

# Evaluators and Regulators: The Brave New World

*William P. Saxonis, New York State Department of Public Service, Albany, NY<sup>1</sup>*

## Abstract

The electric marketplace is changing rapidly as competition takes hold, not only in the United States, but also worldwide. The system for regulating the electric industry is experiencing profound change and continues to evolve along with the relationship between regulators and evaluators. In the eighties and nineties, evaluation was often woven into the regulatory process primarily to justify or challenge requests for rate recovery for demand side management (DSM) programs. However, as competitive electricity markets emerge in 24 states, evaluators increasingly focus on analyzing the effectiveness of retail choice programs including consumer behavior.

This paper explores the evolving role of evaluators and regulators in New York State. Over the past four years, evaluation has proven an important source of reliable and unbiased research for helping guide policies to enhance the transition to the new era of retail competition. We will explore the regulatory evaluation framework with real world examples of how evaluation is used in New York to monitor and benchmark retail competition, guide regulatory decisions, and strengthen the State's environmental disclosure program.

## Background

### Electric Deregulation in New York State

The New York State Public Service Commission (the Commission) has recently opened New York's electric marketplace to wholesale and retail competition. New York's restructuring efforts have regularly ranked near the top nationally for overall effectiveness as determined by the independent Center for the Advancement of Energy Markets' widely recognized Retail Energy Deregulation Index (CAEM, 2001).<sup>2</sup> Today the State's 7 million electric consumers have the opportunity to choose their electric supplier. As of April 1, 2001, over 242,000 of New York's electric customers (202,298 residential and 40,488 non-residential), representing approximately 14 percent of total electric load, were purchasing power from a supplier other than their traditional utility company.

New York is the only state to open its electric markets to competition by using an administrative approach rather than a legislative mandate. The State's six investor-owned utilities phased in competition based on individual timetables and plans approved by the Public Service

---

<sup>1</sup> Any opinions expressed explicitly or implicitly are those of the author and do not necessarily represent those of the New York State Department of Public Service.

<sup>2</sup> The Retail Energy Deregulation Index (RED Index) is a score card developed by the Center for the Advancement of Energy Markets (CAEM), an independent, non-profit, Washington, DC based research organization. The Red Index measures a state's progress in adopting policies that give consumers the right to choose their electricity supplier. The Index evaluates a state's policy on 22 criteria, which are weighted by importance. Each State's progress is given a score from zero to 100. In most recent rankings released in February 2001, Pennsylvania finished first with 66 points. New York was a close second with 64 points. The Index has received national attention including a feature article in the 2/1/01 edition of *USA Today*. Additional information about the Index and CAEM can be found on the organization's web page ([www.caem.org](http://www.caem.org)).

Commission. This approach offered the opportunity to test alternatives and target critical refinements in response to changing markets, legal requirements, and practical experience.<sup>3</sup>

Until the movement toward retail access, New York had a relatively stable and predictable regulatory framework. The problem was that New York's economy and its citizens were burdened by electric costs that regularly ranked among the nation's highest. The Commission concluded in 1996 that dramatic change was necessary in order to bring the State's electric prices more in line with the national average. The Commission declared that "after balancing the benefits and risks, we are convinced that we should move towards retail competition. A market with multiple buyers and sellers offers greater incentives and opportunities for lower prices, greater innovation, and expanded choice of options for customers" (Case 94- E- 0952, 1996).

Retail access resulted in new challenges as the system of regulating the electricity industry underwent its most significant overhaul in the nearly 100 year history of the Commission.<sup>4</sup> Are the new regulations fair to both the industry and consumers? What do consumers expect? What do consumers need? Are consumers interested in new services such as "green power" and the ability to purchase multiple services from one provider (e.g., long distance telephone, internet service)? Do we need to change long-standing consumer protections such as the utilities' role as the provider of last resort? Do existing and proposed regulations encourage new companies, products and services to emerge or do they present barriers?

As we evolve toward more competitive markets, even a traditionally simple business transaction, such as sending a bill to a customer, can engender intense study and heated debate. For example, who should send the bill? The energy marketer? The transmission and distribution (T&D) utility? What is the best method for the T&D utility and energy marketer to coordinate billing data exchanges? What messages must be included on the bill?

