

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Rules and Regulations Implementing the) CG Docket No. 02-278
Telephone Consumer Protection Act of 1991)

COMMENTS OF THE ALLIANCE TO SAVE ENERGY

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ABOUT THE ALLIANCE TO SAVE ENERGY

The Alliance to Save Energy (“ASE”), a bipartisan coalition of business, government, environmental, and consumer leaders advocating for enhanced energy efficiency investments across all sectors of the economy, submits these comments in response to the Public Notice released on March 11, 2025,¹ seeking comments on the Petition for Declaratory Ruling filed by the Edison Electric Institute (EEI) regarding demand response communications and the Telephone Consumer Protection Act (TCPA). ASE strongly supports EEI's petition and urges the Commission to grant the requested clarification to ensure the continued effectiveness of demand-side management strategies.

I. Urgency of FCC Action

ASE recognizes the critical and increasing need for effective demand-side management (DSM) programs, including demand response, to enhance grid reliability, improve energy affordability, and facilitate the integration of clean energy resources. As EEI notes, electricity demand is projected to rise significantly. Demand response programs are essential tools for utilities to manage this evolving demand landscape, optimize grid operations, reduce the risk of energy disruptions, and mitigate costs for consumers. The ability for utilities to communicate efficiently and reliably with customers regarding their participation in these programs is paramount to their success. Timely FCC action to provide the requested clarity is crucial to ensure that utilities can effectively deploy these vital programs without regulatory uncertainty.

¹ Federal Communications Commission. Public Notice: Consumer and Governmental Affairs Bureau Seeks Comment on Petition for Declaratory Ruling Filed by Edison Electric Institute. CG Docket No. 02-278. March 11, 2025. Available at: <https://docs.fcc.gov/public/attachments/DA-25-218A1.pdf>

II. Addressing Confusion Caused by the 2016 Ruling

ASE understands that the FCC's 2016 ruling has created unintended ambiguity regarding the permissible scope of non-telemarketing demand response communications under the TCPA. This uncertainty hampers utilities' ability to proactively engage customers in demand response programs, thereby undermining the potential of these initiatives to deliver significant public benefits. Clarification from the Commission is needed to remove this regulatory hurdle and provide a clear pathway for essential customer communications related to grid management and energy savings.

III. The Need for Efficient Demand Response Enrollment and Operation

Efficient enrollment and seamless operation are fundamental to the success of demand response programs. Clear guidelines regarding customer communications will enable utilities to effectively inform and engage customers about program opportunities, critical event notifications, and operational updates. This will lead to higher participation rates and a more responsive demand side, ultimately enhancing grid stability and reducing the need for costly infrastructure investments. Streamlined communication is essential for realizing the full potential of demand flexibility and virtual power plants (VPPs) in optimizing energy use and grid responsiveness.

IV. Public Interest Benefits

Clarifying that essential demand response communications are permissible under the TCPA is squarely in the public interest for several compelling reasons:

- **Ensuring Grid Reliability and Resilience:** Demand response plays a vital role in maintaining a reliable and resilient electric grid, especially during periods of peak demand and extreme weather events. Effective communication allows for swift action to balance supply and demand.
- **Improving Energy Affordability and Empowering Consumers:** Demand response programs help customers manage their energy consumption and lower their energy bills. Clear communication is necessary for customers to understand and participate effectively.
- **Facilitating Clean Energy Integration:** Demand response and flexible load management are critical enablers for the integration of intermittent renewable energy resources, ensuring grid stability as the nation transitions to cleaner energy sources.
- **Avoiding Costly Infrastructure Upgrades:** By effectively managing demand through demand response, utilities can defer or avoid the need for significant investments in new generation and transmission infrastructure, ultimately benefiting all ratepayers.
- **Supporting a More Responsive and Flexible Grid:** Clear communication rules will foster the development of a more dynamic and responsive grid, capable of adapting to changing energy needs and technological advancements.
- **Advancing Energy Productivity:** Efficient demand response contributes to greater energy productivity, allowing the nation to do more with less energy, a core tenet of ASE's mission.

Conclusion

For the foregoing reasons, the Alliance to Save Energy urges the Commission to act swiftly and grant the Petition for Declaratory Ruling filed by EEI. Providing clarity regarding the TCPA's applicability to essential, non-telemarketing demand response communications is crucial for the continued success of demand-side management efforts, the reliability and affordability of the electric grid, and the advancement of national energy and climate goals.

Respectfully submitted,

ALLIANCE TO SAVE ENERGY