



Aqua Pennsylvania, Inc.
762 W. Lancaster Avenue
Bryn Mawr, Pennsylvania 19010

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

**RE: *Rulemaking to Amend the Provisions of 52 Pa Code, Chapter 56
To Comply with the Amended Provisions of 66 Pa.C.S. Chapter 14
PUC Docket No. L-2015-2508421***

Dear Secretary Chiavetta:

Enclosed please find the Comments of Aqua Pennsylvania, Inc. in the above-referenced docket.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary McFall Hopper", is written over the typed name and title.

Mary McFall Hopper
Regulatory Counsel
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**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Rulemaking to Amend the Provisions of :
52 Pa. Code, Chapter 56 to Comply with the : Docket No. L-2015-2508421
Amended Provisions of 66 Pa.C.S. Chapter 14 :

COMMENTS OF AQUA PENNSYLVANIA, INC.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Rulemaking to Amend the Provisions of :
52 Pa. Code, Chapter 56 to Comply with the : Docket No. L-2015-2508421
Amended Provisions of 66 Pa.C.S. Chapter 14 :

COMMENTS OF AQUA PENNSYLVANIA, INC.

Aqua Pennsylvania, Inc. (“Aqua” or the “Company”) respectfully files the following written comments to the Pennsylvania Public Utility Commission’s (“Commission”) Rulemaking to Amend the Provisions of 52 Pa. Code, Chapter 56 to Comply with the Amended Provisions of the Responsible Utility Customer Service Protection Act (“Chapter 14”). 66 Pa.C.S §§1401-1418.

I. INTRODUCTION

Aqua welcomes the opportunity to comment on the Commission’s Rulemaking to amend Chapter 56, The Standards and Billing Practices for Utility Service (§§56.1-56.461), to comply with Act 155 of 2014 which reauthorized and amended Chapter 14 of the Public Utility Code. Aqua serves approximately 1.4 million customers in Pennsylvania through 31 counties. Aqua’s wastewater subsidiary, Aqua Pennsylvania Wastewater, Inc., serves approximately 20,000 connections in Pennsylvania. Aqua’s water and wastewater systems serve both rural and urban areas.

Aqua acknowledges the significant effort that has been done by both the Commission and the utilities, beginning with the original Chapter 14 Order and since its reauthorization in 2014. In January 2015, the Commission began the implementation process for the reauthorized and

amended Chapter 14 through its Tentative Order at Docket No. M-2014-2448824. The Commission's Implementation Order addressed the issues of the amended definition of Medical Certificate, the new utility reporting requirements related to accounts with arrearages in excess of \$10,000.00, and medical certificate usage.

II. COMMENTS

1. Statement of Purpose and Policy (§56.1)

The proposed amendments to Section 56.1 expand the applicability of Subchapters B-K (§§56.1-56.231) to wastewater companies. Aqua agrees with the Commission's proposal to include wastewater companies within the requirements of Subchapters B-K, making the Chapter 14 requirements applicable to all Aqua water and wastewater customers.

Section 56.1 also recommends expanding the nonapplicability of Chapter 14 (Subchapters L-V of Chapter 56 (§§56.251-461)) to apply not only to "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." (Order, Attachment 1, p. 1) Aqua agrees that customers who provide the appropriate court orders required by Chapter 14 will continue to have separate and different rules and will be specifically excluded from Chapter 14 provisions.

2. Personal Contact (§56.93)

Proposed Section 56.93 amends the methods a utility can use to attempt to make personal contact with a customer to provide notification of a pending termination of service. Under the current regulations, utilities are required to attempt personal contact with the customer or

responsible adult occupant either in person or by telephone. The proposed amendment to this section adds another option for utilities to attempt personal contact. Utilities will be able to satisfy the personal contact requirement by electronic means provided the customer has previously specifically consented to contact by email, text message or other electronic messaging format. The Commission's inclusion of electronic notification parallels its regulations which permit a customer to consent to receive a bill electronically (Section 56.11(b)(1)-(b)(8)). In both instances the Commission requires that the option of receiving a bill or notice is voluntary on the part of the customer and can only be done with the customer's explicit consent. Proposed Section 59.93(3) requires that the customer specifically consent to this manner of communication for termination notices. Aqua submits that requiring this specific consent is one way to ensure that customer's privacy will be protected from unauthorized disclosure.

