



# MidPenn Legal Services

Administration

213-A North Front Street, Harrisburg, PA 17101

Phone 717-234-0492 FAX 717-234-0496

www.midpenn.org

April 20, 2009

Honorable James McNulty  
Secretary, Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA. 17105-3265

Re: Rulemaking to Amend the Provisions of  
52 Pa. Code, Chapter 56 to Comply with the  
Provisions of 66 Pa.C.S., Chapter 14; General  
Review of Regulations  
Docket No. L-00060182

## COMMENTS

Dear Secretary McNulty:

MidPenn Legal Services is a non-profit organization which provides civil legal services to low income persons and survivors of domestic violence in 18 counties in Central Pennsylvania. Among the types of cases handled are problems relating to the provision of utility services to low income clients within our service area. We are writing pursuant to the proposed rulemaking, referenced above and published in the Pennsylvania Bulletin at 39 Pa.B. 925 on February 14, 2009 to address one particular issue, that of identity theft, which does not appear to have been specifically addressed in the proposed changes to Chapter 56. This issue is of concern to many of our clients.

Identity Theft concerns situations where an applicant's identity is stolen by another individual and used to establish utility service in the name of such person without their knowledge or consent. It is our understanding that approximately four years ago, that the PUC opened and closed a docket on identity theft at Docket M-00041811 without taking a firm position on the issue. It is also our understanding that the PUC would consider comments on this issue as part of the current proposed rulemaking proceeding.

One current client's situation is illustrative of a problem which we hope you will consider addressing in this rulemaking. She is a 20 year old woman with a disability who receives Supplemental Security Income from the Social Security Administration, who recently, with help from a public health nurse and a social worker, secured an apartment for herself and her small child. Her caseworker helped her apply for electric service with her local public utility company, whereupon she was informed that there was a previous outstanding electric bill of over \$2,500. in her name from a previous residence. She had never applied for electric service in her own name before and although she resided with her mother and siblings at a previous residence for a short period of time, she was



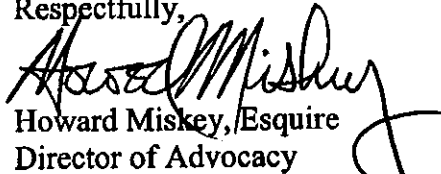
unaware that her mother had apparently placed the electric service in her name without her knowledge or consent. This can not be confirmed as her mother passed away in January of this year. Her only income is from social security and SSI disability benefits for herself and her daughter and she does not have the funds to pay the back bill which the utility company is requiring her to pay in order to establish electric service in her name at her new apartment.


It is our that understanding that under the current regulations, a public utility could hold an individual such as our client, fully responsible for the outstanding balance of the previous account for electric service provided to the previous address where she resided with her mother and siblings for a period of time, despite her lack of knowledge or consent to the service being put in her name, and as such, the utility may properly refuse to provide service at a new address to such person without payment of the prior outstanding bill. It is also our understanding that the proposed revisions to Chapter 56 do nothing to change this outcome. More specifically, proposed Section 56.35 (2) which prohibits a public utility from requiring as a condition of furnishing residential service, the payment for residential service previously furnished under an account in the name of a person other than the applicant, would not apply to this lady or others like her whose identity was stolen by another person who placed the prior account in her name without her knowledge or consent. This is because under the current and the proposed definition of "applicant" in Section 56.2, "the term does not include a person who seeks to transfer service within the service territory of the same public utility or to reinstate service at the same address provided that the final bill for service is not due and payable." Similarly, changes would need to be made to the definition of "customer" in order to assure that persons who are the victims of identity theft are not punished by unfairly and improperly being held responsible for an outstanding bill for which they should not be responsible.

We respectfully request that the Commission specifically address this issue in the revised Chapter 56 regulations so that individuals, whose name appears on company records as a result of identity theft, not be considered liable for that service.

Thank you for considering our comments submitted on behalf of our clients.

Respectfully,

  
Howard Miskey, Esquire  
Director of Advocacy

  
Nicole Viscomi Alexander, Esquire  
Staff Attorney

Cc: Terrence J. Buda  
Patti Wiedt  
Cyndi Page  
Daniel Mumford