A Commission proposal to allow energy marketers to bill for the T&D utility generated considerable controversy and strong opposition from several utilities. One utility argued that the proposal not only constituted bad policy, but also violated its constitutional rights (Case 99-M-0631, 1999).

## **The Changing Role for Evaluation**

As the regulatory framework changed to accommodate retail access, the role for evaluation also changed. In the late eighties and early nineties, when DSM programs were at their peak, utilities would frequently use evaluation consultants to analyze their energy programs and provide reports to the Commission. During this period, largely as a result of regulatory incentives, DSM expenditures by New York's investor owned utilities increased significantly, peaking at \$286 million in 1992. DSM program portfolios became increasingly diverse and ranged from offering rebates to residential customers for the purchase of compact florescent light bulbs to providing large industrial plants with financial assistance for energy-efficient electric water chillers. For example, Consolidated Edison's 1993/94 DSM plan listed 59 programs with a wide range of energy technologies and applications aimed at a diverse group of consumers. In 1994, the Company invested approximately \$125 million in electric DSM programs.

---

<sup>3</sup> An excellent source for additional information about retail access in New York State is the Commission's web page( [www.dps.state.ny.us](http://www.dps.state.ny.us)).

<sup>4</sup> The New York State Public Service Commission was created in 1907 under the leadership of Governor Charles Evans Hughes. In 1907, as now, the Public Service Commission's fundamental responsibility was to safeguard the public interest.

The prominence of DSM programs encouraged large investments in evaluation. Annually, Commission Staff (Staff) would review hundreds of pages of evaluation data documenting the extent to which DSM programs saved electricity. The evaluation methodologies ranged from simple surveys to complex modeling efforts that calculated levels of free ridership, snapback, and spillover. Staff subjected the evaluation data to rigorous analysis to determine if the proposed DSM cost recovery through rates was justifiable. It was not unusual for Staff to challenge both the evaluation methods and results.

In the mid to late nineties, DSM expenditures by New York's investor owned utilities experienced a sharp decline with annual spending declining from \$280 million in 1993 to about \$48 million in 1997. A key reason for the reduced interest in DSM was that DSM spending was contributing to higher electricity rates. The primary driver of DSM rate impacts was attributable to reductions in electric sales due to DSM that caused the fixed costs of the utility to be recovered over a reduced sales base. Ironically, energy efficiency programs, which yielded the greatest long term economic and environmental benefits, were most responsible for DSM related price increases. As DSM expenditures were declining, the Commission began to focus on making electric retail competition a reality for all New Yorkers and ushering in a new era of regulatory policy.

The energy evaluation community was not immune to the national trend of declining DSM expenditures and the movement toward less regulated electricity markets. For many evaluators this was a period of uncertainty and turmoil. In a paper presented at the 1997 International Energy Program Evaluation Conference, Martin Kushler concluded, that "the crucial question for evaluators now is: what role will evaluation play in the emerging electric industry paradigm?" Kushler feared that policy makers were turning their backs on evaluation (Kushler, 1997). Ironically, the decline in evaluation activity was occurring when there was a critical need for reliable data to help policy makers effectively bring electricity markets into the 21<sup>st</sup> century.

From the beginning, the New York's Commission dedicated itself to carefully monitoring the progress of retail competition to ensure that it was implemented both fairly and effectively. Not surprisingly, the Commission and Staff placed a premium on reliable and timely feedback about electricity markets in general and tracking the state's retail access programs in particular. The Commission encouraged Staff to secure input from a diverse group of interested parties including government agencies, consumer advocates, utilities, energy service companies and environmental groups. Collaboratives frequently helped shape policy.

In New York, Staff assumes the lead role in implementing evaluation studies either as practitioners, through multi-disciplinary Staff teams, or as contract managers, employing experts selected through a competitive bid process. Not surprisingly, retail access evaluation more closely resembles traditional consumer research than the more engineering and econometric based techniques often used in DSM evaluations. Over the past four years, Staff has conducted a variety of evaluations ranging from a survey of consumers participating in retail access in the New York City area to detailed interviews with energy marketers. The changing role of evaluation in the transition to a vital competitive electric marketplace is vividly illustrated in this paper by using real world examples and results.

