

Regulatory Analysis Form

(Completed by Promulgating Agency)

INDEPENDENT REGULATORY
REVIEW COMMISSION

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

(1) Agency
Pennsylvania Public Utility Commission

(2) Agency Number: L-2015-2508421
Identification Number: 57-315

IRRC Number: 3161

(3) PA Code Cite: 52 Pa Code Section 56.1 *et seq.*

(4) Short Title: Rulemaking to Amend the Provisions of 52 Pa. Code, Chapter 56 to Comply with the Amended Provisions of 66 Pa. C.S., Chapter 14.

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

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(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 Rulemaking Order amends 52 Pa. Code §§ 56.1, *et seq.*, to implement the amended Chapter 14, the Responsible Customer Protection Act, and promulgates other regulations to administer and enforce Chapter 14.

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

The specific statutory citation for this is HB 939, or Act 155 of 2014, which became effective on December 22, 2014. The Act reauthorized and amended Chapter 14 of the Public Utility Code (66 Pa.C.S. §§ 1401-1419), Responsible Utility Customer Protection. Additional authority for the regulation is Sections 501-504, and 1401-1418 of the Public Utility Code, 66 Pa.C.S. §§ 501-504, and 1401-1418; 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.

(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.

Act 201, which was signed into law on November 30, 2004, amended Title 66 by adding Chapter 14 (66 Pa. C.S. §§ 1401-1418), *Responsible Utility Customer Protection*. Section 6 of Act 201 requires the Commission to amend Chapter 56 (52 Pa. Code §§ 56.1 *et seq.*) to comply with the provisions of Chapter 14 and, if necessary, promulgate other regulations to administer and enforce Chapter 14. Act 155 of 2014 reauthorized and amended Chapter 14 of the Public Utility Code (66 Pa. C.S. §§ 1401-1419), *Responsible Utility Customer Protection*. Amended Chapter 14 supersedes a number of Chapter 56 regulations, and the Commission is directed to revise Chapter 56 and promulgate regulations to administer and enforce Chapter 14. Five years after the effective date and every five years thereafter, the Commission must report to the General Assembly regarding implementation and effectiveness of the amended Act.

There are no other relevant state or federal court decisions.

(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 purpose of this Proposed Rulemaking is to promulgate regulations to implement amended Chapter 14 of the Public Utility Code (66 Pa. C.S. §§ 1401-1419). This legislation seeks to eliminate opportunities for customers capable of paying to avoid paying their utility bills, and to provide utilities with the means to reduce their uncollectible accounts by modifying the procedures for delinquent account collections. Generally utility companies and their customers will benefit from the regulation since the goal of these changes is to increase timely collections while ensuring that service is available to all customers based on equitable terms and conditions. Timelier collections will ultimately decrease utility rates for customers. More specifically, the response in Question (19) identifies who will benefit from the regulation. After the *Responsible Utility Customer Protection Act* went into effect in 2004, gross residential write-offs for the major electric distribution companies and the natural gas distribution companies declined during the period from 2004 through 2010 which further demonstrates the benefits to customers and utilities. Customer arrearages also declined during this period.

(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.

There are no applicable federal standards.

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

No comparison was conducted since the purpose of this Proposed Rulemaking is to promulgate regulations to implement amended Chapter 14 of the Public Utility Code (66 Pa. C.S. §§ 1401-1419). However, the regulation should make Pennsylvania more efficient and not affect its ability 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.

We revised a number of sections of Chapter 56 to remove language that contradicted the provisions of amended Chapter 14 at 66 Pa. C.S. §§ 1401-1419, and so that the language of all sections of Chapter 56 is now consistent. The proposed regulations will not affect any other regulations of other state agencies.

However, one of the revisions being proposed is the result of a change in another Commission regulation, specifically the Chapter 57 Electric Generation Supplier (EGS) switching regulations. We propose revising the definition of *billing month* at Section 56.2 to allow short-period bills in instances where a customer's change of EGS necessitates the issuance of a short-period bill in order to effectuate a timely switch of supplier. Recent regulatory changes intended to accelerate the switching of electric generation service now make it possible to switch EGS service in as little as three business days. See 52 Pa. Code §§ 57.173, 57.174 and 57.180 (relating to customer contacts the EGS to request a change in electric supply service; time frame requirement; and implementation). Some utilities, as part of the switching process, will issue a short-period bill to conclude the customer's connection with his or her current supplier, so that billing with the new supplier can start within the three business day timeframe. The Commission has already issued temporary waivers of the current Section 56.2 definition of *billing month* to facilitate this process, and we are proposing this change in billing procedures to eliminate the need for repeated waivers in the future.

(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.)

Prior to issuing the Notice of Proposed Rulemaking Order (NOPR), the implementation process addressed and resolved numerous issues involving the application of the amended Chapter 14 provisions. *Tentative Order, Chapter 14 Implementation*, Docket Number M-2014-2448824 (Order entered January 15, 2015) (*Tentative Order*). Interested parties filed written comments to the *Tentative Order* which were used to draft these proposed regulations. The Commission then issued a *Final Chapter 14 Implementation Order*.

In this Proposed Rulemaking Order, the Commission is submitting the proposed rulemaking for public comment. This will be the second time that interested parties have an opportunity to file comments. This *Tentative Order* was served on all jurisdictional electric, natural gas, water, wastewater and steam heat utilities, the Office of Consumer Advocate, the Office of Small Business Advocate and the Commission's Bureau of Investigation and Enforcement. For a specific list of parties that commented to the *Tentative Order*, see page 3 of the NOPR.

(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?

All jurisdictional electric utilities, natural gas utilities, steam, water, and wastewater utilities, residential electric generation suppliers, residential natural gas suppliers, and their customers. Given the extent the regulation affects utilities and the ever changing number of customers statewide, the approximate

number of people required to comply is difficult to measure. However, in response to Question (19) the Commission has listed the utility companies required to comply with the regulation, very few of which are small businesses. The Commission also provided estimates of the number of affected residential customers, as submitted by utilities to the Commission pursuant to 52 Pa. Code § 56.231, from informal reporting, and from the Office of Consumer Advocate.

They are affected since this legislation seeks to eliminate opportunities for customers capable of paying to avoid paying their utility bills, and to provide utilities with the means to reduce their uncollectible accounts by modifying the procedures for delinquent account collections. Utility companies and their customers will benefit from the regulation since the goal of these changes is to increase timely collections while ensuring that service is available to all customers based on equitable terms and conditions. Timelier collections will ultimately decrease utility rates for customers.

The most recent Chapter 14 Biennial Report includes additional information regarding the impacts to persons, businesses, and small businesses from Chapter 14:

http://www.puc.state.pa.us/general/publications_reports/pdf/Chapter14-Biennial121414.pdf

(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.

12 Electric Distribution Companies (EDCs); 32 Natural Gas Distribution Utilities (NGDCs), 44 Water Utilities, 17 Wastewater Utilities, 240 Residential Electric Generation Suppliers (EGSs), 102 Residential Natural Gas Suppliers (NGSs), 3 Steam Heat Utilities, and all customers of EDCs, NGDCs, Water Utilities, EGSs, and NGSs. For full list of these companies and a breakdown of these customers see Question 19.

(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 most recent Chapter 14 Biennial Report includes additional information regarding the impacts to persons, businesses, and small businesses:

http://www.puc.state.pa.us/general/publications_reports/pdf/Chapter14-Biennial121414.pdf

The Executive Summary states,

The PUC is required to provide this report to the General Assembly and Governor every two years. In the First Biennial Report to the General Assembly and Governor Pursuant to Chapter 14 submitted on Dec. 14, 2006, the Commission concluded that a comprehensive evaluation of the impact of Chapter 14 was premature. In both the second report submitted on Dec. 14, 2008, and the third report submitted on Jan. 14, 2011, the Commission concluded that the electric industry's implementation of the Act showed some deterioration since the passage of Chapter 14, while the natural gas industry, especially Philadelphia Gas Works (PGW), showed improvement. In the fourth report submitted on Dec. 14, 2012, the Commission concluded that the Commonwealth's utilities have successfully implemented Chapter 14 since its passage on Dec. 14, 2004. Based on the analysis of utility data from 2002 through 2013 contained in this Fifth Biennial Report, the PUC concludes that Pennsylvania's utilities have successfully

implemented Chapter 14 since its passage. However, while it appears that Chapter 14 effectively lowered overall collections expenses for utilities during the earlier years following implementation, the most recent trend analysis shows increases in several key cost components such as gross write-offs, arrears and the numbers of customers in debt, both by individual companies and by the industries that are approaching pre-Chapter 14 levels.

Chapter 14 Biennial Report, at page i.

There are concerns that difficult economic conditions and a resulting increase in the number of Pennsylvanians living in poverty have contributed to the above-noted recent degradation in some collections performance measures- as noted on page 32 of the Report:

“Evidence of the economic downturn can be seen in the increase in the percentage of Pennsylvania households at or below 150 percent of the Federal Poverty Level, from 19 percent in 2000 to over 26 percent in 2012.”

Additionally, page iv of the Biennial Report states:

Terminations have increased dramatically since the passage of Chapter 14, reaching an all-time high in 2013. On the positive side, some utilities have had success in using termination procedures to manage customer debt effectively. However, a record high number of customers now enter the winter without a central heating source and the Commission is concerned about the health and safety of the occupants in these homes. Terminations increased by 123.7 percent for the electric industry and by 12.9 percent for the gas industry between 2004-13.

For more detailed information, including statistics categorized by industry and utility, please see pages 1- 56 of the 2014 Biennial Report.

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

See answers 15 and 19. See specific benefit information from the Chapter 14 Biennial Report referenced in Answer 19.

A balance of the cost benefits of the regulation are best summarized from the Chapter 14 Biennial Report at pages ii-v:

Section II – The Effect Upon the Cash Working Capital or Cash Flow, Uncollectible Levels and Collections of the Affected Public Utilities

- The overall collections performance for the electric industry shows some improvement since the passage of Chapter 14.

- Residential revenues for the electric industry have increased by 30.3 percent since 2004. Collections operating expenses, as a percentage of residential revenues, have declined slightly from 1.6 percent in 2004 to 1.3 percent in 2013.

- The gross residential write-offs ratio for the electric industry, which is the percent of billings written-off as uncollectible, declined from 2.1 percent in 2004 to a low of 1.7 in 2010, but has since risen to 2.0 percent in 2013.

- The percentage of weighted arrears for the electric industry declined to a low point in 2010, but has since risen to exceed pre-Chapter 14 levels.

- The overall collections performance for the gas industry improved from 2004-13 and continues a trend that began in the pre-Chapter 14 period from 2002-04.
 - Residential revenues for the gas industry have decreased by 12.8 percent during the period from 2004-13.
 - Since the implementation of Chapter 14, the percent of gas industry customers in debt declined from 22.63 percent in 2004 to a low of 14.77 percent in 2010, but has recently climbed to 18 percent in 2013. The total dollars in debt declined by 37.9 percent overall since 2004.
 - The gross residential write-offs ratio for the gas industry declined overall by 22.3 percent since the passage of Chapter 14, going from 5.61 percent in 2004 to a low of 3.72 in 2011, then rising to 4.36 percent in 2013.
- Overall, the analysis of the various collections data since the passage of Chapter 14 continues to show a pattern of improvement for PGW.
 - Fewer residential customers owe money to PGW, as the percent of customers in debt declined by 37.1 percent from 2004-13. The amount of billings in debt declined 28.9 percent overall since 2004.
 - PGW had an overall 9.4 percent decrease in its gross residential write-offs ratio for the period 2004-13.

Section III – The Level of Access to Utility Services by Residential Customers, Including Low-Income Customers

- Terminations have increased dramatically since the passage of Chapter 14, reaching an all-time high in 2013. On the positive side, some utilities have had success in using termination procedures to manage customer debt effectively. However, a record high number of customers now enter the winter without a central heating source and the Commission is concerned about the health and safety of the occupants in these homes.
 - Terminations increased by 123.7 percent for the electric industry and by 12.9 percent for the gas industry between 2004-13.
- The Cold Weather Survey data is the most important indicator of the level of access to utility service.
 - The companies reported that as of Dec. 23, 2013, a record high of 19,653 households entered the winter season without heat-related service.
 - An additional 1,628 residences were using potentially unsafe heating sources, bringing the total number of homes not using a central heating system to 21,281. This number is 42 percent higher than the pre-Chapter 14 average from 2001-04 of 14,992.

The most recent Cold Weather Survey (December 2015) indicated the following:

- 9,169 residences are without safe electric heating, including 8,755 households without electric service and 414 households that are heating with potentially unsafe heating sources.
- 15,006 residences are without safe natural gas heating, including 13,555 households without natural gas service and 1,451 households that are heating with potentially unsafe heating sources.

Section IV – The Effect Upon the Level of Consumer Complaints and Mediations Filed with and Adjudicated by the Commission (Mediations are Currently Classified as Payment Agreement Requests Under § 1415)

- Chapter 14 continues to have an impact on the number of Payment Agreement Requests (PARs).
 - PARs decreased by 36.1 percent between 2004-13 and remain well below the 2004 level.
 - Since the passage of Chapter 14, through the end of 2013, the Commission has turned away 168,678 customers seeking PARs, as they were deemed ineligible.
- The Commission turned away 18,312 customers in the year 2013.

➤ While the Commission continues to issue payment terms for customers whose service was terminated, this authority is exercised judiciously and only in instances where the customer has made a good-faith effort to pay their bill.

- In addition, informal consumer complaint volume declined by 38.7 percent overall between 2004-13.

For more detailed information, including statistics categorized by industry and utility, please see pages 1- 56 of the 2014 Biennial Report.

(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 following are estimates of the number of residential customers as submitted by utilities to the Commission as required pursuant to 52 Pa. Code § 56.231, and by informal reporting, as indicated. The number of customers along with the large number of entities involved demonstrates the difficulties of providing more comprehensive cost estimates. Calculating the costs of compliance with so many companies and customers involved is not possible, especially given that the requirements do not equally apply to all entities. For example, competitive electric and gas suppliers who bill customers directly have to comply with Chapter 56 billing regulations; suppliers who do not bill customers directly do not have to comply. Given that the Commission does not know who bills and who does not bill (there is no reporting requirement covering this), the Commission has no way to estimate the cost of compliance upon suppliers.

The PUC reviewed the standards set forth by 13 CFR § 121.201 and the U.S. Small Business Table of Small Business Size Standards Matched to North American Industry Classification System (NAICS) Codes to determine the applicability of this rulemaking to small businesses. Categories for Electric Power Distribution, Natural Gas Distribution, Water Supply, Sewage Treatment Facilities, and Steam and Air-Conditioning Supply are all listed below. The closest relevant small business standards are as follows:

Sector 22 – Utilities

Subsector 221 – Utilities

221111	Hydroelectric Power Generation	500 (# employees)
221112	Fossil Fuel Electric Power Generation	750 (# employees)
221113	Nuclear Electric Power Generation	750 (# employees)
221114	Solar Electric Power Generation	250 (# employees)
221115	Wind Electric Power Generation	250 (# employees)
221116	Geothermal Electric Power Generation	250 (# employees)
221117	Biomass Electric Power Generation	250 (# employees)
221118	Other Electric Power Generation	250 (# employees)
221121	Electric Bulk Power Transmission and Control	500 (# employees)
221122	Electric Power Distribution	1,000 (# employees)
221210	Natural Gas Distribution	500 (# employees)
221310	Water Supply and Irrigation Systems	\$27.5 (in millions)
221320	Sewage Treatment Facilities	\$20.5 (in millions)
221330	Steam and Air-Conditioning Supply	\$15.0 (in millions)

ELECTRIC DISTRIBUTION COMPANIES: 12**RESIDENTIAL CUSTOMERS (7 LARGEST COMPANIES IN 2014 BASED ON § 56.231 REPORTING): 4,950,825**

Allegheny Power (West Penn Power)
Citizens Electric Of Lewisburg
Duquesne Light Company (DQE)
Metropolitan Edison Company (Met-Ed)
PECO Energy Company
Pennsylvania Power Company (PennPower)
Pennsylvania Electric Company (Penelec)
Pike County Light & Power Company
PPL Electric Utilities Inc. (PPL)
Schuylkill Haven Borough
UGI Utilities Inc.
Wellsboro Electric Company

Of these 12, only Citizens, Pike County, UGI, and Wellsboro are under 4 million MWh and would qualify as a small business, pursuant to the small business definition, "A firm is small if, including its affiliates, it is primarily engaged in the generation, transmission, and/or distribution of electric energy for sale and its total electric output for the preceding fiscal year did not exceed 4 million megawatt hours." 13 CFR § 121.201

NATURAL GAS DISTRIBUTION COMPANIES: 32 (Of these NGDCs, 10 are large companies including the following: Philadelphia Gas Works, National Fuel Gas Distribution, PECO Energy Company (Gas), UGI Utilities, Inc., UGI – Central Penn Gas, UGI – Penn Natural Gas, Peoples Natural Gas Company, Peoples Natural Gas Company – Equitable Division, Peoples T.W. Phillips, and Columbia Gas. The rest of the companies listed below are small companies.) 66 Pa. C.S. 1307(f) identifies large natural gas companies as those with gross intrastate annual operating revenues in excess of \$40,000,000.

RESIDENTIAL CUSTOMERS (7 LARGEST COMPANIES IN 2014 BASED ON § 56.231 REPORTING): 2,110,252

Able Co Inc
Andreassi Gas Co
C.E. Dunmire Gas Co Inc
Chartiers Natural Gas Co Inc
Clarion River Gas (CRG Inc.)
Columbia Gas Of Pennsylvania Inc.
Corsica Gas Co
Peoples Natural Gas -Equitable Division
Herman Oil & Gas Co Inc
Herman Riemer Gas Co
Kaib & Kaib
Larkin Oil & Gas Co
Mountain Energy Ltd
National Fuel Gas Distribution Corporation
North East Heat & Light Co.
Orwell Natural Gas - Clarion River Gas Division
Orwell Natural Gas - Walker Gas Division
Peoples Natural Gas Company LLC
Philadelphia Electric Company (PECO/Exelon Company)
Philadelphia Gas Works (PGW)
Pike County Light & Power Company
Pine Roe Natural Gas Inc
S A R Gas Co
Sergeant Gas Company
Sigel Gas Co
T.W. Phillips Gas & Oil Company
UGI Central Penn Gas
UGI Penn Natural Gas Inc.
UGI Utilities Inc.
Valley Energy
Walker Gas & Oil Co
Wally Gas Co

WATER UTILITIES: 44 (Under 52 Pa. Code § 56.2 Class A water utility is defined as “A water utility with annual revenues greater than \$1 million.” 10 Water utilities are considered large, Class A, water utilities with the Commission including: Pennsylvania – American Water Co., Aqua Pennsylvania, Inc., York Water Company, Suez Water Pennsylvania, Inc., Columbia Water Co., Newtown Artesian Water Co., Superior Water Company, Inc., Audubon Water, Company, Can Do, Inc., Suez Water Bethel, Inc. The remaining water companies listed below are considered small.)

RESIDENTIAL CUSTOMERS (CLASS “A” COMPANIES BASED ON INFORMAL REPORTING): 1,126,420 (52 Pa Code 56.231 data)

Ambler, Borough of
Appalachian Utilities Inc.
Aqua America Inc. (Aqua Pennsylvania)
Artesian Water Company
Audubon Water Company
Bethlehem, City of
Buck Hill Water Company
Chambersburg, Borough of
Columbia Water Company
Elverson Water Company Inc.
Emporium Water Company
Fairchance, Borough of
Glendale Yearound Water Company
Hanover, Borough of
Honesdale Consolidated Water Company
Houston Run Community Water System
Hyndman, Borough of
Ken Man Water Company
Lancaster, City of
Lock Haven, City of
Loren K. Dixon Water Works
Manwalamink Water Company
Marietta Gravity Water Company
Newtown Artesian Water Company
Pa American Water
Penn Estates Utilities Inc.
Phoenixville, Borough of
Pleasantville, Borough of
Republic Development Corporation
Reynolds Water Company
Sand Springs Water Company Inc.
School House Village
Schuylkill Haven Borough
Superior Water Company
Total Environmental Solutions Inc.
Twin Lakes Water Services LLC
Suez Water Bethel, Inc.
Suez Water Pennsylvania, Inc.
Utilities, Inc. - Westgate
Valley Run Water Company
Village Water Company
Wilcox Water Company
Wonderview Water Company
York Water Company

WASTEWATER: 17 (All Wastewater Companies listed are small utilities with the exception of PA American Water)
RESIDENTIAL CUSTOMERS (DATA NOT AVAILABLE; NO REPORTING REQUIREMENT):

Cecil Wastewater Treatment Company
Clean Treatment Sewage Company
Delaware Sewer Company

Glendale Yearound Sewer Company
Johnstown, City of
Little Washington Wastewater Company
Loren K. Dixon Sewer Works
Manwalamink Sewer Company
PA American Water
Penn Estates Utilities Inc.
Phoenixville, Borough of
Regent Acres
Reynolds Disposal Company
School House Village
Schuylkill Haven Borough
Utilities Inc. of Pennsylvania
Wonderview Sanitary Facilities

Approximately 240 Residential Electric Generation Suppliers:

2,052,467 residential customers as of January 2015 (PaPowerSwitch.com data provided by electric distribution companies).
Of these 138 suppliers, less than 10 would be considered small businesses.

Approximately 102 Residential Natural Gas Suppliers:

415,684 residential customers as of October 2015 (PaGasSwitch.com data provided by natural gas distribution companies).
All of these Natural Gas Suppliers are large companies.

Steam heat utilities: 3 companies

Residential customers: (Data not available; no reporting requirement)

Currently, the Commission maintains jurisdiction over only a few active steam heat public utilities: the NRG Energy Center Harrisburg LLC and the NRG Energy Center Pittsburgh LLC (collectively NRG) and Veolia Energy Philadelphia, Inc. (Veolia).

For the 2014 calendar year, Veolia reported to the PUC an annual revenue of \$99,328,478. Therefore, under the steam supply standard of less than \$15 million in revenues, Veolia would not qualify as a small business. See <http://www.veolianorthamerica.com/en/our-services/energy-services/district-heating>.

For the 2014 calendar year, NRG-Pittsburgh reported to the PUC an annual revenue of \$12,238,556 and NRG-Harrisburg reported an annual revenue of \$9,816,758. Therefore, under the steam supply standard of less than \$15 million in revenues, the two NRG Energy Centers would qualify as small businesses from an individuated standpoint. However, this standard does not account for the efficiencies and sharing of resources realized through the corporate relationship between NRG-Harrisburg and NRG-Pittsburgh. If you view NRG-Pittsburgh and NRG-Harrisburg as one company, then over \$20 million revenues are realized, which is greater than the \$15 million or less standard. However, since the NRG companies are two separately incorporated companies, we will consider them accordingly. The NRG-Harrisburg Center has under 50 employees and would thus constitute a small business under the natural gas distribution standard. The NRG-Pittsburgh Center also has under 50 employees and would thus constitute a small business under the natural gas distribution standard.

We note that these NRG Centers are more accurately described as sophisticated larger “small businesses” with larger corporate families than traditional, stand-alone “small businesses.” It is also important to note that the NRG Energy Centers have a large parent company and numerous affiliates

providing various goods and services in the energy world. Therefore, these entities may not be viewed as small businesses in the traditional sense. See <http://www.nrg.com/business/large-business/distributed-generation/district-heating-cooling/pittsburgh/> and <http://www.nrg.com/business/large-business/distributed-generation/district-heating-cooling/harrisburg/>.

However, for the purposes of this question, we will conclude that there are 2 small businesses – NRG-Harrisburg and NRG-Pittsburgh – affected by this rulemaking. All of the residential customers of the three steam utilities in the Commonwealth will be affected by this rulemaking, which aims to ensure safe and adequate steam distribution service. However, steam heat companies serve primarily commercial and industrial customers, and have at most only a handful of incidental residential accounts.

In considering costs and savings to these entities, the Commission proposes more limited reporting requirements for small gas companies and steam heat companies (These companies only have to file limited data annually. They are exempt from filing the more extensive monthly data required of the larger companies). See § 56.231. We also propose continuing to exempt all wastewater companies and small water companies from all § 56.231 reporting requirements. These special provisions and exemptions for smaller companies are in recognition of the burden recordkeeping and reporting can impose on smaller companies with more limited resources.

(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.

No costs or savings to the local governments are anticipated. However, we note that in our response to Question 19, while some local municipalities are contained in the listing of water and wastewater utilities, our regulations and jurisdiction only apply to service to a limited number of residential customers that reside outside of the municipal limits.

While Philadelphia Gas Works, PGW, an NGDC listed in Question 19, is a local government entity, it is considered the largest municipally owned gas utility in the country. As noted previously, we have reported in the Chapter 14 Biennial Report that PGW has experienced improvements in its collections performance since the implementation of Chapter 14. From pages ii-v of the report:

Overall, the analysis of the various collections data since the passage of Chapter 14 continues to show a pattern of improvement for PGW.

➤ Fewer residential customers owe money to PGW, as the percent of customers in debt declined by 37.1 percent from 2004-13. The amount of billings in debt declined 28.9 percent overall since 2004.

➤ PGW had an overall 9.4 percent decrease in its gross residential write-offs ratio for the period 2004-13.

We do not yet have any cost and/or savings information from the utilities. However, we did ask that the commentators submit this information with their comments.

(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.

Cost studies have not been conducted. Revisions to Chapter 14 that directly impact the Public Utility Commission were minimal, and any required changes to Commission practices and procedures have already been implemented. The new utility reporting requirements at Section 1410.1 will require some information technology enhancements at the Commission so that we can accept this information from the utilities electronically and store this information in a manner that is retrievable. However, the costs of these enhancements should be minimal to state government, and will likely be developed by Commission staff.

(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.

Section 56.231 and 56.461 will modify existing reporting requirements of Chapter 56 and require additional reporting to comply with Chapter 14 provisions. Section 1410.1 of Chapter 14 does include two new significant utility reporting requirements. Utilities must now report to the Commission annually their residential accounts with arrearages that exceed \$10,000. Utilities must also now track and report annually the number of medical certifications used by their customers. Both of these new reporting requirements went into effect in 2015. Reports should be formatted pursuant to a Commission electronic spreadsheet format. This format was provided to utilities to streamline this reporting process and make it easier for reporting to the Commission. Upon promulgation of these proposed regulations, and we have determined the scope and details of this reporting, the Commission plans on adopting a web-based platform that will allow utilities to access a secure website to submit the information required for this reporting requirement.

The Commission proposes more limited reporting requirements for small gas companies and steam heat companies (These companies only have to file limited data annually. They are exempt from filing the more extensive monthly data required of the larger companies). See §56.231. We also propose continuing to exempt all wastewater companies and small water companies from all §56.231 reporting requirements. These special provisions and exemptions for smaller companies are in recognition of the burden recordkeeping and reporting can impose on smaller companies with more limited resources.

(22a) Are forms required for implementation of the regulation?

Many provisions of Chapter 56 require reports to the Commission. However, in some instances there is no official form; utilities may submit the information in any format they choose. The following is a listing of these forms or reports to the Commission:

For §56.36 and §56.286 (relating to written procedures), when an applicant is denied service, the public utility shall inform the applicant in writing the reasons for the denial. The Commission does not have a standard "credit denial letter." Utilities are able to develop their own that must comply with these sections. Two sample letters sent by utilities to applicants are attached (see Example 1 and Example 2).

The proposed changes to these sections will require the forms to be revised to include 1) mention of “court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence” and 2) if a customer is CAP program eligible – then a security deposit is not required.

For the §56.231/§56.461 reporting requirements, the Commission does have a website that the utilities access to enter their data monthly/annually as applicable. However, this website is a secure, password-protected website. We have attached a copy of the webpages to this RAF (see Form 1: Monthly/Annual Data Reporting Website). We have also provided the Excel spreadsheets that the utilities currently use to provide us the annual Section 1410.1 data. 66 Pa. C.S. §1410.1. (See Form 2: Accounts with Arrearages in Excess of \$10,000; and Form 3: Medical Certificates.) Section 1410.1 \$10,000 accounts and medical certificates reporting forms will be incorporated into the §56.231 reporting requirements and will eventually be submitted electronically along with other reporting data from these sections. Section 56.231 reporting will also be revised to include the number of 3-day notices provided via electronic means.

For §56.100(h) and (i) and 56.340: for the cold weather survey, the utility companies submit a paper form. We have attached the cold weather survey form (Form 4 (A and B): Cold Weather Survey). No changes will be made to this form.

Some of the regulations, like the §56.91 and §56.331 ten-day termination notice, require the utility to send customer’s a notice. The Commission does not have a standard notice “form” that utilities must use. Utilities are able to simply develop something that complies with these sections; or, the Commission does provide sample notice forms for instances where a utility seeks additional guidance. The same applies to other termination notice provisions; the 48-hour notices referenced in §56.95 and §56.335 (relating to deferred termination when no prior contact); and the post-termination notice referenced in 56.96 and 56.336 (relating to post-termination notice). See Examples 3-5: 10 Day Shut-Off, 48-Hour Shut-Off, and Post-Termination Notices. The proposed changes to these sections will require the notice to be revised to include mention of “court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence.”

In §56.151 and §56.152 dispute reports (also §§ 56.381 – 56.382), the utility sometimes reports this information verbally, but sometimes sends a written report to the customer. The Commission does not have a standard “dispute report.” Utilities develop their own “dispute report” that must comply with §56.152 or §56.382 (see Example 6: Customer Dispute Report). No changes will be made to this form.

For §56.163 / §56.392 (relating to informal complaint procedures), when responding to informal complaints, a utility responds via an electronic form (see Form 5: Informal Complaint). Utilities will have to make available to complainants redacted versions of the form (utility will have to redact any information that could compromise the privacy or security of another individual other than the complainant).

For §56.171-§ 56.174 / §56.401-§56.404 (relating to formal complaints), no changes will be made to this form. The Commission has included a copy of a formal complaint form (see link and Form 6: Formal

Complaint).

http://www.puc.pa.gov/general/onlineforms/pdf/official_complaint_form_final.pdf

For §56.131/§56.361 (relating to third party notification) Section (4) requires the utility to make a “standard enrollment form in compliance with the form in Appendix E” available for customers. Utilities are able to develop their own form; however, Appendix E in Chapter 56 provides a frame of reference for what the enrollment form should include (see Example 7: Third Party Notification). No changes will be made to this form.

(22b) If forms are required for implementation of the regulation, **attach copies of the forms here**. If your agency uses electronic forms, provide links to each form or a detailed description of the information required to be reported. **Failure to attach forms, provide links, or provide a detailed description of the information to be reported will constitute a faulty delivery of the regulation.**

Please see attached forms as described and referenced in (22a).

(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.

The information for (23) and (23a) is currently not quantifiable. The utilities have not yet provided the Commission with an estimate of costs and savings. However, in the NOPR at page 5, the Commission requested the commentators to include in their comments a specific estimate of the costs and/or savings associated with compliance with the proposed changes, including any legal, accounting, or consulting procedures which may be required.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
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.

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

(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.
-
- (a) Small businesses were identified and estimated in the answer to question 19.
 - (b) These costs should be minimal since the Commission has established an annual utilities' reporting requirements deadline for Section 1410.1 of April 1 so as to align with other annual collections reporting requirements found in 52 Pa. Code §§ 54.75 and 56.231.
 - (c) Generally utility companies will benefit from the regulation since the goal of these changes is to increase timely collections and decrease uncollectible account balances.
 - (d) The Commission proposes more limited reporting requirements for small gas companies and steam heat companies. (These companies only have to file limited data annually. They are exempt from filing the more extensive monthly data required of the larger companies). See § 56.231. We also propose continuing to exempt all wastewater companies and small water companies from all § 56.231 reporting requirements. These special provisions and exemptions for smaller companies are in recognition of the burden recordkeeping and reporting can impose on smaller companies with more limited resources.

(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.

Subchapters L-V of Chapter 56 provide exceptions for victims under a protection from abuse order as provided by 23 Pa. C.S. Ch. 23 (relating to protection from abuse) or a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence against the applicant or customer. These subchapters used to also include exception provisions from Chapter 14 for wastewater, steam heat, and small natural gas distribution utilities. However, under the amended Chapter 14 these utilities are now subject to Chapter 14 and are no longer included in the exceptions. See 66 Pa. C.S. § 1403 definition of public utility.

Additionally, the new regulations will exempt low-income customers eligible for CAP from security deposit requirements. Friday terminations are now prohibited, in recognition that those with diminished capacities (elderly, handicapped, etc.) may need additional time to accomplish what they need to do to get service restored before a weekend. Finally, physician assistants can now file medical certifications, in recognition that some individuals may have limited access to physicians.

(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.

In the Tentative Implementation Order, we proposed an annual filing date of March 1 for the additional reporting requirements in Chapter 56. However, in response to commentators, we changed the reporting deadline to April 1. This has helped to minimize costs since the Commission has established an annual utilities' reporting requirements deadline for Section 1410.1 of April 1 so as to align with other annual collections reporting requirements found in 52 Pa. Code §§ 54.75 and 56.231. This change will prove less burdensome than if the filings were due on two separate dates.

We also carefully limited the 1410.1 reporting of account balances at or exceeding \$10,000 to seven data points:

1. Unique account identifier;
2. The account balance as of the time of the "snapshot;"
3. The date the account was established;
4. The average monthly bill amount for the previous 12 months;
5. The number of Commission informal or formal complaints;
6. The number of company payment arrangements;
7. The number of times the customer's service was terminated for non-payment.

While some parties suggested a more extensive list, we recognized that a large number of data points would have imposed significant reporting burdens upon the regulated community, and for questionable benefit. We instead chose to include just the few, critical "must know" data points. We believe these data points will allow the Commission to fulfill its responsibilities to effectively monitor utility collections concerning large balance accounts. However, the proposed regulation does provide for the Commission requesting additional information on specific accounts if the Commission believes that is needed for specific instances. The Commission believes this selective, account specific approach is a more reasonable, less burdensome procedure, rather than requiring extensive data on each and every one of these accounts.

The Rulemaking will implement the least burdensome requirements for implementing the provisions of Chapter 14 while ensuring the necessary consumer protections remain in place.

(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.

These revisions to Chapter 56 align it with the amended Chapter 14. Chapter 14 was amended to include small natural gas distribution utilities, steam heat utilities, and wastewater utilities. While these utilities are typically smaller and had been exempt from Chapter 14, the Legislature, with Act 155 of 2014 or amended Chapter 14, now made these smaller utilities subject to Chapter 14. However, the Commission continues to propose more limited reporting requirements for small gas companies and steam heat companies. These companies only have to file limited data annually. They are exempt from filing the more extensive monthly data required of the larger companies. See § 56.231. We also propose continuing to exempt all wastewater companies and small water companies from all § 56.231 reporting requirements. These special provisions and exemptions for smaller companies are in recognition of the burden recordkeeping and reporting can impose on smaller companies with more limited resources.

(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.

The basis for the proposed regulation is to align Chapter 56 with the amended Chapter 14. Data was not the basis for promulgating these regulations.

