



## State of New Jersey

BOARD OF PUBLIC UTILITIES

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NEWARK NJ 07102

JON S. CORZINE  
*Governor*

KRISTI IZZO  
*Secretary of the Board*  
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November 30, 2007

To Whom It May Concern:  
(LDCs, CPMs and TPSs on Service List)

Re: I/M/O the Proposal for Account Look-Up for Third Party Suppliers and  
Clean Power Marketers - Docket No. A07110885

Dear LDCs, CPMs, TPSs, and other interested parties:

This letter is to request comments from the public regarding a procedure that will be considered by the Board at an upcoming Board Agenda meeting. The procedure would require an electric distribution company (EDC) or gas distribution company (GDC) (collectively local distribution companies or LDCs) to provide a customer's account number to a Third Party Supplier (TPS) of natural gas or electricity, or to a Clean Power Marketer (CPM), if the TPS or CPM obtains a signed consent form from the customer for enrollment with the TPS or CPM and notifies the EDC or GDC as set forth herein.

Current enrollment procedures require that each potential customer must provide his or her own utility account number in an application for CPM or TPS services. Generally, potential customers do not have ready access to their LDC account number and are unable to complete the application process at the point of sale (for example, at a street fair or mall). The customer must thus take the extra step of retrieving a recent utility bill and finding the necessary account number in order to enroll with the TPS or CPM. This both decreases participation and increases costs, creating a real barrier to efficient and affordable customer acquisition by TPSs and CPMs, thereby impeding customer choice.

To address this matter, the Board is considering a customer account number look-up procedure, similar to procedures used in other markets, to ensure ease of access/enrollment for customers and provide for consumer protections. The Board may permit an alternative form of verification of customer consent by Board Order pursuant to N.J.A.C. 14:4-1A.3.

Under the procedure, the customer would sign a Board-approved CPM or TPS enrollment form authorizing the release of their account number to the CPM or TPS. The customer would provide their name, address, and phone number on the form and the form would designate the CPM or TPS as the customer's agent for the sole purpose

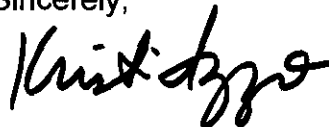
of the customer's enrollment with the CPM or TPS, and would give explicit permission to the EDC or gas public utility to access the customer's account information for enrollment purposes. The CPM or TPS would submit an electronic list of names and addresses to the LDC and the LDC would check the list against its database to "look up" and retrieve the LDC account numbers. The LDC would then return the list to the CPM or TPS with account numbers for those customers whose names and addresses matched. The CPM or TPS would then enter the account number into the EDI system to enroll the customer.

As a safe guard, the proposed procedure would also provide that, if a CPM or TPS enrolls a customer in error, the CPM or TPS will be required to pay full restitution of any payments made within fifteen business days of a complaint filed with and verified by Board staff. If a customer wishing to participate is not enrolled, the CPM or TPS must commit to enrolling such a customer within fifteen business days of a complaint filed with and verified by Board staff.

Comments may be submitted through January 11, 2008 by e-mail to [OCE@bpu.state.nj.us](mailto:OCE@bpu.state.nj.us), or on paper to:

Kristi Izzo, Secretary  
New Jersey Board of Public Utilities  
ATTN: BPU Docket Number: A07110885  
Two Gateway Center  
Newark, New Jersey 07102

Sincerely,



Kristi Izzo  
Secretary of the Board

/ac  
c Service List



Ms. Kristi Izzo, Secretary  
NJ Board of Public Utilities  
Attn. Docket Number A07110885  
2 Gateway Center  
Newark, NJ 07102

12/3/07

Dear Ms. Izzo,

I wish to offer my strong support for the Proposal for Account Look-Up for Third Party Suppliers and Clean Power Marketers – Docket Number A07110885.

I offer these comments based on my experience in three roles: as a parish priest who worked to promote the use of renewable energy in a single parish in the early 2000's, as the Executive Director of GreenFaith – an interfaith environmental group which promotes the use of renewable energy through the Clean Power Choice Program – and as a chair of the Marketing and Communications Sub-Committee of the Clean Energy Council. This subcommittee is responsible, among other items, for the preparation and recommendation of a budget for marketing and communication in relationship to the Clean Power Choice Program.

In all three of these roles, I have witnessed the importance of allowing for account look-up for third party suppliers and Clean Power Marketers.

- As a parish priest, I worked hard to get my parishioners to sign up in the early 2000's for clean power with Green Mountain Energy, the first supplier of clean power in the state. On a number of occasions, I was able to generate enthusiasm amongst a number of church and community members for making the switch to clean power. I saw consistently that the work of tracking down their utility account number proved a substantial impediment to their actually making the switch to a clean power provider.
- As GreenFaith's Executive Director, I have worked consistently to encourage houses of worship to encourage their members to sign up for clean power. In doing this, we ask members of houses of worship to fax or mail GreenFaith their sign-up forms so that we can make sure they are in proper order prior to submitting them to the proper Clean Power Marketer. We find that a minimum of 25% of all forms are returned to us without the utility account number included, resulting in an additional amount of work to secure this information.

- In my work with the Marketing and Communications Sub-Committee of the Clean Energy Council, I have watched as the state has invested substantial funds in marketing and communication related to the Clean Power Choice Program. We hear consistently from a wide range of community-based partners seeking to sign up individuals for Clean Power Choice that they also encounter the same account lookup roadblock while working with individuals interested in signing up for clean power. For example, close to two dozen communities have established volunteer efforts to promote Clean Power Choice. These important volunteer efforts are rendered far less effective because volunteers cannot sign people up at community events such as green fairs, farmers markets, and a range of other activities.

I understand and support the importance of consumer protection in relation to this issue. I also believe that to make the Clean Power Choice Program effective, Account Lookup is required. In my view, the Clean Power Choice Program is the most important aspect of the renewable energy programs supported by New Jersey, as it allows all ratepayers to take part in creating a sustainable energy future. I hope the BPU makes Account Lookup possible so that the state's commitment to a clean energy future can be a success.

Thank you for the opportunity to submit these comments.

Sincerely,

The Rev. Fletcher Harper  
Executive Director

**Comments in Support of:  
I/M/O the Proposal for Account Look-Up for Third Party Suppliers and Clean Power Marketers  
Docket Number: A07110885**

**Comments on Procedure for Board Proposed Account Number Lookup**

Community Energy, Inc. (CEI) fully supports the NJ Board of Public Utilities efforts to increase participation and reduce acquisition costs in the **NJ CleanPower Choice Program** through the implementation of a customer account lookup procedure. Allowing a customer to sign a Board-approved enrollment form without providing their account number, and allowing the Green Power Marketers (GPMs) to then retrieve the account number from the utility if there is evidence of a signed enrollment form, will create a more successful enrollment process. CEI will work with the NJ BPU to develop the appropriate safeguards to protect the consumer & BPU from any privacy issues that may arise.

**Data to Support Account Look-Up in the New Jersey Clean Power Choice Program**

In the Board Order approving the Clean Power Choice program, dated April 13, 2005, it is left to the Office of Clean Energy (OCE) and the Division of Energy, in consultation with the Working Group, to devise and propose a solution for looking up account numbers to ease enrollments in the Clean Power Choice program.

Community Energy, Inc. is pleased to present the following data to demonstrate the positive impact that allowing for account number look-up will make on the success of the Clean Power Choice program.

**Direct Mail**

Over the past three years months, CEI has distributed over one million pieces of direct mail to potential clean energy customers across five utility program territories and/or states.

