

**Pennsylvania Public Utility Commission
Office of Competitive Market Oversight**

**INFORMATION FOR
ELECTRIC GENERATION
SUPPLIERS**



CONTENT:

- Introduction to the PUC, Office of Competitive Market Oversight, CHARGE and the Retail Markets Investigation.
- The informal complaint and compliance process.
- Marketing Guidelines.
- Customer Information (disclosure and billing).
- Switching.
- Chapter 56 residential standards.
- Other rules.
- Reporting requirements.
- www.papowerswitch.com.
- Sources of information.
- Contact information.



PUC Activities: OCMO

OCMO: Office of Competitive Market Oversight:

- ⦿ Serves as the Commission's electric retail choice ombudsman
- ⦿ In this capacity, the OCMO will oversee the development and functioning of the competitive retail electric supply market.
- ⦿ Is within the office of the Director of Regulatory Operations, who calls upon a designated group of legal, technical and policy staff members from various Commission bureaus and offices to informally address obstacles faced by electric generation suppliers in participating in the retail market.

OCMO: Office of Competitive Market Oversight:

- Includes representatives from the Commission's Law Bureau, Technical Utility Services (Licensing & Reporting), Consumer Services, OSA, and Communications.
- Responsible for responding to questions from electric generation suppliers, monitoring issues hindering the development of a competitive retail market and facilitating informal dispute resolution between default service providers and electric generation suppliers.
- Contact Email: ra-OCMO@pa.gov.

PUC Activities: CHARGE

Committee Handling Activities for Retail Growth in Electricity (CHARGE)

- Representatives of the Office of Competitive Market Oversight (OCMO), EGSs, EDCs and consumers have formed a working group to informally resolve issues that arise in the retail electric market.
- Monthly conference calls.
- Call schedule is on the OCMO webpage, including an email link to use to submit questions and possible agenda items.
- http://www.puc.pa.gov/utility_industry/electricity/electric_competitive_market_oversight.aspx



PUC Activities: RMI

Retail Markets Investigation (RMI):

- ⦿ April 29, 2011 Order - the Commission launched this statewide investigation with the goal of receiving recommendations for improvements to ensure that a properly functioning and workable competitive retail electricity market exists in Pennsylvania.
- ⦿ Docket No. I-2011-2237952
- ⦿ Webpage:
http://www.puc.pa.gov/utility_industry/electricity/retail_markets_investigation.aspx

Retail Markets Investigation (RMI):

- ⦿ The investigation is conducted by the Office of Competitive Market Oversight (OCMO).
- ⦿ The Commission directed the development of two work plans : one for intermediate steps involving changes to the existing market model and a second one for the long range steps involving structural changes to the default service model.
- ⦿ OCMO and the Commission held a series of technical conferences and En-Banc Hearings.

Retail Markets Investigation (RMI):

Intermediate Work Plan:

- March 1, 2012 Public Meeting.
- Included mechanisms intended to enhance the competitive market in the short-term (2013-15).
- Included referral programs, opt-in customer pools and consumer education.
- Many of these mechanisms are currently being considered in the pending 2013-2015 EDC Default Service Plan proceedings.

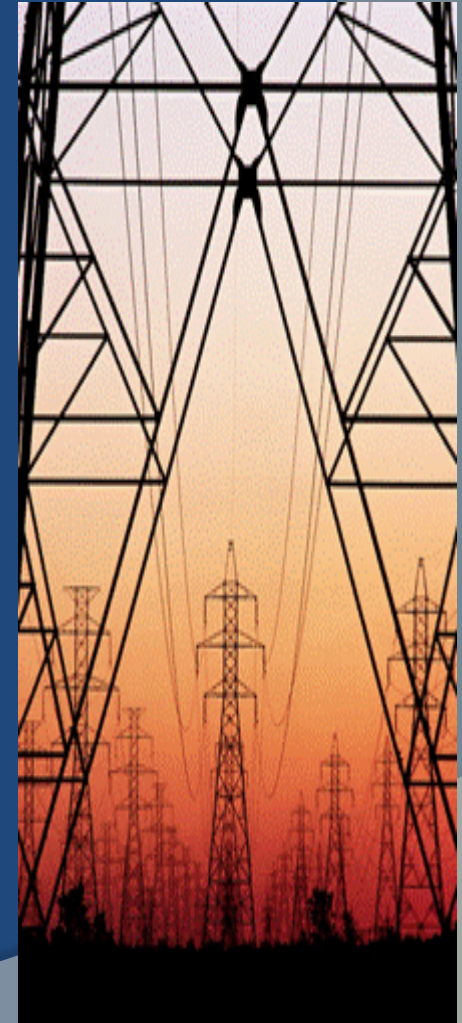
Retail Markets Investigation (RMI):

Current Status:

- ⦿ September 27, 2012 Secretarial Letter re: End-State Proposal.
- ⦿ Conference on October 17, 2012.
- ⦿ Tentative Order (November 8, 2012?) on proposed End-State.
- ⦿ Comments will be due within 30 days following the entry of this Tentative Order.

The Informal Complaint Process:

- The informal complaint process is the process most typically used by residential and small commercial customers.
- It is intended to be *informal* (no hearing, attorneys not necessary, no transcript, etc.) and faster than formal.
- Usually initiated by a consumer calling our hotline (1-800-692-7380). Can also mail or email.
- Bureau of Consumer Services (BCS).



The Informal Complaint Process:

- ① The BCS interviewer will enter a complaint into our internal complaint tracking system. Complaint is assigned to an investigator.
- ② The company will be notified (electronically, by fax, or by email).
- ③ To participate in our electronic notification system (web-based data exchange), contact us.
- ④ Complaints can be opened involving multiple entities (supplier, utility, other suppliers, etc.).

The Informal Complaint Process:

- ⦿ Utilities and suppliers are expected to respond to the complaint as soon as possible; no longer than 30 days (see 52 Pa Code 56.163).
- ⦿ Questions about the complaint and how to respond: contact the investigator (name and contact info is on the complaint).
- ⦿ Response should be in writing (electronic, email, fax, etc.).

Responding to Informal Complaints:

- ⦿ Your contacts (if any) with the complainant before and after the filing of the complaint.
- ⦿ Explain what occurred, what was said, etc.
- ⦿ Provide any supporting evidence and documentation (audio files, signed enrollment forms, disclosure statements, marketing materials, etc.).
- ⦿ If complaint involves billing/payment – an account statement should be provided.
- ⦿ The company’s “final position” on the matter.

