

Before the Pennsylvania Public Utilities Commission

Interim Guidelines : Docket No. M-2010-2183412
for Eligible Customer Lists :

Comments of the Pennsylvania Coalition Against Domestic Violence Regarding the Parameters of a Uniform Eligible Customer List

The Pennsylvania Coalition Against Domestic Violence (PCADV) submits the following comments to express its concerns on behalf of the 60 domestic violence programs across the Commonwealth, and the thousands of victims and families each program serves, regarding the inclusion of personal data in the eligible customer list.

Twenty-five local domestic violence programs, representing thirty counties, have individually signed on to endorse these comments and to express individual program concerns. Statements of interest from these programs are attached. The *National Center for Crime Victims* (NCVC) and the *National Crime Victim Law Institute* (NCVLI) also issued statements of interest in support these comments, which are attached.

I. INTRODUCTION

PCADV asserts that the Pennsylvania Public Utilities Commission (PUC) must require electric distribution companies (EDC) to obtain each customer's affirmative, opt-in consent to any planned release of customer information prior to disclosing any personally identifying information. Additionally, PCADV urges the PUC to create and enforce strict confidentiality and security protocols to protect against pretexting¹ and other data breaches that could be used to locate or track an individual. These measures should be underscored by requiring comprehensive educational programs for all EDC and electric generation suppliers (EGS) staff to ensure full compliance with the PUC's regulations and/or guidelines. The following comments offer a realistic assessment of the varied interests at stake in this decision, followed by specific recommendations for how the PUC can strike a more appropriate balance of those varied interests.

¹ "Pretexting is the practice of getting your personal information under false pretenses. Pretexters sell your information to people who may use it to get credit in your name, steal your assets, or to investigate or sue you." See FTC, *Facts for Consumers, Pretexting: Your Personal Information Revealed*, available at <http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre10.shtm>.

II. ASSESSING THE RELEVANT INTERESTS: SAFETY, PRIVACY, AND COMPETITION

In 2007, the PUC issued the following statement of policy, now codified in the Pennsylvania Code, to help frame the discussion of how to release customer information while carefully balancing the relevant interests:

*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 common to all service territories, that give due consideration to customer privacy, provide security of information and provide a customer an opportunity to restrict access to nonpublic customer information.*²

By issuing this codified statement, the PUC expressly recognized the need to carefully calculate the release of private customer information to preserve the delicate balance between consumer privacy, customer safety, and the commercial need for the information.

PCADV recognizes and applauds the PUC for its effort in the November 12 Order to specifically address the safety and security of victims of domestic violence and those who are similarly endangered. Unfortunately, the PUC's November 12 Order does not set forth terms that adequately consider the importance of consumer privacy and physical safety. Further, the November 12 Order fails to provide customers with a meaningful opportunity to restrict access to their personal information in conformity with their constitutional right to privacy. In order to meet the PUC's codified commitment to adopting "reasonable terms" that provide for "customer privacy, ... security of information ... and an opportunity to restrict access to nonpublic customer information," the PUC must significantly revise its approach to the eligible customer list in a manner that will prioritize the unique privacy needs of victims of domestic violence as well as the constitutional privacy rights guaranteed to all individuals.

a. Safety for All Electric Customers Must be the PUC's Highest Priority

The PUC's November 12 Order does not properly prioritize safety for all electric customers. The PUC made a noteworthy effort to provide for victim safety by carving out an exception for victims of domestic violence, allowing victims of domestic violence and others similarly endangered to opt out of releasing all of their information. However, this exception requires victims of domestic violence, other crime victims, and service providers to affirmatively identify as such, in contravention of state and federal laws that protect victim confidentiality. Further, the lack of security measures and imprecise regulatory provisions to oversee the collection and distribution of the eligible customer list places victims of domestic violence in serious risk of further harassment and physical harm by their batterers. The PUC must reassess the safety needs of electric customers across the Commonwealth and must take definitive steps to prevent exposing customers to greater risk of physical harm.

² 52 Pa. Code § 69.1812.

i. The exception for victims of domestic violence and those similarly endangered in the November 12 Order is contrary to established state and federal law.

Pennsylvania has prioritized the protection of private data of victims of domestic violence and other victims of crime through a multitude of legislative enactments. The Pennsylvania Protection From Abuse (PFA) Act requires courts to prohibit law enforcement, human service agencies, and school districts from disclosing the location of a victim or from furnishing the address, phone number, or other demographic information about the victim or the victim's children.³ The PFA Act also extends *absolute* privilege and confidentiality to communications between a victim and a domestic violence service provider.⁴ Parallel protections are afforded to victims of sexual assault.⁵ The victim holds this right, which can be waived only by the victim's explicit and informed consent.⁶ Pennsylvania's Child Custody law protects against the disclosure of confidential information, including the location of a domestic violence shelter or the address of a victim.⁷ Similarly, the Domestic and Sexual Violence Victim Address Confidentiality Act protects a victim's personal information by allowing a program participant to create an alternative address for official and nonofficial purposes.⁸ The Act prohibits the disclosure of a victim's actual address, except under certain limited exceptions.⁹

Further, the federal Violence Against Women Act (VAWA), the Family Violence Prevention and Services Act (FVPSA), and the Victims of Crime Act (VOCA) all protect victims from the release of identifying information on a federal level. Pennsylvania programs, both private nonprofits and government-sponsored programs, receive millions of dollars in federal funds in exchange for their commitment to maintaining victim confidentiality.¹⁰ In particular, VAWA offers a range of data protection for victims. In addition to conditioning grant awards on certifications of ensuring victim confidentiality, VAWA makes changes to the rules of evidence, restricts the use of victim data on federal criminal databases, and provides for specific grants for privacy protection. The information subject to strict confidentiality includes a victim's name, address (home or other physical address), contact information, social security number, and any other information that would "serve to identify any individual."¹¹

³ 23 Pa. C.S. § 6112.

⁴ 23 Pa. C.S. § 6116; *VBT v. Family Servs. of W. Pa.*, 705 A.2d 1325 (Pa. Super. 1998), *aff'd* 728 A.2d 953 (Pa. 1999) (holding that the privilege protecting confidential communications between a domestic violence counselor/advocate and a victim of domestic violence "is absolute" and can be waived only by the victim).

⁵ 42 Pa. C.S. § 5945.1.

⁶ 23 Pa. C.S. § 6116; 42 Pa. C.S. § 5945.1(b); *VBT*, 705 A.2d 1325.

⁷ 23 Pa. C.S. § 5336 (formerly 23 Pa. C.S. § 5309(c)).

⁸ 23 Pa. C.S. §§ 6701 *et seq.*

⁹ 23 Pa. C.S. § 6708.

¹⁰ Violence Against Women Act, 42 U.S.C. § 13925; Family Violence Prevention and Services Act, 42 U.S.C. § 10406; Victims of Crime Act, 42 U.S.C. §§ 10601 *et seq.*

¹¹ 42 U.S.C. § 11383(a)(18).

Each of these provisions, both state and federal, protects the privacy, anonymity, and confidentiality of victims of domestic violence, other crime victims, and victim service providers. These protections are designed both to encourage victims to come forward to report crimes perpetrated against them and to protect victims from further harm. But the exception in the November 12 Order for victims of domestic violence and those similarly situated runs contrary to these protections and violates statutorily protected victim confidentiality.

ii. The eligible customer list, as set forth in the November 12 Order, places victims of domestic violence and other crime victims at risk of physical harm.

Domestic violence is prevalent across the Commonwealth and throughout the nation, affecting an estimated one in four women and one in nine men in their lifetime.¹² This estimate is supported by empirical data: the National Institute of Justice reports that approximately 4.9 million intimate partner rapes and physical assaults are perpetrated against United States women annually.¹³ And, while there is no statewide data collected on the number of reported incidents of domestic violence in the Commonwealth, according to a national survey of all 60 domestic violence programs in Pennsylvania, these programs served 2,597 victims on a single day in 2010.¹⁴ That is equivalent to an average of at least *one hundred* victims served in Pennsylvania *each hour of the day*.

Relevant to the PUC's decision is the fact that access to private, personally identifying information exponentially increases the risk of physical harm to victims. 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 reestablish control and dominion over their victim.¹⁵ 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.¹⁶ When a batterer has access to private, identifying information of their victim, such access facilitates further harassment, stalking, and potentially lethal physical violence.

¹² Ctr. for Disease Control, *Adverse Health Conditions and Health Risk Behaviors Associated with Intimate Partner Violence*, 57 MORBIDITY & MORTALITY WEEKLY REP'T 113 (2005), available at <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5705a1.htm>.

¹³ 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).

¹⁴ Of the 2,597 victims served, approximately 1,034 were provided with emergency or transitional housing. NAT'L NETWORK TO END DOMESTIC VIOLENCE, *DOMESTIC VIOLENCE COUNTS: THE NATIONAL CENSUS OF DOMESTIC VIOLENCE SERVICES, PENNSYLVANIA EXECUTIVE SUMMARY* (2010), available at http://www.nnedv.org/docs/Census/DVCounts2010/DVCounts10_StateSummary_PA_Color.pdf.

¹⁵ TJADEN & THOENNES, *supra* note 13; see also RENNISON, *supra* note 13.

¹⁶ See Jill Davies, *Safety Planning with Battered Women: Complex Lives/Difficult Choices* (1998).

The risk of data breach, and the threat that such a breach presents for victims of domestic violence, is not imagined or exaggerated. The Privacy Rights Clearinghouse (PRC), which houses the Chronology of Data Breaches database, reports that over 500 million private, sensitive records were breached between 2005 and the present.¹⁷ But millions of additional data breaches go unreported each year.¹⁸ Recorded breaches range from health records to police records and everything in between, including utility records.¹⁹ The information obtained by third parties in these data breaches has been used for identity theft; to set up false bank, utility, and credit accounts; and to stalk and/or harass victims of the data breaches.²⁰ Unfortunately, it is impossible to measure the extent of data breaches in utility companies in the United States: “an astounding 80% of utilities” do not disclose their privacy/data breach risk factors.²¹

There are countless instances where a data breach resulted in further harassment, stalking, or physical violence for victims of domestic violence or other crimes. For example:

- In Allegheny County, Pennsylvania, an emotionally disturbed 911 emergency dispatcher abused his access to the call center’s databases while tracking his ex-girlfriend and her new boyfriend before murdering both of them. In October 2003, Michael Michalski began running searches on the internal computer network and databases to locate his former girlfriend, Gretchen Ferderbar, and her current boyfriend, Mark Phillips.²²
- In Chester County, Pennsylvania, a victim of domestic violence was tracked down by her abusive spouse when a public institution sent him a letter regarding income verification for a credit report. The victim was forced to flee yet again because her safety was compromised.²³
- In Gettysburg, Pennsylvania, a batterer pursued his victim, a 32-year-old mother of three, through three states. Narrowly escaping with her life, the victim and her children fled again to Pennsylvania, where she finally found safety by enrolling in the Address Confidentiality Program. If her information were revealed to hundreds of electric suppliers across the state, a single breach would gravely compromise her safety and the safety of her three children.²⁴

¹⁷ PRIVACY RIGHTS CLEARINGHOUSE, CHRONOLOGY OF DATA BREACHES: SECURITY BREACHES 2005-PRESENT, available at <http://www.privacyrights.org/data-breach#CP> (last updated May 16, 2011).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ Jared Wade, *Hiscox Studies Privacy & Data Security*, RISK MGMT., Apr. 22, 2009.

²² Declan McCullagh, *Police Blotter: 911 Dispatcher Misuses Database, Kills Ex-Girlfriend*, CNET NEWS (May 19, 2006), available at http://news.cnet.com/police-blotter-911-dispatcher-misuses-database,-kills-ex-girlfriend/2100-1030_3-6074559.html.

²³ See *infra* Attached Statement of Interest and Support, Domestic Violence Center of Chester County, Pa.

²⁴ See *infra* Attached Statement of Interest and Support, Survivors, Inc. of Adams County, Pa.

- A woman in Crawford County, Pennsylvania, had to flee her home and county of origin because of inadvertent disclosures of her personal information. She had to uproot herself and her young children so her abuser would not find her.²⁵

In a statement issued in conjunction with the November 12 Order, former Chairman James H. Cawley explained that the Commission's decision was based in large part on "*the absence of significant problems with the careful release of customer information in the nearly 15 years of electric choice in Pennsylvania.*"²⁶ This statement punctuates the PUC's lack of understanding of the prevalence and consequence of pretexting²⁷ and the simple fact that for domestic violence victims, data security equals personal safety. The eligible customer list is distributed to over 150 electric suppliers across multiple states, and that number continues to grow. Such widespread dissemination of personal information creates enormous potential for unauthorized disclosure of customer information, which Congress has explained "not only assaults individual privacy, but, in some instances, may further acts of domestic violence or stalking."²⁸ The fact remains that an estimated 80% of utilities do not report data breaches to the public, so it is impossible to determine whether Pennsylvania's electric companies are truly breach-free. Statistically, it is far more likely that increased exposure of personal customer information has indeed resulted in a significant number of breaches, and that such breaches have likely posed a direct threat to the safety and wellbeing of victims across the state. Thus, the planned release of thousands of individuals' personal information increases the potential for victims of domestic violence, service providers, and other crime victims to suffer serious consequences should the information be released to an unauthorized party.

