**PENNSYLVANIA**

**PUBLIC UTILITY COMMISSION**

**Harrisburg, PA 17105-3265**

 Public Meeting held November 12, 2010

Commissioners Present:

 James H. Cawley, Chairman, Statement

 Tyrone J. Christy, Vice Chairman, Dissenting Statement

 John F. Coleman, Jr.

 Wayne Gardner, Partial Dissenting Statement

 Robert F. Powelson

Interim Guidelines M-2010-2183412

For Eligible Customer Lists

**Opinion and Order**

**BY THE COMMISSION:**

Before the Commission is a recommendation from the Commission’s Office of Competitive Market Oversight (OCMO) regarding a proposal 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). Also before us is our Tentative Order at this docket adopted on July 15, 2010 (*Tentative Order*), and Comments filed to that *Tentative Order*.

**History of the Proceeding**

 On January 9, 2009, the Pennsylvania Public Utility Commission announced the formation of the OCMO to oversee the development and functioning of the competitive retail natural gas supply market. Since then, OCMO has been handling issues under the leadership of the Director of Operations with the assistance of a group of legal, technical and policy staff members from various Commission bureaus and offices.

 Pursuant to a Secretarial Letter issued on December 10, 2009, the Commission expanded the role of OCMO to serve as the Commission’s electric retail choice ombudsman, as described in the Default Service and Retail Electric Markets Policy Statement at 52 Pa. Code §69.1817. Specifically, OCMO was given responsibility for responding to questions from EGSs and other market participants, monitoring competitive market complaints and facilitating informal dispute resolution between the EDCs and EGSs. In performing these functions, OCMO generally assumes advisory and informal mediation roles.

 In the course of a meeting held by OCMO through the Committee Handling Activities for Retail Growth in Electricity (CHARGE) on April 8, 2010, the issue of creating a uniform ECL was raised. This issue had previously been committed to and discussed by the Commission’s Electronic Data Exchange Working Group (EDEWG). Following the discussion at the April 8 CHARGE meeting, a team was assigned the task of continuing the discussion held by EDEWG and determining which ECL issues could be solved by consensus between the EDCs and EGSs, and which issues would need to be resolved with Commission guidance. This team held two conference calls, on April 16, 2010, and April 22, 2010. Participants in these calls included representatives from Allegheny Power, FirstEnergy Company (FirstEnergy), PECO Energy Company (PECO), PPL Electric Utilities, Inc. (PPL), ConEd Solutions, BlueStar Energy Services, Exelon Energy, IGS Energy, the Retail Electric Supply Association (RESA) and Staff members of OCMO.

 At the conclusion of the conference calls, the team reported back to CHARGE during the teleconference held on April 29, 2010. Various aspects of the ECL were discussed, including which items were found to be consensus items, which were not and the various positions taken on the non-consensus items. At the conclusion of the discussion, Commission Staff stated that it would take the team ECL report and the CHARGE discussion under advisement and prepare a recommendation for the Commission’s consideration.

 The Commission subsequently entered the *Tentative Order* which proposed Interim Guidelines for Eligible Customer Lists on July 15, 2010. Comments on the proposed Interim Guidelines were requested within twenty days of the entry of the *Tentative Order*. Additionally, Vice Chairman Christy issued a Statement at this docket seeking comments on the right of victims of domestic abuse or customers in other dangerous situations to restrict the release of their information, as well as the general right of all customers to restrict the release of their personal information. Comments on the Interim Guidelines were submitted by PPL, Duquesne Light Company (Duquesne), PECO, FirstEnergy, The Energy Association of Pennsylvania (EAP), The Office of Consumer Advocate (OCA), The Public Utility Law Project (PULP), The Pennsylvania Coalition Against Domestic Violence (PCADV), The National Energy Marketers’ Association (NEMA), RESA, The Pennsylvania Energy Marketers Coalition (PEMC), and Constellation NewEnergy (CNE).