Responding to Informal Complaints:

The company has 2 primary objectives when responding to informal complaints:

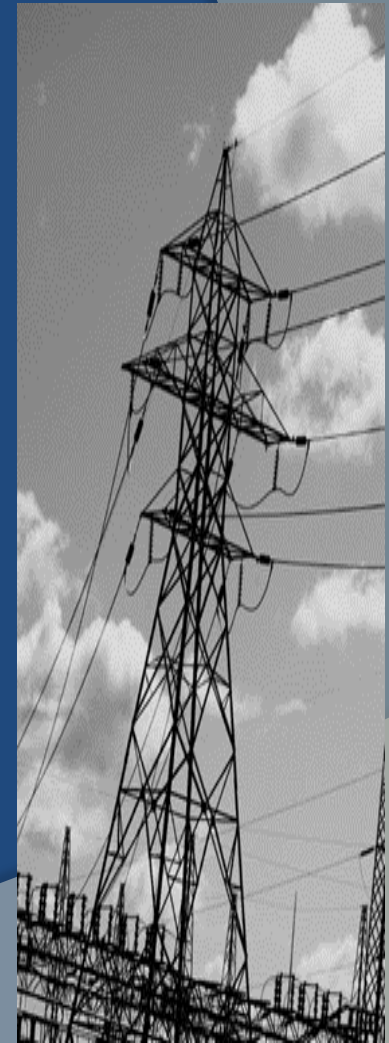
1. Provide the BCS investigator with enough information to consider the matter and to work with the parties to resolve the dispute.
2. If allegations are made by the complainant - demonstrate compliance with the applicable rules.

Informal Complaints: Possible Resolutions:

- ⦿ Settlement.
- ⦿ Provide complainant with information sufficient to satisfy their concerns.
- ⦿ Binding informal decision (slamming, billing disputes, etc.).
- ⦿ Referral to other agency or formal level if it is something BCS cannot address informally.
- ⦿ Company will be notified of the closing of the informal complaint and the resolution (electronically, fax or email).

Informal Compliance Process:

- ⦿ If the BCS investigator or analyst notices a possible compliance issue on an informal complaint, they will send the supplier a “Notification of Informally Verified Infraction of Regulation or Guideline.”
- ⦿ Notice will explain the possible infraction and who to contact to discuss, question, challenge, etc.





Bureau of Consumer Services

Notification of Possible Informally Verified Infraction of Regulation or Guideline

Faxing/E-Mailing Date: 8/8/2012

BCS CASE NUMBER: 29 [REDACTED]	CASE OPEN DATE: 5/14/2012
COMPANY: [REDACTED] ELECTRIC, INC. (EGS)	COMPLAINANT: [REDACTED]
COMPANY CONTACT/ADDRESS:	COMPLAINANT ADDRESS: [REDACTED] NORRISTOWN PA 19401
ACCOUNT NUMBER: 888888888	

The purpose of this notice is to bring to the attention of your company our concerns about a possible infraction of Commission regulations or guidelines. During a review of the informal investigation of this consumer complaint, the Bureau of Consumer Services (BCS) received information which warrants further review. This notice is intended to be an informal, advisory notice intended to assist the company with complying with Commission regulations and guidelines. The BCS expects that your company will review the matter and if it is determined an infraction may have occurred, your company will adopt any corrective actions needed to prevent future occurrences. However, if your review of the matter indicates that the infraction did not occur, please forward this information to the BCS so that we may correct our records.

Based on the informal investigation, BCS is recording the following informally verified infraction(s). Please review the detailed description of each infraction below.

	INFRACTION	DATE OF OCCURRENCE
1	MRKTNGGuideline O	5/14/2012

INFRACTION DESCRIPTION(S):

1 MARKETING GUIDELINE O (M-2010-218981): SUPPLIERS SHALL RESPECT ANY INDIVIDUAL'S REQUEST TO BE EXEMPTED FROM FURTHER DOOR-TO-DOOR MARKETING OR SALES CONTACTS AND SHOULD ANNOTATE ANY EXISTING MARKETING OR SALES DATABASES TO REFLECT THIS REQUEST.

If the above information is accurate, you do not have to provide a written response to the BCS. BCS will assume that the company has properly identified the problem, the cause of the problem, and has taken the necessary corrective action to avoid further problems of this nature.

If the above information is not accurate, you may request a review of each informal infraction involved within 30 days of the date of this notice. Each written request for review must include the BCS case number, the complainant's name, and specific supporting data indicating that the information is inaccurate.

Informal infraction reviews or questions should be sent to:

DAN MUMFORD	DMUMFORD@ps.gov	717-783-1957
P O Box 3265, Harrisburg, PA 17105-3265		717-783-5659 (FAX)

Informal Compliance Process:

- ① The purpose of this notice is to bring to the attention of the company our concerns about a possible infraction of Commission regulations or guidelines.
- ② This notice is intended to be an informal, advisory notice intended to assist the company with complying with Commission regulations and guidelines.
- ③ The BCS expects that the company will review the matter and if it is determined an infraction may have occurred, the company will adopt any corrective actions needed to prevent future occurrences.

Informal Compliance Process:

- If the information is not accurate, you may request a review of each informal infraction involved within 30 days of the date of this notice. Each written request for review must include the BCS case number, the complainant's name, and specific supporting data indicating that the information is inaccurate.
- Informal infraction reviews or questions should be sent to the compliance specialist that is identified at the bottom of the notice.

Other Compliance Processes:

- ⦿ We monitor the informal compliance system and look for any trends, repeated infractions, etc.
- ⦿ Repeated informal infractions and/or failure to correct a compliance problem can result in more formal compliance action.
- ⦿ More formal compliance action can include the filing of a formal complaint; referral to the PUC's Bureau of Investigation and Enforcement and/or referral to another agency (Office of Attorney General).

Other “Complaint” Avenues:

- Emails sent through www.papowerswitch.com.
- Community events.
- Legislative referrals.
- Direct contacts with Commission staff.
- The media.
- Other suppliers and utilities.
- Other state agencies. Both the Office of Consumer Advocate and the Office of Attorney General have hotlines that consumers can call.
- Self-reporting.



