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April 7, 2010

VIA OVERNIGHT UNITED PARCEL SERVICE

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

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

Dear Secretary McNulty:

Enclosed for filing are an original and sixteen (16) copies of Comments of Metropolitan Edison Company, Pennsylvania Electric Company and Pennsylvania Power Company pursuant to the Commission's Proposed Rulemaking Order in the above-captioned docket.

Please date stamp the additional copy and return it to me in the enclosed, postage-prepaid envelope. Please contact me if you have any questions regarding this matter.

Very truly yours,

Bradley A. Bingaman

Enclosures

c: As Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**COMMENTS OF METROPOLITAN EDISON COMPANY,
PENNSYLVANIA ELECTRIC COMPANY
AND PENNSYLVANIA POWER COMPANY**

I. INTRODUCTION

As a direct result of Hurricane Ike which caused electric service interruptions to over 450,000 customers in Pennsylvania, the Pennsylvania Public Utility Commission ("Commission") issued Secretarial Letters to seek information from all jurisdictional electric distribution companies ("EDCs") operating in Pennsylvania regarding their service restoration and public notice practices. Subsequently, responses were filed by the EDCs and public input hearings were conducted to solicit additional information to review EDCs' service outage responses, restoration practices, current and past storm preparation and response practices. Attendance at the public hearings was light and the comments were generally positive. Out of 450,000 customers impacted by outages resulting from Hurricane Ike, only eight residents raised concerns at the hearings about the need for improved communications to the public, and, at the same time, complimented the utilities for their work to restore service following the storm.

The Commission's Bureau of Conservation, Economics and Energy Planning submitted and the Commission adopted the *Electric Distribution Company Service Outage Response and Restoration Practices Report* in April 2009. Consequently, the Commission initiated a

rulemaking proceeding to revise certain regulations on service outages at 52 Pa. Code §§ 67.1, *et seq.*, and reportable incidents at 52 Pa. Code §§ 57.11, 59.11 and 65.2.

Metropolitan Edison Company, Pennsylvania Electric Company and Pennsylvania Power Company (the “Companies”) respectfully submit the following comments to the proposed amendments to the specific sections of the current regulations set forth below regarding service outages and reportable incidents as they may impact the electric industry in Pennsylvania.¹ Inasmuch as the Companies do not have comments on every section of the proposed rulemaking, the comments herein will only address those sections of the proposed rulemaking where the Companies wish to offer specific comments and suggestions for the Commission’s consideration.

II. COMMENTS

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

1. *Reportable Accidents (Section 57.11(b)(2))*

The Commission has proposed 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.” The Commission’s proposed amendment is overly broad and for which compliance would be unduly burdensome. Currently, the existing reporting requirement is limited to a significant accident which rises to a level to warrant Commission attention. The existing language strikes the proper balance of distinguishing accidents that may require professional medical attention or hospitalization – but still not be serious - from serious accidents requiring medical attention. The Commission’s proposed language would necessarily require the Companies to report minor instances that may require medical attention or

¹ The Companies also support the comments of the Energy Association of Pennsylvania being filed in this proceeding.

hospitalization (i.e., bee stings and poison ivy) that occur from time to time while inspecting the Companies' facilities. The Companies (as well as the Commission) would be overwhelmed by such additional reporting. The Companies recommend that the Commission's proposed amendment not be incorporated in a final regulation.

2. *Substantial Damage (Section 57.11(b)(5))*

The Commission has proposed amending Section 57.11(b) to require a utility to report any substantial damage such utility causes to another utility company's facility or property. First, the Companies are concerned with the lack of definition for "substantial damage" and realize that this is a difficult term to define. However, a clear definition of "substantial damage" is needed in order for utilities to understand the threshold requiring reports of such damage to the Commission.

Second, other than rare contacts with underground utility facilities, the Companies are unaware of instances of one utility causing substantial damage to the facility or property of another utility. Therefore, the Companies do not believe that this additional reporting requirement is necessary. In addition, the Companies wish to point out that the Pennsylvania Underground Utility Line Protection Act requires that underground contacts be reported to the Pennsylvania Department of Labor and Industry ("L&I"). The Companies also note that it is their understanding that the Commission receives an incident report from L&I on such contacts. The Companies believe that also reporting this information to the Commission would be duplicative and inefficient and recommend that the required reporting of such identical information be removed from any final regulation.

