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April 14, 2016

Via E-filing

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

**RE: Natural Gas Distribution Company Customer Account Number Access
Mechanism for Natural Gas Suppliers
Docket No. M-2015-2468991**

Dear Ms. Chiavetta:

Enclosed for filing, please find the Reply Comments of Columbia Gas of Pennsylvania, Inc. ("Columbia"), in accordance with the Pennsylvania Public Utility Commission's March 15, 2016 Secretarial Letter, regarding the above-referenced docket.

Please direct any questions with regard to this filing to the undersigned by calling (717) 238-0463.

Sincerely,

A handwritten signature in black ink that reads "Andrew S. Tubbs". The signature is written in a cursive, flowing style.

Andrew S. Tubbs

AST/kak
Enclosure

cc: Daniel Mumford (dmumford@pa.gov)
Megan Good (megagood@pa.gov)

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Natural Gas Distribution Company :
Customer Account Number Access : Docket No. M-2015-2468991
Mechanism for Natural Gas Suppliers :

REPLY COMMENTS OF COLUMBIA GAS OF PENNSYLVANIA, INC.

I. INTRODUCTION

On April 9, 2015, the Pennsylvania Public Utility Commission (“Commission”) entered a Tentative Order at the above-captioned docket relative to proposed procedures to facilitate natural gas suppliers (“NGSs”) access to natural gas distribution company (“NGDC”) customer account numbers when the customer’s account number is not available from the customer or the Eligible Customer List (“ECL”). Interested parties, including Columbia Gas of Pennsylvania, Inc. (“Columbia” or the “Company”) and the Retail Energy Supply Association (“RESA”), filed comments in response to the Tentative Order on May 26, 2015.

On July 8, 2015, the Commission entered a final order (“July 8th Order”) addressing the proposals from its Office of Competitive Market Oversight (“OCMO”), wherein the Commission directed that an Account Number Access Mechanism (“ANAM”), similar to the model used in Pennsylvania’s retail electric market, be developed as a tool to spur competition in the retail natural gas supply market. In its July 8th Order, the Commission directed all major Pennsylvania NGDCs to file compliance plans within six months of the entry date of the order, i.e., on or before

January 8, 2016. Further, the Commission provided interested parties with the opportunity to file comments thirty days following the filing of the NGDC compliance filings, or February 8, 2016.

On January 8, 2016, Columbia filed its compliance plan outlining the Company's proposed ANAM aligned with the directives provided by the Commission. Specifically, Columbia's compliance plan detailed that the ANAM:

- Includes a username and passcode-protected secure website portal that will, upon customer request and consent, provide NGSs with access to residential and small business customer account numbers that are not available on the NGDC's ECL.
- Requires an NGS to submit the customer's full name, service street address and five-digit postal code.
- Documents the NGS's attestation that it is enrolling the customer in a public location and that it has obtained a photo ID and a signed Letter of Authorization ("LOA") from the customer.
- Provides a field on the form to allow the NGSs to attest that the customer has provided photo documentation of customer identification.
- Returns the requested account number if a match exists.
- Tracks the usage of the system and is able to identify who accessed what data and when.

In addition, as required by the Commission's July 8th Order, Columbia's compliance plan addressed record retention and identified the expected costs, proposed cost recovery mechanism, and appropriate level of cost allocation.

On February 8, 2016, RESA filed comments, purportedly in response to the NGDC compliance plans. By Secretarial Letter issued on March 15, 2016, the Commission provided interested parties the opportunity to submit reply comments to RESA's comments on or before April 14, 2016. As addressed below, Columbia is concerned that the Commission's Secretarial Letter along with RESA's comments, improperly result in requiring NGDCs to reargue issues which were resolved by the Commission's July 8th Order. Columbia does not challenge the appropriateness of interested parties being afforded the opportunity to comment on the Company's compliance plan. However, in reviewing RESA's comments, it is clear that the comments have little to do with the NGDC compliance plans. Instead, the majority of RESA's written comments inappropriately seek to revisit several issues that were decided in the Commission's July 8th Order and relied upon by Columbia in developing its ANAM, which must be available for use on or before August 31, 2016.

