

Regulatory Analysis Form

(Completed by Promulgating Agency)



IRRC

Independent Regulatory Review Commission

SECTION B PROFILE

(1) Agency:
Pennsylvania Public Utility Commission

(2) Agency Number: L-2009-2104274

Identification Number: 57-271

IRRC Number: **2822**

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2010 FEB 18 AM 9:52
INDEPENDENT REGULATORY
REVIEW COMMISSION

(3) Short Title: Proposed Rulemaking for Revision of 52 Pa. Code Chapters 57, 59, 65 and 67 Pertaining to Utilities' Service Outage Response and Restoration Practices

(4) PA Code Cite: 52 Pa. Code §§ 57.11; 59.11; 65.2; 67.1

(5) Agency Contacts (List Telephone Number, Address, Fax Number and Email Address):

Primary Contact: Elizabeth H. Barnes, Assistant Counsel, Pennsylvania Public Utility Commission, Law Bureau, Commonwealth Keystone Building, P.O. Box 3265, Harrisburg, PA 17105, Phone: (717)772-5408; Fax: (717) 783-3458; ebarnes@state.pa.us.

Secondary Contact: Dan Searfoorce, Pennsylvania Public Utility Commission, Bureau of Fixed Utility Services, Commonwealth Keystone Building, P.O. Box 3265, Harrisburg, PA 17105, Phone: (717)783-6159; Fax: (717)783-3458; dsearfoorc@state.pa.us.

(6) Primary Contact for Public Comments (List Telephone Number, Address, Fax Number and Email Address) – Complete if different from #5:

Same as above.

(All Comments will appear on IRRC'S website)

(7) Type of Rulemaking (check applicable box):

Proposed Regulation

Final Regulation

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- Final Omitted Regulation
- Emergency Certification Regulation;
- Certification by the Governor
- Certification by the Attorney General

(8) Briefly explain the regulation in clear and nontechnical language. (100 words or less)

Prompted by 450,000 electric outages caused by Hurricane Ike on September 14 and 15, 2008, on April 30, 2009, the Pennsylvania Public Utility Commission publicly adopted a staff report entitled, *Electric Distribution Company Service Outage Response and Restoration Practices Report*, Docket No. M-2008-2065532, and initiated a rulemaking proceeding to revise its regulations regarding service outages at 52 Pa. Code §§67.1, et seq., and reportable incidents at 52 Pa. Code §§ 57.11, 59.11, and 65.2. The instant *Proposed Rulemaking Order* entered on November 10, 2009 at Docket No. L-2009-2104274 proposes to amend regulations regarding service outage and restoration in the electric, gas, and water industries. A companion *Proposed Policy Statement* was also entered on November 10, 2009, at Docket No. M-2008-2065532.

(9) Include a schedule for review of the regulation including:

- | | |
|---|---|
| A. The date by which the agency must receive public comments: | 30 days after publication in <i>Pa.B.</i> |
| B. The date or dates on which public meetings or hearings will be held: | ____ N/A ____ |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | mid to late 2010 |
| D. The expected effective date of the final-form regulation: | late 2010/early 2011 |
| E. The date by which compliance with the final-form regulation will be required: | TBD |
| F. The date by which required permits, licenses or other approvals must be obtained: | ____ N/A ____ |

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

Review will be provided as needed.

SECTION II: STATEMENT OF NEED

(11) State the statutory authority for the regulation. Include specific statutory citation.

66 Pa. C.S. §2807(a) (Duties of electric distribution companies) “Each electric distribution company shall maintain the integrity of the distribution system at least in conformity with the National Electric Safety Code and such other standards practiced by the industry in a manner sufficient to provide safe and reliable service to all customers connected to the system consistent with this title and the Commission’s regulations.”

66 Pa. C.S. §2205(a) (Duties of natural gas distribution companies) “Each natural gas distribution company shall maintain the integrity of its distribution system at least in conformity with the standards established by the Federal Department of Transportation and such other standards practiced by the industry in a manner sufficient to provide safe and reliable service to all retail gas customers connected to its system consistent with this title and the commission’s orders or regulations.”

(12) Is the regulation mandated by any federal or state law or court order, or federal regulation? Are there any relevant state or federal court decisions? If yes, cite the specific law, case or regulation as well as, any deadlines for action.

No.

(13) State why the regulation is needed. Explain the compelling public interest that justifies the regulation. Describe who will benefit from the regulation. Quantify the benefits as completely as possible and approximate the number of people who will benefit.

Millions of Pennsylvania consumers will benefit from these regulations as the proposed rulemaking will implement revisions to the Commission’s regulations at title 52 of the *Pa. Code* regarding service outages and reportable accidents involving utility facilities including:

- Amendments to Chapter 57 to broaden the scope of reportable accidents involving electric utility service, establish a uniform reporting period, and require the filing of the utility’s internal investigation report.

Regulatory Analysis Form

- Amendments to Chapter 59 to broaden the scope of reportable accidents involving gas utility service, establish a uniform reporting period, and require the filing of the utility's internal investigation report.
- Amendments to Chapter 65 to broaden the scope of reportable accidents involving water utility service, establish a uniform reporting period, and require the filing of the utility's internal investigation report.
- Amendments to Chapter 67 to require that fixed utilities provide a greater level of detail to the commission regarding outage events.

The Commission will benefit from the regulations as we will have better and more consistent information flowed to us from the industries when there are significant outages. The industries affected by the regulations will benefit from the regulations as they will know what is expected of them regarding the reporting during outages as well as clear guidelines regarding restoration practices. The regulations are designed to help the utilities' goodwill with their customer bases.

(14) If scientific data, studies, references are used to justify this regulation, please submit material with the regulatory package. Please provide full citation and/or links to internet source.

Commission staff conducted an investigation prior to the proposed rulemaking order. Commission staff submitted a report entitled, *Electric Distribution Company Service Outage Response and Restoration Practices Report*, Docket No. M-2008-2065532, April 30, 1999. The report is on the Commission's website at http://www.puc.state.pa.us/electric/pdf/EDC_Service_Outage_RFP_Report0409.pdf.

(15) Describe who and how many will be adversely affected by the regulation. How are they affected?

Reporting requirements have been broadened and will possibly involve more time and work on the part of the utility companies affected, but we do not see any additional requirements as being unduly burdensome.

