



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH STREET  
HARRISBURG, PENNSYLVANIA 17120

# Office of Competitive Market Oversight (OCMO)

## Summary of November 1, 2022 CHARGE Event

1) PUC Formal Document Processing. Secretary Rosemary Chiavetta presented the following information:

### KEEPING CONTACT INFORMATION UPDATED:

- It is a supplier's responsibility to file any name changes, changes in its current contact information or the structure of its company with the Commission.
- To update contact information – simply email the Secretary (cc'ing Dan Mumford of OCMO):  
[rchiavetta@pa.gov](mailto:rchiavetta@pa.gov) [dmumford@pa.gov](mailto:dmumford@pa.gov)
- Our physical mailing address:
  - Secretary of the Commission Rosemary Chiavetta  
400 North Street, Harrisburg PA 17120
- Failure to maintain current contact information can endanger a supplier's license. If a supplier fails to respond to the Commission or to a complainant due to a failure to receive a served document, **consequences can include loss of a license.**
- Please designate a specific individual for receiving served documents. Physical mailing/service address/individuals have to be in the U.S.A. Documents cannot be served to foreign locations (because complaints are served by certified U.S. mail). We serve your current address on record and individual on record.
- Be careful in maintaining consistency with contact information – avoid providing the Commission with conflicting information.

### USE OF VENDORS/CONTRACTORS/CONSULTANTS:

- If you are using a contractor/vendor/consultant to process applications, bonds, etc. please carefully monitor the contractor to ensure there are no problems.

- Please remember that we will usually NOT discuss matters or disclose information to third-party vendors unless we are informed that the third-party is indeed representing you.
- We will not provide copies of licenses to third-parties.
- Keep your license in the safe place. Replacing a lost license requires a sworn affidavit, etc.

#### **E-FILING:**

- We strongly encourage all entities to use our free E-Filing service. You can file and receive formal Commission documents electronically using our free E-FILING service. (“E-mail” is NOT e-filing; e-mail can NOT be used to formally file documents with the Commission).
- For more information and to set-up your account, see this weblink: <https://www.puc.pa.gov/efiling/default.aspx>
- As with all your contact information, please keep your e-filing contacts updated as your personnel change. Please keep internal records of this information.
- Confidential and proprietary information (such as security instruments, financial information, etc.) cannot be e-filed. When filing confidential information – use overnight delivery (using overnight delivery provides you with the ability to track the document). **It is your responsibility to clearly and prominently label the filing CONFIDENTIAL.**

#### **FILING DEADLINE:**

- Is 4:30 pm EASTERN time. If you cannot meet the 4:30 pm deadline, we suggest sending the document via overnight delivery. The date/time you deposit the document with the delivery firm will be the FILING DATE, regardless of when the Commission receives the document.

#### **SUBSCRIPTIONS:**

You can track specific dockets (even if you are not a party to the docket) using the Commission’s subscription service. You will then receive notification of all actions/documents in that proceeding. For instructions on setting-up a subscription, see this weblink:

[http://www.puc.pa.gov/Documentation/eFiling\\_Subscriptions.pdf](http://www.puc.pa.gov/Documentation/eFiling_Subscriptions.pdf)

For questions and assistance on any of the above, please contact Secretary Chiavetta at:

[rchiavetta@pa.gov](mailto:rchiavetta@pa.gov) .

## **2) Bonding, Reporting and Applications: Technical Utility Services (TUS) Deputy Director Darren Gill presented the following:**

### **USE OF VENDORS/CONTRACTORS/CONSULTANTS:**

Same as with the Secretary, TUS staff will usually NOT discuss matters or disclose information to third parties unless we are informed that the third-party is indeed representing you. This information must be on record with us to ensure that we are indeed discussing your matter with those that are authorized by you to do so.

### **ELECTRONIC APPLICATIONS:**

TUS is developing an electronic application form for posting on our website. We plan on reaching out to suppliers about reviewing this once we are further along in development. We may also at some point develop electronic reporting capabilities on the website.