As detailed below, RESA's comments amount to an untimely filed Petition for Reconsideration, which offers no new or novel arguments, and which, if adopted, would delay Columbia's implementation of its ANAM, and cause the Company, and its ratepayers to incur additional costs to implement. Had RESA wished to have the Commission reconsider the determinations as to the framework of the ANAM for the natural gas industry in Pennsylvania, RESA could have and should have filed a timely Petition for Reconsideration in July 2015. RESA did not do so. Instead, RESA waited eight months, and shrouded their untimely request for reconsideration as comments on NGDC compliance plans. In addition, even if the Commission considers RESA's untimely filed request for reconsideration, RESA has failed to meet the legal standard for granting such a petition. Lastly, if the Commission were to modify its July 8th Order at this time,

it would delay the timeframe for implementing Columbia's ANAM, as well as require the Company to incur additional costs to modify the structure and implement the ANAM developed consistent with the Commission's July 8th Order.

For the reasons set forth below, Columbia requests that the Commission reject RESA's improper request for the Commission to reconsider its July 8th Order.

In addition to the reply comments provided herein, Columbia commends to the Commission's attention and consideration the reply comments submitted by the Energy Association of Pennsylvania.

II. REPLY COMMENTS

A. Procedural Comments

RESA's February 8th filing, while couched as comments to the NGDC's ANAM compliance plans, amounts to an untimely filed Petition for Reconsideration of the July 8th Order. RESA seeks to have the Commission reconsider its own order, eight months after the Commission issued its Final Order on the structure of NGDC ANAMs. RESA's request to have the Commission reconsider and revise the July 8th Order should be rejected for a number of reasons.

First, RESA could and should have filed a timely Petition for Reconsideration, as provided for in the Commission's regulations. Indeed, RESA should and could have filed a Petition for Relief in July of 2015. While RESA had ample time to respond and review the Commission's July 8th Order, RESA delayed for almost eight (8) months before filing commentary. Under PA Code Section 5.572, RESA was given the opportunity to seek revisions to the July 8th Order in the form of a petition for relief or other petition, as follows:

§ 5.572. Petitions for relief.

(a) Petitions for rehearing, reargument, reconsideration, clarification, rescission, amendment, supersedeas or the like must be in writing and specify, in numbered paragraphs, the findings or orders involved, and the points relied upon by petitioner, with appropriate record references and specific requests for the findings or orders desired.

(b) A copy of every petition covered by subsection (a) shall be served upon each party to the proceeding.

(c) Petitions for reconsideration, rehearing, reargument, clarification, supersedeas or others shall be filed within 15 days after the Commission order involved is entered or otherwise becomes final. (emphasis added)

(d) Petitions for rescission or amendment may be filed at any time according to the requirements of section 703(g) of the act (relating to fixing of hearings).

(e) Answers to a petition covered by subsection (a) shall be filed and served within 10 days after service of a petition.

(f) Subsections (a)—(e) supersede 1 Pa. Code § 35.241 (relating to application for rehearing or reconsideration).

Section 5.572 provides that parties have 15 days to file a Petition for Reconsideration and or Clarification of a final Commission order. The Commission issued its final order regarding the ANAM on July 8, 2015. RESA failed to file a timely petition under Section 5.572 by July 23, 2015, 15 days following the final order date. Rather, RESA waited eight months to request that the Commission revisit the determinations made in its July 8th Order. This far exceeds the time permitted.¹ RESA's current filing request should be dismissed, as it was filed nearly 200 days after the issuance of a final Commission order. Moreover, as detailed below, as a result of RESA's delay, NGDCs are being required to

¹ In 2000, the Commission denied a Petition for Reconsideration as it was untimely filed 21 days after a final order. See *Pennsylvania Public Utility Commission, Bureau of Transportation and Safety v. Pittsburgh Limousine, Inc.*, 2000 Pa. PUC LEXIS 3 (Order entered January 13, 2000). Further, in 2013, the Commission denied a Petition for Reconsideration filed by RESA as untimely because it was filed 63 days after an October 2012 Order. See *Petition for Reconsideration Nunc Pro Tunc or for Amendment of the Commission's Opinion and Order of October 12, 2012, Re: PECO Energy Company* (P-2012-2283641).

reargue the same points made by RESA in May of 2015 and rejected by the Commission in its July 8th Order.

