is questionable as to what legal grounds a utility could hold an individual responsible for service after they are no longer the deed or lease holder.

Instead of tailoring the regulations to facilitate the questionable practice of "soft-offs" and/or letting service on while it accumulates in a non-occupant's name, we believe the regulations should encourage the timely final billing of accounts and cessation of service.

The proposal is fair to the utility in that the estimated final bill is not the last word on the matter. Once the utility does obtain a meter reading, as it must do at some point, it is free to adjust the departing customer's final bill and allocate usage between the departing and new customer. We shall not prescribe the methodology for doing this as that would be over-reaching. We believe that the utility, using their usual business practices and estimating methodologies, is best suited to do this. We do point out that utilities should, per the definitions of "customer" and "applicant" at Section 1403, be guided by the "mortgage, deed or lease" to establish the timeframes of responsibility for the departing and new customers. We also agree with Dominion that the use of the phrase "...determine the actual consumption..." is probably not the best choice of words because it is not really possible to determine "actual" consumption in these instances. Therefore, we will delete this phrase.

We agree with OCA and will insert language that only after a reasonable attempt to obtain meter access should the service be discontinued based on an estimated bill. Hopefully, this will prevent the estimating of final bills from becoming the routine, standard practice. Ending a customer's account with an actual meter reading remains the preferred practice.

We agree with IRRC, PPL, Allegheny Power, Duquesne, Equitable, FirstEnergy, PGW and EAP that paragraph (d) is not entirely consistent with Section 1404(b). We shall do as PPL suggests and delete this paragraph altogether since it is redundant; refer instead to §56.283. We will also make minor word changes to paragraph (c) to improve readability. And while we understand the concerns expressed by PULP that seven days notice is not always possible in all scenarios, the scenarios described by PULP are very fact-specific possibilities that should be handled on a case-by-case basis using the dispute procedures. These possible scenarios do not lend themselves well to precise regulations. We do note that in cases involving Protection From Abuse orders, utilities should take care to apply Section 1417 and to treat such instances with sensitivity and confidentiality.

§ 56.267. Advance payments.

PPL recommends that the Commission revise §56.17(3)(i) to allow any payment-troubled customer, regardless of income, the option of using a prepayment meter. The proposed prohibition against allowing low-income customers to use a prepayment meter appears to assume

that these customers are incapable of understanding the system, purchasing the prepayment cards, tracking their usage on the prepayment monitor, etc. PPL concedes that low-income customers may not be the most likely group to select a prepayment meter, but since the use of a prepayment meter is a voluntary decision, low-income customers should have access to the same payment options available to residential customers who are not low-income.

Discussion:

To date, no utility has utilized these provisions to offer prepayment metering, so unfortunately we have no practical experience to rely upon when assessing the need to revise this section. We see merit in PPL's suggestion to remove the restriction in this section that prohibits low-income customers from participating in these programs. While we believe that there may be interest among all customers for this kind of service, we acknowledge that there may be parties that have concerns with the participation of low-income customers in these programs. However, it is important to note that per paragraph (A), these programs are voluntary on the part of the customer. Additionally, per paragraph (iii), the utility, before even offering this kind of service, must first submit a plan to the Commission. In evaluating these plans, the issue of low-income customer participation can be considered and discussed.

We do not believe it is appropriate to address cost-recovery of advance payment programs in these regulations, but we do want to note that utilities should address any cost-recovery issues in the plans that they submit under paragraph (iii). Also, in keeping with our intent to modernize the regulations to accommodate new technologies, we will remove the references to "cards" since "cards" refer to a specific technology that could be supplanted by new methods.

§ 56.271. Payment.

Allegheny Power suggests the language in § 56.21(3) be changed to clarify that the payment agent needs to be one authorized by the public utility. The effective date of payment to a branch office or authorized payment agent should be the date of actual receipt of payment at that location.

Duquesne suggests that § 56.21(4) should be clarified to be clear that the effective date of payment electronically transmitted to a public utility should be the date of actual receipt of the payment, not notification of a pending payment which may later be cancelled by the customer.

PGW suggests that § 56.21 be revised to specify that the transmittal date of a bill should be the date of mailing, e-mailing or physical delivery. In addition, § 56.21(4) should specify that the effective date for payments electronically transmitted outside the payment system administered by a public utility should be the date of actual receipt of the payment monies because the utility does not control and may not have sufficient knowledge to determine when the payment was

made by the customer to a third party. Moreover, PGW submits that § 56.21(5) should reflect the fact that certain third party payment processors assess and collect fees for credit card payments to PGW. According to PGW, it does not assess or collect these fees and any requirement to publish such fees in their tariff would add undue time and expense to the process.

PULP believes that the proposed § 56.21(4) inappropriately places on the customer the risks of a failure to electronic systems that are not under the customer's control. For example, a partial or full failure of the bank's systems, of the internet service provider's systems, or of the utility's systems all could lead to the delay or failure of a timely electronic payment made by the customer, often totally unbeknownst to the customer. Therefore, under the proposed regulations, the customer could be deemed liable for a late payment made under such circumstances. Furthermore, as a result of an electronic mishap a CAP customer making electronic payments or a customer making electronic payments on a payment agreement could be deemed to have defaulted on CAP or on their payment agreement. PULP recommends adding to this section language specifying that where a customer can establish that a late electronic payment is the result of a failure of the electronic systems not under the customer's control, then a customer shall not be deemed to have defaulted on payment, on a payment agreement, or on a CAP payment.

IRRC notes that this section relates to transmitting payments and that the first paragraph states that the due date of a bill may be no less than 20 days from the date of transmittal and the paragraph seems to define "date of transmittal" occurring on either the date of mailing or delivery. IRRC questions how can the transmittal date be one or the other when, in all likelihood, the payments will be received on different dates in each circumstance. IRRC also mentions that the proposed regulation removes the word "physical," whereas other sections of the regulation continue to use the phrase "physical delivery."

Discussion:

We agree with IRRC and PGW and will revise the proposed regulation to specify that the transmittal date of a bill should be the date of mailing, or electronic or physical delivery. This will provide for the flexibility needed to accommodate a variety of different methods of bill delivery. We also agree with Duquesne, Allegheny Power and PGW that the effective date of payment to a public utility should be the date of actual receipt of the payment because as Duquesne points out, a pending payment can always be cancelled by a customer.

With respect to Allegheny Power's concerns with paragraph (3), we point out that this paragraph, as currently written, specifies that the "payment agents" relevant to this section are "authorized" agents. As such, we see no need for revising this paragraph. And concerning PGW's comments on paragraph (5), we point out that this applies only to fees "assessed and collected by the public

utility." Fees assessed and collected by other parties are not included. We believe this appropriately addresses PGW's concerns, and see no reason for further revising this paragraph.

While we share PULP's concerns and understand that the scenarios described by PULP are certainly possible, we believe the dispute procedures found in these regulations will be sufficient to address these possibilities. If a customer has a problem with an electronic payment, that is clearly a disputable matter under these regulations, and the utility would be expected to apply the relevant regulations, including §§ 56.140 – 152. We will change the word "last" to "latest due" in paragraph (6) to make this section clearer. Finally, we agree with IRRC that the removal of the word "physical" was an error.

§ 56.272. Accrual of late payment charges.

FirstEnergy recommends that 56.22(d) be revised to specify that the Commission can only waive late payment charges for customers at or below 150% of the federal poverty level as the result of the filing of an informal or formal complaint; not a generic order that is not tied to a specific complaint.

PECO objects to the proposal prohibiting late payment charges on accounts no longer actively billed to a customer as not being supported by Chapter 14. PECO submits that late charges are the equivalent of interest on a loan, and a customer choosing to leave an unpaid balance is effectively the same as the customer getting a loan from PECO.

NFG submits that if the proposed regulation will cite to the statutory language from which it claims to obtain authority, the statutory section should simply be quoted in its entirety rather than paraphrased or implied. The language of Section 1409 is clear and concise enough to quote directly and would ensure that proper effect is given to the legislative intent.

PULP submits that § 56.22(c) should be altered to make it clear that only denial of access to the meter by the customer can result in the imposition of late fees. The proposed language is problematic because there are a variety of situations in which utility personnel might be denied access to a meter through no fault of the customer of record. In these instances, PULP believes an innocent customer should not be penalized for actions not his or her own. For example, where a landlord forbids access to a meter on the landlord's premises, the customer of record should not be penalized with a late fee as a result.

PULP supports the proposed § 56.22(d) because many low-income customers find it exceptionally difficult simply to pay for service, much less added fees. Empowering utilities to waive late fees enables them to relieve some of the burden on these vulnerable customers and, if this discretion is exercised liberally by utilities, may help reduce the number of households

without service. Where that discretion is not exercised, PULP considers that the Commission clearly has the authority to compel the waiver and should do so wherever possible.

PULP also supports the inclusion of § 56.22(e), which limits the timeframe during which late payment charges may be imposed on an account balance. PULP explains that once an account is inactive, utility late fees cease to serve a purpose and thereafter become merely punitive in nature, with no bearing on actual costs of collection or providing service. Therefore, such fees are appropriately prohibited by § 56.22(e). However, PULP submits that this section is somewhat ambiguous about when an account becomes inactive or, in the words of the regulation, "is no longer actively billed by the public utility." PULP suggests this problem can be solved with a minor change that harmonizes the language of subsection (e) with other parts of these regulations, such as the definitions of customer and applicant at § 56.2, by specifying that "additional late payment charges may not be assessed on account balances once the final bill on the account is past due."

IRRC notes that subsection (e) prevents additional late payment charges once an account is no longer actively billed. IRRC questions the Commission's statutory authority for this revision.

Discussion:

We disagree with FirstEnergy and decline to specify that the Commission can only waive late payment charges for customers below 150% of the federal poverty level as a result of the filing of a formal or informal complaint. Section 1409 clearly specifies that the Commission can order the waiver of "any" late payment charge for customers below 150% of the federal poverty level. This does not preclude the Commission from using a generic order if it should so choose, and we agree with PULP that the Commission clearly has the authority to compel the waiver.

We disagree with PULP that changes are needed to paragraph (c). Per § 56.12, utilities are allowed to issue estimated bills in certain circumstances, and estimated bills must be paid timely the same as any other bill.

In response to the concerns expressed by IRRC and PECO, we will drop the proposed paragraph (e) from this section. This paragraph was proposed to prevent situations where a former customer continues to accrue additional charges without being aware of such because they are no longer being billed. If a customer inadvertently pays short on their final bill, this could have serious consequences that the customer will not necessarily be aware of. This was also proposed to prevent possible double recovery of carrying costs on closed, written-off accounts; a utility recovering such costs in rates as part of uncollectable revenues and also via late payment charges. We note that late payment charges are not intended to generate revenue; their purpose is to cover any carrying costs. It is not clear what carrying costs are involved on a closed

account that is no longer being actively billed. Regardless, we will drop this proposed paragraph.

§ 56.275. Electronic bill payment.

Allegheny Power objects to the requirement that they provide a paper receipt for electronic payments. This requirement could cost potentially $ 1 million annually. Columbia reports that for more than twenty years, Columbia customers have had the ability voluntarily to enroll in automatic checking account withdrawal services, which are administered by third-party vendors. These vendors do not issue receipts other than the transaction record that appears on the customer's checking account statement. Columbia claims it has never had a customer who complained that they were not being furnished with a receipt and this requirement, if applied to such recurring automatic payments, will needlessly increase costs.

NFG believes that these requirements would be better served by splitting apart the concept of "electronic bill payment" from what NFG refers to as "direct pay". In "electronic bill payment" a customer must still make an affirmative action, usually through an on-line medium, to effectuate a payment. This is different from "direct pay" where a customer only signs up for the program once and the billed amount is automatically withdrawn from a financial account on a specified date. "Direct pay" can be accomplished with the customer still receiving paper bills and not receiving any type of electronic bill message. NFG believes that the "direct pay" concept should be excluded from this section. With respect to § 56.25(2), NFG suggests replacing the phrase "checking account" with "financial account,"- types of accounts other than checking accounts are capable of making automatic electronic payments such as a savings account or a credit union money market account. With respect to § 56.25(3) NFG suggests allowing for an option for a customer to receive relevant notices electronically. NFG notes that many customers chose the electronic billing option to avoid receiving any paper correspondence at all. Inserting "unless the customer agrees to receive notice of program changes electronically" in the second sentence of 56.25(3) after the phrase "in writing" allows this option while keeping an in writing requirement for any customer who so chooses. Regarding § 56.25(5), NFG believes that maintaining system security is critical to an electronic billing and electronic bill payment system. NFG suggests changing this section to read "(5) the public utility shall take all reasonable steps to maintain system security in order to protect all customer information and prevent unauthorized access to customer accounts."

PGW opines that electronic bill payment requirements should be linked to utility administered systems and that disclosure of electronic bill payment terms and changes to the program should be allowed via a utility's website. Instead of a receipt, the electronic notification of payment should be a confirmation number.

Phillips suggests that written terms provided electronically should be sufficient to satisfy §56.25(3) requirements since customers will be enrolling in these programs electronically to begin with. Phillips also reports that it is not aware of any means which it can guarantee unequivocally to protect all customer information and accounts. As such, Phillips suggests revising § 56.25(5) to state the "the public utility shall maintain sufficient system security and, in so doing, take all reasonable measures to protect customer information from unauthorized disclosure and to prevent access to customer account records by persons who are not properly authorized to have such access."

The OCA strongly supports the Commission's proposed regulations on electronic bill payment but offers a modification of § 56.25(1) for the purposes of clarity. OCA proposes that this section should be revised to say "Electronic bill payment shall be voluntary and a public utility may not require a customer to accept electronic bill payment as a condition of enrolling in electronic billing." Action Alliance supports the recommendations of the OCA with regard to electronic billing and payment options and incorporates by reference those proposed regulations that reflect the OCA's recommendations.

IRRC notes that this section describes the procedures for electronic bill payments and raises three issues. First, Paragraph (2) refers to electronic bill payments via automatic withdrawals from a customer's checking account. A commentator notes that automatic electronic payments can be made from types of accounts other than checking accounts and suggests using the term "financial account." IRRC agrees and recommends that the Commission incorporate this change in the final-form regulation. Second, Paragraph (4) requires the public utility to provide an electronic or paper receipt to the customer upon payment through the electronic method.

IRRC also questions the need for a receipt in these circumstances. Finally, Paragraph (5) requires the public utility to maintain a "sufficient system security." IRRC questions how the Commission will determine what is "sufficient."

Discussion:

We agree with IRRC, Allegheny Power, Columbia and NFG that automated, pre-authorized payments should be exempt from any receipt requirement. As the parties point out, these types of payments have been in place for many years and it is the financial institution involved that generates the receipt or notice. We agree with IRRC and NFG that this section should refer to "financial account" instead of "checking account" as to accommodate the diversity of financial accounts a customer may have. We agree further with NFG, PGW and Phillips that the terms and conditions of these programs can be made available electronically instead of on paper. This will enhance the cost-savings and environmental benefits of these programs. We agree with OCA and will revise paragraph (1) to clarify that electronic payments are voluntary and are not required to be linked to electronic billing.

NFG correctly points out that maintaining system security is critical to an electronic billing and payment system. Customers will be reluctant to participate in these programs if they believe doing so may compromise the integrity of their personal financial data. We agree with IRRC, NFG and Phillips that paragraph (5) concerning security needs to be clarified. We will change this paragraph to reflect NFG's and Phillip's suggestion that utilities shall "employ all reasonable measures to protect customer information from unauthorized disclosure and to prevent access to customer account records by persons who are not properly authorized to have such access." This will mirror the language in §56.11 concerning electronic billing. We decline to get more specific than this because constantly changing technology makes it impossible to predict or specify particular security mechanisms or procedures.

§ 56.281. Policy statement.

The CAC and PULP support the Commission determination that § 56.31 is still fully in effect and has not been superseded by any section of Chapter 14. In accord with that policy, the credit and deposit policies and practices of each utility must be equitable and nondiscriminatory and shall be based on the credit risk of the individual without regard to area in which they live and without regard to race, sex, age over 18, national origin or marital status.

PULP suggests that § 56.31 should be moved so that it appears before the heading "Procedures For New Applicants." As it is positioned currently, § 56.31 falls under the heading "Procedures For New Applicants." However, it appears from the content of § 56.31 that it applies to both applicants and customers. Therefore, PULP recommends the Commission move § 56.31 so that it falls after the heading "Subchapter C: Credit And Deposits Standards Policy" and before the heading "Procedures For New Applicants." Also, PULP notes that the title of the first subsection in Subchapter C is "Procedures For New Applicants." PULP submits that this title may be confusing because it appears from the content of the subchapter that one does not have to be a "new" applicant in order for the subchapter to apply. One could also have applicant status as a result of losing service and having a final bill past due (see § 56.2's definition of "applicant"). In that instance, the individual would be an applicant but not a "new" applicant. To clarify this ambiguity, PULP recommends the Commission remove the word "New" from the title of the first section of Subchapter C so it reads "Procedures For Applicants."

Discussion:

We see merit in the suggestion of PULP to change the title section by removing the word "new," as this minor change will lessen possible confusion as to what is a "new" applicant as opposed to just an "applicant." We decline to move the placement of this section however since we think its current position is appropriate since this does generally involve "applicants."

§ 56.282. Credit standards.

PPL recommends that the Commission delete § 56.282(a)(2) because the ownership of property or the existence of a one-year lease is not a strong indicator of credit worthiness. This requirement is not especially meaningful because nearly all customers or applicants either own or rent their homes. In addition, all overdue residential customers are either homeowners or renters. PPL believes that credit scoring based on applicants' prior payment of utility bills (e.g., Equifax's ERAM) is a better approach to determining credit risk.

EAP also disagrees with §56.282(a)(2) ownership of real property standard. EAP believes that in these troubled financial times, ownership of real estate or the existence of a one-year lease is not a convincing indicator of credit worthiness and that this requirement is not persuasive since virtually all customers or applicants either own or rent their homes. EAP believes that pursuant to Chapter 14, the utilities are permitted to use their choice of credit scoring and this should not be undermined.

Discussion:

Through Section 1417, the General Assembly made clear its intent that the provisions of Chapter 14 do not apply to victims with a Protection From Abuse order. These provisions include the Section 1404(a) requirements that allows a utility to assess a security deposit from an applicant whose credit score does not meet the satisfaction of the utility. As such, we must decline PPL's and EAP's suggestion that we allow utility's to impose credit standards based on credit scores on these customers. It is not unreasonable to surmise that the General Assembly did not want to burden victims who are already confronting domestic violence to also have to contend with a credit scoring standard set by the utility. A victim fleeing an abuser and setting up a new residence is especially vulnerable and may not have sufficient credit history to meet the utility's standard.

§ 56.283. Cash deposits; third-party guarantors.

Columbia states that the legislature's directive was straightforward – Chapter 14 would not apply to domestic violence victims under a Protection From Abuse order. However, Columbia believes that the Commission proposes unnecessary regulations that essentially adopt the same credit and deposit provisions for PFA holders that were specifically abrogated with the enactment of Chapter 14. Columbia opines that there is no reason to conclude that these unsuccessful rules will have a different result in the context of victims of abuse.

Discussion:

As previously discussed, through Section 1417, the General Assembly made clear its intent that the provisions of Chapter 14 do not apply to victims with a Protection From Abuse order. These provisions include the Section 1404(a) requirements that allows a utility to assess a security deposit from an applicant whose credit score does not meet the satisfaction of the utility. As such, we must disagree with Columbia's objections. It is not unreasonable to surmise that the General Assembly did not want to burden victims who are already confronting domestic violence to also have to contend with a credit scoring standard set by the utility. A victim fleeing an abuser and setting up a new residence is especially vulnerable and may not have sufficient credit history to meet the utility's standard.

§ 56.285. Payment of outstanding balance.

To clarify the imposition of the four-year limit, we will add language specifying that the four-year period is based upon the date of the service request.

§ 56.286. Written procedures.

Duquesne believes that a written denial statement is not always necessary and the utility should be free to provide this information verbally and not in writing. Conversely, if the application is done online via the utility's website, the utility should be able to provide a denial statement in writing, not verbally. Requiring both methods in all situations should not be required.

Action Alliance supports clear notice to applicants of reasons for denial of credit and of dispute rights if the applicant disagrees with the denial of credit. The CAC supports the requirement that applicants and customers be informed of their rights to provide a third-party guarantor and that a more lenient credit standard should be available for victims of domestic violence with a PFA order. These requirements are consistent with the other Chapter 56 regulatory proposals.

PULP supports the requirement that applicants and customers be provided with detailed and complete information when denied credit from a utility. PULP also supports the requirement that applicants and customers be informed of their rights to provide a third-party guarantor and that a more lenient credit standard should be available for victims of domestic violence with a PFA order. PULP also supports the Commission's inclusion of § 56.36(b)(1) requiring that utilities provide to applicants and customers the facts and rationale for the denial of creditworthiness or the assignment of responsibility for an outstanding balance. However, PULP submits the Commission should go further since the proposed regulations do not obligate utilities to provide applicants with specific information about their right to dispute with the utility the denial of creditworthiness or how they may appeal the utility decision before the Commission.

IRRC notes this section requires public utilities to establish written credit and application procedures and then raises two issues. First, Subsection (b)(l) states that if credit is denied, the public utility shall inform the customer orally and in writing. IRRC questions the need for oral notification. Second, commentators have stated that the Fair Credit Reporting Act (15 U.S.C. § 1681 *et. seq.)* (FCRA) prohibits a utility from providing a customer or applicant with a specific credit score. IRRC believes that the final-form regulation should explain whether the FCRA prohibits disclosure of a consumer's credit score to the consumer, and why providing this information is necessary.

Discussion:

We agree with Duquesne that informing the applicant of the reasons for the denial does not have to be provided both verbally and in writing, and will revise this proposal to omit the verbal provisions. We note that it is common sense that if an applicant has applied for service verbally over the phone or in person, they should be informed as to the result at that time and not have to wait for a written document. However, Duquesne correctly points out that not all applications are done verbally and that this trend may increase in the future as more utilities offer online and electronic applications. Omitting the verbal notification requirement, along with allowing electronic notification, will facilitate the movement to electronic and online transactions, and this will present cost-saving opportunities for utilities and further conveniences for their customers and applicants.

We disagree with Duquesne when they ask us to change the notification to PFA holders to state "other credit and liability standards may apply" because this phrase is dangerously vague and may actually discourage a PFA holder from exercising their important rights. An individual with a PFA may be in a desperate situation and needs to understand that assistance may be available, not just that "other standards" may apply. If Duquesne fears that this information may invite misuse; possible misuse by a small number of individuals is not sufficient justification to deny important information to everyone. We must also note that the new language uses the terms "*may* be available," not "are available" (emphasis added) because there may be situations, based on the individual's circumstances, where the utility's conditions for service do not differ significantly for an applicant regardless of a PFA; the outcome is similar regardless of whether Chapter 14 rules are applied or not. While it is important to provide PFA holders with their rights and to encourage them to exercise them, at the same time we do not want to over-promise specific results. We believe the new language is a reasonable middle-ground that provides important information, without promising a specific result.

Concerning the proposed § 56.36(3), as already discussed, the Commission previously announced its intention to address identity theft in this rulemaking. In its July 14, 2005 Order *In re: Identity Theft* (M-00041811), the Commission declared that "...with regard to Chapter 56 regulations, it is anticipated that this issue will be addressed, as warranted, during the regulatory

review necessitated by Chapter 14." (page 5). It is out of these concerns that we are proposing at §56.32 (relating to security and cash deposits) and § 56.36, for the first time in Chapter 56, language addressing applicant identification and third-party requests for service. Third-party requests for service have never been specifically addressed in Chapter 56, but we now believe it is appropriate to do so. This is also simply reflecting longstanding Commission expectations, as first addressed in an August 31, 1978 Secretarial Letter from then-Commission Secretary C.J. McElwee, the text of which follows:

Transfer of residential utility accounts.

NOTICE

> The Commission has become increasingly concerned that some utilities transfer service from one account name to another after receiving a telephone request to do so; no attempt is made to verify the legitimacy of the request. It is the Commission's view that this practice is inconsistent with reasonable managerial control. It allows the ratepayer to shift his bill paying responsibility to another party who may be unaware of the transfer. Further, it places the utility in the position of not having substantiated the validity of the transfer; this frequently results in noncollectibility for service rendered.
>
> The Commission strongly urges you to verify all requests for transfer of accounts, if you are not already doing so.

We also note that third-party requests for service have been the subject of Commission informal investigations. For a recent example, see *Law Bureau Prosecutory Staff Informal Investigation of the Pennsylvania Electric Company Service Terminations in Hastings and Erie, Pennsylvania,* M-00051906 (October 6, 2005). In this case, one of the allegations of the Prosecutory Staff was the establishment of the account in question by a third party; a request that was never verified with the customer of record. The new rule prohibits a utility from accepting applications for service from third parties without somehow verifying the legitimacy of the request. However, the rule does not mandate a specific procedure and is flexible enough to provide options for both utilities and applicants, based on the management discretion and experience of the utility. This flexibility is an acknowledgement that in some limited situations, a third-party request for service is appropriate, so we do not want to prohibit the practice outright.

We are also revising paragraph (1) to include a three-day timeframe for providing a denial letter to bring this section into alignment with the analogous requirements in §§ 56.36, 56.37 and 56.287.

§ 56.287. General rule.

Allegheny Power and Columbia recommend that language be added to clarify that this provision only applies to standard reconnects and does not include new service installation/service extension type conditions. Columbia also suggests adding "or when the applicant fails to provide the necessary access to provide service" to the end of the second sentence. NFG requests specifying that the utility be required to "make a bona fide attempt" to provide service within 3 "business days" because, despite the best efforts of the utility, circumstances prohibit providing service in three days and for utilities who do not perform service work on Saturdays, limiting the timeframe to 3 calendar days could be burdensome. PAWC asks the Commission to define and specify "all requirements."

PGW suggests that per Section 1407(b)(5), a provision should be added allowing seven days when street or sidewalk digging is required.

Phillips suggests as to encourage the prompt return of signed gas service contracts from an applicant, the phrase " and has signed and returned any gas service agreement or contract required by the public utility to commence service" to the end of § 56.37.

Action Alliance proposes that the additional language proposed in § 56.37 should be clarified. Action Alliance recommends changing the language to "once an applicant's application for service is submitted to the utility," so that the three-day clock runs at the time of submission and not at a time that the public utility decides to "accept" the application. The phrase "provided that the applicant has met all requirements" should be modified by adding "regulatory" before the word "requirements" because this will prevent utilities from adding their own additional requirements beyond those provided in regulation.

PULP requests clarification from the Commission on how the three (3) day time limit in this section reconciles with the reconnection timing requirements at § 56.191 and those at Section 1407. In situations where an applicant is seeking to restore service, § 56.191 and Section 1407 provide different timeframes than the three-day timeframe in § 56.37. It is unclear which timeframe will apply. PULP requests clarification on this point from the Commission.

IRRC notes that this section allows a utility to provide service to an approved applicant within three days and questions how the Commission determined this was a reasonable timeframe? In addition, approval is contingent on the applicant meeting "all requirements," yet the regulation does not explain what these are. According to IRRC, the final-form regulation should clarify this phrase.

Discussion:

Historically, this section has had a three-day timeframe that applied to the utility's investigation of credit. However, it has been a source of confusion, since technically this timeframe has only

applied to instances where the utility's credit investigation takes longer than three days. Not explicitly addressed are situations where the credit investigation does not take three days. The additional language to this section should address this confusion by making it clear that the three-day limit applies in either case. We believe that General Assembly found a three-day time period reasonable since this is what they provided for in reconnecting service under most circumstances in Section 1407(b).

We agree with Allegheny Power and Columbia and will clarify that this provision does not apply to new service installations or service extensions. These type of services can take weeks, even months, depending on the construction work involved, and mandating a timeframe for such work is simply not feasible.

We disagree with PGW and decline to include language specifying a seven-day timeframe as found in Section 1407(b) where street or sidewalk digging is required because this could possibly lead to imposing a Chapter 14 requirement on a victim with a PFA order. It is reasonable to assume that the General Assembly would not want a victim with a PFA order to have to wait for up to a week for service.

We agree with NFG and will revise the proposal to require only a bona fide attempt at providing service because the actual provision of service may rely on factors beyond the utilities control, such as access to the property. We will also specify that the three-day timeframe refers to "business days" to address NFG's concerns with weekends. We will also add language requiring the utility to let a customer know if service can not be provided within the timeframes specified by this regulation and to provide an estimated timeframe. This will allow customers to make informed decisions as to their plans regarding moving, etc.

Finally, we agree with IRRC and Action Alliance that the phrase "all requirements" needs to be clarified and will do so by stipulating that the requirements to be met are "regulatory" requirements.

§ 56.291. General rule.

PGW opines that per Section 1404(a)(2), a utility may require an existing customer to provide a deposit if the customer is unable to establish creditworthiness through the use of a commercially available consumer credit reporting service.

EAP states that § 56.41(1)(i)(a) will require the utility to send a notice to perpetual non-payers informing them that they get one more bad payment before a deposit will be required. EAP believes that this is bureaucratic, costly and does not serve the public interest.

Action Alliance is concerned with excessively broad readings of § 56.41(1) that allow deposit notifications being sent to any customer who has a delinquency no matter how small. As a result, customers with small outstanding balances, which either in practice or under regulation (less than $25) would not result in the utility's placing them on the collection path, have been served with purported § 56.41(1)(i) notices. Action Alliance notes that § 56.41(1) is prospective, and only sanctions with a deposit request the failure, *going forward*, to pay a current bill and the next bill in full and on time and/or three bills which may include the current bill in the next twelve months after notification. Action Alliance submits that two consecutive missed payments or payments which are less than the amount billed, or three such payments in a twelve month period only gives the utility the right to send a § 56.41(1)(i) notification. Action Alliance contends that the right to actually demand a payment must be based on the prospective payment pattern established by the customer's payments for the current bill and for future bills. In other words, Action Alliance submits that a customer's payment pattern in the months prior to service of the current bill and notification cannot be utilized as the basis for requiring a deposit.

In addition, Action Alliance submits § 56.41(1)(i) requires a specific written warning to the customer that their conduct will not be allowed to continue in the future without sanction and that a non-personal generalized statement of company policy regarding deposit requests to existing delinquent customers included on the "Message Center" part of a customer bill is not an appropriate notification under § 56.41(1)(i). Action Alliance opines that while the Commission may have historically encouraged utilities to utilize the authority provided by § 56.41(1) as a collection tool to control uncollectibles, the means that have been authorized are limited, and should not allow interpretations which exceed the bounds of reasonableness. For these reasons, Action Alliance requests that the Commission clarify § 56.41(1) by including a $100 threshold; requiring written notification that informs the customer that a deposit will be required if the current monthly bill and the next monthly bill, or three monthly bills in the next twelve months including the current bill are not paid on or before the due date and that the customer's prior delinquent payments identified by billing dates caused the notice to be sent and that the public utility may require a deposit of up to two month's average bill. Action Alliance adds that the notice must be in a document entitled "warning" which is separate from the bill and contains no other information not related to the notification. Action Alliance states that the notice should also specify that the customer may elect to pay the deposit in three installments and that the public utility may hold the deposit for a maximum period of 24 months or until the customer has paid bills in full and on time for 12 consecutive months, whichever is sooner.

Action Alliance further asks that § 56.41(1)(ii) be revised so that the term "equal monthly billing plans" be changed to "budget billing plans" to be consistent with a related proposed change at §

56.12(7). Also, within §56.41(1)(ii)(A), the terms "payment agreement" in the context of § 56.14 (make-up bills) should be replaced with the term "installment arrangement" because a "payment agreement" is a specialized arrangement that is very limited in availability under Chapter 14, so the terms should not be used for arrangements that do not fit strictly within its definition.

PULP recommends the elimination of the word "informal" in the two spots it appears in § 56.41(3). This recommendation follows from the comments made in association with the definition of "informal dispute settlement agreement" under § 56.2.

The WPCNB opposes requiring customers who are late paying their utility bills to pay a security deposit. With the current bad economic conditions, consumers who were having trouble paying their bills in the past are experiencing even more difficulty now and many consumers who were able to pay their bills are facing layoffs that have devastated their families and threatened their very survival. According to WPCNB, having to pay the security deposit in addition to the regular monthly bill is a hardship that can lead to termination of service if the deposit is not paid.

IRRC notes that subsection (l)(ii) refers to "equal monthly billing plans" and suggests that in order to be consistent with § 56.12, the final-form regulation should replace this term with "budget billing."

Discussion:

Concerning paragraph (1), EAP objects to providing a customer with a notice of a possible deposit, while Action Alliance thinks the notice requirements need to be augmented. We believe the current, longstanding notice requirements are a reasonable middle ground and we will retain this traditional language. And while we understand and sympathize with Action Alliance's and WPCNB's concerns with the burden that assessing a security deposit on an existing customer presents, especially regarding low-income customers, removing this option or significantly altering it as requested would be counter to the intent of Chapter 14, which is to provide more, not fewer, collection tools to utilities. And while Section 1417 clearly exempts victims with a PFA order from Chapter 14 requirements, this does not mean that longstanding Chapter 56 language, such as found in this section, should also not apply. We note that Chapter 14 has little if anything specifically addressing security deposits for existing customers, and urge utilities to apply the provisions of § 56.41 with care and flexibility. There may be accounts with individual circumstances in which the assessment of a security deposit on an existing customer might actually exacerbate a collection problem, not remedy it.

We agree with IRRC that the term "budget billing" should be used as to align this section with §56.12(7) and we also agree with PULP that the term "informal dispute settlement agreement" should be aligned with the definition in § 56.2.

§ 56.292. Payment period for deposits.

Action Alliance urges the Commission to adopt the OCA's initial recommendation that customers should not be required to pay a deposit to reconnect service since Section 1404(a)(1) uses the terms applicant and "...was a customer." Action Alliance reasons that since the Commission ruled in the *Implementation Order* that a customer remains a customer, so "is a customer," until the final bill is due and payable, a customer should be able to reconnect service without paying a deposit, absent other grounds for a deposit request. Action Alliance also notes that customers in distress following a recent service termination should not be required to raise money for a deposit, over and above the reconnect fee and an upfront payment on the outstanding balance, under Section 1407, in order to restore life-essential service. Therefore, Action Alliance recommends that the Commission not adopt the proposed new language in §56.42 that provides for deposits for existing customers, which would include customers seeking restoration of service after a recent termination of service.

Action Alliance notes that the option to pay a deposit in installments, provided at § 56.38 and §56.42, cannot be elected unless the applicant actually knows of the option. Action Alliance supports the Commission's proposal at § 56.38 to require utilities to "advise an applicant of the option to pay the requested security deposit in installments at the time the deposit is requested." Likewise, Action Alliance submits that utilities should also be required to provide this notice of an option to pay in installments to existing customers who are charged a deposit under § 56.42. Action Alliance requests that "a public utility shall advise a customer of the option to pay the requested security deposit in installments at the time the deposit is requested" should be added to the end of § 56.42.

Discussion:

We first note that Chapter 14 does not apply to this section because this section applies to customers and utilities specifically excluded by Chapter 14. However, even leaving this aside, we must disagree with Action Alliance when they urge that customers should not be required to pay a deposit to reconnect service because Section 1404(a)(1) uses the term "applicant" and that a "customer" remains a "customer" until the final bill is due and payable. While we understand Action Alliance's concerns with the burden this imposes, especially with low-income consumers who are already struggling to pay service restoration terms, we must point out that Section 1404 opens with the phrase "In addition to the right to collect a deposit under any Commission regulation or order..." Under Commission regulations, utilities have had the right, under §56.41(2) to collect a deposit as one of the conditions of reconnection of service after termination. We do not think it would be appropriate to take away this long-standing collection tool. While Section 1417 specifies that Chapter 14 does not apply to victims with a PFA, it does

not require us to vacate long-standing Chapter 56 requirements. We again remind utilities to exercise care and flexibility in applying these provisions because there may be individual circumstances, especially involving low-income consumers, where the imposition of a security deposit will exacerbate a collection problem, not ameliorate it.

We agree with Action Alliance that a consumer who has the right to pay a deposit in installments should be informed of this right and will retain the language requiring this.

§ 56.302. Deposit hold period and refund.

PPL reports that it has discovered that some customers do not establish a timely payment history over 12 months - they pay late, they pay inconsistently but they do not have their service terminated. When this happens, PPL explains that it refunds the security deposit to the customer at the end of the 24 months, and then immediately bills the customer for another security deposit. According to PPL, this process is time-consuming, confusing to customers and presents more risk for utilities. For these types of situations, PPL recommends that the Commission permit utilities to hold security deposits until the customer establishes a timely payment history as defined under § 56.53(b), even if that period extends beyond 24 months. PPL believes that the use of the conjunction "or" in § 56.53(a) provides this flexibility to the Commission.

Discussion:

PPL wants the Commission to specify that a deposit retention period can be longer than 12 months. We disagree with PPL because incorporating the 24-month period provided for in Section 1404(c)(1) into § 56.302 would be applying a Chapter 14 standard upon customers and utilities who are specifically exempt from Chapter 14 per Section 1417.

§ 56.306. Interest rate.

PECO currently returns deposit interest over the course of holding the deposit. The proposal to require utilities to accrue interest until the deposit is returned or credited is less customer-friendly and would require considerable re-programming dollars to achieve this. PECO suggests allowing utilities to implement either procedure.

Discussion:

§ 56.306 was proposed to reflect the language of Section 1404(c) because this is a Chapter 14 provision that applies an additional consumer protection not currently found in Chapter 56; namely a rate of interest that is greater than the rate traditionally provided for by Chapter 56. The proposed language from this section was lifted substantially verbatim from Chapter 14 and

so we must decline PECO's suggestion. Section 1404(c) states that the utility shall "...return such interest with the deposit" and we do not think PECO's proposal to return the interest over the life of the deposit is in keeping with the plain language of this section.

§ 56.312. Discontinuation of service:

NFG does not agree with the addition of the proposed language of § 56.72(1) requiring a customer to state that all other customers in the household consent to the cessation of service. NFG suggests that to address situations where one customer is leaving a household and other customers remain, or otherwise ceasing to be a customer at a specific address, the individual that is no longer a customer should simply be removed from the account after demonstrating they are, in fact, no longer a customer. NFG believes that requiring a utility to post a notice at the premises would lead to significant cost increases with little return value.

Action Alliance notes that the Commission proposes to shorten, to three days, the 10-day notice that utilities must provide to occupants when a nonoccupant customer seeks discontinuance of service to a premises. Action Alliance believes that Chapter 14 does not require shortening of the time period to three days. Occupants should be provided with at least 10 days to apply for service.

The OCA notes that the first sentence of § 56.72(1) appears incomplete or seems intended as a heading and recommends that this be clarified. The OCA also questions why the notice period in § 56.72(2)(ii) has been shortened from 10 to three days because this shortened time period seems to provide insufficient time for affected occupants to make alternative arrangements or to pursue their rights under the landlord-tenant regulations. The OCA recommends that this time period be restored to 10 days.

PULP believes there is no good policy basis for reducing this notice period and ample reasons for maintaining the 10-day notice requirement. PULP reasons that Section 1406(b)(1) sets the notice period for involuntary terminations at 10 days and discontinuance of service absent affirmative consent of all occupants is comparable to involuntary termination. According to PULP, an occupant of a household where discontinuance has been requested may be totally unaware of the proposed discontinuance and may be totally unprepared to move or secure alternative service in his or her name. Domestic violence situations provide a perfect illustration of this and the need for 10-day notice.

Discussion:

We will change the term "discontinuation" to "discontinuance" in this section because "discontinuance" is the more commonly-used term; and to align it with the definition at §56.252.

Upon review of the comments and our original proposal, we agree with NFG that the proposed new language in § 56.72(1) and § 56.312(1) is unwieldy and could lead to potential abuse. We will leave it to the utility's experience and discretion as to how to best handle requests for discontinuance when an account is in the name of multiple parties. We do remind everyone of the long-standing requirements at § 56.91 and § 56.331 to provide notice before terminating service to an occupied residence.

In response to the concerns expressed by OCA, Action Alliance and PULP, we will maintain our proposed notice time period at 10 days. As these parties point out, discontinuance is not addressed in Chapter 14 and as such there is no need to change this timeframe. Also, as OCA points out, three days may be insufficient time for affected occupants to make alternative arrangements or pursue their rights under the landlord-tenant regulations.

§ 56.321. Authorized termination of service.

NFG submits that § 56.81(3) be amended by adding "or arrange" after "Failure to permit" because customers with meters inside or within a locked fence or the like have an affirmative obligation to assist the utility in gaining access to the equipment of the utility in order to continue to receive safe and reliable service. While customers may not affirmatively refuse access they are often times ambivalent to a utility's attempts to work with them to gain access. NFG believes that inserting a provision of this nature would give a utility an affirmative tool to assist them in gaining the necessary access to their equipment.

Discussion:

The language of paragraph (3) is lifted verbatim from Section 1406(a) and we decline to alter statutory language without pressing cause. While we understand NFG's concern, we believe the existing language as proposed is sufficient to address these concerns and the additional verbiage suggested by NFG would be superfluous. We do note that paragraph (5) has been revised to omit reference to "informal dispute settlement agreement" in keeping with our response to the comments submitted in reference to § 56.2 that objected to this concept.

§ 56.323. Unauthorized termination of service.

Allegheny Power submits that § 56.83(10) and (11) are inconsistent with Chapter 14 and should be eliminated.

FirstEnergy opines that Chapter 14 provides that termination may occur for nonpayment of an undisputed delinquent account without any limitations. As a result, 56.83(1) and (11) should be stricken from the proposed regulations.

Columbia believes that this section must be narrowly tailored and the proposed provisions (1), (2), (5), (7), (8), (9), (10), and (11) of § 56.83 flaunts the General Assembly and constitutes an abuse of discretion.

PGW asserts that subsections (1), (2), (3), (5), (7), (8), (9), (10) and (11) are inconsistent with Chapter 14 and that termination is permitted for non-payment of undisputed delinquent accounts regardless of the amount, type of service or charges or age of the debt. Concerning § 56.83(8), PGW suggests that the language concerning "court, district justice or administrative agency" should be removed since Chapter 14 gives utility's the right to establish liability without the involvement of a third party like a court.

EAP contends there are many inconsistencies between Chapter 14 and § 56.83 and that maintaining § 56.83 in its current state as much as possible is inconsistent with the statute. The sections that should be eliminated are § 56.83(1) and (2) relating to concurrent service; §56.83(3) the nonpayment of merchandise and fees; § 56.83(4) relates to nonpayment of bills of other customers; § 56.83(5) and (6) are not necessary because Chapter 14 has created very specific rules about deposits, termination, and payment agreements; § 56.83(7): concerning service furnished more than 4 years ago, which is not necessary because this is to be addressed in the make-up bill regulations; § 56.83(8) conflicts with the definition of "customer" as found at Section 1403; § 56.83(9) concerning nonpayment of estimated charges unless the estimated bills were required due to denial of access to the meter; § 56.83(10) and (11) because the $25.00 threshold is not mentioned in Section 1406(a)(1) and it also defeats the purpose of a security deposit and creates an additional risk of loss to the utility.

