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December 11, 1997

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John M. Quain, Chairman
Pennsylvania Public Utility Commission
104 North Office Building
Harrisburg, PA 17105-3265

**Re: Docket No. L-00970123, Notice of
Proposed Rulemaking: Electronic Transaction
Auditing of Telephone Customer Proprietary
Information 52 PA Code §63.135**

Dear Chairman Quain:

After my review of the above-mentioned proposed rule and comments submitted by interested parties, including the telephone industry and the Office of Consumer Advocate, I am submitting this letter to express my concern over this proposed rule and to suggest that the Commission withdraw or substantially modify its proposal.

While I believe that the Commission's attempt to enhance customer privacy is commendable, I am not convinced that there are a sufficient number of complaints in this area to warrant an overhaul of PA Code 63.131 to 63.137. Current Commission regulations largely address customer confidentiality and employee access and use of customer information in an adequate fashion. Although the proposed rulemaking refers to incidents concerning disclosure and improper use of proprietary customer information, it does not suggest that such situations are frequent enough to warrant substantial revision of applicable regulations.

In addition, at a time when the Commission favors reducing regulatory burdens on public utilities and their customers, and the Commonwealth is doing everything possible to make the State more business friendly, I believe that the proposed regulations will unnecessarily burden the telephone industry and its employees. Comments suggest that new data bases will be needed, as well as upgrades to a company's existing system which could cost millions of dollars. This would be especially harmful to smaller telephone companies in Pennsylvania.


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One problem cited is the requirement that each time a telephone company employee accesses customer information that full documentation must be made of this access. This would be true whether or not proprietary information is accessed and without regard to the purpose of said access, such as would be triggered merely by paying a bill. Likewise, it is questionable as to why this information must be maintained by a telephone utility for an indefinite, and very likely, extended period of time.

Finally, one commenter points out that the Federal Communications Commission (FCC) is considering the issue of sharing Customer Proprietary Network Information. I believe that it may be unwise for the PUC to revamp the aforesaid regulations in view of the pending FCC action.

I respectfully request that the Commission give serious consideration to my comments as well as other comments filed by the interested parties. While it is necessary to protect consumer confidentiality, utility regulators should carefully balance consumer interests and business interests. The burden and costs associated with this proposed rulemaking do not appear to strike the proper balance, in my opinion.

Very truly yours,


Chris R. Wogan
176th Legislative District

CRW/sk

cc: The Honorable John R. McGinley, Jr., Chairman, IRCC ✓