**PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**HARRISBURG, PENNSYLVANIA 17105**

**PETITION OF DUQUESNE Public Meeting May 20, 2010**

**LIGHT FOR APPROVAL OF 2135500-ALJ**

**DEFAULT SERVICE PLAN Docket No. P-2009-2135500**

**MOTION OF**

**COMMISSIONER ROBERT F. POWELSON**

Before us today for review is the Recommended Decision of Administrative Law Judge John H. Corbett approving the Joint Petition for Settlement of all parties to Duquesne Light Company’s (“Duquesne”) fifth default service plan.

I wish to commend all the parties for coming together to present the Commission with a well-reasoned and thorough settlement. I believe approval of this settlement is in the public interest and that all default service customers will be well-served by the programs put in place.

There are two items, however, that need to be addressed further.

First, pursuant to the settlement, Duquesne shall provide Commission-licensed Electric Generation Suppliers (EGSs) monthly updates to its customer list on its EGS website, subject to the Commission’s customer privacy and protection rules. The Settlement further provides for the right of small and medium commercial and industrial customers to opt out of the release of customer information in its new customer packet.[[1]](#footnote-1)

 At the Commission’s Public Meeting on October 22, 2009, the Commission clarified its interpretation of the customer privacy and protection rules in the electric choice regulations at 52 Pa. Code § 54.8, which allow a customer to restrict the release of their telephone number and/or historical billing data. The Commission further directed PPL as follows:

Customers may restrict the release of all historical billing data consistent with 52 Pa. Code § 54.8(a)(2). The Company may make any changes to its proposed letter to customers it believes are necessary in light of these requirements. Any other information, with the exception of customer telephone numbers which is addressed below, not restricted by customers shall be made available to EGSs not later than December 31, 2009

The Commission further directed PPL to update its customer database immediately and to release, for each customer account, the following information not less than 30 days before the rate cap expires:

* Customer name;
* Account number;
* Rate class and sub-class;
* Service address; and
* Billing address.

In the interest of ensuring effective competition statewide, improving customer access to competitive offers, and consistent with the Commission’s orders regarding consumer privacy and customer lists, we wish to explore whether Duquesne Light Company should be required to provide a customer list as noted above. Should such a requirement be adopted, Duquesne should permit customers to opt out of providing historical billing data and telephone numbers, consistent with our customer privacy and protection rules. To this end, I move that a Tentative Order on this issue be issued for comment on whether the requirements set forth above should be adopted with respect to Duquesne, with comments to be filed so as to allow final action at the July 15, 2010 Public Meeting. I request that parties address in their Comments whether residential customers should be able to restrict the release of their service, as opposed to billing, addresses for privacy reasons.

Second, the settlement puts into place continued various Company customer-education programs. Consistent with our prior Orders concerning customer education programs, we direct that all draft materials shall be provided to the Commission’s Office of Communications, as well as the Office of Consumer Advocate for consumer education programs and the Office of Small Business Advocate for small business education programs, for review and comment prior to being used.

**THEREFORE, IT IS ORDERED:**

1.That the Recommended Decision of John H. Corbett approving the Joint Petition for Settlement in this matter is approved and modified as set forth above; and

1. That the Office of Special Assistants shall prepare the appropriate Opinion and Order.

**DATED: May 20, 2010** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 **Robert F. Powelson**

 **Commissioner**

1. Joint Petition for Settlement at 10. [↑](#footnote-ref-1)