Discussion:

While § 56.83 may have been significantly altered by Chapter 14, and we have proposed the appropriate revisions to reflect this, we must reject suggestions to revise § 56.323 likewise because this would be imposing Chapter 14 requirements on utilities and consumers who are specifically exempt from Chapter 14 per Section 1417. However, we will revise the language in paragraph (7) as to clarify when the 4-year clock starts ticking; it starts when the utility ceased billing the amount in question.

§ 56.331. General notice provisions and contents of termination notice.

Allegheny Power suggests removing the requirement to publish specific Federal Poverty Level guidelines on termination notices because maintaining the income level grid is costly, requires utilities to revise their notices annually, are a training issue with customer service representatives, and can lead to customer confusion because revisions in the poverty guidelines do not coincide with the LIHEAP season. Allegheny Power also objects to termination notices

containing foreign languages because the company believes that this is beyond the requirements of Chapter 14 and what is required of other industries.

Duquesne questions the language concerning the enrollment in a "universal service program" to avoid termination because LIHEAP, CRISIS, weatherization etc. are sometimes defined as universal service programs. Duquesne suggests making this more specific by instead referring to "customer assistance program" as defined in the proposed § 56.2.

PECO supports the Commission's approach in specifying notice formats and allowing utilities flexibility as it will allow PECO the opportunity to refine its notices as PECO gains experience with the information that will now be required on notices. PECO notes that some of the specific informational requirements may need minor modification to be implementable. PECO notes that providing a specific reconnection fee amount is problematic because the amount of the fee can vary depending on circumstances. And PECO notes that according to census data, as much as 26.7% of the population of Philadelphia could fall within this restriction. PECO recommends that the language proposed under subparagraph (17) be eliminated.

PPL agrees with the Commission's proposal to remove termination notice requirements from the definitions section of Chapter 56 and insert them into a revised §56.91. PPL also agrees with many of the suggested information requirements and already includes them in its existing termination notice. However, PPL does have some concerns with several of the requirements proposed by the Commission that could expand the length of the notices from one to three pages. PPL suggests revising § 56.91 (b)(4)(iv), to "Enrollment is made in the public utility's customer assistance program or equivalent." PPL suggests this language to clarify that approval to receive assistance through a Low Income Usage Reduction Program ("LIURP") does not prohibit termination of service for non-payment of bills. This distinction is important because it may take several months to complete all of the LIURP services. PPL agrees with the Commission's proposed language included under § 56.91 (b)(10), which would enable the Company to send its normal termination notices to customers in December, January, February and March, thereby not having two separate notices, which simplifies the process and reduces costs.

PPL reports that it has a long history of including information in Spanish on the termination notice, customer letters, program brochures, etc., in recognition of the growing number of Spanish-speaking customers in its service area. Nevertheless, PPL does have concerns about the proposed § 56.91(b)(17). PPL recommends that the Commission revise the first sentence of § 56.91(b)(17) to encourage customers to call their utility. PPL recommends revising this section to "Information in Spanish, directing Spanish-speaking customers to call their public utility for information and translation assistance. Similar information may be included in other languages at the discretion of the utility when census data indicates a significant population using that language resides in the public utility's service area."

PPL has concerns with the proposed § 56.91(b)(18), because there is no one telephone number that would be sufficient; each of the 29 counties served by PPL is likely to have more than one agency serving the needs of disabled individuals. PPL recommends that the Commission allow utilities the flexibility of providing the best telephone number for this purpose. PPL Electric, for example, would provide its normal contact telephone number because its customer service representatives have access to a county-by-county electronic listing of various social service agencies.

Columbia believes that the proposed language could be interpreted as requiring 10-day notice prior to termination of a user without contract, which is contrary to the Commission's determination in its First Implementation Order entered March 4, 2005 in Docket M-00041902F002 that only three-day notice is required for a user without contract. Columbia believes that removal of the word "otherwise" from Section 56.91(a) would clear up this confusion.

Equitable suggests that the Commission provide the 10-Day termination notice as an Appendix in the regulations, and also suggests that since this notice includes the Medical Emergency Notice, the 10-Day termination notice could replace the Medical Emergency Notice currently in Appendix A. Equitable also submits that paragraph (7) should be changed to be consistent with the plain language wording in the current notices "If you have questions or need more information, please call us today at XXX-XXX-XXXX. After you talk with us, if you are not satisfied, you may file a complaint with the Public Utility Commission (PUC). The PUC may delay the shutoff if you file the complaint before the shut-off date. To contact them call (800) 692-7380 or write to: Pennsylvania Public Utility Commission, Box 3265, Harrisburg, PA 17105-3265."

To provide clarification, NFG suggests changing the word "accounts" to "amounts" in the proposed language of § 56.91(b)(2) as well as adding the phrase "at the time of the notice" after the word "due". NFG believes that the phrase "if applicable" should be added to the end of the proposed language of § 56.91(b)(4)(iii) as, based on these proposed rules, a payment agreement or informal dispute settlement agreement will not always be available to a customer to avoid termination. Likewise, NFG believes that the phrase "if eligible" should be added to the end of the proposed language of § 56.91(b)(4)(iv) because not all customers will be eligible to enroll in a universal service program. NFG recommends removing the phrase "and that enrollment in the program is a method of avoiding termination of service" from the end of the proposed language or revising it to state "If you are eligible, enrollment in a universal services program may preclude termination of service." In addition, the word "threatening" in the proposed language of § 56.91(b)(10) is unnecessary and contrary to the notion that termination should not be used solely as a collection device. NFG also believes that the phrase "the customer" should be removed from the proposed language of § 56.91(b)(15), to prevent any potential confusion given the fact that "customer" is a defined term that may not be applicable in all situations.

PGW objects to the proposed § 56.91(b)(2) requirement that a notice include an itemized statement of the account because this could add a significant level of detail to the notice which could be confusing. PGW also objects to the proposed § 56.91(b)(17) requirement concerning foreign languages because while 2000 census data indicates that 17.7% of Philadelphia residents speak a language other than English at home, the U.S. Census Bureau reports that most people who reported speaking a language other than English at home also speak English. Also, PGW reports that they retain a foreign language service that can communicate with customers in a variety of languages as needed.

Phillips seeks clarification of § 56.91(b)(4) so that enrollment in universal service programs cannot be used to forestall termination of service multiple times. Phillips also asks that since there are very few Spanish-speaking customers in their service territory, the provision referring to census data should apply to all of paragraph (17).

EAP believes that the requirement that the notice has to reflect a language where there is a substantial "existence of a foreign language" is simply too vague. EAP also believes that there is no evidence that foreign language is a concern. The industry has positively and pro-actively addressed its customers who wish to communicate in a foreign language. There is no evidence that those current costs and procedures are not sufficient.

Aqua believes that the proposed § 56.91 (11) – (16) are significant alterations to the various current notices utilized by utilities and asks that these sections be deleted because they are not required by Chapter 14.

Action Alliance further supports the proposed definition of "user without contract," at § 56.2, and recommends its adoption, in order to bring further clarity to the regulations. Action Alliance also maintains that the proposed language at § 56.91(a) relating to termination notices, which effectively provides for a three-day notice to a user without contract, should be adopted.

Action Alliance requests that § 56.91(b)(2), be modified to include "past due of most recent payment agreement" explaining that while the Commission proposed similar language at §56.97(2)(iii), this default cure amount is critical information that should be provided on all termination notices, as well as in contacts with the utility, if it is the lowest amount required to prevent termination of service. Action Alliance notes that throughout the Chapter 14 implementation process, the Commission has consistently upheld the customer's right to cure a default prior to termination and avoid termination and utilities must be required to identify the payment agreement catch up amount, and computer systems must display this amount to customer service representatives.

Action Alliance supports the Commission's proposal to require the provision of information on termination notices that inform victims of domestic violence with a PFA, low-income customers

and tenants of the special protections from wintertime termination that are available for them and the inclusion of the federal poverty guidelines.

Action Alliance supports the Commission's proposed language at § 56.91 (b)(17) and §56.331(b)(13) requiring that termination notices include information in, not only the Spanish language, but also "in other languages when census data indicates a significant population using that language resides in the public utility's service territory." Action Alliance recommends that the Commission provide greater guidance in the regulations to clarify the meaning of "significant population using that language," by requiring written translations of vital documents for each eligible Limited English Proficient (LEP) group that constitutes 5% of persons eligible to be served or 1,000 members of the language group, whichever is less.

The CAC supports the Commission's proposal incorporating into the regulations the requirement that termination notices must include and itemize critical information and the protective information must include reference to universal service programs, emergency medical certification procedures, protections for tenants, and protections for victims of domestic violence with a PFA.

The OCA supports the proposed regulation and the contents of the termination notice specified. However, the OCA suggests that language be added to subsection (b)(4) clarifying that a customer's application for a universal service program should be sufficient, and add language to (b)(6) and (b)(9) making it clear that the utility should provide information on the assistance program application process. In addition, the OCA proposes that § 56.91(b)(14) be modified so that it is clear that only adult occupants living at the premises when the bill was incurred are obligated to pay all or a portion of the bill.

PULP also requests that the protective information must include reference to universal service programs, emergency medical certification procedures, protections for tenants, and protections for victims of domestic violence with a PFA. PULP also supports the Commission's decision to require that termination notices must include information in Spanish that informs the reader of who to call for assistance.

However, PULP submits that § 56.91(b)(6) is unclear in parts and could benefit from some slight changes in its language. PULP suggests revising this subsection to state "A statement that the customer shall immediately contact the public utility to attempt to resolve the matter. The statement shall include the address and telephone number where questions may be asked, where payment agreements may be negotiated and entered into with the public utility, and where applications can be found and submitted for enrollment into the public utility's universal service programs, if these programs are offered by the public utility."

Concerning § 56.91(b)(12), PULP recommends that it would be helpful for customers if the termination notices, in addition to telling customers to contact the utility about these protections, also directed customers to the specific statutory cite. According to PULP, this would enable customers to better and more easily identify the statutory basis for their rights. PULP also requests that the Commission revise the language in subsection (14) to state that "Information indicating that if service is shut off, any adult occupant who has been living at the premises may, in order to have service restored to that premises, have to pay all or portions of the bill that accrued while they lived there." Finally, PULP requests that another subsection be added to § 56.91 informing customers that they retain customer status until the final bill is past due.

IRRC notes that subsection (b) identifies the information that must be provided in termination notices. IRRC has four concerns. First, under subsection(b)(3), a commentator has noted that including a specific reconnection fee in the termination notice is not feasible, because the amount of the fee is not known at the time the termination notice is delivered. The commentator suggests removing the word "specific" and including a range of fees or maximum fee in the notice. IRRC further submits that the Commission should consider including this option in the final-form regulation. Second, under subsection (b)(7), IRRC posits the questions whether the Commission considered allowing informal complaints to be filed by electronic mail. Third, subsection (b)(17) lacks clarity because it requires a utility to include certain information in a termination notice "when census data indicates a significant population using that language resides in the public utility's service territory." IRRC recommends that the language be amended to clarify what constitutes a "significant population." Fourth, IRRC questions whether the contact information required under subsection (b)(18) can be the customer service telephone number for the utility.

Discussion:

The proposed § 56.331 is very similar to the analogous § 56.91. Of course, not every standard in this regulation will apply to every utility and every customer. This is why paragraph (b) notes that the information must be included "when applicable." Because § 56.331 is identical to § 56.91, we shall consider all of the comments filed concerning § 56.91 as also applying to § 56.331. We will likewise address them similarly.

We first want to note that this proposal for a revised § 56.91 was the result of termination notices developed in a collaborative process initiated by the Commission in the Second *Chapter 14 Implementation* Order of September 9, 2005 (M-00041802F0002), pages 11-15:

> "To ensure that utilities provide adequate notice to customers that details the customer's rights and the process a customer can use to avoid termination before utilities engage in winter terminations under Section 1406(e), we invite all parties to submit sample 10-day, 48-hour, and post-termination notices to the Commission's Bureau of Consumer Services (BCS) within 20 days from the date of this Order. Similar to the process we used to

design the customer notice required at §1416, Commission staff will use the suggestions submitted by the interested parties to design three sets of notices, two sets for PGW (See PGW-Specific Issue #1), and another set for the other electric and gas utilities. When developing sample notices for Commission staff review, we request that parties incorporate the plain language guidelines at §69.251 into their design. The notices developed by Commission staff will be disseminated for additional feedback from the parties before they are finalized." (page 15)

The results of the collaborative process were disseminated to the utilities in November 2005, and those notices are the notices currently used by electric and gas utilities. The Commission's proposed notice requirements at §§ 56.91 and 56.331 substantially reflect the results of the collaborative process, and differ little from the notices currently in use.

We agree with IRRC and PECO that the notice does not have to state a specific reconnection fee amount because as the parties point out, this amount can vary depending on circumstances. We will revise subparagraph (b)(3) by removing the word "specific" and instead provide the maximum fee that could apply. We agree with Columbia that the word "otherwise" in paragraph (a) is unnecessary and possibly confusing. We agree with Duquesne and PPL that the term "universal service program" on line (b)(4)(iv) should be changed to the more specific "customer assistance program or equivalent" so as to avoid confusion with other programs such as LIHEAP and LIURP. We agree to also add the phrase "if eligible" to this same line because as NFG points out, not all consumers are eligible for CAP benefits. In the interest of plain language, we again agree with NFG that line (b)(2) should refer to "amounts" and not "accounts." This change should also address PGW's concerns with line (b)(2); but we do point out that the proposed language referencing "itemized statement of accounts" is from the current definition of notice at § 56.2, and to our knowledge has not been the source of confusion.

NFG's concern with subparagraph (b)(11) is misplaced since the utility is free to phrase this information, along with many of these notice requirements, as they see fit, as long as the language conveys the intent stated. For example, a utility may choose to convey the information in subparagraph (11) by stating on the notice that "You may be required to pay more than the amount listed on this notice to get your service turned back on." The intent of § 56.91 is to specify the information that a termination notice must provide. The exact wording and format are at the discretion of the utility, with the notable exceptions of subparagraphs (6) and (7) which do mandate specific language. We agree with PPL that the notice requirements belong at § 56.91 and we agree with PECO that while we should direct what the contents of the notice should be, we should not specify precise formats and instead leave the formatting to the discretion of the utility. As such, we disagree with Equitable's suggestion to place the notice requirements in a separate appendix. However, we do agree with Equitable that subparagraph (6) should reflect the plain language found in notices currently being used.

IRRC's and PPL's concerns with the telephone number a utility is to provide per (b)(14) is misplaced since this again is at the discretion of the utility. For many utilities, it will probably be the regular customer service number, as is the case with PPL. However, a utility is free to place whatever phone number they deem appropriate, depending on how they address consumers with disabilities.

We agree with IRRC, PECO, PPL and EAP that the proposed language in subparagraph 13 stating that "information shall be included in other languages when census data indicates a significant population using that language resides in the public utility's service territory" is vague. However, we first want to clarify what was intended by this language. It was not intended that the entire termination notice be provided in different languages. The intent was to just include a line in the foreign language directing the reader to the phone number to call for assistance. As PPL and PGW point out, utilities retain foreign language translation services. The line on the termination notice would simply direct the reader to call this service for assistance. Regardless, we admit the original proposal is too vague, and difficult to implement and we will omit this requirement. While we see merit in Action Alliance's suggestion that (b)(2) be modified to include the amount needed to restore the customer's payment agreement and thus avoid termination (see our discussion at § 56.97), we decline to require this for practical reasons. In addition to the confusion that may be caused by placing two different dollar amounts on the notice, requiring this would cause significant and possibly costly programming changes for the utility. Instead, as a reasonable alternative, we will include a line under (b)(4) that informs the customer that payment of amounts past-due on a payment agreement will avoid the termination of service. The dollar amount past-due on a payment agreement will not be required to be printed on the notice. The costs of this change should be minimal, and it will inform the customer of this important option to avoid termination. This option allows the customer to restore a payment agreement, thus eliminating the grounds for termination at Section 1406(a)(2).

We agree with PULP and OCA that (b)(14) requires a minor revision to reflect Section 1407(d) and to specify that the individual must have been an occupant at the time a bill accrued as a condition of being held responsible for the bill. We also agree with PULP's and OCA's minor, suggested revisions to (b)(5) as to make it more plain language and more helpful. However, for reasons of practicality, we disagree with PULP about informing customers that they retain customer status until the final bill is past due. While we understand the importance of this information and its importance to the utility in its classification of consumers, it is a concept that is not easily communicated to consumers, especially via a sentence or two on a termination notice. We also decline to incorporate OCA's suggestion that an application for the customer assistance program is sufficient to avoid termination, since simply applying does not mean the customer is eligible or will be enrolled. However, we do remind utilities that, in all fairness, if the utility's review of an application is for some reason taking an extended period of time, they should consider holding the termination of service while an application is pending, assuming the customer is fully cooperating with the application process and has submitted the application in

good faith. To address these concerns, we will revise paragraph (8) to indicate that application to a universal service "may" avoid the termination.

Concerning Aqua's comments on subparagraphs (11) – (16), we again note that these paragraphs were added during the above noted collaborative process, and we decline to revise the outcome of that process without good cause. While we acknowledge that the water industry was not a part of that collaborative process, Chapter 14, for the most part, does apply to water utilities, and thus most of the information on the notices is of some relevance. We also point out that paragraph (b) of this regulation starts with the phrase "A notice of termination must include, in conspicuous print, clearly and fully the following information *when applicable*" (emphasis added). If there are requirements in this section that do not apply to the utility, then the utility is free to omit these from the notices. For example, if the utility does not have customer assistance programs, the information at (b)(8) does not have to be included.

In answer to IRRC's question about filing complaints by electronic mail, the Commission does allow the filing of informal complaints electronically via the Commission's website. However, we decline to mention this in § 56.91 because any e-mail or website address we mention in the regulations could change in the future, and thus cause problems. It is also possible, with changing technologies that new methods may one day be available (such as texting for example). As such, we do not think it is good idea to get too specific about electronic methods of contacting the Commission, and providing the toll-free phone number and mailing address is sufficient.

§ 56.332. Notice when dispute pending.

PULP submits that this section requires clarification from the Commission. § 56.92 prohibits the mailing of termination notices to households where a dispute is pending and where the termination is concerned with the subject matter under dispute. However, PULP submits it is unclear what exactly constitutes a "dispute." Given other sections of the regulations, PULP holds that there is reason to believe § 56.92 is using the term dispute in a more general fashion so that it includes the process from initial inquiry, dispute, and informal complaint through the formal complaint. PULP submits that the Commission should change the language in § 56.92 to specify that a notice should not be delivered while an "inquiry, dispute, informal complaint, or formal complaint" is pending.

Discussion:

We agree with PULP that the use of the term "dispute" in this regulation is general. We see no harm being more specific as PULP suggests and will incorporate the terms "inquiry, dispute, informal complaint, or formal complaint" as to avoid confusion on this point. We will change "inquiry" to "initial inquiry" since it is "initial inquiry" that is defined at § 56.252.

§ 56.333. Personal contact.

Duquesne does not have a problem with requiring the two phone calls to be on different day parts, but does object to the requirement that the phone calls be two hours apart as adding complexity and cost.

PECO notes that customers often give contact phone numbers other than landlines and because of this a sentence should be added to the end of § 56.93(b) stating that "Calls made to contact numbers provided by the customer shall be deemed to be calls to the residence." PECO also submits that a personal contact telephone call should not try to provide every piece of information that would be provided in a written notice. Providing the 19 items listed in § 56.91 would not be practical and would make the phone calls too long. PECO suggests limiting the phone calls to the imminence of the termination, provide a contact number at the utility, and urge the customer to contact the utility as soon as possible.

Equitable is concerned with the provision that states a phone contact may be made between the hours of 7 a.m. and 9 p.m. because the Debt Collections Practices Act prohibits calls before 8 a.m. Equitable recommends changing the hours in this section from 7 a.m. to 8 a.m.

NFG believes that the Commission has clearly gone beyond the legislative intent of Section 1406 by placing more requirements than the Legislature intended. NFG explains further that had the Legislature intended to further define the viable time periods for telephone notification it could have easily done so. Rather, the Legislature saw fit to leave that discretion to the public utility under the utility's right of self-management. See Pennsylvania Public Utility Commission v. Philadelphia Electric Co., *et al.*, 561 A.2d 1224 (Pa. 1989). Given that public utilities have already updated their electronic systems to trigger these notice calls consistent with Chapter 14, to further define the requirements at this point will result, according to NFG, in significant expenditures by the public utilities with limited beneficial potential.

NFG also believes that the proposed language of § 56.93(d), stating that the content of the three-day personal contact notice must contain all of the information that was contained in the 10-day notice of § 56.91, should be removed or refined.

PGW recommends replacing the proposed § 56.93(c) and (d) with the exact language of Section 1406(b)(1)(ii),(iii) and (iv). According to PGW, Chapter 14 does not add a requirement of "conspicuousness" or of attempting to contact a "responsible adult occupant."

Action Alliance requests that the proposed regulations at § 56.93 and § 56.333 relating to personal contact be amended to require the personal contact, whether in person or by phone, be in the primary language of the customer.

PULP supports the Commission's clarification about what constitutes appropriate telephone contact in the context of notification for termination, particularly § 56.93(b). PULP maintains that this regulation will ensure calls are placed at more varied times when a customer might actually be home to receive the call and act on the information provided.

Discussion:

As Chapter 14 provides additional customer protections relating to the provision of three-day notices, we believe it is appropriate to provide these protections to customers with a PFA order and also to customers of small natural gas, steam heat and wastewater utilities. As such, we proposed § 56.333 to be very similar to § 56.93 and will treat most of the comments filed in response to § 56.93 as also being relevant to § 56.333. We will also address these comments similarly.

We agree with NFG and PECO that our proposal in paragraph (c) is overbroad and needs to be more narrowly focused. Accordingly, it is not necessary to provide all of the § 56.331 information in the three-day call because we are convinced that this would make the phone calls too long, and would risk overwhelming the customer with too much information. Instead we will specify that the information to be conveyed is substantially found in § 56.331, paragraphs (b)(1), (2), (4), (5), (6) and (7). This basically means that the utility will be providing the date and grounds of the termination; what is needed to avoid termination; how to contact the utility and the Commission; and emergency medical information. In addition, the utility shall ask the customer if they have any questions about the written notice they received. This should accomplish the goal of the three-day notice; alerting the customer as to what is going to happen and providing them with the basic information necessary to avoid termination. Focusing the three-day notice on just these basics should limit the length of the calls, which will pose fewer cost issues for utilities, and will emphasize the most urgent information that the customer needs.

We disagree with Duquesne and NFG when they say the Commission has gone beyond the intentions of Section 1406(b)(ii). This section concludes with "...if the calls were made at various times of the day;" so it is clear that the General Assembly did not intend for the calls to be made at just any time of the utility's choosing. What the Commission is offering here is simply guidance as to how to apply this provision, and the proposal that the calls be "at least 2 hours apart" is not an unreasonable interpretation of the General Assembly's intent.

In reply to NFG's concerns with the phrase "If personal contact by one method is not possible, then the public utility is obligated to attempt the other method" are overstated. This is merely specifying that if one method cannot even be attempted, such as a customer without a telephone, then the utility is obligated to attempt the other method (in person). It is reasonable to assume that the General Assembly wants, as part of the notice process, at least an attempt at a three-day notice. Allowing a utility to forgo any attempt at a three-day notice because the customer does

not have a telephone is a nonsensical result that could not have been the intent of the General Assembly. We note again that all this section requires are "attempts" (one attempt if in person; two attempts if by telephone). Moreover, only one method has to be attempted, not both because paragraph (a) specifies "person *or* by telephone."

Equitable raises a valid point when they note that the Debt Collections Practices Act prohibits calls before 8:00 a.m. According to 15 USCA § 1692(c), "a debt collector shall assume that the convenient time for communicating with a consumer is after 8 o'clock antemeridian..." Therefore, we will revise paragraph (b) to state 8:00 a.m. instead of 7:00 a.m.

We see no need to revise paragraph (2) as PGW suggests because we see no harm in requiring the posting of notice if the utility attempts a field visit and is unsuccessful. The utility is already at the residence for the purpose of informing the occupant of a pending termination; the posting of a notice with this same information appears to be a common-sense procedure that will at least provide some notice in the case that no one answers the door. We do not understand how this would impose a significant or costly additional burden since the utility has already reached the residence. The General Assembly in Section 1406(b)(1)(ii) clearly wanted a three-day notice to be included in the termination process. It is nonsensical to suggest that the General Assembly included an "in person" option to satisfy the requirements of this section that would have a utility go to the trouble and expense of a field visit; but then not even leave a posted notice if there is no answer at the door. This would result in the customer receiving no three-day notice of termination even though the utility has already expended the time and expense to reach the location. The time and expense of a field visit to a residence should result in at least a posted notice to the customer; doing nothing would be a waste of utility resources. The requirement that the contact be made with a responsible adult occupant is simply common-sense guidance. Again, it would be nonsensical to suggest that the General Assembly intended the three-day contact would be with a non-occupant or a child.

We agree with PECO that phone calls to provide the three-day notice should be made to the contact telephone number provided by the customer and will add language to paragraph (b) to specify such. As increasing numbers of customers abandon residential landline telephone service in favor of wireless service, it only makes sense to modernize this regulation to accommodate this trend. It will also help fulfill the clear intent of the General Assembly that public utilities make a serious attempt at personally contacting *customers* at least three days prior to termination. This superseding purpose is clearly more important to the General Assembly than the minor and increasingly irrelevant detail that the call be directed to the "residence."

While we understand Action Alliance's suggestions about requiring the three-day notice in the language of the customer, we believe this may be impractical to implement. In place of such a requirement, we point to our proposed revisions at § 56.331 that direct the 10-day written notice of termination to include "Information in Spanish, directing Spanish-speaking customers to the

numbers to call for information and translation assistance. Similar information shall be included in other languages when census data indicates that five percent or more of the residents of the utility's service territory is using that language." We also note the comments of PPL and PGW concerning § 56.91 that point out that utilities retain foreign language translation services. With the revised § 56.331 and the language services provided by the utilities, we are confident that customers who speak languages other than English have sufficient options available to them to obtain account and termination information.

§ 56.336. Post termination notice.

NFG disagrees with the proposed language of this section that would require public utilities to amend their post termination notices to include all of the requirements of the 10-day notice of § 56.91 for the same reasons it disagrees with the proposed changes to § 56.93.

IRRC believes that the inclusion of the word "substantially" in this section is problematic because that term is vague and does not provide a specific standard that must be met. It should be deleted or replaced with more precise language.

Discussion:

While we agreed with NFG's concerns with § 56.333, we do not see how those concerns are relevant when considering § 56.336. We agreed with NFG that all of the information provided in a written 10-day notice should not also be provided in a verbal three-day notice because this would make the phone calls used to deliver the notice unrealistically lengthy and present a possibly costly burden on utilities. However, with § 56.336 we are once again talking about a written notice and we do not understand why providing this important information in written form presents a burden. However, to address IRRC's concerns, we will delete the term "substantially."

§ 56.337. Procedures upon customer or occupant contact prior to termination.

Duquesne questions the language concerning the enrollment in a "universal service program" to avoid termination because LIHEAP, CRISIS, weatherization etc. are sometimes defined as universal service programs. Duquesne suggests making this more specific by instead referring to "customer assistance program" as defined in the proposed § 56.2. PPL suggests changing the language to "enrolling in the public utility's customer assistance program or equivalent."

In order to avoid any potential confusion to a ratepayer or customer, NFG suggests that the phrase "if applicable" be added to both § 56.97(a)(2)(ii) and (a)(2)(iv). NFG explains that a

payment agreement or enrollment in a customer assistance program will not be available to every customer in every instance.

PGW objects to the proposed § 56.97(a)(2)(iii) because the Commission is requiring the utility to accept a payment to cure material default on a payment agreement to stop a termination. This violates Chapter 14 because a utility is allowed to terminate a customer for failure to comply with the material terms of a payment agreement, and once a utility has provided the necessary termination notices, the Commission may not require the utility to take any additional actions prior to termination. PGW submits that forcing the utility to accept such a payment in effect creates a second or subsequent payment agreement. For this same reason § 56.97(a)(2)(iv) is also impermissible because CAP is a payment agreement.

Phillips is concerned that the proposal at § 56.97(a)(2)(iv) suggests that enrollment in universal service programs could be used to forestall termination of service multiple times and asks that this section be revised to make clear that this is not the case.

EAP believes that proposed § 56.97(b) should be rejected because it conflicts with the mandates of Chapter 14 regarding payment agreements. EAP again and again opines that the proper analysis of Section 1405(d) is that a customer gets one payment agreement, whether it be utility or Commission established, and if the customer defaults on that agreement, the Commission shall not establish a second or subsequent agreement, but the public utility may, at its discretion, do so. EAP notes that the legislature, in defining "payment agreement" at Section 1403 made no distinction between payment agreements established by the Commission and payment agreements established by the utility. The legislature, however, does make such a distinction as between utility established and Commission established payment agreements in Sections 1405(b) and 1405(c). EAP believes that had they intended to make this distinction in Section 1405(d), they would have done so.

Action Alliance fully supports maintaining the provisions in § 56.97, as they provide for critical procedures for public utilities to follow to assist a customer in preventing termination of service, including full explanations of all available methods for avoiding a termination. Also, Action Alliance contends that the Commission should adopt the two proposed subparagraphs at §§ 56.97(a)(2)(iii) & (iv), which would require public utility employees to fully explain that paying what is past-due on the most recent previous company negotiated or Commission payment agreement and enrolling in the public utility's customer assistance program or universal service program are possible methods of avoiding termination. Action Alliance reports that in their experience, these two options are two of the most common methods that low-income advocates use in assisting customers to avoid service termination. Unfortunately, some customers receive termination notices that demand payment amounts that are larger than the catch up amount or default cure amount of the last payment agreement; and these larger than necessary amounts are confirmed by utility CSRs that take the customers' calls. Action Alliance adds that low-income

customers often only learn for the first time from legal services organizations that CAP programs are available to provide more affordable bills and that CAP enrollment can prevent termination of service.

PULP requests the Commission delete "informal" from § 56.97(a)(2)(ii). PULP supports the Commission's inclusion of § 56.97(a)(2)(iii). PULP also supports the Commission's inclusion of § 56.97(a)(2)(iv), which requires utilities prior to termination to inform customers that they can avoid termination by enrolling into the utility's customer assistance or universal service programs if they are eligible.

IRRC notes that subparagraph (a)(2)(iii) requires public utilities to tell customers they may avoid termination by "paying what is past-due on the most recent previous company negotiated or Commission payment agreement." According to IRRC, a commentator is concerned that this subsection exceeds the scope of Chapter 14, which specifically allows a public utility to terminate service for failure to comply with a payment agreement. *See* 66 Pa C.S. §§ 1405(f) and 1406(a). IRRC agrees and asks the Commission to explain how this provision, when applied to customers with existing payment agreements, is consistent with Chapter 14. Finally, IRRC suggests that the language found in subsection (a)(2)(iv) be consistent with the language found in § 56.91(b)(4)(iv), which pertains to universal service programs.

Discussion:

The language we proposed in § 56.337 is very similar to the language proposed in the analogous § 56.97, so we will treat comments submitted in response to § 56.97 as to also applying to § 56.337. We will address the comments in a similar fashion as well.

We agree with IRRC, Duquesne and PPL that the reference to "universal service programs" in paragraph (a)(2)(iv) should be more specific and will revise to "customer assistance program or its equivalent" as suggested by PPL. We also agree with NFG in adding the phrase "if the customer is eligible" to the end of this sentence since not all customers qualify for a customer assistance program. We also agree with PULP to remove the reference to "informal dispute settlement agreement" from paragraph (a)(2)(ii) because we are removing this term from the definitions at § 56.2.

Consistent with our previous discussion concerning § 56.12(7), we are adding language specifying that payment agreements for heating customers entered into pursuant to paragraph (b) must be based on budget billing. This requirement dates back to the Commission's July 17, 2003 order in *Mary Frayne v. PECO Energy Company* (C-20029005) where the Commission declared (page 7):

> "Budget billing should be the norm for all payment arrangements rather than current billing. Budget billing was designed to aid customers who are experiencing financial difficulties by ensuring a level, predictable payment amount from month to month. The level payment amount will better enable the customer to plan for his or her utility bills and budget accordingly. Therefore, customers should not be provided with the option of choosing current billing when budget billing is a more beneficial option."

This guidance was again reiterated in the following budget billing orders on June 1, 2006, *Re: Insuring Consistent Application of 52 Pa. Code § 56.12(7) Equal Monthly Billing*. (M-00051925) and on November 9, 2006, *Re: Insuring Consistent Application of 52 Pa. Code § 56.12(7) Equal Monthly Billing* (M-00051925) where the Commission twice declared that "Based on well-established case history, budget billing should be the method by which customers in arrears pay current bills while liquidating the past due amounts owed the utility." Therefore, including this guidance in the regulations is simply codifying a well-established Commission expectation that has been the subject of the previously mentioned Commission formal proceedings, and is not inconsistent with Chapter 14.

In the proposed subparagraph (a)(2)(iii), the Commission includes paying the past-due amount of a defaulted payment agreement as a method of avoiding the termination of service. This is based on the grounds of authorized terminations found in Section 1406(a) that includes "Failure to comply with the material terms of a payment agreement." If the default is cured prior to the termination of service, then the grounds for the termination no longer exist under Section 1406(a). We do not see this as a second or subsequent payment agreement; merely paying on the existing agreement to cure a default. No new terms on a new payment agreement are established. The Commission addressed this matter in the Second *Chapter 14 Implementation* Order of September 9, 2005 (M-00041802F0002):

> "While we agree with PGW and EAP that Section 1406(a)(2) lists "failure to comply with the material terms of a payment agreement" as authorized grounds for termination, we do not agree that the customer cannot eliminate this ground for termination by paying an amount sufficient to catch-up on the terms of a payment agreement. As stated publicly several times by EAP, as well as in its written comments, the last resort of a utility is to terminate service. EAP also notes that "utilities would prefer to work with their customers to collect payment, than to become embroiled in complaint procedures." We agree and clarify that, while a utility has every right to initiate the termination process and to terminate service if necessary for failure to comply with the material terms of a payment agreement, an available method for eliminating the grounds for termination is to pay an amount sufficient to catch-up on the terms of a payment agreement. Clearly, once the catch-up payment is made, authorized grounds for termination no longer exist."

(pages 38-39).

The comments filed by some of the parties claiming that the language proposed is contrary to Chapter 14 are irrelevant to § 56.337 since this section is intended for customers and utilities not

covered by Chapter 14 per Section 1417. As such, we disagree with PGW when they object to the enrollment in a customer assistance program as a means of avoiding termination, as provided for in the proposed subparagraph (a)(2)(iv). PGW mistakenly declares that "CAP is a payment agreement." These are two separate and distinct concepts that Chapter 14 has separate and distinct definitions for in Section 1403. For example, the definition of *payment agreement* discusses the amortization of an unpaid balance whereas the definition of *customer assistance program* does not mention amortization of balances and in fact many such programs do not include amortization. It is clear that in both the electric and gas competition acts and in Chapter 14, the General Assembly intended customer assistance programs to be made available and to be used to help make sure that "...service remains available to all customers..." per Section 1402. The appropriate place for a low-income customer is a customer assistance program. Low-income customers should not simply have their service terminated without ever having the opportunity to participate in these programs. The inclusion of subparagraph (a)(2)(iv) is intended to make sure that no low-income customer's service is terminated without first being considered for enrollment in these programs. As for Phillips concerns that this could be used by a customer to forestall termination multiple times, we note that each utility's customer assistance program plans have provisions to address customers who default that usually prevent repeated re-enrollments within a specific timeframe.

§ 56.340. Winter termination procedures.

Allegheny Power suggests that the responsibility lies with the customer to respond to a utility's termination notices by contacting the utility and providing the required income and household size information. If the customer fails to respond to the notices, the utility should be permitted to follow through with the pending termination. Columbia suggests that language be added to the end of § 56.100(e) indicating that if the utility is unsuccessful in obtaining household size and income information after having made a good faith effort to do so, or if a customer refuses to provide such information, termination action may continue until such information is provided by the customer and, based upon that information, the public utility determines that termination should not proceed.

Concerning customers in which the utility lacks income information, PECO agrees with and supports the Commission's conclusion that sending termination notices to these customers is appropriate for it may induce the customer to contact the utility with this information. However, PECO is concerned with the customers for whom the utility has unverified information that the customer's income is at or below 250% of the federal poverty level. Their concern is that customers could claim low-income solely for the purpose of avoiding winter termination. PECO suggests that the Commission allow a utility, after multiple failed attempts to obtain income verification, to pursue termination of these accounts. PECO points out that over 275,000 customers have claimed to PECO to have income at or below 150% of the FPL. However,

according to 2000 census data, there are 264,000 households who live in PECO's service territory with an income at or below 150% of the FPL. PECO believes there are over 150,000 households who have claimed to have an income below 150% of the FPL who have not verified their income - even though they could presumably get rate discounts if they did so.

NFG believes that the proposed language at § 56.100(e) is beyond the scope of the legislative intent and unnecessary. NFG maintains that nowhere in Chapter 14 did the legislature include language directing public utilities on how they must determine whether an account is permitted to be terminated during the winter months.

With regard to the Cold Weather Survey provisions in § 56.100(h) and the proposal to categorize accounts by postal codes, Allegheny Power opines that this is a concept not found in Chapter 14 and would cause utilities to incur extra programming costs with no benefit to the customer. Columbia also objects to including postal codes as this would cause the utility to incur substantial report programming costs, and postal codes are already included in the monthly report of terminated accounts. Equitable also suggests deleting this proposal because it would take extensive programming to comply and the company is unaware of the purpose of this data.

Allegheny Power, Duquesne and NFG object to the proposal in § 56.100(h) to require updated survey results on January 15 and February 15 of each year. Allegheny Power states this would cost approximately $33,000 with no apparent benefit. Duquesne estimates the cost at $50,000 annually. PPL could comply with this proposal but does not see the value of providing such updates, particularly when similar data (i.e., terminations and reconnections) already appears in the monthly § 56.231 report. PPL also reports that it can fulfill the proposed requirement to categorize each account by the first three digits of the customer's postal code, but again questions the value of doing so; this request appears to fall under the "nice to know" category rather than a "need to know."

With regard to § 56.100(j), PPL Electric agrees that it is important to report deaths to the Commission in situations where a utility had previously terminated residential service for non-payment of bills. However, PPL does not believe it is necessary to incorporate these reporting requirements into code since the Commission already possesses broad investigative powers and has the authority to request this type of information. 66 Pa. C.S. § 504. PPL recommends that it would be more appropriate for the Commission to address the reporting requirements through a Secretarial Letter. On January 16, 2009, the Commission issued just such a Secretarial Letter (Docket No. M-2009-2084013) regarding interim reporting requirements. The Commission noted that these interim reporting requirements will sunset upon promulgation of final regulations for Chapter 56. PPL suggests that the Commission simply reissue the reporting requirements in a final Secretarial Letter.

Regarding § 56.340(5), PPL agrees with the Commission's proposal to have utilities provide survey updates on January 15 and February 15 of each year. With respect to § 56.340(7), please refer to PPL's comments regarding § 56.100.

Allegheny Power also opposes the required reporting of death following a termination of utility service. According to Allegheny Power, this requirement implies a causal connection between the termination and the fatality. Columbia also opposes this requirement since the reports do not fall within the scope of "accidents" reported per 66 Pa. C.S. § 1508, the Commission may not be able to protect such reports from public disclosure or admission as evidence in a lawsuit.

NFG believes that the proposed language of § 56.100(j) is an egregious attempt to go beyond the intent of Chapter 14 and there is absolutely no legislative authority, be it in Chapter 14 or elsewhere, for the Commission to place this requirement on public utilities. NFG believes that the proposed language itself is vague, ambiguous and open to potentially broad interpretation. NFG also submits that public utilities are certainly not experts or in any way capable of making a determination as to the cause of such incidents.

Equitable suggests that a utility should be given up to five days to provide the information requested under § 56.100(j) and that the reporting should be limited to incidents that occur within 30 days of termination.

PGW states that the utility's knowledge is limited to the facts regarding the termination of service and as such this is the only information the utility should be required to provide the Commission. PGW also questions the confidentiality of the information submitted given the recently expanded Right to Know Law.

PGW wants to make the regulation clear in that a utility can terminate both heat and non-heat related service in the winter. Furthermore, the winter period is December 1 through March 31; the reference to January 1 in Section 1406(e)(2) is related to the evaluation of the charges paid by the customer and the proposed regulation should be revised to reflect this. Notification to the Commission under Section 1406(e)(3) is required only in the event of a termination notice issued for winter termination under Section 1406(e)(2) and the regulation should explicitly state so. PGW believes that the responsibility should explicitly be on the customer to provide this income information in addition to household make-up and failure to provide this information should not prevent the utility from being able to terminate the account in the winter. In addition, § 56.100(f) should be modified to include service discontinuance requests under § 56.72(2) and the "good faith attempt to reach a payment agreement" language in § 56.100(i) should be removed because a utility does not have to reach a payment agreement with all terminated consumers for restoration of service.

EAP believes that the updates to the winter survey are unnecessary because requirements for monthly reporting, including monthly termination activity, and postal code categorization are already set forth in §56.231 as currently written. EAP reports that the costs of surveys can be as high as $2.1 million, which must be reflected immediately in utility rates. Moreover, EAP states that the people who remain without a central heating source beyond December consist mainly of consumers who are unwilling to file an application for LIHEAP assistance or consumers who are unwilling to provide income information to utilities so as to permit their qualification for CAP rates and consumers who have had CAP rates, but failed to maintain their low $20-$25 a month payment.

EAP also objects to the Commission's proposal of reporting deaths possibly relating to utility termination which occur in a utility's service area because liability may be imputed to a utility where none would otherwise exist.

PAWC suggests that a provision should be added permitting a utility to petition the Commission for permission to terminate service to a premise when the account is in the name of a landlord, unless specifically prohibited by law. Concerning § 56.100(i), PAWC notes that the current regulations define "occupant" and that if the proposed regulations require utilities to attempt contact with a responsible occupant for the purpose of reaching an agreement as to the payment of arrearages and restoration, then the Commission should define the term "responsible occupant."

Action Alliance strongly disagrees with the Commission's plan to revoke its earlier proposal to eliminate the heat-related distinction in the context of winter terminations by utilities. Chapter 14 clearly provides a basis for providing protection for heating and non-heating accounts. Action Alliance notes that the term "heat-related" or the like is nowhere found in Section 1406(e). While natural gas service may not be considered strictly heat-related if not the primary source of a home's heat, Action Alliance notes that it is often the source of energy for hot water and cooking. Action Alliance believes that the Commission would be acting contrary to its much emphasized duty to protect health and safety if it adopts the current proposal to limit winter termination protections to heat-related accounts. Therefore, the language "heat-related' should be omitted from § 56.100 as such limitation is statutorily prohibited and contrary to health and safety.

Action Alliance requests that cold weather survey results be categorized by five-digit postal codes and not just by first three digits, as proposed. All addresses in Philadelphia have postal codes with the same first three digits of "191" so data about the first three digits would provide little additional assistance to social service organizations in analyzing termination data of the public utilities serving Philadelphia. Action Alliance supports the Commission's proposal to require three reports, on December 15, January 15 and February 15. The surveys provide important information about how many households are without service during winter and

provide the Commission, policymakers and low-income advocates with the basis for relevant policy recommendations, if needed.