**Discussion**

The original task of the ECL team was to develop a uniform ECL. However, the team reported to CHARGE that uniformity in terms of format and presentation was not necessary. The primary issue, and the focus of subsequent discussions, was ensuring uniformity in the information provided on the ECLs so that EGSs had consistent access to the data necessary to foster retail competition.

**General Issues**

Several overarching issues that had not been discussed in the CHARGE stakeholder process were raised in comments, in addition to the issues of the customer’s right to restrict data release generally and in specific cases of domestic abuse or other dangerous situation that were raised for comment in Vice Chairman Christy’s Statement.

**Customer Restriction of Data**

In his Statement issued with the *Tentative Order*, Vice Chairman Christy requested comments on two issues. The first was the issue of allowing customers to restrict access to their service address and other information in cases of domestic abuse or other dangerous situations. The second was the more general question of whether customers should be able to choose to restrict the release of any and all customer information.

In our *Tentative Order*, we generally followed the Commission’s Regulation at 52 Pa. Code § 54.8, which provides that customers may restrict their telephone number and historic usage data by informing their EDC that they want that information restricted. *Tentative Order* at 5-6.

Duquesne, PPL, FirstEnergy, PECO, OCA, PULP, NEMA, PEMC, and CNE all supported the goal of providing all possible protections to customers that are victims of domestic violence or other dangerous situations. PECO and FirstEnergy proposed that the ability of customers in their respective service territories to fully restrict the release of their information provides sufficient protection. PECO Comments at 5; FirstEnergy Comments at 4. PPL noted that the company would be able to restrict the service address or any other data at the request of a customer and would, in its next solicitation to customers concerning data release restrictions, inform customers of any additional options to restrict information approved by the Commission. PPL also stated that it may be unable to determine the motive for a customer’s request to restrict information and would be unable to assess the veracity of any claim of a dangerous situation. Due to these constraints and wider privacy and data-security concerns among many customers, PPL suggested that the most prudent course would be to allow any and all customers to opt to fully restrict the release of any of their data. PPL Comments at 3-4.

The OCA generally supported the notion that customers in dangerous situations should be able to restrict the release of their data. However, in the interest of privacy for all customers and due to concern that victims of domestic abuse should not be forced to identify themselves to the Commission or the EDC, the OCA contended that the best means by which to provide protection to these individuals is to grant all customers the right to restrict the release of their information. OCA Comments at 5. The PCADV strongly supported a provision to allow victims of domestic violence to fully restrict the release of all of their private data. Citing several examples of victims who were further tracked and assaulted by abusers who obtained private information, such as addresses and phone numbers from various commercial sources, the PCADV argued that data privacy is vital to the safety of individuals in such dangerous circumstances. PCADV Comments at 4-5. The PCADV also averred that the Interim Guidelines and existing laws and policies on customer privacy are insufficient to adequately ensure the security of victims of domestic violence. Specifically, the PCADV cited the current inability of customers to restrict the release of names and addresses as examples of the insufficient protections currently afforded. PCADV Comments at 5. The PCADV offered examples of policies by some government agencies, such as the Social Security Administration, to suggest that the opt-out system for data releases is an insufficient guarantee of customer privacy. PCADV Comments at 6-7.

The PULP and OCA also commented on the more general issue raised in the Vice Chairman’s Statement, namely the right of all customers to restrict the release of their private data. PULP contended customers have a reasonable expectation that any information provided to an EDC as a mandatory requirement for receiving regulated service will be kept private. Furthermore, PULP suggested that customers should not have to be on the look-out for instances of information sharing and that customers may reasonably expect heightened protection of their private data because the EDCs are under the jurisdiction of a government watchdog. PULP Comments at 3. PULP stated that customer concerns over identity theft, slamming and violations of consumer protection rules were three of the predominant reasons why customers may have reasonable cause to maintain the privacy of their personal data. PULP Comments at 4-5. PULP also averred that the Commission’s current “opt-out” policy with respect to information sharing provides insufficient protection and would be improved by a transition to an affirmative “opt-in” policy before customer data can be shared by the EDC. PULP comments at 6-7. Finally, PULP suggested that the goal of fostering competition should not trump the protection of customer privacy and that alternative methods of relaying competitive offers to all customers, such as the Commission’s PaPowerSwitch website and the OCA’s website provide ample opportunity for customer’s to learn about competitive offers and make informed decisions. PULP Comments at 8-12.

