

**FirstEnergy.**

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2800 Pottsville Pike  
P.O. Box 16001  
Reading, PA 19612-6001

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610-929-3601

Tori L. Giesler, Esq.  
(610) 921-6658  
(610) 939-8655 (Fax)

2011

December 21, 2011

**VIA UNITED PARCEL SERVICE**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, PA 17120

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**Re: Marketing and Sales Practices for the Retail Residential  
Energy Market  
Docket No. L-2010-2208332**

Dear Secretary Chiavetta:

Pursuant to the Commission's Proposed Rulemaking Order published in the *Pennsylvania Bulletin* on October 22, 2011, Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company (collectively, the "Companies") respectfully submit this original letter, as well as sixteen (16) copies, with the Commission for comment in the above-referenced docket.

Following the issuance of a Tentative Order in July 2010, the Commission finalized Interim Guidelines in November 2010 regarding marketing and sales activities for electric generation suppliers and natural gas suppliers.<sup>1</sup> The Commission subsequently issued the Proposed Rulemaking Order in the above-referenced docket proposing regulations based on the Interim Guidelines. The Commission invited interested parties to file comments on the proposed regulations within sixty days of publication in the *Pennsylvania Bulletin*.

Inasmuch as the proposed regulations generally impact electric generation and natural gas suppliers and their potential marketing and sales activities, the Companies do not have specific comments in opposition or support with regard to the proposed rulemaking. However, the Companies submit this letter requesting that, to the extent the language proposed by Section 111.14 imposes an obligation upon electric distribution companies ("EDCs") when responding to service-related inquiries through phone calls to their call centers, the Commission consider and

<sup>1</sup> *Interim Guidelines on Marketing and Sales Practices for Electric Generation Suppliers and Natural Gas Suppliers*, Docket No. M-2010-2185981 (Order entered November 5, 2010).

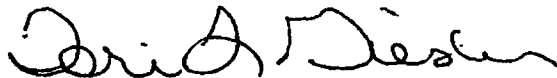
December 21, 2011

clarify that the application of the obligations should not be imposed upon EDCs by this Section in instances where a customer referral program has been established and is being implemented in an effort to increase retail shopping in an EDC's service territory.

In accordance with the Commission's orders in its Retail Market Investigation,<sup>2</sup> the Companies have proposed a customer referral program as a retail market enhancement in their pending default service plan proceedings<sup>3</sup> that are currently undergoing review at the Commission. To the extent the Companies' proposed customer referral program is approved and implemented, the Companies will be receiving telephone inquiries where their call center representatives will be referring customers to electric generation suppliers pursuant to the program's rules. Therefore, the Companies request that the Commission include an exception to the EDC's obligations in Section 111.14 of the proposed regulations for telephone calls associated with an EDC's implementation of a customer referral program.

The Companies appreciate the opportunity to provide this brief comment on this issue. Please date stamp the additional copy and return it to me in the enclosed, postage-prepaid envelope. Please contact me if you have any questions regarding this matter.

Very truly yours,



Tori L. Giesler

dln  
Enclosures

c: As Per Certificate of Service

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<sup>2</sup> The Commission entered a Tentative Order proposing recommended retail market enhancements on October 14, 2011; a Final Order on these recommendations was entered on December 16, 2011. See, Investigation of Pennsylvania's Retail Electricity Market: Recommendations Regarding Upcoming Default Service Plans, Docket No. I-2011-2237952.

<sup>3</sup> Joint Petition of Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company for Approval of Their Default Service Programs, Docket Nos. P-2011-2273650, P-2011-2273668, P-2011-2273669 and P-2011-2273670.

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Marketing and Sales Practices for the : Docket No. M-2010-2185981  
Retail Residential Energy Market :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by electronic mail, as follows:

Patricia Krise Burket  
Law Bureau  
Pennsylvania Public Utility Commission  
[pburket@state.pa.us](mailto:pburket@state.pa.us)

Daniel Mumford  
Bureau of Consumer Services  
Pennsylvania Public Utility Commission  
[dmumford@state.pa.us](mailto:dmumford@state.pa.us)

Cyndi Page  
Pennsylvania Public Utility Commission  
[cypage@state.pa.us](mailto:cypage@state.pa.us)

Dated: December 21, 2011



Tori L. Giesler  
Attorney No. 207742  
FirstEnergy Service Company  
2800 Pottsville Pike  
P.O. Box 16001  
Reading, Pennsylvania 19612-6001  
(610) 921-6658  
[tgiesler@firstenergycorp.com](mailto:tgiesler@firstenergycorp.com)

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