

**COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES**

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Investigation by the Department of Public Utilities on	)	
its own Motion into Initiatives to Promote and Protect	)	
Consumer Interests in the Retail Electric Competitive	)	D.P.U. 19-07
Supply Market	)	
	)	

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**COMMENTS OF CLEANCHOICE ENERGY**

**I. INTRODUCTION**

On January 18, 2019, the Department of Public Utilities (the “Department”) opened this proceeding and proposed the following initiatives to “further improve the protections provided to residential customers related to the marketing and delivery of competitive suppliers’ product offerings” in the retail electric competitive supply market: (1) increase customer awareness of the electric competitive supply market and the value these markets can provide, thus allowing customers to make well-informed decisions; (2) improve the Department’s ability to oversee and investigate competitive suppliers’ marketing practices; and (3) investigate initiatives that would improve the operational efficiency of the electric competitive supply market to optimize the value that the market provides to customers. On January 23, 2019, the Department invited all parties interested in participating in the investigation to provide written comments on questions posed by the Order.

CleanChoice Energy, Inc. (“CleanChoice”) is a licensed competitive electric supplier that has been serving Massachusetts customers since 2016. CleanChoice submits the following comments in response to the Department’s Notice of Investigation and Request for Comments in the above-captioned proceeding.

## **II. EXECUTIVE SUMMARY**

CleanChoice Energy empowers people and businesses to cut emissions, support renewable energy, and live cleaner lives. To that end, we offer exclusively 100% renewable energy supply products in restructured energy markets and we are also actively offering Massachusetts customers the opportunity to support the development of solar in the Commonwealth through community solar. Since our founding in 2013, CleanChoice customers have collectively avoided more than 4 billion pounds of carbon dioxide emissions – the equivalent of not burning more than 2 billion pounds of coal.

CleanChoice appreciates the Department's invitation to provide stakeholder input in this proceeding and its initiatives to promote a more competitive marketplace that includes appropriate consumer protections. The three key themes CleanChoice highlights throughout its specific comments below are: 1) general consumer education initiatives should be led by the Department, not individual suppliers; 2) consumer protections should be tailored based upon marketing channel; and 3) market enhancements should facilitate customers' shopping experience for energy such that it more closely parallels other consumer goods. Additionally, CleanChoice is supportive of uniform standards of conduct for telemarketing and in-person marketing and the provision of confidential data to the Department regarding marketing channels. In order to provide customers additional information about suppliers, CleanChoice supports establishing a public disclosure of summary complaint data, keeping in mind that it is important to create clear standards for what qualifies as a complaint and an assessment of whether the allegations in the complaint are verified. Finally, with respect to barriers to market efficiency, CleanChoice strongly supports a directive that electric distribution companies initiate accelerated or intra-billing cycle or accelerated switching, and also strongly supports an alternative method of enrollment that is not dependent on a customer's utility account number.

### III. COMMENTS

#### A. Customer Awareness

**1. What types of general education activities would be most effective to increase customer awareness of the value that the Competitive Supply Website can provide (see Section II.B)? For each type of activity, identify the appropriate role of the Department, the distribution companies, the competitive suppliers, and other stakeholders.**

CleanChoice believes that numerous entities, including the Department, distribution companies, competitive suppliers and other stakeholders have a role in contributing to customers' awareness and understanding of the competitive market. However, primary responsibility for general customer education and awareness campaigns should fall to the Department. The Department is best suited to provide education and information that is neutral and designed to inform customers of their right to shop, as well as general information about how the competitive market works and guidance on how to review and understand suppliers' products and services. Additionally, the Department of Energy Resources ("DOER") has a statutory role in assisting consumers in understanding and evaluating their rights and choices with respect to retail electricity supplies and related services. G.L. c. 25A, § 11D. Distribution companies have a role in providing information to customers and should be encouraged to direct customers to the Competitive Supply Website ("Website") for specific information about competitive offers. CleanChoice is supportive of assessing a small fee to suppliers to create a general education campaign fund (to be administered by the Department).

