

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG, PENNSYLVANIA 17120**

**Working Group on Medical Certificates,
Other Court Orders, 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**

**Public Meeting December 16, 2021
2508421-LAW
Docket No. L-2015-2508421**

MOTION OF VICE CHAIRMAN JOHN F. COLEMAN, JR.

The Pennsylvania Public Utility Commission (Commission) entered a Tentative Order on February 25, 2021, affording interested stakeholders an opportunity to comment on three issues deferred from the Commission’s February 28, 2019, Final Rulemaking Order in the above-referenced proceeding. The Final Rulemaking Order revised our regulations at 52 Pa. Code, Chapter 56, which administer and enforce Chapter 14 of the Public Utility Code.¹ The Commission asked stakeholders to provide input and advice on issues related to the amendments to Sections 1403, 1406, and 1417, involving the form of medical certificates, other court orders related to domestic violence, and privacy guidelines, respectively. We are now asked to consider a proposed Order prepared after review of the comments.

In enacting Chapter 14, the Pennsylvania General Assembly intended, in part, to protect responsible bill paying customers from rate increases attributable to other customers’ delinquencies. The General Assembly clearly identified these concerns in its declaration of policy, observing that increasing amounts of unpaid bills threaten “timely paying customers” with higher rates, and that Chapter 14 is intended to provide for “greater equity” among all customers.² Additionally, Chapter 14 requires public utilities to report to the Commission, on an annual basis, all residential accounts with arrearages in excess of \$10,000. Public utilities are expected to be diligent in managing billing and collections and may be subject to civil penalties and other sanctions for failing to make reasonable attempts to collect on arrearages in excess of this amount.³

In the Tentative Order, we proposed the use of a standard medical certificate form. The proposed form includes the five minimum elements necessary for a valid medical certificate identified in the Commission’s regulations. The proposed form did not include the medical professional’s license number. In addition, we proposed medical certificate guidance for consumers and medical professionals. The guidance is intended to assist in educating all parties about the medical certificate process. We proposed to add the standard medical certificate form and the medical certificate guidance to the Commission’s website.

¹ 66 Pa. C.S. §§ 1401-1419

² 66 Pa. C.S. § 1402(1) and (2).

³ 66 Pa. C.S. §1410.1(3).

Those stakeholders that filed comments expressed disagreement about the content of the form and its distribution. The inclusion of a medical professional's license number on the form was a topic of particular concern. Many public utilities and the Energy Association of Pennsylvania asked that a field be included for the medical professional's license number. The public utilities advocating for the number's inclusion assert that it allows them to verify the authenticity of the persons submitting the form, and that the use of the number on the form will discourage fraud. It was noted that medical professionals routinely provide their license number to other entities in the performance of their duties. Other stakeholders filed comments in opposition to the inclusion of this information on the form.

In considering this issue, I have reviewed the definition of "medical certificate" found in Chapter 14, which provides:

- "Medical certificate." A written document, in a form approved by the commission:
- (1) certifying that a customer or member of the customer's household is seriously ill or has been diagnosed with a medical condition which requires the continuation of service to treat the medical condition; and
 - (2) signed by a licensed physician, nurse practitioner or physician's assistant.

66 Pa.C.S. §1403 (emphasis added).

This definition includes two main elements for the written document. A signature from a "licensed" medical professional is one of these two. I find that including a field for the license number on the Commission's form is a lawful and reasonable way to give effect to all the words of this definition, as required by the rules of statutory construction.⁴ The inclusion of this information on the form will, to the extent it discourages fraud, advance the General Assembly's policy goals of protecting the interests of timely paying customers. The Commission is required to "... ascertain and effectuate the intention of the General Assembly" in its construction of statutes.⁵ I will therefore move that we include a field for the license number on our medical certificate form, and that the guidance to medical professionals include instructions on providing the license number as part of the certification process.

I acknowledge that public utilities are not required to use the Commission's form. Public utilities are allowed to develop their own medical certificate forms, so long as the form includes the minimum information required by the Commission's regulations. Public utilities and medical professionals may also utilize other reasonable methods to satisfy the definition of medical certificate. For example, a physician may submit a written document containing the required information on their own letterhead for the certification process. A public utility may find that the information in the letter is of sufficient detail to establish that the sender was licensed, or that this method of communication allowed a utility to easily verify that the sender was licensed. Public utilities are reminded that, in their review of medical certificates, they must provide service in an efficient, safe, and reasonable manner. Public utilities are also expected to exercise sound judgment and utilize their discretion in addressing exigent circumstances affecting the health and safety of their customers.

⁴ 1 Pa.C.S. §1921(a).

⁵ Id.

THEREFORE, I MOVE THAT:

1. The proposed Order be adopted as modified by this Motion.
2. The Law Bureau prepare an Order consistent with this Motion.

Date: December 16, 2021

A handwritten signature in black ink, appearing to read "J.F. Coleman, Jr.", written over a horizontal line.

JOHN F. COLEMAN, JR., VICE CHAIRMAN