

Regulatory Analysis Form

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(1) Agency

Pennsylvania Public Utility Commission

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

L-00070187/57-258

INDEPENDENT REGULATORY
REVIEW COMMISSION

IRRC Number: 2649

(3) Short Title

Proposed Rulemaking to Permit Electronic Filing

(4) PA Code Cite

52 Pa. Code Chapters 1 and 5

(5) Agency Contacts & Telephone Numbers

Primary Contact: Jaime M. McClintock (legal), 717-783-2811

Secondary Contact:

(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 Commission is proposing amendments to its procedural regulations in order to accommodate electronic filing once the Commission's Information Management and Access Project (InfoMAP) is implemented. The proposed regulations are a transitional step toward replacing paper documents with electronic documents by allowing filers to submit certain documents to the Commission electronically without also filing paper copies. The regulations also broaden the service rules to accommodate electronic service by the Commission and between parties.

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

66 Pa.C.S. §§501, 504-506, 1301 and 1501, the Commonwealth Documents Law, 45 P.S. §§1201, et seq., and the regulations promulgated thereunder at 1 Pa. Code §§7.1, 7.2, and 7.5.

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(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?

The adoption of the proposed regulations will enable the Commission to permit electronic filing in conjunction with the Commission's new InfoMAP system. The regulations implement and promote a system that will allow for more efficient access by consumers, utilities, and practitioners to documents filed with and produced by the Commission. Increased use of electronic filing and service over time will reduce the burden and expense associated with paper documents.

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

There are no specific public health, safety, environmental, or general welfare risks associated with nonregulation. However, regulations that permit electronic filing will benefit the public by making information regarding Commission proceedings and other matters available to the public in a faster and more efficient manner.

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

Consumers, utilities, and practitioners will benefit as they will have faster and more efficient access to documents filed with and produced by the Commission. In addition, increased use of electronic filing and service over time will reduce the burden and expense associated with paper documents.

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(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 one should be adversely affected by the proposed regulations. Electronic filing is not mandatory, and it will provide efficiency and cost-savings benefits to those who participate.

(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.)

Consumers, utilities, practitioners, and others who choose to participate in electronic filing will be required to follow the electronic filing regulations. However, electronic filing will be optional, rather than mandatory, at the onset. Filers will retain the option of submitting documents to the Commission in paper form as they do currently.

(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.

In place of an advance notice of proposed rulemaking, the Commission engaged in an extensive stakeholder process in order to solicit input from interested parties. The proposed regulations reflect the detailed comments the Commission received, both in writing and in discussions held during numerous meetings with various Commission bureaus and external parties, including law firms, utilities, consumer advocate groups, and other government entities that frequently appear before the Commission.

(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.

Although a specific cost study was not conducted, savings should result through the use of electronic filing and service over time by reducing the expense associated with filing and serving paper documents.

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(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.

None.

(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.

Although a specific cost study was not conducted, savings should result through the use of electronic filing and service by the Commission and other state agencies, such as the Office of Consumer Advocate and the Office of Small Business Advocate, that frequently appear before the Commission.

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(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
SAVINGS:	\$ N/A	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community	minimal	minimal	minimal	minimal	minimal	minimal
Local Government	N/A					
State Government	minimal	minimal	minimal	minimal	minimal	minimal
Total Costs						
REVENUE LOSSES:	N/A					
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

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

Not applicable.

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

Program	FY -3	FY -2	FY -1	Current FY
N/A				

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

Not applicable.

(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.

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(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.

Not applicable.

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

The Commission examined electronic filing regulations in place at other state utility commissions in drafting these proposed regulations. The regulations will 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.

Yes. Certain portions of the Commission's rules of practice and procedure in Chapters 1 and 5 of 52 Pa. Code will be amended and supplemented to permit electronic filing. The current regulations only allow for paper filing.

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

No.

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(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, in some ways. The Commission will still retain hard copies of filings and documents in the Secretary's Bureau. However, many public documents that are not currently available on the Commission's website will be made available on the Commission's website. While not required to do so, parties will be able to file and serve documents electronically instead of by paper.

(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.

Not applicable.

(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 proposed regulation will become final following publication in the Pennsylvania Bulletin after review of all comments submitted to the Commission and approval by IRRC. The Commission would like to have final form regulations in place when the InfoMAP system is capable of receiving electronic filings and providing electronic access to information. We anticipate this will occur by the spring of 2008.

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

After taking effect, the final regulations will be reviewed and revised as necessary and, particularly, once the Commission and other interested parties have experience using the InfoMAP electronic filing system.

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

(Pursuant to Commonwealth Documents Law)

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INDEPENDENT REGULATORY
REVIEW COMMISSION

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

BY *Phyllis K. Shultz*
(DEPUTY ATTORNEY GENERAL)

OCT 16 2007

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-00070187/57-258

DATE OF ADOPTION August 30, 2007

BY *James J. McNulty*
James J. McNulty

TITLE *Secretary*
(SECRETARY)

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

BY *Bohdan R. Pankiw*
Bohdan R. Pankiw
Chief Counsel

8-30-07
DATE OF APPROVAL

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

L-00070187/57-258
Proposed Rulemaking
Rulemaking to Permit Electronic Filing
52 Pa. Code, Chapters 1 and 5

The Pennsylvania Public Utility Commission on August 30, 2007, adopted a proposed rulemaking order which sets forth amendments to its procedural regulations to accommodate electronic filing. The contact person is Jaime McClintock, Law Bureau, 783-2811.

EXECUTIVE SUMMARY

L-00070187/57-258

Proposed Rulemaking to Permit Electronic Filing

52 Pa. Code Chapters 1 and 5

On September 10, 2007, at Docket No. L-00070187, the PUC entered a proposed rulemaking order soliciting comments on establishing regulations to permit electronic filing. Interested persons were provided with 60 days from the date the order was published in the Pennsylvania Bulletin to submit comments regarding the proposed regulations.