Second, even if RESA's comments were filed timely in a Petition, RESA has failed to meet the *Duick* standard for granting such a Petition. Accordingly, even if the Commission allows RESA's comments to be considered, the Commission should reject the suggestions that RESA has made. The legal standard for granting reconsideration following final orders is set forth in *Duick v. Pennsylvania Gas and Water Co.*, 56 Pa. P.U.C. 553, 559 (1982) (emphasis added):

A petition for reconsideration, under the provisions of 66 Pa. C.S. § 703(g), may properly raise any matters designed to convince the Commission that it should exercise its discretion under this code section to rescind or amend a prior order in whole or in part. In this regard we agree with the Court in Pennsylvania Railroad Company case, wherein it was said that “[p]arties ..., cannot be permitted by a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them....” What we expect to see raised in such petitions are new and novel arguments, not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission.

As detailed below in Columbia’s specific responses to RESA’s recycled arguments, if the Commission were to consider RESA's untimely filed comments, it is clear that RESA has failed to meet the appropriate legal standard as RESA has raised the “same questions which were specifically considered and decided against them” in the July 8th Order. The Commission has cautioned that the last portion of the operative language in *Duick* -- "by the Commission" -- focuses on the deliberations of the Commission, not the arguments of the parties. *See Pa. PUC v. PPL Elec. Utils. Corp*, Docket No. R-2012-2290597, p. 3 (Order entered May 22, 2014).

A petition seeking relief under the *Duick* standard may properly raise any matter designed to convince the Commission that it should exercise its discretion to rescind or

amend a prior order in whole or part. Importantly, however, the *Duick* standard does not permit a petitioner to raise issues and arguments considered and decided such that the petitioner obtains a second opportunity to argue properly resolved matters. As explained by the Pennsylvania Supreme Court, petitions for reconsideration of a final agency order may only be granted judiciously and under appropriate circumstances because such action results in the disturbance of final agency orders. *City of Pittsburgh v. Pa. Dep't of Transp.*, 416 A.2d 461 (Pa. 1981). Thus, because RESA does not offer a new or novel argument for the Commission to consider, the Commission should disregard RESA's comments.

Lastly, if the Commission were to determine that the issues raised in RESA's comments are well-taken, this would result in NGDCs and their customers incurring additional programming costs to implement their ANAMs and would necessitate a delay in implementing the mechanisms. Since July 8, 2015, the NGDCs, relying on the final order entered by the Commission, spent six months designing an ANAM to comply with the Commission's directives in the July 8th Order. Columbia submits that additional costs and implementation delays in response to RESA's untimely attempt to seek revisions to the July 8th Order would run contrary to the public interest.

In sum, because RESA did not avail themselves of the opportunity to file a timely petition under Section 5.572 and, instead, filed "comments" several months later that essentially seek relief that is governed under that Code section, the Commission should reject those comments as unreasonably untimely. However, if the Commission decides to review RESA's recently filed comments, the ANAM revisions that RESA seeks should be rejected because they do not meet the legal standard for granting a petition for reconsideration. Lastly, it is important to note that considering RESA's comments could

result in NGDCs spending even more time and money to structure and facilitate their ANAM mechanisms, delaying the implementation date of August 31, 2016. For these reasons, the Commission should deny RESA's comments which seek to modify the July 8th Order.

