

SJR 91
CONSUMER, ENVIRONMENT & EDUCATION TASK FORCE
Stakeholder and Interested Party Issue Positions
[11/6/98 Revision]

	Allegheny Power	American Electric Power	AARP	Association of Energy Conservation Professionals	Attorney General, Consumer Counsel	MDV-SEIA	Ogden Energy Group, Inc.	Southern Environmental Law Center	State Corporation Commission	Virginia Association of Counties	Virginia Citizens Consumer Council	Virginia Cooperatives	Virginia Council Against Poverty	Virginia Municipal League	Virginia Power	
PUBLIC BENEFITS CHARGES TO BENEFIT LOW-INCOME HOUSEHOLDS																
1. Rate subsidy/energy efficiency programs	Energy assistance for low income customers necessary and desirable. Adequate funding mechanisms must be established.	No, it <u>Adequate consumer protection must be maintained as competition comes to the electric industry. It is unnecessary and inappropriate to implement a rate subsidy or energy efficiency program for low-income households through the electricity supply function.</u>	Yes.	<u>Yes, including support for the Weatherization Assistance Program. Yes, to assure affordability of energy, a percentage of income payment plan, crisis assistance and weatherization assistance is necessary.</u>	Consumers must be protected by maintaining reliable service at fair rates.		Yes, although the Public Benefits Charge should not be limited to only low-income programs. The PBC funds should be used for at least three purposes: consumer education, renewable energy deployment programs, and energy efficiency deployment programs for low-income family support. PBC could be used for all energy technology improvement.		Yes. Statewide electric service payment assistance and energy efficiency assistance program for low-income households.	<u>The public policy decision must be made whether it is appropriate for the government to raise funds for the support of low income subsidies, weatherization, energy efficiency, the promotion of renewables, and other suggested programs. If the decision is made that it is appropriate to raise such funds, the next question is how to collect the funds. The funding mechanism may be direct, through the general tax revenues of the Commonwealth, or an indirect tax through a public benefits charge to the electric ratepayers.</u>		Yes.	Neither support nor oppose. If programs such as these are established additional costs will be added to consumers' electricity bills.	<u>Yes. A rate subsidy program to ensure affordability, crisis payment assistance and weatherization/energy conservation programs.</u>		Favors an independent, statewide, non-profit heating assistance program similar to Energy-Share. Funding derived in part from a public benefits charge.

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2. Eligibility	State should determine.	An electric service deliverer would be ill equipped to determine eligibility or administer such programs.	Open to any low-income customers who have qualified in the preceding 12 months for any means tested public benefit.	<u>Eligibility should be expanded to include the working poor, up to 180% of Federal Poverty Guidelines and relative to an Affordability Index.</u>		Eligibility for assistance would vary depending on the fund, but many state models exist for both renewable energy and energy efficiency.		May vary depending upon the purpose of the public benefits funding.			Department of Social Services eligibility criteria for the low-income weatherization program, currently set at 150% of the federal poverty guidelines and adopt a Percentage of Income Payment plan.	State agencies that regularly deal with such issues should be consulted.	Income eligibility should be based upon current LIHEAP guidelines of 150% of poverty.		Appropriate agencies should develop eligibility requirements with public input.
3. Funding	Non-bypassable, competitively neutral charge on all utility consumers.	Non-bypassable wires charge for all consumers of electric service.	Raised by distribution rates set in ordinary rate cases.	Public benefits charge supplementing current federal DOE funding and LIHEAP allotment. <u>To be funded by an all-fuels, competitively neutral, non-bypassable systems benefit wires charge assessed on all electricity purchased through the distribution system. Funding to be independent of DOE and LIHEAP programs.</u>		On a per kWh line charge that is non-bypassable except for electricity generated by certain types of renewable energy resources.		Non-bypassable, competitively neutral charge on a <u>all</u> electricity users.			By an all-fuels competitively-neutral non-bypassable wires charge assessed on all electricity generation sold in the state. Wires charge should be on a BTU and per kilowatt-hour basis.	Non-bypassable distribution wires charge.	Nonbypassable public benefits charge paid by all users of electricity.		Public benefits charge and voluntary customer contributions and contributions from suppliers and distribution companies. The nonbypassable public benefits charge should be used to provide funding for public benefits programs, including universal service, consumer education, energy efficiency,