## **Evaluation and Retail Access**

### **Building a Foundation ---Two pilots The PowerPick Pilot**

The Commission recognized that while it was important to move forward with retail competition expeditiously, it also was critical to allow adequate time and consideration to develop safeguards to protect consumers and to address administrative issues that could hinder the efficient working of retail markets (e.g., the billing process, data transfers between marketer and utility). The Commission endorsed pilot programs as a way to introduce competition to New York consumers.

In 1996, New York's first retail access pilot program, PowerPick, was implemented in the Orange and Rockland Utilities (O&R) service territory, which includes a largely suburban region just north of New York City. O&R offered the program to large commercial and industrial (C&I) customers on July 1, 1996, and to residential and small commercial customers on January 1, 1997. The Commission viewed this pilot as a source of "valuable information and experience about retail access to the company, participating customers, and the Commission" (Case 94-E-0491, 1996). The utility took the lead on the evaluation effort, but Staff played an important role in the survey design and data analysis.

Survey results showed participants generally satisfied with the fully subscribed C&I component of PowerPick, but the residential/small commercial component of the program proved less successful. Despite the mixed performance, the pilot program yielded valuable insights.

Residential and small C&I customers were generally satisfied with the service they received from O&R and dubious about participating in PowerPick without the promise of significant electric bill savings (i.e., savings greater than 5 percent). Only about 3 percent of the residential customers and about 2 percent of the smallest C&I customers who received a direct mailing from O&R agreed to participate. The Pilot did not guarantee savings for this group, and the savings were typically only around 1 or 2 percent, or about \$1.00 to \$3.00 on the average residential customer's monthly bill.

Many PowerPick participants found the program administratively confusing, as they were required to submit several forms over a three-month period. Most participants considered the PowerPick informational brochure useful, but the brochure went to fewer than 6 percent of O&R's residential customers. The lack of aggressive promotion contributed to a less than robust response to the pilot.

### **The Farm and Food Processor Retail Access Pilot Program**

In June 1997, the Commission approved the Farm and Food Processor Retail Access Pilot (FFP Pilot) to offer qualified farms and food processors the opportunity to purchase electricity in the competitive marketplace. While the target audience was restricted, this program was available in four utility territories covering most of upstate New York. Staff estimated that over 17,500 farms and food processors were eligible to participate. The Commission reasoned that "by implementing this program and incorporating the lessons learned from it into broader retail access efforts...a smoother transition to the new era of consumer choice" would be ensured (Case 96-E-0948, 1997).

Sensitive to the lessons learned in the O&R PowerPick experience, the Commission made offering a financially attractive alternative to traditional utility service a key objective of the design of the FFP Pilot. The Commission reasoned that in establishing the FFP Pilot "we must be mindful of evolving market conditions and provide a sufficient discount to ensure that the learning objectives of the pilot program are achieved. Without broad participation in the program, the practical experience

that we expect to gain from this program will not be realized.” As the PowerPick evaluation results illustrated, a successful pilot must offer consumers sufficient savings, generally at least 5-10 percent, in order to attract meaningful levels of participation.

The Commission ordered the participating utilities to offer FFP Pilot participants backout credits that included an additional reduction beyond the market price of electricity (1 cent per kWh for farmers and 0.4 cents per kWh for food processors). This credit stimulated the FFP Pilot in two important ways. First, it made the program more attractive to electric marketers. Secondly, it made it possible to offer consumers significant savings. For example, some marketers provided their customers with power at cost. As a result, the customer would at least be saving an amount equal to the credit included in the backout. While they probably lost money, these marketers considered the experience gained and the customer relationships developed valuable paybacks. Other marketers charged a small premium over then current electricity prices to cover administrative costs. Essentially they shared the credit with their customers. Staff estimated that most participants experienced a discount of around 4 to 10 percent of their total electric bills. Participation rates were encouraging with about 25 percent of the eligible population electing to participate.

