

Regulatory Analysis Form

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INDEPENDENT REGULATORY
REVIEW COMMISSION

IRRC Number: 2648

(1) Agency

Pennsylvania Public Utility Commission

(2) I.D. Number (Governor*s Office Use)

L-00070184/57-255

(3) Short Title

Proposed Rulemaking Re: Retail Electricity Choice Activity Reports

(4) PA Code Cite

52 Pa. Code Sections §§ 54.201-
54.204

(5) Agency Contacts & Telephone Numbers

Primary Contact: Patricia Krise Burket (legal), 717-787-3464

Secondary Contact: Charles Covage (technical), 717-783-3835

(6) Type of Rulemaking (check one)

- Proposed Rulemaking
 Final Order Adopting Regulation
 Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No
 Yes: By the Attorney General
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The proposed regulations, subchapter H of Chapter 54 of 52 Pa. Code.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

.66 Pa.C.S. § 501(relating to general powers); § 2804 (12)(relating to standards for restructuring of electric industry; milestone reviews of retail electric generation competition market) and § 2811(a)(relating to market power remediation.)

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(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

No.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

The adoption of Subchapter H of Chapter 54 of 52 Pa. Code will allow the Commission to fulfill its statutory duty to monitor sales activity and growth in the retail electric generation market. 66 Pa. C.S. §2804(12)(relating to standards for restructuring of electric industry; market growth milestone review) and §2811 (relating to market power remediation).

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

Under the proposed regulation, distribution companies and suppliers would be required to periodically report on information regarding sales activity in the electric generation supply market. Without this information, the Commission would be unable to monitor market conditions in the retail electric generation market and most importantly, could not police anticompetitive or discriminatory conduct by distribution companies and suppliers. Left unchecked this unlawful conduct by market participants could prevent retail electric generation customers from obtaining the economic benefits of a properly functioning and competitive electric generation market.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

All electric generation customers will benefit from the promulgation of the proposed regulations. The information on sales activity that will be filed by the electric distribution companies and generation suppliers will allow the Commission to monitor the growth of the retail electric generation market and to screen for possible anticompetitive conduct and discrimination, thus preserving the economic benefits of the competitive marketplace for customers.

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(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

Except for the minimal costs associated with electric distribution companies and electric generation suppliers' compliance with the periodic reporting requirement discussed below at no 17, no person will be adversely affected by the proposed regulations.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

All Pennsylvania electric distribution companies and active electric generation suppliers must comply with the proposed regulations. There are 11 electric distribution companies and approximately 40 electric generation suppliers licensed to sell electric generation to retail customers. Only those electric generation suppliers who are engaged in selling electric generation to retail customers are considered to be "active suppliers" and must comply with the proposed regulations.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

On April 12, 2006, the Commission issued a order requesting public comment on establishing a reporting requirement for information relating to sales activity in Pennsylvania's electric generation market. The comment period ended June 12, 2006; the reply comment period ended July 11, 2006. Comments were filed by eight interested parties - the Energy Association of PA, Office of Small Business Advocate, Office of Consumer Advocate, one electric distribution company--Pike County Power & Light Company, three suppliers -- Constellation NewEnergy, Inc., Richards Energy Group Inc., and First Energy Solutions Corp.; and Retail Energy Supply Association, a marketer trade association. Reply comments were filed by Constellation and RENA.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

Costs of compliance with the proposed regulations will be minimal. Both electric distribution companies and the electric generation suppliers already collect and compile sales activity information for their own use and will be provided with a form for use in reporting this information. The form will be made available electronically at the PUC's internet web site. Electric distribution companies will file reports quarterly while electric generation suppliers will file reports annually.

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(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.

None.

(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.

Additional legal or accounting costs associated with the implementation of this proposed regulation by the Commission will be minimal. There will be no savings to the Commission as a result of implementing this proposed regulation.

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(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$ N/A	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community	minimal	minimal	minimal	minimal	minimal	minimal
Local Government	N/A					
State Government	minimal	minimal	minimal	minimal	minimal	minimal
Total Costs						
REVENUE LOSSES:	N/A					
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(20a) Explain how the cost estimates listed above were derived.

The proposed regulations are not expected to result in any revenue losses, savings or costs to local governments. No revenue losses or savings are expected for the regulated community or state government. Costs associated with the preparation and filing the sales activity reports for the regulated community and the PUC are expected to be minimal. PUC costs related to docketing and filing the reports, to the extent that they exist, will be further reduced with the implementation of the PUC's electronic filing and docketing system (InfoMAP).

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(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY
N/A				

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

Not applicable.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Not applicable.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

Not applicable.

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(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

Not applicable.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

The minimal costs for electric distribution companies and electric generation suppliers associated with this periodic sales activity reporting requirement will not place Pennsylvania at a competitive disadvantage.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

No.

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(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.

Yes, the proposed regulations establish a reporting requirement relating to sales activity in the retail electric generation market for electric distribution companies and electric generation suppliers. Since distribution companies and suppliers already compile this sales activity information, costs for record keeping for these two groups should not be affected.

Distribution companies and suppliers will be required to complete and file with the PUC secretary the appropriate form to report specific information regarding sales activity. Because this is a new reporting requirement, initially there may be a minimal increase in reporting costs for these two groups. However, these costs should ultimately be reduced as a result of the PUC's implementation of its electronic filing and docketing system InfoMAP.

(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

Not applicable

(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?

The proposed regulation will become final following publication in the Pennsylvania Bulletin after review of all comments submitted to the Commission and approval by IRRC. The Commission hopes to have final form regulations to receive all necessary approvals by the end of 2007.

(31) Provide the schedule for continual review of the regulation.

After taking effect, the final regulations will be reviewed and revised as is necessary.

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Copy below is hereby approved as to form and legality. Attorney General.

