

Ward L. Smith, Esq.
Assistant General Counsel
Legal Department
2301 Market Street / S23-1
Philadelphia, PA 19103

Direct Dial: 215.841.6863

October 4, 2019

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

**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 Secretary Chiavetta:

PECO's Comments on the above captioned Rulemaking are attached for filing.

Sincerely,



Ward L. Smith
Assistant General Counsel

Enclosures
WS/adz

**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 PECO Energy Company

On August 28, 2019, the Commission issued a Secretarial Letter in this docket in which it announced the formation of a working group (with the first meeting of the working group scheduled for October 29, 2019). The Secretarial Letter provides guidance regarding the agenda of the working group and states (p. 2) that: “Interested parties may file written comments at Docket No. L-2015-2508421. Comments are due on or before October 4, 2019.” PECO Energy Company (“PECO”) plans to participate in the working group¹ and appreciates this opportunity to provide brief comments prior to the October 29, 2019 working group session.

Discussion

The Secretarial Letter states that the working group will address three issues: (1) form of medical certificate; (2) Court Order regarding domestic violence; and (3) privacy guidelines.

(1) Form of medical certificate

The Secretarial Letter notes that 66 Pa. C. S. § 1403 defines a medical certificate in material part as “[a] written document, *in a form approved by the commission*” (emphasis in the Secretarial Letter). The Secretarial Letter then states that the working group agenda will include discussion of “what elements the *form* of a medical certificate should include; whether it should be optional;

¹ Per the Secretarial Letter, PECO will separately contact Ms. Griffin prior to October 18, 2019 to coordinate its participation in the working group.

whether the medical professional's license number should be required on the certificate; and whether medical certificate formats should be posted on utility websites" (emphasis in Secretarial Letter).

What elements the form of medical certificate should include: After the Commission issued its February 2, 2019 Final Rulemaking Order in this docket, PECO revised its medical certificate form to be consistent with the guidance contained in that Final Rulemaking Order. A copy of PECO's medical certificate form is attached for reference and for discussion at the working group. At the end of the working group effort, PECO also will seek Commission approval for its form, either in its current state or as modified by PECO due to working group discussions.

Whether the form of medical certificate should be optional: It is PECO's understanding that the Commission already evaluated and decided this issue. The new regulations, 52 Pa. Code § 56.113, state: "Public utilities may develop a medical certificate form. The public utility's medical certificate may not be mandatory." Consequently, it is PECO's understanding that its customers – or more accurately, the customers' medical service providers – have the option of submitting the required information to PECO in a form other than PECO's medical certificate form. With that said, in PECO's experience health professionals who submit medical certificate information without using the utility-supplied form often exclude required information, which results in the request for medical certification to be delayed or denied. PECO therefore plans to continue to encourage the use of its medical certificate form. Moreover, PECO would support a Commission requirement that only Commission-approved forms may be used to apply for medical certificates.

Whether the medical professional's license number should be required on the certificate:

In its February 2, 2019 Rulemaking Order, Attachment A, page 100, the Commission described the sharp divide between commenters on this issue:

Concerning the format, the parties had very differing views on whether the medical professional's license number should be required on the certificate. EAP, Duquesne, PPL, FirstEnergy, PGW and Columbia supported the idea as a possible means to prevent fraud. LICRG, Joint Commenters, and the CAC oppose the idea as imposing an unnecessary burden on medical professionals and not being an effective means to prevent supposed fraud. Because we had no medical professionals that submitted comments, we are uncomfortable deciding one way or the other on this matter. We think it would be preferable to leave this as a topic for discussion in the above-noted collaborative process intended to develop a standard format.

PECO supports the view that medical certificate forms should include the license number of the health professional submitting that form.

