

Regulatory Analysis Form

(Completed by Promulgating Agency)

**INDEPENDENT REGULATORY
REVIEW COMMISSION**

(All Comments submitted on this regulation will appear on IRRC's website)

2013 APR 25 PM 12:10

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(1) Agency
Public Utility Commission

(2) Agency Number: L-2012-2324073
Identification Number: 57-293

IRRC Number: **3007**

(3) PA Code Cite: 52 Pa. Code §§ 1.32, 1.37, 1.59, 3.101, 3.381, 3.383, 3.501, 5.502, 23.101, 23.121, 29.303, 32.2, 53.51, 54.32, 54.203, 57.72, 57.74, 57.141, 57.195, 59.81, and 62.103.

(4) Short Title: Amendment of Paper Copy and Electronic Copy Filing Requirements

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

Primary Contact: Krystle Sacavage (717)-787-5262 ksacavage@pa.gov

Secondary Contact: Eric Rohrbaugh (717) 787-5534 errohrbaug@pa.gov

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

- Proposed Regulation
- Final Regulation
- Final Omitted Regulation

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

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

The Commission proposes to amend its regulations to (1) eliminate the requirement to file additional paper copies, beyond a signed original, of certain documents, (2) increase the size limit of qualified documents that may be electronically filed (eFiled) with the Commission and (3) dispense with the requirement for a paper copy of efiled documents, that are less than 250 pages in length, to be filed with the Commission. These amendments to our regulations will result in the savings of time and resources for both parties appearing before the Commission and Commission staff by reducing paper copy filings.

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

66 Pa. C.S. §§ 501, 504, 523, 1301, 1501, and 1504; Sections 201 and 202 of the Act of July 31, 1968, P.L. 769 No. 240, 45 P.S. §§ 1201-1202; 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 745.5 of the Regulatory Review Act, 71 P.S. § 745.5; Section 612 of the Administrative Code of 1929, 71 P.S. § 232.

(9) 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.

The amended regulations are not mandated by any federal or state law or court order, or federal regulation.

(10) 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.

The Commission is not adopting any new regulations. We are making amendments to our existing regulations to reduce the paper copy filings made with the Commission by eliminating the requirement for additional paper copies to be filed, increasing the size limit of qualified documents that may be eFiled and dispensing with the requirement to file a paper copy of eFiled documents less than 250 pages in length. The Commission currently regulates approximately 6,000 utilities and licensees. These utilities, and those parties who participate in proceedings before the Commission regarding these utilities, will see substantial reductions in time and costs relating to printing, postage and copying. These time and cost reductions cannot be quantified.

(11) 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.

These amendments to our regulations pertain strictly to filings and practice before the Commission. To the extent federal agencies still require paper copies to be filed in their own proceedings, these amendments to our regulations are less stringent.

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

The amendments to these regulations do not affect the ability of Pennsylvania to compete with other states.

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

The amendments to these regulations will not affect any other regulations of the Commission or other state agencies.

(14) Describe the communications with and solicitation of input from the public, any advisory council/group, small businesses and groups representing small businesses in the development and drafting of the regulation. List the specific persons and/or groups who were involved. (“Small business” is defined in Section 3 of the Regulatory Review Act, Act 76 of 2012.)

In order to review the Commission’s procedural regulations to determine whether changes or improvements were needed, the Commission formed the Efficient Work Group. The Efficient Work Group is comprised of internal staff from the Commission’s Office of Administrative Law Judge, Secretary’s Bureau, Law Bureau, Bureau of Investigation and Enforcement (formally Office of Trial Staff), Bureau of Consumer Services, Bureau of Technical Utility Services, Office of Special Assistants and Management Information Services. After a period of study and discussion, the Efficient Work Group determined that due to the recently completed reorganization of the Commission, advances in technology and the ability of many practitioners to make electronic filings at the Commission, the Commission should change some of its procedural regulations to reduce paper copy filings.

(15) Identify the types and number of persons, businesses, small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012) and organizations which will be affected by the regulation. How are they affected?

The Commission currently regulates approximately 6,000 utilities or licensees who will be affected by these amendments to our regulations. The number of paper copies filed when these entities make filings before the Commission will be significantly reduced.

(16) List the persons, groups or entities, including small businesses, that will be required to comply with the regulation. Approximate the number that will be required to comply.

Beyond the approximately 6,000 utilities and licensees regulated by the Commission, the Commission cannot estimate the number of parties who participate in proceedings involving these entities.

(17) Identify the financial, economic and social impact of the regulation on individuals, small businesses, businesses and labor communities and other public and private organizations. Evaluate the benefits expected as a result of the regulation.

The amendments to the existing regulations are intended to make practice before the Commission easier. They will also reduce the amount of paper copies filed with the Commission, which will reduce the time and costs associated with filing before the Commission.

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

The Commission is unaware of any adverse effects of these amendments to our regulations.

(19) 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.

The amendments to the regulations create no new costs. The savings of costs cannot be quantified.

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

The amendments to the regulations create no new costs to local governments. The savings of costs cannot be quantified.

(21) Provide a specific estimate of the costs and/or savings to the **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.

There are no costs imposed upon the state government by the amendments to the regulations. There will be savings consistent with reducing costs related to a reduction in the amount of paper documents handled by the Commission, but these savings cannot be quantified.

(22) For each of the groups and entities identified in items (19)-(21) above, 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.

The amendments to the existing regulations reduce the amount of paper copies filed with the Commission. There are no legal, accounting or consulting procedures, or additional reporting, recordkeeping or other paperwork imposed.