The OCA contended that all customers should be able to restrict release of their data to third parties. The OCA referenced our Order adopted in *Procedures Applicable to Electric Distribution Companies and Electric Generation Suppliers During the Transition to Full Retail Choice*, M-00991230 (entered May 18, 1999) (*Transition Order*) and the subsequent Opinion which affirmed the *Transition Order* issued by the Commonwealth Court in *The Mid-Atlantic Power Supply Association v. Pa. PUC*, et al., 746 A.2d 1196 (Pa. Cmwlth. 2000) (*MAPSA*). The OCA asserted that the *Tentative Order* on the ECL alters long-standing Commission policy as established by those authorities. OCA Comments at 6-8. The OCA further averred that the expansion of customer data available for release as a result of the installation of smart meters will make customers’ right to privacy even more imperative. OCA Comments at 9.

**Conclusion**

Our determination regarding the restriction of customer information splits this issue into two separate components. First, we find that there cannot be any dispute that victims of domestic violence or customers that are similarly endangered should have the unfettered ability to restrict all of their customer information. The EDCs have no responsibility to challenge such a request, whether the request comes from the customer, a counseling service or similar social service entity calling on the customer’s behalf. By this Order, we are instructing all EDCs to ensure that such mechanisms are quickly developed to enable this kind of restriction, to the extent that these mechanisms are not already in place.

With regard to the general public, the issue is quite different. While we are well aware of the *Transition Order* and the *MAPSA* case, we have addressed the issue of the restriction of customer information in two far more recent cases. We will resolve this issue in a fashion similar to our determinations in *PPL Electric Utilities Corporation Retail Market,* Docket No. M-2009-2104271, Order entered October 22, 2009 (*PPL Order*) and *Petition of Duquesne Light Company for Approval of Default Service Plan for the Period January 1, 2011 through May 31, 2013*, Docket No. P-2009-2135500, Order entered July 30, 2010 (*Duquesne Order*).

In the *Duquesne Order*, we stated the following with regard to restriction of customer information:

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 circumstances. Other customer information provided pursuant to the Commission’s directive for customer lists, with the exception of customer telephone numbers and residential service address, not restricted by customers shall be made available to EGSs not later than September 30, 2010.

*Duquesne Order* at 7.

 We further clarified that Duquesne was to honor the requests of residential customers who desired to restrict access to their service addresses, historical billing data and telephone numbers. *Duquesne Order* at 7, 8. In addressing this issue in both the *PPL Order* and the *Duquesne Order*, we continued our policy that restriction of information would occur through affirmative customer action, such as through a postal card check-off which clearly identified the information a customer wished to have restricted.

 We find that the same result set forth in the *Duquesne Order* should prevail for ECLs maintained by the other EDCs, with one additional protection. We direct that all EDCs, including PPL Electric Utilities Corporation and Duquesne Light Company, provide for, at a minimum, a fifteen (15) business day waiting period before releasing customer information after providing the customer notice set forth in 52 Pa. Code § 54.8. In determining this issue, we repeat our statement in the *Tentative Order* that EGSs are responsible for compliance with the requirements of Pennsylvania’s “do not call” list. *See*, 73 P.S. § 2242 (relating to the “do not call” list). *See Tentative Order* at 6. Even if a customer has not restricted his or her telephone number for purposes of the ECL, but they have placed their telephone number on the “do not call” list, EGSs must comply with the prohibitions in the “do not call” list statute. We also note our Regulation at 52 Pa. Code § 54.43(d) which requires that an EGS maintain the confidentiality of customers’ information.