BY *Amy M. Elliott*
(DEPUTY ATTORNEY GENERAL)

JUL 02 2007

DATE OF APPROVAL

Copy below is hereby certified to be true and correct copy of a document issued, prescribed or promulgated by:

Pennsylvania Public Utility Commission
(AGENCY)

DOCUMENT/FISCAL NOTE NO. L-00070184/57-255

DATE OF ADOPTION April 13, 2007

BY *James J. McNulty*
James J. McNulty

TITLE (SECRETARY)

Copy below is hereby approved as to form and legality. Executive or independent Agencies.

BY *Bohdan R. Pankiw*
Bohdan R. Pankiw
Chief Counsel

4-13-07
DATE OF APPROVAL

Check if applicable
Copy not approved. Objections attached

Check if applicable. No Attorney General approval or objection within 30 days after submission.

L-00070184/57-255
Proposed Rulemaking
Retail Electricity Choice Activity Reports
52 Pa. Code, Section 54

The Pennsylvania Public Utility Commission on April 13, 2007 adopted a proposed rulemaking order which proposes to adopt reporting requirements regarding electric generation market activity to prevent anticompetitive or discriminatory conduct and the unlawful exercise of market power. The contact persons are Charles Covage, Bureau of Conservation, Economics and Energy Planning, 783-3835 and Patricia Krise Burket, Law Bureau, 787-3463.

EXECUTIVE SUMMARY

L-00070184/57-255

Retail Electricity Choice Activity Reports

52 Pa. Code Sections §§ 54.201-54.204

On April 12, 2006, the PUC entered an order soliciting comments on establishing reporting requirements for monitoring sales activity and growth in the retail electric generation market. The proposed reporting requirements would apply to all electric distribution companies and active electric generation suppliers. Comments to the order were due by June 12, 2006; reply comments were due by July 11, 2006. *Development and Production of Retail Electricity Choice and Activity Reports*, Order entered April 12, 2006 at Docket No.-M-00061939.

The proposed regulations at 52 Pa. Code §§ 54.201-54.204 require that all electric distribution companies and active electric generation suppliers report information by customer group relating to sales activity in the retail electric generation market. Distribution companies will be required to file quarterly reports while suppliers will be required to file annual reports. Reports must be filed using the appropriate report form. Draft forms are included in Annex A to facilitate public comment. The final report forms will not be published as part of the regulations, but will be available as paper copies by request to the Commission Secretary or in a downloadable electronic format on the PUC's internet website.

The PUC will use the sales activity information provided to fulfill its duty to monitor the Commonwealth's retail electric generation market and to police and arrest instances of market power abuse and discriminatory conduct. 66 Pa.C.S. § 2811. The Commission will also use the information to conduct milestone reviews of the development of the retail market for the supply and distribution of electricity. 66 Pa.C.S. § 2804 (12).

The contact persons for this proposed rulemaking are Charles F. Covage, 717-783-3835 (technical), and Patricia Krise Burket, 717-787-3463 (legal).

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA. 17105-3265**

Public Meeting held April 13, 2007

Commissioners Present:

Wendell F. Holland, Chairman
James H. Cawley, Vice Chairman
Kim Pizzingrilli
Terrance J. Fitzpatrick

Retail Electricity Choice Activity Reports

Docket No. L-00070184

**PROPOSED RULEMAKING
ORDER**

BY THE COMMISSION:

Under the *Electricity Customer Choice and Competition Act*, the Commission is charged with the duty of monitoring sales activity and conducting milestone reviews of the development of Pennsylvania's retail market for the supply and distribution of electricity. The Commission is also authorized to take steps to prevent anticompetitive or discriminatory conduct and the unlawful exercise of market power. See Pa.C.S. § 2804 (12) and 2811(a). To fulfill these duties, it is essential that the Commission be provided with timely information regarding sales activity in Pennsylvania's generation market.

By this order the Commission proposes to adopt reporting requirements regarding electric generation market activity. These proposed regulations will be applicable to both electric distribution companies (EDCs) and electric generation suppliers (EGSs), and will provide important information that will permit the Commission to fulfill the above-listed duties.

DISCUSSION

BACKGROUND

On April 12, 2006, the Commission entered an order soliciting comments on establishing formal reporting requirements for monitoring market activity and growth in the electric generation supply market. The proposed reporting requirements would be applicable to both electric distribution companies (“EDCs”) and electric generation suppliers (“EGSs”). Comments to the order were due by June 12, 2006; reply comments were to be filed by July 11, 2006. *Development and Production of Retail Electricity Choice and Activity Reports*, Order entered April 12, 2006 at Docket No. M-00061939.

Comments were filed by Constellation NewEnergy, Inc. (“Constellation”), Office of Consumer Advocate (“OCA”), Office of Small Business Advocate (“OSBA”), Energy Association of Pennsylvania (“EAPA”), Pike County Power & Light Company (“Pike”), Richards Energy Group Inc. (“Richards”), Retail Energy Supply Association (“RESA”)¹, First Energy Solutions Corp. (“FirstEnergy”). Two parties filed reply comments: Constellation and RESA.

Note that although not all of the comments are acknowledged or addressed in this order, the Commission carefully considered all comments and thanks the commenters for their help in defining the proposed reporting requirement in terms of its purpose, its content, its frequency and its applicability. We have drafted proposed regulations to implement the reporting process and developed two forms for submission of the reports. In the course of the regulatory review process, public comment will be solicited on these proposed regulations and the draft forms.

¹ RESA’s members include Consolidated Edison Solutions, Inc.; Direct Energy Services, LLC; Hess Corporation; Reliant Energy Solutions; Sempra Energy Solutions; Strategic Energy, LLC; SUEZ Energy Resources NA, Inc. and US Energy Savings Corporation.

ISSUES

The Commission's April 12, 2006 order listed specific questions that commenters were asked to address. We will discuss these questions and the corresponding comments received seriatim. In the process, we will present what we believe is a practical and reasonable reporting requirement that will allow this Commission to monitor retail electric generation market for sales activity and to some extent, consumer behavior (or market participation).

