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April 5, 2010

James McNulty, Secretary
Pa. Public Utility Commission
P.O. Box 3265
Harrisburg PA 17105-3265

Re: Proposed Rulemaking for Revision of
52 Pa. Code Chapters 57, 59, 65, and 67; Amending
Utilities' Service Outage Response and Restoration
Practices, Docket No. L-2009-2104274

Dear Secretary McNulty:

Enclosed for filing please find the original of the Comments of Pennsylvania AFL-CIO Utility Caucus on Proposed Rulemaking, in the above-referenced proceeding. The document was filed electronically with the Commission on the date of this letter. In addition, an electronic copy of the comments was submitted to Elizabeth Barnes in the Law Bureau, as required in the Commission's Order.

Sincerely,

A handwritten signature in black ink, reading "Scott J. Rubin". The signature is written in a cursive style with a large, prominent "S" and "R".

Enclosure

cc: Elizabeth Barnes (e-mail)

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Proposed Rulemaking for Revision of	:	
52 Pa. Code Chapters 57, 59, 65, and 67;	:	
Amending Utilities' Service Outage	:	Docket No. L-2009-2104274
Response and Restoration Practices	:	

COMMENTS OF
PENNSYLVANIA AFL-CIO UTILITY CAUCUS
ON PROPOSED RULEMAKING

On March 6, 2010, the Pennsylvania Public Utility Commission (“Commission”) published a proposed rulemaking order to amend certain sections of its regulations at 52 Pa. Code Chapters 57, 59, 65, and 67. 40 Pa. B. 1203 (Mar. 6, 2010). The Pennsylvania AFL-CIO Utility Caucus (“AFL-CIO”) files these Comments to address one concern with the proposed amendments.

The proposed amendments to Chapter 67 (service outages) essentially treat independent contractors hired by a utility as being equivalent to utility employees. Proposed section 67.1(b)(9). The AFL-CIO recognizes that many utilities use contractors as a regular part of their operations personnel and outage response plans and the AFL-CIO does not object to the reporting requirement in section 67.1.

Given the status of utility contractors within utility operations, however, the AFL-CIO believes that there should be no distinction between utility employees and utility contractors for accident reporting by electric utilities. The Commission is proposing to eliminate that distinction in the amendments to section 57.11(b)(2) and (3), and the AFL-CIO supports that change.

The AFL-CIO submits, however, that another change is required to eliminate this distinction. Specifically proposed section 57.11(b)(5)(c)(1) would require the reporting of motor vehicle accidents with electric utility facilities only if the “vehicle involved in the accident is owned by the utility or driven by a utility employee while on duty.” The AFL-CIO submits that this section also should apply to vehicles owned by utility contractors or driven by a utility contractor while working for the utility. In this way, utilities that choose to use contractors instead of employees for certain functions would not have different reporting requirements for accidents that occur while those individuals are on duty.

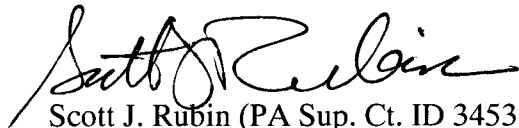
The AFL-CIO suggests the following change to section 57.11(b)(5)(c)(1):

(c) Exceptions. Injuries may not include those suffered as a result of a motor vehicle accident with utility facilities unless one or more of the following circumstances apply:

(1) A vehicle involved in the accident is (i) owned by the utility or a contractor that is working for the utility or (ii) driven by a utility a person who is a contractor of the utility, an employee of the utility, or an employee of a contractor of the utility while on duty the person is on duty working for the utility.

The AFL-CIO respectfully requests the Commission to make this change in the proposed regulation to ensure that utilities’ accident reporting responsibilities are the same for utility contractors as they are for utility employees.

Respectfully submitted,



Scott J. Rubin (PA Sup. Ct. ID 34536)
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