

<h2 style="margin: 0;">Regulatory Analysis Form</h2> <p style="margin: 0;">(Completed by Promulgating Agency)</p> <p style="margin: 0;">(All Comments submitted on this regulation will appear on IRRC's website)</p> <p style="margin: 0;">(1) Agency: Pennsylvania Public Utility Commission (PA PUC)</p> <p style="margin: 0;">(2) Agency Number: L-2020-3017284 Identification Number: 57-332</p> <p style="margin: 0;">(3) PA Code Cite: 52 Pa. Code §§ 51.11-51.14</p> <p style="margin: 0;">(4) Short Title: Proposed Rulemaking for Diversity Reporting of Major Jurisdictional Utilities</p> <p style="margin: 0;">(5) Agency Contacts (List Telephone Number and Email Address): Primary Contact: Joseph P. Cardinale, Jr., 717-787-5558, jcardinale@pa.gov Secondary Contact: Rhonda L. Daviston, 717-787-6166, rdaviston@pa.gov</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; padding: 5px;"> <p style="margin: 0;">(6) Type of Rulemaking (check applicable box):</p> <p style="margin: 0;"><input checked="" type="checkbox"/> Proposed Rulemaking</p> <p style="margin: 0;"><input type="checkbox"/> Final Order Adopting Regulation</p> <p style="margin: 0;"><input type="checkbox"/> Final Omitted Regulation</p> </td> <td style="width: 50%; padding: 5px;"> <p style="margin: 0;"><input type="checkbox"/> Emergency Certification Regulation;</p> <p style="margin: 0;"><input type="checkbox"/> Certification by the Governor</p> <p style="margin: 0;"><input type="checkbox"/> Certification by the Attorney General</p> </td> </tr> </table> <p style="margin: 0;">(7) Briefly explain the regulation in clear and nontechnical language. (100 words or less)</p> <p style="margin: 0;">The proposed regulation directs major jurisdictional utilities to annually report the progress of their respective diversity programs to the PA PUC in a standardized manner.</p> <p style="margin: 0;">(8) State the statutory authority for the regulation. Include <u>specific</u> statutory citation.</p> <p style="margin: 0;">66 Pa.C.S. §§ 501 and 504.</p> <p style="margin: 0;">(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.</p> <p style="margin: 0;">No, the regulation is not mandated by any federal or state law or court order or by federal regulation.</p> <p style="margin: 0;">(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.</p> <p style="margin: 0;">To foster a diverse workforce and contracting pool, this regulation builds upon the PA PUC's revised diversity policy statement at 52 Pa. Code 69.801-69.808 (2021) which encourages major jurisdictional utilities to be conscious of and make positive changes to improve the diversity of their workforce, as</p>	<p style="margin: 0;">(6) Type of Rulemaking (check applicable box):</p> <p style="margin: 0;"><input checked="" type="checkbox"/> Proposed Rulemaking</p> <p style="margin: 0;"><input type="checkbox"/> Final Order Adopting Regulation</p> <p style="margin: 0;"><input type="checkbox"/> Final Omitted Regulation</p>	<p style="margin: 0;"><input type="checkbox"/> Emergency Certification Regulation;</p> <p style="margin: 0;"><input type="checkbox"/> Certification by the Governor</p> <p style="margin: 0;"><input type="checkbox"/> Certification by the Attorney General</p>	<p style="margin: 0;">INDEPENDENT REGULATORY REVIEW COMMISSION</p> <div style="border: 2px solid black; padding: 10px; margin: 0 auto; width: 150px;"> <p style="margin: 0; font-size: 1.5em; font-weight: bold;">RECEIVED</p> <p style="margin: 0; font-size: 1.2em;">MAY 24 2021</p> <p style="margin: 0; font-size: 0.8em;">Independent Regulatory Review Commission</p> </div> <p style="margin: 0; font-size: 1.2em;">IRRC Number: 3304</p>
<p style="margin: 0;">(6) Type of Rulemaking (check applicable box):</p> <p style="margin: 0;"><input checked="" type="checkbox"/> Proposed Rulemaking</p> <p style="margin: 0;"><input type="checkbox"/> Final Order Adopting Regulation</p> <p style="margin: 0;"><input type="checkbox"/> Final Omitted Regulation</p>	<p style="margin: 0;"><input type="checkbox"/> Emergency Certification Regulation;</p> <p style="margin: 0;"><input type="checkbox"/> Certification by the Governor</p> <p style="margin: 0;"><input type="checkbox"/> Certification by the Attorney General</p>		

well as the entities with which they contract for goods and services. In the past, the PA PUC has only encouraged major jurisdictional utilities to report the progress of their diversity programs. This regulation would mandate that major jurisdictional utilities file an annual report on the progress of their respective diversity programs with the PA PUC. It would also standardize the definitions and form used to report diversity progress. The recommendations regarding diversity hiring and contracting would remain in the diversity policy statement.

(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.

Major jurisdictional utilities currently report their diversity to the Equal Employment Opportunity PA PUC. The Securities and Exchange Commission (SEC) also requires such reporting among its regulated entities to which some major jurisdictional utilities may be subject.

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

The PA PUC has reviewed what other states require in terms of diversity reporting. Other states such as California, Maryland, North Carolina and Texas require reporting of diversity among their respective workforces and utility vendors. The proposed regulation would not affect Pennsylvania's ability to compete with other states. The regulation would require major jurisdictional utilities to report the progress of their respective diversity programs. As addressed in Item 11, *supra*, major jurisdictional utilities are already required to report the progress of their respective diversity programs to the SEC regardless of the state in which they operate. Also, major jurisdictional utilities are required to report diversity results in their workforces to the EEOC regardless of the state in which they operate. As major jurisdictional utilities are already reporting the demographics of their workforce to federal agencies, major jurisdictional utilities would be able to accommodate reporting the progress of their diversity programs to the PA PUC.

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

No.

(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.)

As stated in item 10, *supra*, this regulation builds on the PA PUC's diversity policy statement which has been in place since 1995 and was updated recently. 52 Pa. Code §§ 69.801-69.809 (2021). In the PA PUC's recent update to its policy statement, the PA PUC noted that it intended to initiate a rulemaking to make the reporting of the progress of major jurisdictional utilities' respective diversity programs mandatory. See Amended Policy Statement on Diversity at Major Jurisdictional Utility Companies, PA PUC Docket No. M-2020-3018089 (order entered on December 3, 2020) at 12 and 14-15. [LINK](#). As part of the process of updating its diversity policy statement, the PA PUC published a request for comments and received comments from the following entities: Aqua Pennsylvania Inc. (Aqua), Duquesne Light Co. (Duquesne Light), Energy Association of Pennsylvania (EAP), First Energy, PECO

Energy Company (PECO), Philadelphia Gas Works (PGW), Pennsylvania American Water Company (PAWC), and PPL Electric Utility Corporation (PPL). The comments received were in favor of the proposed PA PUC's diversity policy updates. The PA PUC proposes to incorporate many of the constructive suggestions regarding definitions in the proposed regulation.

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

The regulation would directly affect major jurisdictional utilities in Pennsylvania, which include ten (10) electric, eight (8) natural gas, seven (7) water, five (5) wastewater, and twenty-eight (28) telecommunications utilities. The regulation would require these utilities to file diversity reports on a form specified by the PA PUC.

Some of these major jurisdictional utilities meet the federal definition of a small business, including three (3) of the electric distribution companies, three (3) of the natural gas distribution companies, and three (3) of the water utilities. However, these utilities have already been voluntarily reporting their diversity programs with the PA PUC pursuant to 52 Pa. Code § 69.809.