*Control: List generation strategy, Creative design*  
*Variable: Account number pre-printed on enrollment form*

Figure 1

<b>Program</b>	<b>Direct Mail Response Rate</b>	<b>Account # Available</b>
NYSEG/RGE	2.7%	Yes
PECO	2.5%	Yes
Naperville	1.8%	Yes
Rhode Island	0.5%	No
New Jersey	0.4%	No

Figure 1 demonstrates that programs where account numbers are available from the utility and pre-printed on the response form achieve response rates exceeding 2%. In programs where the customer is required to supply their own account number, response rates are up to 4x lower at 0.5%, which means that acquisition costs are 4x higher than those direct mail campaigns where the account number is available.

**Tabling and Community Outreach**

Figure 2 demonstrates that the PECO and Connecticut programs, which allow for account number look-up have a higher enrollment rate compared to those programs where the clean power marketer must retrieve the account number from the customer. In the PECO and Connecticut programs, the second step of re-contacting the customer to get the account number is eliminated, resulting in more customers enrolled for the same effort.

Figure 2

<b>Program</b>	<b>Account Number Acquisition Rate</b>	<b>Account # Available</b>
PECO	95%	Yes
Connecticut	98%	Yes
Rhode Island	40%	No
Niagara Mohawk	40%	No
New Jersey	40%	No

We look forward to working with the BPU and the NJ CleanPower Choice Working Group to maximize each Collaborators efforts, resources, and investment in the program while continuing to protect utility consumers' privacy; with the goal to make the New Jersey CPC program a nationally-recognized model program.

January 11, 2008

The Honorable Kristi Izzo  
Secretary  
State of New Jersey  
Board of Public Utilities  
Two Gateway Center  
Newark, New Jersey 07102  
Via email: [OCE@bpu.state.nj.us](mailto:OCE@bpu.state.nj.us)

Re: Docket No. A07110885

Dear Secretary Izzo:

Intelligent Energy<sup>1</sup>, UGI Energy Services, Inc.,<sup>2</sup> Econnergy Energy Company,<sup>3</sup> Agway Energy Services,<sup>4</sup> IDT Energy, Inc.,<sup>5</sup> MXenergy Inc.<sup>6</sup> and the National Energy Marketers Association<sup>7</sup> (hereinafter Marketers) hereby submit their comments in support of the Board's proposal to implement a customer account number look-up procedure in which

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<sup>1</sup> Infinite Energy, Inc. d/b/a Intelligent Energy® has over thirteen years of experience marketing wholesale and retail energy products in Florida, Georgia, New Jersey and New York to customers of all sizes and needs, including small residential and commercial, municipalities, state and local governments, utilities, and large industrial consumers.

<sup>2</sup> UGI Energy Services, Inc. (UGIES), which has been marketing natural gas since 1985, currently sells natural gas to commercial, industrial, municipal and government accounts behind 31 utility systems in 9 Northeastern and MidAtlantic states and the District of Columbia. In select areas, UGIES also offers electric, fuel oil and propane services.

<sup>3</sup> Econnergy Energy Company, based in Rockland County, N.Y., is a leading energy supplier providing electric and natural gas to residential and commercial customers in New York, New Jersey, Texas, Ohio, Maryland, Virginia and Washington, D.C. A privately held company supplying energy since 1997, Econnergy provides competitive pricing plans to consumers resulting in more control over energy costs. ([www.econnergy.com](http://www.econnergy.com))

<sup>4</sup> Agway Energy Services, a wholly owned subsidiary of Suburban Propane, provides natural gas and electricity to residential and commercial customers located throughout many utility service geographies in Pennsylvania and New York.

<sup>5</sup> IDT Energy is a deregulated natural gas and electricity provider to industrial, small commercial and residential consumers. We are dedicated to providing the very best in customer service and price and strive to continually improve our ability to compete in the energy supply marketplace. To this end IDT Energy has and continues to develop a comprehensive process to identify and provide highly competitive products and services to our ever increasing customer base.

<sup>6</sup> MXenergy Inc. provides natural gas and/or electricity to retail customers in fourteen states and two Canadian provinces.

<sup>7</sup> NEM is a national, non-profit trade association representing wholesale and retail marketers of natural gas, electricity, as well as energy and financial related products, services, information and advanced technologies throughout the United States, Canada and the European Union. NEM's membership includes independent power producers, advanced metering, demand and load management firms, billing, back office, customer service and related information technology providers. NEM members are global leaders in the development of enterprise solution software for energy, advanced metering, information services, finance, risk management and the trading of commodities and financial instruments. NEM members also include inventors, patent holders, systems integrators, and developers of advanced power line surveillance and grid reliability technology with advanced uses in Power Line Communications (PLC) technologies as well as new and innovative electrical encoding, applications or decoding known as Smart Electricity.<sup>TM</sup>

utilities would provide Third Party Suppliers (TPSs) and Clean Power Marketers (CPMs) with a customer's account number upon obtaining the customer's consent. The proposal is intended to, "ensure ease of access/enrollment for customers and provide for customer protections." Marketers appreciate the Board's efforts to identify and minimize barriers to retail competition that inhibit electric and natural gas marketers from serving the needs of energy consumers in New Jersey. Marketers urge the Board to Order the expeditious implementation of a customer account look up procedure by the utilities, subject to the clarifications recommended herein.

### **I. A Customer Account Look-Up Procedure is a Low Cost, Efficient Means to Reduce Barriers to Retail Market Development and Consumer Choice**

In its letter requesting comments in the instant case, the Board aptly described the problem associated with the current procedure requiring customer production of the account number as follows,

Current enrollment procedures require that each potential customer must provide his or her own utility account number in an application for CPM or TPS services. **Generally, potential customers do not have ready access to their LDC account number and are unable to complete the application process at the point of sale** (for example, at a street fair or mall). The customer must thus take the extra step of retrieving a recent utility bill and finding the necessary account number in order to enroll with the TPS or CPM. This both decreases participation and **increases costs**, creating a real barrier to efficient and affordable customer acquisition by TPSs and CPMs, thereby impeding customer choice. (emphasis added).

Marketers agree with the Board that TPSs have been effectively prohibited from marketing to and aggregating customers in a meaningful way and achieving economies of scale in enrollment because of the requirement that TPSs obtain the customer account number directly from the customer. Customers generally do not know their utility account number and often find it difficult to locate a utility bill in a timely manner when discussing service options with a TPS. This can often lead to a difficult and frustrating attempt to try and exercise their right to select providers, resulting in a lost sale for Marketers. This also needlessly drives up the cost of customer acquisition. If New Jersey customers are to be able to truly participate in retail choice, then TPS offerings must become as ubiquitous as telecom offerings and available in locations as convenient as "energy fairs" and/or local shopping malls. A customer account look up procedure as proposed by the Board can permit this to occur while at the same time lowering customer acquisition costs and permitting marketers to pass those cost savings onto New Jersey consumers in the form of lower commodity costs

The Board's proposal offers a viable solution to a real issue that hinders TPSs in their ability to reach the underserved residential and small commercial market. Within the current rules, TPSs use a variety of channels to reach consumers with varying levels of

success and high associated customer acquisition costs. For example, telephonic enrollment is one means of reaching consumers, but do not call restrictions and consumer resistance to cold calls limit its impact. Furthermore, simply obtaining correct information to call consumers in a particular service territory to make a relevant offer is difficult and costly. Door-to-door sales is another means, but apprehension about unknown door-to-door salespeople limits its effectiveness. Mailers are another way of making contact with consumers, but are often of limited impact because of lack of consumer follow through. Relatedly, consumers may respond to a mailer with an erroneous account number, requiring the marketer to re-contact the customer to confirm the account number. In such a case, when a customer has shown the intention to enroll with the supplier, it would facilitate the enrollment process if the marketer could verify the account number with the utility. And, as discussed above, TPSs are effectively prevented from marketing to consumers in places where they congregate on a frequent basis such as public events, energy fairs and shopping malls.

