

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Petition of PECO Energy Company for Approval of its Default Service Program	:	
	:	P-2012-2283641
PECO Energy Company Universal Service and Energy Conservation Plan for 2013-2015	:	
	:	M-2012-2290911

**BRIEF OF THE PENNSYLVANIA COALITION
AGAINST DOMESTIC VIOLENCE (PCADV)**

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I.

I. INTRODUCTION

The Pennsylvania Coalition Against Domestic Violence (PCADV) submits this brief in support of the evidence in the record.

PCADV is concerned with two primary issues in this proceeding: (1) PECO's requirement that Customer Assistance Plan (CAP) applicants produce their Social Security Number (SSN), along with the SSN of every individual in the applicant's household, and (2) PECO's requirement that CAP applicants with zero income submit a notarized income statement.

PCADV asserts that these requirements present an insurmountable burden for CAP applicants most in need of assistance. PECO concedes in its Rebuttal Testimony that it is willing to modify its plan to alleviate the burdensome requirements, and that it recognizes the necessity of such modifications to ensure the continued protection of vulnerable populations. However, at this time PCADV and PECO have yet to reach a settlement and, thus, PCADV submits this brief asking the Commission to reject PECO's plan because will bar victims of domestic violence and other at-risk populations from accessing CAP assistance.

II. HISTORY OF THE PROCEEDING

On February 28, 2012, PECO Energy Company (PECO) filed the above-captioned Universal Service and Energy Conservation Plan (Plan) in accordance with the Commission's regulations at 52 Pa. Code §§54.71-54.78, relating to electric universal service and energy conservation requirements and at 52 Pa. Code. §§ 62.1-62.8, relating to natural gas universal service and energy conservation requirements. Subsequently, on

October 25, 2012, PECO filed an Amended Plan. On November 8, 2012, the Commission entered a Tentative Order soliciting comments from interested parties. In relevant part to this brief, the Commission asked for comment on (1) the need for an operation of PECO's CAP Rate provision that customers be required to provide SSNs, and (2) the need for and operation of PECO's CAP Rate provisions regarding the proof of zero incomes.

On November 28, 2012, PCADV filed comments. Comments were also filed by PECO, the Office of Consumer Advocate (OCA), Community Legal Services of Philadelphia (CLS), Face to Face, and H. Gil Peach and Associates, LLC. The Tenant Union Representation Network (TURN), Action Alliance of Senior Citizens of Greater Philadelphia (Action Alliance), and the Coalition for Affordable Utility Services and Energy Efficiency in PA (CAUSE-PA) filed Joint Comments. With the exception of PECO, each commenter raised concern over PECO's SSN and notarization of zero income requirements.

Upon review of the comments and reply comments, the Commission noted that some interested parties share the Commission's concerns and some have requested the opportunity to participate in an evidentiary proceeding before an Administrative Law Judge (ALJ) to more fully review and analyze relevant data and/or to engage in the collaborative process.

To ensure that critical decisions about the structure of PECO's CAP Plan are made before PECO has to file the Shopping Plan (which, due to the extension of time, is now on or around May 1, 2013), the Commission planned to adopt a Final Order on the Plan by April

4, 2013. Therefore, the CAP Plan was assigned to the Office of Administrative Law Judge to conduct any necessary evidentiary hearings and briefing, and certify the record (if any) to the Commission by March 1, 2013. To the extent any consensus resolutions are achieved, the Commission directed PECO to file a revised CAP Plan or settlement agreement with the Commission by March 1, 2013.

The matter was assigned to Administrative Law Judge Cynthia Williams Fordham, who conducted a prehearing conference on January 15, 2013, at which ALJ Fordham established a shortened hearing schedule to meet the Commission's March 1, 2013, deadline. Hearings were held on February 15 and 19, 2013, at which PECO, OCA, TURN, CAUSE-PA, and PCADV submitted pre-served direct and rebuttal testimony for the record. Cross-examination was conducted for PECO's witnesses and TURN's witness.

PCADV submitted the direct and rebuttal testimony of Nicole A. Lindemyer, Public Policy Manager at PCADV, along with pre-marked exhibits. (PCADV Statement 1; PCADV Rebuttal Testimony). PCADV also submitted the direct testimony and pre-marked exhibits of Diana Locke, Staff Attorney at the Pennsylvania Immigration Resource Center. (PCADV Statement 2). All testimony filed on behalf of PCADV address the inappropriateness of PECO's SSN and notarization requirements, and describes the detrimental impact that these requirements would have on victims of domestic violence, particularly immigrant victims of domestic violence.

