

August 4, 2014

E-FILED

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

**Re: Interim Guidelines for Eligible Customer Lists
Docket No. M-2010-2183412**

Dear Secretary Chiavetta:

Attached are the reply comments submitted on behalf of the Pennsylvania Coalition Against Domestic Violence's (PCADV) in the above captioned matter.

Please feel free to contact me if you have any questions.

Sincerely,



Laurie L. Baughman
Senior Attorney
PA Attorney ID No. 86564

Enclosure

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

INTERIM GUIDELINES FOR : DOCKET NO. M-2010-2183412
ELIGIBLE CUSTOMER LISTS :

REPLY COMMENTS OF THE PENNSYLVANIA
COALITION AGAINST DOMESTIC VIOLENCE

I. Introduction

On June 19, 2014, the Pennsylvania Public Utility Commission issued a Tentative Order in the above-captioned matter seeking comments on the Office of Competitive Market Oversight's (OCMO) proposal to require triennial updates of the electric Eligible Customer List. The Pennsylvania Coalition Against Domestic Violence (PCADV) submits the following in response to the comments filed by various stakeholders regarding the Commission's Tentative Order. PCADV's comments are issued on behalf of its 60 member programs across the Commonwealth, and the nearly 90,000 victims of domestic violence that these programs serve annually.

Data privacy is crucial for victims of domestic violence, dating violence and stalking because these crimes 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 re-establish power and control over their victim.¹ In addition to physical assaults and stalking, batterers regularly empty bank accounts, shut off utility services, and cut off joint lines of credit after the relationship ends.²

II. Comments

PCADV addresses only two of the issues for which the Commission requested comments 1) the proposed three-year update schedule; and 2) the recovery of costs of the update.

a. Three-year Update Schedule

In light of the robust means by which electric customers are informed about their ability to shop for an electricity supplier, PCADV echoes the suggestion from the Office of Consumer Advocate (OCA)³ and the Pennsylvania Utility Law Project (PULP)⁴ that

¹ 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).

² *See* Jill Davies, *Safety Planning with Battered Women: Complex Lives/Difficult Choices* (1998).

³ *Comments of the Office of Consumer Advocate on the Commission's Tentative Order dated June 19, 2014*, p. 2, Docket No. M-2010-2183412 (filed July 21, 2014)(hereinafter OCA Comments).

updates to the electric eligible customer list (ECL) are not necessary. However, if the Commission decides to require such updates, PCADV concurs with the recommendations of OCA and PULP that electric customers who have already opted-out from inclusion on the ECL should not have to reaffirm that choice.

Generally, such opt-out procedures used by other industries, such as credit card and banking institutions, maintain a customer's preferences unless and until the customer changes his or her preference. Likewise, electric customers that choose to opt out of including their personal information on the electric ECL should have their preference maintained unless and until the customer takes the affirmative step to change the preference.⁵

Therefore, PCADV recommends that in the course of any update, a customer who has already declined to have their private information disclosed and disseminated via the ECL should not have to do anything additional to preserve that choice.

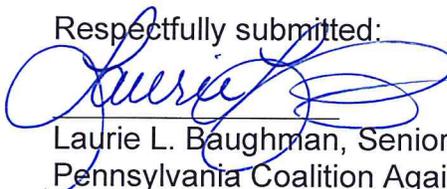
b. Cost

Should the Commission decide to adopt OCMO's proposal found in its Tentative Order, PCADV submits that all costs should be recovered from the electric generation suppliers (EGS). EGSs are the entities that benefit from the ECL and therefore the Commission should look to them solely to recover any cost associated with updating the list. PCADV joins with the Office of Small Business Advocate, the OCA and PULP⁶ in urging the Commission not to pass the cost onto the consumer whose information may or may not be included on the ECL.

III. Conclusion

PCADV respectfully requests that the Commission reconsider the need for updates to the ECL; if it decides updates are necessary, however, it should set forth guidelines whereby a consumer's previous decision to opt-out from inclusion on the ECL is preserved. Furthermore, any cost for updating the ECL should be borne solely by the EGS.

Respectfully submitted:



Laurie L. Baughman, Senior Attorney
Pennsylvania Coalition Against Domestic Violence
Attorney ID No. 86564
lbaughman@pcadv.org

Dated: August 4, 2014

⁴ *Comments of the Pennsylvania Utility Law Project on the Commission's Tentative Order dated June 19, 2014*, p. 5, Docket No. M-2010-2183412 (filed July 21, 2014)(hereinafter PULP Comments).

⁵ OCA Comments, p. 4, *supra* note 3.

⁶ OCA Comments, p. 7, *supra* note 3, PULP Comments, p. 9-12, *supra* note 4; & *Comments of the Office of Small Business Advocate on the Commission's Tentative Order dated June 19, 2014*, p. 2, Docket No. M-2010-2183412 (filed July 21, 2014).