The Board notes that other jurisdictions have adopted similar procedures that facilitate customer enrollment. For example, in Texas competitive suppliers can obtain customer account numbers from ERCOT through a secure process. Similarly, the New York Public Service Commission recently approved a process for customers to be provided with real-time remote access to their utility account number, “to advance our policies favoring retail competition, increased customer choice, and ease of customer switching.”<sup>8</sup> Additionally, in Georgia suppliers are essentially given access to the utility’s database via the secure ENERACT system and are able to search for account numbers, customer names, address history and other data through various means.

NEM is mindful of concerns of consumer privacy and potential slamming, but submits that the customer account look up process can be implemented to more than adequately protect consumers from unauthorized disclosure of information or unauthorized switching. Inasmuch as the consumer’s consent would be obtained before accessing the utility account number, consumer privacy would be maintained. And, the requesting marketer would only view information about the particular consumer giving their authorization, not a utility’s entire customer list, thereby further ensuring the privacy of customer information. With respect to unauthorized switching concerns, the information proposed to be submitted to request a customer’s utility account number is the same information required to perform a customer enrollment. This will ensure the integrity and

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<sup>8</sup> New York Public Service Commission, Case 98-M-1343 - In the Matter of Retail Access Business Rules, Order issued November 7, 2006 at page 10. The NYPSC recognized that,

that ESCO marketing and enrollment efforts at venues where large groups of potential customers pass and congregate are impeded by virtue of the fact that customers typically do not have their distribution utility customer account number readily at hand. This unnecessarily impedes ESCOs from employing an otherwise cost-effective and widely used marketing practice. We also find that promoting such marketing practices is consistent with our policies favoring informed customer choice. This marketing approach would offer customers additional choice when educating themselves about services offered by competitive energy providers. *Id.* at 9.



validity of the switching process. Generally speaking, even in the areas where greater access to customer information is currently allowed, unauthorized switching is not a problem inasmuch as licensed marketers take switching customers very seriously and take adequate steps to ensure proper authorization is obtained. Accordingly, NEM submits that consumer privacy interests and concerns about unauthorized switching can be thoroughly addressed.

The costs of implementation of a customer account look up program, which Marketers submit should be minimal, are justified in accordance with State policy in support of retail choice. In order to implement the Board's proposal, the utilities would simply have to implement a new database query that permits the account number to be produced when consumer enrollment information is entered. This should not entail an extensive amount of programming. Moreover, any potential cost of this effort would be de minimis in comparison with the benefits of promoting consumer choice to residential and small commercial customers.

## **II. Marketers Request Clarification of Certain Implementation Details to Maximize the Effectiveness of the Customer Account Look Up Procedure**

Marketers support the Board's initiative to implement a customer account look up procedure. Marketers request the following clarifications to aid the stakeholders in their understanding of and compliance with the Board's requirements.

### **A. The Account Look Up Procedure Should Incorporate All Current Enrollment Methods**

In the Board's description of the proposed account look up procedure, "the customer would sign a Board-approved CPM or TPS enrollment form authorizing the release of their account number." (emphasis added). However, the Board also notes it, "may permit an alternative form of verification of customer consent." Marketers request clarification that all current enrollment methods - internet, telephonic and written - would be accommodated under the account look up procedure, and not only "wet signatures." Imposing a wet signature requirement would be contrary to the rationale underlying the proposal in the first place, to reduce barriers to customer participation in energy choice. Additionally, the logic that the Board noted when it stated that, "potential customers do not have ready access to their LDC account number and are unable to complete the application process at the point of sale" is just as applicable over the internet or on a phone call as it is in person. Clearly, requiring a potential customer that receives a phone call or is surfing the internet to go and find their utility bill before they can sign up, impedes the customer's desire to exercise their choice of providers. The Marketers commend the Board for its desire to break down these impediments for customers, which will also make for an easier and more positive experience for those consumers who wish to exercise their right to choose their supplier.

### **B. The Account Look Up Procedure Should be Streamlined to Promote Efficiency**

The proposed account look up procedure as described in the letter would entail the TPS submitting a list of customer names and addresses to the utility. The utility would NEXT “look up” and retrieve the account numbers AND THEN the utility would return the list to the marketer with the account numbers for customers whose information matched. Marketers submit that the procedure as described seems unnecessarily burdensome and complicated. Marketers suggest that the procedure should be streamlined such that once the customer signs the authorization with the TPS (subject, of course, to enrollment form disclosures that the enrollment is contingent on utility rules and a credit check) and that information is provided to the utility, the enrollment should be processed.<sup>9</sup> The intermediate step of passing the customer account number back and forth between the utility and marketer is unnecessary because the marketer has otherwise obtained and furnished all of the other information necessary to enroll the customer.

Notwithstanding Marketers recommendation for a streamlined process, Marketers request that the Board require that when the customer account information is returned to Marketers that it be provided in a readily usable format including Electronic Data Interchange (“EDI”). The EDI system is already established, functioning suitably and is the most logical choice for standardized communication of this nature. It is imperative that a standardized method of exchanging data be used. Otherwise, each utility could use a different format for providing information – excel spreadsheet, email, screenshots, etc. – that would require marketers to implement duplicative and costly systems to process and assimilate. In that case, the benefits of the account look up procedure would be compromised.

### **C. Clarification of the Consequences of Enrollment Errors By TPSs and Utilities Is Needed**

The Board proposed that if a customer is enrolled by a TPS in error, that the TPS should be required, “to pay full restitution of any payments made.” Marketers request clarification of the Board’s meaning of “full restitution” in such a case. Marketers suggest that a fair interpretation of the term would be the difference in the TPS’s rate and the utility’s rate during the relevant time period. Marketers would oppose an interpretation that would inequitably require a TPS to make a full refund to the customer, who would in effect be provided with the benefit of free commodity, which cannot be recovered or returned.

Relatedly, the Board proposed that in the event that, “a customer wishing to participate is not enrolled, the CPM or TPS must commit to enrolling such a customer . . .” Marketers request clarification that this sentence is not intended to extend a provider of last resort-type obligation upon TPSs to accept all customers. Marketers submit that a reasonable interpretation would recognize that TPS enrollment forms clearly state that customer enrollment is premised on utility rules and a credit check. Marketers must retain the ability to accept or deny a customer.

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<sup>9</sup> The Marketer should be able to request either a full enrollment via an 810 (EDI enrollment) or historical usage information (EDI 867 – historical usage), which ever it needs to best serve the consumer.

Finally, the Board delineates consequences related to TPS errors in the enrollment process but does not discuss the corollary situation of a utility error. A utility may produce an erroneous account number when a TPS has provided accurate and complete customer information or a utility may fail to timely enroll a customer despite the TPS's production of all necessary information. Clearly, in those situations the TPS should not be penalized. Likewise, the utilities should be incentivized to act on customer enrollments in an accurate and expeditious fashion.

### **III. Conclusion**

Marketers commend the Board for proactively identifying and proposing the customer account look up procedure as a significant improvement to the customer enrollment process. Subject to the clarifications sought herein, Marketers believe that an account look up procedure will reduce barriers to retail market development and enhance consumer participation in energy choice while potentially lowering energy bills due to the reduction in customer acquisition costs. Marketers respectfully request that the Board issue an Order requiring its implementation as soon as possible.

Respectfully submitted,

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February 26, 2007

Mr. Michael Winka  
Director – Office of Clean Energy  
New Jersey Board of Public Utilities  
44 South Clinton Avenue  
Trenton, New Jersey 08625

Re: Clean Power Choice Program

Dear Mr. Winka:

The Electric Distribution Companies (EDCs)<sup>1</sup> have been active partners in implementing the Clean Power Choice (CPC) program to our customers since its inception in 2005. As part of that implementation effort, the EDCs have been participating in the Office of Clean Energy's (OCE) working group sessions concerning the continuing implementation of the CPC program.

