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October 1, 2010

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

RE: In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, CG Docket No. 01-278

Dear Ms Dortch:

This is to notify you that pursuant to Section 1.1206 of the Commission's Rules that Aryeh Fishman and Scott Aaronson from the Edison Electric Institute and Kyle Davis from MidAmerican Energy Company met on September 30, 2010, with Mark Stone, Deputy Chief of Consumer and Governmental Affairs, Kurt Schroder, Deputy Chief of Consumer Policy Division, and Karen Johnson, Attorney-Advisor, of the Federal Communications Commission ("FCC" or "Commission"), in connection with the above-referenced proceedings. During this meeting, MidAmerican Energy Company provided FCC staff with the attached presentation and whitepaper.

During the meeting, the parties discussed the investor-owned electric industry's positions regarding the above-referenced proceeding, whereby the Commission has proposed to amend its rules in a way that could have a significant impact on the electric industry and its customers.

Moreover, the parties discussed how this proposed rule change would promote, rather than remove, inconsistency between the Federal Trade Commission (“FTC”) and FCC rules. EEI urged the Commission, in this proceeding, to amend its rules only to the extent necessary for harmonization with the FTC’s Telemarketing Sales Rule.

EEI urges the Commission to also consider that through the Do Not Call Improvement Act of 2003, Congress directed the FTC and FCC to “maximize consistency” of the Commission’s TCPA rules with the FTC’s Telemarketing Sales Rule. Over the years, both the Commission and FTC have worked diligently to reconcile inconsistencies between the Commission’s and FTC’s Do Not Call Rule.<sup>1</sup> EEI continues to believe that the Commission and FTC should work towards eliminating conflicting regulatory obligations, which will promote consumer protection and commerce. Unfortunately, the Commission’s proposed rule changes appear to go beyond merely harmonizing or maximizing consistency with the FTC’s rules. The Commission’s proposed rule would impose an additional written requirement on certain types of calls not subject to the FTC’s Telemarketing Sales Rule. The FTC’s requirement that consent be in writing applies only to prerecorded calls that deliver a telemarketing message. Informational calls are not subject to this requirement. The Commission’s proposed rule with respect to autodialed or prerecorded or artificial calls to wireless services does not make a similar distinction. This rule change does not appear to harmonize or promote symmetry between the two agencies’ rules. Thus, EEI asks that the Commission not extend the additional requirement for prior consent to calls made to wireless services. EEI urges the Commission to reaffirm its

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<sup>1</sup> For example, in 2007, Congress amended the Do Not Call Improvement Act to eliminate the automatic removal of telephone numbers registered on the Federal “do-not-call” registry. In 2008, the Commission, by rulemaking, amended its rules to require telemarketers to honor registrations with the Do-Not-Call Registry indefinitely.

past position that “prior express consent” obtained *orally or in writing* is sufficient to make autodialed and/or prerecorded *non-marketing* calls to wireless services.

EEI is concerned that the Commission’s proposed rule change with respect to calls to wireless services could have a significant impact on consumers’ uses of these services and their ability to receive valuable information from electric utilities. Wireless services have been adopted at a very high rate, and consumers have come to expect and rely on their ability to receive calls for any purpose on their wireless devices.<sup>2</sup>

The Commission’s new rule concerning autodialed or prerecorded or artificial calls to wireless services could prove to be a deterrent to using wireless services and create a risk that many electric utility customers would not receive calls providing critical information that could protect these consumers from financial or physical harm. EEI strongly believes that the significant reduction of autodialed/text messages would inhibit information flow, decrease customer satisfaction and significantly increase customer transactions costs. For example, EEI understands that a pre-recorded automated call can be delivered for approximately \$.03 per call, and texting is approximately \$.22 (free to the end user) compared to \$2.80 via a live agent<sup>3</sup> or \$.47 per letter mailed to a customer. Additionally, if required to determine the type of number provided by an electric customers, then electric utilities and their customers will bear a substantial burden developing a mechanism for screening or filtering wireless numbers since companies cannot easily distinguish between wireless numbers and residential lines.