### **REPORTING REQUIREMENTS:**

Information about quarterly and annual requirements can be found on our website:

<https://www.puc.pa.gov/filing-resources/reports/retail-choice-activity-reports/>

Gross receipts reports are very important since they are used to determine the appropriate security level for your company.

### **LICENSE CANCELLATION TENTATIVE ORDERS:**

Every month the Commission, at a Public Meeting, issues an order tentatively canceling the licenses of suppliers that failed to maintain their security here at the Commission. This order can also include suppliers that fail to provide a bond with the correct language; or failed to file quarterly or annual reports. The tentative order gives any named supplier time to correct the deficiency before the license is finally revoked.

### **KEEPING BONDING AMOUNTS CURRENT AND THE BOND REDUCTION PROCESS:**

- Do not wait until the bond expires to file. EGSs are required to file the renewal of their currently approved security at least thirty (30) days prior to current security's expiration date.
- 3 most common reasons a bond is rejected:
  - 1) The name on the bond has to EXACTLY match the name on the license. This includes commas, apostrophes, LLC, INC, LLP, etc.
  - 2) An original, wet signature must be included (no electronic signatures).

- 3) A raised seal must be included.
- Failure to keep the bond current will result in the supplier being listed in a public Tentative Order seeking to cancel or suspend the supplier's license for failure to maintain adequate security.

See the information and checklist at this weblink for information on the bond reduction process:

[https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.puc.pa.gov%2Fmedia%2F1770%2Fchecklist-financial\\_security\\_reductions-initial\\_petition-010422.docx&wdOrigin=BROWSELINK](https://view.officeapps.live.com/op/view.aspx?src=https%3A%2F%2Fwww.puc.pa.gov%2Fmedia%2F1770%2Fchecklist-financial_security_reductions-initial_petition-010422.docx&wdOrigin=BROWSELINK)

#### **ANNUAL SALES REPORTS:**

These are due in April; are used to calculate annual fees/assessments and bonding levels. See the form and instructions at this weblink: <http://www.puc.pa.gov/general/onlineforms/pdf/RR-18-EGS.pdf>

#### **ALTERNATIVE ENERGY PORTFOLIO STANDARD (AEPS) REQUIREMENTS:**

- We encourage suppliers to retire the needed credits on an ongoing basis instead of waiting for the September deadline.
- If a supplier exits the market or files bankruptcy, one of the first things we look at are your AEPS obligations. Any shortfall may require us to pursue payment via your posted security.

#### **ABANDONING A LICENSE:**

- We do not “park” licenses. Reporting requirements and fees remain due as long as you are licensed.
- If you want to abandon a license, you must file formally to do so. Again, we have to ensure that AEPS, gross receipt, and fee obligations have been met.
- Failure to formally leave the market may have consequences if the same people/entities apply in the future for a license.

Additional EGS information resources are available at this weblink:

<https://www.puc.pa.gov/electricity/electric-companies-suppliers/supplier-application-resources/>

Questions can be emailed to the TUS in box: [pc-puc-tus-energy@pagov.onmicrosoft.com](mailto:pc-puc-tus-energy@pagov.onmicrosoft.com)

### **3) PaPUC websites update: Cyndi Page from the Commission’s Office of Communications provided an update on PaPowerSwitch.com and PaGasSwitch.com:**

#### **REMINDERS FOR SUPPLIERS POSTING ON THE WEBSITES:**

- Keep pricing information current.
- Honor posted prices.
- Utilities – please keep current and past Price To Compare (PTC) information updated.
- Please keep your account rep/contacts up to date. You are allowed to have more than one account representative (we encourage you to have multiple reps).

#### **TIME OF USE (TOU):**

We recently created a new TOU section. Currently, it includes utility TOU products. We want to include supplier offers – and are interested in hearing from suppliers that have TOU offers that they want to post.

#### **REVAMPING THE WEBSITES:**

We are looking at changing the websites and are looking for input from suppliers. For example, a possible change is going to a “silo” approach where supplier offers will be segregated into different silos based on product type (renewable, fixed, variable, TOU, etc.) instead of the current practice where ALL products are listed on a single, long list. Consumers would first select which type of product they are interested in, then would be directed to that silo. Please reach out to Cyndi and Dan by November 15.