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Funding (Cont'd)																renewable energy and worker retraining and outplacement programs, in addition to low-income assistance programs. These projects may last beyond the transition period.
4. Administration	Appropriate state agencies should administer.	Administered by and through existing agencies.	SCC.	<u>Administration should be through the state treasury, to an independent entity, preferably a non-profit organization, to develop programs and distribute funds.</u>		Funds for Renewable Energy should be administered by the DMME. SCC or public service oriented non-profit entity could administer funds for energy efficiency/ low-income program.		<u>The energy efficiency portion should be administered</u> By by an independent entity as part of a broader public benefits fund for energy efficiency.			Independent non-profit entity accountable to the SCC.	Coordinated between state agencies that deal with social and welfare issues, the SCC and the appropriate utility.	By an office of state government experienced in working with the population, or by an <u>independent, non-profit entity</u> , with oversight by a committee of stakeholders.			By appropriate state and local public assistance agencies. Non-profit organizations should be used to the greatest extent possible to reach as many consumers as possible.
5. Alternative or supplement programs	Virginia Tape Exchange Program, Community Energy fund, Weatherization Residential Assistance Program.	Fuel assistance programs and its Neighbor to Neighbor program.	Energy-efficiency programs for low-income customers.	<u>Weatherization Assistance Program, crisis Assistance, Heat System Repair/Replace, Low-Income Solar Assistance, Efficiency Education, Net and Off Peak Meter Assistance.</u>		Supplemental "matching-grant" funds could be made available by the federal government through a national PBC proposed in many federal		Supplemental federal and private funds.			Supplementary programs: utility crisis intervention programs and the LIHEAP program.	Programs that currently assist those in need during the winter.	Utility-operated programs such as VA Power's "Energy-Share" could act as supplements.			A statewide voluntary program modeled on Virginia Power's Energy Share program could serve as a supplement.

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Alternative or supplement programs (Cont'd)						legislative bills submitted to date.										
6. Other issues	Low income programs should be subject to periodic review and analysis to determine program impact and efficiency.	None.	None.			The public benefits charge fund is the best way for the state to protect its investment in developing a renewable energy technology-manufacturing base in the state.		None.				Policy makers should look closely at all new restructuring-related costs.				

CONSUMER EDUCATION

7. General purpose	Consumer education materials should be timely, broad-based in content, accessible to consumers and completely non-promotional and unbiased.	In two segments. The first segment about the overall nature of customers having a choice as to their energy services provider. The second segment about the specific elements.	Help residents of Virginia make informed decisions in a restructured electric marketplace.	<u>Consumer education should include end use and efficiency education. Effective consumer education should be the goal, accounting for diversity of consumers and market segments.</u>	Inform of opportunity to choose a generation supplier. Provide information for comparing rates and services.	General education about choice and information on interpreting the information disclosed by generators under law in the customer bills.		Inform consumers about retail competition, shopping for electricity, and using electricity efficiently.	A clear distinction must be made between the marketing and advertising used to educate the public on restructuring and consumer choice. The use of public funds must only be used for educating the public. If SCC selected to oversee the consumer education process will need funding for new staff, consultants or whatever manpower proves necessary.		Prepare consumers for structural changes, assist consumers in shopping for electric service, and inform consumers of their rights and obligations as electric customers.	Inform electricity users how the retail competition program will work and how they can participate.	To ensure that VA consumers are prepared for deregulation.		Consumer information on changes in the way electricity will be purchased using electric energy safely, efficiently and in an environmentally sound manner.
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8. When conducted	Coincide with the implementation of customer choice in the state. Should be presented in phases and continue throughout the evolution to a competitive marketplace.	Initial generic education programs should be conducted perhaps three months prior. Company specific education programs should begin several months prior to customers being able to sign up with alternative energy service providers.	Prior to and for the first five years following the commencement of retail competition.	<u>Begin immediately and continue end-use and efficiency component indefinitely at some level.</u>	Begin at least six to twelve months prior to the introduction of retail choice.	Inclusion on customers' monthly utility bill would be helpful, but more extensive education may be needed.		In advance of, during the transition to, and for at least a reasonable period of time after competition begins.			First phase: at least six months before restructuring is implemented; concentrated consumer education during the transition; on-going program for the indefinite future.	Three to four months prior to consumers being eligible to choose their power supplier.	Immediately prepare consumers for the transition. Continue throughout the transition to some point beyond transition.		Consumer education should begin by July 1, 1999.
9. Regulatory oversight	SCC.	See response to 7 and 10.	SCC assisted by a consumer education advisory board.	<u>SCC oversight.</u>	An impartial entity, such as the SCC.	SCC and the DMME.		SCC.	SCC.		SCC.	SCC.	SCC with participation by other state agencies and subcontracting with appropriate entities to reach vulnerable target populations.		SCC should have principal oversight.
10. State regulatory agency participation	Other state agencies may wish to be involved, but the SCC should have the ultimate responsibility.	SCC should participate actively by leading a collaborative process to facilitate input from all parties.	SCC and Attorney General's office.		The Division of Consumer Counsel should participate.	No position.		Agencies with consumer expertise and contacts, and Department of Mines, Minerals, and Energy.			Office of Consumer Affairs/VA Department of Agriculture and Consumers Services, the Consumer Counsel/ Office of the	State regulatory agencies, particularly the SCC, should participate in the development of education	Department of social Services, the Department of Housing & Community Development, the Depart-		State agencies should include, but not be limited to, the SCC, VA Department of Aging and Department of Social

