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February 1, 2012

VIA e-File

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: Investigation of Pennsylvania's Retail Electricity Market
Intermediate Work Plan
Docket No. I-2011-2237952

Dear Secretary Chiavetta,

Please find the attached reply comments submitted on behalf of the Pennsylvania Coalition Against Domestic Violence (PCADV). The attached reply comments are submitted in accordance with the requirements set forth in paras. 2 and 3 on page 53 of the Commission's Tentative Order.

Respectfully Submitted,

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Enclosure

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Before the Pennsylvania Public Utilities Commission

Investigation of Pennsylvania's : Docket No. I-2011-2237952
Retail Electricity Market :
Intermediate Work Plan :

**Reply Comments of the Pennsylvania Coalition Against Domestic Violence
Regarding the Investigation of Pennsylvania's Retail Electricity Market:
Intermediate Work Plan**

The Pennsylvania Coalition Against Domestic Violence submits the following comments in response to the comments filed by various stakeholders regarding the Pennsylvania Public Utility Commission's (PUC) Intermediate Work Plan. PCADV's comments are issued on behalf of the 60 domestic violence programs across the Commonwealth, and the thousands of victims and families each program serves. PCADV is grateful to the PUC for its thoughtful consideration of the unique issues facing victims of domestic violence throughout the transition to electric choice.

I. PCADV Urges the PUC to Adopt Consistent and Detailed Information Sharing Protocols

PCADV is very concerned with the lack of data privacy protections contained in the Intermediate Work Plan, particularly with respect to the proposal for customer information sharing between the EDCs and EGSs.

Specifically, the PUC asked commenters whether the language within Letters of Authorization (LOAs), submitted by customers to a number of EGSs to receive competitive service, tacitly authorize EGSs to receive customer bills from EDCs. PCADV is in agreement with comments issued by the Industrial Energy Consumers of Pennsylvania, Duquesne Industrial Intervenors, Met-Ed Industrial Users Group, Penelec Industrial Consumer Alliance, Penn Power Users Group, Philadelphia Area Industrial Users Group, PP&L Industrial Customers Alliance, West Penn Power Industrial Intervenors,¹ OCA, AARP, PULP, CLS, and other commenters that LOAs are not sufficiently specific to enable customers to understand the breadth of disclosure envisioned by the Intermediate Work Plan.

As is common in other industries where personal records and information is shared between different companies, such as the healthcare, education, banking, credit, and mortgage industries, both the EDC and EGS should be required to obtain specific and

¹ These groups submitted comments as a collective, under the title "Industrial Customer Groups." *Comments of the Industrial Customer Groups*, Docket No. I-2011-2237952 (filed Jan. 17, 2012).

detailed customer authorization before any personal information is shared between the companies.² This is consistent with PUC policy and attendant confidentiality regulations.³

PCADV is particularly alarmed by the way information is currently shared between EDCs and EGSs. Both PPL Electric and PECO Energy specifically commented that they do not require any proof of customer approval before sharing personal customer information. PPL Electric's comments state that it "does not request a copy of an LOA from an EGS upon its request for a copy of a specific customer's bill. Neither does [PPL Electric], in this circumstance, request an LOA from the customer. ... [PPL Electric] fulfills such requests under the assumption that either the EGS has an appropriate LOA provided by the customer or that the contract between the customer and EGS addresses the issue."⁴ PECO Energy similarly explained that it "does not require the EGS of record to submit an LOA or other documentation in order to obtain a partial bill."⁵ While laudable that PECO redacts some information from the bill, it still releases a significant amount of personally identifying information to the EGS without any customer verification or authorization. EDCs should never release private data – even to an EGS who supplies the customer with energy – without authorization from the customer. Making an assumption about whether a particular EGS has obtained an LOA from a customer defeats the purpose of obtaining customer consent.

Data protection is a particularly important aspect of safety planning for victims of domestic violence and others who are similarly endangered. Domestic violence, sexual assault, and stalking are the most personal of crimes, and the more personal information the perpetrator has about the victim, the more dangerous the perpetrator can be. Victims of these crimes face the greatest risk of physical harm and/or lethality after separation, when batterers regularly go to great lengths to re-establish power and control over their victim.⁶ In addition to physical assaults and stalking, batterers regularly empty bank accounts, shut off utility services, and cut off joint lines of credit after the relationship ends.⁷ When a batterer has access to private, identifying information or electric usage data of their victim, such access can facilitate further harassment, stalking, and potentially lethal physical violence.

² For more information on the various industry standards for information sharing, see Privacy Rights Clearinghouse, Privacy Basics, <http://www.privacyrights.org/privacy-basics>.

³ 52 Pa. Code § 69.1812 ("The public interest would be served by common standards and processes for access to retail electric customer information and data ... under reasonable terms and conditions ... that give due consideration to customer privacy, provide security of information and provide a customer an opportunity to restrict access to nonpublic customer information."); 52 Pa. Code §§ 54.8, 54.43.