(16) List the persons, groups or entities that will be required to comply with the regulation. Approximate the number of people who will be required to comply.

Electric utility companies, gas companies, and water/waste water companies will all be required to comply with their respective regulations. The telephone companies are encouraged to comply but are not required.

SECTION III: COST AND IMPACT ANALYSIS

(17) Provide a specific estimate of the costs and/or savings to the **regulated community** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

No undue costs and/or savings are anticipated.

(18) Provide a specific estimate of the costs and/or savings to **local governments** associated with compliance, including any legal, accounting or consulting procedures which may be required. Explain how the dollar estimates were derived.

No undue costs and/or savings are anticipated.

(19) Provide a specific estimate of the costs and/or savings to **state government** associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required. Explain how the dollar estimates were derived.

No undue costs and/or savings are anticipated.

(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years. N/A

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						

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State Government						
Total Savings						
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(20a) Provide the past three year expenditure history for programs affected by the regulation. N/A

Program	FY -3	FY -2	FY -1	Current FY

(21) Explain how the benefits of the regulation outweigh any cost and adverse effects.

The specific costs to the industry in implementation are unknown at this time; however, we have submitted the *Proposed Rulemaking Order* for comments from interested parties and have asked them to comment on cost/benefit analysis. We estimate at this time that additional costs to the industries will be minimal as this involves expanding reporting practices.

(22) Describe the communications with and input from the public and any advisory council/group in the development and drafting of the regulation. List the specific persons and/or groups who were involved.

All Electric Distribution Companies were surveyed prior to drafting the regulation regarding their outage response and restoration practices. The Commission's Bureau of Communications and PEMA were consulted as well as the Office of Consumer Advocate, and Office of Small Business Advocate.

(23) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

N/A

(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulations.

No.

(25) How does this regulation compare with those of other states? How will this affect Pennsylvania's ability to compete with other states?

New York requires service outage reports. 2009 WL 2992501, NY DPS 9/9/09.

On March 12, 2009, the Iowa Utilities Board issued an Order commencing a rulemaking to establish service outage notification requirements for certificated telephone companies. (199 IAC 22.2(9)). Like PA, Iowa is interested in early notice of significant service outages that affect its residents. Early notice allows the PUC to assist with notifying and coordinating with other government agencies and PEMA.

Massachusetts on November 2, 2009 at 2009 WL 3778015, Mass. D.P.U. launched an investigation into the preparation and response of Fitchburg Gas and Electric Company to the December 12, 2008 winter storm.

Nevada is conducting a rulemaking proceeding currently to consider revising its code applicable to reporting of accidents by utilities and reporting service outages. 2009 WL 2983258, Nev.PUC, Sept. 9, 2009.

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Pennsylvania has regulations regarding accident reporting and service outage restoration practices, but this proposed rulemaking will expand those requirements to account for changes in technology, and emergency management expectations. The proposed regulations will help Pennsylvania compete with other states because businesses and residents will want to remain in a state where they receive excellent utility service, and when service is out, the customer knows when to expect service to be restored in a timely fashion.

(26) Will the regulation affect any other regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.

The regulation will only affect those regulations that we propose amending in the rulemaking.

(27) Submit a statement of legal, accounting or consulting procedures and additional reporting, recordkeeping or other paperwork, including copies of forms or reports, which will be required for implementation of the regulation and an explanation of measures which have been taken to minimize these requirements.

None.

(28) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.

We are suggesting that posting updates on the web and texting to a customer's cellular phone number are viable means of informing the public when service will be restored. These would benefit small businesses, and any other groups that are likely to carry wireless phones and have access to the internet.

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

(Pursuant to Commonwealth Documents Law)

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INDEPENDENT REGULATORY
REVENUE COMMISSION

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

BY *Amy M. Elliott*
(DEPUTY ATTORNEY GENERAL)

DEC 22 2009

DATE OF APPROVAL

Check if applicable
Copy not approved. Objections attached

Copy below is hereby certified to be true and correct copy of a document issued, prescribed or promulgated by:

Pennsylvania Public Utility Commission
(AGENCY)

DOCUMENT/FISCAL NOTE NO. L-2009-2104274/57-271

DATE OF ADOPTION November 6, 2009

BY *James J. McNulty*
James J. McNulty

TITLE *Secy*
(SECRETARY)

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

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

11-23-09
DATE OF APPROVAL

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

L-2009-2104274/57-271
Proposed Rulemaking
Pertaining to Utilities' Service Outage Response
And Restoration Practices
52 Pa. Code, Chapters 57, 59, 65 and 67

The Pennsylvania Public Utility Commission on November 6, 2009, adopted a proposed rulemaking order which establishes a more uniform approach for reporting standards among the gas, water/wastewater and electric industries in the event of utility service outages. The contact persons are Elizabeth Barnes, Law Bureau, 772-5408, and Daniel Searforce, BFUS, 783-6159.

PA P.U.C.
LAW BUREAU

DEC 24 AM 10:12

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EXECUTIVE SUMMARY

L-2009-2104274
Proposed Rulemaking

Re: Amending Utilities' Service Outage Response and Restoration Practices
at 52 Pa.Code, Chapters 57, 59, 65 and 67

Prompted by 450,000 electric outages caused by Hurricane Ike in September, 2008, the Pennsylvania Public Utility Commission (Commission) initiated an investigation into electric utility service storm response, service restoration, and customer communication practices. The Commission publicly adopted a staff report entitled, *Electric Distribution Company Service Outage Response and Restoration Practices Report*, Docket No. M-2008-2065532, and initiated a rulemaking proceeding on April 30, 1999, in order to revise its regulations regarding service outages at 52 Pa. Code §§67.1, et seq., and reportable incidents at 52 Pa. Code §§ 57.11, 59.11, and 65.2.

The instant *Proposed Rulemaking Order* entered on November 10, 2009 at Docket No. L-2009-2104274 proposes to amend regulations regarding service outage and restoration in the electric, gas, and water industries. A companion *Proposed Policy Statement* was also entered on November 10, 2009, at Docket No. M-2008-2065532.

This *Proposed Rulemaking Order* seeks to benefit millions of Pennsylvania consumers by implementing revisions to the Commission's regulations for service outages and reportable accidents involving utility facilities including:

- Amendments to Chapter 57 to broaden the scope of reportable accidents involving electric utility service, establish a uniform reporting period, and require the filing of the utility's internal investigation report.