**2. Would it be reasonable and appropriate for the Department to require competitive suppliers to provide customers with information regarding the Competitive Supply Website through their marketing materials/scripts (see Section II.B)? If no, explain why not. If yes, identify the information (e.g. Website URL, number of participating suppliers, number of products listed) that would be most effective to increase customer awareness of the value that the Competitive Supply Website can provide.**

No, it is not appropriate to require competitive suppliers to provide customers with information regarding the Website through marketing materials or scripts. As referenced in

Question 1, multiple industry stakeholders, including the Department, the distribution companies, competitive suppliers, and other stakeholders such as DOER all have a role to play in customer education. However, the role of competitive suppliers is primarily to educate customers about the specific characteristics and terms of their own offers, products, and services. It is inappropriate to require competitive suppliers to direct customers to the Competitive Supply Website through which the customer would then be confronted with other supplier-specific information (such as individual product offers). This would cause confusion for the customer and would interfere with the competitive nature of the market and the leads generated by each individual supplier's marketing campaigns. If the Department finds that competitive suppliers are required to provide customers with information regarding the Website, CleanChoice suggests that the requirement be limited to inclusion of a link to the Website URL in the standardized disclosure statement.

**3. Would it be reasonable and appropriate for the Department to require the electric distribution companies to put information regarding the Competitive Supply Website on their bills (see Section II.B)? If no, explain why not. If yes, identify the information (e.g., Website URL, number of participating suppliers, number of products listed) that would be most effective in increasing customer awareness of the value that the Competitive Supply Website can provide.**

CleanChoice supports a requirement that the electric distribution companies put information regarding the Website on their bills, but suggests this information be limited to the Website URL. Further, for customers who are already receiving electricity service from a competitive supplier, this information should not be presented alongside any message from the supplier so that the customer does not confuse messages from their own supplier with information that is more generally available about the competitive market.

**4. What other steps could the Department take to increase customer awareness of the value that the Competitive Supply Website can provide?**

CleanChoice does not have recommendations regarding how the Department should increase customer awareness of the Website. However, with regard to content of the Website, CleanChoice suggests that the Department could provide value to customers by more clearly distinguishing products that are 100% voluntary renewable (in addition to being compliant with the RPS). While the Website clearly explains that all electric supply products must include a minimum level of renewable energy and allows presentation of products that are a combination of voluntary and RPS compliant that sum to 100%, it does not allow clear presentation of a product that complies with the RPS and is 100% voluntary.

As a practical matter, CleanChoice recognizes that presenting such products as “124% renewable” may not be readily understood or helpful to customers. Nonetheless, as products are presented today, it’s impossible to distinguish offers that are 100% voluntary plus RPS compliant from offers that are RPS compliant and 76% voluntary. Since all suppliers are required to include a minimum level of renewable energy, CleanChoice suggests that only products that include 100% voluntary renewable content should be labeled as 100% renewable.

**5. Would it be reasonable and appropriate for the Department to establish uniform requirements by which competitive suppliers would notify customers of the automatic renewal provision in their supply contracts (see Section II.C, above)? If no, explain why not. If yes,**

Yes, CleanChoice supports establishing uniform requirements by which competitive suppliers would notify customers of the automatic renewal provision in their supply contracts, so long as such requirements allow reasonable flexibility in the content, method, and timing of such notices. Notice of an automatic renewal provision is important to a customer at two specific points in time: (1) at the point of sale (or immediately thereafter, when a copy of contract terms and conditions is provided to the customer) and, (2) for contracts with an initial term of six months or longer, when the automatic renewal occurs. For contracts that are for a term of less

than six months or that are month to month, disclosure of the automatic renewal clause is only relevant at the point of sale because customers are aware of the variable nature of these contracts. Therefore, there should not be a requirement that automatic renewal be continually noticed for short term and monthly contracts.

