

COMMONWEALTH OF PENNSYLVANIA



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November 14, 2023

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Diversity Policy Statement Revision of
52Pa. Code §§ 69.801–69.809;
Docket No. M-2023-3038267

Dear Secretary Chiavetta:

Attached for electronic filing please find the Office of Consumer Advocate's Comments in the above-referenced proceeding.

Copies have been served per the attached Certificate of Service.

Respectfully submitted,

/s/ Melanie J. El Atieh
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Enclosures:

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Certificate of Service
4853-9255-1566

CERTIFICATE OF SERVICE

Diversity Policy Statement Revision of :
52 Pa. Code §§ 69.801—69.809 : Docket No. M-2023-3038267

I hereby certify that I have this day served a true copy of the following document, the Office of Consumer Advocate's Comments, upon parties of record in this proceeding in accordance with the requirements of 52 Pa. Code §1.54 (relating to service by a participant), in the manner and upon the persons listed below:

Dated this 14th day of November 2023.

SERVICE BY E-MAIL ONLY

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Dated: November 14, 2023
4867-0033-0128

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Diversity Policy Statement Revision of : Docket No. M-2023-3038267
52 Pa. Code §§ 69.801—69.809 :
:
:

**COMMENTS
OF THE
OFFICE OF CONSUMER ADVOCATE**

I. Introduction

The Office of Consumer Advocate (OCA) submits these comments to the Commission’s proposed Diversity Policy Statement that was issued by Order entered on August 3, 2023, and published in the *Pennsylvania Bulletin* on September 30, 2023 (PUC Order).

The OCA is a statutory advocate with authority and duty to, *inter alia*, represent the interest of consumers as a party before the Commission in any matter properly before the Commission in connection with any matter involving regulation by the Commission. 71 P.S. § 309-4. This matter is properly before the Commission pursuant to its general authority and power to execute and carry out, by order, the provisions of the Public Utility Code and to supervise and regulate all public utilities doing business within the Commonwealth. 66 Pa.C.S. § 501. In dealing with any proposed action which may substantially affect the interest of consumers, including the adoption of a policy statement, the Commission must, consistent with its other statutory responsibilities, take such action with due consideration to the interest of consumers. 71 P.S. § 309-5.

II. Comments

The OCA commends the Commission for its promulgation of the Diversity Reporting Regulations at Chapter 51, and its proposal to amend its Diversity Policy Statement at 52 Pa. Code §§ 69.801—69.809, consistent with its regulations.

The OCA supports the Commission’s adoption of the proposed Diversity Policy Statement as being beneficial to consumer interests. The Commission proposes to encourage major jurisdictional utilities and major telecommunications utilities to incorporate diversity into their employment and procurement practices. Public utilities operate in national, state, and local economies that encompass a diverse citizenry that comprise utility workforces and contractors. It is good business practice for utilities to incorporate diversity in their employment and procurement practices because it helps to ensure that utilities will employ a qualified workforce and procure quality goods and services at reasonable costs.

Additionally, public utilities provide service to diverse consumers of the Commonwealth. Thus, fostering diversity in their employment and procurement practices can aid utilities in creating value for their customers and the communities they serve.

While the Commission’s Chapter 51 regulations require major jurisdictional utilities to report on their diversity programs, the OCA supports the Commission’s proposal in its Diversity Policy Statement to encourage major telecommunication utilities to report on their diversity programs, as such policy may improve transparency, which benefits consumers.

With the above said, the OCA offers the following specific comments below to improve and strengthen the Commission’s proposal in the interest of consumers.

A. Section 69.801 General

In the body of the PUC Order, the Commission explains that it will “continue to recommend that the major jurisdictional utilities...and major telecommunications utilities...incorporate diversity in their business strategy in connection *with their employment practices and* in the procurement of goods and services.” PUC Order at 6 (citing 52 Pa. Code § 69.801 (relating to general)) (emphasis added). The Commission’s recommendation is carried through in the provisions of the Diversity Policy Statement at §§69.803(1), (4) and §69.809(a). However, the Commission did not modify Section 69.801 to include “employment practices.” As proposed, Section 69.801 currently states that it will encourage utilities only “in connection with the procurement of goods and services.” To improve the clarity of the purpose of the Diversity Policy Statement, the OCA recommends that the Commission modify the second sentence of Section 69.801 to include the phrase “employment practices,” as follows:

The Commission [**intends to take the next step by encouraging**] **encourages** major jurisdictional utility [**companies**] **utilities and major telecommunications utilities** operating in this Commonwealth to incorporate diversity in their business strategy in connection with [**the**] **their employment practices and** procurement of goods and services.

B. Section 69.802 Definitions

The Commission proposes to retain the definitions of “control” and “operate” from Section 69.802a, which is proposed for deletion in entirety. The Commission states that it needs to retain these definitions. However, upon review, these terms are not used in the provisions of the proposed Diversity Policy Statement. The OCA recommends that the Commission remove the definitions of “control” and “operate” from the proposed Section 69.802 since they are not used in the provisions of the Diversity Policy Statement.

III. Conclusion

The OCA supports the Commission's proposed Diversity Policy Statement as being in the interest of consumers. The OCA recommends that the Commission adopt the proposed modifications to the proposed Diversity Policy Statement as discussed above.

Respectfully submitted,

/s/ Melanie J. El Atieh

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