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KIM KAUFMAN, EXECUTIVE DIRECTOR  
LESLIE A. LEWIS JOHNSON, CHIEF COUNSEL

PHONE: (717) 783-5417  
FAX: (717) 783-2664  
irrc@irrc.state.pa.us  
<http://www.irrc.state.pa.us>

## INDEPENDENT REGULATORY REVIEW COMMISSION

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

March 18, 2010

James H. Cawley, Chairman  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Regulation #57-251 (IRRC #2591)  
Pennsylvania Public Utility Commission  
Provision of Bundled Service Package Plans at a Single Monthly Rate by Local Exchange Carriers

Dear Chairman Cawley:

In our review of this regulation, we identified an issue which could be resolved through the tolling process. We discussed this issue with your staff on March 15, 2010. Based upon these conversations, we recommend that you consider tolling the review period for the following reason:

Subparagraph 64.24(c)(2)(iii) requires the local exchange company to send a disclosure statement that "complies with the plain language guidelines at § 69.251 (relating to plain language)." Section 69.251 is a statement of policy. Therefore, the language in the regulation would improperly require compliance with and allow enforcement of a statement of policy. A statement of policy also is not subject to review by the legislature, IRRC and the public and can be changed at any time. We recommend that Subparagraph 64.24(c)(2)(iii) be deleted.

If you choose to toll the review period, your agency must deliver written notice to both the Standing Committees and the Commission on the same day. The written notice must be delivered before either Committee takes action on the regulation, or before the end of the Committees' review period at 10:00 a.m. on March 24, 2010, whichever occurs first.

As required by Section 307.5 of our regulations, written notice must include:

1. A citation to the section(s) the Public Utility Commission is considering revising,
2. A description of the revisions the agency is considering, and
3. An explanation of how the revisions will satisfy the concerns listed above.

Honorable James H. Cawley, Chairman

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If your written notice includes revisions that are beyond the scope of our recommendations, the Commission may object to tolling the review period. We are required to notify you and the

Committees within two business days after receipt of your tolling notice if we object. If the Commission objects to your tolling notice, the review period will not be tolled and your regulation will be considered by the Commission at our public meeting on March 25, 2010. If the Commission does not object, the review period is tolled for up to 30 days beginning with receipt of your letter and ending on the day you resubmit the regulation.

Please contact me if you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kim Kaufman / few". The signature is written in a cursive, flowing style.

Kim Kaufman  
Executive Director  
wbg

cc: Honorable Robert M. Tomlinson, Majority Chairman, Senate Consumer Protection and Professional Licensure Committee  
Honorable Lisa M. Boscola, Minority Chairman, Senate Consumer Protection and Professional Licensure Committee  
Honorable Joseph Preston, Jr., Majority Chairman, House Consumer Affairs Committee  
Honorable Robert Godshall, Minority Chairman, House Consumer Affairs Committee  
Bohdan Pankiw, Chief Counsel, PUC  
Elizabeth Lion Januzzi, Assistant Counsel, PUC  
Robert A. Mulle, Esq., Office of Attorney General