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March 12, 2018

**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: En Banc Hearing for Supplier Consolidated Billing  
Docket No. M-2018-2645254

Dear Secretary Chiavetta:

As part of this docket, the Commission will be conducting *en banc* hearings to further its consideration of Supplier Consolidated Billing (“SCB”).<sup>1</sup> SCB enables electric generation suppliers (“EGSs”) to directly bill their customers rather than being forced to rely on the electric distribution companies (“EDCs”) to include EGS charges on the EDC’s bill. The inability to issue a consolidated bill to customers prevents EGSs and their customers from forming a direct relationship. This, in turn, stifles the innovation that results when companies have direct feedback from customers and can tailor their products and services to meet their customer’s needs.<sup>2</sup>

The Commission has been a strong supporter of retail markets over the years and much groundwork has already been laid to support the development of SCB. These efforts include the deployment of smart meters, the development of electronic processes to enable EDCs and EGSs to share critical customer information, and the strong consumer education effort lead by the Commission (to include a top notch consumer shopping website). Implementation of SCB is an important and necessary evolution of the retail electricity marketplace which will allow EGSs to begin to deliver on the original promises of technological and services-related innovation that were an integral part of the Electricity Generation Customer Choice and Competition Act.<sup>3</sup>

For these reasons, the Retail Energy Supply Association (“RESA”)<sup>4</sup> enthusiastically supports the Commission’s continued review of SCB and recommends that the forthcoming *en banc* process

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<sup>1</sup> This proceeding was opened as directed in the Commission’s Opinion and Order entered January 31, 2018 at Docket No. P-2016-2579249 (“*SCB En Banc Order*”).

<sup>2</sup> In fact, there is no parallel example of another industry where a consumer gets billed from the transportation company for the product or service bought from another company.

<sup>3</sup> 66 Pa. C.S. §§2801-2812.

<sup>4</sup> The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA

provide a full opportunity for all interested stakeholders to present their views and to address any concerns specifically identified by the Commission. RESA recently participated in two days of hearings before the Public Service Commission of Maryland (“MD PSC”) focused on SCB issues.<sup>5</sup> Ultimately, these hearings provided the MD PSC with a wealth of information from numerous stakeholders that had varying opinions and perspectives. Because of this input, the MD PSC is well-positioned to consider this important issue and to determine how best to move forward. To achieve a similar outcome for Pennsylvania, RESA recommends that the Commission consider the following as it structures its *en banc* hearings.

Perhaps most importantly, RESA supports the view that all interested stakeholders should be permitted to participate (even if doing so requires additional days of hearings). Allowing the viewpoints of all interested entities to be heard and fully developed is the best way to ensure that a complete record is produced for the benefit of the Commission’s consideration. RESA cautions against limiting participation within certain industry “segments,” such as “EGSs.” EGSs are a varied group of companies. Within RESA (just one trade organization of EGSs), there is much diversity.<sup>6</sup> Some companies have smaller operations that may only focus on a few service territories and/or customer classes. Other companies may be significantly larger with a variety of different affiliated companies and operations serving multiple customer classes. Member companies are also varied in terms of the jurisdictions in which they operate and how they market their products and services. There are also many EGSs that are not a part of RESA which may want to contribute their company specific experiences and views to this process.

In order to permit all interested parties to participate, RESA suggests that – as the Commission has done with prior similar proceedings – it request that any interested stakeholder contact staff by a certain date so that staff can identify the number of interested participants and ensure that sufficient time is allocated for the hearing.<sup>7</sup> This information regarding interested speakers will also enable the Commission to more effectively determine the appropriate panels for the *en banc* hearing. Additionally, RESA encourages the Commission to accept recommendations from stakeholders regarding individuals with SCB expertise in other jurisdictions who should be invited to participate so as to maximize the opportunity for the Commission to gain valuable information about real-world experiences with SCB. Importantly though, and consistent with the approach utilized by the MD PSC, anyone interested in speaking should be permitted to do so without any time limit.

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is a broad and diverse group of more than twenty retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at [www.resausa.org](http://www.resausa.org).

<sup>5</sup> A copy of the Order of Witness Panels for this proceeding is enclosed.

<sup>6</sup> A listing of RESA’s members is available at: <https://www.resausa.org/members>.

