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September 16, 2020

BY ELECTRONIC MAIL AND FIRST CLASS MAIL

Luly E. Massaro, Commission Clerk
Rhode Island Public Utilities Commission
89 Jefferson Boulevard
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**Re: Docket _____ - Petition of Retail Energy Supply Association
for Implementation of Purchase of Receivables Program**

Dear Ms. Massaro,

On behalf the Retail Energy Supply Association, I have enclosed an original and nine copies of the Petition for Implementation of Purchase of Receivables Program. If you have any questions, please do not hesitate to contact me at 617-342-6884.

Thank you for your attention to this transmittal.

Very Truly Yours,

/s/ Ryan M. Murphy

Ryan M. Murphy

Enclosures

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STATE OF RHODE ISLAND PUBLIC UTILITIES COMMISSION

PETITION OF RETAIL ENERGY :
SUPPLY ASSOCIATION TO IMPLEMENT : **Docket _____**
PURCHASE OF RECEIVABLES PROGRAM :

**PETITION OF RETAIL ENERGY SUPPLY ASSOCIATION
FOR IMPLEMENTATION OF PURCHASE OF RECEIVABLES PROGRAM**

I. INTRODUCTION

Pursuant to Section 1.11 of the Rules of Practice and Procedure of the Public Utilities Commission (“Commission” or “PUC”),¹ the Retail Energy Supply Association² (“RESA”) files this Petition for Implementation of a Purchase of Receivables Program (“Petition”), which would facilitate the development of a competitive retail market for the provision of electric generation services in Rhode Island. RESA’s proposal in the Petition is for the Commission to direct the implementation of Purchase of Receivables (“POR”) programs by the electric distribution companies (“EDCs”). As proposed by RESA, EDCs would purchase the receivables of nonregulated power producers (“NPPs” or “suppliers”), at a discounted rate, regardless of whether the EDCs have collected the owed monies from customers. Since EDCs bill customers for both distribution and supply charges, and suppliers do not terminate customers for non-

¹ 810-RICR-00-001.11.

² The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resausa.org.

payment, this model permits a greater diversity of suppliers to more cost-effectively serve all classes of customers. As a result, a broader segment of consumers would be able to access the benefits of retail competition, including having the ability to select from a wider array of energy options. In further support of this Petition, RESA avers as follows.

II. BACKGROUND AND INTRODUCTION

1. RESA is a diverse organization of competitive energy suppliers consisting of suppliers of varying sizes and business plans serving all types of electric consumers in Rhode Island and throughout the United States.

2. RESA's attorneys in this matter are:

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3. Suppliers have been permitted to sell electricity to eligible Rhode Island customers since July 1, 1997 pursuant to the Utility Restructuring Act of 1996 ("URA"), R.I.

Gen. Laws § 39-1-27.1. Suppliers produce, manufacture, generate, buy, aggregate, market or broker electricity for sale at wholesale or for retail sale to the public. The Division of Public Utilities and Carriers (“Division”) has been authorized by R.I. Gen. Laws §§ 39-1-3(b) and 39-1-27.1(c) and (d) to exercise certain regulatory authority over suppliers.

4. The Division promulgated regulations setting forth the NPP Consumer Bill of Rights (“Bill of Rights”), which is intended to assist consumers in making an informed choice of a supplier. Under the Bill of Rights, it is noted that customers of NPPs may request separate bills for distribution service and electricity supply, but otherwise that the EDC is obligated to provide a single consolidated bill for electric service to all customers in its service territory.³

5. A POR program sets forth the parameters under which the EDCs bill and collect the charges (accounts receivables) owed to a participating supplier that is providing the end-user customer with generation service and where the customer has opted to receive a single consolidated bill from the EDC for both energy and wires services. Through a POR program, the EDCs own the accounts receivables of the suppliers and retain the right to pursue collection of those charges.

6. The reason it is appropriate to place the risk of non-collection on the EDCs is that because in Rhode Island today, only the EDCs can terminate a customer for non-payment.⁴ The EDCs have well-established, ratepayer-funded systems in place to exercise this ability within the requirements of the law. Conversely, suppliers do not have the opportunity to pursue collection of charges in the event of non-payment. As a result, the risk of nonpayment for services

³ 815-RICR-30-05-2.4.B.4.

⁴ R.I. Gen. Laws § 39-1.1-1; 810-RICR-10-00-1.3.B.

rendered may create obstacles for suppliers to enter the market because – as competitive market entities – they are dependent on receiving payment for their services to continue to operate.