(23) 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:	\$ N/A	\$ N/A	\$ N/A	\$ N/A	\$ N/A	\$ N/A
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

(23a) Provide the past three year expenditure history for programs affected by the regulation. N/A

Program	FY -3	FY -2	FY -1	Current FY
N/A	N/A	N/A	N/A	N/A

(24) For any regulation that may have an adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), provide an economic impact statement that includes the following:

- (a) An identification and estimate of the number of small businesses subject to the regulation.
- (b) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed regulation, including the type of professional skills necessary for preparation of the report or record.
- (c) A statement of probable effect on impacted small businesses.
- (d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

The amendments to the existing regulations have no adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012).

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

N/A

(26) 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.

The amendments reduce the amount of paper copies that must be filed with the Commission. There are no less burdensome alternatives that were considered.

(27) In conducting a regulatory flexibility analysis, explain whether regulatory methods were considered that will minimize any adverse impact on small businesses (as defined in Section 3 of the Regulatory Review Act, Act 76 of 2012), including:

- a) The establishment of less stringent compliance or reporting requirements for small businesses;
- b) The establishment of less stringent schedules or deadlines for compliance or reporting requirements for small businesses;
- c) The consolidation or simplification of compliance or reporting requirements for small businesses;
- d) The establishment of performing standards for small businesses to replace design or operational standards required in the regulation; and
- e) The exemption of small businesses from all or any part of the requirements contained in the regulation.

N/A

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Data is not the basis for these amendments to our regulations.

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

- | | |
|---|------------------------------|
| A. The date by which the agency must receive public comments: | 30 days after publication |
| B. The date or dates on which public meetings or hearings will be held: | as needed |
| C. The expected date of promulgation of the proposed regulation as a final-form regulation: | 2 nd quarter 2014 |
| D. The expected effective date of the final-form regulation: | upon publication as final |
| E. The date by which compliance with the final-form regulation will be required: | upon publication as final |
| F. The date by which required permits, licenses or other approvals must be obtained: | <u>N/A</u> |

(30) Describe the plan developed for evaluating the continuing effectiveness of the regulations after its implementation.

The Efficient Work Group will continue its review of the Commission's regulations to determine whether (1) there are additional regulations containing additional paper copy filing requirements that can be eliminated, (2) the size limit of qualified documents that may be electronically filed can be further increased and (3) the Commission can dispense with the requirement to file a paper copy of eFiled documents that are over 250 pages in length.

FACE SHEET
FOR FILING DOCUMENTS
WITH THE LEGISLATIVE REFERENCE BUREAU

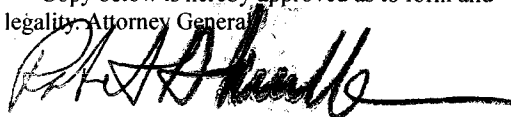
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(DEPUTY ATTORNEY GENERAL)

APR 17 2013

DATE OF APPROVAL

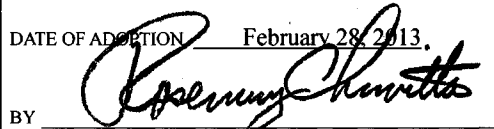
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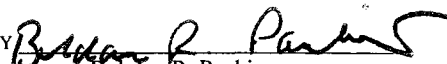
DATE OF ADOPTION February 28, 2013.



BY _____
Rosemary Chiavetta

TITLE Secy
(SECRETARY)

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form and legality. Executive or
independent Agencies.

BY 
Bohdan R. Pankiw
Chief Counsel

2-28-2013
DATE OF APPROVAL

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

L-2012-2324073/57-293
Proposed Rulemaking
Amendment of Paper Copy and
Electronic Filing Requirements
52 Pa Code, Chapters 1, 3, 5, 23, 29, 32, 53, 54, 57, 59 and 62

The Pennsylvania Public Utility Commission on February 28, 2013, adopted a proposed rulemaking order amending existing Commission paper and electronic filing requirements by eliminating additional paper copies of certain documents, increasing the size limit of eFiled documents and dispensing with the requirement for a paper copy of eFiled documents less than 250 pages. The contact person is Assistant Counsel Krystle Sacavage, Law Bureau, 717 787-5262.

EXECUTIVE SUMMARY

L-2012-2324073/57-293

Proposed Rulemaking

Amendment of Paper Copy and
Electronic Copy Filing Requirements

In order to facilitate a review of its procedural regulations, the Pennsylvania Public Utility Commission (Commission) formed the Efficient Work Group consisting of internal staff from the Commission's Office of Administrative Law Judge, Secretary's Bureau, Law Bureau, Bureau of Investigation and Enforcement (formally Office of Trial Staff), Bureau of Consumer Services, Bureau of Technical Utility Services, Office of Special Assistants and Management Information Services. After a period of study and discussion, the Efficient Work Group determined that due to the recently completed reorganization of the Commission, advances in technology and the ability of many practitioners to make electronic filings at the Commission, the Commission should change some of its procedural regulations to reduce paper copy filings.

Specifically, the Commission proposes to implement changes to its procedural regulations to (1) eliminate the requirement to file additional paper copies, beyond a signed original, of certain documents, (2) increase the size limit of qualified documents that may be electronically filed (eFiled) with the Commission and (3) dispense with the requirement for a paper copy of eFiled documents, that are less than 250 pages in length, to be filed with the Commission. All of these suggested changes are included in this Proposed Rulemaking. These proposed changes to our procedural regulations will result in savings of time and resources for both parties appearing before the Commission and Commission staff by reducing paper copy filings.

The contact persons for this Proposed Rulemaking are Assistant Counsel Krystle Sacavage (717) 787-5262 and Deputy Chief Counsel Eric A. Rohrbaugh (717) 787-5534.

