PENNSYLVANIA COALITION AGAINST DOMESTIC VIOLENCE

Pennsylvania Public Utility Commission

Rulemaking to Further Amend the Provisions

of 52 Pa. Code Chapter 56

Docket No. L-2025-3058767

Comments of the

Pennsylvania Coalition Against Domestic Violence

The Pennsylvania Coalition Against Domestic Violence (PCADV) appreciates the opportunity to provide comments on behalf of its network of 59 local domestic violence programs serving all 67 counties of the Commonwealth, and the many victims, survivors, and families impacted by domestic violence.

Domestic violence is a pattern of coercive behavior used by one person to gain power and control over another in an intimate or familial relationship. Domestic violence can include physical, emotional, psychological, and economic/financial abuse. The latter is perhaps the least known form of abuse, yet one of the most powerful tactics an abuser can employ to exert power and control over a victim.

Access to safe and reliable utility service is essential to the health, safety, and stability of every household, but victims of domestic violence and their children can face unique and significant barriers when establishing, maintaining, or restoring service. Common examples of economic and financial abuse and coercion include when an abuser intentionally creates utility debt, interferes with an account, or causes service to be disconnected as a means of controlling a victim. When victims leave the abuser, they may also be attempting to establish utility service in their own name for the first time while dealing with limited to no income, housing instability, medical expenses, legal proceedings, custody issues, active sabotage including death threats, and other costs associated with starting over. These circumstances can make ordinary utility requirements extraordinarily difficult to meet and can place victims at risk of losing access to safe housing and essential utility services.

PCADV appreciates the Commission's proposal to amend Chapter 56 regulations to include provisions from former Chapter 14 of the Public Utility Code, particularly the exemptions and additional protections for victims of domestic violence. The General Assembly has recognized the need to give these victims special consideration in utility services. The Commission's rulemaking is an important opportunity to preserve these protections and to review and improve current requirements. As the Commission develops the regulations, PCADV encourages a review of whether existing requirements reflect the realities victims face and whether changes could make protections, programs, and services more accessible. We urge the Commission to resolve regulatory questions in a way that promotes victim safety, financial security, and confidentiality while ensuring clear, consistent standards across utilities. With these principles in mind, PCADV respectfully submits the following comments and recommendations to help ensure the updated regulations are practical, responsive to victims' experiences, and accessible without unnecessary procedural or documentation barriers.

I. Court Involvement Should Not Be a Prerequisite to Qualify for the Domestic Violence Exemption

The regulations proposed by the Commission retain the language that a victim of domestic violence is exempt from certain collection, billing, and termination policies if they have a Protection from Abuse Order or another court order containing clear evidence of domestic violence. While these regulations provide an exemption for domestic violence victims, the way they are currently worded all but requires victims to have court involvement, or to seek it, to obtain an order, which is unrealistic and unsafe for many victims of domestic violence.

There are many reasons why a victim of domestic violence does not file for or ultimately obtain a PFA, and this does not negate the abuse they have experienced.[1] Domestic violence is underreported, and victims often find their experiences stigmatized by the courts and society, leading many to seek other, less intrusive options than the PFA process. For some victims, seeking a PFA also increases the risk of retaliation by placing them in close and repeated proximity to their abuser during courthouse proceedings. The time when a victim leaves an abusive relationship is typically the most dangerous and carries a high risk of lethality.[2] Violent behavior often escalates during this time as abusers may believe they are losing control when a victim seeks a PFA order. Therefore, adopting additional options to seek relief under the exemption could provide relief to more domestic violence victims who do not have PFAs because of these risks.

Additionally, the proposed requirement that another court order contain "clear evidence of domestic violence" is insufficiently defined and may result in inconsistent application across utility providers. As with past statutes and regulations, the currently proposed Chapter 56 language does not define what behavior constitutes domestic violence, which can include financial and psychological abuse and is sometimes more damaging to a victim's financial capability than physical violence. For example, a criminal complaint, charging document, or order arising from a criminal proceeding may contain information indicating that domestic violence occurred but lack information establishing the relationship between the defendant and victim, requiring the utility to interpret the document and underlying circumstances.

