



PENNSYLVANIA LIQUOR CONTROL BOARD

Harrisburg, Pennsylvania 17124-0001

IN THE PUBLIC INTEREST

May 13, 2005

Telephone: (717) 783-9454

FAX: (717) 787-8820

Mr. Elam M. Herr
Assistant Executive Director
Pennsylvania Association of Township Supervisors
4855 Woodland Drive
Enola, PA 17025-1291

RECEIVED
2005 MAY 17 AM 9:09
REGULATORY DIVISION

RE: Proposed Regulations 54-61 Revisions to Codify Practices and Procedures Resulting from Legislative Amendments

Dear Mr. Herr:

Your letter of May 9, 2005 provided comments on changes proposed to the regulations of the Pennsylvania Liquor Control Board ("Board"). [40 Pa. Code § 1.1 *et seq.*]. As required by the Regulatory Review Act, a copy of your letter has been sent, within five (5) business days of receipt, to the Independent Regulatory Review Commission ("IRRC"), the Senate Committee on Law and Justice and the House Committee on Liquor Control. [71 P.S. § 745.5(c)].

IRRC's regulations direct that the following information be provided to you:

The name, address and telephone number of the person within the Board from whom you may request further information on the final-form regulation is Assistant Counsel James F. Maher, 401 Northwest Office Building, Harrisburg, PA, 17124; telephone number (717) 783-9454.

A response to your inquiry will be prepared after IRRC has reviewed your letter, and its comments on the proposed regulation have be received by the Board. This is expected by June 9, 2005.

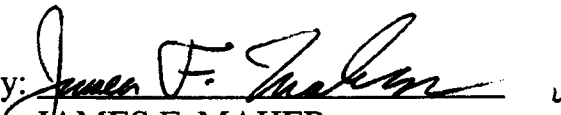
Upon your request, you will be notified when the final-form regulation is delivered to IRRC.

Elam M. Herr
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Upon your request, either a copy of the final-form regulation or a summary of the changes to the proposed regulation which are incorporated in the final-form regulation will be provided to you when it is delivered to IRRC. [1 Pa. Code § 305.2(c)].

Very truly yours,

FAITH S. DIEHL
CHIEF COUNSEL

by: 
JAMES F. MAHER
Assistant Counsel

cc: Mary S. Wyatte, Esq.
Acting Executive Director, Independent Regulatory Review Commission



PENNSYLVANIA STATE ASSOCIATION OF TOWNSHIP SUPERVISORS

May 9, 2005

Mr. James F. Maher, Assistant Counsel
Office of Chief Counsel
PA Liquor Control Board
Room 401
Northwest Office Building
Harrisburg, PA 17124-0001

RECEIVED
P.L.C.B.
05 MAY -9 PM 3:45
OFFICE OF CHIEF COUNSEL

Dear Mr. Maher:

The Pennsylvania Liquor Control Board published the proposed regulation entitled "Revisions to Codify Practices and Procedures Resulting from Legislative Amendments" in the April 9, 2005 issue of the *Pennsylvania Bulletin*. Below are our comments on this proposal.

Section 11.176. Renewal. The calculation in this section raises an issue. If the applicant's ratio is not high enough for Sunday sales permit renewal, the applicant's ratio would likely improve if the applicant continued to be open for business on Sundays but was only permitted to sell food and nonalcoholic beverages. It seems that including Sunday sales would artificially inflate the ratio, which would be likely to decrease if the applicant was later granted a Sunday sales permit based on the inflated ratio.

Section 17.15. Intervention in noise exemption petitions. Our question concerns the qualifications to be a petitioner. Would this test be so stringent that it would eliminate neighbors from petitioning as a group? Or would this include an adverse effect to the *collective* petitioner's interests? If a group of interested individuals would be prohibited from petitioning, what is the reasoning for this?

Thank you for your consideration of our comments. We look forward to working with you.

Sincerely,

Elam M. Herr
Assistant Executive Director

EMH:tmh

cc: IRRC

4855 Woodland Drive ■ Enola, PA 17025-1291 ■ Internet: www.psats.org

PSATS ■ Pennsylvania Township News ■ Telephone: (717) 763-0930 ■ Fax: (717) 763-9732

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