The PUC is proposing amendments to its procedural regulations, at 52 Pa. Code Chapters 1 and 5, in order to accommodate electronic filing once the PUC's Information Management and Access Project (InfoMAP) is implemented. InfoMAP will allow for more efficient access by consumers, utilities, and practitioners to documents filed with and produced by the PUC through the implementation of electronic filing and access. The PUC anticipates that public documents currently available in the Secretary's Bureau will be posted on the PUC's website, thus, providing the public with greater and easier access to information about PUC proceedings. The PUC anticipates that it will be capable of receiving electronic filings and providing electronic access to information by the spring of 2008.

The PUC views the proposed regulations as a transitional step toward replacing paper with electronic documents by allowing filers to submit certain documents electronically without additionally filing paper copies. The regulations also broaden the service rules to accommodate electronic service by the PUC and between parties. Electronic filing will be optional, rather than mandatory, at the onset, and filers will retain the option of submitting documents to the PUC in paper form as they do currently.

The contact person for this proposed rulemaking is Jaime M. McClintock, 717-783-2811 (legal).

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION**
Harrisburg, PA. 17105-3265

Public Meeting held August 30, 2007

Commissioners Present:

Wendell F. Holland, Chairman
James H. Cawley, Vice Chairman
Terrance J. Fitzpatrick
Tyrone J. Christy
Kim Pizzingrilli

Proposed Rulemaking to Permit Electronic Filing

Docket No. L-00070187

PROPOSED RULEMAKING ORDER

BY THE COMMISSION:

The Commission is proposing amendments to its procedural regulations in order to accommodate electronic filing once the Commission's Information Management and Access Project (InfoMAP) is implemented. One of the major purposes of InfoMAP is to allow for more efficient access by consumers, utilities, and practitioners to documents filed with and produced by the Commission through the implementation of electronic filing, access, and e-commerce initiatives. We anticipate that public documents currently available for viewing in the Secretary's Bureau will be posted on the Commission's website, thus, providing the public with greater and easier access to information regarding Commission proceedings. The InfoMAP project is well underway, and we anticipate that the Commission will be capable of receiving electronic filings and providing electronic access to information by the spring of 2008.

While the Commission encourages filers to take full advantage of InfoMAP's electronic filing capabilities, electronic filing will be optional, rather than mandatory, at the onset. Filers will retain the option of submitting documents to the Commission in

paper form as they do currently. The Commission views the proposed regulations as a transitional step toward replacing paper with electronic documents by allowing filers to submit certain types of documents to the Commission electronically without additionally filing paper copies. The regulations also broaden the service rules to accommodate electronic service by the Commission and between parties. Increased use of electronic filing and service over time will reduce the burden and expense associated with paper documents and will help make information available to the public and to parties in a faster and more efficient manner. The Commission seeks to maintain some flexibility initially within the regulations; however, we may consider making additional changes to the regulations after one or two years of experience with electronic filing and will continue to consider whether modifications are needed.

In place of an advance notice of proposed rulemaking, the Commission engaged in an extensive stakeholder process in order to solicit input from interested parties. The proposed regulations reflect the detailed comments the Commission received, both in writing and in discussions held during numerous meetings with various Commission bureaus and external stakeholders, including law firms, utilities, and other government entities that frequently appear before the Commission. The proposed regulations also reflect the Commission's examination of electronic filing regulations and accompanying information systems in place in various other state utility commissions, the Federal Energy Regulatory Commission, and state and federal courts.

Accordingly, we are publishing the changes as marked in Annex A as a proposed rulemaking, and we are soliciting additional comments from stakeholders and other interested parties. Annex A contains specific changes in which deletions are marked by brackets and additions are underlined.

This order contains a description of the substantive changes we are proposing.

Sections that are included in Annex A, but are not discussed here, contain only ministerial proposed changes that will enable the Commission to permit electronic filing. In the interest of brevity, we will not address each ministerial change in detail.

CHAPTER 1. RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE

Subchapter A. General Provisions.

This subchapter contains proposed regulations that establish the general framework to permit electronic filing. In addition to the current methods available for filing by mail or in person, section 1.4(a)(3) provides the option to file “qualified documents” with the Commission on the electronic filing system. “Qualified document” is defined in section 1.8 as a document that is listed on the Commission’s website as a document that may be filed electronically and that complies with the requirements and restrictions for electronic filing set forth in section 1.32(b).

In order to provide parties with notice and the opportunity to provide input regarding the documents the Commission designates as “qualified documents,” the Commission will determine by order which documents are permitted to be filed electronically. This process is consistent with the Commission’s intention to transition into electronic filing and to initially allow only certain categories of documents to be filed electronically. At the same time, the Commission will retain the flexibility to expeditiously add or remove documents on the list over time once the Commission and filers have the opportunity to adjust to using the electronic filing system and can better determine which documents are most suitable for electronic filing.

The Commission anticipates that consumers will be capable of filing formal complaints on the electronic filing system. Prior to filing a formal complaint electronically, consumers will be provided with detailed information regarding the formal complaint process. The electronic filing system will also provide consumers with options

available to them other than filing a formal complaint, including the option to file an informal complaint, to register an objection or comment to a proposed rate increase, and to resolve the problem through mediation. Individuals who file a formal complaint on the system will be required to register as filing users and to provide information including their name and mailing address, an indication of whether or not they agree to receive electronic service, and an e-mail address if they agree to receive electronic service.

Several other definitions have been added to section 1.8 that pertain solely to electronic filing and will assist filers in navigating the Commission's electronic filing system. The definition for "confirmation of receipt" explains that, upon receipt of a filing, the electronic filing system will automatically produce a notification that informs a filing user that a filing was successfully received and contains the date and time of receipt and a link to the filed document.

The definition of a "filing user" refers individuals to a set of instructions on the Commission's website for registration to become a filing user. The definition further states that registration as a filing user constitutes an agreement to receive electronic service, unless the filing user indicates upon registration that he or she does not agree to receive electronic service. The Commission encourages filers participating in the electronic filing system to accept electronic service. However, if a filer, particularly a consumer complainant who does not appear before the Commission frequently, does not wish to accept electronic service for a reason, such as lack of home access to a computer, the filer will have the opportunity when registering on the system to indicate that he or she does not agree to receive electronic service.