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[1] Jill Theresa Messing et al., *"Not Bullet Proof": The Complex Choice Not to Seek a Civil Protection Order for Intimate Partner Violence*, 27 Int'l Rev. Victimology 173, 173–95 (2021).

[2] Jacquelyn C. Campbell et al., *Risk Factors for Femicide in Abusive Relationships: Results From a Multisite Case Control Study*, 93 Am. J. Pub. Health 1089, 1092 (2003)

The proposed regulations also continue to lack clarification on what types of court orders, from what courts, and containing what types of evidence are required to implement the exception for victims of domestic violence. This puts utility companies in the position of applying an ambiguous definition and using their own discretion to interpret these orders. Utility employees should not be placed in the position of interpreting court records and determining whether the underlying facts constitute domestic violence. Such determinations fall outside the ordinary role of utility customer-service personnel and risk inconsistent application across utilities and individual employees. The Commission can resolve these issues by adopting a process that allows third-party and/or victim self-verification, which allows those working with a victim or the victim themselves to certify their status as a victim of domestic violence.

Third-party verification is a process through which an appropriate third-party professional with knowledge of the victim's circumstances certifies that they are a victim of domestic violence as defined. Adding third-party verification as an option would make the exemption more accessible by providing an alternative to court documentation and a clearer path to qualify.

At minimum, suitable third-party professionals to verify would include domestic violence advocates, victim attorneys, healthcare professionals, social service providers, and other qualified professionals who have assisted the victim. The Commission can model this process on similar verification processes used elsewhere in the Commonwealth, such as the "Good Cause" waiver used by the Department of Human Services to verify domestic violence for TANF child support and work exemptions.[3] The professional should identify their role and relationship to the victim and certify that the verification accurately reflects information they know.

Third-party verification would give victims already connected with supportive services a straightforward way to establish eligibility without requiring disclosure of confidential records or unnecessary details

[3] 55 Pa. Code § 108.10(b)(6), (c).

about the abuse. Regulations should therefore require only the information reasonably necessary to establish eligibility. Once a qualifying verification is provided, the utility should determine only whether it satisfies the regulatory requirements and should not independently assess the nature, severity, or credibility of the victim's experience.

Third-party verification, however, should not be the only alternative to court documentation. PCADV also recommends that the Commission permit victims to establish eligibility through self-verification by signing an affirmation of their status as a victim of domestic violence. Allowing self-verification as an independent means of establishing eligibility would avoid replacing one documentation barrier with another

Self-verification is already recognized as an appropriate method of establishing eligibility for other protections available to domestic violence victims in Pennsylvania. Most recently, the General Assembly enacted Act 55 of 2025, amending Pennsylvania's Unemployment Compensation Law to protect individuals who leave employment because of domestic violence. Among the permitted forms of verification, the law expressly allows an individual to submit a self-affirmation concerning the domestic violence situation. Pennsylvania has therefore recognized that a victim's own attestation can appropriately serve as a means of establishing eligibility for important statutory protections related to domestic violence.

That approach is instructive here. Although PCADV recommends that self-verification under Chapter 56 operate as an independent form of verification without a subsequent documentation requirement, Act 55 demonstrates that Pennsylvania has already recognized victim attestation as an appropriate verification mechanism in administering protections related to domestic violence.

Like third-party verification, once a completed self-verification meets regulatory requirements, utility inquiry should end there, and no further requests for additional documentation should be made. Accordingly, self-verification, like third-party and court order verification, should also serve as an independent means of eligibility, not just a fallback when other documentation is unavailable.

As such, PCADV recommends that the Commission have Chapter 56 regulations establish three independent methods of establishing eligibility for the domestic violence exemption: (1) qualifying court documentation; (2) verification by a qualified third party; or (3) victim self-verification. The regulations should further provide that satisfaction of any one method establishes eligibility without further inquiry into the underlying abuse.

II. Payment Arrangements Must Account for the Financial Impact of Domestic Violence

Before Chapter 14, regulations gave the Commission flexibility to establish payment arrangements and consider individual customer circumstances such as the size of the unpaid balance, the ratepayer's ability to pay, payment history, and the length of time over which the bill accumulated. Currently, no such flexibility exists, and the Commission can only offer one income-based payment arrangement. In addition, the Commission's ability to reinstate a defaulted arrangement is also limited to certain circumstances. These limitations do not adequately account for sudden changes in a customer's financial circumstances that may substantially affect available resources without changing the customer's income, including changes caused by domestic violence.