**Moratorium on ECL Changes**

 PPL suggested that following the implementation of these Interim Guidelines, the Commission should impose a moratorium on changes to the ECL until after December 31, 2012. PPL averred that changes to IT systems and data collection and transmission can impose significant burdens on financial, personnel, and other EDC resources. PPL Comments at 2. In order to alleviate these issues and allow time for EDCs to implement other system changes necessary to facilitate competition, PPL proposed that the Commission should forego further alterations to the ECL.

While acknowledging the limits of the EDCs’ financial, personnel, technical, and other resources, we find that the imposition of a moratorium on changes to ECL guidelines is unnecessary. Experience has shown that in an evolving marketplace, new and unforeseen issues can develop quickly. A self-imposed restriction on changes to ECL guidelines would unnecessarily limit the ability of the Commission to respond to future issues in the competitive market.

**Consensus Issues**

The frequency with which the ECL should be updated is currently not uniform across the EDCs. The EGSs believe that monthly updates are required to ensure that they have fresh information. Some EDCs currently comply with this standard. FirstEnergy suggested in its comments that the companies’ current schedule for updating the ECL on a quarterly basis is sufficient to foster competition. FirstEnergy averred that constraints on the companies’ IT resources may make it infeasible to update the ECL on a monthly basis. FirstEnergy further expressed that the current quarterly update schedule was agreed to in the companies’ Default Service Settlements without objection and should therefore be left unaltered. FirstEnergy Comments at 3.

We find that in order to provide EGSs with the timely and accurate information required to facilitate competition, all EDCs should update their ECL on a monthly basis. While we recognize the objection of FirstEnergy that this places additional demands on limited IT resources, we find that the importance of timely data to the competitive marketplace outweighs this concern.

The team was initially able to reach consensus on a number of specific elements of the ECL. The following elements were agreed upon as minimum requirements for the ECL:

* Revision Date
* Meter Read Cycle
* Customer Name
* Customer Account Number
* Service Address
* Billing Address
* Utility Rate Class
* Load Profile Group Indicator
* Usage (kWh)(non-Time of Use) Period 1…12 (monthly)

The team was also able to reach consensus that the following items would be required in the ECL to the extent that the information is available:

* Billing Country Code
* Utility Rate Class (additional to main rate class)
* Rate Subclass/Rate Subcode
* On Peak kWh Period 1…12 (monthly)
* Off Peak kWh Period 1…12 (monthly)
* Registered Demand Period 1…12 (monthly)

The team agreed that the following items, which are only applicable to specific EDCs, would be required in their respective ECLs:

* Meter Flag (Master/submeter) (PECO)
* Loss Factor (FirstEnergy)
* Procurement Classification Indicator (for EDCs whose rate codes and procurement classification do not directly map)

The team was also able to reach consensus on the following items, which would be optional in the ECL, at the discretion of the EDC:

* Revenue Code
* Load Factor
* Fixed Price Election (to be either included in the ECL or provided separately, at the discretion of the EDC)

Some issues with respect to these consensus items were raised in comments. PPL suggested that the Commission should clarify that for monthly On- and Off-Peak kWh, which is to be required to the extent the data is available, will not be uniform across EDCs. PPL stated that each EDC has its own definition of on- and off-peak hours that may not be consistent with one another and may not be consistent with an EGS’s definition of on- and off-peak hours. As such, PPL proposed that this data element should remain on the ECL as tentatively proposed with the understanding that each EDC will provide this information based upon its own determination of on- and off-peak hours. PPL Comments at 3. The OCA objected to the inclusion of monthly On- and Off-Peak kWh data and Load Factor on the ECL without providing customers with the right to restrict this information. The OCA submitted that privacy concerns over this type of data, the availability of which will increase as smart meters are installed throughout the Commonwealth, are a national issue. Furthermore, OCA suggested that the availability of this data warrants further protection of customer privacy. OCA comments at 13-14.