One item that has received considerable attention recently concerns the issue of "Account Look-up", and specifically the Account Look-up proposal submitted by Community Energy Inc.(CEI), one of the Green Power Marketers (GPM). The CEI Account Look-up proposal involves a process by which a GPM would obtain a customer's account number by providing an EDC with a customer's name and address. The EDC would be obligated to look-up the corresponding customer's account number manually and forward the same to the GPM. The GPM would then submit an electronic enrollment to the EDC, using this same account number in the transaction. As the account number is the 'validating' field of data in the electronic enrollment, it is required to be submitted. This proposed process is very different than the current CPC program enrollment procedures, as well as the rules for electric and gas retail (commodity) choice, wherein the customer, rather than the EDC, is required to provide the supplier their account number. This long established and proven practice (in New Jersey and most states with retail access) was put into place to minimize the risk of slamming, by ensuring that customer's maintain control of their account number.

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<sup>1</sup> Atlantic City Electric Company, Jersey Central Power & Light Company, Public Service Electric and Gas Company, and Rockland Electric Company

The issue of Account Look-up was discussed and considered in the initial CPC program working groups, but was not included in the original program roll-out. However, in the 4/13/05 Board Order concerning the approval of the initial CPC program, the Board required that “the OCE and the Division of Energy, in consultation with the Working Group, submit to the Board a proposal for Account Look-up.” The EDCs understand that the OCE, in consultation with the working group participants, must submit an Account Look-up proposal to the Board. However, the EDCs do not support a proposal, such as that offered by CEI, that would weaken consumer protections and establish a process framework that would be susceptible to fraudulent behavior, such as customer ‘slamming’.<sup>2</sup> Instead, the EDCs have proposed that an existing process and resource is already in place to provide customers with their account numbers – the EDCs’ call centers (and supporting infrastructure and systems). If customers are solicited in a location in which they do not have their account numbers readily available (such as a mall), these customers are able to call the EDCs’ call centers to obtain their account numbers. Once obtained, these customers can then provide the account number to their GPM. This process will continue the proven practice of requiring the GPM to obtain the customer’s account number from the customer. This proposed process will use existing EDC assets and avoid requiring the EDCs to dedicate additional/separate assets to look up account numbers manually for the GPMs.

At this time, despite the concerns raised by the EDCs (and the EDCs’ proposal to utilize their call centers), the OCE has stated its intention to include an Account Look-up proposal modeled after the CEI proposal in the CPC program proposed rulemaking. For the reasons stated above, the EDCs request that the OCE reconsider this course of action.

However, if the OCE does propose an Account Look-up process that requires the EDCs to release customer account numbers to GPMs despite the serious objections raised by the EDCs, the EDCs propose that the OCE incorporate, at a minimum, the following features into the proposed rules:

1. GPMs should be required to obtain a customer’s authorization (i.e., wet signature) on a Board-approved authorization form prior to a request being made to an EDC for an account number. GPMs should be required to retain such authorization forms and be prepared to produce such forms at the request of the Board or in response to a customer challenge. Such authorizations should only be made by customers ‘of record’, as the EDC would only provide account information to such individuals.

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<sup>2</sup> The Public Advocate, Division of Rate Counsel, has also raised concerns with respect to negative consumer protection consequences of a poorly-designed Account Look-up process.

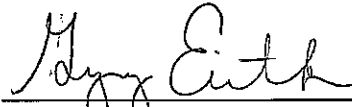
2. A Board-approved Account Look-up program should be limited to the NJ Clean Power Choice program. As noted above, the existing electric and gas customer choice programs require the supplier to obtain the account number from the customer. As such, the EDCs would request that it be made explicitly clear in the related Board Order that an account look-up program is limited to the CPC program, and not applicable to gas or electric commodity choice.
3. The 4/13/05 Board Order approving the CPC program provided that reasonable, prudent and incremental expenses incurred by the EDCs as applicable to their role for implementing the Voluntary Green Power Choice Program be deemed eligible for deferred accounting treatment, and recovered through the DSM/Clean Energy Program component of the Societal Benefits Charge. As the EDCs likely will incur incremental costs to implement an Account Look-up process in the manner proposed by CEI (if approved by the Board), the EDCs request that the OCE Account Look-up proposal - and/or any Board Order approving it - include language that makes it clear that the same cost recovery treatment as that set forth in the 4/13/05 Board Order, will apply to the EDCs' provision of the Account Look-up service.
4. The provision of account numbers should be restricted to requests made as a result of GPM marketing efforts at locations where a customer would not be likely to have their account numbers available (e.g., in a shopping mall) – and not through other means where a customer could be expected to have ready access to their account number (such as direct mail or bill inserts).
5. Should the provision of account numbers become administratively burdensome, or if a sufficient number of consumer protection and/or customer satisfaction issues arise, the Account Look-up process should be halted and re-evaluated.
6. The rules should clearly articulate and/or reference the consequences of not obtaining or retaining the appropriate Board-approved authorization – for an account(s) that was submitted to the EDC for look-up. Such consequences should include loss of GPM license and/or fines, and reimbursement to customers.

In sum, the EDCs request that the Board approve the EDCs' alternative approach to the Account Look-up issue, using existing resources and processes. In the alternative, the EDCs request that the proposed modifications to the CEI proposal discussed herein be incorporated. Finally, we request that the OCE release the draft rules for comment in a "pre-proposal" phase, which would allow the EDCs

and other interested stakeholders to provide input prior to the initiation of the formal rule making process.

Thank you for your consideration.

Respectfully Submitted,



---

Gregory Eisenstark  
Attorney for Public Service Electric  
and Gas Company, and on behalf of  
Rockland Electric Company, Jersey  
Central Power and Light Company,  
and Atlantic City Electric Company

c: Kristi Izzo, Secretary  
Hon. Jeanne M. Fox, President  
Hon. Frederick F. Butler, Commissioner  
Hon. Connie O. Hughes, Commissioner  
Hon. Joseph L. Fiordaliso, Commissioner  
Hon. Christine V. Bator, Commissioner  
Anne Marie McShea, OCE



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January 11, 2008

Kristi Izzo, Secretary  
New Jersey Board of Public Utilities  
ATTN: BPU Docket Number: A07110885  
Two Gateway Center  
Newark, New Jersey 07102

Re: I/M/O the Proposal for Account Look-up for Third Party Suppliers  
and Clean Power Marketers  
Docket No. A07110885

Dear Secretary Izzo,

Please accept these comments on behalf of the Electric Distribution Companies (EDCs<sup>1</sup>) in response to the Secretary's letter dated November 30, 2007 (November 30 Letter) in the above-referenced matter.

The EDCs have been active partners in implementing and marketing the Clean Power Choice (CPC) program since its inception in 2005. Since that time the EDCs have promoted the CPC program in their bill inserts to all of their customers twice each year, have provided information to its employees on the program, and have been very active in all implementation and follow-up working group meetings.

On several occasions the EDCs have provided comments and expressed concern over the potential implementation of an "account look-up" process – most recently in the form of comments that were submitted to the Office of Clean Energy on February 26, 2007 - which are incorporated herein by reference (see attached).

In addition to the previously-filed comments, the EDCs submit the following comments to the proposed process as outlined in your letter dated November 30, 2007.

1. Prior to the November 30th letter, the Board's consideration of the account look-up process was limited to the CPC Program. However, the Board is presently considering expanding the potential scope of the account look-up process to include electric and gas Third Party Suppliers (TPSS) – on the basis that the absence of the account lookup process has been "impeding customer choice." The EDCs note that not a single electric or gas TPS has

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<sup>1</sup> The "EDCs" are Public Service Electric and Gas Company, Rockland Electric Company, Jersey Central Power and Light Company, and Atlantic City Electric Company.

raised this concern in any recent working group meeting (or potentially ever) – and clearly not in the context of the CPC Program where the account look-up issue was first raised. To that end, the EDCs question the merit of potentially expanding the scope of the process to TPSs. As noted in the referenced comments, the implementation of the account look-up process would weaken consumer protections and establish a process framework that would be susceptible to fraudulent behavior. It is the EDCs’ position that the monetary impacts of potential fraudulent behavior can be far greater if actual commodities are involved as they are in TPS sales (i.e., electric or gas) – than by enrollments that only involve renewable energy credits in the CPC Program. The EDCs emphasize that the Board’s November 30th letter does not identify a single reason the Board is considering including TPS enrollment in the account look-up process. As such, the EDCs strongly recommend that the Board consider limiting the proposal to only CPC customers – if it adopts the proposal at all.