As discussed above, economic abuse is a common aspect of domestic violence and can significantly affect a victim's ability to maintain utility service and have access to safe housing. Even if a victim's individual income remains unchanged, household resources may drop significantly. Similarly, domestic violence may cause a victim to default on a payment arrangement even if the situation does not fit specified categories such as illness, property damage, loss of residence, or increased dependents. Employment interference, financial exploitation, relocation, or loss of household resources can similarly affect a customer's ability to comply with a payment arrangement. For victims of domestic violence, unpaid utilities may therefore reflect abuse rather than a customer's inability or unwillingness to pay.

The Commission can address these issues by amending Chapter 56 to restore the Commission's discretion to consider individual circumstances when issuing a payment arrangement. The Commission can strengthen the regulations' protective feature by expressly recognizing domestic violence and its economic effects as an explicit factor it can consider. Individualized consideration is necessary because domestic violence affects each victim's finances differently. A rigid, income-based formula cannot always account for a victim's available resources or the financial consequences of relocation, employment interference, loss of resources, new safety expenses, or debt caused by an abuser.

Restoring a requirement that utilities exercise good faith and fair judgment when entering payment arrangements would complement the Commission's restored discretion by ensuring that affordability is evaluated based on a customer's present circumstances and actual available resources. For victims, those resources may differ substantially from historical household income because of separation, relocation, economic abuse, or the loss of resources previously controlled by an abuser.

Customer Assistance Programs (CAPs) provide important assistance to income-eligible households, including victims of domestic violence. However, a customer is not eligible for a Commission-issued payment arrangement for debt accrued while enrolled in a CAP and may be prevented from accessing the appropriate relief needed to resolve the debt.

A customer's enrollment in a CAP does not eliminate the possibility that domestic violence or other changed circumstances will affect the customer's ability to address arrearages accrued during that period. Nor does a CAP enrollment establish that a customer can address those arrearages under the customer's current financial circumstances without additional relief. For that reason, PCADV recommends that Chapter 56 regulations remove the prohibition against the Commission establishing a payment arrangement for CAP-accrued debt. If a customer's circumstances show that a payment arrangement is necessary and can be structured sustainably, the Commission should have the authority to establish that arrangement with the utility and customer regardless of whether there the debt accrued during CAP participation.

Because CAPs are an important tool to help customers afford their utility bills and stay current on payments, PCADV also recommends that Chapter 56 regulations require customers experiencing payment difficulty to receive information about and be screened for CAPs and other available assistance. Appropriate screening would not only identify those currently struggling to meet payment obligations, but also those concerned about affording future payments. For victims facing financial instability due to domestic violence, being aware of or enrolled in these programs from the start can prevent arrearages from leading to termination and allow them to build security in maintaining safe housing.

III. Providing Flexibility Around Security Deposits, Late Fees, and Reconnection Charges

Victims may face additional obstacles when a utility company tries to hold them responsible for late fees the abuser incurred or requires payment of an existing balance before establishing new service. Security deposits, reconnection charges, late fees, and other upfront costs can create another substantial barrier for someone who has fled an abusive situation and may have little or no financial resources available. When a victim is starting over, the cost of initiating utility service—including a security deposit, outstanding balances, late fees, or reconnection charges—can be substantial and may delay or prevent access to safe housing and essential utility services.

PCADV recommends the Commission strengthen Chapter 56 protections by establishing reasonable limits and waivers for the amount utilities may charge for security deposits, late fees, and reconnection charges, specifically, for customers with household income at or below 300% of the Federal Poverty Guidelines (FPG).