- Amendments to Chapter 59 to broaden the scope of reportable accidents involving gas utility service, establish a uniform reporting period, and require the filing of the utility's internal investigation report.
- Amendments to Chapter 65 to broaden the scope of reportable accidents involving water utility service, establish a uniform reporting period, and require the filing of the utility's internal investigation report.
- Amendments to Chapter 67 to require that fixed utilities provide a greater level of detail to the commission regarding outage events.

The Commission will benefit from a more uniform approach to reporting standards among the gas, water/wastewater and electric industries as information will be better organized, more consistent, and better distributed using modern technology from the industries when there are significant outages. The industries affected by the regulations will benefit from the regulations as they will know what is expected of them regarding the reporting during outages as well as clear guidelines regarding restoration practices. The regulations are designed to help the utilities bolster their goodwill with their customers while at the same time the regulations are not financially or unduly burdensome upon the industries.

The contact persons are Elizabeth Barnes, Law Bureau (717)772-5408 (legal), and Daniel Searfoorce, Bureau of Fixed Utility Services, (717)783-6159 (technical).

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

Public Meeting held November 6, 2009

Commissioners Present:

James H. Cawley, Chairman
Tyrone J. Christy, Vice Chairman, Joint Statement
Kim Pizzingrilli, Joint Statement
Wayne E. Gardner, Absent
Robert F. Powelson

Proposed Rulemaking for Revision of	:	Docket No. L-2009-2104274
52 Pa. Code Chapters 57, 59, 65 and 67	:	
Pertaining to Utilities' Service Outage	:	
Response and Restoration Practices	:	

PROPOSED RULEMAKING ORDER

BY THE COMMISSION:

Procedural History

On September 14 and 15, 2008, Hurricane Ike swept through Pennsylvania interrupting electric service to over 450,000 customers. Prompted by this occurrence, on September 25, 2008, a Joint Motion of Vice Chairman Tyrone J. Christy and Commissioner Kim Pizzingrilli was issued at Docket No. M-2008-2065532, directing Law Bureau to prepare a Secretarial Letter seeking information from all jurisdictional electric distribution companies (EDCs) operating in Pennsylvania regarding their service restoration and public notice practices. On the same date, a Secretarial Letter was issued and an investigation was initiated into EDCs' service outage responses and restoration practices with the same information requested. Responses were filed by the EDCs. As part of this investigation, the Commission also held two public input hearings in western

Pennsylvania and solicited information from EDCs regarding their current and past storm preparation and response practices.

In April, 2009, the Commission's Bureau of Conservation, Economics and Energy Planning and Office of Communications submitted a report to the Commission entitled, *Electric Distribution Company Service Outage Response and Restoration Practices Report* (Report). This report was adopted by the Commission at Public Meeting of April 30, 2009, at Docket No. M-2008-2065532. On the same date, this Commission adopted the Joint Motion of Vice Chairman Tyrone J. Christy and Commissioner Kim Pizzigrilli to initiate a rulemaking proceeding to revise our regulations on Service Outages at 52 Pa. Code §§ 67.1, *et seq.*, and reportable incidents at 52 Pa. Code Sections 57.11, 59.11 and 65.2. The Joint Motion also directed a Policy Statement be issued, which we will address in a separate Proposed Policy Statement Order.

Summary of Recommendations

The Report summarized the findings of the investigation and recommended the following future actions:

- Utilities should apply the principles of the National Incident Management System (NIMS) and its Incident Command System when managing widespread service outages. Application of NIMS would include:
 1. Development of written crisis communication plans consistent with national NIMS standards.
 2. Establishment of a Joint Information System/Joint Information Center to coordinate responses when multiple utilities in the same region are affected by an incident.

- Utility personnel should communicate with the news media and public in a consistent fashion. Common talking points should be distributed to all utility employees who may be in contact with the public and news media.
- During incident management, utilities should establish a schedule for the regular release of information to the news media.
- Utilities should strive to use the best available technology to facilitate the sharing of information, including automated dialing systems, electronic mail and text messaging.
- Utilities should provide a greater level of detail in their written reports to the Commission for unscheduled service interruptions that meet the criteria under 52 Pa Code §67.1(b), including the level of damage to utility facilities, number of personnel utilized through mutual aid agreements, and other matters identified in the report.
- The Commission should establish a more uniform approach to reportable accidents involving utility facilities and operations.

Discussion

We invite comment regarding proposed amendments to our current regulations regarding service outages at 52 Pa. Code §§67.1, *et seq.*, and reportable accidents at 52 Pa. Code §§ 57.11, 59.11 and 65.2. Our goal is to have even more effective responses to future unscheduled service outages.

In general, under Sections 57.11, 59.11 and 65.2, we propose to expand our regulations to capture more reportable events, such as cyber security attacks, and events that involve damages to a utility company by another utility company. We further propose establishing deadlines for reporting accidents.

Under section 67.1, we propose to expand our general provisions regarding service outages such that rather than just an approximate number of customers involved in a single incident is reported, the total number of sustained outages during the event are reported. As utilities employ better technology to more accurately count their sustained outages, this information is reportable to the Commission and we should be made aware of it. Other proposed changes to section 67.1 include reporting the number of not only utility workers, but also contract workers specifically assigned to the repair work and mutual aid workers.

Proposed Amendments to Regulations

52 Pa. Code § 57.11 Accidents. (Electric Industry)

We propose amending Section 57.11(b) such that a reportable accident would include injury to a person when the injured person requires professional medical attention or requires hospitalization. We removed the employee requirement from paragraph (2) because an injury to a person includes the class of employee or non-employee alike. It is all encompassing.

We further propose deleting existing paragraph (3) and adding a new paragraph (4) such that an occurrence of an unusual nature involving suspected acts of sabotage, including cyber security attacks, are reported. Thus, for example, a physical break-in to a substation or a cyber security attack against an electric utility is reportable even though no one is injured as a result.

We propose adding language to create a new paragraph (5) "Substantial damage to another utility company's facility or property." We propose that companies should report when they hit any part of other utilities' facilities,

including poles, lines, cables, etc., when the damage is substantial. We invite comment on what should be meant by substantial.