In addition to establishing a framework for lower electricity prices, the FFP Pilot offered enhanced marketing by taking advantage of a network of influential trade organizations that serve the farm community. Allowing customers to sign-up for the program via telephone, without requiring a signed registration form, administratively simplified the program.

Unlike the O&R pilot, Staff was assigned to evaluate the FFP Pilot. The original intent was to have the utilities conduct the evaluation, but the plans submitted by the utilities were considered “lacking in detail and of uneven quality.” Several parties, including the energy service companies, expressed concern about the objectivity of a utility conducted evaluation. The Commission concluded that Staff should manage the evaluation and established an interdepartmental Staff team to plan, implement and report on the evaluation effort.

The evaluation of the FFP Pilot program featured two mail customer surveys (participants, non-participants) and detailed interviews of participating and nonparticipating energy marketers and participating utilities. The mail survey of participants achieved a 43 percent response rate, considerably higher than expected. The energy marketers and utilities seemed generally enthusiastic about participating in the evaluation and sharing their experiences.

The evaluation documented some program deficiencies, but overall, participants said they felt positive about the FFP Pilot and were encouraged that efforts were underway to reduce electric costs. The most notable deficiencies included the processing of enrollment applications, late bills, frustration over receiving two bills (one from the T&D utility, one from the marketer), and uncertainty over the level of bill savings. Other results included:

- About three-quarters of the respondents agreed with the statement that “the pilot would be good for their business” (42 percent strongly agreeing).
- Of those who said they had received a bill since switching to an ESCO, 41 percent felt that their savings met expectations, 21 percent found their savings less than expected, 10 percent found the savings more than expected, and 28 percent were not sure.
- About 20 percent of the participants experienced problems when switching to an energy marketer resulting in delayed enrollment and customer confusion. In general, the problems were not related to program design, but technical glitches in processing data or communication problems.

While the FFP Pilot succeeded in many ways, Commission Chairman Helmer commented that “it is also quite clear that much work remains to be done to ensure that long lasting competitive energy markets continue to develop in New York.”

### **Retail Access --- the Early Stages**

In 1998, retail access began the transition beyond the pilot stage with a phase-in to all customer classes across the state. Staff and the Commission continued to recognize the need to carefully monitor the progress of retail competition in order to respond to the future challenges.

### **Tracking Progress**

It is important to have an on going statewide evaluation effort to monitor the progress of retail access and to track how effectively the Commission and the electricity industry are getting the word out to consumers that they now have the opportunity to switch electric suppliers.

The simplest method of tracking the progress of retail access is to monitor the rates of customer migration away from their utility company. The Commission ordered the utilities to provide this data regularly.<sup>5</sup> However, to more completely monitor retail competition, the Commission felt that it was important to do more. For example, an annual consumer tracking survey is a major component of the Commission’s program to educate New York State residential and business customers about competition in the electric and gas industries (Case 94-E-0952, April 2000).

The Commission’s education program consists of two major components. First, Staff conducts a statewide retail competition education program using mass media. With an annual budget of approximately \$1 million, the state-funded effort includes television, radio, newspaper, and direct mail. Second, Staff works closely with the utilities to encourage them to provide effective customer education about retail competition.

The education program’s annual tracking surveys monitor residential and business consumers with an emphasis on:

- Awareness of consumers across the State with regard to competition in the electronic and gas industries;
- Attitudes toward competition; and
- Information needs of consumers.

The independent Center for the Advancement of Energy Markets (CAEM) considers evaluations a critical component of an effective education program. This group concluded, “the most effective customer education programs go beyond a bill insert or a web site. They make information available in as many media forms as possible and then conduct surveys or tracking studies to determine the awareness, understanding and knowledge of the customers they are trying to reach” (CAEM, 2001).

