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E-File

May 11, 2021

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North 4th Street, 2nd Floor North
Harrisburg, PA 17120

Re: Working Group on Medical Certificate, Other Court Order and Privacy Guidelines Relating to the 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 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 Tentative Order entered and adopted on February 25, 2021 in this matter.

Pursuant to 52 Pa. Code § 1.11, the enclosed document is to be deemed filed on May 11, 2021, 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,

A handwritten signature in blue ink, appearing to read "Michael J. Shafer", written over a light blue circular stamp or watermark.

Michael J. Shafer

Enclosure

cc via email: Patricia Wiedt
Matthew Hrivnak

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Working Group on medical certificate, :
other court order and privacy guidelines :
relating to the Rulemaking to Amend the : Docket No. L-2015-2508421
Provisions of 52 Pa. Code, Chapter 56 to :
Comply with the Amended Provisions of :
66 Pa.C.S. Chapter 14 :

**COMMENTS OF
PPL ELECTRIC UTILITIES CORPORATION**

I. INTRODUCTION

On October 22, 2014, Governor Corbett signed into law HB 939, or Act 155 of 2014 (“Act 155”). Act 155, which became effective on December 22, 2014, authorized 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.¹ 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 the Chapter 56 regulations on February 28, 2019.² On June 1, 2019, these final regulations were published in the *Pennsylvania Bulletin*, and they became effective upon such publication.

¹ See 66 Pa. C.S. § 1402(2)-(3).

² *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 (Order entered Feb. 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. Instead, the Commission allowed for a working group to further discuss and address those amendments. Specifically, the issues to be taken up by the working group were: (1) form of a medical certificate (Section 1403); (2) other court order (Section 1417); and (3) privacy guidelines (Section 1406). The Commission’s August 28, 2019 Secretarial Letter established the Chapter 56 Working Group, solicited written comments to be submitted by October 4, 2019, and set the first Chapter 56 Working Group meeting date for October 29, 2019. PPL Electric and others filed comments in response to the August 28, 2019 Secretarial Letter.

After reviewing the stakeholders’ comments, the Commission issued a Tentative Order on February 25, 2021, seeking further comments on these issues.³

In accordance with the Commission’s *February 2021 Tentative Order*, PPL Electric respectfully submits these Comments for the Commission’s consideration.

II. COMMENTS

A. FORM OF MEDICAL CERTIFICATE

In its *February 2021 Tentative Order*, the Commission proposed a standard medical certificate form. *February 2021 Tentative Order*, p. 4. This proposed standard medical certificate form was attached to the Commission’s order as Appendix A and would be usable by “applicants, customers, and medical professionals.” *Id.* The form also would be placed on the Commission’s website. *Id.* Additionally, the Commission proposed “drafting guidance for both consumers and medical professionals,” which would be placed on the Commission’s website and “would assist in educating all parties about the medial [sic] certificate process.” *Id.*, pp. 4-5.

³ See *Working Group on medical certificate, other court order and privacy guidelines relating to the 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 (Order entered Feb. 25, 2021) (“*February 2021 Tentative Order*”).

PPL Electric generally agrees with the Commission’s proposals. However, the Company has a couple recommendations to improve the proposed standard medical certificate form and the Commission’s guidance document.

First, the proposed standard medical certificate form (Appendix A of the *February 2021 Tentative Order*) should include a checkbox confirming that the physician, physician assistant, or nurse practitioner is licensed to practice in Pennsylvania. This is required by Section 56.2 of the Commission’s regulations⁴ and is a workable compromise from having the medical professionals provide their license numbers.

Second, the Commission’s guidance document contemplates physicians being able to call in medical certificates. The Company believes this should be removed because Section 56.2 and 56.113 of the Commission’s regulations requires medical certificates to be submitted in writing.⁵

B. COURT ORDERS

Concerning court orders, the Commission concluded in its *2021 Tentative Order* that it “agrees with its prior position on these issues” and “expects utilities to operate in good faith.” *February 2021 Tentative Order*, pp. 12, 14. The Commission summarized its findings as follows:

Public utilities, when encountering questions or difficulties with the requirements of Section 1417, should consult their in-house counsel and, if needed consult with outside experts, including the PCADV. We encourage utilities to engage in a dialogue with the community organizations that deal with domestic violence issues, especially if they have questions or problems implementing Section 1417. Consumers, community organizations and public utilities should contact the Commission with any Section 1417 exemption problems.

Id.

⁴ See 52 Pa. Code § 56.2 (stating that the “medical certificate” must be “signed by a licensed physician, nurse practitioner, or physician assistant”) (emphasis added).