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State regulatory agency participation (Cont'd)											Attorney General, and the VA Cooperative Extension Service at Virginia Tech and Virginia State University can help design the content and delivery of consumer education messages.	programs.	ment for the Aging, the Department of Agriculture and Consumer Services, should all provide input needed to reach vulnerable populations.		Services.
11.Funding	Surcharge on customers' bills.	The full cost of both generic and specific education programs should be recovered from customers in a manner similar to other transition costs.	Systems benefit charge or by a surcharge on all competitive providers that want to offer service.		The General Assembly should determine.	By a PBC.		Non-bypassable, competitively neutral charge <u>paid by all users of electricity.</u>			Competitively-neutral, non-bypassable wires charge.	Non-bypassable distribution wires charge.	Nonbypassable public benefits charge paid by all users of electricity.		Nonbypassable public benefits charge.
12.Long-term consumer education program	If the education programs are refined and adjusted throughout the transition, should be no need for education to continue beyond that point.	Long-term education programs may be required. They should be funded through non-bypassable wires charges.	SCC should investigate consumer mastery of restructuring process five years after retail competition begins.	<u>Yes, education will need evaluation and adjustment to meet the needs of the future.</u>	Evaluate need after the transition to competition.	The programs funded under the PBC should be reviewed for relevance every ten years after deregulation is complete.		Yes. Long-term programs should be overseen and funded as described above.	<u>Although the consumer education program may not need to be continued for the long term, it will probably be necessary for the first 2-3 years.</u>		SCC should have ongoing responsibility to provide information.	No.	Yes. Full-scale consumer education should continue until such time as competition is determined to be effective. Oversight of such efforts could then revert to the Department of		Yes. Should include information on using electric energy safely, efficiently, and in an environmentally sound manner. Also, ombudsman should be available to help customers.

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Long-term consumer education program (Cont'd)																	Agriculture and Consumer Services. Such efforts could continue to be funded from public benefits charges.		
13. Other issues.	Consumer education must focus squarely on informing and educating, while presenting objective and non-promotional information to consumers.	None, at this time.	None.		Education programs should include consumer protection and comparison shopping information.	None.		None.			Non-profit community-based organizations must have a role in educating hard-to-reach populations.	Consumer education program should be broad and general. Efforts to influence peoples' choice should be left to advertising.	<u>Consumer education must be targeted to reach vulnerable populations (low-income, elderly, disabled, etc.). Legislation should specify contracting with non-profit organizations experienced in outreach to hard-to-reach populations</u>				SCC should contract with appropriate private non-profit organizations and media, educational, and other organizations experienced in consumer education and outreach to implement such consumer education programs.		