Additionally, we propose adding exceptions to the regulation under a new subsection (c). We seek to exclude those injuries that are suffered as a result of a motor vehicle accident with electric utility facilities, such as a car crashing into a pole, while still including any motor vehicle accident that results in injuries as a result of contact with electrified utility facilities, or motor vehicle accidents involving utility-owned vehicles or vehicles driven by a utility employee while on duty.

We further propose amendments to original subsection (c) Telegraphic reports. The term “or telegraph” shall be stricken as it is an outdated means of communication. We propose adding the requirement that a report by telephone must be made within 24 hours of the time a reportable event occurred under section (b) (2) or (b)(5).

We propose amending original subsection (d) Written reports such that we strike the phrase “immediately following” and change it to “within 5 days of the occurrence.” We believe this is a more objective standard. We invite comment on the reasonableness of the time frame.

We propose adding subsection (f) relating to internal investigation reports. We propose requiring the utility to submit a copy of its final internal investigation report when it is completed for all reportable accidents under sections (b)(1), (b)(2) and (b)(4). If the report is not expected to be completed within one year of the date of occurrence, the utility should notify the Bureau of Fixed Utility Services, which may require quarterly status updates until completion of the report. We invite comment on this proposed addition.

52 Pa. Code § 59.11 Accidents. (Gas Industry)

We propose amending Section 59.11(b) such that reportable accidents are redefined to include the death of a person or injury to a person sufficient that the person requires professional medical attention or hospitalization. We believe a threshold test for severity of injuries is warranted.

We propose amending original paragraph (1) such that it is now paragraph (3) and it qualifies an event involving a release of gas from a pipeline, or of LNG or gas from an LNG facility such that there must be an estimated property damage, including the cost of gas lost of the operator or others, of at least \$50,000 in market value. We intend for propane air systems to be included under the term “natural gas” because the federal definition of natural gas includes propane and the PUC has adopted the federal regulations. Therefore, when the regulations call for “an event that involves a release of gas from a pipeline or of LNG or gas from an LNG facility,” propane is covered. The LNG items and property damage minimums are in Section 59.11 to be consistent with Federal Department of Transportation reporting regulations. This should make it easier for pipeline utilities to determine what is reportable and what is not.

Further, we propose adding language to address sabotage in new paragraph (5). We also propose adding paragraph (6) because companies should report when they hit any part of other utilities’ facilities, including poles, lines, cables, etc., when the damage is substantial. We invite comment on what should be meant by substantial. Subsection (c) regarding Telegraphic reports should be amended such that “telegraphic” and “or telegraph” should be stricken since these are outdated means of notifying the Commission.

We did not propose an exception for injuries suffered as a result of a motor vehicle accident with utility facilities language in the gas service regulations as there are in the electric service regulations because gas meter hits are not reportable unless they meet the threshold established in the regulations. However, the counties usually call in meter hits into the 911 system which get passed through PEMA's network and then the Commission is notified of the meter hits. Gas meter hits rarely happen when compared to vehicles hitting electric facilities including poles. Thus, we propose allowing an exception for electric utility pole hits that happen frequently, but we require those hits that present a danger of serious bodily injury and/or increase our ability to direct safe utility service to be reported.

Regarding subsection (d) (relating to written reports), we propose changing the language from "immediately" to "within 5 days" of the occurrence. This provides a more definite deadline. Finally, we propose adding subsection (e), Internal investigation reports, such that the utility shall be required to submit a copy of its final internal investigation report when it is completed for all reportable accidents. If the report is not expected to be completed within one year of the date of occurrence of the reportable accident, then the utility shall notify the Bureau of Transportation and Safety's Gas Safety Division, which may require quarterly status updates until completion of the report.

52 Pa. Code § 65.2 Accidents. (Water/Wastewater Industry)

We propose adding paragraph (b) (2) to Section 65.2 because we think qualifying the injury is important. There ought to be a threshold test for serious injuries. The new language would state as follows:

(2) Injury to a person sufficient that the injured person requires professional medical attention or hospitalization.

We further propose amending this section to include:

(4) An occurrence of an unusual nature that is suspected or determined to be caused by sabotage, including attempts against cyber security measures as defined in 52 Pa. Code § § 101.1 *et seq.* (relating to public utility preparedness through self certification) and clarified in the Commission's Order entered on August 3, 2009, at Docket No. M-2009-2104273.

We propose adding paragraph (5) because the Commission wants to be notified of a utility causing substantial damage to another utility's facility or property. While there is not as urgent a need to be notified immediately, the Commission believes that within a 24 hour timeframe is reasonable and sufficient.

We further propose changes to subsection (c) for similar reasons as stated previously. Telegraphic reports are outdated and we would like a 24 hour deadline for certain reportable accidents.

We propose changing the deadline for filing a Form UCTA-8 from "immediately following" to "within 5 days" of the occurrence of a reportable accident.

We propose adding subsection (e), Internal investigation reports. We believe the utility should submit a copy of its final internal investigation report when it is complete for all reportable accidents. If the report is not expected to be completed within one year of the date of occurrence, the utility should notify the Bureau of Fixed Utility Services, which may require quarterly status updates until completion of the report. We invite comment regarding these proposals.

52 Pa. Code § 67.1(b) General Provisions. Service Outages

As discussed previously, 52 Pa. Code § 67.1 should be opened for review, specifically the written notification section § 67.1(b). Additional required information should be considered in that section, which is typically requested by our Bureau of Fixed Utility Services (FUS) for major events and is already reported to FUS on a consistent basis in the outage reports filed by certain electric utilities, although voluntarily. Additional required information should include: the utilities' weather reports, outlooks or scenarios and forecasts for the day before, and day of the interruption of service if the outage was caused by a weather event; the total number of outage cases and trouble cases (non-outage) by county; the number of utility and contractor crews and personnel received as mutual aid; a description of damage to equipment (replaced transformers, poles, spans of wire, pipes or valves for water and gas utilities, electronic equipment for telephone utilities); a historical ranking of the outage in terms of the number and duration of outages and examples of two comparable storms or events and the outage number and duration of those storms or events.