2. In the third paragraph of the November 30th letter there is a statement that “the Board is considering a customer account look-up process, similar to procedures used in other markets.” The EDCs are not aware of any other electric, gas or clean power market where such a proposed process exists. During CPC working group sessions the CPC suppliers often referred to Connecticut (CT) as a model state where account look-up is permitted and has resulted in increased enrollments. However, based on conversations with the CT electric utilities, it is the EDCs’ understanding that the provision of account numbers to CPC suppliers in CT is only done on an exception basis – and there have not been a considerable number of account numbers provided. This is contradictory to the claims made by CPC suppliers that have positioned the CT program as the model to follow. The EDCs also note that the account look-up process (as proposed) is not offered to electric or gas commodity suppliers in CT, nor are the EDCs aware of its acceptance as a practice in any other state. In fact, in November 2006, the New York State Public Service Commission (“NYPSC”) denied a petition from a commodity supplier that was seeking an account look-up process very similar to the one proposed by Staff - citing that there was not “sufficient evidence of a need” to warrant suppliers having direct access to customer account numbers (Case 98-M-1343). The NYPSC noted both customer privacy concerns and the risk of increased slamming allegations as reasons for rejecting the account look up approach in favor of reviewing other customer-initiated account number retrieval options. As such, the EDCs would caution the Board on adopting a process that inherently removes a proven consumer protection without any corresponding real proven benefits.
3. The proposed process provides several useful “safeguards” to customers. However, if the proposal is adopted, the EDCs would request that additional safeguards be added, including that the supplier be required to indemnify the EDCs from damages incurred due to a slamming event that is caused as a result of an “account look-up.” The proposed process will require that the supplier “submit an electronic list of names and addresses to the LDC and the LDC would check against its database to “look up” and retrieve the LDC account numbers.” However, in certain instances, the information received by the EDCs on the supplier’s spreadsheet will not exactly match the EDCs’ records. In those cases, the EDCs should not be required to guess as to whether a match exists. Additionally, the EDCs requests that the Board modify the proposal, if it adopts it at all, to specify that changes be

Kristi Izzo, Secretary  
January 11, 2008  
BPU Dkt. No. A07110885

made to the respective supplier agreements to provide that the CPC suppliers and TPSs shall indemnify and hold harmless the utilities for any and all damages that result from the utilities' provisions of account numbers.

4. In addition, the EDCs do not believe that utilities should be required to serve as a "back office" to CPC suppliers or TPSs, by providing a service that simply makes it less expensive for them to operate. However, should the Board approve the account look-up process as proposed, the EDCs would reiterate their position (as set forth in the EDC letter of February 26, 2007) that the provision of account numbers be restricted to requests made as a result of supplier marketing efforts at locations where a customer would not be likely to have their account numbers available (e.g., in a shopping mall) – and not through other means where a customer could be expected to have ready access to their account number (such as direct mail, bill inserts, telephone solicitations and door-to-door solicitations). This limitation would serve to potentially minimize the back-office requirements to events where customers truly do not have access to their account numbers. In order to support this requirement, TPSs and CPC suppliers should be required to provide the EDCs with information on the time and place that the customers' consents were received. The inclusion of this information can be established as a required data field on the electronic form used to submit a request to the utility.
5. Finally, the EDCs would reiterate their position that resources and technology are already in place to provide the service that the CPC suppliers are asking for – our call centers. Customers are free to contact the call centers to request their account number – and in doing so would utilize an existing resource to provide the service that is being requested – while maintaining the proven practice of requiring suppliers to obtain the customer's account number from the customer.

Thank you for your consideration in this matter.

Respectfully Submitted,

---

Gregory Eisenstark  
Attorney for Public Service Electric  
and Gas Company, and on behalf of  
Rockland Electric Company, Jersey  
Central Power and Light Company, and  
Atlantic City Electric Company

C: Michael Winka, BPU  
Nusha Wyner, BPU



January 11, 2008

*VIA ELECTRONIC MAIL*

Ms. Kristi Izzo, Esq., Secretary  
N.J. Board of Public Utilities  
Two Gateway Center  
Newark, NJ 07102

Re: Comments on November 30, 2007  
Secretary's Letter Re: Account Look-up  
BPU Docket No. AX07110885

Dear Ms. Izzo:

New Jersey Natural Gas Company (NJNG or the Company) is submitting this letter in response to the November 30, 2007, Secretary's Letter seeking comment on a procedural change being considered by the New Jersey Board of Public Utilities (BPU or the Board). The change proposes that an electric distribution company (EDC) or a gas distribution company (GDC) (collectively, the LDCs) must provide to a third-party supplier (TPS) or Clean Power Marketer (CPM) the account number of a customer who has signed a Board approved form allowing the release of that information. These comments are being submitted electronically to [OCE@bpu.state.nj.us](mailto:OCE@bpu.state.nj.us) and to those listed below.

BACKGROUND

Following the passage of the Electric Discount and Energy Competition Act (N.J.S.A. 48: 3-49 et seq), the Legislature amended certain provisions of that Act, including one that eliminated the requirement for written customer consent for an LDC to release any customer information. (N.J.S.A. 48:3-85(B)(1)). The LDCs were then allowed to accept customer enrollment information through the provision of a customer account number from a TPS, in addition to other allowable methods. A simpler process for switching was seen as one way of encouraging customer participation in the competitive market. An additional benefit, again with consumer protections in mind, was the belief that the provision of an account number would serve to reduce the incidents of slamming where customers may involuntarily be enrolled for service from a TPS. The impact of that decision has, in fact, provided an extra level of consumer protection against potentially unethical behavior from a TPS representative since an account number can only be readily obtained from a customer who is aware of the manner in which a TPS would use that information.

Subsequently, electronic enrollment procedures developed with the implementation of the Electronic Data Interface (EDI) systems, streamlining and expediting the enrollment process for all involved. Here, the customer account number effectively became the key to automatic enrollment, creating a simpler enrollment process for both the LDCs and the TPSs.

### CURRENT PROPOSAL

In order to expedite customer enrollment in the Clean Power Market or a switch to service from a TPS, the BPU is considering a modification to current procedures. Specifically, the BPU has proposed an enrollment related change such that a customer does not have to provide an account number for enrollment purposes and can, instead, provide a customer name and address on a BPU approved form. That list of customer names and addresses would then be submitted to the LDC by the TPS for the LDC to provide the customer account numbers to the TPS for use in the EDI enrollment process.

### CONCERNS ABOUT THE PROPOSAL

There are several areas in which NJNG has concerns with this proposal. First, it is very likely that the proposed method could result in incorrect or misleading information being provided to the utilities. Then, the LDC will be manually looking up account numbers, from a list provided by the TPS, on names and addresses that are not necessarily accurate or legible. NJNG is especially concerned that customer information may be provided in handwritten form which not only increases the possibility of error but also requires a more extensive, manual process to decipher the information provided. Any account numbers that are obtained are to then be included on a list that is returned to the TPS for the steps to accomplish enrollment. There is no assurance that a name and address will be correct – or legitimately obtained by the TPS. NJNG is concerned that this approach could, in fact, lead to increased slamming since an unscrupulous TPS representative could obtain names and addresses from any source, including a phone book, and use that information to obtain account numbers that would then be used for enrollment purposes. Additionally, errors in interpreting handwritten names and addresses, such as those obtained at a street fair or conference could result in the provision of an incorrect account number to the TPS or the account number of a different customer. Even with the safeguards proposed through which a TPS would be required to pay restitution to a customer illegally enrolled, this approach has the potential to increase slamming and, as a result, negatively impact competition and the CPM program overall. NJNG suggests that a system be developed through which the information exchange incorporates the functionality and protections within an electronic data exchange format. The current enrollment or change process relies on an automated procedure once the TPS obtains an account number from the customer and there is now little or no human involvement in most applications. And, we are pleased to note that the current requirement that a TPS provide an account number has not resulted in any confirmed cases of slamming in our area.

