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May 11, 2021

Rosemary Chiavetta, Esq., Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, Pennsylvania 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:

Enclosed for filing please find the comments of the Energy Association of Pennsylvania to the Commission's February 25, 2021 Tentative Order at the above-referenced docket.

Sincerely,

A handwritten signature in black ink that reads "Nicole W. Luciano". The signature is written in a cursive, flowing style.

Nicole W. Luciano
Manager, Policy & Research

Enclosure

**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

**COMMENTS OF THE
ENERGY ASSOCIATION OF PENNSYLVANIA
TO FEBRUARY 25, 2021 TENTATIVE ORDER**

I. INTRODUCTION

Act 155 of 2014 reauthorized and amended Chapter 14 of the Public Utility Code (66 Pa. C.S. §§ 1401 – 1419), Responsible Utility Customer Protection Act (“Act”). The Act is applicable to electric and natural gas distribution utilities and administers required revisions to Chapter 56 of the Pennsylvania Code, 52 Pa. Code §§ 56.1 *et seq.*, relating to the standards and billing practices for residential utility service. The Pennsylvania Public Utility Commission (“PUC” or “Commission”) began the process of these necessary revisions to its regulations at Chapter 56 in 2015. The Commission adopted a *Final Rulemaking Order* revising 52 Pa. Code Chapter 56 regulations on February 28, 2019.¹ On June 1, 2019, these final regulations were published in the *Pennsylvania Bulletin*, and were effective upon publication.

The Commission deferred its 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 necessary changes regarding three issues. These issues include: a standard form of a medical certificate (Section 1403); other court order (related to protection from abuse situations) (Section 1417); and privacy

¹ *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.”

guidelines (for termination notices) (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. The Energy Association of Pennsylvania (“EAP or “Association”) participated in the Chapter 56 Working Group and submitted comments on October 4, 2019.

On February 25, 2021, the PUC issued a Tentative Order summarizing stakeholder comments from the Chapter 56 Working Group and offering proposals for further comment. EAP respectfully submits these comments regarding the remaining open Chapter 56 issues pursuant to the amendments to Chapter 14 by Act 155 of 2014 on behalf of its electric distribution company (“EDC”) and natural gas distribution company (“NGDC”) members.² EAP defers to its member utilities regarding the practicality or cost implications of the Commission’s specific proposals.

II. COMMENTS

A. Form of a Medical Certificate

The Commission’s February 25, 2021 Tentative Order proposes a “standard medical certificate form,” the content of which is contained in the Tentative Order as Appendix A, to be provided for medical professional and consumer use on the Commission’s publicly-accessible website. The Commission proposes offering “guidance” documents (Tentative Order Appendix B) for both medical professionals and consumers alongside the medical certificate form on its website. The Commission is further seeking input from stakeholders on the content of such guidance.

² Electric Utility Members: 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; UGI Utilities, Inc.-Electric Division; Wellsboro Electric Company; and West Penn Power Company. Gas Utility Members: Columbia Gas of Pennsylvania, Inc.; Leatherstocking Gas Co.; National Fuel Gas Distribution Corp.; PECO Energy Company; Peoples Natural Gas Company LLC; Peoples Gas Company LLC; Philadelphia Gas Works; UGI Utilities Inc.; and, Valley Energy Inc.

EAP continues to support requesting an authorized medical professional's license number on any form or format of a medical certificate. EAP believes this to be a prudent and simple requirement that will ensure program integrity and protect these programs from the potential of significant fraud. License numbers are readily accessible to the professional and do not present an undue burden for the professional, or the customer seeking a medical certificate. Professional license numbers are utilized for a variety of routine matters, such as issuing prescriptions, in order to ensure validity and avoid fraud. Many utilities have not had any issue within their service territories requesting this information from practicing professionals. Requesting the number up front saves both utility and medical staff personnel time and expedites the process for the customer. EAP believes a line requesting a medical license number is an easy way to confirm legitimacy and discourage fraud.