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<sup>2</sup> According to a 2009 survey administered by the Centers for Disease Control and Prevention’s National Center for Health Statistics, more than 24 percent of U.S. households were “wireless only.” Moreover, approximately 52 million adults did not have a landline telephone in their home.

<sup>3</sup> In addition to cost, utilizing live agents to make a large volume of outbound calls would significantly degrade service provided to customers calling into electric utility call centers for regular business issues.

Furthermore, the electric industry anticipates that this proposal would result in significant increased costs and monitoring to retain approval documents.

Furthermore, if outbound calling and texting is restricted in the manner proposed, then many of the informative service communications from electric utilities would not be delivered on time to the detriment of electric utility customers or would be delivered via a less effective communication channel. The Commission should recognize that for many of electric utility outbound calling campaigns, the company does not have sufficient time or means to secure additional express written consent from its customer prior to the need to initiate the call. As reflected in the comments filed with the Commission, companies make autodialed and prerecorded calls to deliver information efficiently to consumers for a myriad of vital purposes. Examples of informative service communications by the electric industry have included or currently include:

- **Electric service curtailment calls:** Used to alert customers of possible service curtailments due to power availability.
- **Collection Calls/Texting:** Used to alert customers (both residential and organizational) with past-due account balances that they are in danger of service disconnection
- **Outage Callbacks:** Used to deliver outage updates and service restoration confirmation.
- **Fieldwork:** Used to notify the customer about their meter exchange for the new rate they requested. Also used to notify the customer their turn on is completed, and power is available at main breaker.
- **Smart Grid:** Used to provide reminders for time-of-use pricing coupled with critical peak pricing.
- **General Customer Notification:** Used for the following purposes:
  - Could not gain access to read the meter;
  - Rate change completed;
  - Credit agreement payment due;
  - Returned payment;
  - Deposit payment is due;

- Mail is being returned;
- Undeliverable e-mail;
- Final billed amount is due; and
- Notify the customer they can make their electronic payment with us for no charge.

Obtaining express written consent would delay or eliminate the ability of the company to provide this type of information in a timely manner.

In addition, EEI is particularly concerned that the FCC's proposed rule change would seriously undermine the national purposes of energy efficiency and independence. Between federal support for smart grid technology – as manifested in the Energy Independence and Security Act of 2007 and the American Recovery and Reinvestment Act of 2009 - and the challenges of meeting increasing demand for power, the adoption of some smart grid technology in the future seems inevitable. While many electric utility plans for smart grid implementation are in the development stage, some residentially-based load curtailment steps are likely. Providing adequate load is costly to utilities and to their customers: The last 10% of generating capacity may be needed only 1% of the time. The Department of Energy (“DOE”) anticipates that American smart grid technologies will generate \$46-\$117 billion in savings over 20 years. Certainly some of that savings will be due to intelligent, real-time load control. Additionally, the FCC has asked that consumers be provided with real-time information on digital energy consumption. See Recommendation 12.7, FCC National Broadband Plan.

Accordingly, the electric utility industry cannot rely on paper to communicate load-related changes to customers in real-time or near real-time, nor can electric utilities presume the mass of their customers will be accessible through the internet. Telephony will remain the electric utility industry's best means of communication with customers for the foreseeable future.

Autodialed, service-related informational messages will remain the main cost-effective means of providing quick information to electric utility customers as electric industry technologies change.

If there are any questions concerning this matter, please feel free to contact the undersigned.