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

Public Meeting held February 28, 2013

Commissioners Present:

Robert F. Powelson, Chairman
John F. Coleman, Jr., Vice Chairman
Wayne E. Gardner
James H. Cawley
Pamela A. Witmer

Amendment of Paper Copy and
Electronic Copy Filing Requirements

Docket Nos. L-2012-2324073
L-2012-2296005
L-00070187
M-2012-2317481
M-2008-2072592

PROPOSED RULEMAKING ORDER

BY THE COMMISSION:

The Pennsylvania Public Utility Commission (Commission) proposes to implement changes to its procedural regulations to (1) eliminate the requirement to file additional paper copies, beyond a signed original, of certain documents, (2) increase the size limit of qualified documents that may be electronically filed (eFiled) with the Commission and (3) dispense with the requirement for a paper copy of eFiled documents, that are less than 250 pages, to be filed with the Commission. These changes to our procedural regulations will result in savings of time and resources for both parties appearing before the Commission and Commission staff by reducing paper copy filings.

BACKGROUND

In order to review the Commission's procedural regulations to determine whether changes or improvements were needed, the Commission formed the Efficient Work Group. The Efficient Work Group is comprised of internal staff from the Commission's Office of Administrative Law Judge, Secretary's Bureau, Law Bureau, Bureau of Investigation and Enforcement (formerly Office of Trial Staff), Bureau of Consumer Services, Bureau of Technical Utility Services, Office of Special Assistants and Management Information Services. After a period of study and discussion, the Efficient Work Group determined that due to the recently completed reorganization of the Commission, advances in technology and the ability of many practitioners to make electronic filings at the Commission, the Commission should change some of its procedural regulations to reduce paper copy filings.

On July 19, 2012, the Commission adopted a Proposed Rulemaking Order, Docket No. L-2012-2296005 (July 19, 2012 Order), which recommended eliminating the following requirements: (1) the filing of additional paper copies, beyond a signed original, of pleadings, submittals or other documents, filed pursuant to 52 Pa. Code § 1.37(a), and (2) the filing of additional paper copies, beyond a signed original, of exceptions to Commission orders, filed pursuant to 52 Pa. Code § 5.533(d). On August 16, 2012, the Commission issued a Secretarial Letter, Docket Nos. M-2012-2317481 and L-2012-2296005, immediately eliminating the additional paper copy filing requirements recommended for elimination in the July 19, 2012 Order, pending completion of that rulemaking process. That Secretarial Letter also announced that the Commission was temporarily waiving other requirements to file additional paper copies, beyond a signed original, as follows: (1) the filing of additional paper copies of briefs and reply briefs, filed pursuant to 52 Pa. Code § 5.502(b)(1), (2) the filing of additional paper copies of reply exceptions, filed pursuant to 52 Pa. Code § 5.535, and (3) the filing of additional paper copies of tariff supplements, filed pursuant to 52 Pa. Code § 53.51(b).

On August 16, 2012, the Commission also issued a second Secretarial Letter announcing that the Commission is: (1) waiving existing regulations to increase the size limit of qualified documents that may be eFiled¹ and (2) dispensing with the requirement for a paper copy of eFiled documents to be submitted within three business days of eFiling when the documents is less than 250 pages in length.² The two Secretarial Letters issued on August 16, 2012, as well as the July 19, 2012 Order, specifically noted that the proposed changes contained therein would result in significant savings of time and resources for parties appearing before the Commission and for Commission staff by generally reducing paper copy filings. The changes proposed by the Efficient Work Group are incorporated into the rule changes contained within Annex A.

In addition to the regulations contained in the July 19, 2012 Order and the two Secretarial Letters issued on August 16, 2012, the Efficient Work Group has identified other regulations containing additional paper copy filing requirements. In an effort to maximize efficiency, the Commission proposes to eliminate and/or waive those additional requirements in this Proposed Rulemaking Order (Order). We encourage interested parties filing comments in response to this Order to point out any additional regulations containing paper copy filing requirements they feel should have been addressed. The Commission will also issue a Secretarial Letter notifying interested parties of the elimination and/or waiver of such additional requirements simultaneously with the entry of this Order.

PROPOSED RULEMAKING

As set forth in the July 19, 2012 Order, the additional paper copy filing requirements contained in 52 Pa. Code § 1.37(a) (relating to paper filings generally) and

¹ See 52 Pa. Code § 1.32(b)(3).

² See 52 Pa. Code § 1.37(b).

§ 5.533(d) (relating to exceptions to Commission orders) are immediately eliminated pending completion of that rulemaking process. In addition to those requirements, the following requirements are also eliminated and/or waived as set forth below.

I. Elimination of Additional Paper Copy Filing Requirements

As indicated below, and in accordance with Section 501 of the Public Utility Code, 66 Pa. C.S. § 501, the Commission is waiving various regulations to eliminate the requirement to file additional paper copies, beyond a signed original, for the below-mentioned documents. If such additional paper copies are filed, the Commission will retain only the signed original in any document folders at the Commission.

§ 3.101. Municipal contracts.

The Commission's regulations at 52 Pa. Code § 3.101 require an executed or reproduction copy and two additional copies of municipal contracts to be filed with the Commission at least 30 days prior to the effective date of the contract. By this Order, the Commission is eliminating the requirement to file two additional paper copies, beyond the executed or reproduction copy, of such municipal contracts.

§ 3.381(a)(3). Applications for transportation of property, household goods in use and persons.

The Commission's regulations at 52 Pa. Code § 3.381(a)(3) require common carriers to file with the Commission an original and two copies of an application for a certificate of public convenience authorizing them to provide transportation service for property, household goods in use and/or persons. By this Order, the Commission is eliminating the requirement to file two additional paper copies, beyond a signed original, of such applications.

