

**PENNSYLVANIA PUBLIC UTILITY COMMISSION**  
**Harrisburg, Pennsylvania 17105-3265**

**Interim Guidelines for Eligible  
Customer Lists for Electric  
Distribution Companies**

**Public Meeting held November 12, 2010  
2183412-DIR**

**Docket No. M-2010-2183412**

**PARTIAL DISSENTING STATEMENT OF COMMISSIONER WAYNE E. GARDNER**

The Commission's Office of Competitive Market Oversight (OCMO) has developed Interim Guidelines which will provide uniformity in the information to be provided by Electric Distribution Companies' (EDCs) Eligible Customer Lists (ECLs), which are to be made available to Electric Generation Suppliers (EGSs). The ECLs consists of certain customer information as provided in the Interim Guidelines. The ECLs are to be provided to EGSs so that they will be able to tailor their services to individual customers, thus promoting competition.

I support the promotion of competition. However, the information to be released to these non-regulated, private companies contains personal information including individuals' telephone numbers. These guidelines provide that customers may opt-out of having their telephone numbers released but if they do not opt-out, their phone numbers will be given to any EGS that requests it.

It is inappropriate as a government agency to require our regulated companies to release the telephone number of their customers to private, unregulated, businesses. Many people guard their telephone numbers closely and they would not want their numbers given to companies so that they can receive sales calls. Additionally, the provision in this Order requiring that customers' telephone numbers be released to EGSs without the customer's consent, could have the unintended consequence of harming competition by leaving a negative impression of EGSs on those who receive sales calls from them. Finally, there is no legitimate reason to release customers' phone numbers. The purpose of the ECL is to provide information to EGSs that will assist them in preparing competitive offers to potential customers. A phone number is not needed to accomplish this as the EGSs will have access to sufficient information including the customer's name, billing address, usage information and other data that will allow them to market their products and services.

Therefore, I dissent in part from this Order. Specifically, I oppose the provisions which require that EDCs release customer telephone numbers to EGSs without the customers' express consent.

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**Date**

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**Wayne E. Gardner, Commissioner**