Action Alliance supports the Commission's proposal, at § 56.100(j), to require utilities to report incidents of household fire, hypothermia or carbon monoxide poisoning occurring at addresses where utility service was off at the time of the incident. However, the Commission omits any non-winter cause of fatalities such as hyperthermia. Action Alliance recommends that the term "hyperthermia" be inserted after the term "hypothermia" and that the Commission clarify that the reporting requirement applies all year. Action Alliance recommends that the reporting requirement include incidents involving injury and property damage, as well as, deaths. If the terms "injury or property damage" seem too broad, Action Alliance would here recommend that the terms "hospitalizations or property damage" be inserted after the phrase "resulted in a death" within proposed § 56.100(j).

CAC notes that the winter termination rules at §1406 (e) dramatically change prior Commission policy and practice. CAC believes that this dramatic change creates the need for the Commission to carefully review its regulations concerning winter terminations.

The CAC continues to strongly support the Commission proposal to revise the winter survey provisions found at§ 56.100(4) and (5) to require updates throughout the winter. Additionally, the CAC previously supported, and continues to support the Commission's proposal that utilities be required to report to the Commission anytime they are aware of a death following a termination of utility service where it appears that the death may be linked to the lack of utility service. CAC notes that although much attention is properly focused on termination-related deaths, the responsibility of the Commission to protect the health and welfare of Pennsylvania citizens is one which requires a broader data base beyond just death-related incidents. CAC therefore recommends including "serious injuries" within the report. The CAC continues to recommend that the Commission require utilities to develop a specific plan to ensure that they obtain current and comprehensive information from reliable sources within their service territory such as fire departments, health clinics, or hospitals.

The OCA notes that the Commission has reversed its initial position and retained the heat and non-heat related distinction in the winter termination provisions for electric and natural gas distribution companies. The OCA submits that Chapter 14 does not distinguish between heat-related and non-heat related service; it protects all electric and natural gas residential service regardless of the nature of the service.

The OCA contends that termination of utility service can be a matter of life or death, and it is central to the Commission's obligations to protect the health and safety of all citizens of the Commonwealth. The Commission should make it clear that the reporting applies all year and

should include an incident of hyperthermia in the summer heat as a reportable event. The OCA also suggests the reporting requirement include injuries as well as deaths.

The OCA believes that the information submitted should be available to the public and to policymakers as it has a bearing on whether Chapter 14 has been successfully implemented and whether the health and safety of the public has been adequately protected. If the Commission is concerned with the release of all the information due to the sensitive nature of some of the information or the need for privacy of the customer, the Commission could develop a report of the key information to be made available to the public on a regular basis.

PULP supports the Commission's requirement that utilities must first verify that an account is eligible for wintertime termination before terminating service. The utility should use household size and income information from its own records and should solicit such information from its customers at every opportunity. PULP also supports the Commission's improvement of the cold weather survey through the introduction of survey updates by public utilities on January 15 and February 15 of each year.

PULP strongly endorses the Commission's decision in § 56.100(a) to prohibit water distribution companies from terminating water service during the winter months. According to PULP, it is clear from Chapter 14 that only electric distribution companies and natural gas distribution companies were intended to have different winter termination rules as a result of Chapter 14 per Section 1406(e)(1). PULP also requests that the Commission have in place and requires utilities to have in place expedited procedures for hearing customer complaints about immediate terminations pursuant to § 56.100(b).

PULP also has significant concerns with the Commission retaining a distinction between heat-related and non-heat-related service within the winter termination process. PULP contends that the Commission has recognized in its *Second Implementation Order* that this is a change from § 56.100 practice prior to enactment of Section 1406(e). The Commission noted that, unlike the existing Chapter 56 provisions, Chapter 14 did not make a distinction between heat-related and nonheat- related service in regard to winter termination and in its Advanced Rulemaking, the Commission proposed to eliminate this distinction. However, contrary to the clear language of the statute and contrary to recognition by the Commission in its *Second Implementation Order* of this significant change, this outdated distinction between heat and nonheat-related service remains in the winter termination provisions. The Department of Public Welfare (DPW) has long recognized the essential nature of nonheat related electric service in winter. For decades, DPW has provided LIHEAP Crisis grants to those income eligible applicants who have lost or are in danger of losing electric service. DPW considers electric service not primarily used for heating as a secondary heat source, as opposed to a primary heat source. Because of the critical nature of electric service in relation to enabling a furnace to function, Crisis grants are provided to non-electric heating customers.

PULP supports the inclusion of § 56.100(j) concerning the reporting by utilities of deaths at locations where public utility service was previously terminated, particularly given that the Commonwealth has once again this year experienced fatalities in households where utility service was previously terminated. PULP also requests that the Commission require that utilities develop a specific plan, such as proposed by CAC, to ensure that they obtain current and comprehensive information from reliable sources within their service territory such as fire departments, health clinics, or hospitals. The information contained in these reports should be available to the public and to Commonwealth policymakers as well as to the Commission. PULP is equally concerned about the inclusion in the proposed rulemaking of a prohibition regarding the use of these reports by the judiciary. The Commission's proposal to bar the reports from being admitted into evidence in a court of law would appear to usurp the prerogative of the judiciary to determine the relevant contents of the factual record before it.

IRRC also questions the inclusion of the term "heat related service" and notes that Section 1406 (e) does not make any distinction between "service" and "heat related service." IRRC questions what is the procedure for verifying household income. IRRC also questions why this subsection requires the utility to gather household income and size information after the termination notice has been issued to determine eligibility for termination, rather than prior to issuance. IRRC also questions the need for the additional reporting requirement in this subsection.

Concerning Subsection (j) reporting of deaths at locations where public utility service was previously terminated, IRRC notes that this subsection has generated interest from both the utility industry and the consumer advocacy community. The utility industry questions the need for reporting deaths, and the consumer advocacy community has suggested that the provision be amended to require the reporting of deaths and injuries. Finally, IRRC submits that the Commission should explain the need for the reporting of deaths and why this provision presents an appropriate level of reporting and how the information will be used.

Discussion:

As we discussed in the analogous § 56.100, Section 1406(e) dramatically changed the winter termination rules. However, since Section 1406(e) does not apply to steam heating, wastewater, and small natural gas utilities nor to any customer with a PFA order, § 56.340 is intended to basically reflect the pre-Chapter 14 § 56.100, with some minor revisions as we will discuss.

We will retain the traditional petition process so that if a utility wants to terminate service to a customer who would otherwise be protected from winter termination, they will still have this traditional option. However, to emphasize the seriousness of the situation to the consumer and in keeping with due process, we shall revise paragraph (2) to require the utility to send the customer a copy of the petition they are sending to the Commission (this is keeping with standard service procedures, but explicitly adding it to this paragraph will help make this clearer). It is hoped that

being served with such a petition will alert the customer to the seriousness of the situation and that their service may be terminated.

We acknowledge the concerns of Action Alliance, OCA and PULP with the Commission's proposal to exempt non-heat related accounts from this section. IRRC also questions the Commission's proposal. We note that the proposal was to apply the winter termination rules to heat-*related* accounts. Traditionally, this includes any service where the lack of service would cause the resident's central-heating system to cease to function. As a result, the number of protected accounts is beyond just the heating-rate or primary source of heat accounts and is in fact significantly higher than some parties suggest. Regardless, we agree that there are legitimate and reasonable arguments that can be made on either side of this issue. However, the most convincing argument is simply that if the General Assembly had intended such a broad category of accounts to be exempt from the winter termination rules they provided in Section 1406(e), they themselves would have made such a significant exception. In keeping with our previously stated position of providing customers with a PFA order all the customer benefits provided by Chapter 14, we will revise our proposal to apply the winter rules upon all electric and gas accounts, regardless of end-use. We again note the petition procedures in paragraph (2) that a utility may use if they believe an individual consumer is not acting in good faith. We also point to the petition process in response to PAWC's request to allow termination where the account is in the name of the landlord ratepayer. The petition process in paragraph (2) can be used to request permission to terminate service to any customer otherwise protected by the prohibitions in this section.

Regarding our proposed paragraphs (4) and (5) that concern the annual survey of terminated accounts (commonly referred to as the winter survey), upon our review of the comments, we believe that our original proposal needs to be modified. We agree with PPL, Allegheny Power, Equitable, EAP and Columbia that the reporting of survey results by postal code, while "nice to know" as PPL points out, does present programming and reporting costs that may not be worthwhile. We also agree that our proposal to require two rounds of updated survey results (January 15 and February 15) is not necessary and would impose unreasonable costs. Instead, we will revise this proposal to require only one update, on February 1. This would merely codify a practice that has been in place since February 2004 and would not impose any additional costs. In response to PPL and IRRC's questions that this data is already available via monthly § 56.231 reporting, we point out that § 56.231 is only a reporting requirement. While this provides the Commission with the number of accounts terminated in any given month, it does not include a survey requirement. The survey updates in paragraph (5) go beyond just a reporting requirement; the utility is expected to make a good faith attempt to contact the customer to discuss the payment of arrearages and financial assistance to possibly get service restored.

Given the health and safety issues involved with living without utility service in the winter which we have already discussed, we believe this second survey attempt in mid-winter is a valuable,

cost-effective effort to get utility service restored. For example, in the February 2009 survey update, the electric and gas utilities reported that the total number of homes not using a central heating system was 11,347, a 36 percent reduction from 17,745, as reported in the December 15, 2008 initial survey results (http://www.puc.state.pa.us/General/press_releases/Press_Releases.aspx?ShowPR=2184). And the survey update from the previous year showed that as of February 1, 2008, the total number of homes not using a central heating system was 11,495, a 32 percent reduction from the 16,857 total reported in the initial December 15, 2007 survey results. (http://www.puc.state.pa.us/General/press_releases/Press_Releases.aspx?ShowPR=1912). We believe these numbers prove that the updated survey requirement results in more consumers having their heat reconnected in the wintertime and is a valuable tool in helping reduce the number of residences without heat and thus helps minimize the resulting public health and safety issues. As for EAP's point that these are customers who have had CAP rates but failed to maintain "their low $20-$25 a month payment" we point out that per the *Report on 2008 Universal Service Programs & Collections Performance* (consisting of data submitted by utilities per 52 Pa. Code §§ 54.75 and 62.50) the average CAP electric bill ranged from a low of $40 for a Penelec customer to a high of $70 for a PPL customer and the average CAP gas bill ranged from a low of $47 for a Columbia customer to a high of $112 for a UGI Penn Natural customer (page 38). There may indeed be CAP customers with a low $20 - $25 monthly bill, but based on the data they are very few in number.

Our proposal in paragraph (7) concerning the reporting of deaths at locations where public utility service was previously terminated generated numerous comments from the utility industry and consumer groups. As we discussed in relation to the analogous § 56.100, we do not lightly propose this requirement, but do believe that this reporting is essential in meeting our obligations as described by OCA. At the same time, we once again emphasize that this reporting is not to infer liability or causation. We want to carefully craft this requirement so that it is as clear as possible, limited in its scope, reasonable in the burdens it imposes, yet still alerts the Commission to matters that policy makers should be aware of. The parties submitted several helpful comments that will assist us in meeting these objectives while some of the comments we must take issue with. Generally, utility commentators object to the requirement or the scope of the requirement; while commentators representing consumers object that the requirement is not broad enough.

We do agree with PGW and NFG that the utility's reporting should focus on what the utility knows, such as circumstances of the termination and not on areas where they lack expertise, such as the cause of the incident. This is why we indicate that this information is to be provided "if applicable" or "if available." However, to clarify this further, we will revise the paragraph to make clear that the utility is responsible for providing information about the account and the circumstances surrounding the termination of service. For other information about the incident

itself and its cause, they only have to forward what they have, if anything, from other sources such as the media or official government sources.

We disagree with Allegheny Power's and Equitable's objections to the one business day timeframe to submit reports. The reports consist of basic information (customer name, address, account number, date of incident, and brief description of circumstances involved) that should be readily available to the utility. Given the serious nature of these incidents, it is not unreasonable for the Commission to expect some basic information within a day. More detailed information that the Commission may request will of course take longer, and this can be worked out between Commission staff and the utility on a case-by-case basis.

While we understand the concerns of Action Alliance, CAC, OCA and PULP that the reporting requirement is too narrow in just focusing on deaths, we believe expanding this to include serious injuries and property damage presents too many practical difficulties to implement effectively. Almost every fire results in some property damage, so this would create an extremely broad and unnecessarily burdensome reporting requirement that would also impose burdens on the Commission in tracking so many reports. Limiting it to "serious property damage" is problematic in that "serious" is probably an impermissibly vague term. Likewise, injuries are not uncommon at a fire, if only a case of smoke inhalation or minor burns. Requiring a report on all such incidents would create too much of a burden, but limiting it to "serious" injuries again is probably impermissibly vague. Limiting it to injuries requiring "hospitalization" is problematic, in that it is the Commission's experience that media reports are rarely this detailed and specific, and hospitals generally decline to release such information, citing patient privacy concerns.

We acknowledge OCA's belief that a severe injury is not less deserving of regulatory attention simply because no fatality resulted. We emphasize that even though we omit injuries and property damage among the events triggering a report to the Commission, the Commission still has the authority to investigate such instances. Omitting these occurrences from this regulation in no way diminishes the Commission's authority, and in fact the Commission has in the past investigated incidents that involved only property damage and injuries. For recent examples, see *Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. Pennsylvania Electric Company* (Public Meeting of March 12, 2009, Docket No. M-2008-2027681) where Commission staff investigated an incident that damaged a residence and injured an occupant, but no fatalities occurred and also *Pennsylvania Public Utility Commission Law Bureau Prosecutory Staff v. PPL Electric Utilities Corporation* (Public Meeting of September 10, 2009. Docket No. M-2009-2059414) concerning a fire where several residential apartments were destroyed but no serious injuries or deaths resulted. We also remind everyone that omitting occurrences of injury and property damage from this regulation does not preclude any party at any time from presenting the Commission with information on such an incident and requesting an investigation.

Regardless of the above, we do agree with Action Alliance, CAC, OCA and PULP that the reporting requirement as proposed may appear unintentionally limited in that it only specifies deaths from "fire, incident of hypothermia or carbon monoxide poisoning." While we find the suggestions to add hyperthermia and asphyxiation as reportable events problematic because, in the Commission's experience, media reports of these incidents are rarely this specific, we do think the language of this requirement needs broadened a bit. To do so, we will revise the proposal to bring it more into alignment with the language of the Commission's January 16, 2009 Secretarial Letter (M-2009-2084013) by adding "another event that resulted in death" to paragraph (j).

§ 56.351. General provision.

Allegheny Power alleges that the use of medical certificates has been abused over the past several years and that any proposed regulation should be written to prevent unscrupulous abuse. It should be specified that the medical condition must be one for which the customer is currently under a physician's care and that the physician's license number be required. The term "applicants" should be removed from the emergency medical provisions because applicants seeking service restoration after termination would have had ample time to exercise their rights under the emergency medical provisions. PECO and Duquesne likewise believe that "applicants" should be removed from this section with Duquesne estimating the cost of complying with this provision at $860,000 annually.

PPL agrees with the proposal to include "nurse practitioner" in this section. However, PPL has concerns about an applicant who has never had service with PPL and uses the medical certification process to obtain service. From PPL's perspective, credit worthiness should be the standard of providing service for these applicants rather than a medical condition. Simply using a medical condition standard would increase PPL's financial risk. PPL suggests that for § 56.113(1)and (2), the word "applicant" means a natural person who lives at the same address and had received a final bill from the utility. PPL recommends that the Commission clarify the meaning of "applicant" regarding the use of a medical certificate as proposed in PPL's comments regarding §56.111.

Columbia opines that to the extent that the proposed language regarding medical certifications is broader in scope than 66 Pa.C.S. § 1406(f), it should be amended. Columbia believes there is nothing in the statute that provides for the restoration of service based upon a medical certification. Consequently, the proposed language in § 56.111 ", or refuse to restore," and the reference to "applicant's house" are inconsistent with the statute. While Section 1406(f) prohibits service cessation based upon a nurse practitioner's medical certification, the statute requires a follow-up letter "from a licensed physician verifying the condition" that serves as the

basis for the medical certification. Thus, the proposed § 56.111 language must be amended to remove the customer's option of obtaining the verifying letter from a nurse practitioner.

PGW opposes allowing nurse practitioners to file letters of certification because this is contrary to Section 1406(f). Only physicians have the required medical training to make these determinations and the proposal would force utilities to become familiar with the nurse practitioner rules of certification and registration.

EAP's position is that the term "nurse practitioner" should be added whenever a regulation in Chapter 56 references oral medical certification, but that written medical certification is still only acceptable from a licensed physician. Based on the plain meaning of the words used in 1406(f) of Chapter 14, the written (i.e., letter) medical certification should be provided by a licensed physician only. If the legislature had intended to include licensed nurse practitioner as being authorized to issue a written medical certification, then they would have expressly stated such in §1406(f). EAP does not believe that it is appropriate for the Commission to expand the statute, via regulation, beyond the clear and unambiguous language of the statute.

PAWC also believes that the proposed regulation goes beyond Chapter 14 and that in order to be consistent with the law, the Commission should consider limiting the written certification to licensed physicians and oral certifications to both licensed physicians and nurse practitioners.

Action Alliance contends that implementation of medical certification protection varies from utility to utility, including inconsistent policies of yearly limitations or lifetime limitations on a consumer's right to assert medical protections. The Commission's proposed modifications in this area will provide much helpful clarification for customers, utilities and agencies serving vulnerable consumers. Action Alliance strongly supports the Commission's proposed language at § 56.111 which states that "The determination of whether a medical condition qualifies for the purposes of this section resides entirely with the physician or nurse practitioner and not with the public utility. The utility may not impose any qualification standards for medical certificates other than those specified in this section" because it is important to prevent utilities from imposing qualifications that may deter consumers from seeking medical certificates or doctors from providing medical certificates.

The CAC and PULP support maintaining in the proposed regulations the longstanding standard of "…seriously ill or affected with a medical condition which will be aggravated by a cessation of service…" and leaving the medical determinations to medical professionals.

PULP explains further that emergency medical determinations are important safeguards intended to protect the health and welfare of a household's occupants. Neither the Commission nor a utility is in a position to substitute its judgment for that of a medical practitioner.

IRRC notes that Section 1406(f) only refers to customers, and not applicants and questions why have applicants been included in this section of the regulation? IRRC further notes that Section 1406(f) refers to authorized termination of service, not the refusal to restore service. Finally, while Section 1406(f) requires a letter from a licensed physician verifying the condition of the customer, IRRC further questions why the regulation also allows nurse practitioners to provide verification letters.

Discussion:

Chapter 14 does enhance customer rights when it comes to medical certificates in that it expands the number of medical professionals authorized to file medical certificates by including nurse practitioners in addition to physicians. Since we should not deprive customers with a PFA order of these expanded protections, we will incorporate these Chapter 14 protections in this section.

In response to the concerns expressed by IRRC, Allegheny Power, PECO, Columbia and Duquesne with the proposed language in this section referring to "applicants" and the use of medical certificates to restore terminated service, we point to Section 1407(b) which addresses Reconnection of Service:

> (b) Timing.—
>
> When service to a dwelling has been terminated and, provided the *applicant* has met all applicable conditions, the public utility shall reconnect service as follows:
>
> (1) *Within 24 hours* for erroneous terminations or *upon receipt by the public utility of a valid medical certification.*
>
> (2) Within 24 hours for terminations occurring after November 30 and before April 1.
>
> (3) Within three days for erroneous terminations requiring street or sidewalk digging.
>
> (4) Within three days from April 1 to November 30 for proper terminations.
>
> (5) Within seven days for proper terminations requiring street or sidewalk digging.
>
> (emphasis added)

The opening sentence of this subsection includes the term "applicant" and paragraph (b)(1) clearly refers to a service restoration timeframe upon receipt of a medical certificate. It is reasonable to assume that if the General Assembly did not intend medical certificates to be available to get utility service restored, they certainly would not have included a strict timeframe for doing so in this section or use the term "applicant." We also point to the language that concludes Section 1406(f) which addresses Medical Certification:

(f) Medical Certification.—

A public utility shall not terminate service to a premises when a licensed physician or nurse practitioner has certified that the customer or a member of the customer's household is seriously ill or afflicted with a medical condition that will be aggravated by cessation of service. The customer shall obtain a letter from a licensed physician verifying the condition and shall promptly forward it to the public utility. *The medical certification procedure shall be implemented in accordance with Commission regulations.*
(emphasis added)

Commission regulations (§ 56.111) have traditionally included provisions allowing the restoration of service based on the receipt of a medical certificate. Here is the current § 56.111:

§ 56.111. General provision.

A utility may not terminate, *or refuse to restore, service* to a premise when an occupant therein is certified by a physician to be seriously ill or affected with a medical condition which will be aggravated by a cessation of service or failure to restore service. (emphasis added)

It is reasonable to assume that the General Assembly was familiar with this regulation when they chose to end Section 1406(f) with the sentence "The medical certification procedure shall be implemented in accordance with Commission regulations." Therefore it follows that the General Assembly was aware that medical certificates can be used to get service restored and fully intended for this practice to continue. Again, the restoration timeframe for medical certificates at Section 1407(b) discussed above further reinforces this point. It is also reasonable to conclude that "applicant" is not mentioned at § 1406(f) because Section 1406 primarily involves termination actions at locations where there is a "customer." It is only after cessation of service and the finalization of the account that a person loses the status of "customer' and instead is properly viewed as an "applicant." Therefore, the reference to "applicants" at Section 1407 (relating to Reconnection of service) introduces this term in the application of medical certifications at the appropriate point. Stated another way, the General Assembly's use of the word "applicant" within the reconnection of service section is clear evidence of legislative intent that medical certifications are available to "applicants." 1 Pa.C.S.A. § 1921(b)

Moreover, it was not our intent in the proposal to make medical certificates available to all applicants. It was our intent to make medical certificates available to those individuals who are seeking reconnection of service; meaning that their service must first have been terminated as stated in (b). This is based on the fact that Section 1407 is titled "Reconnection of service," and that to have service reconnected one's service must have been first connected and then terminated at some point. Chapter 14 clearly makes a distinction among different types of applicants and different standards are imposed on some applicants as opposed to others. For

example, Section 1404(h) provides for applicants who are seeking reconnection under paragraph (a)(1) of Section 1404 up to 90 days to pay a security deposit, as opposed to other applicants, such as those that fail to establish creditworthiness under Section 1404(a)(2), who do not have 90 days to pay. It appears that the General Assembly intended applicants who are seeking reconnection of service after termination to have different standards applied to them than applicants who are seeking to establish new, initial service. This is apparent from the above cited provision at Section 1404(h) and for making medical certificates available to applicants seeking reconnection under Section 1407(b). Therefore, the use of the word "applicant" in the reconnection of service section is explicit and should not be disregarded to ascertain intent. 1 Pa. C.S. § 1921(c).

However, based on comments, we recognize that the proposed regulations apparently did not explain our intent to limit the type of applicants who can utilize medical certificates as clearly as it should be. We will revise this section by specifying that for an applicant to be eligible for a medical certificate, they must be an applicant seeking reconnection of service under § 56.421 after their service was first terminated. This will exclude applicants who are seeking new, initial service who must first meet the credit standard of the utility under Section 1404(a)(2) and § 56.282. In short, an applicant seeking new, initial service cannot use a medical certificate to bypass the credit screening of the utility. To make medical certificates available to *all* applicants would, as PPL points out, increase a utility's financial risk.

IRRC, Columbia, PGW, EAP and PAWC question the Commission's proposal to allow nurse practitioners to file medical certificates and to provide verification of medial certificates under Section 1406(f). This is an area where reasonable parties can disagree because the language at Section 1406(f) can be interpreted different ways. The first sentence of Section 1406(f), "A public utility shall not terminate service to a premises when *a licensed physician or nurse practitioner* has certified that the customer or a member of the customer's household is seriously ill or afflicted with a medical condition that will be aggravated by cessation of service" (emphasis added) is fairly clear in that both physicians and nurse practitioners are qualified to provide medical certificates. However, the second sentence of Section 1406(f), "The customer shall obtain a letter from a licensed *physician* verifying the condition and shall promptly forward it to the public utility" (emphasis added) omits nurse practitioners. This appears to indicate that medical certification is a two-step process, with the second step being more restrictive than the first step. This begs the question as to what happens if a nurse practitioner files a medical certificate, but a physician fails to provide the follow-up letter. Does this invalidate the medical certificate filed by the nurse practitioner, thus allowing the utility to terminate service, despite the fact that the first sentence of Section 1406(f) directs that the utility cannot terminate service?

It is clear that the General Assembly, in Section 1406(f) intended to expand the medical professionals eligible to file a medical certificate from physicians only to now include nurse practitioners. We also believe that the plain language of the opening sentence Section 1406(f)

indicating that "A public utility *shall not terminate service* to a premises when a licensed physician or nurse practitioner has certified that the customer or a member of the customer's household is seriously ill..." (emphasis added) is unequivocal and controlling. It is equally clear that the medical certification process refers to a customer obtaining a letter of verification from only a physician. 66 Pa. C.S. § 1406(f). However, the rules of statutory construction require us to effectuate the intent of the General Assembly and give effect to all of its provisions, if possible. 1 Pa. C.S. § 1921(a)

Although we agree with Action Alliance, CAC and PULP that medical determinations are to be made by medical professionals and that utilities should not impose additional qualifications that are not found in regulation and statute, the statute is very specific that the customer has to obtain a letter from a licensed physician verifying the condition. Moreover, the statute provides that the medical certification procedures shall be implemented in accordance with Commission regulations. The procedures under § 56.113 (Medical Certification) currently provide that certification can be written or oral and subject to the right of the utility to obtain oral or written verification within seven days. We believe that to give effect to all the provisions the statute must be interpreted as initially allowing medical certifications to be oral from a licensed physician or nurse practitioner but the customer must still obtain a letter verifying the condition from only a licensed physician. Even though it may have been an inadvertent omission to leave out nurse practitioner, the statute explicitly excludes "nurse practitioner" from the verification procedures thereby only allowing a licensed physician to verify the medical condition. Therefore, termination of service can be prevented based upon a written or oral certification from a licensed physician or nurse practitioner, but a written letter verifying the medical condition must come from a physician.

§ 56.352. Postponement of termination pending receipt of certificate.

Action Alliance supports the Commission's plan to maintain the important three-day stay of termination to obtain written or oral certification at § 56.112. Illness, hospital stays and circumstances surrounding the medical emergency can prevent a household from being aware of imminent utility termination. The first time that a customer may learn of the impending termination is when the utility worker appears at the home. Three days is the minimum period of time that should be allowed to customers to contact a medical professional to submit a verbal or written medical certification to the utility.

Discussion:

We agree with Action Alliance and see no need to revise our original proposal.

§ 56.353 Medical certifications.

Columbia believes that the proposed § 56.113 improperly puts the onus on the utility to "verify the certification by calling the physician or nurse practitioner or to require written verification within 7 days." Columbia thinks this is inconsistent with Section 1406(f), which provides that "The customer shall obtain a letter from a licensed physician verifying the condition." Columbia suggests that § 56.113 should be eliminated so that there is no confusion and the list of information that must be included in a medical certification should be moved to § 56.111.

Action Alliance supports the Commission's plan to maintain the seven-day window to provide written confirmation at § 56.113. If the utility requires a written certification, maintaining the seven day window, after verbal certification, for submission recognizes the demanding schedules of medical offices and provides a reasonable opportunity for customers and their treating medical practitioners to comply.

Discussion:

Columbia is correct in that Section 1406(f) directs the customer to obtain a letter from a physician and this directive is incorporated into the proposed § 56.111 and § 56.351. Columbia is incorrect in that the proposed § 56.113 and § 56.353 improperly places the burden on the utility. Section § 56.113 is intended to provide the utility with the ability and means to verify a medical certificate that they may want to question. For example, if the utility receives a written letter signed by a medical professional from a customer, per § 56.111 or § 56.351, but the utility suspects the letter to be possibly fraudulent, the proposed § 56.353 provides the *right* for the utility to verify with the medical office the authenticity of the letter. It is the utility's option as to whether to exercise this right or not. We note that utilities should only use this right to verify the authenticity of the certificate and the utility should, as discussed in reference to § 56.351, refrain from questioning the medical determination of the medical professional or imposing additional standards not found in the regulations. We also believe that the retention of this provision is in keeping with the requirement of Section 1406(f) that the medical certification procedure be implemented in accordance with Commission regulations. Utilities, per this section, have traditionally had the right to verify medical certificates and we believe it was the intent of the General Assembly for utilities to retain this right. We will, in the interest of being more precise and aligning with the language of Section 1406(f), we will use the term "verification" instead of "confirmation."

§ 56.354. Length of postponement; renewals.

Allegheny Power, FirstEnergy and PGW agree that once a customer has eliminated his arrearages he is entitled to another three medical certificates. However, they disagree with the

phrase "and same termination action" because every time the utility issues a new termination notice, the customer could qualify for more medical certificates. Duquesne and Equitable also ask that this phrase be removed because it is unclear.

PECO believes the proposed regulations implement a great deal of tested Commission practice and knowledge from recent years and they particularly support two elements of the new regulations; allowing the utility to enforce the medical certificate restrictions without having to resort to petitioning the Commission and that the restrictions can be applied if the underlying arrearage is not resolved. However, PECO asks that the "same termination action" phrase be deleted since it may have consequences the Commission did not intend. PECO also suggests changing the reference from a "third medical certificate" to a "third renewal of a medical certificate" to avoid confusion.

PPL agrees with the Commission's proposals that limit the two 30-day renewals of medical certifications for the customer's household to the same set of arrearages and same termination action and that when the customer eliminates these arrearages, he or she is eligible to file new medical certification. PPL also supports the proposal that, in these instances, a utility does not have to petition the Commission under § 56.118(3) if the utility wishes to contest a third medical certification.

NFG recommends that the proposed language in §56.114(2) be expanded to include applicants as well as customers. In addition, the last sentence of the proposed language, regarding public utility company dispute procedures should be removed. NFG believes that there is no dispute in these cases since the proposed language of this section is clear as to whether or not a medical certificate is to be honored.

PGW disagrees that a utility's rejection of a medical certificate should be treated as a dispute because the customer's obligation to make payment under receipt of a medical certificate is unmistakable.

Action Alliance supports the Commission's proposed language at § 56.114 that brings important clarification to when the restrictions on renewals of medical certifications apply. The Commission has amended § 56.114 to clarify that the limit of two renewal certifications only applies if the customer is not making equitable efforts to pay utility bills per § 56.116, which specifies that at least current bills should be paid in order to be considered an equitable effort at payment. When payments on current bills are not being made, only then do the restrictions at §56.114 apply.

Action Alliance disagrees with the Commission's proposal to allow utilities to refuse to honor medical certifications without petitioning the Commission, when the utility determines that the renewal restrictions have been reached under § 56.114. According to Action Alliance, Section

1406(f) clearly prohibits termination of utility service "when a licensed physician or nurse practitioner has certified that the customer or a member of the customer's household is seriously ill or afflicted with a medical condition that will be aggravated by cessation of service." Action Alliance believes that the statute provides no restrictions on renewals and that any determination that renewal limits have been met should be made by the Commission, not the utility. These most vulnerable consumers, whose medical practitioners have provided multiple certifications of a serious condition, should be afforded all the consumer protections available, including Commission review prior to service termination.

In addition, Action Alliance notes that consumers with serious and chronic conditions that are not likely to improve within 30 days should not be burdened with a requirement to renew medical certifications every 30 days. Medical certification renewals often require that the patient make and attend an appointment with the treating medical practice and pay accompanying fees for the appointment and completion of medical certification for the utility. These perfunctory efforts are financially and physically burdensome for seriously ill consumers with chronic conditions. Action Alliance urges the Commission to adopt a rule similar to that adopted in the state of Massachusetts which allows for six-month chronic illness certification and certification of infancy until the child reaches 12 months of age.

The CAC supports the clear specification that any refusal to honor a medical certificate under conditions recognized by the Commission should be treated as a dispute by the utility, requiring that the customer will be referred to the Commission.

The OCA submits, in general, that the proposed changes to the Emergency Medical Provisions have clarified and strengthened these critical provisions. However, the OCA requests that the Commission reconsider and allow certificates that exceed the 30-day timeframe so that certificates are fully available to Pennsylvania's most vulnerable citizens with serious or chronic conditions. The OCA believes that a 90-day term would reduce the burden on the seriously ill individuals as well as avoid the wasteful use of medical resources when an individual's condition is unlikely to improve. For example, the OCA notes that in Massachusetts, medical certificates for serious illness are renewed on a quarterly basis and for chronic illnesses every six months. The OCA is also concerned with the additional language letting utilities refuse a medical certificate without first petitioning the Commission if they are only enforcing the restrictions found in § 56.114. The OCA believes this is contrary to Section 1406(f) of Chapter 14 which prohibits the termination of service where a customer presents a medical certificate. The OCA believes that the petition process will better assure the Commission that all avenues for retaining service have been explored and all circumstances considered.

PULP supports the Commission's amendments to § 56.114 and the Commission's conclusion that any refusal to honor a medical certificate under conditions recognized by the Commission should be treated as a dispute by the utility, requiring that the customer will be referred to the

Commission. PULP believes that the Commission has made an important clarification in Section 56.114(2) that establishes that the elimination of arrearages associated with a defaulted medical certificate enables a customer to apply for and receive another medical certificate on another set of arrearages. According to PULP, this policy also recognizes that households, particularly low-income or elderly households, may suffer multiple debilitating illnesses over time; allowing these households to access multiple medical certificates recognizes this reality.

PULP also requests that in the case of chronic conditions, utilities should develop policies that involve less frequent than monthly recertification. PULP explains that it would be less difficult administratively for the utility and less burdensome on the sick customer and the customer's medical professional to have a quarterly or less frequent recertification process where it is likely the illness will be protracted. PULP notes that other jurisdictions have adopted this kind of practice for chronic illnesses.

IRRC also notes that medical certificates are valid for 30 days under this section and suggests that the Commission consider providing procedures that would allow customers to request longer periods of time for instances involving chronic illness or other extenuating circumstances.

Discussion:

Most of what was proposed in this section was intended to provide clarification as to the application of the limitations set on the use of medical certificates. These renewal limitations were first included in these regulations with the last revision of Chapter 56 in 1997. Since then, it has been the informal experience of the Bureau of Consumer Services that there has been confusion and inconsistency in applying these provisions and the Bureau has been presented with repeated questions from utilities, consumers and medical professionals about this section and the limitations on the usage of medical certificates. For example, there have been questions as to whether the limits on renewals apply to individuals or to the entire household. In the proposed regulation, we propose to answer this by stating that the limitations apply to the household. We believe the guidance offered in the proposed § 56.114 and § 56.354, while not addressing every possible contingency, which is not possible, does provide some useful direction. However, upon review of the comments, we also believe some further refining of this section is necessary, including some rearranging of the sentences to improve readability.

We first remind everyone that the limitations on medical certificate usage in § 56.354 only apply if the customer is not meeting their obligation to pay on their bills per § 56.356. As long as the customer is meeting this obligation, there is no limitation on medical certificate usage under this section. This is what has been traditionally required under § 56.114 and we are not proposing to change this; the limitations will continue to apply only if the customer is not making payments.

We agree with Allegheny Power, FirstEnergy, PGW, Duquesne, PECO and Equitable that the phrase "same termination action" should be removed because it is unclear and may have the unintended result of allowing a customer to bypass the limitations simply because the utility issued a new notice. We agree with PECO that the language should refer to "third renewal of a medical certificate" instead of "third medical certificate" to avoid confusion. NFG's suggestion to add "applicants" to this section is not necessary because this section refers to renewal of medical certificates and this does not involve applicants. We disagree with NFG and PGW's objections to providing dispute rights to those that have been denied a medical certificate. While a utility refusal to honor a medical certificate because it is applying the restrictions found in this section may be based on "unmistakable" or "clear" language, this has nothing to do with the standard for determining whether a dispute exists or not. Per the long-standing definition of *dispute* at § 56.2, it a customer's satisfaction or lack thereof with the company's position that determines whether a dispute exists or not. A customer being denied a medical certificate is unlikely to be satisfied with the company's position; meaning a dispute now exists and that the utility should provide the customer with their right to go to the Commission. Again, this is per traditional Chapter 56 rules. The proposal to note this explicitly in this section is simply serving as a reminder to the utility of this obligation; it is not a new requirement.

In an attempt to further clarify the restrictions that were incorporated into this section in 1997, we proposed making it clear that a utility has the authority to invoke these restrictions on their own, without first petitioning the Commission for permission. This has been a point of confusion since 1997, and we believe this clarification reflects the intent of the 1997 revisions. If a utility were required to petition the Commission every time they wished to apply these restrictions, it would in fact make these restrictions meaningless, since utilities have always had the option to petition the Commission to void a certificate. It would also place significant burdens on both the utilities and the Commission in processing said petitions. We understand the concerns of OCA and Action Alliance when they ask that we require the petition process to be used to apply the § 56.114 restrictions as to make sure that all the customer's circumstances have been considered. We disagree that Chapter 14 voids the restrictions in § 56.114 because Section 1406(f) states that "The medical certification procedure shall be implemented in accordance with Commission regulations." It is reasonable to assume that the General Assembly was familiar with the limitations found in § 56.114 and did not intend to void them. We also point out to these parties that, as discussed above, we will explicitly require the utility to treat these occasions as disputes. This will provide the customer the option of seeking Commission review of their circumstances and to make sure the restrictions have been appropriately applied.

IRRC, Action Alliance, OCA and PULP request that the Commission consider long-term medical certificates to address chronic or long-term illnesses. These parties raise several valid concerns about the burden the current 30-day limit imposes on patients and health-care professionals alike. However, we are reluctant to revise the regulations to this extent because the General Assembly had an opportunity to do so in Chapter 14 and declined to do so. We again

note that in Section 1406(f), the General Assembly declared that the "...medical certificate procedure shall be implemented in accordance with Commission regulations." It is reasonable to assume that the General Assembly was familiar with the 30-day timeframe in the current regulations and was comfortable with it. We also remind everyone that there is no limit on medical certificates as long as the customer is paying bills per § 56.116 and § 56.356. The limits on medical certificate usage only apply if the customer is not meeting their obligations at §56.116 and § 56.356. We must also decline PULP's suggestion to add "physician assistants" along with "physicians" and "nurse practitioners" as medical professionals allowed to file medical certificates. Again, if the General Assembly had wanted this, they would have included this in Chapter 14 when they added "nurse practitioners" to the medical certificate rules. Long-term medical certificates were not provided for in the legislation and would be a very substantive addition to these regulations.

§ 56.355. Restoration of service.

PGW states that Chapter 14 does not place an obligation on the utility to "make a diligent effort" to restore on the date of receipt and therefore this requirement should be removed from the regulation. Additionally, the regulation should be revised to note that customers are required to provide access or other information as may be needed by the utility to restore service.

Discussion:

Chapter 14 provides some enhancements to restoration timeframes in that it requires service to be restored within a 24 hour timeframe, where the traditional Chapter 56 standard was "by the end of the next working day." As such, we need to provide this additional protection to customers with a PFA order by incorporating this timeframe into this section.

While we understand PGW's concerns, we must point out that "make a diligent effort to have service restored on the day of receipt" does not require the service to be restored. The only requirement is that service be reconnected within 24 hours. As such, this section does not conflict with Section 1407(b). Given the obvious health and safety issues involved, asking a utility to make a diligent effort is simply intended to prompt the utility to act on a medical emergency as soon as possible. We believe this is a reasonable requirement since the utility has 24 hours to restore service.

§ 56.356. Duty of customer to pay bills.

FirstEnergy is concerned that the payment of outstanding account balances is not addressed in § 56.116 and should be amended to require payment agreements for such balances. PPL suggests

revising the language to read "Whenever service is restored or termination postponed under the medical emergency procedures, the customer shall retain a duty to make payment on all current undisputed bills, undisputed overdue balances, or equal monthly billing amount as determined by § 56.12(7) (relating to meter reading; estimated billing; ratepayer readings)."

NFG does not oppose the proposed language of this section. However, in order to simplify this section and make it more understandable NFG suggests modifying the proposed language by deleting "or equal monthly billing amount as determined by § 56.12(7) (relating to meter reading; estimated billing; ratepayer readings)" because, generally speaking, for customers on a equal monthly billing program, the amount they see on their monthly bill is the equal monthly billing amount. NFG states that the primary purpose of this provision is to require customers to continue to pay current undisputed bills and NFG believes that removing this excess language will communicate that point more clearly.

PGW believes that the reference to budget billing should be deleted because the customer's current undisputed bill is the same as the monthly budget amount.

Action Alliance supports the Commission's proposed language at § 56.116 that brings important clarification to when the restrictions on renewals of medical certifications apply. Action Alliance agrees that the current § 56.116 language "to equitably arrange to make payment" has not given adequate guidance to utilities and consumers alike. The Commission's proposed language brings long-awaited and proper clarification. Action Alliance, therefore, agrees with the proposals at § 56.116 to replace the language "to equitably arrange" with "to make payment on all current undisputed bills ..." When payments on current bills are not being made, only then do the restrictions at § 56.114 apply.

The CAC and PULP support the attempt to clarify the requirements of § 56.116 by specifying that payment of current bills be considered an equitable effort at payment.

PULP supports the Commission's clarification that a customer or applicant with a medical certificate retains a duty to make payments on current undisputed bills. This reasonable policy recognizes that customers and applicants requiring medical certificates often have their lives disrupted by their illness, often resulting in decreased or sporadic income. By requiring payment on only the current bills, PULP believes that the Commission recognizes this disruptive nature of serious illness and allows customers to wait until after their illness or condition is corrected to resolve past due amounts, amounts associated with a payment agreement, or amounts associated with settlements.

Discussion:

While we understand NFG's and PGW's concerns that the reference to budget billing amounts may be superfluous, we believe it is important to retain this reference in this section just so it is clear that a customer should be paying current bills or the budget billing amount. However, we will revise the terminology to refer to *budget* billing as to align it with our proposed terminology at § 56.12(7) and § 56.262(7). We also understand FirstEnergy's concerns with the payment of the outstanding balance. In response, we point out that if the customer is paying their current bills as required by this section, the outstanding balance will not be increasing, meaning that the customer's and the utility's problems with the account balance will not be aggravated. We expect that once the medical certificate expires, the utility would address the outstanding balance with the customer. We also point to the petition process at § 56.358 that a utility may use to possibly void a medical certificate that a utility believes is being used to avoid the payment of the account balance. We agree with Action Alliance, CAC and PULP that the proposed language requiring payment on all current bills or budget bills brings much needed clarity to this section, and recognizes the disruptive nature of serious illness on customers. At the same time, we believe this proposal will aid both consumers and utilities in preventing the accumulation of additional arrearages while a customer is under the protection of a medical certificate.

§ 56.357. Termination upon expiration of medical certification.

PULP suggests that § 56.117 requires revision because when the initial and renewed medical certificates have expired, it is unreasonable to begin the termination process where it left off. Depending on the nature of the illness or medical condition, months or years can pass between the time of the initial medical certificate submission and the expiration of the original certificate or renewal certificate. PULP submits that it is unreasonable to expect customers to remember where the termination process stood at the time of their initial submission of a medical certificate. It is not particularly burdensome for the utility to begin the termination process at the written notice stage so that the customer can have a written explanation of the state of their account, with the detailed enumeration of the content of their bill. PULP encourages the Commission to consider requiring the termination process to begin over rather than picking up at § 56.93.

