



July 14, 2022

***Email Submission***

Independent Regulatory Review Commission  
333 Market St, 14th Floor  
Harrisburg, PA 17101  
irrc@irrc.state.pa.us

**Re: Diversity Reporting for Major Jurisdictional Utilities  
IRRC Number 3304, PUC Docket No. L-2020-3017284**

Dear Commissioners,

The Coalition for Affordable Utility Services and Energy Efficiency in Pennsylvania (CAUSE-PA),<sup>1</sup> through its counsel at the Pennsylvania Utility Law Project, submits the following brief comments in response to the Pennsylvania Public Utility Commission's (Commission or PUC) rulemaking to establish in regulation provisions included in the Commission's Policy Statement on Diversity Reporting at Major Jurisdictional Utility Companies, 52 Pa. Code §§ 69.801-69.809, (Policy Statement).<sup>2</sup>

CAUSE-PA submitted initial comments on the proposed rulemaking commending the Commission's efforts to codify the requirement for major jurisdictional utilities to file annual diversity reports and noting our long history of advocacy for protection and inclusion of the Commonwealth's underrepresented residents.

In initial comments we additionally noted that, given the breadth of disparity faced by underrepresented communities, it is essential that utilities provide the Commission and interested

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<sup>1</sup> CAUSE-PA is a statewide unincorporated association of low-income individuals which advocates on behalf of its members to enable consumers of limited economic means to connect to and maintain affordable water, electric, heating and telecommunication services. CAUSE-PA membership is open to moderate- and low-income individuals residing in the Commonwealth of Pennsylvania who are committed to the goal of helping low-income families maintain affordable access to utility services and achieve economic independence and family well-being.

<sup>2</sup> Final Policy Statement updating Diversity Reporting was entered by the Commission on December 3, 2020 at Docket No. M-2020-3018089.

stakeholders with robust and accurate data to ensure diverse staff representation within the utility workforce. Accurate data reporting allows utilities to identify opportunities for growth and improvement at all administrative levels of the organization.

CAUSE-PA specifically commended the Commission’s goal to gather meaningful, accurate, and reliable information from utilities. The reason for our brief comments on the final-form rulemaking is to help encourage attainment of that goal.

For the aforementioned reasons, CAUSE-PA supports the promulgation of this rule and supports flexibility in reporting to meet the needs of the utilities reporting. However, we also recommend one minor edit to a form that accompanies the rule to ensure accurate data reporting, specifically for more accurate and inclusive recording of gender identity. We contend that the form, without amendment, will have the unintended consequence of inaccurate data recording for this category.

In the preamble to the Commission’s final-form rulemaking, the Commission erroneously states that the “term ‘LGBTQ’ encompasses individuals who are transgender and/or individuals who identify their gender as non-binary. As the term ‘LGBTQ’ already accounts for these individuals, the addition of a third option for gender could cause inaccurate results.”<sup>3</sup> Gender identity (male, female, nonbinary, other) is separate and distinct from sexual orientation (LGBTQ).<sup>4</sup> Therefore, we contend that the opposite of what the Commission states would be true – less inclusive and less accurate results would occur by *not* amending the form as described below.

We therefore recommend the PUC, upon promulgation of this rulemaking, amend the associated form to adequately capture gender diversity. To easily accomplish this, two additional columns should be added under the gender category – one for “nonbinary” and one for “prefer to self-describe.” Adding these two columns will not only more accurately capture the gender diversity of the workforce but will ensure employees of utilities who do not identify as strictly male or female, feel included as valuable members of the workforce.

In sum, CAUSE-PA supports promulgation of this important rulemaking without amendment to the regulatory language included therein. However, once the rulemaking is in place, we recommend the Commission amend its “Form to be used by Major Jurisdictional Utilities Providing Electric, Natural Gas, Water, Wastewater, and Telecommunications Services” as described above for accurate and inclusive data reporting.

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<sup>3</sup> Final-form Rulemaking: Diversity Reporting for Major Jurisdictional Utilities; IRRC Number 3304, PUC Docket No. L-2020-3017284; Preamble/Order, page 29.

<sup>4</sup> Roselli CE. Neurobiology of gender identity and sexual orientation. J Neuroendocrinol. 2018 Jul. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6677266/>

Respectfully submitted,

A handwritten signature in blue ink that reads "Elizabeth R. Marx". The signature is written in a cursive style with a horizontal line underneath it.

Elizabeth R. Marx, Esq.

Executive Director

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