⁵ See *id.* (stating that a “medical certificate” is a “written document”).

Respectfully, PPL Electric does not believe that relying on outside agencies and in-house legal resources is a workable alternative to the Commission providing clear rules on this issue. All electric distribution companies (“EDCs”) must comply with the Public Utility Code and the Commission’s regulations. If the Commission’s requirements are vague, it could lead to inconsistent policies and practices being adopted by the EDCs. Moreover, the Company’s customer service representatives handle questions about whether court orders qualify the customer for protections under 52 Pa. Code, Chapter 56, Subchapters L-V. Given the heightened importance of protecting victims of domestic violence, the Company does not believe the Commission should abstain from providing specific rules. PPL Electric appreciates that these are difficult issues, but it is too inefficient and resource-intensive for every court order to be reviewed by an EDC’s in-house counsel and consulted with outside experts. These inefficiencies could lead to delays in evaluating whether a customer is entitled to, and then providing the customer domestic violence victim protection.

C. PRIVACY PROTECTIONS

In its *February 2021 Tentative Order*, the Commission “propose[d] that there should be a separate, distinct notice for customers choosing to enroll in receiving electronic notifications at Sections 56.93 and 56.333 (relating to personal contact),” which “should explain and inform the customer that this is voluntary and that the purpose is to receive notification of a pending termination electronically.” *February 2021 Tentative Order*, p. 16. The Commission stated that the “consent should not be a check box.” *Id.* Further, the Commission “propose[d] that customers be able to revoke their consent at any time and by any clear means.” *Id.* Lastly, on an annual basis, utilities would be required to “send a reminder notice to all customers reminding them to review their account information and other electronic notifications the customer may have signed up to receive.” *Id.*

PPL Electric proposes to add a separate option to its existing catalog of customer alerts. This is a section that displays options such as, “Bill Due Reminders,” “Price to Compare” updates, “Payment Posted” notifications, and more. Customers who expressly consent to these types of notifications will receive electronic messages periodically as they relate to their desired selections.

To highlight the addition of the electronic collection messaging to the aforementioned “alerts” portfolio, PPL Electric will update its electronic communication consent form. The electronic communication consent process will inform the customer that she is agreeing to receive electronic communications from the Company, including electronic termination notices. When the customer affirmatively consents to receive electronic communications, a separate and distinct pop out box will appear that fully explains that the consent includes electronic termination notices. This text will explain the purpose of electronic termination notices, as well as state that the option to receive electronic termination notices is voluntary and that the customer can cancel his or her participation at any time. The customer would then have to affirmatively accept to receive electronic termination notices again, otherwise the customer would receive all electronic communications except for termination notices. PPL Electric will provide clear choices to confirm the customer’s enrollment decision, such as “I Agree” or “I Disagree.” Additionally, the Company will include a notice once a year in its Connect customer newsletter advising all customers to review and confirm their electronic communication choices.

The Company does not agree with any commenters who may suggest that electronic notification is somehow inferior to other forms of communication. PPL Electric sees higher response rates with electronic communications as compared to other methods of communicating with our customers. In particular:

- The Company has a 98.9% successful delivery rate out of 3.18 million sent emails.
- PPL Electric has a 93.2% successful delivery rate out of 884 thousand text messages sent.
- The Company only has a 5.9% answer rate out of 1.05 million live agent calls, whereas it has a 58% successful delivery rate out of 1.2 million agentless automated calls.

Based on this data and the Company's experience, PPL Electric is more likely to reach customers using email or text messages. The Company believes that EDCs should be encouraged to use electronic communications more, as it is more effective in reaching customers. However, the Commission's regulations are making it harder for customers to choose to receive electronic notifications, which means that they are less likely to receive important communications in a timely manner about their service.

Customer behavior and expectations around communication methods are changing. Mail delays are occurring more frequently, and often customers will not answer phone calls from numbers they do not recognize. PPL Electric's data demonstrates that the most reliable way to reach a customer is to send an email or a text message. In the Company's experience it has learned that customers do not like to click through multiple check boxes or complete separate forms. PPL Electric is concerned that if the barriers to sign up for electronic termination notices are too high many customers will not choose this option. This result would not be in the best interest of those customers as they would not be able to receive important information in the manner which data shows is the method most likely to reach them.

III. CONCLUSION

PPL Electric appreciates the opportunity to provide these Comments and respectfully requests that the Commission take these Comments into consideration in issuing its Final Order.

Respectfully submitted,



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