

# Regulatory Analysis Form

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(1) Agency

Pennsylvania Public Utility Commission

2019-07-15 11:11:00

(2) I.D. Number (Governor\*s Office Use)

L-00040166/57-234

IRRC Number: 2404

(3) Short Title

Public Utility Security Planning and Readiness

(4) PA Code Cite

52 Pa. Code §§ 101.1 - 101.6

(5) Agency Contacts & Telephone Numbers

Primary Contact: Kimberly A. Joyce 717-705-3819, Law Bureau (legal)

Secondary Contact: Darren Gill, Bureau of Fixed Utility Services, 717-783-5244 (technical)

(6) Type of Rulemaking (check one)

- Proposed Rulemaking  
 Final Order Adopting Regulation  
 Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No  
 Yes: By the Attorney General  
 Yes: By the Governor

(8) Briefly explain the regulation in clear and nontechnical language.

The rulemaking requires all jurisdictional utilities to develop and maintain written physical, cyber security, emergency response, and business continuity plans to protect the Commonwealth's infrastructure and ensure safe, continuous and reliable utility service. The rulemaking requires jurisdictional utilities to submit a Physical and Cyber Security Planning Self Certification Form to the Commission documenting compliance with these four plans.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions.

66 Pa. C.S. §§ 501, 504 and 1501.

## Regulatory Analysis Form

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

No.

(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?

This rulemaking is submitted to ensure the safe and reliable delivery of utility service in the event of an abnormal operating condition by promulgating regulations that require each jurisdictional utility to develop and maintain written physical security plans, cyber security plans, emergency response plans, and business continuity plans. The various security issues facing the Commission's jurisdictional utilities present questions that are fundamental to the public health, safety, and convenience. The promulgation of these regulations will be in the public interest because such plans will ensure that jurisdictional utilities are adequately addressing the security issues present today and commit utilities to safeguarding their assets and protecting the public.

(12) State the public health, safety, environmental or general welfare risks associated with nonregulation.

Without regulation, the public health, safety, environmental and general welfare of the public is potentially at risk. Nonregulation could impact the health, safety, environmental and general welfare in the event of a major security issue because the Commission does not currently require all jurisdictional utilities to have physical security, cyber security, emergency response, and business continuity plans in place.

(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)

The public will benefit from this rulemaking because the review of and enforcement of the physical security, cyber security, emergency response, and business recovery plans will promote security and reliability throughout the Commonwealth in the event of a security issue or abnormal operating condition. This heightened awareness and planning will result in a safer environment and will ensure that all jurisdictional utilities are prepared to deal with unplanned events. Jurisdictional utilities and their employees will also benefit because the security plans will ensure that they are taking the appropriate measures to protect their facilities and plan for security issues.

## Regulatory Analysis Form

(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)

No person or entity will be adversely affected by this regulation. The regulations apply to all jurisdictional utilities. In short, the regulations simply create a uniform means of ensuring jurisdictional utilities have a physical security, cyber security, business continuity, and business recovery plan in place.

(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply.)

All utilities under the Commission's jurisdiction will be required to comply with the regulation. There are currently over seven thousand jurisdictional utilities licensed to do business in Pennsylvania that will be subject to this rulemaking.

(16) Describe the communications with and input from the public in the development and drafting of the regulation. List the persons and/or groups who were involved, if applicable.

Relating to this rulemaking, the Commission entered a tentative order on August 5, 2003, which set forth the Physical and Cyber Security Program Self Certification requirements. This tentative order was published in the Pennsylvania Bulletin on August 16, 2003 and the Commission received comments from a number of parties. These parties included the Pennsylvania Telephone Association, the Energy Association of Pennsylvania, Pennsylvania-American Water Company, the Peoples Natural Gas Company d/b/a Dominion Peoples, and Columbia Gas of Pennsylvania, Inc.

On December 9, 2003, the Commission responded to the filed comments and determined that a self certification process for utility security planning and readiness should be instituted for the current and anticipated security compliance of all jurisdictional utilities. The Commission further ordered the initiation of this rulemaking to include the requirement for jurisdictional utilities to develop and maintain appropriate written physical security, cyber security, emergency response, and business continuity plans as part of the Commission's regulations.

(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.

Depending on the size and type of utility and whether or not a utility has a cyber security, physical security, business recovery, or business continuity plan already in place, there may be implementation and training costs incurred by jurisdictional utilities in relation to these provisions. Also, there will be minimal costs in reviewing and updating these plans on an annual basis.

## **Regulatory Analysis Form**

**(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.**

Not applicable.

**(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.**

The Commission will incur some undetermined costs to review self certification forms. In addition, the Commission may incur some undetermined costs if it inspects a utility's facility to assess performance of its compliance monitoring or reviews a utility's physical security, cyber security, business recovery, and business continuity plans. The duties will be performed by existing Commission staff in conjunction with the review and monitoring of existing Commission regulations.

## Regulatory Analysis Form

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
<b>SAVINGS:</b>	\$	\$	\$	\$	\$	\$
<b>Regulated Community</b>						
<b>Local Government</b>	N/A					
<b>State Government</b>						
<b>Total Savings</b>						
<b>COSTS:</b>						
<b>Regulated Community</b>						
<b>Local Government</b>	N/A					
<b>State Government</b>						
<b>Total Costs</b>						
<b>REVENUE LOSSES:</b>						
<b>Regulated Community</b>						
<b>Local Government</b>	N/A					
<b>State Government</b>						
<b>Total Revenue Losses</b>						

(20a) Explain how the cost estimates listed above were derived.

Not measurable at this time.

## Regulatory Analysis Form

(20b) Provide the past three year expenditure history for programs affected by the regulation.

Program	FY -3	FY -2	FY -1	Current FY

(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.

As already discussed, while there may be some costs associated with implementing these security safeguards, the benefits of requiring all jurisdictional utilities to have written physical security, cyber security, emergency response, and business continuity plans and requiring jurisdictional utilities to document compliance by filing the Self Certification Form with the Commission promotes reliability and safety to the public which outweighs any associated costs.

(22) Describe the nonregulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.

Not applicable.

(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.

Not applicable.

## Regulatory Analysis Form

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.