III. LEGAL STANDARD

The burden of proof to establish the validity and necessity of PECO's Revised Universal Services Plan rests squarely on PECO. 66 Pa. C.S. §§ 315(c), 332(a). The Pennsylvania Supreme Court has clearly stated that the party with the burden of proof has a formidable task before its position can be adopted by the Commission. Even where a party has established a prima facie case, the litigant must establish that "the elements of that cause of action are proven with substantial evidence which enables the party asserting the cause of action to prevail, precluding all reasonable inferences to the contrary." Burleson v. Pa. P.U.C., 501 Pa. 433, 436; 461 A.2d 1234, 1236 (1983).

As explained throughout this brief, PECO's proposed SSN and notarization requirements create a distinct risk of harm to victims of domestic violence and, in particular, foreign-born victims of domestic violence. Yet PECO has not produced evidence of its need to impose burdensome SSN and notarization requirements on its most vulnerable customers. PCADV respectfully asserts that PECO has failed to meet its burden and, thus, its proposal to require CAP applicants to submit SSNs and notarized statements of zero income should be denied.

IV. SUMMARY OF ARGUMENT

PCADV strongly urges the Commission to reject the portion of PECO's Plan that requires CAP applicants to submit SSNs for themselves and for all members of the household.

Victims of domestic violence, especially foreign-born victims of domestic violence, often have a difficult time producing a SSN. And, even if they can produce a SSN, doing so often places victims of domestic violence at a unique risk of physical harm by her or his former or

current batterer. PECO has not advanced any data or information that its goal of preventing fraud and/or the provision of duplicate benefits necessitates such a distinct risk of harm.

Thus, PCADV urges the Commission to reject PECO's Plan to require such a burdensome prerequisite for its CAP program.

Moreover, PCADV urges the Commission to reject PECO's proposal to require individuals with zero income to submit a notarized income statement. For many individuals with zero income, a notarization requirement would pose an insurmountable obstacle to obtaining assistance. This is particularly true for victims of domestic violence who escape abuse, as this population is often in transition and must struggle to meet basic expenses at a time in which they are most vulnerable to further physical harm by a batterer. In addition to the notarization fee, CAP applicants may need to also pay for transportation and/or child care in order to get the proper documentation. And, as PECO concedes, this approach is not guaranteed to prevent fraud. Notarization does not attest to the veracity of the statement, it only attests to the fact that the signer is who they claim to be. Thus, without proving the validity or necessity of such a requirement, PECO seeks approval to impose a burdensome and unnecessary requirement on its customers who are most in need of assistance.

For these reasons, PCADV respectfully requests that the Commission reject PECO's SSN and notarization requirements.

V. ARGUMENT

A. THE COMMISSION SHOULD REJECT PECO'S PROPOSAL TO REQUIRE SSNs FOR CAP APPLICANTS AND HOUSEHOLD MEMBERS, AS IT CONTRAVENES EXISTING LAW AND PRACTICE AND CREATES A DISTINCT RISK OF HARM TO CUSTOMERS WITHOUT OFFERING ANY DATA TO SUBSTANTIATE SUCH A RISK.

i. PECO's SSN requirement places victims of domestic violence at a distinct risk of harm.

Ms. Lindemyer explained the risk of harm to victims of domestic violence at length in her testimony:

Domestic violence impacts a very wide segment of the population. The domestic violence programs within PECO's service territory provided direct services to over 26,000 battered individuals and their children last year—and that number is only a small fraction of the total population of abuse victims, as many victims do not seek services. Findings from the Center for Disease Control and Prevention's *National Intimate Partner and Sexual Violence Survey* estimate that “more than 1 in 3 women (35.6%) and more than 1 in 4 men (28.5%) have experienced rape, physical violence, and/or stalking by an intimate partner in their lifetime.”¹

While domestic violence occurs across every level of socio-economic status, domestic violence and poverty are inextricably linked. Domestic violence is the leading cause of homelessness nationally. Among cities surveyed in 2005, 50% identified domestic violence as a primary cause of local homelessness.² Additionally, studies have shown that nearly half of the women receiving welfare have reported experiencing physical abuse by an intimate partner, and between 9% and 23% reported experiencing abuse within the last year.³ Because so many domestic violence victims live at or below the poverty level as a direct and indirect consequence of their abuse, their need to access programs like CAP is great.