This information is available to the EDCs and certain electric utilities already report this information voluntarily to our Bureau of Fixed Utility Services. We do however, recognize that 52 Pa. Code § 67.1 applies, not only to electric, but to gas, water and telephone utilities holding certificates of public convenience. We believe the additional information requested may be of use in reviewing the outage response of telephone, gas or water/wastewater utilities. The issue of whether the additional reporting requirements would be limited to electric utilities can be addressed during the review procedure.

We propose changing the term "incident" to "event" in Section 67.1 (b) to avoid confusion as to what constitutes the reportable level of outages. "Single

incident” could be construed to mean a single outage order, which rarely would rise to the customer level of 2,500 or 5%, whichever is less. Also, “single incident” could be construed to mean an outage incident in a specific area of the service territory. The intent of the Code, as has been borne out in the past practice of the outage reports filed by utilities, is that the “incident” is the cause of the outages that will result in at least 2,500 or 5%, whichever is less, of customers experiencing an outage of six or more consecutive hours. That may be from one outage order, or multiple outage orders spread over the service territory. The “incident” has been interpreted to mean the event that caused the outages. So, if it is a storm that brings high winds and rain, then the outage report would include all outages stemming from that storm, assuming that at least 2,500 or 5%, whichever is less, of customers experience an outage of six or more consecutive hours and thus trigger the reporting requirement. We seek comment on whether the change in term from “incident” to “event” is necessary, or if sufficient precedent has been established and the term “incident” as it is used in 67.1(b) is clear. We are also proposing adding an additional requirement on the Commission of posting blank outage reporting forms on the Commission’s website for utilities to download and use.

We believe the proposed changes to Section 67.1 are in compliance with our Final Rulemaking Order of August 21, 2006, *In re: Rulemaking Re: PUC Filing and Reporting Requirements on Local Exchange Carriers*, L-00050176. The Commission held that Service Outage Reports met the standards prescribed in 66 Pa. C.S. § 3015(f) and therefore required the continuation of filing these reports. We held that the Service Outage Report was necessary to ensure that the local exchange carriers (LECs) are charging just and reasonable rates in compliance with Chapter 30. Quality of service is directly related to just and reasonable rates. Since Service Outage Reports bear an impact on service quality,

they are crucial to ensuring that the rates the LECs are charging are just and reasonable within the meaning of 66 Pa. C.S. § 1301.

However, regarding the telephone industry, this Commission also found that Accident Reports under 52 Pa. Code § 63.11 did not meet the exceptions for report filing under 66 Pa. C.S. §3015(f) (1). We held that the Accident Reports did not have direct nexus to the rates charged by LECs in accordance with Chapter 30 and the alternative forms of rate regulation sufficient to satisfy the exceptions set forth in section 3015(f) (1)(i). Therefore, we eliminated the accident report requirement and Section 63.11 was reserved. As the industries of gas, water/wastewater, and electric still have an Accident Report requirement, we propose changes to those current requirements in accordance with staff's report.

We propose changing the reporting requirement under original paragraph (b)(1) of "the approximate number of customers involved in a single incident" to "total number of sustained outages during the event. Sustained outages are of a duration of 5 minutes or greater." We believe with technological advances, that generally utility companies have better software systems capable of calculating sustained outages more accurately, and thus, the Commission seeks this information as part of a section 67.1 report.

We propose amending original paragraph (b)(2) such that the phrase, "the geographic area affected, in terms of the county and local political subdivision" is deleted and replaced with "the approximate number of outage cases and trouble cases for each county affected during the event. Trouble cases are non-outage cases such as line-down calls and emergency calls." We would like the information divided by county as we believe the utilities have the technological ability to track and report this information to the Commission.

New paragraph (b)(3) requires the report contain, “the approximate number of sustained outages for each county affected during the event.” This is merely the information already reportable under paragraph (b)(1) broken down into counties.

New paragraph (b)(4) adds “the number of outage cases exceeding 6 or more hours in duration.” We believe these are the more serious outages, and if the companies can track this information, the Commission should be apprised of it in a timely manner.

Paragraph (b)(5) adds a requirement that the outage cases exceeding six hours in duration be listed along with the following factors: 1) geographic location, 2) total number of customers affected, 3) duration of the outage, 4) initial date and time, and 5) restoration date and time of each outage.

As utilities rely upon mutual aid workers and contractors to complete their repair work in addition to their own utility workers, we believe the listing of the number of utility, contract, and mutual aid workers assigned to repair work should be provided to the Commission as part of a section 67.1 report. This is reflected in paragraph (b)(9). We invite comment regarding this proposal.

Paragraph (b)(14) requires listing a general description of the physical damage sustained by the utility facilities as a result of the event. This shall include facilities replaced due to damage, that is listing the number of poles, transformers, spans of wire, pipes or valves replaced. This is not an exhaustive list. We believe the information is pertinent to the event and related outages and the Commission would like said information.

Paragraph (b)(16) requires reporting all interruption events that caused outages to more than 10% of customers in the utility’s service territory, and to the

best of the utility's ability to access historical data, the historical ranking of the event in terms of the number and duration of outages and examples of two comparable events, including the number and duration of outages for those comparable events. This information will give the Commission perspective of how the event ranks in relation to historical events.

In subsection (c), we propose adding a final sentence as follows. "Blank outage reporting forms shall be posted on the Commission's website and shall be available for download." This binds the Commission to doing its part in facilitating ease in reporting service outages.

Finally, in subsection (e), we add a requirement that all utilities shall list on their websites, a phone number to be used during normal operating hours and an emergency telephone number to be used 24 hours in emergency service situations. We believe this requirement will better assist customers and reflects modern technological ways of communication.