Whether medical certificate formats should be posted on utility websites: In its February 2, 2019 Rulemaking Order, Attachment A, page 100, the Commission summarized this issue as follows:

There were also divergent views on whether medical certificate formats should be posted on utility websites. LICRG thought this would be helpful in providing quick and easy access for both consumers and medical professionals. However, EAP, PPL, FirstEnergy and PGW expressed concerns that posting this information on their websites could facilitate forgeries, while Aqua noted that they already post the certificate format on their website. Again, we think this may be an issue best left to the above-noted statewide collaborative, where advocates, utilities and medical professionals can discuss this with each other and make a recommendation to the Commission. Accordingly, we will revise our proposed changes to §§ 56.113 and 56.353 to omit any reference to posting on the public utility's website.

PECO is evaluating whether to post its medical certificate form on its website and, if so, in what form (for example, the form could be posted as a downloadable PDF to be separately forwarded to PECO, or as an interactive form that can be completed and submitted online).

2. Court Order regarding domestic violence

The Secretarial Letter recites the following from 66 Pa. C. S. §1417: “This chapter shall not apply to victims under a protection from abuse order as provided by 23 Pa.C.S. Ch. 61 (relating to protection from abuse) *‘or a court order issued by a court of competent jurisdiction in this commonwealth, which provides clear evidence of domestic violence against the applicant or customer’*” (emphasis in Secretarial Letter). The Secretarial Letter then states that the working group agenda will include discussion of “what types of orders qualify; how should an order from a court in another state be handled; what constitutes ‘domestic violence’, and what qualifies as ‘clear evidence’ of domestic violence, and whether these other orders should have time limitations. Additionally, we will be discussing developing appropriate notice of domestic violence exemption to consumers; training and consumer education materials; and confidentiality expectations for handling information about a customer’s status as a victim of domestic violence.”

What type of orders qualify: PECO believes that the working group should, at a minimum, discuss whether the following types of orders qualify under this section: an order obtained pursuant to the Protection from Sexual Violence and Intimidation Act (a “PSVI Order”); a Sexual Violence Protection Order (“SVPO”), and a Protection from Intimidation Order (“PFIO”). Further information regarding these Order types can be found at <https://www.pcadv.org/policy-center/pennsylvania-laws/protection-from-sexual-violence-intimidation/>. PECO is also open to discussing other types of orders that may be identified by other parties.

How should an order from a court in another state be handled: The underlying statute, 66 Pa. C.S. § 1417, is clear that the exclusion from Chapter 14 applies to “victims under a protection from abuse order as provided by 23 Pa. C.S. Ch. 61 (relating to protection from abuse) or a court

order *issued by a court of competent jurisdiction in this Commonwealth. . . .*” (emphasis added).

The General Assembly thus appears to have resolved this issue: orders from courts in other states are not sufficient to grant a domestic violence exemption.

What constitutes domestic violence and what qualifies as ‘clear evidence’ of domestic violence: As noted above, PECO proposes to accept a wide range of domestic violence orders, including PFAs, PSVIs, SVPOs, and PFIOs, as justifying an exemption. If a customer presents an order other than those listed above and identifies the language in that order that the customer believes qualifies as “clear evidence,” PECO will evaluate that claim in good faith, but does not believe that it is possible to determine beforehand what types of language should be accepted as “clear evidence” of domestic violence. With that said, PECO urges the Commission to have an accelerated review process in place for such claims so that, if PECO or other utilities do not conclude that they have been presented with ‘clear evidence,’ the customer will have an easy and expedited method for obtaining Commission review of that determination.

Whether these other orders should have time limitations: In PECO’s view, the domestic violence exemption for a customer should be in effect as long as the underlying domestic violence order is in effect.

Appropriate notice of domestic violence exemption to consumers and training and consumer education materials: PECO believes that these issues are better addressed in the working group session with the domestic violence advocacy groups.

Confidentiality expectations for handling information about a customer’s status as a victim of domestic violence: Victims of domestic violence are often hiding or fleeing from their abusers, and confidentiality of information about those customers is very important. PECO is committed

to maintaining that confidentiality and looks forward to hearing the advocates' views on accomplishing that end.