B. RESA's Proposed Modifications to NGDC's ANAMs

In addition to the procedural infirmities of RESA's request for reconsideration, the Commission should reject, as meritless, RESA's proposed modifications to the ANAM mechanism requirements that were established in the July 8th Order. Below, Columbia will address each of the proposed modifications identified by RESA in its February 8, 2016 comments. RESA's comments reiterate and reargue many of the same suggestions RESA made in its comments dated May 26, 2015, but which the Commission chose not to adopt in the July 8th Order. Columbia's May 26, 2015 comments addressed many of the requests raised by RESA in its May 26, 2015 comments to the Tentative Order and regurgitated in RESA's February 8, 2016 comments. Accordingly, Columbia incorporates its May 26, 2015 comments herein by reference. Additionally, Columbia responds to RESA's arguments, as follows:

1. **No hit/multiple hit scenarios.** Regarding no hit/multiple hit scenarios, RESA asks for "more consistency with how multiple hit / no hit situations are resolved" among the NGDCs. In their comments, RESA admits that they already raised this point in May of 2015. In its July 8th Order, the Commission established that NGDCs could employ their own approaches for ANAMs and that the Commission only requires at least the following three outputs of either the customer's account number, "no hit" or "multiple hits", essentially rejecting

RESA's position on this issue. (See July 8th Order, pg. 24). Further, as all NGDC customer information systems are not the same, it is logical that not all NGDCs can apply the same approach to ANAM mechanisms. Therefore, as determined by the Commission in its July 8th Order, NGDCs do not have to provide the same approaches for dealing with no hit/multiple hit scenarios.

Based upon the Commission's July 8th Order, Columbia has initiated the programming required to implement the ANAM by August 31, 2016. Indeed, Columbia developed its ANAM to comply with the order, for ease of use, and with the intent of providing the greatest probability (opportunity) for an NGS to locate a one-to-one match within Columbia's customer information system. The costs associated with changing Columbia's approach to no hit/multiple hit situations at this point are not appropriate and are not justified, as Columbia's compliance plan comports to the Commission's July 8th Order. In sum, the Commission should once again reject RESA's requests.

2. Margins of Error. In its comments, RESA asks the Commission, "to revisit the inputs that are used or reconsider the protocols to be followed when the query fails to produce an account number." Specifically, RESA (repeating NRG Energy's May 2015 arguments) requests that the Commission require all NGDCs to standardize their customer data, not require character for character match and allow for wildcards and/or drop-down box functionalities. The Commission specifically rejected these same arguments in its July 8th Order, stating that it had "concerns about possible effects on customer privacy and protections, especially with the use of wildcards." (See July 8th Order, pp. 11-12). Accordingly, the

Commission chose not to require inclusion of these functionalities. The concerns noted by the Commission in its July 8th Order continue to exist today. Therefore, the Commission should reject RESA's request, yet again, for being both untimely and for failing to offer any new or novel issue, but also, for simply restating arguments raised by NRG 10 months ago that were properly rejected by the Commission.

3. Alternatives to Margins of Error. Regarding alternatives to margins of error, RESA recommends that the Commission "revisit the information that an NGS should be required to enter into the NGDC's system when it is seeking the account number." Further, RESA asks the Commission to adopt a set of "best practices" for the NGDCs to follow in addressing the situations when use of the ANAM does not produce an exact match. Specifically, RESA proposes that the Commission require NGDCs to ensure that their databases do not contain extraneous information going forward so that first attempts are more frequently successful. Again, RESA and NRG raised these same issues in their May 2015 comments. In response to these exact arguments, the Commission's July 8th Order determined that NGDC systems and databases are not all the same and, therefore, directed the NGDCs to develop ANAMs within their existing web portals. (See July 8th Order, p. 9). Further, the Commission stated that there is not enough information to direct any NGDC to make customer database changes to yield exact matches. Consequently, because RESA has failed to raise new issues concerning margins of error alternatives, the Commission should once again reject RESA's recommendations. Moreover, if the Commission were to accept RESA's

recommendation, it would result in an implementation delay for ANAMs, as well as increased costs.

4. New Set of Inputs. RESA recommends that NGSs should have the ability to enter different inputs, such as customer last name and the last four digits of the social security number. Once again, RESA seeks to recycle an argument that it previously raised and which was rejected by the Commission. In its July 8th Order, the Commission considered this issue and determined that three data inputs are required in NGDC ANAMs: 1) the customer's full name, 2) service street address, and 3) postal code. (See July 8th Order, p. 11). Because RESA raises no new issues here, the Commission should reject RESA's proposal regarding additional inputs. Moreover, RESA's proposal would result in an implementation delay for ANAMs, as well as increased costs and should be rejected, accordingly.