Thus, in conclusion, we propose a more uniform approach to reporting standards among the gas, water/wastewater and electric industries. Accordingly, under 66 Pa.C.S. §501, §1501 and §§2801, *et seq.*, and the regulations promulgated thereunder at 52 Pa. Code §§ 57.191-57-197; and sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240)(45 P.S. §§1201 and 1202) and the regulations promulgated thereunder at 1 Pa. Code §§7.1, 7.2 and 7.5; section 204(b) of the Commonwealth Attorneys Act (71 P.S. §732.204(b)); section 5 of The Administrative Code of 1929 (71 P.S. §232) and the regulations promulgated thereunder at 4 Pa. Code §§7.231-7.234, we are considering adopting the proposed regulations set forth in Annex A; **THEREFORE,**

IT IS ORDERED:

1. That this Proposed Rulemaking docket be opened to consider the regulations as set forth in Annex A.
2. That the Secretary submit this Proposed Rulemaking Order and Annex A to the Office of Attorney General for review as to form and legality and to the Governor's Budget Office for review of fiscal impact.
3. That the Secretary shall submit this Order and Annex A for review and comment by the designated standing committees of both Houses of the General Assembly, and for review and comment by the Independent Regulatory Review Commission.
4. That the Secretary certify this Order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
5. That interested parties shall have 30 days from the date of publication in the *Pennsylvania Bulletin* of the Proposed Rulemaking Order and Annex A to file an original and fifteen (15) written comments to the Pennsylvania Public Utility Commission, Attention: Secretary James J. McNulty, P.O. Box 3265, Harrisburg, PA 17105-3265.
6. That an electronic copy of the comments should be electronically mailed to Elizabeth Barnes, Assistant Counsel, at ebarnes@state.pa.us, and these comments in turn will be placed on the Commission's website for public viewing at www.puc.state.pa.us.

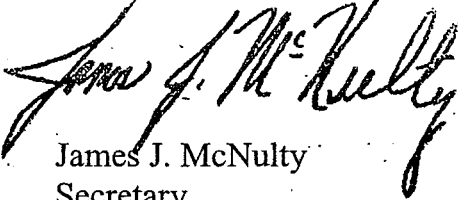
7. That comments should, where appropriate, address the issues identified in this Order and should include, where applicable, a numerical reference to the attached Annex A which the comment(s) address, proposed language for revision, and a clear explanation for the recommendation.

8. That a copy of this Order and Annex A be filed at Docket No. M-2008-2065532 and Docket No. L-2009-2104274.

9. That a copy of this Order and Annex A be served upon all electric distribution companies operating in Pennsylvania, all jurisdictional water and wastewater companies, all natural gas distribution companies, all jurisdictional telephone utilities, the Office of Consumer Advocate, the Office of Small Business Advocate, the AFL-CIO Utility Caucus, the Pennsylvania Utility Contractors Association, the Energy Association of Pennsylvania, and the Director of the Pennsylvania Emergency Management Agency (PEMA).

10. That the contact persons for this rulemaking are Daniel Searfoorce, Bureau of Fixed Utility Services, (717)783-6159 (technical) and Elizabeth Barnes, Law Bureau, (717)772-5408 (legal).

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "James J. McNulty". The signature is written in a cursive style with a large, prominent "M".

James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: November 6, 2009

ORDER ENTERED: November 10, 2009

ANNEX A
TITLE 52. PUBLIC UTILITIES
Part 1. PUBLIC UTILITY COMMISSION
Subpart C. FIXED SERVICE UTILITIES
CHAPTER 57. ELECTRIC SERVICE

* * * * *

§ 57.11. Accidents.

(a) *General.* A public utility shall submit a report of each reportable accident involving the facilities or operations of the public utility in this Commonwealth to the Secretary of the Commission.

(b) *Reportable accidents.* Reportable accidents are those involving utility facilities or operations which result in one or more of the following circumstances:

(1) The death of a person.

(2) Injury to [an employee on duty sufficient to incapacitate him from performing his ordinary duties for a period longer than 3 days] a person sufficient that the injured person requires professional medical attention or hospitalization.

(3) [Injury to a person other than an employee on duty sufficient to incapacitate the injured person from following his customary vocation, or mode of life, for a period of more than 1 day.

(4)]An occurrence of an unusual nature, whether or not death or injury of a person results, which apparently will result in a prolonged and serious interruption of normal service.

(4) An occurrence of an unusual nature that is suspected or determined to be caused by sabotage, including attempts against cyber security measures as defined in 52 Pa. Code §§ 101.1, et seq. (relating to public utility preparedness through self certification) and clarified in the Commission's Order entered on August 3, 2009, at Docket No. M-2009-2104273.

(5) Substantial damage to another utility company's facility or property.

(c) Exceptions. Injuries may not include those suffered as a result of a motor vehicle accident with utility facilities unless one or both of the following circumstances apply:

(1) A vehicle involved in the accident is owned by the utility or driven by a utility employee while on duty.

(2) Some or all of the injuries were as a result of contact with electrified facilities.

~~[(c)]~~ (d) [Telegraphic] Telephone reports. A report by telephone [or telegraph] shall be made at once in the event of the occurrence of a reportable accident [resulting in the death of a person or in an occurrence of an unusual nature.] under subsection (b), paragraphs (1), (3) and (4). A report by telephone shall be made within 24 hours of a reportable accident under subsection (b), paragraphs (2) and (5).

~~[(d)]~~ (e) Written reports. A written report shall be made on Form UCTA-8 [immediately following] within 5 days of the occurrence of a reportable accident. Accidents reportable on forms required by the Bureau of Workmen's Compensation, [Pennsylvania] Department of Labor and Industry, may be reported [by transmitting] to the Commission by filing a copy of [such] the forms [reports] in lieu of a report on Form UCTA-8. The Commission shall place blank UCTA-8 forms available for download on the Commission's website.

(f) Internal investigation reports. The utility shall submit a copy of its final internal investigation report when it is completed for all reportable accidents under subsection (b), paragraphs (1), (2), and (4). The final internal investigation report shall be treated in accordance with 66 Pa. C.S. § 1508 (relating to reports of accidents). If the report is not expected to be completed within 1 year of the date of the occurrence of the reportable accident, the utility shall notify the Commission's Bureau of Fixed Utility Services, which may require quarterly status updates until completion of the report.

* * * * *

CHAPTER 59. GAS SERVICE

* * * * *

§ 59.11. *Accidents.*

(a) *General.* Each public utility shall submit a report of each reportable accident involving the facilities or operations of the public utility in this Commonwealth as provided in this section. The reports shall be addressed to the Secretary of the Commission.

(b) *Reportable accidents.* Reportable accidents are those involving utility facilities or operations which result in one or more of the following circumstances:

(1) The death of a person.

(2) Injury to a person sufficient that the injured person requires professional medical attention or hospitalization.

~~[(1)]~~ (3) An event that involves a release of gas from a pipeline or of LNG or gas from an LNG facility, which results in estimated property damage, including the cost of gas lost of the operator or others, of at least \$50,000 in market value. [and one of the following:

(i) A death, or personal injury necessitating inpatient hospitalization.