Respectfully submitted

/s/ Aryeh B. Fishman

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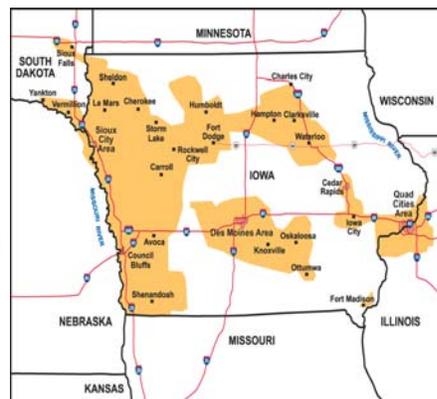
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# MidAmerican Energy Company and PacifiCorp

## Outbound Calling Activities



# PacifiCorp and MidAmerican Energy Service Territory



## Utility Automated Outbound Calling

- MidAmerican Energy Company and PacifiCorp use prerecorded outbound calls to notify customers of important information related to their accounts.
- These are service-related calls providing purely informational content, not telemarketing calls.
- Automated outbound calling is a quick, efficient, and cost-effective method of time-sensitive service-related information.
- Customer response to the automated outbound calling services has been positive.



3

## Utility Automated Outbound Calling, cont.

- The Commission has previously recognized that the provision of a phone number by a customer implies consent to be contacted by the organization.
- Obtaining prior express written consent would delay or eliminate our ability to provide important time-sensitive information.
- The elimination of autodialed messages would inhibit information flow, decrease customer satisfaction and increase customer transaction costs.
- Long term utility business practices rely on oral express consent. Oral consent should be sufficient to allow autodialed service-related calls to customer cell phone numbers.



4

## Automated Outbound Calling Saves Utility Customers Money

- A prerecorded automated call can be delivered for approximately \$.25 per call compared to \$2.00 per call for a live agent or a letter for \$1.00.



5

## Automated Outbound Calling Services

MidAmerican Energy and PacifiCorp currently use prerecorded outbound calls to deliver the following information to customers:

- **Customer Recovery Calls** – *to alert customers of a processing or system issue that may have impacted their account*
- **Planned Interruption / Scheduled Work Calls** – *to deliver information about planned service interruptions needed to accomplish service infrastructure improvements and repairs*
- **Electric Service Curtailment Calls** – *to alert customers of possible service curtailments due to power availability*
- **Collection Calls** – *to alert customers with past-due account balances that they are in danger of service disconnection*



6

## Automated Outbound Calling Services, cont.

- **Outage Callbacks** – used to deliver outage updates and service restoration confirmation
- **Appointment Reminder** – to deliver reminder messages for work done on customer premises
- **Door Hanger Notification** – to advise customers that information about their service was left at their location
- **Tree Service Calls** – to alert customers of tree trimming activities in their area
- **Fieldwork Survey** – to survey customers about recent field work completed at their location



7

## Automated Outbound Calling Services, cont.

- **Product and Service Calls** – to provide information on available services to residential and business customers; the companies do not make money on these products and services
- **Customer Surveys** – to gather direct customer feedback on the company, services provided, or services being considered
- **Cool Keeper Information Calls** - to deliver information about Rocky Mountain Power's air conditioner load control program
- **Smart Grid** – still in the planning stages – proposed use for implementation of time-of-use pricing coupled with critical peak pricing (CPP).



8

## MEHC Position / Request

- The company requests an exemption to the proposed FCC rule changes based upon:
  - Many times there is not sufficient lead time to secure written consent prior to the need to place the call.
  - The company's calls are not telemarketing calls – they are service-related or informational calls about the customers account.
  - Obtaining, maintaining and cross-referencing a list of written approvals from all customers would be burdensome for the company and costly for our customers.



9

## MEHC Position / Request, cont.

- If outbound calling cannot be used many of these service communications would:
  - Not be delivered on time to the detriment of our customers
  - Be delivered via a less effective communications channel to the detriment of our customers
  - Be delivered through a more costly communication channel that would increase costs to customers.
- Customer responses to the outbound calling services have been positive.