CUSTOMER AGGREGATION

14. Permitted	Yes.	Yes, the aggregation of customers will be a necessary component of an effective market for customer choice.	Yes. SCC and the regulated distribution utilities should be required to encourage and facilitate.		Some forms of aggregation are expected to emerge.	Yes.		Yes.	Aggregation should be permitted in Virginia. Licensing would be appropriate.	Yes.	Yes.	Yes. The Cooperatives currently are aggregators for their members and intend to continue	Yes.	<u>Yes. For residential and small business consumers aggregation is essential to realizing any financial benefit in a deregulated</u>	Yes.
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(Cont'd)												in that role.		<u>environ- ment.</u>	
15.Mandatory Licensing	Yes, if they act as agents to procure generation services for customers.	Yes.	Yes. Detailed requirements set out.		Yes. This licensing function should be performed by the Commission.	No position.		Yes.		Yes.	Aggregators are "buyers" of electricity for consumers, not "sellers" of electricity. The level of regulatory oversight should be sufficient to prevent unfair and deceptive practices and reliable delivery of services.	Yes. There should be some process for checking the background and financial stability of aggregators.	Yes. However requirements should not be so onerous as to serve as disincentives to nonprofit organizations or consumer cooperatives that wish to become aggregators.	Yes. Regulations should distinguish between aggregators that market on behalf of an electricity supplier and ones which negotiate rates and terms and conditions on behalf of an aggregate group of customers.	Yes. If aggregators are also suppliers they should be required to obtain licenses from the SCC and should have to demonstrate their financial strength.
16.Other requirements	When not licensed as a generation supplier, should not be permitted to contract with customers as a generation provider.	A complete set of requirements for aggregators may be developed by the SCC	Yes. SCC should determine the need for requiring all competitive electric providers to post a bond with the SCC.		SCC should establish appropriate licensing requirements for generation suppliers, including aggregators.	No position.				Share annual reports proving financial solvency and lack of discrimination in selecting the customers they accept.	Participation by consumers in any aggregation plan should be voluntary.	Yes. Show ability to deliver contracted power supply, reserves, etc.	Yes. Should be subject to all consumer protection legislation as suppliers and marketers.	Should be non-discriminatory and membership open to all qualified customers. <u>Limitations on entry into, withdrawal from and transfer between aggregation groups should be reasonable.</u>	If aggregators are also suppliers they should be required to demonstrate their ability to deliver reliable and efficient service, including the maintenance of an adequate reserve margin.
17.Aggregate residential load	Yes.	Yes, if the government meets the appropriate certification requirements, particularly those related to financial soundness.	Yes.		Yes.	Yes, support Massachusetts approach.		Yes. <u>Moreover, localities should be permitted to aggregate all of their load, not just residential load.</u>		Yes.	Localities should be permitted to aggregate all their load, not just residential customers.	Yes, provided retail competition is being allowed in that municipal or locality.	Yes.	Yes.	Yes.
18.Opt out basis	No, only on an "opt in"	No. Should this occur,	Yes.		Aggregation should be	Yes.		Yes, otherwise		Yes.	Yes, including all	No. This would be	Yes.	Yes. Opt-out	No. All aggregators

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	basis.	governments would be given a substantial advantage for competing in a competitive endeavor without the associate and related risks of insuring reliability and adequacy of service.			available to residential customers on a voluntary basis.			localities may not serve as aggregators.			customers in the locality.	tanta-mout to state-supported slamming.		aggregation will provide necessary demand requirements to enable localities to successfully negotiate with suppliers.	willing to serve groups of customers should have equal access to them to enhance competition.
19. Inter-locality aggregates	Yes.	See the response to <u>17 and 18</u> .	Yes.			Yes.		Yes, will increase their bargaining power; presents a more attractive load profile.		Yes.	Yes, to create enough demand for an optimum load profile.	Yes.	Yes.	Yes. Joint negotiations for combined municipal loads have been successfully conducted in Virginia for more than 20 years.	Yes.
20. Aggregation with private entities outside territory	Yes.	See the response to <u>17 and 18</u> .	Yes. So long as they obtain the appropriate license.			No position.		Yes.		Yes.	Yes, as long as participation was voluntary.	Yes, unless it is a municipal electric utility that does not permit others to sell into its territory.	Yes.	Yes. Unless such private entities are within a locality which operates a municipal electric system.	Should be studied carefully from a tax equity stand-point.
21. Aggregation with private entities or localities outside VA	Yes.	See the response to <u>17 and 18</u> .	Yes, so long as they obtain the appropriate license.			No position.		No position.		No.		Yes.	Yes.	Yes. Especially beneficial to VA localities which border on other states.	No.
22. Other	If	None, at this	None.			Aggregation		None.		No opinion.		None.		SCC should	The non-

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issues	aggregation of customer load occurs across different utilities' territories, the delivered price of electricity to customers in each service territory will vary with the cost of associated transmission and distribution.	time.				is also important in a Renewables Portfolio Standard (RPS) system.								retain regulatory authority over incumbent utilities and foreign generators or marketers which supply generation services to VA customers.	jurisdictional status of government customers may need to be reexamined in light of restructuring.
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CONSUMER PROTECTION

23.Standard information disclosure	All marketing, proposal and contract materials should comply with the applicable Consumer Protection Act and any other applicable laws. Requiring standardized information may stifle innovation.	Some standardization may be appropriate with respect to accuracy and clarity of impact on a consumers bill; information about the entity offering the choice; and the basic requirements a customer must meet in order to enter into a contract or the arrangement being offered by the marketer, aggregator or generation supplier.	Yes, price data, price variability, and customer service information.		Flexibility in this regard could be placed with the Commission.	Yes. Information should include disclosure about the total energy fuel mix, air emissions and other environmental impact information and net metering in a format similar to the food label. This information could be included in marketing material, bills and/or periodic bill inserts.		Yes. This information should include the price and terms of electricity service offered as well as information on the supplier's fuel mix and the emissions resulting from the power offered.		Aggregators should be regulated by the SCC and the SCC should determine what information should be provided.	Yes. Price volatility, unit price, fuel mix, emissions, contract terms, right to cancel contract in three business days, where to complain and get information (toll-free number). The basis for claims of environmentally-friendly power should be verifiable.	May be beneficial to establish a generic comparison basis for rates to create an unambiguous rate comparison given a set of specific assumptions.	Yes. Price, fuel mix and resulting emissions, at a minimum.	Yes. All relevant particulars of the plan of aggregation or marketing should be disclosed.	Any material providing information on rates and charges should follow the same uniform, information and easy-to understand format to be developed for customers bills.
24.Market-ing	Certain practices	False and misleading	Slamming and		The VA Consumer	No position.		Yes. Unfair and deceptive		Aggregators should not be	Yes. Unfair, deceptive	Any practice	Prohibit unfair and	Yes. SCC regulations	The bill should