- 1. Should this Commission implement reporting requirements similar to ones created by the Maryland Public Service Commission (MD PSC)² to monitor competitive market development?**

Constellation states that the Commission should use a report that is similar to Maryland's report, but asserts that at this stage of the market, a less detailed report should be required. Constellation also states that the distribution companies have the bulk of the data that is available so that the suppliers should not be made to complete these reports. Constellation recommends waiting until retail markets have more fully developed and then forming a working group to develop the content of these reports. In its reply comments, Constellation reiterates its position that EDCs should file monthly reports because they have the data. Constellation also agrees with Pike, FirstEnergy and RESA that EGS reports are onerous and states in disagreement with Richards and OCA that there is no need for detailed reports.

Both RESA and Constellation report that Maryland only required suppliers to file the form one time. Richards states that the Maryland Report was not specific enough about rate class data, but too specific on non-normal rate structures.

² Copies of the MD PSC's forms -- *Maryland Choice Supplier Survey* and *Electric Choice Enrollment Monthly Report* -- were attached to the April 12, 2006 order to facilitate comment.

RESA prefers monthly reporting by the EDCs since they maintain this information. RESA states that requiring EGSs to file these reports would amount to a significant regulatory burden. RESA does not oppose making EGSs file reports annually, but would like to limit the content of the reports to types of products/services (fixed/variable) and the length of the contracts. In its reply comments, RESA agrees with EAPA that there needs to be a standardized treatment of customer drops and adds to achieve consistent data.

OSBA states that EDCs and EGSs should be required to report all of the data collected by the Maryland forms. However, instead of reporting some of that data only by number of customers, EDCs and EGSs should also be required to provide all of the data by designated rate groups and by megawatt hours. In addition, EGSs should be required to report their data by EDC service territory.

FirstEnergy does not support adoption of the form report created by the MD PSC for use in Pennsylvania on an ongoing basis. There are aspects of the form that are overburdensome or otherwise not appropriate for disclosure. Specifically, the MD PSC form of report would require new programming of EGS systems to track the specific product/contract type information requested in the form. And of most concern, the MD PSC form of report would require that the EGS disclose confidential product offerings and contract terms with its customers.

Pike states that the proposed report is similar to one required by New York. Pike states that EDCs should file such reports, but such reports would be onerous for suppliers to file.

As a general comment, the EAPA notes that the proposed default service rules (Docket L-00040169) would require customers whose registered demand exceeds 500

Kilowatts (“KW”) to receive default service that reflects hourly pricing. This demand level can include customers from both the commercial and industrial categories as those categories are currently configured. Such a rule could provide an incentive to redefine the existing classifications. The EAPA recommends that any such reclassification should not be undertaken until the rulemaking is complete.

EAPA states that the reports must reflect existing groupings/offerings of EDCs. EAPA states that the Maryland Report states figures as of the last calendar day of the month, and the data reported by Pennsylvania utilities using that time frame may be inconsistent depending on how pending drops/enrollments are reported relative to billing cycles. EAPA states that the number of active suppliers should be defined as those that are licensed or those that are listed as active on the PUC webpage.

OCA states that both EDCs and EGSs should be made to file such reports.

Resolution

After due consideration, the Commission has developed the attached draft report forms that are similar, but not identical, to the ones used by the MD PSC. We have developed separate reporting forms for use by EDCs and suppliers. EGSs and EDCs will be required to use the appropriate form to report on customer shopping activity. An EDC will be required to report shopping activity in its service territory while an EGS will be required to report on a statewide basis. Note that only active EGSs need file these reports. For the purposes of this reporting requirement, active EGSs will be defined as: (1) suppliers that are licensed to provide retail electric generation service and (2) that are currently providing service to one or more customers. *See Annex A, sections 54.201, 54.202 and 54.203(a).*

2. What reporting frequency is optimal for EGSs and EDCs?

Constellation states that EDC reports should be filed annually, but as rate caps expire, the frequency for filing such reports should increase to semi-annually and then to quarterly. The schedule for increasing the report frequency should be flexible, based on market development. In its reply comments, Constellation clarifies that EDCs with rate caps in place should file annually and EDCs that no longer have rate caps in place should file reports on a quarterly basis. Constellation believes that monthly reports would be excessive.

RESA comments that the EDCs should file monthly reports while the EGSs should file the initial reports at the end of the first quarter after the requirement is adopted and then should be required to file reports annually. In its reply comments, RESA changes its position and states that EDCs with rate caps should file annually or quarterly while those without rate caps should be made to file monthly. RESA reiterates that EGSs should not be required to report on the same frequency as EDCs.

OSBA states that data should be reported on a monthly basis, consistent with the timetable used by the OCA to gather the data for its monthly reports. However, if EGSs object, the OSBA would favor less frequent reporting over less comprehensive reporting. OCA favors annual reports.

Richards states that the reports should be filed on a quarterly basis.

FirstEnergy, Pike, and the EAPA support quarterly EDC reports. Pike states that there will be insufficient data to justify monthly reporting.

Resolution

The majority of the commenters, including EAPA, favor quarterly reporting for EDCs. Therefore, the Commission proposes a requirement that EDCs file quarterly reports with the Commission's Secretary. These reports would be due 15 days after the end of the previous quarter.

As for EGSs, an EGS would be required to file its sales activity report annually. Such reports would be filed at the same time as the annual report is required to be filed by 52 Pa. Code § 54.39 (b) (relating to electricity generation supplier licensing; reporting requirements). This regulation requires that the EGS file an annual report for the previous calendar year on or before April 30 of each year.

An original and three copies of each completed report form would be filed by the EDC or EGS with the Commission's Secretary. When the report form is made available on line, the report form may be filed electronically and one paper copy of the report form must be filed with the Commission's Secretary within 15 days of the date the report is due. The Commission's Bureau of Conservation, Economics and Energy Planning will be designated as the lead bureau to track, retain and produce the reports. *See Annex A, section 54.203(b)(3) and (c).*

3. What data elements should be gathered from EGSs and EDCs?

Constellation states that EDCs should be made to file the following information by customer class (residential, commercial and industrial): (1) total number of customers in the class, (2) total number shopping; (3) change in number since last report; (4) total load in Megawatt ("MW"); (5) total load shopping MW; (6) number of EGS per territory; (7) change in number of EGSs since last report; and (8) percentage of market share.