7. As further explained below, a POR program is an integral component of a competitive market because it enables a wider variety of suppliers to participate in the market so that they can offer consumers a broad diversity of products. Such programs have been successfully implemented by numerous other states, resulting in greater numbers of customers having the opportunity to choose from a wide array of products and services offered by competitive suppliers.

8. Rhode Island law permits municipal aggregation for the sale and purchase of electricity.⁵ Such a program permits a municipality to choose an electric supplier for residents and businesses within the community, making it easier for customers to obtain the benefits of electric choice. Implementation of a POR program would facilitate supplier participation in municipal aggregation and increase the likelihood of its success.

9. While estimated administrative costs associated with implementing a POR program need to be examined, RESA is confident that the benefits to consumers will far outweigh those costs. Further, RESA's expectation is that the costs will be recovered by the EDCs through the discount in the amount of receivables the EDC is purchasing.

10. Therefore, RESA encourages the Commission to take the necessary steps to develop the rules for a POR program so that Rhode Island's electric choice program can achieve the goals for a competitive generation market envisioned by the General Assembly in enacting the restructuring legislation over twenty years ago.

⁵ R.I. Gen. Laws § 39-3-1.2.

III. APPLICABLE LEGAL STANDARDS

11. In passing the Utility Restructuring Act of 1996, the General Assembly found that it is in the public interest to promote competition in the electric industry.⁶

12. More recently, in 2018, the General Assembly recognized the “importance of competitive choice in electric generation service.”⁷

13. In emphasizing the benefits of a competitive generation market, the legislature authorized the Commission to “implement a purchase of receivables program where the electric distribution company purchases the receivables of the nonregulated power producer at a discount rate that is then offset from the monthly payments the electric distribution company makes to the nonregulated power producer if the commission finds that the benefits of the program to ratepayers would exceed the costs to ratepayers.”⁸

14. Consistent with the Guidance Document issued by the Commission at Docket No. 4600A on October 27, 2017, RESA is attaching a Benefit-Cost Framework to this Petition as Appendix A.

IV. BENEFITS OF POR PROGRAMS

15. A POR program is a key factor in supporting retail market development. Since EDCs handle billing, collection and termination activities for both the wires and supply charges, this model would enable suppliers to more cost-effectively serve mass market customers. It is important to remember that the EDC’s ratepayers have paid for the utility billing, collection and

⁶ R.I. Gen. Laws § 39-1-1(d).

⁷ R.I. Gen. Laws § 39-1-27.13(a).

⁸ R.I. Gen. Laws § 39-1-27.13(b).

termination systems. As competitive market entities, suppliers will have varying systems and operations but – for the most part – do not have the vast billing and collection tools available to them as the utilities. When utilities offer to purchase (and then own) the suppliers’ receivables, this one rule change leverages the billing and collections systems paid for by utility rate payers and has a significant positive impact on the ability of competitive entrants to serve consumers that may otherwise be uneconomic to serve in a competitive market.

16. Another advantage of a POR program includes a reduced risk of non-payment allowing suppliers to avoid costly credit screening and selective enrollment processes. Also, a POR program often eliminates the need for customers to post security deposits and permits customers who would have been denied for credit reasons to choose competitive supply.

17. Taken together, the leveraging of the existing utility systems and elimination of unnecessary costs for suppliers will incentivize more suppliers to bring their competitive offering to Rhode Island electric consumers. As a result, a POR program would provide consumers with greater access to supply offered in the competitive market.

18. Regulators in other restructured states have recognized the benefits of POR programs. For example, on June 16, 2011, the Department of Public Utilities (“DPU”) in Massachusetts explained that the “purpose of a POR program is to mitigate the risk that competitive suppliers bear regarding nonpayment by their customers, thus avoiding the need for suppliers to undertake costly credit screening and selective enrollment processes, particularly for small commercial and residential customers.”⁹

⁹ *Investigation by the Department of Public Utilities regarding Purchase of Receivables*, D.P.U. 10-53-A (Order Adopting Model Terms and Conditions issued June 16, 2011), at 3.