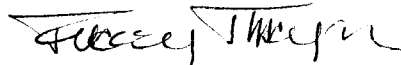
There is no guarantee that a name and address accurately reflect the actual service address in the LDC customer information system. Many locations have billing addresses that differ from service addresses, especially with rental units or commercial accounts. Any incorrect entry will cause administrative burdens for the LDC and greatly increase the likelihood of customer frustration in cases of mistaken enrollments. Furthermore, it is proposed that the TPS maintain the actual document with the customer signature, which then leaves the LDC without supporting documentation if a customer calls to complain. It is generally the LDC that receives the customer complaint calls concerning a TPS.

Kristi Izzo, Secretary  
Customer Account Number Proposal  
January 11, 2008  
Page 3

In light of the above, NJNG proposes that, if the Board chooses to implement this proposal, it be initially on a pilot basis and limited to residential customers only. Most commercial customers, especially those with large energy consumption, are well aware of the programs and opportunities available in the competitive market. Those customers would not be likely to attend an event or seek information from a TPS in a public setting. It is NJNG's concern that providing the account number for commercial accounts could be even more problematic given the increased opportunities for mistakes – for example, there could be several locations on a busy street for one company (such as a McDonald's with a Rte 9 address). Without having an exact street number, or if there is a different billing address for a specific location, it is highly likely that a mistake could be made. If the BPU approves this proposal, and we stress that it would be most effective on a pilot basis for residential customers only, NJNG would be willing to track the impacts resulting from the administrative changes. Additionally, there would be both internal and external programming modifications required that would necessitate additional LDC and TPS efforts. In light of that, we suggest that the implementation date be at least 180 days in the future to accommodate the required system changes in an orderly and effective manner.

If you have any questions, please feel free to contact me at (732) 919-8025.

Very truly yours,



Tracey Thayer  
Director, Regulatory Affairs Counsel

C: Jacqueline Galka, BPU  
Felicia Thomas-Friel, DPA

BPU Docket No. A07110885From: Roger Schwarz [rschwarz@issuesllc.com]  
Sent: Friday, January 11, 2008 3:10 PM  
To: OCE  
Subject: BPU Docket No. A07110885  
Re: Proposed Customer Account Number Lookup Procedure  
BPU Docket No. A07110885

Please accept these comments on behalf of the Retail Energy Supply Association ("RESA").

Inasmuch as, in addition to the so-called wet signature, the Electric Discount and Energy Competition Act permits a customer's authorization to change suppliers to be evidenced by "... the customer's electronic signature; an audio recording of a telephone call initiated by the customer; independent, third-party verification ... of a telephone call initiated by an electric supplier ... or such alternative forms of verification as the board, in consultation with the Division of Consumer Affairs, may permit," RESA submits that it only makes sense that the Board also allow those same additional, alternative means of verification for an action – the provision of a customer's account number – that is merely a step in the path to a change of supplier. See, N.J.S.A. 48:3-85a and 48:3-86b.

By allowing these additional, alternative means of verification, the Board's procedure would then be, as the Board stated in its Notice of Opportunity for Comment, "similar to procedures used in other markets." See, for example, the New York Public Service Commission's Uniform Business Practices, Section 5, "Changes in Service Providers."

--

Roger Schwarz

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101 Poor Farm Road  
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BPU Docket No. A07110885From: Roger Schwarz [rschwarz@issuesllc.com]  
Sent: Friday, January 11, 2008 3:10 PM  
To: OCE  
Subject: BPU Docket No. A07110885  
Re: Proposed Customer Account Number Lookup Procedure  
BPU Docket No. A07110885

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By allowing these additional, alternative means of verification, the Board's procedure would then be, as the Board stated in its Notice of Opportunity for Comment, "similar to procedures used in other markets." See, for example, the New York Public Service Commission's Uniform Business Practices, Section 5, "Changes in Service Providers."

--

Roger Schwarz

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January 11, 2007

Kristi Izzo  
Secretary, New Jersey Board of Public Utilities  
via e-mail (OCE@BPU.state.nj.us)

**Re: Comments Of Consolidated Edison Solutions, Inc. On Proposal for Account Look-Up for Third Party Suppliers and Clean Power Marketers – Docket No A07110885**

In response to Secretary Izzo's November 30, 2007 letter in the above-captioned docket, Consolidated Edison Solutions, Inc. ("CES") offers the following comments on whether an electric distribution company ("EDC") should provide customer account numbers to a Third Party Supplier ("TPS") with customer consent.

#### **CORPORATE BACKGROUND**

CES is a provider of retail electricity and energy services with more than 200,000 residential, commercial and industrial customers throughout the Mid-Atlantic, including New Jersey, as well as in the Northeast and Texas. In addition to retail electricity supply, CES offers its customers a number of energy-related services, including demand response and energy conservation services, renewable energy and other distributed energy products. CES maintains an office in Cherry Hill, New Jersey.

#### **GENERAL COMMENTS**

CES supports the efforts of the Board of Public Utilities ("BPU") to provide customer account numbers to a TPS. In contrast to the telecom industry where virtually all customers remember their telephone number, most gas and electric utility customers do not readily know their utility account number. As a result, gas and electric customers typically need to first retrieve their account number from a recent EDC bill before they can enroll for service with a TPS. This manual process is a significant barrier to competition for many customers and undermines the effectiveness of many marketing campaigns whenever customers do not have ready access to their bills. Therefore, CES

would support a mechanism to enable a TPS, with customer authorization, to access the customer's account number.

### **WET-SIGNATURE REQUIREMENTS ARE NEITHER NECESSARY NOR APPROPRIATE**

The November 30, 2007 letter indicates that the BPU is considering a process whereby “the customer would sign a Board-approved CPM or TPS enrollment form authorizing the release of their account number.” CES believes this wet-signature requirement, whether applied as a requirement to authorize access to account numbers or to enroll customers, is itself a significant barrier to competition. The wet signature requirement effectively precludes or adds unnecessary cost and lead-time to many of the more cost-effective marketing techniques such as internet, e-mail and telemarketing. Furthermore, it is a requirement that fails to recognize that today's technologies provide many secure ways to electronically record a customer's authorization including voice logs, e-mail records and internet records which are widely accepted by other state commissions<sup>1</sup>. Finally, the wet signature requirement is inconsistent with the BPU's treatment of the telecommunications industry where voice logs and electronic authorization are accepted practices.

### **OTHER BARRIERS TO COMPETITION THAT THE BOARD SHOULD ADDRESS**

In addition to the ability to access account numbers, there are other barriers to competition that CES would encourage the BPU to also consider. Specifically, levels of customer understanding about competition and TPS offerings are fairly low especially among residential small commercial customers. CES recommends that the BPU consider options for increasing customer awareness of competitive options and increase the ability to provide customers with information about TPS offerings. Specifically, CES would

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<sup>1</sup> For example, section 5.B.1 of NY Public Service Commission UBP provides that “The ESCO shall obtain a customer agreement to initiate service and enroll a customer and customer authorization to release information to the ESCO by means of one of the following methods: a. telephone agreement and authorization, preceded or followed within three business days by provision of a sales agreement, in accordance with requirements in Attachment 1 – Telephonic Agreement and Authorization; b. electronic agreement and authorization, attached to an electronic version of the sales agreement, in accordance with requirements in Attachment 2 – Electronic Agreement and Authorization; or c. written agreement bearing a customer's signature on a sales agreement (original or fax copy of a signed document), in accordance with requirements in Attachment 3 – Written Agreement and Authorization”

recommend that the BPU evaluate whether several options that have little or no cost to the EDCs, but have proven effective in other jurisdictions, should be adopted in New Jersey. Two options that CES would recommend be evaluated are: (i) implementing a customer referral program where the EDC informs customers of TPS supply options and (ii) providing TPS with access (either directly or indirectly) to customer lists and usage information.