When registering to use the system, e-filers will be asked to provide information, including their name, the party they represent, their address, and their e-mail address if they agree to receive service electronically. Filing users will be able to provide two e-

mail addresses for service purposes, a primary and a secondary e-mail address. Both e-mail addresses will appear on the Commission's service list in accordance with proposed section 1.51. Filing users will be able to update their registration and contact information on the system at any time.

The definition for "PDF," portable document format, contains information regarding the type of PDF document that must be used. The PDF filing must be capable of being printed and copied, without any restrictions, and may not require a password to view the document. The PDF requirements are more lenient with regard to attachments that accompany the filing and may have been provided from sources other than the filing user. While the filing user should adhere to the PDF requirements for attachments also, when feasible, we realize that attachments will not always be submitted in the PDF type that is required for documents prepared by the filing user.

Subchapter B. Time

§ 1.11. Date of filing.

This section indicates that the date on the confirmation of receipt, if prior to 4:30 p.m. local prevailing time on a day that the Commission offices are open, will be deemed to be the date of filing. The 4:30 p.m. deadline established for electronic filing coincides with the Commission office hours of 8 a.m. to 4:30 p.m. as set forth in section 1.6. The proposed deadline is also consistent with the 4:30 p.m. local prevailing time deadline pertaining to the date of service in sections 1.56(a)(4) and (5).

Moreover, if filing users have technical difficulties using the electronic filing system initially, they can contact the Secretary's Bureau during office hours. If a filing user is unable to meet the 4:30 p.m. deadline due to technical difficulties, the filing user may request appropriate relief from the Commission consistent with current section 1.15.

§ 1.16. Issuance of decisions by presiding officers.

This section is being amended to reflect that the date of issuance of a decision by a presiding officer will be the date that the decision is posted on the Commission's electronic filing system. Parties will be notified of the issuance date in different manners, depending on whether or not they are registered filing users and have agreed to receive electronic service. Filing users who agree to receive electronic service will be notified electronically that the decision was posted on the electronic filing system and will be provided with a link to the decision. For purposes of consistency and fairness, the Secretary will mail a paper copy of the decision to parties who are not filing users or who have not consented to electronic service on the same day that the decision is posted on the electronic filing system. The issuance date, i.e., the posting date, will be clearly marked on the electronic posting and on paper copies of the decision.

Subchapter D. Documentary Filings

§ 1.32. Filing specifications.

The proposed amendments in this section contain the rules for participation and revocation of participation in the electronic filing system and the requirements and restrictions for documents that are electronically filed. Subpart (b)(1) explains that the instructions for registration as a filing user are on the Commission's website. This subpart also clarifies the Commission's decision to initially make electronic filing optional, rather than mandatory.

The four main requirements for electronic filings are set forth in subpart (b)(2). The requirements state that the filing must comply with the margins, spacing, and type size requirements that currently apply to paper filings, that the filing must be a "qualified document," that the filing must be filed in PDF, and that the filing must be made according to the instructions on the Commission's website. As discussed previously, the complete definition of "qualified document" and the requirements for the type of PDF

that must be used are set forth in section 1.8.

The restrictions for electronic filings are contained in subparts (b)(3) and (4). The regulations state that there is a size limitation of five megabytes per filing, including attachments. Initially, we will only accept one entire filing that does not exceed five megabytes, and filers will not be permitted to file several, separate documents that are five megabytes or less and, together, amount to a single filing. The reason for the five megabyte limitation is that when a filing user first transmits a filing to the Commission, the filing is sent to a secure temporary storage location, the web server, before being sent to our internal InfoMAP system. As the Commission transitions into electronic filing, we want to ensure that the web server can handle the size of the data in a filing and the bandwidth from multiple filing users.

In addition, filing users are prohibited from electronically filing any documents that contain proprietary or other confidential information, including confidential security information as defined in the Public Utility Confidential Security Information Disclosure Protection Act, Act 156 of 2006, P.L. No. 1435, No. 156, § 2.¹ All documents containing proprietary or confidential information must be submitted in paper form.² Filers have the option of filing redacted, public versions of such documents in either paper form or on a CD-ROM or DVD. The Commission will post redacted, public versions of documents on the electronic filing system.

While the Commission encourages parties to file documents electronically, the

¹ The purpose of the Public Utility Confidential Security Information Disclosure Protection Act is to create mechanisms for the safeguarding of confidential security information of public utilities that is provided to various state agencies, such as the Commission, from disclosure that may compromise security against sabotage or criminal or terrorist acts. The Commission adopted proposed regulations regarding implementation of the Act at Docket No. L-00070185.

² The standards for protection of "proprietary" information are set forth in section 5.423 of the Commission's regulations, 52 Pa. Code § 5.423.

proposed regulations provide filing users with the opportunity to revoke their participation in the electronic filing system. Subpart 5(i) is a general revocation provision that permits parties to revoke their status as filing users for all Commission proceedings when they determine that they no longer wish to use the electronic filing system. Upon receipt of a filing user's notice of revocation, the Secretary will cancel the filing user's user ID and password. If the filing user is a party to an active proceeding at the time of revocation and has consented to receive electronic service, the filing user must serve the other parties to the proceeding with a notice of revocation.

The proposed regulations furthermore provide the Commission with authority to revoke a filing user's participation in the electronic filing system, after providing the filing user with notice, if the Commission determines that the filing user is abusing the privileges associated with using the electronic filing system. As indicated in subpart 5(iii), abuse of the Commission's electronic filing privileges includes knowingly permitting unauthorized use of a user ID and password and knowingly engaging in actions that interfere with the security of the electronic filing system, including the introduction of a virus or destructive programming into the system.

§ 1.35. Execution.

The main purpose of the amendments to this section is to provide information regarding what constitutes an electronic signature. Subpart (a)(2) states that an electronic filing shall include an electronic signature when it is filed on the electronic filing system by a filing user or authorized agent of a filing user by means of a user ID and password. The proposed regulations also provide additional requirements that must accompany a document containing an electronic signature, including a notation on the first page that the document was filed electronically and a signature block containing the name, office, and e-mail address of the filing user.