A basic understanding of the dynamics present in an abusive relationship helps to illustrate why this is true. Abusers use a range of tactics to maintain power and control over their victim. In addition to physical abuse, abusers often exert control over their victims' finances in order to further isolate their victims from supportive networks and decrease the likelihood that they will be able to successfully leave. Examples of financial abuse include denying victims access to their paycheck, forbidding victims

¹ Ctrs. for Disease Control & Prevention, *The National Intimate Partner and Sexual Violence Survey (NISVS), Executive Summary* (2011), available at <http://www.cdc.gov/violenceprevention/nisvs/>.

² Nat'l Law Ctr. Homelessness & Pov. & Nat'l Network to End Domestic Violence, *Lost Housing, Lost Safety: Survivors of Domestic Violence Experience Housing Denials and Evictions Across the Country* (2007) available at http://www.nlchp.org/content/pubs/NNEDV-NLCHP_Joint_Stories%20_February_20072.pdf (citing U.S. Conference of Mayors/Sodexo Survey on Hunger and Homelessness (2005)).

³ Eleanor Lyon, Nat'l Res. Ctr. on Domestic Violence, *Welfare and Domestic Violence Against Women: Lessons from Research* (2011), available at http://vawnet.org/advanced-search/print-document.php?doc_id=317&find_type=web_desc_NRCDV.

from working outside the home, getting victims fired by harassing them or their coworkers, maxing out credit cards, refusing to give victims money for food, rent, or medicine, and keeping victims from accessing shared accounts. Even after victims attempt to leave, the financial abuse may continue and, at the same time, the risk of serious physical assault increases. Victims face the greatest risk of physical harm and/or lethality after separation, when batterers regularly go to great lengths to re-establish power and control over their victims.⁴ In addition to physical assaults and stalking, abusers regularly empty bank accounts, shut off utility services, interfere with housing, and cut off joint lines of credit after the relationship ends.⁵ In many cases, the abuser's sabotage prevents the victim from establishing economic independence from her or his abuser, which forces the victim to either return to the abuser, seek emergency shelter, or face homelessness.⁶

...

In addition to financial abuse, abusers often control the victims' important documents, such as their drivers licenses, birth certificates, Social Security cards, passports, immigration documents, mortgages, deeds, deeds, account access of any kind, etc., as a means of keeping the victim dependent on the abuser and incapable of leaving. So, when a victim actually is able to leave her abuser, she or he is often left without any kind of personal documentation, and must rebuild every stage of her life from ground zero, without any of the personally identifying documents too often required to do so.

What's more, the process of replacing those essential personal documents is no simple task, and obtaining one form requires another, which requires the first, creating a vicious circle of bureaucracy at precisely the time when the victim is least able to manage yet another stressor. For example, obtaining a replacement Social Security card requires the applicant to show government-issued identification. In Pennsylvania, in order to get a driver's license or state-issued ID, one must have a social security card, plus a raised-seal official birth certificate or passport, plus mortgage/lease/tax records, plus utility bills. It takes months upon months of waiting, as well as expensive records fees, and a permanent address at which victims can receive mail. The length of stay in a battered women's shelter is often limited to only 30 days because the demand for shelter space is more than programs can provide, and this 30 days is not enough time to receive replacement documents required to get ID.

Even if the victim has memorized her own Social Security number, she may not have the documentation needed to provide the SSNs for all household members, so the process must play out for each and every member of the household who fled the abuser—not just the victim but also each of her children and any other dependents. In this way, PECO's Social Security number requirement would deny desperately needed utility

⁴ 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).

⁵ *See* Jill Davies, *Safety Planning with Battered Women: Complex Lives/Difficult Choices* (1998).

⁶ Domestic violence is a leading cause of homelessness for women and children in Pennsylvania, and across the nation. *See* Nat'l Network to End Domestic Violence, *Housing, Homelessness and Domestic Violence* (2004), <http://www.ncdsv.org/images/housingdvfactsheet1.pdf>.

assistance to otherwise eligible customers, leaving them without help to address yet another financial burden, and, too often, so frustrated and isolated that they feel there is no choice but to return to the abuser.

(PCADV Statement No. 1, p. 4-8).

ii. PECO's SSN requirement creates an insurmountable burden for foreign-born victims of domestic violence in need of CAP assistance.