19. The DPU further noted that a “POR program mitigates such risk by establishing the terms and conditions by which the electric distribution companies purchase the billing accounts receivable of competitive suppliers operating in their service territories.” As observed by the DPU, “the expectation is that implementation of a POR program will reduce the barriers that competitive suppliers face in seeking entry into the competitive market, thereby increasing the number of market participants and enhancing retail competition.”¹⁰

20. Similarly, in Pennsylvania, where most electric and natural gas companies have voluntarily implemented POR programs, the Public Utility Commission (“PA PUC”) recognized that these programs “can promote efficiencies, reduce costs to consumers and reduce barriers to market entry” by suppliers.¹¹ Consequently, to immediately increase supplier participation and, in turn, promote effective competition in the retail market for the benefit of consumers, the PA PUC established interim guidelines allowing them to be implemented on a uniform basis across the state, while recognizing operational differences.¹²

¹⁰ *Id.*

¹¹ *Investigation into the Natural Gas Supply Market: Report on Stakeholder’s Working Group*, PA PUC Docket No. I-00040103F000 (Order entered September 11, 2008), at 17-18; 52 Pa. Code § 69.1814 (public interest is served by having POR program). *See also PPL Electric Utilities Corporation Retail Markets*, PA PUC Docket No. M-2009-2104271 (Order entered August 11, 2009) at 27-30.

¹² *Establishment of Interim Guidelines for Purchase of Receivables (POR) Programs*, PA PUC Docket No. M-2008-2068982 (Order entered December 19, 2008), at 3, 8 and Annex A. *See, e.g., Pa. P.U.C. v. PPL Electric Utilities Corporation*, PA PUC Docket No. R-2010-2161694 (Order entered December 21, 2010); PPL Tariff Electric Pa. P.U.C. No. 1S, Sections 12.9, 12.9.1 and 12.9.2.

21. Besides Massachusetts and Pennsylvania, other restructured states have also successfully implemented POR programs, including New York,¹³ Connecticut,¹⁴ Delaware,¹⁵ Illinois,¹⁶ New Jersey,¹⁷ Ohio¹⁸ and Maryland.¹⁹ The Maryland Public Service Commission credits implementation of the POR program in 2010 with playing a significant role in the increase in the number of residential customers served by suppliers.²⁰

¹³ See *In the Matter of New York State Electric & Gas Corporation's Plan to Foster the Development of Retail Energy Markets*, NY Case 05-M-0453 (Order Adopting the Terms and Conditions of The Joint Proposal for the Purchase of Accounts Receivable issued December 27, 2005).

¹⁴ See Connecticut General Statutes § 16-244c (j) (“Each electric distribution company shall offer to bill customers on behalf of participating electric suppliers and to pay such suppliers in a timely manner the amounts due such suppliers from customers for generation services, less a percentage of such amounts that reflects uncollectible bills and overdue payments as approved by the Public Utilities Regulatory Authority.”).

¹⁵ See *In the Matter of the Review of Customer Choice in the State of Delaware*, PSC Docket No. 15-1693 (Order adopted August 21, 2018).

¹⁶ See 220 ILCS 5/16-118 (c) (electric utilities with more than 100,000 customers are required to file a tariff giving suppliers the option to have utility purchase receivables at a discounted rate that reflects historical bad debt and reasonable start-up and administrative costs); Ameren Illinois Company d/b/a Ameren Illinois, Electric Service Schedule III.C.C. No. 1: <https://www.ameren.com/-/media/rates/files/illinois/aiel5otstc.pdf>

¹⁷ See New Jersey Natural Gas Agreement for Billing and Collections Services (last revised December 3, 2019): https://www.njng.com/my-business/energy-suppliers/pdf/Fillable_Agmt_for_Billing_and_Collection_Svcs.pdf

See also FirstEnergy Supplier Services FAQ – New Jersey: <https://www.firstenergycorp.com/content/dam/supplierservices/files/faq/FAQNJ.pdf>

¹⁸ See *In the Matter of the Application of Ohio Power Company for Authority to Establish a Standard Service Offer Pursuant to R.C. 4298.143 in the Form of an Electric Security Plan*, OH Case No. 13-2385-EL-SSO (Order entered February 25, 2015), at 70-81.

¹⁹ See COMAR 20.53.05.03.

²⁰ See Report to the Governor and the Maryland General Assembly on the Status of Standard Offer Service dated December 31, 2018, which is available at this link: <https://www.psc.state.md.us/wp-content/uploads/Final-Competition-Report.pdf>

22. Implementation of a POR program in Rhode Island is expected to produce benefits consistent with the experiences of other states. Also, such a program would facilitate supplier participation in municipal aggregation, increasing the likelihood of its success.

V. COSTS TO IMPLEMENT POR PROGRAM

23. RESA is unable to estimate the costs associated with establishment of POR programs in Rhode Island. Since RESA does not know the status of the infrastructure or have an understanding of the specific costs that EDCs will incur to make the necessary modifications, it envisions that the Commission will need to issue data requests or conduct a technical conference or workshop for the EDCs to provide this information.