In order to provide extra security protections for the electronic filing system, subpart (a)(3) establishes the limitation that only a filing user or authorized agent of the filing user are permitted to use the filing user's user ID and password. As explained in section 1.8, an authorized agent is a person with permission from the filing user to legally act on behalf of the filing user. For practical purposes, when the filing user is an attorney, an authorized agent may be another attorney in the filing user's office or a paralegal or assistant filing on the attorney's behalf.

§ 1.36. Verification.

The proposed amendments to this section will allow verifications and affidavits to be electronically filed. When a verification is executed by a filing user, the filing user's user ID and password constitutes the filing user's signature and is, therefore, a valid personal verification. A verification signed electronically by a filing user is subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Verifications will most often be made by individuals who are not filing users, as verifications are required under this section to be made by "a party thereto or by an authorized officer or other authorized employee of the party if a corporation or association." Similarly, an affidavit must be notarized, and it is likely that the notary will not be a registered filing user. Therefore, in order to ensure that the Commission receives a valid signature from an individual who is attesting to the truth of facts set forth in an application, petition, formal complaint, motions and answers thereto, a filing user is required to submit a scanned original of a verification by an individual who is not a filing user and of an affidavit. In these instances, the original verification and affidavit must also be filed in paper form within three business days after the electronic filing is made. When filing the original verification or affidavit in this manner, the docket number for the filing must be clearly indicated on the verification or affidavit.

§ 1.37. Number of copies.

The purpose of the amendments to this section is to change the number of copies required to be filed to coincide with the implementation of electronic filing. Subpart (a)(5) will require filers to submit a CD-ROM or DVD along with the requisite number of paper copies for filings that exceed five megabytes and may not be filed electronically. The CD-ROM or DVD that contain the filing, along with an index to the filing, will assist the Commission with placing large filings on the electronic filing system for public viewing.

As we transition into electronic filing, the Commission is eliminating the requirement for filing users to submit paper copies, when feasible. The current general requirement is that filers must submit in hard copy an original and three copies of documents. As set forth in subpart (b)(1), when the qualified document is 250 pages or less and does not exceed five megabytes, the filing user is not required to submit any paper copies. When the qualified document exceeds 250 pages, but does not exceed five megabytes, the filing user must submit only one original of the filing in paper form along with the electronic filing. The filing user is permitted three additional business days to file the original in paper form. Documents that exceed 250 pages and the five megabyte limitation must be filed in paper form, along with a CD-ROM or DVD containing the filing. At the beginning of electronic filing implementation, we have determined that it will be a smoother internal transition for the Commission if the Secretary's Bureau receives one hard copy of large filings. Nevertheless, the Commission believes that any reduction in the number of paper copies required to be filed will provide cost savings to parties on personnel hours, postage, and paper.

Subchapter E. Fees

§ 1.42. Mode of payment of fees.

The proposed addition to this section recognizes electronic payment as a new method, in addition to the current methods available, for paying existing Commission fees. This new payment method will allow filing users to submit filing fees electronically at the same time as they file a document that requires a filing fee.

Subchapter F. Service of Documents

§ 1.51. Instructions for service, notice and protest.

Provisions have been added to this section to indicate that the Commission will post a service list for parties and a notification list for interested non-parties on the electronic filing system. The service list and notification list will pertain to a specific docket number for a proceeding and will be accessible only to registered filing users who are parties or interested non-parties in that particular proceeding. The lists will contain the names and addresses of parties or interested non-parties in a particular proceeding, the manner by which parties or interested non-parties have agreed to receive service, and the e-mail addresses of parties or interested non-parties who have agreed to receive electronic service or notification. When a filing user is making an initial filing in a case and requires general information in order to serve other filing users, the filing user will be able to conduct a search on the electronic filing system for the names and e-mail addresses of other registered filing users.

§ 1.53. Service by the Commission.

A provision in subpart (b)(3) of this section has been added to enable the Commission to electronically serve filing users who have agreed to receive electronic service. The Commission will send an electronic mail notice to the e-mail address or addresses the filing users provided upon registration. The notice will inform filing users that a document was posted on the electronic filing system and will provide a link to the

document on the system so that filing users can directly access the document from their e-mail.

§ 1.54. Service by a party.

The proposed additions to this section contain specific details regarding the manner in which parties, particularly those who are registered filing users and have agreed to receive electronic service, will serve each other. If a party has not agreed to receive electronic service, that party will be served in hard copy by first class mail or personally, consistent with subparts (b)(1) and (2) of the current regulations. As set forth in subpart (b)(3)(i), for documents that are not filed with the Commission there is a general rule that service may be made electronically if the parties have agreed to accept service in that manner.

A set of detailed service rules are contained in subpart (b)(3)(ii) for documents that have been filed with the Commission. Service will be effective when filing users serve other filing users who have agreed to receive electronic service with an electronic mail notice indicating that a document was filed on the electronic filing system. The electronic mail notice must contain the name of the filing user and the party on whose behalf the document was filed, the type of document that was filed, a brief description of the document, a link to the document on the electronic filing system, the docket number if available, and an indication that the party is seeking expedited relief, if applicable. If the party serving the document becomes aware that the electronic mail notice was not sent successfully, the party shall send the electronic mail notice again or serve the document by another acceptable method in this subpart.

In order to help parties avoid extra costs that may be associated with printing large filings, subpart (b)(3)(ii)(C) contains page limitations on documents that may be served electronically. When parties are serving filing users who have agreed to receive

electronic service with documents that are 250 pages or less, including attachments, they are not required to serve any hard copies. However, when serving a document that exceeds 250 pages, including attachments, a party is required to serve the document in hard copy unless the parties otherwise agree.

§ 1.57. Proof of service; § 1.58. Form of certificate of service.

These corresponding sections now contain provisions that slightly alter the certificate of service format for documents that are filed electronically. Consistent with the procedures for electronic filing, documents filed on the Commission's electronic filing system must contain a certificate of service stating that the document was filed electronically. In addition, the certificate of service must indicate the manner, either electronically or by paper, by which each party was served.