Statewide tracking surveys of statistically representative samples of residential electric consumers conducted in 1998, 1999, and 2000 showed awareness of retail competition remaining relatively stable at around 60 percent. A majority of the “aware” consumers felt that they didn’t have enough information with which to select an alternative supplier. Consumers did not have a strong

---

<sup>5</sup> A summary of this data is available on the Commission’s web page-- [www.dps.state.ny.us](http://www.dps.state.ny.us)).

preference as to who sends them information about retail competition, but they preferred the venues of direct mail, television advertising, and newspaper.

A disconcerting finding is that the number of people who believe that electric competition will benefit them dropped significantly from 70 percent in 1999 to about half (49 percent) in 2000. When asked to describe their concerns, New York residents indicated that they are concerned with the reliability of their electric service (46 percent) and with possible rate increases (44 percent).

In 1998 and 2000, a similar survey conducted of the small business sector found awareness of retail competition only slightly higher than that of the residential sector. Like the residential survey results, it found awareness was stable -- 62 percent in 1998 and 64 percent in 2000. Lack of information presented a problem for the business community with only 15 percent of the businesses in the 2000 survey saying they had enough information to choose an electric supplier. It was the major reason that they didn't switch: about 61 percent cited this factor as the major reason for not switching.

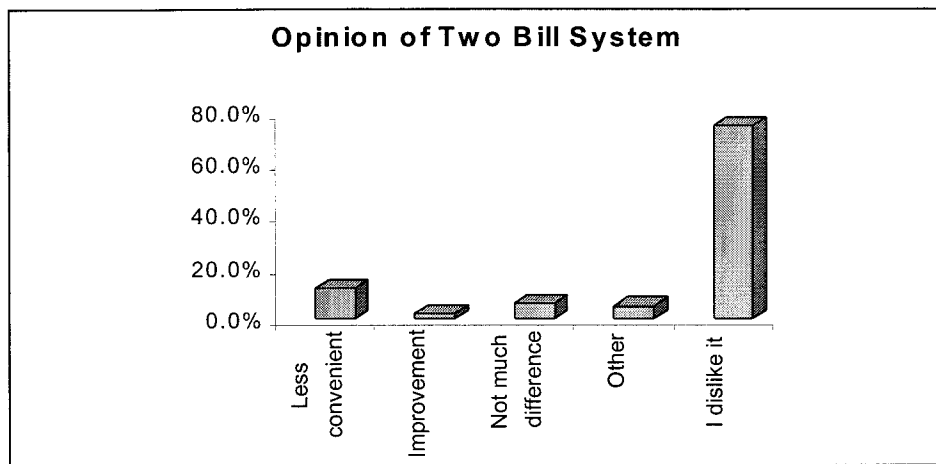
### **The Con Edison Experience**

Another major study conducted by Staff in 1999 analyzed the performance of the early phases of retail access in a program introduced by Consolidated Edison (Con Edison), the state's largest utility and the provider of electric and gas service to New York City and Westchester County. The company has over 3 million customers. In 1999, about 90 percent of the state's electric customers participating in retail access were Con Edison customers. The large customer base made the program an ideal target for a comprehensive evaluation including surveys of participating consumers, energy marketers, and Con Edison's retail access staff. Like the FFP Pilot evaluation, our mail customer survey garnered a response rate of over 40 percent, and electric marketers and the utility enthusiastically participated in a series of detailed interviews.

Like the pilots, the comprehensive evaluation found consumers positive about the concept of retail choice, but reporting mixed reviews about their own individual experiences. About 38 percent indicated satisfaction with the retail access program overall, including eight percent who indicated they were "very satisfied." About 34 percent expressed dissatisfaction, including 13 percent who were very dissatisfied." Approximately 41 percent of the respondents would definitely" (14%) or "probably" (27%) recommend the program to a friend or business associate. The remaining 59 percent were not sure (26%), or would probably not" (20%), or "definitely not" (13%) recommend the program.