Marketing Rules and Guidelines:

The Commission has both long-standing rules and recent guidelines that address supplier marketing:

- ⦿ In Title 52 regulations:
 - Chapter 54 Customer Information
 - Chapter 54 Supplier Licensing
 - Chapter 57 Switching
- ⦿ Interim Guidelines on Marketing and Sales Practices for Electric Generation Suppliers and Natural Gas Suppliers. M-2010-2185981, November 4, 2010.



Existing Marketing Rules, 52 Pa Code:

Customer Information – Chapter 54.

- 54.3: Standards and Pricing Practices for Retail Electricity Service: Use common and consistent terms, including “EDC.”
- 54.6: Request for Information About Generation Supply: Must be able to support marketing claims of “renewable”, “produced in PA” etc. Cannot use general, unsubstantiated claims such as “green.”

Marketing Regulations: Customer Information:

54.7 Marketing/Sales Activities:

- ⦿ Advertised prices = disclosure prices = billed prices.
- ⦿ Effective date of prices must be shown.
- ⦿ Suppliers have to provide the PUC with copies of marketing materials upon request.

Marketing Regulations: Supplier Licensing:

54.43: Standards of Conduct and Disclosure for Licensees:

- ⦿ (1) A licensee shall provide accurate information about their electric generation services using plain language and common terms in communications with consumers. When new terms are used, the terms shall be defined again using plain language. Information shall be provided in a format that enables customers to compare the various electric generation services offered and the prices charged for each type of service.

Marketing Regulations: Supplier Licensing: 54.43:

(c) A licensee shall provide notification of change in conditions of service, intent to cease operation as an electric generation supplier, explanation of denial of service, proper handling of deposits and proper handling of complaints in accordance with this title.

(d) A licensee shall maintain the confidentiality of a consumer's personal information including the name, address and telephone number, and historic payment information, and provide the right of access by the consumer to his own load and billing information.

(e) A licensee may not discriminate in the provision of electricity as to availability and terms of service based on race, color, religion, national origin, sex, marital status, age, receipt of public assistance income, and exercise of rights under Subchapter IV of the Consumer Credit Protection Act (15 U.S.C.A. §§ 1691—1691f), relating to Equal Credit Opportunity. See 12 CFR 202-1—202.14 (relating to Equal Credit Opportunity Regulation B).

Marketing Regulations: Supplier Licensing: 54.43:

(f) A licensee is responsible for any fraudulent deceptive or other unlawful marketing or billing acts performed by the licensee, its employees, agents or representatives. Licensee shall inform consumers of state consumer protection laws that govern the cancellation or rescission of electric generation supply contracts. See section 7 of the Unfair Trade Practices and Consumer Protection Law (73 P. S. § 201-7).

(g) A licensee shall comply with relevant Commission regulations, orders and directives that may be adopted.

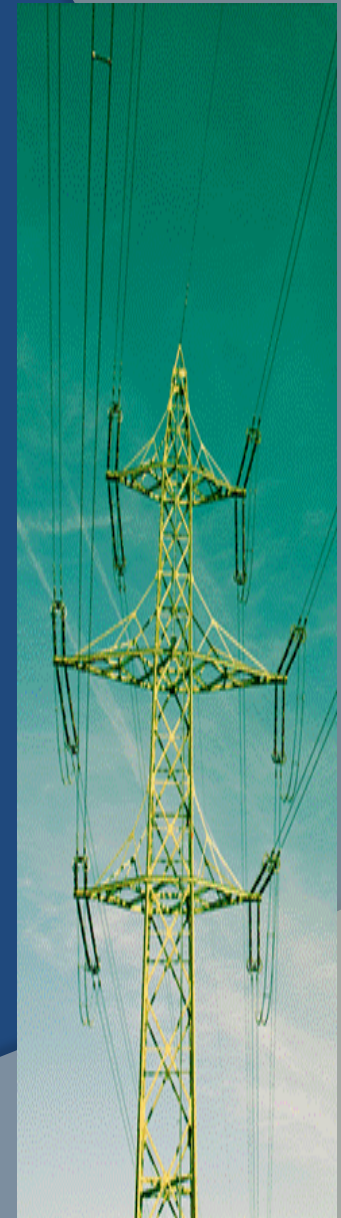
Marketing Regulations: Supplier Switching:

§ 57.176. Valid written authorization.

- ⦿ A document signed by the customer of record whose sole purpose is to obtain the customer's consent to change EGSs shall be accepted as valid and result in the initiation of the customer's request. Documents not considered as valid include, but are not limited to, canceled checks, signed entries into contests and documents used to claim prizes won in contests.

Marketing Guidelines:

- Provides guidance on matters the current regulations do not fully address; specifically door-to-door marketing.
- To provide some “rules of the road” on an interim basis while permanent rules are pending (the regulatory review process can take 1-2 years).
- *Interim Guidelines on Marketing and Sales Practices for Electric Generation Suppliers and Natural Gas Suppliers.* M-2010-2185981, November 4, 2010.



Marketing Guidelines:

Suppliers are expected to conduct themselves with these expectations in mind so that their sales and marketing activities do not call into question the fairness and integrity of the competitive market. Anything that damages the reputation of the competitive market harms not only consumers, but also all suppliers participating in the market.

Marketing Guidelines:

While these guidelines are important, they cannot address all of the possible issues that may arise when suppliers or their agents interact with customers. Everyone should use good judgment to avoid any practices that may appear to be overly intimidating or aggressive, especially when dealing with vulnerable customers, such as the elderly, and suppliers should have policies in place to prevent such practices.

B. Background Checks:

The suppliers performing door-to-door marketing shall conduct, on all potential door-to-door marketing agents or sales agents, comprehensive criminal background checks and screenings necessary to determine if an individual presents a possible threat to the health and safety of the public.

B. Background Checks:

- ⦿ When the supplier contracts with an independent contractor or vendor to perform door-to-door activities, the supplier shall confirm that the contractor or vendor has performed criminal background checks and appropriate screenings of its employees, agents and independent contractors .
- ⦿ Megan's Law registry check required.

C. Training:

- ⦿ Laws and regulations governing marketing, consumer protection and door-to-door sales.
- ⦿ Responsible and ethical sales practices.
- ⦿ Supplier's products and services; rates, rate structures and payment options.
- ⦿ Customers' right to rescind and cancel contracts;
- ⦿ Termination fee for contract cancellation (if applicable).
- ⦿ Adherence to scripts; proper completion of contract, enrollment documents and disclosures.
- ⦿ Terms and definitions.
- ⦿ How customer can contact the supplier.