Other government entities have established guidelines and requirements for critical infrastructure protection. In the event a utility is required to comply with a different regulation or statute, in addition to these proposed regulations, that utility may utilize a substantially similar plan for compliance with the Commission's regulations.

(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?

Comparable regulations with other states were not found. However, the rulemaking should not put Pennsylvania at a competitive disadvantage with other states.

(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

No.

(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.

No.

## **Regulatory Analysis Form**

**(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.**

Yes. Jurisdictional utilities will be required to develop and maintain written physical, cyber security, emergency response, and business continuity plans. In addition, jurisdictional utilities must maintain a testing schedule of the plans and file a Self Certification Form with the Commission on an annual basis.

**(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.**

A jurisdictional utility that has developed and maintained a substantially similar cyber security, physical security, emergency response or business continuity plan under the directive of another state or federal entity may utilize that substantially similar plan for compliance with these regulations.

**(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?**

The regulation will become effective upon publication in the Pennsylvania Bulletin following review by the standing committees and the Independent Regulatory Review Commission.

**(31) Provide the schedule for continual review of the regulation.**

The regulation will be reviewed on an ongoing basis after it becomes effective.

**FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU**

**(Pursuant to Commonwealth Documents Law)**

# 2404

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to form and legality. Attorney General.

BY \_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

\_\_\_\_\_  
DATE OF APPROVAL

Check if applicable  
Copy not approved. Objections attached

Copy below is hereby certified to be true and correct copy of a document issued, prescribed or promulgated by:

Pennsylvania Public Utility Commission  
(AGENCY)

DOCUMENT/FISCAL NOTE NO. L-00040166/57-234

DATE OF ADOPTION September 30, 2004

BY James J. McNulty

BY \_\_\_\_\_  
James J. McNulty

TITLE (SECRETARY)

Copy below is hereby approved as to form and legality. Executive or independent Agencies.

BY Bohdan R. Pankiw  
Bohdan R. Pankiw  
Chief Counsel

9-30-04  
DATE OF APPROVAL

Check if applicable. No Attorney General approval or objection within 30 days after submission.

L-00040166/57-234  
Final Rulemaking  
Public Utility Security Planning and Readiness  
52 Pa. Code, Chapter 101

The Pennsylvania Public Utility Commission on September 30, 2004, adopted a final rulemaking order requiring all jurisdictional utilities to develop and maintain written physical, cyber security, emergency response and business continuity plans. The contact persons are Kimberly A. Joyce, Law Bureau, 705-3819 and Darren Gill, Bureau of Fixed Utility Services, 783-5244.

## **EXECUTIVE SUMMARY**

**L-00040166/57-234**

**Final Rulemaking**

**Re: Public Utility Security Planning and Readiness**

**52 Pa. Code §101.1 – 101.6**

Pursuant to 66 Pa. C.S. §1501, every public utility must furnish and maintain adequate, efficient, safe, and reasonable service and facilities, and make changes, alterations, and improvements in or to such service and facilities as shall be necessary for the accommodation, convenience, and safety of its patrons, employees, and the public.

The regulations require jurisdictional utilities to develop and maintain written physical security, cyber security, emergency response, and business continuity plans. In addition, jurisdictional utilities must file a Self Certification Form with the Commission documenting compliance with the above mentioned plans.

These regulations will ensure that jurisdictional utilities are effectively equipped and prepared to provide safe and reliable utility service when faced with security concerns. In addition, jurisdictional utilities will be required to review and exercise their ability to detect, prevent, respond to and recover from abnormal operating conditions on an annual basis.

The contact persons are Kimberly Joyce, Law Bureau (legal), 717-705-3819 and Darren Gill, Bureau of Fixed Utility Services (technical), 717-783-5244.

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, Pennsylvania 17105-3265**

Public Meeting held September 30, 2004

Commissioners Present:

Terrance J. Fitzpatrick, Chairman  
Robert K. Bloom, Vice Chairman  
Glen R. Thomas  
Kim Pizzingrilli  
Wendell F. Holland

Rulemaking Re: Public Utility  
Security Planning and Readiness

Docket No. L-00040166

**FINAL RULEMAKING ORDER**

**BY THE COMMISSION:**

Today, we examine our regulations and seek to significantly improve the security monitoring of our jurisdictional utilities. This rulemaking requires all jurisdictional utilities to develop and maintain written physical security, cyber security, emergency response and business continuity plans to protect the Commonwealth's infrastructure and ensure safe, continuous and reliable utility service. In accordance with the proposed regulations, jurisdictional utilities will submit a Public Utility Security Planning and Readiness Self Certification Form (Self Certification Form) to the Public Utility Commission (Commission) attesting to compliance with these regulations.

## **Background**

In the past several years, the Commission has worked closely with its jurisdictional utilities to ensure the safe and reliable delivery of utility services to citizens in the Commonwealth and to refine the emergency management and response processes.

Beginning in 1998, the Commission instituted a Year 2000 technology (Y2K) readiness formal investigation which examined the readiness of approximately 750 public utilities and conducted an assessment of Y2K readiness for twenty-three jurisdictional companies. As a result of the increased security threats across the nation, the Commission immediately surveyed its jurisdictional companies, the PJM Interconnection, and the Pennsylvania Rural Electric Association (PREA). Rail safety inspectors, gas safety inspectors and telecommunications staff were also contacted to assess their industries.

In addition, the Commission began coordinating its security efforts with the state Office of Homeland Security and submitted several comprehensive reports to the House of Representatives and the state Office of Homeland Security. Through this process, the Commission developed a security self certification process for all Commission jurisdictional utilities. The Commission directed that the Self Certification Form be submitted to the Commission yearly as part of each utility's Annual Financial or Annual Assessment Report.

## **Procedural History**

The Physical and Cyber Security Program Self Certification Requirements for Public Utilities were issued by the Commission in a Tentative Order<sup>1</sup> entered on

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<sup>1</sup> Docket No. M-00031717.

August 5, 2003 and published in the *Pennsylvania Bulletin* on August 16, 2003. Comments to the Tentative Order were due on September 5, 2003.

