

Legal Department

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July 13, 2011

VIA OVERNIGHT DELIVERY

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

Re: Notice of Reconsideration
Docket Nos. M-2010-2183412, M-2009-2104271, P-2009-2135500

RECEIVED

JUL 13 2011

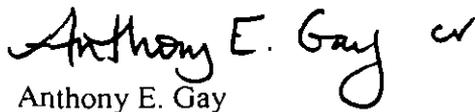
PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Dear Secretary Chiavetta:

Pursuant to the June 13, 2011 Notice of Reconsideration in the above-referenced dockets, enclosed please find an original and five (5) copies of the Comments of PECO Energy Company. Pursuant to 52 Pa. Code § 1.11(a)(2), the enclosed Comments shall be deemed filed on July 13, 2011, which is the date they were deposited with Federal Express as shown on the Federal Express delivery receipt.

Kindly return a time-stamped copy of the Comments in the self-addressed envelope that is enclosed. Please do not hesitate to contact me should you have any questions regarding this filing.

Very truly yours,

 Anthony E. Gay

Enclosures

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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION** PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

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
	:	
	:	

**COMMENTS OF PECO ENERGY COMPANY
IN RESPONSE TO THE NOTICE OF RECONSIDERATION**

Pursuant to the June 13, 2011 Notice of Reconsideration entered by the Pennsylvania Public Utility Commission (the "Commission") in the above-referenced dockets, PECO Energy Company ("PECO" or the "Company") hereby submits comments on the Commission's determinations regarding the ability of customers to restrict the release of personal data that would otherwise be included in an electric distribution company's ("EDC's") eligible customer list ("ECL").

I. INTRODUCTION

PECO appreciates the opportunity to comment on this matter and commends the Commission's efforts to "strike[] an appropriate and lawful balance between customer privacy rights and the Commission's obligations under Chapter 28 of the Public Utility Code." Although the Company understands that ECLs can provide valuable information to electric generation suppliers ("EGSs"), PECO believes that it is appropriate to provide all customers, not just victims of domestic violence, with the ability to restrict the release of all of their personal data. Based on PECO's experience implementing customer data restrictions, a "restrict all" option would not impair the continued development of retail electric markets in Pennsylvania.

II. COMMENTS

The customer privacy determinations being reconsidered herein were made as part of a broader effort to increase the uniformity of the ECL through the establishment of Interim Guidelines. *See* November 12, 2010 Order at Docket M-2010-2183412. In those Interim Guidelines, the Commission limited the ability of customers to restrict the release of their personal data as follows: (1) victims of domestic violence that affirmatively identify themselves as victims to the EDC may restrict all of their personal data; and (2) other customers may affirmatively restrict only their telephone number, service address and historic billing data – in which case all other personal data (e.g., name, account number) would be released.

PECO believes that customer privacy concerns would be better addressed by providing all customers with the ability to restrict the release of all of their personal data. For those customers who do not identify themselves as victims of domestic violence, it is unclear why privacy rights are recognized for certain types of personal data (such as service address) but not for others (such as customer name). Further, the data that those customers are unable to restrict (customer name) could presumably be used to quickly obtain access to data that is supposed to be restricted (e.g., looking up a customer name in a phone book). Regarding the “restrict all” option for victims of domestic violence, the Company does not believe it is appropriate to require customers to affirmatively identify themselves as victims to the EDC. The identification requirement raises additional privacy concerns and may create a disincentive for victims to take precautions to guard their personal information. In addition, as EDCs will not investigate reports of victim status, there is a potential for misuse if victim status is the only way a customer can restrict the release of all of its information.

The Company currently has a “restrict all” option in place for all customers (regardless of victim status) that is functioning well and has not impaired the development of the retail market. In 2010, PECO customers received a bill insert that presented three options regarding the restriction of customer data:

1. Affirmatively request that only name, address and account number be released
2. Affirmatively request that no data be released
3. Take “no action” and no restrictions will be placed on the release of personal data

Of the 1.6 million PECO customers who received the insert, 8,000 customers requested that all of their data be restricted. Of those 8,000 customers, approximately 5,760 were residential customers. Thus, in PECO’s experience, while the “restrict all” option is utilized by customers who desire a higher level of privacy, it does not in practice create a barrier for EGSs looking to expand their customer base in PECO’s service territory. In short, the “restrict all” option is a clear, fair and workable mechanism to protect the privacy of all customers -- it avoids the need for customers to report themselves as victims of domestic violence and also avoids a circumstance in which data is released over a customer’s objection.

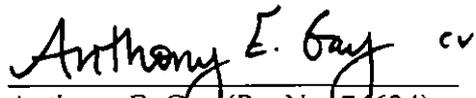
If the Commission’s ultimate decision on this issue precludes PECO from maintaining its existing data restriction options, then the Company requests time to educate and resurvey customers regarding the new restriction options before implementing any changes. This is particularly important because customers surveyed in 2010 were informed that their telephone numbers would not be released by PECO, regardless of which data restriction option they selected. Under the Interim Guidelines, however, customer telephone numbers will be released unless the customer takes affirmative action. Customers should be given the opportunity to make an educated decision about the new data restriction options. In addition to educating and

surveying customers, the Company would also need time to implement the IT changes necessary to accommodate the revised data restriction options. PECO anticipates that it could complete customer education efforts, customer surveys, and the necessary IT work within 18 months after the Interim Guidelines take effect.

III. CONCLUSION

PECO appreciates the opportunity to comment on this important matter and believes that the Company's recommended revisions are in the best interests of EDCs and their customers.

Respectfully submitted,

Handwritten signature of Anthony E. Gay in black ink, with a small 'cv' to the right.

Anthony E. Gay (Pa. No. 74624)
Michael S. Swerling (Pa. No. 94748)
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July 13, 2011

For PECO Energy Company

Pres

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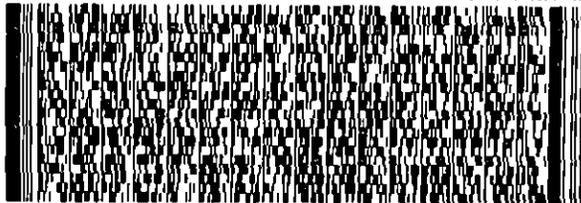
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PA PUBLIC UTILITY COMMISSION
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400 NORTH STREET
HARRISBURG PA 17120

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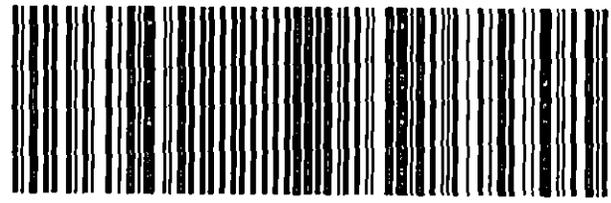
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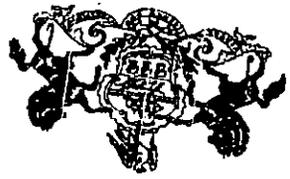


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