

November 28, 2012

Via e-file

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

**Re: PUC Docket No. M-2012-2290911
PECO's Amended Universal Service and Energy Conservation Plan for 2013-2015**

Dear Secretary Chiavetta:

Attached, please find PCADV's comments to PECO's Amended Universal Service and Energy Conservation Plan for 2013-2015 at docket number M-2012-2290911.

Sincerely,



Elizabeth R. Marx, Esq.

Enclosures

Before the Pennsylvania Public Utilities Commission

PECO's Amended Universal Service and Energy Conservation Plan For 2013-2015 : **Docket No. M-2012-2290911**

**Comments of the Pennsylvania Coalition Against Domestic Violence Regarding
PECO's Amended Universal Service and Energy Conservation Plan for 2013-2015**

Please accept Pennsylvania Coalition Against Domestic Violence's (PCADV) comments in opposition to two proposals found in the PUC's Tentative Order on PECO's Universal Service and Energy Conservation Plan for 2013 – 2015 (Tentative Order). PCADV is a private nonprofit organization that works at the state and national level to eliminate domestic violence, secure justice for victims, enhance safety for families and communities, and create lasting systems and social change. PCADV coordinates these efforts with its statewide network of domestic violence programs, which provides 24-hour emergency hotlines, shelter, counseling, legal advocacy and representation, healthcare-based advocacy, children's programs, transitional housing and many other free and confidential services. This network currently consists of 60 community-based programs, ten of which serve victims of domestic violence within the PECO service territory.

In addition to issuing the comments below, PCADV fully supports the joint comments of the Tenant Union Representative Network (TURN), Action Alliance of Senior Citizens of Greater Philadelphia (Action Alliance), and the Coalition of Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA).

Social Security Number Requirement Poses Substantial Privacy Concern

PCADV opposes PECO's proposal to require a Social Security number for all household members, including those household members under the age of 18. Such a requirement unnecessarily infringes on a customer's right to privacy and contravenes the federal Privacy Act. Additionally, the requirement of a Social Security number creates an insurmountable burden for foreign-born victims of domestic violence.

American citizens value their privacy and are increasingly on guard against unauthorized disclosure of their private information,¹ as disclosure of personally identifying information has proven to pose a distinct risk of identity theft, stalking, or other crime. Even more than other

¹ See Electronic Privacy Info. Ctr., Consumer Polls, *available at* <http://epic.org/privacy/survey/default.html#polls>; Harris Interactive, *Many U.S. Adults Claim to Have Been Notified that Personal Information Has Been Improperly Disclosed* (2006), *available at* <http://www.harrisinteractive.com/vault/Harris-Interactive-Poll-Research-FOR-IMMEDIATE-RELEASE-2006-11.pdf>.

personally identifying information, an individual's Social Security number should be guarded from any possible unauthorized disclosure, as it provides the quintessential means for personal identification and exposes individuals to the highest risk of fraud or other crime. In recognition of this extreme security risk, the United States Social Security Administration encourages all individuals to guard against sharing their number for any reason, even when asked.²

It is important for the PUC to also note that the United States District Court for the Eastern District of Pennsylvania previously held that the federal Privacy Act³ bars the Pennsylvania State Police from requiring a firearm purchaser to provide his or her Social Security number in order to conduct the statutorily required background check.⁴

As the PUC points out in its Tentative Order, many state and federal benefit programs do not require an applicant to provide a Social Security number to be eligible for the program benefit. (Tentative Order at 21). PCADV submits that the PUC should follow the lead of other benefit providers and should comply with the principles of the federal Privacy Act by denying PECO's request to require Social Security numbers of customer assistance program (CAP) applicants. At the very least, if a Social Security number requirement is upheld, the requirement should be restricted to the primary account holder – and should not be imposed against all members of the applicant's household.

Social Security Requirement Acts as Complete Bar to Foreign-Born Victims

PCADV is also concerned that a Social Security number requirement would act as a complete bar for foreign-born victims of domestic violence and other crime who are in need of assistance. The federal Violence Against Women Act provides specific protections for non-citizen victims of domestic violence. In particular, the Act allows victims of domestic violence to obtain status and remain lawfully within the United States if they are married to an abusive US citizen or lawful permanent resident.⁵ However, individuals who access this type of immigration relief are not issued a Social Security number immediately. The Act also allows victims of crime, including domestic violence and human trafficking, to obtain a U Visa or T Visa if they cooperate with police in the investigation and prosecution of their perpetrators.⁶ However, submitting and processing U and T Visa applications takes a considerable amount of time and, in the interim, leaves the victim without a Social Security number despite their lawful presence. Requiring a Social Security card to be eligible for the CAP program would completely bar foreign-born victims of domestic violence and those victims eligible for the U or T Visa from accessing PECO's CAP program.

Requiring Notarization of an Individual's Lack of Income is Unnecessary and Burdensome

PCADV opposes PECO's proposal to mandate that statements of no income be notarized in order to enroll in PECO's low-income assistance programs.

² See Soc. Sec. Admin., *Identity Theft and Your Social Security Number*, SSA Pub. No. 05-100064, ICN 463270 (Oct. 2012), available at <http://www.ssa.gov/pubs/10064.html#a0=0>.

³ 5 U.S.C. § 552a.

⁴ *Stollenwerk v. Miller*, 2006 U.S. Dist. LEXIS 7048, 2006 WL 463393, at *3-*4 (E.D. Pa. Feb. 24, 2006).

⁵ 8 U.S.C. § 1154; see also INA § 204(a)(1).

⁶ 8 U.S.C. § 1101; see also INA § 101(a)(15)(T)-(U), 214(p), 245(m).

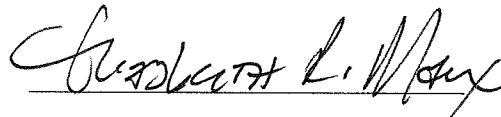
First and foremost, notarization is simply not necessary for the operation of PECO's CAP program. A notary does not verify the truth of the statement in a document. Rather, a notary's signature merely verifies the validity of the document's signature and ensures that the document was signed willingly. If PECO is concerned about the veracity of an individual's income statement, a notary's signature will not in any way assuage that concern. It will only verify that, indeed, the signer is who they claim to be.

Moreover, PECO's notarization requirement is unduly burdensome on customers with little or no income, especially those customers in PECO's service area who recently lost General Assistance, their sole source of income, when the Commonwealth abruptly eliminated this program in August 2012. Most notaries charge \$3 to \$10 for their services, and some charge upwards of \$15-20. While this charge may seem nominal to many, this sort of ancillary fee can pose an insurmountable obstacle for someone with no income. As a result, many customers without income will be unable to participate in PECO's CAP rate program. Given that notarization is simply not necessary in this context, it would be unreasonable for PECO to ask this segment of the population to shoulder such a burden.

Rather than requiring notarization, which is unnecessary and burdensome on low-income customers, PECO could instead add a line to the income verification statement that informs the signer that any fraudulent submission of the form is under penalty of law. This would better achieve PECO's intended result while avoiding the burdensome cost of notarization.

As the PUC notes in its Tentative Order, the Department of Public Welfare (DPW) does not require that letters of no income be notarized.⁷ PCADV submits that PECO's low-income assistance programs should follow this example.

Respectfully Submitted,



Elizabeth R. Marx
Staff Attorney

Laurie L. Baughman
Senior Attorney

Dated: November 28, 2012

On behalf of:
The Pennsylvania Coalition Against
Domestic Violence

⁷ 55 Pa. Code § 183.5.