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

- | | |
|--|---------------------------|
| A. The length of the public comment period: | 60 days |
| B. The date or dates on which public meetings or hearings will be held: | as needed |
| C. The expected date of delivery of the final-form regulation: | December 2017 |
| 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 expected date by which required permits, licenses or other approvals must be obtained:

N/A

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

HB 939, Act 155 of 2014, amended Chapter 14 of the Public Utility Code (66 Pa. C.S. §§ 1401-1419), Responsible Utility Customer Protection, provides at Section 1415 for the Commission every five years to file a report, with a review of the implementation of the provisions of Chapter 14 to the Governor, the Chief Clerk of the House of Representatives and the Secretary of the Senate.

Past reports are available at this link:

http://www.puc.pa.gov/filing_resources/biennial_report_pursuant_to_section_1415.aspx

**EXAMPLE 1:
CREDIT DENIAL**

**Service Denial Notice
Aviso de Servicio Denegado**

Current Date: 3/1/2016

NAME: [REDACTED]	
MAILING ADDRESS: [REDACTED]	
CITY/STATE/ZIP: [REDACTED]	
TELEPHONE #: [REDACTED]	DATE YOU WANT SERVICE: 3/1/2016

You recently applied for [REDACTED] utility service in your name at [REDACTED]

We cannot approve your application because our records indicate the following (see checked box):

☐ You have an outstanding balance at the following address:

- Acct # (00000-00000) - (Address) in the amount of (Dollar value) for service from (start date) to (end date)
- Acct # (00000-00000) - (Address) in the amount of (Dollar value) for service from (start date) to (end date)

Outstanding balances must be satisfied before we will start new service in your name.

☐ You do not qualify for payment terms. ☐ You qualify for payment terms.

The following are acceptable forms of payment:

- Cash or Money Order
- A major credit, debit or ATM card. These are not accepted at our District Office located at [REDACTED]
- Personal Check. If you have had TWO return checks on your unpaid balance account we will not accept any personal checks.

☒ You may be responsible for the outstanding balance or a portion of the outstanding balance due at the property for which you are applying.

In order to get service in your name, you must provide a complete lease including signature page or settlement statement and two (2) forms of identification. **One must be a photo identification.**

You can bring these documents to our District Office located at [REDACTED] between the hours of 8:30 AM and 5:00 PM or fax them to [REDACTED] or you may scan and send your forms electronically to [REDACTED]

The following are some examples of acceptable forms of identification:

- Your valid driver's license
- Your photo identification from a recognized government agency, such as a welfare card or passport
- Your photo identification from an employer
- Your social security card
- Your birth certificate

If the service is on at this address, and you do not satisfy all of the requirements checked above, we will shut-off the service after we send the required shut-off notices. Call us at [REDACTED] for questions regarding your application.

Please disregard this letter if all of the above requirements have already been met.

If you currently have a valid Protection From Abuse Order from a court, there are some additional protections available to you. **CALL US IMMEDIATELY** [REDACTED] You will be required to provide us with a copy of the order.

If you are unable to pay the required balance, you may supply [REDACTED] with the name of a third party guarantor who meets our credit guidelines. This guarantor must be a current [REDACTED] customer with a good credit history for at least one year who is willing to assume payment for your balance.

If you have any questions, or if you need more information, please call the number listed on this notice. **AFTER** you talk with us, if you are not satisfied, you may file a complaint with the Pennsylvania Public Utility Commission (PUC). You may contact the PUC by calling their toll-free number 1-800-692-7380 or by writing to them at P.O. Box 3265, Harrisburg, PA 17105-3265.

[REDACTED] Offices

If you need to talk to us, you can come into our office at [REDACTED] between 8:30 a.m. and 5:00 p.m., or call us at [REDACTED] between 7:00 a.m. and 7:00 p.m., Monday through Friday.

¡Atención!

Éste Es Un Mensaje Muy Importante. Si Usted No Lo Entiende, Favor De Llamar Al Número De Teléfono Que Aparece En Este Documento.

EXAMPLE 2: CREDIT DENIAL

March 23, 2016

Dear [REDACTED]:

Your application for residential electric service at [REDACTED] has been denied. To establish service, you must:

☐ Provide a copy of your identification to prove both your identity and legal age. See attached form for acceptable identification.

☐ Provide a copy of a lease, deed or mortgage.

☐ Obtain an electrical inspection.

☒ Pay the required amount of \$2,395.80 from the total outstanding balance of \$2,395.80. The balance breakdown is listed below.

Amount	Account	Address	End Date	Name
\$1,476.90	[REDACTED]	[REDACTED]	10/02/2014	[REDACTED]
\$918.90	[REDACTED]	[REDACTED]	10/03/2014	[REDACTED]

In addition to the above requirement(s), a security deposit in the amount of 0.00 is due. This is a partial deposit based on the total security deposit of 0.00. The balance of the deposit will be placed on an installment plan billed over two months.

You have the option to obtain a third-party guarantor in lieu of a cash deposit. This is another customer who currently has service for two years or more in good standing who is willing to co-sign for you. If you are interested in this option, you would need to provide the name that you would like to use. If eligible, we will send you a form that needs to be completed, signed by both you and the guarantor.

Account: [REDACTED] / Corr: 400000221803

A0205 PADENIAL 02/20/2015

The requested requirement(s) must be returned to the Company address listed above or faxed to [REDACTED]. Service will not be established until all requirements are met.

If only a payment is required and you made your payment at the time of application, thank you. Service has been established in your name.

More lenient credit and liability standards may be available for victims of domestic violence with a protection from abuse order.

If you have any questions concerning your service application, please contact our Customer Service Center at [REDACTED].

If the explanation given has not resolved this matter, you have the right to file an informal complaint with the Pennsylvania Public Utility Commission. The informal complaint must be filed within the next 10 days in order to ensure preservation of all your rights. You may file an informal complaint by phoning the Public Utility Commission at 1-800-692-7380 or by writing to the following address: Pennsylvania Public Utility Commission, PO Box 3265, Harrisburg, PA 17105-3265.

Sincerely,

[REDACTED]

[REDACTED] / Corr: 400000221803

A0205 PADENIAL 02/20/2015

4/12/2016

MONTHLY/ANNUAL DATA REPORTING WEBSITE



Pennsylvania Public Utility Commission

PUC Collections Reporting System

- | Enter Residential 56.231 Monthly Data
- | Enter Residential 56.231 Annual Data
- | Enter Residential 56.461 Data
- | Reports
- | Maintenance
- | Log out

> Enter Residential 56.231 Annual Data

Bottom

Your Utility Code:

Find

Clear

Name, Email Address, and
Phone Number: Year: 2017

Status:

Line#	Description	Number of Customer Accounts
(b) Within 90 days after the end of each year, each electric distribution utility, natural gas distribution utility, and class A water distribution utility shall file with the Commission a report containing the following information concerning residential accounts for the previous year:		
1.	The total number of security deposits on hand.	0
2.	The total dollar amount in security deposits on hand.	0
3.	The total dollar amount of annual collection operating expenses.	0
4.	The total dollar amount of annual residential billings.	0
5.	The total dollar amount of annual gross residential write-offs.	0
6.	The total dollar amount of annual net residential write-offs.	0
7.	The average monthly bill for the previous year for a heating customer.	.00
8.	The average monthly bill for the previous year for a non-heating customer.	.00
9.	The average monthly usage for a heating customer. Each industry uses its own unit of usage. Electric = kWhs; Gas = MCF's; Water = Gallons.	.00
10.	The average monthly usage for a non-heating customer. Each industry uses its own unit of usage. Electric = kWhs; Gas = MCF's; Water = Gallons.	.00

Save

Top

You are presently accessing the PUC Collections Reporting System Web Application



Pennsylvania Public Utility Commission

PUC Collections Reporting System

[Enter Residential 56.231 Monthly Data](#)
[Enter Residential 56.231 Annual Data](#)
[Enter Residential 56.461 Data](#)
[Reports](#)
[Maintenance](#)
[Log out](#)

> Enter Residential 56.231 Monthly Data

Bottom

Your Utility Code:

Find

Clear

Name, Email Address, and
Phone Number:

Year: 2017 Month: Jan

Status:

Line#	Description	Number of Customer Accounts
(a) Within 15 days after the end of each month, each electric distribution utility, natural gas distribution utility, and class A water distribution utility shall file with the Commission a report containing the following information concerning residential accounts for that month:		
1.	The total number of residential heating customers.	0
2.	The total number of residential non-heating customers.	0
3.	The total number of active residential accounts in arrears and not on a payment agreement.	0
4.	The total dollar amount in arrears for active residential accounts in arrears and not on a payment agreement.	0
5.	The total number of active residential accounts in arrears and on a payment agreement.	0
6.	The total dollar amount in arrears for active residential accounts in arrears and on a payment agreement.	0
7.	The total number of inactive residential accounts in arrears.	0
8.	The total dollar amount of inactive residential accounts in arrears.	0
9.	The total number of ten-day termination notices sent out by company.	0
10.	The total number of dwellings receiving termination notices sent to occupants other than the customer.	0
11.	The total number of 3-day termination notices completed by personal contact in person.	0
12.	The total number of 3-day termination notices completed by personal contact by telephone.	0
13.	The total number of 48-hour termination notices posted.	0
14.	The total number of terminations for non-payment	0
	The total number of terminations for reasons other than non-	

15.	payment.	0
16.	The total number of terminations for non-payment and reasons other than non-payment categorized by the first three digits of each accounts postal code. Line 16 must equal the sum of lines 14 and 15. Line 16 must equal the sum of lines 24 through 73.	0
17.	The total number of reconnections for full customer payment, partial customer payment or payment agreement.	0
18.	The total number of reconnections for customer submission of medical certification.	0
19.	The total number of reconnections for reasons other than customer payment or medical certification.	0
20.	The total number of applicants that are requested to pay or are billed a security deposit.	0
21.	The total dollar amount in security deposits that are requested of or billed to applicants.	0
22.	The total number of customers that are requested to pay or are billed a security deposit.	0
23.	The total dollar amount in security deposits that are requested of or billed to customers.	0

Total Terminations by Zip Code								
Line#	Zip	Count	Line#	Zip	Count	Line#	Zip	Count
24.	150XX	0	25.	151XX	0	26.	152XX	0
27.	153XX	0	28.	154XX	0	29.	155XX	0
30.	156XX	0	31.	157XX	0	32.	158XX	0
33.	159XX	0	34.	160XX	0	35.	161XX	0
36.	162XX	0	37.	163XX	0	38.	164XX	0
39.	165XX	0	40.	166XX	0	41.	167XX	0
42.	168XX	0	43.	169XX	0	44.	170XX	0
45.	171XX	0	46.	172XX	0	47.	173XX	0
48.	174XX	0	49.	175XX	0	50.	176XX	0
51.	177XX	0	52.	178XX	0	53.	179XX	0
54.	180XX	0	55.	181XX	0	56.	182XX	0
57.	183XX	0	58.	184XX	0	59.	185XX	0
60.	186XX	0	61.	187XX	0	62.	188XX	0
63.	189XX	0	64.	190XX	0	65.	191XX	0
66.	192XX	0	67.	193XX	0	68.	194XX	0
69.	195XX	0	70.	196XX	0	71.	197XX	0
72.	198XX	0	73.	199XX	0			

Save Top

You are presently accessing the PUC Collections Reporting System Web Application



Pennsylvania Public Utility Commission

PUC Collections Reporting System

| Enter Residential 56.231 Monthly Data
| Enter Residential 56.231 Annual Data
| Enter Residential 56.461 Data
| Reports
| Maintenance
| Log out

> Enter Residential 56.461 Data

Bottom

Your Utility Code:

Find

Clear

Name, Email Address, and
Phone Number: Year: 2017

Status:

Line#	Description	Number of Customer Accounts
a) Within 90 days after the end of each calendar year, each natural gas distribution utility with annual gas operating revenues of less than \$6,000,000 per year, and each steam heat utility shall file with the Commission a report containing the following information concerning residential accounts for the previous year:		
The total number of residential customers.		
1.	January	0
2.	February	0
3.	March	0
4.	April	0
5.	May	0
6.	June	0
7.	July	0
8.	August	0
9.	September	0
10.	October	0
11.	November	0
12.	December	0
The total number of terminations for nonpayment.		
13.	January	0
14.	February	0

15.	March	0
16.	April	0
17.	May	0
18.	June	0
19.	July	0
20.	August	0
21.	September	0
22.	October	0
23.	November	0
24.	December	0
The total number of terminations for reasons other than nonpayment.		
25.	January	0
26.	February	0
27.	March	0
28.	April	0
29.	May	0
30.	June	0
31.	July	0
32.	August	0
33.	September	0
34.	October	0
35.	November	0
36.	December	0
The total number of reconnections for customer payment.		
37.	January	0
38.	February	0
39.	March	0
40.	April	0
41.	May	0
42.	June	0
43.	July	0
44.	August	0
45.	September	0
46.	October	0
47.	November	0
48.	December	0

The total number of reconnections for customer submission of medical certification.		
49.	January	0
50.	February	0
51.	March	0
52.	April	0
53.	May	0
54.	June	0
55.	July	0
56.	August	0
57.	September	0
58.	October	0
59.	November	0
60.	December	0
The total number of reconnections for reasons other than customer payment or medical certification.		
61.	January	0
62.	February	0
63.	March	0
64.	April	0
65.	May	0
66.	June	0
67.	July	0
68.	August	0
69.	September	0
70.	October	0
71.	November	0
72.	December	0
73.	The total dollar amount of annual residential billings.	0
74.	The total dollar amount of annual gross residential write-offs.	0
<div>Save</div> <div>Top</div>		

You are presently accessing the PUC Collections Reporting System Web Application

FORM 2: ACCOUNTS WITH ARREARAGES IF EXCESS OF \$10,000

Utility Reporting - Accounts with Arrearages in Excess of \$10,000

Year Being Rep

Company Name:

Date of "Snap

Filed By:

Phone:

Email:

If NO accounts to report, check this box: ☐

Data in #5-8 should be from date account established (#3 in Column D)

1. Unique Acct ID	2. Account Balance	3. Date Account Established	4. Avg Monthly Bill (prev 12 months)	5. # of PUC Informal Complaints	6. # of PUC Formal Complaints	7. # of Company PARs	8. # of Times Terminated for Non-Payment
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							

Utility Reporting - Accounts with Arrearages in Excess of \$10,000

1. Unique Acct ID	2. Account Balance	3. Date Account Established	4. Avg Monthly Bill (prev 12 months)	5. # of PUC Informal Complaints	6. # of PUC Formal Complaints	7. # of Company PARs	8. # of Times Terminated for Non-Payment
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
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44							
45							
46							
47							
48							
49							
50							

**FORM 3:
MEDICAL CERTIFICATES**

Utility Reporting - Medical Certificates

Year Being Reported:

Company Name:

Date Submitted:

Filed By:

Phone:

Email:

**# of Med
Certs/Renewals
Submitted by
Customers in
2015**

**# of Med
Certs/Renewals
Accepted by
Utility in 2015**

**2016 Cold Weather Survey
The Pennsylvania Public Utility Commission
Bureau of Consumer Services**

1. _____ Number of heat-related residential properties terminated between 1/1/16 and 11/30/16.
2. _____ Number of heat-related residential properties to be surveyed.
(Those that your records show as not reconnected).

Survey Results

Place each of the properties from Item #2 above into one of the following categories:

- A. _____ Number of vacant premises (reasonably sure).
- B. _____ Number of accounts where contact was made and service was reconnected with a payment/settlement agreement, or where service was connected in a new name, or where service was reconnected for other reasons.
- C. _____ Number of accounts where unauthorized use was discovered. No payment agreement established, service will remain on (with or without contact).
- D. _____ Number of accounts where no contact was made and premises appear to be occupied.
 - _____ (i) Number of these accounts identified as non low income customers or income is unknown.
 - _____ (ii) Number of these accounts identified as low income customers (Do not include CAP customers, report CAP customers in (iii) below).
 - _____ (iii) Number of these accounts identified as CAP customers who defaulted on their agreement.

E. _____ Number of heat-related premises that are occupied and the regulated utility service has not been reconnected.

- _____ (i) Number of these accounts identified as non low income customers or income is unknown.
- _____ (ii) Number of these accounts identified as low income customers (Do not include CAP customers, report CAP customers in (iii) below).
- _____ (iii) Number of these accounts identified as CAP customers who defaulted on their agreement.
- _____ (iv) Number of these accounts who are using an alternative heating source. Identify the heating source below.

Heating with:

- 1. _____ kerosene heater
- 2. _____ electric space heater
- 3. _____ wood/coal stove or furnace
- 4. _____ fireplace
- 5. _____ kitchen stove/oven
- 6. _____ oil-filled space heater
- 7. _____ other (specify) _____

Company Name

Company Contact Person and Phone No.

E-mail Address

Form B

2016 Cold Weather Survey The Pennsylvania Public Utility Commission Bureau of Consumer Services

1. _____ Number of heat-related residential properties terminated between 1/1/16 and 11/30/16.
2. _____ Number of heat-related residential properties to be surveyed.
(Those that your records show as not reconnected).

Survey Results

Place each of the properties from Item #2 above into one of the following categories:

- A. _____ Number of vacant premises (reasonably sure).
- B. _____ Number of accounts where contact was made and service was reconnected with a payment/settlement agreement, or where service was connected in a new name, or where service was reconnected for other reasons.
- C. _____ Number of accounts where unauthorized use was discovered. No payment agreement established, service will remain on (with or without contact).
- D. _____ Number of accounts where no contact was made and premises appear to be occupied.
- E. _____ Number of heat-related premises that are occupied and the regulated utility service has not been reconnected.

_____ Number of these accounts who are using an alternative heating source. Identify the heating source below.

Heating with:

1. _____ kerosene heater
2. _____ electric space heater
3. _____ wood/coal stove or furnace
4. _____ fireplace
5. _____ kitchen stove/oven
6. _____ oil-filled space heater
7. _____ other (specify) _____

Company Name

Company Contact Person and Phone No.

E-mail Address

COMPANY NAME / LOGO

<DATE>

ADDRESS OF UTILITY
PHONE NUMBER OF UTILITY

EXAMPLE 3:

<NAME>
<BILLING ADDRESS>
<CITY, STATE ZIP CODE>
<CUSTOMER ACCOUNT NUMBER>

10 DAY
SHUT-OFF NOTICE

10 DAY SHUT-OFF NOTICE AVISO DE SUSPENSION DE SERVICIO

Your Gas/Electric Service May Be Shut Off !

Because your bill is past due, we will shut off the service to _____
on or after 8:00 a.m. on _____. We may act on this notice for up to 60 days.

We will NOT Shut off your gas/electric service if you do ONE of the following:

- Call us at XXX-XXX-XXXX to arrange to pay your past due bill of \$ _____.
- Pay the amount you owe on your payment plan. Call us at 1-xxx-xxx-xxxx for this amount.
- Show us a paid receipt for the past due amount.
- Call XXX-XXX-XXXX right away if you dispute this bill or to provide us with household income and occupant information. You may be eligible for a payment agreement or special assistance programs.

If we shut off your gas/electric service, you may have to pay all of the following before we can turn your service on:

Past Due Bill	\$ _____
Security Deposit	\$ _____
Turn-on Charge	\$ _____
Total	\$ _____

- To talk about your bill, please call our office at 1-800-000-0000.

MEDICAL EMERGENCY NOTICE

Let us know if someone living in your home is seriously ill or has a medical condition. **WE WILL NOT SHUT OFF YOUR SERVICE** provided you:

1. Have your licensed physician or nurse practitioner certify by phone or in writing that such an illness exists and that it may be aggravated if your service is shut off. Written certification is needed within 7 days: **AND**
2. Make arrangements to pay this bill. You must provide us with household income and occupant information to determine your payment terms while protected under the medical certification.

IMPORTANT TO KNOW

Before we shut off your utility service please read the back of this notice. You may be eligible for certain protections from shut off.

Atencion ! Este es en mensaje muy importante. Si usted no lo entiende, favor de llama a 1-800-000-0000.

IMPORTANT TO KNOW – BEFORE WE SHUT OFF YOUR UTILITY SERVICE

- If you have questions or need more information, please call us today at XXX-XXX-XXXX. After you talk with us, if you are not satisfied, you may file a complaint with the Public Utility Commission (PUC). The PUC may delay the shutoff if you file the complaint before the shut-off date. To contact them call (800) 692-7380 or write to: Pennsylvania Public Utility Commission, Box 3265, Harrisburg, PA 17105-3265.
- **If we shut off your service during the winter months (between Dec.1 – Mar. 31) we will restore your service within 24 hours of your meeting all requirements/conditions to have service reconnected.** Where street digging is required it may take up to 7 days.
- If you currently have a valid Protection From Abuse order from a court your service cannot be terminated during the winter without PUC permission. There are some additional protections available to you. **Call us immediately at XXX-XXX-XXXX.** (You will be required to provide us with a copy of the order.)
- You may be eligible for a payment agreement or special assistance programs. **Call 1-XXX-XXX-XXXX right away to provide us with household income and occupant information.** Documentation of your income may be required, such as pay stubs or tax documents.
- If your landlord pays your utility bill: You have certain legal protections. Please call us at XXX-XXX-XXXX.
- If you have trouble understanding or speaking English or have a disability please call us at XXX-XXX-XXXX for free interpretation.
- If your service is shut off, you may be required to pay more than the amount listed on the front of this notice to have your service turned back on. You may have to pay any additional bills that have become past due.
- All adult occupants of the premise whose names are on the mortgage, deed, or lease are considered the 'customer' and are responsible for payment of this bill.
- If service is shut off, ANY adult occupant who has been living at the premise may have to pay all or portions of this bill to have service restored.
- If your service is shut off, you must contact us after your payment has been made to be sure you have met all conditions to have the service turned back on and to arrange access to your premises.
- After all conditions have been met to have the service turned back on, it may take up to seven days to have your service restored. Please contact us to discuss the details.

WINTER NOTICE PROVISIONS (between December 1 – March 31)

- **Contact us BEFORE the shut off date** to give us household income & occupant information to see if you qualify for any assistance programs.
- **If your income is at or below 250% of the federal poverty guidelines, we must first ask the PUC for permission to shut off your service.** Add together the monthly income of the adults in your household. If that number is the same or less than the amount listed in chart below for your household size, call us immediately at XXX-XXX-XXXX. You may need to provide us with proof of your income.

Monthly Income at 250% of Federal Poverty Level: 2005				
Household Size	1	2	3	4
Monthly Income	\$1,994	\$2,673	\$3,352	\$4,031

Add \$679 for each additional household member.

Atencion ! Este es en mensaje muy importante. Si usted no lo entiende, favor de llama a 1-800-000-0000.

COMPANY NAME / LOGO

<DATE>

ADDRESS OF UTILITY
PHONE NUMBER OF UTILITY

<NAME>
<BILLING ADDRESS>
<CITY, STATE ZIP CODE>
<CUSTOMER ACCOUNT NUMBER>

**EXAMPLE 4:
48-HOUR SHUT-OFF
NOTICE**

**48-HOUR SHUT-OFF NOTICE
AVISO DE SUSPENSION DE SERVICIO**

Your Gas/Electric Service May Be Shut Off !

Because your bill is past due, we will shut off the service to _____
on or after 8:00 a.m. on _____ without further notice.

We will NOT Shut off your gas/electric service if you do ONE of the following:

- Call us at XXX-XXX-XXXX to arrange to pay your past due bill of \$ _____.
- Pay the amount you owe on your payment plan. Call us at 1-xxx-xxx-xxxx for this amount.
- Show us a paid receipt for the past due amount.
- Call XXX-XXX-XXXX **right away** if you dispute this bill or to provide us with household income and occupant information. You may be eligible for a payment agreement or special assistance programs.

If we shut off your gas/electric service, you may have to pay all of the following before we can turn your service on:

Past Due Bill	\$ _____
Security Deposit	\$ _____
Turn-on Charge	\$ _____
Total	\$ _____

- To talk about your bill, please call our office at 1-800-000-0000

MEDICAL EMERGENCY NOTICE

Let us know if someone living in your home is seriously ill or has a medical condition. WE WILL NOT SHUT OFF YOUR SERVICE provided you:

1. Have your licensed physician or nurse practitioner certify by phone or in writing that such an illness exists and that it may be aggravated if your service is shut off. Written certification is needed within 7 days: **AND**
2. Make arrangements to pay this bill. You must provide us with household income and occupant information to determine your payment terms while protected under the medical certification.

IMPORTANT TO KNOW

Before we shut off your utility service please read the back of this notice. You may be eligible for certain protections from shut off.

Atencion ! Este es en mensaje muy importante. Si usted no lo entiende, favor de llama a 1-800-000-0000.

IMPORTANT TO KNOW – BEFORE WE SHUT OFF YOUR UTILITY SERVICE

- If you have questions or need more information, please call us today at XXX-XXX-XXXX. After you talk with us, if you are not satisfied, you may file a complaint with the Public Utility Commission (PUC). The PUC may delay the shutoff if you file the complaint before the shut-off date. To contact them call (800) 692-7380 or write to: Pennsylvania Public Utility Commission, Box 3265, Harrisburg, PA 17105-3265.
- **If we shut off your service during the winter months (between Dec.1 – Mar. 31)** we will restore your service within 24 hours of your meeting all requirements/conditions to have service reconnected. Where street digging is required it may take up to 7 days.
- If you currently have a valid Protection From Abuse order from a court your service cannot be terminated during the winter without PUC permission. There are some additional protections available to you. **Call us immediately at XXX-XXX-XXXX.** (You will be required to provide us with a copy of the order.)
- You may be eligible for a payment agreement or special assistance programs. Call XXX-XXX-XXXX right away to provide us with household income and occupant information. Documentation of your income may be required, such as pay stubs or tax documents.
- If your landlord pays your utility bill: You have certain legal protections. Please call us at XXX-XXX-XXXX.
- If you have trouble understanding or speaking English or have a disability please call us at XXX-XXX-XXXX for free interpretation.
- If your service is shut off, you may be required to pay more than the amount listed on the front of this notice to have your service turned back on. You may have to pay any additional bills that have become past due.
- All adult occupants of the premise whose names are on the mortgage, deed, or lease are considered the 'customer' and are responsible for payment of this bill.
- If service is shut off, ANY adult occupant who has been living at the premise may have to pay all or portions of this bill to have service restored.
- If your service is shut off, you must contact us after your payment has been made to be sure you have met all conditions to have the service turned back on and to arrange access to your premises.
- After all conditions have been met to have the service turned back on, it may take up to seven days to have your service restored. Please contact us to discuss the details.

WINTER NOTICE PROVISIONS (between December 1 – March 31)

- **Contact us BEFORE the shut off date** to give us household income & occupant information to see if you qualify for any assistance programs.
- **If your income is at or below 250% of the federal poverty guidelines, we must first ask the PUC for permission to shut off your service.** Add together the monthly income of the adults in your household. If that number is the same or less than the amount listed in chart below for your household size, call us immediately at XXX-XXX-XXXX. You may need to provide us with proof of your income.

Monthly Income at 250% of Federal Poverty Level: 2005				
Household Size	1	2	3	4
Monthly Income	\$1,994	\$2,673	\$3,352	\$4,031

Add \$679 for each additional household member.

Atencion ! Este es en mensaje muy importante. Si usted no lo entiende, favor de llama a 1-800-000-0000.

COMPANY NAME / LOGO

<DATE>

ADDRESS OF UTILITY
PHONE NUMBER OF UTILITY

<NAME>
<BILLING ADDRESS>
<CITY, STATE ZIP CODE>
<CUSTOMER ACCOUNT NUMBER>

**EXAMPLE 5:
POST-TERMINATION
NOTICE**

**YOUR GAS/ELECTRICITY HAS BEEN SHUT-OFF
AVISO DE SUSPENSION DE SERVICIO**

We shut off your gas/electricity because:

- ☐ You did not pay your past due bill.
- ☐ You did not pay your security deposit.
- ☐ You did not give us access to your meter.
- ☐ You did not meet the requirements and/or complete the application for service process.
- ☐ Theft of Service or Tampering with utility equipment.
- ☐ Rejected Payment.
- ☐ Fraud/Material misrepresentation.

TO HAVE YOUR SERVICE TURNED BACK ON YOU MUST DO ALL OF THE FOLLOWING:

- Call us at 1-XXX-XXX-XXXX to arrange to pay your overdue bill of \$_____.
- Pay a Turn On Charge of \$_____.
- Pay a Security Deposit (if required) of \$_____.
- Other: _____.

You must contact us after your payment has been made to be sure you've met all conditions to have the service turned back on and to arrange access to your premises.

- If someone in your home is seriously ill, read the **MEDICAL EMERGENCY NOTICE** below.

MEDICAL EMERGENCY NOTICE

Let us know if someone living in your home is seriously ill or has a medical condition. **WE WILL RESTORE YOUR SERVICE** provided you:

1. Have your licensed physician or nurse practitioner certify by phone and in writing that such an illness exists and that it may be aggravated if your service is not restored.

AND

2. Make arrangements to pay this bill. You must provide us with household income and occupant information to determine your payment terms while protected under the medical certification.

IMPORTANT – PLEASE READ THE BACK OF THIS NOTICE.

Atencion ! Este es en mensaje muy importante. Si usted no lo entiende, favor de llama a 1-800-000-0000.

If you have questions or need more information, please call us today at XXX-XXX-XXXX. After you talk with us, if you are not satisfied, you may file a complaint with the Public Utility Commission (PUC). The PUC will attempt to

help you with your problem. To contact them call (800) 692-7380 or write to: Pennsylvania Public Utility Commission, Box 3265, Harrisburg, PA 17105-3265.

WINTER NOTICE PROVISIONS (between December 1 – March 31)

- **If your income is at or below 250% of the federal poverty guidelines you may qualify for special protections from termination.** Add together the monthly income of the adults in your household. If that number is the same or less than the amount listed in chart below for your household size, **call us immediately at XXX-XXX-XXXX.** You may need to provide us with proof of your income.

Monthly Income at 250% of Federal Poverty Level: 2005				
Household Size	1	2	3	4
Monthly Income	\$1,994	\$2,673	\$3,352	\$4,031

Add \$679 for each additional household member.

- **If we shut off your service during the winter months (between Dec.1 – Mar. 31)** we will restore your service within 24 hours of your meeting all requirements/conditions to have service reconnected. Where street digging is required it may take up to 7 days.

IMPORTANT INFORMATION

- If you currently have a valid Protection From Abuse order from a court your service cannot be terminated during the winter without PUC permission. There are some additional protections available to you. **Call us immediately at 1-XXX-XXX-XXXX.** (You will be required to provide us with a copy of the order.)
- You may be eligible for a payment agreement or special assistance programs. **Call 1-XXX-XXX-XXXX right away to provide us with household income and occupant information.** Documentation of your income may be required, such as pay stubs or tax documents.
- If your landlord pays your utility bill: You have certain legal protections. Please call us at XXX-XXX-XXXX.
- If you have trouble understanding or speaking English or have a disability please call us at XXX-XXX-XXXX for free interpretation.
- Termination of service may result in extensive property damage. You are responsible for taking all steps necessary to protect the property and the occupants. You may want to turn off your water so that the pipes do not freeze. If you do not own the property, you are responsible for notifying your landlord that the service is turned off.
- All adult occupants of the premise whose names are on the mortgage, deed, or lease are considered the 'customer' and are responsible for payment to restore service.
- ANY adult occupant who has been living at the premise may have to pay all or portions of the bill to have service restored.

IMPORTANT SAFETY INFORMATION

- For heating purposes use only equipment that is made for home heating. Use all types of heaters carefully and follow all directions for safe use. **NEVER** use your oven, grill or clothes dryer to heat your home. This could cause a fire or dangerous carbon monoxide gas.
- Please be aware that using candles, portable heaters, or generators may also be dangerous.

Atencion ! Este es en mensaje muy importante. Si usted no lo entiende, favor de llama a 1-800-000-0000.

EGW INFORMAL COMPLAINT REPORT

BCS Investigator: [REDACTED]
BCS Case Number: [REDACTED] BCS Sent: 10/20/2016 BCS Received: [REDACTED]
Prepared By: [REDACTED] Phone: [REDACTED] Prepared Date: 10/28/2016
Customer Name: [REDACTED] Account Number: [REDACTED]
Service Address: [REDACTED] Heating: No
Rate: RES
Budget: \$159.00
Mailing Address: [REDACTED] Current Bill Due Date: 11/1/2016
Total Account Balance: \$200.80

Phone (Home): [REDACTED] (Work): [REDACTED]

DETAILS OF THE COMPANY'S ORIGINAL INVESTIGATION

09/10/2012 - [REDACTED] records indicate that the customer selected [REDACTED], an Electric Generation Supplier (EGS).

10/08/2016 - [REDACTED] contacted [REDACTED] to determine why the EGS was charging him a higher price. The CSR advised to contact the EGS directly. The customer was satisfied.

10/11/2016 - Date of last customer contact - [REDACTED] contacted [REDACTED] upset about what he was being billed with the EGS. The customer was reviewing the PAMPowerSwitch.com website. Then, he and the CSR discussed Standard Offer. The customer stated that he will call back when he has more time.

LAST COMPANY CONTACT INFORMATION

Last Contact Date: 10/11/2016

[REDACTED] contacted [REDACTED] upset about what he was being billed with the EGS.

The customer was reviewing the PAMPowerSwitch.com website.

Then, he and the CSR discussed Standard Offer.

The customer stated that he will call back when he has more time.

CUSTOMER'S DISPUTE TO BCS

Overcharged for over 4 years. Did not even select [REDACTED] as my supplier but they have been charging \$0.1399 per kwh when current rate to compare is 1/2 that at \$0.0749 per kwh. Want restitution for overcharging. never received a letter or notice from [REDACTED] to renew or agree to any new contract pricing.

DETAILS OF THE COMPANY'S INVESTIGATION AFTER BCS CONTACT

10/21/2016 - [REDACTED] received an electronic notification from [REDACTED] advising [REDACTED] the customer cancelled the EGS agreement.

10/22/2016 - [REDACTED] sent the customer a letter, informing the customer it removed the EGS and the customer will begin receiving electric generation through purchases made by [REDACTED].

10/27/2016 - [REDACTED] received an enrollment notice from [REDACTED] an Electric Generation Supplier (EGS).

10/28/2016 - [REDACTED] sent the customer a confirmation letter, verifying the selection of [REDACTED]

COMPANY'S FINAL POSITION TO BCS

[REDACTED] followed the regulations of 57.173(2) regarding notifying the customer of a change of generation suppliers.

[REDACTED] cannot control or be held accountable for the actions or inactions of an EGS.

[REDACTED] cannot intervene on contractual issues between a customer and an EGS.

[REDACTED] requirement to have the customer contact the EGS directly to request a change of generation suppliers is compliant with the

EGW INFORMAL COMPLAINT REPORT

registrations found at 57.172.

[REDACTED] does not benefit from the electric generation shopping choices of its customers.

The customer's account balance as of 10/28/2016, is \$200.80.

The customer will receive one more bill statement showing the charges from [REDACTED] and [REDACTED]. On or about 11/01/2016, the customer is scheduled to begin receiving electric generation through [REDACTED].

Since this complaint does not involve a usage concern, [REDACTED] is not including an account activity statement with this report. If a statement is necessary, the investigator can view it on [REDACTED]. If the investigator needs access rights to this site, or has questions regarding this report, he or she should contact [REDACTED] at [REDACTED].