⁴ *Comments of PPL Electric Utilities Corporation on Tentative Order Entered December 16, 2011*, Docket No. I-2011-2237952 (filed Jan. 17, 2012).

⁵ *Comments of PECO Energy Company on the Commission's Tentative Order*, Docket No. I-2011-2237952 (filed Jan. 17, 2012).

⁶ PATRICIA TJADEN & NANCY THOENNES, NAT'L INST. OF JUST. & CTRS. FOR DISEASE CONTROL & PREVENTION, EXTENT, NATURE, AND CONSEQUENCES OF INTIMATE PARTNER VIOLENCE (2000); see also CALLIE MARIE RENNISON, DEP'T OF JUSTICE, INTIMATE PARTNER VIOLENCE, 1993-2001 (2003).

⁷ See Jill Davies, *Safety Planning with Battered Women: Complex Lives/Difficult Choices* (1998).

Sharing private, personally identifying information between utility companies presents the same type of risk to consumers that is posed by information sharing in the healthcare, education, and financial industries. To ensure customer safety, it is therefore incumbent on the PUC to require both EDCs and EGSs to obtain explicit, detailed authorization from each customer before sharing private information.

II. PCADV Supports the Comments of the Office of Consumer Advocate and the American Association of Retired Persons, the Pennsylvania Utility Law Project, and Community Legal Services

PCADV fully supports, endorses, and incorporates by reference the concerns raised in the comments issued by the Office of Consumer Advocate (OCA)⁸ and by the Pennsylvania Utility Law Project (PULP), the American Association of Retired Persons (AARP), and Community Legal Services (CLS) with respect to the various proposals contained in the Intermediate Work Plan.⁹ In particular, PCADV highlights the importance of the following concerns illuminated in these comments, as they relate to the safety of victims of domestic violence and their families:

Low-Income Customers Must be Protected From Unintentional Loss of Benefits

The Intermediate Work Plan does not provide adequate structural protections for low-income energy consumers who may be enticed to participate in the retail enhancement programs. For instance, PULP, AARP, and CLS explain in their comments that CAP customers should be excluded from participation in a Customer Referral Program because “there is no assurance that the rates which will be provided to the CAP customers by the EGS will be lower than the price to compare.”¹⁰ Moreover, these groups point out that retention of low-income customers after the initial Standard Offer Customer Referral Program would place low-income customers in a volatile, month-to-month rate structure that would adversely affect their ability to connect to electric services.¹¹

Lack of structural protections for low-income energy consumers poses a distinct obstacle for victims of domestic violence, who regularly must choose between safety and economic stability. Many victims who are attempting to live a life free of violence must struggle to meet basic expenses. Victims frequently cite lack of financial independence as the reason they remain with or return to their batterer after failing to establish financial independence.

⁸ *Comments of the Office of Consumer Advocate on the Commission’s Tentative Order Entered December 16, 2011*, Docket No. I-2011-2237952 (filed Jan. 17, 2012).

⁹ *Comments of AARP, The Pennsylvania Utility Law Project, and Community Legal Services*, Docket No. I-2011-2237952 (filed Jan. 17, 2012).

¹⁰ *Comments of AARP, PULP & CLS*, *supra* note 2, at 9.

¹¹ *Id.* at 11-12.

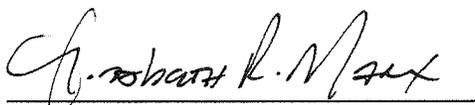
The Cost of Initiatives Should be Carefully Analyzed

The Intermediate Work Plan does not account for the potentially burdensome costs of the proposed initiatives. As OCA points out, "the costs of these initiatives should be considered to ensure that ... customer benefits [are] commensurate with any costs that customers are asked to pay."¹² PCADV argues, in concert with OCA, PULP, AARP, and CLS, that "a thorough examination of costs and customer impacts must be conducted"¹³ before the Commission embarks "on a new series of initiatives that are not mandated or specifically reflected in any Pennsylvania statutory directive associated with retail ... competition."¹⁴

PCADV agrees with OCA and AARP, PULP, and CLS that a cost/benefit analysis is essential to the development of any retail enhancement program to ensure that taxpayer and ratepayer money is spent to develop programs that will provide them with beneficial results.

PCADV sincerely appreciates the opportunity to provide its comments to the PUC on these very important issues, and respectfully requests that the PUC carefully consider the impact of its Intermediate Work Plan on victims of domestic violence and those who are similarly endangered.

Respectfully Submitted,



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Dated: February 1, 2012

On behalf of:
The Pennsylvania Coalition Against
Domestic Violence

¹² *Comments of the OCA, supra* note 1, at 2, 13.

¹³ *Comments of the OCA, supra* note 1, at 13.

¹⁴ *Comments of AARP, PULP & CLS, supra* note 2, at 4-5.