

**BEFORE THE NEW YORK STATE
PUBLIC SERVICE COMMISSION**

**Proceeding on Motion of the Commission
as to the Rates, Charges, Rules and Regulations
of Orange and Rockland Utilities, Inc. for Electric Service**

Case 18-E-0067

**Proceeding on Motion of the Commission
as to the Rates, Charges, Rules and Regulations
of Orange and Rockland Utilities, Inc. for Gas Service**

Case 18-G-0068

**DIRECT TESTIMONY OF JONATHAN BIX
ON BEHALF OF NOBODY LEAVES MID-HUDSON**

May 25, 2018

I. INTRODUCTION AND OVERVIEW

Q. Please state your name and business address.

A. Jonathan Bix, Nobody Leaves Mid-Hudson, 29 North Hamilton St, Poughkeepsie, NY 12601

Q. Please describe your organization.

A. Nobody Leaves Mid-Hudson is a membership-based organization of low-income people of color that advocates on behalf of low-income utility consumers and works with them on issues concerning shut-offs, collections, and other relevant issues. Nobody Leaves Mid-Hudson has offices in Poughkeepsie and Middletown and has over 500 members in Orange & Rockland Utilities' service territory. Nobody Leaves Mid-Hudson is a Steering Committee member of the New York Energy Democracy Alliance.

Q. Please summarize your background and experience.

A. I am the Executive Director of Nobody Leaves Mid-Hudson. I co-founded Nobody Leaves Mid-Hudson in 2012 and have worked at the organization since that time. I have received training from Richard Berkeley, William Yates, and others at the Public Utility Law Project of New York on Public Service Law and consumer rights and protections. I have helped hundreds of low-income ratepayers file complaints with the Public Service Commission between 2014 and the present. In 2015, Nobody Leaves Mid-Hudson secured an investigation by the Public Service Commission into the Central Hudson Gas & Electric Corporation, which is resulting in policy changes to improve customer service and collections and to reduce shut-offs. Nobody Leaves Mid-Hudson also advocated on behalf of low-income utility consumers in Central Hudson Gas &

1 Electric's latest rate case. Nobody Leaves Mid-Hudson recently received the 2018 Frederick
2 Douglass Award from the North Star Fund in recognition of its advocacy on behalf of low-
3 income utility consumers of color. Nobody Leaves Mid-Hudson is a community-based
4 organization representing low-income Black and Latinx¹ populations in Orange & Rockland
5 service territory, thus bringing underrepresented constituencies to these cases.

6
7 **Q. What is the purpose of your testimony?**

8 **A.** The purpose of the testimony is to bring the perspectives of the underrepresented
9 constituencies of low-income Black and Latinx customers of Orange & Rockland into the cases,
10 and to emphasize that the company's current practices are inadequate for customers to
11 understand that it is not necessary to provide a Social Security Number to open an account or to
12 confirm one's identity in order to be able to discuss one's account with a customer service
13 representative.

14
15 **Q. What information did you review in preparing this testimony?**

16 **A.** The company's rate filing, Public Service Law, testimony from Nobody Leaves Mid-Hudson
17 members.

18
19 **Q. What does testimony from Nobody Leaves Mid-Hudson members include?**

20 **A.** The below is testimony from just a few of the many Nobody Leaves Mid-Hudson members
21 who are customers of Orange & Rockland Utilities that I have heard from as having problems
22 opening an account or confirming their identity in order to be able to discuss their account:

¹ Latinx is the gender-neutral alternative to Latino or Latina

1

2 Person 1: Vanessa Morales-Cid, Nobody Leaves Mid-Hudson's Program Associate

3 “One of the many experiences my mother had was when she had gone to pay her utility bill,
4 Orange and Rockland would ask for a social security number, instead of letting her pay with her
5 account number. Community members like my mother have gotten turned away when they went
6 to pay their bill and have had their power shut off, then hit with fees. This happened to my
7 mother once in September and twice in December, all in different years. After that, I started
8 paying my mother's utility bill so that she wouldn't have to deal with that. But there are many
9 other community members who don't have documented children old enough to pay their utility
10 bill.”

11

12 Person 2: Emma Lopez, Nobody Leaves Mid-Hudson Member

13 “Orange and Rockland had asked me for my social security back in 2003. It had happened
14 multiple times in that year and when I asked why the representative would respond saying that I
15 needed one after I told them that I didn't have one. My utilities were shut off twice.”

16

17 Person 3: Anonymous (1), Nobody Leaves Mid-Hudson Member

18 “Orange and Rockland had asked us to provide a social security number when I had called to
19 open an account. I don't know why they asked for it but I told them that I didn't have one. I told
20 the representative I did have an ITIN [Individual Taxpayer Identification Number]. The
21 representative said I could use that to open my account. When I've gone to pay my bills and they
22 ask for a form of identification I show them my passport and they tell me I have to show them a
23 valid New York State Identification card.”

Person 4: Anonymous (2), Nobody Leaves Mid-Hudson Member

“On Thursday, May 24, 2018 I had gone with my friend to open an Orange and Rockland account in Monroe. Upon arriving we informed the representative that we wanted to open an account under my friend’s name because he wanted to pay the light bill. The representative said that there needed to be a \$350 deposit down in case the landlord disagreed. We explained that the landlord was on board and proceeded to give his information. The representative asked for a social security card, and a bill with my friend’s name and current address on it. My friend had responded I do not have a social security number but I do have an ITIN [Individual Taxpayer Identification Number]. The representative had said that we cannot open an account with that and that a social security number was necessary.”

II. SUMMARY OF FINDINGS AND RECOMMENDATIONS

Q. What are your findings and conclusions based on your review of this case?

A. Section 31 of Public Service Law does not prescribe a Social Security Number as one of the types of identification that must be shown, and 16 NYCRR 11.3 (a)(4)(v) states that "A distribution utility may establish non-discriminatory procedures to require an applicant to provide reasonable proof of the applicant’s identity. Service may be denied to applicants who fail to provide reasonable proof of identity," It is discriminatory and therefore illegal for utilities to require a Social Security Number. Department of Public Service staff have confirmed this to me. Nevertheless, Orange & Rockland Utilities’ current practices are inadequate for customers to

1 understand that it is not necessary to provide a Social Security Number to open an account or to
2 confirm one's identity in order to be able to discuss one's account with a customer service
3 representative. Customer service representatives at times either incorrectly state that a Social
4 Security Number is necessary, or ask for a customer to provide a Social Security Number
5 without proactively naming other possible options for confirming one's identity, often leading
6 customers to believe that there are no other options for confirming one's identity.

7
8 **Q. What are your recommendations to the Commission?**

9 **A.** The company should create concrete procedures to ensure that their staff proactively and
10 explicitly make clear in interactions with customers and potential customers that it is not
11 necessary to provide a Social Security Number to open an account or to confirm one's identity in
12 order to be able to discuss one's account with a customer service representative; including by
13 proactively and explicitly naming multiple options for confirming one's identity (including an
14 ITIN) in each customer service interaction.

15
16 **Q. Does this conclude your testimony?**

17 **A.** Yes