EGW FULL PAR REPORT

BCS Investigator: [REDACTED]
BCS Case Number: [REDACTED]
Prepared By: [REDACTED]

BCS Sent: 11/29/2016

BCS Receive :12/28/2016 12:16 PM

Phone: [REDACTED]

Prepared Date: 12/28/2016

GENERAL INFORMATION

Cust Name: [REDACTED]	Account Number: [REDACTED]
Svc Addr: [REDACTED]	Type of Account: Residential
	Heating: No Service: On
Mail Addr: [REDACTED]	Total Account Balance: \$2,956.45
	Firm Date: 11/28/2016 Budget:\$72.00
	CB Due Date:12/28/2016

Total Gross Income: \$0.00	Date Obtained: 11/29/2016	Adults:0
	Children:0	Family Size:

Payment Information	Amt to update most recent agreement:\$2,956.45	CAP Amount:
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Recent Payments

11/22/2016	\$250.00	NSF
11/16/2016	\$110.00	
3/4/2016	\$231.03	
1/18/2016	\$100.00	
1/11/2016	\$250.00	
1/6/2016	\$317.14	

Final Report Information

Did the company refer this customer to the Universal Service Program? Yes

Date of last contact with customer prior to current BCS complaint: 11/29/2016

Did the customer accurately state the company position at last contact? No

What did the company tell the customer at time of last contact?

"reviewed 4th med cert denied... gave phone number to dollar energy and said will be calling puc...wanted the PUC to take them off the budget so we can set up new company agreement informed that normally they have to have account paid to zero to get off agreement but a change occurred within the house they can go through the PUC to see if they will make changes to current budget.

Company Final position:

[REDACTED] company mailed [REDACTED] at [REDACTED] a 10-day nonpayment termination notice for the amount of \$ 1091.48 with a shut off date of 11/28/2016. The company has no record the notice was returned from the United States Postal Service. The company attempted to contact the customer on several separate occasions without success. The company records indicate on 11/23/2016 the customer contacted the company requesting a medical certificate faxed out. The company records indicate on 11/29/2016 the company contacted the customer and informed 4th medical certificate was denied. According to the income information the customer provided the PUC, the customer is within the Category I Level of the Negotiation Table Guidelines. The customer has been placed on 23 company agreements and 2 PUC agreements # [REDACTED] and # [REDACTED] and has defaulted on those agreements. The company requests the BCS dismiss this case.

Prior Agreement information

EGW FULL PAR REPORT

Type: PUC
Balance: \$2,283.74
Inc. Level: 1

Agree Date: 12/22/2014
Income: \$1,251.00
Terms: \$80 mo.+\$41 towards arrears

Begin Date: 5/5/2016
Expenses: \$0.00

Type: PUC
Balance: \$1,149.06
Inc. Level: 1

Agree Date: 1/2/2013
Income: \$1,682.00
Terms: \$103 Mo.; \$19 arrears, 3 occupants

Begin Date: 3/4/2013
Expenses: \$0.00

Type: Settlement
Balance: \$1,111.61
Inc. Level: 1

Agree Date: 9/28/2012
Income: \$0.00
Terms: \$208.11 by 10/13/12 then beginning 11/2/12 pay current bills plus \$29.15 toward arrears.

Begin Date: 11/2/2012
Expenses: \$0.00

Formal Complaint

*Filing this form begins a legal proceeding and you will be a party to the case.
If you do not wish to be a party to the case, consider filing an informal complaint.*

To complete this form, please type or print legibly in ink.

1. Customer (Complainant) Information

Provide your name, mailing address, county, telephone number(s), e-mail address and utility account number. It is your responsibility to update the Commission with any changes to your address and to where you want documents mailed to you.

Name _____

Street/P.O. Box _____ Apt # _____

City _____ State _____ Zip _____

County _____

Telephone Number(s) Where We Can Contact You During the Day:

(____) _____ (home) (____) _____ (mobile)

E-mail Address (optional): _____

Utility Account Number (from your bill) _____

If your complaint involves utility service provided to a different address or in a different name than your mailing address, please list this information below.

Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

2. Name of Utility or Company (Respondent)

Provide the full name of the utility or company about which you are complaining. The name of your utility or company is on your bill.

3. Type of Utility Service

Check the box listing the type of utility service that is the subject of your complaint (check only one):

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> ELECTRIC | <input type="checkbox"/> WASTEWATER/SEWER |
| <input type="checkbox"/> GAS | <input type="checkbox"/> TELEPHONE/TELECOMMUNICATIONS (local, long distance) |
| <input type="checkbox"/> WATER | <input type="checkbox"/> MOTOR CARRIER (e.g. taxi, moving company, limousine) |
| <input type="checkbox"/> STEAM HEAT | |

4. Reason for Complaint

What kind of problem are you having with the utility or company? Check all boxes below that apply and state the reason for your complaint. Explain specifically what you believe the utility or company has done wrong. Provide relevant details including dates, times and places and any other information that may be important. If the complaint is about billing, tell us the amount you believe is not correct. Use additional paper if you need more space. Your complaint may be dismissed without a hearing if you do not provide specific information.

- ☐ The utility is threatening to shut off my service or has already shut off my service.
- ☐ I would like a payment agreement.
- ☐ Incorrect charges are on my bill. Provide dates that are important and an explanation about any amounts or charges that you believe are not correct. Attach a copy of the bill(s) in question if you have it/them.
- ☐ I am having a reliability, safety or quality problem with my utility service. Explain the problem, including dates, times or places and any other relevant details that may be important.
- ☐ Other (explain).

Note: If your complaint is only about removing or modifying a municipal lien filed by the City of Philadelphia, the Public Utility Commission (PUC) cannot address it. Only local courts in Philadelphia County can address this type of complaint. The PUC can address a complaint about service or incorrect billing even if that amount is subject to a lien.

In addition, the PUC generally does not handle complaints about cell phone or Internet service, but may be able to resolve a dispute regarding voice communications over the Internet (including the inability to make voice 911/E911 emergency calls) or concerns about high-speed access to Internet service.

5. Requested Relief

How do you want your complaint to be resolved? Explain what you want the PUC to order the utility or company to do. Use additional paper if you need more space.

Note: The PUC can decide that a customer was not billed correctly and can order billing refunds. The PUC can also fine a utility or company for not following rules and can order a utility or company to correct a problem with your service. Under state law, the PUC cannot decide whether a utility or company should pay customers for loss or damages. Damage claims may be sought in an appropriate civil court.

6. Protection From Abuse (PFA)

Has a court granted a "Protection From Abuse" order that is currently in effect for your personal safety or welfare? The PUC needs this information to properly process your complaint so that your identity is not made public.

Note: You must answer this question if your complaint is against a natural gas distribution utility, an electric distribution utility or a water distribution utility AND your complaint is about a problem involving billing, a request to receive service, a security deposit request, termination of service or a request for a payment agreement.

Has a court granted a "Protection From Abuse" order for your personal safety or welfare?

YES ☐

NO ☐

If your answer to the above question is "yes," attach a copy of the current Protection From Abuse order to this Formal Complaint form.

7. Prior Utility Contact

a. Is this an appeal from a decision of the PUC's Bureau of Consumer Services (BCS)?

YES ☐

NO ☐

Note: If you answered yes, move to Section 8. No further contact with the utility or company is required. If you answered no, answer the question in Section 7 b. and answer the question in Section 7 c. if relevant.

b. If this is not an appeal from a BCS decision, have you spoken to a utility or company representative about this complaint?

YES ☐

NO ☐

Note: You must contact the utility first if (1) you are a residential customer, (2) your complaint is against a natural gas distribution utility, an electric distribution utility or a water utility AND (3) your complaint is about a billing problem, a service problem, a termination of service problem, or a request for a payment agreement.

- c. If you tried to speak to a utility company representative about your complaint but were not able to do so, please explain why.

Note: Even if you are not required to contact the utility or company, you should always try to speak to a utility or company representative about your problem before you file a Formal Complaint with the PUC.

8. Legal Representation

If you are filing a Formal Complaint as an individual on your own behalf, you are not required to have a lawyer. You may represent yourself at the hearing.

If you are already represented by a lawyer in this matter, provide your lawyer's name, address, telephone number, and e-mail address, if known. Please make sure your lawyer is aware of your complaint. If represented by a lawyer, both you and your lawyer must be present at your hearing.

Lawyer's Name _____

Street/P.O. Box _____

City _____ State _____ Zip _____

Area Code/Phone Number _____

E-mail Address (if known) _____

Note: Corporations, associations, partnerships, limited liability companies and political subdivisions are required to have a lawyer represent them at a hearing and to file any motions, answers, briefs or other legal pleadings.

9. Verification and Signature

You must sign your complaint. Individuals filing a Formal Complaint **must** print or type their name on the line provided in the verification paragraph below and **must** sign and date this form in **ink**. If you do not sign the Formal Complaint, the PUC **will not accept it**.

Verification:

I _____, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

(Signature of Complainant)

(Date)

Title of authorized employee or officer (only applicable to corporations, associations, partnerships, limited liability companies or political subdivisions)

Note: If the Complainant is a corporation, association, partnership, limited liability company or political subdivision, the verification **must** be signed by an authorized officer or authorized employee. If the Formal Complaint is **not signed** by one of these individuals, the PUC **will not accept it**.

10. Two Ways to File Your Formal Complaint

Electronically. You must create an account on the PUC's eFiling system, which may be accessed at <http://www.puc.pa.gov/efiling/default.aspx>.

Note: If you are appealing your Bureau of Consumer Services (BCS) decision, you must file your formal complaint by mail.

Mail. Mail the completed form with your original signature and any attachments, by certified mail, first class mail, or overnight delivery to this address:

Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, Pennsylvania 17120

Note: Formal Complaints sent by fax or e-mail will **not** be accepted.

If you have any questions about filling out this form, please contact the Secretary's Bureau at 717-772-7777.

Keep a copy of your Formal Complaint for your records.

**EXAMPLE 6:
CUSTOMER DISPUTE
REPORT**

UTILITY COMPANY REPORT

Customer Name: _____ Date _____
Service Address: _____ Account Number: _____
Mailing Address: _____

1. Customer's dispute: (Indicate the customer's original claim or dispute. If the dispute was received by mail, also attach a copy of that document):
2. Company's position: (Describe the results of the investigation (i.e., checked records, etc.) Also, describe the resolution or explanation (i.e., credited account, etc.)
3. We will not shut off your service (applies to EDC) or cancel your service contract (applies to EGS) during the dispute process, including both informal and formal complaints, as long as you pay all undisputed bills.
4. You may make payments to (name of EDC/EGS) by mail, or get more information by calling us at (telephone number) or writing us at (address).
5. If you do not agree with this dispute report, you should file an informal complaint with the Pennsylvania Public Utility Commission within ten (10) days of the date of this report or the mailing date of this report to protect all of your rights. The PUC office where you could file an informal complaint is:

Pennsylvania Public Utility Commission
Bureau of Consumer Services
P. O. Box 3265
Harrisburg, PA 17105-3265
1-800-782-1110

PROCEDURE FOR FILING AN INFORMAL COMPLAINT

(over or see next page)

You can file an informal complaint by calling or writing the PUC. You must include the following information:

- a. The customer's name.
- b. The customer's address, and if different, the service address.
- c. The telephone number of the ratepayer.
- d. The customer's account number, if there is one.
- e. The utility company's name.
- f. A brief statement of the dispute.
- g. Whether the company has already investigated and reported on the dispute.
- h. Whether you filed the same formal or informal complaint with the PUC in the past.
- i. The proposed shut-off date, if any.
- j. What you want the PUC to do.

6. As of _____ (enter date, the date may not be earlier than the due date of the bill or 15 days after the issuance of this report, whichever is later), your account will be overdue unless you make a payment agreement with us or file a complaint with the PUC.

NOTE: Number 7 or 8 may apply to your dispute, or both may apply. There is a check next to the one or ones that do apply.

7. BILLING DISPUTE:

Attached is an itemized statement of your account showing the amount of credit and the proper amount due. Due = \$ _____.

As of _____, your account will be overdue unless you make a payment agreement with us or file a complaint with the PUC.

8. OTHER THAN A BILLING DISPUTE: (termination-related disputes):

We will shut off your service on _____ unless you:

- a. _____, or
- b. make a settlement or payment agreement with us for the amount you owe, or
- c. file an informal complaint with the PUC.

Company Representative:

Date Report Communicated to Customer:

_____ Written report requested

_____ Customer satisfied with company report.

**EXAMPLE 7:
THIRD PARTY
NOTIFICATION**

APPENDIX E. THIRD-PARTY NOTIFICATION

Once in a while, for one reason or another, a customer fails to pay his or her <UTILITY> bill. Under the Third-Party Notification program, <UTILITY> will notify you and another person you choose to receive copies of shut-off notices. The third-party can be a trusted relative, friend, clergy member, or social service agency. The Third-Party Notification program is voluntary and can help you if you are hospitalized, away from home for extended periods of time or homebound. The third-party is not responsible for paying your bills and this program will not stop <UTILITY> from shutting off your <UTILITY> service if you do not pay your bills. When a third-party contacts <UTILITY> about the shut off notice, we will tell them what you can do to stop the shut off. The third-party does not have the right to make a payment agreement for you.

To sign up, both you and the third-party must complete and sign the form below. Do not return this with your bill, return it to:

<UTILITY NAME>

<UTILITY ADDRESS>

<CITY, STATE, POSTAL CODE>

IMPORTANT THINGS TO REMEMBER:

- * Notify us immediately if you want to change or drop your third-party.
- * Notify us if your third-party moves.
- * Notify us if you move and you want the third-party transferred to your new address.

Please sign me up for the third-party Notification program. By completing this form and returning it to <UTILITY>, I request that a copy of any shut off notice be given to the person or agency named below.

CUSTOMER NAME:

<UTILITY> ACCOUNT/CUSTOMER NUMBER:

CUSTOMER ADDRESS:

CUSTOMER SIGNATURE:

DATE:

Receipt of a copy of a shut off notice by the third-party does not place any obligation on that party to pay the <UTILITY> bill for the customer named above nor will it necessarily stop shut off if payment is not made. The notice simply reminds the third-party of a chance to help the customer solve the problem.

THIRD-PARTY NAME:

THIRD-PARTY ADDRESS:

THIRD-PARTY SIGNATURE:

DATE:

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

(Pursuant to Commonwealth Documents Law)

**RECEIVED
IRRC**

2017 FEB -6 PM 2:01

DO NOT WRITE IN THIS SPACE

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

BY 
(DEPUTY ATTORNEY GENERAL)

NOV 15 2016

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)

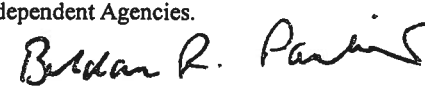
DOCUMENT/FISCAL NOTE NO. L-2015-2508421/57-315

DATE OF ADOPTION 7/21/2016

BY 
Rosemary Chiavetta

TITLE Secy.
(SECRETARY)

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

BY 
Bohdan R. Pankiw
Chief Counsel

7/21/2016

DATE OF APPROVAL

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

L-2015-2508421/57-315
Proposed Rulemaking
Rulemaking to Amend the Provisions of
52 Pa. Code, Chapter to 56 to Comply with the
Amended Provisions of 66 Pa. C.S. Chapter 14
52 Pa Code, Chapter 56

The Pennsylvania Public Utility Commission on July 21, 2016, adopted a proposed rulemaking order to amend the provisions of 52 Pa. Code, Chapter to 56 to comply with the amended provisions of 66 Pa. C.S. Chapter 14. The contact persons are Patricia T. Wiedt, Assistant Counsel, Law Bureau, (717) 787-5000 (pwiedt@pa.gov); Daniel Mumford, Office of Competitive Market Oversight, (717) 783-1957 (dmumford@pa.gov); and Matthew Hrivnak, Bureau of Consumer Services, (717) 783-1678 (mhrivnak@pa.gov).

EXECUTIVE SUMMARY
L-2015-2508421/57-315
PROPOSED RULEMAKING

Rulemaking to Amend the Provisions of 52 Pa. Code, Chapter 56 to Comply with the Amended
Provisions of 66 Pa. C.S. Chapter 14

Act 155 of 2014 reauthorized and amended Chapter 14 of the Public Utility Code (66 Pa. C.S. §§ 1401-1419), Responsible Utility Customer Protection. The Act is intended to protect responsible bill paying customers from rate increases attributable to the uncollectible accounts of customers by providing public utilities with the collection mechanisms and procedures to promote timelier collections, while protecting vulnerable customers by ensuring that utility service remains available to all customers on reasonable terms and conditions. The legislation is applicable to electric distribution utilities, water distribution utilities, natural gas distribution utilities, steam heat utilities, and wastewater utilities. Chapter 56 of the Pennsylvania Code at 52 Pa. Code §§ 56.1 *et seq.* (relating to standards and billing practices for residential utility service) must be revised because amended Chapter 14 supersedes a number of Chapter 56 regulations, and the Commission is directed to revise Chapter 56 and promulgate regulations to administer and enforce Chapter 14. Pursuant to the authority of Sections 501, 1301, 1501, and 1509 of the Public Utility Code, the Commission is amending its existing regulations in Chapter 56 of the Pennsylvania Code.

The contact person for this proposed rulemaking is Patricia T. Wiedt, Assistant Counsel, Law Bureau (717) 787-5000, (pwiedt@pa.gov); Alyson Zerbe, Regulatory Coordinator, Law Bureau, (717) 772-4597, (alzerbe@pa.gov); Daniel Mumford, Office of Competitive Market Oversight (717) 783-1957, (dmumford@pa.gov); and Matthew Hrivnak in the Bureau of Consumer Services (717) 783-1678 (mhrivnak@pa.gov).

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

Public Meeting held July 21, 2016

Commissioners Present:

Gladys M. Brown, Chairman
Andrew G. Place, Vice Chairman
John F. Coleman, Jr.
Robert F. Powelson
David W. Sweet, Absent

Rulemaking to Amend the Provisions of
52 Pa. Code, Chapter 56 to Comply with the
Amended Provisions of 66 Pa. C.S. Chapter 14

Docket No. L-2015-2508421

NOTICE OF PROPOSED RULEMAKING ORDER

BY THE COMMISSION:

On October 22, 2014, Governor Corbett signed into law HB 939, or Act 155 of 2014. This law became effective on December 22, 2014. The Act reauthorized and amended Chapter 14 of the Public Utility Code (66 Pa. C.S. §§ 1401-1419) (Responsible Utility Customer Protection). The Act is intended to protect responsible bill paying customers from rate increases attributable to the uncollectible accounts of customers by providing public utilities with the collection mechanisms and procedures to promote timelier collections, while protecting vulnerable customers by ensuring that utility service remains available to all customers on reasonable terms and conditions. The legislation is applicable to electric distribution utilities, water distribution utilities, natural gas distribution utilities, steam heat utilities, and wastewater utilities.

Chapter 56 of the Pennsylvania Code at 52 Pa. Code §§ 56.1–56.461 (relating to the standards and billing practices for residential utility service) must be revised because

the amended Chapter 14 supersedes a number of Chapter 56 regulations, and the Commission is directed to revise Chapter 56 and promulgate regulations to administer and enforce Chapter 14. Five years after the effective date and every five years thereafter, the Commission also must report to the General Assembly regarding the implementation and effectiveness of the amended Act. Chapter 14 expires on December 31, 2024, unless reenacted.

As the initial step of the implementation process, on December 10, 2014, the Commission issued a Secretarial Letter alerting all affected utilities to some of the more significant provisions of Chapter 56 that have been superseded by Act 155.¹ On that same day, the Commission issued another Secretarial Letter directed to steam heat, wastewater, and natural gas distribution utilities reminding them that Act 155 now makes Chapter 14 applicable to all of these entities.²

Secondly in the implementation process, the Commission, in a January 15, 2015 Tentative Order, proposed to start addressing the more urgent implementation matters. See *Tentative Order, Chapter 14 Implementation*, Docket Number M-2014-2448824 (Order entered January 15, 2015) (*Tentative Order*). The comments from this *Tentative Order* assisted us with drafting these regulations.

In reviewing Act 155, the Commission identified in the *Tentative Order* the following two issues as being the most need of immediate attention:

- Section 1403, Definition of *Medical Certificate*: The Commission is approving the “form” that a medical certificate must take.

¹ See Secretarial Letter re: *Act 155 of 2014 Implementation*, Docket No. M-2014-2448824 (December 10, 2014); and *52 Pa. Code Chapter 56*.

² See Secretarial Letter re: *Act 155 of 2014 Applicability and Implementation*. Docket No. M-2014-2448824 (December 10, 2014).

- Section 1410.1(3) and (4): Utility reporting requirements concerning accounts with arrearages in excess of \$10,000.00 and annual reporting of medical certificate usage.

Sixteen interested parties submitted comments in response to the *Tentative Order*: Aqua Pennsylvania (Aqua); the Coalition for Affordable Utility Service and Energy Efficiency in Pennsylvania (CAUSE); Columbia Gas of PA (Columbia); the Consumer Advisory Council (CAC); the Disability Rights Network of Pennsylvania, MidPenn Legal Services, Neighborhood Legal Services Association and the Pennsylvania Health Law Project (collectively DRN); Duquesne Light (Duquesne); Energy Association of Pennsylvania (EAP); Metropolitan Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company and West Penn Power Company (FirstEnergy); MidPenn Legal Services – Lancaster County (MidPenn); National Fuel Gas Distribution Corporation (NFGDC); the Office of Consumer Advocate (OCA); PECO Energy Company (PECO); the Philadelphia Gas Works (PGW); Peoples Natural Gas (Peoples); PPL Electric Utilities Corporation (PPL); and the Tenant Union Representative Network and Action Alliance of Senior Citizens of Greater Philadelphia (collectively TURN).

On July 9, 2015, the Commission issued *Final Order, Chapter 14 Implementation*, Docket No. M-2014-2448824 (Order entered July 9, 2015) (*Implementation Order*). In the *Implementation Order*, the Commission issued guidance as to the form and content of a medical certificate. Additionally, we summarized our guidelines for 66 Pa. C.S. § 1410.1(3) (relating to public utility duties) regarding reporting requirements for accounts exceeding \$10,000 in arrearages. We further summarized our guidelines for Section 1410.1(4) (relating to public utility duties) regarding reporting requirements for medical certificates. We ask that the parties comment further on these guidelines and the proposed amendments reflecting them in Chapter 56 at Annex A, 52 Pa. Code §§ 56.2, 56.252, 56.113, 56.353, 56.231, and 56.461.

At this point in our implementation process, we have addressed numerous issues involving the application of the amended Chapter 14 provisions. However, we must still address the remaining amended Chapter 14 provisions, including amending the definitions of *applicant*, *customer*, and *public utility*, and clarifying 90-day deposit payment period, revised credit methodology, and the expanded protection from abuse orders (PFAs) to include other court orders. With this Order, we propose revised Chapter 56 provisions to incorporate these amended statutory provisions into our regulations.

Upon consideration of the amended Chapter 14 and all of the comments received to date, we propose adoption of the regulations set forth in Annex A. This action continues the process of revising our Chapter 56 regulations. As provided for under law at 71 P.S. § 745.5, the Commission now seeks comments on the proposed regulations. Persons submitting comments are requested to provide supporting justification for requested revisions and to propose suggested regulatory language for incorporation into the final-form regulations.

Additionally, we are seeking comments from parties relating to the protection from abuse (PFA) subchapters L-V and the language in the amended 66 Pa. C.S. § 1417, “or a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence against the applicant or customer.” Commentators should include suggested language relating to these other court orders.

We are also seeking comments from parties on material that should be included in the Commission’s privacy guidelines. Amended Chapter 14 referenced the Commission’s privacy guidelines at 66 Pa. C.S. § 1406(b)(1)(ii)(D) (relating to notice of termination of service) that emails, text messages or other electronic messaging must be consistent with the Commission’s privacy guidelines.

Commentators should also include in their comments a specific estimate of the costs and/or savings associated with compliance with these proposed changes, including any legal, accounting, or consulting procedures which may be required and explain how the dollar estimates were derived.

In addition to the changes to make Chapter 56 consistent with the amended Chapter 14, we also are proposing changes to align with other recent regulatory changes such as those in Chapter 57 (relating to electric service) intended to accelerate the switching of electric generation service (52 Pa. Code §§ 57.1 – 57.259). We also propose some minor revisions to Section 56.100(i) to clarify what is expected of the February winter survey update. Additionally, we are proposing a change to clarify that the burden of proof remains with the party who filed the informal complaint at Sections 56.173 and 56.403. Finally, we propose some minor revisions to the collections reporting data dictionary in the Appendix C to Chapter 56 to help alleviate some confusion and to make the Chapter 56 reporting requirements more consistent with those found in Chapters 54 and 62 (relating to electricity generation customer choice and natural gas supply customer choice) (52 Pa. Code §§ 54.75 and 62.5). For a summary of all changes and additions to Chapter 56, see Attachment One to this Order.

Accordingly, under Sections 501, 504, and 1401-1418 of the Public Utility Code, 66 Pa.C.S. §§ 501-504, and 1401-1418; 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 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 Law Bureau shall submit this 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 for fiscal impact.
3. That the Law Bureau shall submit this Order and Annex A for review and comment to the Independent Regulatory Review Commission and Legislative Standing Committees.
4. That the Law Bureau shall deposit this Order, Attachment One and Annex A, with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.
5. That interested parties may submit written comments, within 60 days from the date the notice is published in the *Pennsylvania Bulletin*, to Rosemary Chiavetta, Secretary of the Pennsylvania Public Utility Commission, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. The comments should reference the docket number of the proposed rulemaking. All comments shall be posted on the Commission website.
6. That the Secretary shall serve this Order upon all jurisdictional electric utilities, natural gas utilities, steam, water, and wastewater utilities, electric generation suppliers, natural gas suppliers, the Office of Consumer Advocate, the Office of Small Business Advocate, and all parties that submitted comments at this Docket. The Order, Attachments and Annex A shall be posted and made available electronically on the

Commission's website. Additionally, the Order, with Attachment and Annex A will be published by the *Pennsylvania Bulletin*, and a copy of each may also be obtained by calling the Secretary's Bureau at 717-772-7777 or the Law Bureau at 717-787-5000.

7. The contact persons for this matter are Daniel Mumford in the Office of Competitive Market Oversight (717) 783-1957, Matthew Hrivnak in the Bureau of Consumer Services (717) 783-1678, and Patricia T. Wiedt in the Law Bureau (717) 787-5000.

BY THE COMMISSION

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is fluid and cursive, with the first name "Rosemary" being more prominent than the last name "Chiavetta".

Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: July 21, 2016

ORDER ENTERED: July 21, 2016

ATTACHMENT ONE

§ 56.1. Statement of purpose and policy.

We are revising this section to expand the applicability of subchapters B-K to wastewater, steam heat and small natural gas companies, in order to align with the revised definition of *public utility* at 66 Pa. C.S. § 1403 (relating to definitions). Additionally, to align with revised 66 Pa. C.S. § 1417 (relating to nonapplicability), we are also revising this section to clarify that subchapters L-V now apply to not only all customers who have been granted protection from abuse orders but also to customers with a court order providing clear evidence of domestic violence against the applicant or customer and issued by a court of competent jurisdiction in this Commonwealth.

§ 56.2. Definitions.

We are revising the definitions of *applicant*, *customer*, and *public utility* to reflect the revised Chapter 14 definition at 66 Pa. C.S. § 1403. We also are adding the definitions of *creditworthiness* and *medical certificate* to this Section because they now appear in the revised 66 Pa. C.S. § 1403. We are changing the definition of *payment agreement* to *payment arrangement* to reflect the change in terminology in Chapter 14. We are changing this term throughout subchapters B-K wherever the term *payment agreement* was used. We are adding the definitions of *small natural gas distribution utility*, *steam heat utility* and *wastewater utility* to this section to reflect that these entities are now covered by subchapters B-K (see above concerning Section 56.1, Statement of purpose and policy). Because these entities are now all considered *public utilities* by Chapter 14 and are no longer treated distinctly, we have changed the term “utility” to “public utility” throughout the chapter. We also are adding a definition of *physician assistant* since Chapter 14 now permits the filing of medical certificates by physician assistants. Accordingly, we think it is important that this term be defined. This definition is based upon 49 Pa. C.S. § 18.51(b) (relating to the role of physician assistant).

We propose revising the definition of *billing month* to allow short-period bills in instances where a customer's change of commodity supplier necessitates the issuance of a short-period bill in order to effectuate a timely switch of supplier. Recent regulatory changes intended to accelerate the switching of electric generation service now make it possible to switch commodity service in as little as three business days. See 52 Pa. Code §§ 57.173, 57.174 and 57.180 (relating to customer contacts the EGS to request a change in electric supply service; time frame requirement; and implementation). Some utilities, as part of the switching process, will issue a short-period bill to conclude the customer's connection with his or her current supplier, so that billing with the new supplier can start within the three business day timeframe. The Commission has already issued temporary waivers of the current Section 56.1 definition of *billing month* to facilitate this process,³ and we believe it is necessary to codify this change in billing procedures to eliminate the need for repeated waivers in the future.

§ 56.12. Meter reading; estimated billing; customer readings.

We propose adding a new paragraph (6) - *Verification of automatic meter reading* to incorporate the new requirement at Section 1411 of the *Public Utility Code* (relating to automatic meter readings) that utilities verify meter readings at the request of the customer.

§ 56.32. Security and cash deposits.

We propose to revise subsection (a) and to add a new subsection (d) to align with the new deposit payment timeframes provided for in Section 1404(a) (related to cash deposits and household information requirements). Additionally, we propose revising subsection (a)(2) to note that creditworthiness standards must be provided in a Commission-approved tariff, per Section 1404(a)(2). We propose a new subsection (e) to

³ See *Petition of PECO Energy Company for Temporary Waiver of Regulations Related to the Required Days In a Billing Period*, Docket P-2014-2446292 (Public Meeting December 4, 2014).

align with the new Section 1404(a.1) prohibition on customer assistance program (CAP)-eligible customers and applicants paying deposits.

§ 56.36. Written procedures.

We propose revising subsection (b) to include incorporation into the utility's written credit procedures the above-noted deposit exception for CAP-eligible applicants, per Section 1404(a.1). We also propose including in the procedures the availability of alternative credit standards, pursuant to Section 1417, for applicants with a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence, in addition to the those applicants who have been granted protection from abuse orders. We likewise propose revising paragraph (b)(1) to include a requirement that utilities provide this information to applicants in writing when credit is denied.

§ 56.38. Payment period for deposits by applicants.

We propose revising subsection (a) to align with the new deposit payment timeframes provided for in Section 1404(a) that an applicant has up to 90 days to pay the deposit.

§ 56.41. General rule.

We propose adding a new paragraph (4) to align with the new Section 1404(a.1) prohibition on CAP-eligible customers and applicants paying deposits.

§ 56.42. Payment period for deposits by customers.

We are revising subsection (d) to align with the new 90 day deposit payment timeframes provided for in Section 1404(a).

§ 56.53. Deposit hold period and refund.

We are eliminating the 24-month deposit retention limit in subsection (a) to align with the same elimination in Section 1404(c)(1).

§ 56.57. Interest rate.

The mechanism for determining the interest rate applied to security deposits is being changed to align with the change at Section 1404(c)(6).

§ 56.82. Timing of Termination.

Section 1406(d) now only allows a utility to terminate service (for the grounds found at 1406(a) (relating to authorized termination)) Monday through Thursday. We propose revising § 56.82 to align with this new restriction.

§ 56.91. General notice provisions and contents of termination notice.

We are revising the information directed to customers on written 10-day termination notices in paragraph (b)(11) to include notice to customers that, pursuant to Section 1417, the special protections available for victims under a protection from abuse order are now also available to those customers with a court order providing clear evidence of domestic violence and issued by a court of competent jurisdiction in this Commonwealth.

§ 56.93. Personal contact.

We are revising this section to provide for the optional use of electronic messaging for providing three-day personal notice of termination, per Section 1406(b). We invite comment on the privacy protections and customer consent practices that should be required in the context of electronic messaging. *See* 66 Pa. C.S. § 1406(b)(1)(ii)(C) and (D).

§ 56.94. Procedures immediately prior to termination.

We are revising paragraph (3), addressing procedures for handling dishonored payments in the context of the termination process, to align with Section 1406(h) (relating to termination of utility service) that termination of service may proceed if a customer tenders payment electronically that is subsequently dishonored, revoked, canceled or is otherwise not authorized and which has not been cured or otherwise made full payment within three business days of the utility's notice to the customer.

§ 56.97. Procedures upon customer or occupant contact prior to termination.

We are revising paragraph (a)(3) to require utilities to provide universal service program information to consumers upon contact from a consumer during the termination process pursuant to Section 1410.1(1) and (2) (relating to public utility duties).

§ 56.100. Winter termination procedures.

We are revising subsection (i) to clarify that the February update of the survey of households without heating service in the winter is to include households terminated in December. Commission staff and utilities have encountered questions about this requirement because the current language is unclear on this point. By failing to include any December terminations, the survey result reported by utilities on February 1 is not a complete picture of the households without utility service in the winter. This proposed revision is intended to correct that possible problem.

§ 56.111. General provision.

The revised Chapter 14 now includes a definition of medical certificate at Section 1403, so we propose to remove the definitional information from Section 56.111 and place it in the definitions at Section 56.2. We also refer to *physician assistant* in addition to *physician* and *nurse practitioner* in order to align with the new definition at Section 1403.

§ 56.113. Medical certifications.

The Commission, in a January 15, 2015 Tentative Order, proposed to start addressing the more urgent Chapter 14 implementation matters. See *Tentative Order, Chapter 14 Implementation*, Docket Number M-2014-2448824 (Order entered January 15, 2015) (*Tentative Order*). In this *Tentative Order*, the Commission identified the Section 1403 definition of *Medical Certificate* and the “form” that a medical certificate must take as an urgent priority and asked parties to submit comments. Upon careful review of the comments filed by sixteen participating parties, on July 9, 2015, the Commission issued *Chapter 14 Implementation Final Order*, Docket No. M-2014-2448824 (Order entered July 9, 2015) (*Implementation Order*). In the *Implementation Order*, the Commission issued guidance as to the form and content of a medical certificate, and directed that this guidance will remain applicable until this matter can be more fully addressed in a Chapter 56 rulemaking.

To summarize the guidance the Commission provided in the *Implementation Order* as to the *form* a medical certificate shall take in accordance with Section 1403:

1. A written letter or note is permissible as long as it includes the required content.
2. Utilities may develop a form and encourage its use – but its use cannot be mandatory.
3. Utilities that develop such a form are encouraged to make these readily available to medical professionals and customers, including placement on the utility’s website.
4. Electronic signatures are valid.
5. Medical certificates that are electronically transmitted (i.e. faxed, emailed, etc.) are valid.

To summarize our guidance as to the *content* of medical certificates, superseding the regulation at 52 Pa. Code § 56.113(1) - (5):

1. All certifications must be written. The initial oral medical certification with a 7-day window to verify in writing is no longer valid.
2. The name and address of the customer or applicant in whose name the account is registered.
3. The name and address of the afflicted person and relationship to the customer or applicant.
4. The anticipated length of the affliction.
5. The name, office address, and telephone number of the certifying physician, nurse practitioner, or physician assistant.
6. The signature of the certifying physician, nurse practitioner, or physician assistant.