## **CONCLUSION**

CES is supportive of procedures that would enable a TPS, with customer authorization, to obtain that customer's account number. CES also believes that the BPU should, at the same time, formally accept alternative forms of customer authorization including electronic and/or telephonic as alternatives to the current wet-signature requirement. Finally, CES would encourage the BPU to look at additional measures to eliminate barriers to competition.

Respectfully Submitted

*/s/ Stephen Wemple*

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**HESS CORPORATION**

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January 11, 2008

Kristi Izzo, Secretary  
New Jersey Board of Public Utilities  
ATTN: BPU Docket Number: EA07110885  
Two Gateway Center  
Newark, NJ 07102

**RE: I/M/O the Proposal for Account Look-Up for Third Party Suppliers and  
Clean Power Marketers - Docket No. EA07110885  
COMMENTS OF HESS CORPORATION**

Dear Secretary Izzo:

Hess Corporation ("Hess") submits the following comments regarding the November 30, 2007 request for comments regarding the State of New Jersey Board of Public Utilities' ("BPU" or the "Board") "Proposal for Account Look-Up for Third Party Suppliers and Clean Power Marketers" in the above-captioned docket. ("Request for Comments"). Hess generally supports the Board's efforts to facilitate the ability of a third party supplier ("TPS") to obtain the information necessary to provide a potential customer with a price quote and to begin the enrollment process. Hess believes, however, that the most efficient and least cumbersome method of achieving these goals is to require that all of the state's utilities facilitate the exchange of customer information through electronic data interchange ("EDI") or some other automated means.

## **I. BACKGROUND AND SUMMARY**

Hess is a leading supplier of natural gas, fuel oil and electricity to commercial, industrial and wholesale customers in the Northeast and Mid-Atlantic states. In New Jersey, Hess is the dominant supplier of natural gas to large commercial and industrial businesses, serving customers behind all four of the state's gas distribution companies. Although ease of access to customer information is a concern primarily in the small commercial and residential markets, markets in which Hess currently is not active, Hess does have an interest in fostering the overall efficiency of New Jersey's competitive retail natural gas market.

A process that facilitates the ability to access customer information critical to enrolling a customer in competitive supply service will achieve such efficiency. Rather than institute a multi-step process involving wet signatures, paper documentation and multiple communications between third party suppliers and utilities, however, Hess believes that the Board should require that customer information be exchanged electronically, either through EDI or some other automated mechanism.

## **II. DISCUSSION**

The Board's stated purpose in this proceeding is to "ensure ease of access/enrollment for customers and provide for consumer protections" and to eliminate the "barrier to efficient and affordable customer acquisition by TPSs and CPMs" that "impede[s] customer choice."<sup>1</sup> Making customer account look-up a part of the Board's EDI initiative is a simple and efficient method of achieving these goals.

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<sup>1</sup> Request for Comments at 1.

The Board recently recognized the importance of EDI to making competitive energy markets in New Jersey feasible:

Electronic data interchange between energy marketers and the State's energy utilities is a necessary component to bring energy marketers together with businesses, in an effective and efficient manner.

. . . [A] strong, reliable EDI system is necessary if New Jersey is to have a robust energy shopping program and . . . [the Board's] responsibilities include taking the steps that are required to have the most customer-friendly shopping program possible.<sup>2</sup>

It seems a natural fit to incorporate the focus of this proceeding within the ongoing EDI initiative. For example, TPSs could input a potential customer's name, address and telephone number into the EDI system, which then would send an automatic response with the account number. Using EDI<sup>3</sup> to request and look up customer account information will make the access and enrollment process quicker and easier for all parties involved – the utility would not have to be involved in the look-up process (other than to support the electronic system), third party suppliers quickly would obtain the information they need to prepare a price quote for a potential customer and the customer would not experience substantial lag time between authorizing the TPS to access the necessary information and receiving the price quote from the TPS.<sup>4</sup> Thus, the customer would be able to evaluate the choice and decide whether to switch suppliers within a sensible time frame and without being required to sign multiple forms.

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<sup>2</sup> *In the Matter of the Provision of Basic Generation Service Electronic Data Interchange Oversight*, Docket No. EO06110808, Order dated 3/22/07, at 3.

<sup>3</sup> As an alternative, a process could be instituted whereby a TPS could input a customer's name, address and telephone number into the utility's website to obtain the account number.

<sup>4</sup> In that regard, Hess encourages the Board not to require a wet signature authorization from the customer as such a requirement could cause customer confusion and add unnecessary lag time into the process.

To make this work, however, the Board must ensure that all utilities throughout the state implement EDI in general, and the customer account look-up process specifically, in a consistent and coherent manner. Currently, EDI is utilized only sporadically among the state's gas distribution companies, and the companies that have implemented EDI do not use it consistently for all of their customers. Elizabethtown Gas Company uses EDI only to enroll and bill customers in its ADDQ pool and to enroll customers in its GDS/AMR pool. This represents only 2 of the seven pools that Hess serves and only a small percentage of Hess' load on Elizabethtown. PSE&G utilizes EDI to enroll and bill its firm customers, but not at all for the remainder of its customer base. And New Jersey Natural Gas Company and South Jersey Gas Company do not yet have EDI capability. A consistent approach to EDI would facilitate the progress of "effective and efficient" competition in New Jersey's natural gas market. Adding customer account look-up to the EDI process will further ensure that this goal is accomplished.

### **III. CONCLUSION**

In short, Hess greatly appreciates the Board's effort to facilitate the customer enrollment process by promoting easier access to crucial customer information. Improvements in the information exchange between TPSs and utilities will increase customer participation, reduce costs and facilitate customer choice.<sup>5</sup> Hess encourages the BPU to require that the communication of customer information be automated, for example, by incorporating this effort into the currently ongoing EDI initiative.

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<sup>5</sup> See Request for Comments at 1.

Respectfully submitted,

HESS CORPORATION

By: /s/ Debra H. Rednik

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Jeremy Edwards  
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Email: [jedwards@hess.com](mailto:jedwards@hess.com)



From: Dale Barnhart [mailto:dbarnh@9.com]  
Sent: Friday, January 11, 2024 4:54 PM  
To: CR  
Cc: Clayton Lewisell  
Subject: Notice to request changes to facilitate the release of historical retail usage data

From: Dale W. Barnhart  
Vista Energy Group  
Washington, DC office

To: Kristi Linn, Secretary  
NIBPU Decklet #: AD171085

Dear Ms. Linn, I work as a power broker and renewable energy generation developer in the mid-Atlantic region, with substantial business in the state of New Jersey. The current rules in NJ for getting customer data result in needless delays and prevent many economically advantageous transactions from occurring. I support anything that will streamline this process. Deregulated energy markets may not be a cure-all, however given that NJ and the country have gone down this path, in order to reap the advantages of competitive energy supply, information must be available on a timely basis. The prompt availability of historical usage data from consumers to third party providers allows the markets to function rationally. This is currently not the case in NJ under the current rules. Below is a copy of the Energy Reliability Council of Texas rules (in red) that could serve as a template for any proposed changes.