CHAPTER 5. FORMAL PROCEEDINGS

Subchapter G. Briefs.

§ 5.502. Filing and service of briefs.

This section has been amended in order to be consistent with the number of copies required for electronic filings as set forth in proposed section 1.37 (relating to number of copies). Subpart (b)(2)(i) states that when the brief, including attachments, is 250 pages or less, and does not exceed five megabytes, the filing user is not required to submit any paper copies. Subpart (b)(2)(ii) states that when the brief, including attachments, exceeds 250 pages, but does not exceed five megabytes, the filing user must submit only one original of the brief in paper form along with the electronic filing. The filing user is permitted three additional business days to file the brief in paper form. Furthermore, in subpart (b)(2)(iii), when the brief, including attachments, exceeds the electronic filing system's five megabyte limitation, the filing user must submit the requisite number of hard copies and a CD-ROM or DVD containing the brief and an index to the brief to assist the Commission in placing the brief on the system for public viewing.

Subchapter H. Exceptions, Appeals and Oral Argument

§ 5.533. Procedure to except to initial, tentative and recommended decisions.

A provision was added to subpart (d) of this section in order to allow filing users to file exceptions electronically, consistent with section 1.37(b).

Accordingly, under 66 Pa. C.S. §§ 501, 504-506, 1301 and 1501, and the Commonwealth Documents Law, 45 P.S. §§ 1201, et seq., and the regulations promulgated thereunder at 1 Pa. Code §§ 7.1, 7.2, and 7.5, the Commission proposes adoption of the proposed regulations to permit electronic filing, as noted and set forth in Annex A; **THEREFORE,**

IT IS ORDERED:

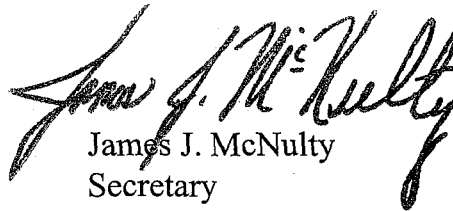
1. That this docket be continued in order to consider the proposed regulations set forth in the attached Annex A.
2. That the Secretary shall submit this order and Annex A to the Office of Attorney General for approval as to legality.
3. That the Secretary shall submit this order and Annex A to the Governor's Budget Office for review of fiscal impact.
4. That the Secretary shall submit this order and Annex A for review and comment by the designated standing committees of both houses of the General Assembly, and for review and comment by the Independent Regulatory Review Commission.
5. That the Secretary shall deposit this order and Annex A with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. Interested persons may submit written comments, an original and 15 copies, to James J. McNulty, Secretary,

Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, Pennsylvania 17105-3265, and shall have 60 days from the date this order is published to submit comments.

6. That the contact person for this rulemaking is Jaime M. McClintock, Law Bureau, 717-783-2811. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, 717-772-4597.

7. That a copy of this order shall be served upon all persons who submitted comments in this rulemaking proceeding.

BY THE COMMISSION


James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: August 30, 2007

ORDER ENTERED: **SEP 10 2007**

ANNEX A

TITLE 52. PUBLIC UTILITIES
PART I. PUBLIC UTILITY COMMISSION
Subpart A. GENERAL PROVISIONS
CHAPTER 1. RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE
Subchapter A. GENERAL PROVISIONS

* * * * *

§ 1.4. Filing generally.

(a) Submittals, pleadings and other documents filed with the Commission should be [addressed as follows] submitted in one of the following manners:

(1) By first-class mail:

Secretary
Pennsylvania Public Utility Commission
Post Office Box 3265
Harrisburg, Pennsylvania 17105-3265

(2) In person or by mail other than first-class:

Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, Pennsylvania 17120

(3) Electronically on the Commission's electronic filing system if the document is a qualified document.

* * * * *

§ 1.8. Definitions.

(a) Subject to additional definitions contained in subsequent sections which are applicable to specific chapters or subchapters, the following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

* * * * *

Authorized agent – A person with permission to legally act on behalf of the filing user.

Confirmation of receipt – A notification generated by the electronic filing system upon receipt of a filing. The notification will inform the filing user of successful receipt of a filing and will contain the date and time the filing was received and a link to the filing.

Electronic filing or filed electronically – Filing by means of the Commission’s electronic filing system.

Electronic filing system – The Commission’s automated system that receives and stores documents filed in electronic form. This system is part of the Commission’s Information Management and Access Project.

* * * * *

Filing user – A person who has registered to use the electronic filing system in accordance with the registration instructions available on the Commission’s web site at <http://www.puc.state.pa.us/> and who has obtained a user ID and password. Registration as a filing user constitutes an agreement to receive electronic service, unless the filing user indicates upon registration that the filing user does not agree to receive electronic service.

Filing user ID – The distinct code assigned by the Commission to an individual for use in the Commission’s electronic filing system and deemed to be the individual’s signature.

* * * * *

PDF – Portable Document Format. The PDF document and attachments, when feasible, shall be capable of being printed and copied, without restriction, and may not require a password to view the contents of the document.

* * * * *

Qualified Document – A document that is listed in the categories of documents that are permitted to be filed electronically in accordance with the instructions on the Commission’s website at <http://www.puc.state.pa.us/> and that complies with the filing requirements and restrictions in § 1.32(b). The Commission will determine by order the documents that constitute qualified documents.

* * * * *

Writing or written – Applies to documents filed in paper form and documents filed electronically.

* * * * *

Subchapter B. TIME

§ 1.11. Date of filing.

(a) Whenever a pleading, submittal or other document is required or permitted to be filed under this title or by statute, it will be deemed to be filed on one of the following dates:

* * * * *

(4) On the date stated on the confirmation of receipt from the Commission’s electronic filing system, when the time shown is prior to 4:30 p.m. local prevailing time and the date shown is a day on which the Commission offices are open. When a document is filed electronically when the offices of the Commission are closed, the document shall be deemed to be filed at the time the offices next open.