§ 3.383(c)(1). Applications for temporary authority and emergency temporary authority.

The Commission's regulations at 52 Pa. Code § 3.383(c)(1) require common carriers to file with the Commission an original and one copy of each application for temporary authority and/or emergency temporary authority. By this Order, the Commission is eliminating the requirement to file one additional paper copy, beyond a signed original, of such applications.

§ 3.501(c). Certificate of public convenience as a water supplier or wastewater collection, treatment or disposal provider.

The Commission's regulations at 52 Pa. Code § 3.501(c) require applicants for a certificate of public convenience as a public water or wastewater collection, treatment or disposal provider to "file with the Commission the original and three copies of the application." By this Order, the Commission is eliminating the requirement to file three additional paper copies, beyond a signed original, of such applications.

§ 5.502(b)(1). Filing and service of briefs.

The Commission's regulations at 52 Pa. Code § 5.502(b)(1) currently provide that an "original and nine copies of a brief shall be filed with the Commission." The Commission also applies the filing requirements for briefs, requiring a signed original and nine copies, to filings for reply briefs. By this Order, the Commission is eliminating the requirement to file nine additional paper copies, beyond a signed original, of both briefs and reply briefs.

§ 5.535. Replies.

The Commission's regulations at 52 Pa. Code § 5.535 (relating to the filing of reply exceptions) do not expressly set forth paper copy filing requirements for reply exceptions. Because this section does not specify the number of additional paper copies to be filed, reply exception filings currently must comply with the general paper filing

requirements set forth at 52 Pa. Code § 1.37(a), requiring a signed original and three additional paper copies. By this Order, the Commission is eliminating the requirement to file three additional paper copies, beyond a signed original, of reply exceptions.

§ 23.101(d). Applications to establish rates related to value.

The Commission's regulations at 52 Pa. Code § 23.101(d) require common carriers to file with the Commission four copies, one of which shall be verified, of applications to establish rates for the transportation of household goods in use. By this Order, the Commission is eliminating the requirement to file four additional paper copies, beyond a signed original, of such applications. As a result, the signed original paper copy of the application that is filed with the Commission must be verified.

§ 23.121(b). Filing of tariffs of joint rate.

The Commission's regulations at 52 Pa. Code § 23.121(b) require common carriers to file with the Commission an original and one copy of tariffs of joint rate. By this Order, the Commission is eliminating the requirement to file one additional paper copy, beyond a signed original, of tariffs of joint rate.

§ 29.303(a). Service standards and requirements.

The Commission's regulations at 52 Pa. Code § 29.303(a) require common carriers to file two copies of "time schedules applicable to the service at least 10 days prior to the effective date thereof." By this Order, the Commission is eliminating the requirement to file two additional paper copies, beyond a signed original, of such time schedules.

§ 32.2(c). Insurance forms and procedures.

The Commission's regulations at 52 Pa. Code § 32.2(c) require motor carriers to file with the Commission three copies of certificates of insurance, surety bonds and notices of cancellation. By this Order, the Commission is eliminating the requirement to

file three additional paper copies, beyond a signed original, of certificates of insurance, surety bonds and notices of cancellation.

§ 53.51(b). General (tariff supplements).

The Commission’s regulations at 52 Pa. Code § 53.51(b) currently provide that “[u]tilities with over \$100,000 gross revenues shall file with the Commission Secretary a minimum of eight copies of the proposed rate changes and of the data required under this chapter; all others shall so file a minimum of five copies.” By this Order, the Commission is eliminating the following requirements: (1) the filing of eight additional paper copies, beyond a signed original, of proposed rate change documents for utilities with over \$100,000 gross revenues and (2) the filing of five additional copies, beyond a signed original, of proposed rate change documents for all other utilities. Accordingly, all utilities, regardless of gross revenue amount, are only required to file with the Commission a signed original of proposed rate changes.³ While dispensing with the requirement to file additional paper copies of such filings, the Commission encourages utilities to continue providing courtesy copies of these filings to the Commissioners’ offices and key bureaus, upon request.

§ 54.32(c). Application Process.

The Commission’s regulations at 52 Pa. Code § 54.32(c) require electric generation suppliers (EGSs) to file with the Commission an original and eight copies of a completed licensing application. By this Order, the Commission is eliminating the requirement to file eight additional copies, beyond a signed original, of such licensing applications.

³ We have removed the gross dollar amount distinction from 52 Pa. Code § 53.51(b) in Annex A to reflect this change.

§ 54.203(b)(3). Reporting Requirements.

The Commission's regulations at 52 Pa. Code § 54.203(b)(3) require electric distribution companies (EDCs) or active EGSs to file with the Commission an original and two copies of a completed retail electricity choice sales activity report form. This regulation also requires EDCs and EGSs to file one paper copy of the report form with the Commission no later than 15 days after the report is due if the form is eFiled. By this Order, the Commission is eliminating the requirement to file two additional paper copies, beyond a signed original, of the report form when such report is filed in paper form. Additionally, consistent with the Commission's Secretarial Letter issued August 16, 2012 (dispensing with the requirement for a paper copy of eFiled documents to be submitted); the Commission is eliminating the requirement for EDCs and EGSs eFiling such report form to also file a paper copy of the eFiled form when the form is less than 250 pages in length.

§ 57.72(d)(2). Form and content of application.

