

AARP Ohio
The Citizens Coalition
Communities United for Action
Advocates for Basic Legal Equality, Inc.
The Legal Aid Society of Cleveland
The Legal Aid Society of Columbus
Office of the Ohio Consumers' Counsel
Ohio Partners for Affordable Energy
Ohio Poverty Law Center
Pro Seniors, Inc.
Southeastern Ohio Legal Services

August 21, 2013

Via E-Mail and Filed in PUCO Case No. 12-3151-EL-COI

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Re: *In the Matter of the Commission's Investigation of Ohio's Retail Electric Service Market*, Case No. 12-3151-EL-COI.

Dear Mr. Lipthratt and Mr. Donlon:

We thank the Staff of the Public Utilities Commission of Ohio (PUCO) for arranging the August 9th conference call with consumer groups, in response to our July 24th letter, to consider the customer perspective on deepening the focus of the PUCO's retail competition workshops. In this docket, our perspective includes that there is too much attention being given to such issues as whether the utilities' standard offers should be eliminated as a choice for customers and too little attention being given to consumer protection issues. As you know, we support the market-based standard offer as a key customer option for achieving the state's policy of reasonably priced retail electric service.

The PUCO Staff invited all stakeholders to make further recommendations for the workshop process and the focus of the subcommittees where the issue discussions are occurring. In this regard, we understand from our August 9th call and your subsequent email of August 12th to all stakeholders that the PUCO Staff intends to continue the workshop process within the existing framework, without creating the consumer issues subcommittee that we recommend.

We do appreciate that the PUCO has a separate case pending for consumer issues in electric competition where stakeholder comments were filed. But, our view is that, for the benefit of Ohioans, consumer protection issues should be given the same (or greater) level of regulatory attention in this process as the attention now being devoted to the market structure issues that are the current focus of the workshops.

In the following consumer issues list we explain, for your further consideration, our recommendation for creating a separate "Consumer Issues Committee." These recommendations are based on our view that consumer protection issues are an integral part of the market structure issues under discussion in the workshops and should be considered with the issues in the workshops.

1. ***Reform of pricing disclosures to address lack of transparency and improve the ability of customers to effectively compare offers from marketers, governmental aggregations, and utilities;*** Related issues include: 1) how to compare offers that include fixed monthly charges with a cents per kWh rate; 2) how to provide minimum contract disclosures in variable rate contracts to permit customers to effectively compare offers and evaluate the range of potential future prices which may be provided under the contract; 3) consider prohibiting variable rate contracts that do not identify the specific index or methodology that will govern how rates will change 4) require suppliers to disclose to their customers a historical chart showing how the supplier's prices have changed over the recent past; and, 5) make available rate and bill comparison tools to all customers through any and all effective mechanisms so customers are able to shop and determine how offers compare to what the SSO would have charged.
2. ***Door to Door and Telemarketing Sales:*** What acts should cause PUCO investigation of marketer conduct, conditions of licensing, performance of criminal background checks, compensation methods for sales staff, appropriate disclosures, appropriate sales practices, third-party verification of enrollments, and, supervision and training of sales personnel by marketers.
3. ***PUCO Enforcement:*** 1) Consider the need for additional enforcement resources and potential legislative authority to pursue violations, issue cease and desist orders, and order recompense to affected customers; 2) explore requiring more rigorous analysis and public reporting on customer complaints, and; 3) determine how to make complaint data publicly available, including publication of the data on the Apples to Apples.

4. **Customer Education:** Examine and make recommendations for the PUCO's customer education priorities to emphasize how to shop and compare and provide meaningful and standardized price and term information. Adopt "neutral" and "informative" choice educational messages and avoid any suggestion that customers will necessarily "save" if they select a supplier.
5. **Contract Renewal:** Review the appropriateness of contracts with automatic renewal clauses and whether it is important to the market to require customers to consent to changes in contract prices and terms.
6. **Early Termination Fees:** Analyze the impact of termination fees on the free movement of customers from supplier to supplier and investigate what is the appropriate notice from a customer to a supplier in order to promote a vibrant, competitive market.
7. **Slamming:** How to recognize slamming, scamming, and cramming, and how to prevent it from occurring.

We look forward to participating in this case process to ensure that consumer protection policies and programs are at the forefront of any changes that the PUCO may seek for the retail electric market in Ohio. Thank you again.

Sincerely,

/s/Michael R. Smalz

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cc: all parties of record

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Summary: Correspondence Letter to PUCO Staff Regarding Consumer Protection Issues electronically filed by Mr. Michael R. Smalz on behalf of Pro Seniors, Inc. and Southeastern Ohio Legal Services and Legal Aid Society of Columbus and Legal Aid Society of Cleveland and Citizens Coalition and Office of the Ohio Consumers' Counsel and AARP Ohio and Advocates for Basic Legal Equality, Inc. and Ohio Poverty Law Center and Ohio Partners for Affordable Energy and Communities United for Action