Telecommunications utilities have not filed diversity reports with the PA PUC since 2004, so these utilities would be affected. None of the telecommunications utilities meet the definition of a small business.

(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.

The businesses that would be required to report their diversity programs are major jurisdictional utilities whose assets in service are valued at \$10 million or more. This regulation is directed at the fifty-eight (58) utilities referenced in the response to item 15, *supra*.

(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 proposed regulation would require major jurisdictional utilities to report on the progress of their respective diversity programs. While this would require major jurisdictional utilities to expend resources to gather data on its employees and its contractors, many of the affected utilities have already been reporting the progress of their diversity programs. *See* response in item 15, *supra*. The proposed regulation would standardize the reporting. Further, in the PA PUC's most recent update to its diversity policy statement, the PA PUC did not receive any negative comments from the regulated community regarding the PA PUC's intent to make diversity reporting mandatory.

The benefits of the proposed regulation are that it would enable the PA PUC to collect uniform data on the diversity programs amongst major jurisdictional utilities and may encourage major jurisdictional utilities to further develop a diverse workforce and contracting pool.

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

The cost to a major jurisdictional utility would be having an employee or employees collect data on its

workforce and procurement and prepare diversity reports to submit to the PA PUC.

However, the benefits of the regulation are that it would establish uniform data collection for the PA PUC and may encourage major jurisdictional utilities to further develop the diversity in their workforces and may encourage major jurisdictional utilities to contract with diverse-owned businesses.

(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 cost to the regulated community would be minimal. As previously addressed in item 15, *supra*, many of the major jurisdictional utilities have already been voluntarily reporting the progress of their respective diversity programs to the PA PUC pursuant to 52 P. Code § 69.809. However, with respect to the major jurisdictional utilities that have not been reporting, the PA PUC estimates that this regulation would cause those major jurisdictional utilities to assign one or more employees to collect, manage, and report the diversity data that the regulation is requiring. As all of the major jurisdictional utilities providing electric, natural gas, water, and telecommunications service have already been encouraged to develop and maintain diversity programs since 1995 pursuant to the PA PUC's diversity policy statement, 52 Pa. Code §§ 69.801-69.809, the PA PUC estimates that many of the major jurisdictional utilities already have staff assigned to handle diversity workforce issues. Further, many of the major jurisdictional utilities that would be subject to this regulation already are required to report diversity results to the EEOC and/or the SEC.

(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.

Local governments would not be affected by the proposed regulation and would not be expected to incur costs or realize any savings.

(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.

The PA PUC would not incur any significant costs or savings by implementing the proposed regulation. As the PA PUC already receives the voluntary annual reports encouraged by the policy statement, a regulation requiring filing standardized data on the progress of their respective diversity programs would not cause any additional cost to the PA PUC. Any cost associated with receiving additional reports from the wastewater and telecommunications utilities should be more than offset by the use of standardized definitions and a standardized form for reporting the results from all the major jurisdictional utilities required to fill the reports.

No other division of state government would be affected by this proposed regulation.

(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.

As noted in item 20, *supra*, local governments will not be affected by the regulation.

As noted in item 21, *supra*, the PA PUC does not require additional legal, accounting, or consulting procedures for the implementation of the regulation. The PA PUC already receives voluntary annual reports from the major jurisdictional utilities, so there would be no change to staff workload. No other divisions of state government beyond the PA PUC would be affected by this proposed regulation.

As noted in item 19, *supra*, many of the major jurisdictional utilities that would be affected by the proposed regulation already file annual reports with the PA PUC. Most of the annual reports already contain the information requested by the PA PUC, but the covered major jurisdictional utilities may have to review their workforce data to align with the PA PUC's requested demographic groups. The PA PUC also anticipates that the major jurisdictional utility will have the required information readily available; thus, the effect of implementing the regulation on the regulated community is expected to be insignificant, even if a given major jurisdictional utility has not been voluntarily reporting.

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

Yes. The PA PUC has developed a standardized workforce demographic reporting form for the subject utilities to complete.

(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.**

A copy of the proposed new form Demographic Composition of Workforce is attached to this regulatory analysis form. The proposed new form is the same for in voluntary use pursuant to 52 Pa. Code 69.809 (2021).

(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.

	Current FY Year	FY +1 Year	FY +2 Year	FY +3 Year	FY +4 Year	FY +5 Year
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community	None	None	None	None	None	None
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	None	None	None	None	None	None
Total Savings	None	None	None	None	None	None
COSTS:						
Regulated Community	De minimis	De minimis	De minimis	De minimis	De minimis	De minimis
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	None	None	None	None	None	None

Total Costs	De minimis	De minimis	De minimis	De minimis	De minimis	De minimis
REVENUE LOSSES:						
Regulated Community	None	None	None	None	None	None
Local Government	N/A	N/A	N/A	N/A	N/A	N/A
State Government	None	None	None	None	None	None
Total Revenue Losses	None	None	None	None	None	None

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

There are no programs affected by the regulation.

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

(24) For any regulations 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.

Three (3) electric distribution companies, three (3) natural gas distribution companies, and three (3) water utilities that are subject to the regulations also meet the definition of small business. However, as discussed *infra*, these small businesses will not be adversely impacted by 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.

No special professional skills are necessary, and the utilities will incur no costs to provide the annual report. Current utility employees can gather the employment and procurement information and provide descriptions of extant programs and policies.

(c) A statement of probable effect on impacted small businesses.

There is no anticipated effect on small businesses.

(d) A description of any less intrusive or less costly alternative methods of achieving the purpose of the proposed regulation.

There is no cost to reporting diversity information and minimal intrusion to the utilities. Consequently, there are no alternative methods to achieve the purpose of the regulation.

(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.

The PA PUC's proposed regulation would generally adopt the language it used in its updated policy statement at 52 Pa. Code §§ 69.802, 69.802a, and 69.809 (2021). In revising the diversity policy statement, the PA PUC added members of the LGBTQ community and veterans to the list of business owners included in its definition of diversity which would now be adopted in the proposed regulation. The updated diversity policy statement adds demographic definitions reflecting recommendations from the comments received. The updated diversity policy statement's demographic definitions were changed to align with the EEOC's demographic definitions with respect to utility employees, and the Department of Labor's demographic definitions with respect to utility vendors. These updated definitions in the policy statement become effective upon publication of the revised diversity policy statement in the *Pennsylvania Bulletin*.

(26) Include a description of any alternative regulatory provisions which have been considered and rejected and a statement that the least burdensome acceptable alternative has been selected.

The PA PUC considered alternatives to definitions of demographic terms in the diversity policy statement upon which the proposed regulation would be based. In the 14-day interval between updating the diversity policy statement and initiating the rulemaking for this proposed regulation, the PA PUC has not considered other alternatives but is proposing to sequence the definitions in a more concise manner. The diversity policy statement was adopted and entered on December 3, 2020, and will become effective upon publication in the *Pennsylvania Bulletin*. The notice of proposed rulemaking was adopted and entered on December 17, 2020.

(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 performance 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.

As discussed in item 24, *supra*, small businesses would not be adversely impacted by the regulation. The regulation requires submission of an annual report containing information the many of the major jurisdictional utilities have already gathered in the regular course of business and voluntarily reported to the PA PUC pursuant to 52 Pa. Code § 69.809 (1995). For the major jurisdictional utilities that would be newly required to file annual diversity reports, most if not all of them are required to gather and report this information on the federal level. Therefore, no regulatory flexibility analysis was conducted.