5. Identification of Best Practices – Wildcards, Drop-down Boxes, Optional Fields, Multiple Hits, Multiple Attempts, Error Codes.

RESA proposes that if the addition of inputs is not workable, the Commission should "require all NGDCs to follow a set of best practices in situations when the Mechanism does not produce an exact match and to require NGDCs to clean up their databases going forward so that first attempts are more frequently successful." RESA suggests allowing the use of wildcards, use of drop-down boxes for street types or postal codes, option fields for NGSs in the event of no hits or multiple hits, allowing NGSs to view multiple hits, allowing NGSs to resubmit as often as necessary and for the ANAMs to provide information in the event of errors. Once again, RESA provides no new arguments. Rather, RESA asks the Commission to reconsider the decisions set forth in its July 8th Order. Specifically,

in its July 8th Order, the Commission did not require use of wildcards for customer privacy concerns. Further, while the Commission did require the use of postal codes and service street addresses, it did not require street type. The Commission's July 8th Order required that, in the event of a no hit or multiple hit scenario, NGSS be able to resubmit the request and view information to determine why an error occurred. Most of RESA's suggestions concerning best practices were already required in the Commission's July 8th Order. Consequently, because RESA fails to raise any new issues, the Commission should reject RESA's suggestions regarding best practices for Wildcards, Drop-down Boxes, Optional Fields, Multiple Hits, Multiple Attempts, Error Codes.

6. Cost Recovery Mechanisms. In its comments on NGDC compliance plans, RESA recommends that cost recovery be imposed upon all residential and small business customers. This too is a rehash of RESA's prior comments. In its May 2015 comments, RESA requested that, "the costs of the mechanism should be recovered through a rider or surcharge assessed on all customers." In its July 8th Order, the Commission did not dictate to the NGDCs a set cost recovery mechanism but, instead, directed NGDCs to include proposed cost recovery mechanisms and reasonable explanations as to why that mechanism was chosen in their compliance plans. Columbia's ANAM compliance plan proposed that the costs associated with developing, implementing, and maintaining its ANAM should be recovered through its Rider CC that is billed to all Choice eligible customers. Columbia does not support RESA's attempt to modify the Commission's July 8th Order at this time, which provided flexibility to NGDCs in

how to address cost recovery. Further, in its prior comments, RESA agreed that the costs should be imposed via a rider or surcharge on all customers. (See July 8th Order, p. 28). The Commission has already contemplated cost recovery methods in its July 8th Order, and decided not to require the same method to be employed by all NGDCs. Therefore, the Commission should reject RESA's proposal to require a set recovery method.

7. All Types of Sales. RESA desires to use the ANAM whenever an account number is sought by the NGS regardless of the venue, whether it is a public event, at work, at home or on the train. RESA already raised this same issue in May of 2015. In the Commission's July 8th Order, the Commission stated that it is "inappropriate to extend the use of account number access mechanisms beyond their use in public venues." (See July 8th Order, p. 19). Additionally, the Commission said it is not "appropriate to expand the mechanism at a time when door-to-door marketing is on the rise and complaints against energy suppliers are high in nearby jurisdictions." (See July 8th Order, p. 20). Nothing has changed since July 8, 2015, nor has RESA raised any new arguments to warrant a change in the Commission's prior determination. Therefore, Columbia requests that the Commission reject RESA's proposal once again.

8. On ECL. RESA suggests that the Commission "allow NGSs to freely utilize the mechanism in any scenario where the customer desires to enroll and authorizes the NGS to obtain his account number from the NGDC." Further, RESA argues that there is no valid reason for requiring an NGS to first use the ECL and make a customer await enrollment until the NGS reviews the ECL. This issue was

specifically raised by NRG in May 2015 and rejected by the Commission. Specifically, in its July 8th Order, the Commission made it clear that the purpose of the ANAM is to provide account numbers that are not already available on the NGDCs ECL. (See July 8th Order, p. 24). Further, the Commission reminded “all suppliers to review a utility’s ECL before querying its mechanism.” Consequently, the Commission has already given due consideration to this issue, and has decided that there is a valid reason for requiring use of the ECL first in its July 8th Order. Therefore, RESA’s comments should be rejected.

