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**E-File**

October 4, 2019

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, 2<sup>nd</sup> Floor North  
Harrisburg, PA 17120-3265

**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**

**Chapter 56 Working Group - Form of Medical Certificate,  
Other Court Orders, Privacy Guidelines**

**Docket No. L-2015-2508421**

Dear Secretary Chiavetta:

Enclosed for filing on behalf of PPL Electric Utilities Corporation (“PPL Electric”) is an original of PPL Electric’s Comments in the above-captioned proceeding. The enclosed Comments are being filed pursuant to the August 28, 2019 Secretarial Letter in this matter.

Pursuant to 52 Pa. Code § 1.11, the enclosed document is to be deemed filed on October 4, 2019, which is the date it was filed electronically using the Commission’s E-filing system.

If you have any questions, please do not hesitate to contact me.

Respectfully submitted,

Michael J. Shafer

Enclosure

cc: Patricia Wiedt – Email  
Matthew Hrivnak – Email

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

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**COMMENTS OF  
PPL ELECTRIC UTILITIES CORPORATION**

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**I. Introduction**

On October 22, 2014, Governor Corbett signed into law HB 939, or Act 155 of 2014. Act 155, which became effective on December 22, 2014, reauthorized and amended Chapter 14 of the Public Utility Code (66 Pa. C.S. §§ 1401-1418), *Responsible Utility Customer Protection*. Chapter 14 is intended to protect responsible utility customers from rate increases due to uncollectible accounts and to provide utilities with the means to reduce their uncollectible accounts by establishing procedures for delinquent account collections.<sup>1</sup> The Pennsylvania Public Utility Commission (“PUC” or “Commission”) commenced the process of revising its regulations at Chapter 56 in 2015. The Commission adopted a *Final Rulemaking Order* revising 52 Pa. Code Chapter 56 regulations on February 28, 2019.<sup>2</sup> On June 1, 2019, these final regulations were published in the *Pennsylvania Bulletin*, and were effective upon publication.

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<sup>1</sup> See 66 Pa. C.S. § 1402(2)-(3).

<sup>2</sup> *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, February 28, 2019, “Final Rulemaking Order.”

The Commission did not decide on its final revisions related to the amendments to 66 Pa. C.S. §§ 1403, 1406, and 1417 to allow for a working group to further discuss and address them. The issues to be taken up by the working group are: form of a medical certificate (Section 1403); other court order (Section 1417); and privacy guidelines (Section 1406). A Secretarial Letter issued on August 28, 2019, established this Chapter 56 Working Group, solicited written comments to be submitted by October 4, 2019, and set the first working group meeting date for October 29, 2019.

PPL Electric Utilities Corporation (“PPL Electric” or “Company”) appreciates the opportunity to provide comments to the Commission regarding the issues to be addressed by the working group. The Company believes that the Commission’s decisions on the remaining issues will benefit from the additional discussions to be had during the working group sessions. PPL Electric submits these comments and looks forward to participating in the working group.

## **II. Comments**

### **a. Form of Medical Certificates**

PPL Electric does not oppose a uniform medical certificate form. However, the Company recommends that if a uniform medical certificate form is developed (or if utilities develop their own forms), that the forms not be made publicly available. PPL Electric recommends that medical certificate forms be available only to medical professionals by contacting the customer’s utility. PPL Electric is concerned that making medical certificate forms available to the general public could invite temptation for misuse by certain customers, as the ease of completing a form is very different from developing a medical certificate from scratch.

The Company supports a requirement that medical certificates be submitted by the medical professional who issued the medical certificate. In PPL Electric's experience, having the medical professional send the medical certificate directly to the Company is the quickest method of obtaining the medical certificate, which benefits the customer. Moreover, by requiring the medical certificate to be submitted directly from the medical professional, utilities would also have better protection against attempts to misuse medical certificates. Further, the Company recommends that the medical professional certifying the medical certificate include his or her license identification number as an additional measure against fraud or abuse.

PPL Electric is not opposed to documentation other than the utilities' form medical certificate being used, so long as the documentation conforms with the requirement of Section 56.113. As an example, a medical certification submitted on the physician's letterhead that satisfies Section 56.113 would be an acceptable form of medical certification for the Company. Having the physician submit the medical certification on his or her own form would eliminate the alleged delays caused having the physician needing to request the form certificate directly from the utility, while addressing the utilities' concerns over the misuse of medical certificates.

#### **b. Protection from Abuse Orders**

In prior comments, PPL Electric expressed concern that the broad language of the new protection from abuse ("PFA") provisions puts the utility in the role of interpreting court orders and determining what constitutes "clear evidence" of domestic violence. Absent clear direction from the Commission, PPL Electric believes that this broad language could lead to customer complaints any time a utility determines that a customer's court order does not constitute "clear evidence" of domestic violence. Moreover, specific guidelines will help ensure that victims of

domestic violence are properly identified by the utilities.

Accordingly, PPL Electric offers the following definitions that it believes could give utilities some guidance when determining whether a court order provides clear evidence of domestic violence, and proposes that the Commission incorporate these definitions in the guidance it issues to utilities on this issue:

- “clear evidence” defined as a statement or finding contained in the court order that the customer or member of the household is a victim of domestic violence;
- “domestic violence” defined as violence between family members, as defined in 23 Pa.C.S.A. § 6102, relating to PFAs (*i.e.*, spouses or persons who have been spouses, persons living as spouses or who lived as spouses, parents and children, other persons related by consanguinity or affinity, current or former sexual or intimate partners or persons who share biological parenthood); and
- “court of competent jurisdiction” is defined as a magisterial district court, court of common pleas, or appellate court.

The Company supports additional working group discussions on developing a domestic violence notice for customers, domestic violence training and educational materials, and confidentiality expectations of handling information regarding domestic violence. Utilities will benefit from better understanding stakeholder expectations with handling domestic violence cases. Additional customer education may result in more uniform requests for domestic violence protection which will promote more efficient utility review of the request. These efforts will help to further the important goal of protecting victims of domestic violence as envisioned by the

requirements of Chapter 14.

**c. Privacy Guidelines**

PPL Electric has begun to use electronic communications for service termination notices, in addition to a mailed hardcopy notice. The Company only provides the additional electronic notice in cases where it has the customer's email address on file, and the customer has provided prior consent. The customer benefits from receiving the termination notice sooner than he or she would receive the mailed notice, and in a format more likely to get their attention. The Company also uses electronic communications for many other purposes. PPL Electric has found that electronic communications, such as email, are a very effective way of providing customers with information about their accounts and service. Presently, it is very common for people to retain the same email address or telephone number for years, and with cell phones usually within arm's reach at all times, emails and text messages can reach their target audience immediately.

The Secretarial Letter requests that parties provide comment, and further discuss in working group sessions, the privacy protections and customer consent practices that should be required in the context of electronic messaging. PPL Electric submits that Chapter 14 requires that the utility get affirmative consent to use a particular form of electronic communication, such as email or text messaging, for the purpose of providing notice of the pending termination. As such, PPL Electric suggests that the Commission's proposed subsection 56.93(a)(3) captures the consent policy that utilities must comply with to use this method of communication in this context. In regard to privacy protections, PPL Electric supports the upcoming stakeholder discussions to identify best practices from those utilities already using electronic communications in developing the Commission's privacy guidelines.

### III. Conclusion

PPL Electric appreciates this opportunity to provide its Comments to the remaining open issues regarding revisions to Chapter 56 mandated by Chapter 14. PPL Electric submits that its proposed recommendations set forth above balance the needs of consumers and utilities, while incorporating the requirements of Chapter 14.

Respectfully submitted,



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