

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

**Re: Supplier Door-to-Door and In-Person Marketing Moratorium
Proclamation of Disaster Emergency- COVID-19**

EMERGENCY ORDER
DOCKET No: M-2020-3019254

On March 6, 2020, pursuant to subsection 7301(c) of the Emergency Management Services Code, 35 Pa. C.S. §§ 7101, *et seq.*, Governor Tom Wolf issued a Proclamation of Disaster Emergency proclaiming the existence of a disaster emergency throughout the Commonwealth for a period of up to ninety (90) days, unless renewed by the Governor. Shortly thereafter, on March 11, 2020, the World Health Organization declared COVID-19 - the coronavirus – a pandemic.

The Proclamation of Disaster Emergency authorizes and directs the suspension of “the provisions of any regulatory statute prescribing the procedures for conduct of Commonwealth business, or the orders, rules or regulations of any Commonwealth agency, if strict compliance with the provisions ... would in any way prevent, hinder, or delay necessary action in coping with this emergency.”

In addition, Section 1501 of the Public Utility Code, 66 Pa. C.S. § 1501, provides that every public utility has a duty to furnish and maintain adequate, efficient, safe, and reasonable service as is necessary for the accommodation, convenience, and safety of its patrons, employees, and the public.

Under the unique circumstances presented by the COVID-19 pandemic, establishing a moratorium on door-to-door, public event and in person sales and marketing of competitive energy supply services in Pennsylvania –to help minimize non-essential personal social contact - is consistent with the Governor's Proclamation of Disaster Emergency and the requirements of Section 1501.

Door-to-door sales, public event, and sales and marketing are defined at 52 Pa Code §111.2:

Door-to-door sales—A solicitation or sales method whereby an agent proceeds randomly or selectively from residence to residence.

Public event—An event in a public location which may facilitate sales and marketing activities or may result in a customer enrollment transaction.

Sales and marketing—The extension of an offer to provide services or products communicated orally, electronically or in writing to a customer.

While door-to-door sales refers to residences, through this Emergency Order we will direct the cessation of all door-to-door, public event and in person sales and marketing activities, regardless of customer class, in order to minimize all non-essential personal contact.

Pursuant to the Commission's regulations governing emergency relief, an Emergency Order will be issued only when there exists a clear and present danger to life or property or when the relief requested is uncontested and action is required prior to the next scheduled public meeting. 52 Pa. Code §3.1. Additionally, the Commission's regulation at 52 Pa. Code §3.2 provides that, in addition to the existence of an emergency, an emergency order is appropriate where the need for relief is immediate, there would be irreparable injury if relief is not granted, and the relief is not injurious to the public interest.

I find that issuance of an emergency order is appropriate under these unique circumstances where the Commonwealth of Pennsylvania, the Nation, and the world, is dealing with a highly infectious virus. Due to this unprecedented emergency, I find that door-to-door, public event and any in person sales and marketing of competitive energy supply is not a necessity at this time given the need to protect the health and the safety of the public, both customers and persons employed by suppliers, by minimizing unnecessary social contacts. This is especially the case under the current challenges that resulted in the Proclamation of a pandemic emergency.

Therefore, all electric generation suppliers and natural gas suppliers subject to the Commission's jurisdiction are prohibited from engaging in any door-to-door, public event and in person sales and marketing activities during the pendency of the Proclamation of Disaster Emergency, or unless otherwise directed by the Commission.

THEREFORE, IT IS ORDERED:

1. That all electric generation suppliers and natural gas suppliers subject to the Commission's jurisdiction are prohibited from engaging in any door-to-door, public event and in person sales and marketing activities during the pendency of the Proclamation of Disaster Emergency consistent with this Emergency Order.

2. That this Emergency Order be served on all jurisdictional electric generation suppliers and natural gas suppliers, the Commission's Bureau of Investigation and Enforcement, the Office of Consumer Advocate and the Office of Small Business Advocate.

Date: March 16, 2020


Gladys Brown Dutrieuille, Chairman