Moreover, Chairman Cawley's statement does not account for the potential that individuals working for the utility company, with authorized access to the eligible customer list, may be the perpetrator of abuse. The prevalence of domestic violence, when matched with the depth of the planned disclosure, assures that many batterers will have access to their victims' information. Thus without any unauthorized breach, the sheer volume of information subject to disclosure in the November 12 Order – and the number of individuals who will have unrestricted access to that information – endangers electric customers across Pennsylvania.

The safety risks posed by exposing smart meter data are particularly alarming. Smart meters have the capability of revealing details about an individual's private life by

²⁵ See *infra* Attached Statement of Interest and Support, Women's Services, Inc. of Crawford County, Pa.

²⁶ Interim Guidelines for Eligible Customer Lists for Electric Distribution Companies, No. M-2010-2183412 Statement of Former Chairman James H. Cawley at 1 (Nov. 12, 2010).

²⁷ "Pretexting is the practice of getting your personal information under false pretenses. Pretexters sell your information to people who may use it to get credit in your name, steal your assets, or to investigate or sue you." See FTC, *Facts for Consumers, Pretexting: Your Personal Information Revealed*, available at <http://www.ftc.gov/bcp/edu/pubs/consumer/credit/cre10.shtm>. Most forms of pretexting is illegal, but pretexting is regularly used to gather information in order to sell it to your adversaries, your creditors, or other predators. See *id.*

²⁸ Nat'l Cable & Telecommunications Ass'n v. FCC, 555 F.3d 996, 1000-1002 (D.C. Cir. 2009).

showing specific, real-time electricity consumption patterns in their homes. Accessing real-time usage rates would allow a stalker to closely monitor the activities of his or her intimate partner, enabling the batterer to exert unfathomable control over a victim's life.

As technology evolves, and information sharing expands, strong privacy protections must follow suit. Given the statistical reality of data breaches, it would be negligent for the PUC to dismiss the very real threat that increased exposure of public data presents simply based on its past track record. To adequately protect the safety of victims of domestic violence and other crimes, the PUC should implement an affirmative, opt-in disclosure mechanism. This would make certain that the eligible customer list only contains information that is voluntarily disclosed; thereby minimizing the risk that victim information would fall into the wrong hands. Failure to obtain affirmative consent for information disclosure would heighten the risk of physical harm for those victims who, for whatever reason – be it lack of time or resources, tumultuous transition, or simple failure to read the notice – did not opt-out of the information disclosure.

iii. Current regulations are insufficient to protect against unauthorized access, pretexting, and data breach.

EGSs are, by and large, subject to the same regulations and oversight as the EDCs. Provisions in the regulations require EDCs and EGSs to protect certain customer information and to maintain confidentiality. However, clear loopholes and imprecise provisions in the existing regulations counteract already insufficient protections to ensure the safety of electric customers across the Commonwealth.

Privacy of Customer Information: 52 Pa. Code § 54.8.

The November 12 Order concluded that chapter 52, section 54.8 of the Pennsylvania Code offers customers sufficient protection from the release of information. Section 54.8 provides that “[a]n EDC or EGS may not release private customer information to a third party unless the customer has been notified and has been given a convenient method of notifying the entity of the customer’s desire to restrict the release of private information.”²⁹ Section 54.8 allows customers to restrict the release of their telephone number and/or their historical billing data.

The problems with relying on section 54.8 to sufficiently protect customer information – and therefore customer safety – are numerous. First, section 54.8 is fundamentally insufficient to protect customer information because it does not allow customers to restrict information directly linked to customer safety: their name and their service address. Section 54.8 only allows customers to restrict only their phone number and historical billing data. The November 12 Order supplemented section 54.8, providing that victims of domestic violence or others who are similarly endangered could opt out of the release of all information, provided they identify themselves as such, and by requiring EDCs to comply with Pennsylvania’s “do not call” list.³⁰ But, pursuant to the

²⁹ 52 Pa. Code § 54.8.

³⁰ This exemption is contrary to state and federal law, as discussed above. See *supra* section II.A.i.

November 12 Order, customers who do not identify as a victim of domestic violence or someone similarly situated can not prevent the release of their service address or name. This provision offers little respite for victims who do not wish to identify as a victim, or who do not know of their right to do so.

Also of concern is the fact that section 54.8 allows for the possibility of endless disclosure to third parties. The plain language of the provision provides that an EGS must supply notice to customers before it may disclose private customer information. In practice, the PUC has acknowledged that a bill insert or separate mailing will fulfill this requirement. But the EGS is not required by section 54.8 to be in a contractual relationship with the customer. Essentially, this creates a loophole – allowing an EGS to disclose a consumer’s information to limitless third parties, regardless of whether the consumer was receiving service from the EGS, by simply mailing out a notice card. Such a result is perverse and contrary to traditional legal principles that protect consumers from unsolicited unilateral contracts.³¹

Additionally, the notice requirement in section 54.8 is insufficient to provide customers with a *meaningful opportunity* to protect their information. As explained above, an EDC or EGS must send notice of the planned disclosure in a bill insert or a separate mailing. PECO Energy submitted a sample of their notice form in the last round of comments,³² which reveals serious shortfalls in the PUC’s approved form of notice.

First, the form looks more like a brochure than an important waiver connected to an individual’s right to safety and privacy. Customers are likely to dismiss the insert as a solicitation or an information packet, much like they do the other monthly inserts contained in their electric bill. If customers are not aware of the notice, they certainly cannot make an informed choice about whether to disclose their personal information. Moreover, the form provides little information about the nature of the disclosure, such as who will receive the information, how the information is transmitted and stored, and how the information will be used.

To protect her or his information, a customer must first recognize the insert as an important document regarding their safety and privacy, and then must bear the burden of ferreting out the details of the disclosure. To do so, the customer must recognize the gravity of the disclosure notice and must be savvy enough about the nature of privacy concerns and the relevant law and regulations to research the nature of the planned disclosure. This is a burden that should not rest on any consumer.³³ This tactic is contrary to basic contract principles that prohibit companies from sending consumers unsolicited goods. It is illegal to send a consumer goods with a reply card explaining that the consumer can reject the goods by returning them – or accept the goods by

³¹ The law of contracts is clear: *silence is rarely deemed sufficient, binding acceptance*. See *infra* notes 35 & 36 and accompanying text.

³² *Comments of PECO Energy Company to the Commission’s Tentative Order to Create a Uniform Eligible Customer List*, No. M-2010-2183412 (Aug. 4, 2010).

³³ See *supra* note 32.

doing nothing.³⁴ The reason? Such a tactic “places the burden on the undesiring recipient, who neither sought nor solicited the goods, to take the trouble of returning the goods or to purchase them. Loss of the goods would incur liability if purchased.”³⁵ That same burden is being thrust on electric customers – except instead of unwanted goods, the PUC is asking EDCs to solicit personal information from their customers. And, instead of having to pay for the goods, individuals must pay with their physical safety or constitutional privacy. This form of notice is even more burdensome for victims of domestic violence because the added obligation to research the EDC’s or EGS’s request must compete with many pressing demands on the victims’ time and energy – such as achieving safety for themselves and their children. In all, the notice required by section 54.8 is insufficient to provide electric consumers with a meaningful opportunity to protect their information.

Confidentiality: 52 Pa. Code § 54.43(d).

In further response to concerns over disclosure of private data, the November 12 Order relied on the confidentiality requirement in chapter 52, section 54.43(d), of the Pennsylvania Code. This provision requires EGSs to “maintain the confidentiality of a consumer’s personal information including the name, address and telephone number, and historic payment information.” But in practice there is no real limit on the number of persons within the EDCs and EGSs that can access this information. This includes individuals who are subcontracted to work for the EDCs or EGSs, making way for endless potential for breach of confidentiality. Is a subcontractor of an EGS, who is hired to conduct the EGS’s marketing campaign, subject to the confidentiality provision in section 54.43(d)? Is that subcontractor aware of the dangers of a potential breach? Will the subcontractor be subject to dismissal for failure to comply? Section 54.43 is fatally unclear, especially when delving into the endless layers of disclosure that are sanctioned by the November 12 Order.

b. Customers Have a Constitutionally Protected Interest in Privacy of Personal Information.

The PUC’s adoption of an opt-out method for exempting personal information from the eligible customer list strikes an inappropriate balance between constitutionally protected privacy and commercial interests. Individuals have the right to privacy in their personal information, subject only to a compelling and tailored reason for interference by the government. But the PUC’s November 12 Order is not sufficiently tailored or compelling to justify an affront to individual’s personal information because less intrusive means could accomplish the same goal. Moreover, the PUC did not create any rules, regulations, or guidelines to ensure that private customer data is collected and stored in a secure manner.

³⁴ 39 U.S.C. § 3009; *see also* Rest. Contracts 2d § 72(2) (1932).

³⁵ J.M.S., *Legislative Note: The Unsolicited Gifts Act*, 39 TENN. L. REV. 201 (1971); *see also* Rest. Contracts 2d § 72(2) (1932).

i. Customers have a reasonable expectation that their private account information will remain confidential.

The federal courts have definitively held that individuals have a constitutional right to privacy in their personal information that arises from the liberty interests contained in the Fourteenth Amendment.³⁶ This right includes an individual's right to keep their address confidential when such an expectation of privacy is reasonable. In *Whalen v. Roe*,³⁷ the United States Supreme Court explained that the Fourteenth Amendment, which guarantees the right to liberty, includes a "constitutionally protected 'zone of privacy'" that protects "the interest in avoiding disclosure of personal matters."³⁸ This federally recognized "zone of privacy" is triggered when an individual has a "reasonable expectation of confidentiality."³⁹ The Third Circuit Court elaborated on this standard, explaining that "the more intimate or personal the information, the more justified is the expectation that it will not be subject to public scrutiny."⁴⁰ The Court provided some additional guidance, finding that there is a "general understanding" that the interest in avoiding disclosure of personal matters encompasses an individual's name, address, and other personal identifying information, regardless of whether protection is required by statute.⁴¹

An individual has a reasonable expectation that information, including name, address, usage rates, smart meter data,⁴² and other sensitive personal information about the utility account, will remain *confidential*. Customers can and do reasonably expect that this information will be used only for the limited purpose for which it was provided to the utility company: account set-up and billing.⁴³ Electricity is a highly regulated industry providing customers with a basic, life-supporting necessity. When an individual discloses his or her name, address, phone number, and other private data to an electric company, the disclosure is not voluntary, but rather is required in order to connect to electric service. Hence, it is reasonable for an individual to expect that their information will remain confidential and will not be compromised without their explicit consent for release.⁴⁴ As evidence of the reasonableness of such an expectation, the Third Circuit explained, "[A] significant number of persons, ranging from public officials and

³⁶ *Whalen v. Roe*, 429 U.S. 589, 598 (1977); *Paul P. ex rel. Laura L. v. Verniero*, 170 F.3d 396, 402 (3d Cir. 1999).

³⁷ *Whalen*, 429 U.S. at 598.

³⁸ *Id.* at 598.

³⁹ *Paul P.*, 170 F.3d at 401, 404 (citing *Fraternal Order of Police v. City of Philadelphia*, 812 F.2d 105, 112-17 (3d Cir. 1987)).

⁴⁰ *Id.*

⁴¹ *Paul P.*, 170 F.3d at 401, 404.

⁴² PCADV is particularly concerned with the safety risks posed by smart meters. Smart meters have the capability of revealing details about an individual's private life. Accessing real-time usage rates would allow a stalker to track his or her victim's coming and going and would allow a batterer to closely monitor the activities of his or her intimate partner, enabling the batterer to exert powerful dominion and control over the victim.

⁴³ See *Paul P.*, 170 F.3d at 404.

⁴⁴ See *Commonwealth v. Duncan*, 752 A.2d 404 (2000) (explaining that an individual has a reasonable expectation of privacy when information is disclosed to a necessary institution because such disclosure is *not volitional*).

performers to just ordinary folk, choose to list their telephones privately because they regard their home addresses to be private information.”⁴⁵ It is especially reasonable for victims of domestic violence and other crimes, whose personally identifying information is protected by statutory confidentiality, to expect that a regulated entity would not release their information without their affirmative consent.

Battered individuals, other victims of crime, and the shelters or other programs that serve these individuals have an even more compelling expectation of confidentiality. Not only is it reasonable to expect that the PUC would not expose their personal confidential information without their affirmative consent, it is also the law. As discussed above, this information is protected for all victims of domestic violence and others, individuals and entities, who are similarly endangered in various aspects of our law.⁴⁶

ii. The PUC’s November 12 Order is not sufficiently compelling and necessary to override an individual’s constitutional right to privacy.

