



The Commonwealth of Massachusetts

DEPARTMENT OF PUBLIC UTILITIES

D.P.U. 14-140-E

October 26, 2016

Investigation by the Department of Public Utilities on its own Motion into Initiatives to Improve the Retail Electric Competitive Supply Market.

ORDER ESTABLISHING RULES FOR THE SHOPPING FOR
COMPETITIVE SUPPLY WEBSITE

I. INTRODUCTION

On December 11, 2014, the Department of Public Utilities (“Department”) opened its investigation (“Notice of Investigation” or “NOI”) into initiatives to improve the retail electric competitive supply market by: (1) providing customers with information regarding competitive supply products that is accurate, transparent, and understandable; and (2) improving customer protections related to the marketing and delivery of competitive suppliers’ product offerings.

Investigation by the Department of Public Utilities on its own Motion into Initiatives to Improve the Retail Electric Competitive Supply Market, D.P.U. 14-140 (2014). In this Order we address the Department’s initiative to develop a “shopping for competitive supply website.”¹ D.P.U. 14-140, at 1.

Following a 22-month stakeholder process to develop the optimal content and functionality for the website, the Department launched its shopping for competitive supply website (“Website”) on October 14, 2016. Electricity consumers may now visit the Website, learn about competitive supply, compare different electric supply product offerings, and purchase electric supply products from suppliers that have signed up to participate in the Website. Through the stakeholder process, participants and Department staff developed the Website rules governing supplier participation and how electric supply products may be listed

¹ The Department’s other initiatives in D.P.U. 14-140 are: (1) revising the existing information disclosure label; (2) eliminating the basic service bill recalculation provision for residential and small C&I customers (see D.P.U. 14-140-A (2015)); (3) establishing reporting requirements for door-to-door marketing; and (4) establishing reporting requirements and rules for the assignment of customers from one competitive supplier to another competitive supplier (see D.P.U. 14-140-D (September 16, 2016)).

on the Website. This Order addresses the stakeholder process and presents the initial Website rules. As the Department and stakeholders gain experience with using the Website, the Department, as appropriate, will engage stakeholders and revise the Website rules.

II. STAKEHOLDER PROCESS

The Department engaged with stakeholders through an iterative process that included the distribution of three sets of proposed rules,² receipt of 15 sets of written comments on the proposed rules,³ and discussion of the proposed rules during a technical conference.⁴ Through this consensus process, the Department evaluated and revised its proposed Website rules. The Department also discussed a wide range of topics with stakeholders including: (1) the small commercial and industrial monthly demand maximum; (2) the number of unique products that

² D.P.U. 14-140 stakeholder participants include Massachusetts state agencies, regulated utility companies, environmental organizations, competitive supplier advocacy organizations, consumer advocacy groups, and individual competitive suppliers and electricity brokers.

³ The stakeholders who submitted written comments are: the Attorney General of the Commonwealth of Massachusetts; the Massachusetts Department of Energy Resources; the Towns of Aquinnah, Barnstable, Bourne, Brewster, Chatham, Chilmark, Dennis, Eastham, Edgartown, Falmouth, Harwich, Mashpee, Oak Bluffs, Orleans, Provincetown, Sandwich, Tisbury, Truro, Wellfleet, West Tisbury, Yarmouth, and the Counties of Barnstable and Dukes, acting together as the Cape Light Compact; Choice Energy, LLC; Direct Energy, LP; Electricity Analytics LLC, d/b/a ShopEnergyPlans; Just Energy; Mass Energy Consumers Alliance; Massachusetts Electric Company and Nantucket Electric Company, each d/b/a National Grid; NSTAR Electric Company and Western Massachusetts Electric Company, each d/b/a Eversource Energy; and Water Energy & Ecology Information Services.

⁴ The Department circulated proposed rules on May 4, 2015, June 24, 2016, and July 18, 2016, received comments on May 15, 2016, and July 22, 2016, and conducted a technical conference on July 11, 2016. See D.P.U. 14-140, Hearing Officer Memorandum (May 4, 2015).

each supplier may list on the Website; (3) what type of products (i.e., fixed or variable) may be listed on the Website; and (4) the percentage of renewable energy a product must be composed of to be listed as a renewable energy supply product on the Website.

III. SHOPPING FOR COMPETITIVE SUPPLY WEBSITE RULES

During the course of its investigation, the Department received comments generally regarding supplier participation, the content of the Website, and the presentation of electric supply products on the Website's consumer interface. Based on the stakeholder process, which included multiple iterations of the Department's rules refined to incorporate comments received through both written format and technical conferences, the Department adopts the attached shopping for competitive supply Website rules ("Website Rules"). See, Attachment A, Energy Switch Massachusetts Website Rules. The Department acknowledges the participation and input of all stakeholders throughout the development of the Website. As noted above, the Website and the Website Rules may be revised, based on the Department's experience operating the Website and stakeholders' experiences using the Website. Such a change, however, will not occur without notice and an opportunity for comments. In order to participate in the Website, suppliers must abide by the Website Rules. Failure to follow the Website Rules may result in the Department rescinding a supplier's ability to participate in the Website. The Website Rules will be posted and publically available on the Website.

IV. ORDER

Accordingly, after due notice and consideration, it is