Discussion:

Upon review of the comments submitted by PULP we must disagree that written notice of termination is always required upon expiration of a medical certificate. Such a requirement could impose additional collection costs on utilities without sufficient benefit to justify such. However, we do agree that this section does need a small revision to reflect Section 1406(1)(i) which specifies that a 10-day written notice of termination is effective for 60 days. We will add language clarifying that additional written notice does not have to be provided upon expiration of a medical certificate if written notice has already been provided within the past 60 days. This

will provide customers with a PFA the same notice rights as any other customer when a medical certificate expires.

§ 56.358. Right of utility to petition the Commission.

NFG believes § 56.118(a)(2) should be removed because public utilities should not have to petition the Commission in these situations. As stated in § 56.116, NFG explains that customers retain an affirmative duty to pay undisputed current bills and failure to do so would subject them to the general termination procedures contained in the remainder of this chapter. According to NFG, due to the timeframes involved in any petition under this section, the process has become mostly obsolete. NFG explains that there is generally a 90-day period under which a medical certificate and its renewals can be active. As there is no language in § 56.118 requiring a medical certificate petition to be addressed within a specific timeframe, more often than not, by the time a determination is made, the issue has passed. NFG opines that if this section is to have any real world applicability, a timeframe for a final Commission adjudication of 10 days should be required.

Discussion:

Under § 56.114(2) and § 56.354, the utility already has the right to reject a third medical certificate *without* having to petition the Commission if the customer is not paying current bills. What §56.358(a)(2) provides is the ability of the utility to petition the Commission to vacate a medical certificate at *any time* if the customer is not paying; even before the third medical certificate is filed. We disagree with NFG when they suggest that this language be removed because we believe this provides utilities with a valuable option that they may want to exercise in some cases. A utility does not have to wait 90 days, as suggested by NFG, to file a petition; they may do so at anytime if they believe the medical certificate process is being abused by a customer. We also decline to specify a time period for Commission adjudication of these petitions, but do note that it is the practice of the Bureau of Consumer Services to handle such petitions in an expedited manner.

§ 56.361. Third-party notification.

PPL agrees with the proposal that utilities, at least annually, inform customers of the availability of third-party notification programs. PPL, via a bill insert, has been informing customers for many years of the availability of its third-party notification program. This program can be particularly useful for older customers who want an adult child or other close relative to receive copies of any collection notices. The Commission also proposes under § 56.131(4) that utilities make available a standard statewide enrollment form that would comply with the form set forth

in Appendix E. PPL recommends that the Commission allow utilities the flexibility to develop the format of their own forms, but to require all utilities to include the same standard information. This would be the same approach proposed by the Commission concerning termination notice requirements at § 56.91. PPL believes that the Commission should adopt this same reasonable and flexible approach regarding the format of the third-party notification form. Standard information would include, but is not limited to, utility name, address, customer name, address, telephone, date, signature, and the third-party name, address, telephone, date and signature.

Discussion:

We acknowledge PPL's concerns but believe they are overstated. While we are making the third-party enrollment form available in Appendix E, the utility is only required to make their form "substantially in compliance" with this form. This means that the utility's form only has to include the substance of the appendix; it does not have to mirror the appendix. The utility is free to format their own forms and choose their own wording, as long as the utility's form contains the same information as Appendix E.

Third-party notification is an important consumer safeguard that can be used anytime by anyone, but as PPL points out, is especially helpful for customers who may, because of illness, disability or advanced age, need the occasional intervention of a third-party to manage their utility account. However, we are concerned that these programs may be under-utilized due to confusion and misperceptions on the part of consumers. For example, customers may confuse third-party notice with third-party guarantor (see § 56.33 and § 56.283) and mistakenly think that they will be held responsible for payment of the bill simply because they have agreed to accept third-party notification. To address this misperception, the notice in Appendix E emphasizes that agreeing to accept a third-party notice does not make one responsible for paying the bill. The notice also provides important information, such as making clear that this program does not stop the shut-off of service and that the third-party is not authorized to commit to a payment agreement on the customer's behalf. We also believe that consumers who participate in these programs may enroll with numerous different utilities, such as electric, gas and water. As such, it would be helpful to have the enrollment forms communicate the same information as to lessen confusion. The requirements of § 56.361 and its accompanying Appendix E are intended to increase the comfort level of consumers using this important consumer safeguard, while providing the utility with enough flexibility to format and present the critical information as they see fit.

§ 56.372. Dispute procedures.

Allegheny Power asks that language be added to the dispute procedures to clarify that when the Commission issues a payment agreement, it should only be rendered on the disputed amount.

The remainder of the account balance should be due immediately and not included in the payment agreement.

Discussion:

We decline to accept Allegheny Power's suggestion because we believe this level of specificity is not appropriate for codification and instead is best left to the Commission's internal procedures used to implement this Chapter under § 56.166. Moreover, while an informal complaint is pending at the Commission, Section 1410 and §§ 56.141, 56.151(1), 56.372 and 56.381 specify that the complainant is only excused from paying *disputed* bills while a dispute is pending.

§ 56.373. Time for filing an informal complaint.

NFG suggests that the Commission should consider adding a requirement to this section that would spell out the timeframe that BCS has to respond to an informal complaint.

PULP recommends that this section should be modified slightly for clarity's sake by removing the repetitious phrase "and informal complaints" from the proposed regulation.

Discussion:

We agree with PULP's suggested minor revisions to this section. However, we decline NFG's proposal to include a timeframe in this section for reasons discussed relative to § 56.163 and § 56.392.

§ 56.374. Effect of failure to timely file an informal complaint.

NFG requests that language be included in this section that notes that a failure to timely file a dispute may constitute a waiver of rights to file an informal complaint. NFG explains that an essential component of any regulatory proceeding is that time is of the essence and that there are many good reasons for this requirement; chief among them is the need to prevent the stagnation or loss of evidence. NFG submits that the language that is marked for removal makes it clear that failure to comply with necessary time requirements may lead to the inability to prosecute an informal complaint. In order to give structure to the process and promote economy in the processing of informal complaints, this language should remain.

Discussion:

While we understand NFG's concerns, we must disagree by pointing out that the Commission, in keeping with the due process rights of all parties, cannot impose such a blanket denial on the right to file an informal complaint simply based on the time of the filing. While we can specify that the right to retain service during such a proceeding can be restricted by the Commission, we cannot outright prohibit the filing of a complaint simply because a period of time has lapsed.

§ 56.381. General rule.

PPL agrees with the Commission's proposal to allow utilities, with the consent of the customer, to submit the information and documents electronically to him or her as long as the customer has the ability to accept electronic documents. This type of flexibility should help streamline utilities' internal processes and ensure timely responses to complaining parties.

PGW objects to the payment agreement language in §56.151(3) because when a customer raises a dispute, the utility is not obligated to negotiate a payment agreement if the customer is not entitled to one. EAP believes that proposed § 56.151(3) should be rejected because it conflicts with the mandates of Chapter 14 regarding payment agreements. EAP opines that the proper analysis of Section 1405(d) is that a customer gets one payment agreement, whether it be utility or Commission established, and if the customer defaults on that agreement, the Commission shall not establish a second or subsequent agreement, but the public utility may, at its discretion, do so.

Discussion:

This longstanding provision does not require that a payment agreement be established; merely an "attempt" is made to establish one. Regardless, PGW's and EAP's concerns are not relevant to §56.381 which is intended for customers and utilities not subject to Chapter 14. We will omit the requirement in paragraph 5(iii) because the requirements in paragraph 5(ii) appear to be sufficient to provide a "satisfied" customer with the information they need; the 5(iii) requirement is unnecessarily burdensome. Of course, if a customer is "not satisfied", more comphrehensive information is still required per paragraph (5)(i).

§ 56.382. Contents of the utility company report.

PECO objects to the proposed requirement that termination information be presented in a font size two points large than the font used in other sections of the utility report as this would require PECO to reprogram its entire utility report software. PECO suggests that the information found in this section should be "prominently displayed" in the utility report. PPL also has concerns

about complying with the formatting requirement proposed in § 56.382(8)(ii); similar to its comments concerning § 56.152.

PGW suggests using the phrase "service will be terminated" because it is less confusing for the customer and the utility. PGW also objects to placing this information in a larger font because this seemingly minor change would require PGW to make an extensive, costly programming change.

Action Alliance supports the Commission's proposed language at § 56.152(8)(ii) that requires the utility to provide conspicuous notice ("in a bold font that is at least two font sizes larger than the font used in other sections of the utility report") to the customer of the deadline to file an informal complaint in order to avoid termination of service.

Discussion:

We agree with Action Alliance and believe that the termination information in § 56.382(8) is of great importance because it is informing the customer of a possible approaching termination of service. As such, this information should not be buried inconspicuously in a document to the customer that may address many other topics. However, to address the concerns expressed by PECO and PGW, we will revise § 56.382(8)(ii) to drop the specific requirement that the termination information be presented in a print size two fonts larger and instead will accept PECO's suggestion and go with a more general requirement that the information be "prominently displayed." This will allow the flexibility needed to accommodate different utility capabilities. We also agree with PGW that the language should be revised to make the termination threat clearer and more direct by restoring the phrase "service will be terminated" to this section instead of the vaguer phrase "the utility will commence termination action." We will also omit reference to "informal dispute settlement agreement" per the comments submitted concerning § 56.2 and our response to those comments.

We will also delete the language in paragraph (4) requiring the customer to file informally with the Commission within 10 days. The Bureau of Consumer Services has never enforced this provision. Practically, the Bureau is unable to enforce such a standard because at the time of filing, the Bureau has no way of knowing when the customer received their utility report from a utility.

§ 56.391. Informal complaint filing procedures.

Allegheny Power suggests that the date the complainant contacted the utility and the results of that contact be added to § 56.162 as to support similar requirements at § 56.166 and Section

1410(1).

Columbia suggests that to ensure that accurate information is being provided not only to Columbia, but to the Commission, proposed Section §56.163 should be amended to include provisions that would require complainants, upon filing an informal complaint, to provide the date the complainant contacted the utility company about the dispute, and occupant information, including the number and age of all occupants in the home, household income and the names listed on the mortgage, lease or deed of the property.

NFG suggests adding to the information that must be included in an informal complaint a statement or verification that the complainant has contacted the public utility regarding the subject matter of this complaint per Section 1410(1). NFG notes that proposed §56.166 includes this statutory requirement.

Discussion:

We decline to revise § 56.391 as suggested by Allegheny Power and NFG to make it reflect more explicitly the requirements of Section 1410(1). While we agreed with this request as it relates to § 56.162, imposing this stricter Chapter 14 provision to § 56.391 would not be appropriate because this section is intended for customers and utilities exempt from Chapter 14. We also think Columbia's suggestions go too far in asking for household income and occupant names and ages, etc. This information is entirely irrelevant to many types of informal complaints, such as those involving service issues and billing problems. It is also information that many individuals consider private and requiring the disclosure of such might discourage the filing of informal complaints when the information is of no relevance. This is also especially sensitive information for a victim with a Protection From Abuse order.

§ 56.392. Commission informal complaint procedure.

Allegheny Power recommends that language be added to this provision requiring that informal complaints be closed by the Commission within a 3-month period as this would improve efficiency and prevent delinquency monies from accumulating. Allegheny Power generally agrees with the 30-day response time standard, but is concerned with the 5-day standard for off cases as it may be unattainable and perhaps discriminatory.

Duquesne does not object to the 5-day standard, but recommends that it be specifically applied to instances where a customer has been terminated for nonpayment. Duquesne also suggests that the 5-day period should also apply to the Commission when issuing decisions in such cases. In addition, Duquesne requests that the Commission reconsider its interpretation of § 1405(d) because they fail to see the benefit of establishing multiple payment agreements for customers

who have defaulted from a previous payment agreement.

PECO is cognizant of the health and safety issues involved in cases where a customer's service is off and that the utilities, through their complaint handling and collection policies can have a significant influence on complaint volume. But PECO points out that customers also have significant influence with respect to their own complaints and some simply wait until service is actually terminated until taking action. PECO has experience trying to implement the proposed five-day response standard and has found it very difficult to do so, - especially a concern if it is five "calendar" days. PECO requests the time period be extended to 10 days. PPL and Phillips suggest clarifying that the five days be specified as "business" days.

Columbia, Equitable, NFG, PGW and PULP all request a time deadline for BCS to respond to informal complaints. Columbia supports the proposed requirement that requires the utility to provide information to the Commission within five days of the request for information where a complainant is without utility service. In return, Columbia respectfully asks that the Commission expedite the closing of these cases, including complaints involving an applicant who is denied service. According to Columbia, delays in closing complaint cases negatively impact collection efforts and contribute to increased delinquencies thereby making it more difficult for the customer to pay the bill once the case is resolved. Moreover, when BCS holds individual CAP disputes for months without resolution, the result is a *de facto* "payment arrangement" in violation of § 1405(c). Columbia believes that since the Commission cannot establish a payment agreement for a CAP account, the BCS should be prohibited from accepting inability to pay informal complaints from CAP customers.

Equitable agrees with the Commission that it is in the customer's best interest to resolve complaint issues within the shortest possible timeframe. Equitable, therefore, recommends changing the utility response requirement to 10 days when service is off and within 30 days for other complaints and requiring the BCS to issue a decision within 30 days for service off complaints and within 90 days for all other complaints.

Similarly, NFG requests that the Commission should consider adding a requirement to § 56.163(1) that would mandate a timeframe for BCS to respond to an informal complaint.

PGW also believes that Commission staff should have a 90-day response time imposed on its issuance of informal decisions; 15 days when the customer's service is off. In addition, PGW states that the failure of Commission staff to issue decisions likely violates Chapter 14 because the Commission is not authorized to establish second or subsequent payment agreements.

EAP believes that the proposed regulations contained in §56.140 through §56.181 could result in an increase in receivables and an increase in utility rates.

EAP agrees that the Commission has the authority to codify or specify utility response times. However, in the spirit of promoting cooperation and improving processes and efficiency, EAP contends that it is not unreasonable for the Commission, like courts, to expeditiously process cases. EAP believes that § 56.163 should be amended to require the BCS to address a customer complaint within 30 days of receipt of the utility data. PAWC notes that it is unclear as to when the staff will actually mark the informal complaint as closed - the time the parties sign the settlement or upon confirmation by all parties?

Action Alliance agrees with the Commission's proposal to require a response to the informal complaint from the utility within 30 days, and that the deadline should be five days when the complainant is without service. However, in emergency situations, including wintertime complaints involving loss of heat, Action Alliance urges the Commission to adopt a 24 hour standard, initially recommended by the OCA. Action Alliance also notes that the Commission has reconsidered its original proposals concerning the handling of CAP-related payment agreements and accounts where service has been terminated, and now refers those issues to be addressed in Commission internal procedures that are developed under § 56.211 (now proposed § 56.166).

PULP requests that the Commission clarify the timeframe by which an informal complaint decision must be issued by the Bureau of Consumer Services. Currently, PULP states that the only guideline in the regulations is that Commission staff will issue a decision on informal complaints in a "reasonable period of time."

IRRC notes that the formatting for § 56.163 (2), as published in the *Pennsylvania Bulletin,* is unclear because the reader cannot tell what language is being deleted and what language is being added. IRRC questions whether any parties have to sign the settlement agreement.

Discussion:

In §56.163 and § 56.392, the Commission, for the first time in Chapter 56, is proposing timeframes for utilities to respond to informal complaints filed with the Bureau of Consumer Services. This is intended to facilitate the handling of informal complaints and to also bring the gas, electric and water industries under informal complaint procedures similar to those in the telecommunications industry. The telecommunications industry has long been under a 30-day response standard per § 64.153(1):

> (1) Review techniques. Review shall be by appropriate means, including LEC written summaries, telephone calls, conferences, written statements, research, inquiry and investigation. Procedures shall be designed to insure a fair and reasonable opportunity to present pertinent evidence and to challenge evidence submitted by the other party to the dispute. Information and documents requested by Commission staff as part of the review process shall be provided by the LEC *within 30 days* of the request. (emphasis added)

We believe the 30-day time period has worked effectively with informal complaints relating to telecommunications and is a reasonable period of time that balances the needs of the Commission, the complainant and the utility. We also note that the timeframe for a utility in addressing the consumer's complaint is actually longer than 30 days, and is in fact at least 60 days. We have to assume that the complainant first contacted the utility with their complaint because this is required by Section 1410(1) and §§ 56.162, 56.166 and 56.391. Upon that contact, the utility has 30 days to address the consumer's issue per § 56.151(5) and § 56.381. The consumer then has the option of filing an informal complaint with the Commission. The utility then has an additional 30 days to submit a report on the matter to the Commission. This totals at least 60 days since the initiation of the dispute for the utility to respond to the Commission.

We also note that no party voiced an outright rejection of the proposed 30-day response period. Admittedly, the 5-day response period proposed for informal complaints where the customer is without utility service or other emergencies did raise some concerns. We still believe that given the inherent public health and safety issues involved in such complaints, a 5-day response time is not unreasonable. However, we believe PECO, PPL and Phillips have a valid point and will revise the proposal to specify that the 5-day time period refers to "business days" as opposed to "calendar days." This should allow some of the flexibility requested by utilities while still securing urgent information within a reasonable time. We also reject the arguments of Duquesne and Allegheny Power that the 5-day timeframe is "discriminatory" in that it favors one group of complainants over others. Whatever discrimination this presents is of secondary concern to the public health and safety issues involved. We also reject the suggestion of Action Alliance of changing the 5-day standard to 24 hours as posing too great a burden on utilities. However, we point out that the Commission reserves the right it has always had of requiring information in a shorter time period for specific cases where the circumstances warrant.

Duquesne, Columbia, Equitable, NFG, PGW, EAP and PULP suggested that the Commission impose timeframes on the Commission for handling informal complaints. We understand the frustrations of both utilities and consumers with complaints that may be open and pending for an extended period of time. However, we also note that most complaints are not open for an excessive period of time, and that the results of customer feedback surveys indicate that 82% of customers who file informal complaints felt that the Bureau of Consumer Services handled their complaint either "very quickly" or "fairly quickly" (2007 Utility Consumer Activities Report and Evaluation, page 2). Regardless, we decline to codify an informal case-handling timeframe for several reasons.

As we have already noted, we believe that matters such as these are best left to internal Commission procedures as provided for in § 56.166. Codifying such timeframes is problematic because the Commission has no control over the volume of complaints filed with the agency. In reality, the utilities, by their actions and policies, have more control over this volume than the

Commission will ever have. A utility, exercising its management discretion, can manipulate its collection efforts in ways that can both increase and decrease customer complaints. This volume can fluctuate significantly and unpredictably. For example, during the months of January through April 2009, a single electric utility increased the number of customers it terminated service to by 121% over the same period the previous year. This large increase in termination activity in turn led to an increase in informal complaints to the Commission. This is especially a concern in the future as rate caps are removed from the electric industry and the resulting rate increases generate both billing complaints and ability-to-pay complaints. It is the Commission's experience that the number of informal complaints can more than double when an electric utility's rate cap is removed.

We must also note that utilities can help minimize the number of complaints to the Commission through effective customer service practices and adherence to the regulations. The suggestion that a 30-day limit be placed on the Commission as to align it with the 30-day limit on responses we propose placing on utilities is based on an erroneous analogy. As we discussed above, the time utilities have to respond to complaints is actually 60 days; the 30 days in response to the customer's initial complaint to the utility and the additional 30 days they have to respond to the informal Commission complaint.

On a related issue, we must respond to EAP's concerns with accounts unreceivables that supposedly accumulate while an informal complaint is pending at the Commission by pointing out that Section 1410 and §§ 56.141, 56.151(1), 56.372 and 56.381 specify that the complainant is only excused from paying *disputed* bills while a dispute is pending. The complainant remains responsible for payment of all other charges, and the utility should be pursuing normal collection action, including termination of service if necessary, on undisputed bills. Failure to do so is not the fault of the Commission, but of the utility that lets undisputed bills accumulate.

Columbia suggests that the Commission be prohibited from accepting inability-to-pay informal complaints from CAP customers. In keeping with the Section 1405(c) prohibition on the Commission making payment agreements with CAP customers, the Commission, per its internal procedures, does turn away CAP complainants whose only issue is an ability-to-pay problem. The Commission has also previously addressed this issue on pages 34-35 of the second *Chapter 14 Implementation* Order, M-00041802F0002, (September 9, 2005):

> "All parties agree that Chapter 14 at §1405(c) prohibits the Commission from establishing payment agreements for customers participating in a company CAP. Some parties correctly note that CAP participants can seek Commission intervention for other legitimate reasons such as the following: complaints about the accuracy of meter readings; allegations that the customer's CAP budget was inappropriately increased; allegations that the customer has been charged a CAP rate which is not the appropriate one for a household with their income or type of service; allegations that the customer was improperly removed from CAP or that CAP eligibility was denied; allegations that

the customer has not been credited for all payments made, and complaints about the utility's application of payments including application of energy assistance grants.

These are disputes that are unrelated to the prohibition at §1405 (c) that the Commission not establish a payment agreement for CAP participants. Therefore, utilities are required to apply §56.141 in response to such disputes, i.e., utilities must place a "stay" on termination activity pending completion of the dispute pursuant to §56.141(2). Moreover, pursuant to §56.141(2), the complainant retains the obligation to pay undisputed amounts pending resolution of the dispute."

Once again we emphasize that a utility should be pursuing collection on undisputed bills while a dispute, even those involving CAP issues, is pending at the Commission. This should prevent the accumulation of additional arrearages on the account.

Concerning IRRC's questions about paragraph (2), this paragraph is intended to facilitate the settlement of informal complaints and is intended to reflect the practical realities of the informal complaint process. Since this is an informal process, it does not usually involve signed documents, sworn testimony, notarization, face-to-face meetings, etc. There are also inherent practical difficulties in obtaining signatures from complainants and utilities given that the Bureau of Consumer Services only has offices in Harrisburg and Philadelphia. It is expected that the changes to this paragraph will facilitate settlements, resulting in cost and time savings for all parties and the Commission. As proposed, paragraph (2) will read as follows:

(2) *Settlement.* Prior to the issuance of an informal decision, Commission staff may facilitate discussions between the parties in an effort to settle the dispute. If a settlement is reached, Commission staff shall confirm that all parties understand the terms of the settlement and mark the informal complaint as closed.

§ 56.393. Termination pending resolution of dispute.

PULP recommends that the Commission consider implementing some form of emergency expedited hearing in instances of public utility allegations of unauthorized use of utility service. PULP recognizes the Commission's concern that the unauthorized use of public utility service may place human life and personal property in harm's way. However, PULP also asks the Commission to recognize that utility companies do make mistakes, and when a utility mistakenly alleges a customer is engaging in unauthorized use and proceeds to terminate that customer's service without any substantive notice, that customer may face the same kinds of dangers to person and property that unauthorized use itself imposes. PULP believes that the Commission can rectify this problem by instituting expedited procedures that quickly allow a customer accused of unauthorized use to challenge the public utility's allegations, *e.g.,* hearing before an Administrative Law Judge within no more than 72 hours after the initiation of a complaint by the customer. Moreover, PULP submits that during the pendency of this procedure, the public utility

should be required to reconnect utility service. If the Commission does not support reconnecting service during the challenge to the utility's allegations, then PULP recommends that, at a minimum, the Commission should guarantee that its own processes occur within 24 hours of the complaint being filed.

Discussion:

While we understand the concerns expressed by PULP and that utility companies make mistakes, we believe codifying special procedures for handling allegations of unauthorized use would not be appropriate and that ordering service to be restored while such complaints are pending would be contrary to Section 1406(c). We agree that complaints where the complainant is without utility service should receive expedited attention and note that in § 56.392, we are proposing a five business day response period for utilities in responding to these informal complaints. Other than that, we believe the procedures for processing these complaints is best addressed using internal Commission procedures as provided for in §§ 56.166 and 56.441. We again remind utilities that the termination of service without notice is an extreme measure and should only be exercised when the utility is confident enough of the facts surrounding a situation and is sure they meet the grounds for immediate termination under Section 1406(c) and §§ 56.98 and 56.338.

We will also add language to this section to remind utilities and consumers that service can be terminated if the customer does not meet their obligation to pay undisputed bills while a dispute is pending, per § 56.181 and Section 1410(2).

§ 56.394. Conference procedures.

We will omit language requiring the parties be notified that providing false information may be punishable criminally because this kind of formality is not appropriate at the informal complaint level.

§ 56.402. Filing.

NFG opines that the proposed timeframe created for a party to request a review of a Bureau of Consumer Services decision by § 56.172(a) – (c) is entirely too long. The way the proposed language of these sections work would, in essence create a 50-day or longer "appeal" period for these decisions. A party would have 20 days to file a request for review (subsection a) then an additional 30 days to actually file a formal complaint form (subsection c). In NFG's opinion, this time period is too long and could lead to prejudice, stagnation of evidence or issues, and potential exacerbation of the issues that lead to the informal complaint. A total of thirty days from the date the BCS decision was issued is not unreasonable. NFG also believes that the

proposed language of § 56.172(2)(e) is inappropriate because if failing to request a review of a BCS decision within the timeframe established under this section does not prohibit the filing of a formal complaint regarding the same issue, the timeframes established in this section are irrelevant.

PGW believes that BCS decisions should be recognized as final and binding and except in the event of good cause shown, allowing the untimely filing of a formal complaint based upon the same complaint determined in a BCS decision undermines the finality and strength of a BCS decision.

Action Alliance does not oppose the proposed § 56.172 Formal Complaint filing deadline of 30 days following the mailing of Formal Complaint forms to the parties, so long as there is conspicuous notice to the parties of the deadline including language that explains that any automatic stay on the informal complaint decision can be lifted or waived, if the deadline is missed, and could result in termination of service.

Discussion:

This section recognizes that there is no legal bar to the filing of a review of a BCS decision after the 30 days after receiving a formal complaint form referred to in subsection (c). A party can file a formal complaint until the statute of limitations expires. The only bar and time limit to the filing of a formal Complaint (whether subsequent to a BCS proceeding or not) is the statute of limitations set forth in 66 Pa. C.S. § 3314. This section is in compliance with § 3314 and is not inconsistent with any provision in Chapter 14.

§ 56.403. Review from informal complaint decisions of the Bureau of Consumer Services.

PGW believes that in fairness to a complainant and respondent, this regulation should continue to provide that the Commission or administrative law judge will hold a hearing within a reasonable time period after the filing of an answer.

Action Alliance notes that the proposed § 56.173 appears to eliminate *de novo* review of BCS decisions. Action Alliance does not believe it was the Commission's intent to eliminate *de novo* review of informal complaints and suspects that it was a clerical error to delete the words "*de novo*" from the proposed regulations. However, if it was indeed the Commission's intent to eliminate *de novo* review, except for ability to pay proceedings, Action Alliance takes this opportunity to register opposition to such a proposal. Given the informal nature of this process, the record developed at the informal complaint level should not be used to prejudice the consumer at the Formal Complaint level.

PULP also states that it is unclear why the Commission proposes removing a requirement that appeals from informal complaints be heard de novo by an Administrative Law Judge or special agent. According to PULP, with the removal of this explicit requirement, the Commission opens the door for the possibility that complaints filed from BCS decisions are considered appeals from that decision. It is PULP's understanding that this is precisely what the removal of the words "Appeals from" and the substitution of the words "review of" was intended to avoid. In addition, this change conflicts with exactly what is proposed in ability to pay cases by the amended § 56.174(c).

PULP submits that to allow or even contemplate allowing the factual record developed during the informal complaint to be introduced into an appeal violates basic assumptions of a fair and balanced judicial process. By eliminating the requirement that appeals from informal complaints be heard de novo, the Commission runs the risk of undermining the credibility of the appeal process and seriously impeding the rights of customers.

Additionally, PULP opines, while many if not most residential customers approach the Commission without any legal counsel or representation, utility companies enjoy robust legal representation at every stage of the process. Moreover, PULP submits that the Commission represents on its web page that the informal complaint and the formal complaint are distinct procedures and advises customers to use the informal process because it is simpler and quicker and states that a BCS investigator will work as a mediator in the process. By having appeals heard de novo, PULP contends that the Commission guarantees that parties who approach the informal complaint in a more casual fashion are always given the opportunity in a formal complaint to more diligently and robustly develop their factual claims.

Discussion:

We agree with Action Alliance and PULP and the arguments they present that the appeals from informal complaints should be heard de novo by an Administrative Law Judge or special agent. This language also keeps this provision consistent with § 56.174(c)(ii). In addition, we agree with PGW that the phrase "hearings will be held within a reasonable time after the filing of an answer" should be retained since it is still contained in § 56.174(c). Therefore, to be consistent, this should be included. We also revised the language in this section so that it reflects current Commission practice and is consistent with Chapters 1 and 5.

§ 56.404. Ability to pay proceedings.

Allegheny Power and Columbia recommend that the time restrictions upon the Commission be reinstated as this would expedite the handling of complaints and prevent delinquent monies from accumulating. Columbia believes that the proposed regulations not only go beyond the

legislative mandate of Chapter 14 but, in removing timelines that facilitate the quick resolution of these matters, also risk placing undue delays in the formal complaint process.

FirstEnergy objects to § 56.174(c)(ii) which appears to presume that Bureau of Consumer Services documents relating to an informal complaint are admissible as evidence, when in fact it should be the other way around. These records, without the preparer of the documents participating in the proceeding as a witness, are simply hearsay and should not be admissible. If a party wishes to attempt to have such evidence admitted in the record, the party must offer an appropriate witness to do so.

NFG supports the addition of the language in proposed section (a) regarding assignment of ability to pay cases to a special agent but does not feel that the addition of language in proposed section (c) regarding what documentation shall be entered into evidence at a hearing is necessary or proper for a regulation. NFG believes that this is not the proper place for evidentiary rules and such rules are better left to the presiding officer to handle in a prehearing memorandum or otherwise.

Action Alliance notes that the Commission proposes to preserve *de novo* review in ability to pay proceedings, at § 56.174(c)(ii). Action Alliance believes that it is unclear why *de novo* review is preserved here and not in other types of cases.

PULP recommends that the Commission amend certain portions of § 56.174 which suffer from internal inconsistency and which undermine important consumer protections. Subsection (c) appears to establish the rule that BCS factual documents from an underlying informal complaint will be entered into the record of the formal complaint and only where a party makes a valid evidentiary objection will this rule be broken. On the other hand, subsection (c)(ii) seems to hold the opposite rule that cases will be heard de novo and only where parties so stipulate will facts from the underlying informal record be introduced. PULP recommends that the Commission clarify this situation by holding that all formal complaints, whether they involve ability to pay or not, shall be heard de novo. In addition, PULP strongly encourages the Commission to promulgate a rule requiring all administrative law judges, in situations where there are pro se litigants, to fully and completely describe to these litigants the ramifications of stipulating to the inclusion of the informal complaint's record in the formal complaint and to advise them of their right to object to such inclusion.

Discussion:

The language at § 56.174(7), post-hearing procedures, was eliminated since it is a repetition of what already exists in Chapters 1 and 5. These Commission deadlines are still in place and need not be repeated here. These hearings are intended to be de novo as indicated. However, stipulations as to facts are allowed as in most proceedings when the parties agree to facts.

§ 56.421. General rule.

PPL recommends revising the wording of this section requiring reconnection from "next working day" to "within 24 hours." PPL believes this modification will provide additional protection for consumers who have PFA orders and is consistent with the Commission's intent to exempt PFA holders from Chapter 14 while applying selected Chapter 14 provisions when the provisions provide enhanced consumer protections not found in the current Chapter 56. PPL also believes the first sentence of § 56.421(1) should be revised because the phrase "reasonable reconnection fee" is too vague. Utilities base reconnection fees in accordance with their Commission approved tariffs. PPL recommends the following language for the first sentence of § 56.421(1): "Full payment of an outstanding charge plus the reconnection fee specified in the utility's tariff on file with the Commission."

Duquesne disagrees that terminating the service of a customer who has paid the amount needed to avoid termination is an erroneous termination and asks that this language be stricken from §56.191(3)(b)(1).

Columbia agrees that the Commission's proposed § 56.191(b)(2) and § 56.191(c)(1) are consistent with Section 1407(b) and with the Chapter 14 objective to ensure that service remains available to all customers on reasonable terms and conditions. However, Columbia adds that unless a customer contacts the utility to provide payment receipt information, the utility will not be aware that a payment has been made. Absent such customer notification, utilities will not be made aware of when the 24-hour clock starts ticking. Columbia suggests that this issue can be addressed by amending proposed § 56.191(c)(2), so that a utility will be able to require that, upon making payment to restore service at a location designated under § 56.191(c)(1), the customer must contact the public utility and provide payment receipt information.

NFG requests that the proposed language "Erroneous terminations include instances when the grounds for termination were removed by the customer paying the amount needed to avoid termination prior to the termination of the service" should be removed because the Legislature in Section 1407(b)(1) did not feel it necessary to include the language and if the Legislature wanted to include specific instances in this language it could have easily done so. In addition, as written, NFG submits that the proposed language is ambiguous. NFG explains that it could be interpreted that the specified types of termination are the only erroneous terminations to which this language applies.

PGW opines that § 56.191(b)(1) should specify that a termination should be considered erroneous if the payment was made prior to the day of termination because the utility may not have the ability to determine if the customer has paid if they wait until the day of termination to

pay. Additionally, the regulation should establish a trigger for 24-hour restoration upon notification of the utility of a medical certificate or an erroneous termination. Concerning §56.191(c)(2)(iii) and (iv), PGW believes that a customer/applicant should have the option of paying an amount in excess of the statutory minimums towards an outstanding balance at restoration and that the word "may" should not be in place of "shall."

Phillips requests that the first sentence of § 56.191(b)(1) be revised to give the public utility time to recognize that a termination action it has taken is, in fact, erroneous before the 24-hour clock begins to run. Phillips believes that it is reasonable that a utility's good faith recognition of an erroneous termination may be delayed until, for example, after its receipt of a payment dropped at an off-site payment collection center is reported to the utility or after a customer calls in to explain circumstances which, if known prior to termination, would have stopped the termination process. Concerning § 56.191(c)(1), Phillips suggests adding a specific requirement that customers provide their utility with a copy of any current Protection From Abuse (PFA) order and that these regulations include either a summary of the ways in which victims with a Protection From Abuse (PFA) order can expect to receive different consideration from their utility or a reference to other resources in which such information is clearly presented. Phillips also believes that the language referring to fraud and theft at the end of § 56.191(d) serves only to confuse the meaning of the entire section. This could be read to preclude a utility from seeking recovery of an outstanding balance from a person who may have had a role in obtaining service illegally.

Action Alliance had requested that the Commission include in its regulation more expansive definitions of the words "payment agreements" and "defaulted" for Section 1407(c)(2)(i) purposes. In proposed § 56.191(c)(2), the Commission has indicated that neither a payment agreement intended to amortize a make-up bill under § 56.14 or an initial bill covering more than 60 days constitutes a "payment agreement" for Section 1407(c)(2)(i) purposes. In addition, Action Alliance notes that the Commission proposes that any defaults on a "payment agreement that has been paid in full" should not be considered a defaulted agreement for the purposes of Section 1407(c)(2)(i).

Action Alliance also believes that the Commission should list defaulted "invalid payment agreements," "extensions," "budget billing and budget billing true-ups," "medical certification equitable arrangements," and "customer assistance programs" as not being counted for Section 1407(c)(2)(i) purposes. Defaulted payment agreements of the prior named customer against the new customer who agrees to an assignment of liability of an outstanding balance at the service address should also not be included, because the newly named customer should be allowed a reasonable chance to fulfill his/her own payment agreement opportunities. In the event that the Commission does not choose to expand on the enumerated instances, Action Alliance requests that it should consider specifying that the enumerated instances do not represent a comprehensive list of all defaults that might be excluded.

The OCA recommends adding language indicating that utilities should restore service promptly and that the restoration timeframes provided are the longest time period allowed.

PULP supports the Commission's clarification in § 56.191(c)(2)(i) of what constitutes a payment agreement. This added section clarifies that there are certain types of arrangements which do not qualify as a payment agreement for purposes of calculating the requisite level of payment to effectuate restoration. PULP submits that §56.191(c)(2)(i) requires clarification since the possibility exists that it may be interpreted to preclude a customer from a payment agreement who has previously defaulted on a payment agreement but cured the default prior to termination. PULP requests that the Commission clarify this subparagraph by specifically stating that when a customer cures a default on a payment agreement, by bringing the payment agreement current prior to termination, the default that has been cured should not be counted as a "defaulted" payment agreement for Section 1407(c)(2)(i) purposes.

Discussion:

First, we are changing the title of this section to "Payment and timing" since "General rule" inadequately describes the important contents of this section.

Because of the obvious public health and safety issues involved, the rules governing the restoration of previously terminated service must be carefully considered. We disagree with Allegheny Power's and FirstEnergy's objection to our proposed language at §56.191(c)(1) that requires a public utility to inform the applicant or customer that conditions for restoration may differ if someone in the household is a victim of domestic violence with a Protection From Abuse (PFA) order. It is clear that through Section 1417, the General Assembly intended that the reconnection rules in Section 1407(c), along with the rest of Chapter 14, do not apply to individuals covered by a PFA order. Providing this information is the only sensible way to implement the General Assembly's intent since it is unlikely that customers will be aware of Section 1417 and it is nonsensical to think that a consumer will voluntarily provide this information without any prompting. For similar reasons, we agree with PULP that in addition to PFA information, medical certificate information should also be provided. Again, to effectively implement this provision, consumers must be made aware of this protection since we cannot realistically rely on consumers voluntarily providing medical information unsolicited. In keeping with our intent to provide victims of domestic violence with a PFA order all the protections provided other customers, we will add to §56.421 language that requires the utility to provide information on medical certificates and PFA orders. We will also include language from Section 1407(c)(2)(iii) that allows an eligible customer to have service restored upon entry into PGW's customer assistance program.

We agree with PPL's recommendation to revise the wording of this section requiring reconnection from "next working day" to "within 24 hours" as this modification will provide

additional protection for consumers who have PFA orders and is consistent with the Commission's intent to exempt PFA holders from Chapter 14 while applying selected Chapter 14 provisions when the provisions provide enhanced consumer protections not found in the current Chapter 56. For this same reason, we will incorporate the requirements of Section 1407(c)(2)(iii) that specifies that a customer of a city natural gas distribution operation whose household income does not exceed 135% of the federal poverty level shall be restored upon enrollment in the utility's assistance program.

We also agree with PPL that the first sentence of § 56.421(1) should be revised because the phrase "reasonable reconnection fee" is too vague. As PPL points out, utilities base reconnection fees in accordance with their Commission approved tariffs and as such we will revise the language to reflect this suggestion.

Duquesne and NFG object to the proposed language in § 56.191 that specifies that "Erroneous terminations include instances when the grounds for termination were removed by the customer paying the amount needed to avoid termination prior to the termination of service," while PGW asks that the sentence be modified to specify that the termination is erroneous only if the payment was made prior to the day of termination. In section 1407(b)(1), the General Assembly specified a 24-hour timeframe for restoring service that was terminated erroneously, without specifying what makes a termination "erroneous." As such, we believe that it is appropriate to offer some guidance in the regulation as to what constitutes an erroneous termination, thus triggering the restoration of service. If a customer has paid the amount of money needed to avoid the termination of service then the grounds for the termination have been removed, making a termination of service in such an instance erroneous. We are specifying this particular kind of situation since it is likely one of the more common scenarios resulting in an erroneous termination and we believe it is important that everyone be aware of our position on this issue. It is not our intent to limit situations that are considered erroneous terminations to just these kinds of circumstances and note that the sentence in question specifies that "Erroneous terminations include…" to connote that other scenarios are possible.

Columbia, PGW and Phillips suggest that language be added addressing what triggers the timeframe in § 56.421, such as the customer notifying the company of an erroneous termination and/or a requirement that customers contact the utility after posting a payment. We decline to add language as suggested since the provision appears to provide sufficient guidance in that the timeframes are triggered. While a utility can enlist a customer's assistance in helping to bring erroneous terminations to the utility's attention as quickly as possible by requesting customers notify the utility after posting a payment, we decline to make this a condition, or suggest that a utility has no obligation to correct such errors until they hear from the affected customer.

Action Alliance and PULP ask us to expand upon the situations that a utility should not consider a defaulted payment agreement when applying these provisions of §56.191(c)(2)(i). § 56.421(2)

has a similar provision, which is also found in the current § 56.191. These parties believe that this was intended to remind everyone that *payment agreement* is defined at § 56.252 and as such excludes some situations that some parties may have traditionally viewed as payment agreements. Because the definition specifies that it applies to "...billed service..." this would exclude amortization agreements on make-up bills entered into under §56.264 and § 56.252 (definition of billing month) since these agreements involve only previously "unbilled" service. We agree with Action Alliance and PULP that the same reasoning could also be applied to budget billing agreements and amortization of budget billing reconciliation amounts, and we will add this guidance to subparagraph (2). However, we disagree with these two parties when they ask to also specify that payment agreements that defaulted, but were subsequently brought current, not be counted as a default. We believe this would be difficult for utilities to administer. While these parties are correct in that a customer may indeed cure a default to eliminate the grounds for termination (see § 56.337) this does not alter the fact that the agreement was in default status at some point. Action Alliance also requests us to include medical certificate arrangements and customer assistance programs to this paragraph. We believe it is not necessary to include medical certificate arrangements because we have proposed revising § 56.356 to eliminate medical certificate arrangements (to be replaced with an obligation to pay current bills) and that we do not have to mention customer assistance programs because it is understood that payment agreements and customer assistance programs are two different things that are defined separately and distinctly in Section 1403 and our proposed §§ 56.2 and 56.252.

Finally, as per our discussion in relation to §§56.2 and 56.252, we will omit references to "informal dispute settlement agreements" from this section. This term has been omitted from the definitions section of these regulations and we shall likewise omit the term from this specific regulation.

§ 56.422. Personnel available to restore service.

PGW objects to including in § 56.192 any additional limitations other than those specifically mentioned in § 1406(d).

Discussion:

Leaving aside the fact that § 56.422 is intended for customers and utilities that are exempt from Chapter 14, we disagree with PGW that this section conflicts with Section 1406(d). This longstanding section merely reminds the utility of their obligation to have sufficient personnel available to meet the statutory and regulatory requirements concerning the restoration of service.

§ 56.431. Public information.

PPL recommends that the Commission include a link to the rights and responsibilities booklet on the utility's website and delete the reference to the operation of fuel adjustment clauses for electric distribution companies.

NFG objects to the proposed language in sentence (13) "Information indicating that additional consumer protections are available for victims of domestic violence" because it is misleading as the non-applicability language of Section 1417 specifically refers to "victims under a Protection From Abuse order as provided by 23 Pa. C.S. Ch. 61." There is a potential legal difference between such an individual and "victims of domestic violence." This difference could lead to potentially exploitable confusion. In addition, NFG opines that Chapter 14 does not actually provide any "additional consumer protections" for victims under a Protection From Abuse order. Rather, Chapter 14 does not apply to these individuals.