Comments were filed by the Pennsylvania Telephone Association (PTA), the Energy Association of Pennsylvania (EAP), Pennsylvania-American Water Company (PA-American) and The Peoples Natural Gas Company d/b/a Dominion Peoples (Dominion Peoples). Columbia Gas of Pennsylvania, Inc. (Columbia) provided late comments on September 8, 2003.

At the Public Meeting of December 4, 2003, the Commission responded to the filed comments and determined that a self certification process for utility security programs should be instituted for the current and anticipated security compliance of all jurisdictional utilities. The Commission ordered that jurisdictional utilities complete and file with the Commission the Self Certification Form. Beginning on or after January 1, 2004,<sup>2</sup> utilities under the reporting requirements of 52 Pa. Code §§27.10, 57.47, 59.48, 61.28, 63.36, or 65.19 must file the Self Certification Form at Docket No. M-00031717, at the time each Annual Financial Report is filed. Beginning on or after January 1, 2004,<sup>3</sup> utilities not subject to the reporting requirements above, but subject to the reporting requirements of 52 Pa. Code §§29.43, 31.10 or 33.103 must file the Self Certification Form at Docket No. M-00031717, at the time each Annual Assessment Report is filed.

In the Order entered on December 9, 2003, the Commission further ordered the Law Bureau, in conjunction with the Bureau of Fixed Utility Services and the Bureau of Transportation and Safety, to initiate a rulemaking to include the

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<sup>2</sup> This group includes common carriers of passengers and/or household goods and jurisdictional telecommunications, electric, gas, steam heating and water/wastewater utilities.

<sup>3</sup> This group includes common carriers and forwarders of property and railroad carriers.

requirement for jurisdictional utilities to develop and maintain appropriate written physical and cyber security plans, emergency response plans and business continuity plans as part of the Commission's regulations. This rulemaking includes the requirement that jurisdictional utilities submit the Self Certification Form to the Commission.

On March 18, 2004, at Docket No. L-00040166, the Commission adopted the proposed regulations governing the security planning and readiness of Commission jurisdictional utilities in Pennsylvania. This Proposed Rulemaking Order was published in the *Pennsylvania Bulletin* and the Commission received comments from the following parties: the Pennsylvania Telephone Association (PTA), Allegheny Power Company (Allegheny Power), AT&T Communications of Pennsylvania, LLC (AT&T) and joint comments from United Telephone Company of Pennsylvania (United Telephone) and Sprint Communications Company L.P. (Sprint), collectively referred to as Sprint. The Commission also received comments on August 18, 2004 from the Independent Regulatory Review Commission (IRRC).

Before discussing comments from the above mentioned parties, we note one change in the final form regulation. The Self Certification Form was attached to the proposed rulemaking for informational purposes. Comments made to this form by IRRC and the other parties will be addressed later in this order. However, the Self Certification Form will not be included as an Appendix in the final form regulation. As stated in the final form regulations, at §101.3(d), the Self Certification Form is available at the Secretary's Bureau and on the Commission's website.

## **Discussion**

Upon due consideration of the comments, we make the following determinations regarding each proposed Section at 52 Pa. Code §101.1–101.6.

### **Proposed regulations at 52 Pa. Code §101.1-101.6**

#### **§ 101.1. Purpose**

This section of the proposed regulation establishes the purpose of Chapter 101, relating to public utility security preparedness through self certification.

#### **Positions of the Parties**

IRRC comments that the terms “jurisdictional utility” and “infrastructure” need to be defined or cross referenced as used in this section.

#### **Disposition**

The Commission has authority to supervise and regulate certain utilities within the Commonwealth. 66 Pa. C.S. §501(b). “Jurisdictional utility” refers to all of those utilities which fall within the Commission’s jurisdiction to supervise and regulate. Those utilities that must comply with the subject regulations are listed in §101.4. After reading §101.4, a utility will be able to determine whether or not the subject regulations apply to it and will be able to discern if it falls under the Commission’s jurisdiction. In order to further clarify, we will adopt IRRC’s suggestion and define the term “jurisdictional utility” in Section 101.2 as “[a] utility subject to the reporting requirements of §27.10, 29.43, 31.10, 33.103, 57.47, 59.48, 61.28, 63.36, or 65.19.”

The USA Patriot Act of October 24, 2001 defines critical infrastructure in Title X, Section 1016(e) as the “systems and assets, whether physical or virtual, so vital to the United States that the incapacity or destruction of such systems and assets would have a debilitating impact on security, national economic security, national public health or safety, or any combination of those matters.” We will adapt the Patriot Act definition to define infrastructure for the purposes of this proposed regulation as “the systems and assets so vital to the utility that the incapacity or destruction of such systems and assets would have a debilitating impact on security, economic security, public health or safety, or any combination of those matters.”

## **§ 101.2. Definitions.**

### **Emergency response plan, business continuity plan, contingency planning and business resumption definitions**

#### **Positions of the Parties**

In its comments, IRRC states that the proposed regulation uses three phrases to describe potential service interruptions. These include “change or unforeseen circumstances” in the definition of business continuity plan and contingency planning; “natural causes or sabotage” in the definition of emergency response plan; and “disaster” in the definition of business resumption. IRRC suggests replacing these phrases with the defined terminology “abnormal operating conditions.”

#### **Disposition**

We agree with the comments submitted by IRRC and will replace the three phrases described above with the defined terminology “abnormal operating conditions.”

**Physical and cyber security plans, emergency response plan and business  
continuity plan definitions**

**Positions of the Parties**

IRRC states that the physical and cyber security plans, emergency response plan and business continuity plan definitions all contain a brief description of the term and duties for jurisdictional utilities to perform. IRRC submits that the duties should not be included in the definitions, but rather, should be moved to §101.3.

**Disposition**

We agree with IRRC's comments and will place the jurisdictional utilities' duties in Section 101.3.

**Critical functions definition**

**Positions of the Parties**

IRRC states that the phrase "several business days" in the critical functions definition is vague and should be replaced with a specific time frame.

**Disposition**

While we understand the nature of IRRC's concern, we believe that each utility should have the opportunity to discern the specific amount of time that it can maintain operations with the loss of a critical function. We emphasize that this rulemaking applies to jurisdictional utilities which vary in nature, including, *inter alia*, common carriers of passengers, telecommunications utilities, electric utilities, and railroad carriers. Therefore, the subject business activity or information for each utility that cannot be interrupted or unavailable without significantly jeopardizing

operations of the utility will also vary. The language, as currently drafted, allows each utility to tailor its plan within this regulation depending on size and type.

