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LEGAL SERVICES

**VIA FEDEX NEXT DAY**

April 6, 2010

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

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


APR 6 2010  
RECEIVED

Dear Secretary McNulty:

West Penn Power Company d/b/a Allegheny Power appreciates the opportunity to review and provide comments on the above-captioned Proposed Rulemaking.

This filing is filed by FedEx Next Day delivery and electronically and is deemed filed today.

Very truly yours,

  
John L. Munsch  
Attorney

JLM:sac

Enclosures

cc: Elizabeth Barnes, Esquire ([ebarnes@state.pa.us](mailto:ebarnes@state.pa.us))

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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**COMMENTS OF WEST PENN POWER COMPANY d/b/a  
ALLEGHENY POWER**

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West Penn Power Company d/b/a Allegheny Power (“Allegheny Power” or “Company”) provides Comments on the Proposed Policy Statement of the Pennsylvania Public Utility Commission (“Commission”) concerning its Proposed Rulemaking for Revision of 52 Pa. Code Chapters 57, 59, 65 and 67 Pertaining to Utilities’ Service Outage Response and Restoration Practices. The Proposed Rulemaking Order was entered by the Commission November 10, 2009, and published in the March 6, 2010, *Pennsylvania Bulletin*. The Company offers specific comments for the following sections of the proposed revised regulations.

**Section 57.11(b)(2)**

The Company already reports fatalities and “Occurrences of an Unusual Nature” to the Commission using Form UCTA-8. With this form the Company reports all fatalities, all contact injuries (whether they result in a fatality or not), significant vehicle accidents (i.e., vehicle accidents that result in significant injury) and “unusual” incidents.

Amending Section 57.11(b)(2) to include all incidents that result in any level of injury requiring medical attention or hospitalization is unduly burdensome and overly broad. Allegheny recommends that the reporting requirement be limited to injuries requiring medical

attention or hospitalization and resulting from direct contact with electric-conducting facilities. Such a standard would omit pole-collision cases, transformer cases, and other “indirect” type claims extend beyond the intent of the regulations by including non-utility related injuries.

The Company points out that the Commission’s proposed reporting requirements go beyond the current requirements of the federal Occupational Safety and Health Administration and the Department of Transportation.

**Section 57.11(b)(4)**

The Company is concerned that the scope of reporting under this subsection is overly broad. Allegheny Power submits that the reporting of security threats should parallel the reports provided by the Company to NERC and the Department of Energy.

**Section 57.11(b)(5)**

Proposed subsection 57.11(b)(5) language is more of an issue for communication companies than for electric utilities. While the Company may occasionally have an incident where it may “dig in” to another utility, most of these cases involve communication companies digging into EDC facilities. Nonetheless, what is “substantial damage” is going to differ from utility to utility. In the typical case, the damages are insubstantial and merely involve repairing an underground conductor or replacing a pole.

**Section 57.11(d)**

The proposed new requirement of a telephonic report within 24 hours of the time a reportable event occurs is troublesome. In many situations the Company does not learn of a

“reportable” event until long after it occurs. It is also unclear if the reporting period commences upon the occurrence of the event or upon discovery of the event.

The Company recommends that a report not be required within 24 hours of the time the utility learns of the reportable event. The Company also recommends that the Commission delete the requirement of a written report within five days of the occurrence.

The Company also points out that requiring a utility to submit a copy of its final internal investigation report may pose significant issues. First, “final investigation report” is not defined. Second, there are issues of the attorney-client and work product privileges.

Finally, the Company notes that when reports containing sensitive information, particularly concerning security issues, are filed with the Commission, the Commission must take adequate steps to protect the information from public access.

#### **Section 67.1(b)**

The current requirement is that utilities must provide written reports within five working days when an outage reaches six consecutive hours for 2,500 customers. Allegheny Power’s experience has been that in an aftermath of a major event involving tens of thousands of customers the data after five days is estimated and not highly accurate. In order to gain accuracy and usefulness of data, the Company proposes extending the deadline from five days to 30 working days, by which time the outage data has been refined.

#### **Section 67.1(b)(2) and (3)**

This subsection would require that the five-day written report contain approximate number of outage cases and trouble cases by county. Allegheny Power does not maintain

county-by-county information in its outage management system. It tracks outages by company service center, substation, circuit and pole number. It does not track outages by municipality.

During an event the Company can access only the instantaneous number of trouble cases per county, which increase and decrease with storm events. The number vanishes when service restoration is complete. After the event there is no record of county outage.

The county information is based on zip codes which commonly cross county lines and have a large margin of error. Thus the Company is faced with the burden of recording, perhaps hourly, the maximum incidents per county while there is a good chance it would miss the actual maximum. The Company cannot provide the data by municipality in any form as it is not in the Company's system. Thus Allegheny Power suggests deletion of 76.1.b (2).

The term "line-down calls" should be further defined to refer to primary and secondary lines, but not service lines to customer homes.

#### **Section 67.1(b)(5)(i)**

This subsection would require that the five-day written report contain a listing of outage cases exceeding six hours, listed by municipality or township. The Company's data base does not track outages by municipality. This provision should be removed.

#### **Section 67.1(b)(14)**

The five-day reporting requirement for provision of a physical description of the damage sustained by the utility poses problems. It will be difficult to obtain an accurate estimate of damage in five days. This is an example of data that is difficult to report accurately within five days of a major event. After a major storm the Company's service centers are operating in recovery mode and are not at normal operations for at least a week, after which an accurate

assessment of damage can be made. Allegheny Power would prefer to wait until the month closing of the records to provide the data requested by the Commission and, therefore, the Company requests a 30-day period rather than a five-day period.

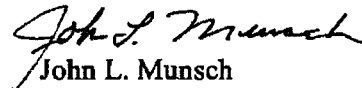
**Section 67.1(c)**

This section requires telephone reporting to the Commission within one hour of the occurrence of an outage where it appears that subsections (1), (2), (3), (6) and (7) of Section 67.1(b) are involved. The only specific criteria in those subsections is in subsection 67.1(b)(1) of “sustained outages of a duration of 5 minutes or greater.” The Company submits that one hour is not nearly sufficient time to accurately estimate the extent of an outage

In some cases, the Company will not know if a particular outage will affect more than 2,500 customers for more than six hours after the threshold occurs. The Company would agree to make a telephone contact once it has achieved normal reporting conditions.

Respectfully submitted,

Date: April 6, 2010

  
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