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practices prohibited	that are becoming problems in telecommunication industry, such as slamming and cramming, should be barred.	advertising practices must be prevented.	cramming should be prohibited. Suppliers should be prohibited from leaving customers with the impression that their charges represent the total charges a customer will face.		Protection Act should be amended to ensure that its fundamental protections and the prohibitions stated therein apply to the sales of, and contracting for, electric generation.			advertising, including misrepresentations of providing "green" power.		allowed to market until there is a firm commitment for a year-round, 24-hour per day supply of electricity.	practices, fraudulent and unconscionable practices, including unauthorized switching of providers, etc.	which is deceptive in nature.	deceptive advertising, marketing and business practices, including misrepresentation of "green" and intrusive telemarketing.	should govern marketing practices to prevent unfair competition and unreasonable customer annoyance.	provide protection against intrusive and abusive telemarketing as well as prohibitions against fraudulent and deceptive advertising. The bill should require that all contracts be made in writing and not simply over the telephone, and contain a provision that customers have at least three days to give days in which to change their minds.
25. Deposit size limit	No.	There is little indication that statutory standards will be required and if they should be, it is premature to do so at this time.	Yes. Not greater than the cost of one month's service.		Limits could be established by the Commission.	No position.		No position.		No position. Any limits should be established by the SCC.	Yes. Restricted to customers with a poor payment record and limited to one-month's average bill.	Limited to a reasonable amount under the circumstances.	Yes. No more than one month's bill for a "typical" residential customer. Also, establish payment plans for low-income families and those on fixed incomes.	Limits should be left to SCC or other agency regulations.	No. A Legislatively determined limit on deposits for suppliers or aggregators is not appropriate.
26. Standard	If the local	Amount and	Unbun-		Bills should	Yes.		Yes.		There should	Yes.	Identify	Separate	Itemize all	Charges for

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-ized info on bills	distribution company is responsible for billing the customer for all services, bills should remain much as they are today, although some existing services will be unbundled and stated separately on the bill.	content should be guided by the information included today supplemented by new information which will permit the customer to understand the services provided, the components of his total bill and the entity supplying the various components.	dled bills should distinguish the charges for the regulated monopoly components of the bill (e.g., transmission and distribution) from the competitive aspects of the service (electric supply).		include rate and environmental disclosures that are presented in a uniform manner by all suppliers.	Information should include disclosure about the total energy fuel mix, air emissions and other environmental impact information in a format similar to the food label.		Separate charges for various unbundled services, contract terms and conditions, the supplier's fuel mix, and the emissions resulting from the power provided should be shown.		be one bill, which lists separately the distribution charge, the transmission charge and the energy charge.	Standardized format with uniform terms, clear language, and visual simplicity. The SCC should promulgate billing regulations.	charges for each type of service or category of charge.	charges for the various unbundled services should be clearly shown. Uniform information regarding the supplier's fuel mix and resulting emissions should be provided.	charges for generation, transmission and distribution.	unbundled services and any taxes included in the bill should be clearly presented with clear information about the nonbypassable wires charge, including a break-down of the charge's components and information about the supplier's fuel mix and the resulting emissions from power generation.
27.Consumer cancellation rights	Yes, if current laws do not already so provide. Any necessary statute should provide for a minimum number of days equal to that in similarly applicable laws (door to door sales, for instance).	It may be reasonable to give consumers a statutory right to cancel a contract with an energy service provider or aggregator within a certain time frame.	Yes. Consumers should have a cooling off period of at least one week in which they can rescind a power supply contract.		Yes. The General Assembly should consider a seven-day right of rescission.	No position.		No position.		There should be a minimum of 15 days. No opinion on special rights of rescission.	Yes, a three-business day right to rescind.	Midnight of 3rd business day after agreement or offer.	Yes, 3-day right of cancellation.	Yes. Legislation should provide a reasonable period of time to cancel or opt-out.	If the contract contains a specified term of service, the law should provide at least a three- to five-day period for reversing the acceptance.
28.Protection against slamming Protection	Yes, by a flat prohibition.	This practice can be effectively monitored and enforced	Yes. Affirmative choice verification		Yes.	No position.		Yes.		Yes. The SCC should develop these statutory protections.	Yes. Slamming protections should include	Yes. Supplier engaging in slamming	Heavy fines for slammers.	Should be considered by the SCC in connection	The statute should include strong measures to

