

Exception #1: Pre-Enrollment Period

ComEd's PTR program must, by law, be designed to "maximize participation." 220 ILCS 5/16-108.6(g). As proposed and accepted by the PIO, ComEd's Rider PTR provides that to participate in the PTR program, a "customer must elect service ... during the period beginning October 1 and extending through the following April 30." ComEd Ex. 3.1 at 2nd Rev. Sheet No. 352. Such a limitation will mean that ComEd customers will not be able to sign up for the program year-round, and in particular, will not be able to sign up for the program during the very high energy usage months they are most likely to become interested in saving money on their electricity bills.

The PIO approves the Company's discretion to refuse PTR program enrollment for customers who seek to participate in the program between May 1 and September 30. *Id.* In support, the Company claims that the language of the PUA does not prohibit enrollment windows. ComEd Init. Br. at 20. The PUA does make clear, however, that the PTR program enrollment procedures shall "be designed to maximize participation," and that the program shall be offered "to all residential retail customers with smart meters." 220 ILCS 5/16-108.6(g). The PIO's approved Rider PTR falls short of the requirement to offer to all customers with a smart meter since customers who seek to enroll in Rider PTR between May 1 and September 30, including (by necessity) those with smart meters, may be turned away by the Company. *See* CUB/City Ex. 2.0 Rev. at 7.

ComEd's tariffs implementing other demand response programs, such as Rider CLR and Rider VLR, do not limit the months during which customers can enroll in those programs. *See* Tr. at 182, 185. In this proceeding, the Company's proposal was motivated by concern about confusing customers who might curtail usage after hearing "word of mouth" or mass media alerts but who may not actually be registered participants. ComEd Ex. 2.0 at 6. However, the record

indicates that the Company's concern is premature since the Company is unlikely to use mainstream marketing channels until a high proportion of customers have received smart meters. Tr. at 190; CUB/City Ex. 1.0 Rev. at 12-13. In fact, ComEd admits that this concern "is not based on similar experience or case examples" or even empirical evidence. Tr. at 187; CUB Cross Ex. 3 (ComEd Response to CUB 5.03); Tr. at 189.

A pre-enrollment process will not cause confusion so long as customers are properly informed of when they will begin receiving rebates. The record contains reasonable ways to phrase and offer the pre-enrollment process (e.g. calling it an "application") and pair that process with other educational opportunities such as existing Air Conditioning Cycling and RRTP programs. CUB/City Ex. 1.0 Rev. at 15, 17. Any possible confusion is not unique to a year-round enrollment window, since even under the PIO's approach customers will have to be told that they cannot receive rebates until a future period in time – and the Company is expected to ensure that customers are not confused on that issue. *See Id.* at 14. If the Company can address those concerns, it can address any potential concerns of customers who seek enrollment between May and September each year.

Under the PIO-approved approach, the "enrollment period is set at October through April" and thus customers will not be able to sign up during the time of year when the record indicates that those customers "are most likely thinking about their electric usage." ComEd Ex. 2.0 at 6; CUB/City Ex. 1.0 Rev. at 8. It is uncontested in the record that the summer months, including those months between May 1 and September 30, are when many customers use air conditioning the most and when interest in ways to lower electricity bills is at its peak. CUB/City Ex. 1.0 Rev. at 8, 12. The PIO's proposed window for program enrollment lessens the number of months during which customers can enroll and does so during the months when customer awareness and desire to lower electricity bills is disproportionately high.

The record evidence indicates that the PIO's approach of limiting enrollment during summer months may itself cause confusion or disgruntlement. Tr. at 189-190; 192-193. Nevertheless, the PIO-approved research proposal does not address whether the disjointed enrollment process causes customer confusion, even though the PIO believes such study is required to offer a year-round enrollment process. Given the lack of evidence regarding customer-confusion, the practice of refusing to enroll customers during summer months cannot be the reasonable default approach under the PUA's requirement that customer opt-in procedures "be designed to maximize participation." 220 ILCS 5/16-108.6(g).

As a final fallback, ComEd claims that retaining discretion to enroll customers during summer months "facilitates compliance with PJM's requirement to register participants by May of each year." ComEd Init. Br. at 20. CUB/City fully understand that, because of PJM rules, those customers who sign up between May and October of any particular year would not be able to receive rebates until the next program year. But even ComEd admits that PJM does not require that ComEd limit the months in which the Company enrolls customers for any of the Company's demand response programs. Tr. at 191-192.

CUB/City supports ComEd's proposal to further research a pre-enrollment process, but the piloting of the pre-enrollment process should not be contingent on the outcome of ComEd's research. The pre-enrollment process should be offered as soon as the Company begins offering the program in June of 2014. In the absence of empirical evidence regarding the relative confusion caused by two different enrollment procedures, the one that allows customers to enroll when they are most aware of their electricity use is the only reasonable choice that is designed to "maximize participation."

To implement the above, CUB/City proposes the following changes and additions to the Proposed Interim Order at page 6:

EXCEPTION #1

6. Commission Analysis and Conclusion

The Commission finds ComEd's position to be unreasonable. The level of customer confusion from enrolling customers during summer months is unknown, but also unknown is whether customers will not participate if they can't sign up during summer months. Because of all these unknowns, ComEd's proposal to conduct customer research to determine the value of offering a pre-enrollment process is adopted. The default enrollment window while that research is being conducted, however, should be designed to maximize participation, as the PUA requires. Thus, ComEd must enroll customers who seek to participate in Rider PTR all-year round, including May through October.

The Commission shares CUB/City's concern regarding the impact on enrollment ComEd's enrollment window might have and ~~encourages~~ thus requires the Company to ~~find ways to ensure that customers that attempt to enroll~~ customers who seek to participate in Rider PTR in the summer ~~are not entirely turned away.~~

For the time being, the tariff is approved ~~without~~ a required pre-enrollment process, but based on the customer research this may change. Because the first curtailment will not happen before June 1, 2015 there is time to conduct customer research prior to making a final decision. ComEd should work with SGAC to begin this process and a progress report should be filed in six months from the date of this Interim Order.

To effect the changes described above, ComEd must revise the language contained in the Prerequisites of Service Section of Rider PTR in ComEd Exhibit 3.1, 2nd Revised Sheet Number 352:

Such residential retail customer must elect service hereunder by notifying the Company during the period beginning October 1 and extending through the following April 30 for service hereunder beginning with the first subsequent PJM Planning Year for which the Company can register the customer with PJM. Such notification may be made via the electronic enrollment process available on the Company's internet site or by other communication channels, including but not limited to telephone.

For residential retail customers that provide notification to the Company during the period beginning May 1 and extending through September 30 to elect service hereunder, the Company may, at its discretion, allow such residential retail customers to commence service hereunder at the start of the first subsequent PJM Planning Year beginning after such September 30.

CONCLUSION

The Commission should order ComEd to design its enrollment window in the manner described above in order to maximize participation in Rider PTR.

Dated: January 28, 2013

THE CITIZENS UTILITY BOARD



Kristin Munsch, Director of Policy and Senior Attorney
Orijit Ghoshal, Attorney and Policy Analyst

CITIZENS UTILITY BOARD

309 W. Washington, Suite 800

Chicago, IL 60606

(312) 263-4282 ext. 119

(312) 263-4329 fax

kmunsch@citizensutilityboard.org



CITY OF CHICAGO

Stephen Patton

Corporation Counsel

Ronald D. Jolly

30 N. LaSalle St., Ste. 1400

Chicago, IL 60602

(312) 744-6929

ron.jolly@cityofchicago.org