The direct testimony of Ms. Locke addressed the insurmountable burden that a SSN requirement poses for foreign-born victims of domestic violence:

Many foreign-born individuals who are otherwise eligible for PECO's CAP do not have a SSN, and are not eligible to get one. SSNs are used to report an individual's wages to the government and to determine a person's eligibility for Social Security benefits. Many foreign-born individuals are not eligible for a SSN because they do not have authorization from the Department of Homeland Security to work in the United States. One example would be the spouse of an F-1 (student) visa holder. Her visa type is F-2. Although she is authorized to be present in the US, she is not authorized to work in the United States and would not be able to apply for a SSN. Another example would be an individual who entered on a tourist visa and never left, perhaps because they feared persecution in their country of origin or because they met someone and stayed to explore a relationship. Or, the individual may have entered without inspection and may not have lawful status at all. None of these individuals have a SSN, which would make it very difficult, if not impossible, to comply with a SSN requirement.

...

According to the U.S. Census Bureau's *2011 American Community Survey*, approximately 9.5 percent of residents from Bucks, Chester, Delaware, Montgomery, Philadelphia and York County are foreign-born. Of these foreign-born individuals, approximately 46.4 percent, or nearly 200,000 individuals, are non-citizens. (See Exhibit 1). In reality, the number of foreign-born non-citizens in PECO's service territory is likely significantly higher because non-citizen, foreign-born individuals are typically underrepresented in census data. It is not possible to say how many of these individuals lack SSNs, but certainly some percentage does. I can say that of the clientele PIRC serves, the majority lack SSNs.

Furthermore, non-citizen, foreign-born families are more likely to live in poverty, particularly those in which a female is the sole breadwinner. (See Exhibit 2). Across PECO's service territory, the percentage of non-citizen households living in poverty range between 10.4-33.4% and the percentage of non-citizen, female-headed households living in poverty range between 35.2-55.2%. (See *id.*) A SSN requirement for access to PECO's CAP will present a significant and disproportionate impact on this population, especially given the large percentage of non-citizen, foreign-born families living in poverty in PECO's service territory.

A SSN requirement for accessing CAP may have the most significant impact on non-citizen, foreign-born victims of domestic violence. In many cases, the abuser may have been the sole breadwinner in the family, increasing the victim's isolation by refusing to allow her to work, apply for work authorization, or obtain citizenship or legal status. To maintain power and control, an abuser may also hide, destroy, or otherwise restrict access to the victim's identity documents. As a result, if she is able to flee the relationship, she could face additional barriers to achieving safety because she would not be able to work legally, nor would she have the necessary documents – such as passport, birth certificate, marriage certificate, or other proof of marital status – to prove her identity and establish eligibility for immigration status and/or work authorization.

(PCADV Statement No. 2, p. 3-6).

ii. PECO's SSN requirement unnecessarily contravenes important protections for victims of domestic violence and is inconsistent with other benefit and assistance programs in the Commonwealth.

Both federal and state laws have recognized the unique financial and safety risks for victims of domestic violence, including foreign-born victims, who attempt to break free from a violent relationship. PECO's SSN requirement is contrary to these legal protections and, thus, should be rejected.

Ms. Lindemyer explained in direct testimony that, in recognition of the unique circumstances and financial obstacles faced by victims of domestic violence attempting to break free from violence, the Pennsylvania General Assembly imposed specific statutory protection that, among other things, prevents utility shut-offs and collection of certain bill arrearages for victims of domestic violence.⁷ Ms. Lindemyer noted that the General Assembly also recognizes the acute barriers domestic violence victims face in obtaining replacement documents like Social Security cards and government-issued identification cards, such that they provided an exception for domestic violence victims to the ID

⁷ 66 Pa. C.S. § 1417; 52 Pa. Code § 56.251.

requirement for public benefits in the currently pending Senate Bill 9.⁸ (PCADV Statement 1, p. 8, l. 3-13).

Moreover, as explained by Ms. Locke, the SSN requirement contravenes federal protections for foreign-born victims of domestic violence. (PCADV Statement 2, p. 5 & Exhibit 6).

The Violence Against Women Act (VAWA) provides several avenues for foreign-born victims of domestic violence to obtain legal status in the United States; however, these processes take a significant time to process and do not always lead to the provision of a SSN. This class of individuals would be completely barred from seeing CAP assistance because they would not be able to provide the requisite SSN information. While PECO has committed to working with PCADV to create an exception for foreign-born victims of domestic violence who are pursuing relief under VAWA, (PECO Statement 1-R, p. 13, l. 9-13), such an exception could place these victims at increased risk of harm, as it would require these individuals to self-identify as a victim contrary to the strict confidentiality provisions in VAWA. (PCADV Statement 2, p. 7-8 & Exhibit 6).