Using 300% FPG would be consistent with income distinctions already recognized in Pennsylvania utility regulations. Chapter 56 currently distinguishes between applicants above and below 300% FPG when determining permissible security deposits for city natural gas operations, with applicants at or below 300% FPG subject to lower maximum deposit.[4] Former Chapter 14 similarly used 300% FPG as threshold

[4] 52 Pa. Code §§ 56.32(b)(1)–(2), 56.51(b).

for determining the payment required to restore utility service.[5] Together, these provisions demonstrate that Pennsylvania utility law has already recognized 300% of the federal poverty level as an appropriate threshold for providing customers greater flexibility with significant upfront utility obligations. The same threshold provides a principled and administrable basis for extending relief from security deposits, late fees, and reconnection charges beyond customers who are already enrolled in a CAP

These costs are particularly consequential because they often arise at the precise time a victim is attempting to establish or maintain safe, independent housing. A security deposit, reconnection charge, or accumulated late fees may represent the difference between a victim's ability to establish utility service at a new residence or being unable to complete a move away from an abusive household. Requiring full payment without considering the customer's actual financial circumstances can therefore create a barrier to establishing and maintaining utility service.

Using 300% of the FPG as the threshold for enhanced fee protections would provide a clear and administrable standard while extending relief beyond customers already enrolled in a CAP. PCADV therefore recommends that the Commission permit or require utilities to reduce or waive security deposits, late fees, and reconnection charges for customers at or below 300% FPG and provide sufficient flexibility within that framework to account for circumstances including domestic violence, which substantially affects a customer's available financial resources. This approach would reduce unnecessary barriers to establishing utility service while preserving a defined income standard already familiar under Pennsylvania's utility regulations.

IV. Improving Time of and Notice of Termination

Terminating utility service can jeopardize a victim's ability to maintain safe, independent housing. It may be particularly destabilizing for victims who have recently separated from an abuser or are rebuilding financial stability following economic abuse. For victims, a longer notice period can provide victims

[5] 66 Pa. Cons. Stat. § 1407(c)(2)(i)–(ii) (expired 2024)

additional time to seek assistance, dispute an incorrect balance, request an available payment arrangement, enroll in a universal service program, or otherwise take steps necessary to avoid termination. PCADV therefore recommends that the Commission require at least 30 days' notice before termination.

PCADV further recommends that Chapter 56 require termination notices to identify available universal service programs, clearly state the amount necessary to prevent termination, and explain applicable consumer rights and options for avoiding termination. The regulations should also establish meaningful language-access requirements so that customers with limited English proficiency receive termination information in a language they can understand.

V. Expanding Accessibility of the Medical-Certification Process

Although medical need is not unique to domestic violence victims, many who experience trauma, abuse, or exposure to violence often find that the experience leads to or aggravates a qualifying medical condition. Access to electricity, gas, water, and other essential utility services can be critical to the health and safety of people living with trauma-related disabilities, chronic physical or mental health conditions, and medical conditions resulting from abuse. Victims may need uninterrupted utility service to use medical equipment, refrigerate medication, regulate indoor temperature, maintain sanitary living conditions, attend telehealth appointments, or follow a treatment plan. Children who have experienced or witnessed abuse may also have physical, developmental, behavioral, or mental health conditions that require a stable and adequately serviced home.

As with other utility processes discussed above, victims may face many of the same challenges when attempting to obtain and submit a medical certificate. A victim may have recently left an abusive household, relocated to a new community, changed health care providers, lost access to medical records, or been prevented by an abuser from receiving consistent medical care. A victim may be recovering from injuries related to the harm, including physical and emotional injuries. Finally, because utility debt and disruption can be a tactic of economic abuse, an abuser may control transportation, finances, insurance information, communications, identification documents, or access to online patient portals. These circumstances can make even routine documentation requirements difficult to meet.

For these reasons, PCADV recommends the Commission establish updated medical-certificate procedures that are accessible, confidential, trauma-informed, and reasonably flexible. One way to do this is for the Commission to expand Chapter 56 regulations to allow an appropriate range of qualified health care professionals to complete medical certificates. Depending on the condition and access to care, the relevant professional may be a physician, nurse practitioner, physician assistant, licensed psychologist, psychiatrist, clinical social worker, or another licensed provider acting within the professional's scope of practice. Restricting certification too narrowly may cause harmful delays for victims with limited access to specialized care, health care coverage, or those establishing care after an emergency relocation.

