinations and “produce a new order that

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<sup>2</sup> *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> “An EDC or EGS may not release private customer information to a third party unless the customer has been notified of the intent and has been given a convenient method of notifying the entity of the customer’s desire to restrict the release of the private information. Specifically, a customer may restrict the release of ... (1) The customer’s telephone number (2) The customer’s historical billing data.” 52 Pa. Code § 54.8(a)(2).

<sup>4</sup> See Appendix A to the Commission’s June 13, 2011, Notice of Reconsideration in this proceeding.

<sup>5</sup> See the Commission’s June 13, 2011, Notice of Reconsideration in this proceeding at 5.

<sup>6</sup> *Id.*

strikes an appropriate and lawful balance between customer privacy rights and the Commission's obligations under Chapter 28 of the Public Utility Code." The Court granted the application and remanded jurisdiction back to the Commission on April 28, 2011. The Commission issued a Notice of Reconsideration on June 13, 2011, to request comments on these important issues.

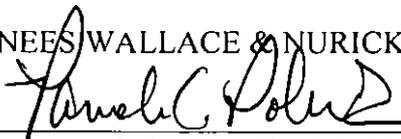
Citizens' Electric Company of Lewisburg, PA ("Citizens") and Wellsboro Electric Company ("Wellsboro") (collectively, "Companies") hereby provide these Comments on the reconsideration of the Commission's prior determinations regarding the disclosure of customers' information through the ECLs.

Citizens' and Wellsboro support allowing customers to restrict access to all information. Customers are well acquainted with making decisions regarding their privacy rights and whether they will permit information to be disclosed or shared by banks, credit card companies, websites and other service providers. Consumers are able to weigh the pros and cons of restricting disclosure, including the possibility that preventing disclosure of their information may limit the offers that they receive for new services or products. The Companies recognize that the Commission desires to promote retail markets, but, just as with banking, credit cards, websites and other services, the consumer should have the ability to decide whether information will be shared. The arguments raised by the OCA and PCADV regarding the privacy implications of the Commission's initial decision to limit the types of information that a customer can choose to restrict are compelling. In addition, commercial and industrial customers may have legitimate business reasons to restrict access to their information. The Companies urge the Commission to reconsider the initial decision, and to ensure that customers can restrict the release of all information.

Finally, the Companies support the use of “opt-in” authorization to release customer information, rather than assuming that all information will be released unless the customer affirmatively requests to restrict release. The Companies respectfully submit that this will lead to informed decisions by customers and avoid inadvertent disclosure of information.

**WHEREFORE**, Citizens’ Electric Company of Lewisburg, PA, and Wellsboro Electric Company respectfully request that the Pennsylvania Public Utility Commission consider and adopt, as appropriate, the foregoing Comments.

Respectfully submitted,

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Dated: July 13, 2011

## CERTIFICATE OF SERVICE

I hereby certify that I am this day serving a true copy of the foregoing document upon the participants listed below in accordance with the requirements of 52 Pa. Code Section 1.54 (relating to service by a participant).

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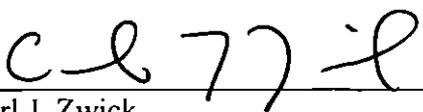
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