In all, PECO's SSN requirement is inconsistent with existing law and policy designed to protect victims of domestic violence and will procedurally bar many victims – in particular, foreign-born victims of domestic violence – from preventing utility shut-offs and collection of large arrearages. Such a result is contrary to strong public policy that recognizes the

⁸ See SB9 (2013),

<http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=PDF&sessYr=2011&sessInd=0&billBody=S&billTyp=B&billNbr=0009&pn=2348>. The bill states: “(6) A person who declares by affidavit that, because of domestic violence, she does not currently possess any of the identification documents listed in subsection (a)(1). The domestic violence shall be verified using state standards developed under section 402(a)(7) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193, 42 U.S.C. § 602(a)(7)).”

integral need to protect victims and their children from having to choose between returning to a battering relationship or foregoing basic necessities such as electricity.

iv. PECO offers no data to support its SSN requirement, and concedes that such a requirement is not the best approach to serve the needs of its vulnerable customers.

PECO has continually asserted that the SSN requirement is necessary to address fraud and/or the provision of duplicate CAP benefits; however, it has not presented any data to support the necessity of its plan. (PECO Statement No. 1, p. 46, l. 15-21). Rather, PECO asserts that it should be allowed to collect SSNs first – regardless of the risk to customers – and then determine whether fraud and/or the provision of duplicate CAP benefits is indeed a problem. (PECO Statement No. 1-R, p. 13-14; *see also* PCADV Statement 1, p. 9-10; PCADV Statement 1, Exhibit 1, PCADV-I-2). PECO’s reply to PCADV’s discovery question that asked PECO to identify the rate of fraud or duplicative benefits provided by CAP recipients stated:

The purpose of PECO’s SSN proposal is so that it can identify fraud and duplicate benefits in its CAP program. Collection of SSNs from all customers, and identification of instances of fraud and duplicate benefits will allow PECO to track those metrics over time. Absent such a program and metrics, PECO does not have sufficient information to provide the requested data.

(PECO Response to PCADV-I-2, PCADV Statement 1, Exhibit 1). As pointed out in Maripat Pilleggi’s testimony, PECO’s response demonstrates the circular nature of its logic. “PECO wants to use SSNs to prevent fraud and duplicative benefits but cannot demonstrate that there is actually a problem that needs to be remedied until it is able to use SSNs. This is not a rational basis upon which to collect SSNs.” (CAUSE-PA Statement No. 2 p. 6, 20-23).

Yet, at the same time that PECO seeks to impose a SSN requirement to address an unsubstantiated issue, it also concedes that its SSN requirement presents a risk of harm and/or bar to CAP applicants in need of assistance, and proposes an alternative to alleviate some of that risk. In the Rebuttal Testimony of Lauren B. Feldhake, PECO's primary witness conceded:

After reviewing the various concerns raised and the options available to PECO, [it is] prepared to modify PECO's SSN program for CAP. Instead of requiring SSNs from all household members, ... PECO will follow the model that DPW uses for LIHEAP – that is, request SSNs on the CAP application, but allow customers the option of refusing to provide SSNs without losing their CAP eligibility.

(PECO Statement No. 1-R, p. 15, l. 6-12).

While PECO's resolution would address some of PCADV's concerns, it does not address the fact that PECO is not subject to the same privacy protections with which DPW must comply, making it significantly more risky to allow it to collect and maintain a database of individual SSNs. (PCADV Rebuttal Testimony, p. 3, l. 16 – p. 4, l. 3). PCADV is also concerned about PECO's implementation of this alternative plan, and submits that the option for individuals to keep their SSN private may be buried in the application. All applicants, and in particular non-English speaking foreign-born populations, may have difficulty exercising their right to opt out of providing a SSN if the option is not clear and prominent on the application and in the native language of the applicant. PECO indicated that it is willing to work with PCADV to ensure that their approach would allow victims to easily understand the option to withhold a SSN; however, it has not yet discussed this matter with PCADV. (PECO Statement 1-R, p. 10-12). Thus, at this time, PCADV asserts that any SSN requirement would present a significant bar to vulnerable electric customers

seeking CAP assistance, and, thus, requests that the Commission reject PECO's SSN requirement.