Action Alliance supports the Commission's proposed language at § 56.91 (b)(17) and §56.331(b)(13) requiring that termination notices include information in, not only the Spanish language, but also "in other languages when census data indicates a significant population using that language resides in the public utility's service territory." Action Alliance requests that a similar provision for other languages also be included in § 56.201 and § 56.431.

PULP supports the Commission's requirement that utilities must publicize changes to the regulations in Chapter 56. PULP asks that the Commission expand § 56.201(13) so that it more fully covers specially identified fragile populations such as people with serious illness or chronic medical conditions, and low-income households.

Discussion:

We agree with PPL that providing and making available this important information via electronic methods has many benefits for both consumers and utilities. This information will be more accessible and always available for consumers, and utilities will save money in the dissemination of this information. We will revise this section to permit the electronic posting of this information on utility websites and dispense with the requirement that written copies be physically mailed to all new customers. Written copies will only be required to be mailed if the customer specifically requests such, as to accommodate consumers that do not have easy access to the internet. This will result in significant cost savings for utilities, while keeping this information readily available to consumers. We also agree with PPL that information on the fuel adjustment charge for electric utilities should no longer be included.

We disagree with NFG's objection to providing Protection From Abuse (PFA) information (line 13) and agree with PPL that this information should be provided. The General Assembly, in Section 1417, clearly intended a customers with a PFA to have a different level of protection from other consumers. It is very unlikely that consumers will know of this provision unless they

are informed of it. However, we agree that it would not be appropriate to itemize or promise specific protections in the "Rights and Responsibilities" booklet. We will tweak the language of the phrase to replace "*are* available" to "*may be* available" as to avoid over-stating the protections available because depending on the situation, a PFA may not always be relevant. We also agree with PULP that line (13) should mention that additional protections may be available for those with serious medical conditions and low-income consumers.

We agree with Action Alliance that this information should be made available in Spanish, but decline to place this obligation on utilities. It will simpler and much more cost effective to have the Commission develop a Spanish-language version and make it available on the Commission's website. Utilities could link to this Commission document and thus make it readily available to consumers. This will be far more cost effective than requiring each utility to develop their own Spanish version. If other languages are desired, the Commission can always be asked to make other versions available as well.

§ 56.432. Record maintenance.

Discussion:

In response to the comments submitted relative to § 56.2, definition of informal dispute settlement agreements, we will delete reference to these in this section. We will also insert the word "accessible" in this section since the important thing is that the records need to be accessible somewhere within this Commonwealth; not necessarily that the records are physically located here. This is keeping with our intent to modernize these regulations as to accommodate technological advances, including advances in record retention and access.

§56.452. Applications for modification or exception.

Again, to keep these regulations adaptable to technological advances, we are inserting language in this section as to accommodate the possibility of waivers of these regulations if a technological advance allows a augmented level of customer service. We note that the utility would be compelled to demonstrate in their waiver request how the technological advance would provide a greater level of customer service.

§ 56.453. Inconsistent tariff provisions.

IRRC notes that subchapter U is titled "General Provisions," and contains chapters that discuss the availability of pursuing other Commission procedures not described in the Chapter, as well as permitted applications for modifications or temporary exemptions based on hardship. However,

§56.453 states that: "[a] tariff provision inconsistent with this chapter is deemed nonoperative and superseded by this chapter." IRRC raises an issue as to the Commission's statutory authority for this section and questions what is the need for this section, and how will the Commission implement it since the section says the inconsistent tariff provisions are simply "deemed" nonoperative.

Discussion:

Although there is precedent for this authority, the provision is a reflection of current case law that may change, and may, therefore, not be necessary to codify. As a general proposition, a tariff that is inconsistent with the requirements of Commission regulations will not withstand judicial scrutiny. *See e.g. Pennsylvania Public Utility Commission v. Terry*, 368A.2d 1362 (Pa. Cmwlth Ct, 1977).

Appendices A and B:

Equitable suggests revising appendix B to reflect plain language wording: Let us know if someone living in your home is seriously ill or has a medical condition. WE WILL RESTORE YOUR SERVICE provided you: 1) Have your licensed physician or nurse practitioner certify by phone and in writing that such an illness exists and that it may be aggravated if your service is not restored. AND 2) Make arrangements to pay this bill. You must provide us with household income and occupant information to determine your payment terms while protected under the medical certification.

PGW suggests revising Appendices A and B that only a physician can certify a medical condition in writing.

Discussion:

We find some merit in Equitable's suggestion to revise this section to reflect plain language wording. However, we must decline Equitable's suggested language regarding payment arrangements since this could be viewed as a Commission-ordered payment agreement which might conflict with the restrictions on the number of payment agreements the Commission can order under Section 1405(d). Instead, we will revise the language to reflect the revisions we made to §§ 56.116 and 56.356 that require the customer to pay current, undisputed bills while under the protection of a medical certificate. We also reject PGW's suggestion to limit the language to physicians since Section 1406(f) includes both licensed physicians and nurse practitioners and for reasons discussed relative to §§ 56.111 – 56.118. However, we will include the requirement that the customer obtain a letter from a licensed physician within seven days verifying the condition.

ATTACHMENT TWO:

CHAPTER 56 SECTIONS WITH SIGNIFICANT REVISIONS TO THE NOPR PROPOSAL.

L-00060182

§ 56.2. Definition of Billing Month:

(IV) BILLS FOR LESS THAN 26 DAYS OR MORE THAN 35 DAYS SHALL BE PERMITTED IF THEY RESULT FROM A METER READING ROUTE CHANGE INITIATED BY THE PUBLIC UTILITY. THE PUBLIC UTILITY SHALL INFORMALLY CONTACT THE DIRECTOR OF THE BUREAU OF CONSUMER SERVICES AT LEAST 30 DAYS PRIOR TO THE REROUTING AND PROVIDE INFORMATION AS TO WHEN THE BILLING WILL OCCUR, THE NUMBER OF CUSTOMERS AFFECTED AND A GENERAL DESCRIPTION OF THE GEOGRAPHIC AREA INVOLVED. IF A BILL RESULTING FROM A METER RE-ROUTING EXCEEDS 60 DAYS THE CUSTOMER SHALL BE GIVEN THE OPPORTUNITY TO AMORTIZE THE AMOUNT OVER A PERIOD EQUAL TO THE PERIOD COVERED BY THE BILL WITHOUT PENALTY.

- **This language was added to permit utilities to perform routine meter route changes without having the expense or bother of filing petitions with the Commission for permission to do so.**

§ 56.2. Definition of Household Income:

(i) The combined gross income of all adults in a residential household who benefit from the public utility service.

(ii) The term does not include ~~income intended for the use of a minor. Examples of a minor's income include Social Security, child support, SSI, earnings and grants from the Department of Public Welfare~~ WAGE EARNINGS OF A MINOR OR GOVERNMENT BENEFITS THAT ARE RECEIVED WHOLLY IN THE NAME OF A MINOR.

- **Proposed language was deleted to address concerns that the NOPR proposal was too restrictive and would have unintended impacts on universal service programs.**

§ 56.2. Definition of Informal dispute settlement agreement:

~~*Informal dispute settlement agreements* - A mutually agreeable statement of a claim or dispute by a customer or applicant including a proposed resolution of the claim or dispute. An informal dispute settlement agreement is a written document that is provided to the parties or their representatives. An informal dispute settlement agreement offered by a utility must contain the following statement: "If you are not satisfied with this agreement, immediately notify the utility~~

~~that you are not satisfied. You may file either an informal complaint or a formal complaint before the Public Utility Commission without making yourself subject to retaliation by the Utility." The informal dispute settlement agreement must also contain the information necessary to contact the Commission either in writing or by telephone.~~

- **This definition is being removed in response to numerous negative comments that this NOPR proposal was unnecessary and confusing.**

§ 56.11. Billing frequency.

(a) A public utility shall render a bill once every billing period to every residential [ratepayer] customer in accordance with approved rate schedules.

(b) A public utility may utilize electronic billing in lieu of mailed paper bills. Electronic billing programs must include the following requirements:

(1) The electronic billing option is voluntary ~~and the customer retains the option of continuing to receive a paper bill if desired~~ AND ONLY WITH THE PRIOR CONSENT OF THE CUSTOMER. The customer retains the right to revert to conventional paper billings upon request. The customer shall provide the public utility with a 1 ~~month~~ BILLING CYCLE notice of a request to revert to paper billing.

(2) A customer shall receive ~~a visual presentation of an electronic bill in the same format as the~~ THE SAME INFORMATION THAT IS INCLUDED WITH A paper bill issued by the public utility.

(3) The electronic bill must include the same disclosures and ~~required~~ educational messages that are required for paper bills. The electronic transmission of termination notices may not be permitted UNLESS THE CUSTOMER HAS AFFIRMATIVELY CONSENTED TO THIS METHOD OF DELIVERY. THE ELECTRONIC DELIVERY OF A TERMINATION NOTICE DOES NOT RELIEVE THE PUBLIC UTILITY OF THE OBLIGATION TO PROVIDE TERMINATION NOTICES AS REQUIRED BY §§ 56.91 – 56.98.

(4) The electronic bill must include required bill inserts in an easily accessed and easily readable format.

(5) The electronic bill must include the option for the customer to contribute to the public utility's hardship fund IF THE UTILITY IS ABLE TO ACCEPT HARDSHIP FUND CONTRIBUTIONS BY THIS METHOD.

(6) A customer may not be required to pay an additional fee to receive an electronic bill.

(7) The public utility shall maintain a system to ~~ensure delivery of~~ DELIVER electronic bills if the bill is emailed to a customer.

(8) The public utility shall ~~maintain sufficient system security to assure customer privacy~~ EMPLOY ALL REASONABLE MEASURES TO PROTECT CUSTOMER INFORMATION FROM UNAUTHORIZED DISCLOSURE AND TO PREVENT ACCESS TO CUSTOMER ACCOUNT RECORDS BY PERSONS WHO ARE NOT PROPERLY AUTHORIZED TO HAVE SUCH ACCESS.

- **This section is being revised to eliminate the requirement that utilities provide both hard copy *and* electronic bills to a customer if customer requests. This was seen as unnecessary and costly. Paragraph 2 was also revised to loosen the formatting requirements as to give utility greater flexibility in formatting electronic bills.**

§ 56.12. Meter reading; estimated billing; [ratepayer] customer readings.

(7) [*Equal monthly*] *Budget billing*. A gas, electric and steam heating PUBLIC utility shall provide its residential [ratepayers] customers, on a year-round rolling enrollment basis, with an optional billing procedure which averages estimated public utility service costs over a 10-month, 11-month or 12-month period to eliminate, to the extent possible, seasonal fluctuations in utility bills. The public utility shall review accounts at least three times during the optional billing period. AT THE CONCLUSION OF THE BUDGET BILLING YEAR, A resulting reconciliation amount exceeding ~~$25~~ 100 BUT LESS THAN $300 shall be, AT THE REQUEST OF THE CUSTOMER, amortized over a ~~3—12~~ 6-month period. RECONCILIATION AMOUNTS EXCEEDING $300 SHALL BE AMORTIZED OVER AT LEAST A 12-MONTH PERIOD AT THE REQUEST OF THE CUSTOMER. SHORTER AMORTIZATION PERIODS ARE PERMISSIBLE AT THE REQUEST OF THE CUSTOMER. ~~Payment agreements for heating customers shall be based upon equal monthly billing.~~

- **The amortization requirement was made less burdensome for the utility by making the circumstances under which it is required more restrictive. Amortization timeframes were also shortened, and is required only at the request of the customer.**

§ 56.22. Accrual of late payment charges.

(d) A public utility may waive a late payment charge on any customer accounts. The Commission may direct the waiver of late payment charges for customers with a gross income less than or equal to 150% of the Federal poverty level. See 66 Pa.C.S. § 1409 (relating to late payment charge waiver). A PUBLIC UTILITY MAY WAIVE LATE PAYMENT CHARGES ON ANY CUSTOMER ACCOUNTS. THE COMMISSION MAY ONLY ORDER A WAIVER OF ANY LATE PAYMENT CHARGES LEVIED BY A PUBLIC UTILITY AS A RESULT OF A DELINQUENT ACCOUNT FOR CUSTOMERS WITH A GROSS MONTHLY HOUSEHOLD INCOME NOT EXCEEDING 150% OF THE FEDERAL POVERTY LEVEL. SEE PA C.S. § 1409 (RELATING TO LATE PAYMENT CHARGE WAIVER).

~~(e) Additional late payment charges may not be assessed on account balances once the account is no longer actively billed by the public utility.~~

- **The proposed paragraph (e) has been removed based on comments received that indicated the provision was confusing and not necessary. The original intent was to**

prevent a utility from imposing additional late charges on an account without issuing a bill for the charges.

§ 56.25. Electronic bill payment.

A public utility may offer electronic payment options. Electronic payment programs must include the following requirements:

(1) Electronic bill payment shall be voluntary and ~~may not be required in conjunction with electronic billing~~ A PUBLIC UTILITY MAY NOT REQUIRE A CUSTOMER TO ENROLL IN ELECTRONIC BILL PAYMENT AS A CONDITION FOR ENROLLING IN ELECTRONIC BILLING.

(2) For electronic bill payment through a charge to a customer's credit card or automatic withdrawal from a customer's ~~checking~~ FINANCIAL account, the program must set forth the date (or number of days after issuance of the bill) when the automatic payment shall be made.

(3) The terms of the payment procedures shall be fully disclosed to the customer in writing, EITHER BY MAIL OR ELECTRONICALLY before the customer enters the program. Program changes shall be conveyed to the customer in writing, EITHER BY MAIL OR ELECTRONICALLY and the customer shall be given an opportunity to withdraw from the program if the customer does not wish to continue under the new terms.

(4) The public utility shall provide a receipt, OR A CONFIRMATION, TRANSACTION OR REFERENCE NUMBER, either electronically or on paper, to the customer upon payment through the electronic method. THIS REQUIREMENT DOES NOT APPLY IF THE PAYMENT METHOD IS THROUGH A PRE-AUTHORIZED AUTOMATED DEBIT FROM A CUSTOMER'S FINANCIAL ACCOUNT.

(5) The public utility shall ~~maintain sufficient system security to protect customer information and access to customer accounts~~ EMPLOY ALL REASONABLE MEASURES TO PROTECT CUSTOMER INFORMATION FROM UNAUTHORIZED DISCLOSURE AND TO PREVENT ACCESS TO CUSTOMER ACCOUNT RECORDS BY PERSONS WHO ARE NOT PROPERLY AUTHORIZED TO HAVE SUCH ACCESS.

- **Paragraph (3) was revised to allow the electronic provision of terms and procedures to the customer instead of requiring them to be sent by mail. This should save on paper, printing, handling and postal costs.**

- **Paragraph (4) was revised to remove the receipt requirement in instances when the payment is automatically debited from a customer's account through a pre-authorized agreement. This was based on comments pointing out that these types of transactions have been going on for many years and that in these cases it is the financial institution that provides receipt and tracking information to the customer.**

§ 56.33. [Cash deposits; third] Third-party guarantors.

If an applicant does not establish [his] credit under § 56.32 (relating to [credit standards] security and cash deposits), the public utility shall provide residential service when one of the following requirements is satisfied:

* * * * *

(2) *Third-party guarantor.* [The applicant furnishes a written guarantee from a responsible ratepayer which, for the purposes of this section, shall mean a ratepayer who has or can establish credit, under § 56.32, to secure payment in an amount equal to that required for cash deposits.

(i) A guarantee shall be in writing and shall state the terms of the guarantee.

(ii) The guarantor shall be discharged when the applicant has met the terms and conditions which apply under §§ 56.52--56.57.]

This section does not preclude an applicant from furnishing a third-party guarantor in lieu of a cash deposit. The guaranty must be in writing and state the terms of the guaranty. The guarantor shall be responsible for all missed payments owed to the public utility. FOR THE PURPOSES OF THIS SECTION, THE GUARANTOR SHALL MEAN A THIRD-PARTY WHO HAS OR CAN ESTABLISH CREDIT, UNDER § 56.32 (RELATING TO SECURITY AND CASH DEPOSITS).

- **Paragraph (2) was revised to require that a third-party guarantor must be a party that can establish credit with the utility. This was based on comments pointing out that it is nonsensical to allow a party that cannot establish credit to guarantee another party's credit.**

§ 56.35. Payment of outstanding balance.

(a) A public utility may require, as a condition of the furnishing of residential service to an applicant, the payment of any outstanding residential account with the public utility which accrued within the past 4 years for which the applicant is legally responsible and for which the applicant was billed properly. [However, any such]

(b) A public utility may not require, as a condition of the furnishing of residential service, payment for residential service previously furnished under an account in the name of a person other than the applicant, EXCEPT AS PROVIDED FOR IN PARAGRAPHS (1) AND (2) OF THIS SECTION.

(1) A public utility may require the payment of an outstanding balance or portion of an outstanding balance if the applicant resided at the property for which service is requested during the time the outstanding balance accrued and for the time the applicant resided there, not exceeding 4 years FROM THE DATE OF THE SERVICE REQUEST. THE 4-YEAR LIMIT DOES NOT APPLY IF THE BALANCE INCLUDES AMOUNTS THAT THE UTILITY WAS NOT AWARE OF BECAUSE OF FRAUD OR THEFT ON THE PART OF THE APPLICANT.

(2) A public utility may establish that an applicant previously resided at a property for which residential service is requested through the use of mortgage, deed or lease information, a commercially available consumer credit reporting service or other methods approved as valid by

the Commission. PUBLIC UTILITIES MUST INCLUDE IN THEIR TARIFFS FILED WITH THE COMMISSION THE METHODS, OTHER THAN THOSE SPECIFICALLY MENTIONED IN THIS PARAGRAPH, USED TO DETERMINE THE APPLICANT'S LIABILITY FOR ANY OUTSTANDING BALANCE.

(3) ~~Public utilities shall include in their tariffs filed with the Commission the procedures and standards used to determine the applicant's liability for any outstanding balance~~. Any outstanding residential account with the public utility may be amortized [over a reasonable period of time. Factors to be taken into account include but are not limited to the size of the unpaid balance, the ability of the applicant to pay, the payment history of the applicant, and the length of time over which the bill accumulated. A utility may not require, as a condition of the furnishing of residential service, payment for residential service previously furnished under an account in the name of a person other than the applicant unless a court, district justice or administrative agency has determined that the applicant is legally obligated to pay for the service previously furnished. Examples of situations include a separated spouse or a cotenant] in accordance with § 56.191 (relating to ~~the general rule~~ PAYMENT AND TIMING).

(c) This section does not affect the creditor rights and remedies of a public utility otherwise permitted by law.

- **Paragraph (1) was revised to exempt from the four-year limit on assignments of liability any balances that accrued without the utility's knowledge because of theft or deception. Paragraphs (2) and (3) were revised to only require the tariffing of standards not specifically mentioned in this section.**

§ 56.37. General rule.

Once an applicant's application for service is accepted by the public utility, the public utility shall MAKE A BONA FIDE ATTEMPT TO provide service within 3 BUSINESS days, provided that the applicant has met all REGULATORY requirements. A BONA FIDE ATTEMPT TO PROVIDE SERVICE WITHIN 7 BUSINESS DAYS IS PERMISSIBLE IF STREET OR SIDEWALK DIGGING IS REQUIRED. A longer time frame is permissible with the consent of the applicant. If the investigation and determination of credit status is expected to take or in fact takes longer than 3 business days commencing the date after the application is made, the public utility shall provide service pending completion of the investigation. IF THE PUBLIC UTILITY CANNOT PROVIDE SERVICE BY THE TIMEFRAMES SPECIFIED BY THIS PARAGRAPH, THEY SHALL INFORM THE CUSTOMER OF THIS FACT AND PROVIDE A REASONABLE ESTIMATE OF WHEN SERVICE WILL BE PROVIDED. THESE REQUIREMENTS DO NOT APPLY TO NEW SERVICE INSTALLATIONS AND SERVICE EXTENSIONS THAT REQUIRE THE CONSTRUCTION OF FACILITIES TO PROVIDE THE PUBLIC UTILITY SERVICE.

- **This section was revised to make clearer that: only a bona fide attempt at providing service is required; that the 3-day limit refers to business days; that seven days is permissible if digging is required; and that none of these limits apply if the construction of facilities is involved. This was done based on utility comments**

asking for more clarity, and to bring the rule more into alignment with Section 1407(b).

§ 56.38. Payment period for deposits by applicants.

An applicant REQUIRED TO PAY A DEPOSIT UNDER THE PROVISIONS OF § 56.32 (RELATING TO SECURITY AND CASH DEPOSITS) may ~~elect to pay any required deposits in three installments: 50% payable upon the determination by the public utility that the deposit is required, 25% payable 30 days after the determination, and 25% payable 60 days after the determination.~~ BE REQUIRED BY THE PUBLIC UTILITY TO PAY THE DEPOSIT IN FULL PRIOR TO THE PROVISION OF PUBLIC UTILITY SERVICE. ~~A public utility shall advise an applicant of the option to pay the requested security deposit in installments at the time the deposit is requested.~~

- **This was a major revision that eliminated the "installment plan" for applicants paying deposits. Applicants paying deposits under § 56.32 must now pay the deposit in full prior to receiving service. While we believe the NOPR proposal was legally supportable, this revision is probably more supportable. However, it does sacrifice simplicity in that deposits now have different payment provisions, depending on the grounds for the deposit and whether the party is a *customer* or an *applicant*. See § 56.42.**

§ 56.42. Payment period for deposits BY CUSTOMERS .

(A) INITIAL DUE DATE. The due date for payment of a deposit other than a deposit required as a condition for the reconnection of service under § 56.41[(b)] (2) (relating to general rule) may not be less than 21 days from the date of mailing or service on the [ratepayer] customer of notification of the amount due.

(B) DELINQUENT ACCOUNT. A [ratepayer] customer PAYING A DEPOSIT UNDER § 56.41(1) (RELATING TO THE GENERAL RULE) may elect to pay a required deposit in three installments: 50% payable BILLED upon the determination by the public utility that the deposit is required, 25% payable BILLED 30 days after the determination and 25% payable BILLED 60 days after the determination. A customer paying a deposit based on the grounds in § 56.41(2) may be required to pay 50% as part of the conditions for restoration, with 25% payable 60 days later and 25% payable 90 days later. THE CUSTOMER MUST BE INFORMED OF THE OPTION TO PAY THE DEPOSIT IN THE INSTALLMENTS DESCRIBED IN THIS PARAGRAPH. THE CUSTOMER RETAINS THE OPTION TO PAY THE DEPOSIT AMOUNT IN FULL BEFORE THE DUE DATE.

(C) *RECONNECTION OF SERVICE.* A CUSTOMER PAYING A DEPOSIT FOR THE RECONNECTION OF SERVICE UNDER § 56.41(2) (RELATING TO THE GENERAL RULE) MAY BE REQUIRED TO PAY 50% PRIOR TO, AND AS A CONDITION OF, THE RECONNECTION OF SERVICE WITH 25% BILLED 30 DAYS AFTER RECONNECTION OF SERVICE AND 25% BILLED 60 DAYS AFTER THE RECONNECTION OF SERVICE.

THE CUSTOMER MUST BE INFORMED OF THE OPTION TO PAY THE DEPOSIT IN THE INSTALLMENTS DESCRIBED IN THIS PARAGRAPH. THE CUSTOMER RETAINS THE OPTION TO PAY THE DEPOSIT AMOUNT IN FULL BEFORE THE DUE DATE.

(D) *FAILURE TO COMPLY WITH A PAYMENT AGREEMENT.* A CUSTOMER PAYING A DEPOSIT UNDER § 56.41(3) (RELATING TO THE GENERAL RULE) MAY BE REQUIRED TO PAY THE DEPOSIT IN FULL UPON THE DETERMINATION OF THE UTILITY THAT A DEPOSIT IS REQUIRED.

- **As noted above in reference to § 56.38, this section was revised to clarify the differing deposit payment periods that are dependent on the grounds for the deposit. This was revised based on comments that insisted the NOPR proposal permitting "installment plans" in all situations was not legally supportable. See discussion relating to § 56.38.**

§ 56.51. Amount of cash deposit.

(a) *Applicants.* A public utility may [not] require a cash deposit [from an applicant in excess of the average estimated bill of the applicant for a period equal to one billing period plus 1 additional month's service, not to exceed 4 months in the case of water and sewage utilities and 2 months in the case of gas, electric and steam heat utilities, with a minimum deposit of $5] equal to 1/6 of the applicant's estimated annual bill CALCULATED ON THE BASIS OF THE ANNUAL BILL TO THE DWELLING AT WHICH SERVICE IS BEING REQUESTED FOR THE PRIOR 12 MONTHS, OR, IF UNAVAILABLE, A SIMILAR DWELLING IN CLOSE PROXIMITY. ~~under the following circumstances:~~

~~(1) An applicant who previously received utility distribution services and was a customer of the public utility and whose service was terminated for any of the following reasons:~~

~~(i) Nonpayment of an undisputed delinquent account.~~

~~(ii) Failure to complete payment of a deposit, provide a guarantee or establish credit.~~

~~(iii) Failure to permit access to meters, service connections or other property of the public utility for the purpose of replacement, maintenance, repair or meter reading.~~

~~(iv) Unauthorized use of the utility service delivered on or about the affected dwelling.~~

~~(v) Failure to comply with the material terms of a settlement or payment agreement.~~

~~(vi) Fraud or material misrepresentation of identity for the purpose of obtaining utility service.~~

~~(vii) Tampering with meters, including, but not limited to, bypassing a meter or removal of an automatic meter reading device or other public utility equipment.~~

~~(viii) Violating tariff provisions on file with the Commission to endanger the safety of a person or the integrity of the delivery system of the public utility.~~

~~(2) An applicant or customer who is unable to establish creditworthiness to the satisfaction of the public utility through the use of a generally accepted credit scoring methodology which employs standards for using the methodology that fall within the range of general industry practice.~~

~~(3) A customer who fails to comply with a material term or condition of a settlement or payment agreement.~~

(b) *City natural gas operation.* A city natural gas distribution operation may require a cash deposit from an applicant with a household income no greater than 300% of the Federal poverty level in an amount not in excess of 1/12 of the applicant's estimated annual bill. A city natural gas operation may require a cash deposit from an applicant with a household income level above 300% of the Federal poverty level in the amount of 1/6 of the applicant's estimated annual bill. An estimated annual bill shall be calculated on the basis of the annual bill to the dwelling at which service is being requested for the prior 12 months, or, if unavailable, a similar dwelling in close proximity.

(c) *Existing* [*ratepayers*] ***customers***. For an existing [ratepayer] **customer**, the cash deposit may not exceed the estimated charges for service based on the prior consumption of that [ratepayer] **customer** for the class of service involved for a period equal to one average billing period plus 1 average month, not to exceed 4 months in the case of water [and sewage] utilities and 2 months in the case of gas[,] and electric [and steam heat] utilities, with a minimum of $5.

[(c)] (d) *Adjustment of deposits*. The amount of a cash deposit may be adjusted at the request of the [ratepayer] customer or the public utility whenever the character or degree of the usage of the [ratepayer] customer has materially changed or when it is clearly established that the character or degree of service will materially change in the immediate future.

- **While the removed provisions of this section appear significant, in fact this is not a significant change to the regulation. This language was removed because, as comments pointed out, it was information not appropriate to this section in that this section concerns the amount of a deposit, not the grounds for such. Comments also pointed out that this language was superfluous information in that these requirements are found elsewhere (see § 56.32).**

§ 56.72. ~~Discontinuation~~ DISCONTINUANCE of service.

A public utility may discontinue service without prior written notice under the following circumstances:

(1) [*Ratepayer's*] *Customer's residence.* When a [ratepayer] customer requests a discontinuance at ~~his~~ THE CUSTOMER'S residence, when the [ratepayer] customer and members of ~~his~~ THE CUSTOMER'S household are the only occupants. ~~If the account is listed in multiple customer names and the public utility receives a request for discontinuance from just one or more of the customers listed, but not all the customers listed, the customer requesting discontinuance shall state that all the occupants meeting the definition of customer consent to the cessation of service. If consent is not provided, the public utility, at least 3 days prior to the proposed discontinuance, shall conspicuously post notice of termination at the affected premises.~~

- **The language in paragraph (1) was proposed to address situations where discontinuance is requested for an account that is in multiple names (something that may occur more frequently with Chapter 14 liability rules). However, based on a review of the comments, handling these situations is probably best left to the management discretion of the utility. Many different scenarios are possible and creating regulations that would address most of these could be unwieldy and possibly unworkable.**

§ 56.91. General notice provisions and contents of termination notice.

(a) Prior to [a termination of service, the utility shall mail or deliver written notice to the ratepayer at least 10 days prior to the date of the proposed termination] terminating service for grounds authorized by § 56.81 (relating to authorized termination of service), a public utility shall provide written notice of the termination to the customer at least 10 days prior to the date of the proposed termination. The termination notice ~~must~~ SHALL remain effective for 60 days. In the event of [any taking or acceptance of utility service without the knowledge or approval of the utility, other than unauthorized use of service] A user without contract as defined in § 56.2 (relating to definitions), the public utility shall comply with §§ 56.93--56.97, but need not ~~otherwise~~ provide notice 10 days prior to termination.

(b) A notice of termination must include, in conspicuous print, clearly and fully the following information when applicable:

(1) The reason for the proposed termination.

(2) An itemized statement of ~~accounts~~ AMOUNTS currently due, including any required deposit.

(3) A statement that a ~~specific~~ reconnection fee will be required to have service restored after it has been terminated if a reconnection fee is a part of the tariff of the public utility on file with the Commission. THE STATEMENT MUST INCLUDE THE MAXIMUM POSSIBLE DOLLAR AMOUNT OF THE RECONNECTION FEE THAT MAY APPLY.

(4) The date on or after which service will be terminated unless ONE OF THE FOLLOWING OCCURS:

(i) Payment in full is received.

(ii) The grounds for termination are otherwise eliminated.

(iii) A payment agreement ~~or informal dispute settlement agreement~~ is ~~entered~~ ESTABLISHED.

(iv) Enrollment is made in a ~~universal service~~ CUSTOMER ASSISTANCE program OR ITS EQUIVALENT, IF THE CUSTOMER IS ELIGIBLE FOR THE PROGRAM.

(v) A dispute is filed with the public utility or the Commission.

(VI) PAYMENT IN FULL OF AMOUNTS PAST DUE ON THE MOST RECENT PAYMENT AGREEMENT IS RECEIVED.

(5) A statement that specifies that the notice is valid for 60 days.

(6) A statement that the customer ~~shall~~ SHOULD immediately contact the public utility to attempt to resolve the matter~~, including~~. THE STATEMENT SHALL INCLUDE the address

and telephone number where questions may be ~~filed~~ ASKED, HOW payment agreements MAY BE NEGOTIATED AND entered into with the public utility, and WHERE APPLICATIONS CAN BE FOUND AND SUBMITTED FOR ENROLLMENT INTO ~~questions and applications can be found for~~ the public utility's universal service programs, if these programs are offered by the public utility.

(7) The following statement: "If YOU HAVE QUESTIONS OR NEED MORE INFORMATION, CONTACT US AS SOON AS POSSIBLE AT (UTILITY PHONE NUMBER). AFTER ~~discussing your problem with the utility, you remain dissatisfied~~ YOU TALK TO US, IF YOU ARE NOT SATISFIED, you may file ~~an informal~~ A complaint with the Public Utility Commission. ~~TO AVOID TERMINATION OF SERVICE PENDING RESOLUTION OF A DISPUTE, THIS INFORMAL COMPLAINT MUST BE FILED BEFORE THE PROPOSED DATE FOR TERMINATION OF YOUR SERVICE. You may file an informal complaint by telephoning the Public Utility Commission at~~ THE PUBLIC UTILITY COMMISSION MAY DELAY THE SHUT OFF IF YOU FILE THE COMPLAINT BEFORE THE SHUT OFF DATE. TO CONTACT THEM, CALL 1 (800) 692-7380 or ~~by writing~~ WRITE to the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, Pennsylvania 17105-3265."

(8) A serious illness notice in compliance with the form in Appendix A (relating to medical emergency notice) except that, for the purpose of § 56.96 (relating to ~~posttermination~~ POST TERMINATION notice), the notice must comply with the form in Appendix B (relating to medical emergency notice).

(9) ~~When~~ IF the public utility has universal service programs, information indicating that special assistance programs ~~are~~ MAY BE available and how to contact the public utility for information and enrollment, and that enrollment in the program ~~is~~ MAY BE a method of avoiding the termination of service.

(10) Notices sent by electric and gas utilities threatening termination in the months of December, January, February and March must include information on the Federal poverty guidelines by household size, the protections available to customers at or below 250% of the Federal poverty ~~line~~ LEVEL, and the required documentation or information the customer shall supply to avoid termination.

(11) Information indicating that special protections are available for victims under a Protection From Abuse Order and how to contact the public utility to obtain more information on these protections.

(12) Information indicating that special protections are available for tenants if the landlord is responsible for paying the public utility bill and how to contact the public utility to obtain more information on these protections.

(13) Information indicating that all adult occupants of the premise whose names appear on the mortgage, deed or lease are considered 'customers' and are responsible for payment of the bill.

(14) Information indicating that if service is shut off, ~~any~~ AN adult occupant who has been living at the premise may have to pay all or portions of the bill THAT ACCRUED WHILE THE ADULT OCCUPANT LIVED THERE to have service ~~restored~~ TURNED BACK ON.

(15) Information indicating that if service is shut off, the customer may be required to pay more than the amount listed on the notice to have service turned back on.

(16) Information indicating that if service is shut off, the customer shall contact the public utility after payment has been made to arrange reconnection of the service and that it may take up to 7 days to have the service ~~restored~~ TURNED BACK ON.

(17) Information in Spanish, directing Spanish-speaking customers to the numbers to call for information and translation assistance. ~~Similar information shall be included in other languages when census data indicates a significant population using that language resides in the public utility's service territory~~.

(18) Contact information for customers with disabilities that need assistance.

~~(19) Notices must reflect to the extent practical the Plain Language Guidelines found in § 69.251 (relating to plain language--statement of policy).~~

- **Most of the revisions to this section are non-substantive language changes to make it more "plain language." However, paragraph (4)(VI) is new and intended to reflect the *Second Implementation* Order. Paragraph (17) was also revised to omit the requirement that information in additional languages is necessary if a five percent threshold is reached. This was done in reaction to comments that the NOPR proposal was impermissibly vague.**

§ 56.93. Personal contact.

(4) If the ratepayer has not made the designation noted in paragraph (2) and if there is no community interest group or other entity which previously has agreed to receive a copy of the notice of termination, contacting the Commission in writing] attempting to contact the customer or responsible adult occupant, either in person or by telephone, to provide notice of the proposed termination at least 3 days prior to the scheduled termination. If personal contact by one method is not possible, the public utility is obligated to attempt the other method.

(b) Phone contact shall be deemed complete upon attempted calls on 2 separate days to the residence between the hours of ~~7~~ 8 a.m. and 9 p.m. if the calls were made at various times each day, with the various times of the day being daytime before 5 p.m. and evening after 5 p.m and at least 2 hours apart. CALLS MADE TO CONTACT TELEPHONE NUMBERS PROVIDED BY THE CUSTOMER SHALL BE DEEMED TO BE CALLS TO THE RESIDENCE.

(c) If contact is attempted in person by a home visit, only one attempt is required.~~, but the~~ THE public utility shall conspicuously post a written termination notice at the residence if it is unsuccessful in attempting to personally contact a responsible adult occupant DURING THE HOME VISIT.

(d) The content of the 3-day personal contact notice must ~~comply with § 56.91 (relating to general notice provisions and contents of termination notice)~~ INCLUDE THE DATE AND GROUNDS OF THE TERMINATION; WHAT IS NEEDED TO AVOID THE TERMINATION OF SERVICE; HOW TO CONTACT THE PUBLIC UTILITY AND THE COMMISSION; AND THE AVAILABILITY OF THE EMERGENCY MEDICAL PROCEDURES. THE PUBLIC UTILITY SHALL ALSO ASK THE CUSTOMER OR OCCUPANT IF THEY HAVE ANY QUESTIONS ABOUT THE 10-DAY WRITTEN NOTICE

THEY HAVE PREVIOUSLY RECEIVED.

- **Paragraph (d) was revised in reaction to comments that the NOPR proposal would be too expensive and impractical to implement. The revision changes the requirement to focus on a few critical pieces of information that the customer needs. This will make the requirement easier to implement, less expensive, and more beneficial for the customer in that it will put the focus on the critical information.**

§ 56.97. Procedures upon [ratepayer] customer or occupant contact prior to termination.

(b) The public utility, through its [employes] employees, shall exercise good faith and fair judgment in attempting to enter a reasonable [settlement] ~~informal dispute settlement agreement or~~ payment agreement or otherwise equitably resolve the matter. Factors to be taken into account when attempting to enter into a reasonable [settlement] ~~informal dispute settlement agreement or~~ payment agreement include the size of the unpaid balance, the ability of the [ratepayer] customer to pay, the payment history of the [ratepayer] customer and the length of time over which the bill accumulated. PAYMENT AGREEMENTS FOR HEATING CUSTOMER SHALL BE BASED UPON BUDGET BILLING AS DETERMINED BY § 56.12(7) (RELATING TO METER READING; ESTIMATED BILLING; CUSTOMER READINGS). If [a settlement] ~~an informal dispute settlement agreement or~~ A payment agreement is not established, the company shall further explain the following:

- **The revision to paragraph (b) concerning budget billing is the result of moving this requirement from § 56.12(7) (as proposed in the NOPR) to this section. This was based on comments that suggested payment agreement requirements are more appropriately placed in § 56.97 than in § 56.12 (which addresses meter reading primarily).**

§ 56.98. [Exception for terminations based on occurrences harmful to person or property] Immediate termination for unauthorized use, fraud, tampering or tariff violations.

(b) Upon termination, the public utility shall make a good faith attempt to provide a posttermination notice to the customer or a responsible person at the affected premises~~, and~~. IF PROVIDING A POST TERMINATION NOTICE TO THE CUSTOMER OR RESPONSIBLE PERSON AT THE AFFECTED PREMISES IS NOT POSSIBLE, THEN THE PUBLIC UTILITY SHALL CONSPICUOUSLY POST THE NOTICE AT THE AFFECTED PREMISES. ~~in~~ IN the case of a single meter, multiunit dwelling, the public utility shall conspicuously post the notice at the dwelling, including in common areas when possible.

- **Paragraph (b) was revised to require the posting of a post-termination notice at the premises if it is not possible to provide it directly to the customer. The NOPR proposal required posting only for multi-unit dwellings.**

§ 56.100. Winter termination procedures.

(a) *Water distribution utilities.* Notwithstanding ~~another~~ ANY provision of this chapter, during the period of December 1 through March 31, water distribution utilities subject to this ~~chapter~~ SUBCHAPTER [shall conform to the provisions of this section. The covered utilities may] ~~are~~ MAY not [be] ~~permitted to~~ terminate heat related service between December 1 and March 31 except as provided in this section or in § 56.98 (relating to [exception for terminations based on occurrences harmful to person or property] immediate termination for unauthorized use, fraud, tampering or tariff violations).

(b) *Electric distribution and natural gas distribution utilities.* Unless otherwise authorized by the Commission, during the period of December 1 through March 31, an electric distribution utility or natural gas distribution utility may not terminate ~~heat related~~ service to customers with household incomes at or below 250% of the Federal poverty level except as provided in this section or in § 56.98. The Commission will not prohibit an electric distribution utility or natural gas distribution utility from terminating ~~heat related~~ service in accordance with this section to customers with household incomes exceeding 250% of the Federal poverty level.

(c) *City natural gas distribution utility.* In addition to the winter termination authority in subsection (b), a city natural gas distribution operation may terminate service after January 1 and before April 1 to a customer whose household income exceeds 150% of the Federal poverty level but does not exceed 250% of the Federal poverty level, and starting January 1, has not paid at least 50% of charges for each of the prior 2 months unless the customer has done one of the following:

(1) Proven in accordance with Commission rules, that the household contains one or more persons who are 65 years of age or over.

(2) Proven in accordance with Commission rules, that the household contains one or more persons 12 years of age or younger.

(3) Obtained a medical certification, in accordance with Commission rules.

(4) Paid to the city natural gas distribution operation an amount representing at least 15% of the customer's monthly household income for each of the last 2 months.

(d) *CITY NATURAL GAS DISTRIBUTION UTILITY ~~Notice~~ NOTICE to the Commission.* At the time that the notice of termination required by § 56.91 (relating to general notice provisions and contents of termination notice) is provided to the customer, the city natural gas distribution operation shall provide notice to the Commission. The Commission will not stay the termination of service unless the Commission finds that the customer meets the criteria in subsection (c)(1), (2), (3) or (4).

(e) *Identification of accounts protected during the winter.* Public utilities shall determine the eligibility of an account for termination during the period of December 1 through March 31 under the criteria in subsections (b) and (c) before terminating service. Public utilities are to use household income and size information they have on record provided by customers to identify accounts that are not to be terminated during the period of December 1 through March 31. Public utilities are expected to solicit from customers, who contact the utility in response to notices of termination, household size and income information and to use this information to determine eligibility for termination. PUBLIC UTILITIES WHO INTEND TO REQUIRE VERIFICATION OF HOUSEHOLD INCOME INFORMATION SUBMITTED BY CONSUMERS RELATING TO THIS SUBSECTION SHALL INCLUDE, IN THEIR TARIFFS FILED WITH THE COMMISSION, THE PROCEDURES THEY INTEND TO IMPLEMENT TO OBTAIN VERIFICATION. THE PROCEDURES SHOULD SPECIFY THE PROOF OR EVIDENCE THE UTILITY WILL ACCEPT AS VERIFICATION OF HOUSEHOLD INCOME.

(f) *Landlord ratepayer accounts.* During the period of December 1 through March 31, a public utility may not terminate service to a ~~premise~~ PREMISES when the account is in the name of a landlord ratepayer as defined in 66 Pa. C.S. § 1521 (relating to definitions) except for the grounds in § 56.98 (RELATING TO IMMEDIATE TERMINATION FOR UNAUTHORIZED USE, FRAUD, TAMPERING OR TARIFF VIOLATIONS).

(g) *Right of public utility to petition the Commission for permission to terminate service to a customer protected by the prohibitions in this section.*

(1) The public utility shall comply with §§ 56.91--56.95 including personal contact, as defined in § 56.93[(1)] (relating to personal contact), at the premises if occupied.

(2) If at the conclusion of the notification process defined in §§ 56.91--56.95, a reasonable agreement cannot be reached between the public utility and the [ratepayer] customer, the public utility shall register with the Commission, in writing, a request for permission to terminate service, accompanied by a utility report as defined in § 56.152 (relating to contents of the utility company report). AT THE SAME TIME, THE PUBLIC UTILITY SHALL SERVE THE CUSTOMER A COPY OF THE WRITTEN REQUEST REGISTERED WITH THE COMMISSION.

(3) If the [ratepayer] customer has filed an informal complaint or if the Commission has acted upon the public utility's written request, the matter shall proceed under §§ 56.161--56.165. Nothing in this section may be construed to limit the right of a public utility or [ratepayer] customer to appeal a decision by the [mediation unit] Bureau of Consumer Services (BCS) under 66 Pa.C.S. § 701 (relating to complaints) and §§ 56.171--56.173 and 56.211.