Con Edison attributed the relatively low satisfaction rating to the challenge of offering consumers a new concept in purchasing electric power and "growing pains" associated with a new program. While almost three-quarters of the respondents expressed satisfaction with Con Edison's role in the program, our customer survey found two specific concerns that made the program less attractive. First, customers disliked receiving two bills (one from Con Edison for the T&D charges and one from the electric marketer for the commodity). Second, they expressed disappointment or uncertainty about bill savings:

- Nearly three quarters of the respondents either could not determine their savings (37%), or thought them less than expected (36%). Customers found it confusing to analyze the two bills and calculate what their bill would have been if they had not switched. This is an important point considering that price is almost always a key factor in influencing customer participation in retail access programs.
- About 90 percent of the survey respondents received two bills, and the two-bill system frustrated most of them.



### **Evaluation Beyond the Pilots --- Three Examples**

The examples of evaluations featured in this paper are not meant as an all-inclusive discussion of every survey, focus group, interview, and collaboration conducted under the direction of the Commission. The intent is to provide the flavor of the use of evaluation as retail access in New York moved from pilot programs to full statewide implementation. The next section of this paper looks at examples of how evaluation influenced the design of retail access, as it became a reality statewide.

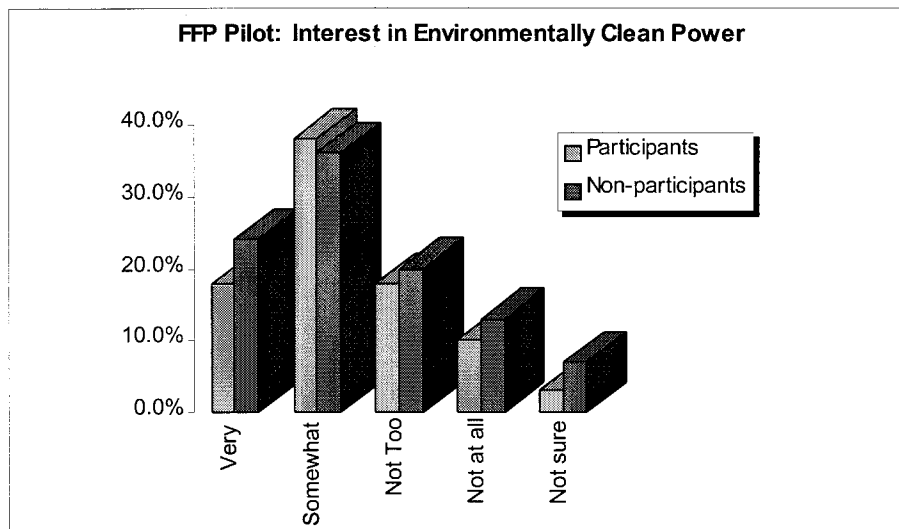
### **Billing**

In February 2000, the Commission concluded that retail access customers should have more billing options. The Commission ordered the major gas and electric utilities to accommodate the wishes of retail access customers who prefer to receive combined, single bills from either their utility company or energy marketer. Evidence from the FFP Pilot and Con Edison evaluations supported this action. In the order mandating the new billing protocols, the Commission specifically noted that Staff's evaluation of the first ten-months of retail access in the Con Edison territory found most (80%) retail access participants critical of the two-bill system. The Commission also recognized that the FFP Pilot evaluation found a similar dissatisfaction with the two-bill system (Case 99-M-0631, 2000).

### **Environmental Disclosure**

Data from Staff surveys indicated a fairly high level of consumer interest in value-added services that energy marketers might offer, such as "green power" (i.e., electricity with less environmental impact), energy audits, and combination services (e.g., long distance telephone, cable, and electricity as one package). Energy marketers in both the FFP Pilot and the Con Edison evaluation placed little emphasis on promoting "green power," but customers expressed a strong interest in cleaner power, even if it increased their electricity costs. About 40 percent of the Con Edison retail access participants and 65 percent of the FFP pilot participants expressed a willingness to pay more for "green power." Approximately 40 percent in our annual tracking surveys expressed the same willingness.





By the end of 2001, an environmental disclosure program is expected to become a reality in New York. The goal of the program “is to facilitate informed customer choice, which could, in turn, lead to improved environmental quality and resource diversity” (Case 94-E-0952, 1998). The Commission ordered that power providers report to their existing and prospective retail customers the fuel sources used to make their power. Every six months, customers’ bills will indicate the percentage of power coming from coal, oil, natural gas, nuclear, solar, hydro, solid waste and biomass. The label also includes sulfur dioxide, nitrogen oxides, and carbon dioxide emission levels benchmarked against the New York electric generation average.