D. Monitoring/QC/Documentation:

All transactions shall be verified by some appropriate method that confirms the customer's consent to the transaction. A record of the verification shall be maintained in a system that is capable of retrieving that record by customer name for a period of time equivalent to at least six billing cycles (to enable compliance with 52 Pa. Code § 57.177 and § 59.97 (relating to customer dispute procedures)). These documents shall be made available to Commission staff upon request.

D. Monitoring/QC/Documentation:

- ④ The transaction verification process shall occur after the agent has physically separated himself from the potential customer by exiting the customer's residence.
- ④ The transaction verification process shall conclude by reminding the customer of the 3-business day right of rescission per 52 Pa. Code § 54.5(d) and §62.75.

F. Appearance/Uniforms/I.D.

- ⦿ Immediately present valid identification
- ⦿ The identification shall be visible at all times, and identify supplier, trade name and logo.
- ⦿ Photograph of the agent and name.
- ⦿ Immediately offer a business card or other material that states the agent's identity and supplier name, and includes the supplier's contact information.

F. Appearance/Uniforms/I.D.

- ⦿ Shall not dress in uniforms or wear any apparel that contain any branding elements that are deceptively similar to that of the local distribution company (including logo).
- ⦿ Telemarketing agents shall provide the agent's first name and name of the supplier.
- ⦿ Shall not use bills, company name, marketing materials or consumer education materials of another supplier, distribution company, or government agency in any way that implies a relationship that does not exist.

G. Misrepresentation:

An agent shall:

- ⦿ Identify the supplier he or she represents as an independent energy supplier, and shall identify himself or herself as a representative of that specific supplier immediately upon first contact with the potential customer.
- ⦿ Make clear that he or she is not working for, and is in fact independent of the local distribution company or another supplier. This requirement may be fulfilled either (a) by an oral statement by the agent, or (b) by written material left by the agent.

G. Misrepresentation:

Agents of a supplier that is an affiliate of a distribution company shall:

- ⦿ Comply with the rules regarding affiliate marketing at 52 Pa. Code § 54.122 (relating to the code of conduct) or 52 Pa. Code § 62.142 (relating to the standards of conduct) as is appropriate.
- ⦿ When the supplier's trade name is similar to that of its affiliated distribution company, the agent shall inform a customer that the supplier is not the same company as the distribution company, that its prices are not regulated by the Commission, and that a customer is not required to buy its supply or other products to receive the same quality service from the distribution company.

H. Federal Consumer Protection Law

- “DO NOT CALL LIST” applies to a supplier, its employees, representatives and agents (Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 U.S.C Sec. 6101, *et seq.* Telemarketing Sales Rule, 16 CFR Part.) The Act is administered by the Federal Trade Commission (FTC).

I. State Consumer Protection Laws

- ⦿ Per the PA Office of Attorney General, a supplier that is licensed by the PUC and engages in telemarketing does not need to register as a telemarketer pursuant to 73 P.S. § 2243 (a), but must follow all other provisions of the *Telemarketer Registration Act*. See 73 P.S. §§ 2241-2249.
- ⦿ An agent, representative, independent contractor or vendor shall follow all provisions of the Telemarketer Registration Act, including being registered as a telemarketer. See 73 P.S. § 2243(a).

J. Local Ordinances:

- ⦿ Suppliers performing door-to-door activity, as a courtesy, should notify the local municipal officials of its locations and schedule of door-to-door activities.
- ⦿ Suppliers shall comply with all local ordinances regarding door-to-door solicitations.
- ⦿ May require that a permit be obtained for each agent. Permit requirements may be linked to background checks in some municipalities.
- ⦿ Some ordinances may also prohibit all door-to-door sales or marketing.

J. Local Ordinances: HOURS:

- ⦿ Suppliers shall limit door-to-door activity to the hours:
 - October 1 – March 31: 9:00 am - 7:00 pm
 - April 1 –September 30: 9:00 am - 8:00 pm
- ⦿ Local ordinances may restrict the hours for door-to-door solicitations. When the local ordinance is stricter, suppliers shall comply with the local ordinance.

K. Distribution Co. & PUC Involvement

- Suppliers engaging in any marketing or sales activities, which the supplier anticipates, may generate phone calls to the Commission shall notify Dan Mumford and Matt Hrivnak at the Commission's Bureau of Consumer Services (BCS) at no later than the morning of the day the marketing or sales activities commence.
dmumford@pa.gov mhrivnak@pa.gov
- The notification shall include general, non-proprietary information as to the extent of the marketing or sales effort, for what period of time, and a description of the geographical area involved.

K. Distribution Co. & PUC Involvement

- ⦿ The notification to Commission staff is intended to assist the Commission in preparing call center resources to respond to possible calls from consumers about the marketing campaign.
- ⦿ This notification is NOT a review/approval process of marketing materials. Any information or materials submitted under this provision will not be reviewed or screened for compliance with applicable laws and regulations.

K. Distribution Co. & PUC Involvement

- ⦿ Suppliers should also provide the local distribution company with general, non-proprietary information about the marketing or sales activity that caused the supplier to provide notice to BCS in accordance with paragraph K-1.
- ⦿ The supplier should provide this general information to the distribution company no later than the morning of the day that the marketing or sales activities commence.
- ⦿ This information is to be used by the local distribution company only for the purpose of acquainting its customer service representatives with marketing or sales activity occurring in its service territory so that they may knowledgably address customer inquiries concerning such activity.

K. Distribution Co. & PUC Involvement

Local distribution companies are reminded that, in handling this information, the requirements of the Code of Conduct apply. See 52 Pa. Code § 54.122 and § 62.142. In responding to customer inquiries about price and service, the local distribution company may provide factual information about its own price and terms but shall refer the customer to the supplier for questions about the supplier's prices and terms.

M. Marketing Materials:

When it is apparent that the customer's English language skills are insufficient to allow the customer to understand and respond to the information conveyed by the supplier's marketing agent, the agent shall:

- ⦿ Either find another agent who is fluent in the customer's language to continue the sales activity or shall terminate contact with the customer.
- ⦿ The use of translation services, electronic translation devices and language identification cards is permitted only to identify the language spoken by the customer.