Any questions about the Commission’s websites can be directed to the webmaster: Cyndi Page at [CYPAGE@pa.gov](mailto:CYPAGE@pa.gov).

### **4) PUC Informal Complaint Process and Marketing: The Commission’s Bureau of Consumer Services presented the following information on the informal complaint process:**

Katie Liddell of the Commission’s Bureau of Consumer Services presented information about the informal complaint process:

The informal complaint process is most typically used by residential and small commercial customers.

- Is “informal” (no hearing, no transcripts, lawyers are not needed, etc.).
- Usually initiated by the consumer calling our hotline (1-800-692-7380) or through the Commission’s website.
- The BCS interviewer will enter a complaint into our internal complaint tracking system and the company will be notified (electronically, or by fax, or by email). To participate in our electronic notification system (web-based data exchange) contact: [RA-PCPUC\\_BCS\\_TRAQU@pa.gov](mailto:RA-PCPUC_BCS_TRAQU@pa.gov) .
- 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).
- Response should be in writing (electronic, email, fax, etc.).
- Response should include information re:
  - Supplier 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 relevant to the customer’s allegations (audio files, signed enrollment forms, disclosures, TPVs, marketing materials, billing history, etc.).
  - If complaint involves billing/payment – an account statement should be provided.
  - The company’s “final position” on the matter and information supporting that position.
- The company has two 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.
- Responding to BCS that “we will contact the customer” is not a sufficient response. While you are certainly free, and encouraged, to contact and work with the customer – we still need the above-noted information.

Possible informal resolutions to a complaint include:

- Informal settlement.
- Provide the customer with information sufficient to satisfy their concerns.
- Binding informal decision (can be appealed to the formal process).

- Referral to another agency or the formal complaint process, especially if it is a matter that the BCS cannot address informally.
- The company and complainant will be notified of the outcome and closing of the informal complaint.

We encourage all utilities and suppliers to be pro-active when a problem occurs. Please reach out to us so that we are prepared in case we get any consumer calls or complaints.

Questions about the informal complaint process can be addressed to: Michele Tate at [mtate@pa.gov](mailto:mtate@pa.gov) or 717-787-5155 or Katie Liddell at [kliddell@pa.gov](mailto:kliddell@pa.gov) or 717-783-5232.

### **DOOR TO DOOR MARKETING:**

Trent Peechatka of PUC's Bureau of Consumer Services provided the following information:

- Suppliers engaged in door-to-door residential marketing are reminded of the Commission's regulations at 52 Pa Code Chapter 111:  
<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/052/chapter111/chap111toc.html&d=>
- Suppliers are advised to contact local authorities to let them know who you are and what you are doing (some municipalities have permit ordinances that require this). Local ordinances supersede PUC Chapter 111 regulations.
- All door-to-door agents must have criminal background checks (including the "Megan's Law") performed prior to being on the street. See 52 Pa. Code § 111.4 – available at this weblink:  
<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/052/chapter111/s111.4.html&d=reduce>
- 52 Pa Code § 111.14 requires suppliers to notify the Commission and the local utility of door-to-door operations. Notices to the Commission should be directed to our door-to-door inbox: [RA-PCDOORTODOOR@pa.gov](mailto:RA-PCDOORTODOOR@pa.gov). The notices should include geographic location (municipalities) and dates of operations. These notifications should be done monthly (or more frequently – but should not be beyond a month). Questions about these notices can be directed to Trent Peechatka in the Bureau of Consumer Services at [tpeechatka@pa.gov](mailto:tpeechatka@pa.gov) or 717-787-9087.
- § 111.9 is very specific as to how an agent is to introduce themselves to a potential customer: (d) When engaging in door-to-door sales or marketing activities, an agent shall comply with the following: (1) After greeting the customer, the agent shall immediately identify himself by name, the supplier the agent represents and the reason

for the visit. The agent shall state that he is not working for and is independent of the local distribution company or another supplier. (2) The agent shall offer a business card or other material that lists the agent's name, identification number and title, and the supplier's name and contact information, including telephone number. This information does not need to be preprinted on the material. When the information is handwritten, it shall be printed and legible.

