

COMMONWEALTH OF PENNSYLVANIA



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October 18, 2023

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Re: Petition of Duquesne Light Company for  
Clarification of Interim Guidelines for  
Eligible Customer Lists Final Order entered  
October 23, 2014  
Docket No. P-2023-3043362  
M-2010-2183412

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer's Answer to the Petition of Duquesne Light Company in the above-referenced proceeding. As required under the Commission's regulations, the Office of Consumer Advocate's Answer is accompanied by a verification in accordance with 52 Pa. Code Section 1.36.

Copies have been served on the parties as indicated on the enclosed Certificate of Service.

Respectfully submitted,

/s/ Darryl A. Lawrence  
Darryl A. Lawrence  
Senior Assistant Consumer Advocate  
PA Attorney I.D. # 93682  
DLawrence@paoca.org

Enclosures:

cc: Office of Administrative Law Judge (**email only:** [crainey@pa.gov](mailto:crainey@pa.gov))  
Office of Special Assistants (**email only:** [ra-OSA@pa.gov](mailto:ra-OSA@pa.gov))  
Paul Diskin, TUS (**email only:** [pdiskin@pa.gov](mailto:pdiskin@pa.gov))  
Certificate of Service

\*4885-4441-8440

CERTIFICATE OF SERVICE

Petition of Duquesne Light Company for :  
Clarification of Interim Guidelines for : Docket No. P-2023-3043362  
Eligible Customer Lists Final Order entered : M-2010-2183412  
October 23, 2014 :

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Answer to the Petition of Duquesne Light Company, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 18<sup>th</sup> day of October 2023.

**SERVICE BY E-MAIL ONLY**

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Harrisburg, PA 17101-1923  
Phone: (717) 783-5048  
Dated: October 18, 2023  
\*4862-7182-7080

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

|   |   |                |
|---|---|----------------|
| Petition of Duquesne Light Company for      | : |                |
| Clarification of Interim Guidelines for     | : | P-2023-3043362 |
| Eligible Customer Lists Final Order entered | : | M-2010-2183412 |
| October 23, 2014                            | : |                |

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ANSWER OF THE  
OFFICE OF CONSUMER ADVOCATE

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Pursuant to 52 Pa. Code Section 5.61, the Office of Consumer Advocate (OCA) submits the following Answer to the Petition of Duquesne Light Company (DLC or the Company) for Clarification of *Interim Guidelines for Eligible Customer Lists*, filed on September 29, 2023 (Petition).

**I. INTRODUCTION**

On October 23, 2014, the Pennsylvania Public Utility Commission (Commission) established the *Interim Guidelines for Eligible Customer Lists* (ECLs). *Interim Guidelines for Eligible Customer Lists*, Docket No. M-2010-2183412 (Final Order Oct. 23, 2014)<sup>1</sup> (*Interim Guidelines*). Pursuant to the *Interim Guidelines*, every three years electric distribution companies (EDCs) must inform their customers that the customers' information is included on the ECL, is made available to Electric Generation Suppliers (EGSs), and that the customer can opt-out of having their information included on the ECL. The triennial reminder must be performed through paper solicitation, unless the customer is enrolled in e-billing with the EDC, in which case it can be performed via email. *Interim Guidelines* at 13.

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<sup>1</sup> Available at <https://www.puc.pa.gov/pdocs/1321204.docx>.

The Company filed this Petition seeking an exemption from the paper solicitation requirement, so that solicitation may be performed by electronic means for all customers who have currently opted to receive Company communications via email, and not just those who have opted for electronic billing. Petition at ¶ 14. The Company filed a similar Petition for its 2021 triennial ECL solicitation, which was granted by the Commission. *Petition of Duquesne Light Company For Limited Waiver of Service Requirements of the Eligible Customer List Triennial Solicitation*, Docket No. P-2020-3022674 (Order Jan. 14, 2021)<sup>2</sup> (2021 Order). In the 2021 Order, the Commission did not address the electronic ECL solicitation by other EDCs, nor did the Commission address the Company's ability to perform ECL solicitations by email in 2024 or beyond. *Id.* at 7.

Pursuant to the 2021 Order, the Company compiled a report on customer responsiveness to the 2021 ECL solicitation as well as the Company's actual savings on postage and printing costs. *See Duquesne Light Company 2021 Eligible Customer List Solicitation Report*, Docket No. P-2020-3022674 (Dec. 30, 2021)<sup>3</sup>. In the instant Petition, the Company relies upon the compiled data to support its renewed request for email solicitation. Petition at ¶¶ 21, 22, 24.

## **II. ANSWER**

The OCA supports the Company's goals of reducing costs for ratepayers and increasing customer engagement during the 2024 triennial ECL solicitation. Therefore, the OCA does not oppose the Company's request to continue the use of expanded email service to customers who elect to either enroll in e-billing or receive electronic communications from the Company through the 2024 ECL solicitation period.

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<sup>2</sup> Available at <https://www.puc.pa.gov/pcdocs/1690295.doc>.

<sup>3</sup> Available at <https://www.puc.pa.gov/pcdocs/1729315.pdf>.

However, in response to the Company's Petition, the OCA respectfully requests that the Commission investigate the efficacy of email solicitation during the triennial ECL periods on a statewide basis and consider amendments to the current *Interim Guidelines*. As stated by the Company in the instant Petition, consumer expectations have shifted dramatically over the past decade, in part due to the COVID-19 pandemic, and indicate a growing reliance on – and preference for – electronic communications. Petition at ¶¶ 29, 30. Thus, the OCA encourages the Commission to consider updating the *Interim Guidelines* to better address consumers preferences during future ECL solicitation periods.

In accordance with this request, the OCA submits that, to the extent the Commission grants the Company's Petition for Clarification, DLC's request to expand email solicitation should only apply to the 2024 ECL solicitation period and not future solicitation periods, as requested by the Company in its Petition. The OCA further submits that, to the extent that the Commission grants the Company's Petition for Clarification, the request to expand email solicitation should apply only to DLC, and not to other EDCs. Specifically, until the Commission adopts a statewide ruling on electronic ECL solicitation, EDCs' plans to deviate from the *Interim Guidelines* should be addressed as they appear before the Commission.

Therefore, the OCA supports the Company's request to the extent that the Petition seeks authorization to use expanded electronic solicitation during the 2024 ECL solicitation period, but the OCA respectfully requests that such authorization should not be granted beyond the 2024 period or to other EDCs until the Commission has updated the *Interim Guidelines* after an opportunity for input by interested stakeholders to determine whether additional changes to the ECL and ECL solicitation are needed to address consumer preferences.

WHEREFORE, the Office of Consumer Advocate respectfully requests that the Commission include the conditions proposed by the OCA, should it decide to grant DLC's Petition.

Respectfully Submitted,

*/s/ Darryl A. Lawrence*

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Harrisburg, PA 17101-1923  
(717) 783-5048  
Dated: October 18, 2023

\*4854-6844-9414


BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Petition of Duquesne Light Company for :  
Clarification of Interim Guidelines for : P-2023-3043362  
Eligible Customer Lists Final Order entered : M-2010-2183412  
October 23, 2014 :

VERIFICATION

I, Patrick M. Cicero, hereby state that the facts set forth in the Office of Consumer Advocate's Answer to the Petition of Duquesne Light Company, are true and correct (or are true and correct to the best of my knowledge, information, and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

DATED: October 18, 2023

Signature:  \_\_\_\_\_  
Patrick M. Cicero  
Consumer Advocate

Address: Office of Consumer Advocate  
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5<sup>th</sup> Floor, Forum Place  
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