10

## **MidAmerican Energy Company and PacifiCorp Outbound Calling Activities**

We believe most Americans agree that telemarketing ‘robocalls’ or autodialed calls are an unwelcome part of the modern experience and agree that telemarketing calls should be limited. However, not all autodialed calls are equal and there are significant differences in value and impact to citizens between *telemarketing* and *service-related* autodialed calls. The simple step of requiring express *written* consent for autodialed calls to wireless devices represents a hardship to our organization and a disservice to customers both now and in the future. The recently proposed adjustment to the Telephone Consumer Protection Act (TCPA) of 1991 while worthy in intent generates too much collateral damage to legitimate service calls, such as ours. As an organization, we have adhered to an outbound customer communications policy that the Commission has previously recognized: “a consumer who provides a telephone number to a business is already aware that the business may use that number to contact the customer, and thus consents to such contact.” Our customers willingly provide the company their telephone number (a primary contact and a backup contact), which we believe provides us “prior express consent” to contact customers for service related issues (not telemarketing). Additionally, we concur with the associations associated with the Cross-Industry Reply Comment, cited below, and respectfully request that the Commission “reaffirm its position that “prior express consent” obtained *orally or in writing* is sufficient to make autodialed and/or prerecorded *non-marketing* calls to wireless services.”

Both MidAmerican Energy Company and PacifiCorp use land-line and cell phone contacts as a primary means to initiate and handle customer interactions. Both companies and our state regulatory bodies recognize the need for oral and implied consent and have relied on expressed and unexpressed consent for over a decade. This has enabled our company to provide timely and cost effective electric and gas service, products generally considered vital to our customers and their local economy. Further, we do not distinguish between land lines and cell phones when opening customer accounts. Our business practice is to request a customer’s primary contact phone number. A growing number of our customers – like the 24% of US households polled in a 2009 survey – are now wireless only. Our use of prerecorded outbound calls is an extension of long-established phone-based practices that have only become more important in recent years. The industry recognizes that automated outbound calling is an efficient and cost-effective method to deliver important information to large numbers of customers quickly. Customer response to these calls has been very positive and is currently considered an industry best practice. Elimination or a reduction in the company’s ability to provide these services would decrease customer satisfaction and increase the company’s cost to deliver this important information.

An automated outbound call can be delivered for approximately \$0.25 per call compared to a live agent call costing approximately \$2.00 per call or a letter delivered via the US Postal Service costing approximately \$1.00 per letter. In addition to cost, utilizing live agents to make a large

volume of outbound calls would significantly degrade service provided to customers calling into our call centers for regular business issues.

Key revisions proposed by the Federal Communications Commission include:

1. Requiring sellers and telemarketers to obtain telephone subscribers' express written consent (including electronic methods of consent) to receive prerecorded telemarketing calls, even when there exists an established business relationship between the caller and the consumer.

**Company Position / Request:**

As an organization, we have adhered to an outbound customer communications policy that the Commission has previously recognized and many of our day-to-day business practices are predicated on express consent, and rarely rely on express *written* consent. Obtaining, maintaining and cross referencing a list of *written* approvals for all customers would be burdensome and costly for the company to administer.

For many of our outbound calling campaigns, our company does not have sufficient time or means to secure *additional* express written consent from our customer prior to the need to initiate the call. Many of our autodialed calls provide information about events such as planned power outages, updates on outages and power restoration confirmation. Obtaining express written consent would delay or eliminate the ability of the company to provide this type of information in a timely manner.