Constellation replies that EDCs should provide data aggregated by: (1) customer class (residential, commercial and industrial); (2) by number of customers or load (in MW) served by EGS; and (3) percentage of customers or load (in MW) served by EGSs.

Richards comments that EDCs should report on two levels: (1) by major rate class of EDC and (2) by statewide customer category (residential, commercial and industrial). EGS should report data in two levels: (1) by EDC; and (2) by rate class category. Data reported should be in average cents per kilowatt-hour.

RESA states that EDCs should report information on "price to compare" - the low, high and average for each customer group based upon some agreed-upon standards of usage and demand.

FirstEnergy states that the information reported should include: (1) the number of customers served by group; (2) the number of megawatt-hours by group; and (3) the number of contracts, sub-categorized into fixed or variable, by group. Because the information will be made public, FirstEnergy believes that the information should be presented as an aggregate and not on an EGS basis.

Pike supports the data elements collected in the Maryland Report.

EAPA states that its members will provide the data required by the Maryland Report. EAPA suggests an additional data element be reported: the percentage of commercial and industrial customers on fixed price service. This would indicate whether those customers whose only available option under Default Service is hourly pricing are being forced into the market to take a fixed price product. RESA in its reply agrees with EAPA's position on this data element.

EAPA provided no comment on the EGS Report, but stated that whatever data is requested from EGSs should be data that is available to EGSs through the normal data exchange processes that facilitate the switching of accounts, the scheduling of transmission and capacity, and the scheduling and settlement of energy. The EAPA objects to any reporting requirements that would require its members to provide data separate and apart from the normal data exchange processes for the purpose of EGSs reporting that data to the PUC.

In regard to data elements, OSBA reiterates its position that in addition to reporting the number of customers, data should be provided by rate groups and by megawatt-hours. EGS data should be reported by EDC territory.

OCA states that both EDC and EGS reports should also include the percentage of eligible customers selecting a given product. OCA also commented that EGSs should report aggregated prices offered to residential/commercial and industrial customers.

RESA replies that it disagrees with the OSBA and OCA about requiring such detail from EGSs in reports. RESA states that such requirements would be burdensome and duplicative of EDC reports.

Resolution

More detailed reports would provide the information necessary for this Commission to monitor which EGSs and which customer classes are participating in retail markets. This information may also be used to gauge whether EDC and Commission policies and practices are fostering or hindering the development of competitive markets.

To accomplish these goals, we propose to require that EDCs report the following information by customer class:

- (1) Number of customer accounts.
- (2) Sales by EGS (MWh).
- (3) Sales by the EDC (MWh).
- (4) Number of EGSs serving customer accounts.
- (5) Number of time of use customer accounts served by EGSs.
- (6) Number of time of use customer accounts served by the EDC.
- (7) Number of hourly/real time price customer accounts served by EGSs.
- (8) Number of hourly/real time price customer accounts served by the EDC.
- (9) Sales by EGSs to hourly/real time priced customer accounts (MWh).

Because the EDC-provided information will be made public, the information will be presented on an aggregated basis by EDC and no specific EGS data will be publicly provided. *See Annex A, section 54.204.*

EGS market share will be reported by EDCs as number of customer accounts served by EGS and the total sales in Megawatthours ("MWh") that these accounts represent. Specifically, we propose to require an EDC to report the following information for each EGS providing generation sales in the EDC's service territory:

- (1) Identity of EGS.
- (2) By customer class for residential customers, small C&I customers, medium C&I customers and large C&I customers, number of customer accounts served by the EGS.
- (3) By customer class for residential customers, small C&I customers, medium C&I customers and large C&I customers, sales in MW to customer accounts.

EDC-reported data related to EGS market share will be kept confidential. *See further discussion below at pp. 15-17.*

We propose that the EGSs will be required to report data by customer class for residential, small C&I customers, medium C&I customers and large C&I customers³ on a statewide basis. The information that EGSs will be required to report includes:

- (1) Number of customer accounts.
- (2) Number of flat rate customer accounts.
- (3) Number of seasonal rate customer accounts.
- (4) Number of time of use customer accounts.
- (5) Number of hybrid rate customer accounts.
- (6) Number of fixed term contract customer accounts by length of term.
- (7) Number of green power customer accounts.
- (8) Number of mandatory curtailable customer accounts.
- (9) Number of voluntary curtailable customer accounts.
- (10) Number of customer accounts based on billing methods. -

This proposed reporting requirement is found in Annex A at section 54.203(a)(4).

4. What classes or sizes of customers should be grouped together in these reports?

Constellation states that sufficient information is provided if the data is reported by customer class –residential, commercial and industrial. EAPA supports using the groupings of residential, commercial and industrial customers. EAPA notes that the differences between EDCs in these classifications are not significant.

Pike states that the class groupings used in the Maryland Report are fine.

FirstEnergy states that residential customers should be reported as a group. Small commercial and industrial customers should be those with load less than 500 Kilowatt (“kW”) and large commercial and industrial customers should be those with load greater than 500 kW.

³ Customer classes are defined in the resolution section starting at p. 12.

RESA states that residential customers should be reported as one group and that commercial and industrial customers should be grouped according to load: small business customers – Peak Load Contribution (“PLC”) less than 25 kW; medium business customers – PLC greater than 25 kW and less than 300 kW; large business customers – PLC greater than 300 kW. In its reply, RESA states a compromise position—that it agrees with Constellation and FirstEnergy that grouping should be kept to the broad categories of residential, commercial and industrial.

Richards comments that data should be reported by rate class and by broad general categories – residential, commercial and industrial.

OSBA states it would be acceptable to combine all of an EDC’s General Services rate classes into one Small C&I group, but it would be preferable to separate commercial customers into two groups: small commercial and industrial customers and large commercial and industrial customers. The OSBA does not state where it would divide this group.

OCA supports the broad grouping of customers into a residential class. OCA has no comment on how commercial and industrial customers should be grouped.