Strict scrutiny applies where the Fourteenth Amendment liberty interests are at stake. Government interference with an individual’s right to privacy must be necessary to achieve a compelling state interest.⁴⁷

The PUC’s stated purpose is not sufficiently compelling to overcome an individual’s right to privacy. The November 12 Order explained that its purpose in issuing the Order was to ensure “uniformity in the information provided on the [eligible customer list] so that the [electric supply companies] had consistent access to the data necessary to foster retail competition.”⁴⁸ This stated purpose is commercial in nature, as its goal is ultimately to foster retail electric competition. But commercial interests are typically afforded less constitutional protection than fundamental interests of individuals.⁴⁹ Therefore, because the government’s purpose is commercial in nature, it is not sufficiently compelling to overcome the countervailing interest in individual privacy.⁵⁰

Further, the approach for disclosure of customer information in the November 12 Order is not necessary to achieve its purpose. The PUC may foster retail competition through other forms of advertising that do not interfere with an individual’s right to privacy. Television, radio, print, internet, trade shows, billboards, and other forms of traditional advertising would achieve the same purpose. The success of these forms of

⁴⁵ *Paul P.*, 170 F.3d at 404.

⁴⁶ See *supra* section II.A.i.

⁴⁷ “Even information that is entitled to privacy protection may nonetheless be subject to disclosure when the government’s interest is compelling.” *Paul P.*, 170 F.3d at 402.

⁴⁸ November 12 Order, at 3.

⁴⁹ See *Central Hudson Gas & Electric Corp. v. Public Serv. Comm’n*, 447 U.S. 557 (1980) (holding that commercial speech is entitled to less protection).

⁵⁰ Compare *Paul P.*, 170 F.3d at 402 (quoting *E.B. v. Verniero*, 119 F.3d 1077 (3d Cir. 1997) (holding that the government’s interest in preventing sex crimes was greater than the sex offender’s right to privacy in their information)).

advertising is demonstrated by the fact that over one million customers, including 900,000 residential customers, have already switched to the retail competition model.⁵¹

The November 12 Order is not tailored to achieve the PUC's purpose with minimal interference with an individual's privacy because the eligible customer list is not accompanied by sufficient statutory or regulatory guidelines to protect against disclosure.

In *Whalen v. Roe*, the United States Supreme Court explained that the state's method of securing its list of individuals with Schedule II prescriptions was sufficiently protective to override the liberty interests of those individuals.⁵² The information at issue in *Whalen* was stored in a locked room "surrounded by a locked wire fence and protected by an alarm system."⁵³ The information was stored in a computer that was not connected to any other computer, either in or out of the state's network.⁵⁴ Access to the information was limited to 24 investigators. Further, public disclosure of the information in *Whalen* was subject to criminal prosecution, punishable by up to one year in prison and a \$2,000 fine.⁵⁵

The November 12 Order does not contain any of the protection offered in *Whalen*. The *Whalen* decision involved very detailed security measures and the data was protected from disclosure by statute, authorizing criminal consequences for any infraction. But the November 12 Order does not limit access to customer information, nor does it provide for any physical security measures to protect against data breach. The PUC rests any protective measures on individual companies and their compliance with the loose provisions of the Pennsylvania Code that, as discussed above, allow potentially endless disclosure.⁵⁶

In all, the November 12 Order does not strike an appropriate balance between an individual's constitutional right to privacy and the PUC's interest in fostering retail competition. PCADV offers suggestions in section III below that, if adopted, would help the PUC achieve an appropriate and legal balance between the right to privacy and the need for such information.

iii. Pennsylvania Constitution

Pennsylvania's Constitution also prohibits the government from interfering with fundamentally private interests absent necessary and compelling countervailing interests.⁵⁷

⁵¹ *Comments of the Office of Consumer Advocate Regarding Pennsylvania's Retail Electricity Market*, No. 1-2011-2237952 (June 3, 2011), available at <http://www.puc.state.pa.us/pcdocs/1134109.pdf>.

⁵² *Whalen*, 429 U.S. at 594-95.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ See *supra* section II.A.iii.

⁵⁷ PA. CONST. art 1, §§ 1, 8; see also *Stenger v. Lehigh Valley Hospital Center*, 609 A.2d 796 (Pa. 1990) ("Only a compelling state interest will override one's privacy rights."); *Denoncourt v. Commw. State Ethics*

It is arguable that the onus for protecting against potential data exposure would not be the responsibility of the PUC, but rather would fall to the distribution and supply companies because they have the ultimate authority over and access to the records. But the Third Circuit, as affirmed by the United States Supreme Court, has clearly held that the action of a private company is considered government action when a regulatory agency participates in, facilitates, or affirms the action.⁵⁸ Thus, any action of the PUC to oversee or regulate the dissemination of private customer information is considered state action subject to the constitutional constraints discussed above. And subsequently any breach resulting from the PUC's instructions to disseminate private customer information would also be considered state action subject to any legally available remedy.

c. Opt-Out Method is Insufficient to Protect Customers' Privacy and Safety

As discussed in detail above, the November 12 Order runs afoul of consumer safety, state and federal law, prevailing public policy, and constitutional principles contained in both the federal and Pennsylvania Constitutions. In large part, this is because the November 12 Order adopts an opt-out method for obtaining customer consent, which does not adequately apprise individuals of their options and, therefore, individuals are unable to truly consent.

The key to appropriate consent, as with all areas of the law, is whether that consent is informed. To be informed, individuals must read the notice and understand the consequences of their decision, or at least be given the tools to reasonably facilitate such understanding. But customers rarely read opt-out notices and, even if they do, they rarely take the initiative to protect their information. The American Bankers Association reports that *less than one-half of one percent of all financial banking consumers respond to opt-out notices, and that 63% of consumers do not read the privacy notices issued pursuant to the Gramm-Leach-Bliley Act.*⁵⁹

Even if customers do read the opt-out notice, few understand the full gravity of the consequences. Pursuant to the November 12 Order, customers are only notified that their information will be released, without being apprised of the type of information subject to release or the number of individuals with access to such information. When couched only as a money-saving opportunity, without also explaining the extent and nature of the release, the general public is not able to give informed consent.

Comm'n, 470 A.2d 945 (Pa. 1983); Hartman v. Dep't of Conservation & Natural Res., 892 A.2d 897, 905 (Pa. Commw. 2006).

⁵⁸ Jackson v. Metropolitan Edison Co., 483 F.2d 754, 757 (3d Cir. 1973), *aff'd* 419 U.S. 345, 357 (1974).

⁵⁹ J.C. Pierce, Press Release, *Coalition Files Petition with FTC on Privacy Statements*, Privacy Rights Now Coalition, *available at* <http://www.privacyrightsnow.com/>.

It may be argued that if the nature and extent of disclosure were revealed, consumers would be more likely to exercise their right to opt-out.⁶⁰ This is true. However, this argument only compounds the need for affirmative consent because it demonstrates that customers *want* to protect their right to privacy, but that the opt-out method does not properly inform them that they have the power to do so.

III. RECOMMENDATIONS

a. Adopt an Opt-In Approach to Information Disclosure

Adopting an opt-in approach to information disclosure would ensure that personal data is released only when the individual truly consents to the release. An opt-in approach would better ensure the safety and privacy of all electric customers.

But just as the opt-out method is insufficient to gain informed customer consent, so is a vague or misleading opt-in method. PCADV cautions that the PUC must require companies to be clear when requesting affirmative consent from customers. Courts have begun to strike down consent methods that do not fully inform customers of how they plan to use the information.⁶¹ For instance, asking customers to check a box if they are “interested in receiving information” about competitive electric suppliers is insufficient to obtain customer consent.⁶² Adopting a model for consent that misleads or fails to inform customers about the nature of the planned information disclosure may expose the PUC, or its regulated entities, to liability. Therefore, the PUC should adopt an opt-in method that clearly explains to customers what, when, how, and to whom information will be released.

i. Opt-In Method Appropriately Balances the Competing Interests

The courts consistently approve opt-in policies because opt-in consent methods strike an appropriate, constitutional balance between safety, privacy, and commercial interests.⁶³ By requiring affirmative consent of each consumer before releasing private data, the PUC would ensure that individuals are fully informed of the parameters of the disclosure, and their right to protect their private information, before any information is actually disclosed. Adopting this approach will best achieve the PUC’s codified commitment to serving the public interest through the adoption of “reasonable terms and conditions...that give due consideration to customer privacy, provide security of

⁶⁰ The Privacy Rights Now Coalition reported that over 145,000 consumers downloaded their standardized “opt-out” form in just 10 days after advocacy efforts revealed to consumers what the financial institutions planned to do with their information. See *id.*

⁶¹ Suzanna Shaub, *User Privacy and Information Disclosure: The Need for Clarity in Opt-In Questions for Consent to Share Personal Information*, 5 SHIDLER J. L. COM. & TECH 18 (2009), available at http://digital.law.washington.edu/dspace-law/bitstream/handle/1773.1/432/vol5_no4_art18.pdf?sequence=1.

⁶² *Id.*

⁶³ See *Nat’l Cable and Telecommunications Ass’n v. FCC*, 555 F.3d 996 (D.C. Cir. 2009); *Reno v. Condon*, 528 U.S. 141 (2000); *Trans Union Corp. v. FTC*, 267 F.3d 1138 (D.C. Cir. 2001).

information and provide a customer an opportunity to restrict access to nonpublic customer information.⁶⁴

- *Customer Safety: Opt-in Properly Prioritizes Individual Safety*
 - Opt-in ensures that victims of domestic violence and others who are similarly situated are not forced to disclose their status as a victim in order to protect their information. This makes certain that victims retain their statutory right to confidentiality.
 - Opt-in ensures that victims in transition are adequately informed of the disclosure prior to the release of any information. Victims escaping abuse are in constant transition and face heightened risks of physical abuse after separating from their batterer. At the same time, batterers actively search out sensitive data in order to track, monitor, stalk, and harass their victim. Thus, added privacy equals safety for victims in transition. By requiring companies to obtain affirmative customer consent prior to releasing any private data, the PUC would prevent the risk posed to victims in transition who might have missed the notice or who may not have understood the consequences of their failure to opt-out.
- *Customer Privacy*
 - Opt-in strikes an appropriate balance between the PUC's need to foster competition and an individual's constitutional right to privacy. Asking for customer consent prior to disclosing information ensures that the customer understands the nature of the disclosure, and its potential impact on privacy, before depriving that individual of a constitutional right.
- *Commercial Competition*
 - The federal courts have consistently held that opt-in consent models do not infringe on commercial rights. Opt-in does not prohibit companies from direct marketing, it just requires companies to first seek permission.
 - Alternative methods of advertising are still available for fostering competition. Such methods have proven to be effective: over 900,000 residential customers have switched, and more are switching every day.

ii. *Consumers Desire and Expect Opt-In Policies for Information Disclosure*

Empirical data shows that taking a strong stance to protect private customer information, including the adoption of an opt-in policy for any information disclosure, boosts customer confidence and fosters a robust marketplace. One expert explains: "Most pundits on both sides – privacy advocates and marketers – don't realize that

⁶⁴ 52 Pa. Code § 69.1812.

rather than protecting consumers or hiding from them, companies should be bringing them into the game.”⁶⁵

Consumers are now more than ever concerned with the availability of their private data. A survey conducted by the First Amendment Center in August 2000 revealed that 81% of respondents felt that privacy was “essential” –an increase from 78% in 1997.⁶⁶ Most consumers expect that their privacy will be protected and support opt-in as a standard for sharing personal data. A Harris Poll conducted by Business Week magazine revealed that 88% percent of respondents supported opt-in as the standard model for sharing personal data.⁶⁷ The Pew Research Center’s American Life Project poll confirmed these findings: 86% of its respondents preferred opt-in privacy policies.⁶⁸ Therefore, by adopting an opt-in method of disclosure, the PUC would better achieve its goal of fostering competition. Allowing customers be in full control over their information would boost consumer confidence in the competitive retail model, thereby encouraging more residential electric consumers to venture into the market.

iii. Opt-In Method Provides for Increased Uniformity

The PUC is statutorily mandated to obtain customer consent before it can release a customer’s smart meter data to a third party.⁶⁹ But the November 12 Order requires disclosure of smart meter data on the eligible customer list. Therefore, in order to comply with the statutory mandate, the PUC must obtain affirmative customer consent before releasing this portion of information. For the sake of consistency and uniformity, the PUC should require affirmative consent from customers before any information is released.

iv. Opt-in Method is Consistent with Federal Regulation, National Policy and Current Trends

Federal regulatory bodies consistently adopt an opt-in approach to private information disclosure, and national policy is also moving in that direction. This is a clear reflection of the increased risk of data exposure and the resulting national trend toward increased protection for private data in both the public and private arenas.

- *Federal Communications Commission (FCC)*

⁶⁵ Esther Dyson, *Go Ahead, Share My Data: How Companies Can Turn Privacy from Threat to Opportunity by Giving Sensitive Consumer Data to Customers*, SLATE (June 23, 2011), available at <http://www.slate.com/id/2297391/>.