[(4)] (h) *Survey of terminated heat related accounts.* For premises where heat related service has been terminated within the past year for any of the grounds in § 56.81 (relating to authorized termination of services) or § 56.98 (RELATING TO IMMEDIATE TERMINATION FOR UNAUTHORIZED USE, FRAUD, TAMPERING OR TARIFF VIOLATIONS) ~~prior to December 1 of each year~~, [covered] electric distribution utilities, natural gas distribution utilities and Class A water distribution utilities shall, within 90 days prior to December 1, survey and attempt to make [post-termination] ~~posttermination~~ POST-TERMINATION personal contact

with the occupant or a responsible adult at the premises and in good faith attempt to reach an agreement regarding payment of any arrearages and restoration of service.

[(5) Companies] (i) *Reporting of survey results.* Electric distribution utilities, natural gas distribution utilities and Class A water distribution utilities shall file a brief report outlining their pre-December 1 survey and personal contact results with the Bureau of Consumer Services on or before December 15 of each year. ~~The filing must categorize the accounts by the first three digits of the customer's postal code.~~ Each utility shall update the survey and report the results to the Bureau of Consumer Services on ~~January 15 and~~ February ~~15~~ 1 of each year to reflect any change in the status of the accounts subsequent to the December 15 filing. FOR THE PURPOSES OF THE FEBRUARY 1 UPDATE OF SURVEY RESULTS, ~~The~~ THE PUBLIC utility shall attempt to contact by telephone, if available, a responsible ADULT PERSON OR occupant at each residence in a good faith attempt to reach an agreement regarding payment of any arrearages and restoration of service.

(j) *Reporting of deaths at locations where public utility service was previously terminated.* Throughout the year, public utilities shall report to the Commission when, in the normal course of business, they become aware of a household fire, incident of hypothermia or carbon monoxide poisoning OR OTHER EVENT that resulted in a death and that the utility service was off at the time of the incident. Within 1 business day of becoming aware of an incident, the public utility shall submit a telephone or electronic report to the Director of the Bureau of Consumer Services including, if available, the name, address and account number of the last customer of record, the date of the incident, a brief statement of the circumstances involved, and, if ~~applicable,~~ AVAILABLE FROM AN OFFICIAL SOURCE OR THE MEDIA, the initial findings as to the cause of the incident and the source of that information. The Bureau or Commission may request additional information on the incident and the customer's account. Information submitted to the Commission in accordance with this subsection will be treated in accordance with 66 Pa.C.S. § 1508 (relating to the reports of accidents) and may not be open for public inspection except by order of the Commission, and may not be admitted into evidence for any purpose in any suit or action for damages growing out of any matter or thing mentioned in the report.

- **The major revision to this section is removing the "heat-related" distinction that was found in the NOPR. The language in the NOPR applied the winter protection rules only to heat-related accounts. This section has now been revised to protect all accounts. This was done in reaction to comments from parties, including IRRC, that questioned the legality of the NOPR proposal.**

- **Paragraph (e) was revised to address situations where a utility wishes to challenge a customer's claim to being low-income. This was done in response to parties who noted that the NOPR failed to address such situations. The revised language permits a utility to challenge such claims, but requires the utility to note in its tariff what is acceptable verification information.**

- **Paragraph (i) concerning the reporting of cold weather survey results was revised to replace the two follow-up surveys with one. This reflects recent practice and will be easier and less expensive for utilities to implement. The requirement that survey**

results be reported by postal codes was also eliminated as being something that, while useful, is not necessary and probably not worth the expense and bother.

- **Paragraph (j) concerning the reporting of deaths has been revised to clarify that utilities only have to report the causes of the incident if the information is available from an official source or the media. The utility is not expected to make such determinations on its own. The requirement was also revised to cover deaths caused by an "other event" as to align it with the Commission's January 2009 Secretarial Letter and to make sure a death is not overlooked simply because it was not the result of a cause specifically mentioned in the regulation.**

§ 56.111. General provision.

[A utility may not terminate, or refuse to restore, service to a premise when an occupant therein is certified by a physician to be seriously ill or affected with a medical condition which will be aggravated by a cessation of service or failure to restore service.] A public utility may not terminate service~~, or refuse to restore service,~~ to a premises when a licensed physician or nurse practitioner has certified that the customer ~~or an applicant seeking restoration of service under § 56.191 (relating to the general rule)~~ or a member of the customer's ~~or applicant's~~ household is seriously ill or afflicted with a medical condition that will be aggravated by cessation of service. The customer shall obtain a letter from a licensed physician ~~or nurse practitioner~~ verifying the condition and promptly forward it to the public utility. The determination of whether a medical condition qualifies for the purposes of this section resides entirely with the physician or nurse practitioner and not with the public utility. A public utility may not impose any qualification standards for medical certificates other than those specified in this section.

- **References to restoration and reconnection have been removed from this section. These changes, and corresponding revisions to section 56.191, clarify that while a medical certificate can be used to restore service within 24 hours, the customer must still pay the utility the amount needed to reconnect previously terminated service.**

§ 56.117. Termination upon expiration of medical certification.

When the initial and renewal certifications have expired, the original ground for termination shall be revived and the public utility may terminate service without additional written notice, if notice previously has been mailed or delivered WITHIN THE PAST 60 DAYS under § 56.91 (relating to general notice provisions and contents of termination notice). The public utility shall comply with §§ 56.93--56.96.

- **A minor revision in this section specifies that termination may proceed without additional notice as long as a termination notice has been issued within the past 60**

days. This is intended to reflect Section 1406(b) language that specifies a 10-day written termination notice is only valid for 60 days.

§ 56.152. Contents of the utility company report.

(ii) The date on or after which [service will be terminated] ~~the utility will commence termination action~~ SERVICE WILL BE TERMINATED in accordance with the applicable requirements unless the report is complied with, [settlement] ~~informal dispute settlement agreement~~ or A payment agreement entered or an informal complaint filed. This date may not be earlier than the original date for compliance with the matter which gave rise to the dispute or 10 days from the date of issuance of the utility report, whichever is later. If the utility report is in writing, the information in this paragraph must be ~~presented in a bold font that is at least two font sizes larger than the font used in other sections of the utility report~~ PROMINENTLY DISPLAYED.

- **A minor revision to paragraph (8)(ii) requires that termination threats be "prominently displayed" rather than being in a larger font as specified in the NOPR. This should make this requirement easier and less expensive to implement.**

§ 56.173. [Formal complaint procedures other than appeals] Review from [mediation] informal complaint decisions of the Bureau of Consumer Services.

(a) *Assignment.* [Appeals from] Review of informal complaint [reports] decisions will be heard [de novo by the Commission, a Commissioner or] DE NOVO by ~~an~~ A [Administrative Law Judge] law judge or special agent[:].

[(1)](b) *Filing and docketing.* [Appeals] ~~Complaints~~ A COMPLAINT will be filed and docketed as a formal Commission complaint, under §§ [5.22 and 5.61 (relating to contents of formal complaint; and answers to complaints, petitions and motions)] 1.31--1.38 (relating to requirements for documentary filings).

[(2)](c) *Captions.* The parties to [an appeal] a review will be stated in the caption as they stood upon the record of the informal complaint proceeding[, with]. If the party requesting review is a public utility, the [addition of the] phrase [of] "Complaint Appellant" will be added after [the] its name [of the party taking the appeal].

[(3)*Hearings.* Hearings conducted by a Commissioner or administrative law judge will be held within a reasonable period of time after the filing of the answer. The parties may incorporate portions of the conference report or informal complaint report that they shall agree upon.

(4) *Formal complaint report.* The Commissioner or administrative law judge assigned to the formal complaint will file his report with the Commission within a reasonable period of time after the receipt of the transcribed testimony. Included in the report will be a description of the matter, findings of fact, conclusions of law and other discussion and opinion as is appropriate.

(5)](D) *HEARINGS.* HEARINGS CONDUCTED BY AN ADMINISTRATIVE LAW JUDGE OR SPECIAL AGENT ~~OR AN ADMINISTRATIVE LAW JUDGE~~ WILL BE HELD WITHIN A REASONABLE PERIOD OF TIME AFTER THE FILING OF THE ANSWER. THE PARTIES MAY INCORPORATE PORTIONS OF THE CONFERENCE REPORT OR INFORMAL DECISION THAT THEY SHALL AGREE UPON.

(E) *FORMAL COMPLAINT DECISION.* THE ADMINISTRATIVE LAW JUDGE OR SPECIAL AGENT ASSIGNED TO THE FORMAL COMPLAINT WILL ISSUE A DECISION WITHIN A REASONABLE PERIOD OF TIME AFTER THE RECEIPT OF THE TRANSCRIBED TESTIMONY. INCLUDED IN THE DECISION WILL BE A DESCRIPTION OF THE MATTER, FINDINGS OF FACT, CONCLUSIONS OF LAW AND OTHER DISCUSSION AND OPINION AS IS APPROPRIATE.

~~(d)~~ (F) *Commission review.* The Commission will review the [report] decision of the assigned administrative law judge or [Commissioner] special agent, commit it to advisory staff for further analysis, remand it to an administrative law judge or [Commissioner] special agent for further development of the record or issue a final order. The burden of proof remains with the party WHO ~~filing~~ FILED the formal complaint.

- **This section was revised to make it consistent with § 56.174.**

§ 56.191. ~~General rule~~ PAYMENT AND TIMING.

[When service to a dwelling has been terminated, the utility shall reconnect service by the end of the first full working day after receiving one of the following:

(1) Full payment of an outstanding charge plus a reasonable reconnection fee. Outstanding charges and the reconnection fee may be amortized over a reasonable period of time. Factors to be taken into account shall include, but are not be limited to:

(i) The size of the unpaid balance.

(ii) The ability of the ratepayer to pay.

(iii) The payment history of the ratepayer.

(iv)The length of time over which the bill accumulated.

(2) Payment of amounts currently due according to a settlement or payment agreement, plus a reasonable reconnection fee, which may be a part of the settlement or payment agreement. The utility may apply the procedure in paragraph (1), if the payment history indicates that the ratepayer has defaulted on at least two payment agreements, or an informal complaint decision, or a formal complaint order.

(3) Adequate assurances that any unauthorized use or practice will cease, plus full payment of the reasonable reconnection fee of the utility, which may be subject to a payment agreement and compliance or adequate assurance of compliance with an applicable provision for the establishment of credit or the posting of deposits or guarantees.]

(a) *Fee.* A public utility may require a reconnection fee based upon the public utility's cost as approved by the Commission prior to reconnection of service following lawful termination of the service. The amount of this fee shall be specified in the public utility's tariff on file with the Commission.

(b) *Timing.* When service to a dwelling has been terminated, provided the applicant OR CUSTOMER has met all applicable conditions, the public utility shall reconnect service as follows:

(1) Within 24 hours for erroneous terminations or upon receipt by the public utility of a valid medical certification. THE MEDICAL CERTIFICATE MUST BE ACCOMPANIED BY THE PAYMENTS REQUIRED BY THIS SECTION. Erroneous terminations include instances when the grounds for termination were removed by the customer paying the amount needed to avoid termination prior to the termination of the service.

(2) Within 24 hours for terminations and reconnections occurring after November 30 and before April 1.

(3) Within 3 calendar days for erroneous terminations requiring street or sidewalk digging.

(4) Within 3 calendar days from April 1 to November 30 for proper terminations.

(5) Within 7 calendar days for proper terminations requiring street or sidewalk digging.

(c) *Payment to restore service.*

(1) A public utility shall provide for and inform the applicant or customer of a location where the customer can make payment to restore service. A public utility shall inform the applicant or customer that conditions for restoration of service may differ if someone in the household is a victim of domestic violence with a protection from abuse order. A PUBLIC UTILITY SHALL ALSO INFORM THE APPLICANT OR CUSTOMER THAT THE TIMING FOR RESTORATION OF SERVICE MAY DIFFER IF SOMEONE IN THE HOUSEHOLD IS SERIOUSLY ILL OR AFFECTED BY A MEDICAL CONDITION WHICH WILL BE AGGRAVATED WITHOUT UTILITY SERVICE. THE PUBLIC UTILITY IS NOT REQUIRED TO MODIFY OR ELIMINATE THE PAYMENT REQUIRED TO RESTORE SERVICE IF A MEDICAL CERTIFICATE IS PRESENTED.

(2) A public utility may require:

(i) Full payment of any outstanding balance incurred together with any reconnection fees by the customer or applicant prior to reconnection of service if the customer or applicant has an income exceeding 300% of the Federal poverty level or has defaulted on two or more payment agreements. For purposes of this section, neither a payment agreement intended to amortize a make-up bill under § 56.14 (relating to previously unbilled utility service) or the definition of "billing month" in § 56.2 (relating to definitions), nor a payment agreement that has been paid in full by the customer, are to be considered A DEFAULT. BUDGET BILLING PLANS AND AMORTIZATION OF BUDGET PLAN RECONCILIATION AMOUNTS UNDER § 56.12(7)

(RELATING TO METER READING; ESTIMATED BILLINGS; CUSTOMER READINGS) MAY NOT BE CONSIDERED A DEFAULT FOR THE PURPOSES OF THIS SECTION.

(ii) If a customer or applicant with household income exceeding 300% of the Federal poverty level experiences a life event, the customer shall be permitted a period of not more than 3 months to pay the outstanding balance required for reconnection. For purposes of this paragraph, a life event is:

(A) A job loss that extends beyond 9 months.

(B) A serious illness that extends beyond 9 months.

(C) Death of the primary wage earner.

(iii) Full payment of any reconnection fees together with repayment over 12 months of any outstanding balance incurred by the customer or applicant, if the customer or applicant has an income exceeding 150% of the Federal poverty level but not greater than 300% of the Federal poverty level. The initial payment REQUIRED toward the outstanding balance ~~required~~ as a condition of restoration cannot exceed 1/12 of the outstanding balance.

(iv) Full payment of any reconnection fees together with payment over 24 months of any outstanding balance incurred by the customer or applicant if the customer or applicant has an income not exceeding 150% of the Federal poverty level. The initial payment REQUIRED toward the outstanding balance ~~required~~ as a condition of restoration cannot exceed 1/24 of the outstanding balance. A customer or applicant of a city natural gas distribution operation whose household income does not exceed 135% of the Federal poverty level shall be reinstated under this subsection only if the customer or applicant enrolls in the customer assistance program of the city natural gas distribution operation. This requirement may not apply if the financial benefits to the customer or applicant are greater if served outside of that assistance program.

(d) *Payment of outstanding balance at premises AS A CONDITION TO RESTORE SERVICE.* A public utility may require the payment of any outstanding balance or portion of an outstanding balance if the applicant OR CUSTOMER resided at the property for which service is requested during the time the outstanding balance accrued and for the time the applicant OR CUSTOMER resided there, not exceeding 4 years PRIOR TO THE DATE OF REQUESTING THAT SERVICE BE RESTORED~~, except for instances of fraud and theft~~. THE 4 YEAR LIMIT DOES NOT APPLY IN INSTANCES OF FRAUD AND THEFT.

(e) *Approval.* A public utility may establish that an applicant OR CUSTOMER previously resided at a property for which residential service is requested through the use of mortgage, deed or lease information, a commercially available consumer credit reporting service or other methods approved as valid by the Commission. Public utilities shall include in their tariffs filed with the Commission the ~~procedures and standards~~ METHODS, OTHER THAN THOSE SPECIFICALLY MENTIONED IN THIS PARAGRAPH, used to determine liability for outstanding balances.

- **Paragraph (c)(1) was revised to require the utility to inform terminated customers of medical certificate rights. This is intended to allow effective implementation of the requirement at Section 1407(b)(1) that service be restored within 24 hours for a medical certificate. Paragraph (b)(1) was also revised to clarify that a medical certificate must be accompanied by the payment required by the utility to restore**

service.

- **Paragraph (c)(2)(i) was revised to specify more amortization plans, including budget billing plans, that should not be considered as a "payment agreement" when a utility is applying the provision that allows the utility to require the full account balance if a customer has defaulted on two payment agreements. This was done in reaction to comments that found the NOPR proposal helpful but incomplete.**

- **Paragraph (d) was revised to exclude from the 4-year limit on liability determinations any amounts that accrued due to theft and fraud.**

- **Paragraph (e) was revised to require that utilities only tariff those standards for liability determinations that are not specifically mentioned in the regulation.**

§ 56.201. Public information.

(A) In addition to the notice requirements [set forth] in this chapter, the Commission will, within 6 months of the effective date of a change to a regulation in this chapter, prepare a summary of the rights and responsibilities of the public utility and its [ratepayers] customers affected by the change. Summaries [shall] will be mailed by the public utility to each [ratepayer] customer of the public utility affected by the change. These summaries, as well as a summary of the rights and responsibilities of the public utility and its [ratepayers] customers in accordance with this chapter, shall be in writing, shall be reproduced by the public utility, shall be displayed prominently, SHALL BE AVAILABLE ON THE PUBLIC UTILITY'S WEBSITE IF THE UTILITY HAS ONE, and shall be available at all public utility office locations open to the general public. ~~This information be delivered or mailed to each new [ratepayer] customer of the public utility upon the commencement of service and be available at all times upon request.~~ THE PUBLIC UTILITY SHALL INFORM NEW CUSTOMERS OF THE AVAILABILITY OF THIS INFORMATION AND DIRECT WHERE TO LOCATE IT ON THE PUBLIC UTILITY'S WEBSITE. THE PUBLIC UTILITY SHALL DELIVER OR MAIL A COPY UPON THE REQUEST OF A CUSTOMER OR APPLICANT.

- **This section was revised to permit utilities to place their "rights and responsibilities" information on their website as opposed to having to mail hard copies to all new customers. This will save paper, printing, handling and postage costs.**

§ 56.231. Reporting requirements.

(17) The total number of reconnections for full customer payment, PARTIAL PAYMENT OR PAYMENT AGREEMENT. ~~Categorize into one of five groups based upon the customer's relation to the Federal poverty guidelines:~~

~~(i) Less than 150% of the Federal poverty guideline.~~

~~(ii) Between 151 - 250% of the Federal poverty guideline.~~

~~(iii) Between 251 - 300% of the Federal poverty guideline.~~

~~(iv) Greater than 300% of the Federal poverty guideline.~~

~~(v) Not available.~~

~~(18) The total number of reconnections for partial customer payment or payment agreement. Categorize into one of five groups based upon the customer's relation to the Federal poverty guidelines:~~

~~(i) Less than 150% of the Federal poverty guideline.~~

~~(ii) Between 151 - 250% of the Federal poverty guideline.~~

~~(iii) Between 251 - 300% of the Federal poverty guideline.~~

~~(iv) Greater than 300% of the Federal poverty guideline.~~

~~(v) Not available.~~

~~(19)~~ (18) The total number of reconnections for customer submission of medical certification. ~~Categorize into one of five groups based upon the customer's relation to the Federal poverty guidelines:~~

~~(i) Less than 150% of the Federal poverty guideline.~~

~~(ii) Between 151 - 250% of the Federal poverty guideline.~~

~~(iii) Between 251 - 300% of the Federal poverty guideline.~~

~~(iv) Greater than 300% of the Federal poverty guideline.~~

~~(v) Not available.~~

~~(20)~~ (19) The total number of reconnections for reasons other than customer payment or medical certification. ~~Categorize into five groups based upon the customer's relation to the Federal poverty guidelines:~~

~~(i) Less than 150% of the Federal poverty guideline.~~

~~(ii) Between 151 - 250% of the Federal poverty guideline.~~

~~(iii) Between 251 - 300% of the Federal poverty guideline.~~

~~(iv) Greater than 300% of the Federal poverty guideline.~~

~~(v) Not available.~~

~~(21)~~ (20) The total number of applicants that are requested TO PAY or ARE billed a security deposit.

- **Paragraphs 17 – 20 were revised by removing the requirement that reconnection data be submitted according to federal poverty level. Some comments objected to the cost and usefulness of this information. Eliminating this requirement will make meeting these requirements easier. This data is also not entirely necessary, especially since termination data (lines 14-16) is not reported by federal poverty level.**

§ 56.252. Definitions.

- **Most of the definitions "added" to this section were in fact in the NOPR as adopted by the Commission. They were omitted by the *Pennsylvania Bulletin*. We are merely adding them back in.**

§ 56.261. Billing frequency.

(a) A utility shall render a bill once every billing period to every residential customer in accordance with approved rate schedules.

(b) A utility may utilize electronic billing in lieu of mailed paper bills. Electronic billing programs must include the following:

(1) The electronic billing option is voluntary and ~~the customer retains the option of continuing to receive a paper bill if desired~~ ONLY WITH THE PRIOR CONSENT OF THE CUSTOMER. The customer retains the right to revert to conventional paper billings upon request. The customer shall provide the utility with a 1 ~~month~~ BILLING CYCLE notice of a request to revert to paper billing.

(2) A customer shall receive ~~a visual presentation of an electronic bill in the same format as~~ the SAME INFORMATION THAT IS INCLUDED WITH A paper bill issued by the utility.

(3) The electronic bill must include the same disclosures and ~~required~~ educational messages that are required for paper bills. The electronic transmission of termination notices may not be permitted UNLESS THE CUSTOMER HAS AFFIRMATIVELY CONSENTED TO THIS METHOD OF DELIVERY. THE ELECTRONIC DELIVERY OF A TERMINATION NOTICE DOES NOT RELIEVE THE PUBLIC UTILITY OF THE OBLIGATION TO PROVIDE TERMINATION NOTICES AS REQUIRED BY §§ 56.331 – 56.338.

(4) The electronic bill must include all required bill inserts in an easily accessed and easily readable format.

(5) The electronic bill must include the option for the customer to contribute to the utility's hardship fund IF THE UTILITY IS ABLE TO ACCEPT HARDSHIP FUND CONTRIBUTIONS BY THIS METHOD.

(6) A customer may not be required to pay an additional fee to receive an electronic bill.

(7) The utility shall maintain a system to ~~ensure delivery of~~ DELIVER electronic bills if the bill is emailed to a customer.

(8) The utility shall ~~maintain sufficient system security to assure customer privacy~~ EMPLOY ALL REASONABLE MEASURES TO PROTECT CUSTOMER INFORMATION FROM UNAUTHORIZED DISCLOSURE AND TO PREVENT ACCESS TO CUSTOMER ACCOUNT RECORDS BY PERSONS WHO ARE NOT PROPERLY AUTHORIZED TO HAVE SUCH ACCESS.

- **Paragraph (1) is being revised to eliminate the requirement that utilities provide both hard copy *and* electronic bills to a customer if the customer requests because this proposal was seen as unnecessary and costly. Paragraph (2) was also revised to loosen the formatting requirements as to give utility greater flexibility in formatting electronic bills.**

§ 56.262. Meter reading; estimated billing; customer readings.

(7) *Budget billing.* A gas, electric and steam heating utility shall provide its residential customers, on a year-round rolling enrollment basis, with an optional billing procedure which averages estimated utility service costs over a 10-month, 11-month or 12-month period to eliminate, to the extent possible, seasonal fluctuations in utility bills. The utility shall review accounts at least three times during the optional billing period. AT THE CONCLUSION OF THE BUDGET BILLING YEAR, ANY ~~Any~~ resulting reconciliation amount exceeding ~~$25~~ $100 BUT LESS THAN $300 shall be, AT THE REQUEST OF THE CUSTOMER, amortized over a ~~3—12~~ **6** month period. RECONCILIATION AMOUNTS EXCEEDING $300 SHALL BE AMORTIZED OVER AT LEAST A 12 MONTH PERIOD AT THE REQUEST OF THE CUSTOMER. ~~Payment agreements for heating customers are to be based upon equal monthly billing.~~

- **The amortization requirement in paragraph (7) was made less burdensome for the utility by making the circumstances under which amortization is required more restrictive. Amortization timeframes were also shortened, and is required only at the request of the customer.**

§ 56.272. Accrual of late payment charges.

(a) Every utility subject to this chapter is prohibited from levying or assessing a late charge or penalty on any overdue utility bill, as defined in § 56.271 (relating to payment), in an amount which exceeds 1.5% interest per month on the overdue balance of the bill. These charges are to be calculated on the overdue portions of the bill only. The interest rate, when annualized, may not exceed 18% simple interest per annum.

(b) An additional charge or fixed fee designed to recover the cost of a subsequent rebilling may not be charged by a regulated utility.

(c) Late payment charges may not be imposed on disputed estimated bills, unless the estimated bill was required because utility personnel were willfully denied access to the affected premises to obtain an actual meter reading.

(d) A public utility may waive late payment charges on any customer accounts.

~~(e) Additional late payment charges may not be assessed on account balances once the account is no longer actively billed by the utility.~~

- **The proposed paragraph (e) has been removed based on comments received that indicated the provision was confusing and not necessary. The original intent was to prevent a utility from imposing additional late charges on an account without issuing a bill for the charges.**

§ 56.275. Electronic bill payment.

A utility may offer electronic payment options. Electronic payment programs must include the following requirements:

(1) Electronic bill payment shall be voluntary and ~~may not be required in conjunction with electronic billing~~ A UTILITY MAY NOT REQUIRE A CUSTOMER TO ENROLL IN ELECTRONIC BILL PAYMENT AS A CONDITION FOR ENROLLING IN ELECTRONIC BILLING.

(2) For electronic bill payment through a charge to a customer's credit card or automatic withdrawal from a customer's ~~checking~~ FINANCIAL account, the program must set forth the date (or number of days after issuance of the bill) when the automatic payment shall be made.

(3) The terms of the payment procedures shall be fully disclosed to the customer in writing, EITHER BY MAIL OR ELECTRONICALLY before the customer enters the program. Program changes shall be conveyed to the customer in writing, EITHER MY MAIL OR ELECTRONICALLY and the customer shall be given an opportunity to withdraw from the program if the customer does not wish to continue under the new terms.

(4) The utility shall provide a receipt, OR A CONFIRMATION, TRANSACTION OR REFERENCE NUMBER, either electronically or on paper, to the customer upon payment through the electronic method. THIS REQUIREMENT DOES NOT APPLY IF THE PAYMENT METHOD IS THROUGH A PRE-AUTHORIZED AUTOMATED DEBIT FROM A CUSTOMER'S FINANCIAL ACCOUNT.

(5) The utility shall ~~maintain sufficient system security to protect all customer information and all access to customer accounts~~ EMPLOY ALL REASONABLE MEASURES TO PROTECT CUSTOMER INFORMATION FORM UNAUTHORIZED DISCLOSURE AND TO PREVENT ACCESS TO CUSTOMER ACCOUNT RECORDS BY PERSONS WHO ARE NOT PROPERLY AUTHORIZED TO HAVE SUCH ACCESS.

- **Paragraph (3) was revised to allow the electronic provision of terms and procedures to the customer instead of requiring them in writing. This should save on paper, printing, handling and postal costs.**

- **Paragraph (4) was revised to remove the receipt requirement in instances when the payment is automatically debited from a customer's account through a pre-authorized agreement. This was based on comments pointing out that these types of**

transactions have been going on for many years and that in these cases it is the financial institution that provides receipt and tracking information to the customer.

§ 56.287. General rule.

Once an applicant's application for service is accepted by the utility, the utility shall MAKE A BONA FIDE ATTEMPT TO provide service within 3 BUSINESS days, provided that the applicant has met all REGULATORY requirements. A longer time frame is permissible with the consent of the applicant. If the investigation and determination of credit status is expected to take or in fact takes longer than 3 business days commencing the date after the application is made, the utility shall provide service pending completion of the investigation. IF THE UTILITY CANNOT PROVIDE SERVICE BY THE TIMEFRAMES SPECIFIED BY THIS PARAGRAPH, THEY SHALL INFORM THE CUSTOMER OF THIS FACT AND PROVIDE A REASONABLE ESTIMATE OF WHEN SERVICE WILL BE PROVIDED. THESE REQUIREMENTS DO NOT APPLY TO NEW SERVICE INSTALLATIONS AND SERVICE EXTENSIONS THAT REQUIRE CONSTRUCTION OF FACILITIES TO PROVIDE THE UTILITY SERVICE.

- **This section was revised to make clearer that: only a bona fide attempt at providing service is required; that the 3-day limit refers to business days; that seven days is permissible if digging is required; and that none of these limits apply if the construction of facilities is involved. This was done based on utility comments asking for more clarity.**

§ 56.312. ~~Discontinuation~~ DISCONTINUANCE of service.

A utility may discontinue service without prior written notice under the following circumstances:

(1) *Customer's residence.* When a customer requests a discontinuance at ~~his~~ THE CUSTOMER'S residence, when the customer and members of the household are the only occupants, ~~if the account is listed in multiple customer names and the utility receives a request for discontinuance from just one or more of the customers listed, but not all the customers listed, the customer requesting discontinuance shall state that all the occupants meeting the definition of "customer" consent to the cessation of service. If consent is not provided, the utility, at least 3 days prior to the proposed discontinuance, shall conspicuously post notice of termination at the affected premises.~~

- **The language in paragraph (1) was proposed to address situations where discontinuance is requested for an account that is in multiple names (something that may occur more frequently with Chapter 14 liability rules). However, based on a review of the comments, handling these situations is probably best left to the management discretion of the utility. Many different scenarios are possible and**

creating regulations that would address most of these could be unwieldy and possibly unworkable.

§ 56.331. General notice provisions and contents of termination notice.

(a) Prior to a termination of service, the utility shall mail or deliver written notice to the customer at least 10 days prior to the date of the proposed termination. In the event of A user without contract as defined in § 56.252 (relating to definitions), the utility shall comply with §§ 56.333--56.337, but need not ~~otherwise~~ provide notice 10 days prior to termination.

(b) A notice of termination must include, in conspicuous print, clearly and fully the following information when applicable:

(1) The reason for the proposed termination.

(2) An itemized statement of ~~accounts~~ AMOUNTS currently due, including any required deposit.

(3) A statement that a ~~specific~~ reconnection fee will be required to have service restored after it has been terminated if a reconnection fee is a part of the tariff of the utility on file with the Commission. THE STATEMENT MUST INCLUDE THE MAXIMUM POSSIBLE DOLLAR AMOUNT OF THE RECONNECTION FEE THAT MAY APPLY.

(4) The date on or after which service will be terminated unless ONE OF THE FOLLOWING OCCURS:

(i) Payment in full is received.

(ii) The grounds for termination are otherwise eliminated.

(iii) A payment agreement ~~or informal dispute settlement agreement~~ is ~~entered~~ ESTABLISHED.

(iv) Enrollment is made in a ~~universal service~~ CUSTOMER ASSISTANCE program OR ITS EQUIVALENT, IF THE CUSTOMER IS ELIGIBLE FOR THE PROGRAM.

(v) A dispute is filed with the utility or the Commission.

(VI) PAYMENT IN FULL O~~N~~F AMOUNTS PAST DUE ON THE MOST RECENT PAYMENT AGREEMENT IS RECEIVED.

(5) A statement that the customer ~~shall~~ SHOULD immediately contact the utility to attempt to resolve the matter~~, including~~. THE STATEMENT SHALL INCLUDE the address and telephone number where questions may be ~~filed~~ ASKED, HOW payment agreements MAY BE NEGOTIATED AND entered into with the utility, and ~~questions and applications can be found for~~ WHERE APPLICATIONS CAN BE FOUND AND SUBMITTED FOR ENROLLMENT INTO the utility's universal service programs, if these programs are offered by the utility.

(6) The following statement: "If YOU HAVE QUESTIONS OR NEED MORE INFORMATION, CONTACT US AS SOON AS POSSIBLE AT (UTILITY PHONE NUMBER)~~;~~. AFTER ~~discussing your problem with the utility~~ YOU TALK TO US, ~~you remain dissatisfied,~~ IF YOU ARE NOT SATISFIED, you may file ~~an informal~~ A complaint with the Public Utility Commission. ~~TO AVOID TERMINATION OF SERVICE PENDING RESOLUTION OF A DISPUTE, THIS INFORMAL COMPLAINT MUST BE FILED BEFORE THE PROPOSED DATE FOR TERMINATION OF YOUR SERVICE.~~ THE PUC

MAY DELAY THE SHUT OFF IF YOU FILE THE COMPLAINT BEFORE THE SHUT OFF DATE. ~~You may file an informal complaint by telephoning the Public Utility Commission at~~ TO CONTACT THEM, CALL (800) 692-7380 or ~~by writing~~ WRITE to the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, Pennsylvania 17105-3265."

(7) A serious illness notice in compliance with the form as set forth in Appendix A (relating to medical emergency notice) except that, for the purpose of § 56.336 (relating to ~~posttermination~~ POST TERMINATION notice), the notice must ~~substantially~~ comply with the form ~~as set forth~~ in Appendix B (relating to medical emergency notice).

(8) ~~When~~ IF the utility has universal service programs, information indicating that special assistance programs ~~are~~ MAY BE available and how to contact the utility for information and enrollment, and that enrollment in the program ~~is~~ MAY BE a method of avoiding the termination of service.

(9) Information indicating that special protections are available for victims under a Protection From Abuse Order and how to contact the utility to obtain more information on these protections.

(10) Information indicating that special protections are available for tenants if the landlord is responsible for paying the utility bill and how to contact the utility to obtain more information on these protections.

(11) Information indicating that if service is shut off, the customer may be required to pay more than the amount listed on the notice to have service turned back on.

(12) Information indicating that if service is shut off, the customer shall contact the utility after payment has been made to arrange reconnection of the service.

(13) Information in Spanish, directing Spanish-speaking customers to the numbers to call for information and translation assistance. ~~Similar information shall be included in other languages when census data indicates a significant population using that language resides in the utility's service territory.~~

(14) Contact information for customers with disabilities that need assistance.

~~(15) Notices should reflect to the extent practical the plain language guidelines found in § 69.251 (relating to plain language--statement of policy).~~

- **Most of the revisions to this section are non-substantive language changes to make it more "plain language." However, paragraph (4)(VI) is new and intended to reflect the *Second Implementation* Order. Paragraph (13) was also revised to omit the requirement that information in additional languages is necessary if a five percent threshold is reached. This was done in reaction to comments that the NOPR proposal was impermissibly vague.**

§ 56.333. Personal contact.

(a) Except when authorized under §§ 56.311, 56.312 or 56.338 (relating to interruption of service; discontinuation of service; and exception for terminations based on occurrences harmful to person or property), a utility may not interrupt, discontinue or terminate service without personally contacting the customer or a responsible adult occupant at least 3 days prior to the interruption, discontinuance or termination, in addition to providing other notice as specified by the properly filed tariff of the utility or as required by this chapter or other Commission directive.

(b) For purposes of this section, "personal contact" means:

(1) Contacting the customer or responsible adult occupant in person or by telephone. Phone contact shall be deemed complete upon attempted calls on 2 separate days to the residence between ~~7~~ **8** a.m. and 9 p.m. if the calls were made at various times each day, with the various times of the day being daytime before 5 p.m. and evening after 5 p.m. and at least 2 hours apart. CALLS MADE TO CONTACT TELEPHONE NUMBERS PROVIDED BY THE CUSTOMER SHALL BE DEEMED TO BE CALLS TO THE RESIDENCE.

(2) If contact is attempted in person by a home visit, only one attempt is required, but the utility shall conspicuously post a written termination notice at the residence if it is unsuccessful in attempting to personally contact a responsible adult occupant.

(3) Contacting another person whom the customer has designated to receive a copy of a notice of termination, other than a member or employee of the Commission.

(4) If the customer has not made the designation noted in paragraph (3), contacting a community interest group or other entity, including a local police department, which previously shall have agreed to receive a copy of the notice of termination and to attempt to contact the customer.

(5) If the utility is not successful in establishing personal contact as noted in paragraphs (1) and (2) and the customer has not made the designation noted in paragraph (3) and if there is no community interest group or other entity which previously has agreed to receive a copy of the notice of termination, contacting the Commission in writing.

(c) The content of the 3-day personal contact notice must ~~comply with § 56.331 (relating to general notice provisions and contents of termination notice)~~ INCLUDE THE DATE AND GROUNDS OF THE TERMINATION; WHAT IS NEEDED TO AVOID THE TERMINATION OF SERVICE; HOW TO CONTACT THE PUBLIC UTILITY AND THE COMMISSION; AND THE AVAILABILITY OF THE EMERGENCY MEDICAL PROCEDURES. THE PUBLIC UTILITY SHALL ALSO ASK THE CUSTOMER OR OCCUPANT IF THEY HAVE ANY QUESTIONS ABOUT THE 10-DAY WRITTEN NOTICE THEY PREVIOUSLY PROVIDED.

- **Paragraph (c) was revised in reaction to comments that the NOPR proposal would be too expensive and impractical to implement. The revision changes the requirement to focus on a few, critical pieces of information that the customer needs. This will make the requirement easier to implement, less expensive, and more beneficial for the customer in that it will put the focus on the critical information.**

§ 56.337. Procedures upon customer or occupant contact prior to termination.

(b) The utility, through its employees, shall exercise good faith and fair judgment in attempting to enter a reasonable ~~informal dispute settlement agreement or~~ payment agreement or otherwise equitably resolve the matter. Factors to be taken into account when attempting to enter into a reasonable informal dispute settlement agreement or payment agreement include the size of the unpaid balance, the ability of the customer to pay, the payment history of the customer and the length of time over which the bill accumulated. PAYMENT AGREEMENTS FOR HEATING CUSTOMERS SHALL BE BASED UPON BUDGET BILLING AS DETERMINED BY § 56.12(7) (RELATING TO METER READING; ESTIMATED BILLING; CUSTOMER READINGS). If ~~an informal dispute settlement agreement or~~ A payment agreement is not established, the company shall further explain the following:

- **The revision to paragraph (b) concerning budget billing is the result of moving this requirement from § 56.262(7) (as proposed in the NOPR) to this section. This was based on comments that suggested payment agreement requirements are more appropriately placed in § 56.337 than in § 56.262 (which addresses meter reading primarily).**

§ 56.340. Winter termination procedures.

Notwithstanding ~~another~~ ANY provision of this chapter, during the period of December 1 through March 31, utilities subject to this ~~chapter~~ SUBCHAPTER shall conform to the provisions of this section. The covered utilities may not ~~be permitted to~~ terminate ~~heat related~~ service between December 1 and March 31 except as provided in this section or in § 56.338 (relating to exception for terminations based on occurrences harmful to person or property).

(1) *Termination notices*. The utility shall comply with §§ 56.331--56.335 including personal contact, as defined in § 56.333 (relating to personal contact), at the premises if occupied.

(2) *Request for permission to terminate service.* If at the conclusion of the notification process defined in §§ 56.331--56.335, a reasonable agreement cannot be reached between the utility and the customer, the utility shall register with the Commission, in writing, a request for permission to terminate service, accompanied by a utility report as defined in § 56.382 (relating to contents of the utility company report). AT THE SAME TIME, THE UTILITY SHALL SERVE THE CUSTOMER A COPY OF THE WRITTEN REQUEST REGISTERED WITH THE COMMISSION.

(3) *Informal complaints*. If the customer has filed an informal complaint or if the Commission has acted upon the utility's written request, the matter shall proceed under §§ 56.391--56.394 (relating to informal complaint procedures). Nothing in this section may be construed to limit the right of a utility or customer to appeal a decision by the Bureau of Consumer Services (BCS) under 66 Pa. C.S. § 701 (relating to complaints) and §§ 56.401--56.403 and 56.441.

(4) *Survey of premises previously terminated.* For premises where heat related service has been terminated prior to December 1 of each year, covered utilities shall, within 90 days prior to December 1, survey and attempt to make ~~posttermination~~ POST TERMINATION personal contact with the occupant or a responsible adult at the premises and in good faith attempt to reach an agreement regarding payment of any arrearages and restoration of service.

(5) *Reporting of survey results.* Utilities subject to this ~~chapter~~ SUBCHAPTER shall file a brief report outlining their pre-December 1 survey and personal contact results with the BCS on or before December 15 of each year. ~~The filing must categorize the accounts by the first three digits of the customer's postal code.~~ Each utility shall update the survey and report the results to the BCS on ~~January 15 and~~ February ~~15~~ **1** of each year to reflect any change in the status of the accounts subsequent to the December 15 filing. FOR THE PURPOSES OF THE FEBRUARY 1 UPDATE OF SURVEY RESULTS, ~~The~~ THE utility shall attempt to contact by telephone, if available, a responsible ADULT PERSON OR occupant at each residence in a good faith attempt to reach an agreement regarding payment of any arrearages and restoration of service.

(6) *Landlord ratepayer accounts.* During the period of December 1 through March 31, a utility subject to this ~~chapter~~ SUBCHAPTER may not terminate service to a ~~premise~~ PREMISES when the account is in the name of a landlord ratepayer as defined at 66 Pa. C.S. § 1521 (related to definitions) except for the grounds in § 56.338 (RELATING TO EXCEPTION FOR TERMINATIONS BASED ON OCCURRENCES HARMFUL TO PERSON OR PROPERTY).

(7) *Reporting of deaths at locations where utility service was previously terminated.* Throughout the year, utilities subject to this ~~chapter~~ SUBCHAPTER shall report to the Commission when, in the normal course of business, they become aware of a household fire, incident of hypothermia or carbon monoxide poisoning OR ANOTHER EVENT that resulted in a death and that the utility service was off at the time of the incident. Within 1 working day of becoming aware of an incident, the utility shall submit a telephone or electronic report to the Director of the BCS including, if available, the name, address and account number of the last customer of record, the date of the incident, a brief statement of the circumstances involved, and, if ~~applicable~~ AVAILABLE FROM AN OFFICIAL SOURCE OR THE MEDIA, the initial findings as to the cause of the incident and the source of that information. The BCS or Commission may request additional information on the incident and the customer's account. Information submitted to the Commission in accordance with this paragraph shall be treated in accordance with 66 Pa. C.S. § 1508 (relating to the reports of accidents) and may not be open for public inspection except by order of the Commission, and may not be admitted into evidence for any purpose in any suit or action for damages growing out of any matter or thing mentioned in the report.

- **The major revision to this section is removing the "heat-related" distinction that was found in the NOPR. The language in the NOPR applied the winter protection rules only to heat-related accounts. This section has now been revised to protect all accounts. This was done in reaction to comments from parties, including IRRC, that questioned the legality of the NOPR proposal.**

- **Paragraph (5) concerning the reporting of cold weather survey results was revised to replace the two follow-up surveys with one. This reflects recent practice and will be easier and less expensive for utilities to implement. The requirement that survey results be reported by postal codes was also eliminated as being something that,**

while useful, is not necessary and probably not worth the expense and bother.

- **Paragraph (7) concerning the reporting of deaths has been revised to clarify that utilities only have to report the causes of the incident if the information is available from an official source or the media. The utility is not expected to make such determinations on its own. The requirement was also revised to cover deaths caused by an "other event" as to align it with the Commission's January 2009 Secretarial Letter and to make sure a death is not overlooked simply because it was not the result of a cause specifically mentioned in the regulation.**

§ 56.351. General provision.