The Commission's regulations at 52 Pa. Code § 57.72(d)(2) require electric service providers intending to construct high voltage (HV) electric transmission lines to file with the Commission an original and six copies of the letter of notification and an affidavit of service showing the identity of those to be served by such lines. By this Order, the Commission is eliminating the requirement to file six additional paper copies, beyond a signed original, of the letter of notification. We note that as this regulation is currently written, only one original of the affidavit of service must be filed with the Commission.

§ 57.74(a). Filing and service of application and notice of filing.

The Commission's regulations at 52 Pa. Code § 57.74(a) require electric service providers to file with the Commission an original and six copies of an application to construct HV electric transmission lines. By this Order, the Commission is eliminating

the requirement to file six additional paper copies, beyond a signed original, of this application.

§ 57.141(a). General

The Commission’s regulations at 52 Pa. Code § 57.141(a) require EDCs to file with the Commission an original and three copies of their Annual Resource Planning Report. By this Order, the Commission is eliminating the requirement to file three additional paper copies, beyond a signed original, of the Annual Resource Planning Report.

§ 57.195. Reporting requirements.

The Commission’s regulations at 52 Pa. Code § 57.195(a)(1) require EDCs to file with the Commission an original and six copies of their annual reliability report. Additionally, the Commission’s regulations at 52 Pa. Code § 57.195(d)(1) require EDCs to file with the Commission an original and six copies of their quarterly reliability report. By this Order, the Commission is eliminating the requirement to file six additional paper copies, beyond a signed original, of both annual and quarterly reliability reports.

§ 59.81(a). Periodic reporting requirements for major gas utilities.

The Commission’s regulations at § 59.81(a) require major gas utilities to file with the Commission an original and five copies of their annual integrated resource planning report. By this Order, the Commission is eliminating the requirement to file five additional copies, beyond a signed original, of annual integrated resource planning reports.

§ 62.103(b). Application process.

The Commission’s regulations at 62.103(b) require natural gas suppliers to file with the Commission an original and eight copies of their completed licensing application and supporting attachments. This regulation also requires natural gas suppliers to file an

electronic copy of the application. By this Order, the Commission is eliminating the requirement to file eight additional copies, beyond a signed original, of such licensing applications. Additionally, by this Order, the Commission is eliminating the requirement for natural gas suppliers to also eFile a copy of the application that has been filed in paper form. Accordingly, natural gas suppliers may either (1) file with the Commission one signed original paper copy of the licensing application *or* (2) eFile the application. Consistent with the Commission's Secretarial Letter issued August 16, 2012 (dispensing with the requirement for a paper copy of eFiled documents to be submitted), natural gas suppliers choosing to eFile their licensing application are not required to also submit a paper copy of the application to the Commission within three days of eFiling if the application is less than 250 pages in length.

II. Increase in Size Limit of Electronically Filed Documents and Elimination of Requirement to File Paper Copies

As indicated below, and in accordance with Section 501 of the Public Utility Code, 66 Pa. C.S. § 501, the Commission is waiving various regulations to increase the size limit of eFiled documents and to eliminate the requirement to file paper copies of eFiled documents that are less than 250 pages in length. If paper copies of eFiled documents that are less than 250 pages in length are filed, they will not be retained in any document folder at the Commission. However, if a party insists on submitting paper copies of eFiled documents that are less than 250 pages, the paper copies must include the eFiling Summary Page containing the confirmation number, alerting staff in the Secretary's Bureau that the document has already been eFiled.

§ 1.32(b)(3). Filing specifications.

The Commission's regulations at 52 Pa. Code § 1.32(b)(3) provide that a filing, including attachments, that exceeds 5 megabytes in size may not be eFiled. In January 2011, the Commission implemented a pilot project to permit filings, including

attachments, up to 10 megabytes to be eFiled. As this pilot project has been successful, the Commission, by this Order, is officially waiving the existing regulations to permit documents up to 10 megabytes in size to be eFiled.

The Commission will continue to monitor the size of documents being filed and the effect on the eFiling system to determine whether this size may be further increased. Accordingly, future proposed rulemakings regarding the size limit of eFiled documents may be appropriate given the Commission's experience with eFiling.

§ 1.37(a)(5). Number of copies.

The Commission's regulations at 52 Pa. Code § 1.37(a)(5) provide that parties submitting hard copies of filings that exceed 5 megabytes in size must, in addition to filing an original hard copy, file with the Commission a CD-ROM or DVD containing the filing, including attachments. Consistent with the reasons stated above, by this Order, the Commission is increasing the size limitation for filings that must be submitted on CD-ROM or DVD from 5 megabytes to 10 megabytes in size.

§ 1.37(b). Number of copies.

The Commission's regulations at 52 Pa. Code § 1.37(b) require the filing of one paper copy within three business days after an electronic filing is submitted when eFiled documents exceed 250 pages in length. Although the regulations do not require paper copies of eFiled documents that are less than 250 pages, the Commission has requested that eFilers supply one paper copy of these filings including the eFiling summary page with the confirmation number. By having eFilers submit a paper copy, the Commission has been able to fulfill its obligation to retain a signed original paper copy of all filings and to gain a comfort level with the accuracies of the eFiling system.

Having become satisfied with the functionality of the eFiling system and having successfully tested a dedicated printer to produce paper copies of eFiled documents, the

Commission, by this Order, is now dispensing with the paper copy requirement for eFiled documents that are less than 250 pages in length. However, for eFiled documents over 250 pages, the Commission will continue to require the submission of one paper copy within three business days after the electronic filing is submitted.⁴ Moving forward, the Commission will evaluate whether this paper copy continues to be necessary for documents over 250 pages in length.

§ 1.59(c). Number of copies to be served.

