

ARTHUR COCCODRILLI, CHAIRMAN  
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DAVID J. DEVRIES, ESQ.  
JOHN F. MIZNER, ESQ.  
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## INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

February 5, 2007

Honorable Robert M. Tomlinson, Chairman  
Senate Consumer Protection and Professional Licensure Committee  
362 Main Capitol  
Harrisburg, PA 17120

Re: Regulation #57-249 (IRRC #2570)  
Pennsylvania Public Utility Commission  
Service Interruption

Dear Senator Tomlinson:

On December 13, 2006, we delivered our comments on the above-captioned regulation to the Honorable Wendell Holland, Chairman, Pennsylvania Public Utility Commission. Because the General Assembly had adjourned *sine die*, we were precluded from providing you with a copy at that time.

Enclosed is a copy of our comments. If you have any questions, please contact me.

Sincerely,

Kim Kaufman  
Executive Director  
wbg  
Enclosure

ARTHUR COCCODRILLI, CHAIRMAN  
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**INDEPENDENT REGULATORY REVIEW COMMISSION**  
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

February 5, 2007

Honorable Lisa M. Boscola, Minority Chairman  
Senate Consumer Protection and Professional Licensure Committee  
458 Main Capitol  
Harrisburg, PA 17120

Re: Regulation #57-249 (IRRC #2570)  
Pennsylvania Public Utility Commission  
Service Interruption

Dear Senator Boscola:

On December 13, 2006, we issued comments on the above-captioned regulation and delivered our comments to the Honorable Wendell Holland, Chairman, Pennsylvania Public Utility Commission. Because the General Assembly had adjourned *sine die*, we were precluded from providing you with a copy at that time.

Enclosed is a copy of our comments. If you have any questions, please contact me.

Sincerely,

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## INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

February 5, 2007

Honorable Joseph Preston, Jr., Majority Chairman  
House Consumer Affairs Committee  
332A Irvis Office Building  
Harrisburg, PA 17120

Re: Regulation #57-249 (IRRC #2570)  
Pennsylvania Public Utility Commission  
Service Interruption

Dear Representative Preston:

On December 13, 2006, we issued comments on the above-captioned regulation and delivered our comments to the Honorable Wendell Holland, Chairman, Pennsylvania Public Utility Commission. Because the General Assembly had adjourned *sine die*, we were precluded from providing you with a copy at that time.

Enclosed is a copy of our comments. If you have any questions, please contact me.

Sincerely,

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## INDEPENDENT REGULATORY REVIEW COMMISSION

333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

February 5, 2007

Honorable Robert Godshall, Minority Chairman  
House Consumer Affairs Committee  
150 Main Capitol  
Harrisburg, PA 17120

Re: Regulation #57-249 (IRRC #2570)  
Pennsylvania Public Utility Commission  
Service Interruption

Dear Representative Godshall:

On December 13, 2006, we issued comments on the above-captioned regulation and delivered our comments to the Honorable Wendell Holland, Chairman, Pennsylvania Public Utility Commission. Because the General Assembly had adjourned *sine die*, we were precluded from providing you with a copy at that time.

Enclosed is a copy of our comments. If you have any questions, please contact me.

Sincerely,

Kim Kaufman  
Executive Director  
wbg  
Enclosure

# Comments of the Independent Regulatory Review Commission

on

## Pennsylvania Public Utility Commission Regulation #57-249 (IRRC #2570)

### Service Interruption

December 13, 2006

We submit for your consideration the following comments on the proposed rulemaking published in the October 14, 2006 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

#### **Section 67.1. General provisions. - Protection of public health and safety; Consistency with other regulations; Reasonableness; Implementation procedure; and Clarity.**

##### *Questions*

The Pennsylvania Chapter of the National Association of Water Companies (PA-NAWC) and Pennsylvania American Water Company's (PAWC) submitted comments on the proposed regulation that generated the following questions that relate directly to our review criteria.

First, what is the intent of the phrase "affecting the quantity or quality of water delivered to the customers"? For example, would this language require notice if the drinking water was discolored but still safe to drink? What types and levels of change in "quantity or quality" triggers the notice requirement? If there is a drop in pressure, hence a drop in quantity delivered during a certain time period, is that covered by this regulation? How much of a drop in pressure would trigger the required notice?

Second, the PUC noted in the preamble that "a similar DEP [Department of Environmental Protection] regulation defines a 'service interruption' as 'affecting quantity or quality of the water delivered to the customer.'" However, this language is from the existing regulations at 25 Pa. Code § 109.708 which govern notice to the public and DEP before "planned service interruptions" initiated by public water suppliers. Why is this language being used in the proposed amendment to 52 Pa. Code § 67.1 which governs "unplanned service interruptions"? (Emphasis added.)

##### *Reasonable alternatives*

Two commentators, PA-NAWC and PAWC, suggested that the proposed regulation should cite other existing DEP regulations relating to notification requirements for public water suppliers. They suggest referencing existing DEP regulations at 25 Pa. Code Chapter 109, Subchapter D (§§ 109.407-109.416) and § 109.701(a)(3)). These regulations require notice in specific situations that relate directly to public health and safety. For example, Sections 109.409(a)(1) and (b)(1) specifically require one hour notice to DEP for violations of the maximum

contaminant level for fluoride. Therefore, these portions of Chapter 109 would afford clear and precise implementation of the PUC's policy objectives of protecting consumers of drinking water. Another benefit to using DEP regulations is that water suppliers are already familiar with these provisions. We recommend that the PUC give strong consideration to referencing existing regulations at 25 Pa. Code §§ 109.407-109.416 and 109.701 to give water suppliers clear direction on when notice will be required.