### **Business recovery definition**

#### **Positions of the Parties**

IRRC submits that the phrase “less time-sensitive business operations” in the business recovery definition should be more fully described, including examples, in the preamble or the final-form regulation.

#### **Disposition**

“Less time-sensitive business operations” include all other operations not subsumed under the critical functions definition. We believe that each utility should have the opportunity to discern what “less time-sensitive business operations” are, emphasizing that they may be different for the various utilities that must comply with the regulation. An example of a “less time-sensitive business operation” is billing.

### **Cyber security plan definition**

#### **Positions of the Parties**

IRRC submits that the phrase “appropriate backup” found in the cyber security plan definition should be defined in the final-form regulation or the Commission should provide examples of “appropriate backup.” IRCC also submits that the phrase “a recognition of” in paragraph (iv) is superfluous, and should be deleted.

### **Disposition**

We agree with the comment provided by IRRC and will provide an example of “appropriate backup” at Section 101.3(a)(2)(II) that reads as follows:

“Appropriate backup may include having a separate distinct storage media for data or a different physical location for application software.”

In response to IRRC’s comment that the phrase “a recognition of” in paragraph (iv) is superfluous, we clarify that we are not requiring that a plan set forth a specific time period. Rather, we are directing utilities to consider this time period when writing their plan.

### **Emergency response plan definition**

#### **Positions of the Parties**

IRRC states that the phrase “emergency management system” used in the emergency response plan definition should be defined in the final-form regulation.

#### **Disposition**

We agree with the comment provided by IRRC that the phrase “emergency management system” needs to be further defined. In order to add clarification to the proposed regulation, we will replace the phrase “emergency management system” with “appropriate emergency services and emergency preparedness support agencies and organizations” as it is now found in §101.3.

## **Business continuity plan definition**

### **Positions of the Parties**

The proposed definition of business continuity plan states that the written plan will “ensure” the continuity or uninterrupted provision of operations and services. Sprint is concerned with the reference to “ensure” in the definition. Sprint states that no plan can absolutely “ensure” uninterrupted operations and service 100% of the time regardless of the nature or gravity of the circumstances. Sprint submits that it is cognizant of its obligations under the Public Utility Code and will endeavor to implement a business continuity plan that reasonably ensures uninterrupted operations and services. Sprint recommends modification of the proposed definition of business continuity plan to state: “A written plan that will reasonably ensure the continuity or uninterrupted provision of operations and services...”

### **Disposition**

While we appreciate Sprint’s concern that no plan can absolutely ensure uninterrupted operations and service regardless of the nature or gravity of the circumstances, we do not wish to lessen the impact of this regulation by adding Sprint’s suggested language. We prefer to keep the language as written understanding that no plan will absolutely guarantee uninterrupted operations and service, but stress that uninterrupted operations and service is the goal for which all utilities should strive.

### **§ 101.3. Plan requirements.**

In the Proposed Rulemaking Order we proposed that a jurisdictional utility develop and maintain written physical and cyber security, emergency response and business continuity plans.

## **Development and maintenance of plans - § 101.3(a)**

### **Positions of the Parties**

The PTA, AT&T, Sprint and IRRC seek clarification as to whether the four plans may exist within a single document, and whether certification of compliance of that single document attests to compliance with all four plans.

Also, Sprint and AT&T seek clarification on the acceptability of plans designed and maintained to protect assets on a national level for utilities that serve nationwide. Finally, Sprint suggests that the Commission should clarify that the use of the term “written” includes electronic means of storing and updating security plans required by these regulations.

### **Disposition**

The goal of this proposed regulation is to ensure that each jurisdictional utility has written plans that can be viewed as demonstrating each utility’s ability to secure its operations and respond to emergency situations. If this objective can be demonstrated through the use of one interwoven plan incorporating the objectives and goals of all four plans, then this Commission would find one comprehensive plan acceptable for purposes of the self certification form.

However, we caution our jurisdictional utilities utilizing a single plan to ensure that the intertwined nature of one consolidated plan does not detract from the clarity necessary to implement one or more of the four plans. Additionally, in addressing Sprint’s request for clarification of the use of the term “written,” we remind Sprint that retrieval of electronically stored plans and data may not be possible during certain abnormal operating conditions. Therefore, while we are not opposed to utilities maintaining plans in electronic format, we caution each utility to

not rely on the retrieval of those electronic plans as the sole repository for physical and cyber security, business continuity and emergency response plans.

### **Development and maintenance of plans - § 101.3(c)**

#### **Positions of the Parties**

IRRC states that while Section 101.3 requires utilities to maintain a testing schedule of plans, the proposed regulation does not specifically state the requirement to test the four plans. IRRC submits that if the Commission's intent is to require annual testing of the plans, then the final-form regulation should be amended to reflect this requirement.

Allegheny Power and IRRC request that the term "test" be defined in the proposed regulation. Allegheny Power requests recognition that the four plans do not need to be entirely tested within a calendar year, and that testing of a portion of a plan constitutes a test of a plan. Allegheny points to the Commission's December 9, 2003 Order at Docket No. M-00031717 in which the Commission recognized that testing of the plans should be an ongoing process, but not necessarily a distinct annual drill where an entire plan is tested from beginning to end.

Sprint avers that an annual review or testing requirement is unnecessary and unwise, since some processes will be reviewed more than annually, while others less frequently. Sprint also submits that Section 101.3(c) should be clarified to allow intra-company assessments of plans to be accepted as compliance with this proposed regulation. Sprint recommends that the proposed Section 101.3(c) should be modified to include "a testing or assessment schedule of these plans."

## **Disposition**

In response to IRRC's concern over whether the regulation requires actual testing or simply a test plan, we will revise the wording in Section 101.3(c) to read: "A jurisdictional utility shall maintain and implement an annual testing schedule." This emphasizes our desire to have our jurisdictional utilities actually test their plans. In light of this, we will not accept Sprint's suggestion that Section 101.3(c) should be clarified to allow intra-company assessments of plans to be accepted as compliance with this proposed regulation or Sprint's recommendation to modify Section 101.3(c) to include the language "a testing or assessment schedule of these plans."