The Commission’s regulations at 52 Pa. Code § 1.59(c) provide that “[w]hen a document, including attachments, exceeds 5 megabytes and must be filed with a CD-ROM or DVD in accordance with § 1.37(a)(5) (relating to number of copies), a party may request service of one copy of the document on a CD-ROM or a DVD instead of one paper copy.” Consistent with the changes made to 52 Pa. Code § 1.37(a)(5) above, by this Order, the Commission is increasing the size limitation for filings that must be submitted on CD-ROM or DVD from 5 megabytes to 10 megabytes in size.

CONCLUSION

The foregoing amendments to our regulations issued for comment by this Order are intended to simplify practice before the Commission and to diminish the burden upon parties appearing before the Commission by reducing the amount of paper they must file with the agency. These amendments will also result in significant savings of time and resources for parties appearing before the Commission and for Commission staff by generally reducing paper copy filings. The Commission, therefore, formally commences its rulemaking process to amend its existing regulations consistent with Annex A to this Order.

⁴ As has been the practice to date, the signed paper copy that is submitted must include the eFiling summary page containing the confirmation number. This will alert the staff in the Secretary’s Bureau that the document has already been eFiled and does not require further processing.

Accordingly, pursuant to Sections 501, 504, 523, 1301, 1501, and 1504, of the Public Utility Code, 66 Pa. C.S. §§ 501, 504, 523, 1301, 1501, and 1504, and Sections 201 and 202 of the Act of July 31, 1968, P.L. 769 No. 240, 45 P.S. §§ 1201-1202, 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 745.5 of the Regulatory Review Act, 71 P.S. § 745.5; and Section 612 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 as set forth in Annex A, attached hereto; **THEREFORE,**

IT IS ORDERED:

1. That a proposed rulemaking be opened to consider the regulations set forth in Annex A.
2. That the Secretary shall 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 Proposed Rulemaking Order and Annex A for review and comments to the Independent Regulatory Review Commission and the Legislative Standing Committees.
4. That the Secretary shall certify this Proposed Rulemaking Order and Annex A and deposit them with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

5. That an original of any written comments referencing the docket number of the proposed regulations be submitted within 30 days of publication in the *Pennsylvania Bulletin* to the Pennsylvania Public Utility Commission, Attn: Secretary, P.O. Box 3265, Harrisburg, PA 17105-3265.

6. That a copy of this Proposed Rulemaking Order and Annex A shall be served on the Bureau of Investigation and Enforcement, the Office of Consumer Advocate, the Office of Small Business Advocate, and jurisdictional public utility industry and licensee trade associations.

7. That the contact person for legal matters for this proposed rulemaking is Krystle J. Sacavage, Assistant Counsel, Law Bureau, (717) 787-5000. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting Sherri DelBiondo, Regulatory Coordinator, Law Bureau, 717-772-4579.

~~BY THE COMMISSION,~~



Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: February 28, 2013

ORDER ENTERED: February 28, 2013

ANNEX A
TITLE 52. PUBLIC UTILITIES
PART I. PUBLIC UTILITY COMMISSION
Subpart A. GENERAL PROVISIONS
CHAPTER 1. RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE
Subchapter D. DOCUMENTARY FILINGS

§ 1.32. Filing specifications.

* * * * *

(b) Electronic filings.

* * * * *

(3) Size restriction. A filing, including attachments, that exceeds [5] 10 megabytes may not be filed electronically.

* * * * *

§ 1.37. Number of copies.

(a) Paper filings. When a pleading, submittal or document other than correspondence is submitted in hard copy, an original and [three copies of each, including] the cover letter, shall be furnished to the Commission at the time of filing, except when:

* * * * *

(5) A filing, including attachments, exceeds [5] 10 megabytes, in addition to filing the requisite number of hard copies in accordance with this subpart, a CD-ROM or DVD containing the filing and an index to the filing shall be filed with the Commission.

(b) Electronic filings.

(1) When the qualified document, including attachments, is 250 pages or less and does not exceed [5] 10 megabytes, the filing user may file one electronic copy on the electronic filing system and is not required to file paper copies.

(2) When the qualified document, including attachments, exceeds 250 pages, but does not exceed [5] 10 megabytes, the filing user may file one electronic copy on the electronic filing system and shall also file the original in paper form with the Commission. The original in paper form shall be filed no later than 3 business days after the electronic filing is submitted. The filing date for the qualified document in paper form will be determined in accordance with § 1.11(a)(1)—(3) (relating to date of filing).

* * * * *

Subchapter F. SERVICE OF DOCUMENTS

§ 1.59. Number of copies to be served.

* * * * *

(c) When a document, including attachments, exceeds [5] 10 megabytes and must be filed with a CD-ROM or DVD in accordance with § 1.37(a)(5) (relating to number of copies), a party may request service of one copy of the document on a CD-ROM or a DVD instead of one paper copy.

* * * * *

CHAPTER 3. SPECIAL PROVISIONS

Subchapter B: INFORMAL PROCEEDINGS GENERALLY

APPLICATIONS

§ 3.101. Municipal contracts.

No formal application need accompany municipal contracts filed under section 507 of the act (relating to contracts between public utilities and municipalities), but an executed copy or reproduction copy of the contract [and two additional copies] shall be filed with the Commission at least 30 days prior to the effective date of the contract.

Subchapter E. MOTOR TRANSPORTATION PROCEEDINGS

§ 3.381. Applications for transportation of property, household goods in use and persons.

(a) Applications.