As the economic situation has worsened, the company has included additional customer outreach through outbound courtesy calling campaigns apprising customers of potential power disruption or disconnection, i.e. collection calls. This service has been particularly important since the economic downturn as many of our newly at-risk customers have no previous experience with our collection processes. The outreach campaign, which includes prerecorded courtesy calls, potentially saves the customer the inconvenience of a power disruption due to disconnect as well as additional fees for reconnecting their power should it be disconnected. In some instances, our regulatory bodies require a prior contact with the customer before disconnection for nonpayment is made and the outreach campaigns assures the company stays in compliance with this requirement. These calls would be too costly for us to provide using live agents, but they have become a vital part of the additional services that customers have learned to rely on. As stated in the Cross-Industry Reply “as wireless devices become more and more ubiquitous and as consumers expect frequent and timely information from companies with which they do business, these communications are increasingly made through autodialed and/or prerecorded message calls to wireless devices.”<sup>1</sup>

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<sup>1</sup> Ingis, 1

2. Requiring that prerecorded telemarketing calls include an automated, interactive mechanism by which a consumer may “opt out” of receiving future prerecorded messages from a seller or telemarketer.

**Company Position / Request** - The company’s pre-recorded outbound calls are not “telemarketing,” calls; they are purely informational and/or service related and should be exempted from this requirement. The relevant distinction between service and telemarketing cannot be overstated. Customer responses to our outbound calls have been positive and many customers rely on the frequent payment reminders to avoid service disruptions. No customer complaints have been received related to any of the outbound calling activities. Delivering messages through this channel is efficient, can be completed quickly and is extremely cost effective. Many of these customer communications are required and would still be delivered through another more costly communication channel.

The present value of autodialed calls is high for our customers. As the utility industry inevitably moves towards increased smart grid technologies, the use of automated customer communication will only increase in relevance as the technology includes dynamic pricing as a core premise. In essence, dynamic pricing couples time-of-use pricing with critical peak pricing (CPP). When a CPP event occurs, the general consensus is that a utility must notify customers in advance, usually 24 hours. This advance notification allows customers to adjust their usage during the declared time period. Industry experts speculate that individual customers will be able to select how they want to be notified – email, text message, phone call, etc. Thus, autodialed calls would be used for those customers who selected the phone call notification method.

The following is a recap of outbound calling activities currently used by MidAmerican Energy Company and PacifiCorp.

### **Customer Recovery Calls**

PacifiCorp currently uses outbound pre-recorded calls to deliver informational messages about incorrect payment processing, system or technical issues that may have impacted the ability of customers to contact its call centers (AT&T or long distance carrier outages, internal system outages with key telephony equipment). The calls explain what happened, apologizes for the inconvenience and instructs the customer to contact the company if they would like additional information or need assistance. Customer response to the recovery calls has been very positive and this method is a quick and inexpensive way to let customers know about any service related issue. For 2010 year-to-date (through June 20) 306 customers had been called for this purpose – 4,112 customers had been called in 2009.

### **Planned Interruption Calls / Scheduled Work in the Area**

PacifiCorp currently uses outbound pre-recorded calls to deliver informational messages containing information about planned electric service interruptions needed to accomplish electric service infrastructure improvements and repairs. The calls provide customers the reason for the planned interruption as well as the date and the length of time their electric service will be off. For 2010 year-to-date (through June 20) 759 customers had been called for this purpose.

MidAmerican Energy Company also uses outbound pre-recorded calls to deliver purely informational messages concerning scheduled work in a customer's neighborhood that many times may result in a brief interruption of gas and/or electric service. These calls are generally placed a few days in advance of the scheduled work allowing service personnel the day before the work starts to make further attempts at contacting customers who were not reached by the call-out system. The message includes details such as the date and time of the work, whether or not the customer should expect an interruption of service, and for how long, why the work is being done, the names of contractors involved in the work, and a phone number to call for further information. The call out also advises customers of a letter previously sent regarding the work, and how MidAmerican will relight gas appliances when needed. The call advises of MidAmerican's responsibility for repairing any damages caused by our crews. For 2010 year-to-date 20,354 customers had been called for this purpose

### **Electric Service Curtailment Calls**

PacifiCorp currently uses outbound pre-recorded calls to deliver messages concerning possible curtailment of a customer's electric service related to a wild fire, system re-routing, weather or other natural disaster effecting power usage and power availability. 234,008 customer calls were made for this purpose in 2009. We serve urban and rural customers over a large and varied terrain. It would be possible for one section of our service territory to be affected by an inland wild fire while another section is being affected by a coastal storm. In short, weather-related power curtailments are a particular concern for our organization and for our customers. Timely communication to our customers about potential curtailment is a critical vital service that is only feasible through the use of prerecorded, autodialed messages.