**a. What information should competitive suppliers be required to provide to customers (e.g., the date on which the automatic renewal will take effect, the price and pricing structure to which the contract will automatically renew)?**

Competitive suppliers should be required to disclose on the Disclosure Label Contract Summary that the contract terms and conditions include an automatic renewal provision. CleanChoice already employs this practice. CleanChoice sees no practical means by which the additional information suggested could be disclosed prior to when the renewal actually occurs because it is very unlikely that the supplier would know the exact date or price that would apply to the renewal at the initial point of sale or enrollment. For contracts that have an initial term of six months or more, CleanChoice suggests that the renewal notice include the following: (1) the estimated or actual monthly billing cycle in which the renewal will occur, (2) a statement of the pricing structure, and (3) a statement of the price if fixed or a statement that the price is variable, along with a disclosure that describes that a variable price may vary monthly.

**b. How long before the automatic renewal takes effect should competitive suppliers be required to provide such notification to customers?**

In addition to providing notice that the contract includes an automatic renewal clause, CleanChoice suggests that for contracts with an initial term of six months longer, suppliers be required to provide notice to customers that the automatic renewal clause will be going into effect no more than sixty and no fewer than thirty days before the renewal is effective. For contracts with an initial term of less than six months, assuming that suppliers are required to disclose that the contract automatically renews at the point of sale, CleanChoice does not see a

need for additional notices or disclosures. Specifically, CleanChoice does not recommend that suppliers be required to continually notice customers (*i.e.*, notice every month) that their contract will renew.

**c. What method(s) should competitive suppliers be allowed to use to provide the notification (e.g., direct mail, e-mail)?**

CleanChoice recommends that suppliers be allowed to use any means of communication that customers have authorized for notifications, including but not limited to: direct mail, email, telephone, and text messaging.

**d. If the contract would renew to a monthly-priced product, should competitive suppliers be required to notify customers on an ongoing basis regarding the price that will be in effect during the upcoming month? If no, explain why not.**

No. As discussed above, suppliers should not be required to notify customers on an ongoing basis regarding the price that will be in effect during the upcoming month. If a customer is notified at that point of sale that the contract auto-renews, and the customer is notified at the expiration of the initial term that the contract is variable and will renew to a monthly price, these disclosures provide sufficient notice and should set the customer's expectation that the price will change monthly. Additionally, requiring suppliers to notify customers of future variable rates on an ongoing basis would likely create additional risk premiums and therefore increase the cost to serve customers (potentially resulting in higher prices), and thus negatively impact the customer experience.

**e. What state(s) have established automatic renewal notification requirements? For each state, discuss the manner in which the state implements such a requirement.**

The question does not specify whether it is limited to automatic renewal notification requirements for fixed price products or whether it includes month-to-month variable contracts. Most states require renewal notices to be sent at specified times prior to the end of a fixed price term. Again, CleanChoice encourages the Department to focus on disclosures that are required

at the point of sale regarding auto-renewal and to limit required renewal notices to contracts that offer a fixed price for six months or more.

**6. Would it be reasonable and appropriate for the Department to require the electric distribution companies use their monthly bills to provide information to competitive supply customers about the automatic renewal provision in their supply contracts (see Section II.C, above)? If no, explain why not. If yes,**

**a. What information should be provided through the bills (e.g., the date on which the automatic renewal will take effect, the price and pricing structure to which the contract will automatically renew)?**

**b. How often should the electric distribution companies be required to provide this information (e.g., on all bills to competitive supply customers for whom the supply contract includes an automatic renewal provision, only on the bill preceding the month in which the renewal takes effect)?**

**c. What other supply product-related information should the electric distribution companies be required to provide to competitive supply customers through the bills (e.g., early termination fees)?**

CleanChoice takes no position on whether the Department should require the electric distribution companies to use their monthly bills to provide information to competitive supply customers about the renewal provision of their contract or any other supply-related information. However, CleanChoice is concerned that, if advanced, such a requirement would be operationally difficult to implement and would require increased communications between the utilities and competitive suppliers. It's unclear whether such messaging would meaningfully improve the customer experience or increase customers' understanding of the pricing or contract terms.

**7. How could the presentation of competitive supply information on electric distribution companies' bills be revised to provide competitive supply customers with improved awareness of their competitive supplier and their competitive supply product (e.g., a separate page dedicated to the competitive supply component of customers' electric service, the insertion of competitive supplier logos on the bill)?**

CleanChoice supports optional inclusion of a competitive supplier logo and a separate page dedicated to messages from the customer's competitive supplier on customers' bills that are



sent by the electric distribution companies. As an alternative to a separate page, CleanChoice also suggests it would be helpful for suppliers to provide a bill message of up to 1000 characters so that additional information from the supplier can be communicated to the customer via their monthly bill.