Resolution

The issue of grouping retail customers into categories based on rate classes or on consumption has been debated in other Commission proceedings. No uniform solution has been reached.

First, the Commission regulations at 52 Pa. Code § 54.2 defines a “small business customer” as having a “maximum registered peak load” (“MRPL”) that was less than 25 kW in the last 12 months. This regulation went into effect on August 8, 1998. 28 Pa.B. 3780.

In *Petition of Duquesne Light Company for Approval of Plan for Post-Transition Period Provider of Last Resort Service*, Docket No. P-00032071, Order entered August 23, 2004 (*Duquesne POLR III*), the threshold for customers to participate in hourly priced service in the Large Customer Plan was established at 300 kW. See Order at p. 31 fn. 4. Large Customer Plan applies to Duquesne Rate Schedules GL, GLH, L and HVPS.

In the Penn Power Provider of Last Resort ("POLR") proceeding, the Commission directed that auction bidding be done by rate class. Thus, customers were grouped into residential, small commercial and large commercial categories consistent with existing rate classes as defined in Penn Power's tariff. In this order, the rate class for Penn Power's largest customers, those with minimum billing demand of 200 kva, was assigned to the "large commercial" customer category. See *Petition of Pennsylvania Power Company for Approval of Interim POLR Supply Plan*, Order entered April 28, 2006 at Docket No. P-00052188, pp. 26 - 27.

Most recently, in the *Advance Notice of Final Rulemaking* relating to POLR service in Annex A at proposed sections 54.187(h)(i) and (j), customers were again divided into groups according to MRPL: (1) customers with MRPLs up to 25 kW; (2) customers with MRPLs greater than 25kW and less than 500 kW, and (3) customers with MRPLs greater than 500 kW. See *Rulemaking Re Electric Distribution Companies' Obligation to Serve Retail Customers at the Conclusion of the Transition Period Pursuant To 66 Pa.C.S. § 2807(e)(2)*, Advanced Notice entered February 8, 2007 at Docket No. L-00040169.

This inconsistency in consumption-based customer classifications adds to confusion, and may increase the burden of companies, both EDCs and EGSs, in complying with regulatory requirements and Commission directives. For these reasons, a standard classification should be established for use across the board.

Because a customer's PLC is uniform throughout the PJM, a customer's classification based on PLC would not vary between EDC service territories. In our judgment, using a customer's PLC for classification would not only simplify reporting for EGSs operating in multiple EDC service territories, but also would allow for direct comparisons of sales activity among various EDC retail markets. For this reason, we believe that customer classification is best accomplished using PLCs, rather than the EDC-specific MRPLs.

As for the actual customer groupings, the Commission believes that the data should be collected and reported for the following groups: residential customers; small C&I customers are those with PLCs less than 25 kW; medium C&I customers are those with PLCs ranging from 25 kW up to and including 500 kW; and large C&I customers are those with PLCs greater than 500 kW. We have incorporated this grouping of customers into the proposed regulations. See Annex A, section 54.202 and section 54.203(a). Specific comment is requested regarding this proposal.

a. Should these classes be the same or be permitted to vary among different EDCs?

Constellation states that EDC should use the broad categories of residential, commercial and industrial customer groupings. Richards comments that data should be reported by rate class and by broad general categories – residential, commercial and industrial.

RESA and FirstEnergy state that the classes of customers should be made uniform for all EDCs. Pike says the customer groupings should be consistent with each company's tariff.

EAPA supports grouping customers into the broad categories of residential, commercial and industrial. Small differences in categorizing these customers between the companies should not be significant. EAPA members believe that the requirements, with the opportunity to report according to existing customer classifications and a six month period over which to implement and test reports, do not represent an undue burden, provided that the EDCs recover these costs through either a base rate proceeding or through a petition for deferred accounting treatment, which would ultimately be reflected in rates.

OSBA states that each EDC should group customers according to its rate classes; EGSs should report data based on each EDC rate class.

OCA states that the class groupings should be consistent among all EDCs.

Resolution

The Commission has addressed this issue above at pp. 11-14. Because of our creation of customer groupings based on PLCs, no further discussion is necessary here.

b. What information should be publicly available, and what information should be kept confidential?

In regard to what information should be made available to the public, Constellation states that EGS data should be made available on an aggregated basis and that there should be no identification of individual EGSs.

The EAPA believes that data regarding numbers of customers and amount of load served by individual EGSs should be kept confidential. The public release of such data could improperly influence individual customers' choice of a particular EGS.

Richards states that individual customer deals should be kept confidential and that the price per kilowatt-hour and number of customers shopping should be made public.

RESA states that information reported by EDCs, except EGS market share, should be publicly available. Also, information reported that is already available publicly elsewhere, e.g., on EDC websites and in Securities and Exchange Commission ("SEC") reports and reports/briefings for financial analysts, should remain publicly available. As with EDCs, information reported by EGSs that is already available publicly elsewhere, e.g., on EGS websites and in SEC reports and reports/briefings for financial analysts, should remain publicly available and should not be accorded confidential treatment in this PUC reporting process.

FirstEnergy states that information that should be kept confidential should include: EGS market share, financial information and contract terms. FirstEnergy believes that only state-wide aggregate data should be made available in public reports.

Con Edison states that EGS market share information should be held to be confidential. EAPA states that the number of customers and amount of load served by individual EGSs should be kept confidential.

OSBA stated that all of the data which Maryland collected on its reporting form should be collected in Pennsylvania and made publicly available. This data would include: (1) number of customers paying certain types of rates ("flat" rates, demand response rates, real-time rates, etc.); (2) number of customers buying green power; (3) number of customers with varying lengths of contracts (less than a year, greater than a year); (4) number of customers using credit cards or enrolled in automatic bill paying; (5)

number of customer switches to and from suppliers in the reporting month; and (6) number of accounts by service type.

OCA comments that EGS prices to individual industrial customers are confidential, but aggregate data involving residential, commercial and industrial customers are not confidential.