(28) If data is the basis for this regulation, please provide a description of the data, explain in detail how the data was obtained, and how it meets the acceptability standard for empirical, replicable and testable data that is supported by documentation, statistics, reports, studies or research. Please submit data or supporting materials with the regulatory package. If the material exceeds 50 pages, please provide it in a searchable electronic format or provide a list of citations and internet links that, where possible, can be

accessed in a searchable format in lieu of the actual material. If other data was considered but not used, please explain why that data was determined not to be acceptable.

Data was not the basis for this regulation.

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

- | | |
|---|--|
| A. The length of the public comment period: | <u>45 days</u> |
| B. The date or dates on which any public meetings or hearings will be held: | <u>December 17, 2020</u> |
| C. The expected date of delivery of the final-form regulation: | <u>3rd quarter 2021</u> |
| D. The expected effective date of the final-form regulation: | <u>Upon publication as Final</u> |
| E. The expected date by which compliance with the final-form regulation will be required: | <u>The subsequent annual report date</u> |
| F. The expected date by which required permits, licenses or other approvals must be obtained: | <u>NA</u> |

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

When finalized, the effectiveness of the promulgated regulation will be continually monitored by the PA PUC. The PA PUC has identified the affected major jurisdictional utilities and will be able to determine whether they are complying with the regulation by reviewing the annual reports they submit.

<u>Total Number of Employees:</u>										
<u>Demographics of Utility Workforce</u>										
<u>Job Categories</u>	<u>Gender</u>		<u>Race and Ethnicity</u>					<u>Person with Disabilities (Only employees who agreed to be reported)</u>	<u>LGBTQ (Only employees who agreed to be reported)</u>	<u>Veteran</u>
			<u>Hispanic or Latino</u>	<u>Not Hispanic or Latino</u>						
	<u>Male</u>	<u>Female</u>		<u>White</u>	<u>Black or African-American</u>	<u>Asian</u>	<u>Native American or Alaska Native</u>	<u>Native Hawaiian or Pacific Islander</u>	<u>Two or more races</u>	
Executive/Senior Level Officials & Managers										
First/Mid-Level Officials & Managers										
Professionals										
Technicians										
Administrative Support Workers										
All others										
Totals										

Appendix A

Demographic Composition of Workforce

Form to be used by
Major Jurisdictional Utilities
Providing Electric, Natural Gas, Water, Wastewater, and
Telecommunications Services

This form would not be codified but would be made available by the Commission to the major jurisdictional utilities.

<u>Demographics of Utility Workforce</u>		52 Pa. Code §§ 51.11-51.15	
<u>Total Number of Employees:</u> _____		<u>Utility Name:</u> _____	
<u>A-Docket Number:</u> _____		<u>Year Reported:</u> _____	
<u>Race and Ethnicity</u>		<u>Person with Disabilities (Only employees who agreed to be reported)</u>	
<u>Gender</u>		<u>Not Hispanic or Latino</u>	
<u>Hispanic or Latino</u>		<u>Black or African-American</u>	
<u>White</u>		<u>Native American or Alaska Native</u>	
<u>Asian</u>		<u>Native Hawaiian or Pacific Islander</u>	
<u>Two or more races</u>		<u>LGBTQ (Only employees who agreed to be reported)</u>	
<u>Veteran</u>			
<u>Job Categories</u>			
Executive/Senior Level Officials & Managers			
First/Mid-Level Officials & Managers			
Professionals			
Technicians			
Administrative Support Workers			
All others			
Totals			

**FISCAL NOTE FOR DOCUMENTS
FILED WITH THE LEGISLATIVE REFERENCE BUREAU**

March 18, 2021

Agency: Public Utility Commission

Agency Identification Number: 57-332

Subject of Regulation: Diversity Reporting of Major Jurisdictional Utilities

Pursuant to Section 612 of the act of April 9, 1929 (P.L. 177, No. 175), known as the Administrative Code of 1929, I am submitting the following fiscal note for publication in the *Pennsylvania Bulletin* to accompany this notice of regulatory action or administrative procedure.

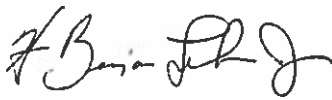
FISCAL NOTE AS REQUIRED BY SECTION 612

Administrative Code of 1929

(See also 4 Pennsylvania Code § 7.231, et seq. [9 Pennsylvania Bulletin])

This action will not result in a loss of revenue or an increase in program costs to the commonwealth or its political subdivisions.

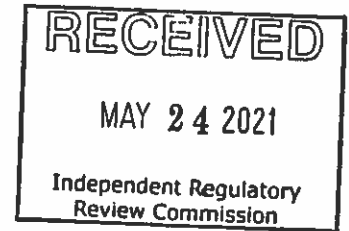
The Secretary of the Budget recommends adoption of this regulatory action or administrative procedure.

 for

Secretary of the Budget

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

(Pursuant to Commonwealth Documents Law)



<p>Copy below is hereby approved as to form and legality. Attorney General.</p> <p>BY: <u>Amy M. Elliott</u> (DEPUTY ATTORNEY GENERAL.)</p> <p><u>5/5/2021</u> DATE OF APPROVAL</p> <p><input type="checkbox"/> Check if applicable Copy not approved. Objections attached.</p>	<p>Copy below is hereby certified to be a true and correct copy of a document issued, prescribed or promulgated by:</p> <p><u>Pennsylvania Public Utility Commission</u> (PA PUC) (AGENCY)</p> <p>DOCUMENT/FISCAL NOTE NO. <u>L-2020-3017284 / 57-332</u></p> <p>DATE OF Public Meeting: <u>December 17, 2020</u> Date of ENTRY: <u>December 17, 2020</u></p> <p>BY <u>/s/ Rosemary Chiavetta</u> Rosemary Chiavetta</p> <p>TITLE <u>Secretary</u> (SECRETARY)</p>	<p>DO NOT WRITE IN THIS SPACE</p> <p>Copy below is hereby approved as to form and legality. Executive or Independent Agencies.</p> <p>BY: <u>/s/ Renardo L. Hicks</u> Renardo L. Hicks Chief Counsel</p> <p><u>March 11, 2020</u> DATE OF APPROVAL</p> <p>Check if applicable. No Attorney General approval or objection within 30 days after submission.</p>
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PA PUC Docket No. L-2020-3017284
Fiscal Note Number 57-332
Notice of Proposed Rulemaking
Diversity Reporting For Major Jurisdictional Utilities
52 Pa. Code §§ 51.11-51.15

The Pennsylvania Public Utility Commission (PA PUC), on December 17, 2020, entered a notice of proposed rulemaking to establish regulations requiring major jurisdictional public utilities providing electric, natural gas, water, wastewater, and telecommunications service to report annually on their hiring of and contracting with diverse groups.

The contact persons for this Notice of Proposed Rulemaking are Assistant Counsel Joseph P. Cardinale, 717-787-5558, jcardinale@pa.gov, and Rhonda L. Daviston, 717-787-6166, rdaviston@pa.gov in the PA PUC's Law Bureau.

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

Public Meeting held December 17, 2020

Commissioners Present:

Gladys Brown Dutrieuille, Chairman
David W. Sweet, Vice Chairman
John F. Coleman, Jr.
Ralph V. Yanora

Proposed Rulemaking for Diversity Reporting of
Major Jurisdictional Utilities

L-2020-3017284

NOTICE OF PROPOSED RULEMAKING

BY THE COMMISSION:

The Commission's Policy Statement on Diversity at Major Jurisdictional Utility Companies, 52 Pa. Code §§ 69.801-69.809, (Policy Statement), encourages major jurisdictional utilities to file diversity reports annually with the Commission and provides guidelines identifying the information that the major jurisdictional utilities have been requested to report to describe their efforts to employ, and to contract with, members of diverse groups. On December 3, 2020, the Commission entered a Final Policy Statement at Docket No. M-2020-3018089 updating the Diversity Reporting Policy Statement. The updates bring the demographic terms in closer alignment with the Commonwealth's diverse citizenship and with terms used in diversity reporting to federal agencies. The Diversity Policy Statement updates will become effective on publication in the *Pennsylvania Bulletin*.