<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/052/cha-pter111/s111.9.html&d=reduce>

- A similar rule also applies to telemarketing – see § 111.10:  
<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/052/cha-pter111/s111.10.html&d=reduce>
- We occasionally receive reports of agents misrepresenting themselves as being affiliated or “working with” the local utility. We also receive reports of the use of opening statements like “May I see your bill? I am here to check your bill to make sure you are receiving the discount/rebate you are entitled to.” Such statements are inappropriate and possibly contrary to the above-mentioned regulations.
- We urge all suppliers, when using vendors to perform door-to-door and/or telemarketing, to closely monitor the vendor and to have quality assurance mechanisms in place.
- We ask any supplier who is considering door-to-door marketing for the first time to reach out to us for a briefing on the door-to-door marketing rules.

## **5) Pa Office of Consumer Advocate – Patrick Cicero:**

The PA Office of Consumer Advocate (OCA) is independent agency housed within the PA Office of Attorney General that is statutorily charged with representing consumers in proceedings in front of the Commission. <https://www.oca.pa.gov/>

### **OCA SHOPPING GUIDES:**

The OCA, since the late 1990's, issues Shopping Guides for both electric and gas and posts these PDF files on the OCA website:

<https://www.oca.pa.gov/electric-shopping-guide/>

<https://www.oca.pa.gov/natural-gas-shopping-guide/>

OCA mails approximately 400 of these to consumers – especially those that may not have internet access. And approximately 280,000 are downloaded annually. The pricing information is refreshed each day we receive information from a supplier – we ask suppliers to let us know



of any price changes by 2:00 pm so that the change can be reflected in the guides the next day. We send monthly emails to participating suppliers to ask that they confirm that pricing is current. We ask suppliers to please respond to these emails, even if it is “no change needed.” If we do not hear from a supplier within 90 days, we pull the product from the guide.

The guides do not include all of the products found on the PUC’s shopping websites. One reason for this is that our OCA guides include only those products available to everyone – “contingent offers” are not accepted.

We ask suppliers to please honor all posted pricing and offers.

If a supplier wants to be included in the shopping guides, please contact us at [shopping@paoca.org](mailto:shopping@paoca.org).

The shopping guides are archived and available on OCA’s website:

<https://www.oca.pa.gov/electric-shopping-guide-archive/>

<https://www.oca.pa.gov/natural-gas-shopping-guide-archive/>

#### **SHOPPING STATISTICS:**

OCA also tracks and reports shopping numbers on our website; this is updated quarterly and, along with archived data, is available at these weblinks:

<https://www.oca.pa.gov/electric-shopping-guide-2/>

<https://www.oca.pa.gov/natural-gas-shopping-statistics/>

#### **CALL CENTER:**

We ask all suppliers and utilities to provide OCA with contact information that we can use to get customer inquiries and problems addressed. Please send this contact information to us at [consumer@paoca.org](mailto:consumer@paoca.org).

The OCA has a customer call center where we receive a variety of questions and complaints about utilities and suppliers. Many of the calls about suppliers are simply questions about how to drop or contact a supplier. However, this summer saw complaints from customers about being dropped by their supplier. This can be frustrating for a consumer who may have specifically looked for a long-duration, fixed price contract as to provide price stability – just to be returned to default by the supplier mid-term. Suppliers should not be offering agreements that they are not able to honor.

Some of the calls OCA receives can be linked to confusing communications from suppliers or utilities. Suppliers and utilities are urged to review their documents and messages to consumers and to make them as “plain language” as possible. (The PUC has plain language guidelines at 52 Pa Code

69.251: <http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/052/chapter69/s69.251.html&d=reduce> ).

The OCA participates in approximately 75 consumer fairs across the state every year, and we do hear from consumers who have had bad experiences with the competitive market. In some of these cases, it is apparent that the customer did not “do their homework.” But other cases can be linked to poor or confusing communications and marketing from the supplier. We urge all suppliers to review your marketing materials, scripting, etc. to ensure that it is not misrepresenting who you are and what you are selling.

