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Via E-filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. 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
Docket No. L-2015-2508421**

Dear Ms. Chiavetta:

Enclosed for filing, please find Columbia Gas of Pennsylvania, Inc.'s Comments in accordance with the Pennsylvania Public Utility Commission's Notice of Proposed Rulemaking Order dated July 21, 2016, regarding the above-referenced docket.

Please direct any questions with regard to this filing to the undersigned by calling (724)416-6347.

Sincerely,

A handwritten signature in blue ink that reads "MB Moore". The signature is fluid and cursive.

Meagan Bielanin Moore

/kak
Enclosure

e-mail cc: Tanya J. McCloskey, Esquire
Mr. John R. Evans
R. Kanaskie, Esquire
Daniel Mumford
Matthew Hrivnak
Patricia T. Wiedt

**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 COLUMBIA GAS OF PENNSYLVANIA, INC.

I. Introduction

Columbia Gas of Pennsylvania Inc. (“Columbia” or “the Company”), by and through counsel, hereby submits its comments to the Pennsylvania Public Utility Commission’s (“Commission”) Notice of Proposed Rulemaking (“NOPR”) Order issued on July 21, 2016, at Docket Number L-2015-2508421.

By this rulemaking, the Commission proposes to amend provisions of 52 Pa. Code Chapter 56, to comply with the re-authorized and amended Chapter 14 of the Public Utility Code (66 Pa. C.S. §§ 1401-1419) (“Responsible Utility Customer Protection Act”). Chapter 14 supersedes a number of Chapter 56 regulations. Indeed, Columbia has already submitted comments on a number of issues regarding the implementation of Chapter 14 regulations under Docket No. M-2014-2448824. Therefore, the comments herein address additional issues concerning certain definitions, the 90-day deposit payment period, revised credit methodology and the expanded protection from abuse orders (PFAs) that are addressed in the NOPR.

Columbia appreciates the opportunity to provide comments on the important issues identified in the Commission's NOPR, and looks forward to working with the Commission and other interested parties in implementing the new regulations. In addition to these Comments, Columbia commends to the Commission's attention the comments submitted by the Energy Association of Pennsylvania ("EAP").

II. Comments

A. 56.111, Section 1403, Definition of Medical Certificate

The Commission proposes to add a definition for *medical certificate* to Section 56.2 that reads as follows:

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.

Columbia agrees that the Commission should approve the medical certificate form to be used by customers and utilities to certify that a customer or member of a customer's household is seriously ill or has been diagnosed with a medical condition that necessitates the continuation of utility service. Additionally, Columbia supports that all medical certificate requests must now be provided to the utility in writing from a physician, nurse practitioner, or physician's assistant.

In order to confirm that each medical professional is legally licensed to practice medicine in this Commonwealth, Columbia submits that the license number of each physician, nurse practitioner, and physician's assistant should be added to the

Company's approved medical certificate form. Having this information will validate the legitimacy of the request and reduce the likelihood of fraudulent requests by those who might attempt to use the regulation as a means to avoid payment of utility service.

B. 56.12 (6) Meter Reading

The Commission proposes a new paragraph (6) to Section 56.12, which reads:

“(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.”

As the Commission notes, this proposed new paragraph incorporates the requirement at Section 1411 of the *Public Utility Code*. Accordingly, the proposed new paragraph logically aligns the Commission's regulations with Chapter 14.

C. 56.32(e), Security and Cash Deposits

The Commission proposes new language under this section with the addition of the following subsection:

“(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.”¹

Columbia supports the Commission's proposed new subsection (e) to Section 56.32, as it will align Chapter 56 with the legislative prohibition on requesting security deposits from those applicants and customers who are confirmed to be Customer Assistance Program (“CAP”) eligible. Columbia suggests that Chapter 56 be further

¹ Notice of Proposed Rulemaking Order, L-2015-2508421, Annex A, p. 11

refined to so that confirmed CAP eligible customers under 56.32(e) be defined only as those with household income that is verified through a third party CAP enrollment agency or those who recently received a LIHEAP grant or those enrolled in the company's Universal Services Program. This would exclude customers who simply self-declare their income with the company while negotiating a payment plan, or any customer or applicant who was previously removed from the company's CAP program.