* * * * *

§ 1.16. Issuance of decisions by presiding officers.

(a) [In computing a period involving the issuance of a decision by a presiding officer, the] The [day] date of the issuance of a decision by a presiding officer shall be the date on which the [Secretary mails copies of the decisions to the participants. The Secretary shall clearly indicate on each decision the date of the mailing.] decision is posted on the Commission's electronic filing system. The date of the issuance shall be clearly indicated on the decision that is posted on the electronic filing system.

(b) The Secretary will mail a decision to parties who are not filing users or have not agreed to receive electronic service. The decision shall be deposited in the United States mail on the same date that the decision is posted on the Commission's electronic filing system. The date of the issuance shall be clearly indicated on each paper copy of the decision that is mailed to parties.

(c) Parties who are filing users and have agreed to receive electronic service shall be notified electronically that the decision has been posted on the Commission's electronic filing system and provided with a link to the decision.

* * * * *

Subchapter D. DOCUMENTARY FILINGS

* * * * *

§ 1.32. [Form of documents] Filing Specifications.

(a) Paper filings. A paper filing made with the Commission shall be:

(1) Typewritten. Pleadings, submittals or other documents filed in proceedings, if not printed, shall be typewritten on paper cut or folded to letter size, 8 to 8 ½ inches wide by 10 ½ to 11 inches long, with left-hand margin not less than 1 [½ inches] inch wide and other margins not less than 1 inch. The impression shall be on only one side of the paper, unless there are more than four pages, and shall be double spaced, except that quotations in excess of a few lines shall be single spaced and indented. Reproduced copies shall be accepted as typewritten, if copies are clearly legible.

[(b)] (2) Printed. Printed documents may not be less than 10-point type on unglazed paper, cut or folded so as not to exceed 8 ½ inches wide by 11 inches long, with inside margin not less than 1 inch wide, and with double-leaded text and single-leaded, indented quotations.

[(c)] (3) [Binding] Bound. Pleadings, submittals and other documents, other than correspondence, shall be stapled, fastened or otherwise bound at the left side only.

(b) Electronic Filings.

(1) Participation. A person may register to use the electronic filing system in accordance with the registration instructions available on the Commission's website at <http://www.puc.state.pa.us/>. A person may not be required to register to use the electronic filing system in order to be a party in a Commission proceeding. A person that does not register to use the electronic filing system shall file and serve documents, and shall be served in accordance with the rules in chapters 1, 3, and 5 of this part for the filing and service of documents in paper form.

(2) Requirements. An electronic filing made with the Commission shall:

(i) Comply with the requirements set forth in subsection (a) above relating to margins, spacing, and type size.

(ii) Be a qualified document as defined in § 1.8 (definitions).

(iii) Be filed in PDF as defined in § 1.8 (definitions).

(iv) Be filed in accordance with the instructions made available on the Commission's web site at <http://www.puc.state.pa.us/>.

(3) Size restriction. A filing, including attachments, that exceeds five megabytes may not be filed electronically.

(4) Restriction for filings containing confidential information. Filings containing confidential information, including confidential security information, as defined in Act 156 of 2006, P.L. No. 1435, No. 156, § 2, may not be filed electronically. Filings containing confidential information shall be filed in paper form. Redacted, public versions of such filings shall be filed in paper form or on a CD-ROM or DVD. The Commission will post redacted, public versions on the electronic filing system.

(5) Revocation of participation in the electronic filing system.

(i) Revocation by the filing user. Filing users may revoke their participation in the electronic filing system for all Commission proceedings by filing a notice of revocation with the Secretary. Upon receipt of the notice, the Commission will cancel the filing user's user ID and password. Filing users who are parties in an active Commission proceeding at the time of revocation and who have agreed to receive electronic service, shall serve the other parties to the proceeding with a notice of revocation.

(ii) Revocation by the Commission. The Commission may revoke a filing user's participation in the electronic filing system and may cancel the filing user's user ID and password, after providing the filing user with notice, when the Commission determines that the filing user is abusing the electronic filing privileges. Filing users who are parties

in an active Commission proceeding at the time of revocation and who have agreed to receive electronic service, shall serve the other parties to the proceeding with a notice of revocation.

(iii) Abuse of electronic filing privileges. Abuse of the Commission's electronic filing privileges includes knowingly permitting unauthorized use of a user ID and password and knowingly engaging in actions that interfere with the security of the electronic filing system, including the introduction of a virus or destructive programming into the electronic filing system.

[(d)] (c) *Supersession.* [Subsections] Subsection (a)-(c) are is identical to 1 Pa. Code § 33.2 (relating to form).

* * * * *

§ 1.35. Execution.

(a) *Signature.*

(1) Paper filings. A pleading, submittal or other document must be signed in ink by the party in interest, or by the party's attorney, as required by subsection (b), and show the office and mailing address of the party or attorney. An original hard copy must be signed, and other copies filed shall conform thereto unless otherwise ordered by the Commission.

(2) Electronic Filings. An electronic filing shall include an electronic signature when it is filed on the Commission's electronic filing system by a filing user or authorized agent by means of a user ID and password. A filing shall include:

(i) A notation on the first page that it has been electronically filed.

(ii) A signature block and the name, office, and e-mail address of the filing user.

(3) Limitation on user ID and password. A filing user may not knowingly permit or cause to permit a user ID and password to be used by anyone other than an authorized agent of the filing user.

* * * * *

§ 1.36. Verification.

(a) Applications, petitions, formal complaints, motions and answers thereto containing an averment of fact not appearing of record in the action or containing a denial of fact must be personally verified by a party thereto or by an authorized officer or other authorized employee of the party if a corporation or association. Verification means a signed written statement of fact supported by oath or affirmation or made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities). When a verification is filed electronically, the verification shall be executed by a filing user, or if the verification is signed by an individual who

is not a filing user, a filing user may file the verification electronically by scanning the original verification and submitting it as an attachment to a filing. When a verification is signed by an individual who is not a filing user, the original verification shall be filed in paper form no later than 3 business days after the electronic filing is made. The docket number for the filing shall be clearly indicated on the original verification. When verification is permitted, notarization is not necessary.