⁶⁶ Electronic Privacy Information Center (EPIC), *Public Opinion on Privacy: Privacy Polls and Studies*, available at <http://epic.org/privacy/survey/> (last visited May 17, 2011) (citing First Amend. Ctr., *State of the First Amendment* (Aug. 2002), <http://www.freedomforum.org/templates/document.asp?documentID=16840>).

⁶⁷ *Business Week/Harris Poll: A Growing Threat*, BUSINESSWEEK (Mar. 20, 2000), available at http://www.businessweek.com/2000/00_12/b3673010.htm.

⁶⁸ Pew Internet & American Life Project, *Trust and Privacy Online: Why Americans Want to Rewrite the Rules* (Aug. 20, 2000).

⁶⁹ 66 Pa. C.S. § 2807(f)(3).

- The FCC requires carriers to obtain opt-in consent from a customer before disclosing that customer's information to the carrier's joint venture partner for the purposes of marketing communications services to customers.⁷⁰
- *Federal Trade Commission*
 - The FTC prohibits regulated entities from selling customer information to facilitate offers of goods and services, known as target marketing.⁷¹
- *National Institute of Standards and Technology*
 - The best practices of the United States Department of Energy and the National Institute of Standards and Technology (NIST), which is overseen by the Department of Commerce, provide that no information may be released unless the customer affirmatively opts to be included in the class of persons wishing to have their personal information released.⁷² In relevant part, the NIST procedures provide that "consumers should have rights to protect the privacy of their own [electronic usage data] and control access to it."⁷³

b. Implement Appropriate Security Standards and Regulations for all EDC and EGS Staff

PCADV strongly urges the PUC to adopt standards and regulations that not only address how information may be released, but also address when and where the information can be accessed, who may access the information, and to what extent the information may be used. As discussed at length above, the current regulations are insufficient to protect electric consumers from the threat of pretexting and data breach.⁷⁴ As a starting point, PCADV recommends that the PUC examine the privacy protections approved by the United States Supreme Court in *Whalen v. Roe*.⁷⁵

IV. CONCLUSION

In sum, PCADV asserts that the approach adopted by the PUC in its November 12 Order must be revised to properly account for the safety and privacy rights of electric customers across the Commonwealth. Failure to do so would have grave consequences for victims of domestic violence, domestic violence service providers, and others who are similarly situated. PCADV urges the PUC to adopt an opt-in consent method, accompanied by strong regulatory protections, to strike a more appropriate balance between the competing interests of customer safety, privacy, and commercial competition.

⁷⁰ Nat'l Cable & Telecommunications Ass'n v. FCC, 555 F.3d 996 (D.C. Cir. 2009)

⁷¹ See *Trans Union Corp. v. FTC*, 267 F.3d 1138 (D.C. Cir. 2001).

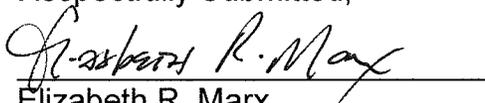
⁷² See Dep't of Energy, *Data Access and Privacy Issues Related to Smart Grid Technologies* 9-10 (Oct. 2010).

⁷³ U.S. Dep't of Commerce, Nat'l Inst. of Standards & Tech., *Guidelines for Smart Grid Cyber Security: Vol. 2, Privacy and the Smart Grid* 19-20 (Aug. 2010).

⁷⁴ See *supra* section I.A.iii.

⁷⁵ *Whalen v. Roe*, 429 U.S. 589, 594-95 (1977).

Respectfully Submitted,



Elizabeth R. Marx
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Dated: July 11, 2011

Laurie L. Baughman
Senior Attorney
E-Mail: llb@pcadv.org

On behalf of:
The Pennsylvania Coalition Against
Domestic Violence



July 11, 2011

Re: ***Statement of Interest of NCVLI Regarding Pennsylvania Public Utility Commission's Interim Guidelines for Eligible Customer Lists: Docket No. M-2010-2183412***

I write to your attention critical issues of victim privacy and safety.

The National Crime Victim Law Institute (NCVLI) is a non-profit educational and advocacy organization located at Lewis & Clark Law School in Portland, Oregon. NCVLI's mission is to actively promote balance and fairness in the criminal justice system through crime victim-centered legal advocacy, education, and resource sharing. NCVLI accomplishes its mission through education and training; technical assistance to attorneys nationwide; promotion of the National Alliance of Victims' Rights Attorneys; research and analysis of developments in crime victim law; and provision of information on crime victim law to crime victims and other members of the public. In addition, we participate as amicus curiae in cases involving victims' rights nationwide. Among the critical issues that NCVLI is involved are issues of privacy, protection, and access to justice.

To survive violence and begin on the path of recovery, crime victims must have access to certain basic human rights. Among these are safe housing with utilities service. Safety for crime victims often includes privacy of their names and contact information so that perpetrators cannot locate them. Unfortunately, the Pennsylvania Public Utility Commission's (PUC) Order to release private customer data, without first requiring affirmative customer consent, threatens the ability for victims to safely access electric service which in turn puts the most basic of rights, safe housing, at risk. No victim should be forced to the Hobson's choice: electricity OR safety.

Over the years NCVLI has had to fight to keep victims of domestic violence, stalking, and sexual assault safe by securing their privacy rights. These efforts have included ensuring victims can proceed in courts by pseudonym, that their private records are not successfully subpoenaed, and that their names and contact information are removed from court and Internet records. The PUC's order, which provides that victims of domestic violence can opt-out of the release of their information if they affirmatively identify as a victim, does not adequately address victim privacy or safety. A method that would instead allow victims to opt-in would better ensure victim privacy and safety and would be in line with notions of personal autonomy, which are also critical to recovery.

Thank you for taking the time to consider the interests of crime victims. If you have any questions I would be happy to discuss these issues with you further. You may contact me at 503-768-6953 or garvin@lclark.edu.

Sincerely,

Meg Garvin, MA, JD
Executive Director

310 SW 4TH AVENUE, SUITE 540, PORTLAND, OREGON 97204
P: 503.768.6819 F: 866.301.8794

THE NATIONAL CENTER FOR
Victims of Crime

July 11, 2011

Re: ***Statement of Interest and Support for PCADV's Comments***
Interim Guidelines for Eligible Customer Lists: Docket No. M-2010-2183412

The National Center for Victims of Crime is the nation's leading resource and advocacy organization for crime victims and those who serve them. Since its inception in 1985, the National Center has worked with grassroots organizations and criminal justice agencies throughout the United States serving millions of crime victims. Our mission is to forge a national commitment to help victims of crime rebuild their lives. The National Center recognizes that an essential component of victims' well-being is the ability to ensure their safety.

Electric service is a basic, fundamental need that victims must be able to access when breaking free from abuse. But the Pennsylvania Public Utility Commission's (PUC) Order to release private customer data, without first requiring affirmative customer consent, threatens the ability for victims to safely access electric service because **a victim's physical safety is often contingent on their ability to protect their private information**. No victim should be forced to choose between access to electricity and safety. But by requiring all electric distribution companies to release personal data of customers to hundreds of electric suppliers, the PUC is essentially forcing victims to make that choice.

The National Center is in a unique position to recognize the potential for harm of the proposed distribution of customer information. In 2000, the National Center established the Stalking Resource Center, the only national resource providing training, information, resources, and assistance on the crime of stalking. On a daily basis, the Stalking Resource Center hears of stories from victims—as well as the law enforcement, prosecutors, and victim service providers working with victims—as to lengths stalking victims will go to in order to keep their location private and the damage caused when stalkers and abusers gains access to that information.

The PUC's current order, which provides that victims of domestic violence can opt-out of the release of their information if they affirmatively identify as a victim, does not adequately address all victims' safety and undermines strong confidentiality provisions contained in the law. The opt-out method is fundamentally ineffective to protect victim safety because customers are not adequately apprised of their right to opt-out or of the potential consequences for not opting out. **Therefore, our organization firmly supports PCADV's position and urges the PUC to adopt an opt-in program for customer information disclosure because it is the only method that will allow victims to access basic, necessary utilities without sacrificing personal safety.**

Thank you for taking the time to fully consider the relevant interests at stake with this order.

Sincerely,



Mai Fernandez
Executive Director



The Journey...

Safe Horizons

Services for Women, Inc

P.O. Box 208 Union City, PA 16438 Phone: 814-438-2675 Fax: 814-438-2232

Re: **Statement of Interest and Support for PCADV's Comments**
Interim Guidelines for Eligible Customer Lists: Docket No. M-2010-2183412

Safe Horizons is a private, non-profit organization working at the local level to assist victims and survivors of domestic violence. Safe Horizons provides domestic violence services to Rural Erie County women and children including shelter. We have been in existence since 1978. We currently serve approximately 500 women and children.

Our program offers a range of services, including safety planning, access to temporary housing, and relocation assistance. These services are essential to providing victims with the assistance necessary to break free from the cycle of violence. These services will be directly impacted by the PUC's order because it will require additional advocacy and resources and may act as a deterrent for some victims attempting to transition to new living situations. Electric service is a basic, fundamental need that victims must be able to access when breaking free from abuse. **But, above all else, a victim's physical safety is often contingent on their ability to protect their private information and maintain their anonymity.** No victim should be forced to choose between access to electricity and safety. But by requiring all electric distribution companies to release personal data of customers to hundreds of electric suppliers, the PUC is essentially forcing victims to make that choice.

The safety of women who are fleeing from abuse is life threatening to her life and the lives of her children. Disclosing information puts her at great risk. Most women who are killed happens when they have left the abusive relationship and so confidentiality is extremely important. We had a woman that her abuser found out where her and her children moved to and her life and the lives of her children were comprised. She was stalked, harassed, threatened and they ended up having to leave the area because it was not safe for her. Most of our women, this is a great struggle. The protection of the address of our shelter and where they will move to is vital to the safety of the women and children we serve.

The PUC's current order, which provides that victims of domestic violence can opt-out of the release of their information if they affirmatively identify as a victim, does not adequately address victim safety and undermines strong confidentiality provisions contained in the law. Further, the current order places the anonymity of our program's shelter at risk, which is directly contrary to the protections contained in the PFA Act. If forced to affirmatively identify as a shelter in order to opt-out of the release of information, our status as a confidential shelter would be revealed. The opt-out method is fundamentally ineffective to protect victim safety because customers are not adequately apprised of their right to opt-out or of the potential consequences for not opting out. **Therefore, our program firmly supports PCADV's position and urges the PUC to adopt an opt-in program for customer information disclosure because it is the only method that will allow victims to access basic, necessary utilities without sacrificing personal safety.**

Thank you for taking the time to fully consider the relevant interests at stake with this order.

Sincerely,

Lori Palisin
Executive Director



HAVIN

Helping All Victims In Need

A safe harbor for troubled times

Jo Ellen Bowman, L.S.W.

Executive Director

jebhavin@windstream.net

P.O. Box 983 - Kittanning, PA 16201 - www.havinpa.org

Office: 724.543.1180 - Fax: 724.543.7410

Hotline Numbers: 724.548.8888 - 800.841.8881

July 6, 2011

Re: ***Statement of Interest and Support for PCADV's Comments***
Interim Guidelines for Eligible Customer Lists: Docket No. M-2010-2183412

HAVIN, Inc. is a private, non-profit organization working at the local level to assist victims and survivors of domestic violence and sexual assault. We were established in 1979, serving all of Armstrong County, PA. During fiscal year 2010/2011 we provided 3,732 nights in shelter to 103 women and children. We also provided direct services to 612 individuals during that same time period.

Our program offers a range of services, including safety planning, access to temporary housing, and relocation assistance. These services are essential to providing victims with the assistance necessary to break free from the cycle of violence. These services will be directly impacted by the PUC's order because it will require additional advocacy and resources and may act as a deterrent for some victims attempting to transition to new living situations. Electric service is a basic, fundamental need that victims must be able to access when breaking free from abuse. **But, above all else, a victim's physical safety is often contingent on their ability to protect their private information and maintain their anonymity.** No victim should be forced to choose between access to electricity and safety. But by requiring all electric distribution companies to release personal data of customers to hundreds of electric suppliers, the PUC is essentially forcing victims to make that choice.

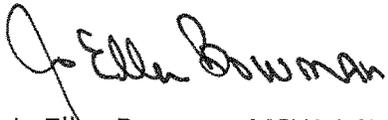
We make every effort to ensure that the people we serve are safe, including steps such as requiring confidential addresses on Protection from Abuse Orders. Additionally, on two occasions we have had batterers stalk their victims to our emergency shelter and had to call 911 for emergency assistance. We do not advertise the location of our emergency shelter for the safety of the people we serve and the staff who serve them. Cyberstalking and the use of technology to locate victims is a new trend that we are struggling with, we need your support to help inhibit these behaviors and protect victims.