As we explained in the *Implementation Order*, we do not read the Section 1403 definition of medical certificate to literally mean “a form.” The word “form” in this section is used more in the sense of “manner” as in “a *manner* approved by the Commission.” Utilities are free to develop a standard “form” and can encourage its use, its use cannot be mandatory. We encouraged utilities to make any such form readily available, including ideally placing such form on each utility’s website. In this rulemaking order, we propose that if the utility has a medical certificate form that they are required to place this form on the utility’s website. Some parties in this proceeding suggested that a collaborative develop a single, statewide standard form – an idea that we agreed may have merit but should await the promulgation of the Chapter 56 medical certification regulations.

Also concerning the *form* of the medical certificate, the Commission declared that, in adding the definition of medical certificate to Chapter 14, the General Assembly gave

clear and unambiguous direction on two key aspects of medical certificates: (1) that they must be written documents; and (2) that they must be signed. Accordingly, the Section 56.113 allowance of verbal medical certificates is legally incompatible with this new definition. Allowing the status quo regarding verbal medical certificates to continue would subvert the intent of the legislature's inclusion of the "written" and "signed" requirements. All medical certifications must be written.⁴ Therefore, the initial oral certification with a 7-day window to verify in writing is no longer valid. 52 Pa. Code § 56.113 (relating to medical certifications). We also noted that this interpretation does not change the current regulation at 52 Pa. Code § 56.112 which provides for a three-day postponement of termination pending receipt of a medical certificate.

As for the contents of a medical certificate at Section 56.113, several parties identified a major concern—specifically the requirements in Section 56.113(3) and (4) which require the medical certificate to include the "nature and anticipated length of the affliction" and the "specific reason for which the service is required." Some parties pointed out that this requires the medical professional to divulge information about the patient's medical condition to the utility – contrary to the privacy and confidentiality of personal medical information that patients have come to expect. The Commission agreed that the "nature" of the affliction found at 52 Pa. Code § 56.113(3) and the specific reason for which service is required found at 52 Pa. Code § 56.113(4) were no longer appropriate nor are they needed. Accordingly, we propose eliminating the "nature" of the affliction and "the specific reason for which service is required" as part of this regulation. However, we do not see the "length of the affliction" at 52 Pa. Code § 56.113 (3) in this same subsection as being contrary to patient expectations of privacy; in fact, the utility needs to know this information so as to determine the duration of the medical certificate. *See* 52 Pa. Code § 56.114. Some parties have suggested that the medical professional's

⁴ Electronically transmitted (i.e., faxed, emailed, etc.) medical certificates are considered "written," and thus meet the new requirements of Section 1403. *See also* 73 P.S. § 2260.303.

license number be included as a required element on a medical certificate. We invite parties to comment on this possibility.

We also invite parties to comment on any other medical certificate issues they think need to be addressed. For example, some parties have previously asked the Commission to clarify or revise the payment obligations of customers while protected by a medical certificate. *See* 52 Pa Code § 56.116. Some parties have asked that the obligation to pay include not only current bills, but also payment towards the arrears. We ask parties that comment on this issue to include an analysis of the ability of the Commission to order payment arrangements be negotiated in these situations in the context of the restrictions upon the Commission found in Section 1405. *See* 66 Pa. C.S. § 1405 (relating to payment arrangements).

§ 56.163. Commission informal complaint procedure.

We propose adding language to paragraph (1) to permit an informal complainant to receive a copy of the documents the utility provides Commission staff in response to an informal complaint. The opportunity to review this information is intended to protect the complainant's due process rights. We acknowledge that there may be some relatively rare instances where these documents may refer to parties other than the complainant. In these instances, the utility is directed to redact any information that may compromise the privacy or personal security of a third party.

§ 56.173. Review from informal complaint decisions of the Bureau of Consumer Services.

We propose revising this language to clarify that the burden of proof remains with the party who filed the informal complaint. This language simply makes this provision consistent with existing Commission practices.

§ 56.191. Payment and timing.

We are revising paragraph (c)(1) to ensure that the information notifying customers of the special protections that may be available for victims under a protection from abuse order may also now be available to those customers with a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence, pursuant to Section 1417. *See* 66 Pa. C.S. § 1417 (relating to nonapplicability).

We are also adding subsection (f) to address procedures for handling dishonored payments tendered by a customer to reconnect service, per Section 1407(c)(3).

§ 56.201. Public information.

We are revising paragraph (b)(13) to ensure that the information directed to customers concerning the special protections that may be available for victims under a protection from abuse order may now also be available to those customers with a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence under Section 1417. *See* 66 Pa. C.S. § 1417 (relating to nonapplicability).

§ 56.231. Reporting requirements.

We propose adding a new requirement at paragraph (a)(13) that requires the utility to report on its usage of electronic formats since Section 1406(b)(1)(ii)(C) now permits utilities to provide 3-day notice of termination by this method in addition to the current reporting of notices by telephone and in person.

We are adding subsections (b)(11), (b)(12), and (c) to incorporate the new reporting requirement at Section 1410.1(3) and (4) involving the annual reporting of accounts exceeding \$10,000 in arrears and the number of medical certificates used by consumers. 66 Pa. C.S. § 1410 (relating to public utility duties). In its *Tentative Order*,

the Commission identified the new reporting requirements at Section 1410.1 as a priority and asked parties to submit comments. In its *Implementation Order*, the Commission issued guidance as to how utilities should comply with these new reporting requirements, and directed that this guidance will remain applicable until this matter can be more fully addressed in a Chapter 56 rulemaking.

Concerning the annual reporting of medical certificate usage, many parties summarized three possible interpretations of Section 1410.1(4) – noting that it could be read as:

1. To require a single number: the number of medical certificates *and* renewals that have been submitted *and* accepted.
2. To require four separate numbers, as proposed in the *Tentative Order*: (1) the number of initial medical certificates submitted; (2) the number of initial medical certificates accepted; (3) the number of renewals submitted; and (4) the number of renewals accepted.
3. To require: (1) the number of medical certificates and renewals that have been submitted; and (2) the number of medical certificates and renewals that have been accepted.

Many parties found that the third of these approaches is reasonable, and the Commission agreed. The Commission opined that the first interpretation, a single number, would not provide enough detail on a utility's role in overseeing medical certificates, and the second interpretation may require too much information, especially given the limitations in utility data-gathering abilities. The Commission stated that expanding this requirement to require further itemization is best left to a rulemaking where this issue can be fully vetted, and we accordingly invite parties to comment on this.

Concerning the annual reporting of accounts with arrears exceeding \$10,000, the Commission noted that this reporting requirement appears to differ significantly from the

traditional utility reporting requirements. Most traditional reporting requirements consist of aggregate data (numbers, sums, totals, averages, etc.). However, with the direction to report annually “residential customer accounts which have accumulated \$10,000 or more in arrearages,” it appears that the General Assembly envisioned the reporting of specific accounts in lieu of a “number of accounts” or “averages.” If this section is interpreted to mean that utilities are expected to submit account specific data, this presents us with another series of questions. Assuming specific customer accounts are to be reported to the Commission, we asked parties to comment upon what information concerning these accounts is needed and appropriate. We noted that the information reported has to be sufficient for the effective monitoring of utility collection practices while at the same time not compromising the customers’ privacy, especially in the context of the Commonwealth’s Right-to-Know Law.⁵ In the *Implementation Order*, we also noted that, while the statute specifies that this reporting should take place “annually,” it is silent as to the precise timing and methodology. We invited comments as to whether the Commission should designate an annual “snapshot” date for these reports or possible alternatives to the “snapshot” approach.

Upon careful review of the comments submitted by the parties, we provided the following guidance concerning the data required to comply with Section 1410.1(3):

- A. Utilities shall examine their active (i.e. accounts not final-billed) residential accounts at the conclusion of each calendar year. Any account with an arrearage at or exceeding \$10,000 at the time of this “snapshot” shall be reported to the Commission by April 1 of the following year.

⁵ Pennsylvania Right to Know Law (RTK), 65 P.S. §§67.101, *et seq.* For more information on the PUC’s “Right to Know” procedures, see http://www.puc.pa.gov/filing_resources/obtain/file_information/right_to_know_policies_and_procedures.aspx.

- B. Accounts where someone has presented a Protection From Abuse (PFA) order, or a court order which provides clear evidence of domestic violence, to the utility shall not be included in the reporting regardless of the level of arrearages.
- C. Each account reported shall be identified to the Commission with a unique label that the utility can match to the account in question. The same unique identifier for each account shall be used in any subsequent reporting to identify that same account.
- D. Customer names, addresses, account numbers, phone numbers, email addresses, Social Security numbers or any other information that could be used to identify the customer shall not be included.
- E. The information concerning each of the accounts shall include the following:
 - 1. Unique account identifier;
 - 2. The account balance as of the time of the “snapshot;”
 - 3. The date the account was established;
 - 4. The average monthly bill amount for the previous 12 months;
 - 5. The number of Commission informal or formal complaints;
 - 6. The number of company payment arrangements;
 - 7. The number of times the customer’s service was terminated for non-payment.
- F. Reporting shall begin, under these interim guidelines, with calendar year 2015 – with the first annual report due to the Commission by April 1, 2016.
- G. The Commission may request more detailed follow-up information on specific accounts.
- H. Reports shall be filed at Docket No. M-2014-2448824, with an electronic copy sent to the Director of the Commission’s Bureau of Consumer Services.

- I. Reports shall be formatted per a specific electronic spreadsheet format provided by Commission staff. The Commission will provide this electronic format by September 1, 2015.

Implementation Order, page 18.

Customer names, addresses, account numbers, phone numbers, email addresses, Social Security numbers or any other information that could be used to identify the customer shall not be included. "Rate class" is not necessary as a data point because this reporting is applicable only to residential customers, per the definition of "customer" at Section 1403 and the language of Section 1410.1(3), which specifies "residential customer accounts."

We agreed with several utilities that the reporting deadline should be April 1 instead of March 1, so as to align with other annual collections reporting requirements found in 52 Pa. Code §§ 54.75 and 56.231. Most parties agreed that this reporting requirement is intended to collect data on individual accounts – not just aggregate data. We note that if the General Assembly had wanted just general, aggregate data (totals, averages, percentages, etc.) it could easily have asked for such. In fact, it did just that in paragraph (4) in Section 1410.1 where it specifies "number" when discussing the reporting of medical certificates. The lack of the word "number" – as in "number of accounts" - in paragraph (3) concerning the \$10,000 arrearage reporting requirement cannot be ignored.

As we did in the *Tentative Order*, we are proposing a "snapshot" approach, picking December 31 and requiring the reporting of any account at or exceeding the \$10,000 arrearage level as of that date. Almost all parties agreed that the reporting of accounts should be done in a manner to protect the identity and privacy of customers and this is what we have proposed. We propose that the accounts reported should be labeled with a unique identifier known only to the utility which protects the identity of the

customer. The unique identifier shall allow the utility and the utility alone to identify the account in case additional information is requested on that account. The unique identifier shall also be used for that same account in any subsequent reporting so that the Commission can determine to what extent the same accounts are appearing on the report year after year. This ability to detect repeated appearances of the same account on subsequent reports is essential in fulfilling the General Assembly's intent that the Commission closely monitor the effectiveness of utility collection activities.

The parties offered many different opinions on just what type of accounts should be or should not be included in the reporting. We agreed with parties that advised the reporting should only include accounts that are "active" (i.e. not final-billed) at the time of the reporting, because we want to focus this reporting on accounts that are active and can have active collection actions applied. Once an account is final-billed, collection options become more limited.

Several parties pointed out other account types that they think should be excluded from this reporting requirement for various reasons. These included CAP accounts; landlord-ratepayer accounts; bankruptcy related accounts; accounts involving civil litigation; accounts on an amortization or payment agreement; accounts involving theft or unauthorized use; and accounts associated with a PFA. The rationale offered for the possible exemption for most of these is that traditional collection tools are not necessarily available for these types of accounts. However, we note that the reporting requirement at Section 1410.1 makes no mention of the applicability of various collection methods available, and if the General Assembly had intended this reporting requirement to be specifically targeted to accounts subject to specific collection methods or subject to a specific law or regulation, it could have done so. To the contrary, we believe the General Assembly created this reporting requirement to specifically gauge the impact of various collection practices and various regulations and laws.

However, we agree with parties that sought to exempt from the reporting requirement those accounts that involve a customer with a PFA or other court order that provides evidence of domestic violence. Including PFA accounts could intrude on the privacy and security of PFA holders – a key to the security and privacy for any PFA holder is to limit the disclosure of such information to only those that have an important need to know. For the purposes of this reporting requirement, we do not find the grounds for asking for this information and including it in the reporting is sufficient enough to warrant the possible risks to the privacy and security of PFA holders. Accordingly, we propose to exclude these accounts among the accounts reported under the proposed Section 56.231(c).

The parties also offered many suggestions on what data should or should not be included in this report. The total list of possible data points submitted by the parties included the account balance as of the time of the snapshot; the time period over which the arrearage accrued; the average monthly bill amount; the number of Commission informal or formal complaints; the number of payment arrangements; whether the ratepayer is a landlord ratepayer; the history of universal service program participation and assistance; an indication of whether de facto electric heating is occurring at the premises; the payment history; the customer's income; the number of medical certificates filed; the number of dishonored payments; bankruptcy; the number of termination notices issued; the number of times the customer was shut off for non-payment; and any indicator of meter access problems.

While the Commission agrees that many of these items are interesting, most are not critical, and we must be mindful of the burdens on utilities to compile this information. Accordingly, we limited the data to the seven points we are proposing in Section 56.231(c). We propose including the date that the account was opened because this will provide us with meaningful data that should give us an idea as to how long the arrearage was building. We also propose the average bill amount for the previous twelve

months, as we think this will give us an idea as to the customer's usage, and more than twelve months is not necessary and could impose unreasonable burdens on the utility. We also agree with several parties that suggested the number of service terminations would be useful; it is an important indicator of the level and intensity of utility collection activity on an account, and we have included this in the proposed regulation. We also agree with the parties that suggested the data include the number of Commission informal and formal complaints filed, for these can impact the collection activities on an account (disputed account balances are usually protected from collection activity while a complaint is pending at the Commission).

Finally, we propose revising Section 56.231 by adding new subsection (d). It is important to note that this is not a new requirement – we are simply consolidating the utility reporting requirement rules in Chapter 56 into one section – Section 56.231. The new subsection (d) can currently be found in Section 56.461, which we propose to eliminate. Consolidation will assist utilities in locating and complying with these requirements.

Subchapters L – V

§ 56.251. Statement of purpose and policy.

This section has been revised to expand the applicability of subchapters L - V to now apply not only to all customers who have been granted protection from abuse orders but also to customers with a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence against the applicant or customer, as to align with revised Section 1417. *See* 66 Pa. C.S. § 1417 (relating to nonapplicability). Additionally, as to align with the revised definition of *public utility* at Section 1403 (relating to definitions), the applicability of these same subchapters to wastewater, steam heat and small natural gas companies has been removed. The

applicable subchapters for these entities will be B through K – the same as other utilities. See Section 56.1, Statement of purpose and policy.

§ 56.252. Definitions.

The definition of *public utility* has been revised to reflect the revised Chapter 14 definition at Section 1403. See 66 Pa. C.S. § 1403 (relating to definitions).

A definition of *physician assistant* has been added since Chapter 14 now permits the filing of medical certificates by physician assistants. Accordingly, we think it is important that this term be defined. This definition is based upon 49 Pa. C.S. § 18.51(b) (relating to the role of physician assistant). This revision provides additional protections to the customers covered by subchapters L – V.

We are adding the definitions of *small natural gas distribution utility*, *steam heat utility* and *wastewater utility* to this section to reflect that these entities are now covered by subchapters B-K (see above concerning Section 56.1, Statement of purpose and policy). Because these entities are now all considered *public utilities* by Chapter 14 and are no longer treated distinctly, we have changed the term “utility” to “public utility” throughout the chapter.

We propose revising the definition of *billing month* as to allow short-period bills in instances where a customer’s change of commodity supplier necessitates the issuance of a short-period bill in order to effectuate a timely switch of supplier. Recent regulatory changes intended to accelerate the switching of electric generation service now make it possible to switch commodity service in as little as three business days. See 52 Pa. Code §§ 57.173, 57.174 and 57.180. Some utilities, as part of the switching process, will issue a final short-period bill for the customer’s current supplier so that billing with the new supplier can start within the three business day timeframe. The Commission has already issued temporary waivers of the Section 56.1 definition of *billing month* to facilitate this

process,⁶ and we believe it is necessary to codify this change in billing procedures to eliminate the need for repeated waivers in the future.

§ 56.262. Meter reading; estimated billing; customer readings.

We propose adding a new paragraph (6) - *Verification of automatic meter reading* to incorporate the new requirement at Section 1411 that utilities verify meter readings at the request of the customer. *See* 66 Pa. C.S. § 1411 (relating to automatic meter readings). This revision provides additional protections to the customers covered by subchapters L – V.

§ 56.282. Credit standards.

We propose new paragraph (4) to align with the new Section 1404(a.1) prohibition on CAP-eligible customers and applicants paying deposits. This revision provides additional protections to the customers covered by subchapters L – V.

§ 56.286. Written procedures.

We propose revising this regulation to include incorporation into the utility's written credit procedures the deposit exception in Section 56.282 for CAP-eligible applicants, per Section 1404(a.1). We also propose including in the procedures the availability of alternative credit standards for applicants with a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence, in addition to the those applicants who have been granted protection from abuse orders, pursuant to Section 1417. We likewise propose revising paragraph (1) to include a requirement that utilities provide this same information to applicants in writing when credit is denied. These revisions will provide additional protections to the customers covered by subchapters L – V.

⁶ See *Petition of PECO Energy Company for Temporary Waiver of Regulations Related to the Required Days In a Billing Period*, Docket P-2014-2446292 (Order entered December 4, 2014).

§ 56.291. General rule.

We propose new paragraph (4) to align with the new Section 1404(a.1) prohibition on CAP-eligible customers and applicants paying deposits. This revision provides additional protections to the customers covered by subchapters L – V.

§ 56.306. Interest rate.

We propose changing the mechanism for determining the interest rate applied to security deposits to align with the change at Section 1404(c)(6). We believe this change is neutral from a customer protection perspective. Whether this change is beneficial compared to the existing language depends upon prevailing interest rates. At times, this revision will favor customers compared to the current rule; at other times, possibly not so. Since the impact on consumers is neutral, we think making the interest rate calculation the same for *all* security deposits is the most reasonable approach. Requiring utilities to assess and track differing interest rates on different deposits would impose burdens on utilities while providing no clear benefit to consumers.

§ 56.331. General notice provisions and contents of termination notice.

We propose revising the information directed to customers on written ten-day termination notices in paragraph (9) to include notice to customers that the special protections available for victims under a protection from abuse order are now also available to those customers with a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence, per Section 1417.

§ 56.333. Personal contact.

We propose revising this section to provide for the optional use of electronic messaging for providing three-day personal notice of termination, per Section 1406(b). This revision provides additional protections to the customers covered by subchapters L – V. We invite comment on the privacy protections and the customer consent

practices that should be required in the context of electronic messaging. *See* 66 Pa. C.S. § 1406(b)(1)(ii)(C) and (D).

§ 56.337. Procedures upon customer or occupant contact prior to termination.

We propose revising subparagraph (iv) is to require utilities to provide universal service program information to consumers upon contact from a consumer during the termination process, pursuant to Section 1410.1(1) and (2).

§ 56.340. Winter termination procedures.

We propose revising paragraph (5) to clarify that the February update of the survey of households without heating service in the winter is to include households terminated in December. Commission staff and utilities have encountered questions about this section because the current language is unclear on this point. By failing to include any December terminations, the survey result reported on February 1 is not a complete picture of the households without utility service in the winter. This proposed revision is intended to correct that possible problem.

§ 56.351. General provision.

We refer to *physician assistants* in addition to *physician* and *nurse practitioner* in order to align with the new definition at Section 1403. This revision provides additional protections to the customers covered by subchapters L – V.

§ 56.353. Medical certifications.

We refer to *physician assistants* in addition to *physician* and *nurse practitioner* in order to align with the new definition at Section 1403. We also propose revising this section to make it similar to the changes we are proposing to the analogous Section 56.113 – specifically by removing the requirements in Subsections 56.353(3) and (4), which require the medical certificate to include the “nature and anticipated length of the affliction” and the “specific reason for which the service is required.” This section

currently requires the medical professional to divulge information about the patient's medical condition to the utility – contrary to the privacy and confidentiality of personal medical information that patients have come to expect. Accordingly, we propose eliminating the “nature” of the affliction and “the specific reason for which service is required” as part of this regulation. However, we do not see the “length of the affliction” at Subsection 56.353 (3) as being contrary to patient expectations of privacy; in fact, the utility needs to know this information to determine the duration of the medical certificate. *See* 52 Pa. Code § 56.354. Some parties have suggested that the medical professional's license number be included as a required element on a medical certificate. We invite parties to comment on this possibility.

§ 56.392. Commission informal complaint procedure.

We propose adding language to paragraph (1) to permit an informal complainant to receive a copy of the documents the utility provides Commission staff in response to an informal complaint. The opportunity to review this information is intended to protect the complainant's due process rights. We acknowledge that there may be some relatively rare instances where these documents may refer to parties other than the complainant. In these instances, the utility is directed to redact any information that may compromise the privacy or personal security of a third party.

§ 56.403. Review from informal complaint decisions of the Bureau of Consumer Services.

We propose revising this language to clarify that the burden of proof remains with the party who filed the informal complaint. This language simply makes this provision consistent with existing Commission practices.

§ 56.421. Payment and timing.

We propose revising paragraph (7) to ensure that the information notifying customers that the special protections that may be available for victims under a protection

from abuse order may also now be available to those customers with a court order providing clear evidence of domestic violence and issued by a court of competent jurisdiction in this Commonwealth, per Section 1417.

§ 56.431. Public information.

We propose revising paragraph (13) to ensure that the information directed to customers concerning the special protections that may be available for victims under a protection from abuse order may now also be available to those customers with a court order providing clear evidence of domestic violence and issued by a court of competent jurisdiction in this Commonwealth, per Section 1417.

§ 56.461. Reporting requirements.

We propose removing Section 56.461 and moving these requirements to the new Subsection 56.231(d). Consolidating utility reporting requirements into one section of the regulations will assist utilities in locating and complying with these requirements.

Chapter 56, APPENDIX A

We refer to *physician assistants* in addition to *physician* and *nurse practitioner* in order to align with new definition at Section 1403.

Chapter 56, APPENDIX B

We refer to *physician assistants* in addition to *physician* and *nurse practitioner* in order to align with new definition at Section 1403.

Chapter 56, APPENDIX C

The intent of Appendix C is to provide a data dictionary to assist utilities in complying with the collections reporting requirements at Section 56.231. Providing explanations and definitions assists in obtaining consistent, uniform data from all utilities. This uniformity and consistency facilitates the validity of comparing the different utilities

and their collections performances. This is essential for the Commission in complying with the Chapter 14 reporting requirements mandated by the General Assembly in Section 1415. *See* 66 Pa. C.S. § 1415 (relating to reporting to General Assembly and Governor). We are proposing some minor revisions to a few of the definitions. The revisions are intended to clarify a few of the definitions that have presented problems in the past and which have been questioned. Some of the revisions will also assist in aligning the Chapter 56 reporting requirements with reporting requirements found in Chapters 54 and 62. 52 Pa. Code § 54.75(1)(ii), (iii), (ix); 52 Pa. Code § 62.5(a)(1)(ii), (v), (ix), (xii).

The definition of *Annual collections operating expenses* as currently written is open to interpretation – causing utilities to submit inconsistent data for the reporting requirements. We are proposing to revise this definition in an attempt to establish consistency with the reporting requirements at Sections 54.75(1)(ii) and 62.5(a)(1)(ii).

The definition of *Annual residential billings* as currently written is open to interpretation, causing utilities to submit inconsistent data for the reporting requirements. We are proposing to revise this definition in an attempt to establish consistency with the reporting requirements at Section 62.5(a)(1)(v).

The definition of *Total dollar amount of gross residential write-offs* and *Total dollar amount of net residential write-offs* as currently written are open to interpretation, causing utilities to submit inconsistent data for the reporting requirements. We are proposing to revise this definition in an attempt to establish consistency with the reporting requirements at Sections 54.75(1)(iii) and 62.5(a)(1)(iii).

The definition of *Total number of reconnections for reasons other than customer payment or medical certification* as currently written is open to interpretation, causing utilities to submit inconsistent data for the reporting requirements. We are proposing to

revise this definition in an attempt to establish consistency with the reporting requirements at Sections 54.75(1)(ix) and 62.5(a)(1)(xii).

Chapter 56, APPENDIX D

We reference Section 56.231(d) in Appendix D rather than Section 56.461 since this was deleted altogether from Annex A. These reporting requirements now appear in Section 56.231(d)

Annex A
TITLE 52. PUBLIC UTILITIES
PART I. PUBLIC UTILITY COMMISSION
Subpart C. FIXED SERVICE UTILITIES
CHAPTER 56. STANDARDS AND BILLING PRACTICES FOR
RESIDENTIAL PUBLIC UTILITY SERVICE

**Subchapter A. PRELIMINARY PROVISIONS FOR UTILITIES AND
CUSTOMERS SUBJECT TO CHAPTER 14 OF THE PUBLIC UTILITY CODE**

§ 56.1. Statement of purpose and policy.

(a) This chapter establishes and enforces uniform, fair and equitable residential public utility service standards governing eligibility criteria, credit and deposit practices, and account billing, termination and customer complaint procedures. This chapter assures adequate provision of residential public utility service, to restrict unreasonable termination of or refusal to provide that service and to provide functional alternatives to termination or refusal to provide that service while eliminating opportunities for customers capable of paying to avoid the timely payment of public utility bills and protecting against rate increases for timely paying customers resulting from other customers' delinquencies. Public utilities shall utilize the procedures in this chapter to effectively manage customer accounts to prevent the accumulation of large, unmanageable arrearages. Every privilege conferred or duty required under this chapter imposes an obligation of good faith, honesty and fair dealing in its performance and enforcement. This chapter will be liberally construed to fulfill its purpose and policy and to insure justice for all concerned.

(b) This subchapter and Subchapters B—K apply to electric distribution utilities, natural gas distribution utilities [and], wastewater utilities, steam heat utilities, small natural gas utilities and water distribution utilities. Subchapters L—V apply to [wastewater utilities, steam heat utilities, small natural gas utilities and to] all customers who have been granted protection from abuse orders [from courts of competent jurisdiction] as provided by 23 Pa. C.S. Ch. 61 (relating to protection from abuse) or a court order issued by a court of competent jurisdiction in this Commonwealth which provides clear evidence of domestic violence against the applicant or customer.

§ 56.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

AMR—Automatic meter reading—

(i) Metering using technologies that automatically read and collect data from metering devices and transfer that data to a central database for billing and other purposes.

(ii) The term does not include remote meter reading devices as defined by this section.

(iii) Meter readings by an AMR shall be deemed actual readings for the purposes of this chapter.

Account balance—The amount of current service which has been properly billed in addition to any accrued arrearages.

Applicant—

(i) A natural person at least 18 years of age not currently receiving service who applies for residential service provided by a public utility or any adult occupant whose name appears on the mortgage, deed or lease of the property for which the residential public utility service is requested.

(ii) The term does not include a person who [seeks to transfer service within the service territory of the same public utility or to reinstate service at the same address provided that the final bill for service is not past due.], within 30 days after service termination or discontinuance of service, seeks to have service reconnected at the same location or transferred to another location within the service territory of the public utility.

Basic services—

(i) Services necessary for the physical delivery of residential public utility service.

(ii) The term also includes default service as defined in this section.

Billing month—A period of not less than 26 days and not more than 35 days except in the following circumstances:

* * * * *

(v) Bills for less than 26 days shall be permitted when there is a change of the customer's electric generation supplier.

Billing period—In the case of public utilities supplying gas, electric and steam heating service, the billing period must conform to the definition of “billing month.” In the case

of water and wastewater service, a billing period may be monthly, bimonthly or quarterly as provided in the tariff of the public utility. Customers shall be permitted to receive bills monthly and be notified of their rights thereto.

Class A water utility—A water utility with annual revenues greater than \$1 million.

Creditworthiness—An assessment of an applicant's or customer's ability to meet bill payment obligations for utility service.

Customer—A natural person at least 18 years of age in whose name a residential service account is listed and who is primarily responsible for payment of bills rendered for the service or an adult occupant whose name appears on the mortgage, deed or lease of the property for which the residential public utility service is requested. [A natural person remains a customer after discontinuance or termination until the final bill for service is past due.] The term includes a person who, within 30 days after service termination or discontinuance of service, seeks to have service reconnected at the same location or transferred to another location within the service territory of the public utility.

Customer assistance program—A plan or program sponsored by a public utility for the purpose of providing universal service and energy conservation, as defined in 66 Pa.C.S. § 2202 or § 2803 (relating to definitions), in which customers make monthly payments based on household income and household size and under which customers shall comply with certain responsibilities and restrictions to remain eligible for the program.

Cycle billing—A system of billing employed by a public utility which results in the normal rendition of bills for public utility service to a group or portion of customers on different or specified days of one billing period.

Default service—Electric generation supply service provided under a default service program to a retail electric customer not receiving service from an electric generation supplier.

Delinquent account—Charges for public utility service which have not been paid in full by the due date stated on the bill or otherwise agreed upon; provided that an account may not be deemed delinquent if: prior to the due date, a payment [agreement] arrangement with the public utility has been entered into by the customer, a timely filed notice of dispute is pending before the public utility, or, under time limits provided in this chapter, an informal or formal complaint is timely filed with and is pending before the Commission.

* * * * *

Electronic notification of payment—A notification generated by an electronic payment system upon receipt of a payment from a customer using an electronic billing and payment system administered by the public utility or a system the public utility is responsible for maintaining. The notification must inform the customer of successful receipt and amount of payment and the date and time the payment was received.

* * * * *

Medical certificate—A written document, in a form approved by the Commission that:

- (i) Certifies that a customer or member of the customer's household is seriously ill or has been diagnosed with a medical condition which requires the continuation of service to treat the medical condition.
- (ii) Is signed by a licensed physician, nurse practitioner or physician assistant.

Natural gas distribution service—The delivery of natural gas to retail gas customers utilizing the jurisdictional facilities of a natural gas distribution utility.

* * * * *

Payment [agreement] arrangement—An [agreement] arrangement in which a customer or applicant who admits liability for billed service is permitted to amortize or pay the unpaid balance of the account in one or more payments.

Person—An individual, partnership, corporation, association, including any lessee, assignee, trustee, receiver, executor, administrator and other successors in interest.

Physician—An individual licensed to engage in the practice of medicine and surgery in all of its branches, or in the practice of osteopathy or osteopathic surgery by a jurisdiction within the United States of America.

Physician assistant—An individual licensed by the State Board of Medicine in this Commonwealth, who provides any medical service, as directed by the supervising physician licensed to practice medicine in this Commonwealth, when the service is within the physician assistant's skills, training and experience, forms a component of the physician's scope of practice, is included in the written agreement and is provided with the amount of supervision in keeping with the accepted standards of medical practice. See 49 Pa. C.S. §18.51(b) (relating to the role of physician assistant).

Premises or affected premises—Unless otherwise indicated, the residence of the occupant.

Public utility—An electric distribution utility, natural gas distribution utility, small natural gas distribution utility, steam heat utility, wastewater utility or water distribution utility in this Commonwealth that is within the jurisdiction of the Commission.

Remote reading device—

(i) A device which by electrical impulse or otherwise transmits readings from a meter, usually located within a residence, to a more accessible location outside of a residence.

(ii) The term does not include the following:

(A) AMR devices as defined in this section.

(B) Devices that permit direct interrogation of the meter.

Residential service—

(i) Public utility service supplied to a dwelling, including service provided to a commercial establishment if concurrent service is provided to a residential dwelling attached thereto.

(ii) The term does not include public utility service provided to a hotel or motel.

Small natural gas distribution utility—A public utility providing natural gas distribution services subject to the jurisdiction of the Commission that meets one of the following:

(i) Has annual gas operating revenues of less than \$6 million per year.

(ii) Is not connected to an interstate gas pipeline by means of a direct connection or any indirect connection through the distribution system of another natural gas public utility or through a natural gas gathering system.

Steam heat utility—An entity producing, generating, distributing or furnishing steam for the production of heat or to or for the public for compensation.

Termination of service—Cessation of service, whether temporary or permanent, without the consent of the customer.

Unauthorized use of public utility service—Unreasonable interference or diversion of service, including meter tampering (any act which affects the proper registration of service through a meter), by-passing unmetered service that flows through a device connected between a service line and customer-owned facilities and unauthorized service restoral.

User without contract—A person as defined in 66 Pa.C.S. § 102 (relating to definitions) that takes or accepts public utility service without the knowledge or approval of the public utility, other than the unauthorized use of public utility service as defined in this section.

Wastewater utility—An entity owning or operating equipment or facilities for the collection, treatment or disposal of sewage to or for the public for compensation. The term includes separate companies that individually provide water or wastewater service so long as the separate companies are wholly owned by a common parent company.

Water distribution utility—An entity owning or operating equipment or facilities for diverting, developing, pumping, impounding, distributing or furnishing water to or for the public for compensation.

Subchapter B. BILLING AND PAYMENT STANDARDS

BILLING

§ 56.11. Billing frequency.

(a) A public utility shall render a bill once every billing period to every residential customer in accordance with approved rate schedules.

(b) A public utility may utilize electronic billing in lieu of mailed paper bills. Electronic billing programs must include the following requirements:

(1) The electronic billing option is voluntary and only with the prior consent of the customer. The customer retains the right to revert to conventional paper billings upon request. The customer shall provide the public utility with a one billing cycle notice of a request to revert to paper billing.

(2) A customer shall receive the same information that is included with a paper bill issued by the public utility.

(3) The electronic bill must include the same disclosures and educational messages that are required for paper bills. The electronic transmission of termination notices may not be permitted unless the customer has affirmatively consented to this method of delivery. The

electronic delivery of a termination notice does not relieve the public utility of the obligation to provide termination notices as required under § § 56.91—56.98.

(4) The electronic bill must include required bill inserts in an easily accessed and easily readable format.

(5) The electronic bill must include the option for the customer to contribute to the public utility's hardship fund if the public utility is able to accept hardship fund contributions by this method.

(6) A customer may not be required to pay an additional fee to receive an electronic bill.

(7) The public utility shall maintain a system to deliver electronic bills if the bill is emailed to a customer.

(8) The public utility shall employ all reasonable measures to protect customer information from unauthorized disclosure and to prevent access to customer account records by persons who are not properly authorized to have access.

§ 56.12. Meter reading; estimated billing; customer readings.

Except as provided in this section, a public utility shall render bills based on actual meter readings by public utility company personnel.

* * * * *

(6) Verification of automatic meter reading. Upon a customer request, the public utility shall secure an in-person meter reading to confirm the accuracy of an automatic meter reading device when a customer disconnects service or a new service request is received. A public utility may charge a fee, as provided in a Commission approved tariff.

~~[(6)]~~(7) *Limitation of liability.* If a water public utility has estimated bills and if the customer or occupant during that period has consumed an amount of water in excess of normal seasonal usage because of a verified leak that could not reasonably have been detected or other unknown loss of water, the customer is not liable for more than 150% of the average amount of water consumed for the corresponding period during the previous year. This section does not apply when the water public utility was unable to gain access and has complied with paragraph (4).