ERCOT

Retail Market Guide

Market Processes

Rev. Oct. 2007

7.4 Standard Historical Usage Request

In the Texas marketplace, CRs are allowed to request historical data from a Customer when they are not the REP of Record. This data is provided by the TDSPP in the requesting CR with a maximum of twelve (12) months of usage. In order to provide the data to the CR, the TDSPP must have written authorization (include electronic authorization) from the Customer to allow them to provide this proprietary information. The TDSPP will provide the requested data electronically in an Excel® format within three (3) Business Days of receipt of a valid Letter of Authorization (LOA).

7.4.1 Overview of the Standard Letter of Authorization for Historical Usage

To obtain historical usage for an ESI ID, the requester must submit a standard Letter of Authorization (LOA) form to the appropriate TDSPP (See Appendixes B1 and B2). A Customer may allow the use of the same LOA for any length of time. If the Customer wishes the LOA to expire, the Customer shall indicate the expiration date of the LOA. The Customer may also designate the LOA term to be unlimited, but in either case, the Customer must designate as unlimited or provide an expiration date.

If the request is for a Premise with an Interval Data Recorder (IDR) meter, the requesting CR shall indicate whether summary billing, interval data or both summary billing and interval level data is required by checking the appropriate boxes. The TDSPP shall provide all data requested by the CR, if available and shall use Appendix B4.

The requester must use the attachment located in Appendix B3 when requesting historical usage from multiple TDSPPs on the same LOA. If electronic mail is used to submit the attachment, the requester shall place the Customer's name first when naming attachments, e.g., CustomerABC.xls, CustomerABC.pdf, CustomerABC.AEP.xls. A TDSPP will reject the attachment if it is submitted with ESI IDs that are not located within the TDSPP's IDO territory.

Historical usage data should be made available to any registered energy provider in the state of NJ in an expeditious manner as possible. I would support this data being available to any registered party.

Have attached forms B-1 and B-3 as examples of forms used in this process by ERCOT that could be adopted by the NIBPU.

I would further recommend that the BPU and state of NJ to contract a company separate from the LDC's to data mine the universe of usage data through-out NJ to profile & identify facilities that could be candidates for substantial DSM opportunities.

Sincerely,

Dale W. Barnhart

## Standard Letter of Authorization for the Request of Historical Usage Information (English)

Date: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

**LIST TDU (REQUIRED; List TDUs that apply to request)**

Oncor Electric Delivery	CenterPoint	Sharyland
AEP	TNMP	Entergy Texas

Please accept this letter as a formal request and authorization for the above referenced Distribution Company (TDU) to release energy usage data, including kWh, kVA or KW, and interval data (if applicable) at the following location(s) to <<(NAME OF CR/representative)>>. This information request shall be limited to no more than the most recent 12-month period of service. If the ESI ID(s) are IDR accounts, please indicate whether summary level and/or interval data is required.

Summary Billing Data Only                      Interval Data Only                      Both Summary and Interval Data

Please forward usage and load information in electronic (Microsoft Excel) format to:

E-mail: <<(EMAIL ADDRESS OF CR REPRESENTATIVE)>>

If an attachment is used, please use a separate attachment per TDSP with the ESI IDs that are specific to a TDSP. TDSP will reject if ESI IDs are submitted that are not associated with their territory.

Service Address

ESI ID Number (found on bill)

### AUTHORIZATION

I affirm that I have the authority to make and sign this request on behalf of my company for all ESI IDs that are associated with this request.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Company)

**By checking this box, the Customer identified below and (Requesting party) \_\_\_\_\_ affirm that the authorizing signature is the Customer identified below**

**and hold the TDU harmless for providing the historical data to requested party as identified on this form.**

\_\_\_\_\_  
(Name, printed)

\_\_\_\_\_  
(Billing Street Address)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(City, State, Zip Code)

\_\_\_\_\_  
(Telephone Number)

## Appendix B3

Excel Format to be Completed by the Requestor as an Attachment to  
the Letter of Authorization

	<b>Requestor Name:</b>		
	<b>TDSP:</b>		
	<b>Customer Name:</b>		
	<b>ESI ID</b>		<b>Service Address (Optional)</b>
<b>1</b>		<b>1</b>	
<b>2</b>		<b>2</b>	
<b>3</b>		<b>3</b>	
<b>4</b>		<b>4</b>	
<b>5</b>		<b>5</b>	
<b>6</b>		<b>6</b>	
<b>7</b>		<b>7</b>	
<b>8</b>		<b>8</b>	
<b>9</b>		<b>9</b>	
<b>10</b>		<b>10</b>	
<b>11</b>		<b>11</b>	
<b>12</b>		<b>12</b>	
<b>13</b>		<b>13</b>	
<b>14</b>		<b>14</b>	
<b>15</b>		<b>15</b>	
<b>16</b>		<b>16</b>	
<b>17</b>		<b>17</b>	
<b>18</b>		<b>18</b>	
<b>19</b>		<b>19</b>	
<b>20</b>		<b>20</b>	
<b>21</b>		<b>21</b>	



State of New Jersey  
DEPARTMENT OF THE PUBLIC ADVOCATE  
DIVISION OF RATE COUNSEL  
31 CLINTON STREET, 11<sup>TH</sup> FL  
P. O. BOX 46005  
NEWARK, NEW JERSEY 07101

JON S. CORZINE  
*Governor*

RONALD K. CHEN  
*Public Advocate*

STEPHENIE BARRONNESQ  
*Director*

January 11, 2008

**VIA HAND DELIVERY AND ELECTRONIC MAIL**

Kristi Izzo, Secretary  
New Jersey Board of Public Utilities  
ATTN: BPU Docket Number: A07110885  
Two Gateway Center  
Newark, New Jersey 07102

RE: I/M/O the Proposal for Account Look-Up for Third Party  
Suppliers and Clean Power Marketers  
BPU Docket No.: A07110885

Dear Secretary Izzo:

Please accept the original and ten copies of these Comments filed on behalf of the New Jersey Department of the Public Advocate, Division of Rate Counsel ("Rate Counsel") in response to the Board of Public Utilities' ("the Board" or "BPU") request in the above-mentioned matter. Kindly date-stamp and mark "Filed" on the copy to be returned to our office.

On November 30, 2007, the BPU issued a request for comments to all interested parties concerning a procedure to allow local distribution companies (gas and electric utilities) to release customer account information to third party energy suppliers ("TPS") or clean power marketers ("CPM") pursuant to N.J.A.C. 14:4-1A.3. Specifically, the Board is considering approval of a standard enrollment form that authorizes a TPS or CPM access to potential customers' utility account information from their respective electric and/or gas utility for expedited enrollment purposes only.

Rate Counsel is not opposed to this procedure in principle, but requests that the Board consider the following concerns in developing its regulations in this process. For example, the solicitation by a representative of the TPS or CPM should make clear to the potential customer their affiliation with the energy provider and the requirement for verification of switching energy services. Also, if a TPS or CPM is engaged in the collection of customer account data for energy services, there should be a requirement for dissemination of consumer protection information. Preservation of the confidentiality of the customer account data should also be emphasized to the consumer and compiled with by the TPS or CPM. Finally, if a CPM is to engage in the enrollment of customers for clean energy programs beyond the purchase or retiring of renewable

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<http://www.state.nj.us/publicadvocate/utility> E-Mail: [njratepayer@rpa.state.nj.us](mailto:njratepayer@rpa.state.nj.us)

energy certificates ("RECs") there should be a modification to the definition of CPM as described in N.J.A.C. 14:4-1.2.

Thank you for this opportunity to comment on this important matter.

Respectfully Submitted,

RONALD K. CHEN  
PUBLIC ADVOCATE OF NEW JERSEY

STEFANIE A. BRAND  
DIRECTOR

By: Felicia Thomas-Friel, Esq.  
Felicia Thomas-Friel, Esq.  
Deputy Public Advocate

cc: Mike Winka, OCE  
Nusha Wyner, BPU – Energy  
Dennis Moran, BPU - Audits