The PUC's current order, which provides that victims of domestic violence can opt-out of the release of their information if they affirmatively identify as a victim, does not adequately address victim safety and undermines strong confidentiality provisions contained in the law. Further, the current order places the anonymity of our program's shelter at risk, which is directly contrary to the protections contained in the PFA Act. If forced to affirmatively identify as a shelter in order to opt-out of the release of information, our status as a confidential shelter would be revealed. The opt-out method is fundamentally ineffective to protect victim safety

because customers are not adequately apprised of their right to opt-out or of the potential consequences for not opting out. **Therefore, our program firmly supports PCADV's position and urges the PUC to adopt an opt-in program for customer information disclosure because it is the only method that will allow victims to access basic, necessary utilities without sacrificing personal safety.**

Thank you for taking the time to fully consider the relevant interests at stake with this order.

Sincerely,

A handwritten signature in black ink that reads "Jo Ellen Bowman". The signature is written in a cursive style with a large initial "J" and "E".

Jo Ellen Bowman, MSW, LSW
Executive Director

P.O. Box 832
West Chester, PA 19381-0832
Office: 610-431-3546
Fax: 610-431-2462



24 Hour Hotline
610-431-1430
Toll Free: 888-711-6270
TTY: 610-431-7262

Re: **Statement of Interest and Support for PCADV's Comments
Interim Guidelines for Eligible Customer Lists: Docket No. M-2010-2183412**

Domestic Violence Center of Chester County, PA is a private, non-profit organization working at the local level to assist victims and survivors of domestic violence. The mission of the agency is to provide intervention, education, outreach, advocacy and programs to prevent, reduce, and remedy domestic violence in Chester County. Since 1976, we have served over 27,500 families.

Our program offers a range of services, including safety planning, access to temporary housing, and relocation assistance. These services are essential to providing victims with the assistance necessary to break free from the cycle of violence. These services will be directly impacted by the PUC's order because it will require additional advocacy and resources and may act as a deterrent for some victims attempting to transition to new living situations. Electric service is a basic, fundamental need that victims must be able to access when breaking free from abuse. **But, above all else, a victim's physical safety is often contingent on their ability to protect their private information and maintain their anonymity.** No victim should be forced to choose between access to electricity and safety. But by requiring all electric distribution companies to release personal data of customers to hundreds of electric suppliers, the PUC is essentially forcing victims to make that choice.

A victim of domestic violence disclosed that after she fled from being abused she began to establish herself in another community and a public institution sent a letter to her abusive spouse regarding verifying family income for a credit report. Needless to say, the victim had to flee again because her safety had been compromised.

The PUC's current order, which provides that victims of domestic violence can opt-out of the release of their information if they affirmatively identify as a victim, does not adequately address victim safety and undermines strong confidentiality provisions contained in the law. Further, the current order places the anonymity of our program's shelter at risk, which is directly contrary to the protections contained in the PFA Act. If forced to affirmatively identify as a shelter in order to opt-out of the release of information, our status as a confidential shelter would be revealed. The opt-out method is fundamentally ineffective to protect victim safety because customers are not adequately apprised of their right to opt-out or of the potential consequences for not opting out. **Therefore, our program firmly supports PCADV's position and urges the PUC to adopt an opt-in program for customer information disclosure because it is the only method that will allow victims to access basic, necessary utilities without sacrificing personal safety.**

Thank you for taking the time to fully consider the relevant interests at stake with this order.

Sincerely,

Dolly Wideman-Scott, M.S., CEO

**STATEMENT OF INTEREST**

Re: Support for comments of the Pennsylvania Coalition Against Domestic Violence.
Interim Guidelines for Eligible Customer Lists: Docket No M-2010-2183412

A Way Out is a private, non-profit organization working in Potter County to provide support and assistance to victim/survivors of domestic violence.

A Way Out provides a variety of services including safety planning, access to temporary housing, and relocation assistance. These services are essential to providing victims with the assistance necessary to break free from the abuse they are experiencing in their own homes. The PUC's order will have a direct impact on these services because it will require additional advocacy and resources and may act as a deterrent for some victims attempting to transition to new living situations. Electric service is a basic, fundamental need that victims must be able to access when breaking free from abuse. Even more important, the physical safety of a victim is often contingent upon her ability to protect her private information and maintain her anonymity. No victim should be forced to choose between access to electricity and safety. By requiring all electric distribution companies to release personal data of customers to hundreds of electric suppliers, the PUC is essentially forcing victims to make that choice.

Potter County is in the northernmost part of Pennsylvania. Winters can be very cold. Potter County is also very rural and very remote. Sometimes when you're in danger here, there's no place to go but down the road in hopes of finding a friendly neighbor. And sometimes victims of domestic violence have to do that on foot. Potter County can be a harsh place to live even with electricity.

The PUC's current order, which provides that victims of domestic violence can opt out of the release of their information if they affirmatively identify as victims does not adequately address victim safety. It also undermines strong confidentiality provisions contained in the law. The opt-out method is fundamentally ineffective to protect victim safety because customers are not adequately apprised of their right to opt out or of the potential consequences of not opting out.

Because of this, A Way Out firmly supports the PCADV's position and urges the PUC to adopt an opt-in program for customer information disclosure. This is the only method that will allow victims to access basic, necessary utilities without sacrificing personal safety.

Thank you for taking the time to fully consider the relevant interests at stake with this order.

Sincerely,

Freda Fultz, Executive Director



Re: ***Statement of Interest and Support for PCADV's Comments***
Interim Guidelines for Eligible Customer Lists: Docket No. M-2010-2183412

Women's Resource Center (WRC) is a private, non-profit agency assisting victims and survivors of domestic violence. Founded in 1976, WRC is the sole provider of domestic violence intervention services in Lackawanna and Susquehanna Counties. Each year, WRC serves over 2,000 adult and child survivors of domestic and sexual abuse.

Our program offers a range of services, including safety planning, access to temporary housing, and relocation assistance. These services are essential and life-saving for victims. These services will be directly impacted by the PUC's order because it will require additional advocacy and resources and may act as a deterrent for some victims attempting to transition to new living situations.

Electric service is a basic, fundamental need that victims must be able to access when breaking free from abuse. **But, above all else, a victim's physical safety is often contingent on their ability to protect their private information and maintain their anonymity.** No victim should be forced to choose between access to electricity and safety. But by requiring all electric distribution companies to release personal data of customers to hundreds of electric suppliers, the PUC is essentially forcing victims to make that choice.

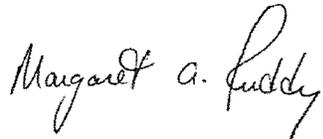
The PUC's current order, which provides that victims of domestic violence can opt-out of the release of their information if they affirmatively identify as a victim, does not adequately address victim safety and undermines strong confidentiality provisions contained in the law. Further, the current order places the anonymity of our program's shelter at risk, which is directly contrary to the protections contained in the PFA Act.

If forced to affirmatively identify as a shelter in order to opt-out of the release of information, our status as a confidential shelter would be revealed. The opt-out method is fundamentally ineffective to protect victim safety because customers are not adequately apprised of their right to opt-out or of the potential consequences for not opting out.

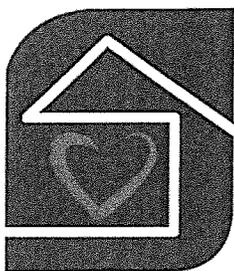
Therefore, our program firmly supports PCADV's position and urges the PUC to adopt an opt-in program for customer information disclosure because it is the only method that will allow victims to access basic, necessary utilities without sacrificing personal safety.

Thank you for taking the time to fully consider the relevant interests at stake with this order.

Sincerely,

A handwritten signature in black ink that reads "Margaret A. Ruddy". The signature is written in a cursive style with a large initial 'M' and 'R'.

Margaret A. Ruddy
Executive Director



Survivors
Inc.

June 28, 2011

Re: ***Statement of Interest and Support for PCADV's Comments***
Interim Guidelines for Eligible Customer Lists: Docket No. M-2010-2183412

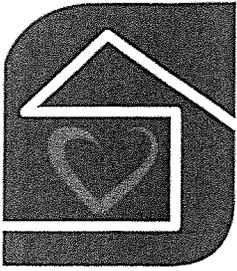
Survivors, Inc. is a private, non-profit organization working at the local level to assist victims and survivors of domestic violence. Survivors, Inc. Claudia House shelter is a twenty-eight bed facility that lies in the heart of historic Gettysburg. Our eligibility criteria and philosophy is simple- if someone reaches out that is seeking sanctuary from domestic violence, we will provide them and their legal dependents shelter, and we are often full to over-capacity. Our work with survivors focuses on their strengths, with the survivor setting goals for herself and her family, and Survivors, Inc. providing the resources, the options, the compassion, the advocacy, and the experience to assist the survivor in achieving her goals, or revising them as she chooses. Last fiscal year Survivors, Inc. served 591 individuals with 4,506 hours of direct service and 6,777 days of shelter.

Our program offers a range of services, including safety planning, access to temporary housing, and relocation assistance. These services are essential to providing victims with the assistance necessary to break free from the cycle of violence. These services will be directly impacted by the PUC's order because it will require additional advocacy and resources and may act as a deterrent for some victims attempting to transition to new living situations. Electric service is a basic, fundamental need that victims must be able to access when breaking free from abuse. **But, above all else, a victim's physical safety is often contingent on their ability to protect their private information and maintain their anonymity.** No victim should be forced to choose between access to electricity and safety. But by requiring all electric distribution companies to release personal data of customers to hundreds of electric suppliers, the PUC is essentially forcing victims to make that choice.

P.O. Box 3572 • Gettysburg, PA 17325 • 717-334-0589 • 24 Hr. Hotline/Shelter 717-334-9777/1-800-787-8106



Survivors supports those who experience domestic violence or sexual assault and strives to create a world in which violence against women and children is unthinkable



Survivors Inc.

'Rita' is a 32 year old mother of three. Her abuser has pursued her through three states, and has determined her location each time she has tried to establish a home with her children. The last time he found her, he nearly killed her. She feared she would never escape him... until she moved to Pennsylvania. Through our Survivors, Inc.'s support she is using a program that allows her to keep the address of her apartment confidential, and she has lived there for almost 4 months undetected by her abuser. However, forcing the disclosure of such information in the manner currently proscribed could put Rita and her children in harm's way again. And this time, he may succeed in his promise to kill the children, then her...

Further of concern; the PUC's current order, which provides that victims of domestic violence can opt-out of the release of their information if they affirmatively identify as a victim, does not adequately address victim safety and undermines strong confidentiality provisions contained in the law. Further, the current order places the anonymity of our program's shelter at risk, which is directly contrary to the protections contained in the PFA Act. If forced to affirmatively identify as a shelter in order to opt-out of the release of information, our status as a confidential shelter would be revealed. The opt-out method is fundamentally ineffective to protect victim safety because customers are not adequately apprised of their right to opt-out or of the potential consequences for not opting out. **Therefore, our program firmly supports PCADV's position and urges the PUC to adopt an opt-in program for customer information disclosure because it is the only method that will allow victims to access basic, necessary utilities without sacrificing personal safety.**

Thank you for taking the time to fully consider the relevant interests at stake with this order.

Sincerely,

Terri L. Hamrick, MNM
President/CEO

P.O. Box 3572 • Gettysburg, PA 17325 • 717-334-0589 • 24 Hr. Hotline/Shelter 717-334-9777/1-800-787-8106



Corporate Office
P.O. Box 293
Evans City, PA 16033
Phone: (724) 776-5910
Fax: (724) 776-6781



Outreach Office
111 South Cliff Street
Butler, PA 16001
Phone: (724) 283-8700
Fax: (724) 283-8760

www.voiceforvictims.com

TO: Elizabeth Marx
FROM: Elizabeth Clark-Smith, Executive Director of VOICE
EMAIL: erm@pcadv.org
FAX: 717.671.5542
DATE: July 7, 2011
RE: **Statement of Interest and Support for PCADV's Comments
Interim Guidelines for Eligible Customer Lists: Docket No. M-2010-2183412**

Victim Outreach Intervention Center is a private, non-profit organization working at the local level to assist victims and survivors of domestic violence. In 1978, the Volunteers Against Abuse Center (VAAC) of Butler County, Inc. organized from grassroots volunteers to address the specific needs of victims of domestic violence. In that same year, the Center on Rape and Assault (CORA) also organized to address the needs of victims of rape and incest. In 1993, CORA expanded its outreach and began offering services to victims of other violent crime; changing its name to Crime Victim Services (CVS).

VOICE remains the sole provider of comprehensive domestic violence, sexual assault and other crime victim services for the more than 180,000 people who call Butler County home. The Agency's mission is as follows: **"VOICE is a system-change organization that provides free and confidential services to individuals and families who are victims of violent crime. VOICE will work within our community to provide survivors with the resources, tools and options that allow them to assert their personal power and self-determination."** VOICE embraces a holistic approach to providing appropriate and meaningful services; creating a safe space where women, men and children in crisis can find support and guidance that nurtures self-determination, supports self-sufficiency, and encourages self-reliance. We are committed to reaching underserved populations and providing services that are non-discriminatory and celebrate the unique diversity of Butler County.

