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December 21, 2011

**VIA ELECTRONIC FILING AND HAND DELIVERY**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Filing Room  
Harrisburg, PA 17120

RE: Marketing and Sales Practices for the Retail Residential Energy Market; Docket No. L-2010-2208332; **COMMENTS OF DOMINION RETAIL, INC.**

Dear Secretary Chiavetta:

Enclosed for filing with the Commission are the original and fifteen (15) copies of the Comments of Dominion Retail, Inc. in the above-captioned docket.

Thank you for your attention to this matter. If you have any questions related to this filing, please contact the undersigned.

Very truly yours,

Todd S. Stewart  
*Counsel for Dominion Retail, Inc.*

TSS/alh  
Enclosures

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BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Re: Marketing and Sales Practices :  
for the Retail Residential Energy : Docket No. L-2010-2208332  
Market :

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**COMMENTS OF DOMINION RETAIL, INC.**

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NOW COMES Dominion Retail, Inc. d/b/a Dominion Energy Solutions (“DES”) and hereby offer their comments to the Pennsylvania Public Utility Commission (“Commission”) as provided by the publication of the Proposed Rulemaking Order in the Pennsylvania Bulletin on October 22, 2011, and which provided that interested parties could provide Comments within 60 days, or December 21, 2011.

DES appreciates this opportunity to provide feedback to the Commission on what it believes is an important set of regulations. In large part, DES agrees with and supports the Commission’s proposal, and understands that while it is unfortunate that regulations of this nature are required, it is vital that competitive energy suppliers in Pennsylvania adhere to a certain minimum level of conduct in order to ensure the further development of the competitive markets. In this spirit, DES offers the following specific comments to the Proposed Rulemaking Order

**Section 111.2 Definitions.**

DES supports the definition of “Agency”.

**Section 111.4 Agent Qualification and standards; criminal background investigations.**

DES agrees that criminal background checks are necessary for agents who engage in door-to-door sales activities, and should include employees, contractors, and vendors. Because of the nature of the contact, DES also supports drug tests for agents—at least for those making direct customer contact. DES believes that because of the critical nature of the contact, and the level of responsibility that will be required of such agents, it is vital that they be unimpaired when dealing with customers in the customers' homes.

**Section 111.7 Customer authorization to transfer account; transaction; verification; documentation.**

DES supports the Commission's proposed enrollment and verification process as proposed. DES urges the Commission to allow flexibility to accommodate technological changes and marketing methodology adaptations that otherwise could render these regulations obsolete and require re-engagement of the regulatory process to update. One example is the use of electronic devices such as tablet computers in the enrollment process – would an electronic signature be sufficient in that case? In any event, to the extent that the regulations can include the flexibility to address such circumstances, DES supports such flexibility.

**Section 111.8. Agent identification; misrepresentation.**

DES supports the requirement that an agent state that he or she is not working for, and is independent of, the customer's local distribution company or other any other supplier. However,

DES believes that this notice should be provided by BOTH an oral statement, AND by written material; not simply one or the other. DES can envision a scenario where an agent could claim that they provided an oral statement, when they did not, but without a requirement of providing a written statement, there would be no way to refute the claim. While the same problem is possible even with a written requirement, DES believes that if written materials are required, they are more likely to be provided and the ultimate goal of customer notice will be achieved.

**Section 111.9 Door-to-Door Sales.**

DES supports the model business practices recently approved by the North American Energy Standards Board (NAESB) that call for 9 am- 7 pm with seasonal variations (but shorter in winter and longer in summer due to the differences in daylight hours), which is only slightly different from what the Commission has proposed. Accordingly, DES suggests that a minor modification of the proposed regulation to conform to the national standard is appropriate.

**Section 111.14 Notification regarding marketing or sales activity.**

DES supports the concept of encouraging suppliers to provide local distribution utilities with certain marketing information prior to launching sales campaigns. However, we do not believe that suppliers should be required to do so. We are in agreement that the supplier should be required to notify the local distribution utility no later than the morning of commencement of marketing activities that are taking place, so that the utility can respond to any customer inquiries it receives.

DES would again like to thank the Commission for its hard work in developing these important regulations and for this opportunity to provide its comments. As always, DES stands ready to assist the Commission in any further undertakings with regard to this subject.

Respectfully submitted,



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Dated: December 21, 2011