Resolution

The commenters are in general agreement that individual EGS market share information should remain confidential. We agree with the positions of the parties. EDC information/data that does not disclose individual EGS market share is not confidential and may be made public. *See* Annex A, section 54.204. Consistent with this determination, it is proposed that only page 2 of the attached EDC report form that solicits EGS market share information, reported as number of customer accounts served by EGS and the total sales in MWh that these accounts represent, at Section 6 be marked as being "CONFIDENTIAL." Section 6 of the EDC report form is entitled "EGS Market Share Reports." *See* Annex A, draft forms⁴.

WEST VIRGINIA/PA RATE COMPARISON

In our prior order, we requested comment on establishing a measurement that would allow rates paid by retail customers in a traditionally regulated state like West Virginia to be compared with rates paid by similarly-situated customers in Pennsylvania.

⁴ Note that the draft forms are included in Annex A only to facilitate public comment. The finalized report forms will not be published as part of the regulations in Title 52. Instead, the Commission will make available paper copies of the report forms by request, and will post electronic a link to the report forms for download at the Commission website.

The purpose for the measurement was to compare the rates set by competition in Pennsylvania with rates set by regulation in other states over a defined period of time. Specifically, comment was requested on the scope, content, methodology and frequency of data collection in regard to this proposed measurement.

The comments received were overwhelmingly negative in regard to this proposal. Constellation's comments cite "the varied classifications of retail customers by electric utilities not just between service territories but also from state to state" and comments that the "development of a useful measurement may not be possible and may not be meaningful due to extensive differences among historic rates, [and] rates classifications."

The Retail Energy Supply Association comments that "[a]ny such comparison would be 'apples to oranges' no matter how many adjustments would be made to make the comparisons valid." RESA suggests that the Commission "[w]ould be better served by requiring EDCs to submit calculations of what their rates likely would be under traditional regulation for comparison to their POLR rates and prices established by competition."

The Office of Small Business Advocate notes that "even before competition, rates varied greatly within Pennsylvania and between Pennsylvania and other states, because of factors such as generation mix, load growth and load profile." For similar reasons, it is possible that comparing post transition POLR rates in Pennsylvania with regulated rates in other states will yield ambiguous results. Therefore, any such comparison should be performed only once each year and should involve only the data needed to make comparisons at the 'macro' level.

Resolution

In our prior order we had sought comment regarding a measurement which would be used to compare retail electric generation prices in states with competitive markets and states with traditional rate regulation. The intent was to develop a measurement to assess the effect of a competitive market on Pennsylvania's retail electric generation prices. After reviewing the comments, we agree with the majority of the commenters that establishing this measurement would not produce information that would accomplish this goal. Moreover, information regarding electric generation prices and distribution rates is already being collected by the Energy Information Agency, and is readily available at its website: www.eia.doe.gov. For these reasons, we will abandon our efforts to establish such a measurement.

CONCLUSION

As a result of the comments received to our April 12, 2006 order, the Commission intends to amend its regulations to impose a reporting requirement on EDCs and EGSs. Pursuant to this requirement, EDCs and EGSs will be required to submit information regarding sales activity in Pennsylvania's electric generation market. To facilitate reporting, the Commission has developed two forms – one for EDCs and one for EGSs – that shall be used for submitting the required information.

The Commission seeks general comments on the proposed regulations and draft report forms. Persons submitting comments are requested to provide supporting justification for requested revisions, and propose suggested regulatory language for incorporation into the final-form regulations.

Accordingly, under sections 501, 504 and 2801-2812 of the Public Utility Code, 66 Pa.C.S. §§501, 504 and 2801-2812; sections 201 and 202 of the Act of July 31, 1968, P.L. 769 No. 240, 45 P.S. §§ 1201-1202, and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2, and 7.5; section 204(b) of the Commonwealth Attorneys Act, 71 P.S. 732.204(b); section 745.5 of the Regulatory Review Act, 71 P.S. § 745.5; and section 612 of the Administrative Code of 1929, 71 P.S. § 232, and the regulations promulgated thereunder at 4 Pa. Code §§ 7.231-7.234, we are considering adopting the proposed regulations set forth in Annex A, attached hereto; **THEREFORE,**

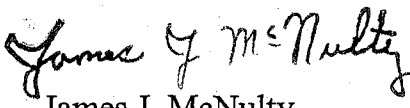
IT IS ORDERED:

1. That a rulemaking docket shall be opened to promulgate regulations and to finalize forms for the reporting of retail electric generation sales activity as set forth in Annex A.
2. That the Secretary shall submit this Order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.
3. That the Secretary shall submit this Order and Annex A for review and comments to the Independent Regulatory Review Commission and the Legislative Standing Committees.
4. That the Secretary shall certify this Order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
5. That an original and 15 copies of written comments referencing the docket number of the proposed regulations be submitted within 60 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn.: Secretary, P.O. Box 3265, Harrisburg, PA 17105-3265. To facilitate posting, all filed comments shall be forwarded via electronic mail to Charles Covage at ccovage@state.pa.us, Patricia Krise Burket at pburket@state.pa.us, and Cyndi Page at cypage@state.pa.us.

6. That a copy of this Order and Annex A shall be served on all jurisdictional electric distribution companies, the Office of Consumer Advocate, the Office of Small Business Advocate and all other parties that filed comments at the docket, *Development and Production of Retail Electricity Choice Activity Reports*, Docket No. M-00061939.

7. That the contact persons for this Proposed Rulemaking are Charles F. Covage, 717-783-3835 (technical), and Patricia Krise Burket, Law Bureau, 717-787-3463 (legal).

BY THE COMMISSION,


James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: April 13, 2007

ORDER ENTERED: April 17, 2007

ANNEX A

TITLE 52. PUBLIC UTILITIES

PART I. PUBLIC UTILITY COMMISSION

Subpart C. FIXED SERVICE UTILITIES

CHAPTER 54. ELECTRICITY GENERATION CUSTOMER CHOICE

Subchapter H. RETAIL ELECTRICITY CHOICE SALES ACTIVITY REPORTS

§ 54.201. Purpose.