All of the free and confidential services provided by VOICE's staff and dedicated corps of volunteers are accessible to victims from three locations throughout Butler County. Our services include: 24-hour toll-free hotline, emergency shelter, transitional and permanent supportive housing, individual and group educative counseling, legal advocacy, welfare and medical accompaniment, economic support services, civil legal representation, comprehensive children's programming, prevention education, training services and community outreach.

Our program offers a range of services, including safety planning, access to temporary housing, and relocation assistance. These services are essential to providing victims with the assistance necessary to break free from the cycle of violence. These services will be directly

Hotline: 1-800-400-8551

"A copy of the official registration and financial information may be obtained from the Pennsylvania Department of State by calling toll free within Pennsylvania 1-800-732-0999. Registration does not imply endorsement."

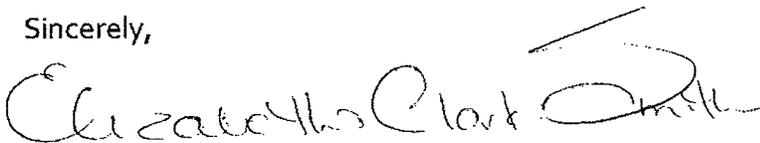


impacted by the PUC's order because it will require additional advocacy and resources and may act as a deterrent for some victims attempting to transition to new living situations. Electric service is a basic, fundamental need that victims must be able to access when breaking free from abuse. **But, above all else, a victim's physical safety is often contingent on their ability to protect their private information and maintain their anonymity.** No victim should be forced to choose between access to electricity and safety. But by requiring all electric distribution companies to release personal data of customers to hundreds of electric suppliers, the PUC is essentially forcing victims to make that choice.

The PUC's current order, which provides that victims of domestic violence can opt-out of the release of their information if they affirmatively identify as a victim, does not adequately address victim safety and undermines strong confidentiality provisions contained in the law. Further, the current order places the anonymity of our program's shelter at risk, which is directly contrary to the protections contained in the PFA Act. If forced to affirmatively identify as a shelter in order to opt-out of the release of information, our status as a confidential shelter would be revealed. The opt-out method is fundamentally ineffective to protect victim safety because customers are not adequately apprised of their right to opt-out or of the potential consequences for not opting out. **Therefore, our program firmly supports PCADV's position and urges the PUC to adopt an opt-in program for customer information disclosure because it is the only method that will allow victims to access basic, necessary utilities without sacrificing personal safety.**

Thank you for taking the time to fully consider the relevant interests at stake with this order.

Sincerely,

A handwritten signature in black ink that reads "Elizabeth Clark-Smith". The signature is written in a cursive style with a large, stylized initial "E".

Elizabeth Clark-Smith
Executive Director



Re: **Statement of Interest and Support for PCADV's Comments**
Interim Guidelines for Eligible Customer Lists: Docket No. M-2010-2183412

Womansplace is a private, non-profit organization working at the local level to assist victims and survivors of domestic violence. For 35 years, Womansplace has served hundreds of thousands of victims of domestic violence and their children.

Our program offers a range of services, including safety planning, access to temporary housing, and relocation assistance. These services are essential to providing victims with the assistance necessary to break free from the cycle of violence. These services will be directly impacted by the PUC's order because it will require additional advocacy and resources and may act as a deterrent for some victims attempting to transition to new living situations. Electric service is a basic, fundamental need that victims must be able to access when breaking free from abuse. **But, above all else, a victim's physical safety is often contingent on their ability to protect their private information and maintain their anonymity.** No victim should be forced to choose between access to electricity and safety. But by requiring all electric distribution companies to release personal data of customers to hundreds of electric suppliers, the PUC is essentially forcing victims to make that choice.

The PUC's current order, which provides that victims of domestic violence can opt-out of the release of their information if they affirmatively identify as a victim, does not adequately address victim safety and undermines strong confidentiality provisions contained in the law. Further, the current order places the anonymity of our program's shelter at risk, which is directly contrary to the protections contained in the PFA Act. If forced to affirmatively identify as a shelter in order to opt-out of the release of information, our status as a confidential shelter would be revealed. The opt-out method is fundamentally ineffective to protect victim safety because customers are not adequately apprised of their right to opt-out or of the potential consequences for not opting out. **Therefore, our program firmly supports PCADV's position and urges the PUC to adopt an opt-in program for customer information disclosure because it is the only method that will allow victims to access basic, necessary utilities without sacrificing personal safety.**

Thank you for taking the time to fully consider the relevant interests at stake with this order.

Sincerely,

Laurie MacDonald

Laurie Z. MacDonald, Executive Director
Womansplace, Inc.

The Women's Center, Inc.
Of
Columbia/Montour
111 North Market Street
Bloomsburg, Pennsylvania 17815
www.thewomenscenterinc.org



Office: (570) 784-6632
Shelter: (570) 784-6631

Fax: (570) 784-6680
E-mail: womenctr1@verizon.net

June 28, 2011

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Amanda Wingate

Re: *Statement of Interest and Support for PCADV's Comments*
Interim Guidelines for Eligible Customer Lists; Docket No. M-2010-2183412

The Women's Center, Inc. of Columbia/Montour is a private, non-profit organization working at the local level to assist victims and survivors of domestic violence. Our program has been in operation for over 30 years and provides free and confidential services to over 1,500 victims annually.

Our program offers a range of services, including safety planning, access to temporary housing, and relocation assistance. These services are essential to providing victims with the assistance necessary to break free from the cycle of violence. These services will be directly impacted by the PUC's order because it will require additional advocacy and resources and may act as a deterrent for some victims attempting to transition to new living situations. Electric service is a basic, fundamental need that victims must be able to access when breaking free from abuse. **But, above all else, a victim's physical safety is often contingent on their ability to protect their private information and maintain their anonymity.** No victim should be forced to choose between access to electricity and safety. But by requiring all electric distribution companies to release personal data of customers to hundreds of electric suppliers, the PUC is essentially forcing victims to make that choice.

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Thank you for taking the time to fully consider the relevant interests at stake with this order.

Sincerely,

Zabrina M. Finn
Executive Director

Interim Guidelines for Eligible Customer Lists: Docket No. M-2010-2183412

Women's Services, Inc. is a private, non-profit organization working at the local level to assist victims and survivors of domestic violence. Women's Services began in 1977 and serves upwards of 600 victims of this insidious crime every year.

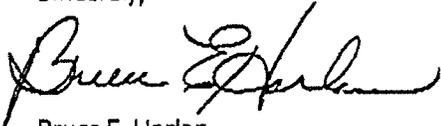
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We currently have working for us a women who, years ago, had to flee her home and county of origin because of inadvertent disclosures of her personal information. She had to uproot herself and her young children so her abuser couldn't find her. The efforts that some will go to in order to find their partners are rather insidious. As a society, let's not make it easier for criminals to find and hurt their intended victims.

The PUC's current order, which provides that victims of domestic violence can opt-out of the release of their information if they affirmatively identify as a victim, does not adequately address victim safety and undermines strong confidentiality provisions contained in the law. Further, the current order places the anonymity of our program's shelter at risk, which is directly contrary to the protections contained in the PFA Act. If forced to affirmatively identify as a shelter in order to opt-out of the release of information, our status as a confidential shelter would be revealed. The opt-out method is fundamentally ineffective to protect victim safety because customers are not adequately apprised of their right to opt-out or of the potential consequences for not opting out. **Therefore, our program firmly supports PCADV's position and urges the PUC to adopt an opt-in program for customer information disclosure because it is the only method that will allow victims to access basic, necessary utilities without sacrificing personal safety.**

Thank you for taking the time to fully consider the relevant interests at stake with this order.

Sincerely,



Bruce E. Harlan
Executive Director
Women's Services, Inc.
Crawford County, PA



ywca of northcentral pa
Lycoming County
815 West Fourth Street
Williamsport, Pennsylvania 17701

All Business Calls
T: 570-322-4637
F: 570-322-3029
www.ywcawilliamsport.org
CRISIS CALLS ONLY
Wise Options 570-323-8167
or 800-326-8483

Re: ***Statement of Interest and Support for PCADV's Comments***
Interim Guidelines for Eligible Customer Lists: Docket No. M-2010-2183412

Wise Options is a private, non-profit organization working at the local level to assist victims and survivors of domestic violence. Wise Options is a program of the YWCA Northcentral PA. Wise Options started in 1977 and last year served 1500 victims of domestic violence, sexual assault, and other major crimes. Our YWCA has been in existence since 1893.

Our program offers a range of services, including safety planning, access to temporary housing, and relocation assistance. These services are essential to providing victims with the assistance necessary to break free from the cycle of violence. These services will be directly impacted by the PUC's order because it will require additional advocacy and resources and may act as a deterrent for some victims attempting to transition to new living situations. Electric service is a basic, fundamental need that victims must be able to access when breaking free from abuse. **But, above all else, a victim's physical safety is often contingent on their ability to protect their private information and maintain their anonymity.** No victim should be forced to choose between access to electricity and safety. But by requiring all electric distribution companies to release personal data of customers to hundreds of electric suppliers, the PUC is essentially forcing victims to make that choice.

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Thank you for taking the time to fully consider the relevant interests at stake with this order.

Sincerely,
Diane Glenwright
Diane Glenwright, Executive Director
July 6, 2011

YOUR "SAFE HAVEN", INC.

"Justice will be achieved only when those who are not injured feel as indignant as those who are"

Bedford Co. (814) 623-7664
Toll Free 1-800-555-5671
Fax No. (814) 623-7187

N. JEAN MALLOW, Executive Director

Re: **Statement of Interest and Support for PCADV's Comments**
Interim Guidelines for Eligible Customer Lists: Docket No. M-2010-2183412

Your Safe Haven, Inc. (YSH), is a private, non-profit organization working at the local level to assist victims and survivors of domestic violence. During the past fifteen (15) years that our agency has been operational we have provided direct services to approximately 9,735 victims and their children who have experienced domestic violence.

Our program offers a range of services, including safety planning, access to temporary housing, and relocation assistance. These services are essential to providing victims with the assistance necessary to break free from the cycle of violence. These services will be directly impacted by the PUC's order because it will require additional advocacy and resources and may act as a deterrent for some victims attempting to transition to new living situations. Electric service is a basic, fundamental need that victims must be able to access when breaking free from abuse. **But, above all else, a victim's physical safety is often contingent on their ability to protect their private information and maintain their anonymity.** No victim should be forced to choose between access to electricity and safety. But by requiring all electric distribution companies to release personal data of customers to hundreds of electric suppliers, the PUC is essentially forcing victims to make that choice.

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Thank you for taking the time to fully consider the relevant interests at stake with this order.

Sincerely,
N. Jean Mallow
Executive Director



Women's Center of Montgomery County

Elkins Park: 8080 Old York Rd., Ste. 200, Elkins Park, PA 19027 ☎215-635-7340

Colmar: 2506 N. Broad Street, Suite 203, Colmar, PA 18915 ☎215-996-0723

Norristown: 18 West Airy Street ☎400 Courthouse Plaza, Norristown, PA 19404 ☎610-279-7474

Bryn Mawr: 14 S. Bryn Mawr Avenue, Suite 209, Bryn Mawr, PA 19010 ☎610-525-1427

Pottstown: 1800 E. High Street, Suite 350, Pottstown, PA 19464 ☎610-970-7364

Toll Free: 24-Hour Domestic Violence Hotline ☎1-800-773-2424

July 1, 2011

Letter of Support for the PA Coalition Against Domestic Violence's Comments Interim Guidelines for Eligible Customer Lists: Docket No. M-2010-2183412

The Women's Center of Montgomery County is a private, non-profit organization working at the local level to assist victims and survivors of domestic violence. With our primary focus on eliminating domestic violence and other forms of abuse, the Women's Center of Montgomery County has been volunteer-powered since its inception in 1976. Our programs are administered by more than 185 trained volunteers and a paid staff of 14 employees in our six offices located in Elkins Park, Norristown, Lansdale, Pottstown, Colmar and Bryn Mawr, as well as a volunteer-staffed thrift shop located in Jenkintown. The services we provide include: a 24-hour domestic violence hotline; elder abuse counseling and supportive services, individualized peer and group domestic violence counseling; telephone counseling, information and referral; legal advocacy; court and hospital accompaniment; stalking prevention on college campus program; emergency relocation funding for victims of domestic violence; prevention education, and outreach to the community and schools.

These services are essential to providing victims with the assistance necessary to break free from the cycle of violence. These services will be directly impacted by the PUC's order because it will require additional advocacy and resources and may act as a deterrent for some victims attempting to transition to new living situations. Electric service is a basic, fundamental need that victims must be able to access when breaking free from abuse. **But, above all else, a victim's physical safety is often contingent on their ability to protect their private information and maintain their anonymity.** No victim should be forced to choose between access to electricity and safety. But by requiring all electric distribution companies to release personal data of customers to hundreds of electric suppliers, the PUC is essentially forcing victims to make that choice.

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Thank you for taking the time to fully consider the relevant interests at stake with this order.