We also agree with IRRC's comment to add the definition of "test" to Section 101.2. "Test" will be defined as "A trial or drill of physical security, cyber security, emergency response and business continuity plans. Testing may be achieved through a sum of continuous partial testing rather than one distinct annual drill where an entire plan is tested from beginning to end." We believe this additional language also addresses Sprint's comments about annual testing.

We agree with Allegheny Power's reemphasis of our December 9, 2003 Order at Docket No. M-00031717. Again, we believe that, in some cases, testing of physical security, cyber security, emergency response and business continuity plans are ongoing and security is achieved through a sum of continuous partial testing rather than one big test undertaken over some specified time table.

### **§ 101.4. Reporting requirements.**

In the Proposed Rulemaking Order we stated that each jurisdictional utility shall file a self certification form with the Commission.

**Self certification form title - § 101.4(a) and § 101.4(b)**

**Positions of the Parties**

IRRC submits that the Physical and Cyber Security Planning Self Certification Form referred to in this section is titled differently in various sections of the proposed regulation. IRRC states that the title of the form needs to be made consistent throughout the proposed rulemaking.

**Disposition**

We agree with IRRC's comment concerning a consistent reference to the self certification form. The form's title shall be changed to "Public Utility Security Planning and Readiness Self Certification," consistent with the proposed regulation's Subpart E title. Accordingly, all other references to the self certification form in the proposed regulation shall be changed to maintain consistency.

**Self certification form question #'s 2, 5, 9 and 12 - § 101.3(a) and § 101.3(b)**

**Positions of the Parties**

Question numbers 2, 5, 9 and 12 of the self certification form ask if specific plans have been "reviewed and updated in the past year." IRRC recommends that the proposed rulemaking be changed to read "reviewed and updated as needed." This recommendation is based on the assertion that not every review will necessitate an update.

**Disposition**

We agree with the IRRC assertion that not every plan review will necessarily result in an update to such plan. Therefore, we will amend self certification form

question numbers 2, 5, 9 and 12 to include the language "...reviewed in the last year and updated as needed."

### **Self certification form question # 7 - § 101.3(a) and § 101.3(b)**

#### **Positions of the Parties**

Question number 7 of the self certification form asks "Has your company performed a vulnerability or risk assessment analysis as it relates to physical and/or cyber security?" Allegheny Power and IRRC state that the terms "vulnerability" and "risk assessment" need to be defined in Section 101.2 of the proposed regulation. Additionally, IRRC comments that the "and/or" terminology needs clarification.

#### **Disposition**

In our review of question number 7 from the self certification form, we find that it is unnecessary and should be deleted from the form. We believe that in order for a utility to formulate a proper physical or cyber security program, a vulnerability or risk assessment would have been performed. Therefore, question number 7 is redundant, since the answer to this question is subsumed within the jurisdictional utility's response to question numbers 1 and 4. Therefore, we will remove question number 7 from the final form.

#### **§ 101.5. Confidentiality of self certification form**

In the Proposed Rulemaking Order we stated that the self certification form is not a public document or record and is deemed confidential and proprietary.

## **Filing method - § 101.5**

### **Positions of the Parties**

IRRC inquires as to whether the self certification form can be filed electronically with the Commission. IRRC submits that the Commission should consider allowing electronic submission of the self certification form.

### **Disposition**

While we understand the benefits of electronic filing and hope to explore this possibility in the future, our Commission cannot accept the Self Certification Form through an electronic filing method under our current filing system. At this time, the Commission does not have the capability to accept filings to the Secretary's Bureau in electronic format. In addition, the Commission does not have the technology in place to ensure the security of an electronic filing.

### **§ 101.6. Compliance**

In the Proposed Rulemaking Order we proposed that the Commission may review a jurisdictional utility's physical, cyber, business continuity and emergency response plans as necessary and may inspect a utility's facilities to assess compliance monitoring. It also allows a utility to utilize a substantially similar plan, formulated for another jurisdiction, for compliance with this proposed regulation.

### **Plan review and utility site review - § 101.6(b) and § 101.6(c)**

### **Positions of the Parties**

Sections 101.6(b) and 101.6(c) state that the Commission may review the plans of a utility and inspect a utility's facility. IRRC submits that the Commission should explain the manner in which it will request to review a utility's plans or

inspect a utility's site and the amount of prior notice a utility should expect before a review or site visit.

Sprint seeks clarification regarding Section 101.6(c)'s reference to "facility." Sprint suggests that Section 101.6(c) should be modified in relevant part as follows: "The Commission may inspect a utility's facility, to the extent utilized for or necessary to the provision of utility service, so as to assess performance of its compliance monitoring under 66 Pa. C.S. § § 504-506."

Sprint also comments that there is no reference made in the proposed Section 101.6(c) regarding the level of confidentiality that will be extended during and following any such Commission inspection. Sprint avers that any information or data gathered during a Commission inspection pursuant to Section 101.6(c) must be accorded confidentiality (e.g., inspector must execute a non-disclosure agreement) and must not be accessible as a public document.

### **Disposition**

IRRC expresses concern over the manner in which the Commission will request to review a utility's plans or inspect a utility's site and the amount of prior notice given. We understand IRRC's concern and comment that the Commission has in the past and, for the purposes of this regulation, will most likely give prior notification by letter or phone and arrive during normal business hours. However, several factors favor not setting forth the exact protocol for Commission inspection in the regulation. Pursuant to 66 Pa. C.S. §506, the Commission already has the full power and authority to inspect and investigate a utility's equipment and facilities. In the performance of such duties, the Commission may further inspect pertinent records and documents. We do not wish to limit our authority under Section 506 by setting forth specific protocols before inspecting a utility through this regulation.

Since the Commission has already been charged with this authority, we are uncomfortable adopting any restrictive language. In addition, we note the twenty-four hour operational nature of most of the utilities subject to this regulation. As has happened in the past, required site visits may need to occur during non-traditional business hours.