With regard to the guidance for consumers contained in Appendix B, EAP suggests making the proposed statement "you still have the responsibility to pay your current bills or your budget billing amount during the postponement and any renewal thereof" bolded or otherwise emphasized earlier in the document. Medical certificates are intended as a protection to ensure service is maintained, not as a bill forgiveness program. The Commission's guidance for consumers should also include language to the effect of, "Should you need further financial assistance beyond what is afforded by a medical certificate and available renewals, the Commission urges you to contact your utility. Your utility can evaluate your eligibility for additional assistance programs. Additional financial assistance may also be available through federal or state programs."

EAP defers further specific input on consumer and medical professional guidance to its member companies.

B. Other Court Order

The Commission's February 25, 2021 Tentative Order proposes, with regard to "other court order issued by a court of competent jurisdiction in this commonwealth":

- "That when presented with cases of domestic violence and PFAs, the Commission expects the utilities to operate in good faith. The Commission agrees that public utilities and the Commission should defer to groups with expertise in this area such as PCADV." Tentative Order at p.12
- "PFAs, whether registered or not, are valid and enforceable and entitled to the protections of subchapters L-V³ of the Commission's regulations at Chapter 56 of 52 Pa. Code. PFAs that are issued outside of the Commonwealth are entitled to the protections of subchapters L-V pursuant to the statute since they are not specifically limited to "in this commonwealth." Tentative Order at p.13.
- "A non-PFA court order or court order issued by a court of competent jurisdiction "in this commonwealth," providing clear evidence of domestic violence against the applicant or customer are also included in the protections of subchapters L-V." Tentative Order at p.13.
- "Non-PFA court orders "outside of the commonwealth" are not included and not extended the protections under subchapters L-V of Chapter 56 regulations." Tentative Order at p.13.

EAP is generally supportive of these conclusions and defers further specific input to its member companies.

C. Privacy Guidelines

The last issue addressed by the Chapter 56 Working Group and the February 25, 2021 Tentative Order is that of defining the Commission's "privacy guidelines." To be clear, the General

³ As cited in the footnote 1 of the Tentative Order, "Commission regulations in 52 Pa. Code §§ 56.1-56.461 are divided into two separate sections pursuant to 52 Pa. Code § 56.1 (b) (relating to Statement of purpose and policy) which states, "[t]his subchapter and Subchapters B-K apply to electric distribution utilities, natural gas distribution utilities, wastewater utilities, steam heat utilities, small natural gas utilities, and water distribution utilities. Subchapters L-V apply to all customers who have been granted protection from abuse orders as provided by 23 Pa.C.S. Chapter 61 (relating to Protection from Abuse Act) 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." Tentative Order at p. 13.

Assembly, in amending Chapter 14 via Act 155, referred to “guidelines” and not “regulations.”⁴ EAP believes that guidelines, and not prescriptive regulations, remain the best path forward into a future where technology and the related privacy issues are ever-evolving.

In the Tentative Order, the Commission is proposing:

- A separate, distinct notice for customers choosing to enroll in receiving electronic notifications at Sections 56.93 and 56.333 (relating to personal contact). 52 Pa. Code §§ 56.93, 56.333.
- This separate and distinct notice should explain and inform the customer that this is voluntary and that the purpose is to receive notification of a pending termination electronically.
- The consent should not be a check box.
- That customers be able to revoke their consent at any time and by any clear means.

The Tentative Order invites further comment on how a customer can enroll, the type of consent form, and an explanation of the electronic messaging enrollment.

EAP believes the most straightforward way to address this issue is for utilities to clearly indicate when / where customers provide their email address or mobile phone number that they are agreeing to permit the utility to contact them via email or text message for all routine matters, which include billing, newsletters, service outage notices, and termination. Insofar as this information is clearly explained at the time the customer provides the information to the utility, a separate notice (i.e., a separate paper or web form) regarding consent for electronic notification for termination should not be necessary.

EAP defers to its member companies on further, specific input on the implementation of distinct consent for electronic notice of termination.

⁴ Final Rulemaking Order, *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, Attachment One, p. 56.

III. CONCLUSION

The goal of EAP's comments throughout the Commission's process of updating and revising the regulations at Chapter 56 has been to encourage the Commission to continue to strive toward an optimum balance between protecting vulnerable customers and helping them maintain essential utility service while minimizing costs for the remainder of the residential rate base. EAP respectfully requests that the Commission consider these comments as it finalizes changes on these discrete issues.

Respectfully submitted,



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May 11, 2021