B. Department Investigation of Competitive Suppliers

**8. Would it be reasonable and appropriate for the Department to establish door-to-door marketing standards of conduct for competitive suppliers related to the disclosure of supply product information (see Section III.B, above)? If no, explain why not. If yes,**

**a. What supply product information should door-to-door marketers be required to disclose to customers?**

**b. Should the Department establish uniform language (and a uniform format) that suppliers would be required to use to disclose this information?**

CleanChoice does not conduct door-to-door sales to residential customers for competitive supply and therefore takes no position on whether the Department should establish additional marketing standards of conduct that are specific to this sales channel.

**9. What other standards of conduct should the Department add to the door-to-door marketing standards of conduct established in D.P.U. 14-140-G?**

CleanChoice does not conduct door-to-door sales to residential customers for competitive supply and therefore takes no position on whether the Department should establish additional marketing standards of conduct that are specific to this sales channel.

**10. Would it be reasonable and appropriate for the Department to establish standards of conduct for marketing channels such as telemarketing and direct mail (see Section III.B, above)? If no, explain why not. If yes, identify the marketing channels for which the Department should establish standards of conduct and, for each marketing channel, discuss how the standards of conduct should differ from the standards of conduct for door-to-door marketing.**

*Telemarketing:* CleanChoice recommends establishing standards of conduct for telemarketing that include required minimum disclosures, recording of all outbound telemarketing calls, and third-party verification for all telemarketing sales.

*Direct Mail:* CleanChoice does not recommend establishing standards of conduct for direct mail solicitations. By its very nature, direct mail includes “content” rather than “conduct” and existing rules regarding required content in solicitations provide sufficient consumer protection. Direct mail is a relatively passive and “low pressure” marketing technique that enables customers to review the offer and associated materials and then make a purchasing decision at whatever time or place is convenient for them. Of course, customers can also simply disregard the mail piece and throw it away.

*In-Person / Event marketing:* In-person and event marketing is distinct from door-to-door marketing because it is held in a public place, where prospective customers may elect to approach or walk away from marketing representatives. While it may be appropriate to establish standards of conduct that apply to this sales channel, CleanChoice encourages a clear distinction between door-to-door standards and in-person or event marketing standards. CleanChoice recommends establishing required minimum disclosures and third-party verification for all in-person and event marketing sales.

**11. Would it be reasonable and appropriate for the Department to expand the role of TPV to include confirmation that a competitive supplier has complied with the marketing standards of conduct (see Section III.C, above). If no, explain why not. If yes, should the Department establish uniform language that TPV service providers would be required to use to confirm that suppliers have complied with the marketing standards of conduct?**

CleanChoice’s response to this question depends, in part, on what specific additional marketing standards of conduct may be required (and whether different standards apply to different marketing/sales channels). CleanChoice is generally supportive of establishing a limited number of standardized or uniform questions that TPV service providers would be required to use to confirm that customers are aware of the basic terms and conditions related to their purchase. If implemented, such standard or uniform questions should be limited to:

confirmation that the customer is the account holder and wishes to authorize a switch and confirmation that the customer agreed to the terms of service, including price, term and early termination or cancellation fee (if applicable).

**12. Would it be reasonable and appropriate for the Department to require competitive suppliers to periodically provide the Department with data on the types of marketing channels through which they have signed up customers (see Section III.D, above)? If no, explain why not. If yes,**

CleanChoice supports a requirement that competitive suppliers provide information to the Department on the types of marketing channels that are being used by the company and an estimate of the percentage of enrolled customers that have been acquired through each type of marketing channel. However, CleanChoice's support for this requirement assumes that such a requirement is not overly burdensome and that information can be provided subject to a protective agreement or other process that ensures information will be protected from public disclosure.

**a. What data should competitive suppliers be required to provide the Department?**

CleanChoice suggests that such data include the types of marketing channels that are currently being used by the company and an estimate of the percentage of enrolled customers that have been acquired through each marketing channel.