Referring to the environmental disclosure label, the Commission noted that “it is important to get further input from customers regarding how often they need or want environmental disclosure information.” The Commission also noted that “further customer input and testing is needed to help determine the best label design in order to provide information consumers want in a format they find useful.” At the session approving the order, Chairman Helmer reiterated these points by instructing Staff to “get some real live input about what consumers will really utilize when it comes to this kind of disclosure information.” From an evaluation perspective, the project posed a challenge for several reasons including:

- The concept of disclosing fuel sources for electric consumption with an electric bill was new to most customers.
- Several components of the label were mandated and could not be eliminated or significantly modified.
- The label design could not place an undue burden on the retail electric marketers.
- The form needed to be uniform for all marketers.

From a research standpoint, these limitations made it challenging to solicit consumer feedback. Staff wished to encourage candid feedback, but stay focused on label design, without straying into global policy issues. Staff concluded that the best approach was to ask consumers to examine a sample disclosure label and respond to a few simple and general questions, such as:

- How often would you like to receive the label (e.g., every quarter, annually)?
- Is the design of the label effective? How could it be improved?

Staff conducted in-person interviews at diverse public functions including an upstate Chamber of Commerce meeting, an Earth Day celebration in New York City and a senior citizen event near Buffalo. The research was supplemented by including a similar survey on the Department of Public Service web page. While Staff recognized the potential liabilities of a web survey (e.g., self-selection bias and multiple responses from one source), Staff felt that it was worth the effort because its primary objective was to seek out ideas to enhance the label and not develop precise estimates of responses to the survey questions.

Overall, respondents liked the disclosure label. Staff also received several specific suggestions (e.g., better define terms, and clarify a key chart) and found respondents preferring to receive a label every 6 months. The recommendations proposed by the evaluation team were included in the final program design.

### **Provider of Last Resort**

On March 21, 2000, the Commission instituted a proceeding to examine the next steps in developing retail energy competition, including the future role of regulated utilities in providing energy commodity or other competitive services once retail access was fully developed (Case 00-M-0504, March 2000). Also under review was the utilities' future role with respect to various public benefit programs (e.g. low-income assistance, energy efficiency, research and development).

The Commission directed that a collaborative process be undertaken to examine these issues, that comprehensive public input be sought, and that a complete range of policy options be developed for the Commission's consideration. As part of this effort the Commission, in September 2000, asked the New York State Energy Research Development Authority (NYSERDA) to take the lead in funding a consumer survey to help guide a discussion reviewing the State's policy of the provider of last resort (POLR).

Unlike other evaluation efforts where the focus was on achieving the most representative samples, this effort purposely oversampled African-American and Hispanic consumers and customers that already switched energy suppliers. Feedback from these groups was important because they represented subgroups of consumers whose opinions and awareness of utility deregulation was not well known. The ethnic samples were also significant because they represented traditionally underserved populations that were often the focus of utility and public benefit programs.

The survey found that awareness of retail choice was slightly lower than Staff's annual tracking survey with about 55 percent being aware that the State was restructuring the electric and gas industry. African-American and Hispanics were less likely to be aware of restructuring—39 percent and 36 percent, respectively. Consumer rights and protection were considered high priorities among all groups surveyed.

These results and the results from other research will be used to help formulate policy recommendations. The team responsible for drafting Staff recommendations noted that while the evaluation research did not uncover an answer to every outstanding question and issue, it added a "statistically valid depth of information on the major issues." Quality research should encourage quality decisions.

## Conclusions

Evaluation is an important ingredient in a successful retail competition effort. As regulators move into uncharted waters, intelligence about how current and proposed regulations are impacting and might impact consumers and the electricity industry is critical. This is especially true in New York where the administrative structure of retail competition offers the Commission the ability to respond quickly and effectively to changing markets. A flexible regulatory model combined with careful monitoring of the strengths and weaknesses of retail access has placed New York near the top of independent ratings of the effectiveness of retail access programs nationwide. Commission Chairman Helmer commented, “in comparing New York and California, I think it’s clear we have been better served by a flexible model based on a comprehensive energy plan that was developed with the input of hundreds of interested parties representing millions of people.”