Sincerely,

Maria Macaluso

Maria Macaluso

Executive Director



Victims' Intervention Program

PO Box 986 • Honesdale, PA 18431
570-253-4431 - Business
570-253-4401 - Hotline
570-253-1322 - Fax

Pennsylvania Public Utility Commission

Re: *Statement of Interest and Support for PCADV's Comments*
Interim Guidelines for Eligible Customer Lists: Docket No. M-2010-2183412

Victims' Intervention Program is a private, non-profit organization working at the local level to assist victims and survivors of domestic violence. Our program has been in existence for 23 years and in the last fiscal year we served 589 victims of Domestic Violence. Our program offers a range of services, including safety planning, access to temporary housing, and relocation assistance. These services are essential to providing victims with the assistance necessary to break free from the cycle of violence. These services will be directly impacted by the PUC's order because it will require additional advocacy and resources and may act as a deterrent for some victims attempting to transition to new living situations. Electric service is a basic, fundamental need that victims must be able to access when breaking free from abuse. **But, above all else, a victim's physical safety is often contingent on their ability to protect their private information and maintain their anonymity.** No victim should be forced to choose between access to electricity and safety. But by requiring all electric distribution companies to release personal data of customers to hundreds of electric suppliers, the PUC is essentially forcing victims to make that choice.

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Thank you for taking the time to fully consider the relevant interests at stake with this order.
Sincerely,

Diane Yaddow
Victims' Intervention Program
Office Manager

June 30, 2011

Re: *Statement of Interest and Support for PCADV's Comments*
Interim Guidelines for Eligible Customer Lists: Docket No. M-2010-2183412

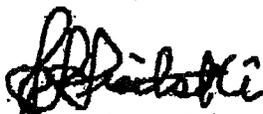
Women Against Abuse (WAA) is a private, non-profit organization working at the local level to assist victims and survivors of domestic violence. Women Against Abuse began in the mid-1970s as a part-time hotline in a women's center, and over the last 35 years has grown to become one of the leading advocates and service providers for victims of domestic violence. Through emergency shelter, transitional housing, legal services, and the Philadelphia Domestic Violence Hotline, WAA served 5,336 victims from July 1, 2009 to June 30, 2010.

Our program offers a range of services, including safety planning, access to temporary housing, and relocation assistance. These services are essential to providing victims with the assistance necessary to break free from the cycle of violence. These services will be directly impacted by the PUC's order because it will require additional advocacy and resources and may act as a deterrent for some victims attempting to transition to new living situations. Electric service is a basic, fundamental need that victims must be able to access when breaking free from abuse. **But, above all else, a victim's physical safety is often contingent on their ability to protect their private information and maintain their anonymity.** No victim should be forced to choose between access to electricity and safety. But by requiring all electric distribution companies to release personal data of customers to hundreds of electric suppliers, the PUC is essentially forcing victims to make that choice.

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Thank you for taking the time to fully consider the relevant interests at stake with this order.

Sincerely,



Jeannine Lisitski
Executive Director

ALLE-KISKI AREA

HOPE

CENTER INC.



MAIL:
PO Box 67, Tarentum, PA 15084

HOTLINE:
888.299.HOPE (4673)

TELEPHONE:
724.224.1100

FAX:
724.224.1123

E-MAIL:
HopeCenter@akhopecenter.org

WEBSITE:
www.akhopecenter.org

June 28, 2011

Re: *Statement of Interest and Support for PCADV's Comments*

Interim Guidelines for Eligible Customer Lists: Docket No. M-2010-2183412

Alle-Kiski Area HOPE Center, Inc. is a private, not-for-profit organization working at the local level to assist victims and survivors of domestic violence. HOPE is an organization of social change whose mission is the safe elimination of domestic violence through intervention, prevention, and collaboration. HOPE has served the individuals and communities of the Allegheny and Kiski Valleys for more than 30 years. As such, HOPE touches the lives of nearly 20,000 people each year – more than 3,000 of them – direct survivors of violence.

Our program offers an array of services, which includes safety planning, access to temporary housing, and relocation assistance. These services are essential to providing victims with the assistance necessary to break free from the cycle of violence. These services will be directly impacted by the PUC's order because it will require additional advocacy and resources and may act as a deterrent for some victims attempting to transition to new living situations. Electric service is a basic, fundamental need that victims must be able to access when breaking free from abuse. **But, above all else, a victim's physical safety is often contingent on their ability to protect their private information and maintain their anonymity.** No victim should be forced to choose between access to electricity and safety. But by requiring all electric distribution companies to release personal data of customers to hundreds of electric suppliers, the PUC is essentially forcing victims to make that choice.

The PUC's current order, which provides that victims of domestic violence can opt-out of the release of their information if they affirmatively identify as a victim, does not adequately address victim safety and undermines strong confidentiality provisions contained in the law. Further, the current order places the anonymity of our program's shelter at risk, which is directly contrary to the protections contained in the PFA Act. If forced to affirmatively identify as a shelter in order to opt-out of the release of information, our status as a confidential shelter would be revealed. The opt-out method is fundamentally ineffective to protect victim safety because customers are not adequately apprised of their right to opt-out or of the potential consequences for not opting out. **Therefore, HOPE firmly supports PCADV's position and urges the PUC to adopt an opt-in program for customer information disclosure because it is the only method that will allow victims to access basic, necessary utilities without sacrificing personal safety.**

Thank you for taking the time to fully consider the relevant interests at stake with this order.

Sincerely,
The HOPE Center

Michelle G. Bond
Executive Director



P.O. Box 108
Clarion, PA 16214
(814) 226-8481

STATEMENT OF INTEREST

Re: *Statement of Interest and Support for PCADV's Comments*
Interim Guidelines for Eligible Customer Lists: Docket No. M-2010-2183412

SAFE (Stop Abuse for Everyone) is a private, non-profit organization working at the local level to assist victims and survivors of domestic violence. For the past 28 years SAFE has provided services to victims of domestic violence and their families. SAFE has provided services to approximately 350 to 400 victims annually. SAFE has grown throughout the years from serving victims of domestic violence at our main office to providing an emergency women's shelter and a transitional housing program. Our program offers a range of services, including safety planning, access to temporary housing, and relocation assistance. These services are essential to providing victims with the assistance necessary to break free from the cycle of violence. These services will be directly impacted by the PUC's order because it will require additional advocacy and resources and may act as a deterrent for some victims attempting to transition to new living situations. Electric service is a basic, fundamental need that victims must be able to access when breaking free from abuse. **But, above all else, a victim's physical safety is often contingent on their ability to protect their private information and maintain their anonymity.** No victim should be forced to choose between access to electricity and safety. But by requiring all electric distribution companies to release personal data of customers to hundreds of electric suppliers, the PUC is essentially forcing victims to make that choice.

The PUC's current order, which provides that victims of domestic violence can opt-out of the release of their information if they affirmatively identify as a victim, does not adequately address victim safety and undermines strong confidentiality provisions contained in the law. Further, the current order places the anonymity of our program's shelter at risk, which is directly contrary to the protections contained in the PFA Act. If forced to affirmatively identify as a shelter in order to opt-out of the release of information, our status as a confidential shelter would be revealed. The opt-out method is fundamentally ineffective to protect victim safety because customers are not adequately apprised of their right to opt-out or of the potential consequences for not opting out. **Therefore, our program firmly supports PCADV's position and urges the PUC to adopt an opt-in program for customer information disclosure because it is the only method that will allow victims to access basic, necessary utilities without sacrificing personal safety.**

Thank you for taking the time to fully consider the relevant interests at stake with this order.

Sincerely,

Donna Keller
Executive Director



STATEMENT OF INTEREST

Re: ***Statement of Interest and Support for PCADV's Comments***
Interim Guidelines for Eligible Customer Lists: Docket No. M-2010-2183412

Schuylkill Women in Crisis is a private, non-profit organization that has been providing services to victims of domestic violence in Schuylkill County since 1983. Nearly 1,200 victims use our services each year, working at the local level to assist victims and survivors of domestic violence.

Our program offers a range of services, including safety planning, shelter, transitional housing, civil legal representation, and relocation assistance, among others. These services are essential to providing victims with the assistance necessary to break free from the cycle of violence. These services will be directly impacted by the PUC's order because it will require additional advocacy and resources and may act as a deterrent for some victims attempting to transition to new living situations. Electric service is a basic, fundamental need that victims must be able to access when breaking free from abuse. **But, above all else, a victim's physical safety is often contingent on their ability to protect their private information and maintain their anonymity.** No victim should be forced to choose between access to electricity and safety. But by requiring all electric distribution companies to release personal data of customers to hundreds of electric suppliers, the PUC is essentially forcing victims to make that choice.

The PUC's current order, which provides that victims of domestic violence can opt-out of the release of their information if they affirmatively identify as a victim, does not adequately address victim safety and undermines strong confidentiality provisions contained in the law. Further, the current order places the anonymity of our program's shelter at risk, which is directly contrary to the protections contained in the PFA Act. If forced to affirmatively identify as a shelter in order to opt-out of the release of information, our status as a confidential shelter would be revealed. The opt-out method is fundamentally ineffective to protect victim safety because customers are not adequately apprised of their right to opt-out or of the potential consequences for not opting out. **Therefore, our program firmly supports PCADV's position and urges the PUC to adopt an opt-in program for customer information disclosure because it is the only method that will allow victims to access basic, necessary utilities without sacrificing personal safety.**

Thank you for taking the time to fully consider the relevant interests at stake with this order.

Sincerely,

Sarah T. Casey
Executive Director

Re: **Statement of Interest and Support for PCADV's Comments**
Interim Guidelines for Eligible Customer Lists: Docket No. M-2010-2183412

Domestic Violence Service Center is a private, non-profit organization working at the local level to assist victims and survivors of domestic violence. Founded in 1976 on the belief that violence in the home is a crime which has a devastating impact on the lives of all the family members and on society as a whole, the agency is committed to work toward an end to violence through the provision of comprehensive supportive services to assist victims find safe and useful solutions to the violence, and networks of support systems to reach their goals. The work of DVSC encompasses outreach to the community to develop and strengthen other services and supports to victims including, but not limited to, police response, legal services, homeless assistance programs, workplace violence prevention, public housing, and healthcare and mental health services. Services arise from its mission – to work towards the elimination of domestic violence. Domestic Violence Service Center serves more than 2,000 victims from Luzerne and Carbon Counties each year.

Our program offers a range of services, including safety planning, access to temporary housing, and relocation assistance. These services are essential to providing victims with the assistance necessary to break free from the cycle of violence. These services will be directly impacted by the PUC's order because it will require additional advocacy and resources and may act as a deterrent for some victims attempting to transition to new living situations. Electric service is a basic, fundamental need that victims must be able to access when breaking free from abuse. **But, above all else, a victim's physical safety is often contingent on their ability to protect their private information and maintain their anonymity.** No victim should be forced to choose between access to electricity and safety. But by requiring all electric distribution companies to release personal data of customers to hundreds of electric suppliers, the PUC is essentially forcing victims to make that choice.

The PUC's current order, which provides that victims of domestic violence can opt-out of the release of their information if they affirmatively identify as a victim, does not adequately address victim safety and undermines strong confidentiality provisions contained in the law. Further, the current order places the anonymity of our program's shelter at risk, which is directly contrary to the protections contained in the PFA Act. If forced to affirmatively identify as a shelter in order to opt-out of the release of information, our status as a confidential shelter

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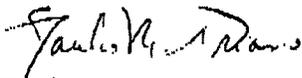
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would be revealed. The opt-out method is fundamentally ineffective to protect victim safety because customers are not adequately apprised of their right to opt-out or of the potential consequences for not opting out. Therefore, our program firmly supports PCADV's position and urges the PUC to adopt an opt-in program for customer information disclosure because it is the only method that will allow victims to access basic, necessary utilities without sacrificing personal safety.

Thank you for taking the time to fully consider the relevant interests at stake with this order.

Sincerely,



Paula M. Triano
Executive Director
Domestic Violence Service Center



P.O. Box 42 LEBANON, PA 17042

T. 717.273.7154 F. 717.273.6881

Re: ***Statement of Interest and Support for PCADV's Comments***
Interim Guidelines for Eligible Customer Lists: Docket No. M-2010-2183412

Domestic Violence Intervention (DVI) of Lebanon County, Inc. is a private, non-profit organization working at the local level to assist victims and survivors of domestic violence. DVI is a 501 (c) (3) non-profit organization founded in 1990 in response to the escalating levels of domestic violence in Lebanon County, Central Pennsylvania. Through the efforts of hundreds of volunteers and staff, and more than 21 years of hard work, DVI has developed a comprehensive range of safety, support and housing, and community linked services. All DVI services are free of charge, confidential, and accessible at our single site emergency shelter. During the year from July 1, 2009 thru June 30, 2010; 1270 adults and child victims were directly assisted.