~~[(7)]~~(8) *Budget billing.* A gas, electric and steam heating public utility shall provide its residential customers, on a year-round rolling enrollment basis, with an optional billing procedure which averages estimated public utility service costs over a 10-month, 11-month or 12-month period to eliminate, to the extent possible, seasonal fluctuations in

public utility bills. The public utility shall review accounts at least three times during the optional billing period. At the conclusion of the budget billing year, a resulting reconciliation amount exceeding \$100 but less than \$300 shall be, at the request of the customer, amortized over a 6-month period. Reconciliation amounts exceeding \$300 shall be amortized over at least a 12-month period at the request of the customer. Shorter amortization periods are permissible at the request of the customer.

[(8)](9) *Notice*. The public utility shall inform existing customers of their rights under this section and 66 Pa.C.S. § 1509 (relating to billing procedures).

* * * * *

§ 56.17. Advance payments.

Payments may be required in advance of furnishing any of the following services:

- (1) Seasonal service.
- (2) The construction of facilities and furnishing of special equipment.
- (3) Gas and electric rendered through prepayment meters provided:

(i) The customer is nonlow income. For purposes of this section, “nonlow income” is defined as an individual who has an annual household gross income greater than 150% of the Federal poverty income guidelines and has a delinquency for which the individual is requesting a payment [agreement] arrangement but offering terms that the public utility, after consideration of the factors in § 56.97(b) (relating to procedures upon customer or occupant contact prior to termination), finds unacceptable.

(ii) The service is being rendered to an individually-metered residential dwelling, and the customer and occupants are the only individuals affected by the installation of a prepayment meter.

(iii) The customer and public utility enter into a payment [agreement] arrangement which includes, but is not limited to, the following terms:

* * * * *

(v) During the first 2 years of use of prepayment meters, the public utility thoroughly and objectively evaluates the use of prepayment meters in accordance with the following:

(A) *Content*. The evaluation should include both process and impact components. Process evaluation should focus on whether the use of prepayment meters conforms to the program design and should assess the degree to which the program operates efficiently. The impact evaluation should focus on the degree to which the program

achieves the continuation of public utility service to participants at reasonable cost levels. The evaluation should include an analysis of the costs and benefits of traditional collections or alternative collections versus the costs and benefits of handling nonlow income positive ability to pay customers through prepayment metering. This analysis should include comparisons of customer payment behavior, energy consumption, administrative costs and actual collection costs.

(B) *Time frame.* The process evaluation should be undertaken during the middle of the first year; the impact evaluation at least by the end of the second year.

(4) Temporary service for short-term use, including installation and removal, with credit for reasonable salvage.

PAYMENTS

§ 56.21. Payment.

The due date for payment of a bill may not be [no] less than 20 days from the date of transmittal; that is, the date of mailing, electronic transmission or physical delivery of the bill by the public utility to the customer.

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§ 56.23. Application of partial payments between public utility and other service.

Payments received by a public utility without written instructions that they be applied to merchandise, appliances, special services, meter testing fees or other nonbasic charges and which are insufficient to pay the balance due for the items plus amounts billed for basic public utility service shall first be applied to the basic charges for residential public utility service.

§ 56.24. Application of partial payments among several bills for public utility service.

In the absence of written instructions, a disputed bill or a payment [agreement] arrangement, payments received by a public utility which are insufficient to pay a balance due both for prior service and for service billed during the current billing period shall first be applied to the balance due for prior service.

* * * * *

Subchapter C. CREDIT AND DEPOSITS STANDARDS POLICY

PROCEDURES FOR APPLICANTS

§ 56.31. Policy statement.

An essential ingredient of the credit and deposit policies of each public utility shall be the equitable and nondiscriminatory application of those precepts to potential and actual customers throughout the service area without regard to the economic character of the area or any part thereof. Deposit policies must be based upon the credit risk of the individual applicant or customer rather than the credit history of the affected premises or the collective credit reputation or experience in the area in which the applicant or customer lives and without regard to race, sex, age over 18 years of age, national origin or marital status.

§ 56.32. Security and cash deposits.

(a) [A public utility may require a cash deposit] In addition to the right to collect a deposit under any Commission regulation or order, the public utility may require a cash deposit, payable during a 90-day period in accordance with Commission regulations, in an amount that is equal to 1/6 of an applicant's estimated annual bill at the time the public utility determines a deposit is required, based upon the following:

(1) An applicant who previously received public utility distribution services and was a customer of the public utility and whose service was terminated for any of the following reasons:

- (i) Nonpayment of an undisputed delinquent account.
- (ii) Failure to complete payment of a deposit, provide a guarantee or establish credit.
- (iii) Failure to permit access to meters, service connections or other property of the public utility for the purpose of replacement, maintenance, repair or meter reading.
- (iv) Unauthorized use of the public utility service delivered on or about the affected dwelling.
- (v) Failure to comply with the material terms of a payment [agreement] arrangement.
- (vi) Fraud or material misrepresentation of identity for the purpose of obtaining public utility service.
- (vii) Tampering with meters, including bypassing a meter or removal of an AMR device or other public utility equipment.

(viii) Violating tariff provisions on file with the Commission so as to endanger the safety of a person or the integrity of the delivery system of the public utility.

(2) An applicant who is unable to establish creditworthiness to the satisfaction of the public utility through the use of a generally accepted credit scoring methodology, as provided in a Commission approved tariff, and which employs standards for using the methodology that fall within the range of general industry practice. The credit scoring methodology utilized for this purpose must specifically assess the risk of public utility bill payment.

* * * * *

(c) Prior to providing public utility service, a public utility may require the applicant to provide the names of each adult occupant residing at the location and proof of their identity. For purposes of this section, valid identification consists of one government issued photo identification. If one government issued photo identification is not available, the public utility may require the applicant to present two alternative forms of identification, as long as one of the identifications includes a photo of the individual. In lieu of requiring identification, the public utility may ask, but may not require, the individual to provide the individual's Social Security Number. Public utilities shall take all appropriate actions needed to ensure the privacy and confidentiality of identification information provided by their applicants and customers.

(d) Failure to pay full amount of cash deposit. A public utility will not be required to provide service if the applicant fails to pay the full amount of the cash deposit within the time period under subsection (a).

(e) Cash deposit prohibition. Notwithstanding subsection (a), a public utility may not require a customer that is confirmed to be eligible for a customer assistance program to provide a cash deposit.

* * * * *

§ 56.35. Payment of outstanding balance.

(a) A public utility may require, as a condition of the furnishing of residential service to an applicant, the payment of any outstanding residential account with the public utility which accrued within the past 4 years for which the applicant is legally responsible and for which the applicant was billed properly.

(b) A public utility may not require, as a condition of the furnishing of residential service, payment for residential service previously furnished under an account in the

name of a person other than the applicant, except as provided for in paragraphs (1) and (2).

(1) A public utility may require the payment of an outstanding balance or portion of an outstanding balance if the applicant resided at the property for which service is requested during the time the outstanding balance accrued and for the time the applicant resided there, not exceeding 4 years from the date of the service request. The 4-year limit does not apply if the balance includes amounts that the public utility was not aware of because of fraud or theft on the part of the applicant.

(2) A public utility may establish that an applicant previously resided at a property for which residential service is requested through the use of mortgage, deed or lease information, a commercially available consumer credit reporting service or other methods approved as valid by the Commission. Public utilities shall include in their tariffs filed with the Commission the methods, other than those specifically mentioned in this paragraph, used to determine the applicant's liability for any outstanding balance.

(3) Any outstanding residential account with the public utility may be amortized in accordance with § 56.191 (relating to payment and timing).

(c) This section does not affect the creditor rights and remedies of a public utility otherwise permitted by law.

§ 56.36. Written procedures.

(a) Public utilities shall include in their tariffs filed with the Commission their credit and application procedures along with a general description of their credit scoring methodology and standards.

(b) A public utility shall establish written procedures for determining the credit status of an applicant and for determining responsibility for unpaid balances in accordance with § 56.35 (relating to payment of outstanding balance). The written procedures must specify that there are separate procedures and standards for victims with a protection from abuse order[.] or a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence. The procedures must also specify that any applicant that is confirmed to be eligible for a customer assistance program will not be required to pay a deposit. A public utility employee processing applications or determining the credit status of applicants shall be supplied with or have ready access to a copy of the written procedures of the public utility. A copy of these procedures shall be maintained on file in each of the business offices of the public utility and made available, upon request, for inspection by members of the public and the Commission and be included on the public utility's web site.

(1) *Reasons for denial of credit.* If credit is denied, the public utility shall inform the applicant in writing of the reasons for the denial within 3 business days of the denial. This information may be provided electronically to the applicant with the applicant's consent. The written denial statement must include the provider of the credit score, information on the applicant's ability to challenge the accuracy of the credit score and how to contact the credit score provider. If the public utility is requiring payment of an unpaid balance in accordance with § 56.35, the public utility shall specify in writing the amount of the unpaid balance, the dates during which the balance accrued and the location and customer name at which the balance accrued. The statement must inform the applicant of the right to furnish a third-party guarantor in accordance with § 56.33 (relating to third-party guarantors) and the right to contact the Commission. The statement must include information informing victims of domestic violence with a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence, that more lenient credit and liability standards may be available. The statement must also inform the applicant that if they are confirmed to be eligible for a customer assistance program a deposit shall not be required.

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§ 56.38. Payment period for deposits by applicants.

(a) An applicant required to pay a deposit under § 56.32 (relating to security and cash deposits) [may be required by the public utility to pay the deposit in full prior to the provision of public utility service] shall have up to 90 days to pay the deposit in accordance with Commission regulations.

(b) An applicant paying a deposit for the reconnection of service under § 56.41(2) (relating to general rule) may be required to pay 50% prior to, and as a condition of, the reconnection of service with 25% billed 30 days after reconnection of service and 25% billed 60 days after the reconnection of service. The public utility shall inform the applicant of the option to pay the deposit in the installments described in this subsection. The applicant retains the option to pay the deposit amount in full before the due date.

PROCEDURES FOR EXISTING CUSTOMERS

§ 56.41. General rule.

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(ii) Except in the case of adjustments to budget billing plans, a public utility may issue a notification or subsequent request for a deposit based, in whole or in part, on a

delinquent account arising out of a make-up bill as defined in § 56.14 (relating to previously unbilled public utility service) under the following conditions:

(A) The public utility has complied with § 56.14. Compliance with a payment [agreement] arrangement by the customer discharges the delinquency and a notification or request for deposit may not thereafter be issued based on the make-up bill.

(B) If a make-up bill exceeds the otherwise normal estimated bill by at least 50% and if the customer makes payment in full after the bill is delinquent but before a notification of intent to request a deposit is given to the customer, a notification or request for deposit may not thereafter be issued based on the make-up bill.

(2) *Condition to the reconnection of service.* A public utility may require a deposit as a condition to reconnection of service following a termination in accordance with § 56.191 (relating to payment and timing).

(3) *Failure to comply with payment [agreement] arrangement.* A public utility may require a deposit, whether or not service has been terminated, when a customer fails to comply with a material term or condition of a payment [agreement] arrangement.

(4) *Cash deposit prohibition.* Notwithstanding paragraphs (1), (2) and (3), a public utility may not require a customer or an applicant that is confirmed to be eligible for a customer assistance program to provide a cash deposit.

§ 56.42. Payment period for deposits by customers.

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(d) *Failure to comply with a payment [agreement] arrangement.* A customer paying a deposit under § 56.41(3) may be required to pay the deposit [in full upon the determination of the utility that a deposit is required.] in three installments: 50% billed upon the determination by the public utility that the deposit is required, 25% billed 30 days after the determination and 25% billed 60 days after the determination. The public utility shall inform the customer of the option to pay the deposit in the installments described in this subsection. The customer retains the option to pay the deposit amount in full before the due date.

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§ 56.53. Deposit hold period and refund.

- (a) A public utility may hold a deposit until a timely payment history is established, [or for a maximum period of 24 months.]
- (b) A timely payment history is established when a customer has paid in full and on time for 12 consecutive months.
- (c) At the end of the deposit holding period as established in subsection (a), the public utility shall deduct the outstanding balance from the deposit and return or credit any positive difference to the customer. At the option of the public utility, a cash deposit, including accrued interest, may be refunded in whole or in part, at any time earlier than the time stated in this section.
- (d) If service is terminated before the end of the deposit holding period as established in subsection (a), the public utility shall deduct the outstanding balance from the deposit and return any positive difference to the customer within 60 days of the termination.
- (e) If a customer becomes delinquent before the end of the deposit holding period as established in subsection (a), the public utility may deduct the outstanding balance from the deposit.

* * * * *

§ 56.57. Interest rate.

The public utility shall accrue interest on the deposit until it is returned or credited, [the legal rate of interest under section 202 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 202), known as the Loan Interest and Protection Law, and return the interest with the deposit.]

(1) Interest shall be computed at the simple annual interest rate determined by the Secretary of Revenue for interest on the underpayment of tax under section 806 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

(2) The interest rate in effect when the deposit is required to be paid shall remain in effect until the date the deposit is refunded or credited, or December 31, whichever is later.

(3) On January 1 of each year, the new interest rate for that year will apply to the deposit.

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§ 56.72. Discontinuance of service.

A public utility may discontinue service without prior written notice under the following circumstances:

(1) *Customer's residence.* When a customer requests a discontinuance at the customer's residence, when the customer and members of the customer's household are the only occupants.

(2) *Other premises or dwellings.* Other premises or dwellings as follows:

(i) When a customer requests discontinuance at a dwelling other than the customer's residence or at a single meter multifamily residence, whether or not the customer's residence but, in either case, only under either of the following conditions:

(A) The customer states in writing that the premises are unoccupied. The statement must be on a form conspicuously bearing notice that information provided by the customer will be relied upon by the Commission in administering a system of uniform service standards for public utilities and that any false statements are punishable criminally. When the customer fails to provide a notice, or when the customer has falsely stated the premises are unoccupied, the customer shall be responsible for payment of public utility bills until the public utility discontinues service.

(B) The occupants affected by the proposed cessation inform the public utility orally or in writing of their consent to the discontinuance.

(ii) When the conditions set forth in subparagraph (i) have not been met, the public utility, at least 10 days prior to the proposed discontinuance, shall conspicuously post notice of termination at the affected premises.

(A) When the premises is a multifamily residence, notice shall also be posted in common areas.

(B) Notices must, at a minimum, state: the date on or after which discontinuance will occur; the name and address of the public utility; and the requirements necessary for the occupant to obtain public utility service in the occupant's name. Further termination provisions of this chapter, except § 56.97 (relating to procedures upon customer or occupant contact prior to termination), do not apply in these circumstances.

(C) This section does not apply when the customer is a landlord ratepayer. See 66 Pa.C.S. § § 1521—1533 (relating to discontinuance of service to leased premises).

Subchapter E. TERMINATION OF SERVICE

GROUND FOR TERMINATION

§ 56.81. Authorized termination of service.

A public utility may notify a customer and terminate service provided to a customer after notice as provided in § § 56.91—56.100 (relating to notice procedures prior to termination) for any of the following actions by the customer:

- (1) Nonpayment of an undisputed delinquent account.
- (2) Failure to complete payment of a deposit, provide a guarantee of payment or establish credit.
- (3) Failure to permit access to meters, service connections or other property of the public utility for the purpose of replacement, maintenance, repair or meter reading.
- (4) Failure to comply with the material terms of a payment [agreement] arrangement.

§ 56.82. Timing of termination.

A public utility may terminate service for the reasons in § 56.81 (relating to authorized termination of service) from Monday through [Friday] Thursday as long as the public utility is able to accept payment to restore service on the day of termination and on the following day and can restore service consistent with § 56.191 (relating to payment and timing).

§ 56.83. Unauthorized termination of service.

Unless expressly and specifically authorized by the Commission, service may not be terminated nor will a termination notice be sent for any of the following reasons:

* * * * *

(6) Noncompliance with a payment [agreement] arrangement prior to the due date of the bill which forms the basis of the agreement.

(7) Nonpayment of charges for public utility service for which the public utility ceased billing more than 4 years prior to the date the bill is rendered.

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NOTICE PROCEDURES PRIOR TO TERMINATION

§ 56.91. General notice provisions and contents of termination notice.

(a) Prior to terminating service for grounds authorized by § 56.81 (relating to authorized termination of service), a public utility shall provide written notice of the termination to the customer at least 10 days prior to the date of the proposed termination. The termination notice shall remain effective for 60 days. In the event of a user without contract as defined in § 56.2 (relating to definitions), the public utility shall comply with § § 56.93—56.97, but need not provide notice 10 days prior to termination.

(b) A notice of termination must include, in conspicuous print, clearly and fully the following information when applicable:

- (1) The reason for the proposed termination.
- (2) An itemized statement of amounts currently due, including any required deposit.
- (3) A statement that a reconnection fee will be required to have service restored after it has been terminated if a reconnection fee is a part of the tariff of the public utility on file with the Commission. The statement must include the maximum possible dollar amount of the reconnection fee that may apply.
- (4) The date on or after which service will be terminated unless one of the following occurs:
 - (i) Payment in full is received.
 - (ii) The grounds for termination are otherwise eliminated.
 - (iii) A payment [agreement] arrangement is established.
 - (iv) Enrollment is made in a customer assistance program or its equivalent, if the customer is eligible for the program.
 - (v) A dispute is filed with the public utility or the Commission.
 - (vi) Payment in full of amounts past due on the most recent payment agreement is received.
- (5) A statement that specifies that the notice is valid for 60 days.

(6) A statement that the customer should immediately contact the public utility to attempt to resolve the matter. The statement must include the address and telephone number where questions may be asked, how payment [agreements] arrangements may be negotiated and entered into with the public utility, and where applications can be found and submitted for enrollment into the public utility's universal service programs, if these programs are offered by the public utility.

(7) The following statement: "If you have questions or need more information, contact us as soon as possible at (public utility phone number). After you talk to us, if you are not satisfied, you may file a complaint with the Public Utility Commission. The Public Utility Commission may delay the shut off if you file the complaint before the shut off date. To contact them, call 1 (800) 692-7380 or write to the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, Pennsylvania 17105-3265."

(8) A serious illness notice in compliance with the form in Appendix A (relating to medical emergency notice) except that, for the purpose of § 56.96 (relating to post-termination notice), the notice must comply with the form in Appendix B (relating to medical emergency notice).

(9) If the public utility has universal service programs, information indicating that special assistance programs may be available and how to contact the public utility for information and enrollment, and that enrollment in the program may be a method of avoiding the termination of service.

(10) Notices sent by electric and gas utilities threatening termination in the months of December, January, February and March must include information on the Federal poverty guidelines by household size, the protections available to customers at or below 250% of the Federal poverty level and the required documentation or information the customer shall supply to avoid termination.

(11) Information indicating that special protections are available for victims under a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence, and how to contact the public utility to obtain more information on these protections.

* * * * *

(17) Information in Spanish directing Spanish-speaking customers to the numbers to call for information and translation assistance. Similar information shall be included in other languages when census data indicates that 5% or more of the residents of the public utility's service territory are using that language.

(18) Contact information for customers with disabilities that need assistance.

§ 56.92. Notice when dispute pending.

A public utility may not mail or deliver a notice of termination if a notice of initial inquiry, dispute, informal or formal complaint has been filed and is unresolved and if the subject matter of the dispute forms the grounds for the proposed termination. A notice mailed or delivered in contravention of this section is void.

§ 56.93. Personal contact.

(a) Except when authorized under § 56.71, § 56.72 or § 56.98 (relating to interruption of service; discontinuance of service; and immediate termination for unauthorized use, fraud, tampering or tariff violations), a public utility may not interrupt, discontinue or terminate service without attempting to contact the customer or responsible adult occupant, either in person or by telephone or electronically with the customer's consent, to provide notice of the proposed termination at least 3 days prior to the scheduled termination using one of the following methods in this section. If personal contact by one method is not possible, the public utility is obligated to attempt [the other] another method.

[(b)] (1) Phone contact shall be deemed complete upon attempted calls on 2 separate days to the residence between the hours of 8 a.m. and 9 p.m. if the calls were made at various times each day, with the various times of the day being daytime before 5 p.m. and evening after 5 p.m. and at least 2 hours apart. Calls made to contact telephone numbers provided by the customer shall be deemed to be calls to the residence.

[(c)] (2) If contact is attempted in person by a home visit, only one attempt is required. The public utility shall conspicuously post a written termination notice at the residence if it is unsuccessful in attempting to personally contact a responsible adult occupant during the home visit.

(3) Contact by email, text message or other electronic messaging format consistent with the Commission's privacy guidelines and approved by Commission order. The electronic notification option is voluntary and shall only be used if the customer has given prior consent approving the use of a specific electronic message format for the purpose of notification of a pending termination.

[(d)] (b) The content of the 3-day personal contact notice must include the earliest date at which termination may occur and the following information:

- (1) The date and grounds of the termination.
- (2) What is needed to avoid the termination of service.

(3) How to contact the public utility and the Commission.

(4) The availability of the emergency medical procedures.

[(e)](c) The public utility shall ask the customer or occupant if he has questions about the 10-day written notice the public utility previously sent.

§ 56.94. Procedures immediately prior to termination.

* * * * *

(3) *Dishonorable tender of payment after receiving termination notice.* After a public utility has provided a written termination notice under § 56.91 (relating to general notice provisions and contents of termination notice) and attempted telephone contact as provided in § 56.93 (relating to personal contact), termination of service may proceed [without additional notice] when:

(i) A customer tenders payment which is subsequently dishonored under 13 Pa.C.S. § 3502 (relating to dishonor) and which has not been cured or otherwise paid in full within 3 business days of the public utility's dishonored payment notice to the customer under § 56.93(a).

(ii) A customer tenders payment with an access device, as defined in 18 Pa.C.S. § 4106(d) (relating to access device fraud), which is unauthorized, revoked or canceled and which has not been cured or otherwise paid in full within 3 business days of the utility's dishonored payment notice to the customer under § 56.93(a).

(iii) A customer tenders payment electronically that is subsequently dishonored, revoked, canceled or is otherwise not authorized and which has not been cured or otherwise paid in full within 3 business days of the public utility's dishonored payment notice to the customer under § 56.93(a).

* * * * *

§ 56.97. Procedures upon customer or occupant contact prior to termination.

(a) If, after the issuance of the initial termination notice and prior to the actual termination of service, a customer or occupant contacts the public utility concerning a proposed termination, an authorized public utility employee shall fully explain:

(1) The reasons for the proposed termination.

(2) All available methods for avoiding a termination, including the following:

- (i) Tendering payment in full or otherwise eliminating the grounds for termination.
- (ii) Entering a payment [agreement] arrangement.
- (iii) Paying what is past-due on the most recent previous company negotiated or Commission payment [agreement] arrangement.
- [(iv) Enrolling in the public utility's customer assistance program or its equivalent, if the public utility has these programs and the customer is eligible for the program.]

(3) Information about the public utility's universal service programs, including the customer assistance program. Refer the customer or applicant to the universal service program administrator of the public utility to determine eligibility for a program and to apply for enrollment in a program.

[(3)] (4) The medical emergency procedures.

(b) The public utility, through its employees, shall exercise good faith and fair judgment in attempting to enter a reasonable payment [agreement] arrangement or otherwise equitably resolve the matter. Factors to be taken into account when attempting to enter into a reasonable payment [agreement] arrangement include the size of the unpaid balance, the ability of the customer to pay, the payment history of the customer and the length of time over which the bill accumulated. Payment [agreements] arrangements for heating customers shall be based upon budget billing as determined under § 56.12(7) (relating to meter reading; estimated billing; customer readings). If a payment [agreement] arrangement is not established, the company shall further explain the following:

(1) The right of the customer to file a dispute with the public utility and, thereafter, an informal complaint with the Commission.

(2) The procedures for resolving disputes and informal complaints, including the address and telephone number of the Commission: Public Utility Commission, Box 3265, Harrisburg, Pennsylvania 17105-3265, (800) 692-7380.

(3) The duty of the customer to pay any portion of a bill which the customer does not dispute.

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§ 56.100. Winter termination procedures.

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(e) *Identification of accounts protected during the winter.* Public utilities shall determine the eligibility of an account for termination during the period of December 1 through March 31 under the criteria in subsections (b) and (c) before terminating service. Public utilities are to use household income and size information they have on record provided by customers to identify accounts that are not to be terminated during the period of December 1 through March 31. Public utilities are expected to solicit from customers, who contact the public utility in response to notices of termination, household size and income information and to use this information to determine eligibility for termination. Public utilities who intend to require verification of household income information submitted by consumers relating to this subsection shall include, in their tariffs filed with the Commission, the procedures they intend to implement to obtain verification. The procedures should specify the proof or evidence the public utility will accept as verification of household income.

(f) *Landlord ratepayer accounts.* During the period of December 1 through March 31, a public utility may not terminate service to a premises when the account is in the name of a landlord ratepayer as defined in 66 Pa.C.S. § 1521 (relating to definitions) except for the grounds in § 56.98.

(g) *Right of public utility to petition the Commission for permission to terminate service to a customer protected by the prohibitions in this section.*

(1) The public utility shall comply with § § 56.91—56.95 including personal contact, as defined in § 56.93 (relating to personal contact), at the premises if occupied.

(2) If at the conclusion of the notification process defined in § § 56.91—56.95, a reasonable [agreement] arrangement cannot be reached between the public utility and the customer, the public utility shall register with the Commission, in writing, a request for permission to terminate service, accompanied by a public utility report as defined in § 56.152 (relating to contents of the public utility company report). At the same time, the public utility shall serve the customer a copy of the written request registered with the Commission.

(3) If the customer has filed an informal complaint or if the Commission has acted upon the public utility's written request, the matter shall proceed under § § 56.161—56.165. Nothing in this section may be construed to limit the right of a public utility or customer to appeal a decision by the Bureau of Consumer Services under 66 Pa.C.S. § 701 (relating to complaints) and § § 56.171—56.173 and 56.211.

(h) *Survey of terminated heat related accounts.* For premises where heat related service has been terminated within the past year for any of the grounds in § 56.81 (relating to authorized termination of service) or § 56.98, electric distribution utilities, natural gas distribution utilities and Class A water distribution utilities shall, within 90 days prior to

December 1, survey and attempt to make post-termination personal contact with the occupant or a responsible adult at the premises and in good faith attempt to reach an agreement regarding payment of any arrearages and restoration of service.

(i) *Reporting of survey results.* Electric distribution utilities, natural gas distribution utilities and Class A water distribution utilities shall file a brief report outlining their pre-December 1 survey and personal contact results with the Bureau of Consumer Services on or before December 15 of each year. Each public utility shall update the survey and report the results to the Bureau of Consumer Services on February 1 of each year to reflect any change in the status of the accounts subsequent to the December 15 filing, including any accounts terminated in December. For the purposes of the February 1 update of survey results, the public utility shall attempt to contact by telephone, if available, a responsible adult person or occupant at each residence in a good faith attempt to reach an agreement regarding payment of any arrearages and restoration of service.

(j) *Reporting of deaths at locations where public utility service was previously terminated.* Throughout the year, public utilities shall report to the Commission when, in the normal course of business, they become aware of a household fire, incident of hypothermia or carbon monoxide poisoning or other event that resulted in a death and that the public utility service was off at the time of the incident. Within 1 business day of becoming aware of an incident, the public utility shall submit a telephone or electronic report to the Director of the Bureau of Consumer Services including, if available, the name, address and account number of the last customer of record, the date of the incident, a brief statement of the circumstances involved and, if available from an official source or the media, the initial findings as to the cause of the incident and the source of that information. The Bureau or Commission may request additional information on the incident and the customer's account. Information submitted to the Commission in accordance with this subsection will be treated in accordance with 66 Pa.C.S. § 1508 (relating to reports of accidents) and may not be open for public inspection except by order of the Commission, and may not be admitted into evidence for any purpose in any suit or action for damages growing out of any matter or thing mentioned in the report.

§ 56.101. [Reserved].

EMERGENCY PROVISIONS

§ 56.111. General provision.

A public utility may not terminate service, or refuse to restore service, to a premises when [a licensed physician, or nurse practitioner has certified that the customer or an applicant seeking restoration of service under § 56.191 (relating to payment and timing) or a member of the customer's or applicant's household is seriously ill or afflicted with a

medical condition that will be aggravated by cessation of service. The customer shall obtain a letter from a licensed physician verifying the condition and promptly forward it to the public utility] the customer or an applicant seeking restoration of service under § 56.191 (relating to payment and timing) has submitted a medical certificate to the public utility. The determination of whether a medical condition qualifies for the purposes of this section resides entirely with the physician, [or] nurse practitioner or physician assistant and not with the public utility. A public utility may not impose any qualification standards for medical certificates other than those specified in this section.

§ 56.112. Postponement of termination pending receipt of certificate.

If, prior to termination of service, the public utility employee is informed that an occupant is seriously ill or is affected with a medical condition which will be aggravated by a cessation of service and that a medical certification will be procured, termination may not occur for at least 3 days. If a certification is not produced within that 3-day period, the public utility may resume the termination process at the point where it was suspended.

§ 56.113. Medical certifications.

[Certifications initially may be written or oral, subject to the right of the public utility to verify the certification by calling the physician or nurse practitioner or to require written verification within 7 days. Certifications, whether written or oral, must include the following:] All medical certifications must be in writing. Public utilities may develop a medical certificate form. The public utility's medical certificate may not be mandatory. Any medical certificate form developed by the public utility shall be made readily available and placed on the public utility's web site. Medical certificates may be electronically transmitted and electronic signatures are valid. A medical certificate must include the following:

(1) The name and address of the customer or applicant in whose name the account is registered.

(2) The name and address of the afflicted person and relationship to the customer or applicant.

(3) The [nature and] anticipated length of the affliction.

[(4) The specific reason for which the service is required.]

[(5)](4) The name, office address and telephone number of the certifying physician, [or] nurse practitioner or physician assistant.

(5) The signature of the certifying physician, nurse practitioner or physician assistant.

* * * * *

§ 56.118. Right of public utility to petition the Commission.

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(b) A public utility shall continue to provide service while a final Commission adjudication on the petition is pending. A petition under this section shall be accompanied by a public utility report described in § 56.152 (relating to contents of the public utility company report) and shall be filed with the Secretary of the Commission with a copy served to the customer.

* * * * *

§ 56.151. General rule.

Upon initiation of a dispute covered by this section, the public utility shall:

- (1) Not issue a termination notice based on the disputed subject matter.
- (2) Investigate the matter using methods reasonable under the circumstances, which may include telephone or personal conferences, or both, with the customer or occupant.
- (3) Make a diligent attempt to negotiate a reasonable payment [agreement] arrangement if the customer or occupant is eligible for a payment [agreement] arrangement and claims a temporary inability to pay an undisputed bill. Factors which shall be considered in the negotiation of a payment [agreement] arrangement include, but are not limited to:
 - (i) The size of the unpaid balance.
 - (ii) The ability of the customer to pay.
 - (iii) The payment history of the customer.
 - (iv) The length of time over which the bill accumulated.
- (4) Provide the customer or occupant with the information necessary for an informed judgment, including, but not limited to, relevant portions of tariffs, statements of account and results of meter tests.

(5) Within 30 days of the initiation of the dispute, issue its report to the complaining party. The public utility shall inform the complaining party that the report is available upon request.

(i) If the complainant is not satisfied with the dispute resolution, the public utility company report must be in writing and conform to § 56.152 (relating to contents of the public utility company report). Further, in these instances, the written report shall be sent to the complaining party if requested or if the public utility deems it necessary.

(ii) If the complaining party is satisfied with the orally conveyed dispute resolution, the written public utility company report may be limited to the information in § 56.152(1), (2) and, when applicable, § 56.152(7)(ii) or (8)(ii).

(iii) The information and documents required under this subsection may be electronically provided to the complaining party as long as the complaining party has the ability to accept electronic documents and consents to receiving them electronically.

§ 56.152. Contents of the public utility company report.

A public utility company report must include the following:

(1) A statement of the claim or dispute of the customer and a copy thereof if the claim or notice of dispute was made in writing.

(2) The position of the public utility regarding that claim.

(3) A statement that service will not be terminated pending completion of the dispute process, including both informal and formal complaints, so long as there is compliance with all requirements of the Commission.

(4) A statement that if the complaining party does not agree with the public utility company report, an informal complaint shall be filed with the Commission to ensure the preservation of all of the complaining party's rights.

(5) The office where payment may be made or information obtained listing the appropriate telephone number and address of the public utility.

(6) A full and complete explanation of procedures for filing an informal complaint with the Commission (see § 56.162 (relating to informal complaint filing procedures)). If a written report is not requested by the complaining party or is not deemed necessary by the public utility, the public utility shall provide the information in § 56.162(1), (2) and (5). In addition, the public utility shall always provide the telephone number and address of the office of the Commission where an informal complaint may be filed.

(7) If the matter in dispute involves a billing dispute, the public utility company report must include the following:

(i) An itemized statement of the account of the complaining customer specifying the amount of credit, if any, and the proper amount due.

(ii) The date on or after which the account will become delinquent unless a payment [agreement] arrangement is entered into or an informal complaint is filed with the Commission. This date may not be earlier than the due date of the bill or 15 days after the issuance of a public utility company report, whichever is later.

(8) If the matter involves a dispute other than a billing dispute, the public utility company report must also state the following:

(i) The action required to be taken to avoid the termination of service.

(ii) The date on or after which service will be terminated in accordance with the applicable requirements unless the report is complied with, or a payment [agreement] arrangement entered into or an informal complaint filed. This date may not be earlier than the original date for compliance with the matter which gave rise to the dispute or 10 days from the date of issuance of the public utility company report, whichever is later. If the public utility company report is in writing, the information in this paragraph must be prominently displayed.

* * * * *

§ 56.163. Commission informal complaint procedure.

Upon the filing of an informal complaint, which shall be captioned as “(Complainant) v. (public utility),” Commission staff will immediately notify the public utility; review the dispute; and, within a reasonable period of time, issue to the public utility and the complaining party an informal report with findings and a decision. Parties may represent themselves or be represented by counsel or other person of their choice, and may bring witnesses to appear on their behalf. The reports will be in writing and a summary will be sent to the parties if a party requests it or if the Commission staff finds that a summary is necessary.

(1) *Review techniques.* Review will be by an appropriate means, including, but not limited to, public utility company reports, telephone calls, conferences, written statements, research, inquiry and investigation. Procedures will be designed to ensure a fair and reasonable opportunity to present pertinent evidence and to challenge evidence submitted by the other party to the dispute, to examine a list of witnesses who will testify and documents, records, files, account data, records of meter tests and other material that

the Commission staff will determine may be relevant to the issues, and to question witnesses appearing on behalf of other parties. Information and documents requested by Commission staff as part of the review process shall be provided by the public utility within 30 days of the request. If the complainant is without public utility service, or in other emergency situations as identified by Commission staff, the information requested by Commission staff shall be provided by the public utility within 5 business days of the request. Upon request of the complainant or Commission staff, the public utility shall provide the complainant with a copy of the documents submitted to Commission staff in response to the informal complaint. The public utility shall redact any documents to omit information that would possibly compromise the privacy or personal security of any individual other than the complainant.

* * * * *

§ 56.173. Review from informal complaint decisions of the Bureau of Consumer Services.