This subchapter establishes reporting requirements applicable to EDCs and active EGSs and requires the reporting of information related to retail electric generation sales activity. The Commission will use this information to fulfill its duty to monitor the Commonwealth's retail electric generation market and to police and arrest instances of market power abuse and discriminatory conduct. 66 Pa.C.S. § 2811. The information shall be used to conduct milestone reviews of the development of the retail market for the supply and distribution of electricity. 66 Pa.C.S. § 2804 (12).

§ 54.202. Definitions.

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise:

Active EGS – An EGS that is licensed to provide retail electric generation service and is providing service to one or more customers.

CEEP - The Bureau of Conservation, Economics and Energy Planning.

EDC - Electric Distribution Company - The term as defined in 66 Pa.C.S. § 2803.

EGS – Electric Generation Supplier - The term as defined in 66 Pa. C.S. § 2803.

kW – Kilowatts.

Large C&I customers – Commercial and industrial customers with PLCs greater than 500 kW.

Medium C&I customers – Commercial and industrial customers with PLCs ranging from 25 kW up to and including 500 kW.

MWh - Megawatthours.

Peak Load Contributions – PLC - The highest level of demand for a particular customer, based on the PJM Interconnection, LLC, peak load contribution standard, or its equivalent for a Pennsylvania EDC outside of PJM.

Small C&I customers - Commercial and industrial customers with PLCs less than 25 kW.

§ 54.203. Reporting requirements.

(a) Reporting requirements.

(1) An EDC or an active EGS shall report the information regarding retail sales of electric generation in accordance with this subchapter.

(2) An EDC shall report retail sales activity in its service territory. The EDC shall report the following information by customer class for residential, small C&I customers, medium C&I customers and large C&I customers:

(i) Number of customer accounts.

(ii) Sales by EGS (MWh).

(iii) Sales by the EDC (MWh).

(iv) Number of EGSs serving customer accounts.

(v) Number of time of use customer accounts served by EGSs.

(vi) Number of time of use customer accounts served by the EDC.

(vii) Number of hourly/real time price customer accounts served by EGSs.

(viii) Number of hourly/real time price customer accounts served by the

EDC.

(ix) Sales by EGSs to hourly/real time priced customer accounts (MWh).

(x) Sales by the EDC to hourly/real time priced customer accounts (MWh).

(3) An EDC shall report the following information for an EGS providing service in the EDC's service territory:

(i) Identity of the EGS.

(ii) By customer class for residential customers, small C&I customers, medium C&I customers and large C&I customers, number of customer accounts served by the EGS.

(iii) By customer class for residential customers, small C&I customers, medium C&I customers and large C&I customers, sales in MWh to customer accounts.

(4) An active EGS shall report retail sales activity on a statewide basis. The EGS shall report the following information by customer class for residential, small C&I customers, medium C&I customers and large C&I customers:

(i) Number of customer accounts.

(ii) Number of flat rate customer accounts.

(iii) Number of seasonal rate customer accounts.

(iv) Number of time of use customer accounts.

(v) Number of hybrid rate customer accounts.

(vi) Number of fixed term contract customer accounts by length of term.

(vii) Number of green power customer accounts.

(viii) Number of mandatory curtailable customer accounts.

(ix) Number of voluntary curtailable customer accounts.

(x) Number of customer accounts based on billing methods.

(5) An EDC shall file quarterly sales activity reports with the Commission's Secretary. A quarterly report shall be filed no later than 15 days after the end of the previous quarter.

(6) An active EGS shall file an annual sales activity report for the previous calendar year on or before April 30 of each year.

(b) Report forms.

(1) The Commission shall provide separate report forms for EDC and EGS use. An EDC or an active EGS shall use the applicable report form.

(2) Report forms shall be made available in both paper and electronic format.

(3) An EDC or active EGS shall file an original and two copies of a completed paper report form with the Commission's Secretary. When the report form is filed electronically, one paper copy of the report form shall be filed with the Commission's Secretary no later than 15 days after the report is due.

(c) *Compliance monitoring and enforcement.* CEEP is the Commission bureau responsible for retaining reports filed pursuant to this subchapter, and for monitoring and enforcing compliance with this subchapter.

§ 54.204. Public information.

The Commission will make available to the public on an aggregated basis information contained in sales activity reports that does not disclose individual EGS market shares.

**Pennsylvania Retail Electricity Choice Activity Report: Electric Distribution Company (EDC) Survey
Reported By EDC Territory**

EDC Name:

Reporting Period Date:

<i>Data from EDC</i>	<i>Residential</i>	<i>Sm C&I</i>	<i>Med C&I</i>	<i>Large C&I</i>	<i>Total</i>
1. Number of Customer Accounts by Service Type					
Total Number of Customer Accounts Served by EGSs					
Total Number of Customer Accounts Served by EGSs & EDC					
Percent of Customer Accounts Served by EGSs	%	%	%	%	%
2. MWh Sales by Service Type					
MWh Sales of EGSs					
MWh Sales of EGSs & EDC					
Percent of MWh Sales of EGSs	%	%	%	%	%
3. Total Number of EGSs Serving Customer Accounts by Class					
4a. Time of Use (Different prices for usage at different times during week days or every day, i.e. rate has peak period & off-peak prices)					
Total Number of TOU Customer Accounts Served by EGSs					
Total Number of TOU Customer Accounts Served by EGSs & EDC					
Percent of TOU Customer Accounts Served by EGSs	%	%	%	%	%
4b. MWh Sales: Time of Use Customer Accounts					
MWh Sales of EGSs					
MWh Sales of EGSs & EDC					
Percent of MWh Sales of EGSs	%	%	%	%	%
5a. Number of Customer Accounts on Hourly/Real Time Priced Service					
Total Number of Hourly/Real Time Priced Customer Accounts Served by EGSs					
Total Number of Hourly/Real Time Priced Customer Accounts Served by EGSs & EDC					
Percent of Customer Accounts Served by EGSs	%	%	%	%	%
5b. MWh Sales: Hourly/Real Time Priced Customer Accounts					
MWh Sales of EGSs					
MWh Sales of EGSs & EDC					
Percent of MWh Sales of EGSs	%	%	%	%	%

