

Comments of the Independent Regulatory Review Commission



Pennsylvania Public Utility Commission Regulation #57-290 (IRRC #2984)

Rules of Practice and Procedure

May 8, 2013

We submit for your consideration the following comments on the proposed rulemaking published in the March 9, 2013 *Pennsylvania Bulletin*. Our comments are based on criteria in Section 5.2 of the Regulatory Review Act (71 P.S. § 745.5b). Section 5.1(a) of the Regulatory Review Act (71 P.S. § 745.5a(a)) directs the Pennsylvania Public Utility Commission (PUC) to respond to all comments received from us or any other source.

Subsection 5.365(b) General rule for nonadversarial proceedings. – Clarity; Adverse effects on competition.

The last sentence of this subsection states, “The Commission will not disclose material that is the subject of a protective order under this provision during the pendency of a request.” While we recognize this is existing language under Subsection 5.423(b), we question whether this specific language provides broad enough protection of information filed prior to the issuance of the PUC’s protective order. Therefore, we suggest that the PUC consider adding the phrase “petition for” so that Subsection 5.365(b) would state “. . . will not disclose material that is the subject of a **petition for** protective order . . .” (New language in bold.) This would also make the second sentence more consistent with the language in the first sentence which references “. . . a petition for protective order”