* * * * *

(f) *Commission review.* The Commission will review the decision of the assigned administrative law judge or special agent, commit it to advisory staff for further analysis, remand it to an administrative law judge or special agent for further development of the record or issue a final order. The burden of proof remains with the party who filed the [formal] informal complaint.

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Subchapter G. RESTORATION OF SERVICE

§ 56.191. Payment and timing.

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(c) *Payment to restore service.*

(1) A public utility shall provide for and inform the applicant or customer of a location where the customer can make payment to restore service. A public utility shall inform the applicant or customer that conditions for restoration of service may differ if someone in the household is a victim of domestic violence with a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence. A public utility shall also inform the applicant or customer that the timing and conditions for restoration of service may differ

if someone in the household is seriously ill or affected by a medical condition which will be aggravated without public utility service.

(2) A public utility may require:

(i) Full payment of any outstanding balance incurred together with any reconnection fees by the customer or applicant prior to reconnection of service if the customer or applicant has an income exceeding 300% of the Federal poverty level or has defaulted on two or more payment [agreements] arrangements. For purposes of this section, neither a payment [agreement] arrangement intended to amortize a make-up bill under § 56.14 (relating to previously unbilled public utility service) or the definition of “billing month” in § 56.2 (relating to definitions), nor a payment [agreement] arrangement that has been paid in full by the customer, are to be considered a default. Budget billing plans and amortization of budget plan reconciliation amounts under [§ 56.12(7)] § 56.12(8) (relating to meter reading; estimated billing; customer readings) may not be considered a default for the purposes of this section.

* * * * *

(f) Dishonorable tender of payment for reconnection of service – A public utility may immediately terminate service if a payment for reconnection of service is subsequently dishonored, revoked, canceled or otherwise not authorized and which has not been cured or otherwise paid in full within 3 business days of the public utility’s dishonored payment notice to the customer under § 56.93(a).

§ 56.192. Personnel available to restore service.

A public utility shall have adequate personnel available between 9 a.m. and 5 p.m. on each working day or for a commensurate period of 8 consecutive hours to restore service when required under this chapter, specifically in § § 56.82 and 56.191 (relating to timing of termination; and payment and timing).

Subchapter H. PUBLIC INFORMATION PROCEDURES; RECORD MAINTENANCE

§ 56.201. Public information.

(a) In addition to the notice requirements in this chapter, the Commission will, within 6 months of the effective date of a change to a regulation in this chapter, prepare a summary of the rights and responsibilities of the public utility and its customers affected by the change. Summaries will be mailed by the public utility to each customer of the public utility affected by the change. These summaries, as well as a summary of the rights and responsibilities of the public utility and its customers in accordance with this

chapter, shall be in writing, reproduced by the public utility, displayed prominently, available on the public utility's web site if the public utility has one and available at all public utility office locations open to the general public. The public utility shall inform new customers of the availability of this information and direct where to locate it on the public utility's web site. The public utility shall deliver or mail a copy upon the request of a customer or applicant.

(b) A public utility which serves a substantial number of Spanish-speaking customers shall provide billing information in English and in Spanish. The written information must indicate conspicuously that it is being provided in accordance with this title and contain information concerning, but not limited to, the following:

* * * * *

(13) Information indicating that additional consumer protections may be available for victims of domestic violence who have a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence, people with serious illnesses and low income households.

§ 56.202. Record maintenance.

A public utility shall preserve for a minimum of 4 years written or recorded disputes and complaints, keep the records accessible within this Commonwealth at an office located in the territory served by it and make the records available for examination by the Commission or its staff. Information to be maintained includes the following:

(1) The payment performance of each of its customers.

(2) The number of payment [agreements] arrangements made by the public utility company and a synopsis of the terms, conditions and standards upon which [agreements] arrangements were made.

* * * * *

§ 56.231. Reporting requirements.

(a) Within 15 days after the end of each month, each electric distribution utility, natural gas distribution utility and class A water distribution utility shall file with the Commission a report containing the following information concerning residential accounts for that month:

(1) The total number of residential heating customers.

(2) The total number of residential nonheating customers.

(3) The total number of active residential accounts in arrears not on a payment [agreement] arrangement.

(4) The total dollar amount in arrears for active residential accounts in arrears and not on a payment [agreement] arrangement.

(5) The total number of active residential accounts in arrears and on a payment [agreement] arrangement.

(6) The total dollar amount in arrears for active residential accounts in arrears and on a payment [agreement] arrangement.

* * * * *

(12) The total number of 3-day termination notices completed by telephone.

(13) The total number of 3-day termination notices completed by electronic messaging formats.

[(13)] (14) The total number of 48-hour termination notices posted.

[(14)] (15) The total number of terminations for reasons other than nonpayment.

[(15)] (16) The total number of terminations for nonpayment and for reasons other than nonpayment.

[(16)] (17) The total number of terminations for nonpayment and for reasons other than nonpayment categorized by the first three digits of each account's postal code.

[(17)] (18) The total number of reconnections for full customer payment, partial payment or payment [agreement] arrangement.

[(18)] (19) The total number of reconnections for customer submission of medical certification.

[(19)] (20) The total number of reconnections for reasons other than customer payment or medical certification.

[(20)] (21) The total number of applicants that are requested to pay or are billed a security deposit.

[(21)] (22) The total dollar amount in security deposits that are requested of or billed to applicants.

[(22)] (23) The total number of customers that are requested to pay or are billed a security deposit.

[(23)] (24) The total dollar amount in security deposits that are requested of or billed to customers.

(b) Within 90 days after the end of each year, each electric distribution utility, natural gas distribution utility and class A water distribution utility shall file with the Commission a report containing the following information concerning residential accounts for the previous year:

- (1) The total number of security deposits on hand.
- (2) The total dollar amount in security deposits on hand.
- (3) The total dollar amount of annual collection operating expenses.
- (4) The total dollar amount of annual residential billings.
- (5) The total dollar amount of annual gross residential write-offs.
- (6) The total dollar amount of annual net residential write-offs.
- (7) The average monthly bill for the previous year for a heating customer.
- (8) The average monthly bill for the previous year for a nonheating customer.
- (9) The average monthly usage for a heating customer.
- (10) The average monthly usage for a nonheating customer.
- (11) The total number of medical certificates and renewals that have been submitted by customers.
- (12) The total number of medical certificates and renewals that have been accepted by the public utility.

(c) Within 90 days after the end of each year, each electric distribution utility, natural gas distribution utility and class A water distribution utility shall file with the Commission a report containing the following information concerning all active individual residential accounts for the previous year except accounts where someone has presented a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence. Each account reported shall be identified to the Commission with a unique account identifier that the

public utility can match to the account. The unique identifier for an account shall be used in any subsequent reporting to identify that account. Customer names, addresses, account numbers, phone numbers, email addresses, Social Security numbers or any other information that could be used to identify the customer may not be included.

(1) Any account with an arrearage at or exceeding \$10,000 as of December 31 of the calendar year.

(i) The information concerning each individual reported account shall include the following:

(A) Unique account identifier.

(B) The account balance as of December 31 of the calendar year.

(C) The date the account was established.

(D) The average monthly bill amount for the previous 12 months.

(E) The number of Commission informal and formal complaints.

(F) The number of company payment arrangements.

(G) The number of times the customer's service was terminated for nonpayment.

(2) The Commission may request more detailed information on an account.

(d) Within 90 days after the end of each calendar year, each small natural gas distribution utility and each steam heat utility shall file with the Commission a report containing the following information concerning residential accounts for the previous year:

(1) The total number of residential customers as of the end of each month for the calendar year.

(2) The total number of terminations for nonpayment for each month of the calendar year.

(3) The total number of terminations for reasons other than nonpayment for each month of the calendar year.

(4) The total number of reconnections for customer payment for each month of the calendar year.

(5) The total number of reconnections for customer submission of medical certification for each month of the calendar year.

(6) The total number of reconnections for reasons other than customer payment or medical certification for each month of the calendar year.

(7) The total dollar amount of annual residential billings.

(8) The total dollar amount of annual gross residential write-offs.

[(c)](e) Public utilities shall refer to the data dictionary in Appendix C (relating to definitions (§ 56.231)) for additional guidance as to the terms used in this section.

**Subchapter L. PROVISIONS FOR [WASTEWATER, STEAM HEAT AND
SMALL NATURAL GAS DISTRIBUTION UTILITIES AND]
VICTIMS OF DOMESTIC VIOLENCE WITH A
PROTECTION FROM ABUSE ORDER OR A COURT ORDER ISSUED BY A
COURT OF COMPETENT JURISDICTION IN THIS COMMONWEALTH,
WHICH PROVIDES CLEAR EVIDENCE OF DOMESTIC VIOLENCE.**

§ 56.251. Statement of purpose and policy.

Subchapters L—V apply to victims under a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence against the applicant or customer as provided by 23 Pa.C.S. Chapter 61 (relating to Protection from Abuse Act) and 66 Pa.C.S. § 1417 (relating to nonapplicability). [These subchapters also apply to wastewater, steam heating and natural gas distribution utilities with annual gas operating revenues of less than \$6 million per year, except when the utility seeks to provide natural gas supply services to retail gas customers outside its service territory as provided by 66 Pa.C.S. § 1403 (relating to definitions).] These subchapters establish and enforce uniform, fair and equitable residential public utility service standards governing eligibility criteria, credit and deposit practices, and account billing, termination and customer complaint procedures. This chapter assures adequate provision of residential public utility service, to restrict unreasonable termination of or refusal to provide that service and to provide functional alternatives to termination or refusal to provide that service. Every privilege conferred or duty required under this chapter imposes an obligation of good faith, honesty and fair dealing in its performance and enforcement. This chapter will be liberally construed to fulfill its purpose and policy and to insure justice for all concerned.

§ 56.252. Definitions.

The following words and terms, when used in this subchapter and Subchapters M—V, have the following meanings, unless the context clearly indicates otherwise:

AMR—Automatic meter reading—

- (i) Metering using technologies that automatically read and collect data from metering devices and transfer that data to a central database for billing and other purposes.
- (ii) The term does not include remote meter reading devices as defined by this section.
- (iii) Meter readings by an AMR shall be deemed actual readings for the purposes of this chapter.

Applicant—

- (i) A person at least 18 years of age who applies for residential public utility service.
- (ii) The term does not include a person who, within 60 days after termination or discontinuance of service, seeks to transfer service within the service territory of the same public utility or to reinstate service at the same address.

Basic services—

- (i) Services necessary for the physical delivery of residential public utility service.
- (ii) The term also includes default service as defined in this section.

Billing month—A period of not less than 26 days and not more than 35 days except in the following circumstances:

- (i) An initial bill for a new customer may be less than 26 days or greater than 35 days. However, if an initial bill exceeds 60 days, the customer shall be given the opportunity to amortize the amount over a period equal to the period covered by the initial bill without penalty.
- (ii) A final bill due to discontinuance may be less than 26 days or greater than 35 days but may never exceed 42 days. In cases involving termination, a final bill may be less than 26 days.

(iii) Bills for less than 26 days or more than 35 days shall be permitted if they result from a rebilling initiated by the company or customer dispute to correct a billing problem.

(iv) Bills for less than 26 days or more than 35 days shall be permitted if they result from a meter reading route change initiated by the public utility. The public utility shall informally contact the Director of the Bureau of Consumer Services at least 30 days prior to the rerouting and provide information as to when the billing will occur, the number of customers affected and a general description of the geographic area involved. If a bill resulting from a meter rerouting exceeds 60 days, the customer shall be given the opportunity to amortize the amount over a period equal to the period covered by the bill without penalty.

(v) Bills for less than 26 days shall be permitted in instances when there is a change of the customer's electric generation supplier.

Billing period—In the case of utilities supplying gas, electric and steam heating service, the billing period must conform to the definition of “billing month.” In the case of water and wastewater service, a billing period may be monthly, bimonthly or quarterly as provided in the tariff of the public utility. Customers shall be permitted to receive bills monthly and be notified of their rights thereto.

Customer—A person at least 18 years of age in whose name a residential service account is listed and who is primarily responsible for payment of bills rendered for the service.

Customer assistance program—A plan or program sponsored by a public utility for the purpose of providing universal service and energy conservation, as defined in 66 Pa.C.S. § 2202 or § 2803 (relating to definitions), in which customers make monthly payments based on household income and household size and under which customers shall comply with certain responsibilities and restrictions to remain eligible for the program.

Cycle billing—A system of billing employed by a public utility which results in the normal rendition of bills for public utility service to a group or portion of customers on different or specified days of one billing period.

Default service—Electric generation supply service provided under a default service program to a retail electric customer not receiving service from an electric generation supplier.

Delinquent account—Charges for public utility service which have not been paid in full by the due date stated on the bill or otherwise agreed upon; provided that an account may

not be deemed delinquent if: prior to the due date, a payment agreement with the public utility has been entered into by the customer, a timely filed notice of dispute is pending before the public utility or, under time limits provided in this chapter, an informal or formal complaint is timely filed with and is pending before the Commission.

Discontinuance of service—The cessation of service with the consent of the customer and otherwise in accordance with § 56.312 (relating to discontinuance of service).

Dispute—A grievance of an applicant, customer or occupant about a public utility's application of a provision covered by this chapter, including, but not limited to, subjects such as credit determinations, deposit requirements, the accuracy of meter readings or bill amounts or the proper party to be charged. If, at the conclusion of an initial contact or, when applicable, a follow-up response, the applicant, customer or occupant indicates satisfaction with the resulting resolution or explanation of the subject of the grievance, the contact will not be considered a dispute.

Dwelling—A house, apartment, mobile home or single meter multiunit structure being supplied with residential service.

Electronic billing—The electronic delivery and presentation of bills and related information sent by a public utility to its customers using a system administered by the public utility or a system the public utility is responsible for maintaining.

Electronic notification of payment—A notification generated by an electronic payment system upon receipt of a payment from a customer using an electronic billing and payment system administered by the public utility or a system the public utility is responsible for maintaining. The notification must inform the customer of successful receipt and amount of payment and the date and time the payment was received.

Electronic remittance of payment—The electronic receipt of payment from customers to a public utility using a system administered by a public utility or a system the public utility is responsible for maintaining.

Emergency—An unforeseen combination of circumstances requiring temporary discontinuance of service to effect repairs or maintenance or to eliminate an imminent threat to life, health, safety or property.

Federal poverty level—The poverty guidelines updated periodically in the *Federal Register* by the United States Department of Health and Human Services under the authority of section 673(2) of the Omnibus Budget Reconciliation Act (OBRA) of 1981 (42 U.S.C.A. § 9902(2)).

Formal complaint—A complaint filed before the Commission requesting a legal

proceeding before a Commission administrative law judge or a mediation under the management of a Commission administrative law judge.

Household income—The combined gross income of all adults in a residential household who benefit from the public utility service.

Informal complaint—A complaint with the Commission submitted by a customer that does not involve a legal proceeding before a Commission administrative law judge or a mediation under the management of a Commission administrative law judge.

Initial inquiry—A concern or question of an applicant, customer or occupant about a public utility's application of a provision covered by this chapter, including, but not limited to, subjects such as credit determinations, deposit requirements, the accuracy of meter readings or bill amounts or the proper party to be charged. If a public utility, with the consent of the applicant, customer or occupant, offers to review pertinent records and call back the applicant, customer or occupant within 3 business days with a response, the contact will be considered an initial inquiry pending a determination of satisfaction by the applicant, customer or occupant with the company's response. If the company cannot reach the customer to convey the information obtained through a review of company records, a letter shall be sent which summarizes the information and informs the customer to contact the company within 5 business days if the customer disagrees with the company position, or has additional questions or concerns about the matter.

Natural gas distribution service—The delivery of natural gas to retail gas customers utilizing the jurisdictional facilities of a natural gas distribution utility.

Natural gas distribution utility—A city natural gas distribution operation or entity that provides natural gas distribution services and may provide natural gas supply services and other services.

Natural gas supply services—

(i) The sale or arrangement of the sale of natural gas to retail gas customers and services that may be unbundled by the Commission under 66 Pa.C.S. § 2203(3) (relating to standards for restructuring of natural gas utility industry).

(ii) The term does not include natural gas distribution service.

Nonbasic services—Optional recurring services which are distinctly separate and clearly not required for the physical delivery of public utility service or default service.

Nurse practitioner—A registered nurse licensed in this Commonwealth who is certified by the State Board of Nursing in a particular clinical specialty area and who, while

functioning in the expanded role as a professional nurse, performs acts of medical diagnosis or prescription of medical therapeutic or corrective measures in collaboration with and under the direction of a physician licensed to practice medicine in this Commonwealth.

Occupant—A natural person who resides in the premises to which public utility service is provided.

Payment agreement—A mutually satisfactory written agreement whereby a customer or applicant who admits liability for billed service is permitted to amortize or pay the unpaid balance of the account in one or more payments over a reasonable period of time.

Person—An individual, partnership, corporation, association, including any lessee, assignee, trustee, receiver, executor, administrator and other successors in interest.

Physician—An individual licensed to engage in the practice of medicine and surgery in all of its branches or in the practice of osteopathy or osteopathic surgery by a jurisdiction within the United States of America.

Physician assistant—An individual licensed by the State Board of Medicine in this Commonwealth, who provides any medical service, as directed by the supervising physician licensed to practice medicine in this Commonwealth, when the service is within the physician assistant's skills, training and experience, forms a component of the physician's scope of practice, is included in the written agreement and is provided with the amount of supervision in keeping with the accepted standards of medical practice. See 49 Pa. C.S. §18.51(b) (relating to the role of physician assistant)

Premises or affected premises—Unless otherwise indicated, the residence of the occupant.

Public utility—An electric distribution utility, natural gas distribution utility, small natural gas distribution utility, steam heat utility, wastewater utility or water distribution utility in this Commonwealth that is within the jurisdiction of the Commission.

Remote reading device—

(i) A device which by electrical impulse or otherwise transmits readings from a meter, usually located within a residence, to a more accessible location outside of a residence.

(ii) The term does not include the following:

(A) AMR devices as defined in this section.

(B) Devices that permit direct interrogation of the meter.

Residential service—

(i) [Utility] Public utility service supplied to a dwelling, including service provided to a commercial establishment if concurrent service is provided to a residential dwelling attached thereto.

(ii) The term does not include public utility service provided to a hotel or motel.

*Small natural gas distribution utility—*A public utility providing natural gas distribution services subject to the jurisdiction of the Commission that:

(i) Has annual gas operating revenues of less than \$6 million per year.

(ii) Is not connected to an interstate gas pipeline by means of a direct connection or any indirect connection through the distribution system of another natural gas public utility or through a natural gas gathering system.

Steam heat utility— An entity producing, generating, distributing or furnishing steam for the production of heat or to or for the public for compensation.

*Termination of service—*Cessation of service, whether temporary or permanent, without the consent of the ratepayer.

*Unauthorized use of public utility service—*Unreasonable interference or diversion of service, including meter tampering (any act which affects the proper registration of service through a meter), by-passing (unmetered service that flows through a device connected between a service line and customer-owned facilities) and unauthorized service restoral.

*User without contract—*A person as defined in 66 Pa.C.S. § 102 (relating to definitions) that takes or accepts public utility service without the knowledge or approval of the public utility, other than the unauthorized use of public utility service as defined in this section.

[Utility—

(i) A public utility or a municipality, subject to Commission jurisdiction, which provides wastewater services or steam heating services.

(ii) The term also includes natural gas distribution utilities with annual gas operating revenues of less than \$6 million per year, except when the public utility seeks to provide natural gas supply services to retail gas customers outside its service territory as provided under 66 Pa.C.S. § 1403 (relating to definitions).]

Wastewater utility—An entity owning or operating equipment or facilities for the collection, treatment or disposal of sewage to or for the public for compensation. The term includes separate companies that individually provide water or wastewater service so long as the separate companies are wholly owned by a common parent company.

Subchapter M. BILLING AND PAYMENT STANDARDS

GENERAL

§ 56.261. Billing frequency.

(a) A public utility shall render a bill once every billing period to every residential customer in accordance with approved rate schedules.

(b) A public utility may utilize electronic billing in lieu of mailed paper bills. Electronic billing programs must include the following:

(1) The electronic billing option is voluntary and only with the prior consent of the customer. The customer retains the right to revert to conventional paper billings upon request. The customer shall provide the public utility with a one billing cycle notice of a request to revert to paper billing.

(2) A customer shall receive the same information that is included with a paper bill issued by the public utility.

(3) The electronic bill must include the same disclosures and educational messages that are required for paper bills. The electronic transmission of termination notices may not be permitted unless the customer has affirmatively consented to this method of delivery. The electronic delivery of a termination notice does not relieve the public utility of the obligation to provide termination notices as required under §§ 56.331—56.338.

(4) The electronic bill must include all required bill inserts in an easily accessed and easily readable format.

(5) The electronic bill must include the option for the customer to contribute to the public utility's hardship fund if the public utility is able to accept hardship fund contributions by this method.

(6) A customer may not be required to pay an additional fee to receive an electronic bill.

(7) The public utility shall maintain a system to deliver electronic bills if the bill is emailed to a customer.

(8) The public utility shall employ all reasonable measures to protect customer information from unauthorized disclosure and prevent access to customer account records by persons who are not properly authorized to have access.

§ 56.262. Meter reading; estimated billing; customer readings.

Except as provided in this section, a public utility shall render bills based on actual meter readings by public utility company personnel.

(1) *Inapplicability to seasonally billed customers.* This section does not apply to customers billed on a seasonal basis under terms included in the tariff of the public utility.

(2) *Estimates for bills rendered on a monthly basis.* If a public utility bills on a monthly basis, it may estimate usage of service every other billing month, so long as the public utility provides a customer with the opportunity to read the meter and report the quantity of usage in lieu of the estimated bill. The resulting bills must be based on the information provided, except for an account when it is apparent that the information is erroneous.

(i) Upon the request of the customer, the public utility shall, at least annually, provide preaddressed postcards on which the customer may report the reading. The public utility shall provide additional preaddressed postcards on request. The public utility may choose to make available electronic and telephonic methods for customers to report meter reading information.

(ii) The public utility may establish due dates by which the customer supplied reading shall be received for a bill to be based upon the meter reading of the customer or occupant. If the reading of a customer or occupant is not received by that due date, the public utility may estimate the quantity of usage. The public utility may establish due dates for submitting a meter reading when the customer or occupant utilizes an electronic method for reporting meter readings.

(3) *Estimates permitted under exigent circumstances.* A public utility may estimate the bill of a customer if extreme weather conditions, emergencies, equipment failure, work stoppages or other circumstances prevent actual meter reading.

(4) *Estimates when public utility personnel are unable to gain access.* A public utility may estimate the bill of a customer if public utility personnel are unable to gain access to obtain an actual meter reading, as long as the following apply:

(i) The public utility has undertaken reasonable alternative measures to obtain a meter reading, including, but not limited to, the provision of preaddressed postcards upon which the customer may report the reading or the telephone reporting of the reading.

(ii) The public utility, at least every 6 months, or every four billing periods for utilities permitted to bill for periods in excess of 1 month, obtains an actual meter reading or customer supplied reading to verify the accuracy of the estimated readings.

(iii) The public utility, at least once every 12 months, obtains an actual meter reading to verify the accuracy of the readings, either estimated or customer read.

(5) *Remote reading devices for water, gas and electric utilities.* A public utility may render a bill on the basis of readings from a remote reading device under the following conditions:

(i) When a gas, electric or water public utility uses readings from a remote reading device to render bills, the public utility shall obtain an actual meter reading at least once every 5 years to verify the accuracy of the remote reading device. If the customer of record at the dwelling changes during the 5-year period between actual meter readings, the public utility shall make a bona fide attempt to schedule an appointment with the departing customer and, if necessary, the new occupant, to secure an actual meter reading.

(ii) When the actual meter reading establishes that the customer was underbilled due to an error in the registration of the remote reading device, the public utility may render a bill for the uncollected amount. If the rebilling exceeds the otherwise normal estimated bill for the billing period during which the bill is issued by at least 50% or at least \$50, whichever is greater, the public utility shall comply with § 56.264 (relating to previously unbilled public utility service).

(iii) When the actual meter reading establishes that the customer was overbilled due to an error in the readings of the remote reading device, the public utility shall credit or refund to the customer the amount overbilled plus interest calculated under § 56.411(3) (relating to duties of parties: disputing party's duty to pay undisputed portion of bills; public utility's duty to pay interest whenever overpayment found).

(iv) Nothing in this section may be construed to limit the authority of electric, gas or water public utilities to gain access to a residence for the purpose of checking or reading a meter.

(6) Verification of automatic meter reading. Upon a customer request, the public utility shall secure an in-person meter reading to confirm the accuracy of an automatic meter reading device when a customer disconnects service or a new service request is received. A public utility may charge a fee, as provided in a Commission approved tariff.

[(6)](7) *Limitation of liability.* If a water utility has estimated bills and if the customer or occupant during that period has consumed an amount of water in excess of normal seasonal usage because of a verified leak that could not reasonably have been detected or other unknown loss of water, the customer is not liable for more than 150% of the average amount of water consumed for the corresponding period during the previous year. This section does not apply when the water utility was unable to gain access and has complied with paragraph (4).

[(7)](8) *Budget billing.* A gas, electric and steam heating utility shall provide its residential customers, on a year-round rolling enrollment basis, with an optional billing procedure which averages estimated public utility service costs over a 10-month, 11-month or 12-month period to eliminate, to the extent possible, seasonal fluctuations in public utility bills. The public utility shall review accounts at least three times during the optional billing period. At the conclusion of the budget billing year, a resulting reconciliation amount exceeding \$100 but less than \$300 shall be, at the request of the customer, amortized over a 6-month period. Reconciliation amounts exceeding \$300 shall be amortized over at least a 12-month period at the request of the customer. Shorter amortization periods are permissible at the request of the customer.

[(8)](9) *Notice.* The public utility shall inform existing customers of their rights under this section and under 66 Pa.C.S. § 1509 (relating to billing procedures).

§ 56.263. Billings for merchandise, appliances and nonrecurring and recurring services.

Charges for other than basic service—that is, merchandise, appliances and special services, including merchandise and appliance installation, sales, rental and repair costs; meter testing fees; line extension costs; special construction charges and other nonrecurring charges, except as provided in this chapter—must appear after charges for basic services and appear distinctly separate. This includes charges for optional recurring services which are distinctly separate and clearly not required for the physical delivery of service. Examples include line repair programs and appliance warranty programs. See § 56.323(3) (relating to unauthorized termination of service).

§ 56.264. Previously unbilled public utility service.

When a public utility renders a make-up bill for previously unbilled public utility service which accrued within the past 4 years resulting from public utility billing error, meter failure, leakage that could not reasonably have been detected or loss of service, or four or more consecutive estimated bills and the make-up bill exceeds the otherwise normal estimated bill for the billing period during which the make-up bill is issued by at least 50% or at least \$50, whichever is greater:

(1) The public utility shall explain the bill to the customer and make a reasonable attempt to amortize the bill.

(2) The period of the amortization may, at the option of the customer, extend at least as long as:

(i) The period during which the excess amount accrued.

(ii) Necessary so that the quantity of service billed in any one billing period is not greater than the normal estimated quantity for that period plus 50%.

§ 56.265. Billing information.

A bill rendered by a public utility for metered residential public utility service must state clearly the following information:

(1) The beginning and ending dates of the billing period.

(2) If applicable, the beginning and ending meter readings for the billing period. If a bill is estimated, it must contain a clear and conspicuous marking of the word "Estimated."

(3) The due date on or before which payment shall be made or the account will be delinquent.

(4) The amount due for service rendered during the current billing period, specifying the charge for basic service, the energy or fuel adjustment charge, State tax adjustment surcharge if other than zero, State Sales Tax if applicable and other similar charges. The bills should also indicate that a State Gross Receipts Tax is being charged and a reasonable estimate of the charge. A Class A utility shall include a statement of the dollar amount of total State taxes included in the current billing period charge. For the purpose of this paragraph, a Class A utility shall also include a Class A telephone utility as defined under § 63.31 (relating to classification of public utilities).

(5) Amounts due for reconnection charges.

- (6) Amounts due for security deposits.
- (7) The total amount of payments and other credits made to the account during the current billing period.
- (8) The amount of late payment charges, designated as such, which have accrued to the account of the customer for failure to pay bills by the due date of the bill and which are authorized under § 56.272 (relating to accrual of late payment charges).
- (9) The total amount due.
- (10) A clear and conspicuous marking of estimates.
- (11) A statement directing the customer to “register any question or complaint about the bill prior to the due date,” with the address and telephone number where the customer may initiate the inquiry or complaint with the public utility.
- (12) A statement that a rate schedule, an explanation of how to verify the accuracy of a bill and an explanation, in plain language, of the various charges, if applicable, is available for inspection in the local business office of the public utility and on the public utility’s web site.
- (13) A designation of the applicable rate schedule as denoted in the officially filed tariff of the public utility.
- (14) Utilities shall incorporate the requirements in §§ 54.4 and 62.74 (relating to bill format for residential and small business customers).

§ 56.266. Transfer of accounts.

- (a) A customer who is about to vacate premises supplied with public utility service or who wishes to have service discontinued shall give at least 7 days notice to the public utility and a noncustomer occupant, specifying the date on which it is desired that service be discontinued. In the absence of a notice, the customer shall be responsible for services rendered. If the public utility is not, after a reasonable attempt to obtain meter access, able to access the meter for discontinuance, service shall be discontinued with an estimated meter reading upon which the final bill will be based. The resulting final bill is subject to adjustment once the public utility has obtained an actual meter reading.
- (b) In the event of discontinuance or termination of service at a residence or dwelling in accordance with this chapter, a public utility may transfer an unpaid balance to a new residential service account of the same customer.

(c) If a termination notice has been issued in accordance with § 56.331 (relating to general notice provisions and contents of termination notice) and subsequent to the mailing or delivery of that notice, the customer requests a transfer of service to a new location, the termination process in §§ 56.331—56.339 may continue at the new location.

(1) When notifications set forth under § 56.331 and § 56.335 (relating to deferred termination when no prior contact) have been rendered and service has not been terminated due to a denial of access to the premises, the public utility may deny service at a new location when a service transfer is requested.

(2) Nothing in this section shall be construed to limit the right of a customer to dispute a bill within the meaning of §§ 56.372—56.374 (relating to dispute procedures; time for filing an informal complaint; and effect of failure to timely file an informal complaint).

§ 56.267. Advance payments.

Payments may be required in advance of furnishing any of the following services:

- (1) Seasonal service.
- (2) The construction of facilities and furnishing of special equipment.
- (3) Gas and electric rendered through prepayment meters provided:

(i) The customer is nonlow income. For purposes of this section, “nonlow income” is defined as an individual who has an annual household gross income greater than 150% of the Federal poverty income guidelines and has a delinquency for which the individual is requesting a payment agreement but offering terms that the public utility, after consideration of the factors in § 56.337(b) (relating to procedures upon customer or occupant contact prior to termination), finds unacceptable.

(ii) The service is being rendered to an individually-metered residential dwelling, and the customer and occupants are the only individuals affected by the installation of a prepayment meter.

(iii) The customer and public utility enter into a payment agreement which includes, but is not limited to, the following terms:

(A) The customer voluntarily agrees to the installation of a prepayment meter.

(B) The customer agrees to purchase prepayment credits to maintain service until the total balance is retired and the public utility agrees to make new credits available to the customer within 5 days of receipt of prepayment.

(C) The public utility agrees to furnish the customer with emergency backup credits for additional usage of at least 5 days.

(D) The customer agrees that failure to renew the credits by making prepayment for additional service constitutes a request for discontinuance under § 56.312(1) (relating to discontinuance of service), except during a medical emergency, and that discontinuance will occur when the additional usage on the emergency backup credits runs out.

(iv) The public utility develops a written plan for a prepayment meter program, consistent with the criteria established in this section, and submits the plan to the Commission at least 30 days in advance of the effective date of the program.

(v) During the first 2 years of use of prepayment meters, the public utility thoroughly and objectively evaluates the use of prepayment meters in accordance with the following:

(A) *Content.* The evaluation should include both process and impact components. Process evaluation should focus on whether the use of prepayment meters conforms to the program design and should assess the degree to which the program operates efficiently. The impact evaluation should focus on the degree to which the program achieves the continuation of public utility service to participants at reasonable cost levels. The evaluation should include an analysis of the costs and benefits of traditional collections or alternative collections versus the costs and benefits of handling nonlow income positive ability to pay customers through prepayment metering. This analysis should include comparisons of customer payment behavior, energy consumption, administrative costs and actual collection costs.

(B) *Time frame.* The process evaluation should be undertaken during the middle of the first year; the impact evaluation at least by the end of the second year.

(4) Temporary service for short-term use, including installation and removal, with credit for reasonable salvage.

PAYMENTS

§ 56.271. Payment.

The due date for payment of a bill may not be less than 20 days from the date of transmittal; that is, the date of mailing, electronic transmission or physical delivery of the bill by the public utility to the customer.

(1) *Extension of due date to next business day.* If the last day for payment falls on a Saturday, Sunday, bank holiday or other day when the offices of the public utility which

regularly receive payments are not open to the general public, the due date shall be extended to the next business day.

(2) *Date of payment by mail.* For a remittance by mail, one or more of the following applies:

(i) Payment shall be deemed to have been made on the date of the postmark.

(ii) The public utility may not impose a late payment charge unless payment is received more than 5 days after the due date.

(3) *Branch offices or authorized payment agents.* The effective date of payment to a branch office or authorized payment agent, unless payment is made by mail under paragraph (2), is the date of actual receipt of payment at that location.

(4) *Electronic transmission.* The effective date of a payment electronically transmitted to a public utility is the date of actual receipt of payment.

(5) *Fees.* Fees or charges assessed and collected by the public utility for utilizing a payment option must be included in the public utility's tariff on file at the Commission.

(6) *Multiple notifications.* When a public utility advises a customer of a balance owed by multiple notices or contacts which contain different due dates, the date on or before which payment is due shall be the latest due date contained in any of the notices.

§ 56.272. Accrual of late payment charges.

(a) Every public utility subject to this chapter is prohibited from levying or assessing a late charge or penalty on any overdue public utility bill, as defined in § 56.271 (relating to payment), in an amount which exceeds 1.5% interest per month on the overdue balance of the bill. These charges are to be calculated on the overdue portions of the bill only. The interest rate, when annualized, may not exceed 18% simple interest per annum.

(b) An additional charge or fixed fee designed to recover the cost of a subsequent rebilling may not be charged by a regulated public utility.

(c) Late payment charges may not be imposed on disputed estimated bills, unless the estimated bill was required because public utility personnel were willfully denied access to the affected premises to obtain an actual meter reading.

(d) A public utility may waive late payment charges on any customer accounts.

§ 56.273. Application of partial payments between public utility and other service.

Payments received by a public utility without written instructions that they be applied to merchandise, appliances, special services, meter testing fees or other nonbasic charges and which are insufficient to pay the balance due for the items plus amounts billed for basic public utility service shall first be applied to the basic charges for residential public utility service.

§ 56.274. Application of partial payments among several bills for public utility service.

In the absence of written instructions, a disputed bill or a payment agreement, payments received by a public utility which are insufficient to pay a balance due both for prior service and for service billed during the current billing period shall first be applied to the balance due for prior service.

§ 56.275. Electronic bill payment.