We adopt all of the consensus items for inclusion in our guidelines for a more uniform ECL. In doing so, we acknowledge PPL’s concern relating to on- and off-peak hours. We agree that each ECL will provide this particular element consistent with the issuing EDC’s determination of on- and off-peak hours. With regard to the OCA’s concerns regarding restriction of some data elements, we will not move further than our resolution of the general issue above. Subject to our resolution relating to domestic abuse victims and similarly endangered customers, customers may choose to restrict telephone numbers, historic usage and service addresses.

**Non-consensus Issues**

The team was unable to reach consensus on several other elements of the ECL. The lack of consensus was frequently due to requests by the EGSs for information that the EDCs did not want to include voluntarily due to business concerns, privacy issues, technical and data systems issues and other reasons. The following are the non-consensus elements of the ECL:

**Customer Telephone Number** – The EGSs requested that the ECL include customer telephone numbers for all accounts. Some EDCs expressed concern with providing this information due to customer privacy issues. While recognizing the importance of customer privacy concerns, the EGSs stated that this information would be important for marketing purposes.

 In their comments, Duquesne, PPL, NEMA, PEMC, and CNE agreed with the Commission’s tentative finding on this issue. PECO stated that while they support the goal of this requirement, the company would need additional time to implement it. PECO suggested that to include customer phone numbers would contradict a recently distributed bill insert, approved by the Commission in docket P-2008-2062739, informing customers that their phone numbers would not be released to EGSs. Consequently, PECO proposed that the company be allowed to postpone the inclusion of customer phone numbers on the ECL until its next Default Service Plan filing. PECO Comments at 2. FirstEnergy averred that the inclusion of customer phone numbers on the ECL was not raised during the settlement of the companies’ DSPs. FirstEnergy also raised concerns over customer privacy. FirstEnergy proposed that customer telephone numbers should not be included on the ECL. FirstEnergy Comments at 5. PULP proposed that guidelines for the ECL should limit the sharing of a customer’s telephone number unless the customer has provided affirmative consent for the EDC to do so. PULP Comments at 13.

 We find that customer telephone numbers should be included on the ECL, except when restricted by customers in accordance with our Regulations at 52 Pa. Code § 54.8.  We reiterate our statement that EGSs must comply with Pennsylvania’s “do not call” list, regardless of whether a customer restricts his or her telephone number for purposes of the ECL. In this context, we note that most, if not all, EDCs are in the process of refreshing their customer lists and giving their customers opportunities to restrict their information, including telephone numbers.  Once an EDC has completed the customer refresh action, that constitutes sufficient notice under Section 54.8 and non-restricted telephone numbers may then be placed on the ECL.  We encourage all EDCs which do not currently have plans to refresh their customer lists with a current opt-out opportunity to do so within eighteen months.

**Old Account Numbers** – Some EGSs expressed that they would like the ECL to include old account numbers when the number had changed. Various EDCs have different procedures regarding how long they maintain this information in their systems and whether they provide it in their ECL. During discussions on this element, some EGS representatives suggested that this field was more relevant to instances of system-wide changes to all account numbers rather than changes to specific accounts. It was suggested that in cases of system-wide account number changes, EDCs could provide one-to-one mapping of accounts, rather than including a field in the ECL.

Our *Tentative Order* proposed that old account numbers should not be a separate field element in the ECL. In cases where an EDC performed a system-wide account number change, that EDC could provide one-to-one mapping of accounts. *Tentative Order* at 6. In their comments, Duquesne, PPL, FirstEnergy, NEMA and CNE all agreed with the Commission’s tentative proposal on the issue of old account numbers. No commenting entity disagreed with the tentative finding. As such, we will adopt the approach which would include one-to-one mapping of accounts in the case of system-wide account number changes, rather than including a field in the ECL.

 **Contact Name & Address** – EGSs requested that the ECL include a name, address and phone number for account contacts, specifically in the case of commercial and industrial accounts. The goal of this request is to ensure that EGSs are dealing with a decision maker for the account, rather than a billing or accounting agent, so that the EGSs can market specifically to persons with decision making authority for the account. EDCs expressed concern over providing information of this type. In some cases, the EDCs suggest that they may not have this information available in their data systems. Additionally, EDCs averred that this information may change frequently, so there would be little assurance that the information was timely and accurate.