Our program offers a range of services, including safety planning, access to temporary housing, and relocation assistance. These services are essential to providing victims with the assistance necessary to break free from the cycle of violence. These services will be directly impacted by the PUC's order because it will require additional advocacy and resources and may act as a deterrent for some victims attempting to transition to new living situations. Electric service is a basic, fundamental need that victims must be able to access when breaking free from abuse. **But, above all else, a victim's physical safety is often contingent on their ability to protect their private information and maintain their anonymity.** No victim should be forced to choose between access to electricity and safety. But by requiring all electric distribution companies to release personal data of customers to hundreds of electric suppliers, the PUC is essentially forcing victims to make that choice.

The PUC's current order, which provides that victims of domestic violence can opt-out of the release of their information if they affirmatively identify as a victim, does not adequately address victim safety and undermines strong confidentiality provisions contained in the law. Further, the current order places the anonymity of our program's shelter at risk, which is directly contrary to the protections contained in the PFA Act. If forced to affirmatively identify as a shelter in order to opt-out of the release of information, our status as a confidential shelter would be revealed. The opt-out method is fundamentally ineffective to protect victim safety because customers are not adequately apprised of their right to opt-out or of the potential consequences for not opting out. **Therefore, our program firmly supports PCADV's position and urges the PUC to adopt an opt-in program for customer information disclosure**



A United Way Agency

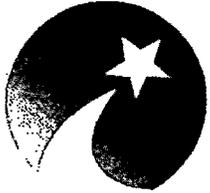
because it is the only method that will allow victims to access basic, necessary utilities without sacrificing personal safety.

Thank you for taking the time to fully consider the relevant interests at stake with this order.

Sincerely,



Lynn Snead
Executive Director



Crisis Center North

Providing direction to victims of domestic violence

Re: *Statement of Interest and Support for PCADV's Comments*
Interim Guidelines for Eligible Customer Lists: Docket No. M-2010-2183412

Crisis Center North is a private, non-profit organization working at the local level to assist victims and survivors of domestic violence. In operation since 1978, Crisis Center North currently serves approximately 2000 survivors of domestic violence per year.

Our program offers a range of services, including safety planning, access to temporary housing, and relocation assistance. These services are essential to providing victims with the assistance necessary to break free from the cycle of violence. These services will be directly impacted by the PUC's order because it will require additional advocacy and resources and may act as a deterrent for some victims attempting to transition to new living situations. Electric service is a basic, fundamental need that victims must be able to access when breaking free from abuse. **But, above all else, a victim's physical safety is often contingent on her/his ability to protect her/his private information and maintain her/his anonymity.** No victim should be forced to choose between access to electricity and safety. But by requiring all electric distribution companies to release personal data of customers to hundreds of electric suppliers, the PUC is essentially forcing victims to make that choice.

The PUC's current order, which provides that victims of domestic violence can opt-out of the release of their information if they affirmatively identify as a victim, does not adequately address victim safety and undermines strong confidentiality provisions contained in the law. Further, the current order places the anonymity of our program's service location at risk, which is directly contrary to the protections contained in the PFA Act. If forced to affirmatively identify as a domestic violence counseling center in order to opt-out of the release of information, our status as a confidential location would be revealed. The opt-out method is fundamentally ineffective to protect victim safety because customers are not adequately apprised of their right to opt-out or of the potential consequences for not opting out. **Therefore, our program firmly supports PCADV's position and urges the PUC to adopt an opt-in program for customer information disclosure because it is the only method that will allow victims to access basic, necessary utilities without sacrificing personal safety.**

Thank you for taking the time to fully consider the relevant interests at stake with this order.

Sincerely,

Kristy Carnahan
Supervisor of Counseling Services



Citizens Against Physical, Sexual & Emotional Abuse, Inc.

Re: **Statement of Interest and Support for PCADV's Comments**

Interim Guidelines for Eligible Customer Lists: Docket No. M-2010-2183412

CAPSEA, Inc. is a private, non-profit organization working at the local level to assist victims and survivors of domestic violence, sexual violence, and victims of serious crime in Elk and Cameron counties. CAPSEA, Inc. has been in existence since November 1977 providing life-saving confidential services to victims and their minor children. Over the past year, we have provided crisis intervention, counseling, support, legal advocacy and many other services to over 1,000 victims and their children. During this past year over 70 individuals have stayed in our emergency shelter fleeing domestic violence.

Our program offers a range of services, including safety planning, access to temporary housing, and relocation assistance. These services are essential to providing victims with the assistance necessary to break free from the cycle of violence. These services will be directly impacted by the PUC's order because it will require additional advocacy and resources and may act as a deterrent for some victims attempting to transition to new living situations. Electric service is a basic, fundamental need that victims must be able to access when breaking free from abuse. **But, above all else, a victim's physical safety is often contingent on their ability to protect their private information and maintain their anonymity.** No victim should be forced to choose between access to electricity and safety. But by requiring all electric distribution companies to release personal data of customers to hundreds of electric suppliers, the PUC is essentially forcing victims to make that choice.

The PUC's current order, which provides that victims of domestic violence can opt-out of the release of their information if they affirmatively identify as a victim, does not adequately address victim safety and undermines strong confidentiality provisions contained in the law. Further, the current order places the anonymity of our program's shelter at risk, which is directly contrary to the protections contained in the PFA Act. If forced to affirmatively identify as a shelter in order to opt-out of the release of information, our status as a confidential shelter would be revealed. The opt-out method is fundamentally ineffective to protect victim safety because customers are not adequately apprised of their right to opt-out or of the potential consequences for not opting out. **Therefore, our program firmly supports PCADV's position and urges the PUC to adopt an opt-in program for customer information disclosure because it is the only method that will allow victims to access basic, necessary utilities without sacrificing personal safety.**

Thank you for taking the time to fully consider the relevant interests at stake with this order.

Sincerely,

JoAnne B. Weyant
Executive Director



6/28/11

STATEMENT OF INTEREST

Re: **Statement of Interest and Support for PCADV's Comments**
Interim Guidelines for Eligible Customer Lists: Docket No. M-2010-2183412

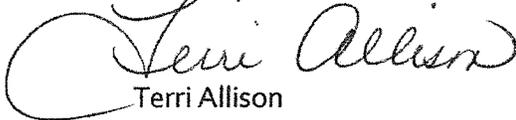
A Safe Place of Warren and Forest Counties, Inc., is a private, non-profit organization working at the local level to assist victims and survivors of domestic violence. A Safe Place has been in operation for 30 years serving victims of domestic violence in Warren and Forest Counties.

Our program offers a range of services, including safety planning, access to temporary housing, and relocation assistance. These services are essential to providing victims with the assistance necessary to break free from the cycle of violence. These services will be directly impacted by the PUC's order because it will require additional advocacy and resources and may act as a deterrent for some victims attempting to transition to new living situations. Electric service is a basic, fundamental need that victims must be able to access when breaking free from abuse. **But, above all else, a victim's physical safety is often contingent on their ability to protect their private information and maintain their anonymity.** No victim should be forced to choose between access to electricity and safety. But by requiring all electric distribution companies to release personal data of customers to hundreds of electric suppliers, the PUC is essentially forcing victims to make that choice.

The PUC's current order, which provides that victims of domestic violence can opt-out of the release of their information if they affirmatively identify as a victim, does not adequately address victim safety and undermines strong confidentiality provisions contained in the law. Further, the current order places the anonymity of our program's shelter at risk, which is directly contrary to the protections contained in the PFA Act. If forced to affirmatively identify as a shelter in order to opt-out of the release of information, our status as a confidential shelter would be revealed. The opt-out method is fundamentally ineffective to protect victim safety because customers are not adequately apprised of their right to opt-out or of the potential consequences for not opting out. **Therefore, our program firmly supports PCADV's position and urges the PUC to adopt an opt-in program for customer information disclosure because it is the only method that will allow victims to access basic, necessary utilities without sacrificing personal safety.**

Thank you for taking the time to fully consider the relevant interests at stake with this order.

Sincerely,


Terri Allison
Executive Director



300 Hospital Drive
North Warren, Pennsylvania 16365
Telephone: (814) 726-1271
Fax: (814) 726-1587

of Warren & Forest Counties



Re: **Statement of Interest and Support for PCADV's Comments**
Interim Guidelines for Eligible Customer Lists: Docket No. M-2010-2183412

Blackburn Center Against Domestic & Sexual Violence is a private, non-profit organization working at the local level to assist victims and survivors of domestic violence and sexual assault. Blackburn Center has been providing this service in Westmoreland County since 1976, reaching nearly 3,000 individuals annually with victim services and more than 20,000 community members through education and community awareness programs.

Our program offers a range of services, including safety planning, access to temporary housing, and relocation assistance. These services are essential to providing victims with the assistance necessary to break free from the cycle of violence. These services will be directly impacted by the PUC's order because it will require additional advocacy and resources and may act as a deterrent for some victims attempting to transition to new living situations. Electric service is a basic, fundamental need that victims must be able to access when breaking free from abuse. **But, above all else, a victim's physical safety is often contingent on their ability to protect their private information and maintain their anonymity.** No victim should be forced to choose between access to electricity and safety. But by requiring all electric distribution companies to release personal data of customers to hundreds of electric suppliers, the PUC is essentially forcing victims to make that choice.

The PUC's current order, which provides that victims of domestic violence can opt-out of the release of their information if they affirmatively identify as a victim, does not adequately address victim safety and undermines strong confidentiality provisions contained in the law. Further, the current order places the anonymity of our program's shelter at risk, which is directly contrary to the protections contained in the PFA Act. If forced to affirmatively identify as a shelter in order to opt-out of the release of information, our status as a confidential shelter would be revealed. The opt-out method is fundamentally ineffective to protect victim safety because customers are not adequately apprised of their right to opt-out or of the potential consequences for not opting out. **Therefore, our program firmly supports PCADV's position and urges the PUC to adopt an opt-in program for customer information disclosure because it is the only method that will allow victims to access basic, necessary utilities without sacrificing personal safety.**

Thank you for taking the time to fully consider the relevant interests at stake with this order.

Sincerely,

Ann M. Emmerling
Executive Director

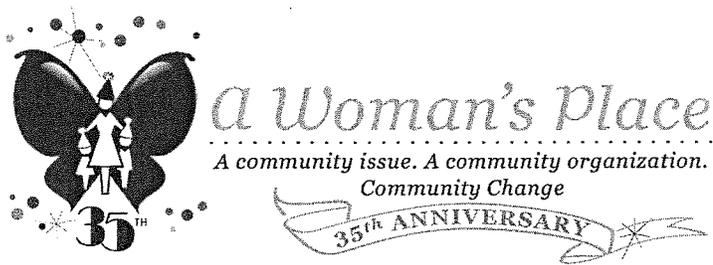
Office 724-837-9540
Fax 724-837-3676
Hotline 724-836-1122
Toll Free Hotline 1-888-832-2272

Website www.blackburncenter.org

Address PO Box 398 · Greensburg, PA 15601-0398



United Way
of Westmoreland County



Free, Private, 24-hour Hotline
1 800 220 8116

Administrative Office 215 343 9241
Fax 215 343 3411

PO Box 299, Doylestown, PA 18901
www.awomansplace.org

Re: **Statement of Interest and Support for PCADV's Comments**
Interim Guidelines for Eligible Customer Lists: Docket No. M-2010-2183412

A Woman's Place (AWP) is the only private, non-profit organization dedicated solely to working at the local level to assist victims and survivors of domestic violence in Bucks County, Pa. AWP has been in operation since 1976, provides a full range of services (including shelter) to survivors of domestic violence, as well as individual and systems advocacy on their behalf. In addition, AWP has a strong prevention / education program that reaches out to the community and students in Bucks County. Last year over 4,000 individuals were served directly through our programs.

AWP's services are essential to providing survivors with the assistance necessary to break free from the cycle of violence. These services will be directly impacted by the PUC's order because it will require additional advocacy and resources and may act as a deterrent for some who are attempting to transition to new living situations. Electric service is a basic, fundamental need that individuals must be able to access when breaking free from abuse. **But, above all else, an individual's physical safety is often contingent on their ability to protect their private information and maintain their anonymity.** No one should be forced to choose between access to electricity and safety. But by requiring all electric distribution companies to release personal data of customers to hundreds of electric suppliers, the PUC is essentially forcing survivors and to make that choice.

The PUC's current order, which provides that victims of domestic violence can opt-out of the release of their information if they affirmatively identify as a victim, does not adequately address safety and undermines strong confidentiality provisions contained in the law. Further, the current order places the anonymity of our program's shelter at risk, which is directly contrary to the protections contained in the PFA Act. If forced to affirmatively identify as a shelter in order to opt-out of the release of information, our status as a confidential shelter would be revealed. The opt-out method is fundamentally ineffective to protecting safety because customers are not adequately apprised of their right to opt-out or of the potential consequences for not opting out. **Therefore, our program firmly supports PCADV's position and urges the PUC to adopt an opt-in program for customer information disclosure because it is the only method that will allow survivors to access basic, necessary utilities without sacrificing personal safety.**

Thank you for taking the time to fully consider the relevant interests at stake with this order.

Sincerely,

Donna J. Byrne
Executive Director