Having finalized the updates to the Diversity Policy Statement, the Commission now proposes that the diversity reporting recommendations in the Diversity Policy

Statement become a regulatory obligation to be codified in 52 Pa. Code Chapter 51 for major jurisdictional utilities providing electric, natural gas, water, wastewater, and telecommunications services.

BACKGROUND

Every January, leaders of Commonwealth agencies including the Commission pledge to support hiring, compensating, training and advancing individuals based on merit regardless of their diverse identities while promoting affirmative action steps to eliminate barriers for protected groups. *See* Governor Wolf's Executive Order on Equal Employment Opportunity, No. 2016-04.

On March 24, 1995, the Commission adopted its Diversity Statement of Policy at Docket No. M-00940557. When proposed by then-Commissioner Lisa Crutchfield, these guidelines were groundbreaking and progressive for that time. However, 25 years later brings us into a new century and gives us a timely opportunity to reinvigorate the Commission's efforts to promote and implement effective diversity programs at our major jurisdictional utilities.

Pennsylvania is a diverse state when it comes to energy production, natural resources, manufacturing, agriculture and the residents of the Commonwealth. Our jurisdictional public utilities should draw on the strengths provided by the diversity within this Commonwealth, many of whom are also customers of jurisdictional utilities. As such, the Commission finds that jurisdictional utilities should continue to develop and implement utility-wide diversity programs for employment and contracting of goods and services. Such programs should focus on how to maintain or increase the numbers of minority, women, disabled, Lesbian/Gay/Bisexual/Transgender/Questioning (LGBTQ) and veteran employees and vendors.

Properly structured, diversity programs can successfully leverage untapped talent pools to help fill these critical jobs. Furthermore, as regulated monopolies, the Commonwealth's jurisdictional utilities have unique beneficial community relationships which diversity programs have the power to strengthen. The Commission launched a utility careers campaign in the Fall of 2017 to address the looming problem of increased utility workforce retirements. See <https://pautilitycareers.com/1-Press-Release> (accessed December 4, 2020).

Currently, the Commission's Diversity Policy Statement encourages utilities to file a diversity report with the Commission annually. In reviewing the reports submitted, Commission staff has found that, in many instances, the major jurisdictional utilities are either including too much information, not enough information, or unnecessary information in the reports. In an attempt to solicit the appropriate information, the Commission's Final Policy Statement at Docket No. M-2020-3018089 will revise the reporting guidelines upon publication in the *Pennsylvania Bulletin*. This will serve to refine the information that the major jurisdictional utilities are being requested to file and streamline the reporting and review processes.

The reporting pursuant to the Commission's Diversity Policy Statement is not obligatory. After 25 years of voluntary reporting, the Commission finds that it is appropriate to propose a Diversity Reporting regulation to make diversity reporting by major jurisdictional utilities obligatory, streamlined and more purposeful.

SUMMARY OF THE PROPOSED DIVERSITY REPORTING REGULATION

The guidelines in the Commission's policy statement currently at 52 Pa. Code §§ 69.801-809 set forth the goal of maintaining a diverse workforce and supply chain and include recommendations for the voluntary filing of diversity information by major jurisdictional utilities. The General Assembly has empowered the Commission to enact

regulations governing public utilities. Section 501 of the Public Utility Code, 66 Pa.C.S. § 501(b), provides in relevant part that:

[T]he commission shall have general administrative power and authority to supervise and regulate all public utilities doing business within this Commonwealth. The commission may make such regulations, not inconsistent with law, as may be necessary or proper in the exercise of its powers or for the performance of its duties.

Section 504 of the Public Utility Code, 66 Pa.C.S. § 504, provides in relevant pertinent part that the Commission:

[M]ay require any public utility to file periodical reports, at such times, and in such form, and of such content, as the commission may prescribe, and special reports concerning any matter whatsoever about which the commission is authorized to inquire, or to keep itself informed, or which it is required to enforce.

The Commission is now proposing that diversity reporting be mandatory for major jurisdictional utilities providing electric, natural gas, water, wastewater, and telecommunications services. This would also entail promulgating within the Diversity Reporting regulation the definitions that have been recently modified in Sections 69.802 and 69.802a and the filing recommendations recently modified in Section 69.809. 52 Pa. Code §§ 69.802, 69.809. It would also require mandating the use of a specific form for reporting workforce diversity as set forth in the Final Policy Statement Order.

§ 51.11 -- General

This section sets out the purpose of the proposed Diversity Reporting regulation as set forth in Annex A.

§ 51.12 – Definitions Applicable to Employee and Vendor Diversity

§ 51.13 – Definitions for Reporting Employee Statistics

§ 51.14 --Definitions for Reporting Vendor Statistics

The Commission is proposing to adopt as part of the Diversity Reporting regulation the general definitions and the specific employee-reporting and specific vendor-reporting definitions currently in Sections 69.802 and 69.802a without substantive changes as set forth in Annex A. 52 Pa. Code 69.802. We note that we have used the phrase “major jurisdictional utility” in the proposed Diversity Reporting regulation rather than “major jurisdictional utility company” as the use of “company” did not add any clarity to the Diversity Reporting regulation.

Because the definitions in the proposed regulation would also be applicable to the Diversity Policy Statement, and because the Diversity Policy Statement would be the predicate recommendations for the contents being reported, there are definitions proposed for inclusion in the regulation that would not be otherwise used in the regulation. Defining terms for both the proposed regulation and the remaining policy provisions in one location and as a regulation serves several purposes. It establishes uniform terms for adherence to the regulation and for understanding the policy. It avoids the potential for disjunction between one set of definitions for the regulation and a separate set for the policy.

§ 51.15 – Diversity Reporting Requirement

Since 1995, the Commission has encouraged major jurisdictional utilities to file diversity reports with the Commission’s Secretary by March 1 of each year pursuant to its Diversity Policy Statement at 52 Pa. Code § 69.809 (1995). The Commission is now proposing that diversity reporting by major jurisdictional utilities providing electric, natural gas, water, wastewater, and telecommunications services should be mandatory. Mandatory reporting in general, and the use of a specific form for reporting employee demographics in particular, would establish consistency among the major jurisdictional utilities in terms of the information being tracked and reported. It would also streamline the reporting and review process relative to diversity in employment and supply chain activities.

The Commission proposed to take the language from Section 69.809 and revise it to indicate that major jurisdictional utilities would now be required to file annual diversity reports with the Commission's Secretary by March 1 of each year. The language "are encouraged to file" would be replaced with "shall file" to indicate that diversity reporting would be a mandatory requirement. 52 Pa. Code 69.809. Additionally, the phrase "annual report should contain" would be revised to read as "the annual report shall contain" to indicate that the following reporting requirements would be mandatory as set forth in Annex A.

The provision in the Diversity Policy Statement at Section 69.809(b), relative to reporting information that is "otherwise unobtainable," is not part of the proposed Diversity Reporting regulation. 52 Pa. Code 69.809(b). The proposed Diversity Reporting regulation would instead specify what is to be reported.

The proposed Diversity Reporting regulation would indicate the docket in which a major jurisdictional utility is to file its annual report and that there would be consequences for the failure to file the report.

USE OF FORM TO REPORT WORKFORCE DEMOGRAPHICS

Further, use of the Commission form for reporting diversity in a major jurisdictional utility's workforce would be required as set forth in Appendix A. The regulation would list the information required in the form and identify the form by name. The Commission would make the form available to the major jurisdictional utilities, but the form itself would not be codified.