 In our *Tentative Order*, we expressed concerns that EDCs would not have this type of information available and/or may not have the means to keep such information current. Accordingly, we proposed that this element would not be included in the ECL. *Tentative Order* at 7. Duquesne, PPL and NEMA supported the Commission’s tentative finding on this issue. RESA expressed support for the Commission’s finding as part of their broad support for the Interim Guidelines as a whole, but suggested an alternative method of relaying this information to EGSs. RESA proposed that EDCs should be directed to provide this information, when it is available for a particular account or customer, at the request of an EGS, (RESA Comments at 2-3). We find that this element should not be included in the ECL, however, in the interest of supplying important information to EGSs, we encourage the EDCs to respond to EGS requests for this information if it is available.

 **Rate Mitigation Plan Indicator** – EGSs expressed that they would like fields to indicate whether a customer is enrolled in either a rate mitigation pre-payment plan or a rate mitigation deferral/phase-in plan. These are temporary programs offered by EDCs to ease the transition to higher prices. According to EGSs, these indicators would be useful for customer service purposes. The EDCs suggest that as these are temporary plans and would not apply to EGS charges, such indicators are unnecessary in the ECL.

 In our *Tentative Order*, we proposed that due to the short duration of the plans, the indicators were unnecessary for the ECL. Duquesne and PPL agreed with the Commission’s tentative finding on this issue. NEMA requested in its comments that the Commission should reconsider this issue. Specifically, NEMA suggested that this data field would provide valuable information to EGSs, particularly if these plans effect the EDC’s calculation of the PTC, and would allow EGSs to better serve customers. NEMA Comments at 4. We find that that this element should not be included in the ECL. Despite the concerns raised by NEMA, the fact that these are temporary programs and that they do not impact EGS charges support our finding on this issue.

 **POLR Indicator** – The EGSs requested that the ECL provide a field indicating whether a customer is currently receiving provider of last resort (POLR) service from the EDC. The EGSs would like this information to allow them to target their marketing efforts to customers who are not already enrolled in a contract with another supplier. While some EDCs already provide this information, those who do not expressed concern with including this on the ECL. Among the issues raised by some EDCs was the accuracy of this information in cases when a customer’s shopping status changes frequently and the ability of EGSs to target customers that are currently shopping.

 In the *Tentative Order*, we agreed that a POLR indicator should be included as an ECL element. *Tentative Order* at 8. In their comments, Duquesne, PPL, NEMA, PEMC, and CNE agreed with the Commission’s tentative findings. PULP proposed that customers’ POLR status should only be released when affirmative consent to do so has been received from the customer. PULP Comments at 13.

 We find that this element should be included in the ECL. While we note the concerns expressed by PULP in relation to customer privacy, we find that the inclusion of a POLR indicator on the ECL is in accord with our Regulations at 52 Pa. Code § 54.8, the *PPL Order* and the *Duquesne Order* regarding the balance between the customers’ opportunity to restrict some information and the need for that information on the ECL. Given the directive to update the ECL on a monthly basis, it appears that concerns about stale information are largely moot. In addition, we are persuaded that this element will be extremely useful to EGSs as they market customers.

 **Interval Meter Indicator** – The EGSs suggested that ECLs should include an indicator for accounts that have an interval meter. Some EDCs noted that this information is available to EGSs via Electronic Data Interchange (EDI) transactions. However, the EGSs suggested that in many cases the EDI transaction is too cumbersome and ineffective. The EGSs stated that this type of indicator would be far more helpful as an element in the ECL.