(ii) Estimated property damage, including cost of gas lost, of the operator or others, or both, of \$50,000 or more.]

~~[(2)]~~ (4) An event that results in an emergency shutdown of an LNG facility.

~~[(3)]~~ An event that is significant, in the judgment of the operator, even though it did not meet the criteria of paragraph (1) or (2).]

(5) An occurrence of an unusual nature that is suspected or determined to be caused by sabotage, including attempts against cyber security measures as defined in 52 Pa. Code §§ 101.1 et seq. (relating to public utility preparedness through self certification) and

clarified in the Commission's Order entered on August 3, 2009, at Docket No. M-2009-2104273.

(6) Substantial damage to another utility company's facility or property.

(c) [Telegraphic] Telephone reports. A report by telephone [or telegraph] shall be made at once in the event of the occurrence of a reportable accident [resulting in the death of a person or in an occurrence of an unusual nature.] under subsection (b), paragraphs (1), (3), (4) and (5). A report by telephone shall be made within 24 hours of a reportable accident under subsection (b), paragraphs (2) and (6).

(d) Written reports. A written report shall be made on Form UCTA-8 [immediately following] within 5 days of the occurrence of a reportable accident [as defined in subsection (b)]. Accidents reportable [to the Commission which reports are also] on forms required by the Bureau of Workmen's Compensation, Department of Labor and Industry, may be reported [by transmitting] to the Commission by filing a copy of the [reports] forms in lieu of a report on Form UCTA-8. The Commission shall place blank UCTA-8 forms available for download on the Commission's website.

(e) Internal investigation reports. The utility shall submit a copy of its final internal investigation report when it is completed for all reportable accidents under subsection (b), paragraphs (1), (2), and (5). The final internal investigation report shall be treated in accordance with 66 Pa. C.S. § 1508 (relating to the reports of accidents.) If the report is not expected to be completed within 1 year of the date of the occurrence of the reportable accident, the utility shall notify the Commission's Bureau of Fixed Utility Services, which may require quarterly status updates until completion of the report.

* * * * *

CHAPTER 65. WATER SERVICE

* * * * *

§ 65.2. *Accidents.*

(a) *General.* A public utility shall submit a report of each reportable accident involving the facilities or operations of the public utility in this Commonwealth. The reports shall be addressed to the Secretary of the Commission.

(b) *Reportable accidents.* Reportable accidents are those involving utility facilities or operations which result in one or more of the following circumstances:

(1) The death [or injury] of a person.

(2) Injury to a person sufficient that the injured person requires professional medical attention or hospitalization.

(3) An occurrence of an unusual nature, whether or not death or injury of a person results, which apparently will result in a prolonged and serious interruption of normal service [of more than 3 days].

(4) An occurrence of an unusual nature that is suspected or determined to be caused by sabotage, including attempts against cyber security measures as defined in 52 Pa. Code §§ 101.1 et seq. (relating to public utility preparedness through self certification) and clarified in the Commission's Order entered on August 3, 2009, at Docket No. M-2009-2104273.

(5) Substantial damage to another utility company's facility or property.

(c) [*Telegraphic*] Telephone reports. A report by telephone [or telegraph] shall be made at once [within 24 hours] in the event of the occurrence of a reportable accident [resulting in death of a person, or in the event of an occurrence of an unusual nature.] under subsection (b), paragraphs (1), (3)

and (4). A report by telephone shall be made within 24 hours of a reportable accident under subsection (b), paragraphs (2) and (5).

(d) *Written reports.* A written report shall be made on Form UCTA-8 within 5 days of the occurrence of a reportable accident. Accidents [which are also] reportable [to the] on forms required by the Bureau of Workmen's Compensation, Department of Labor and Industry, may be reported to the Commission by filing a copy of the [report submitted to that Bureau] forms in lieu of a report on [place of] Form [UCTA-8.19] UCTA-8. The Commission shall place blank UCTA-8 forms available for download on the Commission's website.

(e) *Internal investigation reports.* The utility shall submit a copy of its final internal investigation report when it is completed for all reportable accidents under subsection (b), paragraphs (1), (2), and (4). The final internal investigation report shall be treated in accordance with 66 Pa. C.S. § 1508 (relating to the reports of accidents.) If the report is not expected to be completed within 1 year of the date of the occurrence of the reportable accident, the utility shall notify the Commission's Bureau of Fixed Utility Services, which may require quarterly status updates until completion of the report.

* * * * *

CHAPTER 67. SERVICE OUTAGES

§ 67.1. General provisions.

(a) Electric, gas, water and telephone utilities holding certificates of public convenience under 66 Pa.C.S. §§ 1101 and 1102 (relating to organization of public utilities and beginning of service and enumeration of acts requiring certificate) shall adopt the following steps to notify the Commission with regard to unscheduled service interruptions.

(b) All electric, gas, water, and telephone utilities shall notify the Commission when 2,500 or 5.0%, whichever is less, of their total customers have an unscheduled service interruption in a single [incident] event for [six] 6 or more projected consecutive hours. Written notification shall be filed with the Commission within [five] 5 working days after the total restoration of service. Where storm conditions cause multiple reportable interruptions as defined by this section, a single composite report

shall be filed for the event. Each report shall contain the following information:

(1) The [approximate number of customers involved in a single incident.] total number of sustained outages during the event. Sustained outages are of a duration of 5 minutes or greater.

(2) [The geographic area affected, in terms of the county and local political subdivision.] The approximate number of outage cases and trouble cases for each county affected during the event. Trouble cases are non-outage cases such as line-down calls and emergency calls.

(3) The approximate number of sustained outages for each county affected during the event.

(4) The number of outage cases exceeding 6 or more hours in duration.

(5) a listing of each outage case exceeding 6 or more hours in duration, including the following:

- (i) Geographic location (municipality or township).
- (ii) Total number of customers affected.
- (iii) Duration of the outage.
- (iv) Initial date and time of the outage.
- (v) Restoration time and date.

[(3)] (6) The reason for the interruption.

[(4)] (7) The projected time for service restoration of the event.

[(5)] (8) A listing of [The] the number of utility workers [and others] assigned specifically to the repair work by general function, that is linemen, troublemen, tree crew, and the like.