Sprint seeks clarification on Section 101.6(c)'s reference to "facility." We agree with Sprint's suggested change and will adopt the language to modify section 101.6(c) to read: The Commission may inspect a utility's facility, to the extent utilized for or necessary to the provision of utility service, to assess performance of its compliance monitoring pursuant to 66 Pa. C.S. §§504, 505 and 506.

Sprint further comments on the level of confidentiality during an inspection and any information gathered at such an inspection. We agree with Sprint that any information or data gathered during a Commission inspection pursuant to Section 101.6(c) should be accorded confidentiality. However, as indicated above, the Commission has the full power and authority to inspect and investigate a utility's equipment and facilities. 66 Pa. C.S. §506. In the performance of such duties, the Commission may further inspect pertinent records and documents. *Id.* Since the Commission has already been charged with this authority and we do not know what kind of information could be gathered at this time, we decline to adopt Sprint's comment in the final-form regulation.

#### **Substantially similar plans - § 101.6(d)**

#### **Positions of the Parties**

IRRC comments that the phrase "substantially similar plan" is vague and the Commission should include specific guidelines in the final-form regulation for a

jurisdictional utility to determine whether the plan it must file with another entity could also be used to fulfill the requirements set forth in this section of the proposed regulation.

Furthermore, IRRC questions whether security information provided to another entity as part of its plans, but not required by the Commission, would be considered public or proprietary information by the Commission.

### **Disposition**

We agree with IRRC's suggestion to use the phrase "meets the requirements of" instead of "substantially similar plan" and will modify section 101.6(d) to read as follows: "A utility that has developed and maintained a cyber security, physical security, emergency response or business continuity plan under the directive of another state or federal entity that meets the requirements of §101.3 may utilize that plan for compliance with this subpart, upon the condition that a Commission representative be permitted to review the cyber security, physical security, emergency response or business continuity plan. A company that is utilizing another entity's plan shall briefly describe the alternative plan and identify the authority that requires the alternative plan along with the Self Certification Form filed with the Commission.

As to IRRC's second concern, the Commission is not requiring the filing of plans. Rather, through this proposed rulemaking, jurisdictional utilities are required to file a Self Certification Form. Any information submitted with the Self Certification Form would be deemed confidential and proprietary pursuant to Section 101.5. If a specific plan does fall under review, security information provided in another entity's plan, but not required by the Commission, would likely be considered confidential and proprietary information by the Commission.

However, not knowing the content of this information, we decline to include this in the final-form regulation.

Overall, we believe that the regulations, as herein amended in consideration of comments received, and as attached hereto as Annex A, are consistent with the public interest and shall be adopted at this time through final order. Annex A reflects through its red-lined markings, the cumulative changes made to Annex A of this Commission's Proposed Rulemaking Order entered on March 25, 2004.

Accordingly, under authority at Section 501, 504, 505, 506, 1501 of the Public Utility Code, 66 Pa.C.S. §§501, 504, 505, 506, 1501 and Sections 201, *et seq.*, of the Commonwealth Documents Law, 45 P.S. §§1201, *et seq.*, 66 Pa.C.S. §§2801 *et seq.* and the regulations promulgated thereunder at 52 Pa.Code §§57.191-57.197; and sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240)(45 P.S. §§1201 and 1202) and the regulations promulgated thereunder at 1 Pa.Code §§7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P.S. §732.204(b)); section 5 of the Regulatory Review Act (71 P.S. §732.204(b)); and section 612 of The Administrative Code of 1929 (71 P.S. §232) and the regulations promulgated thereunder at 4 Pa.Code §§7.251-7.235, we adopt the regulations set forth in Annex A; **THEREFORE,**

**IT IS ORDERED:**

1. That 52 Pa. Code, Chapter 101 is hereby amended by the addition of the regulations as set forth in Annex A, attached hereto.
2. That the Secretary submit this Final Rulemaking Order and Annex A for review and approval by the designated Standing Committees of both houses of the General Assembly, and for review and approval of the Independent Regulatory Review Commission.

3. That the Secretary shall submit this Order and Annex A to the Governor's Budget Office for review of fiscal impact.
4. That the Secretary shall submit a copy of this Order and Annex A to the Office of Attorney General for review as to legality.
5. That the Secretary certify this Order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
6. That the amendments to Chapter 101 embodied in Annex A shall become effective upon final publication in the *Pennsylvania Bulletin*.
7. That a copy of this Order and Annex A be filed in the folder regarding physical and cyber security program self-certification requirements for public utilities at M-00031717.
8. That the contact persons for this rulemaking are (technical) Darren D. Gill, 717-783-5244 and (legal) Kimberly A. Joyce, Law Bureau, 717-705-3819.
9. That a copy of this Order and Annex A be served upon the Pennsylvania Emergency Management Agency, the Pennsylvania Office of Homeland Security, the Pennsylvania Department of Environmental Protection, the Energy Association of Pennsylvania, the Pennsylvania Telephone Association, the Pennsylvania Motor Truck Association , the Pennsylvania Bus Association, the

**Pennsylvania Taxicab and Paratransit Association, Pennsylvania Moving and Storage Association, the Pennsylvania Limousine Association, the Pennsylvania Chapter of the National Association of Water Companies, the Pennsylvania Section of the American Water Works Association, the Pennsylvania Rural Water Association, Pennsylvania League of Cities and Municipalities, Pennsylvania State Association of Boroughs, Pennsylvania Local Government Commission, Pennsylvania State Association of Township Supervisors and the PUC jurisdictional respondents to House Resolution 361.**

**BY THE COMMISSION:**

**James J. McNulty  
Secretary**

**(SEAL)**

**ORDER ADOPTED: September 30, 2004**

**ORDER ENTERED: October 5, 2004**

ANNEX A  
TITLE 52. PUBLIC UTILITIES  
PART I. PUBLIC UTILITY COMMISSION  
Subpart E. PUBLIC UTILITY SECURITY PLANNING AND READINESS  
CHAPTER 101. PUBLIC UTILITY PREPAREDNESS THROUGH SELF  
CERTIFICATION

**§101.1 Purpose.**

This chapter requires a jurisdictional utility to develop and maintain appropriate written physical security, cyber security, emergency response and business continuity plans to protect the Commonwealth's infrastructure and ensure safe, continuous and reliable utility service. A jurisdictional utility shall submit a PUBLIC UTILITY Physical and Cyber Security Planning AND READINESS Self Certification Form (Self Certification Form) to the Commission documenting compliance with this chapter.