M. Marketing Materials: Suppliers Shall:

- ⦿ Not engage in misleading or deceptive conduct.
- ⦿ Not make false or misleading representations including misrepresenting rates or savings.
- ⦿ Provide the customer with written information about the products and services being offered or with contact information at which information can be obtained.
- ⦿ Provide accurate and timely information about services and products being offered. Such information shall include information about the rates being offered, contract terms, early termination fees and right of cancellation and rescission.
- ⦿ Ensure that any product or service offerings that are made by a supplier contain information, verbally or written, in plain language that is designed to be understood by the customer.

O. No Call / No Visit List:

- ⦿ Sales agent shall immediately leave the premises of a customer when requested to do so by the customer or the owner or an occupant of the premises.
- ⦿ Suppliers shall respect any individual's request to be exempted from further door-to-door marketing or sales contacts and should annotate any existing marketing or sales databases to reflect this request.

P. Complaints:

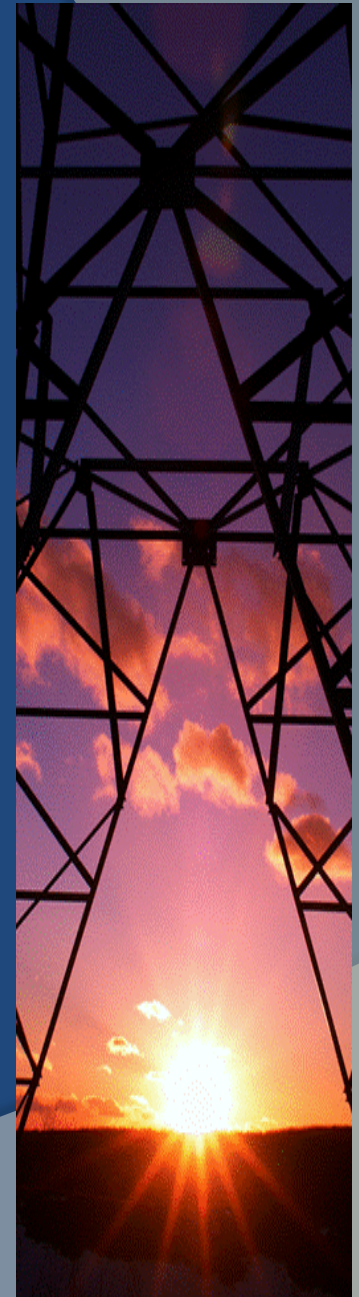
- ⦿ Suppliers shall provide a single point of contact and a list of designated escalation contacts for Commission staff to resolve consumer complaints received by the BCS.
- ⦿ Suppliers shall respond to all BCS requirements, including providing all information regarding the customer and complaint as requested (including a copy of the contract and any audio recordings of the verification call).
- ⦿ Suppliers shall investigate customer complaints concerning marketing practices, and shall cooperate with the relevant agencies regarding complaints about marketing practices and with local law enforcement officials in investigations concerning deceptive marketing or sales practices.

P. Complaints:

- ⦿ A supplier shall maintain and document an internal process for handling customer complaints arising from marketing activities, and should respond promptly to complaints.
- ⦿ These documents shall be made available to Commission staff upon request.

Permanent Marketing Regulations:

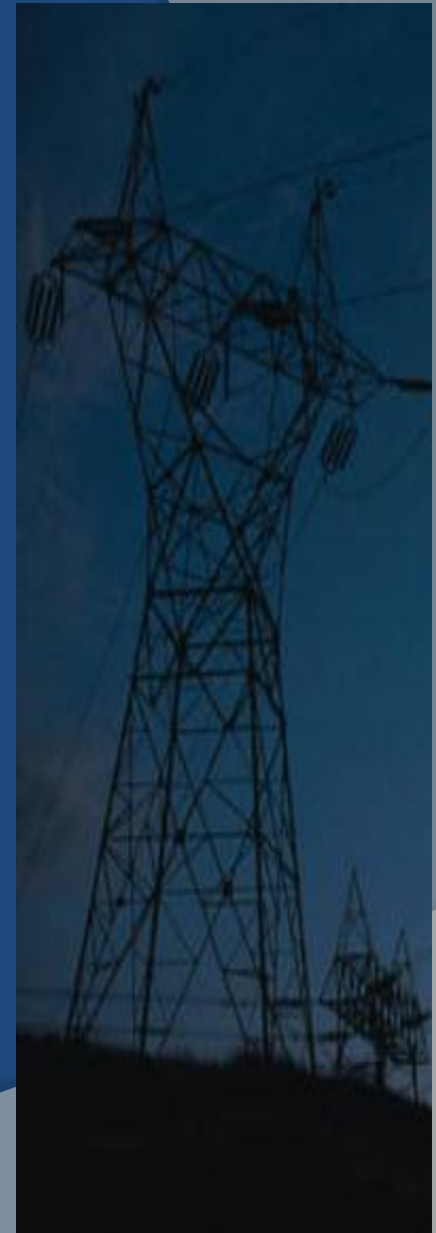
- *Rulemaking Re: Marketing and Sales Practices for the Retail Residential Energy Market.*
- Docket L-2010-2208332
- 12 parties plus IRRC filed comments; also reviewed by Office of Attorney General.
- Comments reviewed; final regulations approved by the Commission at the October 24, 2012 Public Meeting.
- Final regulations will still need approval from IRRC, General Assembly oversight committees.
- New regulations become effective upon publication in the Pennsylvania Bulletin.



Customer Information:

52 Pa Code 54.1 – 54.9:

- 54.1. Purpose.
- 54.2. Definitions.
- 54.3. Standards and pricing practices for retail electricity service.
- 54.4. Bill format for residential and small business customers.
- 54.5. Disclosure statement for residential and small business customers.
- 54.6. Request for information about generation supply.
- 54.7. Marketing/sales activities.
- 54.8. Privacy of customer information.
- 54.9. Complaint handling process.



Customer Information:

54.2: DEFINITIONS: includes *Basic Services, Consumer Contract, Generation Charges, Historical Billing Data, Renewable Resource, Small Business Customer, etc.*

Small business customer—The term refers to a person, sole proprietorship, partnership, corporation, association or other business entity that receives electric service under a small commercial, small industrial or small business rate classification, and whose maximum registered peak load was less than 25 kW within the last 12 months.