 In our *Tentative Order*, we proposed that this element should be included in the ECL. Duquesne, PPL, NEMA, and CNE agreed with the Commission’s tentative finding with respect to an interval meter indicator. PECO supported the idea of an interval meter indicator, but suggested that system design and timing concerns could make its inclusion on the ECL expensive and difficult. PECO’s proposed solution was to provide this data on an account-specific, rather than meter-specific, basis, as this is what their current system supports. PECO Comments at 3. We find that this element should be included in the ECL. We believe that notation of an interval meter is crucial to the types of services an EGS may be able to provide to these types of customers. The fact that this information may be available via EDI transactions does not eliminate the need for it as an element in the ECL.

 **Capacity and Transmission Obligations** – EGSs raised the issue of the Capacity and Transmission Obligations that are calculated and provided to PJM by the EDCs on an annual basis. EGSs would like to see the current values for these calculations as well as the future Obligations as soon as they are calculated by the EDCs. Currently, the EDCs only have one field each for the Capacity and Transmission Obligation, in which they provide the most recent values available. The EDCs averred that adding another field to provide both calculations would necessitate reprogramming their ECLs as well as requiring them to draw information from different internal data systems.

 In our *Tentative Order*, we proposed that there should be an element for current Capacity and Transmission Obligations and an element for future Obligations as that calculation becomes available. *Tentative Order* at 9. In their comments, Duquesne, PECO, PPL, FE, NEMA, PEMC, and CNE generally supported the Commission’s tentative finding that both current and future values should be provide on the ECL. Several of the aforementioned parties requested clarification with respect to the directive to release this information when it becomes available. Capacity and Transmission Obligations are calculated by the EDCs and provided to PJM in January, but become effective at different times in the year.

 FirstEnergy stated that due to the structure of its billing systems and the means by which the ECL is generated, significant time and resources would be necessary to include these future values on the ECL. Instead, FirstEnergy proposes that they could provide this data to EGSs via a separate file sent to EGSs or by posting the information on the companies’ Supplier Support website. FirstEnergy Comments at 5-6. EAP contended that the provision of future calculated is unnecessary and should not be mandated. EAP Comments at 3.

 We find that the inclusion of these fields in the ECL, both current and future Obligations, is appropriate, with the understanding that due to the schedule of these calculations, the fields for future values will not always be populated. We are persuaded that these calculations are an integral piece of EGS pricing for accounts and are best provided in the ECL. In response to the request for clarification, the EDCs should provide data fields for the current, effective Capacity and Transmission Obligations as well as fields for the future values to be populated when the EDC has calculated the Obligations for PJM.

**Conclusion**

For the foregoing reasons, we will adopt this Opinion and Order to serve as Interim Guidelines for the content of Eligible Customer Lists to be provided by EDCs to EGSs licensed to provide service in the Commonwealth. This list will provide EGSs with important customer information so that the EGSs can more readily identify potential retail customers, and can better tailor products and service offerings to meet their customers’ needs. We believe this action will help to increase both supplier and customer participation in the marketplace. We wish to express our appreciation to the CHARGE participants and those who filed comments in this proceeding for their efforts to develop the proposed consensus list of elements as well as their input on areas where consensus was not achieved; **THEREFORE,**

 **IT IS ORDERED:**

 1. That the Interim Guidelines for Eligible Customer Lists set forth in this Opinion and Order are issued for the use of Electric Distribution Companies in the development of Eligible Customer Lists produced for the use of Electric Generation Suppliers licensed to provide service in the Commonwealth.

2. That this Opinion and Order shall be served on all Electric Distribution Companies, all licensed Electric Generation Suppliers, the Office of Trial Staff, the Office of Consumer Advocate, the Office of Small Business Advocate, the Energy Association of Pennsylvania and all persons filing comments at this Docket.

3. That the Office of Competitive Market Oversight shall electronically serve a copy of this Final Order on all persons on the contact list for the Committee Handling Activities for Retail Growth in Electricity.

4. That a copy of this Opinion and Order shall be posted on the Commission’s website at the Office of Competitive Market Oversight’s web page.

5. That this proceeding be marked closed.

** BY THE COMMISSION,**

 Rosemary Chiavetta

 Secretary

(SEAL)

ORDER ADOPTED: November 12, 2010

ORDER ENTERED: November 12, 2010