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INDEPENDENT REGULATORY REVIEW COMMISSION
333 MARKET STREET, 14TH FLOOR, HARRISBURG, PA 17101

February 15, 2008

Honorable Wendell Holland, Chairman
Pennsylvania Public Utility Commission
Keystone Building, 3rd Floor
400 North Street
Harrisburg, PA 17105

Re: Regulation #57-258 (IRRC #2649)
Pennsylvania Public Utility Commission
Electronic Filing

Dear Chairman Holland:

Enclosed are the Commission's comments for consideration when you prepare the final version of this regulation. These comments are not a formal approval or disapproval of the regulation. However, they specify the regulatory review criteria that have not been met.

The comments will be available on our website at www.irrc.state.pa.us. If you would like to discuss them, please contact me.

Sincerely,

Kim Kaufman
Executive Director

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Enclosure

cc: Honorable Robert M. Tomlinson, 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 W. Godshall, Minority Chairman, House Consumer Affairs Committee

Comments of the Independent Regulatory Review Commission

on

Pennsylvania Public Utility Commission Regulation #57-258 (IRRC #2649)

Electronic Filing

February 15, 2008

We submit for your consideration the following comments on the proposed rulemaking published in the November 17, 2007 *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.

1. General. – Reasonableness; Clarity.

There are several places in this regulation that direct users to the PUC's website for electronic filing registration information or instructions relating to this registration. However, PUC staff has indicated that this information is not yet uploaded onto the website. When will it be added? In order to adequately guide the regulated community, we recommend that this information be uploaded onto the PUC's website prior to the effective date of the final-form version of this regulation.

2. Section 1.8. Definitions. – Reasonableness; Clarity.

Substantive Language in Definitions

The last sentence in the definitions of "Confirmation of receipt," "Filing user" and "Qualified user" contain substantive language. Also, the entire definition of "PDF-Portable Document Format" is substantive. In order to assist the regulated community with compliance and to improve clarity, this language should be moved to the body of the final-form regulation.

Filing user

Commentators have stated that it is unclear how many people may use the same filing user code with permission of the registered filing user. This should be clearly stated in the final-form regulation. Also, will there be a limit on the number of users that an entity may register?

3. Section 1.16. Issuance of decisions by presiding officers. – Reasonableness.

Under Subsection (b), the PUC will mail a decision to parties that are not filing users. Commentators have suggested that the decision should also be placed on the PUC's website in order to allow non-filing users to have access to these decisions on the same day as the parties that are served electronically. We agree. The PUC should consider posting decisions on its website.

4. Section 1.32. Filing specifications. – Reasonableness; Clarity.

The term “notice of revocation” is used throughout Subsection (b)(5). What information should be included in this “notice”? This information should be contained in the final-form regulation.

5. Section 1.36. Verification. – Clarity.

Subsection (c) requires an affidavit to be submitted “in paper form no later than 3 business days....” PUC staff indicates that more details on this submission are located in existing Subsections 1.11(a)(1)-(3). For clarity, the PUC should add a cross-reference to these Subsections. A similar concern also applies to Sections 1.37(b)(2) and 5.502(b)(2)(ii).

6. Section 1.51. Instructions for service, notice and protest. – Clarity.

To be consistent with the language in the rest of the section, the word “Indicates” in Subsection (b)(2) should be “Indication.” Also, the word “Provides” in Subsection (b)(3) is not needed.

7. Section 1.53. Service by the Commission. – Reasonableness; Clarity.

The Office of Consumer Advocate asserted that Subsection (b)(3) should be amended to include the timeframe within which the PUC will send a notice of the posting and the link. It further stated that this should be clarified to say that the notice should occur simultaneously with the posting of the document. We agree.

Facsimile Cover Sheet

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REVIEW COMMISSION



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INDEPENDENT REGULATORY REVIEW COMMISSION
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To: Sherri A. DeBiondo
Regulatory Review Coordinator
Law Bureau
Agency: Pennsylvania Public Utility Commission
Phone: 2-4597
Fax: 3-3458
Date: February 15, 2008
Pages: 4

Comments: We are submitting the Independent Regulatory Review Commission's comments on the Pennsylvania Public Utility Commission's regulation #57-258 (IRRC #2649). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by: Sh DeBiondo Date: 2-15-08