

May 20, 2013

**VIA e-File**

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

**Re: EDC Customer Account Number Access Mechanism for EGSs  
Docket No. M-2013-02355751**

Dear Secretary Chiavetta,

Please find the attached comments submitted on behalf of the Pennsylvania Coalition Against Domestic Violence (PCADV) in the above captioned proceeding. Please contact me at 717.671.4767 x. 132 with any questions.

Respectfully Submitted,



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Enclosure

**Before the Pennsylvania Public Utilities Commission**

EDC Customer Account Number : Docket No. M-2013-02355751  
Access Mechanism for EGSs :

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**Comments of the Pennsylvania Coalition Against Domestic Violence  
Regarding EDC Customer Account Number Access Mechanisms for EGSs**

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The Pennsylvania Coalition Against Domestic Violence (PCADV) submits the following comments to express its concerns regarding the proposal to create a mechanism for electric generation suppliers (EGSs) to obtain customer account numbers from electric distribution companies (EDCs). PCADV is a private, nonprofit organization, whose constituency includes a membership of 60 domestic violence programs across the Commonwealth, and the thousands of victims and families each program serves. PCADV is grateful to the Pennsylvania Public Utilities Commission for its thoughtful consideration of the unique issues facing victims of domestic violence through this period of transition to electric choice, and urges the Commission to reject proposals that place victims and their families at increased risk of harm.

PCADV is alarmed at the proposal in this proceeding to allow EGSs to use a Letter of Authorization (LOA) to obtain account numbers for customers who have opted out of the Eligible Customer List (ECL). PCADV is concerned that this proposal will create a loophole that could expose sensitive customer data to unauthorized disclosure and, in turn, may place victims of domestic violence, and their children, at risk of further harassment or physical harm by their perpetrator. The proposal at issue would allow EGSs to circumvent the parameters of the ECL and runs afoul of the judicial determinations in prior

proceedings related to data sharing and customer privacy.<sup>1</sup> PCADV was a party to the ECL proceedings, and remains adamantly opposed to any data sharing procedures that would place vulnerable customers, including victims of domestic violence and others who are similarly situated, at further risk of harm.

Data protection is a particularly important aspect of safety planning for victims of domestic violence and others who are similarly endangered. 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 power and control over their victim.<sup>2</sup> In addition to physical assaults and stalking, batterers empty bank accounts, shut off utility services, and cut off joint lines of credit after the relationship ends.<sup>3</sup> When a batterer has access to private, identifying information, account information, or electric usage data of their victim, such access can serve to facilitate further harassment, stalking, and potentially lethal physical violence.

It is essential that the PUC continue to protect personally identifying information from disclosure, especially when the customer has already indicated that they wish to protect their data by opting out of the ECL. PCADV is alarmed by the way LOAs are currently used to obtain customer information, and is opposed to the expansion of LOA use at trade shows or other locations to obtain information that customers have expressly indicated that they wish to remain private.

Both PPL Electric and PECO Energy specifically commented in a prior proceeding before the PUC that they do not verify the existence of an LOA before sharing personal customer information. PPL Electric's comments state that it "does not request a copy of an LOA from

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<sup>1</sup> See Docket Number M-2010-02183412, regarding the reconsideration of the Commission's Interim Guidelines for Eligible Customer Lists at the Commonwealth Court's direction.

<sup>2</sup> 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).

<sup>3</sup> See Jill Davies, *Safety Planning with Battered Women: Complex Lives/Difficult Choices* (1998).

an EGS upon its request for a copy of a specific customer's bill. Neither does [PPL Electric], in this circumstance, request an LOA from the customer. ... [PPL Electric] fulfills such requests under the assumption that either the EGS has an appropriate LOA provided by the customer or that the contract between the customer and EGS addresses the issue."<sup>4</sup> PECO Energy similarly explained that it "does not require the EGS of record to submit an LOA or other documentation in order to obtain a partial bill."<sup>5</sup> As proposed, the use of an LOA to obtain customer data at a trade-show or other public place could, in fact, allow a perpetrator to obtain personal information about the victim and could facilitate further abuse by allowing the perpetrator an easy route to manipulate her utility account.

As is common in other industries where personal records and information are shared between different companies, such as the healthcare, education, banking, credit, and mortgage industries, both the EDC and EGS should be required to obtain specific and detailed customer authorization before any personal information is shared between the companies.<sup>6</sup> This requirement is consistent with PUC policy and attendant confidentiality regulations.<sup>7</sup>

PCADV opposes the expansion of LOAs as a means to circumvent the ECL. LOAs are simply not trustworthy and, given the lack of verification by the EDCs, use of LOAs in this manner invites fraud.

PCADV fails to understand why an EGS cannot stand by at a trade show or other public event while a potential customer calls the EDC to obtain their account number. Victims of domestic violence often have a password attached to their account to prevent their abuser

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<sup>4</sup> *Comments of PPL Electric Utilities Corporation on Tentative Order Entered December 16, 2011*, Docket No. I-2011-2237952 (filed Jan. 17, 2012).

<sup>5</sup> *Comments of PECO Energy Company on the Commission's Tentative Order*, Docket No. I-2011-2237952 (filed Jan. 17, 2012).

<sup>6</sup> For more information on the various industry standards for information sharing, see Privacy Rights Clearinghouse, Privacy Basics, <http://www.privacyrights.org/privacy-basics>.

<sup>7</sup> 52 Pa. Code § 69.1812 ("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 ... that give due consideration to customer privacy, provide security of information and provide a customer an opportunity to restrict access to nonpublic customer information."); 52 Pa. Code §§ 54.8, 54.43.

from surreptitiously obtaining information from their account. Thus, if the customer is making the call to obtain their own account number, rather than the EGS, it eliminates the risk that the EGS will be obtaining account information at the surreptitious request of the account holder's perpetrator.

PCADV is grateful for your time and attention to this important issue.

Respectfully Submitted,



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**Date: May 20, 2013**

**On Behalf Of:  
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