In addition, we recommend the Commission amend current regulations to allow greater flexibility in submitting medical documentation, rather than a strict every-30-day requirement. Regulations should provide for reasonable extensions when a customer is relocating, obtaining medical records, changing providers, or experiencing safety-related disruptions. The Commission should also consider a longer certification period for chronic or ongoing medical conditions where repeated 30-day recertification serves little substantive purpose and creates unnecessary administrative barriers. The regulations should also, where legally permissible, permit utilities to accept certificates through multiple secure and accessible methods including electronic submission, email, mail, fax, or submission by an authorized advocate or health care provider. A minor or correctable error should not result in immediate termination without notice and a meaningful opportunity to fix the problem.

Like termination notices, we recommend that regulations require utilities to provide clear, plain-language information in multiple languages about eligibility requirements, submission procedures, deadlines, renewal rules, confidentiality protections, and appeal rights. This information should be available in accessible formats and commonly used languages. Despite their importance, medical certificates should not be treated as a complete solution to affordability, and customers who need to submit a medical certificate should be included in the category of customers who receive information about CAPs and universal service programs. Furthermore, if the Commission restores regulations that allow consideration of individual circumstances, it should ensure payment arrangements do not impose conditions that effectively defeat the purpose of submitting a medical certification.

PCADV therefore recommends that the Commission update Chapter 56 to make medical-certification procedures more accessible and flexible while preserving the requirement of documented medical necessity. The regulations should permit certification by an appropriate range of qualified health care professionals, provide greater flexibility than repeated 30-day recertification where warranted, establish accessible submission methods, provide a meaningful opportunity to correct deficiencies, and ensure clear notice of eligibility and procedural requirements. These changes would strengthen the protection's effectiveness without expanding it beyond its intended medical purpose.

VI. Seasonal Termination Protection Includes Summer Moratorium

Finally, PCADV recommends the Commission consider adding a summer moratorium to Chapter 56 regulations, much as it applies its current winter moratorium, to strengthen and maintain seasonal protections against utility termination during periods of extreme heat and cold. While these protections are important for all vulnerable households and are not unique to domestic violence victims, they may be particularly significant for victims who are rebuilding financial stability, relocating to safe housing, managing trauma-related health conditions, or experiencing utility debt caused by economic abuse.

In addition, losing essential utility service during dangerous weather can place victims' health, housing stability, and personal safety at greater risk. Extreme temperatures may worsen chronic conditions, interfere with medication storage or medical equipment, and make a home unsafe for children or people with disabilities. For victims, the resulting instability also increases pressure to return to an abusive household simply to obtain safe shelter and essential services.

In fact, research shows[6] that extreme weather conditions, including extreme heat, drought, floods, and storms, are associated with increased rates of domestic violence, both immediately after events and in the long term. Research also supports the relationship between extreme temperatures and domestic violence. Studies have identified associations between higher temperatures and increased domestic violence, while national victimization data demonstrate seasonal differences in intimate-partner violence. Bureau of Justice Statistics analysis of National Crime Victimization Survey data from 1993 through 2010 found that intimate-partner violence rates tended to peak during the summer; compared with summer rates, intimate-partner violence was approximately 12% lower in winter, 6% lower in spring, and 9% lower in fall.[7]

PCADV therefore recommends that the Commission establish appropriate summer termination protections during periods of extreme heat, including a moratorium on termination when temperatures reach levels that create a significant risk to health and safety. Instituting a summer moratorium on shutoffs can prevent medical harm, preserve safe housing, and give victims and their children critical time to stabilize their circumstances without facing dangerous living conditions or increased pressure to return to an abusive environment.

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[6] Julia S. Rizzotto, Kaitlyn M. Sims & Holly K. Gibbs, *Hot Tempers: Differential Effects of Heat and Drought on Domestic Violence*, Rev. Econ. Household (2025), https://doi.org/10.1007/s11150-025-09806-0.

[7] Janet L. Lauritsen & Nicole White, Bureau of Just. Stat., *Seasonal Patterns in Criminal Victimization Trends*, NCJ 245959 (2014), https://bjs.ojp.gov/library/publications/seasonal-patterns-criminal-victimization-trends