3. Privacy guidelines

Finally, the Secretarial Letter recites the portion of 66 Pa. C. S. §1406(b)(1)(ii)(C) that states that 72-hour termination notices may be sent “by email, text message or other electronic messaging format consistent with the commission’s privacy guidelines and approved by commission order.” The Secretarial Letter then states that the working group agenda will include discussion of this privacy issue, outlining the privacy issues as follows:

Amended Chapter 14 referenced the Commission’s privacy guidelines at Section 1406, relating to notice of termination of service, that emails, text messages or other electronic messaging must be consistent with the Commission’s privacy guidelines. We note that the privacy guidelines would be relevant to our Commission regulations at Sections 56.93 and 56.333 (relating to personal contact). 52 Pa. Code §§ 56.93, 56.333. In the *Final Rulemaking Order*, the Commission made changes to these two sections of Chapter 56, simply referencing “the Commission’s privacy guidelines,” but not explaining what they are.

The Commission has current regulations that address maintaining customer confidentiality and privacy. These regulations can be an initial guide to forming privacy guidelines. These regulations can be found at 52 Pa. Code §§ 54.8 relating to privacy of customer information; § 54.43 relating to standards of conduct and disclosure for licensees; § 62.78 relating to privacy of customer information; § 62.114 relating to standards of conduct and disclosure for licensees; and § 56.32 relating to security and cash deposits.

The Commission currently does not allow the release of telephone numbers for any purpose and parties have asked that the Commission provide the same treatment for e-mail addresses, numbers used for text messaging, etc. and that data submitted to a public utility for purposes of personal contact should not be shared with third parties. We will discuss the concerns already addressed by the parties including what type and form of consent is needed; the duration, expiration and revocation of consent; and the use and sharing of the contact information provided.

PECO agrees that the customer information that will allow it to use electronic termination notices, including email addresses and telephone numbers, should have the same protections

against third-party sharing as does other information already held by the utilities. PECO believes that those protections can be implemented without interfering with the use of electronic termination notices and looks forward to discussing implementation steps with other working group participants.

Conclusion

PECO appreciates this opportunity to make these brief comments on the proposed working group agenda and looks forward to participating in the working group.



Ward L. Smith
Jennedy S. Johnson
Assistant General Counsel
PECO Energy Company
Ward.smith@exeloncorp.com
Jennedy.johnson@exeloncorp.com

October 4, 2019

REQUEST FOR MEDICAL CERTIFICATION
(Solicitud De Un Certificado Medico)



<u>TO BE COMPLETED BY THE COMPANY</u>	
Account No:	Mailing Date: June 3, 2019
Name and Service Address of Customer:	Address: PECO Medical Certificate Verification Dept. PO Box 467429 Atlanta, GA 31146-7429
<input type="checkbox"/> Mail to Customer	Phone No: 1-888-480-1533
<input type="checkbox"/> Fax to Medical Professional	Fax No: 1-215-841-4010
Fax No:	Email: PECOMedCert@exeloncorp.com

<i>Is your service off?</i>	Yes	No
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Part A (To Be Completed By Customer)

Name of person who is seriously ill:
Relationship to the customer:

Part B (To Be Completed By Doctor, Nurse Practitioner, or Physician's Assistant)

Name of person who is seriously ill:
Relationship to the customer:
Patient's Address (if other than above):
Specific reason utility service is required:
How long do you expect the illness to last?

Please Print Doctor, Nurse Practitioner, or Physician's Assistant's Name

License Number

Office Address

Office Phone Number

Signature (or E-Signature) of Doctor, Nurse Practitioner, or Physician's Assistant

Date Signed

This certificate is good for the expected length of the illness, up to a maximum of 30 days, unless you renew it.

It is your duty as a customer to arrange to make payments on all bills.