Customer Information:

- ④ **54.3: STANDARDS AND PRICING PRACTICES FOR RETAIL ELECTRICITY SERVICE:** Use common terminology, including EDC, in customer communications.
- ④ **54.4: BILL FORMAT FOR RESIDENTIAL AND SMALL BUSINESS CUSTOMERS:** Applies to both EDCs and EGSs (whatever entity is doing the billing).

Customer Information:

54.5. DISCLOSURE STATEMENT FOR RESIDENTIAL AND SMALL BUSINESS CUSTOMERS:

- ⦿ Price: fixed or variable... if variable... conditions of variability and limits on variability.
- ⦿ Length of agreement.
- ⦿ Special offers, incentives, etc.
- ⦿ Cancellation provisions.
- ⦿ Penalties, fees, exceptions in a larger print size.
- ⦿ 3-day right of rescission.
- ⦿ How customer will be billed.
- ⦿ Definitions and contact information.

Customer Information:

- Residential disclosure statements are reviewed /approved by Commission staff as part of the residential supplier licensing process.
- Renewal provisions for electric have been superseded by subsequent guidelines (M-2010-2195286), September 23,2010.

Renewal Notices:

- The guidelines for these notices (when to send; what they need to contain, etc.) are in *Guidelines Regarding Advance Notification by an Electric Generation Supplier of Impending Changes Affecting Customer Service* (M-2010-2195286, September 23, 2010)
- As a FIXED-TERM contract nears its end...or if the supplier wants to change the terms of a MONTH-TO-MONTH contract, the supplier must send advance notifications to the customer.

Renewal Notices:

- ⦿ These guidelines supersede the renewal notice regulation at 54.5(g)(1).
- ⦿ 2 notices (either mailed separately or included in the bills).
- ⦿ **FIRST NOTICE (Initial Notice):** 52-90 days before the expiration/change. Notice to include: date of change/expiration; general description of change; when to expect the second notice and explanation that the second notice will include customer options.

Renewal Notices:

SECOND NOTICE (Options Notice): at least 45 days prior to the change/expiration. Includes:

- ⦿ What the supplier is offering or changing.
- ⦿ Customer options (may include accepting offer, returning to EDC default service or selecting a new supplier).
- ⦿ EDC's price to compare (may be an estimate).
- ⦿ Date by which the customer must act.
- ⦿ Information on the PUC's and OCA's shopping website.

Renewal Notices:

WHAT HAPPENS IF THE CUSTOMER FAILS TO RESPOND TO THE NOTICES?

- Per the Guidelines, if a supplier is offering new contract terms, the supplier can impose the new contract terms as long as the new contract is month-to-month and there is no cancellation penalty. The customer may cancel at any time.

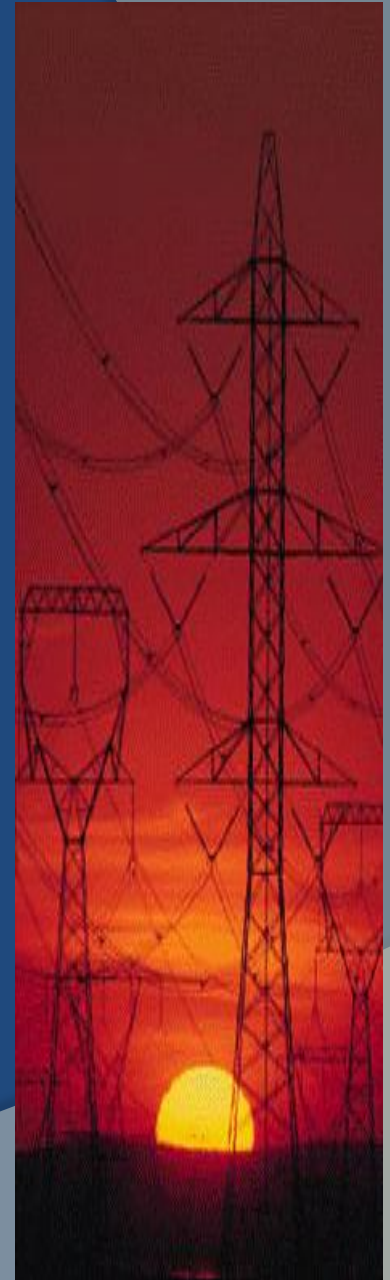
Customer Information: Eligible Customer Lists (ECL):

54.8: Privacy of Customer Information : THIS SECTION HAS BEEN SUPERSEDED BY SUBSEQUENT COMMISSION ORDER.

- ⦿ *Interim Guidelines for Eligible Customer Lists, M-2010-2183412, 11/10/11 Public Meeting.*
- ⦿ Appendix A of the Order lists what customer data elements are included on the ECL.
- ⦿ Customers can contact their EDC and restrict the release of all customer data.

Switching Rules:

- 57.171. Definitions.
- 57.172. Customer contacts with the EDC.
- 57.173. Customer contacts with EGSs.
- 57.174. Time frame requirement.
- 57.175. Persons authorized to act on behalf of a customer.
- 57.176. Valid written authorization.
- 57.177. Customer dispute procedures.
- 57.178. Default service provider.
- 57.179. Record maintenance.



Switching Rules

- **57.171: Definitions.**
- **57.172: Customer contacts with the EDC:**
Customers must contact the EGS to obtain supply.
- **57.173: Customer contacts with EGSs:** The EGS, “upon receiving direct oral confirmation or written authorization from the customer to change the EGS” ... notify the EDC of the customer’s EGS selection “by end of next business day” (note: the Commission has waived this timeframe in cases where service is to start on a date in the distant future per the terms of the disclosure statement).

Switching Rules:

- ⦿ The EDC, by the end of the next business day, sends a 10-day confirmation letter to customer.

The 10-day CONFIRMATION letter:

- ⦿ Informs the customer that his or her service will be switched by a given date unless the customer notifies the EDC otherwise.
- ⦿ Is intended to stop an unauthorized switch and is NOT intended to create a second “rescission” opportunity for the customer.

Switching Rules

- ⦿ **57.174: Time frame requirement:** EDC shall make the change “...at the beginning of the first feasible billing period...” EDCs have rules (16-day rule, etc.) that may be in their supplier coordination tariffs or agreements.
- ⦿ This provision is the subject of a pending Commission proceeding intended to accelerate the switching process. See *Tentative Order on Accelerated Switching - Interim Guidelines Regarding Standards for Changing a Customer's Electricity Generation Supplier*. Docket M-2011-2270442.