In conclusion, experience so far suggests several key reasons that regulatory Staff or evaluation contractors under the direction of Staff should implement evaluation plans. They include:

- The Commission, as an independent arbiter, is the ideal agent for directing evaluations of retail access. Considering that decisions can have multi-billion dollar impacts on consumers and the electricity industry, it is critical to have reliable, unbiased data.
- Collaboratives are important, but evaluation is necessary to obtain input from a statistically representative sample of consumers, energy marketers and utilities.
- An on-going evaluation team can be “on-call” to provide information targeted at specific questions and needs as they arise. For example, Staff is working with Con Edison on evaluation studies to help guide the design of Con Edison’s new load response programs.
- Based on the New York experience, it is likely that a Staff-conducted evaluation will receive a higher than average response rate to surveys and interviews, not only from consumers but the electricity industry. Regulatory commissions are often viewed by the consumers and industry as an organization that has the ability to enact change.

## References

Center for the Advancement of Energy Markets, *Retail Energy Deregulation Index 2001*, Version 2.1, February 2001, Burke, VA.

Kushler, Martin, Applying Evaluation Principles to Electric Industry Restructuring: A Critical Analysis, *Proceedings of the 1997 International Energy Program Evaluation Conference*, Chicago Ill., pp. 593-599.

New York State Public Service Commission, Case 94-E-0952 et. al., In the Matter of Competitive Opportunities Regarding Electric Service, May 20, 1996.

New York State Public Service Commission, Case 99-M-0631, In the Matter of Customer Billing Arrangements, Alternative billing Arrangements, Order Providing for Customer Choice of Billing Entity, March 22, 2000.

New York State Public Service Commission, Case 95-E-0491 et al., Orange and Rockland Utilities, Inc., Order Concerning Settlement Agreements, May 3, 1996.

New York State Public Service Commission, Case 96-E-0948, Petition of Dairylea Cooperative Inc. to Establish an Open Access Pilot Program for Farm and Food Processor Electricity Customers, June 23,1997.

New York State Public Service Commission, Case 96-E-0948, Petition of Dairylea Cooperative Inc. to Establish an Open Access Pilot Program for Farm and Food Processor Electricity Customers — Customer Survey Evaluation Report, August 19,1998.

New York State Public Service Commission, “Farmers/Food Processors Give “Thumbs Up” to Shopping for Electricity, press release, August 20,1998.

New York State Public Service Commission, Case 94- E-0952- In the Matter of Competitive Opportunities Regarding Electric Service: Results of First Tracking Survey of Residential Customer Awareness, Attitudes, and Informational Needs regarding Competition, April 2000.

New York State Public Service Commission, Case 96-E-0897- In the Matter of Consolidated Edison Company of New York, Inc.’s Plans for (1) Electric Rate/Restructuring Pursuant to Opinion No. 96-12: and (2) the Formation of a Holding Company Pursuant to PSL Sections 70, 108 and 110, and Certain Related Transactions, Evaluation Results, October 14,1999.

New York State Public Service Commission, Case 94-E-0952, In the Matter of Competitive Opportunities Regarding Electric Service, filed in Case 93-M-0229. Opinion and Order Adopting Environmental Disclosure Requirements and Establishing a Tracking Mechanism, December 15, 1998.

New York State Public Service Commission, Case 00-M-0504, Proceeding on Motion of the Commission Regarding Provider of Last Resort Responsibilities, the Role of Utilities in Competitive Energy Markets, and Fostering the Development of Retail Competitive Opportunities, Energy Competition-Next Steps, Draft Phase I and II Consensus Report, January 2001.

Saxonis, William, “Real Competition in the Electric Industry: A View From the Real World,” *Proceedings of the 1999 International Energy Program Evaluation Conference*, Denver, pp.31-42.