

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Proposed Policy Statement Regarding )  
Eligible Customer Lists ) Docket No. M-2010-2183412

**COMMENTS OF THE PENNSYLVANIA ENERGY MARKETERS COALITION:  
AGWAY ENERGY SERVICES, LLC, ENERGY PLUS HOLDINGS LLC, GATEWAY  
ENERGY SERVICES CORPORATION, INTERSTATE GAS SUPPLY, INC.,  
PENNSYLVANIA GAS & ELECTRIC, AND VECTREN RETAIL, LLC**

**INTRODUCTION**

Pursuant to Docket No. M-2009-2082042<sup>1</sup>, the Pennsylvania Public Utility Commission ("PUC," or "Commission") seeks comments on the above-referenced Tentative Order ("Order") to provide more uniformity in the Eligible Customer Lists ("ECLs") prepared by electric distribution companies ("EDCs" or "utilities") for Electric Generation Suppliers ("EGSs"). ECLs were initially discussed by Commission Staff, competitive energy suppliers, and utilities in an April 8 meeting of the Commission's Office of Competitive Market Oversight ("OCMO") Committee Handling Activities for Retail Growth in Electricity ("CHARGE"). ECLs have been an agenda topic of subsequent conference calls with CHARGE and the Commission's Electronic Data Exchange Working Group ("EDEWG") on April 16 and April 22.

As independent energy marketers, Agway Energy Services, LLC ("Agway"), Energy Plus Holdings LLC ("Energy Plus"), Gateway Energy Services Corporation ("Gateway"), Interstate Gas Supply, Inc. ("IGS"), Pennsylvania Gas & Electric ("PAG&E"), and Vectren Retail, LLC ("Vectren"), known separately and together for purposes of this filing as the Pennsylvania Energy Marketers

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<sup>1</sup> See December 10, 2009 Secretarial Letter expanding the role of the PUC's Office of Competitive Market Oversight ("OCMO").

Coalition ("PEMC")<sup>2</sup>, appreciate the opportunity to comment on the need for more consistency in ECLs provided by utilities. PEMC is a group of like-minded energy marketing companies that serve residential and small commercial natural gas and electricity customers in deregulated markets located throughout the United States.

As participants in competitive electricity and/or natural gas markets, PEMC has a strong interest in the consistent development and formation of an efficient marketplace in Pennsylvania. As such, our Comments on these Interim Guidelines are focused on helping ensure targeted marketing by competitive suppliers in the Commonwealth. Access to a comprehensive list of eligible customers in each utility area is fundamental to the ability of competitive suppliers to reach all consumers with detailed information and offers that may be of interest. PEMC believes that the general approach taken by the Interim Guidelines helps to achieve that result, and supports those Consensus Issues outlined in the Guidelines as presented.

With regard to newly identified and Non-consensus Issues presented in the Interim Guidelines, PEMC offers the following specific Comments for consideration.

### **DOMESTIC VIOLENCE OR OTHER DANGEROUS SITUATIONS**

One issue that was not previously discussed by the CHARGE participants but has been presented as part of the Interim Guidelines is a proposed provision that customers who feel threatened by domestic violence or other dangerous situations be afforded the option of restricting access to their service address.

PEMC wholeheartedly supports this concept. The question will become how it gets handled from a practical standpoint. If other notices to customers are routinely sent out during

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<sup>2</sup> This group of energy marketers, which supply electricity, natural gas, and various other energy services to residential and commercial customers across a large number of utility markets throughout several states, works together collaboratively on non-competitive, regulatory issues to advance competitive markets and consumer choice.

the year (such as where to go for LIHEAP assistance, etc.), this would be the most practical place to disseminate the information. We would be happy to work with the Commission, EDCs, the Office of Consumer Advocate ("OCA"), and others to ensure that this notification is produced in a manner which addresses the need without creating undue burden or misleading statements about competitive energy shopping.

The most important consideration is the protection of the consumer.

### **ECLs SHOULD BE UPDATED MONTHLY**

Some EDCs, such as PPL, are updating their customer lists monthly. In stakeholder discussions led by OCMO, EDCs providing less frequent updates agreed that they can reprogram their systems to provide monthly updates. PEMC fully supports monthly ECL updates by all utilities to ensure that EGSs can efficiently engage in targeted marketing activities by having up-to-date information which enables the provision of competitive and innovative products.

### **CUSTOMER PHONE NUMBERS SHOULD BE INCLUDED IN ECLs**

To obtain ECLs, EGSs must be licensed by the Commission and registered to do business in the Commonwealth. PEMC agrees with the Commission that including the customer's phone number in ECLs is important to the marketing efforts of the EGSs and is necessary to reduce barriers to competition. Furthermore, the inclusion of the customer's phone number is one step the Commission can take to help create a more efficient marketplace in the Commonwealth by lowering the per-customer acquisition costs for EGSs.

Consumers can always exercise their option of being added to Pennsylvania's "do not call" list<sup>3</sup>, which EGSs must comply with as stated<sup>3</sup> by the Commission in the Order. Pursuant to

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<sup>3</sup> Section 2 of the Telemarketer Act, 73 P.S. § 2242, protects consumers from unwanted telephone solicitation calls.

the Pennsylvania Code<sup>4</sup>, consumers can be added to the “do not call” list by contacting utilities’ customer service centers or filling out forms on utility web sites.

### **ECLs SHOULD INCLUDE A POLR INDICATOR**

PEMC agrees with the Commission that utilities should include a Provider of Last Resort (“POLR”) Indicator in monthly ECLs. This designation would specifically help EGSs to target customers who are not already being served by a competitive supplier. Including the POLR indicator on the ECL will be another means of allowing suppliers to be cost-effective and efficient in their contacts with eligible customers. PEMC urges the Commission to caution EGSs to be aware that non-POLR customers may have current contractual arrangements in place with other EGSs. As such, EGSs should remind customers to be aware of any existing contract terms and conditions. This fully supports and advances the Commission’s intention to implement the provisions of Pennsylvania Electric Generation Customer Choice & Competition Act<sup>5</sup>.

### **ECLs SHOULD INCLUDE CAPACITY AND TRANSMISSION OBLIGATIONS**

In the Pennsylvania electricity market, transparency on utility capacity and transmission obligations would undoubtedly enhance competition through a clearer understanding of the components that impact procurement of supply. In order for the competitive market to develop in a reliable manner, these components must be understood to be reflected in future pricing. Therefore, policy decisions should be made that do not provide advantage to the utility as the historical provider of electricity to the end-use customer. To help assure that these upstream price components are considered, PEMC strongly agrees that knowing current and future utility capacity and transmission obligations are an integral piece of EGS pricing for accounts and are best provided in the ECL.

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<sup>4</sup> See 52 Pa. Code § 54.8 on privacy of customer information.

<sup>5</sup> Act 138 of the Laws of 1996.

## **CONCLUSION**

PEMC believes the Commission has a very important opportunity to provide more consistency in ECLs, which will help ensure robust electricity competition in the Commonwealth. It is critical that these Interim Guidelines are approached with a continued commitment to empower consumers so that they have the ability to take control of their energy purchases with products that they believe best fit their individual needs. If done right, the new ECLs will give EGSs more tools to provide Commonwealth residents and small businesses more choices for electricity supply and more control of their energy future.

We recognize that much work remains to be done on this topic and others related to competition and pledge to the Commission our continued support to help with these efforts.

August 3, 2010

Respectfully submitted



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See PEMC Member Listing Attached

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