Suppliers, especially those serving residential consumers, are encouraged to reach out to OCA – we are always available to meet; and I can be emailed at [pcicero@paoca.org](mailto:pcicero@paoca.org).

## **6) Office of Competitive Market Oversight (OCMO) - Update on Current Commission Proceedings:**

OCMO Director Dan Mumford provided updates on the following pending Commission proceedings:

### **INVESTIGATION INTO THIRD-PARTY ACCESS TO EDC CUSTOMER DATA (M-2021-3029018):**

This investigation arose from the Enerwise Global Technologies Final Order at Docket A-2019-3009271. The Final Order denied Enerwise’s EGS application. However, ordering paragraph No. 2 directed that “...the Commission’s Law Bureau, Bureau of Technical Utility Services, and Office of Competitive Market Oversight initiate a new proceeding to determine if a safe, acceptable path exists for registered CSPs and other third-parties to potentially gain access to customer data electronically from EDC data systems, with customer consent, as permitted under Section 2807(f) of the Code, 66 Pa.C.S. § 2807(f).” Enerwise docket:

<https://www.puc.pa.gov/docket/A-2019-3009271>

To initiate this proceeding, a Secretarial Letter soliciting comments was published in the *Pennsylvania Bulletin* on February 19. 18 parties filed comments in May 2022.

<https://www.puc.pa.gov/docket/M-2021-3029018> .

Additionally, third-party access to data was addressed in the recently concluded FirstEnergy Default Service Plan proceeding. A settlement in this case was approved at the August 4 PUC

Public Meeting. The FirstEnergy EDCs will be implementing a new third-party data access tariff, allowing PUC-registered Conservation Service Providers (CSPs) and PJM-registered Curtailment Service Providers access upon receipt of a signed standard customer authorization form provided by FirstEnergy. FirstEnergy will routinely audit a sample of access requests to ensure compliance with the customer authorization requirement. See P-2021-3030012 et.al.

<https://www.puc.pa.gov/docket/P-2021-3030012>

On September 7, a Secretarial Letter was issued inviting parties to comment on the issues and concerns with the procedures outlined in the FirstEnergy DSP proceeding (noted above).

Comments are due 45 days after publication in the PA Bulletin (published on September 17).

<https://www.puc.pa.gov/pcdocs/1757759.pdf>

Commission staff will be reviewing the comments and proposing next steps. We will keep the OCMO-CHARGE distribution list informed of developments.

**CHARGE-EVC-PA PETITION RE ELECTRIC VEHICLE (EV) RATES (P-2022-3030743):** CHARGE-EVC-PA is an entity seeking to promote EV (Electric Vehicle) adoption and facilitating related electric market and rate developments. On February 4, 2022, they filed a petition asking the Commission to initiate a proceeding that will result in the issuance of Policy Statement on electric utility rate design for EV charging. On February 25, the Commission issued a Secretarial Letter inviting comments on the need and scope of any investigation in response to the petition. Initial comments were due April 11; reply comments were received on May 11. We will keep the OCMO-CHARGE distribution list informed of developments.

<https://www.puc.pa.gov/docket/P-2022-3030743>

**CHAPTER 111 RESIDENTIAL SUPPLIER MARKETING REGULATIONS RULEMAKING:** The Chapter 111 supplier residential marketing regulations – (See 52 Pa. Code § 111:

<http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/052/chapter111/chap111toc.html&d=> ) were promulgated nearly a decade ago. We think it is time to review

and refresh these rules to reflect current marketing and technological advances. We will keep the OCMO-CHARGE distribution list informed of developments.

## **7) Office of Competitive Market Oversight (OCMO) – Current Issues:**

OCMO Director Dan Mumford discussed the following current market issues OCMO has been dealing with lately:

## **CUSTOMERS BEING RETURNED TO DEFAULT SERVICE:**

We acknowledge and appreciate that the vast majority of suppliers honored their commitments to the vast majority of their customers – which again we appreciate in this difficult market. However, same as OCA, we have received some complaints from customers who dropped by their supplier this summer – and some of these complaints came via the General Assembly and their constituents.

