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September 9, 2011

Ms. Karen Geraghty
Administrative Director
Maine Public Utilities Commission
18 State House Station
Augusta, ME 04333-0018

Re: **Docket No. 2011-247: MAINE PUBLIC UTILITIES COMMISSION
Amendments to Customer Disclosure Label Distribution Requirements
(Chapter 306)**

Dear Ms. Geraghty:

Enclosed please find the Comments of Retail Energy Supply Association in connection with the above-referenced matter.

Please feel free to contact me if you have any questions or require additional information. Thank you.

Sincerely,



Katherine S. Kayatta

Enclosure

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**STATE OF MAINE
PUBLIC UTILITIES COMMISSION**

Docket No. 2011-247

September 9, 2011

**MAINE PUBLIC UTILITIES COMMISSION
Amendments to Customer Disclosure Label
Distribution Requirements (Chapter 306)**

**COMMENTS OF RETAIL
ENERGY SUPPLY
ASSOCIATION**

The Retail Energy Supply Association (“RESA”)¹ hereby submits its comments in response to the Public Utilities Commission’s (“Commission”) July 28, 2011 Notice of Rulemaking (“Notice”) in connection with the above-referenced matter.

BACKGROUND

The Electric Restructuring Act originally contained a provision that required the Commission to establish standards for publishing and disseminating information that would help consumers make effective choices in the competitive retail electric market. 35-A M.R.S.A. § 32-03(3). In response, the Commission adopted Chapter 306 of its rules requiring Competitive Electricity Providers (“CEPs”) to distribute information to customers in a uniform format known as a disclosure label. *Order Provisionally Adopting Rule*, Docket No. 1998-708 (Feb. 23, 1999); *Order Finally Adopting Rule*, Docket No. 1998-708 (Jun. 29, 1999).

Since that time the Electric Restructuring Act has been amended several times and, in response, the Commission has amended the disclosure label distribution requirements. *See Order Provisionally Adopting Rule*, Docket No. 2002-580 (Feb. 13, 2003); *Order Finally Adopting Rule*, Docket No. 2002-580 (Jun. 18, 2003); *Order Adopting Final Rule*, Docket No.

¹ RESA’s members include: Champion Energy Services, LLC; ConEdison *Solutions*; Constellation NewEnergy, Inc.; Direct Energy Services, LLC; Energetix, Inc.; Energy Plus Holdings, LLC; Exelon Energy Company; GDF SUEZ Energy Resources NA, Inc.; Green Mountain Energy Company; Hess Corporation; Integrys Energy Services, Inc.; Just Energy; Liberty Power; MC Squared Energy Services, LLC; Mint Energy, LLC; MXenergy; NextEra Energy Services; Noble Americas Energy Solutions LLC; PPL EnergyPlus, LLC; Reliant Energy Northeast LLC and TriEagle Energy, L.P.. The comments expressed in this filing represent the position of RESA as an organization but may not represent the views of any particular member of RESA.

2004-728 (Jun. 21, 2005). During its most recent session, the Maine Legislature passed An Act Regarding Information Provided to Consumers by Competitive Electricity Providers (the “Act”). See P.L. 2011, Ch. 284. The Act once again changed the distribution requirements for disclosure labels. In particular, the Act removed the requirement that CEPs distribute information disclosure labels to residential and small commercial customers and allowed the Commission to make changes to its rules regarding the way disclosure labels are made available without submitting those rules for legislative approval. *Id.* In response, the Commission issued the Notice. In the Notice, the Commission invited interested parties to comment on the implications of the proposed rule. Notice at 3. RESA hereby submits its comments in response to the Notice.

RESA is nonprofit organization and trade association that represents the interests of its members in regulatory proceedings. RESA’s members include providers of competitive electric supply products to customers in the five restructured New England states, including Maine.

COMMENTS

RESA appreciates the Commission’s efforts in this matter and supports the Commission’s proposed changes to Chapter 306 of its rules.

Label Availability

RESA supports removing the current requirement that the label be mailed to customers and permitting CEPs to post the most recent information on their websites as this will decrease costs and avoid wasted resources. RESA also supports the proposed changes that would allow CEPs to make the label available through “other means” (e.g., electronic mail, etc.) as this provides flexibility to allow CEPs to meet changing customer preferences regarding communications.

Availability Notification

RESA supports the timing set forth in the proposed rules for the notification of the availability of the disclosure labels. In particular, RESA supports the change from a quarterly distribution to an annual notification since the information reported on the label (i.e., fuel mix and emissions) does not change often enough to warrant more frequent notification of the availability of the label.

Other Changes

To be consistent with the Commission's proposed revisions, RESA recommends that the Commission make the following additional changes:²

- Revise the first sentence of Section 2(B)(3)(d) to read: "A competitive electricity provider may disaggregate its resource portfolio into segments or products and ~~provide or~~ make available differentiated labels to particular customer groups."
- Revise the last sentence of Section 2(B)(4) to read: "The fuel mix shall be displayed in a format substantially similar to ~~the sample label that~~ adopted by the Commission or the Commission's Director of Electric and Gas Industries pursuant to section 2(B)(6)."
- Revise the first sentence of Section 2(B)(6) to read: "The label shall be presented in a format substantially similar to ~~the sample label that~~ adopted by the Commission or the Commission's Director of Electric and Gas Industries pursuant to this section."
- Revise the second sentence of Section 2(C) to read: "The company disclosure shall ~~contain present~~ the aggregated information in a form substantially similar to the 'power sources' and 'air emissions' ~~portion of the label consistent with the label format established by~~ adopted by the Commission or the Commission's Director of Electric and Gas Industries pursuant to section 2(B)(6)."
- Revise the first sentence of Section 2(E)(2) to read: "Each competitive electricity provider that provides generation service to residential and small commercial customers shall ~~provide labels to those customers or~~ notify those customers that the label is available on the competitive electricity provider's website or through other means once each calendar year."

² Changes are shown with all of the Commission's proposed revisions accepted and RESA's proposed deletions shown as strike throughs and RESA's proposed additions shown as double underlined.

- Revise the second sentence of Section 2(F) to read: “Where available generation services are marketed in non-print media, the marketing materials shall indicate that the disclosure label is available~~customer may obtain the disclosure label upon request.~~”

CONCLUSION

RESA appreciates the Commission’s efforts in this matter and supports the Commission’s proposed changes to Chapter 306 of its rules.

Respectfully submitted,
RETAIL ENERGY SUPPLY ASSOCIATION

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