(9) A listing of the number of contract workers assigned specifically to the repair work by company and by general function, that is linemen, troublemen, tree crew, and the like.

(10) A listing of the number of workers received as mutual aid by company and by general function, that is linemen, troublemen, tree crew, and the like.

~~[(6)]~~ (11) The date and time of the first information of a service interruption.

~~[(7)]~~(12) The date and time that repair crews were assembled.

(8) The date and time that the supervisor made the first call.

(9) The approximate time that repair work was started.

(10)] (13) The actual time that service was restored to the last affected customer.

(14) A general description of the physical damage sustained by the utility facilities as a result of the event. This shall include facilities replaced due to damage, and a listing of the number of poles, transformers, spans of wire, pipes or valves replaced.

(15) For weather-related events, the utility's weather reports, outlooks or scenarios for the day before and the day of the interruption event.

(16) For all interruption events that caused outages to more than 10% of customers in the utility's service territory, and to the best of the utility's ability to access historical data, the historical ranking of the event in terms of the number and duration of outages and examples of two comparable events, including the number and duration of outages for those comparable events

(c) In addition to the requirements of subsection (b) the utility shall notify the Commission by telephone within [one] 1 hour after preliminary assessment of conditions reasonably indicates that the criteria listed in subsection (b) may be applicable. [The first four items] Subsection (b), paragraphs (1), (2), (3), (6), and (7) shall be used as guidelines for the telephone report. The Commission will maintain telephone lines for this purpose and will notify each utility of the numbers to be called. Blank outage reporting forms shall be posted on the Commission's website and shall be available for download.

(d) The Commission will implement a plan to govern its internal operations in receiving notification of service interruptions, in investigating such interruptions, and in assisting the customers of the utility, the utility and Commonwealth agencies in restoring service.

(e) All electric, gas, water and telephone utilities shall list in the local telephone directories of their service areas, and on their websites, a telephone number to be used during normal operating hours and an emergency telephone number to be used 24 hours in emergency service situations.

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17105-3265**

**Proposed Rulemaking for Revision of 52 Pa. Code
Chapters 57, 59, 65 and 67 Pertaining to Utilities
Service Outage Response and Restoration Practices**

**PUBLIC MEETING
November 6, 2009
2104274-LAW
Docket No. L-2009-2104274**

**JOINT STATEMENT OF COMMISSIONER KIM PIZZINGRILLI
AND VICE CHAIRMAN TYRONE J. CHRISTY**

Pennsylvania experienced widespread electric distribution service outages as a consequence of Hurricane Ike in September of 2008. On September 25, 2008, the Commission initiated an investigation to evaluate current electric utility service storm response, service restoration, and customer communication practices. The Commission released a report on April 30, 2009 that summarized the findings of this investigation and recommended revisions to existing regulations and the adoption of a new policy statement.

This proposed rulemaking will implement the recommended revisions to the Commission's regulations for service outages and reportable accidents involving utility facilities including:

- Amendments to Chapter 57 to broaden the scope of reportable accidents involving electric utility service, establish a uniform reporting period, and require the filing of the utility's internal investigation report.
- Amendments to Chapter 59 to broaden the scope of reportable accidents involving gas utility service, establish a uniform reporting period, and require the filing of the utility's internal investigation report.
- Amendments to Chapter 65 to broaden the scope of reportable accidents involving water utility service, establish a uniform reporting period, and require the filing of the utility's internal investigation report.
- Amendments to Chapter 67 to require that fixed utilities provide a greater level of detail to the Commission regarding outage events.

We would like to thank our staff for their comprehensive review of utility practices, the Commission's regulations, and the development of these recommendations. The proposed amendments are intended to enhance service outage response, reporting and restoration practices. We encourage all affected utilities and interested parties to review these proposed revisions and provide comments.

November 6, 2009
Date



KIM PIZZINGRILLI, COMMISSIONER



TYRONE J. CHRISTY, VICE CHAIRMAN



PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG, PENNSYLVANIA

JAMES H. CAWLEY
CHAIRMAN

February 18, 2010

The Honorable Arthur Coccodrilli
Chairman
Independent Regulatory Review Commission
14th Floor, Harristown II
333 Market Street
Harrisburg, PA 17101

Re: L-2009-2104274/57-271
Proposed Rulemaking
Pertaining to Utilities' Service Outage
Response and Restoration Practices
52 Pa. Code, Chapters 57, 59 65 and 67

Dear Chairman Coccodrilli:

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

The purpose of this proposal is to establish a more uniform approach for reporting standards among the gas, water/wastewater and electric industries in the event of utility service outages. The contact persons are Elizabeth Barnes, Law Bureau, 772-5408 and Daniel Searforce, FUS, 783-6159.

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

Very truly yours,

A handwritten signature in black ink that reads "James H. Cawley". The signature is written in a cursive style with a long, sweeping tail on the final letter.

James H. Cawley
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 Barnes
Mr. Searfoorce
Regulatory Coordinator DelBiondo
Judy Bailets, Governor's Policy Office

TRANS TAL SHEET FOR REGULATIONS SUBJECT
TO THE REGULATORY REVIEW ACT

ID Number: L-2009-2104274/57-271

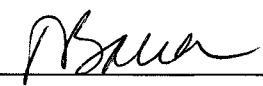
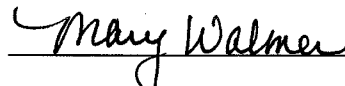

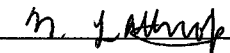
Subject: Proposed Rulemaking Pertaining to Utilities' Service
Outage Response and Restoration Practices

Pennsylvania Public Utility Commission

TYPE OF REGULATION

- Proposed Regulation
- Final Regulation with Notice of Proposed Rulemaking
Omitted.
- Final Regulation
- 120-day Emergency Certification of the Attorney
General
- 120-day Emergency Certification of the Governor

FILING OF REPORT

<u>Date</u>	<u>Signature</u>	<u>Designation</u>
2/18/10		<u>HOUSE COMMITTEE</u> (Preston) Consumer Affairs
2/18/10		<u>SENATE COMMITTEE</u> (Tomlinson) Consumer Protection and Professional Licensure
2/18/10		Independent Regulatory Review Commission Attorney General
2/18/10		Legislative Reference Bureau

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