A public utility may offer electronic payment options. Electronic payment programs must include the following requirements:

(1) Electronic bill payment shall be voluntary. A public utility may not require a customer to enroll in electronic bill payment as a condition for enrolling in electronic billing.

(2) For electronic bill payment through a charge to a customer's credit card or automatic withdrawal from a customer's financial account, the program must set forth the date (or number of days after issuance of the bill) when the automatic payment shall be made.

(3) The terms of the payment procedures shall be fully disclosed to the customer in writing, either by mail or electronically, before the customer enters the program. Program changes shall be conveyed to the customer in writing, either by mail or electronically, and the customer shall be given an opportunity to withdraw from the program if the customer does not wish to continue under the new terms.

(4) The public utility shall provide a receipt, or a confirmation, transaction or reference number, either electronically or on paper, to the customer upon payment through the electronic method. This requirement does not apply if the payment method is through a preauthorized automated debit from a customer's financial account.

(5) The public utility shall employ all reasonable measures to protect customer information from unauthorized disclosure and prevent access to customer account records by persons who are not properly authorized to have access.

Subchapter N. CREDIT AND DEPOSITS STANDARDS POLICY

PROCEDURES FOR APPLICANTS

§ 56.281. Policy statement.

An essential ingredient of the credit and deposit policies of each public utility shall be the equitable and nondiscriminatory application of those precepts to potential and actual customers throughout the service area without regard to the economic character of the area or any part thereof. Deposit policies must be based upon the credit risk of the individual applicant or customer rather than the credit history of the affected premises or the collective credit reputation or experience in the area in which the applicant or customer lives and without regard to race, sex, age over 18 years of age, National origin or marital status.

§ 56.282. Credit standards.

A public utility shall provide residential service without requiring a deposit when the applicant satisfies one of the following requirements:

(1) *Prior public utility payment history.* The applicant has been a recipient of public utility service of a similar type within a period of 24 consecutive months preceding the date of the application and was primarily responsible for payment for the service, so long as:

(i) The average periodic bill for the service was equal to at least 50% of that estimated for new service.

(ii) The service of the applicant was not terminated for nonpayment during the last 12 consecutive months of that prior service.

(iii) The applicant does not have an unpaid balance from that prior service.

(2) *Ownership of real property.* The applicant owns or has entered into an agreement to purchase real property located in the area served by the public utility or is renting the applicant's place of residence under a lease of 1 year or longer in duration, unless the applicant has an otherwise unsatisfactory credit history as a public utility customer within 2 years prior to the application for service.

(3) *Credit information.* The applicant provides information demonstrating that the applicant is not an unsatisfactory credit risk.

(i) The absence of prior credit history does not, of itself, indicate an unsatisfactory risk.

(ii) The public utility may request and consider information including:

(A) The name of the employer of the applicant.

(B) The place and length of employment.

(C) Residences during the previous 5 years.

(D) Letters of reference.

(E) Credit cards.

(F) Significant source of income other than from employment.

(4) Cash deposit prohibition. A public utility may not require an applicant that is confirmed to be eligible for a customer assistance program to provide a cash deposit.

§ 56.283. Cash deposits; third-party guarantors.

If an applicant does not establish credit under § 56.282 (relating to credit standards), the public utility shall provide residential service when one of the following requirements is satisfied:

(1) *Cash deposit.* The applicant posts a cash deposit.

(2) *Third-party guarantor.* The applicant furnishes a written guarantee from a responsible customer which, for the purposes of this section, means a customer who has or can establish credit, under § 56.282, to secure payment in an amount equal to that required for cash deposits.

(i) A guarantee must be in writing and state the terms of the guarantee.

(ii) The guarantor shall be discharged when the applicant has met the terms and conditions which apply under § § 56.302 and 56.303 (relating to deposit hold period and refund; and application of deposit to bills).

§ 56.284. Deposits for temporary service.

Deposits for applicants for temporary service may be required in accordance with § 53.82 (relating to deposits).

§ 56.285. Payment of outstanding balance.

A public utility may require, as a condition of the furnishing of residential service to an applicant, the payment of any outstanding residential account with the public utility which accrued within the past 4 years from the date of the service request for which the applicant is legally responsible and for which the applicant was billed properly. The 4-year limit does not apply if the balance includes amounts that the public utility was not aware of because of fraud or theft on the part of the applicant. An outstanding residential account with the public utility may be amortized over a reasonable period of time. Factors to be taken into account include the size of the unpaid balance, the ability of the applicant to pay, the payment history of the applicant and the length of time over which the bill accumulated. A public utility may not require, as a condition of the furnishing of residential service, payment for residential service previously furnished under an account in the name of a person other than the applicant unless a court, district justice or administrative agency has determined that the applicant is legally obligated to pay for the service previously furnished. Examples of situations include a separated spouse or a cotenant. This section does not affect the creditor rights and remedies of a public utility otherwise permitted by law.

§ 56.286. Written procedures.

A public utility shall establish written procedures for determining the credit status of an applicant. A public utility employee processing applications or determining the credit status of applicants shall be supplied with or have ready access to a copy of the written procedures of the public utility. The written procedures must specify that there are separate procedures and standards for victims with a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence. The procedures must also specify that any applicant that is confirmed to be eligible for a customer assistance program will not be required to pay a deposit. A copy of these procedures shall be maintained on file in each of the business offices of the public utility and made available, upon request, for inspection by members of the public and the Commission and be included on the public utility's web site.

(1) *Reasons for denial of credit.* If credit is denied, the public utility shall inform the applicant in writing of the reasons for the denial within 3 business days of the denial. This information may be provided electronically to the applicant with the applicant's consent. If the public utility is requiring payment of an unpaid balance in accordance with § 56.285 (relating to payment of outstanding balance), the public utility shall specify in writing the amount of the unpaid balance, the dates during which the balance accrued, and the location and customer name at which the balance accrued. The statement must inform the applicant of the right to furnish a third-party guarantor in accordance with § 56.283 (relating to cash deposits; third-

party guarantors) and the right to contact the Commission. The statement must include information informing victims of domestic violence with a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence, that more lenient credit and liability standards may be available. The statement must also inform the applicant that if they are confirmed to be eligible for a customer assistance program, a deposit will not be required.

(2) *Informing applicants of procedures.* [Utility] Public utility personnel shall fully explain the credit and deposit procedures of the public utility to each customer or applicant for service.

(3) *Third-party requests for service.* Requests from third parties to establish public utility service on behalf of an applicant will not be honored until the public utility has verified the legitimacy of the request. Verification may be accomplished by any means appropriate to confirm that the applicant consents to service being established or that the third-party is authorized to act on the applicant's behalf.

§ 56.287. General rule.

Once an applicant's application for service is accepted by the public utility, the public utility shall make a bona fide attempt to provide service within 3 business days, provided that the applicant has met all regulatory requirements. A longer time frame is permissible with the consent of the applicant. If the investigation and determination of credit status is expected to take or in fact takes longer than 3 business days commencing the date after the application is made, the public utility shall provide service pending completion of the investigation. If the public utility cannot provide service by the time frames specified in this section, the public utility shall inform the customer of this fact and provide a reasonable estimate of when service will be provided. These requirements do not apply to new service installations and service extensions that require construction of facilities to provide the public utility service.

§ 56.288. Payment period for deposits by applicants.

An applicant may elect to pay any required deposits in three installments: 50% payable upon the determination by the public utility that the deposit is required, 25% payable 30 days after the determination and 25% payable 60 days after the determination.

PROCEDURES FOR EXISTING CUSTOMERS

§ 56.291. General rule.

A public utility may require an existing customer to post a deposit to reestablish credit under the following circumstances:

(1) *Delinquent accounts.* Whenever a customer has been delinquent in the payment of any two consecutive bills or three or more bills within the preceding 12 months.

(i) Prior to requesting a deposit under this section, the public utility shall give the customer written notification of its intent to request a cash deposit if current and future bills continue to be paid after the due date.

(A) Notification must clearly indicate that a deposit is not required at this time but that if bills continue to be paid after the due date a deposit will be required.

(B) Notification may be mailed or delivered to the customer together with a bill for public utility service.

(C) Notification must set forth the address and phone number of the public utility office where complaints or questions may be registered.

(D) A subsequent request for deposit must clearly indicate that a customer should register any question or complaint about that matter prior to the date the deposit is due to avoid having service terminated pending resolution of a dispute. The request must also include the address and telephone number of the public utility office where questions or complaints may be registered.

(ii) Except in the case of adjustments to budget billing plans, a public utility may issue a notification or subsequent request for a deposit based, in whole or in part, on a delinquent account arising out of a make-up bill as defined in § 56.264 (relating to previously unbilled public utility service), under the following conditions:

(A) The public utility has complied with § 56.264. Compliance with a payment agreement by the customer discharges the delinquency and a notification or request for deposit may not thereafter be issued based on the make-up bill.

(B) If a make-up bill exceeds the otherwise normal estimated bill by at least 50% and if the customer makes payment in full after the bill is delinquent but before a notification of intent to request a deposit is given to the customer, a notification or request for deposit may not thereafter be issued based on the make-up bill.

(2) *Condition to the reconnection of service.* A public utility may require a deposit as a condition to reconnection of service following a termination.

(3) *Failure to comply with payment agreement.* A public utility may require a deposit, whether or not service has been terminated, when a customer fails to comply with a material term or condition of a payment agreement.

(4) *Cash deposit prohibition* – A public utility may not require a customer or an applicant that is confirmed to be eligible for a customer assistance program to provide a cash deposit.

§ 56.292. Payment period for deposits by customers.

The due date for payment of a deposit other than a deposit required as a condition for the reconnection of service under § 56.291(2) (relating to general rule) may not be less than 21 days from the date of mailing or service on the customer of notification of the amount due. A customer may elect to pay a required deposit in three installments: 50% payable upon the determination by the public utility that the deposit is required, 25% payable 30 days after the determination and 25% payable 60 days after the determination. A public utility shall advise [an applicant] a customer of the option to pay the requested security deposit in installments at the time the deposit is requested.

CASH DEPOSITS

§ 56.301. Amount of cash deposit.

(a) *Applicants.* A public utility may not require a cash deposit from an applicant in excess of the average estimated bill of the applicant for a period equal to one billing period plus 1 additional month's service, not to exceed 4 months in the case of water and wastewater utilities and 2 months in the case of gas, electric and steam heat utilities, with a minimum deposit of \$5.

(b) *Existing customer.* For an existing customer, the cash deposit may not exceed the estimated charges for service based on the prior consumption of that customer for the class of service involved for a period equal to one average billing period plus 1 average month, not to exceed 4 months in the case of wastewater utilities and 2 months in the case of gas and steam heat utilities, with a minimum of \$5.

(c) *Adjustment of deposits.* The amount of a cash deposit may be adjusted at the request of the customer or the public utility whenever the character or degree of the usage of the customer has materially changed or when it is clearly established that the character or degree of service will materially change in the immediate future.

§ 56.302. Deposit hold period and refund.

A cash deposit shall be refunded under the following conditions:

(1) *Termination or discontinuance of service.* Upon termination or discontinuance of service, the public utility shall promptly apply the deposit of the customer, including accrued interest, to any outstanding balance for public utility service and refund or apply the remainder to the customer's account. A transfer of service from one location to another within a service area may not be deemed discontinuance within the meaning of this chapter.

(2) *Credit established.* When a customer establishes credit under § 56.282 (relating to credit standards), the public utility shall refund or apply to the customer's account, any cash deposit plus accrued interest.

(3) *Third-party guarantor.* When a customer substitutes a third-party guarantor in accordance with § 56.283(2) (relating to cash deposits; third-party guarantors), the public utility shall refund any cash deposit, plus accrued interest, up to the limits of the guarantee.

(4) *Prompt payment of bills.* After a customer has paid bills for service for 12 consecutive months without having service terminated and without having paid a bill subsequent to the due date or other permissible period as stated in this chapter on more than two occasions or for a maximum period of 24 months, the public utility shall refund any cash deposit, plus accrued interest.

(5) *Optional refund.* At the option of the public utility, a cash deposit, including accrued interest, may be refunded in whole or in part, at any time earlier than the time stated in this section.

§ 56.303. Application of deposit to bills.

The customer may elect to have a deposit applied to reduce bills for public utility service or to receive a cash refund.

§ 56.304. Periodic review.

If a customer is not entitled to refund under § 56.302 (relating to deposit hold period and refund), the public utility shall review the account of the customer each succeeding billing period and make appropriate disposition of the deposit in accordance with § 56.302 and § 56.303 (relating to application of deposit to bills).

§ 56.305. Refund statement.

If a cash deposit is applied or refunded, the public utility shall mail or deliver to the customer a written statement showing the amount of the original deposit plus accrued interest, the application of the deposit to a bill which had previously accrued, the amount of unpaid bills liquidated by the deposit and the remaining balance.

§ 56.306. Interest rate.

The public utility shall accrue interest on the deposit until it is returned or credited, [the legal rate of interest under section 202 of the act of January 30, 1974 (P. L. 13, No. 6) (41 P. S. § 202), known as the Loan Interest and Protection Law, and return the interest with the deposit. § 56.307.]

(1) Interest shall be computed at the simple annual interest rate determined by the Secretary of Revenue for interest on the underpayment of tax under section 806 of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code.

(2) The interest rate in effect when deposit is required to be paid shall remain in effect until the date the deposit is refunded or credited, or December 31, whichever is later.

(3) On January 1 of each year, the new interest rate for that year will apply to the deposit.

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Subchapter O. INTERRUPTION AND DISCONTINUANCE OF SERVICE

§ 56.311. Interruption of service.

A public utility may temporarily interrupt service when necessary to effect repairs or maintenance; to eliminate an imminent threat to life, health, safety or substantial property damage; or for reasons of local, State or National emergency.

(1) *Interruption with prior notice.* When the public utility knows in advance of the circumstances requiring the service interruption, prior notice of the cause and expected duration of the interruption shall be given to customers and occupants who may be affected.

(2) *Interruption without prior notice.* When service is interrupted due to unforeseen circumstances, notice of the cause and expected duration of the interruption shall be given as soon as possible to customers and occupants who may be affected.

(3) *Notification procedures.* When customers and occupants are to be notified under this section, the public utility shall take reasonable steps, such as personal contact, phone contact and use of the mass media, to notify affected customers and occupants of the cause and expected duration of the interruption.

(4) *Permissible duration.* Service may be interrupted for only the periods of time necessary to protect the health and safety of the public, to protect property or to remedy the situation which necessitated the interruption. Service shall be resumed as soon as possible thereafter.

§ 56.312. Discontinuance of service.

A public utility may discontinue service without prior written notice under the following circumstances:

(1) *Customer's residence.* When a customer requests a discontinuance at the customer's residence, when the customer and members of the customer's household are the only occupants.

(2) *Other premises or dwellings.* Other premises or dwellings as follows:

(i) When a customer requests discontinuance at a dwelling other than the customer's residence or at a single meter multifamily residence, whether or not the customer's residence but, in either case, only under either of the following conditions:

(A) The customer states in writing that the premises are unoccupied. The statement must be on a form conspicuously bearing notice that information provided by the customer will be relied upon by the Commission in administering a system of uniform service standards for utilities and that any false statements are punishable criminally. When the customer fails to provide a notice, or when the customer has falsely stated the premises are unoccupied, the customer shall be responsible for payment of public utility bills until the public utility discontinues service.

(B) The occupants affected by the proposed cessation inform the public utility orally or in writing of their consent to the discontinuance.

(ii) When the conditions in subparagraph (i) have not been met, the public utility, at least 10 days prior to the proposed discontinuance, shall conspicuously post notice of termination at the affected premises.

(A) When the premises is a multifamily residence, notice shall also be posted in common areas.

(B) Notices must, at a minimum, state: the date on or after which discontinuance will occur; the name and address of the public utility; and the requirements necessary for the occupant to obtain public utility service in the occupant's name. Further termination provisions of this chapter, except § 56.337 (relating to procedures upon customer or occupant contact prior to termination), do not apply in these circumstances.

(C) This section does not apply when the customer is a landlord ratepayer. See 66 Pa.C.S. § § 1521—1533 (relating to discontinuance of service to leased premises).

Subchapter P. TERMINATION OF SERVICE

GROUND FOR TERMINATION

§ 56.321. Authorized termination of service.

[Utility] Public utility service to a dwelling may be terminated for one or more of the following reasons:

- (1) Nonpayment of an undisputed delinquent account.
- (2) Failure to post a deposit, provide a guarantee or establish credit.
- (3) Unreasonable refusal to permit access to meters, service connections and other property of the public utility for the purpose of maintenance, repair or meter reading.
- (4) Unauthorized use of the public utility service delivered on or about the affected dwelling.
- (5) Failure to comply with the material terms of a payment agreement.
- (6) Fraud or material misrepresentation of identity for the purpose of obtaining public utility service.
- (7) Tampering with meters or other public utility equipment.
- (8) Violating tariff provisions on file with the Commission so as to endanger the safety of a person or the integrity of the energy delivery system of the public utility.

§ 56.322. Timing of termination.

Except in emergencies—which include unauthorized use of public utility service—service may not be terminated, for nonpayment of charges or for any other reason, during the following periods:

(1) On Friday, Saturday or Sunday.

(2) On a bank holiday or on the day preceding a bank holiday.

(3) On a holiday observed by the public utility or on the day preceding the holiday. A holiday observed by a public utility means any day on which the business office of the public utility is closed to observe a legal holiday, to attend public utility meetings or functions or for any other reason.

(4) On a holiday observed by the Commission or on the day preceding the holiday.

§ 56.323. Unauthorized termination of service.

Unless expressly and specifically authorized by the Commission, service may not be terminated nor will a termination notice be sent for any of the following reasons:

(1) Nonpayment for concurrent service of the same class received at a separate dwelling. This does not include concurrent service periods of 90 days or less accrued during the transfer of service from one location to another.

(2) Nonpayment for a different class of service received at the same or a different location. Service may be terminated, however, when, under the tariff of the public utility, a change in classification is necessitated upon the completion of construction work previously billed at a different rate applicable during construction.

(3) Nonpayment, in whole or in part of nonbasic charges for leased or purchased merchandise, appliances or special services including, but not limited to, merchandise and appliance installation fees, rental and repair costs; meter testing fees; special construction charges; and other nonrecurring or recurring charges that are not essential to delivery or metering of service, except as provided in this chapter.

(4) Nonpayment of bills for delinquent accounts of the prior customer at the same address.

(5) Nonpayment of a deposit which is based, in whole or in part, on a delinquent account arising out of a make-up bill as defined in § 56.264 (relating to previously unbilled public utility service) and the customer has complied with § 56.291(1)(ii)(A) or (B) (relating to general rule).

(6) Noncompliance with a payment agreement prior to the due date of the bill which forms the basis of the agreement.

(7) Nonpayment of charges for public utility service for which the public utility ceased billing more than 4 years prior to the date the bill is rendered.

(8) Nonpayment for residential service already furnished in the names of persons other than the customer unless a court, district justice or administrative agency has determined that the customer is legally obligated to pay for the service previously furnished. This paragraph does not affect the creditor rights and remedies of a public utility otherwise permitted by law.

(9) Nonpayment of charges calculated on the basis of estimated billings, unless the estimated bill was required because public utility personnel were unable to gain access to the affected premises to obtain an actual meter reading on two occasions and have made a reasonable effort to schedule a meter reading at a time convenient to the customer or occupant, or a subsequent actual reading has been obtained as a verification of the estimate prior to the initiation of termination procedures.

(10) Nonpayment of delinquent accounts which accrued over two billing periods or more, which remain unpaid in whole or in part for 6 months or less, and which amount to a total delinquency of less than \$25.

(11) Nonpayment of delinquent accounts when the amount of the deposit presently held by the public utility is within \$25 of account balance.

NOTICE PROCEDURES PRIOR TO TERMINATION

§ 56.331. General notice provisions and contents of termination notice.

(a) Prior to a termination of service, the public utility shall mail or deliver written notice to the customer at least 10 days prior to the date of the proposed termination. In the event of a user without contract as defined in § 56.252 (relating to definitions), the public utility shall comply with § § 56.333—56.337, but does not need to provide notice 10 days prior to termination.

(b) A notice of termination must include, in conspicuous print, clearly and fully the following information when applicable:

(1) The reason for the proposed termination.

(2) An itemized statement of amounts currently due, including any required deposit.

(3) A statement that a reconnection fee will be required to have service restored after it has been terminated if a reconnection fee is a part of the tariff of the public utility on file with the Commission. The statement must include the maximum possible dollar amount of the reconnection fee that may apply.

(4) The date on or after which service will be terminated unless one of the following occurs:

(i) Payment in full is received.

(ii) The grounds for termination are otherwise eliminated.

(iii) A payment agreement is established.

(iv) Enrollment is made in a customer assistance program or its equivalent, if the customer is eligible for the program.

(v) A dispute is filed with the public utility or the Commission.

(vi) Payment in full of amounts past due on the most recent payment agreement is received.

(5) A statement that the customer should immediately contact the public utility to attempt to resolve the matter. The statement must include the address and telephone number where questions may be asked, how payment agreements may be negotiated and entered into with the public utility, and where applications can be found and submitted for enrollment into the public utility's universal service programs, if these programs are offered by the public utility.

(6) The following statement: "If you have questions or need more information, contact us as soon as possible at (public utility phone number). After you talk to us, if you are not satisfied, you may file a complaint with the Public Utility Commission. The Public Utility Commission may delay the shut off if you file the complaint before the shut off date. To contact them, call (800) 692-7380 or write to the Pennsylvania Public Utility Commission, P. O. Box 3265, Harrisburg, Pennsylvania 17105-3265."

(7) A serious illness notice in compliance with the form in Appendix A (relating to medical emergency notice) except that, for the purpose of § 56.336 (relating to post-termination notice), the notice must comply with the form in Appendix B (relating to medical emergency notice).

(8) If the public utility has universal service programs, information indicating that special assistance programs may be available and how to contact the public utility for information and enrollment, and that enrollment in the program may be a method of avoiding the termination of service.

(9) Information indicating that special protections are available for victims under a protection from abuse order or who have a court order issued by a court of competent

jurisdiction in this Commonwealth, which provides clear evidence of domestic violence and how to contact the public utility to obtain more information on these protections.

(10) Information indicating that special protections are available for tenants if the landlord is responsible for paying the public utility bill and how to contact the public utility to obtain more information on these protections.

(11) Information indicating that if service is shut off, the customer may be required to pay more than the amount listed on the notice to have service turned back on.

(12) Information indicating that if service is shut off, the customer shall contact the public utility after payment has been made to arrange reconnection of the service.

(13) Information in Spanish directing Spanish-speaking customers to the numbers to call for information and translation assistance. Similar information shall be included in other languages when census data indicates that 5% or more of the residents of the public utility's service territory are using that language.

(14) Contact information for customers with disabilities that need assistance.

§ 56.332. Notice when dispute pending.

A public utility may not mail or deliver a notice of termination if a notice of initial inquiry, dispute, informal or formal complaint has been filed and is unresolved and if the subject matter of the dispute forms the grounds for the proposed termination. A notice mailed or delivered in contravention of this section is void.

§ 56.333. Personal contact.

(a) Except when authorized under § 56.311, § 56.312 or § 56.338 (relating to interruption of service; discontinuance of service; and exception for terminations based on occurrences harmful to person or property), a public utility may not interrupt, discontinue or terminate service without personally contacting the customer or a responsible adult occupant in person, by telephone or electronically with the customer's consent, to provide notice of the proposed termination at least 3 days prior to the interruption, discontinuance or termination, in addition to providing other notice as specified by the properly filed tariff of the public utility or as required under this chapter or other Commission directive.

(b) For purposes of this section, "personal contact" means:

(1) Contacting the customer or responsible adult occupant in person or by telephone. Phone contact shall be deemed complete upon attempted calls on 2 separate days to the residence between 8 a.m. and 9 p.m. if the calls were made at various times each day, with the various times of the day being daytime before 5 p.m. and evening after 5 p.m.

and at least 2 hours apart. Calls made to contact telephone numbers provided by the customer shall be deemed to be calls to the residence.

(2) If contact is attempted in person by a home visit, only one attempt is required. The public utility shall conspicuously post a written termination notice at the residence if it is unsuccessful in attempting to personally contact a responsible adult occupant during the home visit.

(3) Contact by e-mail, text message or other electronic messaging format consistent with the Commission's privacy guidelines and approved by Commission order. The electronic notification option is voluntary and shall only be used if the customer has given prior consent approving the use of a specific electronic message format for the purpose of notification of a pending termination.

[(3)](4) Contacting another person whom the customer has designated to receive a copy of a notice of termination, other than a member or employee of the Commission.

[(4)](5) If the customer has not made the designation noted in [paragraph (3)] paragraph (4), contacting a community interest group or other entity, including a local police department, which previously shall have agreed to receive a copy of the notice of termination and to attempt to contact the customer.

[(5)](6) If the public utility is not successful in establishing personal contact [as noted in paragraphs (1) and (2)] and the customer has not made the designation noted in [paragraph (3)] paragraph (4) and if there is no community interest group or other entity which previously has agreed to receive a copy of the notice of termination, contacting the Commission in writing.

(c) The content of the 3-day personal contact notice must include the earliest date at which termination may occur and the following information:

- (1) The date and grounds of the termination.
- (2) What is needed to avoid the termination of service.
- (3) How to contact the public utility and the Commission.
- (4) The availability of the emergency medical procedures.

(d) The public utility shall ask if the customer or occupant has questions about the 10-day written notice the public utility previously sent.

§ 56.334. Procedures immediately prior to termination.

Immediately preceding the termination of service, a public utility employee, who may be the public utility employee designated to perform the termination, shall attempt to make personal contact with a responsible adult occupant at the residence of the customer.

* * * * *

§ 56.337. Procedures upon customer or occupant contact prior to termination.

(a) If, after the issuance of the initial termination notice and prior to the actual termination of service, a customer or occupant contacts the public utility concerning a proposed termination, an authorized public utility employee shall fully explain the following:

(1) The reasons for the proposed termination.

(2) The available methods for avoiding a termination, including the following:

(i) Tendering payment in full or otherwise eliminating the grounds for termination.

(ii) Entering a payment agreement.

(iii) Paying what is past-due on the most recent previous company negotiated or Commission payment agreement.

[(iv) Enrolling in the public utility's customer assistance program or its equivalent, if the public utility has these programs and the customer is eligible for the program.]

(3) Information about the public utility's universal service programs, including the customer assistance program. Refer the customer or applicant to the universal service program administrator of the public utility to determine eligibility for a program and to apply for enrollment in a program.

[(3)] (4) The medical emergency procedures.

(b) The public utility, through its employees, shall exercise good faith and fair judgment in attempting to enter a reasonable payment agreement or otherwise equitably resolve the matter. Factors to be taken into account when attempting to enter into a reasonable informal dispute settlement agreement or payment agreement include the size of the unpaid balance, the ability of the customer to pay, the payment history of the customer and the length of time over which the bill accumulated. Payment agreements for heating customers shall be based upon budget billing as determined under § 56.262(7) (relating

to meter reading; estimated billing; customer readings). If a payment agreement is not established, the company shall further explain the following:

(1) The right of the customer to file a dispute with the public utility and, thereafter, an informal complaint with the Commission.

(2) The procedures for resolving disputes and informal complaints, including the address and telephone number of the Commission: Public Utility Commission, Box 3265, Harrisburg, Pennsylvania 17105-3265, (800) 692-7380.

(3) The duty of the customer to pay any portion of a bill which the customer does not dispute.

§ 56.338. Exception for terminations based on occurrences harmful to person or property.

Notwithstanding any other provision of this chapter, when a service termination is based on an occurrence which endangers the safety of any person or may prove harmful to the energy delivery system of the public utility, the public utility may terminate service without written notice so long as the public utility reasonably believes grounds to exist. At the time of termination, the public utility shall make a bona fide attempt to deliver a notice of termination to a responsible adult occupant at the affected premises and, in the case of a single meter, multiunit dwelling, shall conspicuously post the notice at the dwelling, including common areas when permissible.

§ 56.339. Use of termination notice solely as collection device prohibited.

A public utility may not threaten to terminate service when it has no present intent to terminate service or when actual termination is prohibited under this chapter. Notice of the intent to terminate shall be used only as a warning that service will in fact be terminated in accordance with the procedures under this chapter, unless the customer or occupant remedies the situation which gave rise to the enforcement efforts of the public utility.

§ 56.340. Winter termination procedures.

Notwithstanding any provision of this chapter, during the period of December 1 through March 31, utilities subject to this subchapter shall conform to the provisions of this section. The covered utilities may not terminate service between December 1 and March 31 except as provided in this section or § 56.338 (relating to exception for terminations based on occurrences harmful to person or property).

(1) *Termination notices.* The public utility shall comply with § § 56.331—56.335 including personal contact, as defined in § 56.333 (relating to personal contact), at the premises if occupied.

(2) *Request for permission to terminate service.* If at the conclusion of the notification process defined in § § 56.331—56.335, a reasonable agreement cannot be reached between the public utility and the customer, the public utility shall register with the Commission, in writing, a request for permission to terminate service, accompanied by a public utility report as defined in § 56.382 (relating to contents of the public utility company report). At the same time, the public utility shall serve the customer a copy of the written request registered with the Commission.

(3) *Informal complaints.* If the customer has filed an informal complaint or if the Commission has acted upon the public utility's written request, the matter shall proceed under § § 56.391—56.394 (relating to informal complaint procedures). Nothing in this section may be construed to limit the right of a public utility or customer to appeal a decision by the Bureau of Consumer Services (BCS) under 66 Pa.C.S. § 701 (relating to complaints) and § § 56.401—56.403 and 56.441.

(4) *Survey of premises previously terminated.* For premises where heat related service has been terminated prior to December 1 of each year, covered utilities shall, within 90 days prior to December 1, survey and attempt to make post-termination personal contact with the occupant or a responsible adult at the premises and in good faith attempt to reach an agreement regarding payment of any arrearages and restoration of service.

(5) *Reporting of survey results.* Utilities subject to this subchapter shall file a brief report outlining their pre-December 1 survey and personal contact results with the BCS on or before December 15 of each year. Each public utility shall update the survey and report the results to the BCS on February 1 of each year to reflect any change in the status of the accounts subsequent to the December 15 filing including any accounts terminated in December. For the purposes of the February 1 update of survey results, the public utility shall attempt to contact by telephone, if available, a responsible adult person or occupant at each residence in a good faith attempt to reach an agreement regarding payment of any arrearages and restoration of service.

(6) *Landlord ratepayer accounts.* During the period of December 1 through March 31, a public utility subject to this subchapter may not terminate service to a premises when the account is in the name of a landlord ratepayer as defined at 66 Pa.C.S. § 1521 (related to definitions) except for the grounds in § 56.338.

(7) *Reporting of deaths at locations where public utility service was previously terminated.* Throughout the year, utilities subject to this subchapter shall report to the Commission when, in the normal course of business, they become aware of a household

fire, incident of hypothermia or carbon monoxide poisoning or another event that resulted in a death and that the public utility service was off at the time of the incident. Within 1 working day of becoming aware of an incident, the public utility shall submit a telephone or electronic report to the Director of the BCS including, if available, the name, address and account number of the last customer of record, the date of the incident, a brief statement of the circumstances involved and, if available from an official source or the media, the initial findings as to the cause of the incident and the source of that information. The BCS or Commission may request additional information on the incident and the customer's account. Information submitted to the Commission in accordance with this paragraph shall be treated in accordance with 66 Pa.C.S. § 1508 (relating to reports of accidents) and may not be open for public inspection except by order of the Commission, and may not be admitted into evidence for any purpose in any suit or action for damages growing out of any matter or thing mentioned in the report.

EMERGENCY PROVISIONS

§ 56.351. General provision.

A public utility may not terminate service, or refuse to restore service, to a premises when a licensed physician [or], nurse practitioner or physician assistant has certified that the customer or an applicant seeking reconnection of previously terminated service under § 56.421 (relating to payment and timing) or a member of the customer's or applicant's household is seriously ill or afflicted with a medical condition that will be aggravated by cessation of service. The customer or applicant shall obtain a letter from a licensed physician [or], nurse practitioner or physician assistant verifying the condition and promptly forward it to the public utility. The determination of whether a medical condition qualifies for the purposes of this section resides entirely with the physician [or], nurse practitioner or physician assistant and not with the public utility. A public utility may not impose any qualification standards for medical certificates other than those listed in this section.

§ 56.352. Postponement of termination pending receipt of certificate.

If, prior to termination of service, the public utility employee is informed that an occupant is seriously ill or is affected with a medical condition which will be aggravated by a cessation of service and that a medical certification will be procured, termination may not occur for at least 3 days. If a certification is not produced within that 3-day period, the public utility may resume the termination process at the point when it was suspended.

§ 56.353. Medical certifications.

Certifications initially may be written or oral, subject to the right of the public utility to verify the certification by calling the physician [or], nurse practitioner or physician assistant, or to require written verification within 7 days. Public utilities may develop a medical certificate form but may not make its use mandatory. Any medical certificate form developed by the public utility shall be made readily available and placed on the public utility's web site. Medical certificates can be electronically transmitted and electronic signatures are valid. Certifications, whether written or oral, must include the following:

(1) The name and address of the customer or applicant in whose name the account is registered.

(2) The name and address of the afflicted person and the relationship to the customer or applicant.

(3) The [nature and] anticipated length of the affliction.

[(4) The specific reason for which the service is required.]

[(5)](4) The name, office address and telephone number of the certifying physician [or], nurse practitioner or physician assistant.

(5) If a written certificate is provided, the signature of the certifying physician, nurse practitioner or physician's assistant.

§ 56.354. Length of postponement; renewals.

Service may not be terminated for the time period specified in a medical certification. The maximum length of the certification shall be 30 days.

(1) *Time period not specified.* If no length of time is specified or if the time period is not readily ascertainable, service may not be terminated for at least 30 days.

(2) *Renewals.* Certifications may be renewed in the same manner and for the same time period as provided in § § 56.352 and 56.353 (relating to postponement of termination pending receipt of certificate; and medical certifications) and this section if the customer has met the obligation under § 56.356 (relating to duty of customer to pay bills). In instances when a customer has not met the obligation in § 56.356 to equitably make payments on all bills, the number of renewals for the customer's household is limited to two 30-day certifications filed for the same set of arrearages. In these instances, the public utility is not required to honor a third renewal of a medical certificate and is not

required to follow § 56.358(3) (relating to right of public utility to petition the Commission). The public utility shall apply the dispute procedures in §§ 56.381 and 56.382 (relating to public utility company dispute procedures). When the customer eliminates these arrearages, the customer is eligible to file new medical certificates.

§ 56.355. Restoration of service.

When service is required to be restored under this section and §§ 56.351, 56.354, 56.356—56.358 and 56.421, the public utility shall make a diligent effort to have service restored on the day of receipt of the medical certification. In any case, service shall be reconnected within 24 hours. Each public utility shall have employees available or on call to restore service in emergencies.

§ 56.356. Duty of customer to pay bills.

Whenever service is restored or termination postponed under the medical emergency procedures, the customer shall retain a duty to make payment on all current undisputed bills or budget billing amount as determined when § 56.262(7) (relating to meter reading; estimated billing; customer readings).

§ 56.357. Termination upon expiration of medical certification.

