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May 15, 2017

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor  
Harrisburg, Pennsylvania 17120

**Re: Rulemaking Re Electric Safety Regulations, 52 PA. Code, Chapter 57  
Docket No. L-2015-2500632**

Dear Secretary Chiavetta,

Enclosed for filing please find the Response of the Energy Association of Pennsylvania to the Petition for Clarification and Reconsideration Filed by Pennsylvania-American Water (PAWC) in the above-referenced rulemaking proceeding. Copies of the enclosed have been served on all parties to the rulemaking proceeding in accordance with the enclosed certificate of service.

Sincerely,

A handwritten signature in blue ink, appearing to read "Donna M.J. Clark".

Donna M.J. Clark  
Vice President & General Counsel

Enclosures

cc: Bohdan R. Pankiw, Chief Counsel, Law Bureau  
Terrance J. Buda, Law Bureau  
Service List

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Rulemaking Re Electric Safety : L-2015-2500632  
Regulations, 52 Pa. Code Chapter 57 :

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**RESPONSE OF THE ENERGY ASSOCIATION OF PENNSYLVANIA TO PETITION  
FOR CLARIFICATION AND RECONSIDERATION FILED BY PAWC**

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Pursuant to 52 Pa. Code § 5.572 (e), the Energy Association of Pennsylvania (“EAP” or “Association”) hereby submits its response to the Petition for Clarification and Reconsideration of Pennsylvania-American Water Company (“PAWC”) filed in the above-referenced rulemaking proceeding.

Specifically, EAP, on behalf of its electric distribution company (“EDC”) members<sup>1</sup>, concurs with the request to: (1) stay and/or rescind the directive on page 30 of the Final Rulemaking Order that requires PAWC to petition the Pennsylvania Public Utility Commission (“PUC” or “Commission”) within 30 days for issuance of a regulation<sup>2</sup>; and (2) provide a 240 day period of time for PAWC and EAP to discuss a number of issues identified in comments

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<sup>1</sup> EAP’s EDC members include Citizens’ Electric Company; Duquesne Light Company; Metropolitan Edison Company; PECO Energy Company; Pennsylvania Electric Company; Pennsylvania Power Company; Pike County Light & Power Company; PPL Electric Utilities Corporation; UGI Utilities, Inc.(Electric Division); Wellsboro Electric Company; and, West Penn Power Company.

<sup>2</sup> The Commission directed “PAWC to file a petition for issuance of a regulation pursuant to 52 Pa. Code § 5.43” and further stated that “[w]e shall order PAWC to file the subject petition within 30 days and provide for comments to the petition to be filed by interested parties within 30 days of the filing of the petition. The petition shall be served on all parties to this rulemaking.” Final Rulemaking Order Re Electric Safety Regulations, 52 Pa. Code Chapter 57, Docket L-2015-2500632 (entered on April 20, 2017) at p. 30.

filed jointly on March 7, 2016 by PAWC and the System Local 537, Utility Workers of America, AFL-CIO (“Local 537”) and in subsequent meetings and exchanges that occurred “outside the scope of this rulemaking proceeding.”<sup>3</sup>

EAP concurs in the Petition only to the extent that the relief requested is narrowly tailored and focused on the direction provided to PAWC by the Commission. *See infra*, fn. 3. The Petition does not seek clarification or reconsideration of the final regulations set forth in Annex A to the Final Rulemaking Order. EAP understands that the process to “make effective” these regulations in compliance with the Pennsylvania Regulatory Review Act and the Commonwealth Documents Law would proceed and that the granting of the relief requested by PAWC would not, in and of itself, result in a stay of the effective date or reconsideration of the final regulations.<sup>4</sup>

In further support, EAP believes that a temporary stay of the directive to initiate a rulemaking coupled with the establishment of a finite time period in which to continue discussions may result in a consensus that obviates the need for additional regulation. As has been stated by EAP, its member EDCs and PAWC, safety is of paramount importance and utilities are committed to working to ensure a safe work site for individuals who work in close proximity to utility facilities.

Accordingly, EAP respectfully requests that the Commission grant the Petition for Clarification and Reconsideration of PAWC to stay and/or rescind the directive that PAWC initiate a rulemaking within 30 days as set forth on page 30 of the Final Rulemaking Order, to establish a period of 240 days for PAWC, EAP and the EDCs to continue discussions as set forth

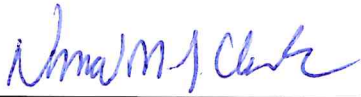
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<sup>3</sup> *See*, Petition for Clarification and Reconsideration of Pennsylvania-American Water Company at p. 2 and paragraph 17, including footnote 4.

<sup>4</sup> As of this time, the Independent Regulatory Review Commission is scheduled to consider these final regulations at its June 15 Public Meeting.

in the Petition, and to provide such other and further relief as the Commission considers necessary under the circumstances.

Respectfully submitted,



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Date: May 15, 2017

**CERTIFICATE OF SERVICE**

**Docket No. L-2015-2500632**

I hereby certify that I have this day served a true copy of The Energy Association of Pennsylvania's response to the Petition for Clarification and Reconsideration of Pennsylvania-American Water Company ("PAWC"), upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**Via United States Postal Service**

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