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against slamming (Cont'd)		by the SCC through registration and certification of energy providers.	tion should be mandated .								independent third-party verification if service is sold by telemarketing , and a ban on collecting any payment from a “slammed” customer.	should face loss of certification in state.		with its adoption of regulations governing licensing of all electric service providers or aggregators.	protect Virginians against “slamming.” The bill should include provisions that contracts must be made in writing, not over the telephone, and that the customer should have at least three days to revoke the contract after its acceptance.
29. Protection against certain telemarketing practices	Existing telemarketing practices laws and regulations should suffice.	See response to 28.	Yes. Prohibit the use of misleading supplier names and other deceptive practices.		Consumers should be protected against unfair, deceptive, fraudulent, or otherwise unlawful telemarketing , or other practices.	No position.		Consumers should be protected against unfair and deceptive advertising, marketing and business practices.		There should be a mechanism for an individual to remove his name and telephone number from telemarketing lists.	Yes. Telemarketing should be restricted to certain hours of the day. All telemarketers of electricity should register with the SCC.	Current Virginia consumer protection laws should apply.	See. 24.	See 28 above.	Law should protect Virginians from unreasonably intrusive telemarketing tactics by designating when such practices can take place.
30. Complaint assistance	If the SCC is granted power to establish customer protections by regulation, the power to resolve complaints should be included. If not, existing	SCC will need to have sufficient resources and authority to provide assistance to facilitate resolution of complaints.	Yes. The SCC should hear consumer complaints against competitive electricity suppliers.		SCC could provide assistance in resolving complaints regarding service providers over which it has regulatory and/or licensing authority.	No position.		Yes. Should be provided by the state.		Yes. The SCC should be the agency involved.	Yes. The SCC, the Office of Consumer Affairs/VA Department of Agriculture and Consumer Services and the Attorney General should handle various levels	Yes. SCC should have that role in connection with licensing providers.	Attorney General's office and the SCC should assist. Responsibilities should include hearing disputes, determining fault and imposing	Yes. Should be addressed by the SCC or other regulatory agency in connection with the adoption of regulations governing electric service	SCC would continue to receive and investigate customer complaints against regulated distribution companies. It may also be appropriate for customers to
Complaint															

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assistance (Cont'd)	consumer protection laws should be relied upon to handle complaints.				Consumer safeguards also should include a private cause of action.						of complaints.		penalties on suppliers as required.	providers or aggregators.	present complaints against suppliers directly to the Commission.
31.Other issues	Generally speaking, sophisticated large commercial and industrial customers will not need the same level of protection as residential and small commercial customers.	None, at this time.	None.		The Commission should have the authority to identify, punish and correct abuses by aggregators, marketers and other suppliers.	No position.		Protect customer privacy.	The ultimate consumer protection measure is ensuring that consumers will not be made worse off from moving to competition. Incumbent utilities must not be allowed to exercise market power. Extended price protection, by the use of price caps or other measures, should remain until an objective finding is made that sufficient competition has developed to effectively replace regulatory protection. SCC recommends that flexibility be maintained in developing standards of conduct and other consumer protection measures.	There should be a prohibition against switching service more than once per year. And, there should be one bill for service, not up to three.	Privacy protections are necessary for information about billing, payment history and consumption patterns.	None.			Create a Customer Advisory Committee or Board to review consumer education, consumer issues and/or problems, and report annually to the Legislative Transition Task Force.

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ENVIRONMENTAL PROTECTION

32. Renewable energy promotion	Should be no minimum renewable energy portfolio requirement for energy providers in Virginia. Allow the free market to decide supplier generation mix.	No. AEP opposes VA restructuring legislation which would specifically promote or encourage the use of renewable energy.	No position.	<u>Yes, supporting renewable energy is good for the environment and the economy. Diversified and decentralized renewable energy resources foster stability, sustainability and affordability into the future.</u>	Environmental disclosures should be included in customer bills. "Green" power sellers should be required to include verifiable environmental disclosures in their marketing materials.	Yes. A Public Benefits Charge fund oriented to emerging and distributed renewable energy, balanced with a Renewables Portfolio Standard.		Yes. By creating a Public Benefits Fund for renewable energy development and commercialization, by requiring disclosure of electricity suppliers' fuel mix and emissions profile, and by adopting a renewable portfolio standard, which would require a certain percentage of the power offered for sale by each retail electric supplier to be generated from renewable resources. In addition the General Assembly should consider adopting a net metering provision to allow customers to receive credit for electricity they generate in excess of their usage.	<u>SCC does not recommend the adoption of renewable standards as a part of restructuring.</u>	The issue of renewable energy should be addressed after the basic framework has been established for electric utility restructuring.	Yes.	Policy issue to be decided by the VA General Assembly.			Yes. Research, development and demonstration of renewable technologies should be supported by funds collected via a nonbypassable public benefits charge.
33. Air	No, there is	No, AEP	Supplier	<u>Yes, the state can</u>		Yes. Force	No.	Yes. Endorse	Most important	Yes. All		Yes.			Yes. Res-