D. 56.36 Written Procedures

The Commission proposes the following revisions in underline to Section 56.36(b) regarding alternative credit standards for victims of domestic violence:

(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.

Columbia agrees with the intent of the Legislature and Commission regarding the consideration of other types of domestic abuse court orders, in addition to a protection from abuse order, when offering applicants and customers more lenient credit and liability standards.

E. 56.41 (4) Cash Deposit Prohibition

The Commission proposes the following addition of a new paragraph four (4) to Section 56.41 regarding a prohibition on deposits for CAP eligible customers:

(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.

Columbia's response to this new paragraph four (4) is similar to its response regarding the Chapter 56.32 (e) additions. Columbia submits that Security Deposits should only be waived when the customer's income information has been verified through any of the following methods: a third party CAP enrollment agency; a recipient of current LIHEAP grant; and those currently enrolled in the company's Universal Services Program.

In conclusion, paragraph four (4) should not apply to customers who self-declare their income with the company during repayment negotiations or any customer who has previously been removed from CAP. Rather, Columbia submits that a customer should

be properly vetted through the appropriate channels named above in order to fall within the protections of cash deposit prohibitions.

F. 56.53 Deposit Hold Period and Refund

The Commission proposes revisions to Section 56.53 to eliminate the 24-month deposit retention in subsection (a), as follows:

(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.

Columbia agrees with the Commission’s defined period of 12 consecutive months of on time and in-full payments in Section 56.53(b), when describing a “timely payment history” for holding a residential security deposit, as the proposed regulation will further align the Commission’s regulations with Chapter 14. If the customer meets their obligation of achieving a “timely payment history” with the company, it is reasonable that the company refund or apply the deposit with interest at the end of the 12 month period.

G. 56.113 Medical certifications

The Commission proposes a variety of changes to Chapter 56 regulations as they relate to medical certifications. Section 56.113 includes changes to the content of the medical certificate form as follows:

[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.

Since the completion of the medical certificate form is not a mandatory act by the health care professional, and to ensure the validity of the customer's medical request, Columbia suggests that the company's medical certificate form or any correspondence submitted by the health care professional include the professional's state issued license number. Furthermore, if the attending medical professional does not utilize the company's designated medical certificate form, Columbia suggests that that they be required to provide the required information on the medical practice's letterhead. Columbia submits that requiring this information will reduce the number of fraudulent medical requests received by the company.

H. 56.163 Commission Informal Complaint Procedure

The Commission proposes adding language to paragraph one (1) of Section 56.163 to permit an informal complainant to receive a copy of the utility's documents

provided to Commission Staff in response to an informal complaint. The proposed additional language is as follows:

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.

As proposed, Columbia submits that the additional language is overbroad, and does not provide utilities with the opportunity to challenge the submission of certain information to informal complainants. While the proposed language recognizes that the redaction of certain information would be appropriate, it does not account for the fact that some information could be confidential and proprietary or that the utility might otherwise object to the disclosure of certain information to a customer. Accordingly, Columbia suggests that the proposed language be amended to read as follows:

The complainant or Commission staff may request that the public utility provide the complainant with a copy of the documents submitted to Commission staff in response to the informal complaint. The public utility shall be provided with a reasonable opportunity to communicate its objection to the subject matter or scope of such request. Upon such objection, the public utility and Commission staff shall attempt to reach consensus regarding the information to be provided. If no such consensus can be reached, the information shall not be provided, and the complainant shall be advised that the public utility could be compelled to provide the information in the context of a Formal Complaint proceeding. 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.

I. 56.231 Collections Reporting

The Commission proposes a number of additions to Section 56.231(c) in order to incorporate the new requirements at Section 1410.1(3) and (4) regarding the annual reporting of accounts with arrearages over \$10,000.00 and the number of medical

certificates used by consumers. Columbia's comments echo those provided by the EAP as both Columbia and the EAP propose that additional data points (including but not limited to bankruptcies and theft of service) should be included in the reports given to the Commission by the utilities.

III. Conclusion

Columbia respectfully requests that the Commission consider the comments provided herein and in the Comments submitted by the EAP as the Commission develops a Final Order regarding its proposed Chapter 56 amendments.

Respectfully submitted,



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