



COMMONWEALTH OF PENNSYLVANIA

August 5, 2014

E-FILED

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

**Re: Interim Guidelines for Eligible Customer Lists
Docket No. M-2010-2183412**

Dear Secretary Chiavetta:

I am delivering for filing today the Reply Comments, on behalf of the Office of Small Business Advocate, in the above-captioned matter.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in cursive script, reading "Elizabeth Rose Triscari".

Elizabeth Rose Triscari
Assistant Small Business Advocate
Attorney ID No. 306921

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

INTERIM GUIDELINES FOR : **Docket No. M-2010-2183412**
ELIGIBLE CUSTOMERS LISTS :

**REPLY COMMENTS OF THE OFFICE
OF SMALL BUSINESS ADVOCATE**

I. INTRODUCTION

In the public meeting held June 19, 2014, the Pennsylvania Public Utility Commission (“Commission”) issued a Tentative Order in the above-captioned matter seeking comments from interested stakeholders on the proposal made by the Commission’s Office of Competitive Market Oversight (“OCMO”) to require triennial company-wide solicitations of residential and small commercial customers by the Electric Distribution Companies (“EDCs”) in order to update the electric Eligible Customer Lists (“ECLs”), which are made available to electric generation suppliers (“EGSs”). The Office of Small Business Advocate (“OSBA”) submitted comments pursuant to the Tentative Order on July 21, 2014. Comments were also submitted by Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, and West Penn Power Company (together the “First Energy Utilities”), Duquesne Light Company (“Duquesne”), PPL Electric Utilities Corporation (“PPL Electric”), the Pennsylvania Public Utility Law Project (“PULP”), and the Office of Consumer Advocate (“OCA”).¹ The OSBA submits the following reply comments in response to the comments filed by other interested parties.

¹ The Comments filed by Duquesne and PPL Electric do not appear to have been published on the Commission’s website, but were served on the OSBA.

II. REPLY COMMENTS

1. The OSBA notes that of all the interested parties who submitted comments in response to the Commission's Tentative Order, none were from EGSs. Not one EGS indicated to the Commission that it believed triennial updates to ECLs were necessary or even beneficiary.

2. Of those EDCs who submitted comments, even those who did not oppose the refresh every three years, had concerns about the inundation of information already provided to customers, either by the EDCs themselves or through Pennsylvania's active retail electricity market. PPL Electric opposes the triennial requirement to update ECLs because it already updates its ECL weekly and regularly communicates with customers about their ability to switch to an EGS.

3. OCA and PULP each express concerns about the privacy of utility customers as well as the negative consequences of requiring customers who have already opted out of being placed on an ECL to take affirmative action for their personal information to remain off the list.

4. Of most concern, however, is the estimated cost of triennial solicitations. PPL Electric estimated that each solicitation would cost approximately \$1 million. The First Energy Utilities estimated the costs to be as much as \$400,000 for each solicitation and Duquesne estimated it to be \$657,000. Comments were not submitted by the other EDCs, including PECO, but it is safe to assume their costs would be comparable.

5. Although the OSBA did not initially take a position with respect to OCMO's recommendation, it did note that the Commission should weigh the costs and benefits. Given the high cost, the fact that EDCs already actively educate their customers about the ECL and the competitive retail electricity market, and no comments of support from EGSs, the OSBA respectfully requests that the Commission reconsider requiring triennial company-wide

solicitations. If the Commission determines that such solicitations should be mandated, the costs should be the responsibility of EGSs who have the most to benefit and not default service customers who already appear to receive adequate information regarding the ECL and the retail electricity market. Default service customers should not be forced to subsidize the marketing efforts of EGSs.

III. CONCLUSION

In view of the foregoing, the OSBA respectfully requests that the Commission adopt Interim Guidelines for Eligible Customer Lists consistent with the OSBA's comments above.

Respectfully submitted,



Elizabeth Rose Triscari
Assistant Small Business Advocate
Attorney ID No. 306921

For:

John R. Evans
Small Business Advocate

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300 North Second Street, Suite 1102
Harrisburg, PA 17101

Dated: August 5, 2014