### **Collection Calls**

PacifiCorp currently uses outbound pre-recorded calls to deliver messages targeting customers that have a past-due balances and who are in danger of having their electric service disconnected for non-payment. The calls notify the customer they have a past-due balance and give them an option to contact the company to make payment arrangements as well as an option to make a pay-by-phone payment. For 2010 year-to-date (through June 20) 293,822 customers had been called for this purpose.

MidAmerican Energy Company also uses outbound pre-recorded calls to deliver messages concerning a customer's account when it is in danger of having utility service disconnected for

non-payment. If the phone system detects a live answer, it advises the customer that they are being transferred to a MidAmerican Energy associate who will provide payment options which may include making a long-term payment arrangement with the customer. If there is not an answer, a message is left on the customer's answering machine asking them to call MidAmerican for further information. For 2010 year-to-date (through June 20<sup>th</sup>) 61,215 customers had been called for this purpose.

In 2008, the "Commission recognized the importance of appropriately balancing safeguards provided by the TCPA with the relative importance debt collection calls have to the economy."<sup>2</sup> Debt collection serves our organization as well as all of our customers: ultimately both our functionality and our rates rely on customer payment of bills. Written disconnect notices, in the form of past due and final bills, remain a primary means of communicating risk to our customers. The addition of autodialed outbound calls has provided a cost effective, meaningful service to customers to help them avoid the obvious hardship of disconnected electric service. With our large customer base, and the struggling economy, it would not be financially tenable to make live outbound collection calls for this purpose. As mentioned in the Cross-Industry Reply, the calls at issue here are 'intended to protect the well-being of consumers and the legitimate business interests of the caller...."<sup>3</sup>

### **Outage Callbacks**

PacifiCorp currently uses outbound prerecorded calls to deliver outage updates and outage restoration confirmation. When customers call the company they can select to receive an automated call back to provide updated outage information or to confirm the customer's electric service has been restored. Approximately 40% of customers select to receive this call. For 2010 year-to-date (through June 20) 55,936 callbacks had been completed at customer requests.

MidAmerican Energy Company also uses a vendor who provides outbound pre-recorded calls to deliver outage updates and restoration confirmation. When customers report an outage, they can select to receive an automated callback to provide updated outage information or to confirm the customer's electric service has been restored. When the call back is made, the recipient is asked to confirm that power is restored and provides the correct time so they can reset clocks. The customer can also advise their power is still out and a new outage order is automatically generated. For 2010 year-to-date (through June 20) 100,698 callbacks had been made at customer requests.

When a power outage occurs, customers want to know when the power will be restored. Customer's call the company immediately after an outage has started to let us know and to request estimated repair timeframes. These calls often come in before we have the necessary information to provide restoration estimates. Customers that have given us express *oral* permission will receive updated restoration estimates where relevant. Our ability to send out

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<sup>2</sup> Ingis, 8

<sup>3</sup> Ingis, 7

automatic calls represents a valuable service to our customers. If “The TCPA applies to text messages sent using auto dialers...this rule would also require consent to send any text message, even one that is requested by the customer (e.g. reporting an account balance or transaction.)”<sup>4</sup>

### **Appointment Reminder**

MidAmerican Energy Company currently uses outbound pre-recorded calls to deliver reminder messages regarding work to be done at customer premises on the next business day. The call is done for a number of reasons. First, it is to ensure that safety measures are taken for the benefit of the field technician, the customer, and the customer’s pets. Second, it acts as a reminder to the customer to ensure that any access arrangements made have been recognized. Third, it acts as a reminder to those customers who do not need to be present for access that MidAmerican will be on their property. The callout provides the customer with the date and address of the work to be done, offers the capability to speak with a customer service associate, and provides a phone number that they can call if they have further questions. For 2010 year-to-date (through June 20) 54,484 calls had been made for this purpose.