B. THE COMMISSION SHOULD REJECT PECO'S PROPOSAL TO REQUIRE CAP APPLICANTS WITH ZERO INCOME TO SUBMIT A NOTARIZED INCOME STATEMENT, AS IT CONTRADICTS EXISTING LAW AND SOUND PUBLIC POLICY AND CREATES AN UNNECESSARY BURDEN FOR VICTIMS OF DOMESTIC VIOLENCE AND OTHER VULNERABLE CUSTOMERS.

A requirement for individuals with zero income to spend money in order to prove that they, indeed, have no income is illogical. A victim leaving an abusive home is often left with little or no assets and struggles to meet very basic expenses while establishing a new household free from violence. When a victim is unable to establish economic independence, she or he is often faced with the choice between returning to a violent home or becoming homeless. While a five-dollar notarization fee may sound small to many, for someone with no income, it may pose an insurmountable obstacle. It is important to note that the actual cost of notarization is not limited to the fee charged by the notary. In addition, the individual must secure transportation and even childcare, to obtain the requisite notarization. Essentially, PECO's notarization requirement for zero income verifications amounts to an application fee for only those individuals most in need of assistance – those without any form of income. This is in stark contrast with various statutory provisions that have been enacted over the years to aid victims and their families in transitioning to a violence-free home. Title 66 contains one such protection, prohibiting certain utility shut-offs and arrearage collections for victims of domestic violence.⁹ PECO's notarization directly contradicts this statutory protection, as it acts as a procedural barrier preventing victims from accessing

⁹ 66 Pa. C.S. § 1417; 52 Pa. Code § 56.251.,

CAP relief that would help victims to transition to safety while avoiding shut-off and payment of certain arrearages.

Moreover, a person must have photographic proof of identity to obtain notarization on a document. As explained above in regard to the SSN requirement, many victims of domestic violence do not have identification documents when they escape from an abusive homes, either because they must leave at a moment's notice and are unable to gather their important documents, or because their abuser has destroyed, hidden, or otherwise prevented them from accessing their documents. Obtaining replacement identification documents is often complicated by the fact that such victims do not have anything that would independently verify their identity. Thus, the notarization requirement further frustrates the ability for those most in need to access assistance because they cannot notarize a document without photographic proof of their identity.

PECO claims that a notarization requirement will serve to deter fraud, as it adds a level of seriousness to the income statement. Notarization is not a guarantee that the information averred in the form is correct; it only ensures that the person signing the document is who they claim to be. It is noteworthy that DPW – and in particular LIHEAP – does not require income verification to be notarized, perhaps in recognition of the futility and burden a notarization requirement presents for people with zero income. (PCADV Statement 1, Exhibit 7).

PECO conceded in its Rebuttal Testimony that an alternative, non-notarized approach “provides the proper balance of allowing PECO to collect sufficient information to track and control fraud ... without creating barriers to obtaining benefits from that program.” (PECO Statement 1-R, p. 15, l. 13-16). In doing so, PECO committed to “modify[ing] its program to track the DPW model – that is, customers who claim ‘no income’ will be required to submit a detailed explanation of how the household pays its bills with no income. That statement will be submitted with a statement that the customer avers the statement to be true, on penalty of law for false statements. The statements will be accepted on a non-notarized basis.” (PECO Statement 1-R, p. 15, l. 17-21).

As a bottom line, the notarization requirement is not necessary for the operation of PECO’s CAP and is not aligned with PECO’s goal of preventing duplicate or fraudulent claims of zero income. While PCADV accepts PECO’s modified approach, PECO has yet to verify its intention by sharing modified language with PCADV. Thus, PCADV requests that this Commission reject PECO’s plan to require notarization of zero income statements, as it is unclear whether PECO has or intends to move forward with making such adjustments to its Plan.

VI. CONCLUSION

In light of the risk of harm to customers posed by PECO’s plan to require CAP applicants to provide SSNs for themselves and all household members, and the lack of evidence set forth by PECO to substantiate the necessity of such a risk, PCADV respectfully requests this Commission to reject PECO’s SSN requirement. Further, given that notarization has

proportionately significant costs, including notarization fees, travel and possible child care costs, it is unreasonable to expect that individuals with zero income meet this requirement. Thus, PCADV requests that this Commission reject PECO's requirement for CAP applicants with zero income to notarize the required statement of income.

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	:	M-2012-2290911

CERTIFICATE OF SERVICE

I hereby certify that I have this day served copies of the **Brief of the Pennsylvania Coalition Against Domestic Violence (PCADV)**, as set forth below in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

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