A utility may not terminate service, or refuse to restore service, to a premises when a licensed physician or nurse practitioner has certified that the customer or an applicant seeking ~~restoration~~ RECONNECTION of PREVIOUSLY TERMINATED service under § 56.421 (relating to general rule) or a member of the customer's or applicant's household is seriously ill or afflicted with a medical condition that will be aggravated by cessation of service. The customer shall obtain a letter from a licensed physician or nurse practitioner verifying the condition and shall promptly forward it to the utility. The determination of whether a medical condition qualifies for the purposes of this section resides entirely with the physician or nurse practitioner and not with the utility. A utility may not impose any qualification standards for medical certificates other than those listed in this section.

- **A minor revision in this section clarifies that it is only applicants seeking reconnection of previously terminated service that are eligible for medical certificates; rather than *all* applicants. For example, this would exclude applicants seeking to establish new service and trying to circumvent the credit screening at §56.282.**

§ 56.357. Termination upon expiration of medical certification.

When the initial and renewal certifications have expired, the original ground for termination shall be revived and the utility may terminate service without additional written notice, if notice previously has been mailed or delivered WITHIN THE PAST 60 DAYS under § 56.331 (relating to general notice provisions and contents of termination notice). The utility shall comply with §§ 56.333--56.336.

- **A minor revision in this section specifies that termination may proceed without additional notice as long as a termination notice has been issued within the past 60 days. This is intended to reflect Section 1406(b) language that specifies a 10-day written termination notice is only valid for 60 days and to provide this same protection to customers with a PFA.**

§ 56.382. Contents of the utility company report.

(ii) The date on or after which ~~the utility will commence termination action~~ SERVICE WILL BE TERMINATED in accordance with the applicable requirements unless the report is complied with~~, informal dispute settlement agreement~~ or payment agreement entered or an informal complaint filed. This date may not be earlier than the original date for compliance with the matter which gave rise to the dispute or 10 days from the date of issuance of the utility report, whichever is later. If the utility report is in writing, the information in this paragraph shall be ~~presented in a bold font that is at least 2 font sizes larger than the font used in other sections of the utility report~~ PROMINENTLY DISPLAYED.

- **A minor revision to paragraph (8)(ii) requires that termination threats only be "prominently displayed" rather than in a larger font as specified in the NOPR. This should make this requirement easier and less expensive to implement.**

§ 56.403. Review from informal complaint decisions of the Bureau of Consumer Services.

(a) *Assignment.* Review of informal complaint decisions will be heard DE NOVO by an administrative law judge or special agent.

(b) *Filing and docketing.* ~~Complaints~~ A COMPLAINT will be filed and docketed as a formal Commission complaint, under §§ 1.31--1.38 (relating to REQUIREMENTS FOR documentary filings).

(c) *Captions.* The parties to A review will be stated in the caption as they stood upon the record of the informal complaint proceeding. If the party requesting review is a utility, the phrase "Complaint Appellant" will be added after its name.

(D) *HEARINGS.* HEARINGS CONDUCTED BY AN ADMINISTRATIVE LAW JUDGE OR A SPECIAL AGENT WILL BE HELD WITHIN A REASONABLE PERIOD OF TIME AFTER THE FILING OF THE ANSWER. THE PARTIES MAY INCORPORATE PORTIONS OF THE CONFERENCE REPORT OR INFORMAL COMPLAINT DECISION THAT THEY SHALL AGREE UPON.

(E) *FORMAL COMPLAINT DECISION.* THE ADMINISTRATIVE LAW JUDGE OR SPECIAL AGENT ASSIGNED TO THE FORMAL COMPLAINT WILL ISSUE A DECISION WITH THE COMMISSION WITHIN A REASONABLE PERIOD OF TIME AFTER THE RECEIPT OF THE TRANSCRIBED TESTIMONY. INCLUDED IN THE DECISION WILL BE A DESCRIPTION OF THE MATTER, FINDINGS OF FACT, CONCLUSIONS OF LAW AND OTHER DISCUSSION AND OPINION AS IS APPROPRIATE.

~~(d)~~ (F) *Commission review.* The Commission will review the decision of the assigned administrative law judge or special agent, commit it to advisory staff for further analysis, remand it to an administrative law judge or special agent for further development of the record or issue a final order. The burden of proof remains with the party WHO ~~filing~~ FILED the formal

complaint.

- **This section was revised to make it consistent with § 56.404.**

§ 56.421. ~~General rule~~ PAYMENT AND TIMING.

When service to a dwelling has been terminated, the utility shall reconnect service ~~by the end of the first full working day~~ WITHIN 24 HOURS after receiving one of the following:

(1) Full payment of an outstanding charge plus ~~a reasonable~~ THE reconnection fee SPECIFIED IN THE UTILITY'S TARIFF ON FILE WITH THE COMMISSION. Outstanding charges and the reconnection fee may be amortized over a reasonable period of time. Factors to be taken into account include, but are not limited to:

(i) The size of the unpaid balance.

(ii) The ability of the customer to pay.

(iii) The payment history of the customer.

(iv) The length of time over which the bill accumulated.

(2) Payment of amounts currently due according to ~~an informal dispute settlement agreement or~~ A payment agreement, plus a reasonable reconnection fee, which may be a part of the ~~informal dispute settlement agreement or~~ payment agreement. The utility may apply the procedure in paragraph (1), if the payment history indicates that the customer has defaulted on at least two payment agreements, or an informal complaint decision, or a formal complaint order. FOR PURPOSES OF THIS SECTION, NEITHER AN AMORTIZATION OF A MAKE-UP BILL UNDER § 56.264 (RELATING TO PREVIOUSLY UNBILLED UTILITY SERVICE) OR §56.252 DEFINITION OF A BILLING MONTH (RELATING TO DEFINITIONS), NOR A PAYMENT AGREEMENT THAT HAS BEEN PAID IN FULL BY THE CUSTOMER, ARE TO BE CONSIDERED DEFAULTS. BUDGET BILLING PLANS AND AMORTIZATION OF BUDGET PLAN RECONCILIATION AMOUNTS UNDER § 56.262(7) (RELATING TO METER READING; ESTIMATED BILLINGS; CUSTOMER READINGS) SHALL ALSO NOT BE CONSIDERED DEFAULTS FOR THE PURPOSES OF THIS SECTION.

(3) Adequate assurances that any unauthorized use or practice will cease, plus full payment of the reasonable reconnection fee of the utility, which may be subject to a payment agreement and compliance or adequate assurance of compliance with an applicable provision for the establishment of credit or the posting of deposits or guarantees.

(4) Service shall be restored within 24 hours for erroneous terminations or upon receipt by the utility of a valid medical certification. Erroneous terminations include instances when the grounds for termination were removed by the customer paying the amount needed to avoid termination prior to the termination of the service.

(5) Service shall be restored within 24 hours for terminations and reconnections occurring after November 30 and before April 1.

(6) A CUSTOMER OR APPLICANT OF A CITY NATURAL GAS DISTRIBUTION

OPERATION WHOSE HOUSEHOLD INCOME DOES NOT EXCEED 135% OF THE FEDERAL POVERTY LEVEL SHALL BE REINSTATED UNDER THIS SUBSECTION ONLY IF THE CUSTOMER OR APPLICANT ENROLLS IN THE CUSTOMER ASSISTANCE PROGRAM OF THE CITY NATURAL GAS DISTRIBUTION OPERATION. THIS REQUIREMENT MAY NOT APPLY IF THE FINANCIAL BENEFITS TO THE CUSTOMER OR APPLICANT ARE GREATER IF SERVED OUTSIDE OF THAT ASSISTANCE PROGRAM.

(7) A UTILITY SHALL PROVIDE FOR AND INFORM THE APPLICANT OR CUSTOMER OF A LOCATION WHERE THE CUSTOMER CAN MAKE PAYMENT TO RESTORE SERVICE. A UTILITY SHALL INFORM THE APPLICANT OR CUSTOMER THAT CONDITIONS FOR RESTORATION OF SERVICE MAY DIFFER IF SOMEONE IN THE HOUSEHOLD IS A VICTIM OF DOMESTIC VIOLENCE WITH A PROTECTION FROM ABUSE ORDER OR IS SERIOUSLY ILL OR AFFECTED BY A MEDICAL CONDITION WHICH WILL BE AGGRAVATED WITHOUT UTILITY SERVICE.

- **Paragraph (2) was revised to specify more amortization plans, including budget billing plans, that should not be considered as a "payment agreement" when a utility is applying the provision that allows the utility to require the full account balance if a customer has defaulted on two payment agreements. This was done in reaction to comments that found the NOPR proposal helpful but incomplete.**

- **Paragraph (6) was added to provide a PGW customer with a PFA the same rights as any other customer to have service restored upon enrollment in PGW's CAP, if they are so eligible.**

- **Paragraph (7) was added to provide a customer with a PFA the same information rights as any other customer. This includes information on medical certificates, where to make payments, and PFA protections.**

§ 56.431. Public information.

(A) In addition to the notice requirements in this chapter, the Commission will, within 6 months of the effective date of a change to a regulation in this chapter, prepare a summary of the rights and responsibilities of the utility and its customers affected by the change. Summaries will be mailed by the utility to each customer of the utility affected by the change. These summaries, as well as a summary of the rights and responsibilities of the utility and its customers in accordance with this chapter, ~~must~~ SHALL be in writing, SHALL be reproduced by the utility, SHALL be displayed prominently, SHALL BE AVAILABLE ON THE UTILITY'S WEBSITE-, IF THE COMPANY HAS ONE, and SHALL be available at all utility office locations open to the general public. ~~This information shall be delivered or mailed to each new customer of the utility upon the commencement of service and shall be available at all times upon request.~~ THE PUBLIC UTILITY SHALL INFORM NEW CUSTOMERS OF THE AVAILABILITY OF

THIS INFORMATION AND DIRECT WHERE TO LOCATE IT ON THE UTILITY'S WEBSITE. THE UTILITY SHALL DELIVER OR MAIL A COPY UPON THE REQUEST OF A CUSTOMER OR APPLICANT.

- **This section was revised to permit utilities to place their "rights and responsibilities" information on their website as opposed to having to mail hard copies to all new customers. This will save paper, printing, handling and postage costs.**

ATTACHMENT THREE:

REVISIONS TO CHAPTER 56 THAT WILL PROMOTE GREATER EFFICIENCIES AND COST-SAVINGS.

L-00060182

56.2. AMR (Automatic meter reading)--

(III) ALL METER READINGS BY AN AMR SHALL BE DEEMED ACTUAL READINGS FOR THE PURPOSES OF THIS CHAPTER.

- **This revision will produce savings and efficiencies in that utilities will be able to rely on automated meter readings in lieu of sending meter readers to residences to read meters.**

56.2. Applicant--[A person who applies for residential utility service.] (i) A natural person AT LEAST 18 YEARS OF AGE not currently receiving service who applies for residential service provided by a public utility or any adult occupant whose name appears on the mortgage, deed or lease of the property for which the residential public utility service is requested.

- **This revision will produce savings and efficiencies in that utilities will be able to hold, under certain circumstances, third parties responsible for utility service accrued in someone else's name without having to obtain a ruling from a court or the PUC to do so.**

56.2. Billing period--

(IV) BILLS FOR LESS THAN 26 DAYS OR MORE THAN 35 DAYS SHALL BE PERMITTED IF THEY RESULT FROM A METER READING ROUTE CHANGE INITIATED BY THE PUBLIC UTILITY. THE PUBLIC UTILITY SHALL INFORMALLY CONTACT THE DIRECTOR OF THE BUREAU OF CONSUMER SERVICES AT LEAST 30 DAYS PRIOR TO THE REROUTING AND PROVIDE INFORMATION AS TO WHEN THE BILLING WILL OCCUR, THE NUMBER OF CUSTOMERS AFFECTED AND A GENERAL DESCRIPTION OF THE GEOGRAPHIC AREA INVOLVED. IF A BILL RESULTING FROM A METER RE-ROUTING EXCEEDS 60 DAYS THE CUSTOMER SHALL BE GIVEN THE OPPORTUNITY TO AMORTIZE THE AMOUNT OVER A PERIOD EQUAL TO THE PERIOD COVERED BY THE BILL WITHOUT PENALTY.

- **This revision will produce savings and efficiencies in that utilities will be able to perform routine changes to meter reading routes that may produce long-period bills without first seeking waivers and exemptions from the Commission. (the source of**

this revision is not in Chapter 14; rather it is an efficiency the Commission is providing in addition to those in Chapter 14).

56.2. Customer--A natural person AT LEAST 18 YEARS OF AGE in whose name a residential service account is listed and who is primarily responsible for payment of bills rendered for the service or ~~an~~ ANY adult occupant whose name appears on the mortgage, deed or lease of the property for which the residential public utility service is requested. A natural person remains a customer after discontinuance or termination until the final bill for service is past due.

- **This revision will produce savings and efficiencies in that utilities will be able to hold, under certain circumstances, third parties responsible for utility service accrued in someone else's name without having to obtain a ruling from a court or the PUC to do so.**

§ 56.11. Billing frequency.

(a) A public utility shall render a bill once every billing period to every residential [ratepayer] customer in accordance with approved rate schedules.

(b) A public utility may utilize electronic billing in lieu of mailed paper bills. Electronic billing programs must include the following requirements:

(1) The electronic billing option is voluntary ~~and the customer retains the option of continuing to receive a paper bill if desired~~ AND ONLY WITH THE PRIOR CONSENT OF THE CUSTOMER. The customer retains the right to revert to conventional paper billings upon request. The customer shall provide the public utility with a 1 ~~month~~ BILLING CYCLE notice of a request to revert to paper billing.

(2) A customer shall receive ~~a visual presentation of an electronic bill in the same format as the~~ THE SAME INFORMATION THAT IS INCLUDED WITH A paper bill issued by the public utility.

(3) The electronic bill must include the same disclosures and ~~required~~ educational messages that are required for paper bills. The electronic transmission of termination notices may not be permitted UNLESS THE CUSTOMER HAS AFFIRMATIVELY CONSENTED TO THIS METHOD OF DELIVERY. THE ELECTRONIC DELIVERY OF A TERMINATION NOTICE DOES NOT RELIEVE THE PUBLIC UTILITY OF THE OBLIGATION TO PROVIDE TERMINATION NOTICES AS REQUIRED BY §§ 56.91 – 56.98.

(4) The electronic bill must include required bill inserts in an easily accessed and easily readable format.

(5) The electronic bill must include the option for the customer to contribute to the public utility's hardship fund IF THE UTILITY IS ABLE TO ACCEPT HARDSHIP FUND CONTRIBUTIONS BY THIS METHOD.

(6) A customer may not be required to pay an additional fee to receive an electronic bill.

(7) The public utility shall maintain a system to ~~ensure delivery of~~ DELIVER electronic bills if the bill is emailed to a customer.

(8) The public utility shall ~~maintain sufficient system security to assure customer privacy~~ EMPLOY ALL REASONABLE MEASURES TO PROTECT CUSTOMER INFORMATION FROM UNAUTHORIZED DISCLOSURE AND TO PREVENT ACCESS TO CUSTOMER ACCOUNT RECORDS BY PERSONS WHO ARE NOT PROPERLY AUTHORIZED TO HAVE SUCH ACCESS.

- **This revision will produce savings and efficiencies in that utilities will be able to bill customers through paperless, electronic methods. This will save paper, printing, processing and postal costs. In addition, utilities will not have to file petitions seeking permission to operate such billing programs. (The source of this revision is not in Chapter 14; rather it is an efficiency the Commission is providing in addition to those in Chapter 14).**

§ 56.12. Meter reading; estimated billing; [ratepayer] customer readings.

Except as provided in this section, a public utility shall render bills based on actual meter readings by public utility company personnel.

(i) Upon the request of the [ratepayer] customer, the public utility shall, at least annually, provide preaddressed postcards on which the [ratepayer] customer may [note] report the reading. The public utility shall provide additional preaddressed postcards on request. The public utility may choose to make available electronic and telephonic methods for customers to report meter reading information.

- **This revision will produce savings and efficiencies in that customers will be allowed to submit meter readings through electronic and telephonic methods, instead of using the traditional paper/mailing process. (The source of this revision is not in Chapter 14; rather it is an efficiency the Commission is providing in addition to those in Chapter 14).**

§ 56.13. [Separate billings] Billings for merchandise, appliances and nonrecurring and recurring services.

Charges for other than basic service--that is, merchandise, appliances and special services, including merchandise and appliance installation, sales, rental and repair costs; meter testing fees; line extension costs; special construction charges, and other nonrecurring charges, except as provided in this chapter--shall appear [on a separate bill] after charges for basic services and appear distinctly separate. This includes charges for optional recurring services which are distinctly separate and clearly not required for the physical delivery of service. Examples include line repair programs and appliance warranty programs.

- **This revision will produce savings and efficiencies in that utilities will be able to bill for non-basic services on the same utility bill as basic services. No longer requiring separate bills for these services will present savings in paper, processing, and postal costs. (The source of this revision is not in Chapter 14; rather it is an efficiency the Commission is providing in addition to those in Chapter 14).**

§ 56.16. Transfer of accounts.

(a) A [ratepayer] customer who is about to vacate premises supplied with public utility service or who wishes to have service discontinued shall give at least 7 days notice to the public utility and a [nonratepayer] noncustomer occupant, specifying the date on which it is desired that service be discontinued. In the absence of a notice, the [ratepayer] customer shall be responsible for services rendered. If the public utility is not, AFTER A REASONABLE ATTEMPT TO OBTAIN METER ACCESS, able to access the meter for discontinuance, service shall be discontinued with an estimated meter reading upon which the final bill will be based. The resulting final bill is subject to adjustment once the public utility has obtained an actual meter reading ~~and can determine the actual consumption used by the customer~~.

- **This revision will produce savings and efficiencies in that utilities will be able to "final" an account based on an estimated reading under certain circumstances. (The source of this revision is not in Chapter 14; rather it is an efficiency the Commission is providing in addition to those in Chapter 14).**

§ 56.21. Payment.

The due date for payment of a bill may be no less than 20 days from the date of transmittal; that is, the date of mailing, OR ELECTRONIC or [physical] delivery of the bill by the public utility to the [ratepayer] customer.

- **This revision will produce savings and efficiencies in that utilities are allowed to electronically deliver a bill instead of physically delivering it. This will produce savings in paper, processing, and postal costs. (The source of this revision is not in Chapter 14; rather it is an efficiency the Commission is providing in addition to those in Chapter 14).**

§ 56.25. Electronic bill payment.

A public utility may offer electronic payment options. Electronic payment programs must include the following requirements:

(1) Electronic bill payment shall be voluntary ~~and may not be required in conjunction with electronic billing~~. A PUBLIC UTILITY MAY NOT REQUIRE A CUSTOMER TO ENROLL IN ELECTRONIC BILL PAYMENT AS A CONDITION FOR ENROLLING IN ELECTRONIC BILLING.

(2) For electronic bill payment through a charge to a customer's credit card or automatic withdrawal from a customer's ~~checking~~ FINANCIAL account, the program must set forth the date (or number of days after issuance of the bill) when the automatic payment shall be made.

(3) The terms of the payment procedures shall be fully disclosed to the customer in writing, EITHER BY MAIL OR ELECTRONICALLY, before the customer enters the program. Program changes shall be conveyed to the customer in writing, EITHER BY MAIL OR ELECTRONICALLY, and the customer shall be given an opportunity to withdraw from the program if the customer does not wish to continue under the new terms.

(4) The public utility shall provide a receipt, OR A CONFIRMATION, TRANSACTION OR REFERENCE NUMBER, either electronically or on paper, to the customer upon payment through the electronic method. THIS REQUIREMENT DOES NOT APPLY IF THE PAYMENT METHOD IS THROUGH A PRE-AUTHORIZED AUTOMATED DEBIT FROM A CUSTOMER'S FINANCIAL ACCOUNT.

(5) The public utility shall ~~maintain sufficient system security to protect customer information and access to customer accounts~~ EMPLOY ALL REASONABLE MEASURES TO PROTECT CUSTOMER INFORMATION FROM UNAUTHORIZED DISCLOSURE AND TO PREVENT ACCESS TO CUSTOMER ACCOUNT RECORDS BY PERSONS WHO ARE NOT PROPERLY AUTHORIZED TO HAVE SUCH ACCESS.

- **This revision will produce savings and efficiencies in that utilities will be able to collect payments through paperless, electronic methods. This will save payment processing costs. In addition, utilities will not have to file petitions seeking permission to operate such payment programs. (The source of this revision is not in Chapter 14; rather it is an efficiency the Commission is providing in addition to those in Chapter 14).**

§ 56.32. [Credit standards] Security and cash deposits.

[A utility shall provide residential service without requiring a deposit when the applicant satisfies one of the following requirements:

(1) *Prior utility payment history.* The applicant has been a recipient of utility service of a similar type within a period of 24 consecutive months preceding the date of the application and was primarily responsible for payment for such service, so long as:

(i) The average periodic bill for the service was equal to at least 50% of that estimated for new service.

(ii) The service of the applicant was not terminated for nonpayment during the last 12 consecutive months of that prior service.

(iii) The applicant does not have an unpaid balance from that prior service.

(2) *Ownership of real property.* The applicant owns or has entered into an agreement to purchase real property located in the area served by the utility or is renting his place of residence under a lease of one year or longer in duration, unless the applicant has an otherwise unsatisfactory credit history as an utility customer within 2 years prior to the application for service.

(3) *Credit information.* The applicant provides information demonstrating that he is not an unsatisfactory credit risk.

(i) The absence of prior credit history does not, of itself, indicate an unsatisfactory risk.

(ii) The utility may request and consider information including but not limited to: the name of the employer of the applicant, place and length of employment, residences during the previous 5 years, letters of reference, credit cards and any significant source of income other than from employment.]

(a) A public utility may require a cash deposit in an amount that is equal to 1/6 of an applicant's estimated annual bill at the time the public utility determines a deposit is required, based upon the following:

(1) An applicant who previously received utility distribution services and was a customer of the public utility and whose service was terminated for any of the following reasons:

(i) Nonpayment of an undisputed delinquent account.

(ii) Failure to complete payment of a deposit, provide a guarantee or establish credit.

(iii) Failure to permit access to meters, service connections or other property of the public utility for the purpose of replacement, maintenance, repair or meter reading.

(iv) Unauthorized use of the public utility service delivered on or about the affected dwelling.

(v) Failure to comply with the material terms of A ~~an informal dispute settlement agreement or~~ payment agreement.

(vi) Fraud or material misrepresentation of identity for the purpose of obtaining public utility service.

(vii) Tampering with meters, including, BUT NOT LIMITED TO, bypassing a meter or removal of an automatic meter reading device or other public utility equipment.

(viii) Violating tariff provisions on file with the Commission ~~which~~ SO AS TO endanger the safety of a person or the integrity of the delivery system of the public utility.

(2) An applicant ~~or customer~~ who is unable to establish creditworthiness to the satisfaction of the public utility through the use of a generally accepted credit scoring methodology which employs standards for using the methodology that fall within the range of general industry practice. The credit scoring methodology utilized for this purpose must specifically assess the risk of utility bill payment.

(b) Except for applicants who are subject to a deposit under subsection (a), a city natural gas distribution operation may require a deposit from the applicant as follows:

(1) When an applicant has household income above 300% of the Federal poverty level, a deposit of 1/6 of the applicant's estimated annual bill shall be paid in full at the time the city natural gas distribution operation determines a deposit is required.

(2) When an applicant has household income no greater than 300% of the Federal poverty level, 1/12 of the applicant's estimated annual bill shall be paid in full at the time the city natural gas distribution operation determines a deposit is required. Applicants who enroll into the customer assistance program made available by the city natural gas distribution operation are not subject to this paragraph.

(3) The Commission will permit a city natural gas distribution operation to refuse to provide service to an applicant when the applicant has a pending lien or civil judgment by the city natural gas distribution operation outstanding against the applicant or against property owned in whole or in part by the applicant unless the applicant enters into a payment arrangement for the payment of the amount associated with the lien or judgment that remains outstanding at the time of the application.

(c) Prior to providing public utility service, a public utility may require the applicant to provide the names of each adult occupant residing at the location and proof of their identity. For purposes of this section, valid identification consists of one government issued photo identification. If one government issued photo identification is not available, the public utility may require the applicant to present two alternative forms of identification, as long as one of the identifications includes a photo of the individual. In lieu of requiring identification, the public utility may ask, but may not require, the individual to provide the individual's Social Security Number. Public utilities shall take all appropriate actions needed to ensure the privacy and confidentiality of identification information provided by their applicants and customers.

- **This revision will produce savings and efficiencies in that it grants utilities expanded authorization to obtain security deposits from applicants, which will protect against losses on such accounts. Utilities are authorized to use credit scores to establish credit-worthiness, which should be more efficient than collecting credit-worthiness information required by the traditional Chapter 56 credit standards. PGW is also allowed to enforce a lien by refusing service to applicants with liens. This should reduce the cost of enforcing such liens.**

§ 56.33. [Cash deposits; third] Third-party guarantors.

If an applicant does not establish [his] credit under § 56.32 (relating to [credit standards] security and cash deposits), the public utility shall provide residential service when one of the following requirements is satisfied:

* * * * *

(2) *Third-party guarantor.* [The applicant furnishes a written guarantee from a responsible ratepayer which, for the purposes of this section, shall mean a ratepayer who has or can establish credit, under § 56.32, to secure payment in an amount equal to that required for cash deposits.

(i) A guarantee shall be in writing and shall state the terms of the guarantee.

(ii) The guarantor shall be discharged when the applicant has met the terms and conditions which apply under §§ 56.52--56.57.]

This section does not preclude an applicant from furnishing a third-party guarantor in lieu of a cash deposit. The guaranty must be in writing and state the terms of the guaranty. The guarantor shall be responsible for all missed payments owed to the public utility. FOR THE PURPOSES OF THIS SECTION, THE GUARANTOR SHALL MEAN A THIRD-PARTY WHO HAS OR CAN ESTABLISH CREDIT, UNDER § 56.32 (RELATING TO SECURITY AND CASH

DEPOSITS).

- **This revision will produce savings and efficiencies in that third-party guarantors now can be held responsible for all missed utility payments, instead of just the amount of the deposit. This will offer additional protection against losses on such accounts.**

§ 56.35. Payment of outstanding balance.

(a) A public utility may require, as a condition of the furnishing of residential service to an applicant, the payment of any outstanding residential account with the public utility which accrued within the past 4 years for which the applicant is legally responsible and for which the applicant was billed properly. [However, any such]

(b) A public utility may not require, as a condition of the furnishing of residential service, payment for residential service previously furnished under an account in the name of a person other than the applicant, EXCEPT AS PROVIDED FOR IN PARAGRAPHS (1) AND (2) OF THIS SECTION.

(1) A public utility may require the payment of an outstanding balance or portion of an outstanding balance if the applicant resided at the property for which service is requested during the time the outstanding balance accrued and for the time the applicant resided there, not exceeding 4 years FROM THE DATE OF THE SERVICE REQUEST. THE 4-YEAR LIMIT DOES NOT APPLY IF THE BALANCE INCLUDES AMOUNTS THAT THE UTILITY WAS NOT AWARE OF BECAUSE OF FRAUD OR THEFT ON THE PART OF THE APPLICANT.

(2) A public utility may establish that an applicant previously resided at a property for which residential service is requested through the use of mortgage, deed or lease information, a commercially available consumer credit reporting service or other methods approved as valid by the Commission. PUBLIC UTILITIES MUST INCLUDE IN THEIR TARIFFS FILED WITH THE COMMISSION THE METHODS, OTHER THAN THOSE SPECIFICALLY MENTIONED IN THIS PARAGRAPH, USED TO DETERMINE THE APPLICANT'S LIABILITY FOR ANY OUTSTANDING BALANCE.

(3) ~~Public utilities shall include in their tariffs filed with the Commission the procedures and standards used to determine the applicant's liability for any outstanding balance~~. Any outstanding residential account with the public utility may be amortized [over a reasonable period of time. Factors to be taken into account include but are not limited to the size of the unpaid balance, the ability of the applicant to pay, the payment history of the applicant, and the length of time over which the bill accumulated. A utility may not require, as a condition of the furnishing of residential service, payment for residential service previously furnished under an account in the name of a person other than the applicant unless a court, district justice or administrative agency has determined that the applicant is legally obligated to pay for the service previously furnished. Examples of situations include a separated spouse or a cotenant] in accordance with § 56.191 (relating to ~~the general rule~~ PAYMENT AND TIMING).

(c) This section does not affect the creditor rights and remedies of a public utility otherwise permitted by law.

- **This revision will produce savings and efficiencies in that utilities will be able to hold, under certain circumstances, third parties responsible for utility service accrued in someone else's name without having to obtain a ruling from a court or the PUC to do so.**

§ 56.38. Payment period for deposits by applicants.

An applicant REQUIRED TO PAY A DEPOSIT UNDER THE PROVISIONS OF § 56.32 (RELATING TO SECURITY AND CASH DEPOSITS) may ~~elect to pay any required deposits in three installments: 50% payable upon the determination by the public utility that the deposit is required, 25% payable 30 days after the determination, and 25% payable 60 days after the determination.~~ BE REQUIRED BY THE PUBLIC UTILITY TO PAY THE DEPOSIT IN FULL PRIOR TO THE PROVISION OF PUBLIC UTILITY SERVICE. ~~A public utility shall advise an applicant of the option to pay the requested security deposit in installments at the time the deposit is requested.~~

- **This revision will produce savings and efficiencies in that utilities will be able to collect security deposit amounts immediately instead of billing them in three installments. As a result, deposits will be paid faster, thus accounts will be secured against future losses more quickly.**

§ 56.82. [Days termination of service is prohibited] Timing of termination.

[Except in emergencies--which include unauthorized use of utility service--service shall not be terminated, for nonpayment of charges or for any other reason, during the following periods:

(1) On Friday, Saturday, or Sunday.

(2) On a bank holiday or on the day preceding a bank holiday.

(3) On a holiday observed by the utility or on the day preceding such holiday. A holiday observed by a utility shall mean any day on which the business office of the utility is closed to observe a legal holiday, to attend utility meetings or functions, or for any other reason.

(4) On a holiday observed by the Commission or on the day preceding such holiday.]

A public utility may terminate service for the reasons in § 56.81 (relating to authorized termination of service) from Monday through Friday as long as the public utility ~~has offices open on the following day during regular business hours and personnel on duty who can negotiate conditions to restore service, accept emergency medical certificates,~~ IS ABLE TO accept payment to restore service ON THE DAY OF TERMINATION AND ON THE FOLLOWING DAY and can restore service, consistent with § 56.191 (relating to ~~the general rule~~ PAYMENT

AND TIMING).

- **This revision will produce savings and efficiencies in that utilities are able to terminate service on Fridays, contrary to the traditional restrictions in Chapter 56. This will provide additional days throughout the year that a utility can take collection action against customers in default.**

§ 56.83. Unauthorized termination of service.

Unless expressly and specifically authorized by the Commission, service may not be terminated nor will a termination notice be sent for any of the following reasons:

*****

(4) Nonpayment of bills for delinquent accounts of the prior [ratepayer] customer at the same address unless the public utility has, under § 56.35 (relating to payment of outstanding balance), established that the applicant or customer was an ADULT occupant at the same address during the time period the delinquent amount accrued.

* * * * *

(8) Nonpayment for residential service already furnished in the names of persons other than the [ratepayer] customer unless a court, district justice or administrative agency has determined that the [ratepayer] customer is legally obligated to pay for the service previously furnished or unless the public utility has, under § 56.35, established that the applicant or customer was an occupant at the same address during the time period the delinquent amount accrued. This paragraph does not affect the creditor rights and remedies of a public utility otherwise permitted by law.

* * * * *

- **This revision will produce savings and efficiencies in that utilities are able, under certain circumstances, to terminate service for amounts accrued in the name of another party without having to obtain a ruling from a court or the PUC to do so.**

§ 56.91. General notice provisions and contents of termination notice.

(a) Prior to [a termination of service, the utility shall mail or deliver written notice to the ratepayer at least 10 days prior to the date of the proposed termination] terminating service for grounds authorized by § 56.81 (relating to authorized termination of service), a public utility shall provide written notice of the termination to the customer at least 10 days prior to the date of the proposed termination. The termination notice ~~must~~ SHALL remain effective for 60 days. In the event of [any taking or acceptance of utility service without the knowledge or approval of the utility, other than unauthorized use of service] a user without contract as defined in § 56.2

(relating to definitions), the public utility shall comply with §§ 56.93--56.97, but need not ~~otherwise~~ provide notice 10 days prior to termination.

- **This revision will produce savings and efficiencies in that a 10-day notice is now valid for 60 days. The traditional practice was that 10-day notices expire in 30 days.**

§ 56.93. Personal contact.

(a) Except when authorized by §§ 56.71, 56.72 or 56.98 (relating to interruption of service; ~~discontinuation~~ DISCONTINUANCE of service; and [exception for terminations based on occurrences harmful to person or property] immediate termination for unauthorized use, fraud, tampering or tariff violations), a public utility may not interrupt, discontinue or terminate service without [personally contacting the ratepayer or a responsible adult occupant at least 3 days prior to the interruption, discontinuance or termination, in addition to providing other notice as specified by the properly filed tariff of the utility or as required by this chapter or other Commission directive. For purposes of this section, "personal contact" means:

(1) Contacting the ratepayer or responsible adult occupant in person or by telephone.

(2) Contacting another person whom the ratepayer has designated to receive a copy of a notice of termination, other than a member or employee of the Commission.

(3) If the ratepayer has not made the designation noted in paragraph (2), contacting a community interest group or other entity, including a local police department, which previously shall have agreed to receive a copy of the notice of termination and to attempt to contact the ratepayer.

(4) If the ratepayer has not made the designation noted in paragraph (2) and if there is no community interest group or other entity which previously has agreed to receive a copy of the notice of termination, contacting the Commission in writing] attempting to contact the customer or responsible adult occupant, either in person or by telephone, to provide notice of the proposed termination at least 3 days prior to the scheduled termination. If personal contact by one method is not possible, the public utility is obligated to attempt the other method.

(b) Phone contact shall be deemed complete upon attempted calls on 2 separate days to the residence between the hours of ~~7~~ 8 a.m. and 9 p.m. if the calls were made at various times each day, with the various times of the day being daytime before 5 p.m. and evening after 5 p.m and at least 2 hours apart. CALLS MADE TO CONTACT TELEPHONE NUMBERS PROVIDED BY THE CUSTOMER SHALL BE DEEMED TO BE CALLS TO THE RESIDENCE.

(c) If contact is attempted in person by a home visit, only one attempt is required.~~, but the~~ THE public utility shall conspicuously post a written termination notice at the residence if it is unsuccessful in attempting to personally contact a responsible adult occupant DURING THE HOME VISIT.

(d) The content of the 3-day personal contact notice must ~~comply with § 56.91 (relating to general notice provisions and contents of termination notice)~~ INCLUDE THE DATE AND GROUNDS OF THE TERMINATION; WHAT IS NEEDED TO AVOID THE TERMINATION OF SERVICE; HOW TO CONTACT THE PUBLIC UTILITY AND THE COMMISSION; AND THE AVAILABILITY OF THE EMERGENCY MEDICAL PROCEDURES. THE PUBLIC UTILITY SHALL ALSO ASK THE CUSTOMER OR

OCCUPANT IF THEY HAVE ANY QUESTIONS ABOUT THE 10-DAY WRITTEN NOTICE THEY HAVE PREVIOUSLY RECEIVED.

- **This revision will produce savings and efficiencies in that utilities, if the personal contact attempts are unsuccessful, no longer have to notify the Commission of such, nor notify another entity such as a community group or local authorities. This will produce savings in paper, processing and postal costs.**

§ 56.94. Procedures immediately prior to termination.

(3) *Dishonorable tender of payment after receiving termination notice.* After a public utility has provided a written termination notice under § 56.91 (relating to general notice provisions and contents of termination notice) and attempted telephone contact as provided in § 56.93 (relating to personal contact), termination of service may proceed without additional notice when EITHER:

(i) A customer tenders payment which is subsequently dishonored under 13 Pa.C.S. § 3502 (relating to dishonor)~~.~~, OR:

(ii) A customer tenders payment with an access device, as defined in 18 Pa.C.S. § 4106(d) (relating to access device fraud), which is unauthorized, revoked or canceled.

- **This revision will produce savings and efficiencies in that a utility can now terminate service, without providing additional notice, if a customer tenders a bad check during the termination process.**

§ 56.95. Deferred termination when no prior contact.

[If a prior contact has not been made with a responsible adult either at the residence of the ratepayer, as required by § 56.94 (relating to procedures immediately prior to termination) or at the affected dwelling, the employe may not terminate service but shall conspicuously post a termination notice at the residence of the ratepayer and the affected dwelling, advising that service will be disconnected not less than 48 hours from the time and date of posting] During the months of December through March, unless personal contact has been made with the customer or responsible adult by personally visiting the customer's residence, a public utility shall, ~~within~~ 48 hours ~~of~~ PRIOR TO the scheduled date of termination, post a notice of the proposed termination at the service location.

- **This revision will produce savings and efficiencies in that utilities no longer have to provide a 48-hour notice, unless it is wintertime (December – March). This will produce savings by eliminating additional field work for utilities (a reduction in trips to the residence before terminating service).**

§ 56.100. Winter termination procedures.

(a) *Water distribution utilities.* Notwithstanding ~~another~~ ANY provision of this chapter, during the period of December 1 through March 31, water distribution utilities subject to this ~~chapter~~ SUBCHAPTER [shall conform to the provisions of this section. The covered utilities may] ~~are~~ MAY not [be] ~~permitted to~~ terminate heat related service between December 1 and March 31 except as provided in this section or in § 56.98 (relating to [exception for terminations based on occurrences harmful to person or property] immediate termination for unauthorized use, fraud, tampering or tariff violations).

(b) *Electric distribution and natural gas distribution utilities.* Unless otherwise authorized by the Commission, during the period of December 1 through March 31, an electric distribution utility or natural gas distribution utility may not terminate ~~heat related~~ service to customers with household incomes at or below 250% of the Federal poverty level except as provided in this section or in § 56.98. The Commission will not prohibit an electric distribution utility or natural gas distribution utility from terminating ~~heat related~~ service in accordance with this section to customers with household incomes exceeding 250% of the Federal poverty level.

(c) *City natural gas distribution utility.* In addition to the winter termination authority in subsection (b), a city natural gas distribution operation may terminate service after January 1 and before April 1 to a customer whose household income exceeds 150% of the Federal poverty level but does not exceed 250% of the Federal poverty level, and starting January 1, has not paid at least 50% of charges for each of the prior 2 months unless the customer has done one of the following:

(1) Proven in accordance with Commission rules, that the household contains one or more persons who are 65 years of age or over.

(2) Proven in accordance with Commission rules, that the household contains one or more persons 12 years of age or younger.

(3) Obtained a medical certification, in accordance with Commission rules.

(4) Paid to the city natural gas distribution operation an amount representing at least 15% of the customer's monthly household income for each of the last 2 months.

- **This revision will produce savings and efficiencies in that utilities can now terminate service to customers above 250% of poverty (150% for PGW) without first petitioning the PUC for permission to do so. This will produce savings in that utilities will not have the bother or expense of filing petitions with the Commission.**

§ 56.111. General provision.

[A utility may not terminate, or refuse to restore, service to a premise when an occupant therein is certified by a physician to be seriously ill or affected with a medical condition which will be aggravated by a cessation of service or failure to restore service.] A public utility may not terminate service~~, or refuse to restore service,~~ to a premises when a licensed physician or nurse

practitioner has certified that the customer ~~or an applicant seeking restoration of service under § 56.191 (relating to the general rule)~~ or a member of the customer's ~~or applicant's~~ household is seriously ill or afflicted with a medical condition that will be aggravated by cessation of service. The customer shall obtain a letter from a licensed physician ~~or nurse practitioner~~ verifying the condition and promptly forward it to the public utility. The determination of whether a medical condition qualifies for the purposes of this section resides entirely with the physician or nurse practitioner and not with the public utility. A public utility may not impose any qualification standards for medical certificates other than those specified in this section.

- **This section has been revised to remove the use of medical certificates to get service reconnected. Corresponding language has been added to § 56.191 that makes clear that medical certificates must be accompanied by the payment required by the utility.**

§ 56.114. Length of postponement; renewals.

Service may not be terminated for the time period specified in a medical certification; the maximum length of the certification shall be 30 days.

* * * * *

(2) *Renewals*. Certifications may be renewed in the same manner and for the same time period as provided in §§ 56.112 and 56.113 (relating to postponement of termination pending receipt of certificate; and medical certifications) and this section if the [ratepayer] customer has met the obligation under § 56.116 (relating to duty of [ratepayer] customer to pay bills). In instances [where] when a [ratepayer] customer has not met the obligation in § 56.116 to equitably make payments on all bills, the number of renewals for the customer's household is limited to two 30-day certifications ~~that concern medical certificates~~ filed for the same set of arrearages ~~and same termination action. When the customer eliminates these arrearages, the customer is eligible to file new medical certificates.~~ [If a utility wishes to contest the renewal, it shall follow § 56.118(3) (relating to the right of utility to petition the Commission).] In these instances the public utility is not required to honor a third RENEWAL OF A medical certificate and is not required to follow § 56.118(3) (relating to the right of public utility to petition the Commission). The public utility shall apply the dispute procedures in §§ 56.151 and 56.152 (relating to public utility company dispute procedures). WHEN THE CUSTOMER ELIMINATES THESE ARREARAGES, THE CUSTOMER IS ELIGIBLE TO FILE NEW MEDICAL CERTIFICATES.

- **This revision will produce savings and efficiencies in that utilities do not have to go to the bother and expense of petitioning the Commission before enforcing the restrictions on medical certificate usage found in this section. The restrictions have also been tightened in that they apply to the entire household and not "per**

individual." (The source of this revision is not in Chapter 14; rather it is an efficiency the Commission is providing in addition to those in Chapter 14).

§ 56.151. General rule.

Upon initiation of a dispute covered by this section, the public utility shall:

* * * * *

(3) Make a diligent attempt to negotiate a reasonable payment agreement if the [ratepayer] customer or occupant IS ELIGIBILE FOR A PAYMENT AGREEMENT AND claims a temporary inability to pay an undisputed bill. Factors which shall be considered in the negotiation of a payment agreement [shall] include, but are not be limited to:

* * * * *

(ii) The ability of the [ratepayer] customer to pay.

(iii) The payment history of the [ratepayer] customer.

- **This revision will produce savings and efficiencies in that a utility does not have to provide a payment agreement unless the customer is eligible for one. Additionally, information provided to customers under this section can now be provided electronically; producing savings in paper, printing, and postal costs. (the source of this revision is not in Chapter 14; rather it is an efficiency the Commission is providing in addition to those in Chapter 14).**

§ 56.162. Informal complaint filing procedures.

An informal complaint may be filed orally or in writing and [shall] must include the following information:

* * * * *

(6) Whether the dispute formerly has been the subject of a public utility company investigation and report. THE COMPLAINANT SHALL AFFIRM THAT THEY HAVE FIRST CONTACTED THE PUBLIC UTILITY FOR THE PURPOSE OF RESOLVING THE PROBLEM ABOUT WHICH THE COMPLAINANT WISHES TO FILE A COMPLAINT. IF THE COMPLAINANT HAS NOT CONTACTED THE PUBLIC UTILITY, THE COMMISSION SHALL DIRECT THE COMPLAINANT TO THE PUBLIC UTILITY.