* * * * *

(3) *Filing and verification.* An original application[, together with two copies,] shall be filed by the applicant, or an authorized officer or representative, with the Secretary of the Pennsylvania Public Utility Commission, Post Office Box 3265, Harrisburg, Pennsylvania 17105-3265. The application shall be verified under § 1.36 (relating to verification). An application by a common carrier for a certificate of public convenience authorizing the transportation of passengers or household goods in use may be accompanied by verified statements of the applicant and supporting party or firm, as set forth in subsection (c)(1)(iii)(A)(II) and (III). An application by a contract carrier for a permit authorizing the transportation of passengers or household goods in use may be accompanied by a verified statement of the applicant, as set forth in subsection (c)(1)(iii)(A)(II) and a copy of the bilateral contract or statement of the shipper that it will enter into a bilateral contract with the carrier.

* * * * *

§ 3.383. Applications for temporary authority and emergency temporary authority.

* * * * *

(c) *Filing of applications.* An application shall be filed as follows:

(1) *How and where filed.* An original [and one copy] of each application for TA or ETA (Form C) is to be filed with the Secretary, Pennsylvania Public Utility Commission, Harrisburg, Pennsylvania 17105-3265. The envelope containing the application shall be clearly marked: “TA” APPLICATION or “ETA” APPLICATION.

* * * * *

Subchapter G. WATER OR WASTEWATER UTILITY PROCEEDINGS

§ 3.501. Certificate of public convenience as a water supplier or wastewater collection, treatment or disposal provider.

* * * * *

(c) *Filing.* Applications under this section must conform to §§ 1.31 and 1.32 (relating to requirements for documentary filings; and form of documents), and include a mode of payment as prescribed by § 1.42 (relating to mode of payment of fees) and in the amount delineated in § 1.43 (relating to schedule of fees payable to the Commission). The applicant shall file with the Commission the original [and three copies] of the application. An application which fails to include the information and documents outlined in subsections (a) and (b), as specified by the Commission for water and wastewater collection, treatment or disposal companies, is subject to rejection by the Commission. The original [and three copies] must contain exhibits. An affidavit of service showing the identity of those served under subsection (f) shall accompany the original [and the copies of the] application filed with the Commission.

* * * * *

CHAPTER 5. FORMAL PROCEEDINGS

Subchapter G. BRIEFS

§ 5.502. Filing and service of briefs.

* * * * *

(b) *Number of copies.*

(1) *Paper filing.* An original [and nine copies] of a brief shall be filed with the Commission under § 1.4 (relating to filing generally).

* * * * *

**Subpart B. CARRIERS OF PASSENGERS OR PROPERTY
CHAPTER 23. TARRIFS FOR COMMON CARRIERS
RATES RELATED TO VALUE OF SHIPMENTS**

§ 23.101. Applications to establish rates related to value.

* * * * *

(d) [Four copies] An original of each application shall be filed[, one of which] and shall be verified.

* * * * *

**GRANTING OF POWER OF ATTORNEY AND ISSUING OF
CONCURRENCE IN TARIFFS OF COMMON CARRIERS**

§ 23.121. Filing of tariffs of joint rate.

* * * * *

(b) The forms prescribed shall be on paper 8 by 10 1/2 inches in size, and may be either printed or typewritten. The original [and one copy] of the form shall be filed with the Commission and a copy furnished to the carrier or agent in whose favor the instrument is issued.

* * * * *

**CHAPTER 29. MOTOR CARRIERS OF PASSENGERS
Subchapter D: SUPPLEMENTAL REGULATIONS
SCHEDULED ROUTE SERVICE**

§ 29.303. Service standards and requirements.

(a) *Time schedules.* Common carriers providing scheduled route service shall file with the Commission [two copies] an original of time schedules applicable to the service at least 10 days prior to the effective date thereof. Printed time schedules and information with respect thereto shall be made available to the public upon a reasonable request.

* * * * *

CHAPTER 32. MOTOR CARRIER INSURANCE
Subchapter A: GENERAL

§ 32.2. Insurance forms and procedures.

* * * * *

(c) *Filing and copies.* An original of each [Certificates] certificate of insurance, surety [bonds] bond and [notices] notice of cancellation shall be filed with the Commission [in triplicate]. An approved copy will be returned to sender if a self-addressed, stamped envelope is enclosed with the filing.

* * * * *

Subpart C. FIXED SERVICE UTILITIES
CHAPTER 53. TARIFFS FOR NONCOMMON CARRIERS
INFORMATION FURNISHED WITH THE FILING
OF RATE CHANGES

§ 53.51. General.

* * * * *

(b) Utilities [with over \$100,000 gross revenues] shall file with the Commission Secretary an original [a minimum of eight copies] of the proposed rate changes and of the data required under this chapter[; all others shall so file a minimum of five copies]. If necessary or appropriate, the Secretary shall request additional copies.

* * * * *

CHAPTER 54. ELECTRICITY GENERATION CONSUMER CHOICE
Subchapter B. ELECTRICITY GENERATION SUPPLIER LICENSING

§ 54.32. Application process.

* * * * *

(c) An original [and eight copies] of the completed application and supporting attachments shall be filed. An application for a license shall be accompanied by the application fee as established in § 1.43 (relating to schedule of fees payable to the Commission).

* * * * *

Subchapter H. RETAIL ELECTRICITY CHOICE SALES ACTIVITY REPORTS

§ 54.203. Reporting requirements.

* * * * *

(b) Report forms.

* * * * *

(3) An EDC or active EGS shall file an original [and two copies] of a completed paper report form with the Commission's Secretary and [CEEP] the Bureau of Technical Utility Services. When the report form is filed electronically, one paper copy of the report form shall be filed with the Commission's Secretary no later than 15 days after the report is due when the report form exceeds 250 pages.

* * * * *

CHAPTER 57. ELECTRIC SERVICE

Subchapter G. COMMISSION REVIEW OF SITING AND CONSTRUCTION OF ELECTRIC TRANSMISSION LINES

§ 57.72. Form and content of application.