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quality provisions in restructuring legislation	existing statutory authority available to both the VA Department of Environmental Quality (DEQ) and the federal EPA to address all present and future air quality concerns.	opposes coupling of environmental requirements to VA restructuring legislation. The Clean Air Act Amendments are working and the US EPA and VDEQ already have ample legal authority to regulate air quality issues.	emissions .	<u>endorse changes in federal clean air laws to eliminate grandfathered, dirty power plants and provide funding or credits for weatherization and renewables to offset emissions.</u>		compliance by generators with the existing air quality statutes at the state and national levels.	Electricity restructuring is essentially a business regulatory issue; it is not the appropriate place to address the environmental concerns that the General Assembly may have as a result of restructuring.	changes to federal clean air laws to apply equal emissions standards to all electricity generators so the market is not skewed in favor of older, dirtier plants.	environmental issue related to restructuring is the effect upon air quality. A cohesive national policy is necessary SCC does not recommend the adoption of new state emission standards or renewable standards as a part of restructuring.	power plants should have to comply with current clean air standards.		Recognition should be given to the lower environmental impact associated with most of Virginia's generation .			<u>restructuring legislation should provide programs to encourage conservation and the use of renewables which will reduce emissions and the need for additional generating capacity. No. Restructuring legislation at the state level does not need to directly address air quality as all existing federal and state environmental laws and regulations will continue to apply.</u>
34. Generation fuels disclosure	No, the reporting of emissions or emission impacts associated with a discrete block of power generation would be difficult, if not impossible to achieve.	No, AEP opposes restructuring legislation to require electric service providers or aggregators to disclose generation fuels or "labeling." This information is already reported to	Yes. SCC report on each provider's energy sources should be published quarterly.		Yes. Consumers should be informed of the type of generation that they are purchasing, and the emissions from such generation.	Yes. Look at California, Massachusetts, Illinois and Pennsylvania--- states with disclosure requirements.	The General Assembly should consider following the Green-e Program, a voluntary program set up to help consumers identify green, clean electricity products.	Yes. Disclose mix of generation fuels and resulting emissions in marketing materials and electric bills.	<u>SCC does not recommend generation fuels disclosure.</u>	Yes. Disclosed on marketing materials and on bills.		Yes. Should be disclosed by each entity supplying generation service.	Yes. Standardized disclosures label (similar to nutrition labeling) on all electric service provider marketing materials and customer bills, subject to		Yes. Generators and, to the extent feasible, suppliers and aggregators should be required to disclose information on their fuel mix and air emissions. This information
Generation															

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fuels disclosure (Cont'd)		agencies, is available to the public and would be duplicative.											monitoring by the SCC.		should be provided in customers' bills.
35.Other issues	Environmental laws and proposals should be considered on their own merits.	None, at this time.	None.			Mandate net metering of solar energy systems. Net metering allows customers to receive credit for electricity that they generate in excess of their usage at home. Net metering encourages highest efficient use of renewable systems such as PV by returning to the grid all renewable energy generated which cannot be used on site. Legislation should also protect solar consumer rights by barring property association restrictive covenants on solar equipment.		Market power and stranded cost issues will impact the ability of renewable energy resources to compete in a restructured electric industry.	Some entity should be responsible for monitoring and verifying the energy resources used by green power marketers.				None.		False or misleading representations regarding "green power" should be prohibited and subject to sanctions.

