

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**Comments of the
National Energy Marketers Association**

The National Energy Marketers Association (NEM)¹ hereby submits its comments on the Commission’s Tentative Order through which it has issued draft interim guidelines for Eligible Customer Lists (ECLs). In large part, the draft guidelines reflect the consensus work product of a subgroup of the CHARGE group overseen by Commission Staff. The draft guidelines do also make recommendations on certain non-consensus items. The draft guidelines recommend that the utilities provide ECLs to marketers with specific minimum data elements and that the ECLs be updated on a monthly basis. NEM supports the Commission’s adoption of the Tentative Order, subject to certain recommended modifications as discussed below. We believe that the information to be provided on the ECLs can be shared in a manner that protects consumer privacy.

NEM strongly supports the Commission and its commitment to fostering the development of competitive retail markets. As to the specific issue of customer lists, this has been a tool that the Commission approved at the inception of energy choice. With

¹ The National Energy Marketers Association (NEM) is a non-profit trade association representing both leading suppliers and major consumers of natural gas and electricity as well as energy-related products, services, information and advanced technologies throughout the United States, Canada and the European Union. NEM’s membership includes independent power producers, suppliers of distributed generation, energy brokers, power traders, global commodity exchanges and clearing solutions, demand side and load management firms, direct marketing organizations, billing, back office, customer service and related information technology providers. NEM members also include inventors, patent holders, systems integrators, and developers of advanced metering, solar, fuel cell, lighting and power line technologies.

utility rate caps expiring and improved opportunities for market-based competition, the availability of accurate customer list information has become increasingly important.

Indeed, this Commission recently stated that,

Communication remains the cornerstone of an effective competitive market place. If buyers and sellers cannot reach each other to make offers and acceptances, and speak in the same “language,” commerce will be impeded and, even if it can take place, additional and unnecessary costs are incurred. Therefore, it is of utmost importance that the distribution utility and the EGSs seeking to sell electricity to end-users exchange information in an accurate and consistent manner. In order to do this, EGSs must first have the information they need on the customer base they wish to serve. Therefore, they must be able to have up-to-date and precise information on the utility's customers.²

NEM completely agrees. Implicit with the Commission's recognition of the importance of customer lists is the attainment of a number of significant benefits, including:

- Customer lists contribute significantly to the management of customer acquisition costs for competitive energy suppliers, ultimately resulting in favorable product pricing to the consumer;
- Customer lists allow suppliers to narrowly tailor the contacts made to only those customers in a particular utility service territory that receive a particular type of service;
- Customer lists provide an efficient means to ensure that contact is not made with consumers that do not reside in the relevant service area or do not receive the type of service, electric or gas, the supplier is offering; and
- Customer lists having accurate, up-to-date complete customer lists significantly reduces levels of customer confusion, limits the population of customers contacted and targets the customers with accurate and timely offers of service.

The data elements identified in the Tentative Order for inclusion in ECLs will be instrumental in allowing marketers to realize these benefits and conduct better targeted

² PPL Electric Utilities Corporation Retail Markets, Docket No. M-2009-2104271, Tentative Order, issued May 15, 2009, page 5.

marketing campaigns.

There were a limited number of data elements for which consensus was not achieved as to their inclusion on an ECL. The Commission made tentative findings as to the inclusion of these data elements in the Tentative Order. NEM offers the following recommendations with respect to the Commission's proposed resolution of the non-consensus issues.

Telephone Numbers - The Commission proposed that customer telephone numbers should be included on the ECL, except when restricted by customers in accordance with Commission regulations. We agree with the Commission's recommendation. In general, we believe that customer list information can be disseminated to marketers in a responsible fashion that adequately protects consumer privacy. Inclusion of this additional data element would significantly improve marketing efforts. Moreover, as the Commission noted, consumers do have the ability to restrict the release of their information should they choose to do so. Customers also can enroll on the federal and state do-not-call lists, which suppliers are mandated to conform with, and provides an additional measure of protection.

Mechanism for Victims of Domestic Violence to Restrict Information - We support the proposal that customers in domestic violence or other dangerous situations be provided with a mechanism to restrict access to their service address. Situations such as this are clearly elevated to a level of enhanced privacy and safety concerns and special measures are justified to protect individuals in this circumstance. We would request that additional detail be provided as to how to provide meaningful notification to such

customers and limit those individuals from being contacted in a manner that accomplishes the Commission's objective.

Rate Mitigation Plan Indicator - The Commission proposed that a rate mitigation plan indicator should not be included on the ECL. NEM requests that the Commission reconsider this proposal. Although, as the Commission states, the rate mitigation plans are temporary in nature. They do coincide specifically with rate cap expirations and would provide a valuable source of information to allow marketers to better serve customers as they transition to competitive supply service in increasing numbers. The rate mitigation plan indicator would be especially useful to include in the case where the utility's computation of the PTC is impacted by the utility's rate mitigation plan.

POLR Service Indicator - The Commission tentatively found that a field indicating whether a customer is taking POLR service should be included on the ECL. NEM agrees with the intention of this proposal.³ Including the POLR indicator on the ECL will be another means of allowing marketers to cost-effectively and efficiently limit their contacts to eligible customers. The utilities provide information on the customer lists that marketers find useful for data analysis purposes and in providing customer rate class information⁴ that is useful in serving the customer going forward from enrollment.

Interval Meter Indicator -The Commission also proposed that a field indicating whether an account has an interval meter should be included on the ECL, and NEM agrees with the Commission's proposal. This is precisely the type of information that

³ NEM notes that if the ECL were limited to non-shopping customers it would necessarily eliminate the issue of whether the customer was or was not on POLR service. If only non-shopping customers are included on an ECL, as occurs in Ohio, it avoids issues associated with customers incurring early termination fees and utility processing of enrollment priorities.

⁴ NEM suggests that utilities statewide should provide rate class information.

marketers need to know in order to make additional, innovative offerings available in the marketplace. Providing this on the ECL will make it more transparent to the marketer as to the customer's general appetite for and receptivity to time-differentiated and demand response-related energy products.

Capacity and Transmission Obligations - NEM agrees with the Commission that the ECL should include fields for current and future capacity and transmission obligations, when they are calculated and available. Inasmuch as this information is a factor for marketers in determining their pricing options to customers, we believe this is a valuable data element that should be included in the ECL.

Old Account Numbers and Contact Name & Address - The Commission proposed that utilities should provide one-to-one mapping of accounts in the case of system-wide account number changes, rather than including a separate field on the ECL for old account numbers. The Commission also proposed that the contact name and address for C&I accounts should not be included on the ECL. We support the Commission's tentative finding on the resolution of these issues.

Conclusion

The provision of customer lists to competitive suppliers has and will be an integral component to continue the opening of retail energy markets in Pennsylvania. Most importantly, it can be done in a fashion that adequately protects consumers. As such, we support the provision of customer lists to competitive suppliers subject to the specific modifications suggested above.

Sincerely,

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