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Via Hand Delivery

August 4, 2010

Rosemary Chiavetta, Esq.  
Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

RECEIVED  
2010 AUG -4 PM 2:45  
PA PUC  
SECRETARY'S BUREAU

**Re: Interim Guidelines for Eligible Customer Lists  
Docket No. M-2010-2183412**

Dear Secretary Chiavetta,

Enclosed for filing, please find an original and five (5) copies of the Energy Association of Pennsylvania's Comments in the above-referenced Docket Number.

Very truly yours,

A handwritten signature in black ink, appearing to read "Donna M.J. Clark", written in a cursive style.

Donna M.J. Clark  
Vice President & General Counsel

cc: James H. Cawley, Chairman (via hand-delivery)  
Tyrone J. Christy, Vice Chairman (via hand-delivery)  
Robert F. Powelson, Commissioner (via hand-delivery)  
Wayne E. Gardner, Commissioner (via hand-delivery)  
John F. Coleman, Jr., Commissioner (via hand-delivery)  
Office of Competitive Market Oversight (at [ra-OCMO@state.pa.us](mailto:ra-OCMO@state.pa.us))  
Terrance J. Fitzpatrick, President & CEO

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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2010 AUG -4 PM 2:15  
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PA PUC

**Interim Guidelines** :  
**For Eligible Customer Lists** : **Docket No. M-2010-2183412**

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**Comments of the  
Energy Association of Pennsylvania  
Regarding Interim Guidelines for Eligible Customer Lists**

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**Introduction**

On July 15, 2010, the Pennsylvania Public Utility Commission (“Commission” or “PUC”) entered a Tentative Order at Docket No. M-2010-2183412 seeking public comment on proposed interim guidelines “to provide for more uniformity in the information to be provided by Electric Distribution Companies’ (“EDCs”) Eligible Customer Lists (“ECL”), which are made available to Electric Generation Suppliers (“EGSs”). Vice Chairman Christy provided a Statement with the Tentative Order supporting the issuance of the interim guidelines for comment and inviting comment on the broader issue of whether customers should have the right to restrict private customer information. Vice Chairman Christy noted that current Commission regulation is interpreted to provide a customer with the right to restrict the telephone number and historic billing data only. The balance of information held by the utility is subject to release regardless of customer preference. See 52 Pa. Code § 54.8.

The proposed interim guidelines were developed in a stakeholder process initiated through the Committee Handling Activities for Retail Growth in Electricity (“CHARGE”). A sub-team was appointed to review the status of the ECL, determine which issues could be solved by consensus between electric utility companies and electric generation suppliers (“EGSs”) and which issues would need to be resolved with Commission input. Following two conference calls, the sub-team discussed its findings with the CHARGE group. Thereafter, Commission staff considered stakeholder input developed during the process and prepared a recommendation for the Commission’s consideration.

The Energy Association of Pennsylvania (“EAP” or “Association”) files the instant comments on behalf of its EDC members<sup>1</sup>. The comments are organized to respond to the topics as outlined in the Tentative Order.

### **Consensus Issues**

The Association supports this process whereby CHARGE working with the Commission staff strives to collaboratively resolve the various issues facing the competitive market and participants/ stakeholders as rate caps expire and barriers to entry are identified. EAP agrees that those elements identified on pages three and four of the Tentative Order are consensus items and that the EDCs will provide monthly updates of the ECL following an initial “refreshing” of the existing customer list as described on page six of the Order.

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<sup>1</sup> EDC members of the Association includes: Allegheny Power, Citizens’ Electric Company, Metropolitan Edison Company, PECO Energy Company, Pennsylvania Electric Company, Pennsylvania Power Company, Pike County Light & Power Company, PPL Electric Utilities Corporation, UGI Utilities, Inc. (Electric), and Wellsboro Electric Company.

EAP supports the ability of a victim of domestic violence to restrict access to the service address as an expansion of 52 Pa. Code § 54.8 and requests that the interim guidelines clearly provide that an individual may request such a limitation in writing or by electronic mail provided to the EDC at an address specified by the utility until such time as the individual rescinds the restriction.

### **Non-Consensus Issues**

The Association supports the resolution of the non-consensus issues as set forth in the Tentative Order regarding customer telephone numbers, old account numbers, contact names and addresses, the rate mitigation plan indicator, the POLR indicator, and the interval meter indicator. EAP requests however that, in instances where the proposed resolution requires an EDC to update, modify or supplement the manner in which it currently maintains its ECL, the interim guidelines should provide sufficient time in which to make the changes based on a schedule established by the EDC and its IT department. Further, the Association asks the Commission to provide for cost recovery in the guidelines at the request of the EDC and subject to approval by the PUC.

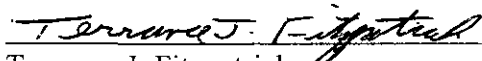
With respect to the issue of providing capacity and transmission obligations, the Association notes that these calculations are provided to PJM on an annual basis and that future capacity and transmission obligations are not readily available at all times of the year, because of the nature of the PJM process for calculating the obligations. EAP contends that the manner in which such information is currently provided is sufficient and objects to the expansion of these

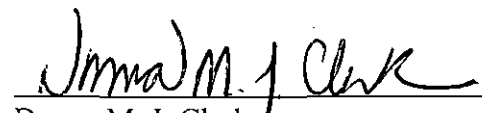
fields. If, on the other hand, the Commission adopts the resolution of this issue as set forth in the proposed guidelines, EAP requests that the guidelines specify that future capacity and transmission obligations become “available” only after they have been calculated and provided to PJM. Future obligation calculations may only be available for part of the year based on the process utilized by PJM for modifying obligations.

### **Conclusion**

The Association applauds the process utilized by OCMO through CHARGE to identify ECL issues and discuss a variety of resolutions, leading to the staff recommendation and proposed interim guidelines. EAP believes the guidelines will be strengthened by including a transition period to update existing ECLs established by the EDC and its IT department, by addressing the issue of cost recovery, and by retaining the current manner in which capacity and transmission obligations are reflected in the ECL.

Respectfully submitted,

  
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Date: August 4, 2010