- **This revision will produce savings and efficiencies in that complainants will first be directed to the utility by the Commission if the utility has not been given an opportunity to address the matter. This will give the utility an opportunity to eliminate the complaint before having to go to the trouble and expense of responding to the Commission.**

§ 56.191. ~~General rule~~ PAYMENT AND TIMING.

[When service to a dwelling has been terminated, the utility shall reconnect service by the end of the first full working day after receiving one of the following:

(1) Full payment of an outstanding charge plus a reasonable reconnection fee. Outstanding charges and the reconnection fee may be amortized over a reasonable period of time. Factors to be taken into account shall include, but are not be limited to:

(i) The size of the unpaid balance.

(ii) The ability of the ratepayer to pay.

(iii) The payment history of the ratepayer.

(iv)The length of time over which the bill accumulated.

(2) Payment of amounts currently due according to a settlement or payment agreement, plus a reasonable reconnection fee, which may be a part of the settlement or payment agreement. The utility may apply the procedure in paragraph (1), if the payment history indicates that the ratepayer has defaulted on at least two payment agreements, or an informal complaint decision, or a formal complaint order.

(3) Adequate assurances that any unauthorized use or practice will cease, plus full payment of the reasonable reconnection fee of the utility, which may be subject to a payment agreement and compliance or adequate assurance of compliance with an applicable provision for the establishment of credit or the posting of deposits or guarantees.]

(a) *Fee.* A public utility may require a reconnection fee based upon the public utility's cost as approved by the Commission prior to reconnection of service following lawful termination of the service. The amount of this fee shall be specified in the public utility's tariff on file with the Commission.

(b) *Timing.* When service to a dwelling has been terminated, provided the applicant OR CUSTOMER has met all applicable conditions, the public utility shall reconnect service as follows:

(1) Within 24 hours for erroneous terminations or upon receipt by the public utility of a valid medical certification. THE MEDICAL CERTIFICATE MUST BE ACCOMPANIED BY THE PAYMENTS REQUIRED BY THIS SECTION. Erroneous terminations include instances when the grounds for termination were removed by the customer paying the amount needed to avoid termination prior to the termination of the service.

(2) Within 24 hours for terminations and reconnections occurring after November 30 and before April 1.

(3) Within 3 calendar days for erroneous terminations requiring street or sidewalk digging.

(4) Within 3 calendar days from April 1 to November 30 for proper terminations.

(5) Within 7 calendar days for proper terminations requiring street or sidewalk digging.

(c) *Payment to restore service.*

(1) A public utility shall provide for and inform the applicant or customer of a location where the customer can make payment to restore service. A public utility shall inform the applicant or

customer that conditions for restoration of service may differ if someone in the household is a victim of domestic violence with a protection from abuse order. A PUBLIC UTILITY SHALL ALSO INFORM THE APPLICANT OR CUSTOMER THAT THE TIMING FOR RESTORATION OF SERVICE MAY DIFFER IF SOMEONE IN THE HOUSEHOLD IS SERIOUSLY ILL OR AFFECTED BY A MEDICAL CONDITION WHICH WILL BE AGGRAVATED WITHOUT UTILITY SERVICE. THE PUBLIC UTILITY IS NOT REQUIRED TO MODIFY OR ELIMINATE THE PAYMENT REQUIRED TO RESTORE SERVICE IF A MEDICAL CERTIFICATE IS PRESENTED.

(2) A public utility may require:

(i) Full payment of any outstanding balance incurred together with any reconnection fees by the customer or applicant prior to reconnection of service if the customer or applicant has an income exceeding 300% of the Federal poverty level or has defaulted on two or more payment agreements. For purposes of this section, neither a payment agreement intended to amortize a make-up bill under § 56.14 (relating to previously unbilled utility service) or the definition of "billing month" in § 56.2 (relating to definitions), nor a payment agreement that has been paid in full by the customer, are to be considered A DEFAULT. BUDGET BILLING PLANS AND AMORTIZATION OF BUDGET PLAN RECONCILIATION AMOUNTS UNDER § 56.12(7) (RELATING TO METER READING; ESTIMATED BILLINGS; CUSTOMER READINGS) MAY NOT BE CONSIDERED A DEFAULT FOR THE PURPOSES OF THIS SECTION.

(ii) If a customer or applicant with household income exceeding 300% of the Federal poverty level experiences a life event, the customer shall be permitted a period of not more than 3 months to pay the outstanding balance required for reconnection. For purposes of this paragraph, a life event is:

(A) A job loss that extends beyond 9 months.

(B) A serious illness that extends beyond 9 months.

(C) Death of the primary wage earner.

(iii) Full payment of any reconnection fees together with repayment over 12 months of any outstanding balance incurred by the customer or applicant, if the customer or applicant has an income exceeding 150% of the Federal poverty level but not greater than 300% of the Federal poverty level. The initial payment REQUIRED toward the outstanding balance ~~required~~ as a condition of restoration cannot exceed 1/12 of the outstanding balance.

(iv) Full payment of any reconnection fees together with payment over 24 months of any outstanding balance incurred by the customer or applicant if the customer or applicant has an income not exceeding 150% of the Federal poverty level. The initial payment REQUIRED toward the outstanding balance ~~required~~ as a condition of restoration cannot exceed 1/24 of the outstanding balance. A customer or applicant of a city natural gas distribution operation whose household income does not exceed 135% of the Federal poverty level shall be reinstated under this subsection only if the customer or applicant enrolls in the customer assistance program of the city natural gas distribution operation. This requirement may not apply if the financial benefits to the customer or applicant are greater if served outside of that assistance program.

(d) *Payment of outstanding balance at premises AS A CONDITION TO RESTORE SERVICE.* A public utility may require the payment of any outstanding balance or portion of an outstanding balance if the applicant OR CUSTOMER resided at the property for which service is requested

during the time the outstanding balance accrued and for the time the applicant OR CUSTOMER resided there, not exceeding 4 years PRIOR TO THE DATE OF REQUESTING THAT SERVICE BE RESTORED~~, except for instances of fraud and theft.~~ THE 4 YEAR LIMIT DOES NOT APPLY IN INSTANCES OF FRAUD AND THEFT.

(e) *Approval.* A public utility may establish that an applicant OR CUSTOMER previously resided at a property for which residential service is requested through the use of mortgage, deed or lease information, a commercially available consumer credit reporting service or other methods approved as valid by the Commission. Public utilities shall include in their tariffs filed with the Commission the ~~procedures and standards~~ METHODS, OTHER THAN THOSE SPECIFICALLY MENTIONED IN THIS PARAGRAPH, used to determine liability for outstanding balances.

- **This revision will produce savings and efficiencies in that utilities are now provided with varied, and in most cases, extended service restoration timeframes that are dependent upon the circumstances involved in restoring service. For example, instead of "by the end of the first full working day," a utility now has up to seven days to restore service if street or sidewalk excavation is involved. In addition, utilities will now be able to hold, under certain circumstances, third parties responsible for utility service accrued in someone else's name without having to obtain a ruling from a court or the PUC to do so. This section has also been revised to make clear that customers using a medical certificate to get the service restored must now also have to pay what the company is requiring for restoration. This will make it easier for utilities to collect monies owed to them by customer's whose service has been terminated.**

§ 56.201. Public information.

(A) In addition to the notice requirements [set forth] in this chapter, the Commission will, within 6 months of the effective date of a change to a regulation in this chapter, prepare a summary of the rights and responsibilities of the public utility and its [ratepayers] customers affected by the change. Summaries [shall] will be mailed by the public utility to each [ratepayer] customer of the public utility affected by the change. These summaries, as well as a summary of the rights and responsibilities of the public utility and its [ratepayers] customers in accordance with this chapter, shall be in writing, shall be reproduced by the public utility, shall be displayed prominently, SHALL BE AVAILABLE ON THE PUBLIC UTILITY'S WEBSITE IF THE UTILITY HAS ONE, and shall be available at all public utility office locations open to the general public. ~~This information be delivered or mailed to each new [ratepayer] customer of the public utility upon the commencement of service and be available at all times upon request.~~ THE PUBLIC UTILITY SHALL INFORM NEW CUSTOMERS OF THE AVAILABILITY OF THIS INFORMATION AND DIRECT WHERE TO LOCATE IT ON THE PUBLIC UTILITY'S WEBSITE. THE PUBLIC UTILITY SHALL DELIVER OR MAIL A COPY UPON THE REQUEST OF A CUSTOMER OR APPLICANT.

- **This revision will produce savings and efficiencies in that utilities will be able to provide this information electronically to customers. This will produce savings in printing, processing and postal costs.**

§ 56.231. Reporting requirements.

(a) Within 15 days after the end of each month, each electric[, gas] distribution utility, natural gas distribution utility, AND class A water distribution utility ~~and steam heat utility~~ shall file with the Commission a report containing the following information concerning residential accounts for that month:

(1) [Total number of accounts, categorized as follows:

(i) By classification--residential, residential multi-unit dwellings.

(ii) By usage--heating, nonheating.

(2) Number of overdue accounts, categorized as follows:

(i) By usage--heating, nonheating.

(ii) By amount overdue--$25 or less, $26--$50, $51--$150, $151--$250, $251--$500, $501--$1,000 and over $1,000.

(iii) By time overdue in days--30 days or less, 31--60 days, 61--90 days, 91--120 days, and over 120 days.

(3) Dollar amount overdue, categorized as follows:

(i) Total amount of arrearages.

(ii) By usage--heating, nonheating.

(iii) By time overdue in days--30 days or less, 31--60 days, 61--90 days, 91--120 days, and over 120 days.

(4) Total number of ten-day termination notices sent out by company.

(5) Total number of dwellings which receive notices sent to ratepayers other than occupants.

(6) Number of completed personal contacts categorized as follows:

(i) In person.

(ii) By telephone.

(iii) By third-party notification to a person designated by the customer.

(iv) By third-party notification to a community interest group.

(v) By third-party notification to the Commission or its designee.

(7) Total number of 48-hour notices posted.

(8) Number of terminations completed by the company, categorized as follows:

(i) Number of nonpayment of undisputed delinquent accounts, failure to satisfy credit requirements, noncompliance in the settlement of amortization agreement.

(ii) Others.

(9) Number of terminations completed, categorized as follows:

(i) By usage--heating, nonheating.

(ii) By amount overdue--$25 or less, $26--$50, $51--$150, $151--$250, $251--$500, $501--$1,000 and over $1,000.

(iii) By length of time overdue--30 days or less, 31--60 days, 61--90 days, 91--120 days, and over 120 days.

(iv) By first three digits of each account's zip code.

(10) Reconnections, categorized as follows:

(i) By usage--heating, nonheating.

(ii) By whether amortization settlement agreement was achieved:

(A) With involvement of the Commission.

(B) Between the customer and utility.

(iii) By total number of the reconnections due to medical certification.

(iv) By total number of reconnections due to full payment of arrearage.]

The total number of residential heating customers.

(2) The total number of residential nonheating customers.

(3) The total number of active residential accounts in arrears not on a payment agreement.

(4) The total dollar amount in arrears for active residential accounts in arrears and not on a payment agreement.

(5) The total number of active residential accounts in arrears and on a payment agreement.

(6) The total dollar amount in arrears for active residential accounts in arrears and on a payment agreement.

(7) The total number of inactive residential accounts in arrears.

(8) The total dollar amount of inactive residential accounts in arrears.

(9) The total number of 10-day termination notices sent out by company.

(10) The total number of dwellings receiving termination notices sent to occupants other than the customer.

(11) The total number of 3-day termination notices completed by ~~personal~~ contact in person.

(12) The total number of 3-day termination notices completed by telephone.

(13) The total number of 48-hour termination notices posted.

(14) The total number of terminations for nonpayment.

(15) The total number of terminations for reasons other than nonpayment.

(16) The total number of terminations for nonpayment and FOR reasons other than nonpayment categorized by the first three digits of each account's postal code.

(17) The total number of reconnections for full customer payment, PARTIAL PAYMENT OR PAYMENT AGREEMENT. ~~Categorize into one of five groups based upon the customer's relation to the Federal poverty guidelines:~~

~~(i) Less than 150% of the Federal poverty guideline.~~

~~(ii) Between 151--250% of the Federal poverty guideline.~~

~~(iii) Between 251--300% of the Federal poverty guideline.~~

~~(iv) Greater than 300% of the Federal poverty guideline.~~

~~(v) Not available.~~

~~(18) The total number of reconnections for partial customer payment or payment agreement. Categorize into one of five groups based upon the customer's relation to the Federal poverty guidelines:~~

~~(i) Less than 150% of the Federal poverty guideline.~~

~~(ii) Between 151--250% of the Federal poverty guideline.~~

~~(iii) Between 251--300% of the Federal poverty guideline.~~

~~(iv) Greater than 300% of the Federal poverty guideline.~~

~~(v) Not available.~~

~~(19)~~ (18) The total number of reconnections for customer submission of medical certification. ~~Categorize into one of five groups based upon the customer's relation to the Federal poverty guidelines:~~

~~(i) Less than 150% of the Federal poverty guideline.~~

~~(ii) Between 151--250% of the Federal poverty guideline.~~

~~(iii) Between 251--300% of the Federal poverty guideline.~~

~~(iv) Greater than 300% of the Federal poverty guideline.~~

~~(v) Not available.~~

~~(20)~~ (19) The total number of reconnections for reasons other than customer payment or medical certification. ~~Categorize into five groups based upon the customer's relation to the Federal poverty guidelines:~~

~~(i) Less than 150% of the Federal poverty guideline.~~

~~(ii) Between 151--250% of the Federal poverty guideline.~~

~~(iii) Between 251--300% of the Federal poverty guideline.~~

~~(iv) Greater than 300% of the Federal poverty guideline.~~

~~(v) Not available.~~

~~(21)~~ (20) The total number of applicants that are requested TO PAY or ARE billed a security deposit.

~~(22)~~ (21) The total dollar amount in security deposits that are requested OF or billed to applicants.

~~(23)~~ (22) The total number of customers that are requested TO PAY or ARE billed a security deposit.

~~(24)~~ (23) The total dollar amount in security deposits that are requested OF or billed to customers.

(b) Within 90 days after the end of each year, each electric distribution utility, natural gas distribution utility, AND class A water distribution utility ~~and steam heat utility~~ shall file with the Commission a report containing the following information concerning residential accounts for the previous year:

(1) The total number of security deposits on hand.

(2) The total dollar amount in security deposits on hand.

(3) The total dollar amount of annual collection operating expenses.

(4) The total dollar amount of annual residential billings.

(5) The total dollar amount of annual gross residential write-offs.

(6) The total dollar amount of annual net residential write-offs.

(7) The average monthly bill for the previous year for a heating customer.

(8) The average monthly bill for the previous year for a nonheating customer.

(9) The average monthly usage for a heating customer.

(10) The average monthly usage for a nonheating customer.

(c) Public utilities shall refer to the data dictionary in Appendix C (relating to definitions (§ 56.231)) for additional guidance as to the terms used in this section.

- **This revision will produce savings and efficiencies in that the traditional § 56.231 reporting requirements will be reduced and merged with existing Section 1415 reporting requirements, thus eliminating current duplicative reporting requirements.**

ATTACHMENT FOUR:

L-00060182

CHAPTER 14 / CHAPTER 56 CROSS-REFERENCE.

Where Chapter 14 provisions have been incorporated into Chapter 56:

CHAPTER 14 SECTION	CHAPTER 56 SECTION
§1401. Scope of chapter.	
§1402. Declaration of policy.	§ 56.1.
§1403. Definitions: Applicant.	§ 56.2. Definition of Applicant. § 56.32. § 56.35. § 56.83. § 56.191.
§1403. Definitions. Change in Income.	
§1403. Definitions. Customer.	§ 56.2. Definition of Customer. § 56.32. § 56.36. § 56.83. § 56.191.
§1403. Definitions. Customer Assistance Program.	§ 56.2. Definition of Customer Assistance Program.
§1403. Definitions Electric distribution utility.	§ 56.2. Definition of Electric distribution utility.
§1403. Definitions. Formal complaint.	§ 56.2. Definition of Formal complaint. § 56.252. Definition of Formal complaint.
§1403. Definitions. Household income.	§ 56.2. Definition of Household income.

CHAPTER 14 SECTION	CHAPTER 56 SECTION
§1403. Definitions Informal complaint.	§ 56.2. Definition of Informal complaint. § 56.252. Definition of Informal complaint.
§1403. Definitions. LIHEAP	
§1403. Definitions. Natural gas distribution service.	§ 56.2. Definition of Natural gas distribution service.
§1403. Definitions. Natural gas distribution utility.	§ 56.2. Definition of Natural gas distribution utility. § 56.251. § 56.252. Definition of Natural gas distribution utility.
§1403. Definitions. Natural gas supply services.	§ 56.2. Definition of Natural gas supply services.
§1403. Definitions Payment agreement.	§ 56.2. Definition of Payment agreement.
§1403. Definitions. Public utility.	§ 56.2. Definition of Public utility.
§1403. Definitions. Significant change in circumstance.	
§1403. Definitions. Water distribution utility.	§ 56.2. Definition of Water distribution utility.
§1404.(a). Cash deposits and household information requirements. General rule.	§ 56.32. § 56.38. § 56.42. § 56.51.

CHAPTER 14 SECTION	CHAPTER 56 SECTION
§1404.(b). Cash deposits and household information requirements. Third-party guarantor.	§ 56.33.
§1404.(c). Cash deposits and household information requirements. Deposit hold period.	§ 56.53. § 56.57. § 56.306.
§1404.(d). Cash deposits and household information requirements. Adult occupants.	§ 56.32.
§1404.(e). Cash deposits and household information requirements. Failure to pay full amount of cash deposit.	§ 56.38. § 56.42.
§1404.(f). Cash deposits and household information requirements. City natural gas distribution operation.	§ 56.51.
§1404.(g). Cash deposits and household information requirements. Estimated annual bill.	§ 56.51.
§1404.(h). Cash deposits and household information requirements. Time for paying deposits upon reconnection.	§ 56.42.
§1405.(a). Payment agreements. General rule.	
§1405.(b). Payment agreements. Length of payment agreements.	§ 56.2. Definition of Federal poverty level.

CHAPTER 14 SECTION	CHAPTER 56 SECTION
§1405.(c). Payment agreements. Customer Assistance Programs.	
§1405.(d). Payment agreements. Number of payment agreements.	§ 56.151.
§1405.(e). Payment agreements. Extension of payment agreements.	
§1405.(f). Payment agreements. Failure to comply with payment agreement.	
§1406.(a). Termination of utility service. Authorized termination.	§ 56.81. § 56.83.
§1406.(b). Termination of utility service. Notice of termination of service.	§ 56.91. § 56.93. § 56.95. § 56.117. § 56.331. § 56.333.
§1406.(c). Termination of utility service. Grounds for immediate termination.	§ 56.98.
§1406.(d). Termination of utility service. Timing of termination.	§ 56.82.
§1406.(e). Termination of utility service. Winter termination.	§ 56.2. Definition of Federal poverty level. § 56.91. § 56.100. § 56.201. § 56.331. § 56.340. § 56.431.
§1406.(f). Termination of utility service. Medical certification.	§ 56.2. Definition of Nurse practitioner. § 56.2. Definition of Physician. § 56.91. § 56.111.

CHAPTER 14 SECTION	CHAPTER 56 SECTION
	§ 56.112. § 56.113. § 56.114. § 56.115. § 56.116. § 56.117. § 56.118. § 56.252. Definition of Nurse practitioner. § 56.252. Definition of Physician. § 56.331. § 56.351. § 56.353. § 56.355. Appendix A.
§1406.(g). Termination of utility service. Qualification for LIHEAP.	
§1406.(h). Termination of utility service. Dishonorable tender of payment after receiving termination notice.	§ 56.94.
§1407.(a). Reconnection of service. Fee.	§ 56.91. § 56.191. § 56.331.
§1407.(b). Reconnection of service. Timing.	§ 56.37. § 56.91. § 56.111. § 56.113. § 56.115. § 56.191. § 56.192. § 56.331. § 56.351. § 56.353. § 56.355. § 56.421. Appendix B.
§1407.(c). Reconnection of service. Payment to restore service.	§ 56.2. Definition of Federal poverty level. § 56.91. § 56.191. § 56.331. § 56.421.

CHAPTER 14 SECTION	CHAPTER 56 SECTION
§1407.(d). Reconnection of service. Payment of outstanding balance at premises.	§ 56.35. § 56.36. § 56.83. § 56.91. § 56.191. § 56.331.
§1407.(e). Reconnection of service. Approval.	§ 56.35. § 56.36. § 56.83. § 56.91. § 56.191. § 56.331.
§1408. Surcharges for uncollectible expenses prohibited.	
§1409. Late payment charge waiver.	§ 56.22. § 56.272.
§1410. Complaints filed with the Commission.	§ 56.162. § 56.166. § 56.181.
§1411. Automatic meter readings.	§ 56.2. Definition of AMR. § 56.2. Definition of Remote reading device. § 56.252. Definition of AMR.
§1412. Reporting of delinquent customers.	
§1413. Reporting of recipients of public assistance.	
§1414.(a). Liens by city natural gas distribution operations. General rule.	§ 56.32.
§1414.(b). Liens by city natural gas distribution operations. Residential field visit charge.	
§1414.(c). Liens by city natural gas distribution operations. Refusal of service.	

CHAPTER 14 SECTION	CHAPTER 56 SECTION
§1415. Reporting to General Assembly and Governor.	§ 56.231. § 56.461. Appendix C. Appendix D.
§1416. Notice.	
§1417. Nonapplicability.	§ 56.91. § 56.201. § 56.251 – 56.461.
§1418. Construction.	

ATTACHMENT FIVE:

L-00060182

CHAPTER 56 / CHAPTER 14 CROSS-REFERENCE:

Where Chapter 56 provisions have been revised to incorporate Chapter 14:

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.1. Statement of purpose and policy.	66.1402.
§ 56.2. Definitions. *AMR (Automatic meter reading).*	66.1411.
§ 56.2. Definitions. *Applicant.*	66.1403. Definition of Applicant.
§ 56.2. Definitions. *Customer.*	66.1403. Definition of Customer.
§ 56.2. Definitions. *Customer assistance program.*	66.1403. Definition of Customer Assistance Program.
§ 56.2. Definitions. *Electric distribution utility.*	66.1403. Definition of Electric distribution utility.
§ 56.2. Definitions. *Federal poverty level.*	66.1405(b). 66.1406(e). 66.1407(c).
§ 56.2. Definitions. *Formal complaint.*	66.1403. Definition of Formal complaint.
§ 56.2. Definitions. *Household income.*	66.1403. Definition of Household income.
§ 56.2. Definitions. *Informal complaint.*	66.1403. Definition of Informal complaint.

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.2. Definitions. *Natural gas distribution service.*	66.1403. Definition of Natural gas distribution service.
§ 56.2. Definitions. *Natural gas distribution utility.*	66.1403. Definition of Natural gas distribution utility.
§ 56.2. Definitions. *Natural gas supply services.*	66.1403. Definition of Natural gas supply services.
§ 56.2. Definitions. *Nurse practitioner.*	66.1406(f).
§ 56.2. Definitions. *Payment agreement.*	66.1403. Definition of Payment agreement.
§ 56.2. Definitions. *Physician.*	66.1406(f).
§ 56.2. Definitions. *Public utility.*	66.1403. Definition of Public utility.
§ 56.2. Definitions. *Ratepayer.*	Removed. See 66.1403, Definition of Customer.
§ 56.2. Definitions. *Remote reading device.*	66.1411.
§ 56.2. Definitions. *Settlement agreements.*	Removed. See 66.1403, Definition of Payment agreement.
§ 56.2. Definitions. *Utility.*	Removed. See 66.1403, Definition of Public Utility.

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.2. Definitions. *Water distribution utility.*	66.1403. Definition of Water distribution utility.

Subchapter B. BILLING AND PAYMENT STANDARDS PAYMENTS

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.22. Accrual of late payment charges.	66.1409.

Subchapter C. CREDIT AND DEPOSITS STANDARDS POLICY PROCEDURES FOR NEW APPLICANTS

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.32. Security and cash deposits.	66.1403. Definitions of Customer and Applicant. 66.1404(a). 66.1404(d). 66.1414(a).
§ 56.33. [Cash deposits; third] Third-party guarantors.	66.1404(b).

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§56.35. Payment of outstanding balance.	66.1403. Definitions of Customer and Applicant. 66.1407(d). 66.1407(e).
§ 56.36. Written procedures.	66.1403. Definitions of Customer and Applicant. 66.1407(d). 66.1407(e).
§ 56.37. General rule.	66.1407(b).
§ 56.38. Payment period for deposits by applicants.	66.1404(a). 66.1404(e).

PROCEDURES FOR EXISTING [RATEPAYERS] CUSTOMERS

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
56.41. General rule.	66.1404(a).
§ 56.42. Payment period for deposits.	66.1404(a). 66.1404(e). 66.1404(h).

CASH DEPOSITS

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.51. Amount of cash deposit.	66.1404(a). 66.1404(f). 66.1404(g).
§ 56.53. Deposit hold period and refund.	66.1404(c).
§ 56.57. Interest rate.	66.1404(c)(6).

Subchapter D. INTERRUPTION AND DISCONTINUANCE OF SERVICE

Subchapter E. TERMINATION OF SERVICE
GROUNDS FOR TERMINATION

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.81. Authorized termination of service.	66.1406(a).
§ 56.82. Timing of termination.	66.1406(d).

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.83. Unauthorized termination of service.	66.1403. Definitions of Applicant and Customer. 66.1406(a). 66.1407(d). 66.1407(e).

NOTICE PROCEDURES PRIOR TO TERMINATION

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.91. General notice provisions and contents of termination notice.	66.1406(b). 66.1406(e). 66.1406(f). 66.1407(a). 66.1407(b). 66.1407(c). 66.1407(d). 66.1407(e). 66.1417.
§ 56.93. Personal contact.	66.1406(b).
§ 56.94. Procedures immediately prior to termination.	66.1406(h).
§ 56.95. Deferred termination when no prior contact.	66.1406(b).
§ 56.98. Immediate termination for unauthorized use, fraud, tampering or tariff violations.	66.1406(c).

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.100. Winter termination procedures.	66.1406(e).

[NOTICE PROCEDURES AFTER DISPUTE FILED]

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.101. Limited notice upon noncompliance with report or order.	Removed. See 1406(b).

EMERGENCY PROVISIONS

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.111. General provision.	66.1406(f). 66.1407(b).
§ 56.112. Postponement of termination pending receipt of certificate.	66.1406(f).
§ 56.113. Medical certifications.	66.1406(f). 66.1407(b).
§ 56.114. Length of postponement; renewals.	66.1406(f).
§ 56.115. Restoration of service.	66.1406(f). 66.1407(b).
§ 56.116. Duty of customer to pay bills.	66.1406(f).

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.117. Termination upon expiration of medical certification.	66.1406(b). 66.1406(f).
§ 56.118. Right of public utility to petition the Commission.	66.1406(f).

Subchapter F. DISPUTES; TERMINATION DISPUTES; INFORMAL AND FORMAL COMPLAINTS

PUBLIC UTILITY COMPANY DISPUTE PROCEDURES

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.151. General rule.	66.1405(d).

INFORMAL COMPLAINT PROCEDURES

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.162. Informal complaint filing procedures.	66.1410.
§ 56.166. Informal complaints.	66.1410.

PAYMENT OF BILLS PENDING RESOLUTION OF DISPUTES AND COMPLAINTS

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.181. Duties of parties; disputing party's duty to pay undisputed portion of bills; public utility's duty to pay interest whenever overpayment found.	66.1410.

Subchapter G. RESTORATION OF SERVICE

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.191. Payment and Timing.	66.1403. Definitions of Applicant and Customer. 66.1407(a). 66.1407(b). 66.1407(c). 66.1407(d). 66.1407(e).
§ 56.192. Personnel available to restore service.	66.1407(b).

Subchapter H. PUBLIC INFORMATION PROCEDURES; RECORD MAINTENANCE

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.201. Public information.	66.1406(e). 66.1417.

Subchapter K. PUBLIC UTILITY REPORTING REQUIREMENTS

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.231. Reporting requirements.	66.1415.

Subchapter L. PRELIMINARY PROVISIONS FOR WASTEWATER, STEAM HEAT AND SMALL NATURAL GAS DISTRIBUTION UTILITIES AND VICTIMS OF DOMESTIC VIOLENCE WITH A PROTECTION FROM ABUSE ORDER

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.251. Statement of purpose and policy.	66.1403. Definition of Natural gas distribution utility. 66.1417.
§ 56.252. Definitions. *AMR (automatic meter reading).*	66.1411.
§ 56.252. Definitions. *Formal complaint.*	66.1403. Definition of Formal complaint.
§ 56.252. Definitions. *Informal complaint.*	66.1403. Definition of Informal complaint.
§ 56.252. Definitions. *Nurse practitioner.*	66.1406(f).
§ 56.252. Definitions. *Physician.*	66.1406(f).

§ 56.252. Definitions. *Utility.*	66.1403. Definition of Natural gas distribution utility.

PAYMENTS

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.272. Accrual of late payment charges.	66.1409.

Subchapter N. CREDIT AND DEPOSITS STANDARDS POLICY PROCEDURES FOR APPLICANTS

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.287. General rule.	66.1407(b).

PROCEDURES FOR EXISTING CUSTOMERS

CASH DEPOSITS

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.306. Interest rate.	66.1404(c)(6).

Subchapter P. TERMINATION OF SERVICE
NOTICE PROCEDURES PRIOR TO TERMINATION

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.331. General notice provisions and contents of termination notice.	66.1406(b). 66.1406(e). 66.1406(f). 66.1407(a). 66.1407(b). 66.1407(c). 66.1407(d). 66.1407(e). 66.1417.
§ 56.333. Personal contact.	66.1406(b).
§ 56.340. Winter termination procedures.	66.1406(e).

EMERGENCY PROVISIONS

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
56.351. General provision.	66.1406(f). 66.1407(b).
§ 56.353. Medical certifications.	66.1406(f). 66.1407(b).
§ 56.355. Restoration of service.	66.1406(f). 66.1407(b).

Subchapter R. RESTORATION OF SERVICE

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.421. General rule.	66.1407(b). 66.1407(c).

Subchapter S. PUBLIC INFORMATION PROCEDURES; RECORD MAINTENANCE

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.431. Public information.	66.1406(e). 66.1417.

Subchapter V. UTILITY REPORTING REQUIREMENTS

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
§ 56.461. Reporting requirements.	66.1415.
APPENDIX A. **Medical emergency notice.**	66.1406(f).
APPENDIX B. **Medical emergency notice.**	66.1407(b).
APPENDIX C. **Definitions (§ 56.231).**	66.1415.

CHAPTER 56 SECTION REVISED:	CHAPTER 14 SECTION THAT REVISION IS BASED ON:
APPENDIX D. **Definitions (§ 56.461).**	66.1415.

ATTACHMENT SIX

L-00060182

CROSS-REFERENCE: Chapter 56 Traditional Subchapters and New PFA Sub-chapters

Subchapter A. PRELIMINARY PROVISIONS

	TRADITIONAL SUB-SECTIONS (A – K)	NEW SUB-SECTIONS FOR PFA, SMALL GAS CO'S, ETC. (L – V)
Statement of purpose and policy.	§ 56.1.	§ 56.251.
Definitions.	§ 56.2.	§56.252.

Subchapter B. BILLING AND PAYMENT STANDARDS

	TRADITIONAL SUB-SECTIONS (A – K)	NEW SUB-SECTIONS FOR PFA, SMALL GAS CO'S, ETC. (L – V)
Billing frequency.	§ 56.11.	§ 56.261.
Meter reading; estimated billing; ratepayer readings.	§ 56.12.	§ 56.262.
Separate billings for merchandise, appliances and nonrecurring services.	§ 56.13.	§ 56.263.
Previously unbilled utility service.	§ 56.14.	§ 56.264.
Billing information.	§ 56.15	§ 56.265.

Transfer of accounts.	§ 56.16.	§ 56.266.
Advance payments.	§ 56.17.	§56.267.
Payment.	§ 56.21.	§ 56.271.
Accrual of late payment charges.	§ 56.22.	§ 56.272.
Application of partial payments between utility and other service.	§ 56.23.	§ 56.273.
Application of partial payments among several bills for utility service.	§ 56.24.	§ 56.274.
Electronic bill payment.	§ 56.25.	§ 56.275.

Subchapter C. CREDIT AND DEPOSITS STANDARDS POLICY

PROCEDURES FOR NEW APPLICANTS

	TRADITIONAL SUB-SECTIONS (A – K)	**NEW SUB-SECTIONS FOR PFA, SMALL GAS CO'S, ETC. (L – V)**
Policy statement.	§ 56.31.	§ 56.281.
Credit standards.	§ 56.32.	§ 56.282.

Cash deposits; third-party guarantors.	§ 56.33.	§ 56.283.
Deposits for temporary service.	§ 56.34.	§ 56.284.
Payment of outstanding balance.	§ 56.35.	§ 56.285.
Written procedures.	§ 56.36.	§ 56.286.
General rule.	§ 56.37.	§ 56.287.
Payment period for deposits by applicants.	§ 56.38.	§ 56.288.

PROCEDURES FOR EXISTING RATEPAYERS

	TRADITIONAL SUB-SECTIONS (A – K)	**NEW SUB-SECTIONS FOR PFA, SMALL GAS CO'S, ETC. (L – V)**
General rule.	§ 56.41.	§ 56.291.
Payment period for deposits.	§ 56.42.	§ 56.292.

CASH DEPOSITS

	TRADITIONAL SUB-SECTIONS (A – K)	NEW SUB-SECTIONS FOR PFA, SMALL GAS CO'S, ETC. (L – V)
Amount of cash deposit.	§ 56.51.	§ 56.301.
Deposit hold period and refund.	§ 56.53.	§ 56.302.
Application of deposit to bills.	§ 56.54.	§ 56.303.
Periodic review.	§ 56.55.	§ 56.304.
Refund statement.	§ 56.56.	§ 56.305.
Interest rate.	§ 56.57.	§ 56.306.
Application of interest.	§ 56.58.	§ 56.307.

Subchapter D. INTERRUPTION AND DISCONTINUANCE OF SERVICE

	TRADITIONAL SUB-SECTIONS (A – K)	NEW SUB-SECTIONS FOR PFA, SMALL GAS CO'S, ETC. (L – V)
Interruption of service.	§ 56.71.	§ 56.311.
Discontinuation of service.	§ 56.72.	§ 56.312.

Subchapter E. TERMINATION OF SERVICE

	TRADITIONAL SUB-SECTIONS (A – K)	NEW SUB-SECTIONS FOR PFA, SMALL GAS CO'S, ETC. (L – V)
Authorized termination of service.	§ 56.81.	§ 56.321.
Days termination of service is prohibited.	§ 56.82.	§ 56.322.
Unauthorized termination of service.	§ 56.83.	§ 56.323.

NOTICE PROCEDURES PRIOR TO TERMINATION

	TRADITIONAL SUB-SECTIONS (A – K)	NEW SUB-SECTIONS FOR PFA, SMALL GAS CO'S, ETC. (L – V)
General notice provisions.	§ 56.91.	§ 56.331.
Notice when dispute pending.	§ 56.92.	§ 56.332.
Personal contact.	§ 56.93.	§ 56.333.
Procedures immediately prior to termination.	§ 56.94.	§ 56.334.
Deferred termination when no prior contact.	§ 56.95.	§ 56.335.

Post-termination notice.	§ 56.96.	§ 56.336.
Procedures upon ratepayer or occupant contact prior to termination.	§ 56.97.	§ 56.337.
Exception for terminations based on occurrences harmful to person or property.	§ 56.98.	§ 56.338.
Use of termination notice solely as collection device prohibited.	§ 56.99.	§ 56.339.
Winter termination procedures.	§ 56.100.	§ 56.340.

EMERGENCY PROVISIONS

	TRADITIONAL SUB-SECTIONS (A – K)	**NEW SUB-SECTIONS FOR PFA, SMALL GAS CO'S, ETC. (L – V)**
General provision.	§ 56.111.	§ 56.351.
Postponement of termination pending receipt of certificate.	§ 56.112.	§ 56.352.
Medical certifications.	§ 56.113.	§ 56.353.

Length of postponement; renewals.	§ 56.114.	§ 56.354.
Restoration of service.	§ 56.115.	§ 56.355.
Duty of ratepayer to pay bills.	§ 56.116.	§ 56.356.
Termination upon expiration of medical certification.	§ 56.117.	§ 56.357.
Right of utility to petition the Commission.	§ 56.118.	§ 56.358.

THIRD-PARTY NOTIFICATION

	TRADITIONAL SUB-SECTIONS (A – K)	**NEW SUB-SECTIONS FOR PFA, SMALL GAS CO'S, ETC. (L – V)**
Third-party notification.	§ 56.131.	§ 56.361.

Subchapter F. DISPUTES; TERMINATION DISPUTES; INFORMAL AND FORMAL COMPLAINTS

GENERAL PROVISIONS

	TRADITIONAL SUB-SECTIONS (A – K)	**NEW SUB-SECTIONS FOR PFA, SMALL GAS CO'S, ETC. (L – V)**
Follow-up response to inquiry.	§ 56.140.	§ 56.371.
Dispute procedures.	§ 56.141.	§ 56.372.

Time for filing a termination dispute or informal complaints.	§ 56.142	§ 56.373.
Effect of failure to timely file a termination dispute.	§ 56.143.	§ 56.374.

UTILITY COMPANY DISPUTE PROCEDURES

	TRADITIONAL SUB-SECTIONS (A – K)	**NEW SUB-SECTIONS FOR PFA, SMALL GAS CO'S, ETC. (L – V)**
General rule.	§ 56.151.	§ 56.381.
Contents of the utility company report.	§ 56.152.	§ 56.382.

INFORMAL COMPLAINT PROCEDURES

	TRADITIONAL SUB-SECTIONS (A – K)	**NEW SUB-SECTIONS FOR PFA, SMALL GAS CO'S, ETC. (L – V)**
Informal complaint filing procedures.	§ 56.162.	§ 56.391.
Commission informal complaint procedure.	§ 56.163.	§ 56.392.
Termination pending resolution of the dispute.	§ 56.164.	§ 56.393.
Conference procedures.	§ 56.165.	§ 56.394.

Informal complaints.	§ 56.166.	§ 56.441.

FORMAL COMPLAINTS

	TRADITIONAL SUB-SECTIONS (A – K)	**NEW SUB-SECTIONS FOR PFA, SMALL GAS CO'S, ETC. (L – V)**
General rule.	§ 56.171.	§ 56.401.
Time for filing.	§ 56.172.	§ 56.402.
Formal complaint procedures other than appeals from mediation decisions of the Bureau of Consumer Services.	§ 56.173.	§ 56.403.
Formal complaint procedures for appeals from mediation decisions of the Bureau of Consumer Services.	§ 56.174.	§ 56.404.

PAYMENT OF BILLS PENDING RESOLUTION OF DISPUTES AND COMPLAINTS

	TRADITIONAL SUB-SECTIONS (A – K)	**NEW SUB-SECTIONS FOR PFA, SMALL GAS CO'S, ETC. (L – V)**
Duties of parties; disputing party's duty to pay undisputed portion of bills; utility's duty to pay interest whenever	§ 56.181.	§ 56.411.

overpayment found.		

Subchapter G. RESTORATION OF SERVICE

	TRADITIONAL SUB-SECTIONS (A – K)	**NEW SUB-SECTIONS FOR PFA, SMALL GAS CO'S, ETC. (L – V)**
Payment and Timing.	§ 56.191.	§ 56.421.
Personnel available to restore service.	§ 56.192.	§ 56.422.

Subchapter H. PUBLIC INFORMATION PROCEDURES; RECORD MAINTENANCE

	TRADITIONAL SUB-SECTIONS (A – K)	**NEW SUB-SECTIONS FOR PFA, SMALL GAS CO'S, ETC. (L – V)**
Public information.	§ 56.201.	§ 56.431.
Record maintenance.	§ 56.202.	§ 56.432.

Subchapter I. INFORMAL COMPLAINTS

	TRADITIONAL SUB-SECTIONS (A – K)	**NEW SUB-SECTIONS FOR PFA, SMALL GAS CO'S, ETC. (L – V)**
Informal complaints.	§ 56.166.	§ 56.441.

Subchapter J. GENERAL PROVISIONS

	TRADITIONAL SUB-SECTIONS (A – K)	**NEW SUB-SECTIONS FOR PFA, SMALL GAS CO'S, ETC. (L – V)**
Availability of normal Commission procedures.	§ 56.221.	§ 56.411.
Applications for modification or exception.	§ 56.222.	§ 56.452.
Inconsistent tariff provisions.	§ 56.223.	§ 56.453.

Subchapter K. MONTHLY UTILITY REPORTING REQUIREMENTS

	TRADITIONAL SUB-SECTIONS (A – K)	**NEW SUB-SECTIONS FOR PFA, SMALL GAS CO'S, ETC. (L – V)**
Reporting requirements.	§ 56.231.	§ 56.461.

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION
400 NORTH STREET
HARRISBURG, PA 17120

ROBERT F. POWELSON
CHAIRMAN

April 7, 2011

The Honorable Silvan B. Lutkewitte, III
Chairman
Independent Regulatory Review Commission
14th Floor, Harristown II
333 Market Street
Harrisburg, PA 17101

Re: L-00060182/57-265
Final Rulemaking
To Amend Provisions of 52 Pa. Code
Chapter 56 to Comply with the Provisions of
Chapter 14 of Title 66
52 Pa. Code, Chapter 56

Dear Chairman Lutkewitte:

Enclosed please find one (1) copy of the regulatory documents concerning the above-captioned rulemaking. Under Section 745.5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19) (71 P.S. §§745.1-745.15) the Commission, on February 4, 2009, submitted a copy of the Notice of Proposed Rulemaking to the Senate Consumer Protection and Professional Licensure Committee, the House Committee on Consumer Affairs and the Independent Regulatory Review Commission (IRRC). This notice was published at 39 Pa.B. 925 on February 14, 2009. The Commission also provided the Committees and IRRC with copies of all comments received in compliance with Section 745.5(b.1).

In preparing this final form rulemaking, the Commission has considered all comments received from the Committees, IRRC and the public.

Very truly yours,

Robert F. Powelson
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 Buda
Mr. Mumford
Regulatory Coordinator DelBiondo

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE REGULATORY REVIEW ACT

ID Number: L00060182/57-265

Subject: Rulemaking To Amend Chapter 56 to Comply with the Provisions of 66 Pa. C.S. Chapter 14; General Review of Regulations

Pennsylvania Public Utility Commission

TYPE OF REGULATION

_____	Proposed Regulation
_____	Final Regulation with Notice of Proposed Rulemaking Omitted.
X	Final Regulation
_____	120-day Emergency Certification of the Attorney General
_____	120-day Emergency Certification of the Governor

RECEIVED
2011 APR -7 P 3:30
IRRC

FILING OF REPORT

Date	Signature	Designation
4/7/11	Jan M Hughes	HOUSE COMMITTEE (Godshall) Consumer Affairs
4/7/11	Mary Walmer	SENATE COMMITTEE (Tomlinson) Consumer Protection and Professional Licensure
4/7/11	Cheryl Yoder	Independent Regulatory Review Commission
_____	_____	Attorney General
_____	_____	Legislative Reference Bureau