

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

**Interim Guidelines for Natural Gas
Distribution Company Eligible
Customer Lists**

**Public Meeting: August 15, 2013
Agenda No. 2324075 – LAW
Docket No. M-2012-2324075**

JOINT MOTION OF COMMISSIONER PAMELA A. WITMER
AND JAMES H. CAWLEY

Before the Pennsylvania Public Utility Commission (PUC or Commission) today is a Final Order outlining interim guidelines that are aimed at providing greater uniformity in the customer account information provided by Natural Gas Distribution Companies (NGDCs) to Natural Gas Suppliers (NGSs). The guidelines support the Commission's ongoing efforts to further develop the natural gas competitive retail market. Moreover, the actions in today's Order seek to more closely parallel similar guidelines recently issued to electric distribution companies (EDCs) and electric generation suppliers (EGSs).¹

We agree with the bulk of the Order including the major recommendations that: (1) Large Commercial and Industrial (C&I) customers be excluded from the eligible customer list (ECL) procedures outlined for the retail natural gas market; (2) to the extent possible, combination gas and electric utilities should perform coordinated solicitation efforts when refreshing the list for its entire customer base; (3) use of an "opt-out" process is appropriate for determining which customers are on the ECL; (4) the ECL should only contain information necessary for a NGS to make an initial offer and accurately and timely enroll a customer; and (5) NGDCs should update their ECLs on a monthly basis and then post them in a secure area on the NGDC website so NGSs can obtain access.

However, we believe that a further refinement is needed to better remove barriers to natural gas competition. Rather than forgo the requirement of having NGDCs re-solicit their small commercial and residential customer base in a dedicated mailing on at least a triennial basis,² we believe such a focused mailing is needed in order to ensure that the ECL is "refreshed" so that the information available to NGSs does not become stale.

¹ See *Interim Guidelines for Eligible Customer Lists*, Docket No. M-2010-2183412 Final Order on Reconsideration entered November 15, 2011 (*Electric ECL Order*).

² We note that certain NGDCs, such as Columbia Gas of Pennsylvania, Inc. (Columbia), currently notify their customers via bill insert of the ability to opt-out of the ECL semi-annually. While we appreciate this constant reminder to customers of the ability to opt-out, we don't believe this action relieves Columbia or others from the dedicated triennial mailing referenced above.

While we understand that a few commenters were concerned that requiring customers to reaffirm their decision to opt-out of the ECL disclosure process could be confusing to some and could result in customer complaints and individual dissatisfaction with the competitive process, we believe that it is appropriate to provide customers with the opportunity to make a different choice along with the requirements in the Order that NGDCs must provide information to their customer base about the ECL on at least an annual basis and that NGDCs must also permit their customers to change their disclosures preference at their own option via website or by telephone if and when circumstances warrant.

Additionally, upon further review of the *Electric ECL Order*, it has come to our attention that while we determined that “[i]n lieu of annual companywide solicitations, EDCs shall actively notify customers of their withholding options through each new customer’s welcome package and through periodic announcements in customer bill inserts, e-mail, or a separate announcement included in the customer’s paper bill or electronic notification, if available,” we failed to institute any sort of dedicated solicitation to “refresh” an EDC’s ECL on a company-wide basis. Accordingly, as part of this Motion, we suggest referring this issue to the Office of Competitive Markets Oversight (OCMO) for discussion by its CHARGE³ group in order to explore the necessity of such a requirement for EDCs.

THEREFORE, WE MOVE THAT:

1. Law Bureau prepare an Opinion and Order consistent with this Motion.

DATE: August 15, 2013



**PAMELA A. WITMER
COMMISSIONER**



**JAMES H. CAWLEY
COMMISSIONER**

³ CHARGE is an acronym for Committee Handling Activities for Retail Growth in Electricity