**b. How often should competitive suppliers be required to provide this data to the Department?**

CleanChoice suggests that such information be provided annually.

**13. How else could the Department improve its ability to investigate suppliers' marketing activities?**

CleanChoice suggests that there are several ways for the Department to improve its ability to investigate suppliers' activities, including but not limited to: hosting an annual meeting with all competitive suppliers to review concerns and best practices regarding any trends that are being identified; funding enforcement activities with an assessment paid by suppliers based on

load served in the Commonwealth; establishing additional marketing conduct standards and associated reporting requirements as discussed above.

**14. Would it be reasonable and appropriate for the Department to make competitive supplier complaint and/or performance information available to customers and other stakeholders? If no, explain why not. If yes,**

Yes, CleanChoice supports the public disclosure of summary complaint data. Texas, New York, and Illinois all make complaint information publicly available via website. A brief summary of the information reported by each of these jurisdictions is provided below.

**a. Identify other state(s) that make this information publicly available; and for each state, discuss the usefulness of (1) the information that is provided and (2) the manner in which that information is presented**

The Texas Public Utilities Commission (“TX PUC”) tracks a rolling six months of customer complaints for retail electric providers. The TX PUC presents the retail electric providers by each company’s total number of complaints received over the last six months in a table available on its website<sup>1</sup>. The remaining columns in this table show the number of complaints received for slamming, cramming, billing, quality of service, discontinuation of service, provision of service, and “all other reasons.” Additionally, for each retail electric provider, there is a graph icon that links to a pop out that shows a monthly view of the complaints received.

The New York Public Service Commission (“NY PSC”) issues a monthly report on complaints received against energy service companies (ESCOs) in the previous month<sup>2</sup> (the NY PSC also publishes complaint information for utilities and telecommunications companies). The ESCO section provides three tables summarizing the following: number of initial complaints,

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<sup>1</sup> TX PUC Customer Complaint Statistics:

<https://www.puc.texas.gov/consumer/electricity/CustomerComplaintStats.aspx>

<sup>2</sup> NY PSC Office of Consumer Services Consumer Complaint Statistics:

<http://www3.dps.ny.gov/W/PSCWeb.nsf/All/448C499468E952C085257687006F3A82?OpenDocument>

number of escalated complaints, and number of marketing complaints. Each table organizes ESCOs alphabetically by entity name, compares current year versus previous year totals, and breaks out complaints by month.

The Illinois Commerce Commission (“ICC”) provides customer complaint information through its electric choice website, Plug In Illinois.<sup>3</sup> The website presents customer complaints in two reports that detail the previous two quarters: a complaint summary and a complaint scorecard. The complaint summary lists companies alphabetically and shows the total number of complaints and by category: contracts/billing, customer service, sales/marketing, and formal complaints. This summary report also links to a detail summary for each company that shows the last six months, year, or two years of complaint data. The complaint scorecard gives companies a one- to five-star rating based on a six-month rolling average of the complaints received per 1,000 customers.

**b. Based on your response to (a), identify best practices for (1) determining which competitive supplier complaint and/or performance information should be made publicly available, and (2) presenting that information (stakeholders are welcome to provide a visual representation of such best practices).**

As noted above, CleanChoice supports the public disclosure of summary complaint data. CleanChoice takes customer complaints very seriously and makes every effort to resolve customers’ concerns. If the Department intends to publicly disclosure complaint data, it is essential that such information be presented accurately. To this end, CleanChoice encourages the Department to create clear standards for what qualifies as a “complaint” and an assessment of whether the allegations in the complaint are verified.

In CleanChoice’s experience, it is common for customers to contact the Department to request to be added to a “do not contact” list or to ask questions about a solicitation.

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<sup>3</sup> ICC Plug In Illinois Customer Complaint Statistics: <https://www.pluginillinois.org/complaints.aspx>

CleanChoice suggests that such contact should be considered a customer “inquiry” rather than a complaint. Additionally, customers also contact the Department to file complaints asserting that they did not sign up for service (or that they do not recall signing up for service). If the supplier demonstrates that the customer did authorize the enrollment, CleanChoice suggests that the resolution should be distinguished as a “verified enrollment” rather than “slamming.”

