

# PENNSYLVANIA ENERGY MARKETERS COALITION

Rosemary Chiavetta  
Secretary, Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

September 12, 2017

Dear Secretary Chiavetta:

Please find enclosed the comments of the Pennsylvania Energy Marketers Coalition, in response to the Pennsylvania Public Utility Commission's Rulemaking Order of July 12, 2017, at Docket No. L-2015-2508421, seeking additional comments on two new issues as well as issues raised in an earlier round of comments in response to the Notice of Proposed Rulemaking issued in this docket on July 21, 2016.

Please do not hesitate to contact me with any questions or concerns regarding our comments.

Sincerely,

Frank Caliva  
Regulatory Consultant  
Pennsylvania Energy Marketers Coalition  
(PEMC)

President  
P.R. Quinlan Associates Inc.  
1012 14th Street NW, Suite 903  
Washington, DC 20005

Enclosure

**BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Rulemaking to Amend the Provisions of )  
52 Pa. Code, Chapter 56 to Comply with the ) PAPUC Docket No. L-2015-2508421  
Amended Provisions of 66 Pa. C.S. Chapter 14 )

**COMMENTS OF THE PENNSYLVANIA ENERGY MARKETERS COALITION**

The Pennsylvania Energy Marketers Coalition (“PEMC”) appreciates this opportunity to submit comments in response to the Pennsylvania Public Utility Commission’s (“PUC” or “Commission”) Rulemaking Order of July 12, 2017, at the above-captioned docket, seeking additional comments on two new issues as well as issues raised in an earlier round of comments in response to the Notice of Proposed Rulemaking (“NOPR”) issued in this docket on July 21, 2016.

The PEMC only has substantive comments to offer on the issued raised by the PAPUC, related to proposed revisions to 52 Pa. Code §§ 56.131 and 56.361. These sections of the regulations currently provide that for third party (either an individual, like a grown child of a utility customer, or a social services agency) to receive copies of various utility collection notices, including past due and termination notices, that are sent to the customer. These notices are effectively “courtesy copies” and do not imply that the third-party is financially responsible for the utility customer account. As PEMC understand the current rules, the purpose is to facilitate third-parties, who have been designated with customer consent, to have the information needed to help utility customers manage their accounts.

Under the proposed revisions included in the PAPUC’s Rulemaking Order of July 12, 2017, 52 Pa. Code §§ 56.131 and 56.361 would be revised to add the natural gas and electricity supplier switch confirmation notices, currently provided under regulations at to 52 Pa. Code §§ 57.173 59.93 by the utility to the customer when the utility receives and processes a new enrollment

transaction for that customer's account, to the list of notices that a utility will provide a customer-authorized third-party.

The PEMC understands and appreciates the intent behind these revisions: to ensure that customers, particularly customers in demographics with a greater degree of vulnerability, can be as protected as possible. The rationale of these changes appears to be to maximize the opportunity for a third-party to intervene on a customer's behalf, or provide assistance to that customer. If an enrollment occurs, the authorized third-party could, according to this rationale, follow up with the customer to confirm that the enrollment was intentional.

In cases of a relative of a customer, or an individual with power of attorney or similar authority on behalf of a customer, the proposed revisions seem reasonable and in the customer's interest. Particularly in cases in which a customer's ability to manage their own affairs is limited, and has already been recognized as such through the designation of power of attorney, any proposals for changes to a customer account should of course be handled by the designated individual. The PEMC also views as appropriate the providing of notifications of a supplier switch when a family member may not have power of attorney but does provide informal assistance to a customer who may need additional help with making business decisions.

Our concern, however, is that unlike billing and collections notices, notification of a supplier enrollment transaction is a written confirmation of a positive choice made by the customer, which is already subject to the sales, marketing, enrollment, and verification regulations of the PAPUC, as well as the applicable customer contract rescission period. The involvement of a third party, particularly one that does not have power of attorney or any legal authority to negotiate on a customer's behalf, could add confusion to the supplier – customer relationship. It also adds ambiguity to the supplier responsibility to determine the legal authority of any third party that

attempts to communicate with a supplier on behalf of a customer after receiving an enrollment transaction notification.

Additionally, the PEMC is concerned about the application to supplier change confirmation notices of the current language of paragraph (3) at 52 Pa. Code §§ 56.131 and 56.361, which states the utilities must institute and maintain a program:

(3) To solicit community groups to accept third-party notices to assist in preventing unnecessary terminations and protecting the public health and safety.

While the PAPUC did not propose any changes to the language of paragraph (3), which explicitly relates to the utility encouraging community groups to receive third-party notices related to billing and collections, the PEMC is concerned that utilities will interpret the other changes proposed in these sections to require them to solicit community groups to accept third-party notifications of supplier change confirmation notices.

There are several so-called community groups that have a documented opposition to the concept of competitive retail energy markets and would prefer all customers to be served through utility-provided default service. The PEMC fears that, contrary to the PAPUC's objectives, the unintentional result of these proposed changes could be an effort by certain community groups to receive notification of customer enrollment with a supplier and attempt to influence that customer to cancel or rescind the contract regardless of the value of the product or service to the customer.

To address these potential issues, and ensure that customers that have control of their own business affairs retain the right to make positive decisions on their own behalf regarding their energy service, we respectfully propose notifications of supplier change confirmation notices be limited to immediate family members over the age of 18, or individuals with legal authority, such as power of attorney, to act on behalf of a customer.

We appreciate the opportunity to comment on this matter, and commit our coalition to further participation in the ongoing discussion about how to ensure the retail energy market in Pennsylvania best serves all the citizens of the Commonwealth.

Respectfully submitted,

PENNSYLVANIA ENERGY MARKETERS COALITION

A handwritten signature in black ink, appearing to be 'J. Quinlan', written in a cursive style.

Regulatory Consultant  
Pennsylvania Energy Marketers Coalition

President  
P.R. Quinlan Associates Inc.  
1012 14<sup>th</sup> Street NW, Suite 903  
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