**§ 101.2 Definitions.**

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

**Abnormal operating condition** – A condition possibly showing a malfunction of a component or deviation from normal operations that may:

- (i) Indicate a condition exceeding design limits.
- (ii) Result in a hazard to person, property or the environment.

**Business continuity plan** – A written plan that will ensure the continuity or uninterrupted provision of operations and services through arrangements and procedures that enable a utility to respond to an event that could occur by ABNORMAL OPERATING CONDITIONS. ~~change or unforeseen circumstances. The business continuity plan must:~~

- ~~(i) Provide guidance on the system restoration for emergencies, disasters and mobilization.~~
- ~~(ii) Establish a comprehensive process addressing business recovery, business resumption and contingency planning.~~

**Business recovery** – The process of planning for and implementing expanded operations to address less time-sensitive business operations immediately following an ABNORMAL OPERATING CONDITION ~~interruption or disaster.~~

**Business resumption** – The process of planning for and implementing the restarting of defined business operations following an **ABNORMAL OPERATING CONDITION** interruption or disaster, usually beginning with the most critical or time-sensitive functions and continuing along a planned sequence to address all identified areas required by the business.

**Contingency planning** – Process of developing advance arrangements and procedures that enable a jurisdictional utility to respond to an event that could occur by **ABNORMAL OPERATING CONDITIONS** change or unforeseen circumstances.

**Critical functions** – Business activities or information that cannot be interrupted or unavailable for several business days without significantly jeopardizing operations of the organization.

**Cyber security** – The measures designed to protect computers, software and communications networks that support, operate or otherwise interact with the company's operations.

**Cyber security plan** – A written plan that delineates a jurisdictional utility's information technology disaster plan. This plan must include:

- (i) Critical functions requiring automated processing.
- (ii) Appropriate backup for application software and data.
- (iii) Alternative methods for meeting critical functional responsibilities in the absence of information technology capabilities.
- (iv) A recognition of the critical time period for each information system before the utility could no longer continue to operate.

**Emergency response plan** – A written plan describing the actions a jurisdictional utility will take if an abnormal operating condition exists, whether due to natural causes or sabotage.

Actions include:

- (i) Identifying and assessing the problem.
- (ii) Mitigating the problem in a coordinated, timely and effective manner.
- (iii) Notifying the emergency management system.

**INFRASTRUCTURE – THE SYSTEMS AND ASSETS SO VITAL TO THE UTILITY THAT THE INCAPACITY OR DESTRUCTION OF SUCH SYSTEMS AND ASSETS WOULD HAVE A DEBILITATING IMPACT ON SECURITY, ECONOMIC**

**SECURITY, PUBLIC HEALTH OR SAFETY, OR ANY COMBINATION OF THOSE MATTERS.**

**JURISDICTIONAL UTILITY – A UTILITY SUBJECT TO THE REPORTING REQUIREMENTS OF §27.10, 29.43, 31.10, 33.103, 57.47, 59.48, 61.28, 63.36, OR 65.19.**

**Mission critical** – A term used to describe essential equipment or facilities to the organization’s ability to perform necessary business functions.

**Physical security** – The physical (material) measures designed to safeguard personnel, property and information.

**Physical security plan** –

(i) A written plan that delineates the response to security concerns at mission critical equipment or facilities.

~~(ii) The plan must include specific features of a mission critical equipment or facility protection program and company procedures to follow based upon changing threat conditions or situations.~~

**Responsible Entity** – Person or organization within a jurisdictional utility designated as the security or emergency response liaison to the Commission.

**TEST – A TRIAL OR DRILL OF PHYSICAL SECURITY, CYBER SECURITY, EMERGENCY RESPONSE AND BUSINESS CONTINUITY PLANS. TESTING MAY BE ACHIEVED THROUGH A SUM OF CONTINUOUS PARTIAL TESTING RATHER THAN ONE DISTINCT ANNUAL DRILL WHERE AN ENTIRE PLAN IS TESTED FROM BEGINNING TO END.**

**§101.3 Plan requirements.**

(a) A jurisdictional utility shall develop and maintain written physical and cyber security, emergency response, and business continuity plans.

**(1) A PHYSICAL SECURITY PLAN MUST, AT A MINIMUM, INCLUDE SPECIFIC FEATURES OF A MISSION CRITICAL EQUIPMENT OR FACILITY PROTECTION PROGRAM AND COMPANY PROCEDURES TO FOLLOW BASED UPON CHANGING THREAT CONDITIONS OR SITUATIONS.**

**(2) A CYBER SECURITY PLAN MUST, AT A MINIMUM, INCLUDE:**

**(I) CRITICAL FUNCTIONS REQUIRING AUTOMATED PROCESSING.**

**(II) APPROPRIATE BACKUP FOR APPLICATION SOFTWARE AND DATA. APPROPRIATE BACKUP MAY INCLUDE HAVING A SEPARATE DISTINCT STORAGE MEDIA FOR DATA OR A DIFFERENT PHYSICAL LOCATION FOR APPLICATION SOFTWARE.**

**(III) ALTERNATIVE METHODS FOR MEETING CRITICAL FUNCTIONAL RESPONSIBILITIES IN THE ABSENCE OF INFORMATION TECHNOLOGY CAPABILITIES.**

**(IV) A RECOGNITION OF THE CRITICAL TIME PERIOD FOR EACH INFORMATION SYSTEM BEFORE THE UTILITY COULD NO LONGER CONTINUE TO OPERATE.**

**(3) A BUSINESS CONTINUITY PLAN MUST, AT A MINIMUM, INCLUDE:**

**(I) GUIDANCE ON THE SYSTEM RESTORATION FOR EMERGENCIES, DISASTERS AND MOBILIZATION.**

**(II) ESTABLISHMENT OF A COMPREHENSIVE PROCESS ADDRESSING BUSINESS RECOVERY, BUSINESS RESUMPTION AND CONTINGENCY PLANNING.**

**(4) AN EMERGENCY RESPONSE PLAN MUST, AT A MINIMUM, INCLUDE:**

**(I) IDENTIFICATION AND ASSESSMENT OF THE PROBLEM.**

**(II) MITIGATION OF THE PROBLEM IN A COORDINATED, TIMELY AND EFFECTIVE MANNER.**

**(III) NOTIFICATION OF THE APPROPRIATE EMERGENCY SERVICES AND EMERGENCY PREPAREDNESS SUPPORT AGENCIES AND ORGANIZATIONS.**

**(b) A jurisdictional utility shall review and update these plans annually.**

(c) A jurisdictional utility shall maintain AND IMPLEMENT AN ANNUAL a testing schedule of these plans.