Switching Rules:

- ④ **57.176: Valid Written Authorization:** suppliers cannot use contests entries, cancelled checks, etc., to switch a customer. Enrollment form has to be solely an “enrollment form.”
- ④ **57.177: Customer Dispute Procedures:** EDCs and EGSs must consider all slamming allegations as DISPUTES and must follow Chapter 56 dispute rules. This includes referring the customer to the PUC.

Slamming : Zero Tolerance:

In a Commission Statement that accompanied the Order* approving the switching regulations, the Commission declared:

- ⦿ “We wish to state now, up front and for the record: this Commission will have zero tolerance for slamming by any means and in any form.”
- ⦿ “Customer slamming is among the most serious violations of our rules and regulations. There is no grace period. There is no ‘transition period’ as far as slamming is concerned. You can count on this Commission imposing commensurate penalties quickly and without hesitation.”

* L-00970121, Public Meeting of May 21, 1998.

Chapter 56: Standards and Billing Practices for Residential Utility Service:

66.2809: Requirements for electric generation suppliers:

...In regulating the service of electric generation suppliers, the Commission shall impose requirements necessary to ensure that the present quality of service provided by electric utilities does not deteriorate, including assuring that adequate reserve margins of electric supply are maintained and assuring that 52 Pa. Code Ch. 56 (relating to standards and billing practices for residential utility service) are maintained.



Chapter 56:

EGS Licensing Regulations:

§ 54.37. Approval.

(a) A license will be issued, authorizing the whole or any part of service requested, if the Commission finds that:

(1) The applicant is fit, willing and able to properly perform the service proposed in conformance with applicable provisions of the code and the lawful Commission orders and regulations, specifically including Chapter 56 (relating to Standards and Billing Practices for Residential Utility Service).

Chapter 56:

HOWEVER... only sections of Chapter 56 that apply to a supplier's operations are **APPLICABLE**.

EXAMPLE: Sections 56.81 - 56.118 relate to **TERMINATION OF SERVICE**. Since suppliers do not “terminate” service (the physical cessation of service without the consent of the customer), these sections do **NOT** apply to suppliers.

Chapter 56:

EXAMPLES OF SECTIONS THAT MAY APPLY:

- ◎ 56.11: Billing frequency.
- ◎ 56.14: Make-up bills.
- ◎ 56.15: Billing information.
- ◎ 56.21: Payment.
- ◎ 56.22: Late payment charges.
- ◎ 56.140 – 181: Dispute procedures.

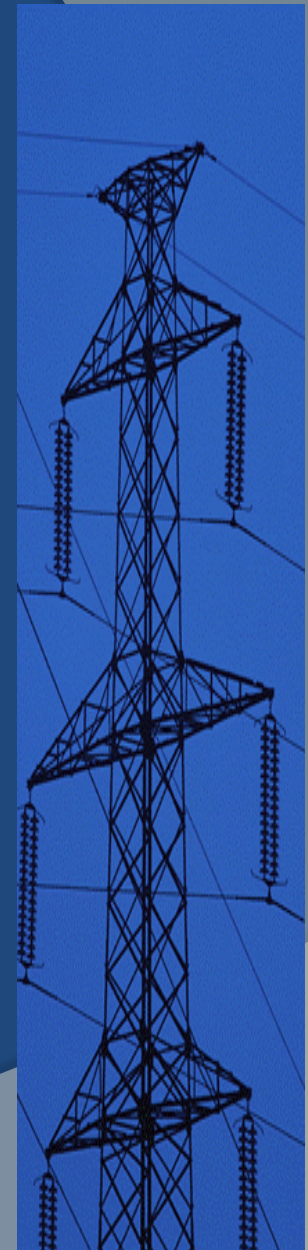
56.140 – 181: Dispute procedures.

56.151 – 152:

- ⦿ Investigate the customer's dispute using methods reasonable under the circumstances.
- ⦿ Provide complainant with information that is sufficient for the customer to arrive at an informed judgment on the disputed matter.
- ⦿ Inform the customer of his or her right to contact the PUC (Bureau of Consumer Services to file an informal complaint) and provide the customer with the correct contact information.
- ⦿ Do all of this within 30 days.

Other Rules:

- ⦿ Budget Billing
- ⦿ Operational Changes
- ⦿ Codes of Conduct
- ⦿ Reporting Requirements
- ⦿ Tax information on bills (Secretarial Letter M-2009-2082042. July 7, 2011).
- ⦿ Unit pricing information and sales tax on bills (Secretarial Letter M-2009-2082042. May 27, 2011).



Budget Billing:

- By Commission order entered June 18, 1998, suppliers serving residential customers must be able to provide budget billing. See 52 Pa. Code 56.12(7).
- Suppliers can request waivers from this requirement. See P-2010-2164782 and P-2010-2158189 for examples.
- Has not been much of an issue because EDCs usually do the billing and are now capable of calculating a unified budget amount that includes supplier and EDC charges.
- Dynamically-priced products are exempt (Secretarial Letter M-2009-2082042. February 16, 2011).

Operational Changes:

Interim Guidelines Regarding Notification by an Electric Generation Supplier of Operational Changes Affecting Customer Service and Contracts, M-00960890F.0013, August 13, 1998:

- ⦿ Addresses what is to occur if EGS changes business plan; assigns customers to another supplier, exits the market, etc.
- ⦿ Important point: Notice(s) must be provided to both customers and the Commission.

Codes of Conduct:

- ④ 54.43. Standards of conduct and disclosure for licensees.
- ④ **Competitive Safeguards: 54.122.**
(These regulations are currently being reviewed and are the subject of a rulemaking, *Revisions to Code of Conduct at 52 Pa. Code § 54.122*, L-2010-2160942, Public Meeting of August 25, 2011).

