

**Commonwealth of Massachusetts  
Department of Public Utilities**

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

**Comments of the Department of Energy Resources On Initiatives  
to Promote and Protect Consumer Interests in the Retail  
Electric Competitive Supply Market**

On January 18, 2019, the Department of Public Utilities (“Department”) issued an Order opening an investigation into initiatives to promote and protect consumer interests in the retail electric competitive supply market. The Massachusetts Department of Energy Resources (“DOER”) respectfully submits the following comments, in response to the Department’s Request for Comments issued on February 5, 2020, in the above referenced proceeding.

**I. Introduction**

In its request for comments, the Department put forth proposals regarding the following initiatives: (1) the Department license application review process, (2) notification of door-to-door marketing; (3) third-party marketing vendors; (4) disclosure of product information; (5) marketing scripts; (6) marketing materials; (7) automatic renewal notification and reporting; (8) competitive supplier enrollment reports; and (9) the display of municipal aggregation products on the Energy Switch Website (electric only). The Department also outlined additional information on the license renewal process in Section IV.

**II. Comments**

DOER is supportive of the Department’s efforts to further improve the retail electric competitive supply market. In this proceeding, the Department has made significant progress,

and its proposals on industry marketing requirements will increase transparency into the industry, protect consumers, and improve the operational efficiency of the competitive market to maximize the value that the market can provide. DOER supports the Department's proposals on issues 2 through 8 and provides specific comments on the license application review process and the Energy Switch Website below to further the progress made in this proceeding.

A. License Application Review Process

The Department proposes to make certain information regarding pending new license applications publicly available and allow for a 15-day comment period for interested stakeholders. (Request for Comments at 4-5). The Department proposes that interested stakeholders would be responsible for monitoring the Department's website to identify such applications. (Request for Comments at 4). DOER appreciates the Department's efforts to provide a measure of transparency into its license review process, while avoiding the administrative burden associated with adjudication of each application. As proposed, this process will allow DOER to review application materials and reference such materials against DOER's competitive supplier obligations under renewable energy programs such as the Renewable Portfolio Standard ("RPS"), and, in the near future, the Clean Peak Standard. This process will also provide an opportunity to review applicants in the event an entity that is out of compliance with DOER regulatory obligations seeks to reenter the market as a new applicant. However, as structured the limited 15-day comment period for each application, along with a requirement that stakeholders monitor the website, may complicate the review of new applications by stakeholders. In order to better ensure effective operation of the proposal, DOER recommends the Department provide some level of automation of notifications of new applications to interested stakeholders, whether through changes to the Department's website, or

alternatively, through a Department managed service list. Automating or otherwise providing notification of new license applications will provide each stakeholder the full 15 business days for review and comment, ensuring that the competitive supply market remains transparent and consumer protections remain strong.

#### B. Display of Municipal Aggregation Products on Energy Switch

DOER supports the Department's proposal that the Energy Switch Website display information on municipal aggregation products in the same manner it displays information on other competitive supply products.<sup>1</sup> This information will provide consumers with a clear, easy to understand point of comparison of available rates for their supply options.<sup>2</sup> Under the Department's proposal, these municipal aggregation customers will be informed of the rate procured by their municipality. DOER supports the Department's proposal to list the municipal aggregations' "default product" at the top of the displayed list, directly after the basic service rate. As municipal aggregations require residents to affirmatively opt-out, many residents will be on the community default rate, making the default product the more appropriate rate of comparison with alternative competitive supply rates.

The Department further proposes that the Website display information about the renewable energy content of products that offer at least five percent of the total resource as voluntary RPS Class I resources. Currently, the website shows the voluntary renewable content of a product if it exceeds 50 percent of the total resource offer. The Department seeks comment on whether proposed five percent display rules as applied to municipal aggregation products

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<sup>1</sup> The Department's proposal is consistent with DOER's recommended Energy Switch website changes noted in comments filed earlier in this proceeding. *See* DOER Comments, March 8, 2019.

<sup>2</sup> The Department has approved 163 municipal aggregations throughout the Commonwealth; see <https://www.mass.gov/info-details/municipal-aggregation#approved-municipal-aggregations->

should be applied to other competitive supply product offerings. DOER supports the inclusion of such product information on the Department's website, and supports this rule applying to other competitive supply products. This requirement will increase transparency and competition in the marketplace to offer a similar five percent voluntary renewable product and has been successful for several aggregation programs.

### **III. Conclusion**

DOER's recommendations as set forth in these comments will better promote and protect consumer interests, increase transparency and stakeholder input into the supplier licensing process, and provide critical rate information to those customers currently part of a municipal aggregation. DOER is generally supportive of the remainder of the DPU's proposed improvements to the retail electric competitive supply market.

DOER appreciates the opportunity to comment on these important issues associated with the competitive supply market.

Respectfully submitted,

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF ENERGY RESOURCES

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