C. Columbia’s ANAM Compliance Plan

Throughout its February 8th comments, RESA provides an assessment of each NGDC Compliance Plan. RESA recommends that the Commission should require each NGDC, at a minimum, to modify their Compliance Plans to comply with all aspects of the July 8th Order. Columbia submits that its plan *does* comply with the Commission’s July 8th Order. Below, Columbia submits responses to RESA’s comments on Columbia’s January 8, 2016 Compliance Plan.

1. Drop-down Boxes. RESA maintains that Columbia does not address the use of drop-down boxes and identify error codes or fields causing errors in its ANAM compliance plan. Columbia will not offer a drop down box for postal codes because the drop down box would be lengthy and the drop down box feature is a window based feature and would prove more difficult on a mobile device. However, Columbia will offer a drop down box for the NGS to select the type of identification presented by the customer. The selection options under the drop down box will be “driver’s license, state issued photo identification, passport, military identification,

company issued photo identification, college student photo identification, or other.” If “other” is selected, the NGS will be required to manually enter the alternative photo identification used by the customer.

2. Error Codes. RESA maintains that Columbia does not, but should, provide optional fields for NGSs who receive no hits or error results. Columbia submits that the optional fields are available on the original input screen and can be inputted at any time, not only in the event of multiple hits, no hits, or errors. Columbia cannot anticipate what field is causing a user error, as previously mentioned. Further, the July 8th Order is silent as to whether and how NGDCs can anticipate user error.

3. ECL. RESA comments that Columbia’s compliance plan does not provide the account number even if the customer is on the ECL. Columbia responds that it will provide the customer account number if it is on the ECL. It was not in the original plan to also have the statement “account on ECL”, but the Company is willing to add that statement along with the account number.

4. Wildcards. In its comments, RESA recommends that all NGDC ANAMs should allow for use of wildcards in their compliance plans. Columbia will not be including wildcards due to the increased risk of inadvertently releasing customer information for incorrect accounts. Instead, Columbia will include optional fields for NGSs to input additional customer information and these fields will be available in the initial input screen at any time. The optional fields can be used when the search result finds multiple accounts based on the required inputs. Columbia believes the addition of the optional fields will increase the opportunities of finding a single match in its customer information database. Further, Columbia

has also added a feature that does not require the NGS to re-enter all of the information for the customer until an account number is found.

5. Margins of Error/Inputs. Regarding margins of error, RESA suggests that there are too many variations on how a no hit, exact match or multiple hit scenario is handled by each NGDC compliance plan. Columbia submits that it has clearly met the requirements as set forth by the Commission in its July 8th Order. The Commission requires that ANAMs include inputs of the full customer name, service street address and postal code. Columbia's plan includes input capabilities for a customer's full name, service street address and postal code, along with optional fields for NGS' to enter additional customer information. Columbia will not have a field for street types. These optional fields will be available at the onset, not just in the occasion of multiple hit results.

III. CONCLUSION

As set forth above, Columbia's ANAM compliance plan complies with the Commission's July 8th Order and should be approved as submitted. Further, RESA's February 8, 2016 filing, while styled as comments, amounts to an untimely and ill-supported Petition for Reconsideration that should be rejected for a number of reasons: (1) RESA's "comments" amount to a Petition for Reconsideration, which was filed 200 days late; (2) even if the Commission were to consider RESA's untimely request for reconsideration, RESA has failed to meet the *Duick* standard for granting such a Petition; and (3) if the Commission were to grant RESA's requests to modify the July 8th Order, NGDCs and customers would incur additional programming costs to implement the ANAM and would result in a delay in implementing the ANAM.

For the reasons set forth above, Columbia respectfully requests that the Commission approve Columbia's ANAM compliance plan as filed and reject RESA's untimely and ill supported request to reconsider the July 8th Order.

Respectfully submitted,



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