When the initial and renewal certifications have expired, the original ground for termination shall be revived and the public utility may terminate service without additional written notice, if notice previously has been mailed or delivered within the past 60 days under § 56.331 (relating to general notice provisions and contents of termination notice). The public utility shall comply with §§ 56.333—56.336.

§ 56.358. Right of public utility to petition the Commission.

(a) A public utility may petition the Commission for waiver from the medical certification procedures for the following purposes:

(1) *Contest the validity of a certification.* To request an investigation and hearing by the Commission or its designee when the public utility wishes to contest the validity of the certification.

(2) *Terminate service prior to expiration of certification.* To request permission to terminate service for the failure of the customer to make payments on current undisputed bills.

(3) *Contest the renewal of a certification.* To request permission to terminate service, under this section and §§ 56.321—56.323 and 56.331—56.339 when customer has not

met the duty under § 56.356 (relating to duty of customer to pay bills), provided that the public utility has informed the customer of that duty under § 56.356.

(b) A public utility shall continue to provide service while a final Commission adjudication on the petition is pending. A petition under this section shall be accompanied by a public utility report described in § 56.382 (relating to contents of the public utility company report) and shall be filed with the Secretary of the Commission with a copy served to the customer.

(c) Upon the filing of a petition for waiver of medical certification, Commission staff will review the facts and issue an informal written decision.

(d) A party to the proceeding may, within 20 days of mailing of the informal decision, and not thereafter except for good cause shown, appeal by filing with the Secretary of the Commission a letter stating the basis for appeal. An appeal from the informal decision will be assigned to the Office of Administrative Law Judge for hearing and decision.

§ 56.361. Third-party notification.

Each public utility shall permit its customers to designate a consenting individual or agency which is to be sent, by the public utility, a duplicate copy of reminder notices, past due notices, delinquent account notices or termination notices of whatever kind issued by that public utility. When contact with a third party is made, the public utility shall advise the third party of the pending action and the efforts which shall be taken to avoid termination. A public utility shall institute and maintain a program:

- (1) To allow customers to designate third parties to receive copies of a customer's or group of customers' notices of termination of service.
- (2) To advise customers at least annually of the availability of a third-party notification program and to encourage its use thereof. The public utility shall emphasize that the third party is not responsible for the payment of the customer's bills.
- (3) To solicit community groups to accept third-party notices to assist in preventing unnecessary terminations and protecting the public health and safety.
- (4) To make available a standard enrollment form in compliance with the form as set forth in Appendix E (relating to third-party notification).

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Subchapter Q. DISPUTES; TERMINATION DISPUTES; INFORMAL AND FORMAL COMPLAINTS

GENERAL PROVISIONS

§ 56.371. Follow-up response to inquiry.

When a customer is waiting for a follow-up response to an initial inquiry under § 56.252 (relating to definitions), termination or threatening termination of service, for the subject matter relating to the inquiry in question, shall be prohibited until the follow-up response and, when applicable, subsequent dispute resolution is completed by the public utility.

§ 56.372. Dispute procedures.

A notice of dispute, including termination disputes, must proceed, according to this section:

(1) *Attempted resolution.* If, at any time prior to the actual termination of service, a customer advises the public utility that the customer disputes any matter covered by this chapter, including, but not limited to, credit determinations, deposit requirements, the accuracy of public utility metering or billing or the proper party to be charged, the public utility shall attempt to resolve the dispute in accordance with § 56.381 (relating to general rule).

(2) *Termination stayed.* Except as otherwise provided in this chapter, when a termination dispute or complaint has been properly filed in accordance with this subchapter, termination shall be prohibited until resolution of the dispute or complaint. However, the disputing party shall pay undisputed portions of the bill.

§ 56.373. Time for filing an informal complaint.

To be timely filed, an informal complaint—which may not include disputes under § § 56.285 and 56.421 (relating to payment of outstanding balance; and payment and timing)—shall be filed prior to the day on which the public utility arrives to terminate service. If the public utility arrives to terminate service and posts a deferred termination notice in lieu of termination or otherwise fails to terminate service, the time for filing an informal complaint shall be extended until the end of the business day prior to the public utility again arriving to terminate service.

§ 56.374. Effect of failure to timely file an informal complaint.

Failure to timely file an informal complaint, except for good cause, shall constitute a waiver of applicable rights to retain service without complying with the termination notice or conference report of the public utility.

PUBLIC UTILITY COMPANY DISPUTE PROCEDURES

§ 56.381. General rule.

Upon initiation of a dispute covered by this section, the public utility shall:

- (1) Not issue a termination notice based on the disputed subject matter.
- (2) Investigate the matter using methods reasonable under the circumstances, which may include telephone or personal conferences, or both, with the customer or occupant.
- (3) Make a diligent attempt to negotiate a reasonable payment agreement if the customer or occupant claims a temporary inability to pay an undisputed bill. Factors which shall be considered in the negotiation of a payment agreement include, but are not limited to:
 - (i) The size of the unpaid balance.
 - (ii) The ability of the customer to pay.
 - (iii) The payment history of the customer.
 - (iv) The length of time over which the bill accumulated.
- (4) Provide the customer or occupant with the information necessary for an informed judgment, including, but not limited to, relevant portions of tariffs, statements of account and results of meter tests.
- (5) Within 30 days of the initiation of the dispute, issue its report to the complaining party. The public utility shall inform the complaining party that the report is available upon request.
 - (i) If the complainant is not satisfied with the dispute resolution, the public utility company report must be in writing and conform to § 56.382 (relating to contents of the public utility company report). Further, in these instances, the written report shall be sent to the complaining party if requested or if the public utility deems it necessary.
 - (ii) If the complaining party is satisfied with the orally conveyed dispute resolution, the written public utility company report may be limited to the information in § 56.382(1) and (2) and, when applicable, § 56.382(7)(ii) or (8)(ii).
 - (iii) The information and documents required under this subsection may be electronically provided to the complaining party as long as the complaining party has the ability to accept electronic documents and consents to receiving them electronically.

§ 56.382. Contents of the public utility company report.

A public utility company report must include the following:

(a) A statement of the claim or dispute of the customer and a copy thereof if the claim or notice of dispute was made in writing.

(b) The position of the public utility regarding that claim.

(c) A statement that service will not be terminated pending completion of the dispute process, including both informal and formal complaints, so long as there is compliance with all requirements of the Commission.

(d) A statement that if the complaining party does not agree with the public utility company report, an informal complaint shall be filed with the Commission to ensure the preservation of all of the complaining party's rights.

(e) The office where payment may be made or information obtained listing the appropriate telephone number and address of the public utility.

(f) A full and complete explanation of procedures for filing an informal complaint with the Commission (see § 56.391 (relating to informal complaint filing procedures)). If a written report is not requested by the complaining party or is not deemed necessary by the public utility, the public utility shall provide the information in § 56.391(1), (2) and (5). In addition, the public utility shall always provide the telephone number and address of the office of the Commission where an informal complaint may be filed.

(g) If the matter in dispute involves a billing dispute, the report must include the following:

(1) An itemized statement of the account of the complaining customer specifying the amount of credit, if any, and the proper amount due.

(2) The date on or after which the account will become delinquent unless a payment agreement is entered into or an informal complaint is filed with the Commission. This date may not be earlier than the due date of the bill or 15 days after the issuance of a public utility company report, whichever is later.

(h) If the matter involves a dispute other than a billing dispute, the report must also state the following:

(1) The action required to be taken to avoid the termination of service.

(2) The date on or after which service shall be terminated in accordance with the applicable requirements unless the report is complied with or a payment agreement entered into or an informal complaint filed. This date may not be earlier than the original date for compliance with the matter which gave rise to the dispute or 10 days from the date of issuance of the public utility company report, whichever is later. If the public

utility company report is in writing, the information in this paragraph shall be prominently displayed.

INFORMAL COMPLAINT PROCEDURES

§ 56.391. Informal complaint filing procedures.

An informal complaint may be filed orally or in writing and must include the following information:

- (1) The name and address of the complainant and, if different, the address at which service is provided.
- (2) The telephone number of the complainant.
- (3) The account number of the complainant, if applicable.
- (4) The name of the public utility.
- (5) A brief statement of the dispute.
- (6) Whether the dispute formerly has been the subject of a public utility company investigation and report.
- (7) Whether the dispute formerly has been the subject of a Commission informal or formal complaint.
- (8) The date, if any, of proposed termination.
- (9) The relief sought.

§ 56.392. Commission informal complaint procedure.

Upon the filing of an informal complaint, which shall be captioned as “(Complainant) v. (public utility),” Commission staff will immediately notify the public utility; review the dispute; and, within a reasonable period of time, issue to the public utility and the complaining party an informal report with findings and a decision. Parties may represent themselves or be represented by counsel or other person of their choice, and may bring witnesses to appear on their behalf. The reports will be in writing and a summary will be sent to the parties if a party requests it or if the Commission staff finds that a summary is necessary.

- (1) *Review techniques.* Review will be by an appropriate means, including, but not limited to, public utility company reports, telephone calls, conferences, written

statements, research, inquiry and investigation. Procedures will be designed to insure a fair and reasonable opportunity to present pertinent evidence and to challenge evidence submitted by the other party to the dispute, to examine a list of witnesses who will testify and documents, records, files, account data, records of meter tests and other material that the Commission staff will determine may be relevant to the issues, and to question witnesses appearing on behalf of other parties. Information and documents requested by Commission staff as part of the review process shall be provided by the public utility within 30 days of the request. If the complainant is without public utility service, or in other emergency situations as identified by Commission staff, the information requested by Commission staff shall be provided by the public utility within 5 business days of the request. Upon request of the complainant or Commission staff, the public utility shall provide the complainant with a copy of the documents submitted to Commission staff in response to the informal complaint. The public utility shall redact any documents to omit information that would possibly compromise the privacy or personal security of any individual other than the complainant.

(2) *Settlement.* Prior to the issuance of an informal decision, Commission staff may facilitate discussions between the parties in an effort to settle the dispute. If a settlement is reached, Commission staff will confirm that all parties understand the terms of the settlement and document the informal complaint as closed.

(3) *Resolution.* Commission staff resolution of informal complaints is binding upon the parties unless formal proceedings are initiated under § § 56.401—56.404 (relating to formal complaints).

§ 56.393. Termination pending resolution of the dispute.

In any case alleging unauthorized use of public utility service, as defined in § 56.252 (relating to definitions), or the customer's failure to pay undisputed bills as required under § 56.411 (relating to duties of parties; disputing party's duty to pay undisputed portion of bills; public utility's duty to pay interest whenever overpayment found), a public utility may terminate service after giving proper notice in accordance with § § 56.331—56.338, whether or not a dispute is pending.

* * * * *

§ 56.403. Review from informal complaint decisions of the Bureau of Consumer Services.

(a) *Assignment.* Review of informal complaint decisions will be heard de novo by an administrative law judge or special agent.

(b) *Filing and docketing.* A complaint will be filed and docketed as a formal Commission complaint, under §§ 1.31—1.38 (relating to documentary filings).

(c) *Captions.* The parties to a review will be stated in the caption as they stood upon the record of the informal complaint proceeding. If the party requesting review is a public utility, the phrase “Complaint Appellant” will be added after its name.

(d) *Hearings.* Hearings conducted by an administrative law judge or a special agent will be held within a reasonable period of time after the filing of the answer. The parties may incorporate portions of the conference report or informal complaint decision that they shall agree upon.

(e) *Formal complaint decision.* The administrative law judge or special agent assigned to the formal complaint will issue a decision with the Commission within a reasonable period of time after the receipt of the transcribed testimony. Included in the decision will be a description of the matter, findings of fact, conclusions of law and other discussion and opinion as is appropriate.

(f) *Commission review.* The Commission will review the decision of the assigned administrative law judge or special agent, commit it to advisory staff for further analysis, remand it to an administrative law judge or special agent for further development of the record or issue a final order. The burden of proof remains with the party who filed the [formal] informal complaint.

§ 56.404. Ability to pay proceedings.

(a) *Assignments.* Requests for review of decisions of the Bureau of Consumer Services (BCS) and any other case in which the issue is solely ability to pay may be assigned to a special agent.

(b) *Stay of informal complaint decision.* Upon the filing of a formal complaint in a case seeking review from the decision of the BCS, there shall be an automatic stay of payment arrangements ordered in that decision, other than current bills not at issue. The public utility may request that the presiding officer remove the stay and order payment of amounts in the informal complaint decision. When current bills are not at issue, the customer shall be responsible for payment of current, undisputed bills pending issuance of a final Commission order.

* * * * *

PAYMENT OF BILLS PENDING RESOLUTION OF DISPUTES AND COMPLAINTS

§ 56.411. Duties of parties: disputing party's duty to pay undisputed portion of bills; public utility's duty to pay interest whenever overpayment found.

* * * * *

(5) *Effect of acceptance of partial payment.* The acceptance by a public utility of a partial payment for a bill pending final outcome of a dispute may not be deemed an accord and satisfaction or waiver of the right of the public utility to payment in full as subsequently agreed to by the parties or decided by the Commission.

Subchapter R. RESTORATION OF SERVICE

§ 56.421. Payment and timing.

When service to a dwelling has been terminated, the public utility shall reconnect service within 24 hours after receiving one of the following:

(1) Full payment of an outstanding charge plus the reconnection fee specified in the public utility's tariff on file with the Commission. Outstanding charges and the reconnection fee may be amortized over a reasonable period of time. Factors to be taken into account include, but are not limited to:

- (i) The size of the unpaid balance.
- (ii) The ability of the customer to pay.
- (iii) The payment history of the customer.
- (iv) The length of time over which the bill accumulated.

(2) Payment of amounts currently due according to a payment agreement, plus a reasonable reconnection fee, which may be a part of the payment agreement. The public utility may apply the procedure in paragraph (1), if the payment history indicates that the customer has defaulted on at least two payment agreements, an informal complaint decision or a formal complaint order. For purposes of this section, neither an amortization of a make-up bill under § 56.264 (relating to previously unbilled public utility service) or the definition of "billing month" in § 56.252 (relating to definitions) nor a payment agreement that has been paid in full by the customer, are to be considered defaults. Budget billing plans and amortization of budget plan reconciliation amounts under [§ 56.262(7)] § 56.262(8) (relating to meter reading; estimated billing; customer readings) may not be considered defaults for the purposes of this section.

(3) Adequate assurances that any unauthorized use or practice will cease, plus full payment of the reasonable reconnection fee of the public utility, which may be subject to

a payment agreement and compliance or adequate assurance of compliance with an applicable provision for the establishment of credit or the posting of deposits or guarantees.

(4) Service shall be restored within 24 hours for erroneous terminations or upon receipt by the public utility of a valid medical certification. Erroneous terminations include instances when the grounds for termination were removed by the customer paying the amount needed to avoid termination prior to the termination of the service.

(5) Service shall be restored within 24 hours for terminations and reconnections occurring after November 30 and before April 1.

(6) A customer or applicant of a city natural gas distribution operation whose household income does not exceed 135% of the Federal poverty level shall be reinstated under this section only if the customer or applicant enrolls in the customer assistance program of the city natural gas distribution operation. This requirement may not apply if the financial benefits to the customer or applicant are greater if served outside of that assistance program.

(7) A public utility shall provide for and inform the applicant or customer of a location where the customer may make payment to restore service. A public utility shall inform the applicant or customer that conditions for restoration of service may differ if someone in the household is a victim of domestic violence with a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence, or is seriously ill or affected by a medical condition which will be aggravated without public utility service.

§ 56.422. Personnel available to restore service.

A public utility shall have adequate personnel available between 9 a.m. and 5 p.m. on each working day or for a commensurate period of 8 consecutive hours to restore service when required under this chapter, specifically § § 56.322 and 56.421 (relating to timing of termination; and payment and timing).

Subchapter S. PUBLIC INFORMATION PROCEDURES; RECORD MAINTENANCE

§ 56.431. Public information.

(a) In addition to the notice requirements in this chapter, the Commission will, within 6 months of the effective date of a change to a regulation in this chapter, prepare a summary of the rights and responsibilities of the public utility and its customers affected by the change. Summaries will be mailed by the public utility to each customer of the

public utility affected by the change. These summaries, as well as a summary of the rights and responsibilities of the public utility and its customers in accordance with this chapter, shall be in writing, reproduced by the public utility, displayed prominently, available on the public utility's web site, if the company has one, and available at all public utility office locations open to the general public. The public utility shall inform new customers of the availability of this information and direct where to locate it on the public utility's web site. The public utility shall deliver or mail a copy upon the request of a customer or applicant.

(b) A public utility which serves a substantial number of Spanish-speaking customers shall provide billing information in English and in Spanish. The written information must indicate conspicuously that it is being provided in accordance with this title and contain information concerning, but not limited to, the following:

* * * * *

(11) Telephone numbers and addresses of the public utility and of the nearest regional office of the Commission where further inquiries may be made.

(12) Definitions of terms or abbreviations used by the public utility on its bills.

(13) Information indicating that additional consumer protections may be available for victims of domestic violence who have a protection from abuse order or a court order issued by a court of competent jurisdiction in this Commonwealth, which provides clear evidence of domestic violence, people with serious illnesses and low income households.

§ 56.432. Record maintenance.

A public utility shall preserve for a minimum of 4 years written or recorded disputes and complaints, keep the records accessible within this Commonwealth at an office located in the territory served by it, and make the records available for examination by the Commission or its staff. Information to be maintained includes the following:

(1) The payment performance of each of its customers.

(2) The number of payment agreements made by the public utility company and a synopsis of the terms, conditions and standards upon which agreements were made.

(3) The number of service terminations and reconnections.

(4) Communications to or from individual customers regarding interruptions, discontinuances, terminations and reconnections of service, including the name and address of the customer, the date and character of the dispute or complaint and the adjustment or disposal made of the matter.

Subchapter T. INFORMAL COMPLAINTS

§ 56.441. Informal complaints.

The Commission delegates to the Bureau of Consumer Services (BCS) the primary authority to resolve customer, applicant or occupant complaints arising under this chapter. The BCS, through its Director and with the concurrence of the Commission, will establish appropriate internal procedures to implement the provisions of this chapter.

(1) Absent good cause, the BCS will handle only Chapter 56 informal complaints in which the customer first attempted to resolve the matter with the public utility.

(2) Only after the customer and the public utility have failed to resolve the dispute will BCS initiate an investigation.

Subchapter U. GENERAL PROVISIONS

§ 56.451. Availability of normal Commission procedures.

Nothing in this chapter prevents a person or a public utility from pursuing other Commission procedures in a case not described in this chapter.

§ 56.452. Applications for modification or exception.

(a) If unreasonable hardship to a person or to a public utility results from compliance with a section in this chapter or a technological advance permits an enhanced level of customer service, application may be made to the Commission for modification of the section or for temporary exemption from its requirements. The adoption of this chapter by the Commission will in no way preclude it from altering or amending it under the applicable statutory procedures, nor will the adoption of this chapter preclude the Commission from granting temporary exemptions in exceptional cases.

(b) A person or public utility that files an application under this section shall provide notice to persons who may be affected by the modification or temporary exemption. Notice may be made by a bill insert or in another reasonable manner.

§ 56.453. Inconsistent tariff provisions.

A tariff provision inconsistent with this chapter is deemed nonoperative and superseded by this chapter.

[Subchapter V. UTILITY REPORTING REQUIREMENTS

§ 56.461. Reporting requirements.

(a) Within 90 days after the end of each calendar year, each natural gas distribution utility with annual gas operating revenues of less than \$6 million per year, and each steam heat utility shall file with the Commission a report containing the following information concerning residential accounts for the previous year:

(1) The total number of residential customers as of the end of each month for the calendar year.

(2) The total number of terminations for nonpayment for each month of the calendar year.

(3) The total number of terminations for reasons other than nonpayment for each month of the calendar year.

(4) The total number of reconnections for customer payment for each month of the calendar year.

(5) The total number of reconnections for customer submission of medical certification for each month of the calendar year.

(6) The total number of reconnections for reasons other than customer payment or medical certification for each month of the calendar year.

(7) The total dollar amount of annual residential billings.

(8) The total dollar amount of annual gross residential write-offs.]

APPENDIX A

MEDICAL EMERGENCY NOTICE

Let us know if someone living in your home is seriously ill or has a medical condition that will be aggravated by the cessation of service. We will not shut off your service during such illness provided you:

(a) Have a licensed physician, [or] nurse practitioner or physician assistant certify by phone or in writing that such illness exists and that it may be aggravated if your service is stopped; and

(b) Make some equitable arrangement to pay the company your current bills for service.

(c) Contact us by calling the following number: [(Utility)] (Public Utility) Phone Number: [(Utility)] (Public Utility) Address:

(d) Have your licensed physician, nurse practitioner or physician assistant send a letter to the public utility within 7 days verifying the medical condition.

APPENDIX B

MEDICAL EMERGENCY NOTICE

Let us know if someone living in your home is seriously ill or has a medical condition that will be aggravated by the cessation of service. We will restore your utility service within 24 hours during such illness provided you:

(a) Have a licensed physician, [or] nurse practitioner or physician assistant certify by phone or in writing that such illness exists and that it may be aggravated if your service is not restored; and

(b) Make some equitable arrangement to pay the company your current bills for service.

(c) Contact us by calling the following number: [(Utility)] (Public Utility) Phone Number: [(Utility)] (Public Utility) Address:

(d) Have your licensed physician, nurse practitioner or physician assistant send a letter to the utility within 7 days verifying the medical condition.

APPENDIX C. DEFINITIONS (§ 56.231)

This data dictionary and the following definitions are to be used in relation to the reporting requirements in § 56.231 (relating to reporting requirements).

Annual collections operating expenses—Use the definition in § 54.72 or § 62.2, “include administrative expenses associated with termination activity, field visits, negotiating payment arrangements, budget counseling, investigation and resolving informal and formal complaints associated with payment arrangements, securing and maintaining deposits, tracking delinquent accounts, collection agencies’ expenses, litigation expenses other than [already included] Commission-related, dunning expenses and winter survey expenses.” Report the cumulative total as of the end of the [reporting period/] calendar year. Exclude customer assistance program expenses including customer assistance program administrative expenses, customer assistance program

credits, also known as revenue shortfall, customer assistance program arrearage forgiveness and any other expenses directly related to customer assistance programs.

Annual residential billings—Report the cumulative total dollar amount in residential billings [during the reporting period/] as of the end of the calendar year. This includes “normal tariff billings,” universal service program billings including customer assistance programs, and “miscellaneous billings.” The latter category includes billings for late payment fees.

Average monthly bill for the previous year for a heating customer—Report the aggregate average monthly bill by calculating the average of the 12 monthly average bills for heating customers. Report the average as of the end of the [reporting period/] calendar year.

Average monthly bill for the previous year for a nonheating customer—Report the aggregate average monthly bill by calculating the average of the 12 monthly average bills for nonheating customers. Report the average as of the end of the [reporting period/] calendar year.

Average monthly usage for a heating customer—Report the aggregate average monthly usage by calculating the average of the 12 monthly average usages for heating customers. Report the average as of the end of the [reporting period/] calendar year.

Average monthly usage for a nonheating customer—Report the aggregate average monthly usage by calculating the average of the twelve monthly average usages for nonheating customers. Report the average as of the end of the [reporting period/] calendar year.

[dotal] *Total dollar amount of active residential accounts in arrears and not on a payment [agreement] arrangement*—Report the total dollar amount as of the end of the [reporting period/] calendar month. The due date should be considered to be day zero (0) in the determination of when account is overdue. Exclude customer assistance program recipients.

Total dollar amount of active residential accounts in arrears and on a payment [agreement] arrangement—Report the total dollar amount as of the end of the [reporting period/] calendar month. The due date should be considered to be day zero (0) in the determination of when account is overdue. Exclude customer assistance program recipients.

Total dollar amount of gross residential write-offs—Report the cumulative total dollar amount as of the end of the [reporting period/] calendar year. Do not include customer assistance program credits (also known as revenue shortfall) or customer assistance

program arrearage forgiveness in this category.

Total dollar amount of inactive residential accounts in arrears—An account that has been terminated or discontinued, the final bill due date has passed, and the amount owed has not yet been written off. Report the total dollar amount as of the end of the [reporting period/] calendar month. The due date should be considered to be day zero (0) in the determination of when an account is overdue. A terminated or final-billed account becomes inactive on the day after the final bill is due and payable.

Total dollar amount of net residential write-offs—Net write-offs are calculated by subtracting recoveries from gross write-offs. Include all residential recoveries regardless of the year the recovered dollars were actually written off. Report the cumulative total dollar amount as of the end of the [reporting period/] calendar year. Do not include customer assistance program credits, also known as revenue shortfall, or customer assistance program arrearage forgiveness in this category.

Total dollar amount in security deposits on-hand—Report the dollar amount as of the end of the [reporting period/] calendar year. Exclude accrued interest.

Total dollar amount in security deposits that are requested or billed to applicants—Report the cumulative total dollar amount as of the end of the [reporting period/] calendar month.

Total dollar amount in security deposits that are requested or billed to customers—Report the cumulative total dollar amount as of the end of the [reporting period/] calendar month.

Total number of active residential accounts in arrears and not on a payment [agreement] arrangement—Report the total as of the end of the [reporting period/] calendar month. The due date should be considered to be day zero (0) in the determination of when account is overdue. Exclude customer assistance program recipients.

Total number of active residential accounts in arrears and on a payment [agreement] arrangement—Report the total as of the end of the [reporting period/] calendar month. The due date should be considered to be day zero (0) in the determination of when account is overdue. Exclude customer assistance program recipients.

Total number of applicants that are requested or billed a security deposit—Report the cumulative number as of the end of the [reporting period/] calendar month.

Total number of customers that are requested or billed a security deposit—Report the cumulative number as of the end of the [reporting period/] calendar month.

Total number of dwellings receiving termination notices sent to occupants other than the customer—The grounds for termination are customer nonpayment of usage-based billings or nonpayment of a security deposit. Use this category when the termination notice was delivered to someone other than the customer, for example, a termination notice to a tenant because of nonpayment of a landlord-ratepayer. This does not include copies of termination notices sent in accordance with the third-party notification procedures in § 56.131. Report the cumulative number as of the end of the [reporting period/] calendar month. Include customer assistance program recipients.

Total number of 48-hour termination notices posted—The grounds for termination are customer nonpayment of usage-based billings or nonpayment of a security deposit. Report the cumulative number as of the end of the [reporting period/] calendar month. Include customer assistance program recipients. The termination notice was posted at the customer's residence in accordance with § 56.95.

Total number of inactive residential accounts in arrears—An account that has been terminated or discontinued, the final bill due date has passed, and the amount owed has not yet been written off. Report the total as of the end of the [reporting period/] calendar month. The due date should be considered to be day zero (0) in the determination of when an account is overdue. A terminated or final-billed account becomes inactive on the day after the final bill is due and payable.

Total number of reconnections for customer submission of medical certification—Includes only reconnections because the customer has supplied the company with a valid medical certificate as the condition of reconnection. Report the cumulative number as of the end of the [reporting period/] calendar month. Include customer assistance program recipients.

Total number of reconnections for full customer payment, partial payment or payment [agreement] arrangement—A reconnection is any residential account that was terminated for any reason covered under § 56.81 or § 56.98 and subsequently restored after the customer paid in full the outstanding balance of the account, made a partial payment or entered into a payment [agreement] arrangement regardless of whether the customer's current status is that of applicant or customer per the definitions in § 56.2. Four criteria must be met: the reconnection is for the same customer/applicant that was terminated; the location of the reconnection is the same location as the location of the termination; the dollars in debt that are the subject of the customer payment and/or customer payment [agreement] arrangement are for the same customer/applicant while at the same location; and the time that has passed since the final bill due date does not exceed 4 years. Report the cumulative number as of the end of the [reporting period/] calendar month. Include customer assistance program recipients.

Total number of reconnections for reasons other than customer payment or medical certification—Report the cumulative number as of the end of the [reporting period/] calendar month. This category includes any reconnection not reported under reconnections for payment/partial payment/payment arrangement or reconnections for submission of a medical certificate. Include customer assistance program recipients.

Total number of residential heating customers—Report the number as of the end of the [reporting period/] calendar month. Report each individually billed account under a unique residential account number and residential tariff rate (Count the number of residential bills that you issue). Include customer assistance program recipients.

Total number of residential nonheating customers—Report the number as of the end of the [reporting period/] calendar month. Report each individually billed account under a unique residential account number and residential tariff rate (Count the number of residential bills that you issue). Include customer assistance program recipients.

Total number of security deposits on-hand—Report the number as of the end of the [reporting period/] calendar year.

Total number of 10-day termination notices issued by the public utility—The grounds for termination are customer nonpayment of usage-based billings or nonpayment of a security deposit. Report the cumulative number as of the end of the [reporting period/] calendar month. Include customer assistance program recipients.

Total number of terminations for nonpayment—The grounds for termination are customer nonpayment of usage-based billings or nonpayment of a security deposit. Report the cumulative number as of the end of the [reporting period/] calendar month. Include customer assistance program recipients.

Total number of terminations for nonpayment and reasons other than nonpayment categorized by the first three digits of each account's postal code—The grounds for termination are customer nonpayment of usage-based billings or nonpayment of a security deposit, failure to permit access, unauthorized use of service, fraud, meter tampering, and safety. Report the cumulative number as of the end of the [reporting period/] calendar month. Include customer assistance program recipients. Categorize by the first three digits of the postal code of the customer's service address.

Total number of terminations for reasons other than nonpayment—The reasons for termination include failure to permit access, unauthorized use of service, fraud, meter tampering, and safety. Report the cumulative number as of the end of the [reporting period/] calendar month. Include customer assistance program recipients.

Total number of 3-day termination notices completed by electronic messaging formats—
The grounds for termination are customer nonpayment of usage-based billings or
nonpayment of a security deposit. Report the cumulative number as of the end of the
calendar month. Include customer assistance program recipients. The customer was
contacted using email, text message or other electronic messaging format in accordance
with § 56.93.

Total number of 3-day termination notices completed by personal contact in person—
The grounds for termination are customer nonpayment of usage-based billings or
nonpayment of a security deposit. Report the cumulative number as of the end of the
[reporting period/] calendar month. Include customer assistance program recipients. The
customer was contacted in person in accordance with § 56.93.

*Total number of 3-day termination notices completed by telephone—*The grounds for
termination are customer nonpayment of usage-based billings or nonpayment of a
security deposit. Report the cumulative number as of the end of the [reporting period/]
calendar month. Include customer assistance program recipients. The customer was
contacted using the telephone in accordance with § 56.93.

APPENDIX D. DEFINITIONS [(§ 56.461)] (§ 56.231(d))

This data dictionary and the following definitions are to be used in relation to the
reporting requirements in § [56.461] 56.231(d) (relating to reporting requirements).

*Annual residential billings—*Report the cumulative total dollar amount in residential
billings during the [reporting period/] calendar year. This includes “normal tariff
billings” and “miscellaneous billings.” The latter category includes billings for late
payment fees.

*Total dollar amount of gross residential write-offs—*Report the cumulative total dollar
amount as of the end of the [reporting period/] calendar year. Do not include customer
assistance program credits (revenue shortfall) or customer assistance program arrearage
forgiveness in this category.

*Total number of reconnections for customer payment—*A reconnection is any
residential account that was terminated for any reason covered under § 56.321 or
§ 56.338 and subsequently restored after the customer paid in full the outstanding
balance of the account, or made a partial payment or entered into a payment agreement
regardless of whether the customer’s current status is that of applicant or customer per the
definitions in § 56.252. Four criteria must be met: the reconnection is for the same
customer/applicant that was terminated; the location of the reconnection is the same

location as the location of the termination; the dollars in debt that are the subject of the customer payment or customer payment agreement, or both, are for the same customer/applicant while at the same location; and the time that has passed since the final bill due date does not exceed 4 years. Report the cumulative number as of the end of the [reporting period/] calendar month. Include customer assistance program recipients.

*Total number of reconnections for customer submission of medical certification—*Includes only reconnections because the customer has supplied the company with a valid medical certificate as the condition of reconnection. Report the cumulative number as of the end of the [reporting period/] calendar month. Include customer assistance program recipients.

*Total number of reconnections for reasons other than customer payment or medical certification—*Report the cumulative number as of the end of the [reporting period/] calendar month. Include customer assistance program recipients.

*Total number of residential customers—*Report the number as of the end of the [reporting period/] calendar month. Report each individually billed account under a unique residential account number and residential tariff rate (Count the number of residential bills that you issue). Include customer assistance program recipients.

*Total number of terminations for nonpayment—*The grounds for termination are customer nonpayment of usage-based billings or nonpayment of a security deposit. Report the cumulative number as of the end of the [reporting period/] calendar month. Include customer assistance program recipients.

*Total number of terminations for reasons other than nonpayment—*The reasons for termination include failure to permit access, unauthorized use of service, fraud, meter tampering, and safety. Report the cumulative number as of the end of the [reporting period/] calendar month. Include customer assistance program recipients.



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

GLADYS M. BROWN
CHAIRMAN

February 6, 2017

The Honorable George D. Bedwick
Chairman
Independent Regulatory Review Commission
14th Floor, Harristown II
333 Market Street
Harrisburg, PA 17101

**Re: L-2015-2508421/57-315
Proposed Rulemaking
Amend the Provisions of 52 Pa. Code, Chapter 56 to
Comply with the Amended Provisions of 66 Pa. C.S. Chapter 14
52 Pa. Code, Chapter 56**

Dear Chairman Bedwick:

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 the provisions of 52 Pa. Code, Chapter 56 to comply with the amended provisions of 66 Pa. C.S. Chapter 14. The contact person is Patricia T. Wiedt, Assistant Counsel, Law Bureau, (717) 787-5000.

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

Sincerely,

Gladys M. Brown
Chairman

Enclosures

pc: The Honorable Robert M. Tomlinson
The Honorable Lisa Boscola
The Honorable Robert Godshall
The Honorable Thomas R. Caltagirone
June Perry, Legislative Affairs Director
Bohdan Pankiw, Chief Counsel
Patricia T. Wiedt, Assistant Counsel
Alyson Zerbe, Regulatory Coordinator

TRANSMITTAL SHEET FOR REGULATIONS SUBJECT
TO THE REGULATORY REVIEW ACT

ID Number: L-2015-2508421/57-315

Subject: Proposed Rulemaking to Amend the Provisions of 52 Pa.
Code Chapter 56 to Comply with the Amended Provisions of
66 Pa. C.S. Chapter 14
52 Pa. Code, Chapter 56

Pennsylvania Public Utility Commission

TYPE OF REGULATION

<u>X</u>	Proposed Regulation
<u> </u>	Final Regulation with Notice of Proposed Rulemaking Omitted.
<u> </u>	Final Regulation
<u> </u>	120-day Emergency Certification of the Attorney General
<u> </u>	120-day Emergency Certification of the Governor

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FILING OF REPORT

<u>Date</u>	<u>Signature</u>	<u>Designation</u>
<u>2/6/2017</u>	<u>NED SMITH</u>	<u>HOUSE COMMITTEE</u> (Godshall) Consumer Affairs
<u>2/6/17</u>	<u>Larry Tomlinson</u>	<u>SENATE COMMITTEE</u> (Tomlinson) Consumer Protection and Professional Licensure
<u>2/6/17</u>	<u>Stacy F. Hoff</u>	Independent Regulatory Review Commission
<u> </u>	<u> </u>	Attorney General
<u>2/6/2017</u>	<u> </u>	Legislative Reference Bureau