As discussed in greater detail in the Final Policy Statement, we modeled our recommended reporting form in large measure on the federal EEO-1 form used by the Equal Employment Opportunity Commission (EEOC). Starting with the 2021 federal EEO-1 filing, employers will have the opportunity to provide aggregate information in a

comment area. With respect to gender, this could include information provided by employees who self-identify as LGBTQ or who do not make an affirmative selection for gender. Final Policy Statement at 9.

The Commission understands the privacy issues surrounding the reporting of the number of LGBTQ employees but also wants to provide the opportunity for a major jurisdictional utility to report its LGBTQ composition to the extent known but without violating the privacy of its employees. As such, the Commission proposes to use the Demographic Composition of Workforce form recently adopted in conjunction with the revisions to the Diversity Policy Statement. The form would include the number of LGBTQ employees that a major jurisdictional utility employs with the caveat that only employees who agree to be counted in LGBTQ diversity reporting may be included in the report.

There would be nothing in the form or the reporting that identifies any specific employees relative to any of the categories reported.

IMPACT OF THE PROPOSED DIVERSITY REPORTING REGULATION ON THE DIVERSITY POLICY STATEMENT

The Commission intends to retain its policy statement on diversity at Sections 69.801 through Section 69.808, including the existing policy recommendations regarding encouraging diversity, guidelines for diversity development, contracting recommendations, program development, minimum improvement levels, subcontracting program and external outreach. 52 Pa. Code §§ 69.801 and 69.803-808. Filing would no longer be optional; thus, there would no longer be a need for Section 69.809. 52 Pa. Code § 69.809. The Commission intends to use one set of definitions, as proposed in Annex A for the Diversity Reporting regulation, applicable to both the regulation and the policy statement. These anticipated changes to the Diversity Policy Statement will be undertaken after the Diversity Reporting regulation becomes effective.

CONCLUSION

This proposed regulation builds on the Commission's recently amended Diversity Policy Statement which will become final upon publication in the *Pennsylvania Bulletin*. The proposed regulation would make the reporting requirement mandatory for major jurisdictional utilities. The proposed regulation would incorporate the definitions and the requirement to use the Commission's form for reporting from the Diversity Policy Statement as part of the proposed regulation. Amendment of the Diversity Reporting Policy Statement to reflect adoption of the Diversity Reporting regulation would be addressed after proposed Diversity Reporting regulation becomes final.

Accordingly, under Sections 501 and 504 of the Public Utility Code, 66 Pa.C.S. §§ 501 and 504; Section 201 of the Act of July 31, 1968 (P.L. 769, No. 240), known as the Commonwealth Documents Law (45 P.S. § 1201), 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 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, the Commission proposes a new Diversity Reporting regulation at 52 Pa. Code §§ 51.11-51.15 as set forth in Annex A.

THEREFORE,

IT IS ORDERED:

1. That a proposed rulemaking be opened to consider the proposed Diversity Reporting regulation set forth in Annex A.

2. That the Law Bureau shall submit this Order and Annex A to the Office of the Attorney General for review as to form and legality and to the Governor's Budget Officed 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 the Legislative Standing Committees.

4. That the Law Bureau shall deposit this Order and Annex A with the Legislative Reference Bureau to be published in the *Pennsylvania Bulletin*.

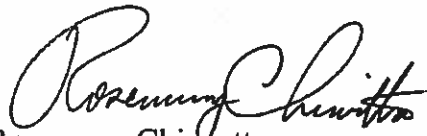
5. That interested parties may submit written comments referencing Docket No. L-2020-3017284 within 45 days of publication in the *Pennsylvania Bulletin*. Comments should be eFiled through the Commission's eFiling System per the Commission's Emergency Order dated March 20, 2020, at Docket No. M-2020-3019262. You may set up a free eFiling account with the Commission at <https://efiling.puc.pa.gov/> if you do not have one. Filing instructions may be found on the Commission's website at http://www.puc.pa.gov/filing_resources.aspx. Comments containing confidential information should be emailed to Commission Secretary Rosemary Chiavetta at rchiavetta@pa.gov rather than eFiled.

6. That the Secretary shall post and make available electronically the Order and Annex A on the Commission's website. A copy may also be obtained by calling the Secretary's Bureau at 717-772-7777 or the Law Bureau at 717-787-5000.

7. That the Secretary shall serve an electronic copy of the Order and Annex A on all major jurisdictional utilities in the Commonwealth as well as the parties served at the *Amended Policy Statement on Diversity at Major Jurisdictional Utility Companies*, Docket No. M-2020-3018089 (Dec. 3, 2020).

8. The contact persons for this matter are Joseph P. Cardinale, Jr., Assistant Counsel, Law Bureau 717-787-5558, jcardinale@pa.gov; and Rhonda L. Daviston, Assistant Counsel, Law Bureau, 717-787-6166, rdaviston@pa.gov. Alternate formats of this document are available to persons with disabilities and may be obtained by contacting the Law Bureau at 717-787-5000.

BY THE COMMISSION,


Rosemary Chiavetta,
Secretary

(SEAL)

ORDER ADOPTED: December 17, 2020

ORDER ENTERED: December 17, 2020

EXECUTIVE SUMMARY

PA PUC Docket No. L-2020-3017284

Fiscal Note Number 57-332

Notice of Proposed Rulemaking

**Diversity Reporting For Major Jurisdictional Utilities
52 Pa. Code §§ 51.11-51.15**

The Pennsylvania Public Utility Commission's (PA PUC) Policy Statement on Diversity at Major Jurisdictional Utility Companies at 52 Pa. Code §§69.801-69.809 (Diversity Policy Statement) recommends that major jurisdictional utilities providing electric, natural gas, water, and telecommunications services employ and contract with members of diverse groups. On December 3, 2020, the PA PUC entered a Final Policy Statement and Order at Docket No. M-2020-3018089 updating the Diversity Policy Statement. The updates became effective upon publication in the *Pennsylvania Bulletin* on January 23, 2021, at 51 Pa.B. 435. The updates bring the demographic terms in the Diversity Policy Statement in closer alignment with the Commonwealth's diverse citizenship and with terms used in diversity reporting to federal agencies. The December 3, 2020 Order also confirmed that PA PUC would commence this rulemaking at Docket No. L-2020-3017284.

Having finalized the updates to the Diversity Policy Statement and a specific form for reporting workplace diversity, the PA PUC is proceeding with this rulemaking. This proposed rulemaking would include major jurisdictional wastewater utilities in the reporting requirement mandate. The PA PUC would make the form available to major jurisdictional utilities, but the form itself would not be codified. The PA PUC's Diversity Policy Statement would thereafter be amended to remove the reporting recommendations and other redundancy but would continue to provide the guidelines by which the PA PUC would encourage the major jurisdictional utilities to employ, and to contract with, members of diverse groups.

The contact persons for this Notice of Proposed Rulemaking are Assistant Counsel Joseph P. Cardinale, 717-787-5558, jcardinale@pa.gov, and Assistant Counsel Rhonda L. Daviston, 717-787-6166, rdaviston@pa.gov, in the PA PUC's Law Bureau.

ANNEX A
TITLE 52. PUBLIC UTILITIES
PART I. PUBLIC UTILITY COMMISSION
Subpart C. FIXED SERVICE UTILITIES
CHAPTER 51. GENERAL PROVISIONS

* * * * *

DIVERSITY

§ 51.11. General.