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ENERGY EFFICIENCY

36. Energy conservation promotion	If Virginia chooses to promote or encourage energy conservation and energy efficiency practices, it could adopt tax incentives or competitively neutral funding mechanism for state-supported programs, e.g., non-bypassable wires charges.	No. Restructuring legislation should not specifically promote or encourage energy conservation or energy efficiency. If there is a market demand for these services, any supplier should be able to compete to serve this demand.	Yes. Require distribution utilities to provide energy efficiency programs to their customers.	Yes, including support for the Weatherization Assistance Program through a public benefits charge.		Yes. Virginia should directly invest in 'seed' projects through its capital outlay for new and renovated public facilities.		Yes. Create a Public Benefits Fund for energy efficiency investments.	Special programs such as net metering may not need to be addressed in legislation at this time; rather such proposals may be considered first in pilot programs.		A universal service fund should support weatherization and energy efficiency programs for low-income consumers.	No. Business is already flourishing in the conservation and energy efficiency field.	Yes. Public benefits programs to fund low-income weatherization, energy conservation education and installation of energy efficient lighting and appliances, supplemented by utility-operated programs. Incentives should include tax credits.		Yes. State should provide additional support for voluntary energy efficiency and conservation programs.
37. Public benefits charge for energy efficiency programs	No, energy research and development activities are already funded by national institutions including the U.S. Dept. of Energy, the National Renewable Energy Laboratory, and the Electric Power Research Institute and significant information is available from them.	AEP neither opposes nor supports restructuring legislation to establish a public benefits or "wires charge" for the purpose of encouraging technical research and development for more efficient, less carbon intensive electric generation.	Yes.			Yes, for energy efficiency and renewables.		Yes. Create a public benefits fund for <u>energy efficiency measures and</u> for research and development of energy efficient technology.	SCC does not recommend a systems benefit charge for the promotion of energy efficiency.		No. This field is developing very well on its own.				Legislation should provide for collection of funds via a public benefits charge in the form of a non-bypassable wires charge for R&D and demonstration in areas of energy conservation and efficiency.
38. Other	---	None, at this	None.			No other		Inform			None.				

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issues		time.				issues.		customers about how to use electricity efficiently.							
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ELECTRIC UTILITY WORKER PROTECTION

39.Statutory protection	None beyond those that already exist for all workers.	AEP does not believe that it would be appropriate to single out any individual resource, such as utility workers, and to provide statutory protection to this resource segment as this industry moves into a competitive supply of generation services. Balancing the effectiveness of the approach that a utility takes to labor (or any other resource) against the changes in the industry and concomitant changes in utilization of resources is a role appropriately left to management. Should the				No position.		No position.					Costs of severance pay, job-finding assistance, retraining of workers displaced because of regulatory changes should be allowed as recoverable transition costs.			Yes. Help for workers whose jobs are affected or eliminated during restructuring and to provide outplacement services for such workers should be provided.
Statutory																

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protection (Cont'd)		legislature deem it appropriate to implement various programs, which will assist workers during the transition period, such costs should be recovered as a component of the non-bypassable wires charge.													
40.Additional costs funding	Should be treated as transition costs borne by existing utility customers via a competitively neutral, non-bypassable wires charge.	See 39.				No position.		No position.				Avoid statutory protections but allow "displaced employee" benefits to be collected through a non-bypassable wires charge.			Portion of public benefits charge should be used to provide funds for a worker assistance program.
41.Minimum staffing levels	No, however, all suppliers should be held accountable for maintaining an acceptable level of reliability.	See 39.				No position.		No position.				Such levels should not be the product of a governmental mandate.			Licensing obligations of supply and distribution companies will provide a powerful incentive to suppliers to maintain operations, including staffing levels, adequate to serve their
Minimum staffing															

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levels (Cont'd)																customers' needs.
42.Continued employment after sale	Such requirements should be kept to a minimum	See 39.				No position.		No position.				No. Any workers displaced as the result of asset sales should be treated the same as other electric utility workers displaced as the result of restructuring.				Purchasers should be encouraged to abide by any contract which has not yet expired. However, these issues should not be the subject of law.
43.New electrical worker requirements	New entrants must comply with any and all applicable business and operating standards that utilities follow today, including the National Electrical Safety Code, North American Electric Reliability Council and Regional Reliability Council rules, and utility interconnection requirements.	See 39.				Yes, except for homeowners and other customers who choose to net meter on-site generation with solar photovoltaics equipment.		No position.				Such standards, if any, should be applicable to all suppliers, not just new entrants.				New entrants should come under current federal, state and industry standards.
44.Mandatory	As long as market	See 39.				No position.		No position.				No. Profession				Employees and

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training standards	entrants correspond to established rules and codes discussed in Question 43, no additional standards should be necessary. To the extent that the state develops new standards, they must apply equally to all market participants.											al associations or regional organizations should handle these sorts of training and standards.			contractors of new entrants should be required to meet current standards.
45.Other issues	All interested parties should work together to ensure that all workers in the electric industry are properly and safely trained in accordance with existing utility practices and standards.	None.				Buildings-related public safety personnel, e.g. code inspectors should become more acquainted with solar energy technologies so that they recognize well-installed systems as well as poor ones. Technical training in this area should be supported for at least a five-year period.						None.			