**Pennsylvania Retail Electricity Choice Activity Report: EDC Survey
 Reported by EDC Territory
 EDC Name:
 Reporting Period Date:**

6. EGS Market Share Reports: Confidential		
Data from EDC	Number of Customer Accounts	MWh Sales
EGSs Serving Residential		
EGS Name		
EGS Name		
EGS Name		
EGS Name		
EGS Name		
EGS Name		
EGS Name		
EGS Name		
EGS Name		
EGS Name		
EGSs Serving Small C&I		
EGS Name		
EGS Name		
EGS Name		
EGS Name		
EGS Name		
EGS Name		
EGS Name		
EGS Name		
EGS Name		
EGSs Serving Medium C&I		
EGS Name		
EGS Name		
EGS Name		
EGS Name		
EGS Name		
EGS Name		
EGS Name		
EGS Name		
EGS Name		
EGSs Serving Large C&I		
EGS Name		
EGS Name		
EGS Name		
EGS Name		
EGS Name		
EGS Name		
EGS Name		
EGS Name		
EGS Name		

**Pennsylvania Retail Electricity Choice Activity Report: Electric Generation Supplier (EGS) Survey
Reported on a Statewide Basis**

EGS Name:

Reporting Period Date:

Data from EGS	Residential	Small C&I	Medium C&I	Large C&I	Total
1. Total Number of Customer Accounts Served					
2. Number of Customer Accounts- Flat Rate*					
3. Number of Customer Accounts- Seasonal Rates*					
Seasonal rates differ in summer/non-summer.					
4. Number of Customer Accounts- Time of Use Rates*					
Different prices for usage at different times during week days or every day. Example-rate has peak period & off-peak prices Monday-Friday in summer.					
5. Number of Customer Accounts-Hybrid Rate Schedule*					
Includes any pricing arrangement which incorporates hourly rates and block rates.					
6. Number of Customer Accounts-Other Categories*					
(Do not include Customers in #2-5 or #8.) Please Specify:					
7a. Number of Customer Accounts in #2-6 on 1 year fixed term contract					
7b. Number of Customer Accounts in #2-6 on 2 year fixed term contract					
7c. Number of Customer Accounts in #2-6 on 3 year fixed term contract					
8. Number of Customer Accounts- Hourly/Real Time Rates*					
Includes any pricing arrangement based on hourly or daily energy prices. Example: LMP based rate or rate based on prior-day announced price.					
9a. Number of Customer Accounts-Mandatory Curtailable					
9b. Number of Customer Accounts-Voluntary Curtailable					
10. Number of Customer Accounts- Green Power					
Defined as electric supply that has been promoted as having greater than required renewable content & exceeds existing minimum renewable content requirements for retail power. Products offered to customer when customer requests specialized service.					
11. Number of Customer Accounts-Supplier Billing					
Includes all customers who are not billed by the utility for the supplier's services. Includes customers billed by a billing service other than the utility.					
12. Number of Customer Accounts- Auto Payment					
Includes customers indicated in #11 who are billed automatically on credit cards or other automatic payment arrangement. (i.e. bank transfer)					
13. Number of Customer Accounts- Budget Billing					

* Do Not Include A Customer Under More Than 1 Rate Schedule in #2-6 & 8.



PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG, PENNSYLVANIA

WENDELL F. HOLLAND
CHAIRMAN

October 18, 2007

The Honorable John R. McGinley, Jr.
Chairman
Independent Regulatory Review Commission
14th Floor, Harristown II
333 Market Street
Harrisburg, PA 17101

Re: L-00070184/57-255
Proposed Rulemaking
Retail Electricity Choice Activity Reports
52 Pa. Code, Chapter 54

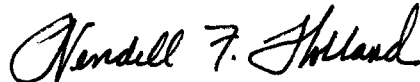
Dear Chairman McGinley:

Enclosed please find one (1) copy of the proposed rulemaking and the Regulatory Analysis Form prepared in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." Pursuant to Section 5(a) of the Regulatory Review Act of June 30, 1989 (P.L. 73, No. 19) (71 P.S. §§745.1-745.15) the Commission is submitting today a copy of the proposed rulemaking and Regulatory Analysis Form to the Chairman of the House Committee on Consumer Affairs and to the Chairman of the Senate Committee on Consumer Protection and Professional Licensure.

The purpose of this proposal is to adopt reporting requirements regarding electric generation market activity to prevent anticompetitive or discriminatory conduct and the unlawful exercise of market power. The contact persons are Assistant Counsel Patricia Krise Burket, Law Bureau, 787-3463 and Charles Covage, CEEP, 783-3835.

The proposal has been deposited for publication with the Legislative Reference Bureau.

Very truly yours,



Wendell F. Holland
Chairman

Enclosures

cc: The Honorable Robert M. Tomlinson
The Honorable Lisa Boscola
The Honorable Robert Godshall
The Honorable Joseph Preston, Jr.
Legislative Affairs Director Perry
Chief Counsel Pankiw
Assistant Counsel Burket
Mr. Covage
Regulatory Coordinator DelBiondo
Judy Bailets, Governor's Policy Office

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT
TO THE REGULATORY REVIEW ACT

ID Number: L-00070184/57-255

Subject: Retail Electricity Choice activity Reports

Pennsylvania Public Utility Commission

RECEIVED
2007 OCT 18 AM 11:05
INDEPENDENT REGULATORY
REVIEW COMMISSION

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted.
- Final Regulation
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor

FILING OF REPORT

Date

Signature

Designation

10-11-07

J. Bauer

HOUSE COMMITTEE

Consumer Affairs

10/18/07

Mary Walmer

SENATE COMMITTEE

Consumer Protection and
Professional Licensure

10/18/07

Kathy Cooper

Independent Regulatory
Review Commission

Attorney General