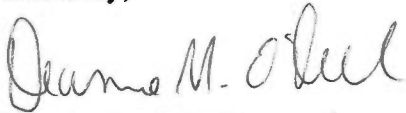
<sup>7</sup> Interested participants should have flexibility as to who from their organization will participate. Consistent with the agenda developed by the MD PSC, panels were identified with participating organizations and then, on the day of the hearings, the chosen representatives participated in the hearings.

RESA also respectfully requests that the Commission be clear that all issues related to SCB are open for discussion and will be considered as part of this proceeding. Due to conflicting language in the *SCB En Banc Order*, RESA is concerned that some stakeholders may not want to engage in a full and open discussion about all the various important issues involved with SCB (including the ability of EGSs to terminate service) on the basis that the Commission has already decided those issues. Because of this concern, RESA believes that clarity from the Commission that it welcomes a dialogue about all issues that are central to the deliberation of SCB will enable more productive discussions in the *en banc* proceeding and better facilitate collaborative efforts of the stakeholders.

Finally, to avoid this process stalling once the *en banc* hearings have ended, RESA respectfully requests that the Commission identify the next concrete action that it will take following the conclusion of the hearings. In the past, the Commission has directed its staff to assemble a report and recommendation for the Commission's consideration. These recommendations may include issuing a tentative order as to the Commission's conclusions about the various issues discussed or requesting additional further input from stakeholders or convening technical workshops on various aspects that require additional review. SCB has been an issue in Pennsylvania since restructuring first occurred and, now that so much other important work that supports the implementation of SCB is done, it is critical to ensure that Pennsylvania continues to move forward in finding ways to facilitate the ability of the market to bring greater competition, diversity and innovation to Pennsylvania consumers. SCB is a great pathway to achieve these goals.

For all these reasons, RESA looks forward to participating in this process and believes that the creation of an open process with clear direction about next steps will best serve the ability of the Commission to have the benefit of a fully developed record to inform its decisions on this issue.

Sincerely,



Deanne M. O'Dell

DMO/lww  
Enclosure

cc: Daniel Mumford, Director, Office of Competitive Market Oversight (via email only)  
Kriss E. Brown, Deputy Director, Office of Competitive Market Oversight (via email only)  
Richard Kanaskie, Director, Office of Investigation & Enforcement (via email only)  
John R. Evans, Director, Office of Small Business Advocate (via email only)  
Tanya McCloskey, Acting Consumer Advocate, Office of Consumer Advocate (via email only)

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ANNETTE B. GAROFALO  
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**PUBLIC SERVICE COMMISSION**

**OFFICE OF STAFF COUNSEL**

February 19, 2018

David J. Collins, Executive Secretary  
Public Service Commission of Maryland  
William Donald Schaefer Tower  
6 St. Paul Street, 16<sup>th</sup> Floor  
Baltimore, MD 21202

C.N. 9461--SCB

Dear Mr. Collins:

The Staff of the Public Service Commission of Maryland proposes the following Order of Witness Panels for the Commission's Legislative Hearing in the above referenced matter. Only organizations and their counsel have been named. However, it is expected that most, if not all speakers will appear with subject matter experts.

**Panel 1: Petitioners**

NRG Energy, Inc.  
Interstate Gas Supply, Inc.  
Direct Energy Services, LLC  
ENGIE Resources, LLC

Brian Greene, Esq.;

**Panel 2: Gas and Electric Companies**

Baltimore Gas and Electric Company  
Kimberly A. Curry, Esq.;

Potomac Electric Power Company and Delmarva Power and Light Company  
Matthew K. Segers, Esq.;

The Potomac Electric Company  
Teresa K. Harold, Esq.;

Southern Maryland Electric Cooperative, Inc.  
Mark A. MacDougall, Esq.;

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MDRS: 1-800-735-2258 (TTY/Voice) • Website: [www.psc.state.md.us/psc/](http://www.psc.state.md.us/psc/)

**Panel 3: Retail Suppliers: Non-petitioning Suppliers and Trade Associations**

**Panel 4: Government Representatives**

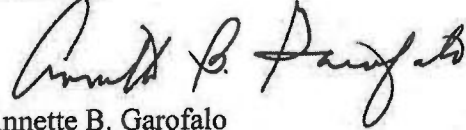
Maryland Energy Association  
Ankush Naylar

Montgomery County  
Lisa Brennen, Esq.

Maryland Office of People's Counsel  
Jacob M. Ouslander, Esq.

**Panel 5: Commission Staff**

Sincerely,



Annette B. Garofalo  
Assistant Staff Counsel

cc: Parties of Record