Diversity is an economic reality that each major jurisdictional utility is expected to recognize in its corporate strategy now and in the future. The Commission's Diversity Policy Statement at 52 Pa. Code §§ 69.801-809 provides recommendations for addressing such diversity issues. While the means by which a major jurisdictional utility addresses diversity in its workforce and vendor supply chains should be utility-specific, the results of such efforts shall be reported annually by each major jurisdictional utility.

§ 51.12. Definitions Applicable to Employee and Vendor Diversity

The following words and terms, when used in §§ 51.11 and 51.15 and in the Commission's Diversity Policy Statement at 52 Pa. Code §§ 69.801-69.809, in the context of major jurisdictional utility employees and vendors have the following meanings:

Diversity—The attainment of organizational objectives by maximizing the contributions of individuals from every segment of the population including minorities, women, persons with disabilities, LGBTQ and veterans.

LGBTQ—Lesbian, gay, bisexual, transgender, queer and questioning. This term also includes gender non-conforming individuals. Employer reporting on LGBTQ shall be based on employee self-identification.

Major jurisdictional utility—An electric, natural gas, water or wastewater utility whose net plant in service is valued at \$10 million or more. The term includes major telecommunications utilities with 50,000 or more access lines.

Person with disabilities—A person who has a disability as defined in the Americans With Disabilities Act (ADA), 42 U.S.C.A. § 12102. Employer reporting on person with disabilities shall be based on employee self-identification.

Veteran—A person who meets any veteran category defined in 42 C.F.R. § 61-300.2.

§ 51.13. Definitions for Reporting Employee Statistics.

The following words and terms, when used in §§ 51.11 and 51.15 and in the Commission's Diversity Policy Statement at 52 Pa. Code §§ 69.801-69.809, in the context of major jurisdictional utility employees have the following meanings:

Black or African-American—A person having origins in any of the black racial groups of Africa.

Asian (Not Hispanic or Latino)—A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand and Vietnam.

Hispanic or Latino—A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.

Long-term plan—A plan applicable to a period of 5 years.

MIL—Minimum Improvement Level—A level or goal which, when achieved, indicates progress in a preferred direction.

Midterm plan—A plan applicable to a period of 3 years.

Native American or Alaska Native (Not Hispanic or Latino)—A person having origins in any of the original peoples of North and South America (Including Central America) and who maintain tribal affiliation or community attachment.

Native Hawaiian or Pacific Islander (Not Hispanic or Latino)—A person having origins in any of the peoples of Hawaii, Guam, Samoa or other Pacific Islands.

Short-term plan—A plan applicable to a period of 1 year.

Two or more races (Not Hispanic or Latino)—A person who identifies with more than one of the five races identified in this section.

White (Not Hispanic or Latino)—A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.

§ 51.14. Definitions For Reporting Vendor Statistics

The following words and terms, when used in §§ 51.11 and 51.15 and in the Commission's Diversity Policy Statement at 52 Pa. Code §§ 69.801-69.809, in the context of a vendor with whom a major jurisdictional utility does business have the following meanings, unless the context clearly indicates otherwise:

Control—the exercise of the power to make policy decisions.

Exempt Procurement—A product or service which may be removed from the dollar base used to establish minimum improvement levels, because of the demonstrated unavailability of a minority/women/people with disabilities/LGBTQ/veteran-owned business currently capable of supplying a product or service. The term may also include one or more of the following situations:

- (i) The vendor is the original equipment manufacturer.
- (ii) The vendor is the only known source of the product or service.
- (iii) A plant emergency situation dictates use of a specific vendor.
- (iv) The purchase is from an affiliate, corporate parent, or a subsidiary.

MBE—Minority-Owned Business Enterprise—A business enterprise that is at least 51% owned by a minority individual or group or individuals; or a publicly-owned business that has at least 51% of its stock owned by one or more minority individuals, and whose management and daily business operations are controlled by these individuals.

Minority—Black American, Hispanic American, Native American, Asian-Pacific American, or any other socially disadvantaged individual as defined in 13 C.F.R. § 124.103.

Operate—Active involvement in the day-to-day management. The term involves more than serving as an officer or director.

Subcontract—An agreement or arrangement between a contractor and a party or person—in which the entities do not stand in the relationship of an employer and an employee—for the furnishing of supplies or services for the use of real or personal property, including lease arrangements, which in whole or in part, is necessary to the performance of any one or more contracts.

Substantial objective—An objective that is achievable and which demonstrates a major jurisdictional utility's commitment to increase the share of the utility's purchases from

and contracts from minority/women/persons with disabilities/LGBTQ/veteran-owned businesses.

WBE–Women-Owned Business Enterprise—A business enterprise that is at least 51% owned by a woman or women; or a publicly owned business that has at least 51% of its stock owned by one or more women, and whose management and daily business operations are controlled by one or more women.

§ 51.15. Diversity Reporting Requirement.

(a) Each major jurisdictional utility shall file with the Secretary of the Commission by March 1 of each year an annual report describing its diversity program activity for the prior year. The annual report shall contain the following elements:

(1) A copy of corporate policy committed to improving diversity in the workplace and in the procurement process.

(2) A description of training implemented on diversity initiatives in employment and in the contract of goods and services.

(3) The demographic composition of the major jurisdictional utility's workforce, reporting the number of employees by gender, race and ethnicity, persons with disabilities and veterans, on a form, Demographics of Utility Workforce, to be provided by the Commission.

(4) A description of diversity recruiting strategies.

(5) A description of diversity promotion efforts.

(6) A description of diversity retention efforts.

(7) A brief description of involvement with organizations promoting diversity.

(8) A brief summary of diverse-owned businesses that the major jurisdictional utility contracts with for goods and services. Include percentage of dollars spent with diverse-owned businesses versus non-diverse businesses.

(b) This information and form shall be filed at a major jurisdictional utility's A-docket.

(c) The Commission will use all available remedies to ensure reporting compliance including fines.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

May 24, 2021

Independent Regulatory Review Commission
333 Market Street, 14th Floor
Harrisburg, PA 17101

Re: PA PUC Docket No. L-2020-3017284; Fiscal Note No. 57-332
Proposed Rulemaking to Provide Uniform Reporting Requirements for Major
Jurisdictional Utilities Providing Electric, Natural Gas, Water, Wastewater, and
Telecommunications Services Regarding Voluntary Diversity Activities

Via email: Steve Hoffman at shoffman@irrc.state.pa.us; irrc@irrc.state.pa.us

Good Day:

Pursuant to Section 5(a) of the Regulatory Review Act, please find enclosed a copy of the Notice of Proposed Rulemaking (NOPR) with supporting documents for review. The PA PUC appreciates the opportunity to deliver these materials electronically.

The Pennsylvania Public Utility Commission (PA PUC) entered this NOPR on December 17, 2020, at PA PUC Docket No. L-2020-3017284. The NOPR would promulgate a uniform reporting requirement for major jurisdictional public utilities regarding their voluntary diversity activities.

Under Section 745.5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19) (71 P.S. §§ 745.1—745.15), on May 24, 2021, the PA PUC has submitted a copy of the NOPR and supporting documents to the Majority and Minority Chairs of the Senate Committee on Consumer Protection and Professional Licensure, the Majority and Minority Chairs of the House Consumer Affairs Committee, and the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, as evidenced by the receipts enclosed. We have received “read receipts from the offices of Senators Tomlinson and Boscola and Representative Matzie and from the *Bulletin*. We have received a “delivery receipt” from the office of Representative Marshall.

As set forth in the Regulatory Review Act, the PA PUC will consider comments and recommendations made by the Legislative Committees, as well as IRRC and the public, prior to final adoption of the proposed rulemaking.