CleanChoice also suggests that information about whether a customer’s complaint was resolved be presented – if the customer’s complaint is resolved to the customer’s satisfaction that should be clear. In contrast, if a supplier makes no effort to resolve the customer’s concern or the complaint is not resolved to the customer’s satisfaction, that information might also be relevant.

Finally, CleanChoice is not convinced that publishing supplier ratings or complaint ratio information is helpful to customers. If the number of customers served is used as a denominator in determining a “complaint ratio” it may create an unfair bias against smaller suppliers like CleanChoice Energy - particularly if inquiries or do not contact requests from *prospective* customers are included as “complaints.” While CleanChoice supports public disclosure of complaint information, it is appropriate for the Department to define the purpose of such publication. If the goal is to provide customers with additional information about suppliers’ complaint history, it is essential that such information be presented accurately and that unsubstantiated complaints do not negatively impact the reputation of a supplier.

### C. Barriers to Market Efficiency

**15. Would it be reasonable and appropriate for the Department to direct the electric distribution companies to initiate competitive supply service during a customer’s meter read cycle (see Section IV, above)? If no, explain why not. If yes,**

- a. Discuss how this would improve the value that the market can provide customers.**
- b. Identify other states that allow the initiation of supply service during a customer’s meter read cycle. For each state, describe the manner in which the state implements such an approach.**

Yes, CleanChoice strongly supports a directive that electric distribution companies initiate accelerated or intra-billing cycle or accelerated switching. Customers are often confused and frustrated by the fact that it may take 1-2 billing cycles for their switch to occur. This frustration occurs both during enrollment and cancellation. In fact, CleanChoice has received customer complaints that were strictly related to the time it took the electric distribution company to cancel the customer's account (an action completely outside the scope of CleanChoice's control). Accelerated switching is available in Maryland, Pennsylvania, and Delaware.

The Maryland Public Service Commission ("MD PSC") examined the issue of accelerated switching following the Polar Vortex of 2014. During this time, customers on variable rate plans were exposed to the increased price variability and the MD PSC received increased customer complaints due to this event. To accommodate customers facing unforeseeably expensive electric bills, MD PSC created a temporary allowance for accelerated switching. After the temporary waiver expired, the MD PSC sought a permanent solution. In Maryland, switching must be completed within three (3) business days of the utility receiving notice from a supplier for a customer's enrollment or drop. If more than three business days have passed since the customer requested to enroll or drop but it has not been processed, the utility must switch the customer at the customer's request. To ensure utilities are not unduly burdened by accelerated switching timelines, a utility is only required to process two enrollments and two drops (per customer) per billing cycle.

The Pennsylvania Public Utility Commission ("PaPUC") began examining the issue of accelerated switching in 2011 due to customer complaints and supplier concerns. As was the case in Maryland, Pennsylvania also received an increased number of customer complaints due

to the customers exposed to increased price variability during the extreme cold weather of 2014. Some customers specifically cited the delay in switching suppliers as their reason for complaint. Due to the urgency of these customers' complaints and anticipation that similar weather events would happen in the future, the PaPUC adopted changes in April 2014 to allow for accelerated switching. In Pennsylvania, switching must be completed within three (3) business days of electronic receipt of the transaction. In Pennsylvania, there is no limit on the number of times a customer may switch during a billing cycle.

Delaware has also adopted rules for accelerated switching. In Delaware, the switch must also be completed within three (3) business days of electronic receipt of the transaction. If more than three business days have passed since the customer requested to enroll or drop but it has not been processed, the utility must switch the customer at the customer's request. For each customer, a utility in Delaware is only required to process two enrollments and two drops per cycle if requested.

