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Pennsylvania Immigration and Citizenship Coalition

Advocating for immigrants, migrants and refugees

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May 17, 2011

Silvan B. Lutkewitte, III, Chairman
Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Robert F. Powelson, Chairman
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: IRRC # 2743, PUC Docket #L-0060182

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IRRC
2011 MAY 17 A 9:53

Dear Chairman Lutkewitte and Chairman Powelson:

On behalf of our clients and the communities we serve, we urge you to adopt provisions in the final regulation entitled "Standards and Billing Practices for Residential Utility Services," that establish basic communication responsibilities of utility companies when contacting their limited English proficient customers.

The Pennsylvania Immigration & Citizenship Coalition (PICC) is a diverse coalition of 50 member organizations and numerous individuals that represents the needs of immigrants, migrants, refugees and other new Americans living in Pennsylvania to policy makers, public officials, and the general public. We seek to educate the public and develop support for fair policies that welcome and sustain immigrants.

We applaud the Pennsylvania Utility Commission's initial statement that oral and written information should be communicated in the non-English languages of customers when a significant population using that language lives in the public utility's service territory. We were dismayed to learn that the most recent version of the regulation deleted this fundamental requirement. Given the increasing diversity of our Commonwealth and the rise in LEP utility customers, we strongly recommend amendments to the regulations at § 56.91 (b)(17) and §56.331(b)(13) to incorporate a requirement for communication in languages other than English and Spanish and a reasonable definition of "significant population":

Information in Spanish, directing Spanish-speaking customers to the numbers to call for information and translation assistance. Similar information shall be included in other languages when census data indicates a significant population using that

language resides in the public utility's service territory. A SIGNIFICANT POPULATION CONSTITUTES 5% OF PERSONS ELIGIBLE TO BE SERVED OR 1,000 MEMBERS OF THE LANGUAGE GROUP, WHICHEVER IS LESS.

Sections 56.201 and 56.431, regarding billing information, should also be amended:

... A public utility which serves a substantial number of Spanish-speaking [ratepayers] customers shall provide billing information in English, [and] in Spanish, AND IN OTHER LANGUAGES WHEN CENSUS DATA INDICATES THAT A SIGNIFICANT POPULATION USING THE PARTICULAR LANGUAGE RESIDES IN THE PUBLIC UTILITY'S SERVICE TERRITORY. A SIGNIFICANT POPULATION CONSTITUTES 5% OF PERSONS ELIGIBLE TO BE SERVED OR 1,000 MEMBERS OF THE LANGUAGE GROUP, WHICHEVER IS LESS.

In addition, § 56.93 and § 56.333, which describe utility employees' personal contact with customers, should be amended to require the personal contact, whether in person or by phone, be in the primary language of the customer. If utilities do not employ bilingual staff who speak the languages that meet the above standard, competent telephonic and in-person interpreter services are readily available.

We urge the Independent Regulatory Review Commission and the Pennsylvania Utility Commission to recognize the legal and practical importance of requiring regulated utility companies to take reasonable steps to ensure meaningful access to basic utility services. For a public utility that receives any form of federal financial assistance, not taking reasonable steps to ensure meaningful access could constitute a violation of the anti-discrimination provisions of Title VI of the Civil Rights Act of 1964, as described in the U.S. Department of Energy's policy guidance on nondiscrimination in federally assisted programs.

Communicating with customers in their language also makes good business sense because of the effectiveness and efficiency of using competent language resources. Customers will better understand their obligations, utility companies will be better prepared to convey important information, and problems can be resolved more easily when each party understands what the other is saying. Similarly, it is critically important that documents containing information about legal rights, especially related to the termination of service, be translated into languages that meet the threshold described above.

Thank you for your consideration of these comments.

Sincerely,

Brad Baldia #1

Brad Baldia
Executive Director, Pennsylvania Immigration and Citizenship Coalition