Very truly yours,
/s/ Renardo L. Hicks
Renardo L. Hicks
Chief Counsel

IRRC

PA PUC Docket No. L-2020-3017284; Fiscal Note No. 57-332; Diversity NOPR

Page 2

May 24, 2021

Enclosures:

Order (Preamble)

Annex A

Regulatory Analysis Form

Fiscal Note

Face Sheet

Executive Summary

Proof of delivery to the Legislative Committees and the *Bulletin*

Transmittals with enclosures also to:

The Honorable Robert Tomlinson

The Honorable Lisa Boscola

The Honorable Jim Marshall

The Honorable Robert Matzie

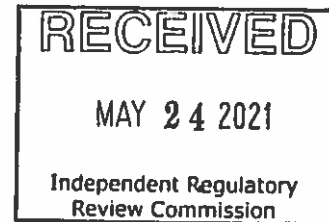
Pennsylvania Bulletin/Legislative Reference Bureau

cc: Renardo L. Hicks, PA PUC Chief Counsel
Patti Wiedt, Deputy Chief Counsel
Rhonda Daviston, PA PUC Assistant Counsel
Joseph Cardinale, PA PUC Assistant Counsel
June Perry, PA PUC Director Legislative Affairs
Louise Fink Smith, PA PUC Assistant Counsel
Karen Thorne, PA PUC Regulatory Review Assistant

Stephen Hoffman

From: A.J. Mendelsohn <amendelsohn@palrb.us>
Sent: Monday, May 24, 2021 2:03 PM
To: Thorne, Karen
Subject: [External] Read: L-2020-3017284 / 57-332 - NOPR to Provide Uniform Reporting Requirements for Major Jurisdictional Utilities - Bulletin
Attachments: [External] Read: L-2020-3017284 / 57-332 - NOPR to Provide Uniform Reporting Requirements for Major Jurisdictional Utilities - Bulletin

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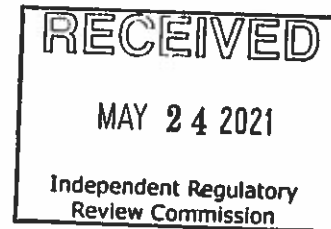
Stephen Hoffman

From: Blauch, Tammy <tblauch@pasen.gov>
Sent: Monday, May 24, 2021 11:58 AM
To: Thorne, Karen
Cc: Smeltz, Jennifer
Subject: RE: 3017284 57-332 NOPR diversity Sen Tomlinson 5-24-2021 cover letter

Received, thank you.

Tammy Blauch

Executive Secretary
Office of Senator Robert M. Tomlinson
Room 286 Main Capitol Building
Harrisburg, PA 17120
(717)-787-5072
Fax: (717)772-2991
tblauch@pasen.gov



From: Thorne, Karen <kathorne@pa.gov>
Sent: Monday, May 24, 2021 11:38 AM
To: Blauch, Tammy <tblauch@pasen.gov>
Cc: Fink Smith, Louise <finksmith@pa.gov>
Subject: 3017284 57-332 NOPR diversity Sen Tomlinson 5-24-2021 cover letter

Ⓢ CAUTION : External Email Ⓢ

Good Morning:

This cover letter corrects a typo in the list of cc's.

"Renaldo" should be "Renardo."

My apologizes.

Thank you,
Karen Thorne

Stephen Hoffman

From: Livingston, Jerry <Jerry.Livingston@pasenate.com>
Sent: Monday, May 24, 2021 10:19 AM
To: Thorne, Karen
Cc: Hicks, Renardo; Wiedt, Patricia; Daviston, Rhonda; Cardinale, Joe; Perry, June; Fink Smith, Louise
Subject: RE: L-2020-3017284 / 57-332 - NOPR to Provide Uniform Reporting Requirements for Major Jurisdictional Utilities Providing Electric, Natural Gas, Water, Wastewater, and Telecommunications Services Regarding Voluntary Diversity Activities

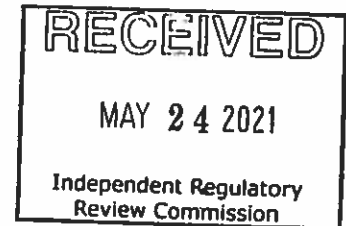
Received, thank you Karen and welcome.

-JJ

J.J. Livingston

**Executive Director
Senate Consumer Protection & Professional Licensure Committee**

**Senator Lisa M. Boscola, Democratic Chair
458 Main Capitol Building
Harrisburg, PA 17120
(717) 787-4236
Jerry.Livingston@pasenate.com**



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From: Thorne, Karen <kathorne@pa.gov>
Sent: Monday, May 24, 2021 10:13 AM
To: Livingston, Jerry <Jerry.Livingston@pasenate.com>
Cc: Hicks, Renardo <rehicks@pa.gov>; Wiedt, Patricia <pwiedt@pa.gov>; Daviston, Rhonda <RDAVISTON@pa.gov>; Cardinale, Joe <jcardinale@pa.gov>; Perry, June <JUPERRY@pa.gov>; Fink Smith, Louise <finksmith@pa.gov>
Subject: FW: L-2020-3017284 / 57-332 - NOPR to Provide Uniform Reporting Requirements for Major Jurisdictional Utilities Providing Electric, Natural Gas, Water, Wastewater, and Telecommunications Services Regarding Voluntary Diversity Activities

■ EXTERNAL EMAIL ■

Mr. Livingston on behalf of The Honorable Lisa Boscola:

Enclosed is a copy of the Notice of Proposed Rulemaking to Provide Uniform Reporting Requirements for Major Jurisdictional Utilities Providing Electric, Natural Gas, Water, Wastewater, and Telecommunications Services Regarding Voluntary Diversity Activities, for review by the Senate Committee on Consumer Protection and Professional Licensure. The Pennsylvania Public Utility Commission (PA PUC) entered this proposed rulemaking on December 17, 2020, at PA PUC Docket No. L- 2020-3017284. The Fiscal Note Number is: 57-332. The cover letter for the delivery is pasted below.

My name is Karen Thorne. I am the new Regulatory Review Assistant for the PA PUC. I'm working with Louise Fink Smith on submitting this NOPR Packet to you.

Please let us know if you have any questions.

Please let us know that your office has received this transmittal as we must provide proof of delivery to IRRC. Thank you, Karen.

Karen Thorne, RRA
PA PUC Law Bureau
kathorne@pa.gov
Ph: 717-772-4597

May 24, 2021

The Honorable Lisa Boscola
Minority Chair, Senate Committee on Consumer Protection and Professional Licensure
458 Main Capitol
Senate Box 203018
Harrisburg, PA 17120-018

Re: PA PUC Docket No. L-2020-3017284; Fiscal Note No. 57-332
Notice of Proposed Rulemaking to Provide Uniform Reporting Requirements for Major Jurisdictional Utilities Providing Electric, Natural Gas, Water, Wastewater, and Telecommunications Services Regarding Voluntary Diversity Activities

Via email: JJ Livingston at jerry.livingston@pasenate.com

Good Day:

Pursuant to Section 5(a) of the Regulatory Review Act, please find enclosed a copy of the Notice of Proposed Rulemaking (NOPR) and supporting documents for review by the Senate Committee on Consumer Protection and Professional Licensure (Committee).

The Pennsylvania Public Utility Commission (PA PUC) entered this NOPR on December 17, 2020, at PA PUC Docket No. L-2020-3017284. The NOPR would promulgate a uniform reporting requirement for major jurisdictional public utilities regarding their voluntary diversity activities.

Under Section 745.5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19) (71 P.S. §§ 745.1—745.15), on May 24, 2021, the PA PUC will also submit a copy of the NOPR with supporting documents to the Majority Chair of the Senate Committee on Consumer Protection and Professional Licensure, the Majority and Minority Chairs of the House Consumer Affairs Committee, the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and the Independent Regulatory Review Commission (IRRC).