(d) A jurisdictional utility shall demonstrate compliance with subsections (a)-(c), through submittal of a Self Certification Form which is available at the Secretary's Bureau and on the Commission's website.

(d)(E) A plan shall define roles and responsibilities by individual or job function.

(e)(F) The responsible entity shall maintain a document defining the action plans and procedures used in subsection (a).

#### **§101.4 Reporting requirements.**

(a) A utility under the reporting requirements of §§27.10, 57.47, 59.48, 61.28, 63.36, or 65.19 shall file the Self Certification Form at the time each Annual Financial Report is filed, under separate cover at Docket No. M-00031717.

(b) A utility not subject to the financial reporting requirements in subsection (a), but subject to the reporting requirements of §§29.43, 31.10 or 33.103 (relating to assessment reports; assessment reports; and reports) shall file the Self Certification Form at the time each Annual Assessment Report is filed, under separate cover at Docket No. M-00031717.

#### **§101.5 Confidentiality of self certification form.**

A PUBLIC UTILITY ~~Physical and Cyber Security~~ PLANNING AND READINESS Self Certification Form filed at the Commission is not a public document or record and is deemed confidential and proprietary.

#### **§101.6 Compliance.**

(a) The Commission will review a Self Certification Form filed pursuant to §101.4 (relating to reporting requirements).

(b) The Commission may review a utility's cyber security plan, physical security plan, emergency response plan and business continuity plan under 66 Pa. C.S. §§ 504-506 (relating to reports by public utility; duty to furnish information to commission; and inspection of facilities and records).

(c) The Commission may inspect a utility's facility, TO THE EXTENT UTILIZED FOR OR NECESSARY TO THE PROVISION OF UTILITY SERVICE, to assess performance of its compliance monitoring under 66 Pa. C.S. §§504-506.

(d) A utility that has developed and maintained a ~~substantially similar~~ cyber security, physical security, emergency response or business continuity plan under the directive of another state or Federal entity THAT MEETS THE REQUIREMENTS OF §101.3 may utilize that ~~substantially similar~~ plan for compliance with this subpart, upon the condition that a Commission representative be permitted to review the cyber security, physical security, emergency response or business continuity plan. A company that is utilizing ANOTHER ENTITY'S ~~a-substantially similar~~ plan shall briefly describe the alternative plan and identify the authority that requires the alternative plan along with the Self Certification Form filed with the Commission.



PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH OF PENNSYLVANIA  
HARRISBURG, PENNSYLVANIA

THE CHAIRMAN

October 15, 2004

The Honorable John R. McGinley, Jr.  
Chairman  
Independent Regulatory Review Commission  
14th Floor, Harristown II  
333 Market Street  
Harrisburg, PA 17101

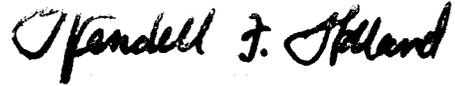
Re: L-00040166/57-234  
Final Rulemaking  
Public Utility Security Planning and Readiness  
52 Pa. Code Chapter 101

Dear Chairman McGinley:

Enclosed please find one (1) copy of the regulatory documents concerning the above-captioned rulemaking. Under Section 745.5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19) (71 P.S. §§745.1-745.15) the Commission, on June 3, 2004, submitted a copy of the Notice of Proposed Rulemaking to the House Committee on Consumer Affairs, the Senate Committee on Consumer Protection and Professional Licensure and to the Independent Regulatory Review Commission (IRRC). This notice was published at 34 Pa.B. 3138, on June 3, 2004. In compliance with Section 745.5(b.1) copies of all comments received were provided to your Commission and the Committees.

In preparing this final form rulemaking, the Public Utility Commission has considered all comments received from the Committees, IRRC and the public.

Very truly yours,

A handwritten signature in black ink that reads "Wendell F. Holland". The signature is written in a cursive style with a large initial 'W'.

Wendell F. Holland  
Chairman

**Enclosures**

cc: The Honorable Robert M. Tomlinson  
The Honorable Lisa Boscola  
The Honorable Robert J. Flick  
The Honorable Joseph Preston, Jr.  
Legislative Affairs Director Perry  
Chief Counsel Pankiw  
Regulatory Coordinator DelBiondo  
Assistant Counsel Joyce  
Mr. Gill  
Donna Cooper, Governor's Policy Office

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT  
TO THE REGULATORY REVIEW ACT

ID Number: L-00040166/57-234

Subject: Public Utility Security Planning and Readiness

Pennsylvania Public Utility Commission

# 2404

TYPE OF REGULATION

- \_\_\_\_\_ Proposed Regulation
- \_\_\_\_\_ Final Regulation with Notice of Proposed Rulemaking Omitted.
- X  Final Regulation
- \_\_\_\_\_ 120-day Emergency Certification of the Attorney General
- \_\_\_\_\_ 120-day Emergency Certification of the Governor

FILING OF REPORT

<u>Date</u>	<u>Signature</u>	<u>Designation</u>
<u>10/15/04</u>	<u>Michelle Warren</u>	<u>HOUSE COMMITTEE</u> Consumer Affairs
<u>12/15/04</u>	<u>Mary Walmer</u>	<u>SENATE COMMITTEE</u> Consumer Protection and Professional Licensure
<u>10/15/01</u>	<u>Stephen J. App</u>	Independent Regulatory Review Commission
_____	_____	Attorney General
_____	_____	Legislative Reference Bureau

RECEIVED 10/15/04