* * * * *

(d) Letter of notification in lieu of application:

* * * * *

(2) The applicant shall file with the Commission the original [and six copies] of the letter of notification and an affidavit of service showing the identity of those served under paragraph (3).

* * * * *

§ 57.74. Filing and service of application and notice of filing.

(a) Filing. The applicant shall file with the Commission the original [and six copies] of the application. An affidavit of service showing the identity of those served under subsections (b) and (c) shall accompany the original [and the copies of the] application filed with the Commission.

* * * * *

Subchapter L. ANNUAL RESOURCE PLANNING REPORT

§ 57.141. General.

(a) An electric distribution company (EDC), as defined in 66 Pa.C.S. § 2803 (relating to definitions), shall submit to the Commission the Annual Resource Planning Report (ARPR) that contains the information prescribed in this subchapter. An original [and three copies] of the report shall be submitted on or before May 1, 2000 and May 1 of each succeeding year. One copy of the report shall also be submitted to the Office of Consumer Advocate (OCA) and the Office of Small Business Advocate (OSBA). The name and telephone number of all persons having knowledge of the matters, and to whom inquiries should be addressed, shall be included.

* * * * *

Subchapter N. ELECTRIC RELIABILITY STANDARDS

§ 57.195. Reporting requirements.

(a) An EDC shall submit an annual reliability report to the Commission, on or before April 30 of each year.

(1) An original [and six copies] of the report shall be filed with the Commission's Secretary and one copy shall also be submitted to the Office of Consumer Advocate and the Office of Small Business Advocate.

* * * * *

(d) An EDC shall submit a quarterly reliability report to the Commission, on or before May 1, August 1, November 1 and February 1.

(1) An original [and six copies] of the report shall be filed with the Commission's Secretary and one copy shall also be submitted to the Office of Consumer Advocate and the Office of Small Business Advocate.

* * * * *

**CHAPTER 59. GAS SERVICE
ANNUAL RESOURCE PLANNING REPORT**

§ 59.81. Periodic reporting requirements for major gas utilities.

(a) For the purposes of this subchapter, each jurisdictional public utility with sales of 8 billion cubic feet per year or more including transportation volume shall submit to the Commission an annual integrated resource planning report. Except for Form 1A/2A, whose filing date is March 1, [copies] an original copy of the report shall be submitted on or before June 1, 1996, and June 1 of successive years. [An original and five copies of the report shall be submitted.] This report shall include a plan that includes the past year's historical data, program changes, and the next 3-year forecast. One copy of the report shall also be submitted to the Office of Consumer Advocate, the Office of Small Business Advocate and the [Office of Trial Staff] Bureau of Investigation and Enforcement. The information contained within the report shall conform to the following requirements:

* * * * *

**CHAPTER 62. NATURAL GAS SUPPLY CUSTOMER CHOICE
Subchapter D: LICENSING REQUIREMENTS FOR NATURAL GAS
SUPPLIERS**

§ 62.103. Application process.

* * * * *

(b) An original [and eight copies] of the completed application and supporting attachments shall be filed. [An electronic copy of the application shall also be filed.] An application for a license shall be accompanied by the application fee as established in § 1.43 (relating to schedule of fees payable to the Commission).

* * * * *



COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION
400 NORTH STREET
HARRISBURG, PA 17120
April 25, 2013

ROBERT F. POWELSON
CHAIRMAN

The Honorable Silvan B. Lutkewitte, III
Chairman
Independent Regulatory Review Commission
14th Floor, Harristown II
333 Market Street
Harrisburg, PA 17101

Re: L-2012-2324073/57-293: Amendment of Paper Copy and Electronic Filing Requirements, 52 Pa. Code, Chapters 1, 3, 5, 23, 29, 32, 53, 54, 57, 59 and 62

Dear Chairman Lutkewitte:

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 amend existing Commission paper and electronic filing requirements by eliminating additional paper copies of certain documents, increasing the size limit of eFiled documents and dispensing with the requirement for a paper copy of eFiled documents less than 250 pages. The contact person is Assistant Counsel Krystle Sacavage, Law Bureau, 717 787-5262.

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

Sincerely,

A handwritten signature in black ink that reads "Robert F. Powelson".

Robert F. Powelson

Enclosures

pc: The Honorable Robert M. Tomlinson
The Honorable Lisa Boscola
The Honorable Robert Godshall
The Honorable Peter J. Daley, II
Commissioner Witmer
Legislative Affairs Director Perry
Chief Counsel Pankiw
Assistant Counsel Sacavage
Regulatory Coordinator DelBiondo

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT
TO THE REGULATORY REVIEW ACT

ID Number: L-2012-2324073/57-293


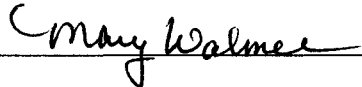
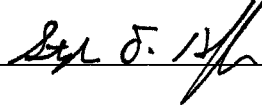
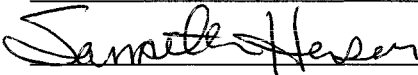
Subject: Proposed Rulemaking Re Amendment of Paper Copy and
Electronic Copy Filing Requirements

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>
<u>4/25/13</u>	<u></u>	<u>HOUSE COMMITTEE (Godshall)</u> Consumer Affairs
<u>4/25/13</u>	<u></u>	<u>SENATE COMMITTEE (Tomlinson)</u> Consumer Protection and Professional Licensure
<u>4/25/13</u>	<u></u>	Independent Regulatory Review Commission Attorney General
<u>4-25-13</u>	<u></u>	Legislative Reference Bureau

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