* * * * *

(c) When an affidavit is used, it must be notarized. A filing user may file an affidavit electronically by scanning the original affidavit and submitting it as an attachment to a filing. When an affidavit is filed electronically, the original affidavit shall be filed in paper form no later than 3 business days after the electronic filing is made. The docket number for the filing shall be clearly indicated on the original affidavit. [and the] The affidavit form should comply substantially with the following:

* * * * *

§ 1.37. Number of copies.

(a) [*General rule*] Paper filings. When a pleading, submittal or document other than correspondence is submitted in hard copy, an original and three copies of each, including the cover letter, shall be furnished to the Commission at the time of filing [.] except when:

[(b) Exceptions.]

(1) [When the] The document is an application or petition, one copy may be filed without exhibits.

(2) [When the] The document is a complaint or petition and more than one respondent is named, an additional copy of the complaint or petition must be filed for each additional respondent.

(3) [When the] The document is subject to a statutory requirement or is otherwise ordered or requested by the Commission, a different number of copies may be designated.

(4) [When the] The document is subject to § 5.502 or § 5.533 (relating to copies and form of documentary evidence; filing and service of briefs; and procedure to except to initial, tentative and recommended decisions), the filing must conform to the requirements in the applicable section.

(5) A filing, including attachments, exceeds five megabytes, in addition to filing the requisite number of hard copies in accordance with this subpart, a CD-ROM or DVD containing the filing and an index to the filing shall be filed with the Commission.

(b) Electronic filings.

(1) When the qualified document, including attachments, is 250 pages or less and does not exceed five megabytes, the filing user may file one electronic copy on the electronic filing system and is not required to file paper copies.

(2) When the qualified document, including attachments, exceeds 250 pages, but does not exceed five megabytes, the filing user may file one electronic copy on the electronic filing system

and shall also file the original in paper form with the Commission. The original in paper form shall be filed no later than 3 business days after the electronic filing is submitted.

(c) Subsections (a) – (c) supersede 1 Pa. Code § 33.15 (relating to number of copies).

Subchapter E. FEES

* * * * *

§ 1.42. Mode of payment of fees.

(a) Fees shall be paid by money order or check made payable to the Commonwealth of Pennsylvania, [or by any] by electronic payment using the Commission's electronic filing system, or by another method currently acceptable to the Commission. [For payments other than money order or check, The Secretary's Bureau shall be contacted for prior approval before submitting payment in a form other than money order or check.] Payments by cash are not accepted without prior Secretary approval and remain at the risk of the sender.

* * * * *

Subchapter F. SERVICE OF DOCUMENTS

§ 1.51. Instructions for service, notice and protest.

(a) General rule. Upon receiving an application, the Secretary will instruct the applicant or petitioner concerning the required service and public notice consistent with this section.

(b) Service list for parties. The Commission will make available to filing users on the electronic filing system a service list for each docket in which they are a party that contains the names and addresses of parties, indicates whether or not parties have agreed to receive electronic service, and provides the e-mail addresses of parties who have agreed to receive electronic service.

(c) Notification list for interested non-parties. When appropriate, the Commission will make available to filing users on the electronic filing system a notification list for each docket in which they are a participant that contains the names and addresses of interested non-parties, indicates whether or not interested non-parties have agreed to receive electronic notification, and provides the e-mail addresses of interested non-parties who have agreed to receive electronic notification.

* * * * *

§ 1.53. Service by the Commission.

* * * * *

(b) *Forms of service.*

(1) *First class mail.* Service may be made by mailing a copy thereof to the person to be served, addressed to the person designated in the initial pleading, submittal or notice of appearance at the person's residence, principal office or place of business.

(2) *Personal.* Service may be made personally by anyone authorized by the Commission.

(3) *Electronic.* Service may be made electronically to filing users who have agreed to receive electronic service. Filing users will be sent an electronic mail notice informing them that a document was posted on the Commission's electronic filing system and providing a link to the document.

* * * * *

§ 1.54. Service by a party.

* * * * *

(b) Service may be made by one of the following methods:

* * * * *

(3) *Electronic.*

(i) *Documents not filed with the Commission.* Service may be made electronically[,] to those parties who have agreed to accept service in that manner.

(ii) *Documents filed with the Commission.* Service may be made electronically to filing users who have agreed to receive electronic service. Filing users who have agreed to receive electronic service shall be served with an electronic mail notice stating that a document was filed on the electronic filing system. The notice constitutes service.

(A) The electronic mail notice shall contain the name of the filing user and the party on whose behalf the document was filed, the type of document, a brief description of the document, a link to the document on the electronic filing system, the docket number when available, and an indication that the party is seeking expedited relief, if applicable.

(B) When a filing user becomes aware that the electronic mail notice was not transmitted successfully, the filing user shall resend the electronic mail notice or serve the document by another method authorized by this subpart.

(C) Documents [served electronically] of 250 pages or less, including attachments, need not be followed by service of a hard copy to [the parties] filing users who have agreed to receive electronic service. Filing users shall serve each other with a hard copy of documents that exceed 250 pages, including attachments, unless the parties otherwise agree. [if the parties have so agreed. A final version in hard copy shall be stamped on the date due for filing with the Secretary regardless of any agreement among the parties. Any subsequent corrected version not otherwise substantively altering the final version in hard copy may be filed upon approval of the administrative law judge.]

* * * * *

§ 1.57. Proof of service.

(a) Paper filings. A certificate of service in the form prescribed by § 1.58 (relating to form of certificate of service) shall accompany and be attached to the original and all copies of pleadings, submittals or other documents filed with the Commission when service is required to be made by the parties.

(b) Electronic filings. Documents filed on the Commission's electronic filing system shall contain a certificate of service stating that the document was filed electronically. The certificate of service must identify the manner in which service on each party was accomplished.

[(b)](c) [Subsection] Subsections (a) and (b) [supersedes] supersede 1 Pa. Code § 33.35 (relating to proof of service).

§ 1.58. Form of certificate of service.