When we receive these inquiries and complaints, we first look at the complaints to determine the circumstances. In many of these instances, the customer was on a month-to-month contract and was dropped or was on a fixed duration contract that had expired, and the supplier was not offering a renewal product. These two types of drops, while maybe frustrating for the customer, are not improper.

However, in some instances it appears that customers may have been dropped mid-contract; sometimes without any notice. Again, a relatively small number, but it is a concern.

OCMO has also heard from suppliers - those that honored their commitments, and they are concerned when they hear about these instances. It can give the entire market a black eye – harming all suppliers. After all, we tell consumers who want to avoid default price swings to shop, find a supplier and lock in your price for a period of time. If the customer then gets dropped mid-term, they will understandably be angry – and will they ever shop again?

When suppliers come to OCMO with this concern, we ask suppliers “what can be done?” Enforcement is an obvious answer – and our Bureau of Consumer Services will be closely looking at the complaints to determine if enforcement action is appropriate. But can anything else that can be done to avoid this type of problem? If anyone has any thoughts on this, please reach out to OCMO. I have discussed this with several suppliers over the summer and I want to give everyone an opportunity to provide input if you so wish.

The last time the Commission addressed these kinds of issues was in 2013’s “Fixed Means Fixed” order. At that time, one of the proposals floated was allowing pass-through charges on residential accounts. The Commission rejected this and ruled that “Fixed Means Fixed.” Here is a link to that order:

[Final Order on the Guidelines for Use of Fixed Price Labels for Products with at Pass-Through Clause](#) - Public Meeting of November 14, 2013. Docket No. [M-2013-2362961](#). <https://www.puc.pa.gov/pcdocs/1256797.doc>

New suppliers especially should review this order because it provides guidance on a variety of residential pricing issues.

## **SUPPLIER – UTILITY COMMUNICATION:**

A long-standing issues has been supplier-utility communications – especially with newer suppliers. For example, many years ago, utilities modified their bill format as to provide more supplier information – such as the supplier’s logo. This was done to help the supplier build their relationship with their customers – and to reinforce and remind the customer who they are receiving service from. However, we still come across bills that still do not have the supplier logo. When we reach out to the supplier to ask about this – often we hear something like “we did not know that was available” or that “we don’t know who to contact as the utility to arrange that.”

As a way to improve utility-supplier communications, we propose creating a directory on our website for suppliers – that would include contact information at each of the utilities – how to contact supplier support services – and the weblinks to the utility’s supplier support webpages and supplier tariffs. OCMO will be reaching out to the utilities to obtain this information.

We envision this as an initial step in this process. Next, it has been suggested that we convene a CHARGE event where each utility would briefly describe the services they offer to suppliers (such as supplier logos); their file transfer format (such as EDI), their billing platform (bill ready or rate ready). I will be reaching out to utilities and suppliers to discuss this possible next step. If anyone has any questions or thoughts on this, please reach out to OCMO.

## **8) REMINDERS:**

**SUBSCRIPTIONS:** To track a PUC formal case, such as a utility rate case, a default service plan proceeding, or a rulemaking: set up an e-filing account on the Commission’s website, and use the SUBSCRIPTION service to be notified of filings on specific dockets:

[http://www.puc.pa.gov/Documentation/eFiling\\_Subscriptions.pdf](http://www.puc.pa.gov/Documentation/eFiling_Subscriptions.pdf)

<http://www.puc.pa.gov/efiling/default.aspx 1>

(Please note that you do not have to be a party of record in a proceeding to subscribe to that proceeding. Likewise, subscribing to a proceeding does not make you a party of record of that proceeding.)

**OCMO-CHARGE email distribution list:** We especially urge suppliers to be on this list. We use this list to notify the supplier community of proceedings that may impact them, CHARGE meetings, etc. To be added to the OCMO-CHARGE distribution list, please send an email to:

[ra-ocmo@pa.gov](mailto:ra-ocmo@pa.gov).