The PA PUC appreciates the opportunity to deliver these materials electronically.

Very truly yours,

/s/ Renardo L. Hicks

Renardo L. Hicks
Chief Counsel

Enclosures:

Order (Preamble)
Annex A
Regulatory Analysis Form
Fiscal Note
Face Sheet
Executive Summary

Transmittals with enclosures also to:

The Honorable Robert Tomlinson
The Honorable Jim Marshall
The Honorable Robert Matzie
Pennsylvania Bulletin/Legislative Reference Bureau
Independent Regulatory Review Commission

cc: Renaldo L. Hicks, PA PUC Chief Counsel
Patti Wiedt, PA PUC Deputy Chief Counsel
Rhonda Daviston, PA PUC Assistant Counsel
Joseph Cardinale, PA PUC Assistant Counsel
June Perry, PA PUC Director Legislative Affairs
Louise Fink Smith, PA PUC Assistant Counsel
Karen Thorne, PA PUC Regulatory Review Assistant

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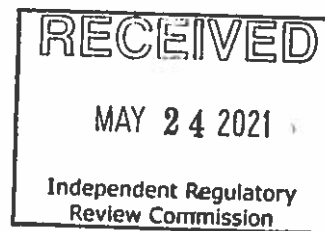
Stephen Hoffman

From: postmaster@pahousegop.com
To: nlane@pahousegop.com
Sent: Monday, May 24, 2021 10:47 AM
Subject: Delivered: L-2020-3017284 / 57-332 - NOPR to Provide Uniform Reporting Requirements for Major Jurisdictional Utilities Providing Electric, Natural Gas, Water, Wastewater, and Telecommunications Services Regarding Voluntary Diversity Activities REP. Mar...

Your message has been delivered to the following recipients:

nlane@pahousegop.com

Subject: L-2020-3017284 / 57-332 - NOPR to Provide Uniform Reporting Requirements for Major Jurisdictional Utilities Providing Electric, Natural Gas, Water, Wastewater, and Telecommunications Services Regarding Voluntary Diversity Activities REP. Marshall



Stephen Hoffman

From: Fouse, Laurie <LFouse@pahouse.net>
Sent: Monday, May 24, 2021 11:15 AM
To: Thorne, Karen
Cc: Hicks, Renardo; Wiedt, Patricia; Daviston, Rhonda; Cardinale, Joe; Perry, June; Fink Smith, Louise
Subject: RE: L-2020-3017284 / 57-332 - NOPR to Provide Uniform Reporting Requirements for Major Jurisdictional Utilities Providing Electric, Natural Gas, Water, Wastewater, and Telecommunications Services Regarding Voluntary Diversity Activities REP. Matzie

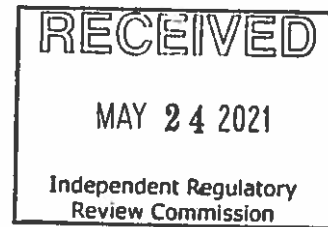
Good morning – thank you. I'll make sure Rep. Matzie receives this email.

Laurie Fouse-Miller

Office of State Representative Robert F. "Rob" Matzie
PA House of Representatives

121 Irvis Office Building
Harrisburg, PA 17120-2016
717-787-4444
FAX: 717-780-4772

lfouse@pahouse.net



From: Thorne, Karen [mailto:kathorne@pa.gov]
Sent: Monday, May 24, 2021 11:11 AM
To: Fouse, Laurie <LFouse@pahouse.net>
Cc: Hicks, Renardo <rehicks@pa.gov>; Wiedt, Patricia <pwiedt@pa.gov>; Daviston, Rhonda <RDAVISTON@pa.gov>; Cardinale, Joe <jcardinale@pa.gov>; Perry, June <JUPERRY@pa.gov>; Fink Smith, Louise <finksmith@pa.gov>
Subject: FW: L-2020-3017284 / 57-332 - NOPR to Provide Uniform Reporting Requirements for Major Jurisdictional Utilities Providing Electric, Natural Gas, Water, Wastewater, and Telecommunications Services Regarding Voluntary Diversity Activities REP. Matzie

Ms. Fouse Miller on behalf of Robert Matzie:

Enclosed is a copy of the Notice of Proposed Rulemaking to Provide Uniform Reporting Requirements for Major Jurisdictional Utilities Providing Electric, Natural Gas, Water, Wastewater, and Telecommunications Services Regarding Voluntary Diversity Activities, for review by the House Committee on Consumer Affairs. The Pennsylvania Public Utility Commission (PA PUC) entered this proposed rulemaking on December 17, 2020, at PA PUC Docket No. L- 2020-3017284. The Fiscal Note Number is: 57-332. The cover letter for the delivery is pasted below.

My name is Karen Thorne. I am the new Regulatory Review Assistant for the PA PUC. I'm working with Louise Fink Smith on submitting this NOPR Packet to you.

Please let us know if you have any questions.

Please let us know that your office has received this transmittal as we must provide proof of delivery to IRRC. Thank you, Karen.

Karen Thorne, RRA

PA PUC Law Bureau
kathorne@pa.gov
Ph: 717-772-4597

May 24, 2021

The Honorable Robert Matzie
Minority Chair, House Committee on Consumer Affairs
121 Irvis Office Building
PO Box 202016
Harrisburg, PA 17120-2016

Re: PA PUC Docket No. L-2020-3017284; Fiscal Note No. 57-332
Notice of Proposed Rulemaking to Provide Uniform Reporting Requirements for Major Jurisdictional
Utilities Providing Electric, Natural Gas, Water, Wastewater, and Telecommunications Services
Regarding Voluntary Diversity Activities

Via email: Laurie Fouse Miller at lfouse@pahouse.net

Good Day:

Pursuant to Section 5(a) of the Regulatory Review Act, please find enclosed a copy of the Notice of Proposed Rulemaking (NOPR) and supporting documents for review by the House Committee on Consumer Affairs (Committee).

The Pennsylvania Public Utility Commission (PA PUC) entered this NOPR on December 17, 2020, at PA PUC Docket No. L-2020-3017284. The NOPR would promulgate a uniform reporting requirement for major jurisdictional public utilities regarding their voluntary diversity activities.

Under Section 745.5(a) of the Regulatory Review Act, the Act of June 30, 1989 (P.L. 73, No. 19) (71 P.S. §§ 745.1—745.15), on May 24, 2021, the PA PUC will also submit a copy of the NOPR with supporting documents to the Majority and Minority Chairs of the Senate Committee on Consumer Protection and Professional Licensure, the Majority Chair of the House Consumer Affairs Committee, the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, and the Independent Regulatory Review Commission (IRRC).

The PA PUC appreciates the opportunity to deliver these materials electronically.

Very truly yours,

/s/ Renardo L. Hicks

Renardo L. Hicks
Chief Counsel

Enclosures:

Order (Preamble)
Annex A
Regulatory Analysis Form
Fiscal Note
Face Sheet
Executive Summary

Transmittals with enclosures also to:

The Honorable Robert Tomlinson
The Honorable Lisa Boscola
The Honorable Jim Marshall
Pennsylvania Bulletin/Legislative Reference Bureau
Independent Regulatory Review Commission

cc: Renardo L. Hicks, PA PUC Chief Counsel
Patti Wiedt, Deputy Chief Counsel,
Rhonda Daviston, PA PUC Assistant Counsel
Joseph Cardinale, PA PUC Assistant Counsel
June Perry, PA PUC Director Legislative Affairs
Louise Fink Smith, PA PUC Assistant Counsel
Karen Thorne, PA PUC Regulatory Review Assistant