24. Notably, RESA expects that the discount paid by the utilities to suppliers will be used to recover incremental implementation costs of the POR program so that the EDC's ratepayers will not incur costs. Nonetheless, the POR program will advantage all ratepayers by improving their access to the competitive market.

25. RESA obtained information from Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid ("National Grid" or "Company") regarding the administrative costs that it incurred to implement its POR program in Massachusetts. The total incurred by National Grid was \$682,000, which included costs for information system tasks, billing operations tasks, legal lien-related costs, legal fees and other administrative costs.

VI. PROPOSAL FOR POR PROGRAM

26. Given the role of National Grid as an EDC in both Massachusetts and Rhode Island, RESA proposes that the Commission structure Rhode Island's POR program similar to

the model followed by National Grid in Massachusetts, while accounting for operational differences and variations in the applicable laws.²¹

27. National Grid's POR program provides for the Company to purchase, at a discounted rate, the accounts receivable of competitive suppliers operating in the Company's service territory that take standard complete billing service from the Company. The discounted rate, called the standard complete bill percentage ("SCBP"), is set annually on March 15 to go into effect May 1 for a 12-month period.²²

28. The SCBP is comprised of the following: (1) the uncollectible percentage, which is calculated for each customer class based on actual uncollectible expense data for all distribution customers in that class; (2) the administrative costs incurred by the Company in implementing the POR program; and (3) the reconciliation of projected and actual uncollectible expenses experienced during the previous year. M.D.P.U. Nos. 1349, § 8B; M.D.P.U. 1350, § 8B.²³

29. As an overarching matter, RESA expects that it would be necessary to either revise the terms and conditions under which suppliers and EDCs operate and/or to develop competitive service agreements to outline the obligations and rights of suppliers and EDCs. The

²¹ On July 7, 2020 RESA met with National Grid representatives via conference call to discuss this Petition, a draft of which RESA shared with National Grid prior to the call. The Petition, as filed, reflects feedback that RESA received from National Grid.

²² RESA understands that changes in standard offer rate occur in Rhode Island in April and October. Therefore, RESA expects that if POR programs are implemented in Rhode Island, the discounted rate would be set in accordance with that schedule.

²³ *Petition of Massachusetts Electric Company and Nantucket Electric Company d/b/a National Grid pursuant to the Company's Tariffs M.D.P.U. Nos. 1349, § 8B and 1350, § 8B for review and approval of the Company's Standard Complete Billing Percentages for effect May 1, 2019, under the Company's Purchase of Receivables Program., D.P.U. 19-POR-1 (Order dated April 29, 2019).*

Commission and stakeholders could heavily rely on the work that has been undertaken in Massachusetts, which should greatly streamline the process in Rhode Island. Using that work as a foundation, RESA envisions that the necessary details can be addressed through data requests, comments, technical conferences and/or stakeholder workshops. Most of this work would be to account for any operational differences of the EDCs or unique aspects of Rhode Island law.

30. Notwithstanding the need to address details and develop new processes and documents to fully implement a POR program in Rhode Island, RESA offers proposed terms and parameters, most of which closely track National Grid's POR program in Massachusetts, as follows:

- (1) *Supplier Participation in and Scope of POR program.*
 - a. Suppliers that rely on the EDC to perform billing services for all or a portion of their accounts in a residential customer class are required to sell all accounts receivables associated with residential classes to the EDC.
 - b. Only charges for generation services may be included among the accounts receivables that the EDC will purchase under the POR program. However, an EDC may voluntarily offer to purchase receivables for optional services.
 - c. The EDC may offer a summary billing option to suppliers who have qualified customers with multiple electric service accounts, allowing the consolidation of multiple billings on a single bill format.
 - d. Existing receivables for generation services will be purchased by the EDC when the program is implemented, using transition rates based on historical data. These rates will be subject to reconciliation of uncollectible expenses actually experienced versus discounted supplier payments.
 - e. All customer classes will be included in the POR program, with different discounts being established for each class based on the levels of uncollectible percentages.