3. Telephone Reports (Section 57.11(c))

The Commission proposes certain changes to Section 57.11(c) to clarify that reportable accidents pursuant to Section 57.11(b)(1), (3) and (4) shall be reportable at once, while reportable accidents pursuant to Section 57.11(b)(2) and (5) shall be made within twenty-four hours. The Companies find the clarification to be acceptable; however, the Companies would recommend a further clarification that the notice requirement is initiated at such time that a company gains knowledge of the reportable accident. The Companies propose the following:

[(c)](d) [Telegraphic] Telephone reports. A report by telephone [or telegraph] shall be made ~~at once in the~~ immediately after the public utility becomes aware of an 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 after a public utility becomes aware of a reportable accident under subsection (b), paragraphs (2) and (5).

4. Five Day Standard (Section 57.11(d))

The Commission proposes amending Section 57.11(d) to create a more objective five day standard to submit a written accident report. The Companies agree that a five day period is more definitive than “immediately following” and are supportive of the Commission’s proposed five day standard. However, the Companies would recommend that the Commission clarify the five days to be *working* days.

5. Final Internal Reports (Section 57.11(f))

The Commission proposes adding a new section identified as Section 57.11(f) which will require utilities to submit a copy of their final internal investigation reports for all reportable accidents pursuant to Section 57.11(b). The Companies strongly oppose any public disclosure or circulation of such highly sensitive and confidential internal investigation reports. Although the reference to 66 Pa. C.S. §1508 provides some protection, the disclosure of the final internal

investigation report may be ordered by the Commission and could possibly become subject to a successful Right to Know request under Pennsylvania Law. Such final internal investigation reports are created for the sole purpose of thoroughly investigating an accident and may contain information that is not appropriate for public disclosure. Further, such public disclosure may adversely affect the nature and scope of the final report.

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

1. *Written Notification (Section 67.1(b))*

Proposed Section 67.1(b) would require utilities to notify and provide written notification to the Commission when 2,500 or 5.0% (whichever is less) of their total customers “have an unscheduled service interruption in a single event for 6 or more projected consecutive hours”. Further, the Commission has proposed amending Section 67.1(b) to require the written notification to include certain other information and more detail specifically listed in the proposed regulation. However, the Commission has failed to provide utilities additional time to collect such additional information. It would be overly burdensome and extremely difficult to gather the additional information the Commission contemplates and prepare the required report within a five day timeframe. The Companies believe Section 67.1(b) currently provides a sufficient level of detail and recommend no change to the existing rule.

2. *Geographic Location (Section 67.1(b)(5)(i))*

The Commission proposes adding a new section identified as Section 67.1(b)(5)(i) which would require utilities to provide a listing by “geographic location” of each outage case exceeding 6 or more hours in duration. The Commission identifies, by way of parentheses, the level of “geographic location” to be reported as a municipality or township. The Companies

object to this level of reporting of the geographic location. The Companies currently have a system in place to provide data by county and/or by city as a result of the service address provided by the customer, but cannot at this time provide the required information by township. The Companies recommend that the level of reporting of "geographic location" in Section 67.1(b)(5)(i) be identified as "county or city (per the customer's service address)".

III. CONCLUSION

The Companies appreciate the opportunity to comment on the Commission's revised, proposed rules. The Companies have identified several significant concerns and request that the Commission consider the recommendations as more thoroughly explained in the Companies' comments set forth herein. For the reasons stated above, the Companies respectfully request that the Commission consider their comments and modify its regulations accordingly.

Respectfully submitted,

Dated: April 7, 2010



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**Proposed Rulemaking for Revision of 52 :
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Pertaining to Utilities' Service Outage :
Response and Resoration Practices :**

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing document upon the individuals listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant).

Service by overnight United Parcel Service, as follows:


James J. McNulty, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Service by electronic mail, as follows:

Elizabeth Barnes
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Dated: April 7, 2010



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