PacifiCorp is considering using outbound pre-recorded calls for customer appointment confirmations sometime in the future.

### **Door Hanger Notification**

MidAmerican Energy Company currently uses outbound pre-recorded calls to advise customers when work was done at their property that requires further action on the customers’ part. This callout is also done for customer security so a door tag is not left unnoticed by the customer for an extended period of time. The callout advises that a door tag was left and provides the date this occurred. It also provides a phone number that a customer can call for additional information. For 2010 year-to-date (through June 20) 1,173 calls had been made for this purpose.

### **Tree Service Calls**

MidAmerican Energy Company currently uses outbound pre-recorded calls to deliver messages concerning tree service work (mainly tree trimming) that will be performed in the customer’s area. This call is to make customers aware that service personnel will be in the area to perform this service and may be on their property. The call references a letter that was previously sent, provides the name of the tree service contractor doing the work, and a phone number that they can call with any questions. New functionality will also provide the location of where the work will be done. For 2010 year-to-date (through June 20) 84,178 customers had been called for this purpose.

### **Fieldwork Survey**

MidAmerican Energy currently uses an outbound automated call to survey customers regarding recent service work that MidAmerican performed at their property. The intent of this call is to register customer satisfaction. Results are provided to field service management so that proper

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<sup>4</sup> Ingis, 2.

follow-up can be made with the customer and the employee, if applicable. Customers are allowed to opt out of this service. For 2010 year-to-date (through June 20) 91,190 customers were called for this purpose.

### **Product and Service Information Calls to Business Customers**

PacifiCorp provided product and service information to targeted business customers in 2009. The calls were purely informational and were intended to provide business customers information on tools that would help them manage their electric usage. The company delivered pre-recorded calls to residential customers in April and May 2010 to alert customers of the availability of low-income energy assistance funds – a total of 8,548 calls had been placed.

### **Customer Surveys**

PacifiCorp and MidAmerican Energy Company regularly use third-party research firms to conduct outbound calling campaigns to survey customers about current levels of service, as well as to get direct customer input on future product and service offerings. These calls are not pre-recorded.

### **Cool Keeper Informational Calls (air conditioning load control program)**

In 2009 PacifiCorp used pre-recorded outbound calls to delivering messages concerning Rocky Mountain Power’s voluntary Cool Keeper air conditioning load control program. The calls were purely informational and instructed customers to contact the company if interested for further information. In 2009 8,260 calls had been made for this program. The Cool Keeper program may be prototypical of the load control technology likely to become increasingly common as PacifiCorp adopts smart grid technologies.

### **Smart Grid**

Between federal support for smart grid technology – as manifested in the Energy Independence and Security Act of 2007 and the American Recovery and Reinvestment Act of 2009 - and the challenges of meeting increasing demand for power, the adoption of some smart grid technology in the future seems inevitable. Our plans for smart grid implementation are in the development stage. However, some residentially-based load curtailment steps are likely. Providing adequate load is costly to utilities and to their customers: The last 10% of generating capacity may be needed only 1% of the time. The DOE anticipates that American smart grid technologies will generate \$46-\$117 billion in savings over 20 years. Certainly some of that savings will be due to intelligent, **real-time** load control. Additionally, “the Commission has asked that consumers be provided with real-time information on digital energy consumption.”<sup>5</sup> We cannot rely on paper to communicate real time load-related changes to customers, nor can we presume the mass of our customers will be accessible through the internet. Telephony will remain our best means of communication with customers for the foreseeable future. Autodialed, service-related

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<sup>5</sup> Ingis, 9

informational messages will remain the main cost-effective means of providing quick information to our customers as our technologies change.