- (2) *Payment to Suppliers.*
- a. The EDC will pay the supplier the full amount due from the customer for generation service, less (a) the full amounts due from customers for generation service multiplied by (b) the Standard Complete Billing Percentage (“SCBP”), as defined below. For any customer that has elected budget billing, the full amounts due for generation service will be based on the customer’s actual usage.
 - b. The EDC will compute the SCBP in accordance with a formula that adds together (a) the uncollectible percentage for the customer class, based on actual data for the most recent period for which data is available; (b) the administrative cost percentage, which is the EDC’s total forecasted administrative costs divided by the total amounts billed by the EDC; and (c) the past period reconciliation percentage, which is the sum of three percentages, including the difference between uncollectible expenses estimated and actually incurred; the difference between the administrative costs actually incurred and administrative costs actually billed to customers; and interest.
 - c. The SCBP will be calculated for each customer class and filed with the Commission by February 15 of each year. It will remain in effect for one year.
 - d. The EDCs will remit the payments to suppliers on the basis of the average payment period of the relevant customer class, based on twelve months of data.
- (3) *Obligations and Rights of Suppliers.*
- a. Suppliers will grant the EDC a first priority perfected security interest in the accounts receivable that the EDC purchases through the POR program.
 - b. Suppliers may place a security interest on the accounts receivable from the EDC.
 - c. Suppliers may not attempt to collect accounts receivables as of the billing date and must assign all payments received from customers to the EDC.
- (4) *Timeframe.* POR programs will take effect within three months after final Commission approval of an EDC’s POR implementation plan.

31. In order to move forward with implementation, RESA recommends that the Commission issue an Order, which (i) grants this Petition; (ii) establishes a date certain for implementation of POR programs in Rhode Island; (iii) schedules a series of workshops for interested stakeholders to address details and operational issues; and (iv) directs the filing of POR implementation plans by the EDCs within three months after the conclusion of the workshops.

VII. CONCLUSION

For the reasons explained more fully above, the Retail Electric Supply Association respectfully requests that the Rhode Island Public Utilities Commission grant this Petition for Implementation of a Purchase of Receivables Program.

Respectfully submitted,

/s/ Ryan M. Murphy

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Date: September 16, 2020

Attorneys for the Retail Energy Supply Association

CERTIFICATE OF SERVICE

I hereby certify that a copy of the cover letter and Petition for Implementation of Purchase of Receivables Program were electronically transmitted to the individuals below. Paper copies of this filing are being sent by first class mail to the Rhode Island Public Utilities Commission.

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Dated: September 16, 2020

/s/ Ryan M. Murphy

Ryan M. Murphy, Esq.

APPENDIX A

COST-BENEFIT FRAMEWORK FOR PURCHASE OF RECEIVABLES PROGRAMS

COST-BENEFIT FRAMEWORK FOR PURCHASE OF RECEIVABLES PROGRAMS

Goals

Of the goals identified in the Commission's Guidance Document, the Purchase of Receivables ("POR") program proposed by the Retain Energy Supply Association ("RESA") would strengthen the Rhode Island economy by promoting development of the competitive retail market for electricity. A POR program is an integral component of a competitive market because it enables a wider variety of suppliers to participate in the market so they can offer consumers a broad diversity of products and services.

Implementation of a POR program would also facilitate supplier participation in municipal aggregation and increase the likelihood of that program's success. As a result, it would be easier for residents and businesses within a municipality to obtain the benefit of electric choice.

Costs

RESA is unable to estimate the costs associated with establishment of POR programs in Rhode Island. Since RESA does not know the status of the infrastructure or have an understanding of the specific costs that electric distribution companies ("EDCs") will incur to make the necessary modifications, it envisions that the Commission will need to issue data requests or conduct a technical conference or workshop for the EDCs to provide this information.

Notwithstanding the lack of cost information, RESA envisions that the costs incurred by an EDC to implement this program will be recovered through the discount that the EDC applies to the purchase of supplier's receivables. Therefore, the expectation is that ratepayers will not incur any costs, while benefitting from the implementation of a program that results in more robust retail competitive market

Qualitative Assessment

As a retail market enhancement, the POR program is subject to the qualitative assessment described in the Guidance Document. POR programs ease the entry by suppliers into competitive markets by making it more cost-effective to serve mass market customers. The utilities' ratepayers have already paid for the utility billing, collection and termination systems. When utilities purchase the suppliers' receivables, the POR programs leverage these utility systems and enhance the ability of suppliers to sell electricity to consumers who may otherwise be uneconomic to serve in a competitive market.

By enabling suppliers to more easily and cost-effectively serve mass market customers, by avoiding credit screening and selective enrollment processes, POR programs promote the development of the competitive retail market. As a result of implementing POR programs, Rhode Island can expect to see increased supplier participation, which in turn benefits consumer who have access to a wider array of competitively-priced products and services.