

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2001-399

July 18, 2001

PUBLIC UTILITIES COMMISSION
Standard Offer Bidding Process

ORDER REGARDING PROVISION OF
CUSTOMER LISTS TO COMPETITIVE
ELECTRICITY PROVIDERS

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

Through this Order, we require Central Maine Power Company (CMP) and Bangor Hydro-Electric Company (BHE) to provide customer mailing lists for customers eligible for the medium and large classes to licensed competitive electricity providers (CEP or provider). CEPs are required to use the lists only for purposes of marketing electricity.

II. BACKGROUND

On June 19, 2001, the Commission issued an Opportunity to Comment on the process by which we would solicit bids for the provision of standard offer service. Upon review of the comments, the Commission convened a meeting to discuss concerns that the standard offer process might inhibit the continued development of a competitive market in the large and medium standard offer classes.¹ During the meeting, representatives of CEPs raised a concern unrelated to our standard offer bid process that they believed also inhibits the continued development of a competitive market.

Representatives of CEPs reported that they are unable to market effectively to medium non-residential standard offer customers. Medium-size customers are too few, approximately 10,000, to reach cost-effectively by mass advertising, such as TV or newspapers. The class is too big to cost-effectively market to individual customers. Moreover, each customer's electricity usage is insufficient to justify the costs of such an individual marketing approach. The CEPs suggested that direct mailing is the logical marketing approach to effectively reach these customers. Direct mailing also may be best for the smaller customers in the large standard offer class.

Providers have not done any successful direct mailing because there is no list available to them that closely approximates a list of medium-sized T&D customers. The CEPs suggested that the further development of the competitive generation market in

¹ The meeting was attended by representatives of Central Maine Power Company, Bangor Hydro-Electric Company, Industrial Energy Consumer Group, Competitive Energy Services, Independent Energy Producers of Maine, Select Energy, Enron, AES NewEnergy and ConEdison.

the large and medium standard offer classes would best be achieved by making the lists of medium and large T&D customers available to all licensed CEPs. The providers noted that such lists were made available in Massachusetts.

Competitive Energy Services made a specific proposal for the provision of transmission and distribution utility customer lists (i.e., names and addresses of those receiving utility bills) that included restrictions on CEP use of the lists to the marketing of electricity. The providers stated some preference for lists of only those customers remaining on standard offer, but indicated that the full mailing lists would also be extremely helpful.

III. DISCUSSION

We conclude that the provision of customer lists has a substantial potential for stimulating the competitive market for the medium and large classes, with the possibility of significantly benefiting the customers in those classes. We also conclude that there are no statutory restrictions that would prohibit such action. Accordingly, we find that the legislative purposes behind Electric Industry Restructuring (35-A M.R.S.A. § 3201-17) will be best served if we require CMP and BHE to provide lists of customer names and addresses that are used for billing purposes to licensed CEPs as described below.

Section 3203(16-A) of Title 35-A states:

Customer information. A transmission and distribution utility may not release any customer-specific information to a licensed competitive electricity provider unless the provider produces sufficient evidence, as defined by the commission by rule, that the provider has obtained the customer's authorization.

The term "customer-specific information" is not defined in statute, but, at least in the context of business customers, typically refers confidential business information such as usage data or technical configurations. Names and address are not generally considered proprietary business information and we thus conclude that section 3203 is not implicated by the proposal to release customer mailing lists.

CMP and BHE have indicated that they can provide mailing lists of all customers in the respective classes almost immediately, but that specifying only those customers that remain on the standard offer will require additionally time and effort. Based on the discussion during the meeting, we believe the release of lists of all customers is sufficient for purposes of aiding the competitive market. Additionally, some providers may wish to market even to customers that have left the standard offer. Finally, customers may consider information as to whether they are on standard offer or in the competitive market to be sensitive business information. For these reasons, we will require utilities to provide lists of all customers, rather than those that remain on

standard offer. The lists should, however, be disaggregated based on large and medium class eligibility.

CMP and BHE are required to have the customer lists available to CEPs in electronic form within five days of the date of this Order. The lists shall be provided to licensed CEPs upon request. The utilities shall update the lists at least every six months.

CEPs that request and obtain the lists are required by this Order to use the lists only for the purposes of marketing electricity. The lists must be used solely by the CEP and the CEP shall not distribute the list (or any part of the list) in any form or manner. Further, we require each CEP that obtains the lists to keep a record of how the lists are used. This record shall be provided to the Commission upon request.

Finally, we note the utilities will bear no responsibility for the accuracy or completeness of the list; however, we expect utilities to use reasonable care in developing the lists.

Accordingly, it is

ORDERED

1. That Central Maine Power Company and Bangor Hydro-Electric Company shall provide mailing lists of their customers eligible for the medium and large standard offer classes to licensed CEPs upon request consistent with the terms of this Order; and

2. That CEPs that obtain the customer lists comply with the requirements and restrictions of this Order.

Dated at Augusta, Maine, this 18th day of July, 2001.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR:

Welch
Nugent
Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.