Currently, Aqua has a few limited situations where it currently communicates electronically with its customers, one of which is electronic billing mentioned above. Aqua's current procedures for electronic billing require specific customer consent to receive the bill electronically. Upon finalization of the Commission's rulemaking, Aqua will review its existing procedures to update its consent process to include specific consent for electronic notification for termination notices required by Sections 56.93 and 56.11. Aqua realizes that the proposed rulemaking and current Chapter 56 regulations require the initial termination notice to be written (56.91) and that this requirement will remain intact.

Aqua's other electronic notification program provides notices to customers of outages and potential boil water advisories in emergency situations. Aqua only provides these type of notifications upon receiving customer consent but recognizes that its procedures will have to be

reviewed and updated to ensure compliance with this Rulemaking and any potential compliance issues with the Telephone Consumer Protection Act (“TCPA”).

3. Termination/Restoration of Service upon Receipt of Dishonorable Tender of Payment

Proposed Sections 56.94(3) and 56.191(f) address the issue relating to the utilities ability to continue with termination when there has been a dishonorable tender of payment in order to prevent a termination or for a reconnection of service. In each instance the utility is permitted, pursuant to the proposed amendments, to immediately terminate service if the customer has not cured the payment within 3 business days of the notice of dishonored payment. Aqua fully supports the Commission’s proposed amendment to these sections to deter customers from attempting to avoid termination (or to have service reconnected) when there are insufficient funds available for the payment submitted. The proposed amendments do provide a valuable collection tool for the utilities.

4. Medical Certifications

The Commission’s July 9, 2015 Implementation Order addressed the form and content of the revised medical certificate required by the reauthorized Chapter 14. Aqua has complied with the Implementation Order and its medical certificate includes all the new provisions, definitions and is available to medical professionals and our customers on Aqua’s website.

In this Rulemaking the Commission requests comments on any other medical certificate issues the utilities may have. Aqua submits that the Commission should review and “clarify or revise the payment obligation of customers while protected by a medical certificate.” (Order, Attachment One, p. 9) The current regulations (Section 56.116) do state that the customer has a duty to make payment on current bills. Customers, however, do not usually abide by this duty when there is a medical certificate on an account. Understanding the potential limitations

regarding payment arrangements contained in Section 1405 (limiting the number and length of payment agreements the Commission can order), Aqua submits that revised language in the medical certificate sections strengthening the wording of the requirement to pay and/or possibly limiting the ability to renew a medical certificate could be added.

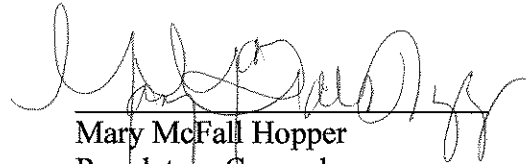
5. Commission's Informal Complaint Procedure (§56.156)

The Commission proposes amending Section 56.163 so that a customer who files an informal complaint has the opportunity to receive a copy of the documents the utility provides to the Bureau of Consumer Services ("BCS") in response to an informal complaint. Aqua agrees with the Commission's proposed amendment. In many cases, the information Aqua provides to BCS is the information it provided the customer in any utility dispute report that was issued. Aqua proposes that an effective method to implement this change could be to ask the BCS investigator or intake representative to ask the customer, when they call to file the informal complaint, if they would like to receive copies of what the utility submits to BCS. If the customer does want to receive copies, Aqua suggests that it include this information in the form sent to the utility when opening the informal complaint. The utility can then send the information to the customer at the time it submits its report to BCS. Aqua believes this will accomplish the Commission's objective in amending this section in a cost effective and efficient manner.

III. CONCLUSION

Aqua appreciates the opportunity to comment on the Commission's Rulemaking and asks that the Commission consider its comments. Aqua looks forward to continuing to work with the Commission on these issues. Please direct any questions with regard to these comments to the undersigned.

Respectfully submitted



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Dated: April 19, 2017