(a) The form of certificate of service shall be as follows:

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of § 1.54 (relating to service by a party).

(List names and addresses of parties served and manner in which each was served)

Dated this _____ day of _____, 2____.

(Signature)

Counsel for

(b) A certificate of service accompanying an electronic filing shall state that the document was filed electronically on the Commission's electronic filing system.

[(b)] (c) [Subsection] Subsections (a) and (b) [supersedes] supersede 1 Pa. Code § 33.36 (relating to form of certificate of service).

* * * * *

**CHAPTER 5. FORMAL PROCEEDINGS
Subchapter G. BRIEFS**

§ 5.502. Filing and service of briefs.

(a) Service. Copies shall be served on the parties in accordance with § 1.59(b)(1) (relating to number of copies to be served).

(b) Number of copies.

(1) Paper filing. An original and nine copies of a brief shall be filed with the Commission under § 1.4 (relating to filing generally). [Copies shall be served on the parties in accordance with § 1.59(b)(1) (relating to number of copies to be served).]

(2) Electronic filing.

(i) When the brief, including attachments, is 250 pages or less and does not exceed five megabytes, the filing user may file one electronic copy of the brief with the Commission and is not required to file a paper copy.

(ii) When the brief, including attachments, exceeds 250 pages but does not exceed five megabytes, the filing user may file one electronic copy of the brief and shall also file an original of the brief in paper form. The original shall be filed no later than 3 business days after the electronic filing is made.

(iii) When the brief, including attachments, exceeds five megabytes, in addition to filing the requisite number of hard copies in accordance with this subpart, a CD-ROM or DVD containing the brief and an index to the brief shall be filed with the Commission.

[(b)](c) Filing of briefs in nonrate proceedings.

(1) Initial brief. An initial brief shall be filed by the party with the burden of proof except as provided by agreement or by direction of the presiding officer.

(2) Response brief. A party may file a response brief to the initial brief.

[(c)](d) Filing of briefs in rate proceedings.

(1) Main brief. A main brief may be filed by a party except as provided by agreement or by direction of the presiding officer.

(2) Reply brief. A party may file a reply brief to a main brief regardless of whether the party filed a main brief.

[(d)](e) Filing of amicus curiae briefs. A person interested in the issues involved in a Commission proceeding, although not a party, may, without applying for leave to do so, file amicus curiae briefs in regard to those issues. Unless otherwise ordered, amicus curiae briefs shall be filed and served in the manner and number required and within the time allowed by this section, absent good cause.

[(e)](f) Deadlines. Initial briefs, main briefs, responsive briefs and reply briefs shall be filed and served within the time fixed by the presiding officer. If no specific times are fixed, initial briefs or main briefs shall be filed and served within 20 days after the date of service of notice of the filing of the transcript and responsive briefs or reply briefs shall be filed within 40 days after date of service of the notice of the filing of the transcript.

[(f)](g) Late-filed briefs. Briefs not filed and served on or before the dates fixed therefore will not be accepted, except by special permission of the Commission or the presiding officer as permitted under § 1.15 (referring to extensions of time and continuances).

[(g)](h) Supersession. Subsections (a) – [(e)](f) supersede 1 Pa. Code §§ 35.191 and 35.193 (relating to proceedings in which briefs are to be filed; and filing and service of briefs).

* * * * *

Subchapter H. EXCEPTIONS, APPEALS AND ORAL ARGUMENT

§ 5.533. Procedure to except to initial, tentative and recommended decisions.

* * * * *

(d) An original and nine copies of the exceptions filed as paper documents shall be filed with the Secretary under § 1.4. Filing users may file electronically as provided by § 1.37 (b).



PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG, PENNSYLVANIA

November 1, 2007

WENDELL F. HOLLAND
CHAIRMAN

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

Re: L-00070187/57-258
Proposed Rulemaking
Rulemaking to Permit Electronic Filing
52 Pa. Code, Chapters 1 and 5

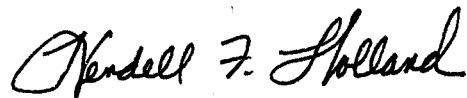
Dear Chairman McGinley:

Enclosed please find one (1) copy of the proposed rulemaking and the Regulatory Analysis Form prepared in compliance with Executive Order 1996-1, "Regulatory Review and Promulgation." Pursuant to Section 5(a) of the Regulatory Review Act of June 30, 1989 (P.L. 73, No. 19) (71 P.S. §§745.1-745.15) the Commission is submitting today a copy of the proposed rulemaking and Regulatory Analysis Form to the Chairman of the House Committee on Consumer Affairs and to the Chairman of the Senate Committee on Consumer Protection and Professional Licensure.

The purpose of this proposal is to set forth amendments to the PUC's procedural regulations to accommodate electronic filing. The contact person is Jaime McClintock, Law Bureau, 783-2811.

The proposal has been deposited for publication with the Legislative Reference Bureau.

Very truly yours,



Wendell F. Holland
Chairman

Enclosures

cc: The Honorable Robert M. Tomlinson
The Honorable Lisa Boscola
The Honorable Robert Godshall
The Honorable Joseph Preston, Jr.
Legislative Affairs Director Perry
Chief Counsel Pankiw
Assistant Counsel McClintock
Regulatory Coordinator DelBiondo
Judy Bailets, Governor's Policy Office

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT
TO THE REGULATORY REVIEW ACT

RECEIVED

2007 NOV -1 AM 11:17

ID Number: L-00070187/57-258

INDEPENDENT REGULATORY
REVIEW COMMISSION

Subject: Rulemaking to Permit Electronic Filing

Pennsylvania Public Utility Commission

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted.
- 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>
11/1/07	<i>Asa</i>	HOUSE COMMITTEE (Preston) Consumer Affairs
11/1/07	<i>Mary Walmer</i>	SENATE COMMITTEE (Tomlinson) Consumer Protection and Professional Licensure
11/1/07	<i>Kathy Cooper</i>	Independent Regulatory Review Commission
		Attorney General
		Legislative Reference Bureau