**16. Would it be reasonable and appropriate for the Department to eliminate the customer account numbers as required information on an enrollment transaction (see Section IV, above)? If no, explain why not. If yes:**

**a. Discuss how this would improve the value that the market can provide to customers.**

**b. Identify alternate piece(s) of information that could be required on enrollment transactions in order to provide the same level of customer protection that a customer's account number provides.**

Yes, CleanChoice strongly supports an alternative method of enrollment that is not dependent upon the customer's utility account numbers. Even the savviest shoppers do not typically have immediate access to a copy of their bill and their utility account number is not a data point that is known or familiar to customers. Customers routinely make purchases "on the go" or when they are out in their community running errands. Thus, customers should be able to



shop for energy in the same way that they shop for other consumer products – at the times and in places that are convenient to the customer. Inability to access a copy of their utility bill and unfamiliarity with the utility account number as a reference point presents significant barriers to shopping for energy. CleanChoice energy suggests that alternative pieces of information that could be required during enrollment transactions that provide the same level of consumer protection include: service address and telephone number or service address and birth date. These are each unique identifiers that are known to customers and would ease the process of enrollment while still providing customers with protection against slamming.

**17. What other rules act as barriers to a more efficient competitive market? For each answer, propose ways to mitigate those barriers.**

At this time, CleanChoice has not identified other rules that act as barriers to a more efficient competitive market.

D. Other Issues

**18. In what ways could the electric distribution companies better inform customers of their ability to prevent distribution companies from providing their account information to competitive suppliers and electricity brokers?**

CleanChoice takes no position on this issue.

**19. Would it reasonable and appropriate for the Department to require the electric distribution companies to establish a “do not switch” list, which would preclude a company from switching a customer to a competitive supplier? If no, explain why not. If yes,**

**a. Discuss the manner in which the “do not switch” list should be implemented.**

**b. Identify other states that have established such a list, and, for each state, describe the manner in which the state has implemented the list.**

CleanChoice takes no position on this issue.

E. Application to Small C&I Customers.

**20. The issues raised in this NOI, and the questions presented above, relate solely to the electric competitive supply market for residential customers (see Section I, above). Would it be reasonable and appropriate for the Department to investigate any (or all) of these issues as they relate to the electric competitive supply market for small C&I customers? If no, explain why not. If yes, identify the issues that the Department should investigate, and**

**for each issue, discuss whether the Department’s resolution of the issue should differ between residential and small C&I customers.**

CleanChoice takes no position on this issue.

F. Application to the Gas Competitive Market.

**21. The issues raised in this NOI, and the questions presented above, relate solely to the electric competitive supply market for residential customers (see Section I, above). Would it be reasonable and appropriate for the Department to investigate any (or all) of these issues as they relate to the competitive gas market for residential customers? If no, explain why not. If yes, identify the issues that the Department should investigate, and for each issue, discuss whether the Department’s resolution of the issue should differ between the electric and gas markets, and why.**

CleanChoice does not provide competitive natural gas service and therefore takes no position on the issue of whether this NOI or a similar initiative should be extended to the competitive gas market.

#### **IV. CONCLUSION**

CleanChoice appreciates the Department’s invitation to provide stakeholder input in this proceeding and its initiatives to promote a more competitive marketplace that includes appropriate consumer protections. A competitive retail energy market enables Massachusetts customers to easily access renewable energy and advance the Commonwealth’s goals to advance a clean energy economy.

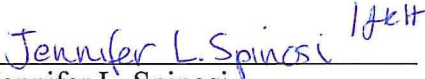
CleanChoice encourages the Department to develop and implement a consumer education initiative, potentially in partnership with DOER. To provide customers additional information about particular suppliers, CleanChoice supports publication of summary complaint data with appropriate standards to define what qualifies as a complaint and an assessment of whether the allegations in the complaint are verified. Any additional consumer protection measures should be tailored based upon marketing channel. More specifically, CleanChoice is supportive of uniform standards of conduct for telemarketing and in-person marketing and the provision of confidential

data to the Department regarding marketing channels. Finally, with respect to barriers to market efficiency, CleanChoice encourages the Department to adopt market enhancements that will facilitate customers' shopping experience for energy such that it more closely parallels other consumer goods. CleanChoice strongly supports a directive that electric distribution companies initiate accelerated or intra-billing cycle or accelerated switching, and also strongly supports an alternative method of enrollment that is not dependent on a customer's utility account number.

Respectfully submitted,

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Dated: March 8, 2019