Reporting Requirements:

- **54.39. Reporting requirements.** level of gross receipts; amount of electricity sold; electricity supplied by each energy source, etc.
- **54.201 -204: RETAIL ELECTRICITY CHOICE SALES ACTIVITY REPORTS:** customer accounts; flat rate, hourly accounts, fixed term contracts, billing methods, quarterly sales activity reports, etc.
- **Load Serving Entity Filings:** See March 8, 2010 Secretarial Letter. M-2010-2157431.
- **See ONLINE FORMS on PUC website.**

http://www.puc.pa.gov/filing_resources/online_for_ms.aspx

www.PaPowerSwitch.com

The screenshot shows the PA Power Switch website homepage. At the top right, there are links for [Site Map](#), [Glossary](#), [Tell A Neighbor](#), and [En Español](#). The main navigation bar includes [Home](#), [About Switching Power](#), [Shop For Electricity](#), [Help Paying Your Bill](#), [Ways to Save Energy](#), and [Frequently Asked Questions](#). The main content area features a large graphic of a power outlet with a cord and colorful energy waves. A central box displays the number **1,863,493** and states "Pennsylvanians have already switched electric suppliers" with a link to [View detailed report \(PDF\)](#). To the right, a vertical list of links includes [About Switching Power](#), [How to Choose](#), [Find Suppliers](#), and [What to Ask](#). Below this, a text block reads: "Rate caps on electric generation are expiring and could mean an increase in your electric bill. But you may be able to save money by switching electric suppliers." At the bottom, there are four featured sections: "Shop for Electric Suppliers" (with an image of a couple), "Renewable Energy" (with an image of wind turbines), "Tell a Neighbor" (with an image of a group of people), and "Ways to Save Energy" (with an image of a man working).

PA Power Switch
Pennsylvania Public Utility Commission

[Site Map](#) [Glossary](#) [Tell A Neighbor](#) [En Español](#)

[Home](#) [About Switching Power](#) [Shop For Electricity](#) [Help Paying Your Bill](#) [Ways to Save Energy](#) [Frequently Asked Questions](#)

1,863,493
Pennsylvanians have already switched electric suppliers
[View detailed report \(PDF\)](#)

[About Switching Power](#)
[How to Choose](#)
[Find Suppliers](#)
[What to Ask](#)

Rate caps on electric generation are expiring and could mean an increase in your electric bill.
But you may be able to save money by switching electric suppliers.

Shop for Electric Suppliers
You shop for products almost every day, but did you know that you can shop for electricity? We'll

Renewable Energy
Renewable energy is energy from naturally replenished sources. This can include solar, wind,

Tell a Neighbor
Help someone you know save money on their electric bill or find electric services that fit their

Ways to Save Energy
Find quick and easy tips that will save you money while conserving energy.

www.PaPowerSwitch.com

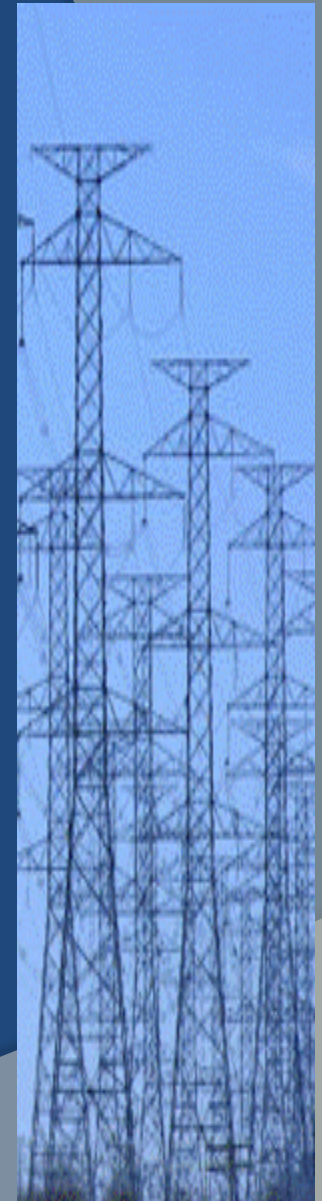
- If you are having problems logging into PAMPowerSwitch, need to update contact information, add small business to your account or see something else that needs to be changed on PAMPowerSwitch.com, please feel free to contact Cyndi Page in the PUC's Office of Communications directly at cypage@pa.gov or 717-214-5434.
- You may also contact Cyndi through the PAMPowerSwitch website email account on the website under Contact the PUC.

www.PaPowerSwitch.com

- If you have suggestions to improve the PAPowerSwitch website, the PUC would love to hear these suggestions. We're always trying to make the website more consumer-friendly. Please email us with your suggestions at ra-OCMO@pa.gov.
- Please use caution when entering your prices on the website. We have noticed that some suppliers have tried different “tricks” to make sure that their prices are posted on the PAPowerSwitch website first. Or have tried to “game” the system to make sure that they stand above the other suppliers. We just want to let everyone know that we notice the different “tricks” and correct them. And other suppliers inform us when they notice that other suppliers are “gaming” the system.

PUC Information Sources:

- PUC Website: <http://www.puc.pa.gov/>
- PUC supplier webpages (licensing, list of suppliers, etc.):
http://www.puc.pa.gov/consumer_info/electricity/electric_companies_suppliers.aspx
- PUC Office of Competitive Market Oversight:
http://www.puc.pa.gov/utility_industry/electricity/electric_competitive_market_oversight.aspx
- PUC Retail Markets Investigation (RMI):
http://www.puc.pa.gov/utility_industry/electricity/retail_markets_investigation.aspx
- PUC Retail Choice Activity Reports:
http://www.puc.pa.gov/utility_industry/electricity/retail_choice_activity_reports.aspx



Information Sources:

- Pennsylvania Code (Title 52 Regulations): <http://www.pacode.com/>
- PA Statutes: <http://www.legis.state.pa.us/cfdocs/legis/li/public/>
- Official Commonwealth website: <http://www.pa.gov/>
- Pennsylvania Bulletin: <http://www.pabulletin.com/>
- Office of Consumer Advocate (Electric Shopping Guides): <http://www.oca.state.pa.us/>



PUC Contact Directory:

- **OCMO / CHARGE:** ra-OCMO@pa.gov.
- **Informal Complaints:** Contact the case investigator (name and contact info is at the bottom of the complaint). Supervisor: Matt Hrivnak, 717-783-1678, mhrivnak@pa.gov
- **Consumer Regulations:** Dan Mumford, 717-783-1957, dmumford@pa.gov
- **Licensing:** Tony Rametta, arametta@pa.gov
- **Retail Choice Activity Reporting:** Chuck Covage, 717-783-3835, ccovage@pa.gov
- **Consumer Education:** Dave Hixson, 717-772-2766, dhixson@pa.gov
- **PaPowerSwitch.com:** Cyndi Page, 717-214-5434 cypage@pa.gov
- **EDI / EDEWG:** Matt Wurst, 717-787-5553, mwurst@pa.gov

